



CEDAR LAKE BOARD OF ZONING APPEALS SPECIAL MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
January 8, 2025 at 5:00 pm

CALL TO ORDER:

Mr. Kiepura called the Board of Zoning Appeals meeting to order at 5:00 pm, on Wednesday, January 8, 2025, 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

Old 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 old business is a Review of Board of Zoning Appeals Decision regarding the Developmental Variance that was approved.

Mr. Austgen commented he wanted to clarify why we are here tonight. This is a matter that was conducted and heard by the Board of Zoning Appeals at the last public meeting in December. It was a Developmental Variance and there was a request made post approval for review of that decision. It was made by Ms. Mikolajczak as a consequence of that request for a reconsideration. It was a request for reconsidering of what was decided. The party who should be speaking first is who requested reconsideration. The fact that she filed a letter is not indicative of any change of your mind. This Board is jurisdictionally in control of this proceeding and substantively in control.

Mr. Bunge commented at the last public meeting on December 12, 2024, the Petitioner and Mr. and Mrs. Govert came before this Board with a request to have a Variance from a Variance that was given to the same parties back at the June 13, 2024 meeting. They came in and asked for a detached garage structure with 14-foot sidewalls and an overall height of 17-feet. It was an accessory structure until the building was 95% complete. The Building Department discovered that the builder built the overall height greater than the original Variance request of 17-feet. The final overall height was 18-feet, 10-inches. They were

requested to come back in and look for another Variance, which this Board approved at our last regular meeting and an after the fact Variance from the original request, the contractor was deemed to be fined \$1,000 and after the fact 18-foot, 10-inch overall height was then granted by this Board. Ms. Mikolajczak felt that her Remonstrance was not heard or not considered.

Mr. Austgen commented this is reflected in the meeting minutes from the meeting that will be considered for approval at the next Public Meeting. Ms. Mikolajczak is present and you can hear her or deny her.

Mr. Eric Neff, Attorney, 1186 E. 7th Street, Crown Point, IN, on behalf of Bruce Young, commented there was a hearing and the approval was December 12, 2024 at a Public Hearing with a four to one vote and we would object to any reconsideration as the Statute does not provide for such a maneuver and if anyone is going to voice a protest, it should have been heard at that hearing and if it wasn't, he doesn't know why. There is nothing in Indiana Statutes regarding BZA to reconsider that vote that he is aware and we would object to these proceedings, because the 30-days start on December 12, 2024 and another 30-days doesn't start tomorrow or today. We served Ms. Mikolajczak with a Cease-and-Desist Letter, because this is affecting my client's ability to earn an income.

Mr. Austgen stated the law in Indiana does not preclude nor prohibit what the Board is doing tonight and is silenced as such. When the Statutes are silent, we have home rule and we are in proper position to perform and act.

Ms. Angie Mikolajczak, 12806 Lee Court read a letter out loud to the Board, which is attached to these minutes.

Ms. Mikolajczak read an email out loud from Mr. James Burgin to the Board, which is attached to these minutes.

Mr. Roco Pavovich, 12806 Lee Court, commented his mother is an extremely hard-working woman and is very efficient with her time and put so much work into this in her letter if there wasn't something strange going on. She would not try to denigrate anyone's character at all and it was mentioned in her letter that there has been harassment of taking pictures of her backyard, going into the front and staring at me and my friends and while I'm a layman, in my opinion, that is behavior that is strange at best and childish at worst. Thank you for listening and giving my mother some time and to please reconsider this Variance.

Mr. Neff commented you just listened to the Remonstrator that was not present at the December 12, 2024 hearing. It sounds like most of the remonstrating against this Variance has to do with issues other than the Variance that was granted. It was a personal attack against my client. There isn't any statutory authority that allows you to reverse your decision from January 12, 2024 and Mr. Young will respond to her allegations.

Mr. Bruce Young, 12816 Lee Court, commented one of the things Ms. Mikolajczak alleged was that I do not live there, but it is on my license and my address has not changed. The allegations of the water problems and there has never been a water problem and I have lived here for ten years with no sewer or water problems. There was only one comex box with no foundation underneath it.

Mr. Neff stated what does that have to do with the Variance that was granted with the building of the storage by a foot and 10-inches in over the height that was required and Mr. Young received a \$1,000 fine. Mr. Young commented the shed and the structure that Ms. Mikolajczak was talking about, the neighbor put that there and he asked to have it there. Mr. Young gave a picture exhibit of the water spout from Ms. Mikolajczak's yard. It is attached to the minutes as Exhibit 1.

