



**CEDAR LAKE BOARD OF ZONING APPEALS MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**March 10, 2022 at 6:00 pm**

**CALL TO ORDER:**

Mr. Recupito called the Board of Zoning Appeals meeting to order at 6:01 pm, on Thursday, March 10, 2022, with its members attending on-site. The Pledge of Allegiance was recited by all.

**ROLL CALL:**

**Members Present:** Ray Jackson; Jerry Wilkening; Jeff Bunge, Vice Chairman; and Nick Recupito, Chairman. A quorum was obtained. **Also Present:** David Austgen, Town Attorney; Jill Murr, Planning Director; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** John Kiepora.

**APPROVAL OF MINUTES:**

Motion made by Mr. Wilkening and seconded by Mr. Bunge to defer the Minutes of the February 10, 2022, Meeting to the April Meeting. The motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**Old Business:**

**1. Wiers – Electric Power Solutions LLC – Variance of Use & Developmental Variance**

**Owner: John & Darlene Boersma**

**Petitioner: Jeff Wiers (Electric Power Solutions LLC)**

**Vicinity: 12828 Wicker Avenue, Cedar Lake, IN 46303**

Mr. Recupito stated the first order of Old Business was for the Variance of Use to have multiple tenants in each building on a lot in a B-3 Zoning District and a Developmental Variance to allow the Petitioner to utilize the natural buffer as screening to adjacent residential zoning; to allow parking in the front yard and side yard; and signage per tenants not to exceed 32 square feet each by Petitioner Mr. Jeff Wiers. Mr. Recupito asked Mr. Austgen if the legals are in order. Mr. Austgen advised this is a continued public hearing.

Mr. Jeff Wiers, Electric Power Solutions LLC, and Mr. Russ Pozen, DVG Team, were present for this item.

Mr. Recupito asked the Petitioner to provide an update to the Board. Mr. Pozen advised the Board they conducted the floodplain modeling and had another engineer assisting with the process. They just recently received the information from the floodplain modeling and have been working to analyze the data and re-engineer the site. They have been working with Mr. Oliphant with the Site Plan as well and are still moving the site layout and have abandoned developing west of the floodplain line. The buildable area has shrunk and they have been working to get the Site Plan laid out, with contemplation on having just one larger building. They are requesting a deferral to the April Meeting to ensure they have a more finalized plan for parking and the number of units.

Ms. Murr stated the Town had requested the storm modeling, and the Petitioner is working through those details. The Petitioners are currently working with the Town Engineer on their plans.

Mr. Wilkening commented there has been an evolution of this request, with it having started with so many units at so much square footage and becoming multiple tenants in each building. He is having a difficult time in how this item could even be continued, without needing to be readvertised. Mr. Austgen advised his concern is not the evolution of the request. His concern was the engineer stating they did not know what they could do on the property due to the forensic stormwater review being in process. This differs from Indiana State Code, which states the Petitioner bears the burden of proof and comes to the Board following the rules and requirements.

Mr. Austgen asked when they first filed and first came to the BZA. Ms. Murr responded November 10, 2021, was the public hearing. Mr. Austgen stated his concerns are that this item has been being discussed for five months and he is more concerned about the change of the request with already having conducted the public hearing. Discussion ensued regarding the length of time this project has been taking.

Mr. Wiers stated he understood the Board's concerns. They had not been asked to do this study in the beginning and currently do not have Mr. Oliphant's approval for their current proposed Site Plan. If necessary, they will just withdraw their petition.

Mr. Wilkening stated his concern was the language changing from the initial request. Ms. Murr advised the Board the advertisement published in the newspapers included the generic request of multiple tenants in a building. There was not a square footage with the request. There had been discussion on square footage and how many units in each building. Discussion ensued regarding the change of the property and the stormwater changing the Petitioner's plans for the property.

Mr. Recupito stated he agrees with Mr. Austgen regarding the procedural aspect for this petition and he agrees with the idea of re-grouping for the project. Mr. Wiers discussed they did not necessarily want to withdraw, but if that is what needed to be done, they would. They had not been advised what all would need to be done with the property. They have finished the study requested and are finally at a place to finalize their plans.

