

Town of Clear Lake - Board of Zoning Appeals
Meeting Minutes – April 15, 2019

Chairman Jackie Howarth opened the April 15, 2019 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 Chairman
Don Luepke Vice-Chair
Cecil Fleeman
Kit Tyler
Eric Strasser

Also, present:

Michael Hawk, Attorney for the Board of Zoning Appeals
Gary Johnston, Zoning Administrator
Darin Thorp, 1236 Quiet Harbor
Bonnie Brown, 40 Powhattan CT
Laurie Sellers, 886 SCLD
Evy Schlosser, 110 CLC
Todd Rumsey, 432 Point Fork
Jessica Swander, 7382 E. SR120
Lisa Weaver,
Jack Daniel
Bridget Daniel, CLTLC
Bill Cogier
Ken Patruska, 20 WCLD9

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

Variance 2019-01 – Nichols at 1000 South Clear Lake Drive

Chairman Howarth stated the Board would hear Case #2019-01, a Variance from Development Standards filed by Jill Nichols *1000 South Clear Lake Drive 2.16 LA District Development Standards and Section 5.63 A General Setback Standards (6) Corner Lots and (7) Irregular Lots*. The proposed project includes adding 2 bedrooms and a bath to an existing garage, the building encroaches upon both front yard 30' setbacks. Because the lot is irregular shaped and has 2 legal front yards.

Ms. Weaver made the presentation to the Board. Representing Ms. Nichols

Jack Daniels also is here, Jill is looking at adding 2 bedrooms and bath. One story addition similar material to what the cottages stone, cedar shakes and some vinyl siding around other side existing driveway, because it is an irregular lot, she thought that the setbacks for 2 roads. In her residence is across the street she has 2 bedrooms and a half for guess. She has 3 kids' spouse and future grandkids, so she just looking for some extra guess space. On Elm Street side it's about 21 foot off the edge of pavement 15 off the property. It's 25 ft. on the S Clear Lake. A different about 560 you know this will stay for the 1200 which is the Max allowed in the garage. The existing grinder at the lake house will probably not be able to be used. Not sure on the well. She would be open to either well issue or adding another grinder.

Question from Mr. Luepke

So far obviously it's not the 30 feet, what is the distance?

Response: 15 ft. off the property line on the on-Elm Street. Off the roof it's about 21 foot. Off the edge of pavement is about 15 ft. Then it's 25 on the S Clear Lake

Question: Mr. Luepke

This comes under the second variance request, but where is the existing grinder for the cottage?

Response: I don't know.

Question: Mr. Luepke

I went over there, and I couldn't find it, but I assume rightfully so that you would use that grinder or install a new one?

Response: I think she would be open to either using existing grinder or new one.

Question: Mr. Luepke

Probably better in the world of maintaining it right, it's the towns responsibility. The idea of two of them does not matters one way or another. Also, again these deals with other one, but there isn't water over there now correct. So, would they drill a new well there or is that going to be used from the from the house?

Response: We haven't discussed it. Again, I think she would probably be willing to drill a new well.

Question: Mr. Strasser

Where other options discussed with going up? So, they would have more space for potentially converting the existing garage to living quarters? As opposed to making it larger.

Response: We are limited to one story. We went the path of a single family residential, because that's the path we were directed, so converting the existing garage while she wants to keep her space, they didn't have enough room on the other side of the garage and try and get 15 ideas.

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

Public Hearing

Chairman Howarth asked for public comment.

Dr. Romsey: 423 Point Park Dr.

I have my garage and in perspective to The Lake values I don't believe that it creates anything other than opportunity to continue to use and enjoy your property without having to tear it down do something over. I believe it brings increased tax base. I don't believe that as you stated in your opening statements this does not set precedence. This is for all intents and purposes and otherwise on unimprovable lot, because it going to require some creative and I'd like to see the town start having some creativity in the way it's made it look at solving some of these issues is promote Clearlake as a as a place where families bring their families year after year after year thank you do we have anyone else here speaking in favor the application

Correspondence where received and read:

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

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

- a. Legal notice of the application was published in the Herald Republican Newspaper on March 30, 2019.
- b. Notice has been made to appropriate land owners as shown by the stamped certificates of mailing.

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

Mr. Luepke 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.

- a. The proposed structure will be constructed of high-quality materials, is appropriately sized for the lot, and will support, maintain or improve adjacent property values.

Ms. Tyler 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.

- a. The proposed project will not be substantially different than neighboring garage's street setbacks and will not decrease access to the right-of-way or road.

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

Ms. Howarth 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. When applied to this scenario, a practical difficulty exists because the double Street Yard Setbacks render a great deal of the subject lot unbuildable leaving a very small building envelope for a new structure.

Ms. Tyler seconded the motion. The motion carried with all members in support, none opposing.

Mr. Strasser moved to approve the variance application 2019-01. The motion was seconded by Mr. Luepke. The motion was approved by all members.

Variance 2019-01 for Jill Nichols is hereby approved.

