



**CEDAR LAKE BOARD OF ZONING APPEALS MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**July 14, 2022 at 6:00 pm**

**CALL TO ORDER:**

Mr. Recupito called the Board of Zoning Appeals meeting to order at 6:00 pm, on Thursday, July 14, 2022, with its members attending on-site. The Pledge of Allegiance was recited by all.

**ROLL CALL:**

**Members Present Via Zoom:** None. **Members Present:** Ray Jackson; John Kiepura; Jeff Bunge, Vice Chairman; and Nick Recupito, Chairman. A quorum was obtained. **Also Present:** David Austgen, Town Attorney; Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** Jerry Wilkening.

**APPROVAL OF MINUTES:**

Mr. Recupito entertained a motion for the Minutes of the June 9, 2022, Meeting; a motion was made by Mr. Kiepura and seconded by Mr. Jackson. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**Old Business:**

**1. 2022-20 Yoways – Developmental Variance**

**Owner: Chris & Julie Yoways, 11523 Belmont Place, Cedar Lake, IN 46303**

**Petitioner: Van Deraa and Sons Construction, 9690 Jonathan Court, St. John, IN 46373**

**Vicinity: 14117 Huseman Street, Cedar Lake, IN 46303**

Mr. Recupito advised the first order of Old Business was for the Developmental Variance to allow the Petitioner to construct a proposed addition and proposed garage addition onto the existing house with a front yard setback of 16.5 feet, a rear yard setback of 5 feet, and a total garage size of 1,248.5 square feet by Petitioner Van Deraa and Sons Construction for a property located at 14117 Huseman Street. Mr. Austgen advised the legals are in order.

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Mr. Greg Bouwer, representing the Owner and the Petitioner, handed a packet to the BZA and discussed the contents of the packet provided, including a letter from the contractor regarding the water drainage and improvements to the same. Mr. Bouwer discussed the need for their requests are based off the layout of the lot and the curve of the road, and increasing the garage size, which would put the Owner over the allowable size of an attached garage.

Mr. Bouwer advised the Board the carport has been removed from the property.

Mr. Bouwer stated the Petitioner is to demonstrate that they meet all three Findings of Facts of a Developmental Variance and addressed each Finding of Fact.

Ms. Julie Yoways stated they no longer live at the address on the record, and they now reside at 14117 Huseman Street. They are intending to add a great room and master suite to the existing structure. To allow her mother to live with them due to her increased aged. They took into consideration the potential effect of their additions on their neighbor to the north and south of their property. Ms. Yoways discussed the reason for their front and rear yard setback requests due to having two front yards and keeping in alignment with their neighbors' houses. They have requested their contractor work with the Town and Town Engineer in designing their addition.

Mr. Recupito asked Mr. Salatas if there was communication from Mr. Oliphant included in their packet and his comments. Mr. Salatas responded in the affirmative and advised most of his comments were concerning stormwater. Mr. Recupito asked about the sanitary Right of Way mentioned. Mr. Salatas advised that Right of Way had been vacated.

Mr. Recupito asked what the total amount of living space square footage of the structure will be after the addition and garage addition are built. Ms. Yoways stated the total square footage of living space will be approximately 4,000 square feet. This does not include the basement which will be built with the addition.

Mr. Bunge asked if the addition would be a single story. Ms. Yoways responded in the affirmative.

Mr. Recupito opened the floor for public comment for this item.

Mr. Dan Pager, **14123 Huseman Street**, stated his concerns were for the down spouts and if the swale would continue to have the water run off where it was supposed to. Mr. Salatas advised the water should continue to flow where it is supposed to, as long as the swale is maintained. He has no other concerns regarding the variance requests.

Mr. Ben Cipra, **14122 Soper Street**, discussed other variance requests that have been denied in the neighborhood, the history of the property being discussed, and how their property and view would be affected with the addition. He is not for the approval of the variance.

Ms. Alli Cipra, **14122 Soper Street**, stated she had some additional comments to Mr. Cipra's, including their property will be impacted by the addition due to the reduction in the view of the lake. Ms. Cipra asked about the alleyway where a shed is located for access of a fire truck. Mr. Salatas advised that alleyway had been vacated.

Ms. Cipra asked if there is a fire, how will the Fire Department be able to obtain water if the addition is blocking the way to a lake. Mr. Salatas stated the Fire Department does not pull water from the lake in

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general. The Fire Department has tanker trucks with water that they can utilize for fires in areas not serviced by fire hydrants.

Ms. Cipra further advised that she is not for the building of the addition.

Mr. Recupito advised there were 4 letters received which will be included into the Public Record.

Dear Planning, Building & Zoning Department and Board of Zoning Appeals,

The subdivision of Noble Oaks has maintained a friendly and tight-knit community feel since its establishment in the 1950s. At least a few homes have been continuously owned by the same families. Most of these families have been active members of this community. Over the decades other families and residents have moved in and worked together to preserve the community look and feel of the neighborhood, often helping one another with projects, stopping to chat and check in with each other, taking turns mowing common areas, and helping with the installation, removal, and maintenance of the HOA dock. In short, we care about the residents, and we care about the beauty of the community.

