



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
September 13, 2018 7:00 P.M.**

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

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 Jerry Wilkening and seconded by Jeff Bunge to accept the August 9, 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**

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: Tom Dutko, 14590 Magoun St., Cedar Lake. Built a covered porch not knowing there was a thirty ft. (30') rear yard. Thought it was twenty ft. (20'). The house on Victoria Lane was built at the same time.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he has two (2) of these houses and the one on Victoria Lane he turned in the permit for that house and he had covered concrete patio on the plan on the survey and it was the same setback the twenty-one ft. (21') and I approved it. For some reason I looked at the concrete patio and the covered did not stand out. So that led him to believe the setback was twenty ft. (20'). After we had the discrepancy I did remember it saying covered.
- e) Board's Discussion: Jerry Wilkening asked for clarification on the survey. Mr. Dutko stated this house did not originally have the covered porch, once he got approval for the other house he thought he would be ok to build on the other house. John Kiepura stated the permit did not state you could build the patio and you did it anyway without permission. Mr. Dutko stated yes. Jerry Wilkening asked Tim Kubiak to explain the findings with the discrepancies with the survey pins. Tim Kubiak stated he spoke to Doug Rettig from Land Tech today and sent him the information we had with the photos. Mr. Rettig stated the three (3) markers, the one in the center of the road is the actual property line stake, the other one on the property right of way is a property stake, the one eighteen inches (18") at the edge of the road was an actual control point put in by DVG for elevation and a control point for the GPS to lay out the subdivision. There are zero discrepancies with the layout of the property, they actually found the old pin in the southeast corner of the

subdivision property. No surveying issues at all. Jeremy Kuiper asked if there was a lot coverage issue. Tim Kubiak stated not with this house but the one on Victoria Lane there is and there is a separate Variance for that property. Mr. Kubiak stated we have started to institute a new policy that on all the new building permits we are making them show the thirty ft. (30') building line on the plat and making the engineers show the square footage, lot coverage calculations and percentages. Jerry Wilkening asked if there are footings under the patio. Mr. Dutko stated yes four ft. (4') deep holes. Tim Kubiak stated there is not actual footing, just the post holes. Jeremy Kuiper asked how far that is from the drainage easement and about future fences. Tim Kubiak stated six ft. (6'). Discussion ensued over pictures presented. Nick Recupito asked for clarification on which house was built first, he also asked if the request is denied what happens. David Austgen stated he would need to come to compliance that means the porch would have to come down. Jeff Bunge stated it is clearly in violation of what we have allowed back there. This should not be happening in a brand new subdivision, whether there is human error or not. Nick Recupito agrees. Mr. Dutko stated he has never had to appear before a Board before and he is sorry for the mistake. David Austgen stated he suggests a deferral to give Mr. Dutko the opportunity to visit with our staff and come in with a proposal for remediation or how he intends to deal with this going further in regard to this property. Jerry Wilkening asked if he is granted the variance, what stipulations can be put on it and if there are fines entailed. David Austgen stated you may impose any conditions you deem appropriate and there should be a fine by the Building Commissioner as a consequence of the permit being violated. Mr. Dutko stated he will pay any fine imposed if they approve these variances. The Board continued to discuss the issue and the precedence it sets. John Kiepura asked if the homeowner is aware of the problem. Mr. Dutko stated they were notified of the issue, he did not think there would be a possibility of tearing it down. Mr. Dutko stated why can you build a shed six ft. (6') from the property line and not this. Jeremy Kuiper stated that falls under a different category and has a different ordinance. Mr. Dutko does not think it is possible for this to happen again because of the new requirement of putting the setback on the survey. The cement is all legal just the two (2) posts and overhang are not allowed. Discussion ensued on site plans and what is allowed. Concerns with this becoming an enclosed porch in the future. Jeremy Kuiper asked what should the building department and builder have for us at the next meeting. David Austgen stated the commitment language of this developer concerning this error or violation, discussion of fines and penalties. Possible meeting between builder and staff.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to defer to the October 11, 2018 Public Meeting and request to discuss with the Town and the builder commitment language, fines and costs that may be imposed and remediation plans for the Developmental Variance should it be denied or accepted.

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**

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: Tom Dutko, 14590 Magoun St., Cedar Lake, IN. Would like this to get approved. This was on my survey and approved by the

Town. There would be no other way to get him out of the house without this. Where the deck runs to the otherside is his door for his master bedroom.

