



111 Gecowets Drive Fremont IN 46737
(260) 495-9158 / (260) 495-5902 fax
www.townofclearlake.org

Town of Clear Lake – Plan Commission Meeting
Tuesday, May 6, 2025
7 PM

Conference number 1-646-931-3860

Meeting ID: 647 970 5713

Web Passcode: Clear

Phone Passcode: 121380

Join Zoom Meeting: <https://us06web.zoom.us/j/6479705713?pwd=bGoxRjIITXNXeWRhQlcrVzljaHUwdz09>

Agenda

- A.** Call to Order
- B.** Introductions and Roll Call
- C.** Approval of Meeting Agenda
- D.** Approval of Minutes
 - 1. February 2-4-25, 2024
- E.** Budget Items
 - 1. None
- F.** Applications, Petitions, or Hearings
 - 1. Minor Subdivision 2025-01
- G.** Old Business
 - 1. UDO Change 2024-04, Reading of Public Comments
 - 2. Ad-hoc Committee for Architectural Standards Update
- H.** New Business
 - 1. None
- I.** Adjournment

The New regular scheduled meeting of the Clear Lake Plan Commission will be on Tuesday, August 5, 2025, at 7 PM. The deadline for items requiring legal notices is 28 days prior to the meeting.

Please note: Agenda items listed are those reasonably anticipated and may be discussed at the meeting. Not all items listed may necessarily be discussed and there may be other items not listed that may be brought up for discussion.

**Town of Clear Lake Plan Commission
Meeting Minutes – February 4, 2025**

Plan Commission President Jim Hauguel called the meeting to order at 7:00pm.

There were 4 residents in attendance and 7 via Zoom.

Members introduced themselves:

Cecil Fleeman, 240 Penner Drive
Jim Hauguel, 154 West Clear Lake Drive
Bert Elliott, 1058 South Clear Lake Drive
Mike Hawk, Attorney to the Plan Commission
Bill Hanna, 208 West Clear Lake Drive (online)
John Schenkel, 472 East Clear Lake Drive (online)
Tyler Weldon, Zoning Administrator
Jennifer Smith-Sattison, Billing Clerk

J. Hauguel entertained a motion to approve the agenda.

Motion by: B. Elliott

To approve the agenda.

2nd by: B. Hanna

All in favor, say aye. J. Schenkel abstained. Motion carried; agenda approved.

J. Hauguel entertained a motion to approve minutes with correction, from November 4, 2024, Plan Commission meeting.

Motion by: B. Elliott

To approve minutes with correction, from November 4, 2024, Plan Commission meeting.

2nd by: B. Hanna

All in favor, say aye. Motion carried; minutes from November 4, 2024, Plan Commission meeting approved.

No Budget Items.

No Applications, Petitions or Hearings.

Old Business.

Rezoning Application 2024-01, Clinrud Corporation, 190 West Clear Lake Drive: To rezone the Neighborhood Commercial District (NC) property to Lake Residential District (LR).

Zoning Administrator T. Weldon updated where they are currently at on Rezoning Application 2024-01.

Plan Commission members discussed and asked questions regarding Rezoning Application 2024-01.

UDO Change 2024-04

- UDO Article Description: Improvement Location Permit (ILP)
- UDO Article #: 9.05.E.2
- UDO Page #: 9.06 & 9.07
- Description of Change: Modify verbiage of 9.05.E.2 and the ILP application to require a site plan provided by a registered land surveyor
- Basis for Change: Requiring a professional land survey as part of ILP's removes ambiguity and reduces the chance of errors in site plans while protecting landowners and the town

Zoning Administrator T. Weldon discussed that feedback forms are available for UDO Change 2024-04 and will proceed with public comment at the next Plan Commission meeting.

UDO 2023-02

- UDO Article Description: The footprint of primary structure
- UDO Article #: 5.13.A & 5.13.C
- UDO Page #: 5-12
- Description of Change: Change UDO 5.13: Add 5.13.A and modify 5.13.C and add 5.13.C.1
- Basis for Change: 5.13.C as it applies to LA structures are overly restrictive. The proposed revision will create a standard that will reduce the likelihood of residents requesting a variance and achieve desired architectural features
5.13.A.1 offers an exception to structures that qualify with this section, and structures that fall into this category have a low impact or effect to the surrounding properties in which they are established

B. Hanna discussed UDO 2023-02 that was tabled.

Plan Commission members discussed and asked questions regarding UDO Change 2023-02 and forming an ad-hoc committee.

UDO Change 2024-01

- UDO Article Description: The footprint of primary structure
- UDO Article #: 5.13 AR-01
- UDO Page #: 5-12
- Description of Change: Remove the Lake Accessory District (LA) from Architectural Standards in Section 5.13
- Basis for Change: The intended use of this section is to create a standard for primary structures such as residences and businesses, and since neither can be established in the Lake Accessory District, Section 5.13 creates unnecessary regulations on accessory buildings/structures in the Lake Accessory District.

