



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
June 13, 2019 7:00 P.M.**

Call to Order (Time): _____

Pledge to Flag:

Roll Call:

Present Nick Recupito

Present Jerry Wilkening

Present John Kiepura

Absent 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 May 9, 2019 Public Meeting Minutes as presented.

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

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

Deferred from April 11, 2019

Deferred from May 9, 2019

- a) Attorney to Review Legals:
- b) Petitioner's Comments: No petitioner present.
- c) Remonstrators:
- d) Building Department's Comments: Michelle Bakker stated we reached out to the petitioner and got no response.
- e) Board's Discussion:

- f) Board's Decision: David Austgen suggested the item be removed from the agenda.

A motion was made by John Kiepura and seconded by Nick Recupito to remove this item from the agenda.

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

2. 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

Deferred from April 11, 2019

Deferred from May 9, 2109

- a) Attorney to Review Legals:
- b) Petitioner's Comments: No Petitioner present.
- c) Remonstrators:
- d) Building Department's Comments: Michelle Bakker stated that at the last meeting they were asked to get a parking plan together. We reached out to them and got no response.
- e) Board's Discussion: David Austgen suggested the item be removed from agenda.
- f) Recommendation to Town Council:

A motion was made by Nick Recupito and seconded by Jerry Wilkening to remove this item from the agenda.

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

3. Nowdomski - Use Variance

Owner/Petitioner: Edward Nowdomski, 13705 Birch St., Cedar Lake, IN 46303
Vicinity: 13809 Morse St., Cedar Lake, IN 46303
Legal Description: N. 49.50 FT. OF S. 31 RDS. OF W. 150 FT. OF NW. SE. S.26 T.34 R.9 CONT'G. .17A.
Tax Key Number(s): 45-15-26-404-004.000-043

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 operate two (2) businesses, a bike shop and U-Haul Rentals on a lot in a B-2 Zoning District

Deferred from May 9, 2019

- a) Attorney to Review Legals:
- b) Petitioner's Comments: No Petitioner present.
- c) Remonstrators:

- d) Building Department's Comments: Michelle Bakker stated the Board asked them to meet with staff to do a site plan with parking and if they wanted to combine their lot. We reached out to them with no response.
- e) Board's Discussion: David Austgen suggested this item be removed from the agenda.
- f) Recommendation to Town Council:

A motion was made by Jerry Wilkening and seconded by John Kiepura to remove this item from the agenda.

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

New Business:

1. Holmes - Developmental Variance

Owner/Petitioner: Richard Holmes, 14405 Rocklin St., Cedar Lake, IN 46303
 Vicinity: 14405 Rocklin St., Cedar Lake, IN 46303
 Legal Description: SHADES ADD. CEDAR LAKE, PLAT C ALL L.50 BL.9 **and** SHADES ADD. CEDAR LAKE PLAT C LOT 49 EXC. THE S.5FT. BLK9
 Tax Key Number(s): 45-15-35-264-001.000-043 **and** 45-15-35-264-002.000-043

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

This Developmental Variance is to allow the Petitioner to build a five ft. (5') wood picket fence with a zero setback in the front yard on a corner lot

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Richard Holmes, 14405 Rocklin St., Cedar Lake. Would like a white picket fence along 144th to protect the kids playing in the yard. FFC Fencing is going to put it up. It will be on the east side and connect with the shed. It will enclose the back yard. Will make sure the neighbor can see and it will be a four ft. (4') fence not five ft. (5'). From the edge of the house five ft. (5') then back from there.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated there will be ten ft. (10') of grass from edge of pavement to the fence. Had concerns if it was a five ft. (5') fence, but if it is four ft. (4') fifty percent (50%) open no concerns. He does have extremely limited yard space.
- e) Board's Discussion: Discussion ensued on location of the fence.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve the Developmental Variance for a four ft. (4') picket fence fifty percent (50%) open with a zero setback in the front yard on a corner lot according to drawing submitted and to include the findings of fact.

