



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
May 10, 2018 7:00 P.M.**

Call to Order (Time): 7:00 p.m.

Pledge to Flag:

Roll Call:

Present Nick Recupito

Present Jerry Wilkening

Present John Kiepura

Absent Jeremy Kuiper

Present Jeff Bunge

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Michelle Bakker, Building Administrator

Present Tammy Bilgri, Recording Secretary

**Minutes:**

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the April 12, 2018 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. Midwest PGM-Special Use Variance**

Owner: Richard C. Thiel, Jr., 11363 W. 135<sup>th</sup> Pl., Cedar Lake, IN 46303

Petitioner: Midwest PGM, 13513 Industrial Dr., Cedar Lake, IN 46303

Vicinity: 13513 Industrial Dr., Cedar Lake, IN 46303

Legal Description: Cedar Lake Industrial Park Phase 2 Resub of Lots 9 to 12 Lot 1

Tax Key Number(s): 45-15-28-178-005.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XVI-Light Industrial (M-1) Zoning District

***This Special Use Variance is to allow the Petitioner to increase the amount of vehicles stored on the property from the current variance of ten (10) to one hundred (100) vehicles***

**Deferred to June 14, 2018 Public Meeting**

- 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:

A motion was made by Nick Recupito and seconded by Jerry Wilkening to defer to the June 14, 2018 Public Meeting.

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

**New Business:**

**1. Gonazlez-Developmental Variance**

Owner/Petitioner: Jose & Patricia Gonzalez, 12810 Hess St., Cedar Lake, IN 46303

Vicinity: 12810 Hess St., Cedar Lake, IN 46303

Legal Description: Monastery Woods Phase 1 Lot 19

Tax Key Number(s): 45-15-21-251-011.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV-Swimming Pool: Section 3: Location: No portion of an outdoor swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line, or at any other location where a "structure" is prohibited

***This Developmental Variance is to allow the Petitioner to have an eighteen ft. (18') swimming pool installed five ft. (5') from the house***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Patricia and Jose Gonzalez, 12810 Hess St. Want to put a swimming pool five ft. (5') from the house because of location of easements.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is similar to other houses in the neighborhood. Noticed the electric and gas are in the way. The petitioner is having the utilities moved. The neighbors have come in for this exact situation. Due to the easement in the rear yard and only thirty-five ft. (35') rear yard, it is hard to get a pool and deck in that space. Can still fit it in by placing it five ft. (5') from the house.
- e) Board's Discussion: Jeff Bunge expressed concern with safety.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve as requested with the condition utilities must be moved and be five ft. (5') from the swimming pool 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

2. Brazeal-Developmental Variance

Owner/Petitioner: Robert Brazeal, 14517 Lee St., Cedar Lake, IN 46303  
Vicinity: 14520 Bryan St., Cedar Lake, IN 46303  
Legal Description: SOUTH SHORE SUB. LOT 117  
Tax Key Number(s): 45-15-35-302-016.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: A. 1)  
There must be a complete residential structure on any given parcel of land prior to construction of any accessory building

***This Developmental Variance is to allow the Petitioner to build a 12'x16' shed on a lot with without a primary structure***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Robert Brazeal, 14517 Lee St. Would like to build a shed to store his lawn mower. If variance is approved he will combine the lots. There is no room on the lot with his house to add the shed.
- c) Remonstrators: Troy Reeder, 14616 Lee St., is for the shed.
- d) Building Department's Comments: Tim Kubiak stated he has all the lots cleaned up, has made neighborhood a lot nicer. No issue with this.
- e) Board's Discussion: Discussion ensued on combining the lots. Nick Recupito likes the shed being on the same lot as the house.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve as presented contingent the lots be combined to one (1) tax key number and the removal of old shed after the new shed is built 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

