



Culver Planning Commission Meeting Minutes

August 18, 2020

Summary of Council Actions:

Items	Motion Made By	Seconded	Vote (For – Against - Abstained)
Motion to approve the July 2020 minutes.	Mr. Osborne	Mr. Peterson	7 – 0 – 0 Approved
Motion to open public hearing to re-zone 105 East Washington Street	Mr. Gut	Mr. Osborn	6 – 0 – 0 Approved
Motion to close public hearing to re-zone 105 East Washington Street	Mr. Samuelson	Mr. Osborn	6 – 0 – 0 Approved
Motion to Adjourn	Mr. Peterson	Mr. Gut	6 – 0 – 0 Approved

1. Call to Order

President Barry McManaway called to order a regularly scheduled meeting of the Culver Plan Commission at 6:30 PM on July 21, 2020, via Microsoft Teams.

2. Roll Call

Mr. Fox conducted roll call. The following members were present: Barry McManaway, Dan Osborn, Joel Samuelson, Chester Gut, Andrew Strati, Don Fox, and Building Commissioner Chuck DeWitt. Pete Peterson and Wayne Bean were absent.

3. Pledge of Allegiance

Led by Mr. McManaway

4. **Approval of July 2020 Minutes.** Mr. Osborn moved to approve the minutes. Mr. Samuelson seconded. The motion was approved 6-0-0.

5. **Public Hearing to Re-zone 105 East Washington Street**

Mr. Gut moved to open the public hearing. Mr. Osborn seconded. By a vote of 6-0-0, the motion was approved. Mr. James Easterday presented on behalf of the potential buyers. The proposal is to convert the property to residential use, R1, from its current commercial use and zoning, C2 provided that there are no substantial environmental issues. The building has been a retail shop for the past several years and was a dry cleaning business before that. There are two homes to the east of 105 East Washington and a commercial building to the west.

Mr. Gut asked why they wanted to convert it to R1. Mr. Gut noted that there was nothing about the property that met R1 standards, e.g. setback etc. Mr. Gut thinks a better approach would be to go to BZA for variance to live in a commercial zoning.

Mr. Osborn raised the issue of parking. Mr. Easterday said the future residents would park on the street.

Mr. McManaway stated approving a re-zoning would be "spot zoning" given that the surrounding properties, including the two houses, are zoned Commercial. Those structures were used as residences prior to enactment of the current zoning ordinance and are therefore grandfathered as residences until they are converted to some commercial use.

Mr. DeWitt brought up the Town Comprehensive Plan and that the Commission has some obligation to follow the plan. He recommended that the Commission not approve the re-zoning.

Debbie Richardson, 11145 E State Rd 10 who owns the property, asked a couple of questions. The first concerned how other Main Street properties have apartments above them. Mr. Leist clarified that those second floor apartments were a special use that was authorized in commercial zone because they are above the commercial use. She also noted that hers is the only "business" on a side street in Culver. Ms. Richardson also asked for clarification on "spot zoning" which Mr. McManaway provided.

There being no other public comment, Mr. Samuelson moved to close the public hearing. Mr. Osborn seconded. The motion was approved 6-0-0.

Mr. Fox asked about the Comprehensive Plan. He noted that in many towns and cities there is a move toward more mixed use as opposed to strict boundaries between residential and light commercial businesses. Mr. DeWitt said the Comprehensive Plan was up for revision in 2021. Mr. Fox noted that the Commission did have some obligation to follow the current Comprehensive Plan and for that reason he moved deny the petition to rezone to R1, Mr. Gut seconded. The roll was called and the motion to deny was approved 6-0-0.

6. **Old and New Business**

Mr. McManaway raised the issue of L1 accessory structures. Mr. DeWitt noted that at page 82 of the ordinance accessory structures are addressed generally. He felt a

25' rear yard setback for a primary residence and 10' rear yard setback for an accessory structure were reasonable.

Mr. DeWitt also noted that at page 83 of the ordinance, accessory structures not to exceed 30' in height and 250 square feet may be built within the 10' setback in the L1 district.

