



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
May 14, 2020 7:00 P.M.**

In accordance with the Governor's Executive order relating to COVID-19, in person attendance of tonight's BZA meeting will be limited. We have arranged a live stream of the meeting so those interested can view it from home.

The meeting is slated to start at 7pm. You can view the meeting via our website at <https://cedarlakein.org/view-town-meetings/>, then click on "View Broadcast" under the Live Broadcast. You must join the meeting through this link to participate.

Due to the unique nature of this meeting, the Town of Cedar Lake will only accept public comment submitted electronically. If you have a question or comment about an item on the agenda, please email that question or comment to [michelle.bakker@cedarlakein.org](mailto:michelle.bakker@cedarlakein.org). Ms. Bakker will ensure that all submissions are shared with the Board members and that the submission will also be entered into the minutes of the meeting. Please keep your comments civil and constructive to the policy issues on the agenda.

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

Present Michelle Bakker, Building Administrator

Present Tammy Bilgri, Recording Secretary

Jeremy Kuiper asked for everyone's patience as we get used to live streaming the meetings. He reminded the Board there is a slight delay with the audio for any remonstrators. We will have the remonstrators in the room first, then outside the building and then proceed to any electronically.

**Minutes:**

A motion was made by John Kiepura and seconded by Jeff Bunge to approve the March 12, 2020 Public Meeting Minutes as presented.

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

**Old Business:**

**1. Daley – Special Use Variance**

Owner: Cedar Lake Commercial, 9700 Industrial Dr., Cedar Lake, IN 46303  
Petitioner: Richard Daley, 12841 Wicker Ave., Cedar Lake, IN 46303  
Vicinity: 12841 Wicker Ave., Cedar Lake, IN 46303  
Legal Description: SW.1/4 SW.1/4 NW.1/4 S.21 T.34 R.9 (120x346.17ft) 0.95Ac  
Tax Key Number(s): 45-15-21-151-031.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XIII-Community Business (B-2) Zoning District ***This Special Use Variance is to allow the Petitioner to operate Auto Exchange a used auto dealer a B-3 use in a B-2 Zoning District***

**Deferred from March 12, 2020 Public Meeting**

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: Richard Daley and Tom Bellanger we are partners in the business. Trying to get a license to sell used cars. Will not have a repair shop. Would like to have ten to fifteen (10-15) vehicles for sale. There are fourteen (14) spaces for displaying vehicles in front, with sixteen (16) places for customer parking with two (2) for handicap. Hope to sell ten to twenty (10-20) cars a month. Will have two or three (2-3) employees in the beginning. Hours will be Monday-Friday 9:00 a.m. to 5:00 p.m. Possible Saturday 8:00 a.m. to 1:00 p.m. The petitioners would like some guidance on how many cars can be stored in the back fenced area. Will purchase cars at auction and usually delivered one (1) at a time, on occasion a car hauler will drop off one (1) car, but plenty of room on property to pull off the road. Lighting and signs exist. Cars usually priced for \$10,000 and under. Was at previous location for approximately five (5) years. Would like a holding area where they can store vehicles that are waiting to be cleaned up and inspected. Send cars to the shop to be repaired.
- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker stated she did work with the petitioners and they do have a large scale drawing, but it didn't have any dimensions. That is why they made the smaller drawing with the parking spaces marked. Tim Kubiak stated the parking lot does need some minor repair also concerns with damaged cars sitting around leaking fluids. Have thirty (30) spots out front, do not need a holding area in the back. Mr. Kubiak stated he would feel more confident if he could go out and inspect the property to see what needs to be fixed. Defer it for a month so they will know what is expected of them.
- e) Board's Discussion: John Kiepora asked for clarification of thirty (30) parking spaces up front, fourteen (14) for cars and sixteen (16) for customer and employee. Jerry Wilkening was concerned with improvements that need to be made to the parking lot. Nick Recupito expressed concern with how cars will arrive at the lot, per car hauler or one at a time. The Board discussed condition of property and fence and what needs to be repaired. The Board suggested the petitioner request a deferral to compile more information and to amend their application to show the owner of the property and to have the landlord attend the meeting. Multiple discussions ensued on how the property would be used, the size and what extent of car repair would be done. Would like to see more information. Jeremy Kuiper stated we need to be able to put reasonable conditions on this for enforcement. David Austgen stated that under Title 30, Section 2, Sub F: you are charged with imposing conditions that will assure that the proposed use does not adversely impact the community, specifically such that the establishment maintenance and operation of the special use will not be detrimental or endanger public health, safety, morals or general welfare of the community and more importantly to this matter will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor diminish property values within the Town. This is a prominent piece of property, we will all see it as we drive down the road, it is visible and important commercial property.

