



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

In accordance with the Governor's Executive order relating to COVID-19, in person attendance of tonight's Board of Zoning Appeals 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 the link to participate during public comment.

Due to the unique nature of this meeting, the Town of Cedar Lake will 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. 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): _____

Pledge to Flag:

Roll Call:

- | | |
|--|--|
| <input type="checkbox"/> Nick Recupito | <input type="checkbox"/> David Austgen, Town Attorney |
| <input type="checkbox"/> Jerry Wilkening | <input type="checkbox"/> Tim Kubiak, Director of Operations |
| <input type="checkbox"/> John Kiepura | <input type="checkbox"/> Michelle Bakker, Building Administrator |
| <input type="checkbox"/> Jeremy Kuiper | <input type="checkbox"/> Tammy Bilgri, Recording Secretary |
| <input type="checkbox"/> Jeff Bunge | |

Minutes:

July 9, 2020 Public Meeting

Motion: _____		2 nd : _____			
Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote

Old Business:

1. Price Point Builders - Developmental Variance

Owner: Ruben Farfan, 8918 W. 103rd St., St. John, IN 46373
Petitioner: Price Point Builder, LLC, PO Box 1343, Crown Point, IN 4308
Vicinity: 12727 Wrightwood Ave., Cedar Lake, IN 46303
Legal Description: Shades Add Plat LM Block 1 Lots 5 to 16 & N.7ft of Lot 17
Tax Key Number(s): 45-15-22-277-027.000-014

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; D. Rear Yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot

This Developmental Variance is to allow the Petitioner to build a new home with a front yard setback of twenty ft. (20') and a rear yard setback of nine ft. sixty-seven in. (9'67")

Deferred from June 11, 2020

Deferred from July 9, 2020

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: _____ 2nd: _____

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

2. Arellano - Developmental Variance

Owner/Petitioner: Roman Arellano, 22910 Burnham Ave., Chicago Heights, IL 60411
Vicinity: 7704 134th Ct., Cedar Lake, IN 46303
Legal Description: CEDAR POINT PARK L.108
Tax Key Number(s): 45-15-26-103-016.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 3: The maximum height of buildings and other structures erected or enlarged in this Zoning District shall be two (2) stories, not to exceed thirty (30) feet at its peak; Section 4: B. Front Yard: On all other streets, a distance of thirty (30) ft.; 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; E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures. **And** Title XX-Supplementary Zoning District: Section 23: A. 2) Recorded Lots less than Minimum Area: Lots of record which have less than the minimum area requirements for Residential Zoning Districts, may nevertheless be used for any

use permitted therein, except that for dwellings the lot must have a width of at least fifty (50) feet and an area of at least five thousand (5,000) square feet.

This Developmental Variance is to allow the Petitioner to build a new 2 ½ story single family home on an existing foundation with a height of thirty-two ft. (32') an east side yard setback of one ft. (1'), a west side yard setback of six ft. ten inches (6'10"), a front yard setback of fourteen ft. (14'), lot coverage of nine hundred and forty sq. ft. (940 sq. ft.), a lot size of two thousand six hundred twenty-five sq. ft. (2,625 sq. ft.) and frontage of thirty-five ft. (35')

Deferred from July 9, 2020

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: _____ 2nd: _____

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

New Business:

1. Moore – Special Use Variance

Owner: Brian Kubal, 13305 Morse St., Cedar Lake, IN 46303
 Petitioner: Erik Moore, 10845 Forestdale, St. John, IN 46373
 Vicinity: 13135 Morse St., Cedar Lake, IN 46303
 Legal Description: Shades Add Cedar Lake Plat B-A BL.6 Lots 16 to 22 **and** SHADES ADD. CEDAR LAKE, PLAT B-A ALL L.15 BL.6
 Tax Key Number(s): 45-15-23-454-036.000-043 **and** 45-15-23-454-001.000-043

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XXIII-Community Business (B-2) Zoning District

This Special Use Variance is to allow the Petitioner to operate a wood working/assembly shop a B-3 use in a B-2 Zoning District

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Recommendation to Town Council:

Motion: _____ 2nd: _____

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

2. Gierczyk - Use Variance

Owner: Cedar Lake 132nd & Morse, LLC, 16200 Clinton St., Harvey, IL 60426
Petitioner: Joshua Gierczyk, 9 Gianna Drive, Flossmoor, IL 60422
Vicinity: 13205 Morse St., Cedar Lake, IN 46303
Legal Description: SHADES ADD. CEDAR LAKE PLAT B A ALL L.12 BL.7 ALL L.13 BL.7
Tax Key Number(s): 45-15-23-455-002.000-043

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 park and sell food out of a food truck with parking for customers on site and overflow in the adjacent lot with tables/benches for outdoor dining.