This is why most homes in Noble Oaks have one building, a home, with an attached or detached garage. A few homes have an additional small shed. However, the property at 14117 Huseman St. already has four structures (a home with attached garage, two additional sheds, and a car/boat port). This proposal to add a second large garage and a second home connected by a breezeway is problematic for a host of reasons. Firstly, this will result in too many structures on the property. Secondly, the second home, referred to as an addition, is, for all intents and purposes, another separate structure. The look will not be cohesive, nor will it look like a residential property. Rather, the number and orientation of the structures will look more like a commercial area. Lastly, this industrial feel will be compounded by the near total block of the lakefront.



We hope that these concerns will be added to the others on file and raised at the public hearing.

Thank you for your consideration,

Alli Cipra

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Dear Planning, Building & Zoning Department and Board of Zoning Appeals,

This is another letter to address a separate concern with the proposed construction at 14117 Huseman Street. As a property owner, I am frustrated by the serious impacts this proposal will have on my property value. I have spoken to others in the neighborhood whose property values will also be affected. I am hopeful those property owners will be able to come to the public hearing and discuss their concerns in person. As such, I will only address the those for my own property. I live directly across the street from the lot. When I bought this home in August of 2021, I was informed that the lot directly across was not buildable with the current home on the property. I was obviously misled. One of the primary reasons I bought this home was for the view. I realize that the view was not legally preserved, and that people can build on the land they own. I am not disputing this. I am simply asking that the board use its authority to deny at least some of the development variances requested in order to leave some of the waterfront view for myself and the neighborhood. In doing so, the petitioners and owners could build their structure with a different orientation and attach it to the current home, extending the roof line. This would make it a true addition rather than a second home on the same property.

Below is a photo of the current neighborhood road view and the view from my property (figure 1). The line indicates the edge of the proposed structure. This will decrease the current 75-foot lakefront view to under 13 feet, a decrease of 83%. This can be seen by the yellow lines, the space between represents what will remain of the lakefront view. The included photo (figure 2) displays a front concrete patio, sod and grass installed at a cost of \$5,000 with the expressed purpose of enjoying the lakeview that is worthless if the view decreases to under 13 feet. This water view reduction may result in property value reductions between 8.2% and 18.1%, approximately \$35,000 and \$76,000<sup>(a)</sup>. Waterview property is limited with high demand<sup>(b)</sup>. Water views add a minimum of 15% to property values<sup>(c)</sup>. Consequently, the loss of the such a view has serious negative implications for property value, and will effectively mean that my house is worth much less than I paid for it less under one year ago. This is contrary to the current market trends, which have shown unprecedented growth in property values. As mentioned, this will negatively impact the values of other homes as well. While one property owner will increase their own property, the values of at least 4 other homes will experience significant decline, 2 of which will have no lakefront view remaining at all. These other home owners and I have been

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active members of the community and have been dedicated to maintaining and improving the area.

Figure1



Figure 2



I hope that this letter addressing the very real, measurable, and financial implications will be carefully and seriously considered.

Sincerely,  
Alli Cipra

a: <file:///C:/Users/alli/Downloads/sustainability-10-00500.pdf>

b: <https://www.collateralanalytics.com/the-impact-of-waterfront-location-on-residential-home-values/>

c: <https://www.doughroller.net/investing/real-estate/how-much-is-a-great-view-worth/>

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Dear Planning, Building & Zoning Department and Board of Zoning Appeals,

The intent of this letter is to address the specific development variances requested for the property at or about 14117 Huseman Street. Development variances are in place for a reason. Thus, a variance request is a departure from the accepted parameters. The petitioners and owners are requesting not one but three variances.

1. **Chapter 6.2 Sections C (3)** require a front yard of not less than thirty feet. The variances requested are for a front yard of 16.5 feet.
2. **Chapter 6.2 Sections C (3)** require a rear yard of not less than thirty feet. The variances requested are for a rear yard of 5 feet.
3. Petitioners are also requesting to nearly double the square footage permitted by **Chapter 11 Section A** from 1000 square feet to 1804 square feet.

Many members of our subdivision have had to modify their construction wishes because it was in violation of zoning regulations. Two property owners in Noble Oaks that wished to build one-story garages on their con-contiguous parcels of land were not granted variances to do so and had to construct two-story garages with fully finished living areas above the garage. Additionally, at least one property owner modified their original building plans to accommodate their neighbors and build away from the lakefront in order to preserve unobstructed views for other homes.

If the Planning and Zoning department does not like to grant significant variances, then these variances should be denied. A rear yard variance decreased from 30 feet to 5 feet is not a small or trivial request. This is a percent change of 83.33%. A front yard variance decreased from 30 feet to 16.5 feet is a percent change of 45%.

