



**CEDAR LAKE BOARD OF ZONING APPEALS MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**April 11, 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, April 11, 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:** Ryan Deutmeyer, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

**Absent:** None

**Minutes:**

Mr. Kiepura entertained a motion for the Minutes of March 14, 2024; a motion was made by Mr. Burnham and seconded by Mr. Jackson 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

**New Business:**

- 1. 2024-07 Hickory Property Owner's Association – Developmental Variance**  
**Owner: Hickory Property Association Owners, 7606 W 136<sup>th</sup> Lane, Cedar Lake, IN 46303**  
**Petitioner: Thomas Vanderwerf, 7515 W 136<sup>th</sup> Lane, Cedar Lake, IN 46303**  
**Vicinity: 7606 W 136<sup>th</sup> Lane, Cedar Lake, IN 46303**

Mr. Kiepura stated the first order of new business is for a Developmental Variance to allow the Petitioner to construct a fence on a lot without a principal structure. Mr. Deutmeyer advised legals are in order.

Mr. Thomas Vanderwerf, 7515 W. 136<sup>th</sup> Lane, Cedar Lake, commented he would like to put in a fence along the property line for the Property Owner's Association for safety reasons. We get a lot of traffic with people driving through there with golf carts and vehicles. It will still be open at 136<sup>th</sup> Lane for people to access the property. We would like to put up an aluminum wrought iron fence.

Mr. Burnham asked did other people in the Association vote on this. Mr. Vanderwerf responded in the affirmative and the vote was unanimous.

Mr. Reiling asked if there were minutes of that meeting and to get a copy of the minutes. Mr. Vanderwerf responded in the affirmative.

Mr. Kiepura asked how many feet of fence is going up. Mr. Vanderwerf responded 109-feet.

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

Ms. Abernathy commented we do not have major concerns, but the fence will not be able to go all the way to lake and that is a DNR requirement.

Mr. Hunley asked if there will be a gate for emergency vehicles to get in. Mr. Vanderwerf responded there will be a 4-foot gate for access.

A motion was made by Mr. Burnham and seconded by Mr. Hunley to allow the Petitioner construct a fence on a lot without a principal structure 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. 2024-08 Johnson – Developmental Variance**

**Owner/Petitioner: Donald Johnson, 13711 Birch Street, Cedar Lake, IN 46303**

**Vicinity: 13716 Birch Street, Cedar Lake, IN 46303**

Mr. Kiepura stated that the next order of business is a Developmental Variance to allow the Petitioner to build a new home of approximately 1,361 square feet less than the minimum building size requirement and to build the detached garage before the construction of the house. Mr. Deutmeyer advised legals are in order.

Mr. Donald Johnson, 13711 Birch Street, Cedar Lake, commented we would like to build a new home and it fit the actual foundation of the existing house that was torn down by me and would like to keep the plans together. I do not want to go with the minimum because a lot of the houses are older in that neighborhood and do not meet the 1,500 square foot requirement. The house was on the unsafe list and that is why I tore it down. This is also 30-feet off of the street. The other part of the request is to build the garage before the house will be built, but to start both projects at the same time.

Mr. Kiepura asked is this a legacy lot. Ms. Abernathy stated it is bigger than a legacy lot and it is 14,000 square feet. A legacy lot is anything under 5,000 square feet greater than 2,400 square feet. Mr. Kiepura commented it is almost R-1. Ms. Abernathy commented it is in an older pre-platted subdivision of Town.

Mr. Johnson commented most of the houses in that area are cottage homes and would like to keep it a two-bedroom home.

Board of Zoning Appeals  
April 11, 2024

Mr. Burnham asked how big the garage is going to be. Mr. Johnson commented 34 feet by 33 feet.

Ms. Abernathy commented the lot coverage will be 14.8 percent.

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

Ms. Abernathy commented this was an unsafe house and was on the list for a year and a half before Mr. Johnson removed the house.

