



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING
MINUTES
February 13, 2020 7:00 P.M.**

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

Pledge to Flag:

Roll Call:

Present Nick Recupito
Present Jerry Wilkening
Present John Kiepura
Present Jeremy Kuiper
Present Jeff Bunge

Present David Austgen, Town Attorney
Present Tim Kubiak, Director of Operations
Absent Michelle Bakker, Building Administrator
Present Tammy Bilgri, Recording Secretary

1. Nomination and Appointment of Officers:

President: Jeremy Kuiper

A motion was made by Jerry Wilkening and seconded by John Kiepura to nominate Jeremy Kuiper for Chairman.

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

Vice President: Jeff Bunge

A motion was made by Nick Recupito and seconded by Jerry Wilkening to nominate Jeff Bunge for Vice Chairman.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

2. Retention of Services:

Legal Services: Austgen Kuiper Jasaitis

A motion was made by John Kiepura and seconded by Jerry Wilkening to retain Austgen, Kuiper & Jasaitis.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

Minutes:

A motion as made by John Kiepura and seconded by Jeff Bunge to approve the December 12, 2019 Public Meeting Minutes as presented.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

New Business:

1. Henn - Developmental Variance

Owner/Petitioner: Richard Henn, PO Box 502, Cedar Lake, IN 46303
Vicinity: 9303 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: Pt, NW.1/4 NW.1/4 S.27 T.34 R.9 Ex. N.30ft in R/W & Ex. S.32.44ft of W.30ft in R/W 8.451 Ac **and** PT. N1/2 NW. S.27 T.34 R.9 1.546A.
Tax Key Number(s): 45-15-27-101-008.000-014 **and** 45-15-27-101-010.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations 1: A.1)There must be a complete residential structure on any given parcel of land prior to construction of any accessory building; 2) Lot size 2.01 acres or greater; Maximum Size 2,000 sq. ft.; Height 16'

This Developmental Variance is to allow the Petitioner to build an eight thousand sq. ft. (8,000) accessory structure with a height of twenty-seven ft. (27') and sidewall height of eighteen ft. (18') on a lot with no primary structure

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Richard Henn, 13733 Wicker Ave., Cedar Lake, IN 46303, have a lot of toys and I currently have seventeen thousand (17,000) sq. ft., but think can squeeze into eight thousand (8,000) sq. ft. Is planning to build the house and building at the same time on this ten (10) acre parcel. This will all be done on the front three (3) acres. The building is two hundred and twenty ft. (220') off the street. Will not be used as a business. Has a motor home, three boats, old cars and wood working equipment. The house will sit in the same location as the previous residence. Will be going for a one (1) lot subdivision, wanted to see if the Variance went through before proceeding.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he has talked to Mr. Henn about building the house at the same time and also he put the porch around the building to limit the large doors everywhere and keep it to a residential use. No concerns.
- e) Board's Discussion: Jeremy Kuiper stated the concern with a building this size is it becoming a business. Jeff Bunge asked where this was in relation to the school parking lot. Mr. Henn stated there is actually a residence between him and the school. When the surveyor did the site plan we found the school was encroaching on the property with a fence by fourteen ft. (14'). David Austgen stated that since they are going to be constructed at the same time, we have a need for a plat of survey/plat of subdivision and a site plan that will

show the buildings. Mr. Henn indicated he will have everything. Jerry Wilkening stated that property has access in the back that will not be used? Also, he could put more houses back there. Mr. Henn stated everything will be put together in the one (1) lot subdivision. Tim Kubiak stated he could not put more houses on there unless he went back to the Plan Commission. David Austgen suggested the Variance be contingent the approval of the one (1) lot subdivision. John Kiepura asked if it will affect Winding Creek. Mr. Henn stated it is on the other side of the property.