As a community member, I am frustrated by the proposed size of the structure. Even so, my objections would be minimal if the proposed design did not block so much of the lakefront. This is not an unreasonable suggestion. The proposed house "addition" could be lined up with the current house to open the view a few more feet of lakefront view. Additionally, such an orientation would allow the proposed addition to be made longer and slightly less wide to preserve a bit more of the lakefront view, preferably at least 25 feet total as opposed to the current proposal of less than 13 feet. If more of the lakefront view is preserved, I will not object

to either the size variance or the front and rear yard variances. I know that the objections of one resident are not likely enough to modify this proposal. Please keep in mind that I am not the only resident objecting to these variances. These other neighbors are also concerned about the lakefront preservation first and foremost, then about the size and number of structures. We would like to keep the community beautiful, preserve as much of its history and lakefront as possible, and be neighborly. I believe that by modifying the proposal, all parties can be satisfied. I do not simply write to complain. I strongly believe that if you do not agree with something, you should provide an alternative route of action. I have done so in this letter and sincerely hope the Board of Zoning Appeals and owners will consider both my reservations and proposed solutions.

Sincerely,  
Alli Cipra



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Dear Planning, Building & Zoning Department and Board of Zoning Appeals,

Noble Oaks is a charming 30-home subdivision on the southwest shore of Cedar Lake. The people are nice, and the homes are tasteful. The land was a nine-hole golf course and public park in the early 1900s. The current neighborhood was primarily constructed in the 1950s. Some current residents have been here since that time, raising children and grandchildren in Noble Oaks. Homes in this subdivision are primarily older with a few beautifully remodeled or newer homes which match the aesthetic and charm of the area. Most owned land, even when the owner has multiple lots side-by-side, contain 1 home with an attached garage or a home and detached garage. A few homes have a small, additional shed.

The proposed structure (garage, addition) does not fit with the aesthetic or feel of the neighborhood. The size and orientation of the proposal are an unreasonable attempt to build a second home and attach with a breezeway in order to be classified as an addition. This land already has more structures on the lots than any other in the neighborhood and has been the subject of frustration for neighbors. The proposed construction will result in a total of five (5) distinct or distinct-looking structures on the property. The neighborhood does not want to permit so many structures nor does it want to have the entrance view to the lake be a series of warehouse-looking buildings and storage areas.

It is estimated that the aforementioned "addition", which we reiterate is actually an entire second structure attached by a 6-foot breezeway, will also impede the views of no fewer than seven (7) houses (figure 1). We are aware that we do not own the view. However, we were erroneously informed that the view would be preserved, as the lots were not buildable with because of the already present home. I bring this up, not only to identify a concern for a single homeowner, but to illustrate a clear deviation from the goals and good faith of the subdivision. For example, a NWI Times article from as far back as 1991 demonstrates that area improvement and renovation have been supported by residents insofar as they maintain access to and views of the lake for both aesthetic and safety purposes (NWI Times, 1991).

The neighborhood is a wonderful area. We want to raise our young children, who are currently in the Hanover School System, and remain here for decades to come. My family moved here less than 1 year ago, and we've been welcomed and formed friendships with many in the subdivision. The petitioners have not occupied the structure for several years. According to other Noble Oaks residents, they have been cited for un-permitted work, numerous code violations,

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and using unlicensed workers. It is our understanding that Tim Kubiak, Director of Public Works, has instructed the HOA to deny water access and instructed the owners to remove work in violation of town ordinances, including concrete footings, decks, etc. Understandably, this has not predisposed current Noble Oaks residents favorably to the proposal.

My family and I would like to attend this hearing. Unfortunately, we received the certified letter after we had already made travel arrangements that could not be cancelled. In lieu of our attendance, we are submitting letters of petition to be filed with the secretary of the Board of Zoning Appeals prior to the public hearing. We hope that our concerns and those we've presented of other residents will be carefully considered in addition to comments at the public hearing.

Thank you for your consideration,

Dr. Alli Cipra

Figure 1



Mr. Recupito closed the public portion for this item.

Mr. Recupito stated one of his concerns is the size of the addition that would allow the Owner to have a house that is 2 to 2.5 times larger than the minimum requirements of the Zoning Ordinance. His other concern is the loss of a lake view due to a variance is not right due to the potential decrease in their property value.

Mr. Bouwer advised the Developmental Variance requests they are seeking do not involve the view of the lake view. They could follow the Ordinance in building the structure. However, they would need to move it further back on the property, which would cause harm to the neighbors to the north and south of the property. The Owners are adding approximately a 25-foot by 25-foot addition onto a structure that was built in the 1920s.

Mr. Recupito asked if the property owners could build the garage in compliance with the Zoning Ordinance as well. Mr. Bouwer responded they are asking for a garage size that is larger than the allowable size per Ordinance. However, there have been no concerns expressed regarding the garage. Discussion ensued.



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Mr. Bunge discussed the setback of the garage and its encroachment onto the property line with the continuation of the angle that is proposed for the garage addition. Ms. Yoways stated they were attempting to keep everything in line. Their property does narrow at the front of the property where the garage is located. They are also considered to have two front yards by the Town, which causes a 30-foot setback for front and rear yard.