Mr. Wilkening stated at the Plan Commission meetings contained discussion of the storm water being of the utmost importance due to the history of storm water in the area. Mr. Wiers commented he had not known about the intensive storm water study that would need to be completed until it was requested a couple of months ago. Mr. Wilkening advised there had been discussion at the Concept Plan at the Plan Commission and he cannot comment on what was discussed between his engineer and the Town Engineer.

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Mr. Recupito asked Mr. Austgen if he had any comments at this time. Mr. Austgen rendered his legal advice about the due diligence for this project needing to have included the storm water issue and discussed the storm drainage issues of the Town. Discussion ensued regarding the land being developable and what area of the property is developable.

Mr. Pozen advised in the beginning the storm water had been mentioned, but it was not to the level of detail needed that it progressed to. At the time, the extent of the area was not known, which led to a large analysis. Discussion ensued about the storm water for the land, and the owner of the land advising the Petitioner the storm water work he had done to his property was sufficient.

Mr. Recupito advised the Petitioner he would prefer they withdraw their petition, re-group and come back with a new plan that will not be open-ended, with everything defined such as multiple tenants.

Mr. Wilkening asked Mr. Pozen asked what his estimate would be on how much longer to have a complete Site Plan. Mr. Pozen stated he estimated the Site Plan would be ready within two weeks. Mr. Wiers stated they have a Site Plan in place, they are just awaiting Mr. Oliphant's approval. It is down to a few details and minor adjustment of items, such as the detention pond.

Mr. Wilkening asked Mr. Recupito, with Mr. Pozen's estimate of two weeks and they grant a deferral, would he be able to review the submittal and decide if it goes onto the agenda. Mr. Pozen commented further if the Site Plan is agreed on by Monday, they would have it ready by next week.

Mr. Salatas advised for the next BZA meeting they would have the new Planning Director who could help determine if the new Site Plan makes the agenda. As well, they would have Mr. Oliphant's letter regarding if the Site Plan is meeting the standards.

Mr. Recupito entertained a motion. A motion was made by Mr. Wilkening and seconded by Mr. Jackson to grant the request for a deferral to the April meeting. The motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

Mr. Recupito advised the Petitioner to have everything ready for the next meeting and to keep the Board's concerns in mind.

## **2. 2022-05 – Kamp – Developmental Variance & Variance of Use**

**Petitioner: Tom & Lori Kamp**

**Vicinity: 12715 Parrish Avenue, Cedar Lake, IN 46303**

Mr. Recupito stated the next order of business was for a Developmental Variance to allow the Petitioner to build a house 21 feet from Parrish Avenue, and 15 feet from Westend Court and to allow the existing garage to be used on the property with electric prior to construction of the primary residence and a Variance of Use to allow for a second residential use for an in-law suite, on a lot in an R-1 Zoning District by Petitioners Mr. Tom Kamp and Ms. Lori Kamp. Mr. Recupito asked Mr. Austgen if the legals are in order for this petition. Mr. Austgen responded in the affirmative. Mr. and Ms. Kamp were present for this item.

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Mr. Recupito asked if there has been a change to their petition since the previous meeting. Mr. Kamp stated they provided Ms. Murr new documentation which demonstrates a change in their Site Plan. They flipped the house, so they are now fitting onto the property better. The front of the home aligns almost perfectly with the existing garage structure and has an approximately setback of 32.5 feet.

Mr. Wilkening asked if the initial request of 21 feet from Parrish Avenue has changed to 32.5 feet. Ms. Murr responded in the affirmative.

Mr. Kamp stated when they flipped the house, they had the house redrawn, which caused for an 18-foot difference automatically. The setbacks become less extreme.

Mr. Recupito asked Ms. Murr if she had any comments to add at this time. Ms. Murr advised the Petitioner worked to get the house more within the building triangle and a further setback from Parrish Avenue.

Ms. Kamp discussed at length the importance of the in-law suite to the Petitioners and the necessity of that added square footage and discussed some of her family history that is the reason why they are requesting the extra space, which could result in a hardship to their family if the extra space were to be removed from the plans.

Mr. Recupito asked Ms. Murr if the new Zoning Ordinance would have any effect on this petition. Ms. Murr responded in the negative.

