



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING
MINUTES
January 11, 2018 7:00 P.M.**

Call to Order (Time): 7:02 p.m.
Pledge to Flag:
Roll Call:

Present Nick Recupito
Present Jerry Wilkening
Present John Kiepura
Absent Jeremy Kuiper
Present Jeff Bunge

Present Ryan Deutmeyer, Town Attorney
Present Tim Kubiak, Director of Operations
Present Michelle Bakker, Building Administrator
Present Tammy Bilgri, Recording Secretary

1. Nomination and Appointment of Officers:

A motion was made by John Kiepura and seconded by Jerry Wilkening to appoint Jeremy Kuiper as President.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

A motion was made by Jerry Wilkening and seconded by John Kiepura to appoint Jeff Bunge as Vice President.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

2. Retention of Services:

A motion was made by John Kiepura and seconded by Jerry Wilkening to retain Austgen, Kuiper & Jasaitis

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

Minutes:

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve the December 14, 2017 Public Meeting Minutes as presented.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

Old Business:

1. Branch Towers, LLC-Special Use/Use Variance

Owner: KaLee Veldkamp, 7000 139th Pl., Cedar Lake, IN 46303
Petitioner: Branch Towers III, LLC, 1516 South Boston Ave., Ste. 215, Tulsa, OK 74119
Vicinity: 7000 139th Pl., Cedar Lake, IN 46303
Legal Description: PT. N1/2 N1/2 SW.SE. S.26 T.34 R.9 8.1052 Ac
Tax Key Number(s): 45-15-26-451-009.000-043

Request: Petitioner is requesting a Special Use Variance/Use Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District

This Special Use Variance/Use Variance is to allow the Petitioner to install a new telecommunications facility with a new 150' monopole tower on a residential R-2 lot with a current residence

Deferred from November 9, 2017 Public Meeting
Deferred from December 14, 2017 Public Meeting

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: Bryan Donley, representing Branch Towers and T-Mobile Wireless. Proposing a new telecommunications facility with a one hundred fifty feet (150') monopole tower. The need for this has arose from customer concerns, asking for better service. This area has several complaints from customers living and working in this area. The volume of usage is overloading the surrounding sites and prevents residents from gaining access to the network. The only way to improve the quality of coverage is to put more equipment in the area. Usage is on the rise, ninety-five percent (95%) of adults eighteen (18) and up have cellular phones. In 2016 the number of homes with only wireless communication as their only source of telecommunication rose above fifty percent (50%). The FCC estimates that seventy percent (70%) of Americas two hundred and forty million (200,040,000) 911 calls are placed from wireless phones. Once a search area is found, primary focus always go to existing structures. If they find an existing structure, it must meet the height requirement and structural requirements needed by the carrier. Final option is a new facility, need to find interested landlord. No other towers within a two (2) mile radius of location. Will allow up to four (4) carriers, so no additional towers will be needed for Cedar Lake. Branch Towers is in the business of marketing their towers to multiple carriers. The location of this tower is more than one hundred and fifty feet (150') from any property line, which meets the fall zone criteria. It would be contained within the property owners land. This parcel is on the far eastern edge of residential property. Have submitted this to the Plan Commission in December. Have been deferred waiting on these decision to see if it is approved before spending the money to fix the issues. There is an easement that would need to be written and recorded and sign by some property owners. Discussion of what the best way to get this development into what the zoning ordinance provides, nothing in the ordinance that relates to this. Do have a plan that could be carried out. Request is to defer or get conditional approval based on the recording of that easement and no permits can be issued until the Plan Commission approves the site plan. A lot of money to be spent on cleanup of this property.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated the site plan that he proposed, the property needs some work on as far as legal lot of record and subdivision. The location is the same, one hundred fifty feet (150') from the border lines. A lot of work to do for a site plan and subdivision at the Plan Commission level. The variance is just for a recommendation to let them put the cell tower at this location. If that goes well they will be at the Plan Commission to figure out all the details.
- e) Board's Discussion: Jeff Bunge asked about a more accurate site plan and exact location of the tower. Discussion ensued about location of the tower.

