



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING
July 12, 2018 7:00 P.M.**

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

Pledge to Flag:

Roll Call:

Present Nick Recupito

Arrived at 8:06 p.m. Ryan Deutmeyer, Town Attorney

Present Jerry Wilkening

Present Tim Kubiak, Director of Operations

Present John Kiepura

Present Michelle Bakker, Building Administrator

Absent Jeremy Kuiper

Present Tammy Bilgri, Recording Secretary

Present Jeff Bunge

Minutes:

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the June 14, 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. Bogathy-Special Use Variance

Owner: Cedar Lake Commercial, PO Box 657, St. John, IN 46373
Petitioner: Randal Bogathy, 8930 W. 125th 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 businesses on a lot in a Community Business (B-2) Zoning District

Deferred from May 10, 2018 Public Meeting

Deferred from June 14, 2018 Public Meeting

- a) Attorney to Review Legals: Properly continued.
- b) Petitioner's Comments: Kenneth Forystek, 10158 Delmar, St. John, spoke for Mr. Bogathy. Spoke with Derrick Pritchard from Schilling and he sent a parking lot plan with entrances and exits. Are willing to stripe the lot and put a twenty ft. (20') light pole in the center of the parking lot. Mr. Forystek explained the parking plan and where barriers will be and employee parking.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated they meet with the Fire Department, Police Department, Schillings and Mr. Bogathy to discuss concerns. Traffic was discussed and a good parking plan that they provided. The Police Chief thought it would be ok to allow the left hand turns out as long as they had two turn lanes. Better to have a right and left turn lane instead of people pulling out and turning around. It was determined they would not need someone directing traffic. They will monitor this and if they need to change it to right turn only they will. This is not going to be like a concert getting out and everyone leaving at once. It will be small groups coming and going. The building is structurally sound. They work with the Fire Department on all the fire code regulations. Is very hard to apply any type of parking number to this. Willing to make changes as necessary. This is only for one year and see how it goes. They have done everything we asked.
- e) Board's Discussion: The Board discussed number of cars that can be parked and traffic concerns. Concern with lighting being too much for the area.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to send a Favorable Recommendation to the Town Council to use this property for a charitable haunted attraction for a twelve (12) month period: contingent upon an approved lighting

plan; Fire Chief approval; ingress/egress to be monitored; and to have multiple businesses on a lot in a Community Business (B-2) Zoning District 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. LaGaviota-Use Variance

Owner: Teresita & Armando Barajas, 10212 W. 117th Ave., Cedar Lake, IN 46303
Petitioner: LaGaviota Supermercado, 10728 W. 133rd Ave., Cedar Lake, IN 46303
Vicinity: 10728 W. 133rd 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

Deferred from May 10, 2018 Public Meeting
Deferred to August 9, 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:

Motion: _____ 2nd: _____

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

New Business:

1. Frey-Developmental Variance

Owner/Petitioner: Don Frey, 14527 Lake Shore Drive, Cedar Lake, IN 46303
Vicinity: 14527 Lake Shore Drive, Cedar Lake, IN 46303
Legal Description: SOUTH SHORE SUB. L.1 & 2
SOUTH SHORE SUBDIV W100FT OF LOT "A" E1/2 VAC ST
Tax Key Number(s): 45-15-35-304-001.000-043
45-15-35-301-001.000-043

Request: Petitioner is requesting a Developmental Variance/Use Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: B. Accessory buildings intended for business or industrial purposes and located in Business Zoning Districts shall be allowed, provided they conform to all height, setback, yard and lot coverage requirements of the Zoning District they are located.

This Developmental Variance is to allow the Petitioner to build a structure ten (10') from side property line and twenty-five (25') feet from front property line

- a) Attorney to Review Legals: *See below
- b) Petitioner's Comments: Adam Sworden, Attorney representing Don Frey. This was up before the Plan Commission last September with a site plan where it was approved contingent a favorable recommendation to the Council from the BZA. The BZA made an unfavorable recommendation for the Use and Developmental Variance. That proceeded to the Town Council who reversed and approved this, we understood it to be for both items. We are not here tonight for the Use just the Developmental. Are looking for approval for Mr. Frey to put up the structure he has already purchased and place on the cement pad he has installed. There was confusion with the Council's decision and it was understood both items were reversed. This variance is for the location of the shed that is there. The shed will be there year round, with a seasonal use during the summer. There will be no alcohol sales out of this

shed. Don Frey stated trying to do things correctly from the start. Has not done any business out of the building.

