

Culver Board of Zoning Appeals

Minutes: September 17, 2020

Due to the Covid-19 restrictions, the Culver Board of Zoning Appeals met in the Culver Beach Lodge to allow for social distancing. There was also an option to join through Microsoft Teams or through a conference call number for those without internet access.

Jonathan Leist, Town Manager, explained a “glitch” in the numbering for the most recent variance requests. In an email to the Board, he wrote “We received a third application and had it processed and had already assigned a case number (2020-12 B), and the petitioner asked for it to be tabled until October. The petitioner is Patrick Jensen on behalf of Ted & Shirley Beveridge at 430 N Forest Place. So if you are wondering we are skipping over case # 2020-012 B, that is why. Also, we are still having some issues with the county numbering system for the cases, so the 2020-013B case is numbered differently in their system on the application. “

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. Mr. Uebler originally joined through Microsoft Teams, but then decided to physically join the meeting due to audio problems.

A motion was made to approve the minutes of 8/20/20. Mr. McManaway pointed out that the petition 2020-0011B from those notes contained an error. The petition filed by Kenneth and Janna VanDePutte was to request a development standard variance for a west rear yard setback of 8 feet from the required **10 feet** for an addition to an existing accessory structure rather than 25 feet as stated in the notes. The address of the property is 17101 SR 17, Culver, Indiana, 46511, Marshall County Parcel ID#502116000080000013.

With the correction, the minutes were approved and signed.

2020-013B: A petition filed by Vanadco Signs on behalf of Culver Reservations LLC to request a development standard variance to allow for the construction of a 11’6” by 2’ wide sign to extend over the public right of way (sidewalk). The address of the

property is 113 South Main Street, Culver, Indiana, 46511, Marshall County Parcel ID # 502116303006000014.

Mr. Tim Overmeyer of Vanadco Signs, 10625 IN-10, Argos, IN 46501 attended the meeting and presented. He explained the new sign would be similar to the existing Lakehouse Grill sign. The only portion of the sign to illuminate will be the "Café Max" wording.

The petition was passed unanimously.

2020-014B (2020-B-66069): A petition filed by Tarah Shook on behalf of Donald and Anna Neher to request a special use variance to allow for the use of a commercial retail food concession stand (food truck) in a R-1 (residential) zoning district. The address of the property is 504 West Mill Street, Culver, Indiana, 46511, Marshall County Parcel ID # 502120202933000014.

Tarah Shook, Co Rd 790 N, Monterey, Indiana, was present and spoke to the Board. She explained that she and her husband had purchased a food truck and the truck, a full service mobile trailer, had been certified by the Marshall County Board of Health. They had placed the trailer in her parents (Donald and Anna Neher) yard, but do not intend to leave it there full time. They may attend festivals and may sometimes have the truck at their house in Monterey. The truck is open Tuesday through Friday and sometimes on Saturday. It serves one item each day and is open from 10:30am to approximately 5:00pm The intent is to have an affordable lunch for the local workforce. They specifically target the people at ACPI.

Ms. Shook explained the difficulty of finding information regarding food truck regulations and said she had received conflicting information from various sources. She also said she had received no notice of the BZA meeting. She gave eight letters of support from the surrounding neighbors and businesses...Tanya Sage, Kiley and Roderick Schmidt, and Jerry and Debbie Carlson, all on Clymax St, in Culver. Mike Grover, Jr., Sherry Lowry, and Lori and Kyle Elliot on White St. in Culver, Keith Barrow, the plant manager for ACPI, 515 West Mill St., Culver and Glen Bailey, the owner of Portside Marina, 514 West Mill in Culver.

The Board agreed there was no real guidance in the Culver statutes regarding food trucks. Most of the Board's questions centered on safety, trash collection, parking, and liability. Ms. Shook was also asked if she intended to have tables and she responded that she did not.

Ms. Barbara Winters, 11 Fleet Parkway, Culver, Indiana, spoke in support of Ms.

Shook. She had worked with Ms. Shook through Lift, a local non-profit that focuses on helping and coaching young women in the area. Ms. Winters said she held Ms. Shook in high regard and considered her a true entrepreneur.

The Board passed the variance 4 to 1, but added stipulations. The Shook Shack food truck could only be granted a special use variance for the specific address under which it had applied, 504 W. Mill St, Culver. It could not move the truck elsewhere in town to another residential spot. In addition, Ms. Shook was given the variance through October 31, 2021. This would allow for the Planning Commission to address the regulations for food trucks in Culver and would also allow Ms. Shook time to consider other options for placement of the truck. Portside Marina and ACPI were mentioned as possible commercial locations for the truck.

Old Business:

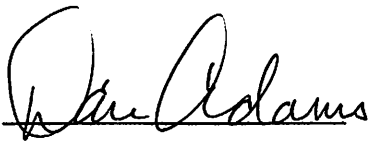
Mr. Dewitt shared that a potential variance situation had been resolved for a lake property on the west side. Through the combination of five lots and an agreement to go back to the original easement for a county road through the property, there would be no need for variances for building over a property line.

New Business:

There was no new business.

The meeting adjourned at 8:13PM.

Submitted by Leigh Marshall




Dan Adams

JD Uebler



Leigh Marshall



Barry McManaway

Dan Osborn