



**CEDAR LAKE BOARD OF ZONING APPEALS DRAFT MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 13, 2021, at 7:00 pm**

CALL TO ORDER:

Mr. Jeff Bunge called the Board of Zoning Appeals to order at 7:01 pm., on Thursday, May 13, 2021, with its Members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members present: Nick Recupito; Jerry Wilkening; John Kiepura; and Jeff Bunge, Vice-Chairman. A quorum was attained. **Also present:** Ryan Deutmeyer, Town Attorney; Jill Murr, Planning Director; and Teri Knowles; Recording Secretary.

APPROVAL OF MINUTES:

A motion was made by Mr. Recupito and seconded by Mr. Kiepura to approve the meeting minutes of April 8, 2021. Motion carried unanimously by voice vote.

Mr. Bunge inquired about the new member appointment. Mr. Carnahan stated that the new appointment would not be made until the following month.

Attorney Deutmeyer advised the Board that procedurally they should elect a new chairman.

A motion was made by Mr. Wilkening and seconded by Mr. Kiepura to appoint the new chairman for the balance of CY 2021. Motion carried unanimously by roll call vote.

Mr. Recupito	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye

Mr. Bunge opened the floor for nominations. Mr. Wilkening nominated Nick Recupito as Chairman. Mr. Recupito accepted the nomination. Mr. Kiepura seconded the nomination. Hearing no further nominations, Mr. Bunge closed the nominations and called for the vote. Nomination carried unanimously by roll-call vote and Mr. Recupito was elected as Chairman:

Mr. Recupito	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye

Mr. Bunge passed the gavel, and Mr. Recupito thanked the Board for the opportunity to serve as Chairman.

NEW BUSINESS:

**1. Barajas – Developmental Variance – Petitioner: LaGaviota Supermercado
Vicinity: 10728 West 133rd Avenue – Owner: Armando and Teresita Barajas**

Mr. Recupito advised that the next item on the agenda is a Developmental Variance for the Petitioner LaGaviota Supermercado to allow a walk-in cooler and freezer to be built with a 21- foot rear-yard setback in a B-1 Zoning District which requires a 30-foot rear-yard setback.

Attorney Deutmeyer advised that all items are in order for the Public Hearing to be conducted.

Ms. Barajas requested a Developmental Variance to allow a 21-foot rear-yard setback to install a walk-in cooler and freezer to the north side of the building. They have one on the west side of the building that is getting to be too small for their needs, so they wish to add another. They wish to add a 6.5-foot by 21-foot cooler. The long side of the cooler will run east to west.

Ms. Murr confirmed Ms. Barajas' request and advised that they do own the adjacent properties. The property has been re-subdivided and Lot 2 is zoned residential. The cooler will not be on the residential lot.

Mr. Recupito opened the floor for the Public Hearing. Having no one come forward to speak, he closed the Public Hearing and brought the matter back to the Board.

A motion was made by Mr. Kiepura and seconded by Mr. Wilkening to approve the Developmental Variance for the Petitioner LaGaviota Supermercado located at 10728 West 133rd Avenue to allow a 21-foot rear-yard setback to build a 6.5-foot by 21-foot walk-in cooler-freezer, per the Findings of Fact. Motion carried unanimously by roll-call vote:

Mr. Wilkening Aye
Mr. Kiepura Aye
Mr. Bunge Aye
Mr. Recupito Aye

**2. Crissey – Developmental Variance – Petitioner: Kathleen Crissey
Vicinity: 14817 Drummond Street, Unit B**

Mr. Recupito advised that the next item on the agenda is for a Developmental Variance for the Petitioner Kathleen Crissey to build a 6-foot privacy fence in a front yard with a 20-foot setback and allow a swimming pool to be installed 8 feet from the house.

Attorney Deutmeyer advised that all items are in order for the Public Hearing to be conducted.