- c) Remonstrators: Jennifer Conlon, 12516 Havenwood Pass. Will be a great addition to Cedar Lake. Is only improving the community. Will be great to take the kids out on the lake with the kayaks.
- d) Building Department's Comments: Tim Kubiak stated there was some confusion on what was over turned by the Town Council. The shed is currently there, a permit was turned in and approved when we found out the developmental variance was not included. Mr. Frey can legally move this building to the other side of the street and rent kayaks from his parking lot. Granting this will be less of a safety hazard, don't want people crossing the street carrying a kayak or paddle board. They have done everything we asked.
- e) Board's Discussion: Jeff Bunge stated we voted down the Developmental Variance for the structure along the lake on the out lot. Tim Kubiak stated there were two (2) votes and approved the building permit, that is why the shed is currently there. Told Mr. Frey it was ready and he thought the contractor picked up the permit. Then we figured out there were two (2) separate motions. That is why he is here with the change of no alcohol sales. He is looking for approval to leave the shed where it sits now. This has turned into a complete mess. Everyone was under the assumption once Council overturned it everything was good. Discussion on the size of the shed and what type will be there. Tim Kubiak stated all he is asking for is the front yard setback of twenty-five ft. (25') and the shed on a lot without a primary structure.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve the Developmental Variance to allow the petitioner to have an accessory structure as built contingent legal review and to include the findings

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

2. Kawa-Developmental Variance

Owner/Petitioner: Kenneth & Kristy Kawa, 14825 Ivy St., Cedar Lake, IN 46303
Vicinity: 14825 Ivy St., Cedar Lake, IN 46303
Legal Description: Lynnsway Unit 2 Lot 39
Tax Key Number(s): 45-15-33-481-012.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: Section 1: A. 1) No fences shall be located in the front yard

This Developmental Variance is to allow the Petitioner to have a fence six ft. (6') in the front yard of a through lot

- a) Attorney to Review Legals: *See below
- b) Petitioner's Comments: Kristy Kawa, 14825 Ivy St., would like to put a six ft. (6') vinyl fence in the back yard, which is considered the front yard. Will run parallel to the neighbors.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is consistent to the neighborhood.
- e) Board's Discussion: None

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance as presented, contingent legal review based on the findings of fact

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

3. Kijewski-Developmental Variance

Owner/Petitioner: Megan Kijewski, 14823 Ivy St., Cedar Lake, IN 46303
Vicinity: 14823 Ivy St., Cedar Lake, IN 46303
Legal Description: Lynnsway Unit 2 Lot 38
Tax Key Number(s): 45-15-33-481-011.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: Section 1: A. 1) No fences shall be located in the front yard

This Developmental Variance is to allow the Petitioner to have a six ft. (6') fence in the front yard of a through lot

- a) Attorney to Review Legals: *See below
- b) Petitioner's Comments: Megan Kijewski, 14823 Ivy St., would like to have a six ft. (6') vinyl fence in the back yard, which is considered a front yard.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is consistent with the neighborhood.
- e) Board's Discussion: None

A motion was made by John Kiepura and seconded by Nick Recupito to approve the Developmental Variance as requested contingent legal review 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. Clement-Developmental Variance

Owner/Petitioner: Matthew Clement, 10608 W. 133d Ave., Cedar Lake, IN 46303
Vicinity: 10608 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: PT E1/2 SW1/4 LY'G E OF & ADJ TO R.R. 3.0458 S.21 T.34 R.9
Tax Key Number(s): 45-15-21-327-015.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: A. 4) No accessory buildings shall be located in the front yard of any residential lot.

This Developmental Variance is to allow the Petitioner to build a 24'x50' one thousand two hundred (1,200 sq. ft.) garage in the front yard eight ft. (8') from the property line

- a) Attorney to Review Legals: *See below
- b) Petitioner's Comments: Matthew Clement, 10608 W. 133rd Ave., would like to build a garage in the front yard, best place for it. Electrical all runs on the side of the house. The goal is to try to have it ten ft. (10') from the property line.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this property is behind the u-lock. Where he is proposing to build the garage there is a fence and the u-lock buildings right on the other side of the fence. His property is very narrow where the driveway is. Very unique area, would not want to put the garage in back and block the view of the pond.
- e) Board's Discussion: John Kiepura asked for clarification of the structures currently on the property. Discussion ensued on size of structure and height.