The Town has a plan and has worked with the developer on the east side of this property for intersection right out improvements. There is a significant amount of development going on. There are a lot of maybes and uncertain. A zoning commitment is one way to ensure all of the details be down for enforcement by the Building Department. Mr. Austgen gave a brief summary of what a Zoning Commitment entails. May also want to get a history of these petitioner's business practices. He also stated the owner is not present and the petitioner is, perhaps we want the owner here. Jerry Wilkening stated there are too many unanswered questions. Nick Recupito stated sounds like a lot of indecisiveness. Jeremy Kuiper stated everything we have talked about tonight, we got a lot of the I don't knows out of the way. Those need to be cleaned up and concise. Got the impression that it would be good to have the landlord here and the Building Department to take a look. It would be good for the petitioners to come up with a business plan and ask for a deferral. Need a detailed plan and have the owner sign the application.

f) Recommendation To Town Council:

A motion was made by Nick Recupito and seconded by John Kiepura to defer to the June 11, 2020 meeting per request of the petitioner to give the petitioner time to get in touch with the Building Department staff and arrange for the property owner to attend.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	No	Yes	Yes	Yes	4-1

## 2. Larson – Special Use Variance

Owner: James C. Thorn Sr. & Pamela J. Thorn, 16320 Fulton Pl., Lowell, IN 46356  
Petitioner: Jeremy A. Larson dba Full Service Garage LLC, 7412 W. 127<sup>th</sup> Place, Cedar Lake, IN 46303  
Vicinity: 14101 Lauerman St., Cedar Lake, IN 46303  
Legal Description: Noble Oaks Park BL.2 Lots 1 to 4 & BL.3 Lots 1,2,3 & Pt. of Vac. Noble Oaks Blvd.  
Tax Key Number(s): 45-15-34-205-001.000-014  
Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XII-Neighborhood Business (B-1) Zoning District

***This Special Use Variance is to allow the Petitioner to operate Full Service Garage LLC an automobile repair center a B-3 use in a B-1 Zoning District***

**Deferred from March 12, 2020 Public Meeting**

- a) Attorney to Review Legals: David Austgen stated this was properly continued. Mr. Austgen stated there is a letter in the file from Attorney James Wieser on behalf of the Thorns. We can inquire from Mr. & Mrs. Thorn about the letter.
- b) Petitioner's Comments: Pamela Thorn, 16320 Fulton Pl., Lowell, IN 46356. Ms. Thorn stated yes there are two (2) letters that state what Mr. Wieser thinks that based on the law that since our business has been in existence since 1977 and that nothing should be required of the new owner to take over the business. Mr. Austgen asked if they were proceeding without their attorney tonight and if we should rely on what the letters state on behalf of the Thorns. Mrs. Thorn stated yes. Mrs. Thorn stated we are here tonight to find

out where we stand on this, the business has been in operation for forty (40) years and it will be staying the same type of operation. It is automotive repair for cars, trucks and heavy equipment, mechanical work and body work and would like to continue with same type of business. Mrs. Thorn stated the legal issue is from 2004 with a tenant in the property. Did have the tenant evicted. Have operated in that building since without any issue. Mr. Thorn stated the use has not changed. Will be the same type of business, do not see a need for the hearing. Have approximately ten (10) bays, no work done outside, do mechanical and body work. Possibly a few cars stored outside overnight. Tim Kubiak stated Mr. & Mrs. Thorn are the current owners of the property and selling to Mr. Larson, I feel we need Mr. Larson to explain to us what he is planning to do.

Jeremy Larson, 7412 W. 127<sup>th</sup> Place, Cedar Lake. Hours of operation 8-5, appointment only on Saturday. Ten (10) vehicles to repair inside at a time total of fifteen (15) cars there at a time including employees and customer. Will not be selling cars and very little body work. No additional lighting, replacing old stuff with new stuff. Planning to do some cosmetic change to the building. Parking spaces will be delineated. No heavy equipment will be left outside. Mrs. Thorn stated they have been in the property as legal nonconforming.