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

2. Miller - Developmental Variance

Owner/Petitioner: Andrew & Diane Miller, 14522 Carey St., Cedar Lake, IN 46303
 Vicinity: 14522 Carey St., Cedar Lake, IN 46303
 Legal Description: Ledgestone Lot 3
 Tax Key Number(s): 45-15-33-429-003.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV-Swimming Pool: Section 3: Location: No portion of an outdoor swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line, or at any other location where a "structure" is prohibited under the other terms of this Zoning Ordinance **and** Title VIII-Residential (R2) 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 install a pool eight ft. (8') from the house and a deck with a rear yard setback of thirty ft. (30')

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Andrew Miller, 14522 Carey St., Cedar Lake. Would like to put a twenty-four ft. (24') pool and would like to request an eight ft. (8') setback from the house. The pool and corner of the deck would be up against the easement line.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated they have some challenges with the thirty ft. (30') rear yard easement and twelve ft. (12') side yard easement. If he was on lot 4 the next lot to the south, he would be ok with the thirty ft. (30') rear yard setback due to the angel, so he needs a larger rear yard setback. The eight ft. (8') is still a safe number to be away from the house. No major issue with it.
- e) Board's Discussion: The Board discussed location of the pool and filter. The Board asked if they would consider a twenty ft. (20') pool and they would have no reason to be there. Mr. Miller stated they did consider it. Tim Kubiak stated they would still need to come for the rear yard setback. Tim Kubiak stated all utilities are located in the front and only storm drainage is in the back. Nick Recupito stated he preferred the smaller pool. Discussion ensued on the yard and the amount of easement and concerns for safety. Tim Kubiak suggested to tell him to make nine ft. (9') work and if it doesn't he will have to downsize the pool.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the Developmental Variance to allow the Petitioner to install a pool less than nine ft. (9') from the house and a deck and pool with rear yard setback of thirty ft. (30') and to include the findings of fact.

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

3. Raymond - Developmental Variance

Owner/Petitioner: Richard Raymond, 14335 Riskin Rd., Cedar Lake, IN 46303
Vicinity: 14335 Riskin Rd., Cedar Lake, IN 46303
Legal Description: HEATHER CREST ESTATES 2ND ADDITION LOT 18
Tax Key Number(s): 45-15-36-151-005.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV-Swimming Pool: Section 3: Location: No portion of an outdoor swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line, or at any other location where a "structure" is prohibited under the other terms of this Zoning Ordinance, as amended from time to time. Pumps, filters and pool water disinfection equipment installations shall be similarly restricted to the requirements of this paragraph

This Developmental Variance is to allow the Petitioner to install a pool in a front yard of an unimproved street

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

- b) Petitioner's Comments: Richard Raymond, 14335 Riskin Rd., Cedar Lake. Would like to install a pool in what we consider the back yard. The pool will be ten ft. (10') from the house. There was a pool there years ago.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated there is an unimproved road in his back yard. There is woods behind, but this is considered a through lot. Neighbor down the road was here for a variance for a garage a few years ago. Plenty of setback, just the platted street. Very slim chance that road will go in. No concerns.
- e) Board's Discussion: The Board discussed the possibility of a vacation in the future for that road. Discussion ensued on location of pool from property lines and house.

A motion was made by John Kiepura 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	Absent	4-0

4. Moncado- Developmental Variance

Owner/Petitioner: Taylor C. Moncado, 6821 W. 134th Ave., Cedar Lake, IN 46303

Vicinity: 6821 W. 134th Ave., Cedar Lake, IN 46303

Legal Description: SHADES ADD. CEDAR LAKE, PLAT 'F' ALL L.1 BL.8 ALL L.2 BL.8 ALL L.3 & 4 BL.8

Tax Key Number(s): 45-15-26-212-002.000-043

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

This Developmental Variance is to allow the Petitioner to replace a concrete stoop with an unattached wooden deck with a front yard setback of twenty-four ft. (24') from the property line

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Taylor Moncado, 6821 W. 134th Ave., Cedar Lake. Two front yards on a corner lot. Want to replace the concrete stoop with a wood deck the same size. Mr. Moncado has already removed the concrete stoop since it was in disrepair.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated Mr. Moncado has done a great job fixing up this property and this deck will be a great addition to finish it off.
- e) Board's Discussion: The Board discussed location of the deck.