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Recommendation to Town Council:

Motion: _____ 2nd: _____

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

3. Mulholland - Developmental Variance

Owner/Petitioner: Sean & Rachel Mulholland, 8431 Raven Way, Cedar Lake, IN 46303
Vicinity: 8431 Raven Way, Cedar Lake, IN 46303
Legal Description: HAVENWOOD SUBDIVISION UNIT THREE B LOT 45
Tax Key Number(s): 45-15-22-209-001.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: B. A fence located on a corner lot that has been designated as a side yard shall be set back a minimum of twenty feet (20') from the right-of-way line

This Developmental Variance is to allow the Petitioner to build a four ft. (4') picket fence seven ft. (7') from the property line off of Morning Dove Drive

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: _____ 2nd: _____

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

4. Gawne - Developmental Variance

Owner/Petitioner: Kurt Gawne, 14627 Morse St., Cedar Lake, IN 46303
Vicinity: 14627 Morse St., Cedar Lake, IN 46303
Legal Description: THE WEST 208.75 FEET OF THE NORTH 208.75 FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN; THENCE NORTH ON THE WEST LINE OF SAID LOT 26 RODS TO THE SOUTHWEST CORNER OF LAND SET OFF TO SUSAN TAYLOR; THENCE EAST ALONG THE SOUTH LINE OF SAID TAYLOR LAND 80 RODS TO THE EAST LINE OF SAID LOT; THENCE SOUTH 26 RODS TO THE SOUTHEAST CORNER OF SAID LOT; THENCE WEST 80 RODS TO THE POINT OF BEGINNING, IN LAKE COUNTY, INDIANA
Tax Key Number(s): 45-15-35-415-001.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: 2) Exterior wall heights shall not exceed ten ft. (10') from the finish floor surface. Lot size: 1.01-2.00 acres; Maximum accessory size: 1,600 square feet

This Developmental Variance is to allow the Petitioner to build a 42'x60' (two thousand five hundred and twenty sq. ft.) metal post frame garage with side wall height of twelve ft. (12')

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: _____ 2nd: _____

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

5. Hughes- Developmental Variance

Owner/Petitioner: David Hughes, 1326 W. Grenshaw St., Chicago, IL 60608
Vicinity: 143rd & Colfax, Cedar Lake, IN 46303
Legal Description: E.344.25FT. OF S.671.85FT OF N2. NE 1/4 S.35 T.34 R.9 5.310AC.
Tax Key Number(s): 45-15-35-228-004.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: A. 1) There must be a complete residential structure on any given parcel of land prior to construction of any accessory building

This Developmental Variance is to allow the Petitioner to build a shed with a maximum size of 12'x18' on a lot with no primary structure

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: _____ 2nd: _____

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote

6. Groot – Developmental Variance

Owner/Petitioner: Terry Groot, 14133 Huseman, Cedar Lake, IN 46303
Vicinity: 14132 Soper St., Cedar Lake, IN 46303
Legal Description: NOBLE OAKS PARK 2ND ADD. ALL LOTS 12 & 13 BL.8
Tax Key Number(s): 45-15-34-209-018.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) 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 six hundred (1,600) square feet minimum for a two (2) story house. Minimum footprint for a two-story is eight hundred (800) square feet. All such areas shall be exclusive of unenclosed porches, terraces and garages.

This Developmental Variance is to allow the Petitioner to build a new two story home with a foundation floor of zero sq. ft. (0') and an upstairs of seven hundred and twenty-eight sq. ft. (728')

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: _____ 2nd: _____

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote

7. Groot - Developmental Variance

Owner/Petitioner: Terry Groot, 14133 Huseman, Cedar Lake, IN 46303
Vicinity: 14133 Huseman, Cedar Lake, IN 46303
Legal Description: NOBLE OAKS PARK 2ND ADD. LOTS 9 & 10 BL.7 & VAC. R-W ADJ. & PT. OUT LOT A LY'G. BET. R-W & LAKE
Tax Key Number(s): 45-15-34-211-026.000-014

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) ft.; C. Side

Yard: On each lot, except as otherwise specified, there shall be two (2) side yards, each having a width of not less than eight (8) feet.

This Developmental Variance is to allow the Petitioner to remove an existing one (1) car garage and build an attached garage with front yard and side yard setbacks of two ft. six in. (2'6")

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: _____		2 nd : _____			
Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

8. Neiner- Developmental Variance

Owner: Bob Neiner Farms Inc, 2041 W 9000 N RD, Manteno, IL 60950
Petitioner: Mike Neiner, 2077 W 9000 N RD, Manteno, IL 60950
Vicinity: 13206 Colfax St., Cedar Lake, IN 46303
Legal Description: Halley's 2nd Cedar Lake Sub. lots 22,23,24,25&26
Tax Key Number(s): 45-15-23-477-043.000-043

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) ft

This Developmental Variance is to allow the Petitioner to build a covered porch with a front yard setback of twenty-two ft. (22')

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: _____		2 nd : _____			
Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

Public Comment:

Adjournment: Time: _____

Press Session: Board of Zoning Appeals Meeting – September 10, 2020 at 7:00pm

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.