



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING  
February 11, 2021 7:00 P.M.**

Call to Order (Time): **7pm**

Pledge to Flag:

Roll Call:

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

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

**Minutes:**

A motion was made by John Kiepura and seconded Jeff Bunge to approve the January 14, 2021 Public Meeting Minutes as presented.

Motion: Kiepura 2<sup>nd</sup>: Bunge

<u>Nick</u> <u>Recupito</u>	<u>Jerry</u> <u>Wilkening</u>	<u>John</u> <u>Kiepura</u>	<u>Jeff</u> <u>Bunge</u>	<u>Jeremy</u> <u>Kuiper</u>	<u>Vote</u>
YES	ABSENT	YES	YES	YES	4-0

**Old Business:**

**1. 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***

**Attorney to Review Legal:** Mr. Austgen stated the legal order for last month and that public hearing per petitioner. Austgen identified the building is a Mix Use Variance of Use of the property by zoning district classification permitted or not, is the problem they had last time.

**Petitioner's Comments:** Mr. Sikorevich specified he had a meeting with Mr. Kubiak and got detailed plans on the building and the Architect Mr. Maciejewski indicated that they were trying to bring back some of the original use structure of the building. Mr. Sikorevich identified the time line will be within the next few months in finishing the updates to the building of the residence. Then will be working on the medical office space.

**Remonstrators:** NONE

**Building Department's Comments:** Kubiak indicated there will be a wheelchair entrance and other fixtures, and construction repair. He stated they are in the right direction with the apartments with code. Kubiak stated there is no detailed list until approval for the rest of the plans.

**Board's Discussion:** Mr. Recupito questioned if there was any discussion on the parking, drainage, and lighting plans. Mr. Kubiak stated they have adequate parking. Just needs painting of stripes. No updating needed at this time. Focusing mainly right now on the structure of the building.

Attorney Austgen wanted to know if there is a list of conditions, commitments, or terms that go with this. Feels in the summary it doesn't have lot in terms of the nature of the use, and combination for zoning residential apts. The Architect Mr. Maciejewski indicated there are four existing apartments and a small part will be an office and the rest vacant.

Mrs. Bakker stated the hours of operations update is needed. Mr. Sikorevich confirmed that the hours will be between 8am to 7pm Monday thru Friday and sometimes Saturday. But not have more than 8 to 10 patients a day. The medical practice is primarily a tele medicine operation so only about 50% to 75% of the patients will be on line, and not a require office space time. Approximately 25% to 30% will be inhouse. He also explained that the business sign will be the same size of what is there now. Parking will have one handicap upfront in the first space, first row for the business, and the second row and back for the occupants of the apartments. The apartments are 2-3 bedrooms, 1-2 bedroom, and 1-1 bedroom. Then plus the office. There will be no delivery other than a UPS truck.

Mr. Kiepora requested that there be some sort of record of some control with the project.

Mr. Maciejewski the Architect indicated the original floor plans submitted may not have the whole office space identified. He recommended that it be included and restated as "whole office space".

Mr. Bunge questioned if the building has the structural integrity to handle the major overhaul. Mr. Kubiak answered he hasn't done a full-blown inspection of the building. As far as the main part, seems to be good. A lot of electrical work needs to be done. Mrs. Bakker indicated she has the proposal for the electrical. Mr. Bunge asked if the vacant space on the first floor would be another office use

or an expansion to their business in the future. Mr. Sikorivich answered that maybe in a few years it could be a possibility of an addition to their business. He doesn't think that they could bring in another free-standing business.

**Board's Recommendation to Town Council:** Mr. Kuiper requested a recommendation be contingent on the building department to bring it up to code.

Motion was made by Mr. Kiepura and second by Mr. Recupito to send a Favorable Recommendation to the Town Council for a Special Use Variance to allow the petitioner to have a multi family residence with a B-1 medical office in an R-2 zoning. To include the hours between 8am–7pm Monday thru Saturday appointments only, to maintain a family practice to make building improvements as shown and discussed. With occupancy for the Building Departments and Town Ordinances with office space of 600 sq. ft. per the drawings submitted today and per the Finding of Facts.

Motion: Kiepura 2<sup>nd</sup>: Recupito

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
YES	ABSENT	YES	YES	YES	4-0

### **New Business:**

#### **1. Hanover High School – Developmental Variance**

Owner/Petitioner: Hanover Community School Corp., 10120 133<sup>rd</sup> Ave., Cedar Lake, In 46303  
Vicinity: 10120 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
Legal Description: Hanover Central Campus Sub Lot 1Ex. Fieldhouse & Spec. gym parcel  
Tax Key Number(s): 45-15-21-451-005.000-014

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

***This Developmental Variance is to allow the Petitioner to install six ft. (6') vinyl coated chain link fencing in a front yard along new parking lots and around the sports practice fields; and to allow six ft. (6') high ornamental architectural fencing in a front yard parallel to 133<sup>rd</sup> Avenue directly north of the sidewalk along the practice fields***