- c) Remonstrators: Mike Bieber, 14109 Lauerman, Cedar Lake. Have lived there for thirty (30) years. No problems, minimal traffic. They keep the property neat. It is a nice service to the community.  
August Poppe, 8711 W. 141<sup>st</sup> Ave., Cedar Lake. They have been great neighbors, no issues except a few years that were handled. Concern with paint booth being up to code and used oil burning furnace smell.
- d) Building Department's Comments: Michelle Bakker stated would like to have it clarified as to how many vehicles can be stored outside, so we can enforce that. Tim Kubiak recommended a maximum of ten (10) cars outside at night. We met with Mr. Larson and he wants to make improvements and have a career there. This building is designed for this type of use.
- e) Board's Discussion: Jeremy Kuiper asked if this is technically a change in ownership. David Austgen stated that is it our legal opinion that if this property changes use or owners, it requires this use variance. There is substantial litigation over the status, use of the property. Did not answer Mr. Wieser on the first letter, the record speaks for itself in terms of the judicial documentation. With regard to the use itself, it falls in a category where it belongs here for a use variance. It is properly applied for and they are properly standing here asking for relief. I thought it was interesting as confident as Mr. Wiese was, and maybe he is watching. His third alternative relieve sought was if everything else fails, we think it is good and we will make a petition for use variance approval. Even in a prayer for relief in his letter to me he has indicated that. He may have done that in the letter today, let me review so I don't misstate anything. He makes those three (3) points and the third point, he makes this in the form in a motion to dismiss. We will talk about this later. Mr. Austgen reads from the letter from Mr. Wieser. (Attached), there is a full record of this. Jerry Wilkening asked if there was a privacy fence on the east side of the property and he questions the paint booth. Mrs. Thorn stated there is a fence on the east side and they do have an EPA approved paint booth. Jeremy Kuiper stated we are treating this like a special use variance, not concerns with the legal at this point. You are here to put an automotive repair shop in the building, that is what we are concerned with. A similar business down the street is in a B-3 Zoning District. Mr. Austgen asked Tim Kubiak to clarify the zoning. Mr. Kubiak stated it is a B-3 use in a B-1 Zoning District. Discussion ensued on the proper zoning of

the property. Jerry Wilkening stated our legal obligations are to make this better than it was. He also had concerns with the oil burning furnace and if you can raise the stack. Nick Recupito asked for clarification on the hours.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to send a Favorable Recommendation to the Town Council to allow the Petitioner to operate Full Service Garage LLC an automobile repair center a B-3 use in a B-1 Zoning District with the following stipulations: 1. No more than ten (10) vehicles will be parked outside overnight. 2. No heavy equipment will be parked on the property overnight. 3. The interior heating stack shall be extended for elimination of off-site odors satisfactorily to the Town Building Department. 4. The Hours of Operation will not exceed Monday-Friday 8:00 a.m. to 5:00 p.m., and Saturday, by appointment only and no later than 1:00 p.m. 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

### 3. Cedar Lake Ministries – Use Variance

Owner/Petitioner: Cedar Lake Ministries, Inc., 13701 Lauerman St., PO Box 665, Cedar Lake, IN 46303

Vicinity: 8816 W. 137<sup>th</sup> Ave., Cedar Lake, IN 46303

Legal Description: Pt. of NW.1/4 S.27 T.34 R.9 Ly'ng E. of RR 32.588Ac

Tax Key Number(s): 45-15-27-176-001.000-014

Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XI-Planned Unit Development (PUD) Zoning District

***This Use Variance is to allow the Petitioner to place a zip line/ropes activity center on the vacant parcel***

**Deferred from March 12, 2020 Public Meeting**

- a) Attorney to Review Legals: David Austgen stated this was properly continued.
- b) Petitioner's Comments: No petitioner
- c) Remonstrators:
- d) Building Department's Comments: Michelle Bakker stated she received a letter that the petitioner would like to withdraw.
- e) Board's Discussion: Jeremy Kuiper read the letter submitted. (Attached)
- f) Recommendation To Town Council:

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to withdraw this item per the request of the petitioner.

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

### **New Business:**

#### 1. Riley- Developmental Variance

Owner/Petitioner: Kevin Riley, 28N Cottage Grove Ave, Apt. 2N, Glenwood, IL 60425

Vicinity: 13026 Edison St., Cedar Lake, IN 46303

Legal Description: Shades Add Cedar lake Plt BA Blk 4 Lots 7,8,9,10

Tax Key Number(s): 45-15-23-451-033.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R2) Zoning District: Section 5: Building Size: A. No building shall be erected for residential purposes having minimum ground floor area of less than one thousand one hundred (1,100) square feet for a single story. B. Attached Garage: Attached garages on all new home permits shall have a minimum four hundred (400) square feet.

***This Developmental Variance is to allow the Petitioner to construct an eight hundred (800) square foot one (1) story house with an attached garage of three hundred (300) square feet***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Kevin Riley, 28N Cottage Grove Ave., Apt. 2N, Glenwood, IL 60425. Currently living in an apartment that is the same amount of space as the house looking to build. This house is smaller than the required ordinance. The builder did not know the ordinance.
- c) Remonstrators: Letter from Bob Sexton. (Attached)
- d) Building Department's Comments: Tim Kubiak stated we have a minimum four hundred sq. ft. (400 sq. ft.) attached garage. For a ranch house this doesn't meet our ordinance. There are a lot of cottage type homes similar in size without attached garages. It fits in there and is consistent with the area. Has plenty of property. No setback issues.
- e) Board's Discussion: The Board discussed why he couldn't meet the ordinance if no set back issues. Mr. Riley stated he would be able to pay this off sooner and not have payments when he retired. Jerry Wilkening asked if the lot is big enough to meet all of the ordinance requirements. Mr. Kubiak stated yes. Jeff Bunge asked if there was an existing foundation that he was trying to work with. Mr. Riley stated no. John Kiepura stated there is plenty of property to meet the ordinance, see no hardship here. Feels it should meet the ordinance. Tim Kubiak stated it is consistent with the area. Nick Recupito stated a financial aspect is not a hardship we can consider. Normally we have people requesting a large house on a small lot, refreshing you want to keep green space. The Board all agreed there is enough space to meet the ordinance.

