



111 Gecowets Drive Fremont IN 46737  
(260) 495-9158 / (260) 495-5902 fax  
[www.townofclearlake.org](http://www.townofclearlake.org)

**Board of Zoning Appeals  
Special Session**

**Tuesday, April 11, 2023 @ 7 PM**

Conference number 1-646-931-3860  
Meeting ID: 647 970 5713  
Passcode: Clear  
Passcode by Phone: 121380

Join Zoom Meeting: <https://us06web.zoom.us/j/6479705713?pwd=bGoxRjllTXNXeWRhQlcrVzljaHUwdz09>

**Agenda**

- A. Call to Order
- B. Introductions and Roll Call Quorum
- C. Approval of Meeting Agenda
- D. Approve minutes.
  - August 2, 2022, Regular Meeting
  - February 14, 2023, Regular Meeting
  - April 5, 2023, Special Meeting
- E. Budget items - None
- F. Applications, Petitions, and/or Hearings – None
  - A. **2023-01. a** - Dennis & Jackie Keiser, 934 South Clear Lake Drive, Fremont, IN 46767, Request for variance form development standards in section 5.04(H) Utilities Sewer or water service shall not be provided into an accessory building, UDO Section 2.16 Sewer and Water, Sanitary sewer not permitted & water utility permitted for outdoor hydrants or spigots. The proposed project includes a full bathroom.

Please note: Agenda items listed are those reasonably anticipated and may be discussed at the meeting. Not all items listed may necessarily be discussed and there may be other items not listed that may be brought up for discussion.



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- B. **2023-01. b**, Dennis & Jackie Keiser, 934 South Clear Lake Drive, Fremont, IN 46767, Request for variance form development standards in section 2.16 Maximum Structure Height, 18 feet for accessory structures & 5.04 (D)(1) Maximum Accessory Structure Hight. The proposed project establishes the accessory building at 24 feet and 7 inches, 6 feet 7 inches over the required 18 feet.
- C. **2023-02**, John Lundy, 734 South Clear Lake Drive, Fremont, In 46737. Relief form required front yard setback as spec'd in sections 2.16 & 5.63 A (6) of the UDO on W. side of property from 30' to 13.5. The proposed project is requesting an allowed setback from the road edge of 13.5 feet along Buck Point Drive where a setback of 30 feet is required to install an accessory building.
- E. Old Business
- Tabled - Rules of Procedure changes to 9.4, Final Disposition of Cases/Recording with Steuben County
  - Tabled - Rules of Procedure changes to 10.4, Budget.
- E. New Business
- Rule Committee Appointment
- I. Discussion
- J. Adjournment

The next regularly scheduled meeting of the Clear Lake Board of Zoning Appeals will be Tuesday, June 13, 2023, at 7:00 PM. The deadline for items requiring legal notices is 28 days before the regularly scheduled meeting.

Please note: Agenda items listed are those reasonably anticipated and may be discussed at the meeting. Not all items listed may necessarily be discussed and there may be other items not listed that me be brought up for discussion.

# Town of Clear Lake – Board of Zoning Appeals Meeting Minutes – August 9, 2022

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

Roll Call:

Jennifer Sattison, Billing Clerk

Larry Lillmars, Zoning Administrator

Mike Hawk, Attorney to the Board of Zoning Appeals

Cecil Fleeman, 240 Penner Drive

Jim McClain, 1226 Quiet Harbor Drive

Walter (Mokey) Grabowski, 254 West Clear Lake Drive

Scott Lazur, 1108 South Clear Lake Drive

Don Luepke, Alternate

There were 19 residents in attendance and 6 via Zoom.

Zoning Administrator L. Lillmars went through the staff report for Tim and Lori Wagner's Variance 2022-03.

Variance 2022-03: Request for variance from development standards for Tim and Lori Wagner, 426 Point Park Drive, Fremont, IN 46737. They request a 51-foot relief from *UDO Section 5.63 (A)(4)(b) General Set Back Standards, Minimum Lake Yard Setback*. The proposed project includes building an Accessory Structure that encroaches the Establish Building Setback by fifty-one (51) feet.

Tim and Lori Wagner talked about the reasonings behind their variance. They talked about storing various items to keep them out of the elements, to help keep rodents out and from having to carry numerous heavy items up and down the steep stairs to and from the house to the lake front. Over 50 percent of the storage structure would be buried in the hill and no additional runoff from the building or property affecting the water. All runoffs will be properly contained and drained and have support from their immediate neighbors.