Mr. Wilkening asked Ms. Murr if the 15-foot setback being requested is on the east side of the property. Ms. Murr responded in the affirmative and advised the setback now being requested is for 20.25 feet. Mr. Kamp advised both setback requests have changed.

Mr. Wilkening asked if there were any plans for a berm along Parrish Avenue. Mr. Kamp responded he would like to put in a berm with the approval from the Town. Discussion ensued about the setbacks required off of Parrish Avenue and Westend Court and the new setbacks the Petitioner is requesting.

Mr. Wilkening asked Ms. Murr if the Petitioners would be able to utilize Westend Court in the future. Ms. Murr responded in the affirmative due to it being a public access.

Mr. Recupito opened the public hearing for this item and asked if there was any comment for or against this petition. None was had. Mr. Recupito closed the public hearing.

Ms. Murr reminded the BZA one of the Developmental Variance requests is to allow for electric to the existing garage while the primary structure is being constructed.

Mr. Wilkening asked if the Petitioners were keeping the garage. Mr. Kamp responded in the affirmative.

Mr. Recupito asked Ms. Murr if the Petitioners would be okay on lot coverage. Ms. Murr responded in the affirmative.

Mr. Austgen clarified the Petitioner is requesting 32.5 feet from Parrish Avenue and 20.25 feet from Westend Court for setbacks. Ms. Murr stated the setback is 32 feet closer to where the existing drive is due to the angle of the property. Further discussion ensued about the closest setback to both Parrish Avenue and Westend Court.

Mr. Bunge asked the Petitioner how close the edge of the house would be to Parrish Avenue where they are proposing a new driveway. Mr. Kamp stated it would be greater than 40 feet due to the fact it is not

marked. They had the individual who created the drawing for them to only mark the points that were less than 40 feet. Discussion ensued regarding the distance from Parrish Avenue to the point of the house being discussed and that portion complying with the setbacks required in the Zoning Ordinance.

Mr. Recupito asked what the square footage of the home would be. Mr. Kamp stated it would be approximately 2,650 square feet.

Mr. Recupito asked what the minimum square footage a house could be in an R-1 Zoning District. Mr. Kamp responded it is 1,500 square feet, and he remembered from the discussion at the February meeting.

Mr. Austgen asked if there was a time period for the construction of the primary structure. Mr. Kamp responded he wanted to begin construction as soon as possible. Mr. Austgen asked if a time period was imposed by the Board, would that be reasonable. Mr. Kamp responded in the affirmative. Discussion ensued regarding the time period that would be needed if there is an approval.

Mr. Wilkening asked the Petitioner what a comfortable timeline would be for them in order to pull their occupancy permit. Mr. Kamp stated he would like to have occupancy within a year to 18 months.

Ms. Murr suggested that the Board could require the electric permit be applied for at the same time as the permit for the house. This would ensure that electric is not going to be on the property without a permit for the house even being applied for, this way the Board can ensure there is not electric on the property without a primary residence being built.

Mr. Recupito discussed with any motion made having the in-law suite Use Variance staying with only the Petitioner. Ms. Murr commented she did not know how they could enforce the Use Variance staying with the Petitioner only. Discussion ensued regarding about the enforcement of the in-law suite staying with the Petitioner only.

Mr. Salatas advised the Board the Petitioner's neighbor, Mr. Foreman, is in favor of the petition.

Mr. Recupito entertained a motion for the Developmental Variance. A motion was made by Mr. Wilkening and seconded by Mr. Jackson to approve the Developmental Variance to allow the Petitioner to build a house 32 feet from Parrish Avenue, 20.25 feet from Westend Court and to allow the existing garage to be used on the property with electric prior to construction of the primary structure with the following contingencies, construction to be completed and occupancy obtained within 18 months from final approval from the Town Council for the Use Variance, and the electric permit to be applied for at the same time as the house permit with the Finding of Facts. The motion passed by 3-Ayes to 1-Nay by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Bunge	Aye
Mr. Recupito	Nay

Mr. Recupito entertained a motion for the Variance of Use. A motion was made by Mr. Wilkening and seconded by Mr. Jackson to send a favorable recommendation to the Town Council to allow for a second residential use, an in-law suite, on a lot in an R-1 Zoning District, for the Use to remain with the Petitioner only, with the Finding of Facts. The motion passed unanimously by roll-call vote:

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Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

Ms. Murr advised due to the next Town Council meeting occurring on Tuesday, this item would potentially appear in front of the Town Council for their April 5, 2022, meeting. Mr. Austgen advised he would need the minutes from the February 10, 2022, and this meeting to properly prepare the certifications.