Mr. Kiepura asked if the house and garage will be started at the same time. Mr. Johnson responded in the affirmative.

A motion was made by Mr. Burnham and seconded by Mr. Jackson for a Developmental Variance to allow the Petitioner to build a new home of approximately 1,361 square feet less than the minimum building size requirement and to build the detached garage before the construction of the house to 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

**3. 2024-09 Nagy – Developmental Variance**

**Owner: Larry & Margo Nagy, 9065 W 129<sup>th</sup> Place, Cedar Lake, IN 46303**

**Petitioner: Larry Nagy, 9065 W 129<sup>th</sup> Place, Cedar Lake, IN 46303**

**Vicinity: 9065 W 129<sup>th</sup> Place, Cedar Lake, IN 46303**

Mr. Kiepura stated that the next order of business is a Developmental Variance to allow the Petitioner to build a second accessory structure for a total accessory structure size of approximately 1,783 square feet and to have a wall height of 14 feet and a total height of 20 feet. Mr. Deutmeyer advised legals are in order.

Mr. Larry Nagy, 9065 W 129<sup>th</sup> Place, commented we want to build a second accessory structure to put a trailer and a car in the structure. The trailer is 10-feet, 11-inches tall and 37-inches long. The extra wall height is needed to put a 12-foot door in. The garage will have the same roof pitch and same color as the house.

Mr. Burnham asked if the highest part of that building will be no higher than the existing home. Mr. Nagy commented it might be a foot higher because of the way the slope comes down and it would be a 4/12 pitch.

Mr. Kiepura asked what does this do for coverage. Ms. Abernathy commented they were under the lot coverage.

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

Board of Zoning Appeals  
April 11, 2024

Ms. Rebecca Spindler, 9005 W. 129<sup>th</sup> Place, Cedar Lake, commented she is the next-door neighbor on the right side. The garage that is being proposed is at the end of my house and is taking up most of the yard and will be blocking the view with 14-foot walls. It is not going to be pleasing to look at.

Mr. Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, commented he didn't feel that the view would have an adverse effect on the neighbor's property and this should proceed in a positive manner.

Ms. Abernathy read aloud a letter from Ms. Rebecca Spindler and the letter is attached to these minutes.

Mr. Kiepura asked if this property is over an acre. Ms. Abernathy responded in the affirmative. We do allow for metal and post-frame buildings if they are over 1,001 square feet, but the only area that can build to that size is anything over an acre or greater than two acres. Anything greater than an acre can build up to 1,600 square feet and anything greater than two acres can build up to 2,000 square feet which allows for metal and post-frame buildings to be built. We did not make allowances for wall height in the Zoning Ordinance if it is greater than the 1,000 square feet. We allow up to 15-foot for wall height.

Mr. Kiepura closed public comment.

Ms. Abernathy stated they are following all of the required setbacks that are needed for an accessory structure. They are more than 6-feet off of the property line and they are 10-feet from any other structure and under lot coverage.

Mr. Hunley asked is Ms. Spindler's property East of you. Mr. Nagy responded East and discussed the view in his yard and Ms. Spindler's yard.

Discussion ensued regarding the pitch on the new accessory structure.

Mr. Nagy commented if he shortened the building by 5-feet, and lower it to a 10-foot wall, we would not need to be here, but then the items would not fit in the accessory structure. Discussion ensued regarding the neighbor looking at a trailer in the yard instead of it being in an accessory building.

Mr. Burnham asked if he can put in the motion that the roof cannot exceed the height of the neighbor's house and his house is lower than hers, he cannot exceed a certain wall height or the height of the overall roof. Mr. Deutmeyer stated it can be in the motion and it would be a reasonable condition, but there may be a dispute that it may be an inch higher or something of the sort. Discussion ensued.

