



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
November 14, 2019 7:00 P.M.**

Call to Order (Time): 7:01 p.m.

Pledge to Flag:

Roll Call:

Absent 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 October 10, 2019 Public Meeting Minutes as approved.

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

**Old Business:**

- 1. Nick's Tavern Update-** Al Murawski, Nick's Tavern, 13231 Wicker Ave., Cedar Lake, IN 46303. Mr. Murawski apologized for missing the October meeting and stated the parking was the major concern. We did not draw as many people as we expected. The parking we acquired did work out, at first some people did park at McColley's and we quickly fixed that situation. No complaints and it seemed to go well. The Board decided to have Mr. Murawski come back to the October 2020 meeting with a yearly update.

**2. Ravens - Developmental Variance**

Owner/Petitioner: Rory Ravens, 12528 Wicker Ave., Cedar Lake, IN 46303

Vicinity: 12528 Wicker Ave., Cedar Lake, IN 46303

Legal Description: COFHEN BUSINESS PARK

Tax Key Number(s): 45-15-20-227-001.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XIV-General Business (B-3) Zoning District: Section 5: C. Side Yard: 2) On a lot abutting any Residential Zoning District there shall be a side yard abutting such Zoning District having a width of not less than fifteen (15) ft., which shall be effectively screened from abutting lots by a strip of planting not less than fifteen (15) feet in ultimate width, such planting consisting of not less than fifty (50%) percent evergreen material scattered throughout.

***This Developmental Variance is to allow the Petitioner to place a walk in cooler two ft. (2') off the side property line***

- a) Attorney to Review Legals: This was properly continued.

- b) Petitioner's Comments: No petitioner present
- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker stated last time we were asked to look for the PUD Ordinance when this was first subdivided. It does not say anything other than what business can go in there, no setbacks. The issue was the rear yard and if there was an easement there.
- e) Board's Discussion: Jerry Wilkening asked if there were any issues with utilities or drainage, who is responsible. David Austgen stated it is on private property so the owner would be responsible. Mr. Austgen stated the document we have is not a PUD, this is a zoning commitment that was offered by the property owner at the time they sought a zone map amendment from B-2 to B-3. When that was considered and approved, there is an accompanying ordinance somewhere to this. It is not PUD for clarity sake. Jerry Wilkening asked if it was an agreement for uses permitted, letter s would lead me to believe the variance is because he is expanding the building close to the property line. David Austgen stated that is true, but when you go to the top and identify the torical one of the covenants, that the following uses shall be permitted for the parcel of property at the address, ice manufacturer and cold storage was a use that was taken directly from the zoning ordinance permitted uses among these various uses. You can construe common sense in defining it, cold storage means a freezer of some sort. Jeff Bunge stated as a business, not as an accessory use. David Austgen stated would it be like putting a freezer on the back side of the hardware store, kind of a way to describe, would it be part of the same use? If it was part of what was available for a customer coming to the store. Tim Kubiak stated it is definitely as use for the business. The fact of the matter is the electrical lines and the clarity of the side yard. This shows a fourteen ft. (14') cooler and this survey does not give us any great detail. Basically it is sitting on a pad, no foundation. Discussion ensued on access around the building and size of the cooler. Tim Kubiak stated if he made the cooler twelve ft. (12') he would not need to be here.

A motion was made by John Kiepura and seconded by Jerry Wilkening to defer to the December 12, 2019 Public Meeting.

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

### **New Business:**

#### **1. Schroeder - Developmental Variance**

Owner/Petitioner: Andrew Schroeder, 13438 Cedar St., Cedar Lake, IN 46303  
Vicinity: 13438 Cedar St., Cedar Lake, IN 46303  
Legal Description: CEDAR POINT PARK L.36  
Tax Key Number(s): 45-15-26-151-015.000-043

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; 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 a deck with a side yard setback of six ft. (6') and a rear yard setback of thirteen ft. (13') with lot coverage over twenty-five percent (25%)***

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Andrew Schroeder, 13438 Cedar St. last time I was here we thought it was best I readvertise for lot coverage in order to build a deck. Mr. Schroeder stated he is trying to buy the lot next door.
- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker stated only one (1) of the side yards is six ft. (6') the other meets the setback, we added over on lot coverage. Tim Kubiak stated this is in Cedar Pointe Park and the lots are very shallow. Consistent with the neighborhood.
- e) Board's Discussion: Discussion ensued on the second lot and if it would make a difference, unless he combined them. Jeff Bunge stated will need three (3) affirming votes since we are two (2) members short.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the Developmental Variance to allow the Petitioner to build a deck with a side yard setback of six ft. (6') and a rear yard setback of thirteen ft. (13') with lot coverage over twenty-five percent (25%) and to include the findings of fact.