- c) Remonstrators: Robert Butta, 5517 W. 133<sup>rd</sup>, Crown Point, IN. Spoke last month about disapproval of the deck on the back. The builder knows the setbacks when buying the lot, maximum size home and knows all the variables before drawing the plans. He knows the rules and violated two (2) of them. This is disappointing to receive the letter after the house is built. I found the mistake that the house was too big for the lot, and it is bigger than twenty-five percent. Mr. Dutko stated it is twenty-seven point two percent (27.2%). The cat walk was missing from the drawings, came to see the drawings and should have better plans. This sets precedence; there are fifteen (15) more homes to be built along my property.
- d) Building Department's Comments: See above comments
- e) Board's Discussion: David Austgen stated the letter from Mr. Butta dated 8/9/18 to be made a part of the record. Jeremy Kuiper asked if the drawings were inadequate. Tim Kubiak stated there is a full set of plans submitted with the permit and they were adequate. It is quite often that the plans do not show the sunroom or covered porch. It is normally on the page of the blueprint or site plan where it is located. The covered porch was on the site plan, was my oversight. Discussion ensued about the foundation and day light basement versus a full basement. David Austgen asked how do we assure our adjoining owners like Mr. Butta or anyone else in these circumstances where new developments are occurring in farm fields and there are adjacent property owners, how do we assure ourselves internally that we are taking care of these issues. Tim Kubiak stated we have made a new requirement that all the new developments are showing the rear building lines on the plats and also there is a new policy to show lot coverage and square footage on the plans. A lot of these crazy shaped lots are hard to calculate. Mr. Austgen stated he would suggest the same motion as previous petition. Jerry Wilkening asked how far it is from the back of the house to the building line. Tim Kubiak stated five ft. (5'), the house was pushing the lot coverage, the porch pushed it over. Nick Recupito asked if he built this house, and then it was his fault he didn't have enough room to get out of the house. Mr. Dutko stated we made it a daylight basement to keep the water flowing correctly.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer this to the October 11, 2018 Public Meeting request to discuss with the Town and the builder some commitment language, fines and costs that may be imposed and remediation plans for the Developmental Variance should it be denied or accepted and to include item one (1) of New Business as it pertains to the same property.

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

**New 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: 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%)

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

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

## 2. Guhl-Special Use Variance

Owner: JCT Holdings LLC, 11222 W. 132<sup>nd</sup> Ave., Cedar Lake, IN 46303  
 Petitioner: Charles J. Guhl, 705 Joe Martin Rd., Cedar Lake, IN 46303  
 Vicinity: 11222 W. 132<sup>nd</sup> Ave., Cedar Lake, IN 46303  
 Legal Description: W. 126FT. OF E. 389FT. OF N. 150 FT. OF S. 880FT. OF SE SE SUBJ.  
 TO EASM'T S.20 T.34 R.9 .433 A.  
 Tax Key Number(s): 45-15-20-479-012.000-014

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 do electrical work on automobiles, boats, watercraft, ATV, utility vehicles, trailers, any vehicle with 12 volt-24 volt electrical systems***

- Attorney to Review Legals: David Austgen stated the legals are in order and the Public Hearing may be conducted.
- Petitioner's Comments: Charles Guhl, 705 Joe Martin Rd., Lowell, IN. Was told I needed a variance to do electrical work on vehicles.
- Remonstrators: None
- Building Department's Comments: Tim Kubiak stated it would need to be zoned B-3 to have this business there. It was originally built for race car chassis. This location is always well kept. This seems like a good use for this building, no issue with something parked outside for a few days.
- Board's Discussion: Jeremy Kuiper asked what the hours of operation would be and if any signage. Mr. Guhl stated it would be open 8:00 a.m. to 5:00 p.m., five days a week. He would have not outside storage, wiring is very quiet, can use air impact. No external changes will be made, would like to put some angled parking spaces to keep people from parking in front of the doors. Fifty percent (50%) of his business is done off site, travels to the customer. Jeremy Kuiper explained that they will usually put some enforceable stipulations in the request. Discussion ensued on parking and how much would be needed, how many customers there at a time. Jerry Wilkening expressed concern with outdoor storage. Mr. Guhl stated he will on occasion have a few large items parked outside while waiting for the customer to pick it up. Discussion ensued on what stipulations to put on this variance. David Austgen noted the following items: 1. The hours of operation be posted as 8-5; 2. There be five (5) designated parking spaces on the asphalt; 3. No outdoor storage greater than seven (7) days; and suggest this special use is for this applicant only.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to send a favorable recommendation to the Town Council to allow the petitioner to operate an electrical wiring business Monday-Friday from 8:00 a.m.-5:00 p.m.; with five (5) designated parking spots; outdoor storage of customer property not to exceed seven (7) days; and with permitted signage only and to include the findings of fact.

