



CEDAR LAKE BOARD OF ZONING APPEALS MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
November 14, 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, November 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 (present at 6:17 pm); James Hunley; Ray Jackson; 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: Eric Burnham, Vice Chairman

New Business:

1. 2024-35 Deborah Kohen – Developmental Variance

Owner/Petitioner: Deborah Kohen, 7503 W. 128th Avenue, Cedar Lake, IN 46303

Vicinity: 7503 W. 128th 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 front porch addition that extends out 8-feet from the front door, and would leave 13.1-feet to the front yard property line. Mr. Austgen advised legals are in order.

Mr. Justin Keith, Advanced Skyline Homes, 9032 Mallard Lane, St. John, IN, commented he is representing Ms. Deborah Kohen to get a front porch added to the home, which would be an 8-foot porch.

Ms. Deborah Kohen, 7503 W. 128th Avenue.

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

Mr. Kubiak commented this is consistent with what is in the neighborhood and it is a dead-end road.

Mr. Jackson commented the porch fits in perfectly and will give more of a community feeling.

A motion was made by Mr. Hunley and seconded by Mr. Jackson to allow the Petitioner to build front porch addition that extends out 8-feet from the front door, and would leave 13.1-feet to the front yard property line. Motion passed unanimously by roll-call vote.

Mr. Hunley Aye
Mr. Jackson Aye
Mr. Kiepura Aye

2. 2024-36 Cindy Smith – Developmental Variance

Owner/Petitioner: Cindy Smith, 5824 W. 172nd Avenue, Cedar Lake, IN 46303
Vicinity: 13914 Huseman Street, Cedar Lake, IN 46303

Mr. Kiepura stated that the next order of new business is a Developmental Variance of Use to allow the Petitioner to build a garage that would have no rear yard setback and a five-foot side yard setback on each side. From the garage to the foundation of the home would be eight feet, but from the bottom step to the garage would be two feet. Petitioner is requesting 30% lot coverage for a legacy lot.

Mr. Austgen commented the legals appear to be in order, but the green cards are not back yet. Any action should be contingent on receipt of the publications being correct.

Mr. Kiepura commented the Petitioner is not here and is asking for a deferral.

A motion was made by Mr. Hunley and seconded by Mr. Jackson to defer this Petition to the December 12, 2024 meeting. Motion passed unanimously by roll-call vote:

Mr. Hunley Aye
Mr. Jackson Aye
Mr. Kiepura Aye

3. 2024-36 Nathan Vis – Developmental Variance

Owner/Petitioner: Nathan Vis, 11700 W. 126th Avenue, Cedar Lake, IN 46303
Vicinity: 11700 W. 126th Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated that the next order of new business is a Developmental Variance of Use to allow the Petitioner to build a two-story accessory structure with a wall height of 13' and an overall height of 24'2". Mr. Austgen advised legals are in order.

Mr. Nathan Vis, 11700 W. 126th Avenue, commented the best design and style for our two-story accessory structure would have a 13-foot sidewall height and 23-feet overall height. Last year the approval was an overall height of 22-feet and a side wall height of 15-feet. We would like approval for 13-feet sidewall hall and an overall height of 24-feet and 2-inches. The existing code that is structured in Chapter 11, Section A, 1B and C, which indicates if you have a detached garage, the maximum height can be higher than what is in Schedule B, as long as, the roof pitch matches the primary structure and the majority of this proposed cape cod style would match the roof line of the existing structure.

Mr. Vis commented the reason why we are asking for this Variance is if we were to have a 10-foot-high sidewall and a steep pitch which would minimize the amount of square feet on the second floor. The second floor would be a play area for the kids. If we were to expand the footprint on the ground, it would create more of a lower

structure and it is not good use for greenspace, as we would like to preserve as much greenspace as possible on the property.

Mr. Vis commented the purpose of the Code is to limit sidewalls to 10-feet. There are over two and a half acres and there aren't any houses in the area, which would be no harm to the neighbors.

Mr. Kubiak commented the sidewalls are 9-feet to the first floor and then there is a 3-foot knee wall on top of the accessory structure. It is unique for the two-story factor and a height Variance is needed.

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

Mr. Kubiak commented there should be a clause that this will not be used for anything but an accessory structure.

Mr. Austgen asked if some language can be added. Mr. Vis commented he will provide a covenant for the structure stating that the use of the structure shall not be for any residential occupancy overnight purposes.

A motion was made by Mr. Jackson and seconded by Mr. Hunley to allow the Petitioner to build a two-story accessory structure with a wall height of 13' and an overall height of 24'2" and not to be used for an additional dwelling structure. A covenant will be provided for the use of the structure. Motion passed by roll-call vote: 3 – Ayes, to 1 - Abstain

Mr. Reiling abstained from the motion, due to coming into the meeting at the end of hearing the Petition.

Mr. Hunley	Aye
Mr. Jackson	Aye
Mr. Kiepura	Aye
Mr. Reiling	Abstain

PUBLIC COMMENT:

ADJOURNMENT: Mr. Kiepura adjourned the meeting at 6:20 p.m.

TOWN OF CEDAR LAKE BOARD OF ZONING APPEALS

John Kiepura, 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 November 14, 2024