



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
July 11, 2019 7:00 P.M.**

Call to Order (Time): 7:03 p.m.

Pledge to Flag:

Roll Call:

Present Nick Recupito

Present Jerry Wilkening

Absent John Kiepura

Present Jeremy Kuiper

Present Jeff Bunge

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Absent Michelle Bakker, Building Administrator

Present Tammy Bilgri, Recording Secretary

**Minutes:**

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve the June 13, 2019 Public Meeting Minutes as presented.

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

**Old Business:**

**1. 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 this was properly continued.
- b) Petitioner's Comments: Lynette Skinner, 8600 W. 132<sup>nd</sup> Pl., Cedar Lake. Would like to put a gate up at the end of the driveway to keep people from turning around on my property. This is a dead end and they use this as a turn around.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated at the last meeting you were asked to get together with the neighbor for an access agreement, but now new information has come up that they own property that adjoins to 132<sup>nd</sup>. This was new information and not realized by the Board at the last meeting. I believe the Board thought their only access to the property was the little strip. Ms. Skinner stated she did get a document signed and notarized

and she did mention the neighbor owned adjoining property at the last meeting. Mr. Kubiak stated the access for the neighbor was the main concern of the Board.

- e) Board's Discussion: Jerry Wilkening stated he misunderstood and thought the small strip was the only access for the neighbor. Discussion ensued on the type of fence that is allowed. No chain link can be in the front yard.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the Developmental Variance to allow the petitioner to put a forty-eight inch (48") maximum height gate at the end of the driveway parallel with 132<sup>nd</sup> Pl. and to include the findings of fact.

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

## 2. 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 have outdoor dining, outdoor alcohol sales and outdoor entertainment***

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: Al Murawski, Nick's Tavern, 13231 Wicker Ave., Cedar Lake. Our current capacity is fifty-two (52) patrons, we are requesting to add an additional six (6) tables for outside dining. This would bring the capacity to seventy-six (76) patrons if we have a full house. Last month there were questions regarding parking and Ms. Faber sent a letter about how our patrons are parking in her business. Since then have made an agreement with Vicki, from The Corner Store that owns the fireworks location and John Pagorek that owns all the property behind us. Mr. Murawski presented the Board with a drawing to show the additional parking, showing eighty-eight (88) parking spaces. Will put up signs to show additional parking for Nick's. Jeremy Kuiper asked for the official capacity according to the fire marshal. Mr. Murawski stated fifty-two (52), but is unsure, their seating is fifty-two (52). Wants to make sure his patrons are parking in the correct spaces. A letter was submitted by the petitioner to the Board. – (Attached)
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he does not know if what he has is adequate with the other property owners for the parking. Mr. Kubiak stated he can understand the challenges with using these existing buildings, feel that the same conditions are put in place for Rosati's. If the parking condition changes, have to keep a certain number of spots secured or the variance is revoked.
- e) Board's Discussion: Nick Recupito asked for clarification on the parking plan. Jerry Wilkening wanted to know the timeline for these agreements. This is a challenging area. Jerry Wilkening stated if he loses ten (10) spaces then he loses ten (10) seats. Jeremy Kuiper expressed concern with how this would

be enforced. Nick Recupito suggested a probationary period, were they would need to resubmit their use agreement. Mr. Murawski stated he cannot police Ms. Faber's lot. Tim Kubiak stated adding some signs stating no parking. The Board discussed a six month check up to make sure everything is still in place. Jeff Bunge asked for the time of year they would do the outdoor dining. Mr. Murawski stated just during seasonable weather, will not have any heaters, he is willing to come back at any time to check in with the Board. Discussion continued on how to enforce this.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to send a Favorable Recommendation to the Town Council to allow the petitioner to have outdoor dining, outdoor alcohol sales and outdoor entertainment, two (2) events per week, no later than 10:00 p.m. with the condition that the petitioner produces proof of their parking agreement annually; if parking conditions change or cease use is revoked; add signs for parking and they visit this Board at the October 2019 meeting for an update and to include the findings of fact.