A motion was made by Mr. Burnham and seconded by Mr. Hunley to approve the Variance to allow the Petitioner to build a second accessory structure for a total accessory structure size of approximately 1,783 square feet and to have a wall height of 14 feet and a total height of 20 feet per the Findings of Fact. Motion passed by roll-call vote: 4 – ayes, 1 - nay

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

**4. 2024-10 Cedar Lake 133 – Developmental Variance**

**Owner: Cedar Lake 133, LLC & Various Builders, 8900 Wicker Avenue, St. John, IN 46373**

**Petitioner: Schilling Development, 8900 Wicker Avenue, St. John, IN 46373**

Mr. Kiepura stated that the next order of business is a Developmental Variance of Use to allow the Petitioner to allow for a lot coverage of 35% for the entirety of Lakeside, Unit 2, Block 1. Mr. Deutmeyer advised legals are in order.

Mr. Jack Slager, Schilling Development, 8900 Wicker Avenue, St. John, IN, representing Cedar Lake 133, commented this is in regards to the latest phase of Lakeside that was developed in the Fall of last year. There are 55 lots zoned R-2 and as the builders have been coming in for various permits for building on these lots, it was discovered that several of the applications for a building permit did exceed the 25 percent lot coverage. The minimum lot size in the R-2 zone is 10,000 square feet, which would allow for a maximum 2,500 square foot footprint. The homes are not overly large, but some of the homes have a three-car garage that is about 1,000 square feet and that leaves 1,500 square feet remaining. Some of the permits coming through were kicked back because they were over the 25 percent requirement. Some of the homes are coming in between 28 and 32 percent lot coverage. We would like to represent the builders and ask for a blanket Variance on the whole development.

Mr. Burnham asked are there any stipulations that they are not allowed to have sheds or a swimming pool. Mr. Slager commented we have to approve sheds and swimming pools through the Association.

Mr. Hunley asked are all of the homes single-family residences. Mr. Slager responded in the affirmative.

Mr. Slager stated he has done research on other Towns and if they have a lot coverage requirement, it is usually in the 35 to 40 percent range. Ms. Abernathy commented in the Zoning Ordinance, Ordinance 496 states it is 25 percent. Discussion ensued regarding lot coverage and permits with the Building Department.

Mr. Burnham asked are we going incur the same issue on the next development. Mr. Slager responded in the affirmative and we will ask for the blanket Variance or possibly in the plat approval process.

Mr. Reiling commented bigger lots are needed and there is time to design bigger lot sizes. Discussion ensued in length regarding building and designing homes and lot sizes.

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

Mr. Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, Cedar Lake, asked if the 35 percent lot coverage request, is it just for the home or any accessory. Ms. Abernathy commented total lot coverage for these properties is 35 percent, so it could be the home plus a shed in the future. Mr. Burnham commented the pool isn't in this calculation.

Discussion ensued regarding how other subdivisions handle requests for accessory structures.

Mr. Kiepura closed public comment.

Mr. Kiepura asked why are the contractors offering houses that are too big for the lot and that this is the contractors problem. Discussion ensued in length with the Board regarding lot sizes and home sizes.

Ms. Abernathy stated any decision the Board makes, there would not be any potential ramifications for Lakeside South, because that is a Planned Unit Development and everything is built into that document.

Mr. Slager commented we are trying to avoid the builders coming in every time they build a house. We were trying to save the time and money to individually coming in for Variances. It may be only 10 percent. Mr. Reiling commented they can come in and get a Variance.

Ms. Abernathy asked if this Variance is denied, if one year has to go by before applying again, will any developer or builder be able to come and ask for a Variance for an increased lot coverage. Mr. Slager asked if the Board would approve a 30 percent lot coverage if 35 percent is too extreme.

Mr. Kiepura commented what ramifications will there be down the road in other subdivisions with houses being built. We have a moratorium at this time, and this could affect a lot of things. Ms. Abernathy commented Ordinance 496 was passed in 1989 and when we updated Ordinance 1402, it never got changed and this was prior to the Building Director starting with the Town. Mr. Kiepura stated this topic never came up because it was never questioned.