A motion was made by Nick Recupito and seconded by John Kiepura to approve the Developmental Variance as requested contingent legal review 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

5. Matthews-Developmental Variance

Owner/Petitioner: Ronald Matthews, 13701 Lauerman St., #61, Cedar Lake, IN 46303
Vicinity: 13701 Lauerman St., #61, Cedar Lake, IN 46303
Legal Description: Cedar Lake Ministries 2nd Resub. Lot 62 & Outlot 62
Tax Key Number(s): 45-15-27-178-008.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: A. 5) There shall be a minimum six foot setback from any and all side and rear property lines

This Developmental Variance is to allow the Petitioner to move a garage from six ft. (6') to two ft. (2') from the side property line

- a) Attorney to Review Legals: *See below
- b) Petitioner's Comments: Ronald Matthews, 13701 Lauerman St., #61. Took down garage and want to move it to his property. Wants to have it two ft. (2') from the property line to save two (2) evergreens. The south side of his property is owned by the conference grounds and is unbuildable.
- c) Remonstrators: Letter from Conference Grounds for approval.
- d) Building Department's Comments: Tim Kubiak stated was out there today and does not see a reason for the request. Keep the six ft. (6') side yard. Has an approved permit for a six ft. (6') side yard.
- e) Board's Discussion: The Board had questions about surrounding property and size of garage. Nick Recupito asked what the hardship was. Mr. Matthews wants to save the trees. Tim Kubiak stated the trees are not an issue can build the garage and not bother the trees. If he moves it over four ft. (4') he would not need a variance. The Board discussed the concerns with moving it too close to the property line for emergency access. Jeff Bunge stated if Mr. Matthews is willing to keep it at six ft. (6') doesn't need to be here.

A motion was made by Nick Recupito and seconded by John Kiepura to deny the Developmental Variance due to no hardship, contingent legal review 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. Miller-Developmental Variance

Owner/Petitioner: Karen Miller, 1140 Sunnyslope Dr., Crown Point, IN 46307
Vicinity: 12728 Woodland Ave., Cedar Lake, IN 46303
Legal Description: Pon & Co's Schubert Lake Acres Lots 15,16,17 & 18
Tax Key Number(s): 45-15-22-154-009.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4: B. Front Yard: 4) On all other streets, a distance of thirty (30) feet

This Developmental Variance is to allow the Petitioner to build a new home with a front yard setback of twenty ft. (20')

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: Karen Miller, stated they would like a twenty ft. (20') setback, this is consistent with the area. Would like more land in the back, if they build at thirty ft. (30') instead of twenty (20) after the deck is on there is only thirty ft. (30') to the pond. Would like more room in the back. Tore down the old house.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated the old house that was there was close to the road. This is a dead end and private area, very consistent with neighborhood. This is not a very deep lot. No issues.
- e) Board's Discussion: The Board discussed the right of way and if it was a platted and dedicated street.

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

7. Carey-Developmental Variance

Owner/Petitioner: David & Debra Carey, Ryan Dykema, 7205 W. 145th Ave., Cedar Lake, IN 46303
Vicinity: 13430 Morse St., Cedar Lake, IN 46303
Legal Description: NW. S.26 T.34 R.9 3.304 Ac PT. LOT 2 and PT GOV. LOT 2 S.26 T.34 R.9 315.81X170X310X199.86 FT 1.328 AC M/L and Pt. Gov. Lot 2 NW.1/4 S.26 T.34 R.9 1.01Ac and WOODLAND SHORES ADD BLOCK 1 LOT 12 & PT OUTLOT A ADJ and WOODLAND SHORES ADD BLOCK 1 LOT 11 & PT OUTLOT A ADJ and WOODLAND SHORE ADD TO CEDAR LAKE L.10 BL.1 & THAT PT. OUTLOT 'A' ADJ. and WOODLAND SHORES ADD BLK 1 LOT 9 & PT OF OUTLOT "A" ADJ

and WOODLAND SHORES ADD BLK 1 LOT 8 & PT OF OUTLOT "A"
ADJ **and** WOODLAND SHORES ADD BLK 1 LOT 7 & PT OF OUTLOT
"A" ADJ **and** WOODLAND SHORES ADD BLK 1 LOT 6 & PT OF
OUTLOT "A" ADJ **and** WOODLAND SHORES ADD BLK 1 LOT 5 & PT
OF OUTLOT "A" ADJ **and** CEDAR POINT PARK ALL OF LOTS 158 &
159

