



LITTLE TOWN ON LAKE MAXINKUCKEE

**Culver Board of Zoning Appeals
6:30 p.m., Thursday, February 18, 2021**

**The meeting will take place at the Culver Beach Lodge, 819 East Lake Shore Drive
and via Teams**

[Click here to join the meeting](#)

Or call 1 574-221-6909 and use conference ID 300797064#

1. Pledge of Allegiance
2. Roll Call
3. Approval of January 21, 2021 Minutes
4. Petitions:

2021-002B: A petition filed by Gregory and Alyssa Burns, tabled from January 21, 2021 meeting.

2021-001B: A petition filed by the Culver Educational Foundation, tabled from January 21, 2021 meeting.

2021-003B: A petition filed by Kyle and Lori Elliott for the property located at 315 Clymax Street., Culver, Indiana 46511, Marshall County Parcel ID 50-21-20-202-016.001-014 to request a Development Standard Variance of impervious surface from the required 50% to 56% impervious for the construction of an inground pool.

5. Old Business
6. New Business
7. Building Commissioners Report
8. New meeting if necessary – March 18, 2021
9. Adjourn

BZA Members

Dan Adams, President
Leigh Marshall
Barry McManaway
Dan Osborn
John Uebler

TOWN OF CULVER
574-842-3140

**BOARD OF ZONING APPEALS
NOTICE OF HEARING**

**PETITION NO. 2021-03 B
DATE OF HEARING February 18, 2021
TIME OF HEARING 6:30 PM**

Notice Date: January 29, 2021

PLEASE TAKE NOTICE:

Kyle and Lori Elliott for the property located at 315 Clymax Street, Culver, Indiana, Marshall County Parcel ID 50-21-20-202-016.001-014 to request a development standard variance of impervious surface from the required 50% to 56% impervious for the construction of an in-ground pool.

Notices are being sent to the petitioner and to the owners of property affected by the petition.

A hearing upon this petition will be held in the Culver Park Beach Lodge, 819 Lakeshore Drive, Culver, Indiana, at which time, you may appear either in person, present in writing, be represented by agent, or by attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of the scheduled hearing.

Due to COVID-19 health concerns, it is anticipated that interested parties will be allowed to participate online, provide comment via email, or call in to the meeting. This meeting will allow for electronic participation via Microsoft Teams, a link and call-in number will be available one week prior to the meeting and included in the final agenda. For information on how to view or call into the meeting, please contact town hall at 842-3140.

Respectfully,
Chuck DeWitt
Building Commissioner

Culver Board of Zoning Appeals

Minutes: February 18, 2021

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, and Building Commissioner Chuck DeWitt.

A motion was made to approve the minutes of 1/21/21.

The minutes were approved and signed.

A motion was made to keep President, Dan Adams, Vice President, Barry McManaway, and Secretary, Leigh Marshall in their roles for 2021.

The motion was passed unanimously.

2021-002B (originally 2020-016B and 2020-B-67354): A rehearing of 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 #50211630410200014.

This rehearing was heard out of numbered order due to it being the oldest issue on the agenda.

Greg Burns was present and spoke to the Board.

The Burns had previously been granted a variance for the porch reducing it to 7 feet from the requested 8-foot depth however the Board felt the information shared by the Burns in the original hearing was misleading. The original rehearing was in December and, due to the absence of two Board members, a quorum was not reached for approval or disapproval.

The Board's concerns and questions centered primarily on whether there was a hardship for, in this case, two additional porches, one above the other. Mr. Burns explained he felt the hardship was an inability to interact with neighbors. The

variance was denied by a 4 to 1 vote.

2021-001B: A rehearing of a petition filed by the Culver Educational Foundation to request a variance of development standards at 1046 Academy Road for a west side yard setback of 7 feet 6 inches from the required 15 feet to bring a recently constructed accessory structure (garage) into compliance with zoning requirements. The accessory structure is 32 feet by 24 feet in size and the property is in the S-1 (suburban) zoning district. The address of the property is 1046 Academy Road, Culver, Indiana 46511, Marshall County Parcel ID # 502116000071000013.

The original hearing was in December and, due to the absence of two Board members and the abstention of a third member, a quorum could not be reached for approval or disapproval.