A motion was made by Nick Recupito and seconded by John Kiepura to deny the Developmental Variance due to no hardship 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. Stefanoska - Developmental Variance

Owner/Petitioner: Olivera Stefanoska 6517 W. 128<sup>th</sup> Ln., Cedar Lake, IN 46303  
Vicinity: 6517 W. 128<sup>th</sup> Ln., Cedar Lake, IN 46303  
Legal Description: Krystal Oaks Estates Lot 32  
Tax Key Number(s): 45-15-23-282-008.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV-Swimming Pool; Section 3: Location: No

portion of an outdoor swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line, or at any other location where a "structure" is prohibited under the other terms of this Zoning Ordinance.

***This Developmental Variance is to allow the Petitioner to have a twelve ft. x twenty-three ft. (12'x23') swimming pool five ft. (5') from the house***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Olivera Stefanoska, 6517 W. 128<sup>th</sup> Ln., want to put a swimming pool in back yard, limited with space because of gas lines, electric lines and easement. Pool company did a lot of measurements to see what type of pool we could fit in. Would need to move it closer to the house to stay away from gas and electric lines. The lines run outside of the easement.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is a similar request to the one last year, there is not a lot of room in those rear yards. There is an easement, they have a deck. No space for a pool. Michelle Bakker stated she would have met the requirements of the ten ft. (10'), but because of the gas and electric lines that are running there. They would need to be moved.
- e) Board's Discussion: Jerry Wilkening stated that it is five and half feet (5 ½') from the NIPSCO lines according to the drawing. Tim Kubiak stated the pool needs to be five ft. (5') from electric lines. John Kiepura stated we had a similar situation about a year ago and it was five ft. (5') from the house or less, the pool did have to be outside the easement and we did not allow that. Believe five ft. (5') is too close to the house and if they have to abide by NIPSCO rules, then they should have to abide by ours. Can get a smaller pool. Also concerns for safety and being too close to the house. Ms. Stefanoska stated the pool is 12'x23' take away another five ft. (5') and that is too small. Tim Kubiak stated they would have to pay to relocate the NIPSCO lines and then they would still be able to stay out of the easement. Ms. Stefanoska stated that is too much to do that. Nick Recupito stated he is with John on this, some properties just aren't fit for a pool and this seems to be one of those situations. Jeff Bunge stated that without knowing exactly where the gas line is. Nick Recupito stated the markings for the gas line could be twenty-four inches (24") off. Tim Kubiak stated we do use the NIPSCO markings as our reference number. These back yards are small, there is more room than the last request. The Board discussed if there was a shorter option, would get it further from the NIPSCO lines.

A motion was made by John Kiepura and seconded by Jerry Wilkening to deny the Developmental Variance to allow the Petitioner to have a twelve ft. x twenty-three ft. (12'x23') swimming pool five ft. (5') from the house and to include the findings of fact. 0

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

### 3. Teets - Developmental Variance

Owner/Petitioner: Carol Teets, 8520 W. 132<sup>nd</sup> Ave., Cedar Lake, IN 46303  
Vicinity: 8520 W. 132<sup>nd</sup> Ave., Cedar Lake, IN 46303  
Legal Description: Meyer Manor 2nd Blk 1 Lots 9, 44 & 45

Tax Key Number(s): 45-15-22-457-041.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: A. 2) Maximum height of 14'; 4) No accessory buildings shall be allowed in the front yard of any residential lot