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

## 2. Allan – Developmental Variance

Owner/Petitioner: Roberta Allan, 8609 W. 131<sup>st</sup> Ave., Cedar Lake, IN 46303  
 Vicinity: 8609 W. 131<sup>st</sup> Ave., Cedar Lake, IN 46303  
 Legal Description: Meyer Manor BL.1 lots 21,28,29 & W.1/2 lot 30  
 Tax Key Number(s): 45-15-22-452-016.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4: C. Side Yard: On each lot, except as otherwise specified, there shall be two (2) side yards, each having a width of not less than eight (8) feet; D. Rear Yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot; 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 a twelve ft. by twenty ft. (12x20) deck four ft. eight inches (4'8") from the side property line and seven ft. one inch (7'1") from the rear property line with lot coverage over twenty-five percent***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Roberta Allan, 8609 W. 131<sup>st</sup> Ave., would like to put a deck in the back of the house because can no longer sit in the front of my

house. Very transient neighborhood and would like some privacy. The lots in this neighborhood are not typical. The deck is existing. Ms. Allan gave a brief description of her property and why she placed the deck where she did.

- c) Remonstrators: Debra Nelson, 8605 W. 131<sup>st</sup>., east of Mrs. Allan's house. Having issues with a retention wall issue, during this time Mrs. Allan did her project and the corner of her deck is thirteen ft. (13') from my bedroom window. Concerned with privacy. This could have been set back a little further. She has only provided a mortgage survey. Brought pictures, this started in early August.

Marilyn Dema, 8613 W. 131<sup>st</sup>., live next door to Roberta. The houses in the Manor are extremely close. When we had our shed in back yard, this was years ago and they told us where we had to put it. Then they said wait you are grandfathered in and you can put it in as long as it does not go past anyone elses. These houses are close and no matter what you are going to hear noise, Roberta can walk down the sidewalk and look in my bedroom. Suggests put a curtain up.

- d) Building Department's Comments: Tim Kubiak stated Ms. Allan got some information that if she built a deck that wasn't not attached to the house it was a platform or patio, that is why she did not get a permit for it. She obviously received wrong information. The further you go out down the hill you are over the next person. It is there and only has a three ft. (3') side yard because she went past the side of the house. This is a tough situation, not a patio friendly yard. The deck is four ft. (4') past the house, the deck is three ft. (3') within the property line. All these lots are challenging, her hardship would be not able to do a patio because of the grade. Very close quarters in this area.
- e) Board's Discussion: John Kiepura asked for clarification on the location of the deck in the fifteen ft. (15') strip. Discussion ensued on the nonconforming situation and a compromise to have the deck even with the house. Tim Kubiak stated that if it was lined up with the side of the house, would be closer to the correct side yard. Jeff Bunge asked even if you were given information, why would you think you don't need a building permit? Ms. Allan thought a platform was as long as it wasn't attached to the house and it would be ok. Then I was red tagged and came to the Town Hall to do what was needed. Discussion ensued on making it a 12x17 deck, moved to at least the edge of the house and would only need a variance for six inches (6"). John Kiepura thinks the deck should be moved over, ok with the rear. Jerry Wilkening stated in these tight spaces, you are going to hear your neighbor. The tighter the space the more accurate the survey should be. Not a good situation, the survey would cost more than moving the deck. Ms. Allan is not sure she has a staked survey. The Board suggested a deferral to look for the survey.

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer to the December 12, 2019 Public Meeting per the request of the Petitioner in order to look for a staked survey.

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

### 3. Cieslak – Developmental Variance

Owner/Petitioner: Barbara Cieslak, 7017 W. 132<sup>nd</sup> Pl., Cedar Lake, IN 46303  
Vicinity: 7017 W. 132<sup>nd</sup> Pl., Cedar Lake, IN 46303

Legal Description: SHADES ADD. CEDAR LAKE, PLAT'B.A' ALL L.1 BL.7 **and** Shades Add Cedar Lake Plat BA BL.7 Lot 2 Ex. W.14ft.  
Tax Key Number(s): 45-15-23-455-011.000-043 **and** 45-15-23-455-010.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R2) Zoning District: Section 4: E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and or/structures. Title XXIII-Accessory Regulations: Section 1: A. 5) There shall be a minimum ten (10) foot separation or distance from all buildings