Mr. Salatas advised with the new Zoning Ordinance the front yard would be identified as the street the house is addressed off of. For this property, the front yard would be off of Huseman Street. Ms. Yoways asked if this would allow them to not need a variance for the 16.5-foot setback for the addition. Mr. Bunge advised due to how the Right of Way cuts into the property, the variance is still needed. Discussion ensued.

Mr. Kiepura asked what the lot coverage would be for the lot. Mr. Salatas advised the lot coverage would be 21.6%.

Mr. Bunge inquired if the existing garage will be converted into living space. Mr. Bouwer responded in the negative. Mr. Bunge asked what the current square footage of the garage is. Mr. Glenn Van Deraa, Van Deraa and Sons Construction, responded the current garage is 590.5 square feet. Their proposed addition is 658 for a total square footage of 1,248.5.

Mr. Bouwer advised if their variance is not approved, the addition will be moved 13.5 feet closer towards the lake, and the side yard setback would remain the same distance. Mr. Recupito commented their determinations are made by the Findings of Facts, regardless of outcome. The Board has to make the determination that their petition is meeting those Findings of Facts and in his opinion the Petitioner is not fulfilling the requirements of the Findings of Facts.

Mr. Recupito asked how can they state they meet the Findings of Facts, when they are stating they can meet the requirements of the Zoning Ordinance. Mr. Bouwer stated if they were to move the addition closer to the lake, the neighbors to the north and south will be adversely impacted. Discussion ensued.

Mr. Recupito asked if the neighbors to the north and south would be opposed to the addition if it was moved closer to the lake. Ms. Yoways responded they would be opposed to the addition being closer to the lake.

Mr. Austgen advised the Board, they can impose reasonable conditions, if they felt reasonable conditions are not met. The Burden of Proof is on the Petitioner to prove the difficulties. As well, there are only 4 members of the Board present tonight, a majority of 3 votes is needed to act upon any motion.

Mr. Bouwer requested a deferral for this item.

Mr. Recupito entertained a motion for the deferral.

A motion was made by Mr. Kiepura and seconded by Mr. Bunge to defer this item to the August BZA Agenda. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**2. Wahlberg – 7309-7319 Lake Shore Drive – Variance of Use**

**Owner: S&N LLC, 739 S. Arbogast Street, Griffith, IN 46319**

**Petitioner: Fred Wahlberg, 739 S. Arbogast Street, Griffith, IN 46319**

Mr. Recupito advised the next order of business is for Variance of Use by Petitioner Mr. Fred Wahlberg to request an extension for their previously granted Variance of Use, which had been approved on December 9, 2021 for a property located in the vicinity of 7309 to 7319 Lake Shore Drive.

Mr. Austgen advised he was made aware of this item and recommended the Owner and Petitioner request an extension to the previously granted Variance. There does not need to be a Public Hearing or advertisement for this item, because the request is for an extension of a previously granted Variance.

Mr. Fred Wahlberg and Mr. Jeff Wahlberg are both present on behalf of this item. Mr. F. Wahlberg advised they have been having difficulties in obtaining a loan from the bank for a residential mortgage with a property zoned as commercial. Once the bank finally was able to turn the paperwork to the appraiser, the appraiser red flagged the mortgage due to wanting documentation of the Variance of Use. When he contacted the Town, he was then advised the 6-month requirement for the property was expiring.

Mr. Recupito stated the previous approval allowed for the Petitioner to have a Special Use of Residential R-2 in a B-1 Neighborhood Zoning District with the contingency of plans being submitted within 6 months of the approval and to be complete with the remodeling within 36 months with the Findings of Facts. Mr. Recupito asked the Petitioner if the extension request was for the statement he just read. Mr. Wahlberg responded in the affirmative.

Mr. Austgen advised if the Board were to have a Favorable Recommendation for the extension request, that the Variance of Use stay only with the Petitioner.

Mr. J. Wahlberg advised they do have some preliminary ideas on how they would like to renovate the property. Mr. Kiepura inquired about the length of time the Petitioners need for an extension. Mr. F. Wahlberg asked if an additional 6 months would be acceptable to the Board. Discussion ensued.

Mr. Recupito advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. F. Wahlberg stated they would need to proceed due to the bank asking for documentation proving they are allowed to have residential use on the property.

Mr. Kiepura asked if they extend the Variance of Use for one year, would the 36-month requirement be extended by a month as well. Mr. Austgen responded that would be the determination of the Board.

Mr. Recupito asked the Petitioner if they receive an extension for 1 year to secure the loan and submit renovation plans and an additional 2 years to complete the renovation, if that would be a sufficient amount of time. Mr. F. Wahlberg and Mr. J. Wahlberg responded in the affirmative.

Mr. Recupito entertained a motion for this petition.