Tax Key Number(s): 45-15-26-179-032.000-043 **and** 45-15-26-179-033.000-043 **and** 45-15-26-179-034.000-043 **and** 45-15-26-179-039.000-043 **and** 45-15-26-179-040.000-043 **and** 45-15-26-179-041.000-043 **and** 45-15-26-179-042.000-043 **and** 45-15-26-179-043.000-043 **and** 45-15-26-179-044.000-043 **and** 45-15-26-179-045.000-043 **and** 45-15-26-179-046.000-043 **and** 45-15-26-179-004.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VII-Residential (R-1) Zoning and Title VIII-Residential (R-2) Zoning District: Section 4: A. Minimum lot area and width: A lot width of not less than ninety feet (90'); D. Rear Yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot

This Developmental Variance is to allow the Petitioner to change the rear setbacks from twenty-five percent (25%) of the lot depth to twenty-five ft. (25') and lot width from ninety ft. (90') wide to eighty-four ft. (84') wide

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: Jack Huls, DVG representing the petitioner. This is a subdivision that is in front of the Plan Commission for primary plat approval this month. There was no Work Session this month, so this is the first time seeing the plat. This parcel is at 136th and Morse St. Part of the property is in Woodland Shores, part in Cedar Point Park and a large part is an unrecorded lot. Taking all of these and combining together. There are multiple zonings R1, R2 and B1. This is a ten (10) lot subdivision, nine (9) will be residential. We are seeking through the Plan Commission the zoning to R2 and then the commercial lot B1. The detention pond is provided on the low part of the property, the northwest corner. Are seeking as part of the request tonight, subject to the R2 zone change to the entire property, the zoning for R2 requires a lot width of ninety ft. (90') and we are dedicating additional property along 136th so that creates a hardship with the right of way, makes our lots a little smaller. We feel this would be justified, there are proposals of the R2 Zone being revised to an eighty-five ft. (85') width, have talked about that at the Plan Commission. The first petition is to have it reduced from ninety ft. (90') to eighty-four ft. (84'). Actually lots 2, 3, 7 and 8 would be affected by that lot width. What we like to do on residential subdivisions is reduce the rear yard setback from the twenty-five percent (25%), which is confusing and so there are not continued variances, would reduce it to twenty-five ft. (25').
- c) Remonstrators: Bob Relinski, 7209 136th, is against this. Yvonne Taves, 13518 Dewey, resident of Cedar Point Park, concerned with drainage ruining road. Owns Wahlberg Photography a few blocks away, does not want water to get any worse. She is on the Board of Directors for the Association and were approached recently with a proposal and does not want them part of their subdivision. Concerns with traffic issues. Wants people doing the work to be more cautious and put up signs when blocking the roads. Jerry Wilkening stated this is going to be covered at the Plan Commission meeting. John Kiepura stated the Town Engineer will also be at the meeting, so he will be able to answer any questions regarding water drainage. The developer needs to work with the engineer. David Belder, 2671 134th Pl., no knowledge of agreements for joining subdivision.
- d) Building Department's Comments: Tim Kubiak stated a call to the police department will take care of any issues with blocked streets. Mr. Kubiak is in favor of the twenty-five ft. (25') rear yard setback.
- e) Board's Discussion: Jerry Wilkening asked if outlot A would be the retention pond for the whole property and would it be taken care of by the HOA. Jack Huls stated Mr. Carey is working with an attorney, there will be a copy of the covenants for the Plan Commission. Jerry Wilkening asked about lot 158 and 159. Mr. Huls stated that is where the overland flood route from the pond will be. Those lots will be sacrificed for water. Mr. Carey has been in contact with the Cedar Pointe Park HOA to incorporate this subdivision into that property owners association, so they would have lake rights. That is not part of this petition. Discussion ensued on size of homes that would be built on these lots and which lots the variances pertain too. Tim Kubiak asked Mr. Huls to show the audience the plat and explain it to them. Mr. Kubiak stated these are currently buildable lots because they are pre-existing lots. Discussion ensued

