



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

Call to Order (Time): 7:01 P.M.

Pledge to Flag:

Roll Call:

Present Nick Recupito
Present Jerry Wilkening
Present John Kiepura
Present 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

Minutes:

A motion was made by John Kiepura and seconded by Nick Recupito to approve the September 13, 2018 Public Meeting Minutes as presented.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

Old Business:

1. Dutko-Developmental Variance

Owner: Thomas Dutko, 14590 Magoun St., Cedar Lake, IN 46303
Petitioner: Thomas Dutko, 14590 Magoun St., Cedar Lake, IN 46303
Vicinity: 5913 Tahoe Pl., Cedar Lake, IN 46303
Legal Description: Lakeside Unit 1 Block 1 Lot 20
Tax Key Number(s): 45-15-25-126-012.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4; D. Rear Yard: there shall be a rear yard of not less than twenty-five percent (25%) of the depth of the lot

This Developmental Variance is to allow the Petitioner to build a covered porch with a twenty-one ft. (21') rear yard setback (Lakeside has an existing rear yard setback of thirty ft. (30'))

Deferred from August 9, 2018
Deferred from September 13, 2018

- a) Attorney to Review Legals: Ryan Deutmeyer stated this was properly continued.
- b) Petitioner's Comments: Tom Dutko, 14590 Magoun St., Cedar Lake, IN 46303.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated we have settled on a fine for each offense. The poles are what are encroaching, has agreed to pay the fine instead of tearing it out. He has a clear understanding of the thirty ft. (30') rear yard setback. Michelle Bakker stated the rear yard setback will not be required on the survey.
- e) Board's Discussion: John Kiepura stated that in lieu of doing any corrections to or removal off the covered patio or porches, the builder has agreed to a fine so these porches can stay in place. Jeremy Kuiper stated the builder and the Town came together and determined a fine. John Kiepura asked how do we prevent this from happening in the future from doing the same thing and just saying I will pay the fine instead of removing it. Tim Kubiak stated nobody will do it intentionally and plan to work in town again. If anything did continue to happen, it still has to be approved and the fine can be doubled. This would be a case by case basis. Ryan Deutmeyer stated every case is analyzed on a case by case basis. He also stated the agreement of the fine is contingent upon the approval by the Board. Jeremy Kuiper stated the Board did request after the last meeting to have them meet and work out a fine. Mr. Dutko stated he did talk to the other builders in the subdivision to tell them not to make the same mistake. Tim Kubiak stated the one is a rear porch to get in

and out of the house and the other is poles, basically they are ten ft. (10') off the ground, it is very minimal, not the wall of the house. Believes if the homeowner came in to ask for this it would have been granted. The size of these houses are eating up the lot coverage.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the Developmental Variance as presented, contingent fines being paid and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

2. Dutko-Developmental Variance

Owner: Thomas Dutko, 14590 Magoun St., Cedar Lake, IN 46303
Petitioner: Thomas Dutko, 14590 Magoun St., Cedar Lake, IN 46303
Vicinity: 13339 Victoria Ln., Cedar Lake, IN 46303
Legal Description: Lakeside Unit 1 BL.2 Lot 47
Tax Key Number(s): 45-15-25-128-009.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4; D. Rear Yard: there shall be a rear yard of not less than twenty-five percent (25%) of the depth of the lot

This Developmental Variance is to allow the Petitioner to build a covered porch with a twenty-one ft. (21') rear yard setback (Lakeside has an existing rear yard setback of thirty ft. (30'))

Deferred from August 9, 2018
Deferred from September 13, 2018

- a) Attorney to Review Legals: See above
- b) Petitioner's Comments: See above
- c) Remonstrators: See above
- d) Building Department's Comments: See above
- e) Board's Discussion: See above
- f) Board's Decision: See above

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the Developmental Variance as presented, contingent fines being paid and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

3. Dutko-Developmental Variance

Owner: Thomas Dutko, 14590 Magoun St., Cedar Lake, IN 46303
Petitioner: Thomas Dutko, 14590 Magoun St., Cedar Lake, IN 46303
Vicinity: 13339 Victoria Ln., Cedar Lake, IN 46303
Legal Description: Lakeside Unit 1 BL.2 Lot 47
Tax Key Number(s): 45-15-25-128-009.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4: 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 build a house with lot coverage over twenty-five percent (25%)

Deferred from September 13, 2018

- a) Attorney to Review Legals: See above
- b) Petitioner's Comments: See above
- c) Remonstrators: See above
- d) Building Department's Comments: See above
- e) Board's Discussion: See above
- f) Board's Decision: See above

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the Developmental Variance as presented, contingent fines being paid and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

