



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
September 12, 2019 7:00 P.M.**

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

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 Nick Recupito and seconded by Jerry Wilkening to approve the August 8, 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. Schilling Development - Developmental Variance

Owner: Beacon Pointe of Cedar Lake, LLC, PO Box 677, St. John, IN 46373

Petitioner: Schilling Development, PO Box 677, St. John, IN 46373

Vicinity: 13800 Parrish Ave., Cedar Lake, IN 46303

Legal Description: Pt. NE.1/4 SE.1/4 S.29 T.34 R.9 16.69Ac

Tax Key Number(s): 45-15-28-426-009.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4: A. A lot area of not less than ten thousand square feet (10,000-100'x100'), and a lot width of not less than ninety feet (90') at the building line shall be provided for every building or other structure erected or used for any use permitted in this district; **and** D. Rear Yard: There shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot; **and** 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 change rear setbacks from twenty-five percent (25%) of lot depth to twenty ft. (20'); lot width from ninety ft. (90') wide to eighty ft. (80') and lot coverage from twenty-five percent (25%) max to thirty-five percent (35%) max

Deferred from August 8, 2019

- a) Attorney to Review Legals: David Austgen stated this was properly continued from the last meeting.
- b) Petitioner's Comments: Jack Slager, Schilling Development. Were here last month to discuss the item, and requested a deferral. Since last month's meeting we have attended two (2) Plan Commission meetings and had lengthy discussions on all of these items. Mr. Slager went over a list that was handed out to members. Trying to meet the ordinance are requesting an eighty ft. (80') lot instead of ninety (90), but still maintain the ten thousand sq. ft. (10,000) minimum, attempting to create a more usable lot. Worked with engineer Jack Huls from DVG and asked what could we do to make the development meet the ordinances and Mr. Slager showed a grid layout with eighty-three (83) lots. Requesting the variance on the north twenty-seven (27) lots. Rear yard setback of twenty-five ft. (25') was recommendation from Plan Commission. Also lot coverage for the principle structure would be twenty-five percent (25%) and ten percent (10%) for accessory structures, as suggested by Plan Commission. This would be the new revised plan. David Austgen asked if their new amended request was the suggested compromise items on this schedule. Mr. Slager stated yes that is correct. The lot width request has not changed. Rear Yard setback was twenty-five percent (25%) to twenty ft. (20') and are willing to go to twenty-five ft. (25') and lot coverage from twenty-five (25) to thirty-five (35), would have a clarification of twenty-five (25) principle structure and ten (10) accessory.
- c) Remonstrators: Joyce Russell, 9628 Eagle Crest Ct., sent letter **(attached)**
- d) Building Department's Comments: Tim Kubiak stated if there is a house with a sunroom and it comes up with twenty-four percent (24%) lot coverage and they want to put a shed or deck this ten percent (10%) would kick in then. If the principle structure is over twenty-five percent (25%) they will need a variance. We did come up with these ideas for lot sizes at the Plan Commission, ninety by one hundred eleven (90 x 111) lots, everyone agreed the eighty by one hundred thirty-five (80 x 135) were more user friendly and had over ten thousand sq. ft. (10,000 sq. ft.) It seems that the amended that was talked about at the Plan Commission were some good solutions. Would not be jamming a lot more lots in, just making people have a larger back yard.
- e) Board's Discussion: Jerry Wilkening asked Tim Kubiak if twenty-five percent (25%) for the primary structure, if someone wants their extra deep garage/workshop, that is a whole other variance. Tim Kubiak stated a concern would be a sunroom, is that considered as an accessory? Making the foot print of the house bigger would be a variance. Accessory structure would be a detached garage, shed, or pool. Running into issue with sunroom or covered patio. An accessory structure would not include the sunroom or covered porch because it is attached to the structure. Tim Kubiak wants this to be defined. Jack Slager stated the ultimate goal is to avoid a bunch of variances. Michelle Bakker stated an accessory structure is defined as a separate structure. Discussion ensued on these concerns. The sunroom and covered porch should be included in the footprint of the house. David Austgen asked Jack Slager if he agreed accessory structures are defined in our code, Mr. Slager stated he agrees. Discussion ensued on storm water easements and berms. Nick Recupito asked how many lots they lost by changing the plan. Mr. Slager stated four (4) including the Centennial Plan. Jack Huls stated the hardship for the variance is the lot size of a ninety by one hundred (90x100) presents a number of challenges for construction, that they are seeing going in and that an eighty by one hundred (80x100) lot is more typical. Jack Huls stated there are a number of items the findings of fact require and one is if it is injurious to the morals, we say no; is it injurious to the adjacent property owners and values, no; the third is the hardship and

