



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING
September 9, 2021 7:00 P.M.**

Call To Order: _____ pm

Pledge to Flag

Roll Call:

___ Ray Jackson

___ Jerry Wilkening

___ John Kiepura

___ Jeff Bunge, Vice Chairman

___ Nick Recupito, Chairman

___ Jill Murr, Planning Director

___ Ashley Abernathy, Recording Secretary

___ David Austgen, Town Attorney

Minutes:

August 12, 2021

Motion: _____ 2nd: _____

Ray Jackson	Jerry Wilkening	John Kiepura	Jeff Bunge	Nick Recupito	Vote

Update Item:

1. Feege – 13934 Pickett Way – Use Variance update

Old Business:

1. Auger – Developmental Variance

Owner/Petitioner: Thomas Auger, Jr., 13172 Parrish Ave., Cedar Lake, IN 46303

Vicinity: 13172 Parrish Ave., Cedar Lake, IN 46303

Tax Key Number: 45-15-21-476-019.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1A: 2) Height of fourteen feet (14'), Maximum accessory size eight hundred square feet (800 sq. ft.), Section 1A 2) a. Exterior wall height shall not exceed ten (10) feet from finish floor surface; and 7) Metal and Post Buildings: Metal and post building types shall not be permitted in this Residential Zoning District as a Primary or Accessory use.

This Developmental Variance is to allow the Petitioner to build a 30' x 40' twelve hundred square foot (1,200 sq. ft.) metal post frame building with a height of sixteen (16') feet and a twelve (12') sidewall height.

- 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: _____

Ray Jackson	Jerry Wilkening	John Kiepura	Jeff Bunge	Nick Recupito	Vote

2. Summer Winds Commercial –Variance of Use

Owner/Petitioner: Summer Wind Commercial, LLC, 11125 Delaware Pkwy, Crown Point, IN 46349
Vicinity: 9751 - 9869 Lincoln Plaza Way, Cedar Lake, IN 46303

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

This Variance of Use is to allow the Petitioner to have outdoor dining and alcohol, four tables with four seats each at each of the four restaurant locations on a lot in a PUD 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: _____

Ray Jackson	Jerry Wilkening	John Kiepora	Jeff Bunge	Nick Recupito	Vote

New Business:

1. Price Point Builders – Developmental Variance

Owner: Peter and Ashton Blagojevic, 13232 Lakeshore Dr. Unit 201, Cedar Lake, IN 46303

Petitioner: Price Point Builders, LLC, PO Box 1343, Crown Point, IN 46308
Vicinity: 9527 W. 142nd Avenue, Cedar Lake, IN 46303

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII – Residential (R-2) Zoning District; Section 4: Area, Width and Yard Regulations: B. Front Yard: 3) On all streets designated as a part of the Federal Aid Urban Systems, a distance of forty (40) feet; 4) On all other streets, a distance of thirty (30) feet and F. Corner Lots: the side yard setback shall be the same as the front yard setback; 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 have a 26' front yard setback along 142nd Avenue, a 35'8" side yard setback along Parrish Avenue and a 16.5' rear yard setback on a corner lot in a pre-platted subdivision in an R-2 Zoning District.

Motion: _____ 2nd: _____

Ray Jackson	Jerry Wilkening	John Kiepora	Jeff Bunge	Nick Recupito	Vote

2. Starcevic – Developmental Variance

Owner/Petitioner: Tom Starcevic, 5706 N. Rockwell, Chicago, IL 60659
Vicinity: 7615 W. 142nd Avenue, Cedar Lake, IN 46303

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII – Residential (R-2) Zoning District – Section 4: Area, Width and Yard Regulations: Minimum lot area and width: A lot width of not less than ninety feet (90') at the building line shall be provided for every building or other structure erected or used for any use permitted in this district and B. Front Yard: There shall be a front yard between the building line and the street right-of-way line a distance of thirty (30) feet; Rear Yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot; and F. Corner Lots: The side yard setback shall be the same as the front yard setback; and Title XXIII-Accessory Regulations: Section 1. General Accessory Regulations: A. 2) Maximum accessory size of 1,000 square feet (1,000 sq. ft.) with a maximum height of fourteen feet (14'), and a. Exterior wall height shall not exceed ten (10) feet from finish floor surface; 4) No accessory buildings shall be allowed in the front yard of any residential lot; and 6) Buildings accessory to residential structures shall conform to the height requirement in which they are intended, but in no event shall such buildings exceed fourteen (14') feet in height.