A motion was made by Mr. Kiepura and seconded by Mr. Jackson to send a Favorable Recommendation to the Town Council to extend the Variance of Use request for 1 year, for an additional 24 months to complete renovations, and for this Variance of Use to stay with the Petitioner and/or Mr. Jeff Wahlberg with the Findings of Facts. Motion passed unanimously by roll-call vote:

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Mr. Jackson	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**New Business:**

**1. 2022-33 Nyby Development – Developmental Variance**

**Owner/Petitioner: Nyby Development Corp., 1370 Dune Meadows Drive, Porter, IN 46304**

**Vicinity: 9710 West 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303**

Mr. Recupito advised the first order of business is for a Developmental Variance to allow the Petitioner to have a lot size of 23,800 square feet by Petitioner Nyby Development Corporation for a property located at 9710 West 133<sup>rd</sup> Avenue. Mr. Austgen advised the legals are in order.

Mr. Doug Homeier, McMahon and Associates, representing the Petitioner, advised he was present with Mr. Marty Thacker, and Mr. Lee's brother for this petition. When they had begun working on this project, it had been under the old Zoning Ordinance, where the size of the lot had been allowed for a B-3 Zoning District. With the change of the Zoning Ordinance, the lot size requirements for a B-3 business changed. The lot size requirement changed to 40,000 square feet, and the size of the lot they anticipate constructing on is 23,800 square feet. They are requesting for a Developmental Variance to allow for the reduction in lot size requirement.

Mr. Salatas advised they have been in front of both the Plan Commission and BZA, and this is the last variance the Petitioner needs to make the project buildable.

Mr. Recupito asked what the lot size had been under the previous Ordinance for lot size in a B-3 Zoning District. Mr. Salatas responded the previous size requirement had been 20,000 square feet. The Petitioner would have been in compliance with the requirements when they started discussions for this project, prior to him joining the Town. With the change in the Zoning Ordinance, the Petitioner is no longer in compliance.

Mr. Bunge inquired as to why there was a dramatic increase in size for the B-3 Zoning. Mr. Salatas stated he had not been present during the discussions for changes in the Zoning Ordinance and was unable to respond to that question. Mr. Austgen discussed the Plan Commission working through the Zoning Ordinance and the dialogue had by the Plan Commission members during the revision of the Zoning Ordinance. Discussion ensued.

Mr. Recupito asked Mr. Salatas for clarification on his statement this is the last item needed for the property. Mr. Salatas clarified they are almost complete at the Plan Commission level. All approvals are contingent upon BZA approvals, and they have received three previous BZA approvals. Mr. Homeier stated this was the last variance needed for them to proceed with the One Lot Subdivision.

Mr. Bunge asked what the proposed business was for the property. Mr. Thacker advised it would be an auto repair shop. There had been a question at one of their previous meetings about tow trucks and discussed on average they only have 1 to 2 tows per week at their 5 other locations.

Mr. Recupito opened the floor for public comment for this item; none was had. Mr. Recupito closed the public hearing for this petition.

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Mr. Recupito asked if this property had been zoned B-3. Mr. Salatas responded in the affirmative.

Mr. Recupito discussed he is struggling with a request that is asking for a 40% reduction in lot size. He feels the reduction of size is too great of a reduction. Mr. Homeier discussed when the Petitioner first began communications with the Town and purchased the property, the old Zoning Ordinance had been in place. This allowed for the property to match the Zoning Ordinance requirement, since then there has been the adoption of the new Zoning Ordinance, which has a greater lot size. Discussion ensued.

Mr. Kiepura discussed his thoughts on the project, the examination done by the Plan Commission, and feels the variance should be granted.

Mr. Recupito asked Mr. Salatas that the use the Petitioner anticipates using the property for is only allowed in the B-3 Zoning District. Mr. Salatas responded in the affirmative. Mr. Carnahan inquired if the other automotive repair shop in the area was a similar size. Mr. Salatas advised the lots appear to be about equal size, but he could not state for certain without measuring both lots. Further discussion ensued regarding the lot size of the property.

Mr. Homeier commented the property had already been zoned B-3 when his client purchased the property. When the Zoning Ordinance was adopted, it created the nonconformity of the lot. Mr. Recupito commented he understood and discussed properties in Town that were poorly planned. In his opinion, this would be poor planning, since a 40,000 square foot minimum is required and the request is reducing that minimum size by 40%.

Mr. Kiepura discussed this project has been heavily vetted, and the Petitioner is exceeding the necessary parking requirements for the building size, they have agreed to all screening and easement requests. While the Plan Commission has changed the Zoning Ordinance, it was not created to cause a hinderance to businesses coming into Town.

Mr. Homeier advised he has been working with Mr. Oliphant, and they have completed the engineering. They are meeting all drainage requirements; they will exceed the parking requirements in the Ordinance. Further discussion ensued regarding the lot size of the property, and the change of lot size in the Zoning Ordinance.

Mr. Recupito advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. Recupito entertained a motion for this petition.