we say the hardship is by the zoning code we would be forced to do a ninety by one hundred and ten (90x110) lot and that creates a land plan that the Plan Commission is not desirous of, it does not create a nice lot for someone to build a house on. Granting this variance allows us to build a product that is suitable for this neighborhood. Nick Recupito asked David Austgen if that is a honest hardship. David Austgen stated that the statute actually says that the finding has to be the strict application of the zoning ordinance would constitute an unnecessary hardship if strictly applied and that is a call for you if they meet that burden. They have not explained that these are minimums and they could build bigger lots if they choose in R2. They have massaged from strictly financial before and they answered truthfully and we appreciate that. Their configuration that the lot number did not change but the ease and ability to develop the north part of this portion of plat is made easier by the adjustments they have done. Mr. Austgen stated he can argue this both ways. Jack Huls stated there are other subdivisions where similar variances have been granted and have been successful. Jeff Bunge stated granted variances or been given the covenant to allow them to do this with the PUD. Jack Huls stated yes and no, you would be thinking of Centennial as the PUD example of that. But Lakeside which is an R2 Subdivision on the east side of the lake, was granted a variance for eighty ft. (80') wide lots, would be basically the same product. Nick Recupito stated we work with people, but you are choosing to use the minimum lot size, so when you argue the hardship, you are creating your own hardship. Discussion ensued on what meets the ordinance and what creates a more desirable layout, without creating a financial issue. Mr. Huls stated we could come in with a less desirable plan and meet the minimums and not need to be here, we are trying to say the strict application of the zoning ordinance of the ninety ft. (90') lots creates a hardship for developing this parcel into a suitable land plan and that hardship would warrant an eighty ft. (80') wide lot maintaining the ten thousand sq. ft. (10,000 sq. ft.) David Austgen stated something that might be helpful, is I would remind the Board that there is a larger land area here and some of this land is not usable, so part of the design we will see at the Plan Commission will show a portion on the North side that is not usable, there is some compatibility being sought and there is an outlot that will be a barn structure that is proposed for some redevelopment compatible with the neighborhood activity and the storm drainage will rely upon how they are doing this. Does that in totality help persuade you that they are in the definition of the range of showing the uniqueness of the land, can provide the justification for the request made or not. Nick Recupito stated when he peels back the layers it all comes back to financial, they are allowed to build ten thousand sq. ft. (10,000), but you are deciding to do that, you can build bigger lots, but you know it will affect the bottom line. Mr. Slager responded with ultimately it is not just the bottom line, it is the marketability. If I don't think I can sell the lots, we will not invest in this project. Tim Kubiak stated they are coming here with the ten thousand (10,000) minimum, they are not asking for eight thousand (8,000) and adding fifteen percent (15%) more lots. They are meeting the minimum lot size, just not the width. Nick Recupito stated they are creating the hardship by sticking to the minimum lot size. Discussion continued on the lot size. Jerry Wilkening stated is the better design, better for all of us. This doesn't take away from the master plan, but perhaps enhances it. Wouldn't be here if it wasn't about money. David Austgen stated there is another aspect to this, in addition to the totality of the parcel on the north side. It is kind of like a puzzle, they are developing it and putting pieces in the puzzle as they head west and north. There is a master plan to this that they shared with us many times. Mr. Slager stated Summerwinds on the

north, ultimately it will provide and access from Parrish all the way to 133rd, coming out directly across from the high school. Will be linking, Centennial, Utopia, Beacon Pointe and Summerwinds. It seems to fit pretty well and we have put a lot of effort into making this plan work. We hate to be forced into a grid layout, which is what we have seen in the past from other developers to meet the ordinance and not go through the variance process, you end up with a Lynns way, Krystal Oaks, Monastery North they are all just street after street, row after row, rectangles, straight streets and that is not generally what we aspire to do. Tim Kubiak stated nothing has been approved, the Plan Commission has discussed the two (2) layouts. They were more in favor of the plan with the variances over the grid pattern. Jerry Wilkening stated the grid pattern is the least they could do. Michelle Bakker stated the new plan also cuts down on hardships and variances in the future. The hardship for the other people, the people that buy and want to put in the sheds. Nick Recupito asked why the thirty-five percent (35%) lot coverage instead of meeting the ordinance of twenty-five percent (25%). Tim Kubiak stated this came up as a Building Department item, just because of the number of requests we get for these things, for a shed, deck. John Kiepura stated Tim is exactly right, we discussed this in detail at the Plan Commission, and have gone over everything to get it where it is now. Happy with what I see, only question is he ten percent (10%) needed for the accessory structure. Jack Slager stated he does not care about the last two (2) variances, do not need them, they were for the benefit of the Building Department and the BZA to not have an agenda full of variances. Nick Recupito stated where is the need for the variance coming from because we are dealing with a small lot that has a house built on it that is at or near the lot coverage. If you had a larger lot and the same size house. Tim Kubiak stated it doesn't work like that, this is like you driving your truck to the hardware store and only putting five (5) sheets of drywall in the back and you got a heavy duty truck you can put fifty (50). Same thing with this property if someone can afford to buy the big lot, will be in same predicament, on the south side of the lake everyone had to get variances. It is about using the space. The twenty-five percent (25%) rules works against deeper lots. We are trying to eliminate a lot of these variances. Michelle Bakker stated we requested the twenty ft. (25') building line on the plat so it would be easy to identify during the permitting process. Jack Slager stated this has been at the last four or five (4 or 5) Plan Commission meetings, ultimately at some point the ordinance is going to be amended. We have talked at length about this.

