



CEDAR LAKE BOARD OF ZONING APPEALS MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
December 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, December 12, 2024, with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present Via Zoom: Jeff Bunge, Town Manager

Members Present: Jerry Reiling (present at 6:17 pm); 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; and Cheryl Hajduk, Recording Secretary.

Absent: None

Minutes: September 12, 2024; November 14, 2024

A motion was made by Mr. Burnham and seconded by Mr. Jackson to approve the September 12, 2024 and November 14, 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. 2024-36 Cindy Smith – Developmental Variance

Owner/Petitioner: Cindy Smith, 5924 W. 172nd Ave., Lowell, IN 46303

Vicinity: 13914 Huseman St., Cedar Lake, IN 46303

Mr. Kiepura stated that the first order of old 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 advised legals are in order.

Mr. Michael Smith and Mrs. Cindy Smith, 5924 W. 172nd Avenue, Lowell, IN, commented we want to build a garage that will be 14-feet by 22-feet. We would like five extra feet on each side.

Mr. Jackson asked what is going to be behind the garage. Mr. Smith commented our house and there is a little drive behind there.

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

Mr. Kiepura asked is this going to be rented. Mr. Smith responded in the negative, and we will be selling the property. Discussion ensued regarding alleyways in the cul-de-sac.

Mr. Kiepura asked where is the garage door going to be. Mr. Smith commented right on the lot line.

A motion was made by Mr. Burnham and seconded by Mr. Hunley 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 per the Findings of Fact and for Petitioner to provide an as-built foundation survey after the concrete is installed. 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. 2024-38 Collin and Emilie Govert – Developmental Variance

Owner: Collin and Emilie Govert, 6504 Fernwood Avenue, Cedar Lake, IN 46303

Petitioner: Price Point Builders, LLC, P.O. Box 1343, Crown Point, IN 46308

Vicinity: 6504 Fernwood 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 have a detached garage with a wall height of 14-feet and an overall height of 18'10." Mr. Austgen stated legals are in order.

Mr. Bruce Young, Price Point Builders, 12816 Lee Court, Cedar Lake, commented there was a mistake with the Govert's when I built their garage, and they put 17-feet, but we were matching the roof pitch of the house, which is 19-foot. The numbers seven and nine were transposed. The garage looks esthetically correct with the house and it is lower than the house and there is nothing behind them. The lot is 50-foot wide and it would accommodate a house, which would be higher than that.

Mr. Burnham asked there was a permit pulled for the garage. Mr. Young commented the Govert's went for a Variance. Mr. Kiepura commented we approved a Variance back in June 2024 for 14-foot walls and 17-foot height. It was approved 4-1.

Mr. Young commented we built it to match the pitch of the house, but not the 17-foot. Mr. Kiepura commented the pitch does not determine the height of the roof. It is the sidewalls that determine that.

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

Ms. Angie Mikolajczak, 12806 Lee Court, commented she would like this item to be evaluated or possibly deferred for detailed review based on the matter that for over 18 years this Contractor has developed properties in Cedar Lake, in addition to other areas in Lake and Porter Counties that seemingly have not always been according to the Building and Zoning rules, and namely in our subdivision of Lee Cove in Cedar Lake. I sincerely request that any additional items being granted to this Contractor, by this Commission or others, be careful and thoughtful decisions being made; that if this Contractor or its representative, should be possibly faced with any reprimand or penalties for some current misuse of the privileges given by the Town, which have caused some level of dismay to the Town and residents in Cedar Lake.

Mr. Kiepura closed public comment.

Mr. Kubiak commented we did not know this was happening until the final inspection and he needed to come back here and try and get the 18-foot approved.

Mr. Reiling asked was the building red-tagged. Mr. Kubiak responded in the affirmative and this was an accessory structure and was found out at final inspection.

Mr. Kubiak commented the Ordinance says that 10-foot maximum sidewalls and then the roof pitch can match the pitch of the house.

Mr. Reiling commented the road back there can be developed and houses can be built in that neighborhood.

Mr. Kiepura asked what is the width of the garage. Mr. Young commented 20-foot by 30-foot long.