***This Developmental Variance is to allow the Petitioner to construct a seven hundred and twenty sq. ft. (720 sq. ft.) garage with a four hundred sixty-seven sq. ft. (467 sq. ft.) loft with a height of twenty-four ft. (24') and a half (½) bath for an art studio in the front yard of a through lot***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Carol Teets, 8520 W. 132<sup>nd</sup> Ave, Cedar Lake. Would like to build a garage with an art studio on the lot I purchased. House is very small and need the room for sewing machine and crafting supplies that is currently sitting in a storage locker. Would like bathroom and water supply for convenience. Not for a business or to rent out. No windows on the lower level out of respect for the neighbors.
- c) Remonstrators: Mary Joan Dickson, 8711 W. 132nd Pl., Cedar Lake, feels it will enhance the neighborhood and it is a great design.  
Robert Hopkins, 13137 Polk St., Cedar Lake, concerns with flooding in the area. Wants extra drainage, possibly in her plans for building. Jeremy Kuiper read a letter. (Attached) Mr. Hopkins joined the meeting remotely. Tim Kubiak stated we can look into the drainage. That is one of the roads that has been repaved and has some drainage on it, so there must be some kind of issue at the bottom of the hill. Ms. Teets stated there is a drain on the side of his garage that seems to be plugged. Also she is concerned with who will pay for the additional drainage. Ms. Teets stated concerns with a manhole on 131<sup>st</sup> Lane.
- d) Building Department's Comments: Tim Kubiak stated we have had similar with no rental, not an apartment. Up the street Mr. Phipps built a garage across the street and his house is across the street. Revitalizing the neighborhood.
- e) Board's Discussion: Jeremy Kuiper stated that the only variance here is for an accessory structure in the front yard, it meets all other requirements. Michelle Bakker stated the twenty four ft. (24') height. Jerry Wilkening stated the neighbor's deck is on Ms. Teets property and her garage would only be four ft. (4') from that deck. Ms. Teets stated the neighbor did not realize the deck was over the property line. Jeremy Kuiper asked if Ms. Teets would be willing to maintain the six ft. (6') from the property line or structure. Ms. Teets stated yes. She stated she would have enough room to put the garage if it is six ft. (6') or eight ft. (8') from the property line and still have enough room to park vehicles in the driveway. Discussion ensued on the design of the building and the height. Jerry Wilkening asked if she would be using utilities from the house? Tim Kubiak stated would prefer everything be used from the house, so it would still be considered an accessory structure. Nick Recupito stated would like to maintain six ft. (6') from the deck or eight ft. (8') from the property line.

A motion was made Nick Recupito and seconded by Jerry Wilkening to approve the Developmental Variance to allow the Petitioner to construct a seven hundred and twenty sq. ft. (720 sq. ft.) garage with a four hundred sixty-seven sq. ft. (467 sq. ft.) loft with a



height of twenty-four ft. (24') and a half (1/2) bath for an art studio in the front yard of a through lot with the building being six ft. (6') from the neighbor's deck or eight ft. (8') from the property line and no rental or apartment use with utilities hooked to the house 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

#### 4. Huffnagle – Developmental Variance

Owner/Petitioner: Robert & Janet Huffnagle, 12807 Alexander St., Cedar Lake, IN 46303  
 Vicinity: 12807 Alexander St., Cedar Lake, IN 46303  
 Legal Description: S.100FT. OF N.2000FT. OF E.530FT OF E1/2 NW S.21 T.34 R.9  
 W.30FT. IN HWY. TR.20 CEDAR HEIGHTS SUBJ. TO EASMT. 1.12A.  
 Tax Key Number(s): 45-15-21-178-007.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 5:  
 B. Attached Garages: Attached garages on all new home permits shall have a minimum four hundred (400) square feet. Maximum attached garage shall be eight hundred sixty-four (864) square feet

***This Developmental Variance is to allow the Petitioner to build a 20x24 (480 sq. ft.) addition to an existing attached garage for a total of one thousand fifty-six ft. (1,056 sq ft.)***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Robert Huffnagle, 12807 Alexander St., Cedar Lake. Joined remotely. Add an additional 20x24 attached garage to the existing attached garage. Demo the 26x30 detached garage.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak they have been gradually working on fixing up this property. The detached garage is in disrepair and decided to eliminate it and add to the new one. No issue with this. Will have less garage space when done.
- e) Board's Discussion: Jeremy Kuiper asked if he would be looking to add an additional accessory structure in the future. Mr. Huffnagle stated no. Jerry Wilkening asked if the garage door of the existing structure faces North. Mr. Kubiak stated yes.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve the Developmental Variance to allow the Petitioner to build a 20x24 (480 sq. ft.) addition to an existing attached garage for a total of one thousand fifty-six ft. (1,056 sq. ft.) and to remove old building before construction 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:

Adjournment: Time: 10:10 p.m.

**Press Session:** Board of Zoning Appeals Meeting – June 11, 2020 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.*



# WIESER & WYLLIE, LLP

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Attorneys at Law

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JAMES L. WIESER  
E-mail:  
jlw@wieserwyllielaw.com

May 14, 2020

Via E-Mail Transmission and Hand Delivery

Mr. Jeremy Kuiper, President  
Town of Cedar Lake  
Board of Zoning Appeals  
7408 Constitution Avenue  
Cedar Lake, Indiana 46303

Mr. David M. Austgen  
Austgen Kuiper Jasaitis P.C.  
130 North Main Street  
Crown Point, Indiana 46307

RE: Our Clients: Jim and Pamela Thorn  
Subject: West Side Auto Property  
14101 Lauerman, Cedar Lake, Indiana  
Application for Variance of Use

Dear Chairman and Mr. Austgen:

As you are aware, I represent Jim and Pamela Thorn, and, specifically, in regards to an Application for a Use Variance filed by my clients and Jeremy Larson, which is the subject of a public hearing before the Board of Zoning Appeals this evening. As I have previously explained to Dave Austgen, due to my wife's health circumstances, I am unable to attend in-person meetings or gatherings of multiple persons. Therefore, I am unable to personally represent my clients this evening. My clients are aware of these unique circumstances, but, based upon business interests and contractual obligations, are left with no alternative but to proceed this evening. Therefore, pursuant to applicable statutes, and your rules and regulations, I am providing this written submission on behalf of my clients and ask that you acknowledge receipt of this submission and make it part of your record. If possible, I would ask that this be read into the record as well.

Attached to this correspondence is a letter sent to Dave Austgen on March 25, 2020 wherein I assert, on behalf of Jim and Pamela Thorn, that a Variance of Use is not legally necessary nor required. It is our position that, based upon the representations contained in our March 25<sup>th</sup> correspondence, the petition should be dismissed primarily on the basis that, since 1977, when Mr. Thorn first acquired the property, it has either operated lawfully as a permitted use in the subject Zoning District, or as a lawful non-confirming use as defined under the various iterations of the Cedar Lake Zoning Ordinances since that date. Further, the property has been used and operated as an auto repair/heavy equipment repair shop since 1977 and has never "...been abandoned or discontinued for a continuous period of six (6) months or more...". Thus, dismissal of this petition is in order.

Secondly, our clients' due process rights were adversely impacted and affected when, at your March 12, 2020 meeting (Minutes included), despite the fact that our request for a deferral of the petition was granted, this matter was opened to the public and interested parties for comment and

Mr. Jeremy Kuiper, President  
Mr. David M. Austgen  
May 14, 2020  
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remonstrance. This was done despite the fact that neither the Petitioner nor myself were present, and further, no petition, nor evidence, documentation or information was submitted on which the remonstrators could properly comment and remonstrate. This was all done without our opportunity to hear the full extent of the remonstrance (since the remonstrance was only oral and not submitted in writing), in order to prepare an appropriate, or even timely, response.

Finally, should you determine that dismissal of the petition is not in order, and my clients are required to proceed forward, it is our position that the petition should be granted. The use of the property, which has continually operated, since 1977, as a Full Service Garage, is not injurious to the public health, safety or general welfare of the community. In fact, two such identical non-conforming uses operate full service garages very near our clients' business, including one at the northeast corner of Lauerman and 139<sup>th</sup> Street and another just up 139<sup>th</sup> Street to the east. Further, the use of value of the adjacent area will not be affected in a substantially adverse manner as the proposed use will be exactly the same as has existed on the property for forty (40) years.

Also, the strict applications of the terms of the Zoning Ordinance constitutes an unnecessary hardship and the approval does not substantially interfere with the Town's Comprehensive Plan. For all those reasons, the petition should be granted.

I want to take this opportunity to thank you for allowing me to make this presentation in support, and on behalf of, Jim and Pamela Thorn. My apologies for my inability to attend in person, but as we all know, these are unusual times and even more unusual circumstances, and first and foremost, I have to protect the health and welfare of my wife and my family.

Respectfully submitted,  
WIESER & WYLLIE, LLP



JAMES L. WIESER  
Attorney at Law

JLW:bg  
Enclosures

**From:** Sanusi Mutuwa [mailto:[operations@cedarlakeministries.org](mailto:operations@cedarlakeministries.org)]  
**Sent:** Thursday, May 07, 2020 12:36 PM  
**To:** Michelle Bakker <[michelle.bakker@cedarlakein.org](mailto:michelle.bakker@cedarlakein.org)>  
**Subject:** Re: BZA Special Use

Hi Michelle,

Good day and thank you for processing our deferral request.

The effects of the COVID pandemic has impacted our ministry in unforeseen ways. We are still processing and coming to grips with it all. Part of this is that the urgency for the Adventure Elements is non longer a factor for us. So we would like to request the withdrawal of our BZA petition at this time. Since we will not be building till after the PUD is set up.

Let it be clear however, that we do intend to proceed with the PUD application for amendment/rezoning. To that effect, I seek a continuance through October with the Plan Commission to allow us to plan for our summer period and re-engage our community and regroup.


Please write back and confirm once this is done to let me know if you have any questions. By the way, you did not include the attachment and I would appreciate it if you could send that.


Thanks for all you do!!

