



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
April 11, 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 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

*Tim Kubiak arrived at 7:07 p.m.

Minutes:

A motion was made by John Kiepura and seconded by Jeff Bunge to approve the March 14, 2019 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. Walker - Developmental Variance

Owner/Petitioner: Jason Walker, 15169 North State Rd. 49, Wheatfield, IN 46392
Vicinity: 7619 Lake Shore Dr., Cedar Lake, IN 46303
Legal Description: PT. SW. NW. S.23 T.34 R.9 .054 A.
Tax Key Number(s): 45-15-23-303-010.000-043

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 (6) foot setback from any and all side and rear property lines and a minimum ten (10) foot separation or distance from **all** other buildings; **and** Title VIII-Residential (R-2) Zoning: Section 4: E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings/structures

This Developmental Variance is to allow the Petitioner to have an eleven ft. x twelve ft. (11' x 12') shed one ft. (1') from the rear property line, eight ft. (8') from the house with a lot coverage over twenty-five percent (25%)

Deferred from February 14, 2019
Deferred from March 14, 2019

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: None
- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker stated the Petitioner has requested a deferral, has had the property surveyed and is waiting for a copy.
- e) Board's Discussion:
- f) Board's Decision:

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer to the May 9, 2019 Public Meeting. Vote 5-0

2. Dessauer - Use Variance

Owner/Petitioner: Heather Dessauer, 13941 Lakeview Point Rd., Cedar Lake, IN 46303
Vicinity: 8600 W. 139th Ct., Cedar Lake, IN 46303
Legal Description: LAKE SHORE ADD. L.7 BL.3 S'LY 90.65FT'W. LINE M.L.8 BL.3 S'LY 13 FT. L.9 BL.3
Tax Key Number(s): 45-15-27-456-012.000-014

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 operate two businesses, a marketing company and real estate office on a lot in a B-1 Zoning District

Deferred from March 14, 2019

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: Heather Dessauer, 13941 Lakeview Point Rd., Cedar Lake. Regarding our office at 8600 W. 139th Ct., asking to add another business to the building. Have partnered with Safari Marketing. The hours are 8:00 a.m. to 4:00 p.m. Most employees will be in the field, one (1) or two (2) employees there at a time, a few client meetings.
- c) Remonstrators: Nick Autry, owns lot at 13917 Soper Street across the street and is for this.
- d) Building Department's Comments: Michelle Bakker stated no issues with this.
- e) Board's Discussion: John Kiepura asked how many parking spaces they have. Heather Dessauer responded on the plan there was twelve (12). Jeff Bunge asked about after hours meetings. Ms. Dessauer stated that would be very rare. Nick Recupito asked if any additional signs will be added. Ms. Dessauer stated will redo old sign. David Austgen stated how do we define and make certain that there are two (2) businesses as Heather described them tonight, if one of those businesses or both change. In other words are you clear that this is for two (2) businesses and it is ok as is or does it need more definition. Jeremy Kuiper stated we should state Anton Agency and Safari Marketing in the recommendation. Tim Kubiak stated can it be a special use just for these businesses, the last one the realtor and title company it did not get to the name of the companies. Ms. Dessauer stated she owns both businesses and the building and has no intention of going anywhere or changing anything.

A motion was made by Nick Recupito and seconded by John Kiepura to send a Favorable Recommendation to Town Council for the Use Variance allowing Anton Agency and Safari Marketing to operate with hours of 8:00 a.m. to 4:00 p.m., with additional sign on building 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. McAdams – Developmental Variance

Owner: Coffhen Inc, 10630 W. 133rd Ave., Cedar Lake, IN 46303
 Petitioner: Thomas McAdams, 13109 S. Wicker Ave., Cedar Lake, IN 46303
 Vicinity: 13097 S. Wicker Ave., Cedar Lake, IN 46303
 Legal Description: Great Oaks Acres Storage Lot 2
 Tax Key Number(s): 45-15-21-301-022.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII: Sign Regulations: Section 1: A. Signs which display any flashing or intermittent lights, or lights changing intensity or color, except signs indicating time or whether conditions