Mr. Young read a statement from one of the homeowners, Michael Coefield, saying thank-you for improving our neighborhood with your family's investment in building a new home in Cedar Lake; you and your presence in Cedar Lake should be grateful and supported with what's done in building your home and the enclosure to keep your equipment inside both buildings are beautiful and an asset to the neighborhood.

Mr. Burnham commented he isn't going to have them tear the roof off for one-foot when he is under the house of theirs and his entire house or garage was built wrong. This is for a garage.

Mr. Reiling commented there needs to be some kind of penalty for this. Mr. Burnham commented we are not here to judge for penalties. Mr. Austgen commented the Board of Zoning Appeals can impose penalties, which is part of the permit application.

Mr. Reiling commented if there were a framing inspection, we would have caught that before this happened and been red-tagged at that time. Discussion ensued regarding the Petitioner coming back here to be re-heard.

Mr. Austgen commented Mr. Young has been here before and has been subject to proceedings to remove his credentials to construct in our Town and those proceedings have taken place a long time ago

and he did not build in this Town as a consequence. At that time, there wasn't a permit issuance to Mr. Young or the companies he is affiliated with and that time period passed. This had to do with non-compliance of building responsibilities and land use approvals. It is on file here and saying "sorry" may not be enough.

Mr. Kiepura commented the sidewalls will need to be dropped two-feet and why is it necessary for 14-foot walls. Mr. Young commented Mr. Govert has a sailboat to be able to fit in garage and the mast cannot be dropped.

Mr. Collin Govert, 6504 Fernwood, commented the 14-foot walls was for the 12-foot-tall door that was needed for his boat, which has a rack on top. The numbers got transposed and it's nobody's fault. Mr. Kiepura commented mistakes happen, but we have had some history with this builder and he doesn't like to approve things after something is built. Discussion ensued what would be involved in rectifying the roof.

Mr. Burnham asked what would it cost to change the roof and build it to what was approved. Mr. Young commented possibly three thousand dollars. Lengthy discussion ensued regarding a penalty to the Contractor and how much the penalty should be.

Mr. Young commented he didn't finish the things he should have back then for Lee Cove and that was over twenty years ago.

Mr. Bunge commented if the way the previous Variance request was granted and worded, that Mr. Young was savvy of a Contractor to know that his roof pitch would have been a 3/12 or less to accommodate the request they were putting forward, that is the concern about a precedent of moving forward with something that could not have been a clearer motion and was granted and directed by the Board. Mr. Young commented the homeowners came in for the first Variance and we didn't know and we didn't see the request. It was going to be a 5/12 pitch to match the house and it wasn't until we had the final inspection that it was wrong.

A motion was made by Mr. Hunley and seconded by Mr. Jackson to approve the Variance with a \$1,000 fine for going over the height per 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. 2024-39 Stephen Goff – Developmental Variance

Owner: Hanover Community Schools, 14525 Wicker Avenue, Cedar Lake, IN 46303
Petitioner: Stephen Goff, 10910 W. 129th Avenue, Cedar Lake, IN 46303
Vicinity: 7430 W. 128th Lane, Cedar Lake, IN 46303

Mr. Kiepura stated that the next order of new business is a Developmental Variance to allow the Petitioner to build a home on a lot totaling 6,250 square feet (62.5' x 100'). The residence would have a

Board of Zoning Appeals
December 12, 2024

20.66' front yard set-back. The Petitioner is requesting 30% lot coverage with the home totaling 1,256 square feet and an attached garage totaling 356 square feet. Mr. Austgen stated legals are in order.

Mr. Stephen Goff, 10910 W. 129th Avenue, Cedar Lake, commented he is speaking on behalf of the Building Trades Program for Hanover Schools. The students have been building houses for a long time. We would like to build a house on 128th Lane.

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

Mr. Kubiak commented this was approved ten years ago for a two-lot subdivision with two separate houses. A new Variance is needed for the house and there aren't any issues, but there are drainage concerns. Mr. Oliphant's letter dated December 12, 2024 addresses a couple of items. Mr. Kubiak read Mr. Oliphant's letter out loud. The front yard setback is exactly the same as the house next door and the lot coverage is due to a deck in the back, which this lot is a little smaller.