4. Fraternal Order of Eagles 2529-Use Variance

Owner: Fraternal Order of Eagles 2529, 13140 Lake Shore Dr., Cedar Lake, IN 46303
 Petitioner: Fraternal Order of Eagles 2529, 13140 Lake Shore Dr., Cedar Lake, IN 46303
 Vicinity: 13140 Lake Shore Dr., Cedar Lake, IN 46303
 Legal Description: Meyer Manor Terrace Block 8 Lots 9 to 16 & 26 to 34 & W'ly 20.5ft of Lot 35
 Tax Key Number(s): 45-15-22-382-001.000-014
 Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District

This Use Variance is to allow the Petitioner to have outdoor seating, food and alcohol

- a) Attorney to Review Legals: Ryan Deutmeyer stated this was properly continued.
- b) Petitioner's Comments: David Villalobos, 13140 Lake Shore Dr. We have decided from the recommendations of the last meeting to move this next to the building. They will have the landscape boulders and the ballerds for safety. Would like four (4) picnic tables, limited amount of people, open to members only. Would need to purchase food and drinks inside and carry out.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated concerns with it being in front of the building next to the busy road. Concerns with type of safety ballerds that will be required, this is in a place where people will be going thirty-five (35) mph.
- e) Board's Discussion: The Board asked for clarification of the ballerds to be used and locations. Mr. Villalobos stated the ballerds will be surrounding the entire seating area. They will be five ft. (5') apart and six inches (6") full of concrete, four ft. (4') deep. Concerns with if they widen the road in the future.

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 have outdoor seating, food and alcohol with the following stipulations: all three (3) sides of the seating area have ballerds, five ft. (5') apart maximum, ¼" thick steel pipe, six inches (6") in diameter, four ft. (4') in the ground, four ft. (4') out and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

New Business:

1. McKay-Developmental Variance

Owner/Petitioner: Robert & Nancy McKay, 15015 Ivy St., Cedar Lake, IN 46303
 Vicinity: 15015 Ivy St., Cedar Lake, IN 46303
 Legal Description: Lynnsway Unit 3 Lot 152
 Tax Key Number(s): 45-19-04-230-008.000-057

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: A. 1) No fence 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: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: Robert and Nancy McKay, 15015 Ivy, Cedar Lake. Would like to put a six ft. (6') fence in the back yard, which is along Parrish Avenue, so considered a front yard.
- c) Remonstrators: None

- d) Building Department's Comments: Tim Kubiak stated this is consistent with this area, both neighbors have a fence already.
- e) Board's Discussion: The Board asked for clarification if the fence would meet up with the neighboring fences.

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

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

2. Mendoza-Developmental Variance

Owner: Oralía Mendoza, 9451 Amberly Lane, St. John, IN 46373
Petitioner: Oralía Mendoza, 9451 Amberly Lane, St. John, IN 46373
Vicinity: 9402 141st Pl., Cedar Lake, IN 46303
Legal Description: CEDARCREST SUBD. L.10 BL.2
Tax Key Number(s): 45-15-34-102-010.000-014

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 replace an existing porch that is eleven ft. (11') from the property line in the front yard

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: Oralía Mendoza, 9451 Amberly Ln., St. John. Bought the property in August and found out the porch was over the property line, so the Town stated would need a variance to rebuild. I have torn it down and would like to rebuild and keep it about the same size, no bigger.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated that approximately ten (10) years ago someone built this porch and addition to this house without a permit. It is in the front yard setback and built beyond repair. It had to be removed before they could get the power turned on. The house and garage were connected by a breezeway, which should not have been done because the garage does not have a foundation, so they will have to remove all that. There is a sixty ft. (60') road right of way, so it is only eleven ft. (11') from the property line. The house right now is sitting on the thirty ft. (30') building line without a porch. Somebody bought it and found out all these problems and sold it to Ms. Mendoza without telling her about it. There was no way to repair it. Mr. Kubiak stated it is quite a unique situation with width of the right of way.
- e) Board's Discussion: Discussion ensued on the location of the porch and if she would put a roof on it again. Discussion ensued on the right of way and setbacks. Tim Kubiak asked if she would consider a more narrow porch. Ms. Mendoza stated she is willing to negotiate the size. The board suggested fourteen ft. (14').

A motion was made by Nick Recupito and seconded by Jerry Wilkening to grant the Developmental Variance to replace an existing front porch with the size fourteen ft. x twenty-fourty ft. (14'x24') which will be fourteen ft. (14') from the property line and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

3. Pelosa-Developmental Variance

Owner: Edward Pelosa, 12917 Hilltop St., Cedar Lake, IN 46303
Petitioner: Edward Pelosa, 12917 Hilltop St., Cedar Lake, IN 46303
Vicinity: 7512 129th Pl., Cedar Lake, IN 46303
Legal Description: Shades Add. Cedar Lake Plat A.A. BL.1 lots 27 & 28
Tax Key Number(s): 45-15-23-326-029.000-043

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; 4) No accessory buildings shall be allowed in the front yard of any residential lot

This Developmental Variance is to allow the Petitioner to put a 12’x16’ shed with a height of 11’7” in a front yard on a lot with no primary structure