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

## 3. 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: David Austgen stated the legals are in order and a public hearing maybe conducted.
- b) Petitioner's Comments: David Villabos, trustee with the Cedar Lake Eagles, 13140 Lake Shore Drive. Seeking permission to use a small portion of the frontage to put out six (6) tables and chairs for our members to enjoy food and drink including alcohol. Will have to remove a small portion of our landscaping. Jeremy Kuiper asked for clarification on outdoor entertainment and delineating the area for alcohol sales and safety of patrons from vehicles on Dodge St. Mr. Villabos stated they are planning to put some ballerds around the area. They have a fourteen ft. (14') apron between the roadway and the curb line. Enough space for twenty to thirty people. (20-30) Would like this in front of building in an effort to attract membership. Chose this spot because it is close to the front door. Are willing to look at other options.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is the first time he has seen the location. Does not like it being so close to the road. Have seen too many times when people drive off the road and hit the big rocks out front. In the past two (2) years have moved the rocks back five (5) times. This seems to be a dangerous location. Would prefer a more protected area, like along Dodge St. Willing to work with them to find a safer location. Have seen too many incidents on this stretch of road to be comfortable with this location.
- e) Board's Discussion: Jerry Wilkening asked what the difference is between what happens at the horseshoe pit and what they want to do now. Mr. Villabos stated they want to establish a designated area for outside dining. Just for members only, not general public, also looking to give smokers a place to sit. Jeremy Kuiper asked if they would be interested in moving it to the east side and using some parking spaces, to keep it away from the traffic. Discussion ensued on the dangers of cars running off the road, as has happened in the past and different locations for this to be put. All members are concerned with the safety of this location. It was suggested to put it next to the building and leave the current landscaping, with a sidewalk around it, similar to Gelsosomo's. Jeremy Kuiper asked for these suggestions to be put on the survey for clarification. The Board would like to see them look into other options and come back with new ideas.
- f) Recommendation to Town Council:

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer to the October 11, 2018 meeting.

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

**4. Framke-Developmental Variance**

Owner: Colin Framke, 14609 Parrish Ave., Cedar Lake, IN 46303  
Petitioner: Colin Framke, 14609 Parrish Ave., Cedar Lake, IN 46303  
Vicinity: 14609 Parrish Ave., Cedar Lake, IN 46303  
Legal Description: PT SW 1/4 PARCEL 180X200X 134.77X56.33X166.73 FT S.34 T.34 R.9 .803AC  
Tax Key Number(s): 45-15-34-300-002.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title

***This Developmental Variance is to allow the Petitioner to build a three ft. four inch (3'4") picket fence in the front yard with a twelve ft. six inch (12'6") setback from the road***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and public hearing may be conducted.
- b) Petitioner's Comments: Colin Framke, 14609 Parrish. Would like to put up a front yard picket fence for safety. My house is very close to the busy road, used to be one of the worst roads in Town, now that it is redone people will be speeding. Do not have a back yard, mostly woods. Do have some posts already set. It is set back twelve ft. six (12'6"). Will have two (2) gates, one by the garage and the other by the mailbox.
- c) Remonstrators: None

- d) Building Department’s Comments: Tim Kubiak stated he does have a unique situation with the proximately to Parrish. That is his yard. Being it is a four ft. (4’) decorative fence, and it is out in the country, no issue. Mr. Kubiak stated the fence would be approximately nine ft. (9’) off the new road.
- e) Board’s Discussion: Discussion ensued on the ordinance of no fence in the front yard and what type of fence. Mr. Framke stated it is a decorative stained picket fence. Jeremy Kuiper reminded the Board that with all the fences in Lynnsway this will not be the first fence facing Parrish.