Ms. Crissey stated that she has a corner lot and would like to go 10-feet out to the side with a 6-foot privacy fence and have a pool in the yard. Where the house is located on the 6,584 square-foot property, it is 35' feet to the back of the property line. There is a 15-foot easement, and she is required

to have the pool 10 feet from the house. She would have to custom order an oval pool that is 10 feet, which is quite expensive, and she originally put money on an 18-foot round pool. The variance would allow an extra 2 feet which would give her enough room to install a 12-foot by 22-foot or 24-foot oval pool 8-feet from the back of her house. She would like to have the fence go 10 feet to the south, and it would not inhibit the line of sight. She needs the fence for the pool. Ms. Crissey is aware that by installing the fence over the easement, she holds all the liability for removal and replacement if any work needs to be done in that utility easement.

Ms. Murr stated that Ms. Crissey covered it all. There are others on her same block that have fences similar to the fence that would be installed.

Mr. Recupito opened the floor for the Public Hearing. Having no one coming forward to speak, Mr. Recupito closed the Public Hearing and brought the matter back to the Board.

Mr. Wilkening asked if the patio is going to stay in place. Ms. Murr responded in the affirmative.

Mr. Wilkening asked how far the pool will be from the fence on the south side and the 148th. Ms. Crissey stated that there should be a couple of feet for both.

Ms. Murr advised that Mr. Kubiak had reviewed this and recommended the 8-foot setback from the house, and the electric and everything else would be handled during the permitting process.

A motion was made by Mr. Kieपुरa and seconded by Mr. Wilkening to grant the Developmental Variance for Kathleen Crissey for the property at 14817 Drummond Street, Unit B, to allow a 6-foot privacy fence in a front yard with a setback of 20 feet on 148th Place and to allow a swimming pool 8-feet from the house, per the Findings of Fact. Motion carried unanimously by roll-call vote:

Mr. Wilkening	Aye
Mr. Kieपुरa	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

3. Galgen – Developmental Variance – Petitioner: William B. Galgen Vicinity: 13225 Truman Circle

Mr. Recupito advised that the next item on the agenda is for Petitioner William B. Galgen for a Developmental Variance at 13225 Truman Circle to replace an existing fence with a 6-foot privacy fence in the front yard in a side yard with zero-foot setbacks and a 4-foot picket fence in the front yard 17 feet to 14 feet to the house.

Attorney Deutmeyer advised that all items are in order for the Public Hearing to be conducted.

Mr. Galgen stated that they want to replace the existing fence, which is a wooden fence that was installed in 1995 and is in disrepair. They would follow the existing footprint of the existing fence and add a picket fence from the side of the house, following the concrete line on the side behind the privacy fence in that location by the light pole, running toward the water, then just in front of the air conditioner and generator and running it to terminate at the house there. The primary fence is to be a

6-foot white PVC privacy fence. The picket fence is a new addition and does not replace any existing fence.

Ms. Murr advised that the exiting fence is a 6-foot fence. Regulations changed since the original fence was installed. If the road were to be widened, the Town would have to ask for additional right-of-way and purchase the property. Discussion ensued regarding potential road improvements and right-of-way on Truman Circle.

Attorney Deutmeyer advised that the Board could request a newer survey.

Mr. Kiepura asked how long Mr. Galgen has lived in the house, and he responded that they bought the house in August of 2020. Mr. Kiepura asked of this is the plat that he was given, to which he responded that it is.

Mr. Recupito opened the floor for the Public Hearing. Having no one coming forward to speak, Mr. Recupito closed the Public Hearing and brought the matter back to the Board. After a brief discussion, the Members decided that the survey provided is sufficient.

A motion was made by Mr. Wilkening and seconded by Mr. Kiepura to approve a Developmental Variance for William B. Galgen for the property at 13225 to allow an existing fence to be replaced with a 6-foot privacy fence in the front yard and side yard with a zero-foot setback and to allow a 4-foot picket fence in the front yard 17-feet to 14-feet to the house, referencing the Findings of Fact. Motion carried unanimously by roll-call vote:

Mr. Wilkening Aye

Mr. Kiepura Aye

Mr. Bunge Aye

Mr. Recupito Aye

**4. Auger – Developmental Variance – Petitioners: Thomas Auger, Jr.
Vicinity: 13172 Parrish Avenue**

Mr. Recupito advised that the next item on the agenda is for Petitioner Thomas Auger, Jr., to build a 30-foot by 40-foot, 1200 square-foot metal post-frame building with a height of 16 feet and sidewall height of 12 feet on the property located at 13172 Parrish Avenue.