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	Absent	4-0

5. Skinner - Developmental Variance

Owner: Ann Urbanski, 8600 W. 132nd Pl., Cedar Lake, IN 46303

Petitioner: Lynette Skinner, 8600 W. 132nd Pl., Cedar Lake, IN 46303

Vicinity: 8600 W. 132nd Pl., Cedar Lake, IN 46303

Legal Description: MEYER MANOR L.19

Tax Key Number(s): 45-15-22-458-043.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fences: Section 1: A. No fence shall be located in the front yard

This Developmental Variance is to allow the Petitioner to put a gate at the end of the driveway

- a) Attorney to Review Legals: David Austgen stated the legals are in order and timely made, a public hearing may be conducted.
- b) Petitioner's Comments: Lynette Skinner, 8600 W. 132nd Pl., Cedar Lake. Want to add a gate across the driveway to keep vehicles from turning around on their private property and hitting their vehicles. Was a gate there when bought the house? The gate would be along 132nd Pl., this will be on rollers. This is a dead end street, the turnaround is up the street. The gate will not be locked, it will not block the easement for people to walk.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak asked what the gate looked like. Understands the point of people turning around. Have an ordinance against chain link next to the road, would like something that would look nicer.
- e) Board's Discussion: The Board discussed if the driveway is shared with the neighbor and Ms. Skinner stated yes. Discussion ensued on the exact location across the driveway. Nick Recupito asked about the neighbors to the north using this property to exit. David Austgen stated there would not be a problem if they had an agreement between the two (2) properties and if it is not on the plat it does not exist as a right. Tim Kubiak stated their way in is the ten ft. (10') alley. Jerry Wilkening stated if there was a dispute, how would the people from the north get in and out. David Austgen stated they won't and unless there is a legal right there is no way to govern it. Discussion ensued about the alley and it being impassable at this time, it is the neighbor's only legal access. John Kiepura stated if we approve this and she puts it in next week and throws a lock on it and her neighbor has no access to their property, would we be in a situation for approving that and allowing her to block access. David Austgen stated any blockage creates legal issues. John Kiepura stated he will not approve this until the two (2) properties have a legal agreement on access of the property. Jerry Wilkening stated we could be solving one problem and creating another. Tim Kubiak stated gate or no gate, it is their property and they could park a car or boat and block access. David Austgen stated there needs to be some understanding of the relationship between the two (2) parcels. You are stuck up here, this is a difficult position to be in these are forty ft. (40') wide lots that were platted in 1910's that didn't contemplate the type of use that now exists here on these properties. This is a more permanent use, the views about your property are valid. Nobody disagrees with your interests in maintaining your property, but there is a bigger picture and how all these parcels are interwoven and married. The document will be recorded and run with the land. The Board discussed a deferral to next month's meeting to give the petitioner time to draw up an access license agreement with the neighbor.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to defer to the July 11, 2019 Public Meeting to obtain a property use agreement

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

6. Nick's Tavern- Use Variance

Owner/Petitioner: Al Murawski, Nick's Tavern, 13231 Wicker Ave., Cedar Lake, IN 46303
Vicinity: 13231 Wicker Ave., Cedar Lake, IN 46303
Legal Description: W. PT SW SW S.21 T.34 R.9 (137 X 132 FT EX. HWY. 41) .257 AC.
Tax Key Number(s): 45-15-21-351-012.000-014

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 outdoor dining, outdoor alcohol sales and outdoor entertainment

