

Culver Board of Zoning Appeals

Minutes: July 16, 2020

Due to the Covid-19 restrictions, a portion of the Culver Board of Zoning Appeals met via Microsoft Teams or through a conference call number for those without internet access. Culver Union Township Public Library, 107 N. Main Street, hosted the remaining Board members and a limited number of public patrons due to the social distancing requirements. Dan Adams, Barry McManaway, Dan Osborn, and Chuck DeWitt were physically present at the library.

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; J.D. Uebler acting Secretary; Dan Osborn, and Building Commissioner Chuck DeWitt. A motion was made to approve the minutes of 6/18/20. The minutes were approved and signed by Mr. Adams and present Board members.

2020-007B: A petition filed by Mr. Kevin Berger on behalf of Jerry Ryan, to request a Development Standard Variance for front yard (lake side) setback in the L-1 district from the required line of sight setback on adjoining properties to 27 feet from the shoreline and a south yard setback of 3 feet 6 inches from the required 10 feet on a non-conforming lot of record owned by Mr. Ryan. The address of the property is 910 West Shore Drive, Culver, Indiana 46511, Marshall County Parcel ID #502121000094000013.

Both Mr. Berger and Mr. Ryan presented the petition.

Mr. Berger and Mr. Ryan presented the need for the variance because of the tightness of the property and that in normal circumstances it would be unbuildable due to the property not meeting current setbacks. They explained that they were looking to create a deck above the walk out basement, covering the existing walk out space. The proposed deck and basement walk out area would be covered with a slat screen on the north side to create privacy, wind protection, and storage.

Mr. McManaway and Mr. Osborn shared concern over the lack of an official survey. Mr. DeWitt suggested that he thought the side yard variance was reasonable and that the angles on the deck were created appropriately.

Mr. John Crist, 918 West Shore, spoke during the public input to voice his disagreement of the proposed sightline variance, citing that the line of sight from his property would be impaired significantly due to the slat screen covering over the elevated deck.

At the suggestion of Mr. Osborn, Mr. Berger and Mr. Ryan proposed an addendum to include a plexi-glass or wire ballister and the reduction of 2 feet of the length of the depth of the deck from the house. After some discussion, the proposed addendum was removed, and Mr. Berger asked the Board to vote in the original petition.

The petition was passed unanimously.

Mr. Adams and the present Board members signed the Findings of Fact. Mr. Uebler will sign at a later date.

2020-008B: A petition filed by Mr. James Smith, to request a Development Standard Variance for a rear yard setback from the required 25 feet from the alley (to meet visibility requirements) to 14 feet. The address of the property is 433 North Lakeview Street, Culver, Indiana 46511, Marshall County Parcel ID #502116301287000014.

Mr. Smith presented the petition. He wants to place a 12 x 16 shed on the northwest portion of the property. The 16' length would be positioned east/west. The property is at an intersection of a north/south alley and east/west alley, and he shared that his garage was built inside the 25-foot required setback toward the alley like most of the structures adjacent to the alley. This variance would allow him to align his shed with his garage, and it would allow him to keep the front of the shed from his back door of the house.

Mr. DeWitt suggested that the Planning Commission was to take up this issue of applying a rear setback when an alley is a part of the rear of the property, suggesting that a variance would no longer be needed in this instance.

The petition was passed unanimously.

Mr. Adams and the present Board members signed the Findings of Fact. Mr. Uebler will sign at a later date.

Old Business:

There was no old business presented.

New Business:

Mr. DeWitt shared that there would be an August meeting as at least two new petitions have been filed. There was no other formal new business introduced at this time.

The meeting adjourned at 7:57 PM.

Submitted by J.D. Uebler

Dan Adams

Dan Adams

JD Uebler

Leigh Marshall

Barry McManaway

Barry McManaway

Dan Osborn

Dan Osborn