The Board of Zoning asked Tim Wagner questions about his structure.

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

**Motion by:** D. Luepke

To open for public comment.

**2<sup>nd</sup> by:** S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Resident Kay Kummer asked if the structure was going to be heated.

Tim Wagner said it can be.

Resident Jack Horrell discussed his reasons of why he is against the variance. The environment should be protected. The structure is to encroach 51 feet to the lake. He believes that there is no hardship, yes going up

and down the stairs is difficult, but not a hardship, because there are many residents who also are living on hills and/or have steps.

J. McClain entertained a motion to close public comment.

**Motion by:** D. Luepke

To close public comment.

**2<sup>nd</sup> by:** S. Lazur

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

Zoning Administrator L. Lillmars went through a summary of the feedback forms.

Board of Zoning discussed.

J. McClain entertained a motion to close the hearing and move onto the findings of fact.

**Motion by:** D. Luepke

To close the hearing and move onto the findings of fact.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; closed hearing and moved onto findings of fact.

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

C. Fleeman: Yes, because legal notice of the application was published in the Herald Republican Newspaper on January 27, 2022. Notice has been made to appropriate landowners as shown by the US Post Office return receipts (green cards) and a list of 1<sup>st</sup> class mail recipients that are in the Town's possession.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, motion carried.

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

D. Luepke: No, the approval of the variance will be injurious because the proposed storage structure is not appropriate for a lakeside area.

**2<sup>nd</sup> by:** C. Fleeman

All in favor. Vote is 4 to 1 for no to findings of the fact #2.

J. McClain entertained a motion for roll call to deny variance.

**Motion by:** C. Fleeman

To roll call to deny variance.

**2<sup>nd</sup> by:** D. Luepke

All in favor, say I. Vote was unanimous. Motion carried; roll call to deny variance.

Roll Call Vote:

D. Luepke – Deny

C. Fleeman – Deny

S. Lazur – Deny  
W. Grabowski – Deny  
J. McClain – Approve  
Variance denied 4 to 1.

Tim and Lori Wagner withdrew their second variance 2022-04.

Zoning Administrator L. Lillmars went through the staff report for Joseph and Kathy Schenkel’s variance 2022-05.

Variance 2022-05: Request for variance from development standards for Joseph and Kathy Schenkel, 72 West Clear Lake Drive, Fremont, IN 46737. They request a 5.9-foot relief from *UDO Section 5.63 (A)(5) General Set Back Standards, Minimum Street Yard Setback*. The proposed project includes building a new home that encroaches the Street Yard Setback by 5.9 feet.

Contractor Bob Buescher stated that they are asking for a roadside release because the site is small, and both houses next to them are set so close to the lakeside line. They are trying to build a house that is livable year-round with a one car garage and all bedrooms upstairs because the lot is small.

The Board of Zoning asked questions to residents Joseph & Kathy Schenkel and their contractor Bob Buescher.

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

**Motion by:** S. Lazur

To open for public comment

**2<sup>nd</sup> by:** D. Luepke

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Resident Brent Schlosser asked for clarification about rebuilding after a fire. Attorney Dave Hawk was going to look into it and find out for the next meeting.

J. McClain entertained a motion to close public comment.

**Motion by:** D. Luepke

To close public comment.

**2<sup>nd</sup> by:** C. Fleeman

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

Zoning Administrator L. Lillmars summarized the feedback forms that he received.

No Board of Zoning discussion.

J. McClain entertained a motion to proceed to findings of facts.

**Motion by:** S. Lazur

To proceed to findings of facts.

**2<sup>nd</sup> by:** C. Fleeman

All in favor, say I. Vote was unanimous. Motion carried; proceeded to findings of facts.

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

**Motion by:** W. Grabowski

Yes, because legal notice of the application as published in the Herald Republican Newspaper on July 27, 2022. Notice has been made to appropriate landowners as shown by the US Post Office return receipts (green cards) and a list of 1<sup>st</sup> class mail recipients that are in the Town's possession.

**2<sup>nd</sup> by:** D. Luepke

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #1 approved.

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

**Motion by:** D. Luepke

Yes, the approval of the variance will not be injurious because the proposed home is consistent with the residential use of the adjacent properties and will not impact the drainage or traffic along West Clear Lake Drive.

**2<sup>nd</sup> by:** S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #2 approved.

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.