J. Hauguel entertained a motion to take over sponsorship for UDO 2024-01.

Motion by: B. Hanna

For J. Hauguel to take over sponsorship for UDO 2024-01

2nd by: C. Fleeman

All in favor, say aye. Motion carried; J. Hauguel takes over sponsorship for UDO 2024-01.

UDO Change 2023-03

- UDO Article Description: Nonconforming structure standard
- UDO Article #: 8.04.C.2
- UDO Page #: 8-03
- Description of Change: Modify verbiage of 8.04.C.2. Removal of permanent structures
- Basis for Change: To clarify what qualifies as removed or razed structure

Attorney M. Hawk went through his legal changes for UDO 2023-03.

J. Hauguel entertained a motion to send UDO Change 2023-03 to the Town Council for final approval.

Motion by: B. Hanna

To send UDO Change 2023-03 to the Town Council for final approval.

2nd by: J. Schenkel

All in favor, say aye. Motion carried; send UDO Change 2023-03 to the Town Council for final approval.

UDO Change 2024-02

- UDO Article Description: Improvement Location Permit (ILP)
- UDO Article #: 9.05.E.2
- UDO Page #: 9.06 & 9.07
- Description of Change: Modify verbiage of 9.05.E.2 and the ILP application to require a site plan provided by a registered land surveyor
- Basis for Change: Requiring a professional land survey as part of ILP's removes ambiguity and reduces the chance of errors in site plans while protecting landowners and the town

B. Elliott went through the legal changes that Attorney M. Hawk had for UDO Change 2024-02.

Plan Commission members discussed and asked questions regarding UDO Change 2024-02.

J. Hauguel entertained a motion to send UDO Change 2024-02 to the Town Council for final approval.

Motion by: B. Elliott

To send UDO Change 2024-02 to the Town Council for final approval.

2nd by: B. Hanna

All in favor, say aye. Motion carried; send UDO Change 2024-02 to the Town Council for final approval.

UDO Change 2024-03

- UDO Article Description: Architectural Standards
- UDO Article #: 5.13
- UDO Page #: 5-12
- Description of Change: Modify section 5.13.B, Delete 5.13.C and 5.13.D
- Basis for Change: Section 5.13 is vague and overly restrictive. There is no objective rationale for the provisions added in 2017. The proposal returns section 5.13 to the original UDO language reducing the likelihood of residents requesting a variance while still restricting undesirable building types and preserving the Town's residential lake setting

B. Elliott went through the legal changes that Attorney M. Hawk had for UDO Change 2024-03 and discussed his reasonings for sponsoring and why he would like to rescind UDO Change 2024-03 until the next meeting.

B. Elliott entertained a motion to rescind UDO Change 2024-03 from consideration to comeback with a new proposal.

Motion by: J. Hauguel

To rescind UDO Change 2024-03 from consideration to comeback with a new proposal.

2nd by: B. Hanna

All in favor, say aye. Motion carried; rescinded UDO Change 2024-03 from consideration to comeback with a new proposal.

Plan Commission members discussed and asked questions regarding the ad-hoc committee.

B. Hanna entertained a motion to commission an ad-hoc committee to study and define architectural standards Section 5.13 and make a proposal.

Plan Commission members discussed and asked questions regarding the ad-hoc committee.

J Hauguel entertained a motion to develop an ad-hoc committee, members to be determined, to review, discuss and propose appropriate changes to Section 5.13.

Motion by: B. Hanna

To develop an ad-hoc committee, members to be determined, to review, discuss and propose appropriate changes to Section 5.13.

2nd by: J. Hauguel

All in favor, say aye. B. Elliott nay. Motion carried (4-1); an ad-hoc committee is developed, members to be determined, to review, discuss and propose appropriate changes to Section 5.13.

J. Hauguel proposed that he, B. Elliott and B. Hanna get together for an initial discussion of the ad-hoc committee and see who they would like to bring in for the ad-hoc committee.

New Business.

President:

B. Elliott nominated J. Hauguel.

All in favor, say aye. Motion carried; J. Hauguel is the Plan Commission President.

Vice President:

J. Hauguel nominated D. Rippe.

All in favor, say aye. Motion carried; D. Rippe is the Plan Commission Vice President.

Secretary:

J. Hauguel nominated T. Weldon.

All in favor, say aye. Motion carried; T. Weldon is the Plan Commission Secretary

Executive Committee:

B. Hanna nominated himself.

All in favor, say aye. Motion carried; B. Hanna is the Executive Committee.

Board of Zoning Representative from the Plan Commission:

B. Elliott nominated B. Hanna.

C. Fleeman nominated himself.

B. Hanna received 4 votes and C. Fleeman received 1 vote.

B. Hanna is the Board of Zoning Representative from the Plan Commission.

J. Hauguel entertained a motion to adjourn the meeting.

Motion by: J. Hauguel

To adjourn the meeting.

2nd by: B. Hanna

All in favor, say aye. Three opposed. Motion carried; meeting adjourned.