Mr. Kiepura called for Remonstrators again for or against this Petition.

Mr. Rolando Torres, 13437 Cardinal Lane, Cedar Lake, commented if people have enough money and want to build a big house, then they should build it somewhere else on a bigger lot.

Ms. Marirose Miketinas, 5913 Tahoe Place, Cedar Lake, IN commented we are in Phase 1 and we were only shown houses that would fit our lot size. Their backyards would be pushed more towards my backyard and why should allowances be made. My neighbor's yard has flooded and we have a lot of dirt in our yard.

Mr. Terry Broadhurst, 14513 Morse Street, commented with the developments in the past and these things have been discussed in the past at length and the repercussions that would come after the fact. If Planned Unit Developments get changed after the fact, will legal fees incur and keep coming up if a homeowner wants to change their lot size. The Town should exercise caution.

Ms. Kelly Parker, 13346 Superior Lane, Cedar Lake, IN, commented we are part of Phase 1 and my concern is the elevation of the houses in Phase 3 and they have gone two-feet above the ground level of where we are at. Mr. Burnham commented the surveyor lays that out. Ms. Parker commented the houses behind us are being built higher and the all of the water is flooding the backyard. The 30 percent of lot coverage would be fine, but she is concerned with the elevation of the houses.

Ms. Abernathy commented we review building heights when permits come through and we make sure they do not exceed any section of the Ordinance height included and our inspectors also look at this. Any new home is required to submit an as-built making sure that everything is graded to approved engineering plans.

Mr. Kiepura closed the public portion of the meeting.

Mr. Deutmeyer stated there is a provision, but the language isn't shown to give a firm explanation as to whether it would apply regarding waiting a full year to seek another Variance. Discussion ensued regarding the provision.

Board of Zoning Appeals  
April 11, 2024

Mr. Kiepura commented he thought if the request is denied, they cannot bring back the same request for a year. If something in the request is changed, then they can come back before a year. Mr. Deutmeyer stated that interpretation is reasonable.

Mr. Reiling asked if this Petition gets denied, each builder will be able to come in for single-lot Variance. Mr. Deutmeyer commented this would make the most sense. Discussion ensued.

A motion was made by Mr. Hunley and seconded by Mr. Reiling to deny the Petitioner to allow for a lot coverage of 35% for the entirety of Lakeside, Unit 2, Block 1. Motion passed by unanimously roll-call vote:

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

**5. 2024-12 Kubal – Variance of Use & Developmental Variance**

**Owner: Martha Ann Kubal, Trs dtd 1/31/92, 13305 Morse Street, Cedar Lake, IN 46303**

**Petitioner: Brian Kubal, 13305 Morse Street, 13305 Morse Street, Cedar Lake, IN 46303**

**Vicinity: 13135 Morse Street, Cedar Lake, IN 46303**

Mr. Kiepura stated that the next order of business is a Variance of Use to allow the Petitioner to have a parking lot in a B-2 Zoning District, a continuing of the already existing use on the lot and a Developmental Variance to allow the Petitioner to have a building 21.8 feet from Morse Street, 11.2 feet from 132<sup>nd</sup> Avenue, and a setback of 5.6 feet from the eastern property line for an already existing building. Mr. Deutmeyer advised legals are in order.

Mr. Brian Kubal, 7600 W 136<sup>th</sup> Court, Cedar Lake, IN, commented he wants to sub-divide the parking lot and he doesn't need a parking lot that big for a building of that size.

Mr. Kiepura commented Mr. Kubal was in front of the Plan Commission last week and this is a good idea and he wants to use the existing parking lot as is. The building that is North will be sold which has enough parking.

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

Mr. Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, Cedar Lake, commented this is perfect for what it is going to be used for and cleans up a lot of the property in this area.

Mr. Kiepura closed public comment.

