



**CEDAR LAKE BOARD OF ZONING APPEALS MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**September 12, 2024, 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, September 12, 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; Tim Kubiak, Director of Operations; Jeff Bunge, Town Manager; and Cheryl Hajduk, Recording Secretary.

**Absent:** None

**Minutes:**

A motion was made by Mr. Jackson and seconded by Mr. Hunley to approve the May 9, 2024, June 13, 2024, July 11, 2024 and August 8, 2024 meeting minutes. 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. 2020 – Sebastian Rossi – Requesting relief from the Board of Zoning Appeals decision on September 10, 2020. The request is to allow an existing pool to remain 18 inches into the easement.**

Mr. Kiepura stated that the first order of old business is to allow relief from the Board of Zoning Appeals decision on September 10, 2020. The request is to allow an existing pool to remain 18 inches into the easement.

Mr. Sebastian Rossi, 14765 Ivy Street, commented he is requesting a pool deck, because the pool is 18 inches in the easement, which there are no utilities back there. There was a report done to show there are no utilities in the back yard, but are in the front of the house. The deck will not be in the easement.

Mr. Kiepura commented per the as-built, the shed is supposed to be out of the easement and the shed is in the easement right now. Mr. Rossi commented the shed has been there for 14 years and a year ago, they wanted me to move the shed. The shed was moved 6-feet from the house, but it needed to be 10-feet from the house, so the shed was moved back by its original location.

Mr. Kiepura commented the swimming pool is 18-inches into the easement, the shed is in the easement, and in the as-built, the shed was moved out of the easement and now the shed is back in the easement.

Mr. Rossi commented there was supposed to be a document drawn up and whatever was in the easement, and through the Town lawyer, whatever was in the easement could stay in the easement, but nothing new could go in the easement. My property is considered to have two front yards. Everyone down the street has items in the easement.

Mr. Burnham asked when did the pool go in. Mr. Rossi stated four years ago. Mr. Burnham commented when the permit was pulled, there was a drawing where the pool was going to be put. Mr. Rossi commented the inspector approved where the electricity was going to go.

Mr. Kubiak commented the condition of the Variance, when it was originally planned, was to provide an as-built drawing to show that the pool was not in the easement as part of the approval by this Board. Mr. Burnham commented the pool was installed wrong.

Mr. Burnham asked is it illegal to put a shed in a utility easement. Mr. Kubiak commented nothing is allowed in an easement. Mr. Rossi is correct, when you look from his rear yard and look both North and South, there are other things in the easement.

Mr. Burnham commented the fence is also in the easement and is not allowed. Mr. Kubiak commented according to the permits that were given, the fences should be on the property line. Discussion ensued regarding the fences and property lines down Parrish Avenue.

Mr. Bunge commented the reason why there isn't a Building Permit for the fence around the deck is that the conditions of his original Variance were not met and this is still an open Building Permit, and we do not allow somebody to open another Building Permit without closing out a previous one.

Mr. Kiepura commented a motion was granted by Nick Recupito and seconded by Jerry Wilkening to approve the Developmental Variance as presented to show the Petitioner to have a 12-foot by 24-foot pool in the front-yard contingent on as-built survey to be completed showing no encroachments on the easement and to move the shed to a location that meets the Zoning Ordinance and to include the Findings of Fact. This was passed unanimously five to zero on September 10, 2020.

Mr. Bunge stated there is a storm sewer drain that runs through the easement. The easement is closer to Parrish Avenue than the halfway point, a foot and a half encroachment is not too problematic. In the Variance request and approval, it clearly states there would be no encroachment and an as-built will prove there isn't an encroachment. Discussion ensued regarding moving any items in the easement.

Mr. Burnham asked was the fence installed wrong. Mr. Kubiak commented it wasn't the problem with the permit, the problem is that the fence was not put where they proposed to putting it. Discussion ensued.

Mr. Kubiak commented they have a hardship with using the backyards because of the 30-foot easement. There is storm sewer all the way out towards the rear property line. This would be encompassed in a 10-foot utility easement from what we've done. The plan was to do a re-plat and make this easement a 10-foot utility easement in the rear. Discussion ensued regarding the properties along Parrish Avenue and the shed on Mr. Rossi's easement.

