



CEDAR LAKE BOARD OF ZONING APPEALS MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA,
August 14, 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, August 14, 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; John Kiepura, Chairman. A quorum was obtained. **Also Present:** David Austgen, Town Attorney; Terrence Conley, Planning Director; Tim Kubiak, Director of Operations; and Cheryl Hajduk, Recording Secretary.

Absent: Ben Eldridge, Town Manager

Minutes: July 10, 2025

A motion was made by Mr. Reiling and seconded by Mr. Hunley to approve the July 10, 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. 2025-13 Jacobek – Developmental Variance –** (status deferred May 8, 2025 and June 12, 2025)

Owner/Petitioner: Julie & Edward Jacobek, 12721 Cline Avenue, Unit 1, Cedar Lake, IN 46303

Vicinity: 13436 Cedar Street, Cedar Lake, IN 46303

Parcel Id#: 45-15-26-151-014.000-043

Mr. Kiepura stated the first order of old business is for a Petitioner requesting a Developmental Variance to build a home on a lot that is approximately 4,144 square feet, 52.5-feet in width, 10-feet front yard, 5-feet side yards, 22-feet rear yard (to lake), 43.4% lot coverage and one-off street parking and 15-foot to the rear yard meandering line.

Mr. Conley commented the new survey that the Board has makes the one off-street parking obsolete. They have taken care of that with the design of their driveway. They have two off-street parking in their driveway. That will not need to be a part of any motion.

Mr. Austgen commented withdrawing that is a better way to approach it.

Mr. Kubiak commented the reason why they were deferred from last month is because of the confusion with the rear-yard setback from the surveyor to the lake, the meandering line or property line. The decision was to petition it again and they are asking from a Variance from their actual property line and they have additional 10-feet to the lake than it shows on their property line, so the 20-foot is only 15-feet. Mr. Conley commented they petitioned 15-feet to the meandering line from their house. Their property extends beyond the meandering line, due to the lake levels changing and how the soils have compiled on the east side of the lake.

Mr. Edward Jacobek, 12721 Cline Avenue, Unit 1, Cedar Lake, IN, commented we completed another survey and we completed the new Site Plan for the Board members who were not here when we came the first time. We offset the house portion of the drawing and offset the garage to create more space on the occupied side. The other side of the property is vacant right now. The parking is not an issue and we are trying to comply and get a house built.

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

Mr. Tony Recupito, 13438 Dewey Street, Cedar Lake, IN, commented if future property owners cannot rely on the Zoning Ordinance to guide them and determine what might happen on adjacent properties, then what are they supposed to rely on. One of the requirements to allow the Developmental Variance is that by following the strict application of the terms of the Zoning Ordinance, it will result in practical difficulty in the use of the property. No one is objecting them to using their property to build a house. It is the size of the house that is causing the Variance requirements. This is a vacant lot with few and any limitations to build a house if the right size house is built on. A smaller house can be built there, which will not render any practical difficulties to the property owner and from this property South, there are approximately seven small older well-kept, one-story cottages on small lots and throughout the subdivision. This is a vacant lot, which is a clean slate for the applicant and the Town to follow existing Ordinances without the need for Variances. If an applicant needs to receive a total of five Variances on a one new house build, the belief is that it should put up a red flag for everyone that the size of this house, along with the density of what is proposed was not meant to be in this R-2 zoning district.

Mr. Recupito commented if the allowing for any Variances by this Board is discretionary and not required be based on the Findings of Fact, which the Zoning Ordinance states is required, then why have a Zoning Ordinance. Most, if not all of the Variances that are requested, can be eliminated by building a smaller house to fit in with the neighborhood. Following the strict application of the Zoning Ordinance will not result in any practical difficulties to the applicant and the use of their property. The hardship, if any, is being caused by the applicant and not the Zoning Ordinance. The Developmental Variances be denied, because the applicant has not met all three items in the Findings of Fact that is required for these variances.

Mr. Recupito commented Variances are not precedent set and should not be based on a subjective feeling that anyone may have.