A motion was made by Mr. Bunge and seconded by Mr. Kiepura to approve the Developmental Variance to allow the Petitioner to have a lot size of 23,800 square feet with the Findings of Facts. Motion tied at 2-Ayes to 2-Nays by roll-call vote:

Mr. Jackson	Nay
Mr. Kiepura	Aye
Mr. Bunge	Aye
Mr. Recupito	Nay

Mr. Austgen advised due to the inaction from the tie, this item is automatically deferred to August.

**2. 2022-30 Zambo – 7310 West 134<sup>th</sup> Place – Developmental Variance**

**Owner: Dan Zambo, 1008 Royal Dublin Lane, Dyer, IN 46311**

**Petitioner: Harry Koester, 3622 41<sup>st</sup> Lane, Highland, IN 46322**

**Vicinity: 7310 West 134<sup>th</sup> Place, Cedar Lake, IN 46303**

Mr. Recupito advised the next order of business is for a Developmental Variance to allow the Petitioner to have a setback of 15 feet from 134<sup>th</sup> Place and 20 feet from Fulton Street by Petitioner Mr. Harry Koester for a property located at 7310 West 134<sup>th</sup> Place. Mr. Austgen advised the legals were in order.

Mr. Harry Koester, present on behalf of the Owner, stated they are proposing construction of a new single-family home, approximately 3,100 square feet. There had been a previous home on the lot, which was demolished. The setback request along 134<sup>th</sup> Place aligns with the setbacks of other homes along the street.

Mr. Recupito asked Mr. Koester if he had stated there had been a previous house on the property. Mr. Koester responded in the affirmative and discussed the previous house had been built in the 1950s.

Mr. Bunge inquired about what size rear yard does the current Ordinance require. Mr. Salatas advised the current Ordinance requires having a rear yard of at least 30 feet.

Mr. Bunge asked the Petitioner why the house would not be able to be moved back to reduce the rear yard setback to 30 feet to reduce the encroachment onto 134<sup>th</sup> Place. Mr. Koester stated they were wanting to maintain similar setbacks of other houses in the neighborhood. They do own the three lots next to the property they are wanting to build upon.

Mr. Recupito asked what the intentions were for the other three lots. Mr. Koester advised they intend to build an additional house at some point in time in the future. Mr. Recupito commented the property is available for the house to be moved and meet the requirements of the Zoning Ordinance. Mr. Salatas stated it would not due to the property being a corner lot.

Mr. Recupito asked what the ground level amount of living space would be. Mr. Koester advised it would be approximately 1,010 square feet.

Mr. Recupito asked Mr. Salatas if the property owner would need a variance for the house size. Mr. Salatas responded in the negative and advised they are meeting lot size, coverage, minimum square footage for the two-story house. The only variances required are the two they are requesting.

Mr. Kiepora asked if the front yard is determined based off of where the house is addressed. Mr. Salatas stated that is correct. However, there are still corner lot restrictions which requires a 30-foot setback required off of both 134<sup>th</sup> Place and Fulton Street. As well, the rear yard setback is a requirement of 30 feet.

Mr. Recupito asked Mr. Koester if they were unable to move the house onto Lots 3 and 4 to help the house meet required setbacks. Mr. Koester advised the Board their intentions were to develop the other 3 lots as a different single-family home. Discussion ensued.

Mr. Recupito opened the floor for public comment for this item; none was had. Mr. Recupito closed the public hearing for this petition.

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Mr. Recupito discussed the property having had a single-family house on it previously and could have another single-family house without the need for variances. He does not see a hardship that would require the need of a variance.

Mr. Kiepura asked if they were constructing the property for resale. Mr. Koester responded in the affirmative.

Mr. Kiepura inquired about what could be done to bring the property into compliance with the Zoning Ordinance. Mr. Koester asked if it would be beneficial if they moved the house back from 134<sup>th</sup> Place by 5 feet. Mr. Recupito commented the front yard setback for the property would need an additional 15 feet to meet current Ordinance requirements. Discussion ensued.

Mr. Recupito advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes; they have the option of deferring if they preferred having a full Board. Mr. Koester requested a deferral.

Mr. Recupito entertained a motion for this petition.

A motion was made by Mr. Bunge and seconded Mr. Jackson to defer this item to the August BZA Agenda. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**3. 2022-27 Pine Crest Marina – 14415 Lauerman Street – Developmental Variance**

**Owner/Petitioner: Bob Gross, 14415 Lauerman Street, Cedar Lake, IN 46303**

**Vicinity: 14415 Lauerman Street, Cedar Lake, IN 46303**

Mr. Recupito advised the next order of business was for a Developmental Variance to allow the Petitioner to construct a 100-foot by 150-foot cold storage building, with a wall height of 42 feet, located on a lot with other accessory structures by Petitioner Mr. Bob Gross for a property located at 14415 Lauerman Street.

Ms. Abernathy advised the Board the Petitioner had requested a deferral to the August meeting for their public hearing.

Deferral was acknowledged by the Board.