A motion was made by Jerry Wilkening and seconded by John Kiepura to send a favorable recommendation to the Town Council to allow the Petitioner to install a new telecommunications facility with a new one hundred fifty feet (150') monopole tower on a residential R-2 lot with current residence based on findings of fact: This will not be injurious to the public health, safety, morals comfort or general welfare of the community; adjacent property will not be affected in a substantially adverse manner; the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

2. Healy - Developmental Variance/Special Use Variance

Owner: Nancy Healy, 8561 Fair Oaks Ln., St. John, IN 46373
 Petitioner: Nancy Healy, 8561 Fair Oaks Ln., St. John, IN 46373
 Vicinity: 13125 Lake Shore Dr., Cedar Lake, IN 46303
 Legal Description: MEYER'S SUBDIV CEDAR LAKE N30FT LOT 12 & LOT 13 LY'G E OF PUBLIC HWY EX E312.5FT and MEYER'S SUBDV.CEDAR LAKE W.37 1/2FT.OF E.312.5FT.OF L.13 W.37 1/2FT.OF E.312.5FT.OF N.30FT. L.12 and MEYER'S SUB. CEDAR LAKE W. 75 FT OF E. 275 FT OF LOT 13 & W. 75 FT OF E. 275 FT OF N. 30 FT OF LOT 12
 Tax Key Number(s): 45-15-23-377-001.000-043; 45-15-23-377-002.000-043; 45-15-23-377-003.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII-Sign Regulations-Section 1: A. 9. Signs which display any flashing or intermittent lights, or lights changing intensity or color. Title XXVII-Off Street Parking: M. Required Spaces: Restaurants: 1 space for every 2 patron seats; O. 1) A minimum area of two hundred (200) square feet shall be provided for each vehicle parking space; Title XIII-Community Business (B-2) Zoning District-Section 5: B. Front Yard; 3) All streets designed as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of fifty (50) feet; 4) All other streets, a distance of thirty (30) feet; C. Side Yard: 4) All interior lots shall have two (2) side yards, each having a width of not less than twelve (12) feet.

This Developmental Variance is to allow the Petitioner to have a digital sign; 24 parking spaces nine (9') ft wide; build a deck on a corner lot with a front yard setback of 13.3 ft. off of 131st and forty-six (46') ft. from Lake Shore Drive, side yard setback of 3.7 ft.