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

### **New Business:**

#### **1. 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: Section 1: A. 2) Exterior wall height shall not exceed ten (10') feet from the finish floor surface; maximum accessory size 800 square feet; height 14'

***This Developmental Variance is to allow the Petitioner to build a garage with a wall height of eleven ft. (11') and a seventeen ft. (17') peak height 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 136<sup>th</sup> Ct., Cedar Lake. Requesting to build a stick built garage with vinyl siding and steel roof with a size of one thousand eighty sq. ft. (1,080') with eleven (11') wall height and sixteen (16') max roof height. Need it high enough to get my pontoon boat in the ten ft. (10') door. This will match the house. Bought these houses and they were on the unsafe list.
- c) Remonstrators: Robert Parker, 7410 W. 136<sup>th</sup> Ln., why does the garage have to be so large for a pontoon boat. Wants to see the survey with the actual placement. He asked for clarification of the setbacks. Tim Kubiak answered twenty-four ft. (24') from the street and six ft. (6') from eastern property line. The house is fourteen ft. (14') from the street, so he has that buffer that it does not have to be the full thirty ft. (30'). Concerned with the impact on the next door neighbor. Mr. Krist has been an outstanding neighbor and made many improvements. Need to look further down the road, this is a potential

liability issue with someone sneaking a business in there. Concerns with effect on property value. No problem with an average size garage, but this is too big.

- d) Peggy Matanik, 7414 W. 136<sup>th</sup> Ct., property across the street. Concerned with the size. The garage would be the same house as my house, the front of the house will now look at the garage. Does not use this summer cottage much, but is getting ready to sell and would not be a good draw. Concerns with the use.

Dragon Mihajlovic, 7413 & 7419 W. 136<sup>th</sup> Ct. Has no problem with this. He is making improvements to the area. By stopping things like this we are stopping forward movement. This will raise property values.

Sandy Herman, 7429 W. 136<sup>th</sup> Ct., Fully with him building this. Can a person really come in and take over and put a business in a residential area without permission. Jeremy Kuiper stated not legally. The fact that they are afraid of looking at the garage, right now she looks at an empty lot and what she looks at is this huge pole barn from the yacht club. This will be smaller. Everything we do in this area is an improvement.

Robert Parker had a problem with the aesthetics, and it will detract from my value. This size is too big, it is nonconforming and against code.

Zelma (in audible), 7504 W. 137<sup>th</sup> Ave., when Mr. Parker talked about his property, do not know if he is talking about his rental or his actual home he lives in. The actual home he lives in is one street over, if he is talking about his rental it is fine, it looks at two (2) ugly white buildings on Bret's property. Has no problem with building the garage.

Sandy Herman, Bob Parker is worried about his property value, he should worry more about the houses up and down the street that are in shambles.

Sumaiyah Ahmad, 7332 W. 136<sup>th</sup> Ct., as an owner and part of the HOA this is not going to depreciate the value of my house. I will be honest I don't do my yard work, so it is probably my house bringing down the values. What difference does it make what size the structure is, there will be one there anyway. He should be able to have a garage.

- e) Building Department's Comments: Tim Kubiak stated has enough room for his setbacks and a large lot, just needs height. It is a large garage, but he has plenty of room.
- f) Board's Discussion: Jeremy Kuiper stated for clarification the petitioner is here to ask for a variance in height and size he would not need to be here if he was putting up an eight hundred sq. ft. (800) structure on his lot. This is not about whether a building can be in that spot. Jerry Wilkening stated this is considered a resort area and would rather see boats stored inside then sitting in back yards. The Board discussed the size of the lot in relation to the size of the building. Mr. Krist would rather store his boat inside so he does not have to clean his boat, wants to keep what he has protected. Tim Kubiak stated he has done a good job fixing everything up, the positive is the building will match the house. It is twenty percent (20%) over, not over on lot coverage. Nick Recupito asked if he could scale down the size, discussion ensued. Mr. Krist stated he has tractors, and paddle boards that he would also like to keep in the structure. Nick Recupito stated he feels some of the issues would be resolved if we could make it a bit smaller. Tim Kubiak stated a 24x36 and that is eight hundred sixty-four sq. ft. (864) which would make it a foot shorter. Discussion ensued on adjusting the size of the building. Mr. Krist suggested a 26x36 size with eleven ft. (11') side walls.

A motion was made by Nick Recupito and seconded by Jeff Bunge to approve the Developmental Variance to build a garage with a wall height of eleven ft. (11') and peak

height not to exceed seventeen ft. (17') and the maximum structure size being 26'x36'; nine hundred thirty-six sq. ft. (936 sq. ft.) and to include the findings of fact.

