

Town of Clear Lake – Board of Zoning Appeals

Meeting Minutes – April 9, 2024

Chairman Jessica Swander called meeting to order at 7:00pm.

There were 6 residents in attendance and 4 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. Swander entertained a motion to approve the agenda.

Motion by: R. Dammeier

To approve the agenda.

2nd by: J. McClain

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

J. Swander entertained a motion to approve February 13, 2024, Board of Zoning minutes.

Motion by: R. Dammeier

To approve February 13, 2024, Board of Zoning minutes.

2nd by: M. Rippe

All in favor, say aye. Vote was unanimous. Motion carried; February 13, 2024, Board of Zoning minutes approved.

Variance Application 2024-02: Request for a Development Standards Variance at 105 Billings Court by Eric and Alison Belfrage. The request is for relief from Architectural Standards (AR) Section 5.13(B)(1) Roof Requirements, which would allow them to match existing roof pitches with an addition but would exceed the square foot requirement of 20% max pitch under 5/12.

Zoning Administrator R. Hawley went through the staff report for Variance 2024-02, Eric and Alison Belfrage, 105 Billings Court.

Variant Applicant, Eric and Alison Belfrage, discussed their project regarding Variance 2024-02.

Zoning Administrator R. Hawley restated Variance 2024-02 and went through feedback forms.

Board of Zoning members discussed Variance 2024-02.

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

Motion by: R. Dammeier

To open for public comment.

2nd by: K. Latz

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

Residents discussed their support for the variance.

J. Swander entertained a motion to close public comment.

Motion by: R. Dammeier

To close public comment.

2nd by: K. Latz

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

J. Swander entertained a motion to proceed to final action for Variance 2024-02.

Motion by: R. Dammeier

To proceed to final action for Appeal Application 2024-02.

2nd by: K. Latz

All in favor, say aye. Motion carried; proceeded to final action for Appeal Application 2024-02.

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 2024-02 was approved.

Variance Application 2024-03: Request for a Development Standards Variance at 335 Penner Drive, Peter Disser. The request is for relief from Section 5.08(E) Location, to allow for the placement of a storage-based accessory in the lakeside envelope of the property.

Zoning Administrator R. Hawley went through the staff report for Variance 2024-03, Peter Disser, 335 Penner Drive.

Board of Zoning members discussed and asked Zoning Administrator R. Hawley questions and went through feedback forms.

Variance Applicant, Peter Disser, discussed his project regarding Variance 2024-03.

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

Motion by: R. Dammeier

To open for public comment.

2nd by: M. Rippe

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

Residents discussed their opposition to the variance.

Variance Applicant, Peter Disser, gave a rebuttal to the resident's support and opposition to the variance.

J. Swander entertained a motion to close for public comment.

Motion by: R. Dammeier

To close for public comment.

2nd by: K. Latz

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

Board of Zoning members and Attorney Mike Hawk discussed.

J. Swander entertained a motion to proceed to final action for Variance 2024-03.

Motion by: R. Dammeier

To proceed to final action for Appeal Application 2024-03.

2nd by: M. Rippe

All in favor, say aye. Motion carried; proceeded to final action for Appeal Application 2024-03.

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 – No

M. Rippe – Yes

J. Swander – No

J. McClain – Yes

Final Vote: 3-2. 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 – No

M. Rippe – Yes

J. Swander – No

J. McClain – Yes

Final Vote: 3-2. 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 – No
R. Dammeier – No
M. Rippe – No
J. Swander – No
J. McClain – Yes

Final Vote: 4-1. No, Findings of Fact #4 criteria was not met.

Variance 2024-03 was not approved.

No New Business.

No Old Business.

J. Swander entertained a motion to adjourn meeting.

Motion by: R. Dammeier

To close vice chair nominations.

2nd by: M. Rippe

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

Meeting adjourned at 8:01pm.



Board of Zoning Appeals Chairman: Jessica Swander



Attest: Jennifer Smith-Sattison, Billing Clerk