



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
January 10, 2019 7:00 P.M.**

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

Pledge to Flag:

Roll Call:

Present Nick Recupito
Present Jerry Wilkening
☐
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

1. Nomination and Appointment of Officers:

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to nominate Jeremy Kuiper for President.

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

A motion was made by Nick Recupito and seconded by Jerry Wilkening to nominate Jeff Bunge for Vice President.

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

2. Retention of Services:

A motion was made by Nick Recupito and seconded by Jerry Wilkening to retain the legal services of Austgen, Kuiper & Jasaitis.

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

Minutes:

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the December 13, 2018 Public Meeting Minutes as presented.

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

Old 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')

Deferred from December 13, 2018 Public Meeting

- a) Attorney to Review Legals: David Austgen stated this was properly continued from December.
- b) Petitioner's Comments: Wes Morin, Vice President, Accent Homes. Constructing a house, the plat calls for twenty-five percent (25%) of the depth of the lot and we are asking for four (4) more feet. Asking for twenty-five ft. (25') down from the twenty-nine point ninety-five ft. (29.95') to add a deck on the bi-level house. Essential for the deck to be there.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he has nothing, with these lots being one hundred seventeen ft. (117') deep you run into this quite often in there. In this instance with the bi-level you need a deck and steps to get into the back yard.
- e) Board's Discussion: Jerry Wilkening stated concerns with them selling a home that does not fit on the lot. Mr. Morin stated it was a mix up with the sales staff and they are going to remove this option for further building in Monastery Woods.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance as presented contingent the product be removed from sales options and to include the findings of fact.

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

2. Cedar Lake Ministries - Developmental Variance

Owner: Cedar Lake Ministries, 8816 W. 137th Ave., Cedar Lake, IN 46303
Petitioner: Sanusi Mutuwa, P.O. Box 665, Cedar Lake, IN 46303
Vicinity: 8816 W. 137th 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

Deferred from December 13, 2018 Public Meeting

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: Not present-Correspondence requesting deferral.
- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker stated they are working on the survey.
- e) Board's Discussion: Jerry Wilkening stated he wants clarification on some items, this property is not part of the PUD, so surveying it does not make it usable for business purposes. David Austgen stated this is metes and bounds, permit for usable purposes it would require platting or inclusion in the PUD which is a one-lot subdivision. Jerry Wilkening stated there is a lot for him to do and he should know these things. Tim Kubiak stated this purpose is not really a business.

A motion was made by Nick Recupito and seconded by Jeff Bunge to defer to the February 14, 2019 Public Meeting.

Vote: 4-0

3. Healy (Rosati's) - Use Variance

Owner/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

Deferred from September 13, 2018 Public Meeting

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: Not present-correspondence requesting deferral.
- c) Remonstrators: Paul Zurbin, 13424 Cedar St., wants clarification if this is east or west Lake Shore Drive. Asking this because there was someone down by the fire station looking for that. The Town should give them the correct address.
- d) Building Department's Comments: Tim Kubiak stated there needs to be an east or west designated. Discussion ensued on addresses.
- e) Board's Discussion: Jeremy Kuiper stated back in September there was discussion and they were given four (4) months to get some of their things in order and they are requesting another month. Does look like they are

communicating about their obligations. We were waiting on them to secure some additional parking.

f) Recommendation to Town Council:

A motion was made by Jerry Wilkening and seconded by Nick Recupito to defer to the February 14, 2019 Public Meeting.

Vote: 4-0

New Business:

1. Gurgel - Developmental Variance

Owner/Petitioner: Dale Gurgel, 13138 Schubert St., Cedar Lake, IN 46303
Vicinity: 13138 Schubert St., Cedar Lake, IN 46303
Legal Description: MEYER MANOR TERRACE ALL LOTS 16,17,18,19 BL.10
Tax Key Number(s): 45-15-22-330-008.000-014

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 fourteen ft. (14') x twenty-eight ft. (28') addition less than thirty ft. (30') from the road

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Dale Gurgel, 13138 Schubert St., would like to build a fourteen ft. x twenty-eight ft. (14'x28') addition. To add a master bedroom and bathroom, this would be less than thirty ft. (30') from the road on a corner lot.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated the road does curve there and the right of way line becomes very large to the west of his house. The garage is ten ft. (10') away from the house so he can't shift it toward the detached garage on the other side. The size of the house right now is not very big at all, he would actually lose six ft. (6') if he has to meet the thirty ft. (30'). He will be twenty ft. (20') from the property line and will still be far enough away from the street. It is just a matter of the road curving that causes the issue. The house is thirty ft. (30') from the road currently. Consistent with the neighborhood.
- e) Board's Discussion: Discussion on the road right of way and future road improvements ensued. Jerry Wilkening asked for the actual distance from the road. Tim Kubiak stated twenty ft. (20'). David Austgen stated that the plat in the file has a hand drawn, showing squaring off his structure. I would assume this is what the permit will look like.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to grant the Developmental Variance as presented and to have actual dimension on the prints as shown and to include the findings of fact.

