

Town of Clear Lake - Board of Zoning Appeals Meeting Minutes – October 19, 2015

Chairman Bonnie Brown opened the October 19, 2015 meeting of the Clear Lake Board of Zoning Appeals at 7:00 PM. Chairman Brown announced that Tom Schmidt would be fulfilling the rest of Ken Wertz's term and Bruce Moody would be serving as the Alternate for the Board of Zoning Appeals.

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

Bonnie Brown, Chairman
Don Luepke
Bruce Moody
Tom Schmidt
John Wilhelm

Also present:

Amy Schweitzer, Zoning Administrator and Recorder of the minutes of the meeting

Chairman Brown determined a quorum was present. Ms. Brown read the Board's Introductory Comments that identifies membership requirements and primary duties of the Board of Zoning Appeals.

Chairman Brown stated the Board would hear Case #2015-08, a Variance from Development Standards filed by Darrel Antrup for Fankhauser Holding Company at 395 East Clear Lake Drive. Mr. Antrup is requesting relief from Section 5.26 D. Residential Fence Height.

Mr. Antrup stated that he was constructing a stone wall fence for the Fankhauser Family, and they were requesting the fence pillars be about 63-inches high. Antrup explained the posts are 3-foot wide by 3-foot deep. The remainder of the stone wall fence is 38- to 44-inches in height. Mr. Antrup explained if the variance was granted, the resulting fence pillars would match those that were previously built. He added that some of the stone wall fence might date back to the 1940s.

Chairman Brown asked for comments and questions from the Board. Mr. Luepke asked how many fence pillars were proposed. Mr. Antrup explained the two gateway fence pillars, which are about 2-foot wide by 2-foot deep, are permitted. There are three additional fence pillars for immediate construction. Staff Schweitzer explained that the Unified Development Ordinance permits a "gateway feature" and the two gateway pillars that are 2-foot by 2-foot are permitted. Schweitzer told the Board that the property owner would eventually like to construct pillars down the south property line, and she requested the owner include all of those pillars in this variance application. In total, there are three pillars proposed to be constructed immediately and five additional pillars proposed for future construction.

Ms. Brown asked how long an Improvement Location Permit is valid. Schweitzer stated construction must begin with three years of the date an Improvement Location Permit is issued, and then the permit is valid for an additional seven years, meaning generally Improvement Location Permits are valid for ten years.

Mr. Wilhelm asked about the narrow 6-foot wide access between the two gateway pillars. Mr. Antrup stated it was sufficient to get a mower and/or gator through, and that Mr. Fankhauser owns the adjacent property to the north. Any vehicular access would probably be from that adjoining property.

Hearing no other comments or questions from the Board, Chairman Brown entertained a motion to close the regular meeting and open the Public Hearing. Mr. Wilhelm made a motion to close the regular meeting and open the Public Hearing. Mr. Luepke seconded the motion. Motion carried with all in favor.

Chairman Brown opened the floor for comments from the public. There was a brief pause to provide an opportunity for public input. Brown then asked Staff Schweitzer about any comments from the public notice. Schweitzer stated that a handwritten note in favor of the project had been received from the Lowry Family. An additional anonymous handwritten note had been received, as well. Schweitzer read both notes aloud. Chairman Brown again asked for comments from the public. Hearing none, she entertained a motion to close the Public Hearing and re-open the regular meeting. Mr. Schmidt made a motion to close the Public Hearing and re-open the regular meeting. Mr. Moody seconded the motion. Motion carried ~~will~~ ^{with} all in favor.

Chairman Brown asked for any additional questions from the Board. Hearing none, Mr. Moody made a motion to move forward with the Findings of Fact. Mr. Luepke seconded the motion. Motion carried with all voting in favor.

Chairman Brown announced the Board of Zoning Appeals would make Findings of Fact for Case #2015-08, a Variance from Development Standards request made by Darrel Antrup for Fankhauser Holding Company for 395 East Clear Lake Drive. The variance request is for relief from Section 5.26 D. Residential Fence Height.

Finding 1: *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 October 8, 2015; and (b) notice has been made to appropriate land owners as shown by the stamped receipts from the US Post Office and the return receipts (green cards) that are in the Town's possession.*

Mr. Wilhelm made a motion to accept Finding 1 as presented. Mr. Luepke seconded the motion. Motion carried with five voting in favor and zero voting against.

Finding 2: *The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community because (a) the additional height for the fence pillars will not impact traffic visibility or accessibility in this area; will not impact drainage; and will not obstruct neighbor's views.*

Mr. Luepke made a motion to accept Finding 2 as presented. Mr. Wilhelm seconded the motion. Motion carried with five voting in favor and zero voting against.

Finding 3: *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 adjacent property as residential areas and undeveloped woodlots will not change or be impacted as a result of this project; and (b) the additional height of the fence pillars will be constructed of high quality materials, match the existing pillars on the lot to the north, and create character consistent with historic and modern lake properties.*

Mr. Schmidt made a motion to accept Finding 3 as presented. Mr. Luepke seconded the motion. Motion carried with five voting in favor and zero voting against.

Finding 4: *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because (a) the strict application of the terms of the Unified Development Ordinance will result in reduced aesthetics and character of the stone wall fence.*

Mr. Wilhelm made a motion to accept Finding 4 as presented. Mr. Schmidt seconded the motion. Motion carried with five voting in favor and zero voting against.

Mr. Moody made a motion to approve the variance request as presented. Mr. Luepke seconded the motion. Motion carried via a roll call vote with Chairman Bonnie Brown, Mr. Don Luepke, Mr. Tom Schmidt, Mr. Bruce Moody, and Mr. John Wilhelm all voted in favor of the motion.

Mr. Antrup thanked the Board, and had nothing but great things to say about working with Mr. Ken Fankhauser.

Moving on to Old Business, Chairman Brown asked if the Board had reviewed the minutes from the August 17, 2015 meeting. Hearing no discussion, Mr. Wilhelm made a motion to approve the August 17 Meeting Minutes as presented. Mr. Schmidt seconded the motion. Motion carried with all voting in favor. Mr. Wilhelm thanked Staff Schweitzer for always providing accurate and detailed minutes, and the Board concurred.

Chairman Brown asked for any new business. Hearing none, Schweitzer stated she anticipated that there would be at least one variance application filed for the December 21, 2015 meeting.

Hearing no other business, Brown entertained a motion to adjourn. Mr. Moody made a motion to adjourn the meeting. Mr. Schmidt seconded the motion. Motion carried will all in favor. Meeting adjourned at 7:25 PM.

Respectfully Submitted:



Amy Schweitzer, Secretary

