

Town of Clear Lake – Board of Zoning Appeals Meeting Minutes – February 13, 2024

Chairman Jim McClain called meeting to order at 7:00pm.

There were 10 residents in attendance and 13 via Zoom.

Roll Call:

Kathy Latz, 610 East Clear Lake Drive
Roger Dammeier, 624 East Clear Lake Drive
Matt Rippe, 68 West Clear Lake Drive
Jim McClain, 1226 Quiet Harbor Drive
Jessica Swander, 7382 E State Road 120
Mike Hawk, Attorney to the BZA
Robert Hawley, Zoning Administrator
Jennifer Sattison, Billing Clerk

J. McClain entertained a motion to approve the agenda.

Motion by: J. McClain

To approve the agenda.

2nd by: R. Dammeier

All in favor, say aye. Vote was unanimous. Motion carried; agenda approved.

J. McClain entertained a motion to approve December 12, 2023, Board of Zoning minutes.

Motion by: J. McClain

To approve December 12, 2023, Board of Zoning minutes.

2nd by: J. Swander

All in favor, say aye. Vote was 4-0 with one abstained. Motion carried; December 12, 2023, Board of Zoning minutes approved.

J. McClain entertained a motion to approve February 6, 2024, Board of Zoning special session minutes.

Motion by: R. Dammeier

To approve February 6, 2024, Board of Zoning special session minutes.

2nd by: K. Latz

All in favor, say aye. Motion carried; February 6, 2024, Board of Zoning special session minutes approved.

Appeal Application 2023-05: Request for an administrative appeal for ILP 2023-18 regarding a decision letter dated 9-6-2023 to Denny and Jackie Keiser at 933 South Clear Lake Drive. The request for a boiler and supplemental equipment to be installed in the garage was denied and no water components are to be allowed in the garage.

Zoning Administrator R. Hawley went through the staff report for Appeal Application 2023-05, Denny and Jackie Keiser, 933 South Clear Lake Drive.

J. McClain entertained a motion to open for public comment.

Motion by: K. Latz

To open for public comment.

2nd by: J. Swander

All in favor, say aye. Motion carried; open for public comment.

Denny and Jackie Keiser's attorney, Will Gooden, discussed Keiser's appeal.

Board of Zoning members asked questions to Attorney Will Gooden and Denny and Jackie Keiser.

Zoning Administrator R. Hawley went through feedback forms.

Residents discussed their opposition and support to the appeal.

Keiser's attorney, Will Gooden, had a rebuttal to the oppositions and supported feedback from residents.

J. McClain entertained a motion to close public comment.

Motion by: R. Dammeier

To close public comment.

2nd by: J. Swander

All in favor, say aye. Motion carried; closed public comment.

Zoning Administrator R. Hawley restated Appeal Application 2023-05.

Board of Zoning members discussed.

J. McClain entertained a motion to proceed to final action for Appeal Application 2023-05.

Motion by: K. Latz

To proceed to final action for Appeal Application 2023-05.

2nd by: R. Dammeier

All in favor, say aye. Motion carried; proceeded to final action for Appeal Application 2023-05.

Zoning Administrator R. Hawley went through voting ballots for Appeal Application 2023-05.

J. Swander – Reverse Appeal

J. McClain – Reverse Appeal

M. Rippe – Affirm Appeal

K. Latz – Affirm Appeal

R. Dammeier – Affirm Appeal

Vote was 3-2 to affirm Appeal Application 2023-05. Appeal Application 2023-05 denied.

J. McClain asked for a 5 (five) minute break.

Board of Zoning meeting back to order at 8:09pm.

Variance 2024-01(A) & (B): Request for a Development Standards Variance at 1124 South Clear Lake Drive by David Gerig. The request is to allow the establishment of a new home within the Horizontally Protected Viewshed and Established Building Setback. The setbacks requested are 74 feet from the water's edge for the new home and 54 feet from the water's edge for an elevated deck.

Variance 2024-01(A): Horizontally Protected Viewshed 5.65(C)(1) – New Primary Structure

Variance 2024-01(B): Horizontally Protected Viewshed 5.65(C)(2) – New Elevated Deck

Zoning Administrator R. Hawley went through the staff report for Variance 2024-01(A) & (B), David Gerig, 1124 South Clear Lake Drive.

J. McClain entertained a motion to open for public comment.

Motion by: R. Dammeier

To open for public comment.

2nd by: J. Swander

All in favor, say aye. Motion carried; open for public comment.

Variance applicant, David Gerig, discussed his projects regarding Variances 2024-01(A) & (B).

Board of Zoning members asked David Gerig questions.

Residents discussed their opposition and support to Variances 2024-01(A) & (B).

J. McClain entertained a motion to close public comment.

Motion by: R. Dammeier

To close public comment.

2nd by: J. Swander

All in favor, say aye. Vote was unanimous. Motion carried; closed for public comment.