**3. 2022-08 – Grimmer – Developmental Variance**

**Petitioner: John Grimmer**

**Vicinity: 13515 Lee Street, Cedar Lake, IN 46303**

Mr. Recupito stated the next order of business was for a Developmental Variance to allow the Petitioner to install a 14-foot by 20-foot, 280 square foot shed for a total accessory size of 1,112 square feet, and lot coverage of 30.1% by Petitioner Mr. John Grimmer. Mr. Recupito asked Mr. Austgen if the legals are in order for this petition. Mr. Austgen responded in the affirmative.

Mr. John Grimmer and Mr. Elliot McCullough, Tuff Shed, were present for this petition.

Mr. Recupito asked if there have been any updates made to this petition since their deferral. Mr. McCullough stated his client is willing to adjust the size and make the shed smaller. The original application was for a 14-foot by 20-foot shed.

Ms. Murr reminded the Board the existing accessory structure was built in the 1990s before the size of the accessory structure was changed in the Zoning Ordinance. When the structure was built, lot coverage was not considered.

Mr. Recupito asked if the shed would be a similar design and structure to the house. Mr. McCullough responded in the affirmative.

Mr. Grimmer advised the Board he had some of his property stolen, which is why his car is in the yard. He moved it out of the garage to store his property in the garage to keep it safe. If he is allowed to build the shed, he would put his property in the shed and move the car back into the garage.

Mr. Bunge asked the Petitioner if he had a basement to the house. Mr. Grimmer responded in the negative.

Mr. Wilkening asked the Petitioner if the trailer would remain on the property. Mr. Grimmer responded in the affirmative and advised he would move the trailer to the back of the property so it would not be visible.

Mr. Recupito opened the public hearing for or against this variance. None were had. Mr. Recupito closed the public hearing.

Mr. Bunge clarified that the total lot coverage was 25 percent. Ms. Murr responded in the affirmative.

Mr. Recupito asked if the lot coverage was exceeded prior to the Petitioner's request. Ms. Murr responded in the affirmative and advised the garage was built prior to the Petitioner owning the property. The property met the Town's Ordinance at the time it was built. Mr. Recupito clarified that the Petitioner did

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not create the hardship. Ms. Murr commented he did not, it was the change in Ordinances that is creating the hardship.

Ms. Murr advised the Board, the Petitioner will be meeting all separation and setback requirements, the request is for total accessory size and lot coverage.

Mr. Recupito asked how tall the sidewalls would be. Mr. McCullough responded the sidewalls would be approximately six-foot eight-inches.

Mr. Recupito asked if the shed would be on a foundation or would it be placed on stone. Mr. Grimmer responded it would be on stone. Mr. McCullough commented on the same and advised the stone would be four-inches thick of No. 73 top driveway stone that would be compacted.

Ms. Murr advised the current lot coverage is 26.2 percent and if they reduce the shed to a 12-foot by 20-foot the lot coverage would be 29.4 percent.

Mr. McCullough responded the actual wall height will be seven-foot eight-inches. Mr. Recupito asked what the overall height of the shed would be. Mr. McCullough responded the height would be approximately 9.82 feet at the peak. Discussion ensued about the Petitioner meeting all setback requirements.

Mr. Recupito asked Mr. Grimmer if he was willing to reduce the requested structure size to 12-foot by 20-foot. Mr. Grimmer responded in the affirmative.

Mr. Recupito entertained a motion for this item. A motion was made by Mr. Wilkening and seconded by Mr. Jackson to approve the Developmental Variance to allow the Petitioner to install a 12-foot by 20-foot, 240 square foot shed, for a total accessory structure square footage of 1,072 square feet, and lot coverage of 29.4 percent, with the contingency that everything but the trailer be under roof, and with the Finding of Facts. The motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**New Business:**

**1. 2022-06 – Lake County Public Library - Developmental Variance**

**Petitioner: Lake County Public Library, Inc.**

**Vicinity: 10010 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303**

Mr. Recupito stated the first order of New Business was for the Developmental Variance to allow the Petitioner to convert the existing sign to include a digital message board by Petitioner Lake County Library, Inc. Mr. Recupito asked Mr. Austgen if the legals were in order for this petition. Mr. Austgen responded in the affirmative.