Mr. Goff commented we will accommodate the drainage issue. Discussion ensued regarding the water line and what needs to be done.

Mr. Reiling commented he is concerned about the house to the East that sits 10-feet above it. Mr. Kubiak commented there is a retaining wall in this area. Mr. Reiling commented a big enough storm sewer will need to be put in so water will flow. Discussion ensued regarding the drainage and the drainage pipe.

Mr. Kiepura commented this needs to be done by Mr. Oliphant's requirements.

A motion was made by Mr. Hunley and seconded by Mr. Jackson to approve the Developmental Variance to allow the Petitioner to build a home on a lot totaling 6,250 square feet (62.5' x 100'). The residence would have a 20.66' front yard set-back. The Petitioner is requesting 30% lot coverage with the home totaling 1,256 square feet and an attached garage totaling 356 square feet per the Findings of Fact and also contingent on Christopher B. Burke's letter dated December 12, 2024. Motion passed unanimously by roll-call vote:

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

3. 2024-40 Anderson Variance "A" Beacon Pointe Lots 60, 68, and 73

Owner Beacon West LLC, 2300 Ramblewood Dr., Suite A, Highland, IN 46322

Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Avenue, St. John, IN 46373

Vicinity: Beacon Pointe Unit 7, Lots 60, 68, and 73

Mr. Kiepura stated that the next order of new business is a Developmental Variance to allow the Petitioner an increased lot coverage to 33.4% for lots 60, 68, and 73 located in Beacon Pointe Unit 7. Mr. Austgen stated legals are in order.

Mr. Richard Anderson, 9211 Broadway, Merrillville, IN, commented McFarland Homes are the builder for these homes and this is Beacon West, Unit 7, which is an R-2 subdivision. We are asking for a Developmental Variances for lots 60, 68 and 73 for a total of 3,471 square feet with a three-car garage. Mr. Anderson commented we are trying to get something that will increase tax value, fits on the lot and people want more lot coverage.

Mr. Kubiak commented the setbacks are fine, except for the lot coverage, which is due to the front porch counting for 80-square feet on that style of home.

Mr. Reiling commented the Plan Commission should change the Ordinance for bigger lot coverage. Discussion ensued in length regarding lot coverage.

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

Ms. Barb Orze, 10290 W. 138th Place, commented there is a 25% rule and it keeps wanting to get bigger and bigger. The Ordinance should be changed. The homes are huge and how much will they sell for and she doesn't care for the look. There are not enough landscaping and trees.

Discussion ensued in length with the Board regarding lot sizes and lot coverage and going to 30 percent lot coverage.

A motion was made by Mr. Burnham and seconded by Mr. Reiling to defer this Petition to the January 9, 2025. Motion passed unanimously by roll call vote:

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

4. 2024-41 Anderson Variance "B" Beacon Pointe Lots 55, 59, 65, and 74
Owner Beacon West LLC, 2300 Ramblewood Dr., Suite A, Highland, IN 46322
Petitioner: Beacon Pointe of Cedar Lake LLC, 8900 Wicker Avenue, St. John, IN 46373
Vicinity: Beacon Pointe Unit 7, Lots 55, 59, 65, and 74

Mr. Kiepura stated that the next order of new business is a Developmental Variance to allow the Petitioner an increased lot coverage to 30.5% for lots 55, 59, 65 and 74 located in Beacon Pointe Unit 7. Mr. Austgen stated legals are in order.

Mr. Richard Anderson, 9211 Broadway, Merrillville, IN, commented McFarland Homes are the builder for these homes. We are asking for a deferral based off of the previous petition, but we would like to open up for public comment.

Mr. Kiepura asked if there were any Remonstrators for or against this Petition. Seeing none; public comment will remain open.

Mr. Jackson asked what is different compared to the previous Petition. Mr. Anderson commented the base house is 2,055 square feet and the other houses are 2,254 square feet.