This Developmental Variance is to allow the Petitioner to have a digital message board

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Tom McAdams, 13109 Wicker, Cedar Lake. Want to readjust the current sign, eliminating the marquee, moved down middle sign and add a message board, one color, just letters.
- c) Remonstrators: None
- d) Building Department's Comments: None
- e) Board's Discussion: Jeremy Kuiper stated on digital signs we have conditions, message on the board for six (6) seconds, no scrolling left to right, no flashing to mimic emergency vehicles.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance to allow the Petitioner to have a digital message board with modifications and consistent with Town Ordinances 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. Straight A Builders - Developmental Variance

Owner/Petitioner: Straight A Builders, 13731 Deodor St., Cedar Lake, IN 46303
 Vicinity: 14729 A Carey St., Cedar Lake, IN 46303
 14729 B Carey St., Cedar Lake, IN 46303
 Legal Description: Lynnsway Unit 2 Lot 74 (14729-A Carey St)
 Tax Key Number(s): 45-15-33-477-003.000-014
 45-15-33-477-024.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title IX: Residential Two Family (RT) 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 or thirty-five feet (35), whichever is greater.

This Developmental Variance is to allow the Petitioner to add a twelve ft. x twelve ft. (12'x12') with a rear yard setback of twenty-three ft. (23')

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Trent Vanderzee, President and Owner, proposing to put a duplex on this lot, each needs an exit to rear yard. On either side of the lot it drops down three ft. (3'), which presents the opportunity for a look out basement, but makes the rear yard less usable because of a slope going down to the drainage. Thought it better to put a 12'x12' wood deck.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he has no issues with it, the grade does drop off there and should be able to take advantage of the situation. This is consistent with the neighborhood. Still has a twenty-three ft. (23') rear yard setback.
- e) Board's Discussion: Nick Recupito asked for clarification on what the setback should be. Jeremy Kuiper stated twenty-five percent (25%) or thirty-five ft. (35'). Would need an additional twelve ft. (12'). David Austgen asked if a condition should be no other accessory structures. Michelle Bakker stated this isn't possible, there is a fifteen ft. (15') easement. Discussion ensued on if Mr. Vanderzee would add no additional accessory structures to his survey and disclose this to the prospective buyers.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the Developmental Variance as presented contingent documentation on survey of no additional accessory structures 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. Kooi - Developmental Variance

Owner/Petitioner: Thomas & Candace Kooi, 16336 Morton Pl., Lowell, IN 46356
Vicinity: 9431 W. 125th Ct., Cedar Lake, IN 46303
Legal Description: Janet's Lakewood Sub. Lots 1 & 2
Tax Key Number(s): 45-15-22-103-008.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 5: B. Attached Garages: Attached garages on all new home permits shall have minimum four hundred (400) square feet. Maximum attached garage size shall be eight hundred sixty-four (864) square feet

This Developmental Variance is to allow the petitioner to build an attached garage of one thousand two hundred eighty sq. ft. (1,280')

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.

- b) Petitioner's Comments: Thomas Kooi, 16336 Morton Pl., Lowell, IN. Would like a variance on the garage, would like it to be one thousand two hundred eighty sq. ft. (1,280').
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he has already started building this. He will create an interior workshop if the variance does not get approved. I told him he will have to build a wall and not make it part of his garage. The lot is good, does not look anything out of the ordinary. He has a plan in his folder to add storage so it would not be part of his garage space.
- e) Board's Discussion: Discussion ensued on clarification on garage versus storage space. John Kieura asked what difference it would make if you had a wall or no wall. Mr. Kooi stated it makes a difference for his four (4) cars, does not like them to sit out. Wants this to be his last house, needs space for golf cart and riding lawn mower. There are also stairs going down into the garage.