Mr. Recupito asked what is the maximum height requirement. Mr. Conley commented 30-feet.

Mr. Nick Recupito, 14110 Cottage Grove Street, Cedar Lake, IN, commented our family cottage is adjacent to this property at 13438 Dewey Street. Mr. Recupito commented about the Findings of Fact not being met and it being a direct conflict with the Town's Comprehensive Plan, but the questions are based off of serving on this Board before. Mr. Recupito asked what protections do adjacent property owners have that, if there is an approval, what protections above and beyond what we have been doing, do the adjacent property owners have and would can actually be done. We know there are houses in Town that the footprint is too big and the height was higher than what was approved, elevation problems. We give a fine to people and that doesn't do anything to the adjacent property owners. Would there be any extra scrutiny on this project, especially with the tight tolerances.

Mr. Kubiak commented he was going to make a recommendation to when it got to that and the recommendation from the Building Department would be on any of these approvals that have these five-foot side-yards or short side-yard that an as-built foundation survey be provided before back fill. That way it would ensure that this Site Plan is exactly what is there, the elevation, size wise, and everything prior to back fill being done and prior to the house being completely finished.

Mr. Recupito commented when a framing inspection done, is the height measured at that time. Mr. Kubiak commented we keep an eye on the height and we review the plans thoroughly when they turn everything in and it shows wall height and truss heights.

Mr. Terry Broadhurst, 2123 Arthur Street, Lockport, IL, representing his property on 14513 Morse Street, commented about things being checked before they go so far and making the changes are a good idea and not building a house to find out that it is too high. Discussion ensued regarding footing.

Ms. Yvonne Taves, 13518 Dewey Street, Cedar Lake, IN, commented we created the title for Legacy Lots and not to fill the lots with huge houses. We have to live with the effects of people building big houses and this Town over the years have done this. The view of the lake gets obstructed.

Mr. Kiepura closed public comment.

Mr. Kubiak commented the lot is an R-2 and if the house was still on it, the rules would quality as a Legacy Lot.

Mr. Burnham asked what is the square footage of the house that is to be built. Mr. Jacobek commented 1,700 square feet and it would be a two-story. Mr. Burnham asked are there any houses on this street that are three-stories. Mr. Jacobek responded in the affirmative.

Mr. Burnham asked what is the distance between each house. Mr. Jacobek commented less than 10-feet. The house portion will be eight-feet away from the line and the garage portion will be about six-feet plus the adjacent lot, which is east, has an existing cottage and has three-feet from the line. Between the two-house structures, would be about 11-feet. We took another foot out of the middle of the house to pair it over a little more and we took two-feet of the depth of the house prior to our first Variance here. Since the last meeting and request, this new Site Plan shows that we paired it down.

Mr. Jacobek commented with neighbors in mind; we are going as low as we possibly can, but we would like to maintain a side-line from the second floor. It would be under 30-feet. Discussion ensued regarding the lot and the size of the lot.

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Discussion ensued regarding the three cottages that were torn down, the shape they were in and a well being eliminated.

Discussion ensued regarding after Covid hit, the permit expired after one year. It was discussed that they should have gone to Plan Commission for an extension at that time.

Mr. Kiepura commented three lots were combined into two lots prior to Covid that was permitted to build a larger house, but it did not proceed with the permit because of various reasons. The plan has now been downsized and the Petitioner is asking for Variances.

Mr. Kiepura summarized what the Jacobek's want to do and the house would not hinder the view of the lake.

