



LITTLE TOWN ON LAKE MAXINKUCKEE

Culver Board of Zoning Appeals 6:30 p.m., Thursday, June 17, 2021

The meeting will take place at Culver Town Hall, 200 East Washington, Culver

[Click here to join the meeting](#)

Or call 1 574-221-6909 and use conference ID 717 987 56#

1. Pledge of Allegiance
2. Roll Call
3. Approval of May 20, 2021 minutes
4. Petitions:
 - 2021-013B:** A petition filed by James Easterday, Attorney on behalf of Kathryn Densborn, for the property located at 50 West Shore Drive, Culver, which was tabled from the May 20, 2021 meeting.
 - 2021-014B:** Burke Richeson for Beachview Properties LLC, for the property located at 18710 Tamarack Road, Culver, which was tabled from the May 20, 2021 meeting.
5. Old Business
6. New Business
7. Building Commissioner's Report
8. New meeting if necessary – June 15, 2021
9. Adjourn

BZA Members

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

Culver Board of Zoning Appeals

Minutes: June 17, 2021

The Culver Board of Zoning Appeals met in the Culver Town Hall. 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, J.D. Uebler and Building Commissioner Chuck DeWitt.

A motion was made to approve the minutes of 5/20/21. The minutes were approved and signed.

2021-013B: A petition filed by James Easterday, Attorney, Easterday, Houin, 212 N. Main St. Culver, Indiana, 46511 on behalf of Kathryn Densborn, to approve a variance of development standard to allow remodeling and addition of a residence with side yard setbacks of 6 feet and 7 feet, front yard setback of 25 feet, rear yard setback of 10 feet, and impervious surface of 69% from ordinance requirements of 10 feet side yard, 25 feet front yard and rear yard and 50% impervious. The address of the property is 50 West Shore Drive, Culver, Indiana, 46511.

Mr. Adams read a letter submitted by Mr. Easterday which requested the petition be tabled until the July hearing.

2021-014B: A petition filed by Burke Richeson for Beachview Properties LLC, for the property located at 18710 Tamarack Road, Culver, Indiana, 46511, Marshall County Parcel ID 50-21-21-000-001-000-013 to request a Special Exception use for a mini warehouse to be used for a gated executive storage facility.

The plans show seven storage buildings, each with four bays and eight doors. The units would be used for storage of boats, RV's, other vehicles, and recreational lake items. The buildings also contain small bathrooms with a shower. There is also upper level storage. The parcel for the development is zoned C-2.

Mr. Richeson had been in front of the BZA at the May 2021 meeting and was returning to address some of the Board's concerns. He distributed a handout (attached to these notes) in response to those concerns.

Mr. Richeson explained the planned executive storage was the "highest best use" of the property considering that C-2 zoning allowed for bars, truck sales, and movie theaters. He said the storage facility would not generate more traffic than any of those uses none of which requires a variance. In response to questions, he also

explained that the development was not a PUD thus none of the units would be sold and would remain under the management of the developer. He also said the developer was willing to pay "up to" 100% of the costs to bring in sewer and power, but they would first need to be annexed to the town before those negotiations would begin. Mr. McManaway, who is also a Planning Commission member, explained that the annexation had not yet happened.

The Board's questions and concerns centered mostly on the renters' abilities to use the facilities as semi-permanent living or party spaces, whether the spaces could be sub-let, whether there would be easy access for police and fire, whether the lighting would be intrusive, whether there was on site supervision, and the ease of use as regards to pulling into the development and accessing the buildings.

Chester Gut, a Planning Commission member who attended the meeting, 21 Fleet Parkway, Culver, Indiana, 46511 said he was concerned the facility sounded like a "living quarters". He wanted to know how this use would be prevented. Mr. Burke explained the renter's lease prohibited using the building as a residence.

Richard Luttrell, 1209 Lincoln St., Culver, Indiana, 46511 asked if living in an RV inside a storage unit was considered the same as living in the unit. He also asked if each unit would have separate water and sewer. Mr. Richardson explained that each building would have separate water and sewer and the cost divided among the renters. He again explained that the lease prohibited living in the units.

Mr. Luttrell also expressed concern regarding the current state of the undeveloped property saying it was "never mowed" and wondered about its upkeep especially since the developer is not local and is in Plymouth. Mr. Richeson said Collins had several properties in Culver so was always here in some capacity and that one could look at Collins developments to see how well they are kept. He said the property would be mowed "next week."

Ginny Munroe, Town Manager, said she had signed a number of "nuisance letters" over the years, but never one for a Collins property. Bill Clevenger, a Culver Council Member who attended the meeting, 232 S. Main St., Culver, Indiana, 46511, said he had lived in a Collins property for ten years and it had always been well maintained.

Russ Mason, 530 Forest Place, Culver, Indiana, 46511, said he did not understand "the market" for this type of development and saw it as potentially "funneling" more boats into the lake.

The discussion then centered on what might constitute a "nuisance" as per the lease. Mr. Adams asked two Council members who were present (Bill Clevenger and Bill Githens) if they had any concerns. Mr. Clevenger said he had no comments "at this time", Mr. Githens did not respond.

Chester Gut asked if the development could be moved "out of town." Mr. DeWitt asked about pricing and whether it might be near \$1,000/month. Mr. Richeson

responded the rent amount was "a possibility".

Mr. McManaway asked if the buildings/units could be partitioned and was told that if a renter leased a large unit and wanted to use only part of it, that renter could then partition it and lease the other part of it.

Mr. Adams read into the record an email he had received from Emily Rogers, 20979 State Rd. 10, Culver, Indiana, 46511 stating her opposition to the project. (That email is attached to these minutes).

Mr. Uebler expressed concern about "releasing control" to the developer in that Culver was subject to the "best effort" of the lease. Mr. Richeson said that Collins' "biggest concern" was always to be a "good neighbor". He also said he had provided his card to attendees of the previous meeting and had received no phone calls with concerns. He said he had created a document (the draft lease) to provide as much control as possible to the town.

The Board expressed concern with the language in the lease regarding the "number of people allowed in the bays." Mr. Adams asked about a further definition of "residential purposes" and Mr. Uebler asked about a definition of the "threshold of nuisance" whether that was too many people, staying overnight, etc.

Ultimately, the Board agreed to require further clarification of "residential purposes" and "nuisance" in the final lease. With that requirement in the motion, Mr. Richeson's request for the variance was passed unanimously.

Old Business:

Both the sale of 415 Lakeshore and the associated house on college were confirmed as being auctioned on June 22, 2021.

There was also some discussion regarding food trucks and Culver's lack of regulations thereof. Ms. Marshall had shared a lengthy food truck ordinance from Jasper, Indiana to perhaps be used by the Planning Commission as a starting point.

Ms. Munroe said Culver should probably require food truck permits (beyond those required by the Health Department) to be paid for by the food truck operator. She added that often the local restaurants are upset by the presence of the food trucks who have lower operating costs.

New Business:

Ms. Marshall shared she would not be present for the July meeting and asked Mr. Uebler to act as Secretary.

Meeting adjourned at 8:53PM.

Submitted by Leigh Marshall

Dan Adams JD Uebler _____

Dan Adams

JD Uebler

Leigh Marshall

Barry McManaway Dan Osborn

Barry McManaway

Dan Osborn