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

2. Ulaszek - Developmental Variance

Owner/Petitioner: Eleanore Ulaszek, 10928 Avenue G, Chicago, IL 60617
Vicinity: 13432 Cedar St., Cedar Lake, IN 46303
Legal Description: Cedar Point Park S.1/2 of lot 32 & all lot 33
Tax Key Number(s): 45-15-26-151-026.000-043

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; D. Rear Yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot; 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 have a rear yard setback of ten ft. (10'); front yard setback of six ft. (6') and lot coverage of forty-five percent (45%)

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Jack Huls, DVG, representing the petitioner. This parcel is part of the Cedar Point Park Subdivision, there are three (3) lots divided into two (2) parcels. These parcels have been in the family a long time. Would like to put two (2) structures there instead of three (3). The lot is seventy ft. x seventy ft. (70x70). The depth in this subdivision is very shallow, because of a significant grade change. Requesting to reduce the front yard from thirty ft. (30') to six ft. (6') and to reduce the twenty-five percent (25%) rear yard to ten ft. (10'). Mr. Huls went over details of home size and garage. What requesting is consistent with the neighborhood. Reducing density from three (3) to two (2) and making the investment in new construction will not adversely affect neighboring properties. The house will meet all other requirements of the town ordinance.
- c) Remonstrators: Paul Zimmerman, 13424 Cedar St., is for the variance. Glad to get rid of the old and welcomes the new build.
- d) Building Department's Comments: Tim Kubiak stated the size of the house is consistent with neighborhood. The six ft. (6') setback for the garage, does not see an issue with this. They have owned the property for the last fifty (50) years and are trying to fix it up. This will be an improvement, to have the garage space is more important than the front yard setback.
- e) Board's Discussion: Nick Recupito asked for some clarification on the cottages that used to be there and if they are building two (2) now to replace the three (3) that were there and how the new homes would fit on the lots. Mr. Huls explained they will divide the middle lot between the two (2) residences. Discussion ensued on how the lots were divided and if it is allowed by town ordinance and on concept plans of the house. Jeff Bunge had concerns with front yard setback and would like to see at least ten ft. (10'). Mr. Huls stated the petitioner is willing to work with the suggestions of the board. Tim Kubiak stated the rear yard setback is actually twenty (20) instead of ten (10). Discussion ensued on details of variance.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the Developmental Variance to allow the Petitioner to have a rear yard setback lake side of ten ft. (10'); front yard street setback of ten ft. (10') and lot coverage of forty-five percent (45%) and to include the findings of fact.

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

3. Waliczek - Developmental Variance

Owner/Petitioner: James Waliczek, 27217 S. Steven Ray Dr., Monee, IL 60449
 Vicinity: 7315 W. 140th Pl., Cedar Lake, IN 46303
 Legal Description: C.N. Straight's Sub. BL.2 W.15ft of Lot 9 & All Lot 10
 Tax Key Number(s): 45-15-26-380-018.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4: C. Side Yard: On each lot, except as otherwise specified, there shall be two (2) side yards, each having a width of not less than eight (8) feet; 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 build a deck in the back yard with a rear yard setback of thirty-seven ft. (37') and have a chimney with a seven ft. (7') east side yard setback

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: James Waliczek, 27217 S. Steven Ray Dr., Monee, IL 60449. Trying to build a house and the lot tapers off to the side. Trying to build the house on the highest part of the lot.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he has set his house off the street further back than normal, this is consistent with the neighborhood, lots are pretty deep. Everyone is to the rear of their property line, the chimney setback is not much of an encroachment.
- e) Board's Discussion: Jeremy Kuiper asked for clarification on the driveway being off of 140th Pl.

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

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

4. Walstra - Developmental Variance

Owner/Petitioner: David Walstra, 13320 W. 133rd Dr., Cedar Lake, IN 46303
 Vicinity: 13320 W. 133rd Dr., Cedar Lake, IN 46303
 Legal Description: PT. NE. NW. S.27 T.34 R.9 .45 A.
 Tax Key Number(s): 45-15-27-127-003.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XX-Supplementary Zoning District: Section 6: A. Carport: A carport may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty-five (25) feet in length and is entirely open on at least three (3)

sides, except for the necessary supporting columns and customary architectural features; however, said carport may not extend to within six (6) feet of a side lot line.

This Developmental Variance is to allow the Petitioner to build a steel carport fourteen ft. wide (14') x thirty-six ft. long (36') x fourteen ft. (14') height at peak on a lot with no primary structure

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Dave Walstra, 13320 W. 133rd Dr., am asking for a legal carport just bigger to store a boat. The area where it would go is very inconspicuous, the back would face the tracks and part would face the woods. The height seems high, but the area is very low. This lot is land locked only way to get in is through the lot his home is on. Does not want to combine the lots.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated not a fan of the carport, but no issue with this location.
- e) Board's Discussion: Jeremy Kuiper asked how they would access it. Mr. Walstra said he can go beside the current driveway or the gravel drive next to his house. Discussion ensued on history of the property. The property is over an acre in size.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the Developmental Variance as presented contingent to be used for boat storage only and to include the findings of fact.

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

Public Comment:

Adjournment: Time: 8:27 p.m.

Press Session: Board of Zoning Appeals Meeting – February 14, 2019 at 7:00pm

Nick Recupito

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepora

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.