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

## 2. Vandaco/Tech Credit - Developmental Variance

Owner: Tech Federal Credit Union, 10951 Broadway, Crown Point, IN 46307  
 Petitioner: Vanadco Signs, 10625 St. Rd. 10  
 Vicinity: 9707 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
 Legal Description: UTOPIA-BUSINESS UNIT NO.1 LOT 1  
 Tax Key Number(s): 45-15-28-227-004.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII-Sign Regulations: Section 3: A. 1.c.ii. In the case of two (2) such on-premise signs, one (1) 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

***This Developmental Variance is to allow the Petitioner to have a second sign of forty-two square ft. (42 sq. ft.)***

- a) Attorney to Review Legals: David Austgen stated the legal notices in the newspaper are in order, we were just handed the green cards, so those need to be checked. Any action should depend on verification.
- b) Petitioner's Comments: Tim Overmeyer, 10625 St. Rd. 10, Argos, IN. Asking for building signage of ten sq. ft. (10) over the ordinance. These will be illuminated letters on the side of the building.
- c) Remonstrators: Robert Carnahan, representing the Cedar Lake Town Council, due to the fact I spoke so highly of Tech Federal with other businesses coming in trying to get tax breaks and I refer to them of not coming in to get a tax break. They have also put in a building that is total brick and they paved the alleyway. Would like to see other businesses do that.
- d) Building Department's Comments: Tim Kubiak stated he has no issue with this.
- e) Board's Discussion: The Board asked for clarification that this is the second sign. Discussion ensued on the opening date for the business.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance as presented and contingent the mailings and to include the findings of fact.

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

## 3. Sterk - Developmental Variance

Owner/Petitioner: Henry Sterk, 15063 Ivy St., Cedar Lake, IN 46303  
 Vicinity: 15063 Ivy St., Cedar Lake, IN 46303  
 Legal Description: Lynnsway Unit 3 Lot 147  
 Tax Key Number(s): 45-19-04-230-020.000-057

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI Fence: Section 1. A.1) No fence shall be located in the front yard **and** Title XXIV: Swimming Pool: Section 3: Location: No portion of an outdoor swimming pool shall be located at any other location where a "structure" is prohibited

***This Developmental Variance is to allow the Petitioner to have a six ft. (6') wood fence and a swimming pool in the front yard of a through 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: Henry Sterk, 15063 Ivy St., Cedar Lake. Asking to put a six (6') ft. vinyl fence instead of wood with a gate to access utility area and a pool in the front yard.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated just make sure the pool is not in the easement. This is consistent with the area, no issues.
- e) Board's Discussion: None

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the Developmental Variance to allow the petitioner to have a six (6) ft. vinyl fence and a swimming pool in the front yard of a through lot and to include the findings of fact.

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

#### 4. Edmonds - Developmental Variance

Owner/Petitioner: Joseph Edmonds, 14915 Ivy St., Cedar Lake, IN 46303  
Vicinity: 14915 Ivy St., Cedar Lake, IN 46303  
Legal Description: Lynns way Unit 3 Lot 158  
Tax Key Number(s): 45-19-04-230-002.000-057

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 fence in the front yard of a through 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: Joseph Edmonds, 14915 Ivy St., Cedar Lake. Want to put a six ft. (6') vinyl privacy fence in the front yard.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated very consistent with this neighborhood, no issue.
- e) Board's Discussion: None

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

## 5. Fancher - Developmental Variance

Owner/Petitioner: Mike Fancher, 3164 Austgen Pl., Dyer, IN 46311  
Vicinity: 5911 Huron Dr., Cedar Lake, IN 46303  
Legal Description: Lakeside Unit 1 Block 1 Lot 9  
Tax Key Number(s): 45-15-25-127-001.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R2) 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

***This Developmental Variance is to allow the Petitioner to build a new home with a side yard setback of seven ft. four in. (7'4")***

- 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 Fancher, 3164 Austgen Pl., Dyer, IN. Made a clerical error on my survey, once the foundation was being put in I wrote 3.14 ft., we had 8.33 to the lot line. The excavator and concrete guys took that to mean we had four ft. (4'). Mr. Fancher stated that he has now implemented any house close to the lot lines, he has DVG come out after the footing is in to shoot the lines.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated his original plat of survey showed 8.3 ft. This did not get caught until the final as-built of the house. Instead of a three ft. (3') bump out it is a four ft. (4'). It is eight inches (8") to close. Mr. Fancher called me as soon as he saw the survey and he is doing what he can to make it right.
- e) Board's Discussion: None