Attorney Deutmeyer advised that all items are in order for the Public Hearing to be conducted.

Mr. Auger introduced himself to the Board and requested to build a garage. It is the only one of the four duplex properties that does not have a garage. He is proposing a 30-foot by 40-foot, 1200 square-foot metal post-frame garage. The siding will be steel.

Ms. Murr stated that Mr. Auger provided some drainage improvements that would have an impact on his property and the neighbor to the south. The previous owner of his home also owned the neighbor's property to the south. The garage drains to the ground and has broken out his driveway, and that will be the last thing to get fixed on the way out. The drainage would be fixed before the excavation would be started.

Ms. Murr stated that the property backs up to the Town's water tower property. Mr. Auger's lot is 93 feet by 150 feet, and the coverage would still be under the maximum allowable lot coverage if this garage were allowed to be built. Mr. Kubiak has reviewed the application.

Mr. Auger was asked questions by various members and responded as follows: The height and sidewalls are to allow for a 10-foot garage door, which he is willing to get a shorter garage and a shorter door, but the full-size pickup trucks barely fit through an 8-foot door. The floor will be a poured concrete slab. There will be a gable at the north and south ends. The garage will run north and south with the garage door on the south side of the building. The shed in the backyard is not staying. The garage will not be sided like the home and will be all metal.

Mr. Recupito asked that if by virtue of approving the size of the accessory building to be over 1000 square feet, we allow him to build a steel building by default since the ordinance states, "Metal and post building types shall not be permitted in this residential zoning district as a primary accessory use. Any accessory building greater than 1000 square feet in size will be exempt from this provision." Mr. Wilkening responded that there are multiple variance requests for this petition. Mr. Recupito countered that if we grant the square footage, Mr. Auger no longer needs a variance for a steel building.

Ms. Murr advised that he would still need the variance for a metal building because of the residential zoning and a lot size less than an acre.

Mr. Recupito opened the floor for the Public Hearing.

Stephen Susko, 13156 Parrish Avenue, stated that he can't put up a fence large enough to block a building of that size and height and he would prefer if it were 14 feet instead of 16 feet in height. He also stated that he is concerned that it could have an impact on property values.

Having no one further coming forward to speak, Mr. Recupito closed the Public Hearing and brought the matter back to the Board.

Mr. Wilkening stated that they try to avoid anything larger than 14 feet in height because it can bring about business activities. Mr. Auger stated that he has 4 cars, two of which are antique cars, and a Harley that he is paying \$140 a month to store.

Mr. Recupito asked about the drainage plan. Mr. Auger explained that there is a water pipe that comes out of the house and goes to the sewer. He is going to install a manhole to fix the neighbor's drainage. He pointed to the drawings he had and explained what would be run to where.

When asked if he will only have one garage door, Mr. Auger responded that it will have two garage doors located on the same side by his driveway.

Mr. Recupito asked if the 10-foot door could be installed on 14-foot structure. Mr. Auger stated that they use 8-foot doors on a 14-foot-tall garage. Mr. Recupito asked if the other structures around his property steel structures. Mr. Auger responded in the negative.

Mr. Kiepura stated that he wants to know the size and type of posts, where it is like Butler or Morton buildings going up or if it is a concrete slab with metal 2x4s for the framing. He stated that if it is a post

in the ground with metal around it, he is against it. Mr. Auger asked what posts they would prefer he use. Mr. Kiepora responded that he does not want that type of a building in a residential area.

Ms. Murr stated that the plans are in her office. Mr. Recupito stated that it would be nice to see that type of information.

Mr. Recupito asked if the Board wanted to push this off for a month to see if more information can be provided. Mr. Kiepora stated that he wants to see what it would be because of the size of the lot and being in a residential area. Mr. Auger stated that he has no problem with that. Ms. Murr agreed to provide those documents to the Board for the next meeting.

Mr. Auger requested a deferral to the next meeting.

Attorney Deutmeyer stated that the petitioner requested the deferral; thus, a motion is not required. For the record, the Public Hearing would be continued to next month, and the remonstrators comments would be incorporated into that record.

Mr. Recupito continued the Public Hearing to the June Board of Zoning Appeals' meeting.

