

Culver Board of Zoning Appeals

Minutes: July 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 Helphrey Secretary, Patrick Jensen, and Chuck Dewitt, Building Commissioner. Margaret Dehne was absent.

Motion to approve the May 18, 2017 minutes passed unanimously 4-0.

BZA Petition No. 2017-004B: Thomas and Mary Rouse, 870 W Shore Drive to approve a standard variance to allow an east front yard setback of 21 feet from the required 25 feet from the normal high water mark of Lake Maxinkuckee to construct a 180 Square Foot deck.

Both Mary and Thomas attended tonight's meeting. Thomas explained that their family has been enjoying Lake Max since the 1960s. They were able to purchase this property in 2011 and have done extensive remodeling since. The property is located on a steep hill with stair access to their pier. They do have a small open porch lakeside, with a very narrow patio. Their intent was to build a deck over the low evergreen bushes facing the lake, that would allow them to entertain family and friend's while enjoying a more panoramic view of the lake while keeping green space. After reviewing plans, they decided the deck would be too large and too intrusive to the neighbors. They decided to withdraw their petition before the hearing and rethink the situation. They recently submitted a much smaller revised plan with the following dimensions; 14 ft. X 15 ft. X 9 ft. The deck would keep a large tree in place while still accommodating the view they would like to have of the lake. The deck would be made out of composite material with cable railing.

Questions from the Board related to the 50 % green space rule and what is the "Hardship" that would allow the Board to approve the variance. John Helphrey expressed concern that the size of this deck was more of a convenience than a Hardship and the family does have other options for a lake view. At this point Chuck Dewitt suggested that the Rouse's amend their request from 21 feet to 23 feet from the high water mark measured from two feet east of the east side of the above mentioned tree. Mr. Dewitt believed this to be a truer measurement. He also provided slide pictures of the property and location of the proposed deck. More discussion followed with Bill Harris maintaining his opinion that their request did not meet the "Hardship" definition even though they were now asking for two feet instead of four. Dan Adams stated that he was impressed with their new plan and their willingness to accommodate all areas of concern. Pat Jensen asked about the number of stairs that provide access to the lake, Thomas responded that there are 14. After Mary Rouse related that she has had two hip replacements and other medical problems that make stairs extremely difficult for her to navigate, John Helphrey stated his change of opinion.

Since no neighbors attended and there were no other questions, Mr. Adams asked for a vote which resulted in a three to one approval for the amended variance request. Mr. Harris voted no. Later a letter from Rosemary Miller of 866 West Shore Drive was discovered and entered into the record. The letter stated the Millers positive view of this project.

Old Business: Mr. Helphrey asked Mr. Dewitt if he had recently checked the height measurement of the Irsay project at 944 So. Shore for compliance of their approved Variance petition 2016-003B. He confirmed he had and the new construction was in compliance.

New Business: Mr. Dewitt stated there will be at least one variance request for the August meeting. Mr. Jensen offered that he will not be able to attend that meeting.

Building Commissioners Report: Mr. Dewitt provided the Board with his detailed report showing permits issued and fees collected as of June 30,2017

Meeting adjourned @ 7:21

John Helphrey, Secretary

Dan Adams

Bill Harris

John Helphrey

Patrick Jensen