***This Developmental Variance is to allow the Petitioner to build a 15'x20' garage with lot coverage over twenty-five percent (25%) and a separation from existing deck of five ft. five inches (5'5")***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Tom Kupsche & Barbara Cieslak, 7017 W. 132<sup>nd</sup> Pl., looking to put in a garage and with the dimensions that are there without the stairs we would have enough room. Looking for variance for five and half ft. (5 ½ ft.) from the stairs.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated they would have their ten ft. (10') separation if the stairs were not there. This is just a technicality, there is plenty of room for fire safety and they meet all their other setbacks. Tim Kubiak stated they are over the twenty-five percent (25%) lot coverage with just the house. These are very small lots.
- e) Board's Discussion: Discussion on the distance from the side property line and lot coverage ensued.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance to allow the petitioner to build a 15'x20' garage with lot coverage over twenty-five percent (25%) and a separation from existing deck of five ft. five inches (5'5") and to include the findings of fact.

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

#### **4. MacLean – Developmental Variance**

Owner/Petitioner: David MacLean, 133 W. Lakeview Dr., Lowell, IN 46356  
Vicinity: 12917 Knight St., Cedar Lake, IN 46303  
Legal Description: SHADES ADD. CEDAR LAKE PLAT AA ALL LOT'S 76 & 77, BL.2  
Tax Key Number(s): 45-15-23-331-001.000-043

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; Section 5: Building Size: A. Minimum footprint for a two-story is eight hundred (800) square feet.

***This Developmental Variance is to allow the Petitioner to build a new home with a front yard setback of fourteen ft. (14') and a first floor square footage of seven hundred eighty-seven (787)***

- a) Attorney to Review Legals: David Austgen stated the legals are in order for the Public Hearing.
- b) Petitioner's Comments: David MacLean, 133 W. Lakeview Dr., Lowell, IN 46356. Would like to build a small two-story house, acquired the lot and did not realize the issues he would have to build on it. Came about two years ago to get a variance and have redone the plan with one that better fits the lot.
- c) Remonstrators: Rocco & Kristin DeLuca, 12923 Knight St. Questions with which street he would be fourteen ft. (14') off of. Tim Kubiak responded 129<sup>th</sup> St. Concerned with road and if it were to be widened, this is a tight area. There are also power anchors going across that lot. How would they maintain the fence. Have put a lot of time into fixing up the inside and outside of this property, concerned with a small home bringing down the value of property.
- d) Building Department's Comments: Michelle Bakker stated Mr. MacLean came in a few years ago with quite a few variances, some of the concerns were vision triangle and the right square footage. In doing this house he got it down to two (2) variances. This is a two (2) story and it is only thirteen sq. ft. (13) less than the ordinance. He was able to do the thirty ft. (30') setback off of Knight Street and made sure it was bumped further back on the otherside to maintain the vision triangle. Tim Kubiak stated this is as tight as he can make it. Michelle Bakker stated he added the little bump out so the house could face Knight Street and the garage could access Knight Street, will maintain address of Knight Street and safety of pulling in and out of Knight Street.
- e) Board's Discussion: Jerry Wilkening stated concerns with the gis showing the property line being well into the blacktop. David Austgen stated the survey reflects this as well. Mr. Austgen stated he will need a staked survey. The Board asked if Mr. MacLean had prints drawn up of what the house would look like. Mr. MacLean stated he does not at this time, last time he spent a couple thousand getting prints and then was shot down. Tim Kubiak stated he thinks an elevation or look of the house would go a long way, hard to visualize what he has planned. Likes the effort he made on the setbacks, this will be a great improvement. Jerry Wilkening stated the only piece of the puzzle that is missing is the house plans. Just a conceptual drawing will work. Discussion ensued on possible plans and materials. The Board does not have any issues with this, would just like to see a picture, suggested a deferral.

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer to the December 12, 2019 Public Meeting per the request of the petitioner.

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

## 5. Precision Property – Use Variance

Owner: Mark Eifel, 16600 Crawford Ave., Country Club Hills, IL 60478  
Petitioner: Precision Property, 8520 W. 86<sup>th</sup> Ct., St. John, IN 46373  
Vicinity: 13220 Lindberg Pl., Cedar Lake, IN 46303  
Legal Description: Pt. SW.1/4 SW.1/4 S.21 T.34 R.9 1.457 Ac  
Tax Key Number(s): 45-15-21-352-013.000-014