A motion was made by Mr. Burnham and seconded by Mr. Hunley to defer this Petition to the January 9, 2025 meeting. Motion passed unanimously by roll call vote:

Mr. Reiling Aye
Mr. Hunley Aye
Mr. Jackson Aye
Mr. Burnham Aye
Mr. Kieपुरa Aye

5. 2024-42 Steve Sikorevich – Use Variance

Owner/Petitioner: Steve Sikorevich, 10120 Homestead Court, Cedar Lake, IN 46303

Vicinity: 13930 Lauerman Street, Cedar Lake, IN 46303

Mr. Kieपुरa stated that the next order of new business is a Use Variance to allow the Petitioner to have multi-family residence with a B-1 Medical Office in an R-2 Zoning District. Petitioner’s prior Use Variance was approved by the BZA on February 11, 2021, and Town Council on March 2, 2021. The BZA motion was as follows, motion to send a Favorable Recommendation to the Town Council for a Special Use Variance to allow the petitioner to have a multi-Family residence with a B-1 Medical Office in an R-2 Zoning District with the following contingencies;

- a. Four (4) apartments and one (1) medical office.
- b. Medical office will have limited in-house patients and telemedicine
- c. Contingent upon meeting all Town Codes and Ordinances for the Building Department to allow and approve occupancy.
- d. Medical office space shall not exceed 600 square feet.
- e. Hours of on-site operation 8 am to 7 pm, Monday through Friday, and occasionally on Saturdays and no Sundays, all by appointment only.
- f. To maintain a family medical practice.
- g. To make building improvements as shown and discussed on the drawings submitted February 11, 2021 and last month.
- h. Petitioner will come back to the Board of Zoning Appeals for any additional use of space.
- i. To include the Finding of Fact.

The multi-Family residence has been completed and now the Petitioner is looking to move forward with the medical office.

Mr. Austgen advised legals are in order.

Mr. Nathan Vis, Vis Law, on behalf of Steve Sikorevich, commented we are requesting a renewal of a previous approval that was granted both from the Town Council in 2021 with a slight modification. This is a property that is known as the Hanover House located at 13930 Lauerman Street. This used to be an old dance studio and in 2021 there was an application to turn a portion of the space into four residential apartment units and the second was to turn approximately 600 square feet into a commercial space to allow a medical office to operate a medical practice. Between 2012 and November 2023 is when extensive work happened to convert the back half of this property into residential units. In June of 2023, my clients submitted downstate an application to be approved by the Fire Marshal and in February 2024, it was approved. We have been working with the Building Department with lighting requirements, as

well as, the parking lot requirements. The Town Manager stated since it has been three years, we need to come back for a re-approval. The Code says to exercise the use of approval of a Use Variance within a year. The history shows we have exercised it continuously. The only portion that has to be completed is the re-approval for the 600 square feet for the medical offices. The only modification that we would like, is the medical office "will have limited in in-house patients and telemedicine." We would like to remove the word "limited." There is a 14-car parking lot with 600 square feet with a waiting room and two physician meeting rooms.

Mr. Jackson asked does the parking include for the residents also. Mr. Vis commented for the residents also.

Mr. Vis commented there is acreage around this building and harbors around the surrounding community. The parking lot will also be paved.

Mr. Vis discussed how the medical practice will run with half hour time slots. There will not be a manager bringing people in and out and it will be appointment only. Discussion ensued regarding the layout of the medical office.

Dr. Steve Sikorevich, 10120 Homestead Court, Cedar Lake, discussed how he will operate his medical practice. There will be no assistants working in the office and everything will be done electronically regarding insurance and paperwork. The hours of operation will be 8 am to 7 pm, Monday through Friday.

Mr. Kubiak commented the reason why he wanted them to come back was that patients will be in the office and limited telehealth. A parking plan and ADA accessibility is needed, along with ingress and egress.

Mr. Vis commented new landscaping on the outside of the building has been done and improvements to the exterior of the building has been done. Discussion ensued regarding the stairwell and how good and bad of shape they are in.

Discussion ensued regarding parking and parking spots.

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

Mr. Kubiak commented the ADA accessibility from the existing parking lot and the maximum slope is supposed to be one percent for ADA accessibility and the parking lot is four-feet lower than the front door. An ADA ramp can only be one percent. More discussion ensued regarding the parking lot and ADA accessibility.