Mr. Burnham asked if we were to grant the 18-inch Variance, what would be the problem with that. Mr. Kubiak commented you cannot grant a Variance to put it in the easement. Mr. Burnham commented it would have to be re-written, but not by this Board. Mr. Kubiak commented we did a final inspection of the pool in 2020 and found out it was in the easement.

Mr. Reiling commented there is nothing we can do and for him to go back to the Building Department. Mr. Austgen stated this can be a re-plat process, but there are other properties with an easement problem.

Mr. Reiling commented if the westside interceptor is not going on that side of Parrish Avenue, the easement can be reduced, because that is what it was for. Discussion ensued in length regarding the interceptor.

Mr. Bunge commented we need to figure out how to decrease the easement and he can be grandfathered in for being compliant. Mr. Austgen commented he would come into compliance and now it's going to be after the fact.

Mr. Hunley commented everything will stay as is until legal figures everything out.

**New Business:**

**1. 2024-33 David Valerius – Developmental Variance**

Owner: Mark Wilson, 1804 Walden Ct., Henderson, NV 89074

Petitioner: David Valerius, 13914 Cedar St., Cedar Lake, IN 46303

Vicinity: 8515 W. 132<sup>nd</sup> Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated that the first order of new business is a Developmental Variance of Use to allow the Petitioner to build a garage addition in the front yard, with the peak of the roof at 22 feet, and a wall height of 14 feet with no side yard setback and with a lot coverage over 25%. Mr. Austgen advised legals are in order.

Mr. David Valerius, 13414 Cedar St., Cedar Lake, IN commented we are petitioning an 8-foot in each direction addition to an existing garage with a wall height that exceeds current zoning Ordinance Guidelines.

Mr. Kiepura asked is the existing garage a flat roof. Mr. Valerius responded in the affirmative and it is 8-feet by 8-feet and will have a peak curve on it. Mr. Kiepura asked why does it have to be 22-feet high. Mr. Valerius commented to match the house that is being remodeled at the property.

Mr. Jackson asked is the current roof line 22-feet. Mr. Valerius commented the current roof line is less than that, but it is going to be near 33-feet when the house is complete.

Mr. Kiepura asked what is the coverage going to be. Mr. Valerius commented it is on the survey. It is not extending beyond any existing building lines, just extending inwards towards the property. Discussion ensued regarding the garage and the boathouse, which was grandfathered in.

Mr. Kiepura asked what is the length on the addition. Mr. Valerius commented 8-feet to the West and 8-feet to the South. Mr. Kiepura commented it will be 20-foot wide by 28-foot long. Mr. Valerius responded in the affirmative and currently it is 12-feet by 20-feet.

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Mr. Reiling commented it needs to be moved off of the property line, apply for a new permit and build a new garage. Mr. Valerius commented it is a remodel of an existing. Mr. Kubiak commented they are 125-feet over lot coverage. Mr. Kubiak asked are they moving it all the way to the property line or leaving it 1.7 feet off. Mr. Valerius stated we are proposing leaving it as is and extending based on the survey that was submitted and the blueprints that were submitted. One wall on the northside and one wall on the eastside will be kept.

Mr. Burnham asked is the garage being kept to keep the easement. Mr. Valerius commented we are adding to the garage because it will add value to the property and to allow a two-car garage, as well as, indoor storage for boats with high towers and other items on them.

Mr. Kubiak asked how do you plan on getting in and out of this garage. Mr. Valerius commented it is 33-feet away from the house and the doors would face the house and doors would face the lake.

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

Mr. Mark Cramer, 13141 Polk Street, commented we are concerned about the size of the garage and blocking the views and it will be hard with the bigger garage. The other issue is runoff. Where is the water going to go. Discussion ensued regarding the water that sits there at the corner.

Mr. Cramer commented he heard something called permit stacking, where you have to finish one permit before you can approve another permit. If they haven't finished their first permit with the roof, how can they put in for this and that permit is active, how can they get a permit to do the garage. Mr. Kubiak clarified active permits.

September 5, 2024

Written Objection to the proposal filed with the secretary of the Cedar Lake Indiana Board of Zoning. Scheduled for Thursday, September 12, 2024 at 6:00 pm in the Cedar Lake Town Hall.

Petitioner: David Valerius 13914 Cedar Street, Cedar Lake, Indiana 46303.

