



## Culver Planning Commission Meeting Minutes

June 16, 2020

### Summary of Council Actions:

Items	Motion Made By	Seconded	Vote (For – Against - Abstained)
Motion to approve the February 2020 minutes.	Mr. Gut	Mr. Peterson	7 – 0 – 0 Approved
Motion to Adjourn	Mr. Bean	Mr. Gut	7 – 0 – 0 Approved

#### 1. Call to Order

President Barry McManaway called to order a regularly scheduled meeting of the Culver Planning Commission at 6:30 PM on June 16, 2020, via Microsoft Teams. Due to the Covid-19 pandemic, this was the first Plan Commission meeting since February and was conducted remotely via Microsoft Teams as the meeting room at Town Hall is not configured to allow for appropriate social distancing.

#### 2. Roll Call

Mr. Fox conducted roll call. The following members were present: Barry McManaway, Pete Peterson, Chester Gut, Wayne Bean, Dan Osborn, Joel Samuelson, Don Fox, and Building Commissioner Chuck DeWitt. Prior to the meeting, Marty Oosterbaan submitted his resignation from the Commission.

#### 3. Pledge of Allegiance

Led by Mr. McManaway

#### 4. Approval of February 2020 Minutes.

Mr. Gut moved to approve the minutes. Mr. Peterson seconded. The motion was approved 7-0-0.

#### 5. Old and New Business

## 5.1 Unsafe Buildings Report

Mr. DeWitt informed the Commission that the house on Ohio Street has been torn down. There is an outstanding issue as to foundation and whether the owner will be allowed to build on the old foundation. Mr. DeWitt has not yet inspected the foundation

The house at 709 Obispo is still an issue Mr. DeWitt reported that the new owner, Kathy Russell, has not made any progress on that property.

Mr. Hopple will be appearing before the Unsafe Building Committee on June 25<sup>th</sup> to explain why there has not been progress made in cleaning up his property.

Mr. Osborn asked about the Botsma property at the corner of West Jefferson and highway 17. Mr. DeWitt says it looks bad on the outside, but it appears to be safe. Mr. McManaway questioned whether having a tarp held on the roof with cinderblocks is in fact an unsafe condition. Mr. DeWitt has not been able to get access to the interior.

## 5.2 New Business

**Accessory Structures in L-1 District.** There was a discussion carried over from the February meeting involving Accessory Structures in the front yards (Lake side) on L1 properties. Mr. DeWitt asked for clarification on the Commission's intent on this section of the Ordinance at page 83. The pertinent section reads:

*"In L-1 Lake Residential Districts, one accessory structure normally associated with lake front usage, shall be permitted within the required front yard setback area [25 feet from the Lake.] Such structure shall not exceed 250 square feet and not exceed 2 ½ feet (30 inches) in height."*

Mr. Leist said the height restriction (30") for structures within the 25' setback was included in the ordinance to preserve Lake views. Mr. McManaway shared an example of a recent BZA case where the BZA determined a structure exceeding that height did not require a variance because it was not within the 25' setback. Mr. Gut asked if the 30" height restriction was measured from the existing grade. Mr. DeWitt said, yes. This means that on lots with sufficient elevation above the Lake, an accessory structure could be partially buried into the hillside within the 25' setback so long as the peak of its roof was not more than 30" above the surrounding grade.

Mr. Russ Mason, member of the public and former building commissioner, asked about a hypothetical gazebo as he used to have one when he lived on the Lake. The ordinance language seems to preclude such a structure, which may otherwise be up to 16' tall, if it is within the 25' setback.

Mr. Fox suggested adding an example to language on page 83 of the ordinance to clarify what is and what is not permitted as far as height is concerned within and

outside of the front yard setback. This might take the form of the hypothetical posed by Mr. Mason. There seemed to be some consensus that this could resolve the issue. Mr. McManaway asked the members to consider this further and tabled this discussion until the next meeting.

**Residential Rear Yard Setbacks.** There was a subsequent discussion of residential rear yard setback requirements. All zones except S1 have a 25' rear yard setback. Mr. McManaway recalls this being 10' in the past. Mr. Mason, the former building commissioner recalled that the previous practice was to apply 25' to the main residences and 10' to an accessory structure such as a garage or storage shed. Mr. Leist agreed with Mr. Mason's interpretation.

Mr. DeWitt noted that at next months BZA there will be a case involving an L1 property for a variance from 25' rear yard setback to 14' setback.

Mr. Peterson recommended clarifying the language on page 26 of the ordinance to clarify that the 25' setback applies to the main structure and the 10' setback applies to any accessory structures. Mr. Leist suggested this should be cleaned up in other sections as well e.g. R-2 and elsewhere.

**Garages with Living Quarters Above Them.** Mr. DeWitt expressed some concerns about large "garages" with living quarters above them that are becoming more common on parcels located across the road from the Lake. In permitting these structures as R-1 single family residences, Mr. DeWitt holds these owners to the requirement of having at least 950 square feet of living space on the second floor.

Mr. Leist noted that most of the situations on the West Shore where these structures have gone up or are under construction did not require variances because there are two separate parcels of land even though they are owned by the same owners.

## **6. Building Commissioners Report**

Mr. DeWitt reported that in 2019 Marshall County had the most building permits in its history and the largest dollar valuation of permits ever issued. Culver was a big part of that. The first quarter of 2020 was 18% higher than the first quarter of 2019. Mr. DeWitt does not have second quarter data yet. He will have this available at the next meeting. His sense is that Culver has not cooled down. He gets two to three calls a day from people who are looking at properties off of the Lake with questions about what they could do with those properties.

Mr. Leist let everyone know that Mr. Oosterbaan has submitted his resignation from the Commission to focus on his health. The position is for nearly the full four year term as Mr. Oosterbaan was reappointed in January and is reserved for a non-Republican living within the Town limits. The appointment is made by the Town Council President. He hopes to have the position filled by the July Plan Commission meeting. He also noted that the July Town Council meeting is planned to be in person and is scheduled to be held in the Beach Lodge for safe distancing.

**7. Citizen Input**

Except as otherwise noted, there was no citizen input.

**8. Commission Member Concerns and Input**

Mr. McManaway praised Mr. Oosterbaan’s many contributions to the Commission and his fresh perspective on issues coming before the Commission. All the other members thanked Mr. Oosterbaan for his contributions as well.

9. **Motion to Adjourn.** Mr. Bean moved to adjourn. Mr. Gut seconded. The motion was approved 7 – 0 – 0. The meeting adjourned at 7:33 PM.

Minutes approved by:

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Barry McManaway

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Pete Peterson

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Chester Gut

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Wayne Bean

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Don Fox

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Dan Osborn

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Joel Samuelson