President J. Hauguel adjourned meeting at 8:24pm.

Jim Hauguel, Plan Commission President

Attest: Jennifer Smith-Sattison, Billing Clerk



Permit #: 2025-01

MINOR SUBDIVISION OF LAND APPLICATION

Request for Waiver

Town of Clear Lake, 111 Gecowets Drive, Fremont, IN 46737

Office: (260) 495-9158 Mobile: (260) 243-6701 Email: zoning@townofclearlake.org

Applicant Information

Name: Clear Lake Yacht Club Inc
Address: 188 W Clear Lake Drive
City, State, Zip: Fremont, IN 46737
Phone: c/o 2609253897 Email: commodore@clearlakeYC.org
Applicant is: ☒ Owner ☐ Engineer / Architect ☐ Contractor

Owner Information


Name: ☒ Same as above
Address: _____
City, State, Zip: _____
Phone: _____ Email: _____

Project information

Project Address: as above Parcel ID #: 760119120128000002
Project Description: combine 2 adjacent lots owned by the club per Town requirements
(second parcel 760119120127010002)
Requested Waiver: none

Signatures

I certify the accuracy of all information provided herein. I grant the Town of Clear Lake and its agents the authority to enter the property during the application stage and construction to determine compliance.



Applicant's Signature
3/31/25

Date

LEGAL DESCRIPTION – Doc. # 20020031

Part of the Northeast Quarter of Section 19, Township 38 North, Range 15 East, Clear Lake Township, Steuben County, Indiana, commencing at the Northeast corner of the South one-half of the Northwest Quarter of said Section 19, being marked by a ½" rebar stake found; thence South 87 degrees 35 minutes 15 seconds East, a distance of 300.69 feet to a 5/8" rebar found at the Northeast corner of the lands of Gay as recorded in Document Number 02-05-0823 within the Office of the Recorder of Steuben County, Indiana and being the **Point of Beginning** of the herein described real estate; thence South 87 degrees 58 minutes 25 seconds East 31.14 feet to a P.K. nail; thence North 27 degrees 30 minutes 36 seconds East, a distance of 99.90 feet to a point on the Southern boundary of the lands of CLINRUD Corporation as recorded in Deed Record 115, page 403 within the Office of the Recorder of Steuben County, Indiana, said point being marked by a P.K. nail; thence South 61 degrees 07 minutes 23 seconds East on and along the Southern line of the lands of CLINRUD Corporation through a ½" rebar, a distance of 163.61 feet to a point on the shoreline of Clear Lake; the following 7 courses are on and along the shoreline of Clear Lake; thence South 39 degrees 34 minutes 47 seconds West, a distance of 21.85 feet; thence South 43 degrees 20 minutes 00 seconds West, a distance of 23.01 feet; thence South 23 degrees 53 minutes 22 seconds West, a distance of 65.32 feet; thence South 12 degrees 50 minutes 59 seconds West, a distance of 18.08 feet; thence South 88 degrees 24 minutes 15 seconds East, a distance of 1.36 feet; thence South 05 degrees 26 minutes 21 seconds West, a distance of 8.66 feet; thence South 17 degrees 42 minutes 25 seconds West, a distance of 4.54 feet; thence North 87 degrees 26 minutes 01 seconds West through a 5/8" rebar with "GOU" identification cap, a distance of 159.84 feet to a point on the East line of said lands of Gay, a distance of 10.00 feet; thence North 00 degrees 06 minutes 51 seconds West on and along the East line of the lands of Gay a distance of 98.27 feet to the Point of Beginning, containing **0.66 acres** more or less, and subject to easements and right of record.