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

**5. Cedar Lake United Methodist Church-Developmental Variance/Special Use Variance**

Owner: Cedar Lake United Methodist Church, 7124 W. 137<sup>th</sup> Place, Cedar Lake, IN 46303

Petitioner: Ken Puent, Cedar Lake United Methodist Church, 7124 W. 137<sup>th</sup> Place, Cedar Lake, IN 46303

Vicinity: 7124 W. 137<sup>th</sup> Place, Cedar Lake, IN 46303

Legal Description: H M W ALLS CEDAR LAKE SUB LOTS 1 TO 4 & 40X250FT STRIP & 120X237.5FT STRIP & VAC PINE ST 1.359AC

Tax Key Number(s): 45-15-26-401-001.000-043

Request: Petitioner is requesting a Developmental Variance/Special Use Variance from Zoning Ordinance No. 496, Title XII-Neighborhood Business B-1 Zoning District: Section 5: B. Front Yard: 4) All other streets, a distance of thirty (30) feet. Title VIII-Residential (R-2) Zoning District: Section 4: B. Front Yard: 4) On all other streets, a distance of thirty (30) feet; Title XXII-Sign Regulations: Section 3: 1. No more than two (2) on-premise signs shall be allowed on a zoning lot; c. The maximum sign shall not exceed: ii. In case of two (2) such on-premise signs, one sign shall be no more than sixty (60) square feet in size and one (1) sign shall be no more than thirty-two (32) square feet in size; Title XXIII-Accessory Regulations: A. 2) Lot Size: 1.01-2.00 acres, maximum accessory size: 1, 600 sq. ft., Height: 15’; 4) No accessory buildings shall be allowed in the front yard of any residential lot

***This Developmental Variance is to allow the petitioner to build a new sixty-four ft. by forty-eight ft. (64’x 48’), three thousand seventy-two sq. ft. (3,072 sq. ft.) pole barn, twenty-three ft. (23’) in height, in a front yard, with a twenty-three ft. (23’) front yard setback and more than two (2) signs on a lot***

- a) Attorney to Review Legals: David Austgen stated the newspaper publications are in order, but missing a few green cards. The public hearing may be conducted. Mr. Puent brought the receipts from the certified mailings.
- b) Petitioner’s Comments: Ken Puent, 13641 Morse St., Cedar Lake. In planning for Project Love Food Pantry to move into a new facility, we discovered that the house that was being used as the Food Pantry fit the residential requirements, but the new facility does not. So part of this process is with the Plan Commission and a one (1) lot subdivision with a rezone. What asking for tonight is instead of thirty ft. (30’) we are asking for a twenty-three ft. (23’) set back, that would allow us to use our existing parking lot. This would allow all the parking to be to the north of that structure. The twenty-three ft. (23’) would be in line with the other building on the property. The two (2) businesses would be the church and the charitable food pantry. Tim Kubiak stated since there are going to be two (2) uses on the property, we asked them to get a variance for two (2) businesses, trying to cover all basis. Michelle Bakker stated the building would be used for classes also. Instead of two (2) signs per property would like three (3) signs. Church sign will stay. Would like a sign on the corner of 137<sup>th</sup> Place and Morse directing people to the food pantry and the third sign on the building.
- c) Remonstrators: Bill Kuhn, 13951 Huseman, Cedar Lake. One of the reasons for the setback is we do not want parking on the side. We give our clients a shopping experience. With the bigger building we are hoping to let them use small shopping carts. Really don’t want them going around to the back of

their car between the car and street to load up. So by moving the building closer to the street we don't lose any parking spots.

Brian Kubal, 7600 W. 136<sup>th</sup> Ct., Cedar Lake. Have been involved with the church for thirty-five (35) years and the food pantry is a very instrumental part of the church and community. Feels strongly that the Town should support this, it feeds thirty to sixty (30-60) families a week free. This is not a business, but a service for the community.

- d) Building Department's Comments: Tim Kubiak stated they are going through the Plan Commission for the one (1) lot subdivision to put up this building and rezoning the property. The twenty-three ft. (23') in height for the accessory building will not be a requirement if they obtain the zoning request. Just trying to make sure everything is covered. They are trying to straighten everything out on the property. The Plan Commission has been very favorable.
- e) Board's Discussion: John Kiepura stated from the Plan Commission level everything seems in order. Jeremy Kuiper asked for clarification on the request, that once things are approved at the Plan Commission, the variance basically will just be needed for the setbacks. Jerry Wilkening had concerns with the height and if this will be single story. Tim Kubiak stated it is a forty-eight ft. (48') wide building with a seven/twelve (7/12) roof pitch on it. David Austgen stated that any motions made should consider approval of the one (1) lot subdivision and the rezone to be approved by Council.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve the Developmental Variance as presented, subject to return of the green cards, pending approval of the one (1) lot subdivision and the rezone 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

***Special Use Variance is to allow the Petitioner to operate multiple businesses on a lot***

- 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

A motion was made by Jeff Bunge and seconded by John Kiepura to send a Favorable Recommendation to the Town Council for the Special Use Variance to operate multiple businesses on a lot, contingent the return of the green cards and approval by the Plan Commission for the One (1) lot subdivision and the rezone 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

