



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
December 13, 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  
Present 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 October 11, 2018 Public Meeting Minutes as presented.

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

**New Business:**

**1. Accent-Developmental Variance**

Owner/Petitioner: Accent Homes, Inc. 2036 W. 81st Ave., Merrillville, IN 46410  
Vicinity: 10217 W. 128th Pl., Cedar Lake, IN 46303  
Legal Description: Monastery Woods Phase 1 Lot 148  
Tax Key Number(s): 45-15-21-255-001.000-014

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 on not less than twenty-five percent (25%) of the depth of the lot

***This Developmental Variance is to allow the Petitioner to reduce the rear yard building line to twenty-five ft. (25') to add a 10'x10' wood deck. (Current rear yard building is set at 29.95' or 25% of 117')***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: No petitioner
- c) Remonstrators: None
- d) Building Department's Comments: None
- e) Board's Discussion: None

A motion was made by Jeff Bunge and seconded by John Kiepura to defer to the January 10, 2019 Public Meeting and for the Town staff to contact the petitioner.

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

**2. Bell-Developmental Variance**

Owner/Petitioner: Michael A. Bell, 18134 Aberdeen St., Homewood, IL 60430  
Vicinity: 9300 W. 135th Pl., Cedar Lake, IN 46303  
Legal Description: Winding Creek Estates Unit 1 Phase 3 Lot 23  
Tax Key Number(s): 45-15-27-151-011.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: 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 have an attached garage of one thousand one hundred and thirty six sq. ft. (1,136 sq. ft.)***

- a) Attorney to Review Legals: David Austgen stated this is a little unusual. The publisher’s affidavit of the newspaper is in evidence, timely publication has been made. The list of adjacent property owners has been obtained and the individuals have been notified as we have evidence of the returned green cards. What we have in addition to all of that is a November 30, dated letter to the Chairman that indicates that one parcel, specifically #45-15-27-101-008.000-014 is owned by others than what is listed on the adjacent property owners list. Our responsibility for the rules of conduct, rules of procedure for public hearings is the list of adjacent property owners is provided by the Lake County Auditor. This is the list we work off, for purposes of assuring that notice has been given to adjacent owners as required by the ordinance and code. That is exactly what happened here. The letter is from Roberta Meyer, that property is owned by several family members, but the public record reflects that Ms. Meyer is the owner of the property. Mr. Austgen stated the notice was adequate, it has been provided according to your requirements in the zoning ordinance and the public hearing may be conducted.
- b) Petitioner’s Comments: Michael Bell, 18134 Aberdeen, Homewood, IL. Building a home with Pebblebrooke Homes at 9300 W. 135<sup>th</sup> Pl. Had drawn up plans and the garage is 1,136 ft., this will be a three (3) car garage. Wanted a large garage for woodworkings.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated it is a normal three (3) car garage, the only difference is the third stall is actually like a 12x20 shed behind his third car garage, it is a little deeper and all attached to the house. The footprint does not look that large, but that is what the math comes out. He meets all the setbacks and it fits on the lot nicely. No problem with this.
- e) Board’s Discussion: John Kiepura clarified the additional square footage is because it is deep not wide. Tim Kubiak stated that is correct.

A motion was made by Nick Recupito 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	Yes	5-0

**3. Cedar Lake Ministries-Developmental Variance**

Owner: Cedar Lake Ministries, 8816 W. 137<sup>th</sup> Ave., Cedar Lake, IN 46303  
Petitioner: Sanusi Mutuwa, P.O. Box 665, Cedar Lake, IN 46303  
Vicinity: 8816 W. 137<sup>th</sup> Ave., Cedar Lake, IN 46303  
Legal Description: Pt. of NW.1/4 S.27 T.34 R.9 Ly'ng E. of RR 32.588Ac  
Tax Key Number(s): 45-15-27-176-001.000-014

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; 2) No fence shall exceed six feet (6') in height