3. Smits-Developmental Variance

Owner/Petitioner: Carl R. Smits, 18249 Harper St., Lansing, IL 60438  
Vicinity: 13701 Lauerman, Lot 14, Cedar Lake, IN 46303  
Legal Description: Cedar Lake Ministries 2nd Resub. Lot 14  
Tax Key Number(s): 45-15-27-408-012.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2): Section 4: B. 4) On all other streets, a distance of thirty (30) feet; D. Rear Yard: there shall not be a rear yard on not less that twenty-five percent (25%) of the depth of the lot; E. not more than twenty-five percent (25%) of the area of the lot may be covered by buildings

***This Developmental Variance is to allow the Petitioner to build a new house with a front yard setback of zero (0); rear yard setback of eight (8') ft. and lot coverage of forty-six percent (46%)***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Carl Smits, 18249 Harper St., Lansing, IL. This is in the Cedar Lake Conference Grounds. This structure would be in line with the neighboring property. Would like to take down old cottage and replace with a new one. The side yards will be eight ft. (8'). The basic structure will be twelve ft. (12') off the south property line and the front porch will be four ft. (4').
- c) Remonstrators: Sanusi Mutuwa, 13701 Lauerman is for the variance.
- d) Building Department's Comments: Tim Kubiak stated the new house will be further away from the lake then the current. He has eight ft. (8') side yards and to the east and west would be zero. The other four (4) houses are all redone, this would be the last one to be done. They will all be in the same footprint.
- e) Board's Discussion: Discussion ensued about property lines and being in line with the neighbors. There is less encroachment than the current structure. Jeff Bunge expressed concern with parking in the front. Mr. Smits stated there is a park across the street with parking.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve as presented and to include the findings of fact.

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

4. Reader-Developmental Variance

Owner/Petitioner: Andrea & Troy Reader, 14616 Lee St., Cedar Lake, IN 46303  
Vicinity: 14616 Lee St., Cedar Lake, IN 46303  
Legal Description: SOUTH SHORE SUB. L.69 and SOUTH SHORE SUB. N. 25 FT. L.68 and South Shore Sub Lot 67 & S.25ft of Lot 68  
Tax Key Number(s): 45-15-35-305-030.000-043 and 45-15-35-305-031.000-043 and 45-15-35-305-033.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2): Section 5: B. Attached Garages: Maximum attached garage size shall be eight hundred sixty-four (864) square feet.

***This Developmental Variance is to allow the Petitioner to build an attached garage of 34'x40' (1,360 sq. ft.)***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Troy Reader, 14616 Lee St., would like to build a garage to store cars, tractors, dirt bikes, snowmobiles and a boat. Wants it to be as tall as the house. Door will be twelve ft. (12'). Will have a second floor on half for storage.
- c) Remonstrators: Robert Brazeal, 14517 Lee St., is for the variance.
- d) Building Department's Comments: Tim Kubiak stated no concern with the size, there is enough room and they are under lot coverage. Concerned with height of walls being sixteen ft. (16'), this turns into an industrial setting. No problem with a twelve ft. (12') door to fit the camper in. Would like the wall height to be thirteen ft. (13') to keep it more residential.
- e) Board's Discussion: Discussion on size of garage and it is about 500 sq. ft. over the maximum size allowed. Lot coverage is good. The lots need to be combined into one tax key number. Mr. Reader stated they did combine them years ago. Michelle Bakker stated we would need a copy of the combination form. David Austgen stated he would get one bill for the lots. Nick Recupito asked if the lots are combined, what the process would be to uncombined the lots in the future. David Austgen stated they will fill out a form to uncombine, they can be pulled back apart because they are legal lots of records. Discussion ensued about it being close to the property line. Jerry Wilkening stated need to consider the future of the property. Discussion ensued on what the garage would look like. Nick Recupito has issues with the garage being on the property line for future use of the property. Mr. Reader stated the possibility of turning the garage ninety degrees (90). Jeff Bunge stated what

he is asking for is fifty percent (50%) over what the ordinance allows. David Austgen suggested the petitioner fine tune his application. Mr. Austgen suggested the Board letting me Mr. Reader work on his plans with the information given at the meeting.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to defer to the June 14, 2018 Public Meeting.