**6. Healy (Rosati's)-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 Use Variance from Zoning Ordinance No. 496, Title XIII-Community Business (B-2) Zoning District

***This Use Variance is to allow the Petitioner to have four (4) tables and sixteen (16) chairs for outdoor dining and alcohol***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Rich Bowman, 8561 Fair Oaks Ln., St. John, IN and Nancy Healy, 8561 Fair Oaks Ln., St. John, IN. Looking to put four (4) tables on our deck and to allow customers to eat and drink. Currently we have

occupancy for eighty-six (86) people, currently have seating for sixty-six (66). John Kiepura asked for clarification, thought they had seating for fifty-two (52) with parking spots of twenty-six (26), which was approved by this Board. Mr. Bowman stated eighty-six (86) is what we have approval for seating, just carried over what was there. Did secure additional parking behind the building. Approximately ten to fifteen (10-15) spots. Those spots are for employees. John Kiepura expressed that the additional sixteen (16) patrons will have no parking. He believes it is one (1) spot for every two (2) patrons and then the wait staff and cooks are based on every fifteen (15') sq. ft. space. Where is the additional parking coming from, that is the hardship for the residents around there. Mr. Kiepura stated every time he drives by the parking lot is full, not enough parking. The busiest times are two (2) hours a day. Mr. Bowman stated the busiest times are Friday and Saturday nights from five to seven thirty (5:00-7:30). People do not realize there is parking in the back, have added signs to show parking in the back. Michelle Bakker stated one (1) space for every two (2) employees and for every two (2) seats. Tim Kubiak stated there should be forty-three spots, plus for the help. John Kiepura stated there are only twenty-six spots when this was approved and that didn't include staff. Was told they would park at Faith Church, but that never came through, now they are supposed to park at the park. There is a safety issue for the residents. By wanting to add more seating, you need more parking. Discussion ensued on occupancy and remodeling. Increased parking from previous business. Mr. Bowman stated we can only feed how many people fit in our parking lot, if there is no parking they will leave. John Kiepura stated the last time they were here we asked them to cut down the size of the patio, got parking in the back, concerns with parking next door in other business's lots. Now saying have ten (10) more spots, those cover the extra sixteen (16) people, but not your staff. This was based on the patio to be used for patrons to smoke. Mr. Bowman stated until we secured more parking we were not allowed to seat customers on the patio and we have added ten (10) spaces. Jeff Bunge expressed concern with the staff parking at the restaurant instead of offsite and not seeing the additional parking. Ms. Healy stated they are doing whatever they can, just four tables, not additional trying to give the option of sitting on the patio. Thought we had a good option for parking, not wanting to take parking from other businesses. During the grand opening people were parking where they should not. Nick Recupito stated just to clarify, he has the minutes from February and the only number shown was sixty-eight (68). Ms. Healy stated there was confusion with the occupancy. Tim Kubiak stated the fire marshal has a maximum capacity. Nick Recupito wanted to know what guarantee they have with the parking being long term. Ms. Healy stated they would secure a contract. They want the business to be there a long time.

- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker asked for clarification of where the additional parking is located. Mr. Bowman stated the parking is right behind the restaurant, where the food pantry is. Tim Kubiak stated we discussed this at the previous meetings and expanding the amount of seating capacity with the current parking is not a good idea. Concerns with what type of agreement they have. There would need to be protective ballerds protecting patrons from the cars. Expanding on the use is hard to justify with the current parking situation. Step one (1) needs to be achieving a secure parking plan in place with a definite number of parking spaces. Ms. Healy wanted clarification on exactly how many spaces they would need to secure. Mr. Kubiak stated fifteen (15) more spots would be close enough to do it.
- e) Board's Discussion: Jerry Wilkening suggested securing as much parking as you can. John Kiepura stated if they can get the additional parking, is all for it, wants the business to succeed. But we cannot create hardships for other businesses in the area. David Austgen suggested a deferral to give the petitioner time to work on the parking. The Board asked how long they would need to figure this out. Three to six (3-6) months would be adequate. Discussion continued on best option.
- f) Recommendation to Town Council:

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer until the January 2019 Public Meeting and move it to update items.

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

**Public Comment:**



**Adjournment:** Time: 9:33 p.m.

**Press Session:** Board of Zoning Appeals Meeting – October 11, 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.*