Vicinity: 8515 W 132nd Avenue, Cedar Lake, Indiana 46303

We are asking that the developmental variance be denied in whole due to the following impact on 132nd Avenue and 13141- 13101 Polk Street storm water system. As well as, the property at 13141 Polk Street and 8514 W 132nd Avenue.

This area is prone to flooding, standing water and is the result of the storm water runoff, current infrastructure, and suspension of road repairs/ improvements. This water issue has resulted in yearly remediation to our property and safety concerns involving the "lake access lane" flooding/ poor drainage into the lake. Our primary concern is that this health and safety issue will continue to replicate itself with this developmental variance by building a garage that will decrease the area of onsite runoff or redirect it towards the storm sewer infrastructure that has demonstrated failure. I ask that more is learned about the garage regarding roof drainage, the method (i.e. gutters, downspouts) that will be used to capture rain water and location of downspouts. And how will they discharge within their property line?

The submitted developmental variance will double the current height from 7 feet to 14 feet. Increase the overall peak height of the garage from 10 feet to 22 feet. As well as, change the foot print of the "boat house" from 12 wide x 20 long to 20 x 28 long. All of this on a property that is 40 feet in width. These changes to the "boat house" will result in obstruction of our views, our neighbors and the access green space.

When we purchased our home, the deciding factor was our view. A common response when visiting our neighbors. If you ask if adding or remodeling a structure that restricts or obstructs between your property and your view, as is stated in this developmental variance, they would say no.

Looking forward,

MA Cramer

13141 Polk Street

Cedar Lake Indiana

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To the Cedar Lake Board of Zoning appeals, for the public hearing to be held Thursday, September 12 at 6 PM.

The certified letter is attached.

We recently received a certified letter of a public hearing to be held on Thursday, September 12, 2024 at 6 PM.

My husband and I currently are in Florida and we will not be able to make the hearing. We would like the board to hear our concerns via a letter from us.

Our home is the corner lot 8514 W. 132nd Ave., Cedar Lake, IN 46303.

We are across the street from the owner Mark Wilson, whose address is 8515 W. 132nd Ave., Cedar Lake, IN 46303. It is Mr. Wilson who is asking for a variance for a new garage.

Our concern is mostly about flooding. The corner where we live is flooded so often. We've had to replace our sump pump already, and we only have owned our home since last February. Our sump pump runs constantly because the corner always seems to have water and floods easily and has potholes, then the water runs back into our crawl space. Even though there is a manhole cover /sewer on the corner.

It sure would be nice if the flooding problem could be addressed first before a new garage is built. Possibly even putting curbs in might help.

Also the green space for the fire department, which is right there, usually is soft and spongy, and has even sunken down in one area. The seawall is broken so anytime waves get high on the lake it also floods the green space.

Our main concern would be drainage and the placement of the gutters on their new garage, and the pitch of the roof. So, please take that into consideration when you see the plans for their new garage. The corner really can't take on any more water.

Also, on a sad note, once their garage is built, we will totally lose our view of beautiful Cedar Lake. That is one of the reasons why we bought the house; it was because we could still see the lake. We do understand why they would like a garage, but before their project begins, it would be wonderful if the seawall could be repaired and the roadway repaired as well and the flooding addressed. Something really needs to be done.

Thank you for your consideration in this manner,  
Victor and Jean Cancalosi

**8519 W 132<sup>nd</sup> Ave,  
Cedar Lake, IN 46303  
562-209-2580  
[Andrew.antunez@gmail.com](mailto:Andrew.antunez@gmail.com)**

**To Whom It May Concern**

**I have been Vasile's neighbor for the past 2 years and have been discussing how he wants to redo his home located at, 8515 W 132<sup>nd</sup> Ave, Cedar Lake, IN 46303.**

**I am in full support of the remodel he's planning to do and have no issues. I believe it will bring up the neighborhood if the addition to his home is approved.**

**If you have any further questions, please feel free to reach out to me at anytime.**

**Thank you,**

**Andrew Antunez**

Mr. Kiepura closed the remonstrations.

Mr. Valerius commented with regards to the drainage, there will be no change with an addition to the garage.

Mr. Kubiak commented he is not a fan of the tall sidewalls on an accessory building. The size of the garage is small for a boat to be housed in and to be that tall with a 12-foot door and 14-foot sidewalls right on the lakefront, it would block the view of the lake. If this can be incorporated into the house somehow, with an addition onto the house to make it cohesive instead of just putting a tall garage up. Mr. Valerius commented there isn't a panoramic view of the lake to anyone on the lake. Mr. Kubiak commented he can appreciate people's concern about the views, but 10-foot sidewalls on the garage need to be maintained.

