

Town of Clear Lake - Board of Zoning Appeals
Meeting Minutes – August 21, 2017

Chairwoman Howarth opened the August 21, 2017 Regular Meeting of the Clear Lake Board of Zoning Appeals at 7:00 PM.

Introductions were made, and the following members of the Board were present:

Jackie Howarth, Chairwoman
Don Luepke, Vice-Chair
George Schenkel
Cecil Fleeman

Also present:

Michael Hawk, Attorney for the Board of Zoning Appeals
Kenneth J. Hughes, Zoning Administrator

Chairwoman Howarth determined a quorum was present and read aloud the Board of Zoning Appeals' Duties and Procedures.

Variance 2017-03 Heckman @ 1100 South Clear Lake Drive

Chairwoman Howarth stated the Board would hear Case #2017-03, a Variance from Section 2.14, Minimum Street Yard Setback, Lake Yard Setback, number of stories and height, filed by Terrence Heckman at 1100 W South Clear Lake Drive.

Mr. Heckman appeared before the board to petition his variance. He stated that they purchased the residence in 1995 from his grandfather and wanted to use it for their family. They want to build a 2 story home with a walkout basement and a front and rear covered porch. They plan to retire in few years and make this their permanent residence. He is asking for relief from setbacks standards to accommodate the porches.

Mr. Luepke asked about the drain line between the two properties. Mr. Heckman stated that it was a temporary line and that he and his neighbor, Mr. Melton, plan to install a permanent one along the property lines.

Mr. Luepke also stated that he had questions about what the various flags on the property meant. Mr. Heckman said they represented the footprint of the house.

Mr. Schenkel moved to close the meeting and open the public hearing. The motion was seconded by Mr. Luepke. The motion carried.

Public Hearing

Chairwoman Howarth asked for public comment.

Mr. Terry Melton stated that he was granted a variance to be about 20 feet off the road a year ago and had no concerns with Mr. Heckman being the same.

Mr. John Jarrett spoke in support of the project and asked the BZA to grant the variance.

Mr. Schenkel moved to close the public hearing and move back into the regular meeting. Mr. Fleeman seconded. The motion carried.

A discuss persuade about the proposed height of the new home and why they need a variance. Mr. Hughes said that since the existing home was not setting into the hill, he needed to take the elevation from the main floor and count 100% up. It was determined it would not be as tall as Mr. Melton's home next store.

Mr. Hughes presented the Certificates of Mailing and Legal Notice provided in *The Herald Republican*.

Mr. Schenkel moved to move onto the findings. Mr. Luepke seconded. The motion carried.

Mr. Luepke moved to approve the **first finding**:

Legal notice of the petition has been provided in accordance with Indiana Code and Notice has been made to appropriate land owners because

- a. *Legal notice of the application was published in the Herald Republican Newspaper on August 11, 2017.*
- b. *Notice has been made to appropriate land owners as shown by the stamped certificates of mailing.*

Mr. Schenkel seconded the motion. The motion carried with all members in support, none opposing.

Mr. Fleeman moved to approve the **second finding**:

The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community because

- a. *The proposed project will be unnoticed by the public and not impact views from adjacent properties, drainage, or traffic circulation.*

Mr. Luepke seconded the motion. The motion carried with all members in support, none opposing.

Mr. Schenkel moved to approve the **third finding**:

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because

- a. *The use of subject property is consistent with use of adjacent properties and there will be no change in use or intensity of use.*
- b. *The value of the adjacent properties will be unaffected by the proposed project.*

Mr. Luepke seconded the motion. The motion carried with all members in support, none opposing.

Mr. Schenkel moved to approve the **fourth finding**:

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because

- a. The current standards would not allow for a UDO compliant dwelling to be constructed on the lot because of the required setbacks, minimum dwelling size, and building height.*

Mr. Fleeman seconded the motion. The motion carried with all members in support, none opposing.

Mr. Luepke moved to approve Variance 2017-03 with conditions. Mr. Schenkel seconded the motion. The motion carried with all members voting in favor, none opposed.

Old Business

Chairwoman Howarth then asked the board if they had reviewed the minutes from the April 2017 Regular meeting and Special meeting. Mr. Luepke made a motion to accept the minutes as presented. Mr. Fleeman seconded the motion. Motion carried with three members in favor, Mr. Schenkel abstaining.

Hearing no other business, Chairwoman Howarth adjourned the meeting. Meeting adjourned at approximately 7:33 PM.

Respectfully Submitted:

Mike Long, Plan Commission President