

Culver Board of Zoning Appeals

Minutes: June 18, 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 and Chuck DeWitt 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; Dan Osborn, JD Uebler, and Building Commissioner Chuck DeWitt. A motion was made to approve the minutes of 5/21/20. The minutes were approved and signed by Mr. Adams. The other members will sign at a later date.

2020-002B: This petition had been tabled at the April 16 2020 meeting. The original petition, filed by Dean and Sara Jones, was 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.

Mr. Jones explained that he and his wife had made changes to their previous petition and design. Their single variance request now was for a rear yard setback of 7.6 feet from 25 ft. to allow for the continuation of the existing rear yard setback. This would also allow them to remove a crumbling set of stairs that were useless.

Mr. Dewitt added that he had visited the property and the stairs indeed needed to be removed.

The new petition, as amended, was passed unanimously.

Mr. Adams signed the Findings of Fact. The others will sign at a later date.

2020-006B-60278: A petition filed by James Easterday, Attorney, on behalf of Patricia L. Skrinak, to approve a Development Standard Variance to allow construction of a deck in the side yard with a setback of .8ft. from the required 25ft and 55.479% impervious coverage from the required 50% on a lot owned by the applicant. The address of the property is 525 East Lakeshore Drive, Culver, Indiana,

46511.

Mr. Easterday presented for the applicant. He stated that the property was the "epitome of a non-standard lot". The owners are in the process of renovating the house and want to replace the stairs on the property with a continuous deck.

The main concerns expressed by the board members were for the height and width of the deck. They also asked that the existing pavers under the planned area for the deck be removed.

The suggestion was that the deck be no more than 30" high and no more than 7ft. deep inclusive of its stairs. The Skrinaks appeared by phone and said they would accept those changes.

Patty Stallings, 506 East Shore Dr. is a neighbor who lives across the street (East Shore) from the property and spoke in support of the variance. She shared that most people who walk through the area use the crosswalk and therefore do not crowd the street at that intersection. She also said the address is on a portion of the road that is a dead end so most people do not enter the park near the address. She pointed out that a property at the end of the street actually prevents anyone from walking through as they have a patio blocking any through traffic.

The variance was amended to require a deck of no more than 30" high by 7ft. wide including the stairs and removal of the existing pavers under the deck area. The variance passed by a 4 to 1 vote.

Mr. Adams signed the Findings of Fact. The others will sign at a later date.

Old Business:

Mr. McManaway shared that the Plan Commission had begun to discuss Mr. Uebler's request regarding the definition of L-1 front yard structures. He stated there were mixed reviews at their meeting as everyone seemed confused about the ordinance. He added that Russ Mason had attended the meeting as well and they were all working on a clarification.

Kevin Berger, Easterday Construction, 402 N Slate St, Culver, IN 46511, asked to address an issue with his neighbor's fence. The fence, next to Mr. Berger's home address, had not been properly built as per town ordinance and town attorney, Jim Clevenger, had sent a letter with no response. Mr. Berger noted the property was now for sale and it might be a good time to see that the fence is corrected.

Mr. DeWitt said he would contact the listing realtor to make sure there would be a disclosure in the sales contract so that moving the fence would be a requirement

prior to any closing. He also noted the house itself had never actually received a final Certificate of Occupancy.

New Business:

Mr. DeWitt shared that there is tremendous activity around the lake in renovating what he termed "fill in" houses. He said that the renovation of many of the smaller homes was something new.

Mr. DeWitt also updated the information on the ongoing litigation with Mr. Van Hawk. Mr. Van Hawk's 27 Group is apparently suing Culver for \$2.4MM to recover the cost of motorcycles and a camper that Mr. Van Hawk claims to have lost in the fire on his property.

Ms. Marshall informed the group she would not be present at the July BZA meeting. Mr. Uebler volunteered to take the minutes in her absence.

The meeting adjourned at 7:41PM.

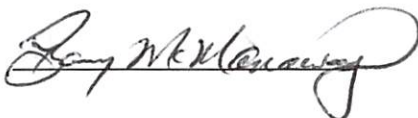
Submitted by Leigh Marshall



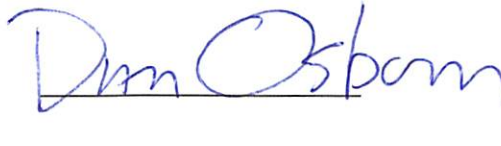
Dan Adams

JD Uebler

Leigh Marshall



Barry McManaway



Dan Osborn