Deferred from December 14, 2017 Public Meeting

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: Aaron Hacker, spoke about the revisions for the parking lot, parking spaces are nine and half feet (9 ½') wide and twenty feet (20') in depth, which exceeds the standard parking depth. The front ones are a bit smaller, but will eliminate traffic off of Lake Shore Drive, make sure everyone comes in on 131st Pl. Got the handicap spot and added an additional space. We have change the size of the deck from twenty-eight feet (28') to eight feet (8'). So it would be just a spot for people to go outside for fresh air. Will redo front with cedar timbers. After redoing the parking lot, we have added four (4) additional spots then the restaurant before. Mr. Healy stated the sign is capable of doing numerous things. One is auto dimming, and on a schedule so we can take it down at a certain time. Will keep it the same brightness as the current sign. Will use existing base for sign. Will comply to sign regulations Remonstrators: Jennifer Irons Jostes representing Brian Kubal. Unfortunately it seems that this proposal was brought in to the Board tonight, so I have not gotten to review it. Based on that not much she can do, would like to request it be denied or deferred to the next meeting so can review it. Based on what was said, everybody knows parking is an issue. Creating one more parking space does not meet the requirements. They need more than one (1) handicap spot. The parallel spots are still an issue, not sure if they are usable spots. This could take off additional parking from what they purposed. Even though this is a similar business, Rosati's will not be the same usage, it will be a much bigger capacity than what was in there in the past. Carry-out and delivery adds parking spots pursuant to the ordinance. Concerns with ordinance requirements with truck loading and unloading, where is that going to happen. That is a safety issue. Has this parking plan been submitted to the Plan Commission? Pursuant to the Ordinance that is required.
Bruce Dust, owns buildings at 13124 and 13126 Lake Shore Drive. Opposed to the sign, no information regarding the brightness. Sign should be off by 10:00 p.m. Does not think deck will help make the building look better, do not need the deck until have the parking. Thinks booth looks larger and could seat six (6) people instead of four (4).
Candy Pigg, 13113 Fairbanks, Town Club Tavern. Concerns with the deck and parking. Already have problems with people parking. Small parking spots will be an issue.
- c) Building Department's Comments: Tim Kubiak stated the deck is for entering and exiting the building. The outdoor dining aspect is increasing the number of people to get in to the place. Mr. Healy asked if they put the short deck out there to get the look they want, and not use if for outdoor dining until we find some additional parking. Tim Kubiak stated feels they are maxed out for their use. The eight (8') foot deck is not going to change the parking situation.
- d) Board's Discussion: Jeff Bunge clarified they will be taking out the seating on the deck. Discussion on occupancy ensued, the number was 84. Would need forty-two (42) parking spaces, plus carry out. Mr. Hacker stated the only reason we are here for a variance is to add the deck. To reopen the existing type of business and keep it the same use, I think the parking should be grandfathered in. Tim Kubiak stated they are redoing the parking lot, if they would have left it exactly the way it was. The issue is with adding the number of people. They have reduced the number of occupants to sixty-eight (68).

John Kiepura stated will still be short parking. Mr. Hacker asked Tim Kubiak if they weren't adding the deck, would they still need a variance. Tim Kubiak stated the grandfather part, once the business has been closed for six (6) months, you are starting again. Discussion on parking ensued. Mr. Hacker stated the owners bought the building thinking they would only need to update the building and could be used for a similar use. It was sold as a business with all the existing equipment. Mr. Healy stated they would like to find another piece of property to purchase to use for parking. Only very busy for approximately two and half hours (2 ½). Nick Recupito asked for clarification on the signs. Mr. Hacker stated I have a legal building permit to finish the building, making bathrooms handicap accessible, eliminating six (6) seats to put in the door.

Jeff Bunge stated they have a building permit to improve and modify the building to your owner's needs and wants, but perspective of the Board, this is a brand new up and coming business. The Remonstrators have made some very valid points. For a hardware store I am required forty-five (45) parking spaces. If it was strictly carry out or delivery that would be different. Mr. Healy stated it is only two (2) nights they would need the extra parking, will look into valet and additional parking. Tim Kubiak stated did come in to get a permit to redo the bathrooms and to remodel and update the building. But never have applied for occupancy for the pizza business. That occupancy includes the parking plan. Nick Recupito asked for clarification on where they would have deliveries made. Mr. Healy stated the deliveries come early in the morning before the restaurant is open. John Kiepura stated until they come up with a parking plan we cannot approve this. Jerry Wilkening asked Ryan Deutmeyer if existing nonconforming fits commercial property. Ryan Deutmeyer stated yes, they are right it was a restaurant, they are opening a restaurant, it was legally previously a restaurant. It is a nonconforming use, they are continuing the use, not familiar with the six (6) month rule, continuing the same use. Look at the macro not the micro, was it a pizza joint, was it a sit down or carry out, it was a restaurant or bar. Mr. Healy stated it still is what it was, they served pizza. Mr. Hacker stated we still have the same liquor license, just updating. John Kiepura asked Mr. Deutmeyer because it is a business again, the parking spots are sufficient. Mr. Deutmeyer responded he is not sure about the six (6) month rule and absent a rule of that nature, the answer would be yes. Tim Kubiak stated that in the past a lot of business that have come in a retro fit similar to this situation, drainage, detention area, the parking, as a building department when people submit for an occupancy and they give us a scale parking plan and many of these places do not meet the required parking for this day. It is existing nonconforming spaces, we run into this quite often, but not to this extent. If they have twenty-five (25) parking spaces and adjoining property owners are not going to allow them to park in their lots, there is going to be customers towed away. The people here remonstrating have legitimate concerns, they want their parking spaces for their business. During these busy times will there be problems, will cars be getting towed away, will they not meet their occupancy because of the parking issues. Michelle Bakker stated the six (6) month rule means it reverts back to the previous zoning. This is zoned properly for the restaurant. The Board discussed if they make the deck smaller, what variances would they need. Tim Kubiak stated for the sign, side yard setback, smaller parking spaces. The twenty-eight foot (28') deck was definitely taking away those six (6) parking spots and increasing the occupancy by sixteen (16) people. Changing to an eight (8') foot deck, will update the front of the building, taking that away will not add any parking. Against the outdoor dining. The petitioner will take off the Special Use for outdoor dining and alcohol. If they do not do the eight (8') foot deck, the only thing they need a variance for is the sign. Jerry Wilkening stated we should defer this until we get the specifications for the sign. Michelle Bakker stated we need any modifications to his request seven (7) days prior to the meeting.