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 operate two businesses on a lot in a B2 Zoning District an Auto Service Center and Storage for Govert Landscaping***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and public hearing may be conducted.
- b) Petitioner's Comments: Mark Eifel and Brian Patrick, would like to move here from current location to the smaller building. Govert Landscaping is using the building for storage. Want to fix up the building with lights, landscaping and pave parking lot. Have been in the current location for forty-nine years (49), the neighborhood is horrible. No big signs, all business is word of mouth, privacy fence, not a junk yard, painting outside, and new windows. Cosmetic changes only. They presented pictures of their current location. Repair approximately ten vehicles at a time, no tractor trailers. This is not a large operation, three (3) employees with hours of nine (9) to five (5). Does not believe there will be a water issue. Will use old office as their office. Parking of cars waiting to be repaired will be in back of building, customer parking in the front.
- c) Remonstrators: Larry Stenger, 10819 W. 133<sup>rd</sup> Ave., concerns with accessing the west side entrance, traffic is bad there now at 3:00 p.m. Going to continue to add more traffic to this area. Are they adding a second sewer tap, since it is a mutli-use building. Also an eight ft. (8') fence went up a month ago between the buildings. Will have water issues if paving the additional parking lot. Tim Kubiak mentioned this is a very low impact business for traffic. Josh Govert, 12550 Tall Oaks Dr., Cedar Lake. Their current facility is very nice, they are a small operation. Will eventually move his storage to a different facility.
- d) Building Department's Comments: Tim Kubiak stated we need a better site plan. They are asking if they can do an autorepair center in this B2 Zone and leave the other building as a storage building. This is an old building on the main thoroughfare, what is this going to look like.
- e) Board's Discussion: John Kiepura asked if they were operating out of there now. The gentlemen stated no, Govert Landscaping is using it for storage and Skyway Excavating is currently there, they will be leaving. Jerry Wilkening expressed concern with ingress/egress and which street would they be using. Auto repair will be in the small building and larger building will be storage for Govert and themselves, not public storage. Parking lot will be totally improved. Parking spaces shown do not represent how many cars will be on the lot, this was based on the zoning ordinance. Discussion ensued on parking. Jerry Wilkening expressed concerns with water issues in that area. Mr. Wilkening does like the whole idea, does not like seeing more traffic added to Lindberg. Tim Kubiak stated the storm water system was designed to accommodate the property. All parking spaces should be paved, not gravel. Discussion ensued on parking, ingress/egress and traffic. Jeff Bunge stated we need more definitive plans. Tim Kubiak stated this is a pretty significant change, talking about ingress/egress, drainage, lighting should have a site plan, but if they can't put the business here they aren't going to spend the money on a better plan. Michelle Bakker stated the site plan can be a contingency, this variance is for the two uses. The Board discussed what information they would like to see on plans to give their approval. Tim Kubiak stated he would like to see a better plan, an idea of how they will fix the building. Big part of approving is seeing what they will actually be doing here. Michelle Bakker stated here is where it differs from what zoning ordinance, this is a use variance to allow these two (2) business in here. The ordinance stated for every two (2) being repaired or worked on you were

supposed to have two (2) parking spots outside, that is why they are providing all these spots. However many cars you are allowing them to park out there is totally different then how many they need to show they have. Tim Kubiak stated the interpretation by all of you saying you can fix six (6) cars in here to work on, that is not necessarily six (6) bays down the line to be moving stuff in and out of to work on. Will not have six (6) doors in a row where you will be pulling things in and out so you have a place to pull it out and park, then grab the next car. That is why the two (2) spot rule is in effect for that. David Austgen stated their plan needs to conform to the zoning ordinance unless they are asking for a variance to deviate from it. Don't think we have all the answers we need. Cannot put restrictions on this until we no the plan. John Kiepura stated we need a layout plan that shows ingress/ingress, traffic flow, parking and improvements to the building. Jerry Wilkening stated he gets the use, but thinks we are missing details, do not need an engineered site plan at this time. David Austgen stated we have two (2) examples of this in our Town of a similar use that had over sight by the BZA in a use variance fashion. One is Schieben, that business operates under approval of this Board with conditions, the other is Nagy's. They have gone through this process and they run just fine today. Tim Kubiak stated thirty (30) parking spaces is excessive for this type of business. Jerry Wilkening stated these questions are to help you create a more detailed design. Jeff Bunge stated take some pictures of the building and photoshop, do not need to spend a lot of money, just concept. John Kiepura gave a brief description of what the Board is looking for. The petitioner is willing to work on a plan and get more information together and is requesting a deferral.

f) Recommendation to Town Council:

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer to the December 12, 2019 Public Meeting per the request of the petitioner.

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

**Public Comment:**

**Update Items:**

**Adjournment:** Time: 9:35 p.m.

**Press Session:** Board of Zoning Appeals Meeting – December 12, 2019 at 7:00pm



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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

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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.*