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

5. Protega-Special Use Variance

Owner: Great Lake Property Group, LLC, 7502 Lake Shore Dr., Cedar Lake, IN 46303  
Petitioner: Dennis Protega, DRAGOBOBS, LLC, 9664 Jack Dr., St. John, IN 46373  
Vicinity: 7502 Lake Shore Dr., Cedar Lake, IN 46303  
Legal Description: Shades Add Cedar Lake Plat AA BL.5 lots 7,8,9,10 & 11  
Tax Key Number(s): 45-15-23-328-005.000-043

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XIII-Community Business (B-2) Zoning District

***This Special Use Variance is to allow the Petitioner to use the parking lot for outdoor grilling and sales***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner’s Comments: Dennis Protega, putting in a small meat market and would like to use the furthest south smallest parking spots to grill product and sell it. The main product is a fresh product for carry out, just on holiday weekends or once a month cook outside. Only open Thursday and Friday 5:00 p.m. to 8:00 p.m. and Saturday 9:00 a.m. to 1:00 p.m. The two spots he is going to use are very small. Each customer is usually in and out in 5 minutes if pre-ordered. Would like when the weather is nice to be able to come across the street from the park to buy cooked product. Grills will be stored inside. Will bring flood lights out if out after dark.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated all you can do is walk in, tell him what you want and leave. The proposal of where he wants the grills is close to the road, does not see a parking issue. Can see people grabbing some food and enjoying the park. Michelle Bakker stated he already has occupancy for the business and has put in a new sidewalk, just waiting to finish the sign and get his final inspections. All he needs permission for is to cook outdoors.
- e) Board’s Discussion: John Kiepura stated concerns with parking. Mr. Protega currently has ten (10) parking spaces. Michelle Bakker stated parking is based off the square footage of the building that the customers are using. Jerry Wilkening expressed concern with people crossing the street from the park.

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: Dennis Protega to only use the two (2) farthest south parking spaces for outdoor grilling and sales 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

6. Wagner/Lahm-Use Variance/Special Use Variance

Owner: Joel Wagner, 1401 Wilderness Dr., Schererville, IN 46375  
Petitioner: Jean K. Lahm, 8833 W. 156<sup>th</sup> Ct., Lowell, IN 46356  
Vicinity: 12937 Wicker Ave., Cedar Lake, IN 46303  
Legal Description: Windy Hill Addition Lot 1  
Tax Key Number(s): 45-15-21-301-017.000-014

Request: Petitioner is requesting a Use Variance/Special Use Variance from Zoning Ordinance No. 496, Title XIII-Community Business (B-2) Zoning District

**Use Variance is to allow the Petitioner to have six (6) businesses on a lot in a Community Business B-2 Zoning District**

**This Special Use Variance is to allow the Petitioner to operate an Escape Room**

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner’s Comments: Joel Wagner, owner of the property. When the building burnt down, was in the process of purchasing. When it was rebuilt the store front doors were facing the parking lot to set it up as having three (3) tenants on that side. Have AT&T in front, Elite Baseball in the middle and Bobb Autogroup Detail in the end. Looking to use the space behind AT&T for their use.
- c) Remonstrators: Randal Bogathy, 8930 W. 125<sup>th</sup> Pl., Cedar Lake, IN, is for.  
John Forystek, 10158 Delmar, St. John, IN, is for.  
Bob Tamlin, 8792 W. 156<sup>th</sup> Ct., Lowell, IN
- d) Building Department’s Comments: Michelle Bakker stated they were approved to have five (5) businesses. The previous owner had just two businesses in the first building. He is just asking to make it legal to have six (6) businesses.
- e) Board’s Discussion: Jerry Wilkening expressed concerns with parking for six (6) businesses. Tim Kubiak did not have any concerns with parking, it is adequate for this request.

