



**CEDAR LAKE BOARD OF ZONING APPEALS MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**February 13, 2025 at 6:00 pm**

**CALL TO ORDER:**

Mr. Kiepura called the Board of Zoning Appeals meeting to order at 6:00 pm, on Thursday, February 13, 2025, 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; 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:** January 8, 2025; January 9, 2025

A motion was made by Mr. Burnham and seconded by Mr. Jackson to approve the January 8, 2025 and January 9, 2025 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. 2025-01 Sean Moran – Developmental Variance**

Owner/Petitioner: 8609 W. 131<sup>st</sup> Avenue, Cedar Lake, IN 46303

Vicinity: 8609 W. 131<sup>st</sup> Avenue, 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 request to remodel/build onto existing home on a lot that totals 8,348 square feet. The home would have a 5-foot front yard setback from the property line due to a covered deck addition. The east side of the home and rear deck would have a 7.45' side yard setback. The rear yard setback would be approximately 15'. Lot coverage would be increased to approximately 45%. Mr. Austgen advised legals are in order.

Board of Zoning Appeals  
February 13, 2025

Mr. Sean Moran, 8609 W. 131<sup>st</sup>. Avenue, Cedar Lake, IN, commented we want to remodel the inside of the home and move the stairs to the basement from the front part of the house to accommodate a larger living room and the stairs would go straight down and we want to add a second story to the house also.

Mr. Kiepura asked is the deck going to be extended. Mr. Moran commented we want to put in a covered porch. Mr. Kiepura commented Under Finding of the Facts it was stated “no” and it would not create a hardship.

Mr. Kiepura asked can the Variance be complied. Mr. Moran commented there is a porch on the left side of the house, next to the driveway. We want to bring the porch out to the front so we can see the water.

Mr. Reiling commented the porch does not go past the house on the drawing that was given. Discussion ensued regarding the porch.

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

Ms. Deborah Nelson, 8605 W. 131<sup>st</sup> Avenue, commented she lives next door to the Moran property. She was required to have a Plat of Survey done and she requested information from the Town and it says that the surveyor reports and locator reports are not legal documentation to build or establish property lines. She was required to get a Plat of Survey for a property issue and it says that it is 11-feet from the right-of-way to the road. The neighboring property is a little farther out and they looking at maybe 10-feet. She feels like this would be close to the road.

Ms. Nelson asked why isn't there a Surveyor Report required. Mr. Kubiak commented a surveyor request if this gets granted and built. The recommendation is if there is an as-built survey showing that the foundation and the side yards are compliant with what is approved, but in order to come here to ask for a definite number, and if this is approved or if it is leading to that direction, normally it would be included that they need an as-built and an official survey showing that that number is met. Discussion ensued.

Mr. Austgen commented we are dealing with objective lots of record and is makes measurement easier when an application is being made and that is what you have in this file.

Ms. Marilyn Dema, 8613 W. 131<sup>st</sup> Avenue, commented she lives next door and asked they want to add an addition and go up, would this go farther to the West. Mr. Moran commented they will not be going over the garage.

Mr. Kiepura closed public comment.

Mr. Kubiak commented this would be close to the road. Mr. Reiling commented if we grant this, it will be five-feet off the road.

Mr. Bunge asked with the Site Plan that we saw, it looks like there was a fence post that went out to the road, is that still part of this proposal. Mr. Moran commented those are porch posts and would be the deck railing. Discussion ensued regarding the deck.

Mr. Jackson asked what is the current lot coverage now. Mr. Moran commented he wasn't too sure. Discussion ensued regarding lot coverage.

Mr. Hunley asked will there be off-street parking. Mr. Moran commented there are driveways.

Mr. Kiepura commented he doesn't see a hardship to build a porch for the view. Discussion ensued where the porch would be and not seeing the hardship to build the porch.

Mr. Kubiak commented if the front porch was denied the little addition to put the stairs in is behind the front of the house would be able to be permitted without a Variance.

Mr. Bunge asked do we need the 45% lot coverage if this includes the back. Mr. Kiepura commented he isn't so concerned about lot coverage, but the closeness to the street and how busy is that street. Discussion ensued regarding building the stairs.

Mr. Kubiak commented if you go to legacy lot zoning, which is for lots under 4,800 square feet, your lot has 8,400 square feet of property with your rear lot. That has a front yard setback of 15-feet if re-building. All R-2 zoning has 30-foot front yard setback. Discussion ensued regarding the setback of 5-feet.

A motion was made by Mr. Hunley and there was no second to approve the request to remodel/build onto existing home on a lot that totals 8,348 square feet. The home would have a 5-foot front yard setback from the property line due to a covered deck addition. The east side of the home and rear deck would have a 7.45' side yard setback. The rear yard setback would be approximately 15'. Lot coverage would be increased to approximately 45%. Motion failed for a lack of a second member to approve.

A motion was made by Mr. Burnham and seconded by Mr. Jackson to deny the Petitioner's request to the Findings of Fact. Motion passed by roll call vote: 4 Ayes, to 1 Nay

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

Mr. Moran asked is the front porch only being denied, but everything else is fine. Mr. Kiepura commented the motion was for setback and coverage. The whole request was denied. It can be amended to allow coverage.

