

Culver Board of Zoning Appeals

Minutes: February 20, 2020

Dan Adams called the meeting to order and led in the Pledge of Allegiance.

The Culver Board of Zoning Appeals met in session with the following in attendance; Dan Adams, President; Barry McManaway, Vice President; Leigh Marshall, Secretary; JD Uebler, Dan Osborn and Building Commissioner Chuck DeWitt.

Mr. Adams moved to approve the minutes of 12/19/19. The minutes were approved and signed.

The Board was reorganized to include new member, JD Uebler. Mr. Adams was reelected as President, Barry McManaway was nominated and elected to replace Pat Jensen as Vice President, Leigh Marshall was reelected as Secretary.

2020-001B: A petition filed by Thomas Burnworth on behalf of Jarrod and Erin Hirschfeld for the property located at 1022 Academy Road Marshall County Parcel ID 502116000062000013 to request a variance of development standard to allow for a second dwelling unit on a single parcel. The second dwelling unit is proposed as a renovation of an existing detached garage to include finished living space consisting of a bedroom and bathroom facilities.

The Hirschfelds were represented at the meeting by Tom Burnworth of Milestone Construction, 211 East Palm Drive, Syracuse, IN, 46567 and Kevin Buccellato, of Buccellato, LLC, 526 East LaSalle Avenue, South Bend, IN, 46617.

The Board was split on the acceptability of the project and voted 3 to 2 to deny the variance.

Old Business:

Mr. DeWitt had asked two parties to attend the meeting to openly address a continuing conflict/misunderstanding on the east side of the lake. Apparently, a 2018 variance granted to the Kemmlers at 1394 East Shore Dr. in Culver was interpreted by their neighbors, the Smiths, as retaining an existing shared sidewalk.

This interpretation by the Smiths was complicated by the properties not being surveyed for as much as 50 years so the "new" property lines were upsetting to them. The Kemmlers' property has now been surveyed three times since their purchase, there is no easement granting the Smiths a shared sidewalk, and there

was no evidence from previous BZA notes that an easement or shared sidewalk was a part of any variance.

Mr. DeWitt suggested that the Smiths move a flower garden to create the room for a sidewalk and that there is indeed room to do so. Mr. McManaway additionally pointed out that despite previous neighbors' longstanding agreements, those agreements do not change property lines.

The Smiths may decide to obtain another survey to confirm the property lines and to assure they still have the correct amount of lake front.

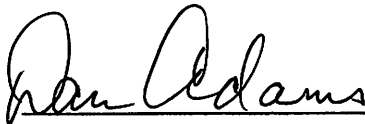
After the conversation regarding the east side properties, Mr. McManaway asked to discuss the requirements regarding accessory structures in a front yard. He was confirming changes made to the ordinance as he was working on a relevant issue in a Technical Review Committee. Former Building Commissioner, Russ Mason, was in the audience and contributed additional helpful history as to the evolution of the ordinance.

New Business:

None.

The meeting adjourned at 8:12PM.

Submitted by Leigh Marshall



Dan Adams

JD Uebler

Leigh Marshall

Barry McManaway

Dan Osborn