Ms. Abernathy commented they are going through the subdivision process and updating it into a one-lot subdivision with an outlot and because they are legal-nonconforming uses, anytime something is updated, modern or new, it will have to either bring the uses conformance or go for the Variances. The parking lot in the B-2 Zoning District is a Use Variance with a recommendation to the Town Council and the second one is for the building is a Board decision.

A motion was made by Mr. Burnham and seconded by Mr. Reiling for a favorable recommendation for the Variance of Use to allow the Petitioner to have a parking lot in a B-2 Zoning District, continuing the already existing use on the lot 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

A motion was made by Mr. Burnham and seconded by Mr. Reiling for a Developmental Variance to allow the Petitioner to have a building 21.8 feet from Morse Street, 11.2 feet from 132nd Avenue, and a setback of 5.6 feet from the eastern property line for an already existing building 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

**6. 2024-13 StorSafe – Developmental Variance**

Owner/Petitioner: Storsafe of Cedar Lake, LLC, 5301 Dempster St., Suite 300, Skokie, IL 60077  
Vicinity: 13649 Wicker Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated that the next order of business is a Developmental Variance of Use to allow the Petitioner to use gravel for parking in the rear of the property, to continue to have parking along the property lines, and to have waivers from the lighting requirements in the gravel area of the property and screening along the northern and western boundary lines, as currently existing on the property. Mr. Deutmeyer advised legals are in order.

Mr. Russ Pozen, DVG Inc., 1155 Troutline Road, Crown Point, IN, representing the owner, who is also on zoom, commented Storsafe was in front of the Plan Commission last month and the reason for the Variances is because it is an existing use that is non-conforming, but Phase 1 building, we need to subdivide the property. The zoning adjacent to this property is peculiar for what the future comp plan states. The northern large portion of the property, which is the future phase and is zoned R-2. There is a chain link fence on the property. The current zoning North of Phase 1 is currently zoned B-1 and there is a home there right now. We will put dense shrubbery and fence along the northern part of Phase 1 to shield from the residential development that is currently there. The other Variances are requested and warranted, but we are not developing that portion yet. When it does get developed, certain things will be up to code, it will be paved, new storage buildings, so we would like to do all development at that time. When Phase 2 comes along, they will upgrade it to the Town’s standards.

Ms. Abernathy commented in discussions with Mr. Sayegh, with Phase 2, they are hoping to start in 18-months to two years depending on the market driven at the time and a market analysis will be done.



Ms. Abernathy commented at this time, they would like to keep the back as existing. When they come in for Phase 2, they will want the waivers for the screening to remain.

Mr. Pozen commented it is currently being used for storage right now and any updates later, they will have to come in for a Site Plan.

Mr. Reiling asked is the gravel already used now for storage. Mr. Pozen commented there are boats and RVs on the property now. This is a non-platted lot right now; we have to plat a subdivision and these were some of the codes that are needed for the entire property.

Mr. Kiepura asked who do the trees belong to on the northern border. Mr. Pozen stated that is the undeveloped portion and that is not our property. There might not be a buffer zone if the other owners cut down the trees. Mr. Sayegh commented we had to put landscaping and screening in at other sites, but in this case, the neighbor meets the landscape requirement and buffer by keeping the trees. We would also add asphalt as per our developmental standards in the future.

Mr. Kiepura commented with the storage area being gravel, he did not want to recommend to the Board of the paving at a later date. The Board had a similar situation in the past and the storage company had to pave the area where there was gravel.

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

Mr. Scott McVey, 13647 Wicker Avenue, Cedar Lake, commented he is the owner of the house near the storage facility and asked if a retention pond will be going in to help with drainage. Ms. Abernathy commented they will go through the Site Plan for that, which will be engineered to ensure there will not be any drainage problems. Mr. McVey commented his well sits on Storsafe's property. Mr. Kiepura commented that where the well sits will need to be discussed with the present owners and Storsafe.