A motion was made by Nick Recupito and seconded by John Kiepura to approve the Developmental Variance to allow the Petitioner to build an eight thousand sq. ft. (8,000) accessory structure with a height of twenty-seven ft. (27') and sidewall height of eighteen ft. (18') contingent approval of 1-Lot Subdivision at the Plan Commission and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

2. Kocjan – Special Use Variance

Owner: Lawrence Turnquist, 12005 Parrish Ave., Cedar Lake, IN 46303
Petitioner: Joe Kocjan, 13475 Drummond St., Cedar Lake, IN 46303
Vicinity: 10501 W. 133rd Ave, Lot 7G, Cedar Lake, IN 46303
Legal Description: CEDAR LAKE INDUSTRIAL PARK LOT #7
Tax Key Number(s): 45-15-28-130-007.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XVI – Light Industrial (M-1) Zoning District

This Special Use Variance is to allow the Petitioner to run Enviro Fab a metal fabrication shop

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Joe Kocjan, 13475 Drummond St., Cedar Lake, IN. Currently doing business in the building directly south since 2011. Business is good and need to expand, so looking to move next door. Do industrial welding, stainless steel, and cat walk systems. No customers come to the shop. Have two (2) full time employees and two (2) part time. Do not create a lot of noise. Hours 8:00 a.m. to 4:00 p.m.
- c) Remonstrators: Larry Goff, is in the building next door and welcomes him.
- d) Building Department's Comments: Tim Kubiak stated he is just moving next door. Has been there since 2011 and have no issues with his current business, but the rules say if you are occupying a building in the Industrial Park you need to come here. No problem with it.
- e) Board's Discussion: Jeremy Kuiper stated this seems like a very industrial business in an industrial park. Jeff Bunge asked if there was any outdoor storage. Mr. Kocjan stated he does not keep any material outside.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to send a Favorable Recommendation to the Town Council for the Special Use Variance to allow the Petitioner to run Enviro Fab a metal fabrication shop and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

3. Vanderhye - Developmental Variance

Owner: Steve & Rebecca Vanderhye, 12504 Marsh Landing Pkwy., Cedar Lake, IN 46303
 Petitioner: Steve & Rebecca Vanderhye, 12504 Marsh Landing Pkwy., Cedar Lake, IN 46303
 Vicinity: 12504 Marsh Landing Pkwy., Cedar Lake, IN 46303
 Legal Description: Havenwood Subdivision Phase 2, Unit 9 Lot 251
 Tax Key Number(s): 45-15-22-132-003.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4: D. Rear Yard: There shall be a rear yard of not less than twenty-five percent (25%) of the depth of the lot or thirty-five (35) feet, whichever is greater.

This Developmental Variance is to allow the Petitioner to have a 12'x12' deck with a rear yard setback of twenty-four ft. (24')

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Steve Vanderhye, 12504 Marsh Landing Parkway, Cedar Lake, IN. Just built a new house in Havenwood and the lots are very steep grades, so the back of the house would like to put a deck that will go past the rear setback. Rebecca Vanderhye stated they are looking to have a little bit of usable space that is level to put a patio table on for our back yard. Do not plan on using typical spindles, want to use wires so it does not impede on the view of the neighbor.
- c) Remonstrators: Mike Miller, 12508 Marsh Landing Parkway, Cedar Lake, IN. Concerns with the top deck blocking his view if too big. Their house already sits back farther than mine blocking some of his view.
- d) Building Department's Comments: Tim Kubiak stated they are on quite a hill, the back of it is up to the marsh. They are not looking over anyone's rear yard. Lots in Havenwood are not that deep. Their house is right up to the building line, they could not move it any further. That is why this was the last lot to be built on, the grade is ridiculous.
- e) Board's Discussion: Jeremy Kuiper asked if they were aware of the setbacks when they purchased the property. Mrs. Vanderhye stated yes it was just everything was up and they were looking at the yard, wanted a place to put a table. John Kiepora asked what the HOA thought of this. Mrs. Vanderhye stated if it was ok with the Town, they would be ok. Tim Kubiak stated they will need the HOA approval before a permit will be released. Jerry Wilkening asked if this was going to be a two (2) story twelve by twelve (12 x 12) deck. Mrs. Vanderhye stated they are not planning a twelve by twelve (12x12) on the upper level. Discussion ensued on neighboring properties and there is nothing behind them except swamp and wetlands.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve the Developmental Variance to allow the Petitioner to have an upper deck no deeper than eight ft. (8') with a width of twelve ft. (12') and a lower deck of twelve ft. x twelve ft. (12'x12') with a rear yard setback of twenty-four ft. (24'), contingent Havenwood HOA Approval and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

Public Comment: None

Adjournment: Time: 7:38 p.m.

Press Session: Board of Zoning Appeals Meeting – March 12, 2020 at 7:00pm

Nick Recupito

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

Attest: Tammy Bilgri, Recording Secretary

**Shape
your future
START HERE >**

**United States[®]
Census
2020**

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.