5. Waldmarson – Developmental Variance – Petitioner: Michael Waldmarson
Vicinity: 13401 Wicker Avenue

Mr. Recupito advised that the next item on the agenda is Petitioner Michael Waldmarson for a Developmental Variance for the property located at 13401 Wicker Avenue to allow a metal garage in a B-1 Zoning District being used for residential purposes.

Attorney Deutmeyer advised that all items are in order for the Public Hearing to be conducted.

Mr. Waldmarson requested to build a steel-frame garage on his lot that will go in the vicinity of the existing shed that is in disrepair, which is being removed. He explained that the reason for the building style is that his family had the building at one of their lots. They sold that house, and he was able to disassemble the building to repurpose it and erect it at his residence. He got the garage for free. The photos provided are from when it was standing at the other property. The lot there is 3/4 of an acre, and he has a lot to the south that is also 3/4 of an acre; he owns 1.5 acres. He will put it on a concrete slab. Right now, it is staked in dirt, but he intends to do concrete anchors down through the framework. It has two roll-up doors on the front side that he believes are 8-foot doors.

Ms. Murr advised that this is zoned B-1; however, it is being utilized as a residential lot. His two lots are not combined. The setback meets the Zoning Ordinance B-1 guidelines.

Mr. Wilkening stated that this is no different than the carport that was converted into a garage behind Holy Name Cemetery without a permit or variance and is now gone. The hardship by which we base our criteria has nothing to do with finances. The Findings of Fact requires something peculiar with the property for a reason to vary from the Zoning Ordinance.

(Attorney David Austgen arrived at the meeting during this petition.)

Cedar Lake Board of Zoning Appeals
May 13, 2021 Meeting

Mr. Recupito asked if the property were being used as a B-1 property, would this building only need a permit. Attorney Austgen responded that it would probably be a permit action. It is the zoning use that caused the need for the variance.

Mr. Bunge asked how old the house is. Mr. Waldmarson stated that it was built in 1969, and he purchased it in July of 2020.

Discussion arose as to whether it was a garage or a carport. Attorney Austgen advised that it sounds like it is a permanent structure. He is proposing a concrete foundation, it has three covered sides, and one side has two 8-foot doors, which sounds like a structure under the Zoning Ordinance.

Mr. Waldmarson stated that it will be completely enclosed.

Mr. Kiepura stated that the literature calls it a carport, but this will have three sides with a roof and two doors with a concrete slab and it anchored to the slab.

Mr. Kiepura asked if it is the 12-gauge or 14-gauge steel. Mr. Waldmarson responded that he does not recall the thickness of the metal. He added that it does have the vapor barrier on the inside.

Mr. Recupito requested to know the size and height of the structure. Mr. Waldmarson stated that it is a 24-foot by 16-foot structure that is 14 feet in height with 10-foot sidewalls. The posts are 3x3 steel posts. It has a full frame that gets staked down and the uprights bolt into that with steel trusses that bolt onto the top of the uprights.

Mr. Recupito asked if Mr. Waldmarson would be amenable to moving the location a little farther from the property line. Mr. Waldmarson said he could move it a couple more feet if they would like; he is not intending to run any utilities to the structure.

Mr. Waldmarson asked what would be required of him if he chose to run electricity to the structure in the future. Ms. Murr advised him that he would need to apply for a building permit, and that would trigger any other requirements he may need to fulfill.

Mr. Recupito opened the floor for the Public Hearing. Having no one coming forward to speak, Mr. Recupito closed the Public Hearing and brought the matter back to the Board.

Mr. Kiepura asked how the structure would be anchored down. Mr. Waldmarson responded that he has looked at where the concrete is poured and then the big anchors are driven into that and bolt the structure straight down. The Board recommended using a J-shaped anchor bolts and asked that he make it as close to stick-built as possible.

In response to other questions, Mr. Waldmarson stated that the structure is on his property atop pallets and covered by tarps. It was originally purchased in 2017. He had prework to do to get the concrete, so he would be fine with this going to June for a final decision. He just doesn't want the steel to start rusting from sitting there. He intends to pour the concrete as soon as the excavation work is done, hopefully within the next month. He isn't planning to do anything to the interior because there is a moisture barrier in place on the back side of the steel paneling.

Mr. Wilkening suggested submitting a request to Mr. Kubiak to review this and make a list of recommendations.