Mr. John Brock, Assistant Director to the Lake County Public Library, stated the library would like to convert the existing sign to an electronic message center and have the branch name on top of the sign. They want to utilize the sign to advertise library programs and services.

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Ms. Murr advised there is a layout design of the sign that was provided from Gary Sign Company located in the Board's packet.

Mr. Recupito asked if under the current Zoning Ordinance are digital signs allowed. Ms. Murr advised they are not, that digital message boards still need to come in front of the BZA for approval.

Mr. Bunge asked if the only change they were making with the size of the sign is adding the branch information on the top and going digital for the rest. Mr. Brock responded in the affirmative and stated the digital message board size is about the same size as the current sign. Discussion ensued regarding the current size of the sign and the addition of 90-inch by 18-inch strip on top of the sign.

Mr. Recupito asked the Petitioner what they anticipated being displayed on the messaging board. Mr. Brock responded it would primarily be for events related to the library, such as programs or new material. Occasionally, they would display the time and weather or holiday messages, for example, "Happy Valentine's Day".

Mr. Wilkening asked if the sign was going to be over the maximum square footage for signs allowed by Ordinance. Ms. Murr advised it would not be over because the Ordinance this petition falls under allowed for two signs, one at 60 square feet and the second at 32 square feet. Discussion ensued regarding keeping the sign as displayed in the picture.

Mr. Wilkening asked about the times the sign would be on. Mr. Brock stated he was not certain on a time limit and asked what was allowed in Town. Mr. Bunge advised signs are typically turned off in Town between 12:00 AM to 5:00 AM. Discussion ensued regarding the times the sign would be on and programming the sign to turn off at the designated time.

Mr. Bunge asked the Petitioner if the library would be doing the programming. Mr. Brock stated he believed so, and that the sign they are installing at the Cedar Lake library would utilize the same software they utilize for the Merrillville location.

Mr. Recupito opened the floor up for any public comments for or against this petition. None were had. Mr. Recupito closed the public hearing for this petition.

Mr. Recupito advised the Board with any motion made for approval to have some conditions, for example the duration the sign could be on. Discussion ensued regarding the luminosity of the sign and the sign needing to meet the Lighting Ordinance.

Ms. Murr advised the Board she would ensure the Petitioner receives the restrictions and requirements of the Lighting Ordinance.

Mr. Wilkening asked the Petitioner if he would be accepting of having the sign turned off between the 12:00 AM to 5:00 AM hours. Mr. Brock responded in the affirmative.

Mr. Recupito asked the Petitioner if they were adding any additional height other than the 18-inch addition on the top. Mr. Brock responded in the negative.

Mr. Recupito entertained a motion for this item. A motion was made by Mr. Wilkening and seconded by Mr. Bunge to grant the Developmental Variance request to allow the Petitioner to convert the existing sign to include a digital message board and to add an 18-inch by 90-inch addition at the top of the sign with the sign to be turned on no sooner than 5:00 AM and turned off by 12:00 AM (midnight) and to



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include the restrictions included under the Lighting Ordinance with the Finding of Facts. The motion passed by 3-Ayes to 1-Nays by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Bunge	Aye
Mr. Recupito	Nay

**2. 2022-09 – Damouth – Developmental Variance**

**Petitioner: Wesley Joe Damouth and Sandra G Damouth**

**Vicinity: 13368 Osborne Street, Cedar Lake, IN 46303**

Mr. Recupito stated the next order of business was for a Developmental Variance to allow the Petitioner to rebuild the existing garage with a side yard setback of 4.5 feet from the north property line and 5.5-foot separation between the garage and house, which has an existing wooden deck by Petitioner Mr. Wesley Joe Damouth. Mr. Recupito asked Mr. Austgen if the legals were in order for this petition. Mr. Austgen responded in the affirmative.