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner’s Comments: Edward Pelosa, 12917 Hilltop St. Would like to put a lofted garden shed on the two lots that I own at 7912 129th Pl. This is adjoining my property, was purchased at a later date then the house. Wants to keep the lots separate from his house in case the neighbor would want to sell his lots and would combine in the future. Would be storage for lawn equipment. No workable way to put this on lot with the house because of the drainage ditch.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak does not have any problem with it, it is technically his property.
- e) Board’s Discussion: Jerry Wilkening asked if the lots his house is on are combined. Mr. Pelosa stated yes. The Board asked for clarification on which lot the shed would be located. Discussion on size of shed would need a foundation. Tim Kubiak stated anything under two hundred sq. ft. (200 sq. ft.) would not need a foundation. The Board suggested the shed would need to be removed if the lots were sold.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the Developmental Variance as presented contingent if lots 27 & 28 change ownership the shed would need to be removed and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

4. Schrum-Use Variance

Owner: Howard Skorka, 9720 W. 133rd St., Cedar Lake, IN 46303
Petitioner: Rob & Patty Schrum, 13465 Drummond St., Cedar Lake, IN 46303
Vicinity: 9720 W. 133rd St., Cedar Lake, IN 46303
Legal Description: W.110FT. OF E.660FT OF W.180FT Ex. S.40ft OF SE1/4 S21 T.34 R.9 0.354AC
Tax Key Number(s): 45-15-21-476-010.000-014

Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XIV-Community Business (B-3) Zoning

This Use Variance is to allow the Petitioner to have outdoor dining

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner’s Comments: Rob and Patty Schrum, 13465 Drummond St. Are asking to use the eight (8) picnic tables in the back yard of the building.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated we have no issue with the picnic tables, but this is considered outdoor dining. This should have an approval, we made a phone call to them and asked them to come in, just to be consistent with other businesses. They have done exactly what we have asked.
- e) Board’s Discussion: Jerry Wilkening asked if they were planning to add any additional tables. The Schrum’s stated no.

A motion was made by John Kiepura and seconded by Jeff Bunge to send a favorable recommendation to the Town Council to allow the petitioner to have outdoor dining and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

5. Sylvester-Use Variance/Special Use Variance

Owner: Cedar Lake Commercial, LLC, 12615 Wicker Ave., Cedar Lake, IN 46303
Petitioner: Michael Sylvester, 6304 W. 117th Ave., Crown Point, IN 46307 and Abbey Sylvester, 8611 W. 138th Place, 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 Use Variance from Zoning Ordinance No. 496, Title XIII-Community Business (B-2) Zoning

This Use Variance is to allow the Petitioner to operate Beverly Glass Service a glass and aluminum materials and fabricating business with no outdoor storage in a B-2 Zoning District

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: Michael Sylvester, 6304 W. 117th Ave., Crown Point. Abbey Sylvester, 8611 W. 138th Pl. Cedar Lake. Currently has a business in St. John and the glass business in Beverly. Would split the building with the Market in the front and the glass company in the back. Need more warehouse space for their equipment, trailers, crane truck and man lift, all parked inside. Will be doing fabrication on site. The glass shop will have two (2) employees with the hours of 6:00 a.m. to 6:00 p.m. five (5) days a week. The Old Goats Market will have two (2) employees and be open Tuesday through Saturday 10:00 a.m. to 5:00 p.m. Will be painting inside. They cannot use the upstairs.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated concerns with getting the parking lot stripped and finished. Would like to see a parking plan. Michelle Bakker stated when she turns in a building permit, a parking plan would be required.
- e) Board's Discussion: The Board had concerns with the parking lot being redone. Jeremy Kuiper explained that the use for the Two Old Goats Market is an approved use for that property, we are looking at a Special Use Variance for the two (2) business and for the glass business. Discussion ensued on where the parking would be located. Jeremy Kuiper asked if they would have semi-trailers coming onto the site? Mr. Sylvester stated no.

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 operate Beverly Glass Service a glass and aluminum materials and fabricating business with no outdoor storage in a B-2 Zoning District contingent a parking lot improvement plan and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

This Special Use Variance is to allow the Petitioners to operate multiple businesses: Beverly Glass Service and 2 Old Goats Market on a lot in a B-2 Zoning District

- a) Attorney to Review Legals: Ryan Deutmeyer stated the legals are in order.
- b) Petitioner's Comments: See above
- c) Remonstrators: None
- d) Building Department's Comments: See above
- e) Board's Discussion: See above

A motion was made by Jerry Wilkening and seconded by John Kiepura to send a favorable recommendation to the Town Council to allow multiple businesses on a lot in a 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	Yes	5-0

Update Item:

1. Healy (Rosati's)-Use Variance- deferred to January, 2019.

Public Comment: None

Adjournment: Time: _____

Press Session: Board of Zoning Appeals Meeting – November 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.