



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
January 14, 2021 7:00 P.M.**

Call to Order (Time): 7:00 p.m.

Pledge to Flag:

Roll Call:

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

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

Also present, Jill Murr

**1. Nomination and Appointment of Officers:**

A motion was made by John Kiepura and seconded by Jerry Wilkening to elect Jeremy Kuiper as president

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

A motion was made by Nick Recupito and seconded by Jerry Wilkening to elect Jeff Bunge as vice president

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

**Minutes:**

A motion was made by John Kiepura and seconded by Nick Recupito to approve the December 10, 2020 Public Meeting Minutes as presented.

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

**Old Business:**

**1. Porter – Special Use Variance**

Owner: Cedar Lake Storage LLC, 9019 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
Petitioner: Tim Porter, 2805 W. 47th Ave., Gary, IN 46308  
Vicinity: 9019 W. 133d Ave., Cedar Lake, IN 46303

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 operate an indoor/outdoor storage facility for boats, RV's, cars and trucks***

**Motion was made at the Town Council meeting on December 15, 2020 to send this request back to the BZA**

- a) Attorney to Review Legals: David Austgen stated this was sent back to you as a consequence of discussion at the Town Council Meeting. Additional information had been presented and obtained relating to this site. Indiana Code provides for what I would say is the ping pong procedure. If there is additional information and the need for further proceedings the body can remand back to the Board of Zoning Appeals for further review and consideration. Robert Carnahan stated there was a lot of stuff being done at the property and were not sure if the Board knew clearly what was going on and wanted clarification.
- b) Petitioner's Comments: Chris Porter, 610 E Elm, Griffith, IN. Confusion with work being done on the site. We did have a permit to take down the two (2) unsafe buildings. We are working on the property to fix it up. The ambulance service has not been vacated at this time. They had seventy-five (75) days after closing to remove themselves from the property. That was January 6 at midnight. Since that time, we are in contact with our attorney and he formally informed them that they should be out by the 13<sup>th</sup>. After that we will be taking action to have them removed. Have changed directions and meet with DVG on Monday and they will be getting together a proposal to proceed with the one-lot subdivision and the drainage issues on the property.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated there was a picture of some concrete and a dumpster and activity at the property. The activity was permitted activity. There is a permit to demolish the two (2) buildings at the rear of the property. Jeremy Kuiper stated after the Council Meeting, it was researched and we have an answer about the ambulance service being out of there. Tim Kubiak stated correct, they are still working on the ambulance service and they had a permit for the work being done.
- e) Board's Discussion: Nick Recupito had a concern with the certification and it does not exactly match the minutes of the motion made. It is missing the one-year timeline. Jeremy Kuiper asked does this mean the original favorable recommendation is no longer valid. Mr. Austgen stated you can send something back to the Town Council and it will be reevaluated depending on your updates. The Board discussed the updated Certification and the one-lot subdivision. Robert Carnahan expressed concern with school bus pick/drop off on the property.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to amend the certification and send a Favorable Recommendation to the Town Council for the Special Use Variance to allow the Petitioner to operate an indoor/outdoor storage facility for boats, RV's and trucks no larger than  $\frac{3}{4}$  ton with a designated number of spots requested. Hours of operation 7:00 a.m. to 7:00 p.m., no entry after these hours. Contingent the one-lot subdivision and land use approvals with one (1) year to complete the projects and the ambulances be removed before occupancy is given and to include the findings of fact.