Mr. Burnham asked is the house approved. Mr. Valerius responded in the affirmative and under permit and the garage is secondary to the house. There is a permit in place for a second story addition to the house.

Mr. Kiepura asked what is the difficulty if this is not granted. Mr. Valerius commented it would be a hardship that he cannot store items that are commonly used on a lake. Discussion ensued.

Mr. Reiling what is the setback if they had to build a new garage. Mr. Kubiak commented 30-feet for the front yard without a Variance.

Mr. Kubiak commented he has not seen the blueprint for the house addition, as it wasn't submitted as part of this Variance request, but it is a separate application. Mr. Valerius commented we are attempting to get a two-car garage approved. Discussion ensued regarding accessory structures and roof line of a house.

Mr. Kubiak asked if they can make it a 6-foot side-yard and 10-foot sidewalls. Mr. Valerius stated we are staying as is and it wouldn't be feasible. Discussion ensued in length regarding the building of the garage, the slab underneath and the foundation.

Mr. Mark Wilson, 1804 W. Walden Court, Henderson, NV, commented we would like to remodel the house and would like to have storage at this property. Mr. Kiepura commented in order to grant the Variance, the criteria would have to be met. Mr. Valerius commented the boat cannot be parked indoors on the property and that is the hardship.

Discussion ensued in length regarding changing the roof and wall height on the garage. Also, discussed side yard setbacks and lot coverage.

A motion was made by Mr. Burnham and seconded by Mr. Jackson to allow the Petitioner to build a garage addition of 1.7 feet in the front yard and not to exceed the 1.7 feet, and not to exceed the peak of the roof at 18-feet, and a wall height of 10-feet and with a lot coverage to not exceed 28 percent to the Findings of Fact. Motion passed by roll-call vote: 4 – ayes, to 1 - nay

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

**2. 2024-34 Ted Vinyard – Developmental Variance**

Owner/Petitioner: Ted Vinyard, 9917 W. 133<sup>rd</sup> W. 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303

Vicinity: 9917 W. 133<sup>rd</sup> W. 133<sup>rd</sup> 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 replace and upgrade all existing signage, exceed the maximum allowable square footage for signage, and add an EMC digital sign. Mr. Austgen advised legals are in order.

Mr. Kurt Albertson, 206 North 850 East, Valor, IN, commented he is representing Mr. Vinyard and they are remodeling the Dairy Queen and the signage.

Mr. Kubiak commented they are replacing all of the signage that has been approved previously and it is the same, but it adds up to the overage and the main thing is there will be a digital message board, which will be a little bigger than the one that is there now.

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

Mr. Jackson asked are we following the guidelines of how long digital signs can be on. Mr. Kubiak commented there is a set of guidelines that is with the electronic board. Signs need to adjust to intensity of brightness, so it is not too bright. Discussion ensued.

A motion was made by Mr. Burnham and seconded by Mr. Jackson to allow the Petitioner to replace and upgrade all existing signage, as proposed to allowable square footage for signage, and add an EMC digital sign to the Findings of Fact. Motion passed unanimously by 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**

Mr. Kiepura commented he received an email from Nathan Vis, stating the facility was being paved. Mr. Bunge commented the trench drains were in place also.

**PUBLIC COMMENT:**

Mr. Terry Broadhurst, 14513 Morse, commented there have been questions about fences, easements and property lines. When blaming fencing companies putting fences in the wrong spot, all fence builders would need a signature from a client to move a fence. In Cedar Lake, to build a fence today, and to have a permit, they need a survey with as-builts on it. Any good fence company is not going to rely on the neighbor's fence, stakes in the ground and they will pull their lines off of the foundations on both sides. Discussion ensued.

Mr. Broadhurst discussed the 24 houses on the easement on Parrish Avenue and spending money on lawyers, administrative costs to change the easement line and doing a blanket easement change. This will change the owners tax bracket. The rules were written to protect the existing residents.

Mr. Broadhurst discussed deferrals on items and not having the information in the packets. Rules cannot keep changing.

**ADJOURNMENT:** Mr. Kiepura adjourned the meeting at 7:39 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 September 12, 2024*