Mr. Damouth stated he has an existing garage that is in disrepair, which he would like to be able to rebuild. He had had a permit for Henn and Sons to do the siding and replace the floor of the garage. When they started working on the garage, they took the sidewalls down by about four feet. Upon this removal, it was discovered there was damage from a fire that occurred prior to his owning the property.

Ms. Murr advised the Board there is a deck between the house and the garage that is an existing structure, which is where the request for separation comes in, and if the garage would have burnt down, it would have been allowed to be rebuilt within the existing footprint. However, it was determined the garage would need to go through the variance process, and the Petitioner is just wanting to build in the existing footprint.

Mr. Recupito asked the Petitioner if everything was going to be rebuilt exactly the same. Mr. Damouth responded in the affirmative. The only difference discussed had been putting in trusses instead of running rafters.

Mr. Bunge asked if the garage was going to be taller than 14 feet. Mr. Damouth stated it was going to be built to the height of the current garage and explained due to the asphalt apron, the garage is lower than the house. Ms. Murr advised the Board the garage height is allowed to meet the height of the home, as long as the pitch is the same.

Mr. Recupito asked if there was going to be a new foundation poured. Mr. Damouth stated the print shows the existing foundation was going to remain and they were going to repour the four-inch pad. However, he is not sure if there is an existing foundation.

Mr. Recupito asked if there was any public comment for or against this petition.

Mr. Louis Haberlin stated he lives next door to the Petitioner, and he has no complaints about the Petitioner rebuilding his garage.

Mr. Recupito asked if there was any other public comment for or against this petition. No more comments were had. Mr. Recupito closed the public hearing for this petition.

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Mr. Recupito entertained a motion for this item. A motion was made by Mr. Wilkening and seconded by Mr. Jackson to grant the Developmental Variance to allow the Petitioner to rebuild the existing garage with a side yard setback of 4.5 feet from the north property line and a 5.5-foot separation between the garage and house, which has an existing wooden deck with the Finding of Facts. The motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**3. 2022-10 – Lake County LBM, LLC – Developmental Variance**

**Petitioner: Lake County LBM, LLC**

**Vicinity: 10501 West 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303**

Mr. Recupito stated the next order of business was a Developmental Variance to allow the Petitioner to have a lot width of 60 feet at the 30-foot building setback line, which is the existing width at the 30-foot building setback line by Petitioner Lake County LBM, LLC. Mr. Recupito asked Mr. Austgen if the legals were in order for this petition. Mr. Austgen responded in the affirmative.

Mr. Jack Slager, Schilling Development, representing Lake County LBM, LLC, stated they began the platting process in order to be able to put an addition onto the existing building. They need a variance due to the unusual shape of the parcel, because the parcel only has a 60-foot frontage on 133<sup>rd</sup> Avenue. The current Zoning Ordinance requires an 80-foot frontage on a public road. As such, they are requesting a variance from the 80-foot-wide requirement to 60-foot of frontage.

Ms. Murr advised the Board the Petitioner was in front of them due to falling under the old Zoning Ordinance versus the new Zoning Ordinance and that the width of the lot will be 80 feet wide where the addition is being built.

Mr. Wilkening asked the Petitioner about the narrowing of the lot closer to 133<sup>rd</sup> Avenue. Mr. Slager stated there was a strip of land that was removed from the property during the widening of 133<sup>rd</sup> Avenue and is additional Right of Way for the Town. Discussion ensued about the width needed at the setback line and the frontage of the property.

Mr. Wilkening asked the Petitioner what the lines on the west of the survey were. Mr. Slager stated they were different parcels located to the west of their property.

Mr. Recupito opened the public hearing for or against this variance. None were had. Mr. Recupito closed the public hearing for this petition.

Ms. Murr advised the Board the Petitioner was on the agenda for the next Plan Commission meeting for potential approval of their Final Plat. Discussion ensued regarding why the Petitioner was in front of the Board to get the property cleaned up in order to obtain their Final Plat.

