



**CEDAR LAKE BOARD OF ZONING APPEALS MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**March 14, 2024 at 6:00 pm**

**CALL TO ORDER:**

Mr. Kiepura called the Board of Zoning Appeals meeting to order at 6:00 pm, on Thursday, March 14, 2024 with its members attending on-site. The Pledge of Allegiance was recited by all.

**ROLL CALL:**

**Members Present Via Zoom:** None. **Members Present:** Jerry Reiling; James Hunley; Ray Jackson; Eric Burnham, Vice Chairman; John Kiepura, Chairman. A quorum was obtained. **Also Present:** David Austgen, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary. **Absent:** None

**Minutes:**

Mr. Kiepura entertained a motion for the Minutes February 8, 2024; a motion was made by Mr. Burnham and seconded by Mr. Hunley to approve the same. Motion passed unanimously by roll-call vote:

Mr. Reiling	Aye
Mr. Hunley	Aye
Mr. Jackson	Aye
Mr. Burnham	Aye
Mr. Kiepura	Aye

**Old Business:**

- 1. 2023-36 Casa Bush LLC – Developmental Variance – 8602 W 131<sup>st</sup> Avenue**  
Owner/Petitioner: Casa Bush LLC, 7310 Grand Avenue, Hammond, IN 46303  
Vicinity: 8602 W 131<sup>st</sup> Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of old business is for a Developmental Variance to allow the Petitioner to install a 20-foot by 20-foot garage to be located approximately 2.5 feet from the east property line, 1-foot from the rear yard property line, 2.5 feet from the deck and 7.5 feet from the existing house on a legacy lot.

Mr. Michael Maciel, 7130 Grand Avenue, Hammond, IN, commented we would like to have a 20-foot by 20-foot garage built on the existing lot in place of the shed.

Ms. Abernathy commented this was before the Board in January when we were short a member and it was a tie vote and no action was taken.

Mr. Austgen commented no action of the Board may take place without three votes and there were only two.

Mr. Kiepura asked if there were any remonstrators for or against this Developmental Variance.

Ms. Debra Nelson, 8605 W. 131<sup>st</sup> Avenue, commented she feels this request is too close to the property line and to the neighboring home. In the event there is an emergency, this would also be very close to the neighboring property.

Mr. Kiepura closed the public portion of this meeting.

Ms. Abernathy commented this is a Legacy Lot in the old part of Town. We do not have any major comments.

Mr. Maciel commented the northeast corner of the existing shed is right up against the property line.

Mr. Burnham commented they can get access to the backyard even though it is a tight fit.

Mr. Hunley asked are there any easements behind the property. Ms. Abernathy responded in the negative.

Mr. Reiling commented we have to stop allowing structures on a lot that is not big enough and this lot is not big enough for that two-car garage and maybe they can put up a smaller garage.

Mr. Maciel commented the home itself is on one lot line and the garage would be on the other lot. It would give a greater Variance away from the neighboring adjoining property. There isn't any street parking available, but there would be parking in the driveway only.

A motion was made by Mr. Hunley and seconded by Mr. Burnham to allow the Petitioner to install a 20-foot by 20-foot garage to be located approximately 2.5 feet from the east property line, 1-foot from the rear yard property line, 2.5 feet from the deck and 7.5 feet from the existing house on a legacy lot per the Findings of Fact. Motion failed by roll-call vote: 3 - Nays to 2- Ayes.

Mr. Reiling	Nay
Mr. Hunley	Aye
Mr. Jackson	Nay
Mr. Burnham	Aye
Mr. Kiepura	Nay

**2. 2024-04 Kolber – Developmental Variance – 10833 W 133<sup>rd</sup> Ave**

**Owner: CWK Properties – Cedar Lake LLC, 7949 W. 79<sup>th</sup> Street, Bridgeview, IL 60455**

**Petitioner: Steven Kolber, 828 Davis Street, Evanston, IL 60201**

**Vicinity: 10833 W. 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303**

Mr. Kiepura stated that the next order of old business is a Developmental Variance to allow the Petitioner to have parking in the front yard setback and a reduction in side yard setback on the eastern boundary to 7 feet for a proposed new commercial business.

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Mr. Steven Kolber, 828 Davis Street, Evanston, IL 60201, commented we have a revised Site Plan to show a 15-foot setback side yard. We moved our building over to comply with the opposition from the neighbor.

Mr. Kiepura asked the only Variance needed is for the front parking. Mr. Kolber responded in the affirmative.

Mr. Kiepura asked if there were any remonstrators for or against this Developmental Variance.

Mr. Larry Stenger, 10819 W. 133<sup>rd</sup> Avenue, commented he has a concern with the discussion of the privacy fence. Will the privacy fence go to the sidewalk. Mr. Kiepura commented the Building Department will discuss where the fence should end.

Ms. Abernathy commented the Ordinance states that a fence cannot be in the front yard setback without a Variance. The front yard setback on 133<sup>rd</sup> Street is a 50-foot front yard setback. Going towards that road is concern of blocking vision triangles and impeding pedestrian and vehicular traffic entering and exiting from the entrance.

Mr. Stenger asked is the sign that is going up on Osborne Street and 133<sup>rd</sup> Street not impeding the vision. Ms. Abernathy commented it is following the Ordinance, which is a 10-foot minimum setback from either right-of-way line.

Mr. Kiepura closed the public portion of this meeting.

Ms. Abernathy commented one of the parking spots would need to be eliminated; the one at the southwest corner or one of the employee parallel parking spots. It was discussed with the Town Engineer and it can cause vehicular problems. The dumpster would need to face East.