**Sanusi Mutuwa**


Director of Operations



  [\(219\) 374-5941 | Ext. 106](tel:(219)374-5941)

  [Fax: \(219\) 374-7830](tel:(219)374-7830)

 [cedarlakeministries.org](http://cedarlakeministries.org)

 [13701 Lauerman St.](#), PO Box 665, Cedar Lake, IN 46303

4/28/2020

1071 Olivia Ct.

Chesterton, IN. 46304

RE: sexton 6 parcels

Department of Planning, Zoning, and Building

7408 Constitution Ave.,

PO BOX 707,

Cedar Lake, IN. 46303

With the petition of Kevin Riley coming before the board this month, I thought I've review my property options for future planning. I reviewed the R2 zoning requirements for Mr. Riley and have a good understanding of what he is requesting. I have put some questions together for the board/building department in a separate letter. I would like to address my property to get a rough idea as to what I might expect if I decided to replace my existing house with a new one. It looks like I can meet setback requirements and property square foot sizes to meet R1 requirements. I would need to know from the building department if I am able to replace the house (and relocate the new house on the property), placing it in such a way to meet setback requirements. Further, if Mr Riley is successful in receiving a variance to build a smaller home on his lot than code, would I have the same option?

The corner lot requirement in the code indicates 16,500 ft sq. for R1 zoning. The one issue that is confusing is my lot size requirement. My property is L shaped, with all 6 lots included. Strictly speaking it is not a corner lot. It consists of 6- 26' x 100' lots. If I can be considered a non-corner lot, the lot requirement size is 15,000 ft sq. and all is good. If it is ruled a corner lot, I am a little short on size to replace the house entirely under new code. I would then possibly need to request a variance. This then raises the question as to whether a variance would have a good chance to be approved.

Additionally, I'd like to consider leaving the driveway and detached garage on the south side of the property (on 131<sup>st</sup> Pl.). If I replaced the house, hopefully I wouldn't be required to replace the garage also, just to move it to the east on the lot a couple of feet. This would be an additional expense that I would have to consider. I don't see the benefit to being required to move the garage over a couple of feet to the east to meet new setback rules. Hopefully this is not an issue.

I have put together a rough idea of what I might wish to accomplish in the future by including 2 attached sketches. I can discuss this with you when someone is available.

Thank you

Robert Sexton

Attachments: 2 sketches of rough house plots

Sexton - 1

Riley Property

-2→

131st. Ave

30' m

30'

5'

Approx  
Existing  
House

Edison

15'

(yard)

Approx  
Existing  
House

Drive  
way

4920 131st Pl.

(house)

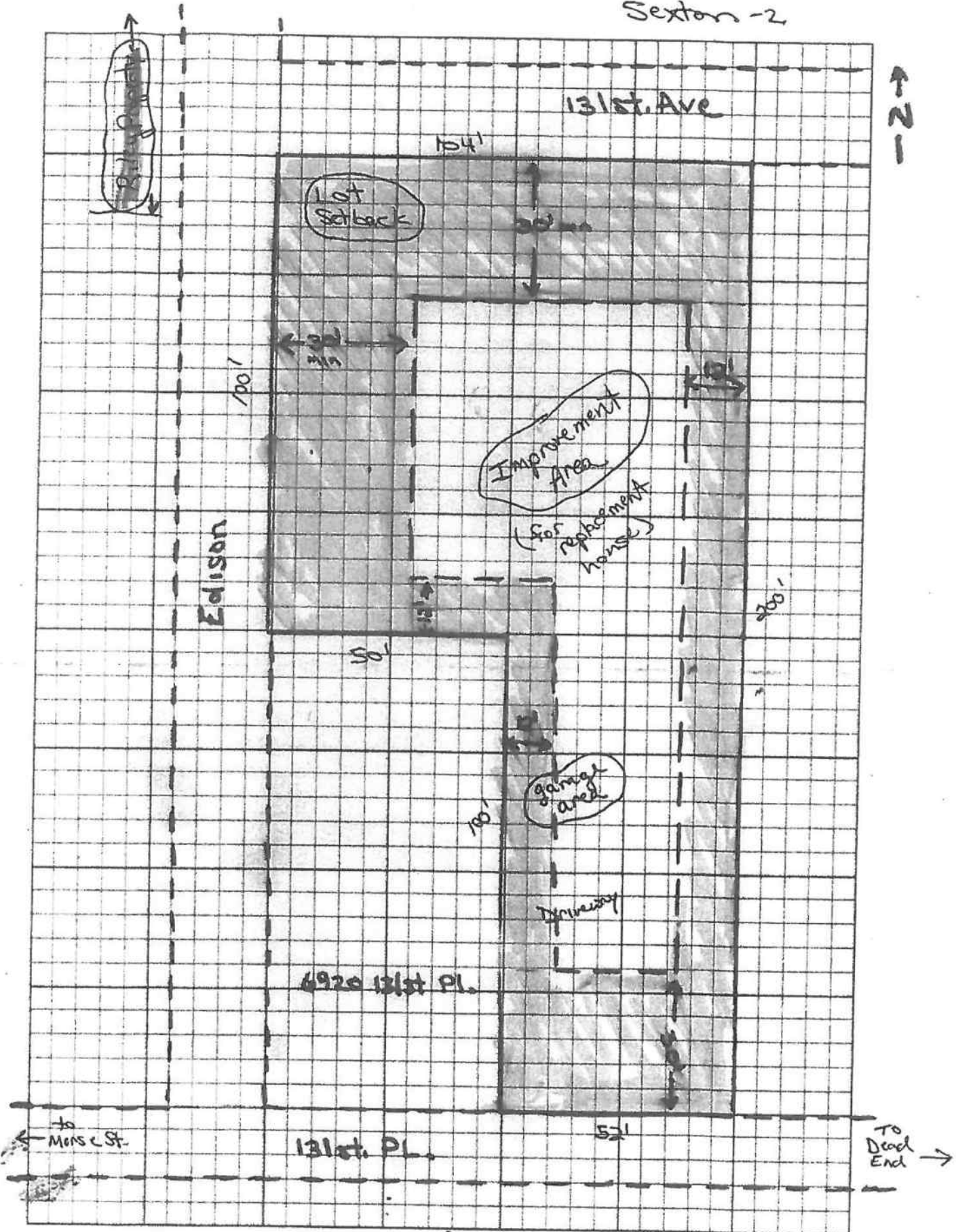
(drive  
way)