Mr. Neff commented this has become a personal vendetta that Ms. Mikolajczak has against Mr. Young. She has written to the Secretary of State, Attorney General's Office and filed a complaint on June 20, 2024 and that complaint was responded to and no action was taken.

Mr. Young commented none of this started until two houses were going to be built on her back property and now all of this is happening.

Ms. Mikolajczak commented the photo you may have was the decorative pond that the Town Engineer came to look at to help with the surface water and Mr. Young is correct, none of this did happen until he put an application to put the two homes on the property behind our house, because that property is what is causing us to get water, which is at a higher elevation. The concern was the zoning being used as a business with light industrial and it wasn't zoned for residential use, that the fear was that a commercial building was going to be put up with a big roof. This situation started to be researched and it is not a personal vendetta against anyone; it is about a problem that we have and needs to get fixed and she believes there is willful and deliberate action that need to be addressed and this particular contractor stops making mistakes.

Mr. Neff commented the homeowners that built the shed would like to talk to the Board.

Mr. Austgen stated the Board does not need to hear from the homeowners. This is a request to reconsider and if you cross the threshold to reconsider, then this becomes relevant again. The threshold is whether you allow for a reconsideration to be made or not. Mr. Kiepura commented he is not here to argue to pros and cons of this contractor, but to review the decisions that were made on December 12, 2024 for the property granting the Variance for additional one-foot, 10-inches. If Ms. Mikolajczak has a matter with the contractor, then take it to Court or the Town Council. It is not up to the Board or the Plan Commission to make that decision.

Mr. Austgen stated the only decision that needs to be made is whether to reconsider the request for the action that was taken.

Mr. Kiepura commented he wants to hear what the Board has to say. Mr. Hunley commented this has to do with the Building Department and the height of the garage and we do not have anything to do with water drainage.

Mr. Kiepura commented we granted the Variance originally for 17-feet and because of the pitch, it ended up being 18-feet, 10-inches as opposed to tearing it down and putting a three-and-a-half-inch pitch roof on the garage.

Mr. Reiling commented we discussed this in length at the last meeting and we came to a decision to grant the 18-foot, 10-inches garage foot height, but we also penalized the contractor \$1,000 for not

coming before us before building the garage. We have no knowledge of these other matters, but we were dealing with what was before us and we did that.

Mr. Hunley asked after the height was noticed, was he red-tagged and no work proceeded after that. Mr. Kubiak commented the building was finished and we checked the height as part of the final inspection, because we checked the Variance that was given to make sure it was complaint and then that is when it was discovered. It was red-tagged and then they got options to make it 17-feet tall or to re-apply to come back and see if an approval can be granted for the height.

Mr. Reiling asked how many inspections does a garage get. Mr. Kubiak commented gets a pre-pour and a final. There is no interior finish. Mr. Reiling commented maybe the next code update, there should be a pre-frame inspection. Discussion ensued regarding a pre-roof inspection for a structure and coming up with a solution.

Discussion ensued regarding contractors and keeping their clients' interests with integrity.

Mr. Jackson commented most of this is not our area and what has been done. We voted for the Variance. Mr. Kiepura commented we can stand by our decision, amend the decision or we can turn around and come up with a different decision. Mr. Burnham commented he is comfortable with the decision that was made last month and the homeowner likes the job that was done. Mr. Jackson commented we are going to go through with what we did the last time around.

Mr. Collin Govert, 6504 Fernwood, Cedar Lake, commented he is sorry to hear that Ms. Mikolajczak has a clear agenda for the demise against Mr. Young. We do not see any issues pertaining to my garage and he is happy with the garage, even though a mistake was made. My neighbors have written letters in support of what has happened. This has gotten out of hand and why are we here again.

Mr. Bunge commented it is his understanding the procedural reason for granting this revisitation of this item was that Ms. Mikolajczak felt like her remonstrance she gave at the last meeting was not taken into fair amount of consideration. The meeting minutes from last month, a transcript of her remonstrance is there and there is a lot of things that she reiterated today are in that transcript, but she does not address the problem that was the reason why it was before this Board. There is nothing about the height that is really explained to her mind as far as there should be a problem here.

A motion was made by Mr. Hunley and seconded by Mr. Burnham to stay with the decision at the December 12, 2024 BZA meeting and the request for reconsideration is denied. Motion passed unanimously by roll call vote:

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

PUBLIC COMMENT: None was had.

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 January 8, 2025