

Culver Board of Zoning Appeals

Minutes: April 20, 2017 @ 6:30 P.M.

Dan Adams led the Pledge of Allegiance to our Flag.

The Culver Board of Zoning Appeals met in a called session with the following in attendance; Dan Adams President, Bill Harris Vice-President, John Helpfrey Secretary, Margaret Dehne, Patrick Jensen, Board Members and Chuck Dewitt Building Commissioner.

Motion to approve the November 17,2016 minutes was approved unanimously 5-0.

**BZA Petition 2017-001B:** Thomas Rouse for the property located at 870 West Shore Drive, to request a Development Standard Variance to allow an East front yard setback of 19 feet from the required 25 feet from the normal high water mark of Lake Maxinkuckee to construct a deck. Prior to tonight's meeting Mr. Rouse formally withdrew this petition.

**BZA Petition 2017-002B:** James E. Easterday, Attorney on behalf of Dealer Acquisition Services LLC to approve a Development Standard Variance for the property located at 1030 South Shore Drive to build a primary residence with a height of 43 feet 8 inches (to top of weather vane) from the required 35 feet.

Mr. Easterday explained that the height variance request was for a roof top cupola with a weather vane to accommodate the overall look and design of this structure. In fact, the plans call for three cupolas with weather vanes at various heights and two fireplace chimneys'. He stated that the actual ridge line of the roof height from natural or pre-existing grade complies with the 35-foot requirement.

The board asked several questions regarding dimensions of the cupola, chimney height, lot size and square footage of the residence. The Architect, Mr. Gary Nance provided the following; cupola 4ft 6 inches wide, chimney 5ft 6 inches above ridge line, main floor 4,261 Square feet second floor 2,638 Square feet. A question arose regarding Chimney height. Mr. Dewitt responded with the county ordinance language and Mr. Mason who was in the audience and asked to respond, stated that Culver never included the chimney in the roof height requirement.

Mr. Easterday retrieved the following lot size from the internet, 210 ft. by 175 ft. which amounts to 36,750 Sq. ft. He also added that the location of this property provides a height differential of 18 feet between the public road to the south and grade level. Mr. Helpfrey suggested that his inspection of the property revealed that the difference may be more like 10 to 12 feet, which was not disputed. Mr. Easterday also stated that there is the existence of a very high water table which is making it necessary to raise the floor level a minimum of 2' 6". Mr. Nance claimed that the increased floor level height would not adversely affect the roof height ordinance. This statement was questioned and found to be in error. Due to the change in floor height, the actual ridge line height would now be 36' 6". When the Board suggested the need for another variance request addressing this issue, Mr. Easterday responded by suggesting that it would not be necessary, since the original height variance request of 8 feet would cover it. Mr. Mason stated that other water table problems in the area have been resolved without raising the structure height above the required 35 feet, by de-watering the property with the appropriate equipment. Mr. Nance stated that raising the height of this structure was recommended by their Engineering firm as the best way to correct the problem over the long run.

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Mr. Adams requested comments from the Board. Mr. Harris stated that cupolas and weather vanes do not meet the Hardship definition so he would not be supportive. He also felt that the increased roof height requires a new publicly posted variance request. Mr. Helphrey agreed and added that a smaller structure could be considered. Mr. Jensen agreed and suggested that the roof and cupolas could be made to conform with the height requirement. Mrs. Dehne and Mr. Adams echoed the first three Board member's opinions.

Mr. Nance was disappointed in the Boards comments, he was hoping to get the project started. He was looking for some assurance that the Board would at least approve the 1'6" roof increase if he went through the process of submitting a new variance request. Mr. Adams stated, no assurances or opinions would be provided. Mr. Easterday requested the board table this request for the next meeting in May, Mr. Adams agreed.

Old Business: It appears that a residence under construction at 1346 East Shore Dr. may have a visibility issue due to the construction of a perimeter fence and wall. Mr. Dewitt and the Town Mgr. Mr. Leist, who was also at tonight's meeting would follow up.

New Business: None


Building Commissioner's Report: Not at this time.

Meeting Adjourned @ 7: 25 P.M.

Minutes Submitted by: Mr. John Helphrey


Minutes Approved by:

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Dan Adams

  
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Bill Harris

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John Helphrey

  
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Margaret Dehne

  
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Patrick Jensen