30'

131st. Pl.



Sexton - 2





This has direct bearing on me. I may wish to do essentially the same similar thing in the future. That is, remove my existing older home, and rebuild a new home on my same 6 lots. I would like to be given the same latitude for variances as needed. Any replacement home I would build on my property would be a significant asset the neighborhood. I feel compelled to review this issue now. I look forward to exploring these issues. If I were to be held to a strict standard for rebuild, I would expect the same for Mr. Riley. My take is that it is hard to reconcile 1930's cottages with current building standards, and it requires a give and take approach by everyone, town and property owners both.

One tangential comment I would like to publicly air for a different Cedar Lake department: 131<sup>st</sup> Pl., from Morse St, east past Edison has been in disrepair for far too long. This affects property values. Perhaps this then enters at least partially into Mr. Riley's decision to request to build a smaller house.

The town did a great job with the roundabout on Lake Shore Drive and 128<sup>th</sup> Ln. rebuilds. When can we expect 131<sup>st</sup> Pl. to be budgeted for improvement?

Sincerely,

Robert Sexton

## Tammy Bilgri

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**From:** Robert Hopkins <rhopkins@exhibitsourceinc.com>  
**Sent:** Friday, May 08, 2020 1:59 AM  
**To:** Tammy Bilgri  
**Cc:** Marilyn Hopkins  
**Subject:** RE: notice of public hearing for Carol Teets at 8520W. 132nd Ave.

Tammy here is my note of concern that I would like to be brought up at the May 14<sup>th</sup> Public Hearing. This is in regard to the request for a variance on Lots 9, 44 & 45 in Meyer Manor. Thank you for offering to present this note to the Board of Zoning Appeals.

Mr. Jeremy Kuiper President  
Board of Zoning Appeals  
Cedar Lake, Indiana

RE: Variance Request for Meyer Manor 2<sup>nd</sup> Blk 1 Lot 9, 44 & 45  
8520 W. 132<sup>nd</sup> Ave, Cedar Lake, In 46303

I would like there to be a consideration given to the flooding in our area prior to any variance given. My concern is that a new structure will increase the run off and without any heed to what currently is happening the flooding will worsen.

Currently, a tremendous amount of water runs down 131<sup>st</sup> Lane and down 132<sup>nd</sup> Ave along the street. Wherever possible this water also runs into all of the lots along both streets on its way to the lake. This flooding causes my garage to flood in each heavy rain as this water comes around and through both corner lots on Polk Street. If a garage is built without consideration of the current flooding that extra roof will force more water into my lots and thus into my garage.

I am also sending a letter to the Public Works Department regarding the flooding.

Robert Hopkins  
13137 Polk Street  
Cedar Lake, IN 46303  
[rhopkins@exhibitsourceinc.com](mailto:rhopkins@exhibitsourceinc.com)  
708/878-4789

**From:** Tammy Bilgri <tammy.bilgri@cedarlakein.org>  
**Sent:** Thursday, May 7, 2020 10:02 AM  
**To:** Robert Hopkins <rhopkins@exhibitsourceinc.com>  
**Subject:** RE: notice of public hearing for Carol Teets at 8520W. 132nd Ave.

Yes you can email the information for both meetings to me.

I will get the information to the proper parties.

If you get me the information for the storm water, I can get it added to the list and try to have it checked out before the next meeting and then they will determine if it needs to be added to the agenda.

We have had to cancel a couple of the past meetings, but we are trying to have the meetings in May by live streaming and limiting the number of participants. However depending on the directive from the Governor things may change.