A motion was made by John Kiepura and seconded by Jerry Wilkening to send a favorable recommendation to the Town Council to operate six (6) businesses at 12937 Wicker Avenue 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

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner’s Comments: Jean Lahm an escape room is where you have eight (8) people in a room and they have sixty (60) minutes to solve a variety of clues. Would like to start out with Friday nights and Saturdays only and will operate rooms every hour and half. Will start at 4:00 p.m. to 10:00 p.m. on Friday and Saturday from 9:00 a.m. to 10:00 p.m. May open on Sunday for private parties, hope to expand days in the future. Would like to have flexible hours for team building exercises and private parties. The rooms will be booked exclusively on line. Will only be there when the rooms are booked. One room will be geared for adults, the other for ages 8-13.
- c) Remonstrators: Randal Bogathy, 8930 W. 125<sup>th</sup> Pl., Cedar Lake, IN, is for.  
John Forystek, 10158 Delmar, St. John, IN, is for.  
Bob Tamlin, 8792 W. 156<sup>th</sup> Ct., Lowell, IN, is for.
- d) Building Department’s Comments: Tim Kubiak saw no issues with this. Parking is only tight around 6:00 p.m.
- e) Board’s Discussion: Nick Recupito asked if they would have a waiting room. Discussion ensued on hours of operation.

A motion was made by John Kiepura and seconded by Jerry Wilkening to send a favorable recommendation to operate Locked In at the Lake; an escape room seven (7) days a week from 9:00 a.m. to 10:00 p.m. 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

**7. Bogathy-Special Use Variance**

Owner: Cedar Lake Commercial, PO Box 657, St. John, IN 46373  
Petitioner: Randal Bogathy, 8930 W. 125<sup>th</sup> Pl., Cedar Lake, IN 46303  
Vicinity: 12615 Wicker Ave., Cedar Lake, IN 46303  
Legal Description: Pt. NW.1/4 S.21 T.34 R.9 Ly'ng between RR & Rt. 41 20.99Ac.  
Tax Key Number(s): 45-15-21-101-020.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XIII-Community Business (B-2) Zoning District