A motion was made Jerry Wilkening and seconded by Nick Recupito that we defer this to the February 8, 2018 Public Meeting and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

This Special Use Variance is to allow the Petitioner to have outdoor dining and alcohol

- a) Attorney to Review Legals:
- b) Petitioner's Comments:

- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Recommendation to Town Council:

Motion:		2 nd :			
Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote

3. Norman Majesky-Developmental Variance

Owner: Henn & Sons Construction, 13733 Wicker Ave., Cedar Lake, IN 46303
 Petitioner: Norman Majesky, Grand Prize Cars, Ltd., 13318A Wicker Ave., Cedar Lake, IN 46303
 Vicinity: 13318A Wicker Ave., Cedar Lake, IN 46303
 Legal Description: N 90FT OF S 118.67FT OF N 503.18 FT OF E 371.25FT OF NE NE S.29 T.34 R.9 .761A.
 Tax Key Number(s): 45-15-29-229-025.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII-Sign Regulations-Section1: A. 9. Signs which display any flashing or intermittent lights, or lights changing intensity or color, except signs indicating time or whether conditions

This Developmental Variance is to allow the Petitioner to have an 8'X4' Electronic Message Center on the North side of the building

Deferred from November 9, 2017 Public Meeting
Deferred from December 14, 2017 Public Meeting

- a) Attorney to Review Legals:
- b) Petitioner's Comments: No Petitioner present.
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer this to the February 8, 2018 Public Meeting.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	No	Absent	3-1

New Business:

1. Teresa McCann-Developmental Variance

Owner/Petitioner: Teresa McCann, 12711 Wheeler St., Cedar Lake, IN 46303
 Vicinity: 12711 Wheeler St., Cedar Lake, IN 46303
 Legal Description: Krystal Oaks Estates Lot 98
 Tax Key Number(s): 45-15-23-280-001.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI Fence Regulations: Section 1: A. 1) No fence shall be located in the front yard; B. 2) The fence shall not exceed a height of four feet (4')

This Developmental Variance is to allow the Petitioner to have a six (6') ft. privacy fence in the front yard of a corner lot with a zero (0') ft. setback

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: Teresa McCann, 12711 Wheeler St. Recently moved here and live on a corner lot, wants to put a fence in the backyard, which includes the side yard and wants to take advantage of as much property as possible. Wants to go to sidewalk if possible, but willing to do whatever the Board states. Just wanting a starting point. Working with Dimension Fence to make it look nice. Her neighbors used the same developer and asked to have their house set that way, they are considering a fence also depending on how

this goes. Back up to Lemon Lake State Park, not a lot of traffic. Would like a solid privacy fence.