A motion was made by Mr. Burnham and seconded by Mr. Reiling to approve the Developmental Variance to allow the Petitioner to have parking in the front yard setback for a proposed new commercial business with the Findings of Fact. Motion passed by unanimously roll-call vote:

Mr. Reiling	Aye
Mr. Hunley	Aye
Mr. Jackson	Aye
Mr. Burnham	Aye
Mr. Kiepura	Aye

**New Business:**

- 1. 2024-05 Cook Builders – Developmental Variance – 13416 Cedar Street**  
**Owner: Robert & Lindsey Jager, 11159 Elmwood Ct., Mokena, IL 60448**  
**Petitioner: Cook Builders, 6919 W Lincoln Hwy, Crown Point, IN 46307**  
**Vicinity: 13416 Cedar Street, Cedar Lake, IN 46303**

Mr. Kiepura stated that the first order of new business is a Developmental Variance to allow the Petitioner to build a cupola on an existing house over the 25-foot height requirement for a height of 28 feet. Mr. Austgen advised legals are in order.

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Mr. Justin DeBoer, 15103 103<sup>rd</sup> Avenue, Dyer, IN, commented we would like to add a cupola to the top of the house that extends beyond the 25-foot height requirement by 3-feet. The cupola will be 10-foot by 10-foot that will extend above and have some windows around it to bring in sunlight into the house.

Mr. Kiepura asked if there were any remonstrators for or against this Developmental Variance. Seeing none; public comment is closed.

Ms. Abernathy commented the height restriction for the Legacy Lot is 25-feet and that the 10-foot by 10-foot space on the top is exceeding that standard. The rest of the house is complying with all Legacy Lot requirements.

A motion was made by Mr. Burnham and seconded by Mr. Jackson to approve the Variance to allow the Petitioner to build a cupola on an existing house over the 25-foot height requirement for a height of 28 feet per the Findings of Fact. Motion passed by unanimously roll-call vote:

Mr. Reiling	Aye
Mr. Hunley	Aye
Mr. Jackson	Aye
Mr. Burnham	Aye
Mr. Kiepura	Aye

**2. 2024-06 James – Variance of Use – 13328 Edison Street**  
**Owner: Alexander Lu, 1600 N 15<sup>th</sup> TER, Hollywood, FL 33020**  
**Petitioner: Michael James, 16901 Thackery Ave, Oak Forest, IL 60452**  
**Vicinity: 13328 Edison Street, Cedar Lake, IN 46303**

Mr. Kiepura stated that the next order of new business is a Variance of Use to allow the Petitioner to convert a single-family house into a two-unit building. Mr. Austgen stated the legals are good except for the clarification needed when the motion is taken to clarify the error with the ad.

Mr. Austgen stated the ad is wrong for the request that is being made. They are looking for two homes in one residential property.

Ms. Jennifer James, 16901 Thackery Avenue, Oak Forest, IL 60452, commented the building was originally built as a multi-unit with two families. This is an R-2 and we would like to finish the second unit and make it back into a multi-unit property.

Ms. Abernathy stated County listed it as a duplex, but in 2012 a building permit was pulled to convert into a single-family residence. There wasn't a building permit for the two-unit building. There is also one sewer bill for this property.

Ms. James commented we are in the process of purchasing this property and if we cannot convert the property back into a two-unit; then we would purchase it as a single family.

Mr. Kiepura asked if there were any remonstrators for or against this Variance.

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Ms. Dina Blatt, 6924 West 134<sup>th</sup> Avenue, commented there have been numerous police calls to this property and to convert it back to a multi-unit property is asking for more trouble.

Mr. Terry Broadhurst, 14513 Morse Street, commented there is a public safety issue that the staircase has been removed from the interior to separate to make two units. If it is just a walkout, will there be enough egress to make it a legal apartment.

Mr. Kiepura closed the public portion of the hearing.

Ms. Abernathy commented we have concerns of this being converted back to a two-unit building and it meeting all code requirements, including means of ingress and egress, fire separations between the two units, because all of the duplexes that are built today, we require fire separation for safety for both units.

Mr. Kiepura asked is there access from upstairs to the lower unit. Ms. James commented there is an interior staircase at the side door from upstairs with two separate doors, as well as, a door in the back to get into the basement unit.

Mr. Jackson asked what kind of parking is in this area. Ms. James commented it is a gravel lot at the dead end of the street and is the last property on that block.

Mr. Reiling commented he thinks it is too small of a building for two units. Ms. James commented it is total building of 2,300 square feet.

Discussion ensued regarding building code requirements if this plan gets approved.

Mr. Austgen commented he wanted to clarify that the Notice that set up the Public Hearing that stated Developmental Variance and then the Use Variance is not the same as in the agenda. The agenda is correct. The Notice says more than it needs to and there is no error in that.

A motion was made by Mr. Burnham and seconded by Mr. Reiling for an unfavorable recommendation Variance of Use to the Town Council to the Findings of the Fact. Motion passed by unanimously roll-call vote:

Mr. Reiling	Aye
Mr. Hunley	Aye
Mr. Jackson	Aye
Mr. Burnham	Aye
Mr. Kiepura	Aye

**PUBLIC COMMENT:**

Ms. Abernathy commented this starts the three-month countdown for Cedar Lake Storage Variance that was granted last year and they have been complying with all requirements and they have been sending all of their pictures.

**ADJOURNMENT:** Mr. Kiepura adjourned the meeting at 6:53 p.m.

## TOWN OF CEDAR LAKE BOARD OF ZONING APPEALS

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John Kiepura, Chairman

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Eric Burnham, Vice Chairman

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Jerry Reiling, Member

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James Hunley, Member

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Ray Jackson, Member

ATTEST:

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Cheryl Hajduk, Recording Secretary

*These Minutes 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.*

*Minutes of March 14, 2024*