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 Kieura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

4. Barajas – Special Use Variance

Owner/Petitioner: Teresita & Armando Barajas, 10212 W. 117th Ave., Cedar Lake, IN 46303
 Vicinity: 10712 W. 133rd Ave., Cedar Lake, IN 46303
 Legal Description: Barajas Park Lot 4
 Tax Key Number(s): 45-15-21-376-031.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XII: Neighborhood Business (B-1)

This Special Use Variance is to operate a resale shop on a lot in a B-1 Zoning District

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Teresita Barajas, 10212 W. 117th, Cedar Lake. Owns the building next to the restaurant on 133rd and would like to run a resale shop out of it. Over the years have been collecting stuff and would like to sell it. Possibly Thursday to Sunday, not every day. Ms. Barajas stated they currently have three (3) parking spots. Will just use the front half of the building and use the back for storage. Has looked into adding parking, but will cost too much money because of the grade.
- c) Remonstrators: Robert Carnahan, 14850 Fairbanks St., Cedar Lake, IN. Just some comments, she currently parks at the restaurant so that will eliminate one (1) vehicle. The Chamber had a meeting with the Assessor and we were told that whenever a building is unoccupied for six (6) months, the tax rate goes down. Whatever you can do to help. It was previously a bike shop, sales in front, repair shop in back. This is a tough decision, would be great to get the building occupied.
- d) Building Department's Comments: Tim Kubiak stated has no concern with the shop, concerns with more parking. With the 133rd project, lost a lot of parking, used to be eight (8) spots. The building has been empty for a few years. No

extra parking at the restaurant. Suggests a deferral and take a look to see more plans and get more information.

- e) Board's Discussion: The Board discussed parking and being able to allow another business there. David Austgen asked how many spaces would be required for a building that size. Tim Kubiak stated around ten (10). Mr. Kubiak stated the parking at the surrounding business is inadequate. The Board discussed possible options for parking, very favorable to put a business in, just parking issues and trying to get them to Town standards. Jeremy Kuiper asked if Mrs. Barajas is willing to put together a plan, so the Building Department can get more information. Would really like to see a business in there, just concerns with the parking.

A motion was made by John Kiepura and seconded by Jerry Wilkening to defer to the
May 9, 2019 Public Meeting to gather more information. 5-0

5. Czyzewski – Special Use Variance

Owner/Petitioner: Zbigniew & Malgotzata Czyzewski, 2071 Kentland Dr., Romeoville, IL 60446
Vicinity: 13130 Wicker Ave., Cedar Lake, IN 46303
Legal Description: N.91FT OF E.200FT OF S.1030FT E.1/2 SE SE S.20 T.34 R.9 0.415AC. M/L
Tax Key Number(s): 45-15-20-479-014.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XIII-Community Business (B-2)

This Special Use Variance is to allow the Petitioner to operate a used car dealership in a B-2 Zoning District

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Malgotzata Czyzewski, 2071 Kentland Dr., Romeoville, IL. Bill Davies, Davies Land Surveying, Chesterton, IN. Looking for a Use Variance for the property. It is currently zoned B-2 and they would like to operate a used car dealership on this property. There is an existing garage that will be removed and would like to build a new garage on the southwest corner. Going back and forth with the Building Department about parking spaces, drainage, will need to talk to INDOT regarding improvements within the right of way of US Highway 41. This is the first hurdle to get the Use Variance. The properties to the west are zoned R-2 and properties to the north and south are all B-2. There is a sewer line that runs west of this property. The current house on the property will be used as the office, there will be around twenty (20) spaces for used cars, two (2) employee spaces and around five (5) customer spaces. Mr. Davies addressed the remonstrators concerns, stating there will be a fence along the property it is required. Will also have to submit a lighting plan during the site plan. Are planning on improving at least the south side of the adjoining road and will look at drainage up and down the street. Mrs. Czyzewski stated as far as visitors their current office hours are 10:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday, at current location have a locked gate. Will have security cameras throughout the property. The new garage will be for detailing cars and storage.
- c) Remonstrators: Mike Howe, Howe Insurance Services, located just north of the building. Likes the building concept, but has issues with the drainage.