A motion was made by Mr. Burnham and seconded by Mr. Hunley to approve the Developmental Variance for the Petitioner to build a home on a lot that is approximately 4,144 square feet, 52.5 feet width, 10-foot front-side yard, five-foot-side yard, 22-foot rear yard to the lake and 43.4% lot coverage and 15-foot to the rear yard meandering line to the Findings of the Fact. Motion passed by roll call vote 4-ayes, to 1-nay:

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

2. 2025-18 Boomsma – Developmental Variance

Owner: Derek Boomsma, 12621 Alexander Street, Cedar Lake, IN 46303

Petitioner: Vis Law, 12632 Wicker Avenue, Cedar Lake, IN 46303

Vicinity: 12621 Alexander Street, Cedar Lake, IN 46303

Parcel Id.#: 45-15-21-127-005.000-014

Mr. Kiepura stated the next order of old business is an amended request for a Petitioner requesting a Developmental Variance to build an "Accessory Building" that will have a "Exterior Wall Height" (not to exceed) of 17' and a total building height (not to exceed) of 25.' Total square footage of accessory building will be 1,964 square feet on a parcel that is 1.147 acres, with a projected lot coverage of 9.13%. Mr. Austgen advised legals are in order.

Mr. Nathan Vis, Vis Law, 12632 Wicker Avenue, Cedar Lake, IN, on behalf of Derek Boomsma commented his client utilizes a trailer for vacation with family and it is 12 to 14-feet high and he would like to keep it indoors. A second exterior would need to be built on the property. Last month, there was a question if we were exceeding the total of 1,600 square feet that is allowed for a secondary structure on the property. We are 364-feet over and it was requested we amend our petition and re-advertise. We are requesting an exterior with a side-wall height of 17-feet. The standard is 10-feet to allow a total building height of 25-feet and the standard is 15-feet, as well as to allow additional square footage for an accessory building for an additional 364 square feet.

Mr. Vis commented this application meets the Variance request worksheet for a developmental standard variance and his client would like to build a shed structure to house a trailer.

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Mr. Austgen stated legals were made for tonight's public hearing and all of the documentation in the file reflects it.

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

Mr. Kubiak commented he was not a fan of the height of the structure, but it will be on the back property and asked how tall does the door need to be. Mr. Vis commented it will be a 14-foot-high door and would result in 17-foot-high side walls and would allow for proper standard pitch. Discussion ensued.

Mr. Derek Boomsma, 12621 Alexander Street, Cedar Lake, IN, commented about the structure. Mr. Kubiak commented he did not agree with the additional 3-feet of sidewall for an overhead door. Discussion ensued regarding the wall height.

Mr. Vis commented we can add into the record, subject to post-frame building estimate that is dated March 31, 2025 to meet the specifications.

Mr. Austgen asked if there were any other restrictions that should be considered for the oversized building. Mr. Burnham commented this would be used for storage and for residential use.

A motion was made by Mr. Burnham and seconded by Mr. Jackson to build an "Accessory Building" that will have an "Exterior Wall Height" (not to exceed) of 17' and a total building height (not to exceed) of 25.' Total square footage of accessory building will be 1,964 square feet on a parcel that is 1.147 acres, with a projected lot coverage of 9.13%. This building will be used for residential use and storage only to the Findings to 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. 2025-06 – Ramirez – Developmental Variance

Owner/ Petitioner: Ryan Ramirez, 13415 Fairbanks Street, Cedar Lake, IN 46303

Vicinity: 13415 Fairbanks Street, Cedar Lake, IN 46303

Parcel Id. #: 45-15-26-229-001.000-043

Mr. Kiepura stated the next order of new business is for a Developmental Variance to allow the Petitioner to have an auxiliary shed on their lot that is 6' from existing house (previous location of old auxiliary shed). Mr. Austgen advised legals are in order.

Mr. Conley commented the petition was for six-feet, but upon inspection, one of the inspectors measured the distance from the shed to the garage and it is 5-feet, 2-inches. It is still under the 10-feet that is required by the Ordinance, but it is a little less than the six-feet.

Mr. Austgen stated this is an amended petition based upon Mr. Conley's explanation.

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Mr. Ryan Ramirez, 13415 Fairbanks Street, Cedar Lake, IN, commented he wanted to replace an old shed with a larger shed. This new shed is 14-feet by 12-feet.

Mr. Conley commented the Ordinance states “building” and we have existing house and it should be that the shed is from the garage.

