



LITTLE TOWN ON LAKE MAXINKUCKEE

**Culver Board of Zoning Appeals
8 p.m., Thursday, March 4, 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 806379818#

The BZA will meet for a work session to conduct training.

BZA Members

Dan Adams, President

Leigh Marshall

Barry McManaway

Dan Osborn

John Uebler

March 4, 2021

BZA Work Session

Due to Covid-19 restrictions, the Culver Board of Zoning Appeals met in the Culver Town Hall and allowed 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.

The Culver Board of Zoning Appeals met in session with the following in attendance; Dan Adams, President; Barry McManaway, Vice President; Leigh Marshall, Secretary; and Building Commissioner Chuck DeWitt. BZA members Dan Osborn and JD Uebler joined through Microsoft Teams.

A work session was held to discuss several recurring topics BZA had lately encountered and to review the ordinances governing those issues. The main topics included:

- 1) Requirement for site plans when presenting to BZA
- 2) Position on garage rentals
- 3) Impervious surface percentages
- 4) Original footprint and height requirements
- 5) Pitches
- 6) Interaction with County/Chuck DeWitt in his new role

Mr. McManaway stated the Building Commissioner should usually have a site plan because there are likely existing buildings, etc. on a property, but Mr. DeWitt countered that only setbacks and square footage are required at the County level. This led to a discussion regarding how new additions would affect impervious surface.

Mr. Adams asked if someone needed a permit to put in a sidewalk; Mr. DeWitt said for a new sidewalk, yes, but the homeowner could add to the sidewalk later. There was discussion about how hard it is to police fences, sidewalks, etc.

Mr. DeWitt suggested that we require a homeowner to attach the BZA decision to their deed. Mr. Uebler's concern was what that might cost the homeowner, but Mr. DeWitt claimed it would likely be minimal.

Mr. Uebler asked if more consistent and standardized questions would help in discovering what homeowners' actual plans were. Is this a tear down? What's the impervious percentage? He wondered if we could create a system to help negate surprises.

Mr. DeWitt reminded the group that any of our variances...allowing over 50% impervious or over 35 feet in height.....go with the property, not the homeowner. One way of potentially stabilizing changes beyond what was approved by BZA would be to have BZA's decision attached to the deed at the County level. Mr. McManaway confirmed that the County Assessor always attaches changes to the deed. Mr. DeWitt said it is actually a bit of a challenge for the Assessor to know when something has been added to a property.

Mr. McManaway said BZA has a commitment to be fair to everyone...million dollar homes and smaller properties. Mr. Adams commented that large homes are now everywhere in Culver and no longer primarily on the lake.

Mr. DeWitt read part of an ordinance stating the BZA could stipulate any number of conditions as part of an approval and have it recorded in the County Records office. The BZA would thus not need to require it of the homeowner but could have our own decisions consistently attached to deeds when appropriate.

There was a brief discussion regarding the renovation of garages. Ms. Marshall said she had always been confused on what the policy was behind garage rentals as the BZA seemed to be against them. It was explained that there is no "anti-rental" ordinance but there is an ordinance banning two primary structures on the same property. A renovated detached garage becomes a second primary structure. An attached garage with living space would not be considered another primary structure even if it had rented living space in it.

There was a brief discussion regarding impervious surface requirements and how petitioners had continually pushed the maximum requirement of 50% of late. It was agreed impervious surface should be contained as close to 50% as possible.

In terms of tear-downs and rebuilding on the original footprint, Mr. DeWitt explained that the homeowner could have no more square footage on the first floor than in the original home. A basement would be considered additional footage.

Ms. Marshall wondered if "pitches" should be discouraged at BZA meetings and petitioners instead be encouraged to focus on actual hardships. Mr. Adams said that sometimes the "pitch" does contain useful information as in "our 95 year old mother is coming to live with us."

Mr. McManaway said he felt the "pitch" was the beginning of a negotiation, but that the variance should be "yes" or "no." Mr. Adams agreed that the BZA is "not here to negotiate." Mr. Uebler concurred and said he was frustrated by petitioners asking

"What do you recommend?" he felt we should say "That's not our job." Mr. Osborn added that this was exactly what had happened at a recent meeting when a petitioner kept asking "What will you give me?"

Mr. DeWitt said he had access to all permit applications and that the County's Planning Director, Ty Adley, asks him if something works or if it needs to go in front of BZA. Mr. McManaway asked if Mr. DeWitt needed to go to Planning Commission and Mr. DeWitt replied that if there is no need, he does not go.

Mr. DeWitt said he is a direct report to the Town Manager and interacts with both Planning and BZA.

Mr. McManaway asked if there could be some information shared consistently about what the County was seeing and Mr. DeWitt suggested a monthly permit review. Mr. McManaway agreed that this would be acceptable.

Mr. Adams asked about the new Institutional Zone being created for the Academy and how it would affect residential properties owned by the school.

Mr. DeWitt responded he was meeting with the Academy on March 9, 2021 to talk about the residential properties, but that those properties would be treated the same as other residential properties in town.

Mr. Adams reminded the board of its March 18 meeting.

Meeting adjourned at 8:51PM.

Submitted by Leigh Marshall

Dan Adams

Dan Adams

JD Uebler

L. Leigh Marshall

Leigh Marshall

Barry McManaway

Barry McManaway

Dan Osborn

Dan Osborn