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Gail & Al Murawski, 423 Quail Ct., Chesterton, IN. Would like to request a variance for outdoor food sales, alcohol and entertainment. The previous business used the outdoor patio for dining and entertainment. Would add six (6) tables. Employees do not park in their lot. Ms. Murawski stated the entertainment would probably be acoustic. Kitchen closes at 10:00 p.m.
- c) Remonstrators: Letter from Shelly Faber-Attached
- d) Building Department's Comments: Tim Kubiak stated he was under the impression they had an agreement for parking with the neighbor, going by I do see a few cars there. The parking is limited and to add an additional use to the building would need to add parking. Mr. Murawski stated he offered to pay Ms. Faber for additional parking, but she did not want to do anything. There is an additional twelve (12) spots on adjoining property the owner has. Tim Kubiak stated will have to check how many parking spaces they have. Did stripe the lot and make improvements.
- e) Board's Discussion: The Board asked for a site plan. Mr. Murawski stated he has talked to Tim Kubiak and he needs to make a few corrections, a gate needs to open out instead of in. Put in an ADA ramp, put in ballers and cement parking stops. This was operated before I was there and would like to do this properly. Made all corrections that Mr. Kubiak suggested, but do not want to invest any more money until we get the approval. This would be for people to come and have a beer and burger sitting outside. Discussion ensued on parking and occupancy. It is important to have a site plan to see where the parking is and how the outside dining is laid out. Jerry Wilkening stated the improvements they have made are great, but until we get some additional information on the number of tables and parking. The petitioner stated even though this is a use variance, we are not changing the use of the property. Discussion ensued on the current parking. One parking space per two (2) patrons, also employee parking and carry out parking. Need spaces for the number of seats in the building. With fifty-six (56) seats, need twenty-eight (28) spaces. Will need to know more information on entertainment, days, times, type of act.
- f) Recommendation to Town Council:

A motion was made by Nick Recupito and seconded by Jerry Wilkening to defer to the July 11, 2019 Public meeting to give the petitioner time to gather information.

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

7. Krist - Developmental Variance

Owner/Petitioner: Bret Krist, 7427 136th Ct., Cedar Lake, IN 46303
 Vicinity: 7427 136th Ct., Cedar Lake, IN 46303
 Legal Description: Haas 2nd Lakeside Add Lots 10,11,12,13
 Tax Key Number(s): 45-15-26-185-006.000-043

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

This Developmental Variance is to allow the Petitioner to build a garage with a height of twelve ft. (12') and size of one thousand eighty sq. ft. (1,080')

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Bret Krist, 7427 136th Ct., Cedar Lake. Looking to build a garage on the property, combined all four (4) lots previously. Would like to use for a boat.
- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker asked what the wall height is. Mr. Krist stated the wall height is twelve ft. (12'). Tim Kubiak stated it is listed as twelve ft. (12') high. Discussion ensued on the height, and confusion on side wall and total height.
- e) Board's Discussion: David Austgen stated they gave notice to adjoining property owners and they may not have come here based on the information published as opposed to what the actual numbers are. He is asking for a greater variance than advertised. It would be advisable to be readvertised with the accurate information. It is recommended he amend the application for the variance, waive the fees and readvertise. Need variance for wall height, total height and size.
- f) Board's Decision:

The petitioner made a request to withdraw.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to waive the fees for the amended application.

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Ye	Yes	Yes	Absent	4-0

8. King – Developmental Variance

Owner/Petitioner: Edward & Marie King, 14220 King Dr., Cedar Lake, IN 46303
 Vicinity: 14220 King Dr., Cedar Lake, IN 46303
 Legal Description: Kingsfield Court Lot 4
 Tax Key Number(s): 45-15-35-105-001.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII: Accessory Regulations: Section 1: A. 2) Exterior wall height shall not exceed ten (10') feet from the finish floor surface; 4) No accessory buildings shall be allowed in the front yard of any residential lot; 5) There shall be a minimum six (6) foot setback from any and all side and rear property lines

This Developmental Variance is to allow the Petitioner to build a two thousand one hundred sixty sq. ft. (2,160 sq. ft.) pole barn with a wall height of twelve ft. point four inches (12'.4") two ft. from the side property line in a front yard on a lot over one (1) acre

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Edward King, 14220 King Dr., Cedar Lake, IN. Would like to put up a pole structure, had a garage there for many years and had to take it down. Have another structure to the east that has yard tools and tractors, would like to incorporate everything under one (1) roof. Have four (4) or five (5) trailers sitting out right now. Will use the old cement foundation to the garage and the foundation of the tool shed.
- c) Remonstrators: Sigmund Kil, 14225 Lake Shore Drive, Cedar Lake, IN. Has property directly north of them. Concerned with water shed, the water will come off the building onto my property. If the roof is facing me and it is two ft. (2') from property line it will dump on me. The road in the back floods. Mr. Kil continued to discuss the drainage issues.

