

Town of Clear Lake - Board of Zoning Appeals
Meeting Minutes – June 18, 2018

Chairwoman Howarth opened the June 18, 2018 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
Erick Strasser
Cecil Fleeman
Bruce Moody

Also present:

Mike Long, Zoning Administrator

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

Mr. Hawk explained the process of filing for an ILP and a variance if necessary.

Variance 2018-02 Shatzer @ 118 Clear Lake Cove

Chairwoman Howarth stated the Board would hear Case #2018-02, a Variance from Section 2.14, Minimum Street Yard Setback, filed by Richard and Deborah Shatzer at 118 Clear Lake Cove.

Mr. Shatzer appeared before the board to petition his variance. He stated that he currently has a shed that he would like to replace with a larger one. He needs a larger one to store his lawn mower and golf cart, which currently sits outside. He is proposing a 10' x 16' shed. He showed pictures of the new shed to the board members. Also stated, that he had shown them to most of his neighbors. He wants to put the new shed where the existing one currently sits and put it next to the retaining wall. The new shed is premade and will be delivered to the site and installed where the current one sits. The old one will be hauled away the same day.

Mr. Luepke asked Mr. Shatzer if he was going to pour a larger pad to accommodate the larger shed. Mr. Shatzer stated that he was going to use the existing concrete pad and use some type of aggregate for the additional length. The shed would not be a permanent structure. Mr. Shatzer stated that he did not own any property across the street.

Mr. Moody asked what his timeframe was if the variance was approved. Mr. Shatzer stated that it takes two weeks to build once it is ordered and about two weeks for delivery. They also plan to landscape around the new shed.

The UDO states that structure must be at least 25 feet from the edge of the road or the property line, whichever is greater. In this case, the property line is further back than the edge of the road.

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

Public Hearing

Chairwoman Howarth asked for public comment.

There was 1 person who spoke in support of Mr. Shatzer. There were about 8 people present.

Since there was no one to speak in opposition, Mr. Luepke moved to close the public hearing and move back into the regular meeting. Mr. Fleeman seconded. The motion carried.

A discuss followed about whether the shed needed to be tied down due to its size and location. Mr. Long stated that there was nothing in the UDO requiring tie downs. Since the shed has a floor it was decided to forgo the tie down requirement.

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

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

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 June 8, 2018.*
- b. *Notice has been made to appropriate land owners as shown by the stamped certificates of mailing.*

Mr. Fleeman 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 property line for this parcel is a significant distance from Clear Lake Cove. As such, despite the fact that the proposed shed is not more than 25' from the street side property line, it is more than 25' from the edge of pavement on Clear Lake Cove. Accordingly, there will be no visual impairment for those in the road right-of-way.*

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

Mr. Fleeman 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 structure as proposed will not affect the development or use of neighboring properties.*
- b. The use of the property is consistent with the type and intensity of neighboring properties.*

Mr. Strasser 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.

- a. The unusual layout of the property lines, the existence of a retaining wall, and the location of the road right-of-way make the application of the zoning ordinance unnecessarily restrictive and would prevent the owners from locating their shed on the portion of their lot that will best accommodate an accessory structure.*

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

Mr. Fleeman moved to approve Variance 2018-02. Mr. Strasser 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 an old business of which there was none. Mr. Luepke was asked a question by a resident who inquired whether 772 South Clear Lake Drive got a permit or variance to remodel their garage. Mr. Long stated that Mr. Hughes had issued an ILP for that address.

New Business

There was no New Business.

Hearing no other business, Chairwoman Howarth adjourned the meeting. Meeting adjourned at approximately 7:23 PM.

Respectfully Submitted:

Mike Long, Plan Commission President