**4. 2022-28 Terry – 6712 West 145<sup>th</sup> Avenue – Developmental Variance**

**Owner/Petitioner: Brian and Candice Terry, 6712 West 145<sup>th</sup> Avenue, Cedar Lake, IN 46303**

**Vicinity: 6712 West 145<sup>th</sup> Avenue, Cedar Lake, IN 46303**

Mr. Recupito advised the next order of business was for a Developmental Variance to allow the Petitioner to have a 6-foot privacy fence in the front yard on a corner lot with a zero-foot setback from 145<sup>th</sup> and a zero-foot setback from Hobart by Petitioners Mr. Brian Terry and Ms. Candice Terry on a property located at 6712 West 145<sup>th</sup> Avenue.



Ms. Abernathy advised the Board the Petitioner had requested a deferral to the August meeting for their public hearing.

Deferral was acknowledged by the Board.

**5. 2022-29 Guca – 7406 West 128<sup>th</sup> Court – Developmental Variance**

**Owner/Petitioner: Lukasz Guca, 14424 Morse Street, Apartment O, Cedar Lake, IN 46303**

**Vicinity: 7406 West 128<sup>th</sup> Court, Cedar Lake, IN 46303**

Mr. Recupito advised the next order of business was for a Developmental Variance to allow the Petitioner to construct a New Home with a rear yard setback to 27.6 feet; and a side yard setback on a corner lot to 19 feet on Knight Street by Petitioner Mr. Lukasz Guca for a property located at 7406 West 128<sup>th</sup> Court. Mr. Austgen advised the legals are in order.

Mr. Lukasz Guca stated he would like to construct a new single-family home in the middle the property he owns, on the advice of his architect. While he has a corner lot, Knight Street is not paved and is only platted as a road.

Mr. Recupito asked if there was an existing house on the property. Mr. Guca responded in the negative.

Mr. Salatas noted his comment is similar to that of the Petitioner's, the property is a corner lot. However, the one road is not constructed.

Mr. Bunge asked if the lot size was 98.18 feet by 75 feet. Mr. Salatas stated that is correct.

Mr. Recupito asked if there were any plans to construct Knight Street. Mr. Salatas responded in the negative. Mr. Bunge asked if there were any sewers or utilities in the unimproved street. Mr. Salatas commented to his knowledge there were none. Mr. Austgen advised it was a possibility there could be future development in the area, which would require the installation of the road.

Mr. Recupito asked Mr. Guca what the square footage of the house will be. Mr. Guca responded it will be 2,600 square foot, 2-story house with a basement.

Mr. Recupito opened the floor for public comment for this item; none was had. Mr. Recupito closed the public hearing for this petition.

Mr. Bunge discussed the topography of the property.

Mr. Kiepora asked if the house could be moved. Mr. Guca stated it could. However, if it is moved a retaining wall will be needed on the left side of the property. Mr. Recupito asked if the house is moved would it allow the Petitioner to be in compliance with the Zoning Ordinance. Mr. Guca responded in order to meet Ordinance, he would need to move the house and reduce the size of the house. Discussion ensued.

Mr. Bunge inquired if there could be a vacation of Knight Street. Mr. Austgen advised if there is a petition brought to the Town Council, a vacation is possible. If a vacation were to occur, half of the vacation would go to the property owner on each side of the vacated roadway.

Mr. Recupito advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. Guca requested a deferral.

July 14, 2022

Mr. Recupito entertained a motion for this petition.

A motion was made by Mr. Kiepura and seconded by Mr. Jackson to defer this item to the August BZA Agenda. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**6. 2022-32 Filewicz – 13503 Dewey Street – Developmental Variance**

**Owner/Petitioner: Susan Filewicz, 13500 Dewey Street, Cedar Lake, IN 46303**

**Vicinity: 13503 Dewey Street, Cedar Lake, IN 46303**

Mr. Recupito advised the next order of business was for a Developmental Variance to allow the Petitioner to run electric to a garage on a lot without a residential structure by Petitioner Ms. Susan Filewicz for a property located at 13503 Dewey Street. Mr. Austgen advised the legals are in order.

Ms. Susan Filewicz stated she would like for electricity to be run to the lot on which she will be constructing her garage and would be unable to raise the garage door without it.

Mr. Recupito asked if there had been a reason why electricity to the lot was not covered with the variance request in November. Mr. Salatas responded the original variance had not included this as part of the request. Discussion ensued.

Mr. Recupito commented the previous property owner had already received the variance for the garage and asked if everything was in order with the previous variance. Mr. Salatas responded all that was needed for this property was the electricity to be on a property without a primary residential structure.

Mr. Recupito opened the floor for public comment for this item; none was had. Mr. Recupito closed the public hearing for this petition.

Mr. Bunge commented this situation is similar to other properties along Dewey Street with the accessory structure located across the street from the primary structure.

Mr. Recupito advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. Recupito entertained a motion for this petition.