Mr. Recupito entertained a motion for this item. A motion was made by Mr. Wilkening and seconded by Mr. Jackson to grant the Developmental Variance to allow the Petitioner to have a lot width of 60 feet at the 30-foot building setback line, which is the existing width at the 30-foot building setback line contingent upon approval of Final Plat with the Finding of Facts. The motion passed unanimously by roll-call vote:

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Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**4. 2022-11 – Wiening – Developmental Variance**

**Petitioner: Aaron Wiening**

**Vicinity: 14712 Lee Street, Cedar Lake, IN 46303**

Mr. Recupito stated the last order of business was for a Developmental Variance to allow the Petitioner to build a garage with a rear yard setback of 5 feet and 8.5 feet of separation from the existing house by Petitioner Mr. Aaron Wiening. Mr. Recupito asked Mr. Austgen if the legals were in order for this petition. Mr. Austgen responded in the affirmative.

Mr. Wiening stated he is replacing an old garage that had been in disrepair when a tree fell on the garage during a storm. He is wanting to rebuild his new garage in the same location.

Ms. Murr stated the Petitioner owns Lots 60 and 61, and he is wanting to build in that location. There had been an existing structure there previously, and any approval would need to be contingent upon the lots being combined. Otherwise, the garage would be built on two parcels. Discussion ensued regarding the combining of the lots and the process the Petitioner would need to do to combine the lots.

Mr. Wilkening asked Ms. Murr if she was unable to find the garage on Lake County GIS. Ms. Murr responded in the affirmative and advised the Board due to the age of the trees she was unable to see the garage and confirm when it had fallen down. Mr. Wiening stated the garage has only been down for approximately six months or so.

Mr. Recupito asked if the garage was going to be the same size as the last garage. Mr. Wiening responded in the affirmative and stated the garage would be 24-foot by 30-foot.

Mr. Wilkening asked if there was a foundation left. Mr. Wiening stated there had not been a foundation, only a pad that the garage was on.

Mr. Bunge asked Ms. Murr if the garage size that the Petitioner is wanting to build is allowed by Ordinance on the size lot the Petitioner owns. Ms. Murr responded in the affirmative.

Mr. Wilkening asked the Petitioner if he could move the garage south on the lot to allow for a 10-foot separation. Mr. Wiening responded if the garage were to move south, he would be in undeveloped ground and disturbing the root systems of oak trees.

Mr. Recupito asked Ms. Murr if they allow for structures to be rebuilt if they are destroyed by an “act of God” and the garage was destroyed by a tree falling, why is the Petitioner in front of the Board. Ms. Murr advised the Petitioner did not come in during the six months required by Ordinance.

Mr. Recupito opened the public hearing for or against this variance. None were had. Mr. Recupito closed the public hearing.

Mr. Recupito advised the Petitioner he would need to have a foundation for any garage approved. Mr. Wiening commented he would include a foundation. Discussion ensued on if the garage would require a monolithic pour or not.

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Ms. Murr advised the Board while the separation is 8.5 feet, the garage is offset from the house. As such, it is not lining up directly with the house, the garage will be lining up with the existing driveway. Discussion ensued regarding the location of the garage and not messing with the root systems of the existing trees in the area.

Mr. Recupito entertained a motion for this item. A motion was made by Mr. Wilkening and seconded by Mr. Jackson to grant the Developmental Variance to allow the Petitioner to build a garage with a rear yard setback of 5 feet and 8.5 feet of separation from the existing house with the contingency Lot 60 and Lot 61 being combined prior to the permit being issued with the Finding of Facts. The motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**PUBLIC COMMENT:** Mr. Recupito opened the floor for public comment.

Mr. Bunge asked about the update to the BZA Rules and Regulations. Mr. Recupito stated the Rules and Regulations were tabled for the time being. Ms. Abernathy advised the Board; they were tabled in January until Mr. Austgen gives further direction to the Board. Mr. Austgen stated he would report on the Rules and Regulations at the next BZA meeting.

Discussion ensued about Shane's Bar and Grill and if there were any plans or movement for the building.

**ADJOURNMENT:** Mr. Recupito adjourned the meeting at 8:03 pm.

## TOWN OF CEDAR LAKE BOARD OF ZONING APPEALS

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Nick Recupito, Chairman

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Jeff Bunge, Vice Chairman

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John Kiepora, Member

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Jerry Wilkening, Member

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Ray Jackson, Member

ATTEST:

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Ashley Abernathy, Recording Secretary

*The Minutes of the Cedar Lake Board of Zoning Appeals 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 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 section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.*

*Cedar Lake Board of Zoning Appeals: March 10, 2022, Minutes*