David Austgen stated want to raise this because I don't know legally or practically how this will work, but if you have a favorable action. Let's assume you have a favorable action on the variance for phase one (1), but the Olthof phase is unacceptable to you. I'm asking first should the motion also include and subject to the Olthof portion and number two (2) what happens if there is a denial of the Olthof side. Mr. Slager stated he would like to keep them separate.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance with a twenty-five ft. (25') rear yard setback, twenty-five percent (25%) building coverage for principle structure, ten percent (10%) coverage for accessory structures and decks, eighty ft. (80') lot and to include the findings of fact: this will not be injurious to the public health, safety and morals and general welfare of the community, and the use and value of the area adjacent to the property will not be affected and an adverse manner and contingent upon subdivision Plat approval by the Plan Commission.

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

2. Schilling Development - Developmental Variance

Owner: Region Holdings, Inc. 425 Joliet St., Ste. 425, Dyer, IN 46311
 Petitioner: Schilling Development, PO Box 677, St. John, IN 46373
 Vicinity: 13830 Parrish Ave., Cedar Lake, IN 46303
 Legal Description: Pt. NE.1/4 SE.1/4 S.29 T.34 R.9 18.31Ac
 Tax Key Number(s): 45-15-28-426-006.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4:
 A. A lot area of not less than ten thousand square feet (10,000-100'x100'), and a lot width of not less than ninety feet (90') at the building line shall be provided for every building or other structure erected or used for any use permitted in this district; **and** B. Front Yard: 4) On all other streets, a distance of thirty (30) feet; **and** C. Side Yard: On each lot, except otherwise specified, there shall be two (2) side yards, each having a width of not less than eight (8) feet and the aggregate width of both side yard on any lot shall not be less than twenty percent (20%) of the width of the lot; **and** D. Rear Yard: There shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot; **and** 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 change rear yard setbacks from twenty-five percent (25%) of lot depth to twenty ft. (20'); front yard setbacks from thirty ft. (30') to twenty-five ft. (25'); side yard setbacks from eight ft. (8') to five ft. (5'); min. lot size from ten thousand sq. ft. (10,000 sq. ft.) to eight thousand five hundred sq. ft. (8,500 sq. ft.); lot width from ninety ft. (90') wide in R2 zone to seventy ft. (70') wide, lot coverage from twenty-five percent (25%) max. to thirty-eight percent (38%) max

Deferred from August 8, 2019

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: Jack Slager, Schilling Development representing Region Holdings in the second part of what was discussed. We tried to summarize it on the sheet and it gets a little more complicated. Have made some changes on this plan from the last meeting based on Plan Commission. The street layout has remained the same, but went back and modified two thirds (2/3) of the seventy ft. (70') lots to become eighty ft. (80') lots, left the south side of Tradewind Place at seventy ft. (70') lots and we now have forty-one (41) lots at eighty ft. (80') wide and fifteen (15) lots at seventy ft. (70') wide. The south side of Tradewind Place would back up to current Centennial seventy ft. (70') lots. That's spelled out in the variance summary, originally the request was ninety ft. (90') to seventy ft. (70') now it is ninety ft. (90') to eighty ft. (80') on forty-one (41) lots and ninety ft. (90') to seventy ft. (70') on fifteen lots. Rear yard setback from twenty-five percent (25%) to twenty ft. (20') willing to go to twenty-five ft. (25') per the Building Department. Front yard setback from thirty (30) to twenty-five (25) on the seventy ft. (70') lots, on

the eighty (80) the thirty (30) would be ok. Side yards from eight (8) to five (5) on the seventy ft. (70') lots, no variance needed on eighty ft. (80') lots. Lot coverage goes from twenty-five (25) to thirty-eight (38). Again the seventy ft. (70') lots the lot coverage for the structure is twenty-eight percent (28%) with the additional ten percent (10%). There was a total decrease in the number of lots of four (4). Centennial has fifty-six (56) lots previously sixty (60).