- d) Building Department's Comments: Michelle Bakker asked if the smaller shed will come down. Mr. King stated yes. Tim Kubiak stated he would like to see the six ft. (6') side yard maintained, this is a large piece of property. No issue with the size of the building. Concerns with drainage and maintenance.
- e) Board's Discussion: Jerry Wilkening asked about the original water issue and if we talked about drainage with Mr. King. Tim Kubiak stated they are planning on getting a drain to the lake. This will be part of the approval of the building permit. The standing water needs to be able to drain. Nick Recupito stated agrees with Mr. Kubiak that it should be off the property line, no hardship. Discussion ensued on drainage issues in the Town.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve the Developmental Variance to allow the Petitioner to build a two thousand one hundred sixty sq. ft. (2,160 sq. ft.) pole barn with a wall height of twelve ft. point four inches (12'4") in a front yard on a lot over one (1) acre as amended contingent storm drainage and to include the findings of fact.

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

9. Lordo - Developmental Variance

Owner/Petitioner: Jacob Lordo, 13500 Dewey St., Cedar Lake, IN 46303
 Vicinity: 13503 Dewey St., Cedar Lake, IN 46303
 Legal Description: CEDAR POINT PARK S2. L.121 NW. LY 9 FT. OF L.122
 Tax Key Number(s): 45-15-26-153-006.000-043

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; 5) There shall be a minimum six (6) foot setback from any and all side and rear property lines; 7) Metal and Post Buildings: Metal and post building types of construction shall not be permitted in this Residential Zoning District as a primary or accessory use. Title VIII-Residential (R2) Zoning District: Section 4: E. Building Coverage: Not more than twenty-five percent 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 four hundred eighty three sq. ft. (483 sq. ft.) garage made of steel with side yard setbacks of two ft. (2') and front yard setback of ten ft. (10') from Lee Street on a through lot with no primary structure with lot coverage over twenty-five percent

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Jacob Lordo, 13500 Dewey St., Cedar Lake. Would like to put up a steel building that is color matching to his house. This is essentially an enclosed carport. Will sit on the asphalt pad currently centered on the lot. This will face Dewey St. There is definitely a hardship on space in that area, no street parking in that area. Tried to combine the lots with Lake County, but could not do it because of the public way. Have worked hard to clean up this property. This is a nice structure and can last as long as a house.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak asked if Mr. Lordo had thought about putting up a regular garage instead of the metal building, these structures are not allowed in Town and are looked at as a temporary structure. Mr. Lordo stated this is a permanent structure according to the builder. Wants to put cars and lawn tools in it, will be used as a permanent structure. A carport is open on three sides. Tim Kubiak

does not like the idea of the temporary type building, these metal structure carports used as a garage. Have the rule for metal pole structures on less than an acre for a reason. A garage is more expensive than this, and understand the hardship with the side yard and has no problem with any of the other issues, just does not like the structure. Tim Kubiak suggested a shed, would not be able to store cars, but could put tools in it.

- e) Board's Discussion: Jeff Bunge suggested a smaller building to allow for a bigger side yard setback. Discussion ensued how this building would be anchored and if it needs a foundation. John Kiepura stated we do not want to start a precedence of allowing this type of structure, need to stick to ordinance as close as we can. Tim Kubiak stated there are a few of these structures in the area, none that have been technically approved. Jerry Wilkening asked if this was a conventional garage would we have an issue with the setbacks? This is a temporary solution to a bigger problem, understands the situation. Tim Kubiak stated no issue with putting a shed there at this time until you can afford to build a garage.