LEGAL DESCRIPTION - Doc. # 25010244

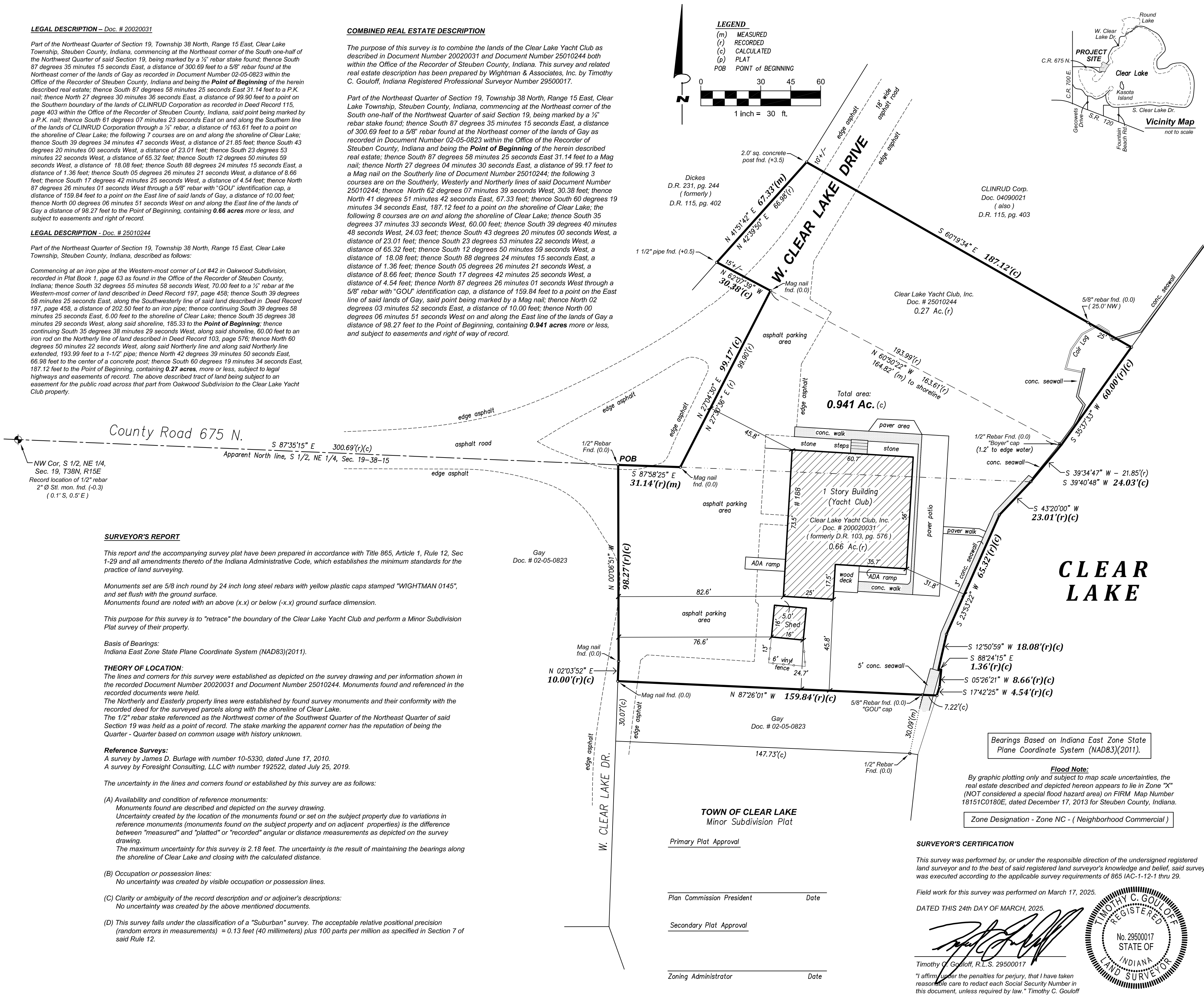
Part of the Northeast Quarter of Section 19, Township 38 North, Range 15 East, Clear Lake Township, Steuben County, Indiana, described as follows:

Commencing at an iron pipe at the Western-most corner of Lot #42 in Oakwood Subdivision, recorded in Plat Book 1, page 63 as found in the Office of the Recorder of Steuben County, Indiana; thence South 32 degrees 55 minutes 58 seconds West, 70.00 feet to a ½" rebar at the Western-most corner of land described in Deed Record 197, page 458; thence South 39 degrees 58 minutes 25 seconds East, along the Southwesterly line of said land described in Deed Record 197, page 458, a distance of 202.50 feet to an iron pipe; thence continuing South 39 degrees 58 minutes 25 seconds East, 6.00 feet to the shoreline of Clear Lake; thence South 35 degrees 38 minutes 29 seconds West, along said shoreline, 185.33 to the **Point of Beginning**; thence continuing South 35 degrees 38 minutes 29 seconds West, along said shoreline, 60.00 feet to an iron rod on the Northerly line of land described in Deed Record 103, page 576; thence North 60 degrees 50 minutes 22 seconds West, along said Northerly line and along said Northerly line extended, 193.99 feet to a 1-1/2" pipe; thence North 42 degrees 39 minutes 50 seconds East, 66.98 feet to the center of a concrete post; thence South 60 degrees 19 minutes 34 seconds East, 187.12 feet to the Point of Beginning, containing **0.27 acres**, more or less, subject to legal highways and easements of record. The above described tract of land being subject to an easement for the public road across that part from Oakwood Subdivision to the Clear Lake Yacht Club property.

COMBINED REAL ESTATE DESCRIPTION

The purpose of this survey is to combine the lands of the Clear Lake Yacht Club as described in Document Number 20020031 and Document Number 25010244 both within the Office of the Recorder of Steuben County, Indiana. This survey and related real estate description has been prepared by Wightman & Associates, Inc. by Timothy C. Gouloff, Indiana Registered Professional Surveyor Number 29500017.