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

## **New Business:**

### **1. Govert – Developmental Variance**

Owner: Steve Govert, 13406 Wicker Ave., Cedar Lake, IN 46303  
 Petitioner: Justin Govert, 13406 Wicker Ave., Cedar Lake, IN 46303  
 Vicinity: 13406 Wicker Ave., Cedar Lake, IN 46303  
 Legal Description: N1/2 OF S4AC OF E221/2 RODS NE NE S29 T34 R9 EXC N76.06FT  
 1.352AC SUBJ TO EASEMENT  
 Tax Key Number(s): 45-15-29-229-031.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII: Sign Regulations: Section 1: A. Signs which display any flashing or intermittent lights, or lights changing intensity or color, except signs indicating time or weather conditions

***This Developmental Variance is to allow the Petitioner to install a digital message board***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Justin Govert, 13406 Wicker Ave., Cedar Lake, IN. Requesting a digital sign board to replace the original sign. It is the same size as current sign. It will be on twenty-four hours (24) seven (7) days a week.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he has no issues.
- e) Board's Discussion: Jeremy Kuiper went over the reasonable conditions put on digital message boards. Messages remain on for six (6) seconds, no flashing to mimic emergency vehicles, no scrolling left/right, and should dim at night. Jerry Wilkening expressed concern with making sure it can be dimmed, these regulations are based on the NTSB criteria.

A motion was made by Jerry Wilkening and seconded by John Kiepura for the Developmental Variance to allow the Petitioner to install a digital message board contingent messages last six (6) seconds, no flashing to mimic emergency vehicles, no scrolling left to right and to dim at night to follow the criteria based on the National Traffic Safety Board and to include the findings of fact.

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

### **2. Terry – Developmental Variance**

Owner/Petitioner: Brian & Candice Terry, 6712 W. 145<sup>th</sup> Ave., Cedar Lake, IN 46303  
 Vicinity: 6712 W. 145<sup>th</sup> Ave., Cedar Lake, IN 46303  
 Legal Description: Shades Add Cedar Lake Plat B Blk 10 Lots 22,23,24,25,26,27  
 Tax Key Number(s): 45-15-35-284-043.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: Section 1. A. 1) No fence shall be located in the front yard; C. 2) IF the fence is constructed

with a material such as wrought iron or wood piers, a six foot (6') high fence is allowed if the entire fence design is fifty percent (50%) open and the fence is setback a minimum of six feet (6') from the side lot line

***This Developmental Variance is to allow the Petitioner to have a six ft. (6') privacy fence in the front yard on a corner lot with a zero ft. setback from 145<sup>th</sup> and a zero ft. setback from Hobart***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing may be conducted.
- b) Petitioner's Comments: Brian & Candice Terry, 6712 W. 145<sup>th</sup> Ave., Cedar Lake. Would like to put up a six ft. (6') privacy fence. Did not realize it was on a corner lot, there is an unapproved road.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated that Hobart Street is unapproved at their back property line. Not sure how likely it will be improved. Do not have an issue with the fence along the unapproved Hobart Street, but along 145<sup>th</sup> Avenue a six ft. (6') fence with a zero ft. setback is not a good idea. Believe it should be held back to the front of the house. Looks like that is about thirty ft. (30') off of 145<sup>th</sup>.
- e) Board's Discussion: Discussion ensued on any issues arising if Hobart Street were approved. The Board explained to the petitioner where the fence would be located.

A motion was made by Nick Recupito and seconded by Jerry Wilkening to approve the Developmental Variance to allow the Petitioner to have a six ft. (6') privacy fence in the front yard on a corner lot with a thirty ft. (30') setback from 145<sup>th</sup> and a zero ft. (0') setback from Hobart and to include the findings of fact.

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

### 3. Krizmanic – Developmental Variance

Owner/Petitioner: Regena Krizmanic, 7305 Lake Shore Dr., Cedar Lake, IN 46303  
Vicinity: 13431 Bryan St., Cedar Lake, IN 46303  
Legal Description: 2ND RESUB. BL.6 SHADES ADD. CEDAR LAKE, PLAT 'A.A' L.15  
Tax Key Number(s): 45-15-23-329-032.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 1: B. Front Yard: 4) On all other streets, a distance of thirty (30) Feet

***This Developmental Variance is to allow the Petitioner to build a deck in the front yard of a corner lot with a twelve ft. eight in. (12'8") setback from Bryan St. and a twelve ft. (12') setback from 134<sup>th</sup> Lane***

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Regena Krizmanic, 13431 Bryan St. and 7305 Lake Shore Dr., Cedar Lake, IN. Would like to build a deck near Bryan St. and 134<sup>th</sup> Lane.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated she has been making improvements to this house for a few years, the deck is kinda big for the

property. This is a unique piece of property. The deck is very low to the ground only sixteen inches (16"). This would be consistent with the area.