**Attorney to Review Legals:** NONE

**Petitioner's Comments:** Mr. Torrenga went over the types of fencing and the locations on the property. Noted the print out provided location and type of fencing being placed. He indicated that the chain link fence along the west side of the parking lot is specialized track seclusions fence for privacy. Ordinance states this has to be there for privacy with nearby neighbors. Additional is the chain link fence from the middle of the athletic fields across the interior property to baseball fields down the middle of the 10 ft wide side-walk. This is to control who can and can't

come into the athletic fields. The School Corporation wanted to do this since 2016 and is now in their funding. The detention pond is laid out down 133<sup>rd</sup> with the tree line on the opposite side and goes north to the end of parking lot for fencing. This fencing is the same as what's at the tennis courts.

**Remonstrators:** NONE

**Building Department's Comments:** NONE

**Board's Discussion:** NONE

**Board's Decision:** Mr. Recupito motioned to approve the Developmental Variance as presented to include the Finding of Fact. Mr. Kiepora 2<sup>nd</sup> Motion.

Motion: Recupito 2<sup>nd</sup>: Kiepora

Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote
YES	ABSENT	YES	YES	YES	4-0

## 2. Hernandez – Developmental Variance/Special Use Variance

Owner: EYM Group, 450 E. John Carpenter Fwy., Ste. 100, Irving, TX 75062  
Petitioner: Juan Manuel Hernandez, 450 E. John Carpenter Fwy., Ste. 100, Irving TX 75062  
Vicinity: 13300 Lincoln Plaza, Cedar Lake, IN 46303  
Legal Description: S.56.46ft of N.106.46ft of W.185ft of E.505.02ft of E.1/2 NE.1/4 S.28 T.34 R.9 .284Ac subj. to easement  
Tax Key Number(s): 45-15-28-228-001.000-014

**Request:** Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII-Sign Regulation: Section 3 A. 1. No more than two (2) on-premise signs shall be allowed on a zoning lot; Title XXVII-Off Street Parking: Section 4: Parking Spaces: The number of parking spaces required for any particular building or use shall be calculated on the basis of specific need. A calculation of the number of spaces needed resulting in a fraction of space shall be corrected by deleting any space less than one-half (1/2) of a full space or by adding one (1) space for any space one-half (1/2) or more than one-half (1/2) of a full space: Title XII-Neighborhood Business B-1 Zoning District

***This Developmental Variance is to allow the Petitioner to add an additional exterior sign and maximum number of parking spaces to be seven (7) for any B-1 business.***

**Attorney to Review Legals:** Atty Austgen confirmed legals are in order, public may be conducted.

**Petitioner's Comments:** Mr. Hernandez replied to the comment that Mr. Kuiper made regarding being concerned on what type of business will be going in the unused space is that he is unable to give that information with the fact he had a banner up and was told to take it down. So, until he was able to get something

out there, he couldn't give that information. Ms. Bakker than replied that the Variance for the number of parking spaces could very off the businesses.

**Remonstrators:** NONE

**Building Department's Comments:** Mr. Kubiak said that they signed off when the permit was picked up and was understood the vacant space at that time was only being used as storage. He let it be known that there is a back door that can be used for another entrance for the business. Mr. Kubiak agreed with Mr. Kuiper regarding type of business going in with the amount of traffic already with the existing business.

**Board's Discussion:** Atty Austgen states they are trying to squeeze in another business that is already approved. Mr. Kuiper feels that the Board will need and idea of what type of business will be renting, bathroom locations, basement for storage, and type of business needed for reference before moving forward. Gave Mr. Hernandez was given options to use for advertisement. Parking will be discussed further when the Board has an idea of who will be renting.

**Board's Decision:** Board agrees it should be withdrawn due to the nature of the business should be another Variance request that would be proper advertisement with what business goes in. Mr. Hernandez requested a withdraw. Mr. Kuiper went over all he needed when returning for the new request of a Variance.

Let the record show that the petition request that the items from the agenda such a time without change or reset of both items.

Motion: Bunge 2<sup>nd</sup>: Kiepura

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
X	X	X	X	X	X

***This Special Use Variance is to operate two (2) businesses on a lot in a B-1 Zoning District***

**Attorney to Review Legals:** NONE

**Petitioner's Comments:** NONE

**Remonstrators:** NONE

**Building Department's Comments:** NONE

**Board's Discussion:** NONE

**Board's Decision:** Petitioner request to Withdraw both items. See above.

Motion: _____		2 <sup>nd</sup> : _____			
Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote
X	X	X	X	XX	X

**Public Comment:** NONE

**Adjournment:** Time: **8:25pm**

**Press Session:** Board of Zoning Appeals Meeting – March 11, 2021 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: Teri Knowles, Recording Secretary