

Town of Clear Lake-Board of Zoning Appeals Meeting Minutes-February 8, 2021

Board of Zoning Appeals Meeting Minutes – Monday, February 8, 2021

Call to Order at 7:00 PM. By Vice Chairman Kit Tyler

Roll Call: Members Present: Kit Tyler, Cecil Fleeman, Mike Long, Jim McClain, Mike Hawk (Attorney), Travis Holcomb (Zoning Administrator) and Brenda Eby. Scott Lazur joined via phone.

Chairman confirmed we have a quorum.

Others present: Seven (7): Bonnie Brown, Kalvin Champion, Chris Evans w/ JICI, Dennis Vetter, John Wilhelm and William Hanna.

Public Hearing Appearance and Presentation of Evidence Requests: Three (3): Kalvin Champion, Dennis Vetter and Chris Evans w/ JICI.

Chairman K. Tyler introduced hearing and invited the Champions to make their presentation.

Variance Hearing Case 2021-01: Kalvin & Samantha Champion

Request for variance from development standards for Kalvin and Samantha Champion, 82 WCLD, Fremont, IN 46737. They request relief from UDO Section 5.63 A and 4 B General Setback Standards, Minimum Lake yard Setbacks. The proposed project includes replacing an aged, elevated deck and stairway that encroaches the established building setbacks.

Mr. Champion appeared before the board to petition his variance. He stated that the new deck and stairway would open up the view for themselves and their neighbors and would be more “kid friendly”. Mr. Champion introduced Chris Evans w/ JICI to present the plans and drawings. Ms. Evans showed drawings of the new deck and stairway and a patio and sidewalk down to the lake.

With no further questions clarifying the case from BZA, Chairman K. Tyler requested a motion to close hearing and open for public comments.

Motion by: Mike Long

To close hearing and open meeting for public comment

2nd by: Jim McClain

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Dennis Vetter of 80 WCLD, spoke in support of the Champions. There was no opposition.

Travis Holcomb, Zoning Administrator, read three (3) letters in support of the Champions: Jim/Karen Bushey of 74 WCLD, Brad/Teresa Gay of 88 WCLD and Dennis/Sheryl Vetter of 80 WCLD.

With no further comments from attendees, Vice Chairman K. Tyler requested a motion to close public comments and reopen hearing.

Motion by: Mike Long

To close public comments and reopen hearing

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Vice Chairman K. Tyler invited BZA members for further discussion. With no further comments, BZA moved onto Findings of Fact.

BZA final discussion of case 2021-01

Review of findings of facts #1:

Legal notice of the petition **has been** provided in accordance with Indiana Code and Notice has been made to appropriate landowners. YES

Motion by: Jim McClain

To accept findings of fact #1

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #2:

The approval of the variance **will not** be injurious to the public health, safety, morals and general welfare of the community. YES

Motion by: Cecil Fleeman

To accept findings of facts #2

2nd by: Mike Long

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #3:

The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner. YES

Motion by: Mike Long

To accept findings of fact #3

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #4:

The strict application of the terms of the zoning ordinance **will** result in practical difficulties in the use of property. YES

Motion by: Cecil Fleeman

To accept findings of fact #4

2nd by: Jim McClain

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Roll Call Vote for Decision of Variance #2021-01:

Vote: Kit Tyler (Approve), Scott Lazur (Approve), Cecil Fleeman (Approve), Jim McClain (Approve), Mike Long (Approve)

Case 2021-01: Approved by BZA

Certification of Decision shall be created and recorded with the Steuben County Recorder.

Variance Hearing Case 2021-02: Calvin and Samantha Champion

Request for variance of Proposed new Raised Deck (2.5') and Re-Built Stairs.

Chris Evans w/ JICI explained the proposed changes and how the project would encroach into the View Shed.

With no questions from the Board, Vice Chairman K. Tyler requested a motion to suspend the hearing and open for public comments.

Motion by: Mike Long

To suspend hearing and open meeting for public comment

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Vice Chairman K. Tyler requested comments in support or opposition. Travis Holcomb, Zoning Administrator, stated that the three (3) letters from Neighbors were in support of Variance 2101-02 as well as Variance 2101-01. There was no other public input.

Vice Chairman K. Tyler requested a motion to close public comments and reopen the hearing.

Motion by: Mike Long

To close public comments and reopen hearing

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

There was no further discussion so moved on to Findings of Facts for Variance #2021-02.

BZA final discussion of case 2021-02

Review of findings of facts #1:

Legal notice of the petition **has been** provided in accordance with Indianan Code and Notice has been made to appropriate landowners. YES

Motion by: Mike Long

To accept findings of fact #1

2nd by: Jim McClain

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #2:

The approval of the variance **will not** be injurious to the public health, safety, morals, and general welfare of the community. YES

Motion by: Mike Long

To accept findings of fact #2

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #3:

The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner. YES

Motion by: Cecil Fleeman

To accept the findings of fact #3

2nd by: Jim McClain

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Review of findings of facts #4:

The strict application of the terms of the zoning ordinance **will** result in practical difficulties in the use of property. YES

Motion by: Mike Long

To accept the findings of fact #4

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Roll Call Vote for Decision of Variance #2101-02:

Vote: Kit Tyler (Approve), Scott Lazur (Approve), Cecil Fleeman (Approve), Jim McClain (Approve), Mike Long (Approve)

Case 2021-02: Approved by BZA

Certification of Decision shall be created and recorded with the Steuben County Recorder.

Old Business

There was no old business.

New Business

Vice Chairman K. Tyler requested approval of the September 28, 2020 minutes.

Motion by: Cecil Fleeman

To approve September 28, 2020 minutes as presented.

2nd by: Mike Long

Vote: 3 Aye 0 Nay 2 Abstain Motion carried

Election of new Officers for 2021

Vice Chairman K. Tyler requested nominations for Chairman.

Cecil Fleeman nominated Kit Tyler for position of Chairman

Kit Tyler nominated Scott Lazur for position of Chairman

Motion by: Jim McClain

To close nominations for BZA Chairman

2nd by: Scott Lazur

Nominations closed, all in favor of Kit Tyler for BZA Chairman: 4

All in favor of Scott Lazur for BZA Chairman: 1

Chairman K. Tyler requested nominations for Vice Chairman. Chairman Tyler nominated Scott Lazur for Vice Chairman, no other nominations. All in favor of Scott Lazur for Vice Chairman of the BZA.

Chairman K. Tyler requested nominations for Secretary. Chairman Tyler nominated Brenda Eby.

Motion by: Jim McClain

To close nominations for Secretary to the BZA.

2nd by: Scott Lazur

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Bonnie Brown explained the need for a BZA alternate to represent all appointing parties.

Motion by: Jim McClain

To allow one Alternate position with a term ending 1/26/24.

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

The next regular BZA meeting will be on Monday, April 12, 2021 at 7:00 PM. The deadline for a variance to come before this meeting is March 15, 2021.

Chairman K. Tyler asked for motion to adjourn.

Motion by: Jim McClain

To adjourn meeting

2nd by: Cecil Fleeman

Vote: 5 Ayes 0 Nays 0 Absent Motion carried

Meeting adjourned at 7:54 PM.

Board of Zoning Appeals Chairman: Kit Tyler

Attest: Bonnie Brown, Acting Zoning Administrator