Mr. Jerry Wilkening, 10826 W 131<sup>st</sup> Avenue, Cedar Lake, commented there was a lot of discussion at Plan Commission; however, the future is not a word we should be working with. Cedar Lake storage wasn't built in 1987 or 1978, it was way older than that.

Mr. Kiepura closed public comment.

Ms. Abernathy commented any decision made by the Board; we would like a contingency made that whatever they do is approved by the Plan Commission with their Site Plan approval. If any Variances are approved that everything, they do with that Variance, they follow their Plan Commission Site Plan.

Mr. Burnham asked what is the time frame for Phase 2. Mr. Sayegh commented we will need to study the market and understand what the market wants and what we want to build. The site can be made more beautiful and service the public a lot better with a modern, state of the art, climate-controlled building. We do not want to feel compelled to pave the back since we do not know what we want to build yet. There would be more stormwater detention than a phased detention plan only building the front building today. DVG will do further civil engineering to accommodate more impervious surface in the back. We do not want to put asphalt down now, when our intention is to scrap what is in the back and add four 12,000 square foot buildings. Discussion ensued regarding paving the gravel surfaces in the back where items are stored.

Mr. Reiling asked why wouldn't Storsafe not want to put lights up. Ms. Abernathy stated without knowing what they want to do with Phase 2, they do not want to run the electric to put in light poles to them potentially being moved or worry about hitting the electric lines. Mr. Pozen commented it would be per the market and we do not know what shape, rotation where we will have future drive aisles. Mr. Kiepura commented we need lighting back there also.

Mr. Sayegh commented where the storage is now, the asphalt will be added or be resurfaced and there will be proper lighting in this area. We would ask if the Board favors the resurfacing and lighting to draft this in a way that if we go ahead and remove anyone from using that area, that we are relieved from having to put asphalt or lighting there until such time that we resume approved use of that area for storage. We inherited people parking their vehicles in the back of the facility.

Ms. Abernathy asked how long does Storsafe think it will be between Phase 1 and Phase 2. Mr. Sayegh commented around two years and the process is designing plans, submitting building permit, receiving permit, building the building, and filling up the building.

Mr. Sayegh asked was this site used illegally or doing anything wrong. Ms. Abernathy commented looking at the ariel pictures, there has always been storage parking around the entire facility. The first buildings were built in 1987 prior to Ordinance 496, so it would be a legal non-conforming use by Ordinance 496 when we updated Ordinance 1402 continued legal non-conforming use.

Mr. Sayegh commented we would not have to rent to anyone new. We know the existing customers.

Mr. Kiepura commented he does not want to see any parking on the gravel per the Ordinances.

Ms. Abernathy commented the legal non-conforming does not stop. The only way it would stop is if they bring it to Performance and making it a one-lot subdivision. They would have to make everything conforming to the Zoning Ordinance or seek the Variances or if the Use were to stop for six months, then it would resolve non-conformity.

Mr. Deutmeyer asked how do we know if it is legal non-conforming. Ms. Abernathy commented based on the fact that the original buildings were built in 1987, prior to Ordinance 496, there were permits pulled back then and going all the way back to there. Mr. Deutmeyer stated let's assume that and what part of that is legal non-conformity. Ms. Abernathy commented Ordinance 496 was adopted in 1989, which the storage business started prior to. Mr. Deutmeyer asked if the Ordinance back in 80's required the paving component. Ms. Abernathy commented she wasn't sure what was required prior to Ordinance 496.

Mr. Deutmeyer asked what was permitted in that Zoning District classification back then. Ms. Abernathy commented what is on there today. Mr. Deutmeyer commented he wants to be careful with the whole legal non-conformity and is the use a storage facility or was it just the prior owner parked a bunch of cars back there and everyone let it go. The latter of these two is not legal non-conforming use and because someone violated what the code required, does not make it a legal non-conforming use. For example, if there was a house there and it was previously residential and then they zoned it commercial, and there is still a house there. That is a legal non-conforming use. Discussion ensued.