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

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

## 6. Cal Homes/Lucas Cotton – Special Use Variance

Owner: Charles & Deidra Curry, 6030 S. 085 W, Wolcottville, IN 46795  
Petitioner: Cal Homes/Lucas Cotton, 861 N. Madison, Crown Point, IN 46307  
Vicinity: 13640 SE Morse St., Cedar Lake, IN 46303  
Legal Description: E.140.4FT OF THE 158.8FT. LY'G BTWN ELIZABETH ST. & IDA ST. IN THE W.1/2 S.26 T.34 R.9 .511AC.  
Tax Key Number(s): 45-15-26-185-032.000-043

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XII: Neighborhood Business (B1) Zoning District  
***This Special Use Variance is to allow the Petitioner to run a construction office with outdoor storage of construction trailers and company vehicles***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Lucas Cotton, 614 Brookside Dr., Crown Point, IN. Have a contract on this property based on the contingency of the Use Variance. Run a remodeling company out of a rented place in Crown Point. Tired of paying rent and would like to purchase a property that fits their needs. Would have three (3) company trucks stored outside and three (3) dump trailers. There is a sixty x forty (60x40) stoned lot concealed on three (3) sides and a gate on the north side is where the trailers would be kept. No work is done on the property. Hours are Monday-Friday 7:30 to 4:00, owner there 7:00 to 6:00. Three (3) office employees. Want to redo the existing mural on the building and redo old sign. Mr. Cotton explained parking according to a drawing. Go out on Morse and separate entrance on 136<sup>th</sup>. Want to eventually redo the lot and fix up the building, clean up. Will use the building for storage. Mr. Cotton stated he is a remodeling company and it would not do any good to have a falling down fence, who would call me to do work.
- c) Remonstrators: Robert Parker, 13632 Morse St., this property has been an ongoing problem for a few years. Would like to see new fencing, consider residential neighbors and not have any equipment visible at this site. Wants to see landscaping and the property cleaned up. The biggest issue with the old owner was parking.  
Letter submitted by Craig & Cheryl Parker, 7227 W. 136<sup>th</sup> Ct. - Attached
- d) Building Department's Comments: Tim Kubiak stated the entrance off of 136<sup>th</sup> is not really an entrance; know for a fact does not want to use this for any type of entrance or exit. If want outdoor storage will need to repair the fence. Would like screening to continue to the front of the property. The zoning of this property is B3, so with the concession for outdoor storage there would need to be some pretty major consideration for the public and everyone driving by that is kept up and looks nice. The property exists for some type of business of this nature. The outdoor storage has to be very detailed, just because of what happened in the past. There was a lot of negative instances from the last owners. This company has a positive relationship with the Town so far.
- e) Board's Discussion: Board showed concern with using 136<sup>th</sup> as an entrance. Jeremy Kuiper stated there is some history on that property with the prior business owners and the same usage and that is where the information is coming from. We want to make sure that does not happen again and whatever may or may not be approved checks all the boxes. Mr. Cotton stated he is planning to buy the property not rent. Jerry Wilkening asked for clarification on the parking for twenty (20) employees. Mr. Cotton stated all employees have take home vehicles only three (3) employees on site. Jerry Wilkening stated he likes what he is hearing, but does not have adequate information to make a recommendation. Concerns with neighbors hearing trailers getting hitched and equipment running. Jerry Wilkening stated we make our decision on four or five (4 or 5) things, is there a public safety issue, the effects on the master plan for the area. The Board reviewed some documents Mr. Cotton provided. Discussion ensued on the stipulations the Board might impose. Jerry Wilkening stated he would suggest a deferral until all the details of when you will fix the fence, parking lot plans, not enough information. Tim Kubiak stated he would be willing to sit down with Mr. Cotton and discuss the details. The petitioner requested a deferral.
- f) Recommendation to Town Council:



A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer to the August 8, 2019 Public Meeting per the request of the petitioner.

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

## 7. Phipps - Developmental Variance

Owner/Petitioner: Mike Phipps, 13125 Polk St., Cedar Lake, IN 46303  
 Vicinity: 8512 131<sup>st</sup> Lane, Cedar Lake, IN 46303  
 Legal Description: MEYER MANOR 2ND L.5 BL.2 EXCEPT SE'LY 10FT X 10FT TRI-PT IN STREET **and** MEYER MANOR 2ND. ADD. L.6 BL.2  
 Tax Key Number(s): 45-15-22-454-032.000-014 **and** 45-15-22-454-031.000-014