***This Special Use Variance is to allow the Petitioner to use this property for a charitable haunted attraction and to have multiple business on a lot in a Community Business (B-2) Zoning District***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Randal Bogathy and with him are Ken & Theresa Forstack the former operators of the Lake Hills Haunted Attraction in St. John. Proposing to operate a haunted attraction in a B-2 Zoning, which does not cover haunted attractions. The primary focus will be for charitable purposes. Attempting to bring the Don't Be a Monster bullying campaign to the local school. Discussion on site plan that was provided ensued. Operate an approximately five thousand (5,000) sq. ft. haunted attraction inside the main portion of the building and associated ticketing and retail space in back half of the building. Sell themed merchandise, t-shirts, ball caps, and led glow necklaces. Possibly have a separate attraction for younger children. Proposed hours of operation would be the last weekend of September through the first week of November, Friday and Saturday nights from 6:30 p.m. with last tickets being sold at 10:00 p.m. Working on ideas for uses during the rest of the year, possible laser tag. Ken and Theresa have been running the haunted attraction in St. John for the last eleven (11) years. Have been operating charity haunts in Cedar Lake and Crown Point. Have met with Fire Chief Wilkening and Deputy Chief Mager to discuss safety. The only obstacle identified is as far as traffic, trying to turn left onto 41. Discussion has been had with owners about parking lot lights. Will not sell more than one thousand (1,000) tickets per night. Could be a large number of people waiting outside the building. Will have a temporary structure for inclement weather. Safety is a priority. No attractions will be stored at this property.
- c) Remonstrators: Linda Browning, 12640 Wicker Ave., lives directly across from building. This will disturb the businesses already there if put up a no left turn. Concerns with the stairs, the building was built in 1968, worked there in 1986. The stairs were replaced in 1986 and the stairs are very steep. John Boersma, 11703 Upper Peninsula Ln., St. John, IN. Concerned with the volume of traffic.  
Received letter dated May 10, 2018.- Attached
- d) Building Department's Comments: Michelle Bakker stated this is more than one business because of the multiple businesses and buildings on one property. They would need two hundred forty (240) parking spaces. Tim Kubiak expressed concern with the condition of the building, it is dilapidated. Been a lot going on here without any type of improvements to the property. Would need parking lot striping, delineations, rehabilitation, building, and lighting. Everything will need to be brought up to today's standards to utilize this for this magnitude of people. Big concerns about throwing up a sign that says no left turn and park at will. A lot of issues inside that building as well. Not opposed to it happening. Wants to see a site plan and what will take place with the building.
- e) Board's Discussion: Jerry Wilkening asked how many customers and staff will be inside the building at one time. Mr. Bogathy stated customers will be sent through in small groups of approximately four (4) six (6) person groups at a time, including approximately forty (40) staff members. Discussion ensued on parking and poor condition of parking lot. David Austgen stated he knows Mr. & Mrs. Forstack, drafted the contracts they signed to conduct the business in St. John. They did a great job in the community. The most sophisticated land use item you have reviewed the time I have been here representing you is this one. Everything is involved, public safety, administrative safety and requirements. There are going to be hundreds of kids, with a 65 degree Friday or Saturday night in October and they will have more people teeming on this property than you can count because they do a nice job and will bring a nice reputation to this project. Would be my strongest recommendation to you because of the safety and detail components of a project like this, that there be some further review with the Fire Chief, Town Administrator, and the Building Department. Get the business plan and details down to give you the comfort of making a recommendation to the Council. So we can ensure the public safety, we do not need anything going wrong. Agrees with Tim's comments about the building, the structure and property are well made and need to be factored into those discussions. It would be my suggestion that you not act on this tonight pending the receipt of information and documentation and verification, the Fire Chief should be at the next meeting. There are some things that need to be pulled together. David Austgen asked the petitioner if any of this will impact a practical deadline for conducting the event. Mr. Bogathy responded yes there is a time deadline, will need to order supplies and equipment. If deferred past June

might be impossible to have ready in time. John Kiepura stated it is hard to approve something with this magnitude without seeing the condition of the building. Would like to do a walk through, thinks petitioner should request a deferral. Mr. Bogathy stated will not do this if it cannot be done safely. No problem with a deferral. Will clean up property and try to make it attractive. Portable restrooms for guests will be in back out of site line. The Board would like to see more information.

A motion was made by Nick Recupito and seconded by John Kiepura to defer to the June 14, 2018 Public Meeting.

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

8. LaGaviota-Use Variance

Owner: Teresita & Armando Barajas, 10212 W. 117<sup>th</sup> Ave., Cedar Lake, IN 46303  
Petitioner: LaGaviota Supermercado, 10728 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
Vicinity: 10728 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
Legal Description: Barjas Park Lot 1  
Tax Key Number(s): 45-15-21-376-029.000-014

Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XII-Neighborhood Business (B-1) Zoning District