Zoning Administrator R. Hawley restated Variance 2024-01(A).

J. McClain entertained a motion to proceed to final action for Appeal Application 2024-01A.

Motion by: R. Dammeier

To proceed to final action for Appeal Application 2024-01A.

2nd by: J. Swander

All in favor, say aye. Motion carried; proceeded to final action for Appeal Application 2024-01A.

Zoning Administrator R. Hawley went through the findings of fact.

Findings of Fact #1: Legal notice of the petition has been provided in accordance with applicable Indiana Code and notice has been made to appropriate landowners.

K. Latz – Yes

R. Dammeier – Yes
M. Rippe – Yes
J. Swander – Yes
J. McClain – Yes

Final Vote: 5-0. Yes, Findings of Fact #1 criteria was met.

Findings of Fact #2: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

K. Latz – Yes
R. Dammeier – Yes
M. Rippe – Yes
J. Swander – Yes
J. McClain – Yes

Final Vote: 5-0. Yes, Findings of Fact #2 criteria was met.

Findings of Fact #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.

K. Latz – Yes
R. Dammeier – Yes
M. Rippe – Yes
J. Swander – Yes
J. McClain – Yes

Final Vote: 5-0. Yes, Findings of Fact #3 criteria was met.

Findings of Fact #4: The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

K. Latz – Yes
R. Dammeier – Yes
M. Rippe – Yes
J. Swander – Yes
J. McClain – Yes

Final Vote: 5-0. Yes, Findings of Fact #4 criteria was met.

Variance 2024-01A was approved.

Zoning Administrator R. Hawley restated Variance 2024-01(B).

J. McClain entertained a motion to proceed to final action for Appeal Application 2024-01B.

Motion by: K. Latz

To proceed to final action for Appeal Application 2024-01B.

2nd by: R. Dammeier

All in favor, say aye. Motion carried; proceeded to final action for Appeal Application 2024-01B.

Zoning Administrator R. Hawley went through the findings of fact.

Findings of Fact #1: Legal notice of the petition has been provided in accordance with applicable Indiana Code and notice has been made to appropriate landowners.

K. Latz – Yes

R. Dammeier – Yes

M. Rippe – Yes

J. Swander – Yes

J. McClain – Yes

Final Vote: 5-0. Yes, Findings of Fact #1 criteria was met.

Findings of Fact #2: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

K. Latz – Yes

R. Dammeier – Yes

M. Rippe – Yes

J. Swander – Yes

J. McClain – Yes

Final Vote: 5-0. Yes, Findings of Fact #2 criteria was met.

Findings of Fact #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.

K. Latz – Yes

R. Dammeier – Yes

M. Rippe – Yes

J. Swander – Yes

J. McClain – Yes

Final Vote: 5-0. Yes, Findings of Fact #3 criteria was met.

Findings of Fact #4: The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

K. Latz – Yes

R. Dammeier – Yes

M. Rippe – Yes
J. Swander – Yes
J. McClain – Yes

Final Vote: 5-0. Yes, Findings of Fact #4 criteria was met.

Variance 2024-01B was approved.

Elections of Officers

Chairman

J. McClain nominated J. Swander.

J. McClain entertained a motion to close chairman nominations.

Motion by: R. Dammeier

To close chairman nominations.

2nd by: M. Rippe

All in favor, say aye. Vote was unanimous. Motion carried; closed chairman nominations.

Jessica Swander is the Board of Zoning Chairman.

Newly elected chairman, Jessica Swander, took over for J. McClain.

Vice Chair

J. McClain nominated M. Rippe.

J. Swander entertained a motion to close vice chair nominations.

Motion by: R. Dammeier

To close vice chair nominations.

2nd by: K. Latz

All in favor, say aye. Vote was unanimous. Motion carried; closed vice chair nominations.

Matt Rippe is the Board of Zoning Vice Chair.

Rules Committee

J. Swander nominated R. Dammeier and J. McClain

J. Swander entertained a motion to close rules committee nominations.

Motion by: R. Dammeier

To close rules committee nominations.

2nd by: M. Rippe

All in favor, say aye. Vote was unanimous. Motion carried; closed rules committee nominations.

R. Dammeier and J. McClain are on the Board of Zoning Rules Committee.

Secretary

J. Swander nominated R. Hawley.

J. Swander entertained a motion to close secretary nominations.

Motion by: J. McClain

To close secretary nominations.

2nd by: K. Latz

All in favor, say aye. Vote was unanimous. Motion carried; closed secretary nominations.

Robert Hawley is the Board of Zoning Secretary.

J. Swander entertained a motion to adjourn meeting.

Motion by: R. Dammeier

To close vice chair nominations.

2nd by: K. Latz

All in favor, say aye. Vote was unanimous. Motion carried; meeting adjourned.

Meeting adjourned at 8:46pm.



Board of Zoning Appeals Chairman: Jessica Swander



Attest: Jennifer Smith-Sattison, Billing Clerk