Mr. Kiepura commented our Ordinance states that if something is going to be stored outside, the storage facility has to be on pavement whether it be concrete or asphalt and the lighting needs to be in this area where there is parking.

Mr. Pozen commented we are also looking for relief of an opaque fence where the existing woods are. The area to the West is zoned B-2, so there would not be a requirement for fencing or shrubs; however, my client will be providing screening around the northern portion of the existing residence that will be zoned business. If this gets developed, it will be zoned commercial and the fence would not be required in the future.

Mr. Sayegh stated the issues raised about legal nonconformity or not legal nonconformity are important and material. We can phrase the language if it is used, and we need to comply if it is not used. We can table this for another meeting to have Mr. Austgen or our team do more research.

Mr. Pozen stated we request that this item be deferred to the next month.

A motion was made by Mr. Burnham and seconded by Mr. Hunley to defer this Petition to the next month's meeting of May 9, 2024. Motion passed by unanimously roll-call vote:

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

**7. 2024-15 Trudeau – Developmental Variance**

Owner/Petitioner: David L. Trudeau, 13023 Polk Street, Cedar Lake, IN 46303  
Vicinity: 13023 Polk Street, Cedar Lake, IN 46303

Mr. Kiepura stated that the next order of business is a Developmental Variance of Use to allow the Petitioner to rebuild a deck 25 feet from the property line. Mr. Deutmeyer advised legals are not in order. There is no proof of service upon the neighboring property owners or the Proof of Publication.

Mr. David Trudeau, 13023 Polk Street, Cedar Lake, commented we would like to replace the deck.

Ms. Abernathy commented her email to Mr. Trudeau may have gone to spam.

A motion was made by Mr. Burnham and seconded by Mr. Hunley to defer this Petition to next month. Motion passed by unanimously roll-call vote:

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

**8. 2024-16 Sparr – Developmental Variance**

Owner/Petitioner: John Sparr IV, 13220 Fairbanks Street, Cedar Lake, IN 46303  
Vicinity: 13220 Fairbanks Street, Cedar Lake, IN 46303

Mr. Kiepura stated that the next order of business is a Developmental Variance of Use to allow the Petitioner to build a post frame building of 2,400 square feet with a wall height of 14 feet 8 inches and an overall height of 16 feet 8 inches.

Ms. Abernathy stated this Petitioner is withdrawing this Developmental Variance.

**9. 2024-17 Camus – Developmental Variance**

Owner/Petitioner: Richard Camus Jr., 13132 Lindberg Street, Cedar Lake, IN 46303  
Vicinity: 13132 Lindberg Street, Cedar Lake, In 46303

Mr. Kiepura stated that the next order of business is a Developmental Variance of Use to allow the Petitioner to construct a 6-foot privacy fence on the property line of a corner lot replacing the existing fence. Mr. Deutmeyer advised legals are not in order. The Town Zoning Ordinance requires publication to occur ten days or more prior to the hearing. The Proof of Publication that we have is from April 9, 2024.

Mr. Richard Camus Jr., 13132 Lindberg Street, Cedar Lake, commented he thought everything was in order.

Mr. Deutmeyer commented the certified mailings and Certification will need to be done again.

A motion was made by Mr. Burnham and seconded by Mr. Reiling to defer the Petition to the next meeting on May 9, 2024. Motion passed by unanimously roll-call vote:

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

**10. 2024-14 Austgen – Developmental Variance**

Owner: David Austgen, 14326 Lake Shore Drive, Cedar Lake, IN 46303  
Petitioner: Theodore Rohn, 13177 Rhode Street, Cedar Lake, IN 46303  
Vicinity: 14326 Lake Shore Drive, Cedar Lake, IN 46303

Mr. Kiepura stated that the next order of business is a Developmental Variance of Use to allow the Petitioner to build an addition onto the existing house, increasing the lot coverage to 30%.