***This Developmental Variance is to allow the Petitioner to have a nine ft. (9') privacy fence with a fifteen ft. (15') setback in a front yard***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner’s Comments: Sanusi Mutuwa, from Cedar Lake Ministries. Requesting a developmental variance to put up a privacy fence along 137<sup>th</sup> and Lauerman will run between eighty (80) to two hundred ft. (200'). Have youth camp activities during the summer, but this time of year the view is not very appealing. Some of the neighbors are not happy with the appearance, that is why they would like the fence. Would like to use the fence for other activities like horizontal traverse wall. This is not their idea, a resident in the area expressed concerns with the appearance.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated the initial thought of a nine ft. (9') fence along 137<sup>th</sup> is not a positive one. Does not like the idea of building a tall privacy fence along the road, seems that close to the road is creating a compound effect. Fifteen feet (15') off the property line, not sure where the property line starts. The road right of way is probably sixty ft. (60')

so that fifteen ft. (15') is probably road right of way. Mr. Mutuwa does not want a compound look. This would just be a small section he also showed the board some pictures of two (2) options. Trying to hide the laser tag obstacles. Tim Kubiak stated the fifteen ft. (15') is actually road right of way. Discussion ensued on where the property line is. Their measurements went to the end of the road.

- e) Board's Discussion: John Kiepura stated we need a site plan to see where this is going and feels nine ft. (9') is too high. Tim Kubiak stated it would need to be fifteen ft. (15') from the property line, that is what was advertised. Jerry Wilkening asked about a survey. Discussion ensued with where the property lines are and how far the fence would be off the road. Tim Kubiak stated he would rather see arborvitae trees there instead. Mr. Mutuwa stated they contacted a landscaper and they stated new trees would not survive there. Jeff Bunge asked if there was a way to move the activity back further in the woods and move the fence back and camouflage the fence and use. Michelle Bakker stated the property line is approximately twelve ft. (12') from the road, so the fence would need to be twenty-seven ft. (27') off the pavement. The board has a lot of unanswered questions, and suggested a deferral. More discussion ensued on different options for the fence. Nick Recupito is for the vegetative fence. Mr. Mutuwa stated he will take a deferral at this time. Jeremy Kuiper stated we would like to see it forty-two ft. (42') off the road, then would not be an issue with the nine ft. (9') height.

A motion was made by John Kiepura and seconded by Jeff Bunge to defer to the January 10, 2019 Public Meeting at the request of the Petitioner.

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

4. Fetzko-Developmental Variance

Owner/Petitioner: Andrea Fetzko, 7320 Constitution Ave., Cedar Lake, IN 46303  
Vicinity: 7320 Constitution Ave., Cedar Lake, IN 46303  
Legal Description: N 100FT OF S 120FT OF W 50FT OF E 710FT OF N 899.7FT OF SW1/4 S.26 T.34 R.9 0.114AC  
Tax Key Number(s): 45-15-26-326-005.000-043

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 on not less than twenty-five percent (25%) of the depth of the lot

***This Developmental Variance is to allow the Petitioner to add an eight x fourteen ft. (8'x14') deck with a rear yard setback of twenty ft. (20')***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.  
b) Petitioner's Comments: Andrea Fetzko, 7320 Constitution Ave., Cedar Lake. Trying to fix up the house, and would like to add this deck.  
c) Remonstrators: None  
d) Building Department's Comments: Tim Kubiak stated she put an addition on the house and put a patio door and would like a deck out there. She ran out of space, she has about 3.7 ft. left to put a deck in the back. Would like an eight ft. (8') deck and would be five ft. (5') over the rear yard setback. Michelle Bakker stated she is required to have twenty-five ft. (25') and she would have twenty (20).  
e) Board's Discussion: The Board asked for clarification of the location of the deck.

A motion was made by Jerry Wilkening and seconded by John Kiepura 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	Yes	5-0

Update Item:

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

**Public Comment:** None

**Adjournment:** Time: 7:44 p.m.

**Press Session:** Board of Zoning Appeals Meeting – January 10, 2019 at 7:00pm

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Nick Recupito

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Jeff Bunge, Vice Chairman

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Jerry Wilkening

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Jeremy Kuiper, Chairman

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John Kiepura

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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.*