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; 2) Maximum Height of 14'; 4) No accessory buildings shall be located in the front yard; **and** Title VIII-Residential (R-2) Zoning District: Section 4:B. Front Yard: 4) On all other streets, a distance of thirty (30) feet; 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 build a garage with a height of twenty-six ft. thirty-three in. (26'33"); size of one thousand eight hundred sixty sq. ft. (1,860) in a front yard of a lot with no primary structure with a ten ft. (10') setback off of Polk St. and a twenty-six ft. (26') setback off of 131<sup>st</sup> with lot coverage over twenty-five percent (25') and to include a bathroom***

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Mike Phipps, 13125 Polk St., Cedar Lake. Would like to build a garage with a bathroom. The house we have on the lake is small, so I bought four (4) lots behind my house. Live at the lake house in the summer, really can't live there without a garage. We have two (2) wave runner, two (2) boats and two (2) cars. Would like a bathroom to use when out at the lake instead of coming in the house wet. Want a tall roof so I can use the top for storage. The reason coming off of Polk, I own the house next to it and sons will live there then they can use it to park. Will take down old house to put the garage. Has not joined the lots, was waiting to see if this was approved. Will be same color as the house.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this house was on the unsafe building list and we recommended he wait to demo to make sure he can do what he wants. Parking is limited in this area. This structure will be further off the road then the old house. Consistent with other properties. No issues.
- e) Board's Discussion: Jerry Wilkening asked for clarification as to the second floor will be for storage only and the bathroom will be on the first floor. Mr. Phipps stated that is correct. Jeremy Kuiper is in favor of this old house being torn down. Nick Recupito asked what the lot coverage would be. Jeremy Kuiper stated twenty-five point eight percent (25.8%). Discussion ensued on combining the lots and the height of the house. Nick Recupito stated going

back to the findings of fact that we have to be governed by and I understand this lot is peculiar, but as far as the size goes I think it is excessive. Happy to see the improvement, just would like it scaled back. Jeremy Kuiper stated he sees it as a continuation of the other lots that are there. If someone else owns those three lots, someone else would put a house of that size in that area. Looking at it as what else could go there. Jeff Bunge is concerned with coming down the street and only being able to see unobstructed roof. If it was a house there would be windows, it would be broken up. Tim Kubiak stated being a stick build, it is the same as a house

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the Developmental Variance as presented contingent the bathroom to be on the ground floor and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Absent	No	Yes	3-1

### 8. Ramirez – Developmental Variance

Owner/Petitioner: Virgil & Stephanie Ramirez, 1205 Perthshire Lane, Dyer, IN 46311  
Vicinity: 7702 W. 134<sup>th</sup> Pl., Cedar Lake, IN 46303  
Legal Description: Cedar Point Park Lots 14,15 & 16  
Tax Key Number(s): 45-15-26-101-008.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4:  
B. Front Yard: 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; 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 build an addition with a front yard setback of six ft. (6') from the street and a five foot (5') side yard and a rear yard of approximately twenty-two ft. (22') from the sea wall and lot coverage over twenty-five percent (25%)***

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Virgil & Stephanie Ramirez, 1205 Perthshire Dr., Dyer, IN. We are renovating the existing property and adding an addition. It will be a house we can live and retire in. Want to add an addition that fits the same footprint of the porch. Mr. Ramirez described the proposed details for the house. The existing home will stay and be remodeled. Mrs. Ramirez described the plans. Existing house will be remodeled and add an atrium to connect the two houses. Improve upon the current footprint with porches and garage. Mrs. Ramirez gave a detailed description of the plans. Have put a lot of thought into this plan.
- c) Remonstrators: David Belder, 7621 W. 134<sup>th</sup> Pl. This will be a good addition to the neighborhood. Plan are well thought out. Looking forward to welcoming them to the neighborhood.

- d) Building Department's Comments: Tim Kubiak stated they have a substantial area to put the addition on. All the houses down this street are close, glad to see them adding a garage for parking. Tim Kubiak stated if they tore the whole thing down and moved it over three ft. (3') would start to block the neighbor's views. That says a lot that you had a neighbor come in and state you are looking out for the views of the other people.
- e) Board's Discussion: The Board discussed the five (5) ft. side yard and expressed concerns. David Austgen stated how each case is on a case by case basis. There is no black and white definition to hardship but there are patterns and you can see that in a lot of things we do here in particular with lakefront property. Need to develop some kind of practice and uniformity of application. Nick Recupito is concerned with the side yard and would like to see it larger. Discussion ensued on the plans and the side yard setback and setting precedence. Jeremy Kuiper stated he agrees with Nick and thinks there should be a little compromise on the side yard. Have been trying to stay close to six ft. (6'). It doesn't matter if it is fire proofed; we still need the ability to get manpower, equipment to access the lake to get to the back porch. Very concerned for public safety. Discussion ensued on how to scale the project back to get a six ft. (6') side yard. Tim Kubiak stated need to take into account the hardship of using the existing structure.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance to allow the Petitioner to build an addition with a front yard setback of six ft. (6') from the street and a six ft. (6') side yard and a rear yard of approximately twenty-two ft. (22') from the sea wall and lot coverage over twenty-five percent (25%) and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote
No	Yes	Absent	Yes	Yes	3-1