A motion was made by Jerry Wilkening and seconded by John Kiepura to deny this variance request. Tim Kubiak asked if they could take out the steel part in case he decides he wants to build a garage. Michelle Bakker stated he could put a two hundred (200) sq. ft. wooden shed with this variance. Tim Kubiak stated then later you could remove the shed and replace with a garage.

Jerry Wilkening amended his motion to state that we approve the Developmental Variance to allow the Petitioner to build a four hundred eighty three sq. ft. (483 sq. ft.) garage with side yard setbacks of two ft. (2') and front yard setback of ten ft. (10') from Lee Street on a through lot with no primary structure with lot coverage over twenty-five percent and to include the findings of fact. This motion was seconded by John Kiepura.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Abstain	Yes	Yes	Yes	Absent	3-0

10. Autry - Developmental Variance

Owner: Central Residential Real Estate, LLC, 1330 Oriole Dr., Munster, IN 46321
 Petitioner: Nicholas & Marcia Autry, 1330 Oriole Dr., Munster, IN 46321
 Vicinity: 13917 Soper St., Cedar Lake, IN 46303
 Legal Description: LAKE SHORE ADD. L.5 BL.6
 Tax Key Number(s): 45-15-27-457-007.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 3: Height Regulations: The maximum height of buildings and other structures erected or enlarged in this Zoning District shall be two (2) stories, not to exceed thirty (30) feet at its peak; **and** Section 4: B. Front Yard: 4) On all other streets, a distance of thirty (30) feet; **and** Section 5: Building Size: No building shall be erected for residential purposes having minimum ground floor area of less than one thousand six hundred (1,600) square feet for a two (2) story house.

This Developmental Variance is to allow the Petitioner to build a new two (2) story home on a corner lot with a height of thirty ft. eight inches (30'8") at its peak with a square footage of one thousand five hundred and sixty ft. (1,560) with a front yard setback of fifteen ft. (15') off of Soper St. and fifteen ft. (15') off of 139th Ct.

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Nicholas Autry, 13917 Soper St., Cedar Lake. Our proposed height of the house would be over the ordinance by eight inches (8"). Also the square footage is also forty ft. (40') short of the ordinance. Have been researching different

options and feel this is the best option. Will have a detached garage. Mr. Autry referred to his letter submitted with his application.-**Attached**

- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker stated this is a corner lot. At one time this was an unsafe structure that has since been removed. Went through the unsafe building process. This is 139th Court that has at least a sixty ft. (60') right of way and there is probably fifty ft. (50') not improved. Michelle Bakker stated this is a buildable lot, just located on a corner. Tim Kubiak stated they bought the house and came and checked it out during the unsafe building process and came back at a later date and the house was gone. This is a tight lot and this is a good fit.
- e) Board's Discussion: Jerry Wilkening thinks this is a good use for the property, has concerns with the water on the east side of the property. Discussion ensued on the height of the house and where the measuring point is. Tim Kubiak stated he believe the house is less than the thirty ft. eight inches (30'8"). Nick Recupito stated this is a good plan, and if he does not need the height variance, no need to grant it.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the Developmental Variance to allow the Petitioner to build a new two (2) story home on a corner lot with a square footage of one thousand five hundred and sixty ft.sq. ft. (1,560) with a front yard setback of fifteen ft. (15') off of Soper St. and fifteen ft. (15') off of 139th Ct. and to include the findings of fact.

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

11. Jacobek - Developmental Variance

Owner: Ann Wilson, 2211 Birchwood Pkwy., Woodridge, IL 60517
 Petitioner: Julie & Mike Jacobek, 13562 W. Cedarbend Dr., Homer Glen, IL 60491
 Vicinity: 13436 Cedar St., Cedar Lake, IN 46303
 Legal Description: Cedar Point Park S.1/2 of Lot 34 & All Lot 35
 Tax Key Number(s): 45-15-26-151-014.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 3: Height Regulations: The maximum height of buildings and other structures erected or enlarged in this Zoning District shall be two (2) stories, not to exceed thirty (30) feet at its peak; Section 4: B. Front Yard: 4) On all other streets, a distance of thirty (30) feet; 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; 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 build a new home thirty-two ft. (32') in height with a front yard setback of eight ft. (8'); side yard setbacks of five ft. (5') and lot coverage of forty-two percent (42%)