Part of the Northeast Quarter of Section 19, Township 38 North, Range 15 East, Clear Lake Township, Steuben County, Indiana, commencing at the Northeast corner of the South one-half of the Northwest Quarter of said Section 19, being marked by a ½" rebar stake found; thence South 87 degrees 35 minutes 15 seconds East, a distance of 300.69 feet to a 5/8" rebar found at the Northeast corner of the lands of Gay as recorded in Document Number 02-05-0823 within the Office of the Recorder of Steuben County, Indiana and being the **Point of Beginning** of the herein described real estate; thence South 87 degrees 58 minutes 25 seconds East 31.14 feet to a Mag nail; thence North 27 degrees 04 minutes 30 seconds East, a distance of 99.17 feet to a Mag nail on the Southerly line of Document Number 25010244; the following 3 courses are on the Southerly, Westerly and Northerly lines of said Document Number 25010244; thence North 62 degrees 07 minutes 39 seconds West, 30.38 feet; thence North 41 degrees 51 minutes 42 seconds East, 67.33 feet; thence South 60 degrees 19 minutes 34 seconds East, 187.12 feet to a point on the shoreline of Clear Lake; the following 8 courses are on and along the shoreline of Clear Lake; thence South 35 degrees 37 minutes 33 seconds West, 60.00 feet; thence South 39 degrees 40 minutes 48 seconds West, 24.03 feet; thence South 43 degrees 20 minutes 00 seconds West, a distance of 23.01 feet; thence South 23 degrees 53 minutes 22 seconds West, a distance of 65.32 feet; thence South 12 degrees 50 minutes 59 seconds West, a distance of 18.08 feet; thence South 88 degrees 24 minutes 15 seconds East, a distance of 1.36 feet; thence South 05 degrees 26 minutes 21 seconds West, a distance of 8.66 feet; thence South 17 degrees 42 minutes 25 seconds West, a distance of 4.54 feet; thence North 87 degrees 26 minutes 01 seconds West through a 5/8" rebar with "GOU" identification cap, a distance of 159.84 feet to a point on the East line of said lands of Gay, said point being marked by a Mag nail; thence North 02 degrees 03 minutes 52 seconds East, a distance of 10.00 feet; thence North 00 degrees 06 minutes 51 seconds West on and along the East line of the lands of Gay a distance of 98.27 feet to the Point of Beginning, containing **0.941 acres** more or less, and subject to easements and right of way of record.



SURVEYOR'S REPORT

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29 and all amendments thereto of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8 inch round by 24 inch long steel rebars with yellow plastic caps stamped "WIGHTMAN 0145", and set flush with the ground surface. Monuments found are noted with an above (x.x) or below (-x.x) ground surface dimension.

This purpose for this survey is to "retrace" the boundary of the Clear Lake Yacht Club and perform a Minor Subdivision Plat survey of their property.

Basis of Bearings:
Indiana East Zone State Plane Coordinate System (NAD83)(2011).

THEORY OF LOCATION:

The lines and corners for this survey were established as depicted on the survey drawing and per information shown in the recorded Document Number 20020031 and Document Number 25010244. Monuments found and referenced in the recorded documents were held.
The Northerly and Easterly property lines were established by found survey monuments and their conformity with the recorded deed for the surveyed parcels along with the shoreline of Clear Lake.
The 1/2" rebar stake referenced as the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 19 was held as a point of record. The stake marking the apparent corner has the reputation of being the Quarter - Quarter based on common usage with history unknown.

Reference Surveys:

A survey by James D. Burlage with number 10-5330, dated June 17, 2010.
A survey by Foresight Consulting, LLC with number 192522, dated July 25, 2019.

The uncertainty in the lines and corners found or established by this survey are as follows:

- (A) Availability and condition of reference monuments:
Monuments found are described and depicted on the survey drawing.
Uncertainty created by the location of the monuments found or set on the subject property due to variations in reference monuments (monuments found on the subject property and on adjacent properties) is the difference between "measured" and "platted" or "recorded" angular or distance measurements as depicted on the survey drawing.
The maximum uncertainty for this survey is 2.18 feet. The uncertainty is the result of maintaining the bearings along the shoreline of Clear Lake and closing with the calculated distance.
- (B) Occupation or possession lines:
No uncertainty was created by visible occupation or possession lines.
- (C) Clarity or ambiguity of the record description and or adjoiner's descriptions:
No uncertainty was created by the above mentioned documents.
- (D) This survey falls under the classification of a "Suburban" survey. The acceptable relative positional precision (random errors in measurements) = 0.13 feet (40 millimeters) plus 100 parts per million as specified in Section 7 of said Rule 12.

SURVEYOR'S CERTIFICATION

This survey was performed by, or under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of 865 IAC-1-12-1 thru 29.

Field work for this survey was performed on March 17, 2025.

DATED THIS 24th DAY OF MARCH, 2025.