- e) Board's Discussion: Discussion ensued on the chain link fence on the property and the possibility of removing it.

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 in the front yard of a corner lot with a twelve ft. eight in. (12'8") setback from Bryan St. and a twelve ft. (12') setback from 134<sup>th</sup> Lane contingent the metal chain link fence be removed and to include the findings of fact.

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

#### 4. Sikorevich – Special Use Variance

Owner/Petitioner: Steve Sikorevich, 3235 Saric, Ct., Unit 1A, Highland, IN 46322  
Vicinity: 13930 Lauerman St., Cedar Lake, IN 46303  
Legal Description: Pt. E.1/2 SE.1/4 SW.1/4 S.27 T.34 R.9 (248x251x100x248x100x251ft)  
1.99Ac  
Tax Key Number(s): 45-15-27-376-032.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 1: Intended Purposes: The general character of this Residential Zoning District is to consist of single-family dwellings, set on medium sized building lots. Non-residential uses would be of similar character as those in Residential (R-1) Districts.

***This Special Use Variance is to allow the Petitioner to have a multi-family residence with a B-1 Medical Office in a R-2 Zoning District***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Dr. Steve Sikorevich and Dr. Iryna Polyakova. Recently bought this building and would like to use this as four (4) rental units with a medical office. Will be mostly an online practice; with the exception of medicare/medicaid requirements to see patients. Possibly several patients a week. No additional employees, the hours would be 7:00 a.m. to 8:00 p.m. This is a side practice approximately fifteen (15) hours a week. Will be making some improvements to create a doctor's room and a waiting room. Will add to additional sign. Does have plans to make everything ADA compliant including the bathroom. There are two (2) tenants there, previous owner had four (4) units.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he does not have issues with the intended use of the property. Will need ingress/egress, State release for a medical office and the current condition of that existing building is not the greatest. There needs to be a lot of work done, the electric service in that building was put in without a permit by previous owners. There are a lot of noncompliant situations in the building. Will need an ADA entrance/exit into that building. The potential is there to do this, but it needs a lot of work. Michelle Bakker stated the number of rental units was reduced, they are allowed to have three (3) rental units and one (1) business. That is what their last variance was for, when the dance studio went in. Tim Kubiak also expressed concern with

the fire separation from the offices and the residential. When putting in a commercial use there are current fire codes as well as building codes that will need to be met.

- e) Board's Discussion: Jeremy Kuiper stated that because you are making improvements to the commercial portion, this will obligate you to make improvements to the residential side. Joe Pokraka, their broker. He has taken steps to fix the boiler and some of the electric issues. Does have plans to fix both residential and commercial. Jeremy Kuiper stated these plans are not in our packet, we need more information on all improvements being done to the property. Jerry Wilkening stated this building was in need of help thirty (30) years ago, and until Mr. Kubiak has a chance to look it over in detail, believes a deferral is in order. Tim Kubiak stated we will need a more detailed plan on the number of apartments and commercial to be on the property. Multiple discussions ensued regarding the number of units on this property and the lack of permits pulled for the property. Jeremy Kuiper stated this is great and seems to be a well thought out plan, just incomplete will need more detailed information. Michelle Bakker stated if additional rental units are wanted that could be another special use that would need to be applied for, a sewer tap and all those fees to be done correctly.

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer to the February 11, 2021 Public Meeting per the Petitioners request.

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

**Public Comment:**

**Adjournment:** Time: 8:19 p.m.

**Press Session:** Board of Zoning Appeals Meeting – February 11, 2021 at 7:00pm

---

Nick Recupito

---

Jeff Bunge, Vice Chairman

---

Jerry Wilkening

---

Jeremy Kuiper, Chairman

---

John Kiepura

---

Attest: Tammy Bilgri, Recording Secretary

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