

Culver Board of Zoning Appeals

Minutes: April 16, 2020

Due to the Covid-19 restrictions, the Culver Board of Zoning Appeals met via Microsoft Teams or through a conference call number for those without internet access. Dan Adams, Chuck DeWitt, and Jonathon Leist were physically present at Town Hall.

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, Building Commissioner Chuck DeWitt, and Town Manager, Jonathon Leist.

There was a motion to approve the minutes of 2/20/20. The minutes were approved and signed by Mr. Adams. The other members will sign at a later date.

2020-002B: A petition filed by Dean and Sara Jones for the property located at 416 Harding Court, Marshall County Parcel ID 502116302327001014 to request a variance of development standard to allow for a north side yard setback of 1.7 feet and a south side yard setback of 2.9 feet from the required 10 feet, and a rear yard setback of 7.6 feet from the required 25 feet to allow for a continuation of the existing setbacks for a home addition on a non-conforming structure.

Both Dean and Sara Jones joined through Microsoft Teams and presented.

Chuck DeWitt read an email from Kevin Berger, Easterday Construction, Culver, citing several concerns about the project. Jackie Hatcher, a neighbor from 415 State St., joined via telephone to express her concerns regarding how close the new structure would be to her house.

The comments of the Board were unanimous in that all agreed the new structure would extend the non-compliance of the existing house to a large degree. The Joneses chose to table the petition and revisit the design.

2020-003B: A petition filed by Anthony and Kimberly Kerns for the property located at 215 N Lakeview Street, Marshall County Parcel ID 502116303073000014 to request a variance of development standard to allow for a north side yard setback of 3 feet from the required 10 feet and an east front yard setback of 8 feet from the required 25 feet to allow for the demolition of the existing home and the construction of a new 1,542 square foot single family home.

Both Kimberly and Anthony Kerns joined through Microsoft Teams and presented.

The Kerns' vacation home is becoming their permanent home. They want to keep their current detached garage for extra storage but will build a home that includes a new attached two-car garage.

Scott Mansfield, their neighbor at 222 Lakeview, commented on the town's required setbacks saying that by actually enforcing the new house to move back farther, it would not fit as well with the older homes. He thought allowing the smaller setback would keep the new home more in feeling with the rest of the neighborhood.

As with the previous petition, the Board was again unanimous in its concerns regarding the setbacks. Mr. McManaway said that the Comprehensive Plan, which includes making new construction more, not less, compliant, was not being met. Mr. DeWitt also added that with the demolition of the existing garage, the house could sit 10' from the south side, 8' from the north side and 12-15' off the street.

The Kerns decided to table their petition and present again at the May meeting.

Old Business:

Paul Smith joined the meeting via telephone to address ongoing concerns between two parties on East Shore Drive. Mr. Smith was representing his parents who live at 1380 East Shore Drive. The Smiths believe they had an understanding with the town that the Kemmlers, new owners of 1384 East Shore Drive, would continue to maintain a shared sidewalk between the two homes.

Mr. Adams explained that he had reread the minutes of the variance granted to the Kemmlers and there was no variance regarding a shared sidewalk, only a variance to combine several lots into one.

Paul Smith responded that this was "hard to swallow", that they had correspondence from Chuck DeWitt and Jonathon Leist which led them to believe there was an agreement to keep the sidewalk. He said they had thought they were doing the right thing, had looked for guidance, and they now had no use of their south side yard. Mr. Smith said that even the Kemmlers had told them there would be no fence and the sidewalk would remain.

Mr. McManaway added that an agreement about a shared sidewalk would not be within the authority of either the Planning Commission or the BZA. Mr. Adams reiterated there was nothing BZA could do.

New Business:

Mr. McManaway shared a concern that new home construction projects were always asking for variances. His thought was new construction would and should be covered by the town's setback requirements and therefore should not require variances. He thought the Planning Commission should address this.

Mr. DeWitt shared that there is quite a bit of construction happening in Culver, everything from new homes to additions, and that there are no signs that it will be slowing down.

The meeting adjourned at 8:08PM.

Submitted by Leigh Marshall

Dan Adams

JD Uebler

Leigh Marshall

Barry McManaway

Dan Osborn