Timothy C. Gouloff, R.L.S. 29500017

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law." Timothy C. Gouloff



PROJECT NAME:

MINOR
SUBDIVISION
PLAT

CLEAR LAKE
YACHT CLUB
188 W. CLEAR LAKE DRIVE
FREMONT, IN 46737

COMMENTS
APRIL 8, 2025

REVISIONS

P:\250440 CLYC 188 W Clear Lake Dr Boundary\BSI Aux\CAD\250440
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DATE: MARCH 24, 2025
SCALE: 1" = 30'

BOUNDARY
SURVEY

JOB No. 250440

1 OF 1

Town of Clear Lake Plan Commission

Staff Report

GENERAL INFORMATION

Case Number: Minor Subdivision 2025-01

Applicant: Clear Lake Yacht Club
188 West Clear Lake Drive
Fremont, IN 46737

Status of Applicant: Owner
Owner (if different form applicant): N/A

Location: Empty lot North of 188 West Clear Lake Drive & 188 West Clear Lake Drive - See attached maps.
Zoning: NC – Neighborhood Commercial
Requested Zoning: N/A
Current Land Use: Vacant lot & The Clear Lake Yacht Club

Adjacent Area Zoning/ Use:

North:	LR – Lake Residential / Single Family Home
East:	Clear Lake
South:	LR – Lake Residential /Single Family Home
West:	AG – Agricultural / Dense wooded low laying land possible wetland area.
West Cont.:	SR -Single Family Residential / Single Family Home

Lot Conditions: Vacant lot approximately 0.27acres, relatively flat. 188 WCLD is a Neighborhood Commercial Lot with the Yacht Club and Parking for the Yacht Club.

Project Description: The Clear Lake Yacht Club is requesting that the Town of Clear Lake consider combining the parcel 760119120128000002, known as 188 WCLD and the parcel to the north, 760119120127010002. Both lots are owned by the Clear Lake Yacht Club. This is also a condition that was put in place by the Plan Commission and Town Council in the approval of Rezoning Case 2024-01.

Relevant Comprehensive Plan Elements:

- **Land Use, Policy 7.1:** *“Ensure the Town’s land use regulations, actions, and related plans are consistent with the policies and objectives contained in the 2013 Update to the Comprehensive Plan.”*
- **Commercial Development, Policy 3.1:** *“...encourage the redevelopment of existing commercial area in Clear Lake”.*

Relevant Zoning Regulations:

- Regulations pertaining to development in the *Neighborhood Commercial District (NC)* are contained in Section 2-21 of the Unified Development Ordinance.
- Minor Subdivision of Land process is located in Section 9-14 of the Unified Development Ordinance.

Zoning History: The empty lot was sold to the Yacht Club after the approval of Rezoning Case 2024-01. The empty lot has always been zoned Neighborhood Commercial District (NC).

Hearing Date: November 4, 2024 @ 7PM
Required Notice:

- Publication of legal notice was published in the Herald Republican on *April 24, 2025*.
- A legal Notice was also posted by the Zoning Administrator outside the Town Hall.
- Three (3) adjacent owners were sent Legal Notices with a certificate of mailing.
- Nine (9) interested property owners were sent “courtesy notices” by regular US mail.
- Notifications were sent to adjacent property owners within 300 feet of the subject property.

Minor Subdivision of Land 9.14 Criteria:

7. *Decision:*

- a. The Plan Commission shall make findings of fact and take final action, or continue the petition for a Minor Subdivision Primary Plat to a defined future meeting date.
- b. The Plan Commission shall make the following findings of fact. Findings, or lack of findings, may be in the form of a general statement.
 - i. The subdivision of land is consistent with the *Town of Clear Lake Comprehensive Plan*.
 - ii. The subdivision of land satisfies the standards of *Article 06: Subdivision Types*.
 - iii. The subdivision of land satisfies the standards of *Article 07: Design Standards*.
 - iv. The subdivision of land satisfies all other applicable provisions of this Unified Development Ordinance.
- c. Final Action:
 - i. If the Plan Commission by vote finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the petition for a Minor Subdivision Primary Plat.
 - ii. If the Plan Commission by vote does not find all of the findings of fact in the affirmative, it shall deny the petition for a Minor Subdivision Primary Plat.
- d. The Plan Commission may require the petitioner to put in writing commitment concerning the Minor Subdivision Primary Plat. Written commitments, if applicable, shall be packaged with the Minor Subdivision Secondary Plat.
- e. The petitioner and Zoning Administrator shall work collaboratively to package the Minor Subdivision Plat including the findings, final action, a print of the site plan with all required or approved amendments, and all applicable commitments. Each component of the Minor Subdivision Plat shall include a "signature" and "date" line for the Plan Commission President and Zoning Administrator to sign and date. The signature line for the Plan Commission President shall clearly state "Primary Plat Approval" and the signature line for the Zoning Administrator shall clearly state "Secondary Plat Approval." Once packaged it shall be reviewed by the Zoning Administrator to confirm consistency with what was approved. Once the Zoning Administrator confirms the package is fully consistent with what was approved he/she shall deliver it to the Plan Commission President for signature. Signature by the Plan Commission President formalizes and completes the Primary Plat approval process.
- f. Electronic Submittal: The final site plan shall also be submitted in .dwg file format (if available) for ease of archiving and use with the county GIS system.