with residents concerning traffic patterns. Drainage concerns were also discussed. Jack Huls stated this is not the meeting to discuss the traffic patterns and lay out of subdivision. We are here tonight just for these variances. All of this will be discussed on July 18, 2018 at the Plan Commission. Tim Kubiak stated there is confusion with this meeting because we did not have the Plan Commission Work Session the beginning of July due to the holiday. Normally, this would have been discussed before coming to this meeting. The lot size and drainage will all be discussed at the Plan Commission. John Kiepura invited the residents to the July 18, meeting. Jeff Bunge asked if there is a formula to generate how much retention area is needed? Mr. Huls stated yes they use a computer program, the Town has Ordinances for release rates. Discussion continued regarding drainage. Tim Kubiak stated we need to defer this tonight until after this is presented to the Plan Commission. We will go over all this at the Work Session, we have not talked about the variance at all. Jerry Wilkening asked exactly which lots this will effect. Mr. Huls stated, 2,3,4,7 and 8. Nick Recupito asked for clarification of where the utility easement is located. Mr. Huls stated lots 4 and 5 there is a utility easement, that is where the sanitary sewer connection goes down to Hilltop Drive.

A motion was made by John Kiepura and seconded by Nick Recupito to defer to the August 9, 2018 Public Meeting.

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

8. Tech Credit Union-Developmental Variance

Owner: Tech Credit Union, 10951 Broadway, Crown Point, IN 46307
Petitioner: Steve DeBold, Chester, Inc., 555 Eastport Centre Dr., Valparaiso, IN 46383
Vicinity: 9707 West 133rd Ave., Cedar Lake, IN 46303
Legal Description: UTOPIA-BUSINESS UNIT NO.1 LOT 1
Tax Key Number(s): 45-15-28-227-004.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XII-Neighborhood Business B-1 Zoning District: Section 5: B. 1) 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; Title XXVII, Section 4: H. Off-street parking spaces, open to the sky, may be located in any yard, except a front yard and a side yard adjoining a street.

This Developmental Variance is to allow the Petitioner to construct building with a seven ft. (7') front yard along the public alley and to allow parking within the front yard along the public alley

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: Steve DeBold, Chester, Inc. representing Tech Credit. Have a parcel that is located at 9707 W. 133rd Ave., surrounding this property is a bunch of commercial developed parcels. Our main problem is dealing with the parcel being .57 acres. Have a public alley along the east property line, 133rd is north of this and Strack is located south, this was developed at one point as a small pizza place, the building has been torn down. Existing right now is the parking lot. The problem is we need a fifty ft. (50') building setback along the public alley and we are not allowed parking in that alley. Mr. DeBold described the site plan and the businesses around this property having the same situation. They will remove the existing asphalt and create green space. Proposing a 2,400 sq. ft. building, will need to utilize all of this space. This will be undevelopable without the variance. Will also need to put parking within in that setback.
- c) Remonstrators: Beth Paluzzy, and Neil Hill, 9714 W. 133rd, driveway does meet up with this alley. Concerned with traffic flow on 133rd. Have quite a few seniors in our building that expressed concern with getting onto 133rd.
- d) Building Department's Comments: Tim Kubiak stated we have met with the petitioners, they are also going to the Plan Commission. Agrees with the one way alley. They will have enough parking. There is just enough room to make it work.
- e) Board's Discussion: Nick Recupito asked if there was a way to move the proposed building to the southwest. Mr. DeBold stated coming off 133rd Avenue they need at least twelve (12) parking spaces, need a one way drive,

with parking along the building, also per the ordinance they have two teller areas. So need twelve stackable vehicle lanes. If move the building anywhere else, there would not be any way to get a drive around this building. Jerry Wilkening asked when the alley would be improved. Mr. DeBold stated it would be done with this project, will bring it up to Town standards. Tim Kubiak stated it will be part of this and the project in the rear. The alley will be seventeen ft. (17') wide. It is going to be proposed as a one way alley. The direction of the alley will be worked out with the Site Plan at Plan Commission. Mr. DeBold stated they are working with the developer of the property to the south and hope to coordinate the drainage and drive with their development so it merges together. Nick Recupito expressed concerns with vision pulling out of the teller lanes. Jeff Bunge stated that he hopes most public use would be limited down that alley. That it would be used for existing businesses and for these folks. Will not be used very often by this petitioner. Discussion continued on use of alley. Mr. DeBold stated seven and half ft. (7 ½') will be green space with a curb.

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

*Ryan Deutmeyer stated all the legals are in order.

Public Comment:

Adjournment: Time: 9:23 p.m.

Press Session: Board of Zoning Appeals Meeting – August 9, 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.