Mr. Reiling asked why wasn't there a Site Plan. Mr. Kubiak commented they have an existing building and are changing the use of it.

Mr. Austgen stated part of the reason of them being here is a carryover request that was previously given. Mr. Vis stated if we can a motion subject to a revised parking plan that allows two ADA parking spaces next to the building, subject to Building Department approval.

Mr. Kubiak commented the Parking Plan needs to go to the Plan Commission to get their Site Plan approval for parking.

Mr. Vis commented he doesn't understand why the Plan Commission needs to get involved since this was previously approved. Mr. Kiepura commented it was approved with ten percent patient access and ninety percent was telehealth appointments.

Mr. Austgen stated the Site Plan has been in the Ordinance.

A motion was made by Mr. Hunley and seconded by Mr. Burnham to approve this Petition with removing the word "limited" in-house patients in Item B. This approval is contingent upon approval of a Site Plan by the Plan Commission per the Finding of Facts and this is also for a favorable recommendation to the Town Council. Motion passed unanimously by roll call vote:

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

6. 2024-43 Adam Baumgartner – Developmental Variance

Owner/Petitioner: Adam Baumgartner, 8319 Lakeshore Drive, Cedar Lake, IN 46303
Vicinity: 8319 Lakeshore Drive, Cedar Lake, IN 46303

Mr. Kiepura stated that the next order of new business is a Developmental Variance to allow the Petitioner to build a covered staircase that is 2 feet from the property line but will have an overhead eave that extends out 10 inches thus making the side yard set-back 1'2". Mr. Austgen stated legals are in order.

Mr. Adam Baumgartner, 8319 Lakeshore Drive, Cedar Lake, commented about a year ago we were in front of this Board for a 2-foot setback for our side yard, which was granted and now we would like to cover that with a roof and cover the stairs that are already there.

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

Mr. Kubiak commented his deck was built to the zero-property line and has been taken down and it was fixed and moved. He wants to put a roof on top of the deck on the one side and cover the stairs going down.

Mr. Hunley asked does the neighbor come down the same way. Mr. Baumgartner commented there are two separate sets of stairs. We want the stairs interior and get access to our property on the top level to eliminate exterior stairs.

Mr. Kiepura asked if the 10-inch eave will have a gutter. Mr. Baumgartner responded in the affirmative.

Mr. Kiepura commented the eave will interfere with coming down the stairs. Mr. Kubiak commented it will be way above the stairs, because it is closer to the lake. The covered portion of the porch is out at the lakefront.

Mr. Kiepura asked what is the height of the eave at the start of the stairs up at the road. Mr. Baumgartner commented for the time being, it will go to the back of the house. As time goes on, we will be applying for a permit to add to the back and that will continue.

Mr. Kubiak commented the goal is to someday to be able to park in the garage off of Lake Shore Drive.

A motion was made by Mr. Burnham and seconded by Mr. Hunley to approve to build a covered staircase that is 2 feet from the property line, but will have an overhead eave that extends out 10-inches thus making the side yard setback 1'2" per 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

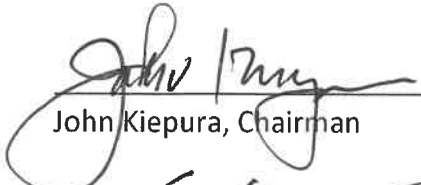
PUBLIC COMMENT:

Mr. Chris Jadrych, 12817 Lee Court, commented he was doing clean up in the back of his property and a couple of people approached him and they stated they want to put up a fence back there where the old chain link fence was at. She had mentioned about possibly putting in a campground area back there also. This topic was brought up about four years ago and was denied. He brought this topic up at the last Town Council meeting also. We do not want a campground in everyone's backyards.

Mr. Kubiak commented there is a well back in this area and water is coming out of the ground. We are looking into the issue and there are a lot of wetlands back there. There are no plans submitted at this time for any type of campground.

ADJOURNMENT: Mr. Kiepura adjourned the meeting at 8:27 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 December 12, 2024