Mr. Kiepura asked was this built without a permit. Mr. Ramirez responded in the affirmative.

Mr. Kubiak commented he received a red-tag and that the shed was too close to the garage and is now here for a Variance.

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

Discussion ensued regarding where the shed will be placed and being red-tagged for the shed, which is three times the cost of the permit.

Mr. Kiepura asked if the shed can be moved. Mr. Ramirez commented “no” as this is a stick-built shed.

Mr. Conley commented one of the reasons for separation is that you don’t want the weight to bear load on the house footings and can cause derogation on the house footing through a freeze and thaw cycle. This does not apply here, because it is adjacent to the garage that has a garage slab and cannot bear weight onto any structure than other than itself and the ground.

Mr. Kiepura commented his opinion is to move the shed.

A motion was made by Mr. Burnham and seconded by Mr. Reiling to deny the Petitioner to build an auxiliary shed on their lot that is 5.2’ from existing garage (previous location of old auxiliary shed) to the Findings of the 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

2. 2025-27 – Wilson (Terry) – Developmental Variance

Owner: Jennifer Wilson, 12517 Parrish Avenue, Cedar Lake, IN 46303

Petitioner: Mike Terry, 12517 Parrish Avenue, Cedar Lake, IN 46303

Vicinity: 12517 Parrish Avenue, Cedar Lake, IN 46303

Parcel Id. #: 45-15-21-229-002.000-014

Mr. Kiepura stated the next order of new business is for a Petitioner allow the Petitioner to construct a 1,415-square foot detached garage (Accessory Building) with exterior wall height of 12’ and an overall height of approx. 25’ on a parcel of land that is 2.63 acres. Mr. Austgen advised legals are in order.

Ms. Jennifer Wilson, 12517 Parrish Avenue, Cedar Lake, IN, and Mr. Mike Terry, 12517 Parrish Avenue, Cedar Lake, IN, commented we would like to build a garage on the north side of the property, because the house has never had a garage.

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

Ms. Barbara Smith, 12525 Parrish Avenue, Cedar Lake, IN, commented they are requesting the interior walls of the structure, which she was looking at it as being a pull-barn and it being a metal building. It will be 12-inches over and 25-foot on the outside, which is a very tall garage. If the garage area is 12-foot and what is the additional 12-foot height being used for. Ms. Smith also mentioned she didn't know where it was going to be on the frontage land on Parrish Avenue. The Board showed Ms. Smith where the garage will be located on the property.

Mr. Kubiak commented it looks like it has concrete foundation and steel siding.

Ms. Smith commented the house is stick-built and the garage does not match the style of the house and will be unpleasant to look at.

Ms. Smith asked how will this be accessed from the house back and forth and will it be attached or will there be space in-between the house and garage. Discussion ensued.

Mr. Kiepura commented it will not be attached to the house. Discussion ensued.

Mr. Kiepura commented the plans for the garage shows there will not be a breezeway. Mr. Burnham commented we are not voting on a breezeway being there.

Ms. Smith asked can the area above the garage be living space. Mr. Kiepura responded in the negative.

Mr. Kiepura closed public comment.

Mr. Kiepura asked will this be a pull building. Mr. Terry commented "no" and it will be stick-built.

Mr. Kiepura asked why does it need to be 25-feet high. Mr. Terry commented there will be 12-foot ceilings with a 10-foot door. Mr. Reiling asked what will be the 8-foot attic be used for. Mr. Terry commented it will be used for storage.

Mr. Burnham asked is there a rule that you cannot have a room above your garage. Mr. Kiepura commented it cannot be used as living space. Discussion ensued regarding the requirements for having living space in a garage.

Discussion ensued regarding the necessary things needed for putting a bathroom on bottom level of garage.