***This Use Variance is to allow the Petitioner to have outdoor cooking and dining***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner’s Comments: Teresita Barajas, would like to put a nice patio outside with four or five (4 or 5) tables. Want to start small when the weather permits. Hours are 8:00 a.m.-8:00 p.m. Monday-Saturday, 8:00 a.m.-6:00 p.m. Sunday. Maybe outdoor cooking, on nice days and holidays. The space is on the east side of the building, thirty-five x thirty (35x30). The area is grass and twenty (20) feet away from the road. Just want to try this first in the grass, if it works then build a nice patio. Do not have enough room in the front of the building. Thought this area would be safe.  
Phil Cresco, their architect. Thinks there is some confusion, they are thinking of building a nice deck. The tables would have an umbrella. The deck would be in line with the existing building, with a nice railing around it. Would not want to eat in the back of a restaurant. Wanted to see if the concept would be approved before spending the money on plans.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak suggested putting some picnic tables in the grass next to the building. Would need to have safety ballerds. Concerns with a grill and table in the grass. To establish an outdoor patio would need to have concrete, fencing and protective poles. Not enough room to do anything in the front. Tim stated in order for the concept to be approved, would need to put a little effort into the concept plan and have more information.
- e) Board’s Discussion: The Board discussed different areas to possibly put this. John Kiepura stated if you wanted to try, put the picnic tables in the back like Tim suggested. Then come back with a plan if it seems favorable. David Austgen stated you can consider a conditional approval and revisit this in September when the season starts winding down. See how it went after a test run. David Austgen stated what he heard was the presentation was before an investment of money was made, kind of a trial run, which is why it evolved to the back of the building. John Kiepura stated that is what he heard also, that if they saw a need then they would come back and build. Jerry Wilkening stated this a good idea, would just need more information before any decision be made. Would suggest a deferral.

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer to the June 14, 2018 Public Meeting.

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

9. Early-Developmental Variance

Owner/Petitioner: Ryan Early, 6241 W. 136<sup>th</sup> Ave., Cedar Lake, IN 46303  
Vicinity: 14323 Lake Shore Dr., Cedar Lake, IN 46303  
Legal Description: SURPRISE PARK ON THE LAKE ALL L.1 BL.2 S2. L. 12 BL. 2  
Tax Key Number(s): 45-15-35-152-014.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: A. 1)  
There must be a complete residential structure on any given parcel of land prior to construction of any accessory building

***This Developmental Variance is to allow the Petitioner to reside and sheet existing garage with possible electric on property without a permanent structure***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner’s Comments: Ryan Early, would like to fix existing structure and possibly add electric. Still working on cleaning up the property. Would like to purchase more property and eventually build a house.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated this property was created by a foreclosed demolished house. The house got foreclosed on, was on unsafe and demolished. Mr. Early bought half the property that had the patio and existing garage. He has cleaned up the property. Michelle Bakker stated he wants to possibly get electric, reside and have a legal structure.
- e) Board’s Discussion: This is a unique situation. David Austgen stated this was created due to the Town administrative action resulted in the legal nonconforming, by the tear down of the building under the unsafe laws. Tim Kubiak stated we did create this situation and this is how to make it right. Discussion ensued on if he bought more property and what he would be able to build. Jerry Wilkening likes the idea of fixing the garage, just concerns with precedence of adding electric.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance as presented 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

**Public Comment:**

Robert Carnahan, 12850 Fairbanks, Cedar Lake. Serves on the Town Council and on September 14, 2017 had Don Frey in here with Bugaboos. The BZA denied a developmental variance and sent an unfavorable recommendation to the Town Council on September 19, 2017 and they over ruled it. Getting comments from South Shore stating he shouldn’t be able to do anything and I am hearing he is putting a building up. The Use Variance was for running two (2) businesses on the same lot. Jeff Bunge stated the Developmental Variance was for the building. John Kiepura stated the Plan Commission hasn’t approved the site plan. Michelle Bakker stated he does not have an approved building permit yet. Michelle wanted to talk to David before giving out the permit. The BZA denied the Developmental Variance and Unfavorable Recommendation, and then the Town Council approved the whole thing. Mr. Carnahan said he voted against the reversal. The Board discussed if both were reversed or only one and they reviewed the minutes from previous meeting. Tim Kubiak stated the Plan Commission approved the site plan with the shed location.

**Adjournment:** Time: 9:58 p.m.  
**Press Session:** Board of Zoning Appeals Meeting – June 14, 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.*