That lot is higher and experience run off and the water backs up within fifteen ft. (15') from their foundation. Would like to see some swales cut along 131st. Concerns with how much will be paved and would like to see it kept clean. Really against the Variance until we see work done on the drainage.

Kelly (last name inaudible), 11209 W. 131st Pl., Cedar Lake. Against this variance due their picture window faces that property and concerned with lighting. This will also hurt the value of their property. There is a fence, but not a privacy fence. Will make it more difficult to navigate the area. Concerns with safety of bringing strangers to the area.

- d) Building Department's Comments: Tim Kubiak stated they are currently on the Agenda for the Plan Commission for a one (1) lot subdivision and site plan. Have been working on this for a long time. Agrees with Mr. Davies if they do not have the Variance of Use subject to the one (1) lot subdivision and site plan being approved, if they can't operate their business here. It fits into place with business on 41. If everything goes according to plan it will be a good addition. Mr. Kubiak stated any approval should be contingent site plan and one (1) lot subdivision approval.
- e) Board's Discussion: Jeremy Kuiper asked if the Plan Commission handles the details on the fencing, lighting and drainage. Mr. Kubiak stated yes, but without the Use they can't move forward with other plans. The property has been vacant for a couple of years. Mr. Kuiper stated any approval would be contingent site plan and one (1) lot subdivision approval and drainage would be handled at that time. Jerry Wilkening stated that area has been challenging for a long time for storm water. Tim Kubiak stated Don Oliphant has done one preliminary review. Nick Recupito expressed concerns with car haulers unloading cars. Mrs. Czyzewski stated they will be unloading cars on their property not on Rt. 41. These are small car haulers, not a semi. Jeff Bunge asked if the right of way of 131st Place, is going to be able to handle the extra traffic. Discussion ensued on what will be covered at the Plan Commission. Jeremy Kuiper stated any approval would need to be contingent on Plan Commission approvals. David Austgen stated this is just a step to proceed, if they get through Plan Commission. Jeremy Kuiper stated we do currently have business next to residential on 41.

A motion was made by Nick Recupito and seconded by John Kiepora to send a Favorable Recommendation to the Town Council for the Special Use Variance to allow the Petitioner to operate a used car dealership in a B-2 Zoning District and contingent upon Plan Commission approval for the Site Plan and One (1) Lot Subdivision, with the hours of 10:00 a.m.-6:00 p.m. Monday through Friday and 10:00 a.m.-4:00 p.m. Saturday and no repair work done on the property 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

Public Comment:

Richard Thiel, Jr., 11363 W. 135th Pl., Cedar Lake. A couple of questions for the Board about zoning and rezoning. Wanted a definition for industrial next to residential. It shows that industrial cannot have a building erected within one hundred and fifty feet (150') of a residential district. Does that work opposite if residential is going next to industrial? David Austgen stated no, if they want to be right next to you they can. The subdivision, Beacon Pointe West looks like the lots are right up against my east property. Trying to be proactive, if the lots are up against there and my building is forty ft. (40') from my property line. Tim Kubiak stated what if next year he

wants to build a building on his property? David Austgen stated that would need to be tied down in the plat approval for Beacon. The Board discussed the industrial zoning is existing. Michelle Bakker stated anything for the Industrial Park has to go for a Special Use. David Austgen stated they know with they are dealing with. Mr. Thiel stated when Summer Winds went in they said they didn't know I was there and just wanted some clarification. What does it do if I ever want to put up another building. David Austgen stated it depends on what gets approved for Beacon Pointe and what you want to build. They know what you do and they know what they have built.

Jerry Wilkening stated he has a request saying for Plan Commission they have update items things that are not quite resolved and would like to request update items be added to the BZA agenda. Things that are approved and noncompliant for enforcement issues. Discussion ensued on what type of items should be included.

Adjournment: Time: 8:39 p.m.

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