**Motion by:** S. Lazur

Yes, the use and value of the adjacent area will not be affected in a substantially adverse manner because the use of the subject property is consistent with the use of adjacent properties which are lake residential zoned and there will be no change in use as a result of this project.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #3 approved.

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

**Motion by:** C. Fleeman

Yes, because the adjacent homes are located towards the road causing the building line setback to be greater which greatly reduces the build area available.

**2<sup>nd</sup> by:** D. Luepke

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #4 approved.

J. McClain entertained a motion to approve variance 2022-05.

Roll Call Vote:

D. Luepke – Approve

C. Fleeman – Approve

S. Lazur – Approve

W. Grabowski – Approve

J. McClain – Approve

Motion to approve variance 2022-05 approved 5-0.

Zoning Administrator L. Lillmars went through the staff report for Joseph and Kathy Schenkel’s variance 2022-06.

Variance 2022-06: Request for variance from development standards for Joseph and Kathy Schenkel, 72 West Clear Lake Drive, Fremont, IN 46737. They request a 9.4-foot relief from *UDO Section 5.63 (A)(4)(b) General Set Back Standards, Minimum Lake Yard Setback*. The proposed project includes installing a hot tub (Accessory Structure) that encroaches the Established Building Setback by 9.4 feet.

Contractor Bob Buescher stated that both houses on each side are significantly higher. The expectation is to set the house as low as possible pending proper drainage. They would get the hot tub setting as low as possible on the patio so it would not obstruct the Schenkel’s or the neighbors’ views.

The Board of Zoning asked questions to residents Joseph & Kathy Schenkel and their contractor Bob Buescher.

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

**Motion by:** W. Grabowski

To open for public comment

**2<sup>nd</sup> by:** C. Fleeman

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

J. McClain entertained a motion to close public comment.

**Motion by:** S. Lazur

To close public comment.

**2<sup>nd</sup> by:** W. Grabowski

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

Zoning Administrator L. Lillmars summarized the feedback forms that he received.

J. McClain entertained a motion to proceed to findings of facts.

**Motion by:** D. Luepke

To proceed to findings of facts.

**2<sup>nd</sup> by:** S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; proceeded to findings of facts.

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

**Motion by:** S. Lazur

Yes, because legal notice of the application was published in the Herald Republican Newspaper on July 27, 2022. Notice has been made to appropriate landowners as shown by the US Post Office return receipts (green cards) and a list of 1<sup>st</sup> class mail recipients that are in the Town's possession.

**2<sup>nd</sup> by:** D. Luepke

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #1 approved.

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

**Motion by:** W. Grabowski

Yes, the approval of the variance will not be injurious because the hot tub location is consistent with the residential use of adjacent properties and will not affect the public health, safety, morals, and general welfare of the community.

**2<sup>nd</sup> by:** S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #2 approved.

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.

**Motion by:** C. Fleeman

Yes, the use and value of the adjacent area will not be affected in a substantially adverse manner because the use of the hot tub is consistent with the use of adjacent properties which is lake residential zoned and there will be no change in use as a result of this project.

**2<sup>nd</sup> by:** S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #3 approved.

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.

**Motion by:** D. Luepke

Yes, because the adjacent homes are located towards the road causing the building line setback to be greater which greatly reduces the build area available.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #4 approved.

J. McClain entertained a motion to approve variance 2022-06.

Roll Call Vote:

D. Luepke – Approve

C. Fleeman – Approve

S. Lazur – Approve

W. Grabowski – Approve

J. McClain – Approve

Motion to approve variance 2022-06 approved 5-0.



Zoning Administrator L. Lillmars went through the staff report for Joseph and Kathy Schenkel's variance 2022-07.

Contractor Bob Buescher stated that they are trying to build a garage big enough to house a boat. By adding the setback onto the rear of the garage, it gave them more parking space. They are also trying to find a remedy for the drainage between the garage and the house to the right and getting it drained down to the lake.

The Board of Zoning asked questions to residents Joseph & Kathy Schenkel and their contractor Bob Buescher.

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

**Motion by:** D. Luepke

To open for public comment

**2<sup>nd</sup> by:** S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

J. McClain entertained a motion to close public comment.

**Motion by:** D. Luepke

To close public comment.

**2<sup>nd</sup> by:** S. Lazur

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

Zoning Administrator L. Lillmars summarized the feedback forms that he received.

J. McClain entertained a motion to proceed to findings of facts.

**Motion by:** D. Luepke

To proceed to findings of facts.