Mr. Recupito asked the Petitioner if he would be okay with his request being deferred to June. Mr. Waldmarson agreed to a deferral and requested the same.

The deferral was granted, and Mr. Recupito advised Mr. Waldmarson to get with the Building Department to get a list of everything that needs to be done to make the structure as permanent as possible.

**6. Henn – Developmental Variance – Petitioner: Rob Henn, Henn & Sons Construction Services
Vicinity: 13324 Wicker Avenue**

Mr. Recupito advised that the next item on the agenda is Petitioner Rob Henn, Henn & Sons Construction Services, inc., seeking a Developmental Variance to allow an 85-foot lot width in a B-3 Zoning District, which requires a lot width of no less than 100 feet, for the property located at 13324 Wicker Avenue

Attorney Deutmeyer advised that all items are in order for the Public Hearing to be conducted.

Mr. Rob Henn stated that this is the All-Tire building site, and they have hired DVG to assist with the development of the property. Mr. Ryan Marovich with DVG stated that two existing parcels are being combined into one subdivided lot. The two parcels combined is approximately 85 feet, which is less than the 100-foot minimum, so they are requesting a variance for the lot width.

Mr. Kiepura asked if the property encompasses both the buildings or just the tire building and the lot to the north. Mr. Marovich stated that the lot to the north will be left alone as it contains two buildings. The parcel to the south has one building.

Mr. Marovich advised that the plan is to put an addition on the existing building. The addition would be 32 feet added to the east side of the building with additional parking in front and match the width of the building. There will be no net gain in the impervious surface. There is gravel area in the back that will be turned into grass.

Mr. Bunge asked if they own the lot with the used car dealership to the north. Mr. Marovich responded in the affirmative.

Mr. Henn stated that Jeff Frazee wants to continue to stay at All Tire, and he needs two additional bays in order to stay at that location. His lease is up at the end of the year, but he agreed to sign a long-term lease if two additional bays were to be added to the building. They have met with staff and discussed the project.

Mr. Carnahan stated that we need businesses to stay. The more businesses we have in Cedar Lake, the lower the residential taxes are.

Mr. Recupito opened the floor for the Public Hearing. Having no one coming forward to speak, Mr. Recupito closed the Public Hearing and brought the matter back to the Board.

Cedar Lake Board of Zoning Appeals
May 13, 2021 Meeting

Mr. Wilkening asked if this property would still show as running to the middle of U.S. 41. Ms. Murr responded in the negative and stated that it will define the right-of-way.

A motion was made by Mr. Wilkening and seconded by Mr. Kiepura to approve the Developmental Variance for Rob Henn, Henn & Sons Construction, Inc., for the property located at 13324 Wicker Avenue to allow a lot width of 85 feet in a B-3 Zoning District, contingent upon Plan Commission approval, per the Findings of Fact.

Mr. Wilkening Aye
Mr. Kiepura Aye
Mr. Bunge Aye
Mr. Recupito Aye

PUBLIC COMMENT: None was had.

Mr. Wilkening recommended adding an update section to the agenda to address things that are hanging out there right now that aren't quite right and need some follow up.

ADJOURNMENT: Mr. Recupito adjourned the meeting at 8:42 p.m.

Cedar Lake Board of Zoning Appeals
May 13, 2021 Meeting

**Town of Cedar Lake
Lake County, Indiana
Board of Zoning Appeals**

Nick Recupito, Chairman

Jeff Bunge, Vice-Chairman

TBD, Member

John Kiepora, Member

Jerry Wilkening, Member

Attest:

Margaret R. Abernathy, Recording Secretary Pro Tem

The Minutes of the Cedar Lake Plan Commission Work Session are transcribed pursuant to IC 5-14-1 5-4(b), which states:

(b) As the meeting progresses, the following memoranda shall be kept:

- (1) The date, time, and place of the meeting.*
- (2) The members of the governing body are recorded as either present or absent.*
- (3) The general substance of all matters proposed, discussed, or decided.*
- (4) A record of all votes taken, by individual members if there is a roll call.*
- (5) Any additional information required under IC 5-1.5-2-2.5.*

Cedar Lake Plan Commission: Minutes of the Public Meeting, May 13, 2021

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.