## 9. Relinski - Developmental Variance

Owner/Petitioner: Robert Relinski, 7209 W. 136<sup>th</sup> Ave., Cedar Lake, IN 46303  
 Vicinity: 7209 W. 136<sup>th</sup> Ave., Cedar Lake, IN 46303  
 Legal Description: Woodland Shores Resub Lot 10 & Woodland Shores Add to Cedar Lake BL.2 lot 4  
 Tax Key Number(s): 45-15-26-181-039.000-043

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; maximum accessory size 800 square feet; height 14'; 4) No accessory buildings shall be allowed in the front yard of any residential lot; 5) There shall be a minimum ten (10) foot separation from all other buildings

***This Developmental Variance is to allow the Petitioner to build a garage with a wall height of twelve ft. (12') total height of twenty ft. (20') and size of one thousand seven hundred ninety-two sq. ft. (1,792) less than ten ft. (10') from the shed in the front yard***

- a) Attorney to Review Legals: David Austgen stated the legals are in order.

- b) Petitioner's Comments: Robert Relinski, 7209 W. 136<sup>th</sup> Ave., Cedar Lake. Would like to build a thirty-two by fifty-six (32'x56') garage, the shed will come down once the garage is up. Possibly a post frame building.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated that a post frame building should be part of the variance request. Mr. Relinski stated the ordinance says metal post buildings shall not be permitted in residential zoning district as a primary accessory use. Any accessory building greater than 1,000 sq. ft. may be exempt from this provision. David Austgen asked how this has been interpreted by the Building Department. Tim Kubiak stated he understood it to mean if you did not have more than one (1) acre of property you cannot build a post frame building. Mr. Kubiak stated he had never read that in the ordinance, who decides if it would be exempt? David Austgen stated you. Tim Kubiak stated he is not thrilled with the location of the garage, twelve ft. (12') away from the road in the front yard and a post frame building. This would be a giant obstruction. Seems to be an outrageous request for the location. Mr. Relinski stated everything south of the shed is trees and does not want to lose the trees. Tim Kubiak stated cannot see allowing people to build pole barns in the front yard of a residential neighborhood. Does not see any hardship besides trying to save the trees. This is a huge building. Mr. Relinski stated he would be willing to knock off some off the fifty-six ft. (56').
- e) Board's Discussion: Discussion ensued on the size of the lot being just under ½ acre. David Austgen stated he advertised correctly. The ordinance seems to be missing a word. David Austgen asked how big the petitioner's house is and he stated one thousand eight hundred sq. ft. (1,800 sq. ft.); so the garage is as big as the house. Nick Recupito stated he is with Tim on this one hundred percent (100%). The whole size of the building; should be in the back yard. Does not see the hardship. Jeff Bunge stated this building is one hundred percent (100%) bigger than what is allowed. Discussion on the height ensued. Jeremy Kuiper stated he feels the Board is not in favor of how this is being presented, if not willing to move it back, we can see how it goes. Maybe take some time to look at it and what you can do to get it off the road and come back. This needs to be in line with the house. Mr. Relinski stated then he would need to cut down a lot of trees. Jerry Wilkening is not sure he would even consider this big of a building in the back yard. The Board suggested taking a month to reconsider a different location. Mr. Relinski stated he has been working on this for five (5) years. If you do not take the deferral and it gets turned down, will have to reapply and advertise with a new plan. Mr. Austgen stated he can withdraw this petition and there will be no record and you can come back.

The petitioner has requested to withdraw the petition.

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote
		Absent			

**Public Comment:**

**Update Items:**

**Adjournment:** Time: 10:47 p.m.

**Press Session:** Board of Zoning Appeals Meeting – July 11, 2019 at 7:00pm

\_\_\_\_\_  
Nick Recupito

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Jeff Bunge, Vice Chairman

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Jerry Wilkening

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Jeremy Kuiper, Chairman

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John Kiepura

\_\_\_\_\_  
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.*