- c) Remonstrators: Letter by Joyce Russell (attached)
- d) Building Department's Comments: Tim Kubiak stated this was discussed at the Plan Commission and everyone there agreed with this concept. Keep the seventy ft. (70') lots where it met up with Centennial, a transition somewhere, make it on opposite of development from the Schilling property. Can understand concern about the rear yards lining up, but the only thing about that is the fences. It does create the grid pattern. Would prefer not to have the grid pattern. Michelle Bakker stated she would like to see the side yards and front yard be the same throughout, five ft. (5') seems hard to keep track in the same subdivision. Would also like lot coverage to be the same. Tim Kubiak stated that Centennial right now has a twenty ft. (20') setback to the garage and a fifteen ft. (15') setback to the house and a five ft. (5') side yard.
- e) Board's Discussion: Nick Recupito asked what the Building Department would suggest for the side yard. It was stated eight ft. (8'). Jeff Bunge asked if they did the eighty ft. (80') lot widths on the south side, how many lots would they lose? Mr. Slager stated would lose another two (2). John Kiepura asked why they didn't go with the same size lots as the Beacon Pointe section. Mr. Slager stated wanted to be a difference in product, the south side was always intended to be an extension of what Centennial currently is. We are strictly a land developer that sells lots to random builders. They build a model and they sell that model throughout the development and that model is set up on a seventy ft. (70') lot. Discussion ensued on the transition and the exact location. Jerry Wilkening stated he was at the Plan Commission and they liked the changes, but would also like to see this be somewhat separate from what is in Centennial right now, whether it is lot size, the product or a fence along the back. John Kiepura stated there are trees back there. Mr. Slager stated the developer was opposed to a fence, but would save as many trees as they could. It would be trees or fence. Trying to make it an extension of what is there already. Jeff Bunge stated he has a hard time with a seventy ft. (70') lot and eight thousand five hundred (8,500). Mr. Slager asked if the Board would be open to granting the same variances as were granted earlier tonight, he would present it to the developer. Discussion ensued on homeowner's associations. Michelle Bakker stated they would need to exclude Lots 260 and 261, these would need to be less than ten thousand sq. ft. (10,000) with a twenty-five ft. (25') front yard setback. David Austgen stated if the amendments proposed to you were to be consider, a motion to be made accepting outlots 260 and 261 would be appropriate for clarity. That actually is a hardship. Jeff Bunge stated for the rear yard we are asking for twenty-five ft. (25') instead of twenty-five percent. Mr. Slager stated just use the same list as previous petition. With the exception of Lots 260 and 261.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance with a twenty-five ft. (25') rear yard setback, twenty-five percent (25%) building coverage for principle structure, ten percent (10%) coverage for accessory structures and decks, eighty ft. (80') lot with the exception of Lots 260 and 261 being less than 10,000 minimum and twenty-five ft. (25') front yard setback and to include the findings of fact: this will not be injurious to the public health, safety and morals and general welfare of the community, and the use and value of the area

adjacent to the property will not be affected and an adverse manner and contingent upon subdivision Plat approval by the Plan Commission.

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

New Business:

1. Feldner - Developmental Variance

Owner: Raymond & Margaret Feldner, 7415 W. 140th Ave., Cedar Lake, IN 46303
 Petitioner: Raymond Feldner, 7415 W. 140th Ave., Cedar Lake, IN 46303
 Vicinity: 7415 W. 140th Ave., Cedar Lake, IN 46303
 Legal Description: PT OF 95FT STRIP N OF LOTS 21 TO 26 C N STRAIGHTS ADD E OF BINYONS 2ND W OF BINYONS RD & S OF S LINE OF 140TH AVE S.26 T.34 R.9 0.643AC
 Tax Key Number(s): 45-15-26-378-001.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R2) Zoning District: Section 4: B. Front Yard: 4) On all other streets, a distance of thirty (30) feet

This Developmental Variance is to allow the Petitioner to build a twelve by twelve (12'x12') front entrance deck nineteen ft. (19') 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: Raymond Feldner, 7415 W. 140th Ave., need to make the house easier to access for his wife. Previous step was fourteen inches (14") makes it impossible to access with a wheel chair. Would like to replace front entrance with a deck. When applied for permit was informed to close to the road.
- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker stated this would be a nineteen ft. (19') setback. Tim Kubiak stated they will still be thirty ft. (30') from the road, they have a large right of way. Mr. Kubiak asked if they would extend a wheel chair ramp toward the street or the garage. Mr. Feldner stated it would be facing the garage.
- 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 Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