- c) Remonstrators: Anthony Wilson, 6420 W. 127th Pl., lives across the street from her. Fairly new to subdivision also. It is a beautiful subdivision, does not want it in the front yard. Is against it.
- d) Building Department's Comments: Tim Kubiak stated he is not a fan of the fences in the front yard. The house directly to the east, their garage faces 137th. Her side yard is the neighbor to the easts front yard. We have the ordinance to keep those sight lines clear down those roads. There are two (2) houses in this subdivision which got a twenty (20') foot setback.
- e) Board's Discussion: Jeff Bunge explained that according to our ordinance, technically has two (2) front yards. Discussion on location of fence ensued. The Board does try to keep some conformity.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve a solid six foot (6') privacy fence with a twenty (20') foot setback from the northeast corner of the house and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	No	Absent	3-1

2. Tom Schilling-Developmental Variance

Owner/Petitioner: Tom Schilling, 12638 Wicker Ave., Cedar Lake, IN 46303
Vicinity: 12638 Wicker Ave., Cedar Lake, IN 46303
Legal Description: T & J Consolidation Lot 1
Tax Key Number(s): 45-15-20-229-023.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII-Sign Regulations-Section1: A. 9. Signs which display any flashing or intermittent lights, or lights changing intensity or color, except signs indicating time or whether conditions; Section 3: A. C. The maximum sign sizes shall not exceed: ii. In the case of two (2) such on-premise signs, one (1) sign shall be no more than sixty (60) square feet in size and one 91) sign shall be no more than thirty-two (32) square feet in size.

This Developmental Variance is to allow the Petitioner to have a digital LED sign approximately sixty-five (65) square feet in size

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: John Schilling stated would like to add a LED sign to their existing sign. Would be a fixed sign, no scrolling, to be used for advertising. Will shut off at night.
- c) Remonstrators: Nancy O'Malley, 12640 Wicker Ave., part owner in the house next door. Just want to make sure it will not blare into the windows. Wanted clarification on size of sign and that it will be turned off at 9:00. Can live with the same sign and it shutting off.
- d) Building Department's Comments: Tim Kubiak stated there were some concerns with the neighboring property and the flashing sign and it on all night. Since that is a residential house next door, need to be mindful of flashing. Would like to see the stipulations of no flashing, scrolling and off time at dusk or 9:00 p.m. Would like it clearly stated. For compliance.
- e) Board's Discussion: Jerry Wilkening wants the sign to have the capability of fifty percent (50%) dimming. Proposed lit time is 6:30 a.m. to 9:30 p.m. summer hours and earlier in the winter. Nick Recupito wanted clarification that the height of the sign was not changing. Mr. Schilling stated they are just moving the current sign up.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the request with following stipulations: six (6) second message time, zero (0) flashing, zero scrolling right to left or left to right and that the sign be off at dusk per seasonal timing, based on the finding of fact.

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

3. JFL Benevolent Trust-Developmental Variance

Owner: JFL Benevolent Trust, 7599 N. 200 W, Lake Village, IN 46349

Petitioner: Crystal Lopez-Kroll, 7599 N. 200 W, Lake Village, IN 46349
Vicinity: 6914 W. 128th Ln., Cedar Lake, IN 46303
Legal Description: Highgrove 2nd Add BL.12 Lots 21 & 22 **and** Highgrove 2nd Add Blk 12 Lots 23&24
Tax Key Number(s): 45-15-23-266-017.000-043 **and** 45-15-23-266-018.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning; Section 3: B. 4) On all other streets, a distance of thirty (30) feet. **and** Title XXIII-Accessory Regulations; Section 1: A. 5) There shall be a minimum ten (10) foot separation or distance from all other buildings.

