

## **Culver Board of Zoning Appeals**

**Minutes: October 15, 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.

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 (through Microsoft Teams), and Building Commissioner Chuck DeWitt.

A motion was made to approve the minutes of 9/17/20. The minutes were approved and signed.

Due to technical difficulties, the meeting began in somewhat reverse order by addressing a "new business" issue until all who wanted to join the meeting through Microsoft Teams could be included and heard.

### **New Business:**

Mr. Kevin Berger, Easterday Construction, 402 N. Slate St., Culver, IN, 46511 addressed the Board and suggested he be allowed to build one and perhaps, two, bus stops in the Sand Hill Development. He said there were a number of children among the new families in the development and they would likely be picked up by buses to attend school. Mr. Berger said he had informed the Town Council and they had supported the idea, but the bus stops were not part of the original permit and he wondered if there might be an issue. Mr. DeWitt informed him there would be no requirement for a new building permit and Mr. Berger could add the bus stops.

**2020-015B (2020-B-67422):** A petition filed by Mr. James Easterday, Attorney on behalf of Kim Cook to approve a variance of development standards to allow for construction of a residence with front yard setback of 20 feet and rear yard setback of 3.5 feet from ordinance requirements of 25 feet. The address of the property is approximately 590 West Shore Dr., Culver, IN, 46511 (address not assigned).

Mr. Easterday was present as was Mr. Dave Kizer, architect of Kizer Architects, 3411 Oak Road, Plymouth, IN, 46563. Both spoke to the Board. Kim Cook and her husband, Daniel, were in the audience. Mr. Easterday explained that the lot

encompassed what was the old marina in Culver and there was a remaining retaining wall on the road side. In addition, the property owners owned an easement to the center of the road. The easement allows the public to drive on the road, the road is maintained by the county, but the easement is non-buildable.

There was extensive discussion of the challenges of the lot.

Emily King, 1815 West Shore Circle asked about an additional entrance to the lot. She explained there was a 35-year-old easement given by her mother that had allowed some limited lake access through the lot (e.g., Gary Shafer uses the easement to remove boat lifts), but with a permanent house and a garage, the easement would now be used quite frequently. Mr. Easterday responded that he would confirm the easement, speak to Emily King, and make sure the easement remained accessible to all parties and was kept in good condition.

Diane Osborn, 18171 West Shore Circle asked about how the lot was determined to be a buildable lot as she thought it had been classified as unbuildable. She also asked if there would be anything blocking the public from the south side of the easement.

Mr. Osborn (BZA member) made a motion to allow a setback of 13.5 feet from the lake and a setback of 10 feet from the road. The motion was seconded by Ms. Marshall. The other members of the Board voted against the motion. Mr. Adams suggested that the lot was, in fact, unbuildable. The request was tabled by Mr. Easterday until there could be further discussion with Mr. and Mrs. Cook.

**2020-016B (2020-B-67354):** A petition filed by Gregory and Alyssa Burns to request a variance of development standard for a north side yard setback of 1 foot from the required 10 feet, a front yard setback of 20 feet from the required 25 feet, and for a maximum impervious surface of 58% from the standard of 50%. The variance requested is for the purpose of constructing an 8 foot by 28 foot front porch in the R-1 district. The address of the property is 311 N. State Street, Culver, IN, 46511, Marshall County Parcel ID #502116304102000014.

Both Gregory and Alyssa Burns were present and spoke to the Board. The variance was passed 4-1 with a requirement that the porch be 7 feet rather than 8 feet deep.

**2020-017B (2020-B-67079):** A petition filed by Vernon Chmielewski to request a variance of development standards for the expansion of a non-conforming structure and non-conforming use for an accessory structure (garage) with no primary structure on the same lot of record in the S-1 district. The variance requested is for

the purpose of increasing the height of the current accessory structure at the site to 16 feet 9 inches along the same foundation lines to allow for additional vehicle storage on a lot with no primary structure. The property currently does not have an address but is located between 18610 SR10 and 18600 SR 10, Culver, IN 46511 and is Marshall County Parcel ID #502116000181000013.

Mr. Chmielewski was present and spoke to the board. He explained the roof of the structure needed repair and that he could add storage for his classic cars by raising the roof to give 12 feet of interior clearance. He also presented supporting letters from his neighbors including Dollar General, Frieda's, Ace Hardware, Culver Storage, and TLC to the Max.

The variance was passed unanimously.

**Old Business:**

Mr. Dewitt shared there was continuing work on a new "Institutional Zoning" initiative.

The meeting adjourned at 8:54PM.

Submitted by Leigh Marshall



Dan Adams



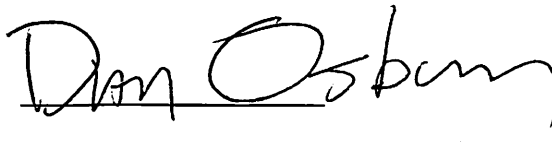
JD Uebler



Leigh Marshall



Barry McManaway



Dan Osborn