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Mike & Julie Jacobek, 13562 W. Cedarbend Dr., Homer Glen, IL. Before we draw up the final plans, want to see if we can get these variances. There were three (3) cottage lots and they split the middle lot in half. Tried to design something less evasive. This will be a permanent home not a summer home. Have already shrunk design down from original plan. Willing to change from nine ft. (9') ceiling to eight ft. (8').
- c) Remonstrators: Tony Recupito, 13426 Dewey St., family owns many homes in the area. Firm believer if you have a house next to farm land and like the view better buy the farm. There are a lot of good things happening in this neighborhood. Did our due diligence, looked at the zoning requirement and the height restrictions. Figured if

someone knocked down the houses, could live with the current zoning ordinance to protect our investment and the view. Given the current zoning requirements, this will probably be the first of many new houses in the area and would like to see the ordinances kept. Have an opportunity to set precedence. The fact that someone wants a bigger house on a small property is not a hardship, should buy bigger piece of property. Do not want to see these houses five ft. (5') away from each other. Mr. Recupito continued to discuss why it is important to stick to the ordinance.

- d) Building Department's Comments: Tim Kubiak stated your family was just approved for a variance for the house next door, do you know what their front yard setback is? Michelle Bakker stated they were approved in January for a ten ft. (10') front yard, six ft. (6') side yards and lot coverage of forty-five percent (45%). Tim Kubiak stated he has concerns with the two ft. (2') over in height could impact someone's view about you.
- e) Board's Discussion: Discussion ensued on why they need the extra two ft. (2') and if it could be adjusted to thirty ft. (30'). Jerry Wilkening stated a concern with putting a bigger house on smaller piece of property. Discussion ensued on moving the house closer to the lake or with different side yards. The Board is all for a house to be built there, just concerns with space and precedence for the future. This is a very challenging area. Ms. Jacobek stated her family has been coming here for seventy-four (74) years, her grandfather bought the lot seventy-five (75) years ago and has been coming out here her entire life. Left it the same for years, just been the last year where we are able to build houses. Does not want to take the view away from anyone and wants to keep the Town beautiful. Mr. Jacobek stated they are willing to push the house back closer to the lake. Jerry Wilkening is concerned with the side yard setback. Discussion ensued on approvals for neighboring properties and how it compares to this lot. The Board expressed concern for safety access and if any fencing would be put in. John Kiepura stated need to consider the property you are dealing with and what that neighbor is doing. Does want a big enough side yard for emergency services to have access. Jeff Bunge asked if they complied to the ordinance how big of a house could they put. Michelle Bakker stated one thousand thirty-three sq. ft. (1,033). Tim Kubiak stated so the thirty ft. (30') height and the six ft. (6') side yards, no air conditioners in the side yard, is that where you were at. John Kiepura stated and a ten ft. (10') set back from the road side and seventeen ft. (17') from the lake. Jerry Wilkening asked if they would like another month to think about all these changes. David Austgen stated the space is shrinking and the occupancy is growing. Tim Kubiak stated this is why I recommended to the family not to rip down the cottages until this point, this is something that gets over looked. Getting rid of three (3) old cottages and building two (2) new homes. Then you can show the improvement from one ft. (1') to five ft. (5'). Jerry Wilkening stated once the structure is gone it changes everything legally. David Austgen stated the criteria seventy-five (75) years ago is legal nonconforming and remains, when it comes down like yours, modern standards and requirements come into play. This is the only way it can change to catch up to modern times. That is why these ordinances are written and approved.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance to allow the Petitioner to build a new home thirty ft. (30') in height with a front yard setback of ten ft. (10'); side yard setbacks of six ft. (6') with no air conditions on the ground in the side yard on the ground, with a seventeen ft. (17') rear yard and lot coverage of less than forty-two percent (42%) and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Abstain	Yes	Yes	Yes	Absent	3-0

Public Comment: None

Update Items: None

Adjournment: Time: 11:26 p.m.

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