A motion was made by Mr. Kiepura and seconded by Mr. Jackson to grant the Developmental Variance to allow the Petitioner to run electric to a garage on a lot without a residential structure with the Findings of Facts. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

**7. 2022-34 Zaniwski – 13010 Deodor Street – Developmental Variance**

**Owner/Petitioner: Wacław Zaniwski, 668 Quincy Bridge Ln Apt. 202, Glenview, IL 60025**

**Vicinity: 13010 Deodor Street, Cedar Lake, IN 46303**

Mr. Recupito advised the next order of business was for a Developmental Variance to allow the Petitioner to construct a new home on a lot of 8,464 square feet, to have a rear yard setback of 25 feet; and a lot coverage of 27 percent by Petitioner Mr. Wacław Zaniwski for a property located at 13010 Deodor Street. Mr. Austgen advised the legals are in order.

Mr. Wacław Zaniwski stated he is wanting to build a 3 bed, 3 bath house on the lot. If the Board prefers a bit of a larger rear yard setback, he can move it forward 2 feet to increase the rear yard setback to 27 feet.

Mr. Recupito asked if the property were to be moved forward by 2 feet, the house would remain in compliance with the front yard setback. Mr. Zaniwski responded in the affirmative.

Mr. Recupito asked if there was a home on the property previously. Mr. Zaniwski advised there had been a 900 square foot home on the property, that they have had demolished. Mr. Recupito inquired what the proposed square footage was for the new house. Mr. Zaniwski responded the proposed structure would be a ranch style house, with a square footage of 2,250, including the garage. Discussion ensued regarding the size of the lot.

Mr. Kiepusa asked if the lot coverage for this house would be over the amount allowed by Ordinance by 2%. Mr. Salatas stated that was correct, and that it had been included in the Petitioner's request.

Mr. Recupito opened the floor for public comment for this item.

Mr. Joseph Lapota, **13019 Dodge Street**, stated he is in favor of the Developmental Variance request and feels that the construction of this house will be an improvement to the neighborhood.

Mr. Recupito read into the record a letter from Mr. Kieth Schillo as a remonstrance against the Developmental Variance.

Board of Zoning Appeals

July 14, 2022

July 13, 2022

To: Town of Cedar Lake

Building, Planning and Zoning Department

Board of Zoning Appeals

RE: Tax Key Number 45-15-22-402-007.000-14

I am writing in response to a Notice of Public Hearing regarding a variance for the property at 13010 Deoder Street, Cedar Lake.

I am opposing the variance. The existing town ordinance should be upheld and a variance not given at this property.



Keith Schillo

Cedar Lake Resident

Mr. Recupito closed the public hearing for this petition.

Mr. Recupito asked if there was a way for the Petitioner to be able to bring the proposed residence into compliance with the Ordinance. He is aware the Petitioner has agreed to move the house forward by the 2 feet to bring the house closer in compliance with the rear yard setback requirements. Mr. Kiepora inquired if the Petitioner could potentially reduce the size of the house. Mr. Zaniewski advised he did have intentions of making the house a bit narrower. His engineer had recommended having the house a little larger. His intentions are to have a side yard setback of 8.5 feet on either side of the house, which should bring him closer to the 25% lot coverage requirement.

Mr. Bunge asked if this lot would be considered a Legacy Lot. Mr. Salatas stated this lot would be considered a Vacant Improved Lot, which is similar to the Legacy Lot Ordinance. However, this lot does not qualify as a Legacy Lot and will not follow the Legacy Lot criteria. Discussion ensued.

Mr. Kiepora discussed if the Petitioner were to comply with the lot coverage the only variance, he would need would be the rear yard setback for 27 feet. If the Petitioner agrees to meet the lot coverage, a motion could be made to have the rear yard setback of 27 feet and with the Petitioner to meet lot coverage.

Mr. Bunge inquired for the language included in the letter that was requesting a variance for the lot size, due to the discussion of the lot size meeting the requirements of Vacant Improve Lot, per the Ordinance. Mr. Salatas commented while this would be correct typically, with the lots that are already platted he would fall under the Recorded Vacant Lots, under minimum area. This would require him to have a property of at least 5,000 square feet. Ms. Abernathy advised the Petitioner's legal advertisement had been created prior to the evaluation of the language in the Ordinance, which allows for the Petitioner to build upon the lot. In addition, the house would need to be 2,116 square feet to meet the 25% lot coverage.

Board of Zoning Appeals

July 14, 2022

Mr. Recupito advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. Recupito entertained a motion for this petition.

A motion made by Mr. Kiepura and seconded by Mr. Bunge to grant the Developmental Variance to allow the Petitioner to construct a new home on a lot with a rear yard setback of 27 feet and for the Petitioner to comply with the 25% lot coverage for a total building size of 2,116 square feet with the Findings of Facts. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye
Mr. Recupito	Aye

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

Mr. Recupito inquired if there has been any discussion for the BZA Rules and Regulations. Mr. Austgen advised they were being reviewed internally, along with some clean ups with the Zoning Ordinance.

**ADJOURNMENT:** Mr. Recupito adjourned the meeting at 8:08 p.m.

**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 Kiepura, 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: July 14, 2022, Minutes*