This Developmental Variance is to allow the Petitioner to add a 14’x15’ front porch with a 23.83’ setback and to build a 22’x22’ garage four (4’) ft. from the deck

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner’s Comments: Crystal Lopez-Kroll, purchased property, there is no existing front porch, would like to put a small porch out front to make it look aesthetically pleasing. The porch will only be 14’x 5’ not 15’ as stated. Since this is a corner lot there are issues with double frontage so the garage placement has to be within that back property line. Makes it difficult to get the 22’x22’ two (2) car garage. There is sixteen feet (16’) between the garage and fence, can move it over if necessary. Left distance to be able to get larger equipment or parking for a boat.
- c) Remonstrators: Harold Hardin was against a 14’ x 15’ deck, Tim Kubiak stated there was an error in the publication and the deck is only going to be 14’ x 5’. Mr. Hardin was ok with that.
- d) Building Department’s Comments:
- e) Board’s Discussion: Discussion on the location of the deck ensued. Jeff Bunge stated the reason we like to see the ten foot (10’) separation is for public safety, a lot easier for a fire to jump four (4’) feet instead of ten (10’) feet. Jerry Wilkening questions whether the proposed garage could go eight feet (8’) off the property line. Tim Kubiak stated that was actually his recommendation to move the garage two (2) feet and leave a six foot (6’) separation. Would be an eight foot (8’) rear yard setback.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve a 14’x5’ front porch with a 23.83’ setback and to build a 22’x22’ garage with a minimum of six feet (6’) separation between the garage and the deck and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

4. Mori-Developmental Variance

Owner/Petitioner: Drew & Cheryl Mori, 14503 Lakeshore Dr., Cedar Lake, IN 46303
Vicinity: 14503 Lakeshore Dr., Cedar Lake, IN 46303
Legal Description: SOUTH SHORE SUB. LOT 75
Tax Key Number(s): 45-15-35-302-002.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2); Section 4: C. Side Yard: there shall be two (2) side yards of not less than eight (8) feet, E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures

This Developmental Variance is to allow the Petitioner to add a 6’x8’ attached mudroom and 24’x22’ attached garage to existing house with a lot coverage of approximately thirty-five (35%) percent and side yard setback of less than eight (8’) ft.

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner’s Comments: Drew Mori, 14503 Lakeshore Dr., wants to put a 6’x8’ mudroom and garage attached to his house. Putting the mudroom on so they can attach to the house and would have access from the house. Will remove the deck to put the mudroom and garage.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated if they keep the driveway two foot (2’) off the property line, just trying to get in and out of there

will be tough. Impossible to turn around, only thirteen feet (13') to get a thirteen foot (13') car. Supposed to keep that driveway two feet (2') from the property line, that really leaves you eleven feet (11'). Concerned with being able to access it. Need more information on the side yard setback. This needs to be staked out on the property so they can know if they can get in and out of there. Does not think six feet (6') will work for the side yard. When something is tight on paper, it is usually worse.

- e) Board's Discussion: Discussion ensued on the lot next door. Nick Recupito asked which way the door is going to face and the use of the garage. Mr. Mori stated the door is going to face northeast, do not know exactly until we find out what we can do. He will use the garage to put vehicles in. Jeff Bunge asked if they would drive around the existing garage to get to the new garage. Jerry Wilkening asked how far the new garage would be from the old garage at the shortest point. Mr. Mori stated fifteen feet (15'). Michelle Bakker asked what the side yard setback would be on the south. Mr. Mori stated he is supposed to have eight foot (8') but wanted to ask for less since his house is only one and a half (1' ½") feet off the property line. Would ask for six foot (6'). Discussion ensued on lot coverage in that area. The Board asked Mr. Mori if he would consider a deferral to give himself more time to get some definite plans.

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer to the February 8, 2018 Public Meeting.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

Public Comment: None

Adjournment: Time: 9:19 p.m.

Press Session: Board of Zoning Appeals Meeting – February 8, 2018 at 7:00pm

Nick Recupito

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

Attest: Tammy Bilgri, Recording Secretary

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.