2. Reid - Developmental Variance

Owner: James & Christy Reid, 6200 W. 135th Place, Cedar Lake, IN 46303
 Petitioner: James & Christy Reid, 6200 W. 135th Place, Cedar Lake, IN 46303
 Vicinity: 6200 W. 135th Place, Cedar Lake, IN 46303
 Legal Description: ROBINS NEST UNIT 3A LOT 125
 Tax Key Number(s): 45-15-25-108-017.000-043

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

This Developmental Variance is to allow the Petitioner to have a pool five ft. (5') from the side property line

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: James Reid, 6200 W. 135th Pl., would like to put in a pool five ft. (5') from property line. After figuring placement discovered if ten ft. (10') from fence, would only be three ft. (3') from power lines that run through the middle of the yard. Will be eleven ft. (11') from the house. Would keep the filter as far away from neighbor as possible. Maybe able to go six or seven ft. from property line. (5 or 6')
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he is correct that is as far as he could come away from the fence and maintain the five ft. (5') from the electric lines. The yards are flat and no swale for drainage.
- e) Board's Discussion: The Board discussed how far he could safely be away from the power lines. They agreed on seven ft. (7') from property line.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve the Developmental Variance to allow the Petitioner to have a pool seven ft. (7') from the side property line and to include the findings of fact.

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

3. Wilbert - Developmental Variance

Owner: Ray Wilbert, 20 Meagan Lane, Lemont, IL 60439
 Petitioner: Ray Wilbert, 20 Meagan Lane, Lemont, IL 60439
 Vicinity: 14721 Dewey St., Cedar Lake, IN 46303
 Legal Description: SOUTH SHORE SUB. LOT 51
 Tax Key Number(s): 45-15-35-305-016.000-043

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; Height 14'; 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 garage with a wall height of sixteen ft. (16'); peak height of twenty ft. (20') and one ft. (1') from the back 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: Ray Wilbert, 20 Meagan Lane, Lemont, IL. The garage was damage by a storm and had to be taken down. Want to replace the garage and would like to put where there was a one (1) car garage a two

- (2) car garage. Expanding the concrete pad and having a loft area for storage. There is a well on the property that obstructs access if the building is moved over. Would like to replace in the same spot as the original just with a larger garage.
- c) Remonstrators: None
 - d) Building Department's Comments: Tim Kubiak stated the wall height looks to be eight ft. (8') not sixteen (16') as stated on the application. Would like to see a minimum of three ft. (3') for rear and side property lines. This is very consistent with that area. If tearing the concrete out then should maintain the three ft. (3').
 - e) Board's Discussion: Discussion ensued on clarification of property line on the application and the advertisement. The application did state property lines. Nick Recupito stated he was concerned with the one ft. (1') setback. There was discussion of size of garage and if over on lot coverage.

A motion was made by Nick Recupito and seconded by John Kiepura to approve the Developmental Variance with three ft. (3') from property lines with a wall height of eight ft. (8') and a peak height of twenty ft. (20') 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

Public Comment: None

Update Items:

BZA Requirements

Nutter-12836 Stevenson St.-Michelle Bakker stated this is the lady that had rear yard setback of four ft. (4') for the pool with the twelve ft. (12') easement. Wanted to put the pool four ft. (4') from the house. She submitted some letters and doctors notes and they have a daughter with disabilities that would benefit from this pool. She wanted us to present this to you guys, there is no way she can go for the same variance and she cannot go for any less. Tim Kubiak stated since she made the request he will go over and talk to them. Jerry Wilkening stated they created their own hardship with the variance for the deck. The Board agreed there was not enough space to put anything in this yard. John Kiepura stated we would be causing a safety issue. David Austgen stated way to much use for the land.

Walker-Still waiting for the survey then will readvertise. Tim Kubiak stated just for clarification Mr. Walker did not have his survey to come to the meeting, I guess it was going to cost him \$1,200 for a survey, I was under the impression the Board could make the decision of the setback and then he would have to provide the survey to get the building permit Hate for him to spend \$1,200 on the survey and then the Board denies the request. If approved he would then have to spend the money.

Nick's Tavern-October

Adjournment: Time: 9:17 p.m.

Press Session: Board of Zoning Appeals Meeting – October 10, 2019 at 7:00pm

Nick Recupito

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

Attest: Tammy Bilgri, Recording Secretary

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.