Variance from Development Standards Application #2019-02

Jill Nichols, 1000 South Clear Lake Drive, the variance requested is for relief from *Section 2.16 LA District Development Standards and Section 5.04 H General Accessory Structure Standards. Reference 5.09 A (2) Occupiable Accessory Structure Standards*. The proposed project includes adding 2 bedrooms and a bath to an existing garage and requesting a sewer and water variance.

Public Hearing

Chairman Howarth asked for public comment.

No comments:

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

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

- c. Legal notice of the application was published in the Herald Republican Newspaper on March 30, 2019.
- d. 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. Luepke 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.

- a. An occupiable accessory structure is allowed per UDO 5.09 LA Accessory Structure Standards A (2).
- b. The proposed project will not be substantially different than other storage structure's distances to the road and will not decrease access to the right-of-way or road.

Mr. Fleeman 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.

- b. The proposed new structure will be constructed of high-quality materials, is appropriately sized for the lot, and will not impact the drainage or traffic along South Clear Lake Drive.

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.

- a. The approval of sewer and water is essential to the use of this property.

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

Mr. Luepke moved to approve the variance application 2019-02. The motion was seconded by Mr. Fleeman. With conditions: Check with Bob Hall on the number of hookups to one grinder. The motion was approved by all members.

Variance 2019-02 for Jill Nichols is hereby approved.

Variance from Development Standards Application #2019-03

Ken Petruska @ 20 West Clear Lake Drive variance requested 2.16 LA District Development Standards and Section 5.09 C 2 (a) LA Accessory Structure Standards. The proposed project includes an addition to an existing garage.

Ken Petruska States: Right now, my garage 710 square feet and I want to add 632 square feet. which gives a total 1342 square feet. the UDO states you can have one 144 square foot plus a 1200 square feet garage. I am simply asking to combine the two into one structure. I think it is a lot better to have one structure then multiple structures. I just want the garage door in the front of my garage and to be able to store my pontoon boat, so this is not a tear down, this is basically just an addition. There are no set back issues, there are no buildable line issues, there's no percentage of the structure size. So, there's really nothing but the square footage increase. It's a big lot, it will match with everything looking the same.

Public Hearing

Chairman Howarth asked for public comment

Darin Thorp 1236 Quiet harbor drive. We need to look at the comprehensive plan. I think this is one of those ordinances where if we are talking about 1200 square foot and 144 square foot buildings. Looking at them from an aesthetic value of the property. I think it looks better, if you have one garage. I would like to see us bring it up to the council. Stated as such that a single variety of 1344 or if in combination of two, because I can see where they got to the 144 for adding a 12 by 12 shed, they don't look good. I think one continuous structure where all the colors are the same. I am speaking in favor of the application.

Correspondence where received and read: Correspondence from Mr. Powers and Mr. Wilhelm were in objection to the variance request.

Ms. Howarth moved to close the public hearing and move back into the regular meeting. Mr. Luepke seconded.

The motion carried.

#2019-03 Petruska@ 20 West Clear Lake Drive

Mr. Fleeman 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.

Legal notice of the application was published in the Herald Republican Newspaper on March 30, 2019.

- a. Notice has been made to appropriate land owners as shown by the stamped certificates of mailing.

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

Mr. Luepke 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.

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

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

Mr. Strasser 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.

- a. The use of the property is consistent with the type and intensity of neighboring properties.
- b. The proposed garage will be constructed of high-quality materials, is appropriately sized for the lot, and will not impact the drainage or traffic along West Clear Lake Drive

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.

- a. Not allowing the homeowner full use of his 12,000 square ft. property thus requiring unsightly outside storage.

Ms. Tyler seconded the motion. The motion carried with all members in support, none opposing.

Mr. Luepke moved to approve the variance application 2019-03. The motion was seconded by Mr. Fleeman. The motion was approved by all members.

Variance 2019-03 for Ken Petruska is hereby approved.

Old Business

Meeting Minutes from December 17, 2018

Mr. Luepke moved to approve the December minutes. Seconded by Mr. Fleeman

The motion was approved by all members.

February 18, 2019 meeting was canceled, no cases.

New Business

2019 Meeting Dates and Filing Deadlines

Election of Chairman and Vice Chairman

Mr. Luepke moved to nominate Ms. Howarth for Chairman. Seconded by Mr. Fleeman

The motion was approved by all members.

Mr. Fleeman moved to nominate Mr. Luepke for Vice Chairman. Seconded by Ms. Howarth

The motion was approved by all members.

Election of secretary

Ms. Howarth moved to nominate Mr. Johnston for Secretary Seconded by Mr. Fleeman

The motion was approved by all members.

Mr. Luepke moved to adjourn. Seconded by Mr. Fleeman

Hearing no other business, Chairman Howarth adjourned the meeting. Meeting adjourned at approximately 8:24 PM.

Board of Zoning Appeals Chairman: Kit Tyler for Jaclyn Howarth

Attest: Brenda Eby, Town Clerk