Mitchell DeWitt, construction supervisor for the Academy, presented to the Board. The Academy had demolished and rebuilt an existing garage at 1046 Academy Road without first obtaining a variance from the BZA. The new garage was updated to electrical code, had been inspected and approved as safe, and had been moved back 7 and a half feet from where it had previously existed on the property line, but it was not set back the required 15 feet.

Mitchell DeWitt apologized, explained he had been "stuck with" the situation as the previous construction supervisor had not pursued a variance. He also assured the Board this mistake would not happen again.

The variance was passed 4-0. Mr. Uebler, as an employee of Culver Academies, abstained.

The Board then discussed possible options for fines. Mr. Chuck DeWitt said the Academy was a good neighbor and had made a mistake. He suggested a typical fine was 3 times the cost of the work permit (permits ranging from \$125-\$150 normally) and the Board agreed. Mr. DeWitt said he would send a letter to the Academy regarding both the granted variance and the fine.

Mitchell DeWitt further shared the Academy would be back before the BZA regarding the erection of two video towers. The towers will allow the Academy to monitor and record soccer and football games. The towers are also communication towers. The start date for them will be either April or May. Mitchell said the Roberts Barrack is approximately a month away from completion.

2021-003B: A petition filed by Kyle and Lori Elliot for the property located at 315 Clymax Street, Culver, Indiana 46511, Marshall County Parcel ID 50-21-20-202-

016.001-014 to request a development standard variance of impervious surface from the required 50% to 56% impervious for the construction of an in-ground pool.

Kyle Elliot attended in person and presented to the board. Mr. Elliot explained he and his wife had recently moved into a home previously owned by Mr. Elliot's father. In 2014, Mr. Elliot Sr. had added a driveway that was properly permitted and passed by the BZA. At the time, the BZA had requested that the driveway be in limestone to keep the impervious ratio at an acceptable level.

The addition of the pool was now being questioned because of the uncertainty of the driveway materials. Kyle Elliot explained the limestone had been set in sand (there was no "crushed limestone") and that if the Board would consider even 25% of the driveway to be impervious, that would account for the addition of the pool.

The Board agreed. Therefore, there was no variance needed for the pool.

Old Business

Mr. James Easterday, attorney, Easterday, Houin, 212 North Main Street, Culver, IN, 46511 talked to the Board regarding a previously tabled petition. Petition 2020-018B had been filed by Mr. Easterday on behalf of Loyal W. Wilson to request a variance to allow construction and rebuilding of an accessory structure with south side yard setback of 2'6" from the required 10' and height of 17' from the required 16' located at 2270 East Shore Lane. The Board had previously shared it was likely to deny the variance and Mr. Easterday wanted to understand the main objections. The Board generally agreed, since Mr. Wilson owns two adjacent lots, there was plenty of space for Mr. Wilson to move the accessory structure to a more compliant place and even add onto his existing home if he needed more living space.

Mr. Easterday further shared with the Board he would soon be coming with potentially several variance requests for a tear down and rebuild on Prado Street.

Finally, Mr. Easterday said petition 2020-015B (2020-B-67422) which had been tabled in October 2020 may come in front of the Board again in March 2021.

New Business

Mr. Joe Garnett, 603 Pearl St., Culver, IN, 46511 recently purchased the property on 425 State St. and told the Board he and his wife intended to eventually move from Indianapolis and retire at the address. He wanted to show the Board his ideal plans for the property saying the existing house would be torn down.

The Board shared with him that a large home with a two-car garage (as he showed the Board) would not fit on the property. The Board suggested either a much smaller home or a larger property for the square footage he desired.

Mr. Adams asked Mr. DeWitt to check on a previous property on the west side of the lake that had been approved for a rebuild on the existing footprint. It appeared there was a large carport or porch that had been added that was not part of the BZA approval. Mr. DeWitt said he would check on the property.

Ms. Marshall suggested to the Board that it have a work session to address several issues and it was agreed a work session could be added at the beginning of an upcoming BZA meeting.

Meeting adjourned at 8:53PM.

Submitted by Leigh Marshall

Dan Adams

Dan Adams

JD Uebler

S. Leigh Marshall

Leigh Marshall

Barry McManaway

Barry McManaway

Dan Osborn

Dan Osborn