This Developmental Variance is to allow the Petitioner to build a garage with a height of twenty-eight feet eight inches (28'8"); first floor wall height of twelve feet ten inches (12'10"); size of three thousand four hundred and thirty one square feet (3,431 sq. ft) in a front yard of a corner lot; with a half (1/2) bath and utilities connected to the house on a lot in an R-2 Zoning District with a lot width of 65' at the building line; designate Greenleaf as the front yard with a thirty-two foot (32') setback; a twelve (12') setback off of 142nd Avenue, a rear yard setback of sixty-five feet (65'); and a side yard setback of eight feet (8') contingent upon approval of preliminary and final plat for a one (1) lot subdivision by the Plan Commission.

Attorney to Review Legals:

- a. Petitioner's Comments:
- b. Remonstrators:
- c. Building Department's Comments:
- d. Board's Discussion:
- e. Board's Decision:

Motion: _____		2 nd : _____			
Ray Jackson	Jerry Wilkening	John Kiepura	Jeff Bunge	Nick Recupito	Vote

3. Kuiper – Developmental Variance

Owner/Petitioner: Jeremy & Michelle Kuiper, 13970 Orchard Dr., Cedar Lake, IN 46303
Vicinity: 8919 W. 141st Avenue, Cedar Lake, IN 46303

Request: Petitioner is requesting a Section 1: General 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 existing accessory structure to remain while the primary structure is constructed and to request an extension of time for building of 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:		2 nd :			
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4. Grzych – Developmental Variance

Owner/Petitioner: Kyle Grzych, 12550 Parrish Ave., Cedar Lake, IN 46303
Vicinity: 12550 Parrish Ave., Cedar Lake, IN 46303

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VII – Residential (R-1) Zoning District – Section 5: Building Size: C. Metal and post Buildings: Metal and post building types of construction shall not be permitted in this Residential Zoning District as a Primary or Accessory use. Title XX – Supplementary Zoning District Regulations – Section 19: Temporary Buildings, Structures and Mobile Homes: A. No temporary building or temporary structure shall be erected, reconstructed, enlarged or moved onto any lot, plot or tract of land other than for agricultural use or a temporary construction field office.

Title XXIII – Accessory Regulations: Section 1. General Accessory Regulations: A. 2) Accessory Buildings shall only be allowed according to the following schedule: Lot size 1.01 acres to 2.0 acres – maximum accessory size 1,600 square feet – height 15'. 3) Only two (2) accessory buildings, excluding attached garages, shall be allowed per building lot; and Section 2. A. 7) Metal and post types of construction shall not be permitted in this Residential Zoning District as a Primary or Accessory use.

This Developmental Variance is to allow the Petitioner to build a 20x40 metal, enclosed on three sides, carport/storage structure; and to allow three (3) accessory structures with maximum accessory buildings of 1,793 square feet total on a lot in an R-1 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 Decision:

Motion: _____		2 nd : _____			
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5. Hammer –Developmental Variance

Owner/Petitioner: Megan Hammer, 14955 Ivy St, Cedar Lake, IN 46303
Vicinity: 14955 Ivy St., Cedar Lake, IN 46303

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 build a six- foot (6') privacy fence to be placed on the property line in the front yard of a through lot adjacent to Parrish Avenue.

- 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 : _____			
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6. Resolution No. 2021-01 – Board of Zoning Appeals Rules & Regulations

Public Comment:

Adjournment: Time: _____

Board of Zoning Appeals Meeting – October 14, 2021 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.