Former building commissioner, Russ Mason, said the 30' height limit is "new." Mr. McManaway said the height limit to intended to preserve sight lines to the Lake. Mr. DeWitt thinks there was a "mistake" made in drafting the ordinance in limiting the height of accessory structures within the 10' setback in L1 to 30'. Mr. Leist brought up the history with the Commission, BZA, and the Town Council and a desire to preserve lines of sight. Mr. McManaway recalled the history the same way.

Mr. Fox suggested that the language at page 82 could be duplicated and placed in the L1 section of the ordinance to make it abundantly clear to people who are not familiar with the overall structure of the zoning ordinance. Mr. Mason, former Building Commissioner, raised a concern that "duplication" was not a good idea because over time, changes can get out of synch and the limits on L1 accessory structures with in the setback is already set forth at page 82.

Mr. DeWitt suggested that any confusion regarding the language could be eliminated by deleting the example of a "boat house." Mr. McManaway said an "example" is an "example" and nothing more.

Mr. Easterday said he felt that at page 25 of the Ordinance, "accessory structure," is too broadly defined and could prevent someone from having a storage shed and a flagpole. Mr. McManaway said there was never any intent to disallow flagpoles.

Mr. Osborn said the topography of the lake shoreline makes application of the ordinance challenging depending on elevation above the Lake, size of lots, etc.

Mr. Mason, asked if the Ordinance referred to "grade." There was then a discussion with Mr. DeWitt as to the point from which height is measured. Mr. Leist and Mr. Easterday noted that height is measured from "grade."

Mr. McManaway asked where the members and Mr. DeWitt were on the wording. Mr. DeWitt said he disagreed with the policy of limiting accessory structures within the 10' setback in L1 to 30', but if the policy was what it was, the example of a "boat house" should be removed. Mr. McManaway said he felt examples were intended to "include" rather than "exclude." Mr. Mason said the examples provide guidance as to what are not accessory structures, e.g. mailboxes and flagpoles.

There was a consensus that for the time being, the Commission would not pursue changes to the wording of the Ordinance.

Residential rear yard setback

We currently have different rear yard setbacks for primary and accessory structures in R1 of 25' and 10' respectively in R1 and R2. There was some discussion about whether these sections were clear. After some back and forth, Mr. Leist clarified that the structure of the ordinance required someone in R1 or R2 to refer to the separate section on accessory structures.

Old Business

Several months ago, Mr. Ty Adley presented to the Commission a recommendation to establish a new type of zoning for institutional/educational zone. Mr. DeWitt asked for a subcommittee to be formed to look at language. Mr. Gut and Mr. Strati volunteered. It was suggested that a BZA member be added as well. Mr. Osborn moved to approve the formation of a subcommittee and Mr. Samuelson seconded. The motion was approved 6-0-0.

7. Building Commissioners Report

Deferred until next month

8. Citizen Input

Mr. Vernon P. Chmielewski, 517 E. Lake Shore Drive, Culver, IN 46511 appeared before the Commission. He has made an offer on a property just to the west of the new Dollar Store. He is a car collector and lost all of his storage area. He would like to improve the prosperity of the town in some way. He is interested in creating an "event site" featuring his classic cars and memorabilia. The property has sewer and water and he is unsure if the site is expandable.


Mr. DeWitt suggested Mr. Chmielewski come forward to the Commission to see how this potential event center might fit within our zoning ordinance. It will certainly fit as a storage garage. The lot is 52' is 300'. The lot is currently zone S1. Mr. Leist said that the minimum width for C2 commercial is 100 feet. It will work as storage, but commercial use would require a variance from BZA. Mr. McManaway said he felt the site might not work.

Mr. McManaway appeared as a member of the public. He wants to put a carport on his existing garage foundation and asked if he would require a variance. Mr. DeWitt noted there may be a timing issue in terms of when the original structure came down but it has been a considerable amount of time. Mr. McManaway said he just wants to do this "right" in terms of whether to go before the BZA or not. Mr. Osborne suggested that Mr. McManaway bring the issue to BZA. Mr. Fox agreed as did Mr. DeWitt.

9. Motion to adjourn

Mr. Osborn moved to adjourn the meeting. Mr. Gur seconded. The motion was approved 6-0-0, and meeting adjourned at 8:08 PM.


Minutes approved by:



Barry McManaway

Chester Gut

Don Fox

Pete Peterson


Wayne Bean


Dan Osborn

Joel Samuelson

Andrew Strati