A motion was made by Mr. Burnham and seconded by Mr. Jackson to allow the Petitioner to construct a 1,415-square foot detached garage (Accessory Building) with exterior wall height of 12' and an overall height not to exceed 25' on a parcel of land that is 2.63 acres and cannot be used for rental property or business use 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

3. 2025-28 - Porter – Developmental Variance

Owner: Porter Legacy Trust, Craig A. & Mary R. Porter, 13600 Cedar Street, Cedar Lake

Petitioner: Mary R. Porter, 13600 Cedar Street, Cedar Lake, IN 46303

Vicinity: 13600 Cedar Street, Cedar Lake, IN 46303

Parcel Id. #: 45-15-26-178-019.000-043

Mr. Kiepura stated the next order of new business is for a Petitioner to construct an addition to her existing residence maintaining the building line with a side-yard width/offset of approximately 3.7-feet. Mr. Austgen advised legals are in order.

Ms. Mary R. Porter, 13600 Cedar Street, Cedar Lake, IN, commented her husband has Alzheimer's and Lewy Body Dementia and we would like to make a master bedroom and a handicap bathroom on the main level of the house. We are asking for a Variance instead of squaring the house off and we have plenty of room between us and the neighbor. Our neighbor, Mr. Mike Terandy wrote a letter and he is in agreement with the Porter's want to build.

Mr. Conley commented it will be on the south property line.

Mr. Burnham asked on the existing house, it will go straight off of the back corner where the trampoline is and the open area will be finished and the back wall will be followed of the existing house that is already there and the room will be added there. Ms. Porter responded in the affirmative.

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

Ms. Yvonne Taves, 13518 Dewey Street, Cedar Lake, IN, commented she wanted to see the drawing of the survey and where it is marked off. She mentioned she had to come to the meeting to confirm that the room will be on the south side. She also commented she should be able to come to the Town and ask to see a drawing of a plan.

Mr. Kiepura closed public comment.

Mr. Kubiak commented the property angle goes off the right way that it will be further off of the property line and there is an odd-ball piece of easement.

Mr. Kiepura commented he sees a hardship.

Mr. Jackson commented there is plenty of space to build a bedroom and bathroom.

A motion was made by Mr. Burnham and seconded by Mr. Reiling to allow the Petitioner to construct an addition to her existing residence maintaining the building line with a side-yard width/offset of approximately 3.7-feet 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

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4. 2025-29 – O'Donnell Homes – Developmental Variance

Owner/Petitioner: O'Donnell Homes of Crown Point LTD, 812 White Hawk Dr, Crown Point, IN
Vicinity: 13512 Lakeside Blvd, Cedar Lake, IN 46303

Parcel Id. #: 45-15-25-152-019.000-043

Mr. Kiepura stated the next order of new business is for a Petitioner to build a home on a lot that is 11,138 square feet in total with lot coverage totaling 30%. Mr. Austgen advised legals are in order.

Mr. Michael O'Donnell, 812 White Hawk Dr., Crown Point, IN, commented we are seeking a Variance to build a home that exceeds 25% coverage.

Mr. Kiepura asked is this in Lakeside. Mr. O'Donnell responded in the affirmative.

Mr. O'Donnell commented there will be a three-car garage and the patio will be 14-feet by 14-feet.

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

A motion was made by Mr. Burnham and seconded by Mr. Jackson to allow the Petitioner to build a home on a lot that is 11,138 square feet in total with lot coverage totaling 30% 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

PUBLIC COMMENT:

Mr. Terry Broadhurst, 2123 Arthur Avenue, Lockport, IL representing 14513 Morse Street, commented the second story petition was said to be used for storage and then through discussions it brought up about the second story on the garage would be recreational. It was also discussed that people should be able to use their property/structures how they want. The reasons are to why codes and ordinances are in place is for public safety. Living space also includes recreational living, not just sleeping. We are also talking about egress and access and other factors. When they come in for a permit, there would be a lot of factors if the second story was used for a recreational space and recreational space is not in the living space category.

Mr. Kubiak commented the Board is fine with them making the upstairs living space in the future if they follow the proper steps. Discussion ensued.

ADJOURNMENT: Mr. Kiepura adjourned the meeting at 7:54 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 August 14, 2025