

Town of Clear Lake - Board of Zoning Appeals
Meeting Minutes – April 17, 2017

Secretary Hughes opened the April 17, 2017 Special Meeting of the Clear Lake Board of Zoning Appeals at 6:30 PM.

Secretary Hughes conducted elections for the 2017 Board of Zoning Appeals.

Mr. Luepke moved to open the floor to nominations for chairperson. Mr. Schenkel seconded the motion.

Mr. Luepke moved to nominate Ms. Howarth. Ms. Howarth accepted. Mr. Schenkel moved to second the nomination.

Mr. Moody moved to close the floor to nominations. Mr. Luepke seconded the motion. Ms. Howarth was elected chairwoman 4-0.

Mr. Moody moved to open the floor to nominations for Vice-Chair. Mr. Schenkel seconded the motion.

Mr. Moody moved to nominate Mr. Luepke for vice-chair. Mr. Luepke accepted the nomination. Mr. Schenkel seconded the nomination.

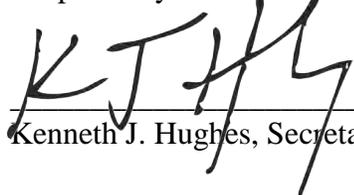
Mr. Schenkel moved to close the floor to nominations. Mr. Moody seconded the motion. Mr. Luepke was elected vice-chair 4-0.

Secretary Hughes then turned the meeting over to Chairwoman Howarth.

The Board of Zoning Appeals staff conducted training on board responsibilities and duties.

Hearing no other business, Mr. Schenkel moved to adjourn the meeting. Mr. Luepke seconded the motion. The motion carried 4-0 and the meeting ended at 6:55 PM.

Respectfully Submitted:



Kenneth J. Hughes, Secretary

Town of Clear Lake - Board of Zoning Appeals
Meeting Minutes – April 17, 2017

Chairwoman Howarth opened the April 17, 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
Bruce Moody, Alternate

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 2017-01 Bushey @ 74 West Clear Lake Drive

Chairwoman Howarth stated the Board would hear Case #2017-01, a Variance from Development Standards filed by James Bushey at 74 West Clear Lake Drive.

Mr. Bushey appeared before the board to petition his variance. He stated that they purchased the residence and wanted to use it for their family. His plan is to add on an addition with a master bedroom and bathroom. He stated that they are not going any closer to the road than the current building but the current building does not meet the current standards.

Mr. Hughes spoke about where the need for the variance arose and that the lot has a property line which is not directly aligned with the road's pavement.

Mr. Luepke asked about whether the issue at hand was just about the addition on the west or if it included the porch. Mr. Hughes stated that the porch was built in compliance.

Mr. Luepke stated that he had a concern that the property was not properly flagged.

Mr. Moody asked about the side yard on the east and the air conditioner unit that had been removed.

Mr. Bushey's son, Jeff Bushey also appeared before the Board.

Mr. Moody asked about the line of sight for the viewshed. Mr. Hughes clarified that the viewshed only applied to the lake yard.

Mr. Moody asked Mr. Hughes about the safety issues at the road. Mr. Hughes stated that he did not believe there to be a problem there and Mr. Schenkel concurred, having property in that area.

Mr. Moody 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.

No public comment was received and no correspondence was received.

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

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

Mr. Moody moved to require a Certificate of Action Taken. Mr. Luepke seconded. The motion carried.

Mr. Luepke moved to move onto the findings. Mr. Moody 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 April 3, 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. Moody 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 not be substantially different than other home's distances to the road and will not decrease access to the right-of-way or road.*

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

Mr. Luepke 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 the property is consistent with the type and intensity of neighboring properties.*

Mr. Schenkel 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 difference between the property lines and actual road pavement/right-of-way will not allow for an addition of this type to be constructed within the UDO parameters.*

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

Mr. Luepke moved to approve Variance 2017-01 with conditions. Mr. Schenkel seconded the motion. The motion carried with all members voting in favor, none opposed.

Variance 2017-01 for James Bushey is hereby approved.

Variance 2017-02 Fritz @ 655 South Clear Lake Drive

Chairwoman Howarth stated that the board would hear Case #2017-02, a Variance from the Development Standards filed by Tim Fritz at 655 South Clear Lake Drive.

Mr. Fritz presented before the board. He discussed that they wished to use the existing footprint and only extend the front of the house by a couple of feet.

Mr. Luepke asked about the house that was next door to the property and its proximity to the property line.

Mr. Moody asked if the stairwell would be enclosed. The petitioner stated that it would be located inside the house.

Mr. Luepke and Mr. Fritz discussed the existing foundation and structural integrity. Mr. Fritz assured the Board that there would be steps taken to support the second floor.

Mr. Hughes asked about the deck plans. Mr. Fritz indicated that they planned to build the deck at the same time with the rest of the house. Mr. Moody and Mr. Luepke discussed that the deck variance included was for the size of the deck in question and not the location/setback of the deck.

It was clarified that the “future deck” was the deck in question and the “proposed deck” was probably to be constructed out of a concrete slab.

Mr. Moody asked about the parking situation and whether they planned on just parking on the sod or if there were plans for some improvements. Mr. Fritz indicated that he was not sure but whatever they did would comply with Town requirements.

Mr. Schenkel moved to close the meeting and move into the public hearing. Mr. Luepke seconded the motion, the motion carried, none opposing.

No public comment was received.

Mr. Hughes read aloud correspondence received from a neighboring property owner (224 Outer Drive).

Mr. Moody moved to close the public hearing and move back into the meeting. Mr. Luepke seconded the motion, the motion carried, none opposing.

Mr. Luepke made a comment about the flags.

Mr. Moody made a comment about the parking situation for the construction.

Mr. Luepke moved that the board move onto the findings. Mr. Schenkel seconded the motion, none opposing.

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

- c. Legal notice of the application was published in the Herald Republican Newspaper on April 3, 2017.*
- d. 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. Moody 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 does not increase the building's proximity to the other properties.*
- b. The proposed project decreases the nonconformance for the benefit of health and safety pertaining to minimum size.*
- c. The proposed deck will be significantly setback from the road as to not cause a safety problem.*

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 proposed project will increase the value of the property and in turn neighboring properties.*
- b. The use of the property is consistent with the type and intensity of neighboring properties.*

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

Mr. Luepke 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. Any renovation of the existing structure that in conformance with the UDO would require decreasing the road side setback taking it out of character with the rest of the neighborhood.*

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

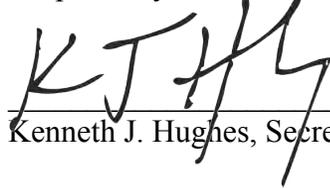
Mr. Luepke moved to approve Variance 2017-02 with the condition that a Certificate of Action Taken be recorded. Mr. Schenkel seconded the motion. The motion carried with all members voting in favor, none opposed.

Variance 2017-02 for Tim Fritz is hereby approved.

Old Business

Hearing no other business, Chairwoman Howarth adjourned the meeting. Meeting adjourned at approximately 7:40 PM.

Respectfully Submitted:



Kenneth J. Hughes, Secretary