Notices

Owner Name	Owner Address	Owner City/St/Zip
Clear Lake Yacht Club Inc	Po Box 668	Fremont, IN 46737
Clinrud Corporation	Po Box 10690	Fort Wayne, IN 46853
Gay Anthony L & Beth A H/W T/E	185 West Clear Lake Dr	FREMONT, IN 46737
Helmuth Matthew A Joseph J Helmuth & Heidi L Siek W/LE Leo L & Rita L Helmuth H/W	186 West Clear Lake Dr	Fremont, IN 46737
Oakwood Clear Lake LLC	601 Ash St	WINNETKA, IL 60093
Roethele Edward T 1/6 Int & Cynthia Anne c/o Cynthia Anne Roethele	10733 Country Wood Trail	Fort Wayne, IN 46845
King Steven James & Cindy Katz King H/W	184 West Clear Lake Dr	FREMONT, IN 46737
Daniel Jack E & Lorrie M H/W	11106 Dupont Oaks Blvd	FORT WAYNE, IN 46845
Johnson Cheryl L	180 West Clear Lake Dr	FREMONT, IN 46737
Momper Lisa K	4702 Wyndemere Ln	FORT WAYNE, IN 46835
Adjacent properties are highlighted in pink		

Parcels within 300ft Radius





Permit #: 2025-01

MINOR SUBDIVISION OF LAN APPLICATION

Request for Waiver

Town of Clear Lake, 111 Gecowets Drive, Fremont, IN 46737

Office: (260) 495-9158 **Mobile:** (260) 243-6701 **Email:** zoning@townofclearlake.org

Office Use Only

Findings

The Plan Commission shall make the following findings of fact. Approval of the findings may be in the form of a general statement. Disapproval of findings shall specify the provision of the Unified Development Ordinance or Town of Clear Lake Construction Standards with which there is not compliance or the manner in which the project is not consistent with the Town of Clear Lake Comprehensive Plan.

- ☐ The proposed waiver is consistent with the content and intent of the Town of Clear Lake Comprehensive Plan.
- ☐ The proposed waiver is consistent with the intent of the Town of Clear Lake Unified Development Ordinance.
- ☐ The proposed waiver will not cause notable loss to nearby property values.

Note specific provisions with which there is not compliance:

Final Action

If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve the request for waiver.

- ☐ Deny
- ☐ Approve

Signatures

Plan Commission President: _____

Date: _____

Zoning Administrator: _____

Date: _____

Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: Plan Commission Ad-hoc
Committee on UDO
Definitions for Primary
and Accessory Structures

UDO Change Log Number: 2024-04

Date: 10/01/2024

Revised:

UDO Revision Affected:

Change Status: Draft – Change Request

I. UDO Article Description: Definitions

UDO Article #: 11.02

UDO Page #: 11-25, 11-03, 11-10, 11-11, 11-12, 11-15

Change Category: Revision

Comp Plan Objectives: Policy 7.2, Objective 7.2.1

Ensure that existing and future Clear Lake property owners can move through the permitting procedure as quickly as possible while still protecting the interests of the Town.

Policy 2.1, Objective 2.1.2

Continue to review and modify, as necessary, land use regulations so that property values are protected and enhanced.

II. Description of Change:

Modify the definitions for Primary and Accessory Structures for clarity. Modify the definitions for Envelope, Front Yard, Envelope, Lake Yard, Envelope, Rear Yard, Envelope, Side Yard and Envelope, Street Yard, and Garage for consistency with the new structure definitions.

Basis for Change:

These changes remove inconsistency and ambiguity in UDO definitions for primary and accessory structures to make it clear under what conditions the current standards as written apply to a structure. The modified definitions allow for the application of the current UDO provisions without changing the plain meaning and intent of the UDO remaining consistent with current practice and historical interpretation of the UDO.

IV. Change Language (From, To):

Definition of Primary Structure (UDO page 11-25)

From:

Primary Structure: The structure in which the use of the lot or premises is located or conducted, with respect to residential uses, the primary structure shall be the main dwelling. An occupiable accessory structure, accessory dwelling, and commercial building shall always be considered a primary structure.

To:

Primary Structure: The structure in which the main or principal use of the lot or premises is located or conducted.

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Primary Structure, Residential: In zoning districts RE, SR, LR and MR, the primary structure shall be the main dwelling unit when a dwelling unit is present.

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Primary Structure, Non-Residential:

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In zoning districts CO, PR, IA, IS, LA and NC, the primary structure shall be the largest occupiable accessory structure, accessory structure, garage, or commercial building. In zoning district AG, the primary structure shall be the main dwelling unit when a dwelling unit is established.