Ms. Abernathy commented they are requesting a deferral and they received additional information after they filed the initial Petition and will be re-advertising for next month.

A motion was made by Mr. Burnham and seconded by Mr. Reiling to defer this Petition to the next meeting on May 9, 2024. Motion passed by unanimously roll-call vote:

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

**Update:**

**Cedar Lake Storage LLC – Phase 2 Update**

Ms. Abernathy commented they have been sending the required pictures and the most recent communication with them is they are currently working with the excavator to have the storm drains installed, along with the grading of the lot for the approved Engineering Site Plan. They are asking Site Services to be on the schedule the first week of June. The motion from the Plan Commission was for them to have the paving done by June 15, 2024.

**PUBLIC COMMENT:**

Mr. Jerry Wilkening, 10826 W 131st Avenue, Cedar Lake, asked did Mr. Camus have his items in on time, but it didn't get processed from here on time. Ms. Abernathy commented he did not publish on time.

Mr. Wilkening asked what was the price per square foot for blacktop that we had the assurance from Cedar Lake Storage. Ms. Abernathy commented we have a private Letter of Credit for Phase 2 and they increased the credit.

Mr. Wilkening commented he would like the Town Engineer to give an estimation to black top the facility. There is Storm Water Engineering that needs to be done, blacktop engineering that needs to be done and maybe assurance that this will happen in a certain period of time. Ms. Abernathy commented their Site Plan will have to be engineered to current standards including storm water.

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

April 9, 2024

Rebecca Spindler  
9005 W 129<sup>th</sup> Place  
Cedar Lake, IN 46303

Town of Cedar Lake  
Board of Zoning Appeals  
7408 Constitution Ave  
Cedar Lake, IN 46303

RE: Larry & Margo Nagy, Developmental Variance for 9065 W 129<sup>th</sup> Place, Cedar Lake, IN 46303

Dear Board of Zoning Appeals:

I am writing in objection of the variance request for a second accessory structure for a total accessory structure size of approximately 1,783 square feet, a wall height of 14 feet, and a total height of 20 feet.

I am the neighbor residing at 9005 W 129<sup>th</sup> Place, Cedar Lake, IN (parcel # 45-15-22-327-004.000-014) which is directly next door to the above location. In response to the applicant's statement, that there would be no negative effect to the nearby houses is untrue. The proposed, second accessory structure would be between our houses. It lines directly up with the back end of my house. My house is 36.5' from the side property line and the proposed structure would be 6 feet from the property line on Mr. Nagy's side.

My understanding is that the proposed structure is going to be a metal and post building. With the requested wall height of 14 feet, total height of 20 feet and building square footage at a size of 48 X 32, this is a massive structure. It is a considerable difference from the allowance under Ordinance No. 1402, Chapter 11, Section A, which states the wall height shall not exceed 10' from the finished floor surface and 15' total height and maximum of 1,600 square feet for accessory buildings.

This is an extreme size for a residential neighborhood and more along the lines of a commercial sized building. The size of this structure would be larger than several homes on this street - including the applicant's residence. It is an obstruction of my view from my house and deck. The applicant states that the building will sit at a 9' drop from the roadway. Where the proposed site of this structure is outlined, there is not a 9' foot drop at the front of the structure. The size and height of the proposed structure will be highly visible from the road.

I ask that you please adhere to the current zoning and not approve of this variance.

Thank you,

  
Rebecca Spindler

Phone: 219-743-2832

**TOWN OF CEDAR LAKE BOARD OF ZONING APPEALS**

  
\_\_\_\_\_  
John Kiepora, Chairman

  
\_\_\_\_\_  
Eric Burnham, Vice Chairman

  
\_\_\_\_\_  
Jerry Reiling, Member

  
\_\_\_\_\_  
James Hunley, Member

  
\_\_\_\_\_  
Ray Jackson, Member

ATTEST:

  
\_\_\_\_\_  
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 April 11, 2024*