Mr. Kubiak commented with the addition, it will probably be over 25% lot coverage and it wouldn't be near 45%. The stair can be permitted without Variances for setback. Discussion ensued in length regarding coverage.

The original motion was denied for front porch and the motion is amended by Mr. Burnham and seconded by Mr. Jackson to allow 30% lot coverage to do the basement stairwell and there is hardship to the Findings of the Fact. 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. 2025-03 Robert Birkett – Developmental Variance**

Owner: Preferred LLC, 14040 Slate Drive, Dyer, IN 46311  
Petitioner: Robert Birkett, 14040 Slate Drive, Dyer, IN 46311  
Vicinity: 8902 West 141<sup>st</sup> Lane, 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 replace existing concrete landing and stairs with a covered framed front porch. The porch will extend 4 feet with eaves that will extend out 1' 4". The front yard setback from the property line would be 6-feet. Mr. Austgen advised legals are in order.

Mr. Robert Birkett, 14040 Slate Drive, Dyer, IN, commented he is remodeling this house and the front door is in the center of the house and there is a concrete landing outside of the front of the house and he would like to move the front door over to the East and he would like to put in a covered wood front porch in front of the new door.

Mr. Kiepura asked would this be the same size. Mr. Birkett commented the landing is 3-feet and the proposed landing 4 and ½-feet outside the front door. Three steps may need to be put there instead of two steps on the new porch to get the heights right on it. There is no eave on it currently.

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

Mr. Kubiak commented we are looking at 14-foot, 9-inches to the house and this is more than the 5-feet. The egress from the steps to the front wouldn't necessarily count for the four-foot covered porch, because there is still a 10-foot, 9-inch setback. There is 20-foot long to the road, but the property line is what we go to for the measurement. This property has a 30-foot building line and there are rules and regulations to have a 30-foot setback and then have a concrete stoop or an ingress and egress up to four-feet into that right-of-way and not the covered porch.

Mr. Burnham asked is the four-foot porch allowed to be covered. Mr. Kubiak responded in the negative.

Mr. Reiling commented this is too close to the road.

Mr. Burnham asked will the porch be in front of the whole house. Mr. Birkett commented it will only be over the doorway and the front door is moving East and it cannot be moved to the side because the driveway is on that side of the house. Discussion ensued regarding the other houses on the block.

Discussion ensued regarding the porch and the setback for the front yard. Mr. Austgen suggested to amend the request that the porch will not extend 7-feet, but only 4-feet.

Mr. Conley asked was the stairs included with the 7-feet. Mr. Birkett responded in the affirmative. The framing will be 4-feet off of the house. Mr. Conley commented the request is for a deck to be 7-feet, because the roof is not going to cover the stairs. Discussion ensued in length regarding the landing and door.

A motion was made by Mr. Burnham and seconded by Mr. Reiling to allow the Petitioner to replace existing concrete landing and stairs with a covered framed front porch. The porch will not extend more than 4-feet with eaves that will extend out 1'4". The front yard setback from the property line will be nine-feet 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

**PUBLIC COMMENT:**

Mr. Sean Moran, 8609 W. 131<sup>st</sup>. Avenue, Cedar Lake, IN, commented there is a 5-foot build line that is stated on the survey. Mr. Moran showed the survey to the Board. Mr. Kiepura asked does this mean they can be 5-feet off the street. Mr. Austgen responded in the affirmative.

Mr. Kubiak commented he has never seen the 5-foot build line. Discussion ensued with Mr. Kubiak and Mr. Moran.

Ms. Angie Mikolajczak, 12806 Lee Court, commented separation and setback came up in another public meeting from her well and from the information received, it said to seek a Variance of setbacks cannot be met as recommended based on special construction or favorable geology, which is believed is the case for her well. Is the Board to request a Variance. She attends the Stormwater Board meetings and it has been discussed with their assistance to put in a swale or a pipe in her backyard for drainage, but the well may need to be relocated. There is documentation that says it has to be a certain setback away from the well or to seek a Variance.

Mr. Kubiak commented it would be a Variance from IDEM to put next to the storm pipe if you are talking about the separation of 5-foot or 10-foot from a storm pipe. In this case, with the easement that is there, the pipe may be put in 10-feet from the existing well.

Ms. Mikolajczak asked the piece of sidewalk that was removed from the front of our property last year, is there a document that this was completed. Mr. Kiepura commented the Town removed the pieces of the sidewalk. Discussion ensued regarding possibly extending the sidewalk in the future.

Ms. Mary Joan Dixon, 8711 West 132<sup>nd</sup> Place, commented she has lived in Meyer Manor for 50 years and it is a unique subdivision and when her garage burnt down, the setback had to be in line with the other houses on the block. Was that the rule at that time. Mr. Reiling commented we left them lined up and the only difference is on the survey it says accordingly a 5-foot build line and if that is true, Mr. Moran will get to put his porch up front.

**ADJOURNMENT:** Mr. Kiepura adjourned the meeting at 7:15 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 February 13, 2025*