Definition of Accessory Structure (UDO page 11-03)

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From:

Accessory Structure: A structure which:

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1. Is subordinate to a primary structure in area, intent, and/or purpose;
2. Contributes to the comfort, convenience, or necessity of occupants of the primary structure or primary use;
3. Does not alter or change the character of the premises;
4. Is located on the same lot as the primary structure or use;
5. Conforms to the setback, height, bulk, lot coverage, and other requirements of this Unified Development Ordinance unless otherwise provided for;
6. Is separate from a primary structure (see note below);
7. Is not designed for human occupancy as a dwelling or commercial use; and
8. In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary telecommunications tower, antenna, or other radio or cellular communications equipment.

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(Note: A roof, sidewalk, deck, unenclosed breezeway, enclosed breezeway without climate control, or the like connecting an accessory structure to a primary structure shall not result in the accessory structure being designated as a part of the primary structure.)

To:

Accessory Structure: A structure which:

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1. Is not designed or used as a dwelling or for commercial use;
2. Where a primary structure is present, is separate from and subordinate to the primary structure (see note below);
3. Conforms to the setback, height, bulk, lot coverage, and other requirements of this Unified Development Ordinance unless otherwise provided for;
4. In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary telecommunications tower, antenna, or other radio or cellular communications equipment.

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(Note: A roof, sidewalk, deck, unenclosed breezeway, enclosed breezeway without climate control, or the like connecting an accessory structure to a primary structure shall not result in the accessory structure being designated as a part of the primary structure.)

Definition of Accessory Structure, Occupiable (UDO page 11-03)

From:

Accessory Structure, Occupiable: An accessory structure used as a habitable space that is clearly complementary and incidental to a primary structure's use (e.g. recreation room, artist studio, woodworking shop or guest quarters). An occupiable accessory structure shall not include residential

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Unified Development Ordinance (UDO) Proposed Text Amendment

units, studio apartments, and businesses. An occupiable accessory structure may be combined with a storage-based accessory structure.

To:

Accessory Structure, Occupiable: An accessory structure used for various indoor activities (recreation room, artist studio, or woodworking shop, etc.). An occupiable accessory structure shall not include residential units, guest quarters, studio apartments, and businesses. An occupiable accessory structure may be combined with a storage-based accessory structure.

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Definitions of Envelope Yards (UDO pages 11-10, 11-11, 11-12)

From:

Envelope, Front Yard: The horizontal area from the front facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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To:

Envelope, Front Yard: The horizontal area from the front facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks.

From:

Envelope, Lake Yard: The horizontal area from the lake-facing facade of a primary structure to the applicable lake yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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To:

Envelope, Lake Yard: The horizontal area from the lake-facing facade of a primary structure to the applicable lake yard setback, extending to the applicable side yard setbacks.

From:

Envelope, Rear Yard: The horizontal area from the rear facade of a primary structure to the applicable rear yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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To:

Envelope, Rear Yard: The horizontal area from the rear facade of a primary structure to the applicable rear yard setback, extending to the applicable side yard setbacks.

From:

Envelope, Side Yard: The horizontal area from the side facade of a primary structure to the applicable side yard setback, extending to the street yard envelope (or front yard envelope) and lake yard envelope (or rear yard envelope). This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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To:

Envelope, Side Yard: The horizontal area from the side facade of a primary structure to the applicable side yard setback, extending to the street yard envelope (or front yard envelope) and lake yard envelope (or rear yard envelope).

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From:

Envelope, Street Yard: The horizontal area from the street-facing facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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To:

Envelope, Street Yard: The horizontal area from the street-facing facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks.

Definition of Garage (UDO page 11-15)

From:

Garage: An attached or detached structure whose primary use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments. A detached garage shall always be considered an accessory structure. An attached garage, a garage with an occupiable accessory structure, or a garage with an accessory dwelling shall always be considered part of a primary structure.

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To:

Garage: An attached or detached structure whose primary use is to house motor vehicles or personal property. A detached garage on a residential lot with a dwelling shall always be considered an accessory structure. A garage attached to a dwelling shall always be considered part of a primary structure.

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V. Summary of Public Comment:

5 in support. 4 listed no concerns.

VI. Plan Commission Recommendation:

Prepared By:

Date Codified

Summary / Review

Feed Back – UDO Change 2024-04

		Support	Oppose
Total	5	5	0

		% of Total	Comments
No Concerns	4	80%	
Undesirable Viewshed	0		
Harmful to Natural Resources	0		
Undue Strain on infrastructure	0		
Risk to Personal Safety	0		
Undesirable Development Density	0		
Undue Strain on Enforcement	0		
Undesirable Aesthetic Appeal	0		
Increased Population	0		

Comments:

"These changes simply clarify the application of the terms "primary structure" and "accessory structure" in the various zoning districts without altering the underlying intents of the UDO."

"This seems to incorporate all of the positive changes that have been in development for a long time. It will be nice to have clarity to the term occupiable structure. Hopefully we won't have to revisit this again as it applies to LA structures."

"Great to see further simplifying yet keeping the intent whole."

"I believe the recommended changes are beneficial to the clarity of the UDO. Thanks to all who worked on this change."

Change Process: UDO Architectural Standards