**2<sup>nd</sup> by:** C. Fleeman

All in favor, say I. Vote was unanimous. Motion carried; proceeded to findings of facts.

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

**Motion by:** W. Grabowski

Yes, because legal notice of the application was published in the Herald Republican Newspaper on July 27, 2022. Notice has been made to appropriate landowners as shown by the US Post Office return receipts (green cards) and a list of 1<sup>st</sup> class mail recipients that are in the Town's possession.

**2<sup>nd</sup> by:** S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #1 approved.

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

**Motion by:** S. Lazur

Yes, the approval of the variance will not be injurious because the proposed garage is consistent with the residential use of adjacent properties and will not impact the drainage or traffic along the West Clear Lake Drive.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #2 approved.

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.

**Motion by:** D. Luepke

Yes, the use and value of the adjacent area will not be affected in a substantially adverse manner because the use of the subject property is consistent with the use of adjacent properties which is lake accessory zoned and there will be no change in use as a result of this project.

**2<sup>nd</sup> by:** S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #3 approved.

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.

**Motion by:** C. Fleeman

Yes, because the setbacks consume 50 feet of the depth of the 80-foot lot, and thereby greatly reducing the building envelope.

**2<sup>nd</sup> by:** S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; findings of fact #4 approved.

J. McClain entertained a motion to approve variance 2022-07.

Roll Call Vote:

D. Luepke – Approve

C. Fleeman – Approve

S. Lazur – Approve

W. Grabowski – Approve

J. McClain – Approve

Motion to approve variance 2022-07 approved 5-0.

J. McClain entertained a motion to approve the April 12, 2022, Board of Zoning minutes.

**Motion by:** S. Lazur

To approve the April 12, 2022, Board of Zoning minutes.

**2<sup>nd</sup> by:** C. Fleeman

All in favor, say I. D. Luepke abstained. Motion carried; April 12, 2022, Board of Zoning minutes approved.

J. McClain entertained a motion to approve adjourn meeting.

**Motion by:** S. Lazur

To adjourn meeting.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; Meeting adjourned.

Meeting adjourned at 8:15pm.

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Board of Zoning Appeals Chairman: Jim McClain

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Zoning Administrator: Robert Hawley

# Town of Clear Lake – Board of Zoning Appeals

## Meeting Minutes – February 14, 2023

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

Roll Call:

Walter (Mokey) Grabowski, 254 West Clear Lake Drive

Jim McClain, 1226 Quiet Harbor Drive

Kit Tyler, 280 Penner Drive

Robert Hawley, Zoning Administrator

Jennifer Sattison, Billing Clerk

There were 4 residents in attendance and 2 via Zoom.

J. McClain entertained a motion to approve agenda.

**Motion by:** K. Tyler

To approve agenda.

**2<sup>nd</sup> by:** W. Grabowski

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

K. Tyler abstains from minutes.

August 9, 2022, minutes not approved. Spelling error/typos, adding feedback form to website and minutes and adding what the Schenkel's talked about for their variances. Will be approved at the April 11, 2023, meeting.

No applications, petitions and/or hearings.

Old Business

Zoning Administrator R. Hawley and the Board of Zoning went through and discussed the changes to the Board of Zoning Rules of Procedures 2.1 and 2.2B – Meetings.

J. McClain entertained a motion to approve changes as written to 2.1 and 2.2B.

**Motion by:** W. Grabowski

To approve changes as written to 2.1 and 2.2B.

**2<sup>nd</sup> by:** K. Tyler

All in favor, say I. Vote was unanimous. Motion carried; changes as written to 2.1 and 2.2B approved.

Zoning Administrator R. Hawley went through and discussed the changes to the Board of Zoning Rules of Procedures 2.6 – Order of Business.

J. McClain entertained a motion to approve changes as written to 2.6.

**Motion by:** K. Tyler

To approve changes as written to 2.6

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; changes as written to 2.6 approved.

Zoning Administrator R. Hawley and the Board of Zoning went through and discussed the changes to the Board of Zoning Rules of Procedures 7.4 D ii and 7.4 D iv – Public Hearings

J. McClain entertained a motion to approve changes as written to 7.4 D ii and 7.4 D iv.

**Motion by:** K. Tyler

To approve changes as written to 7.4 D ii and 7.4 D iv.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; changes as written to 7.4 D ii and 7.4 D iv approved.

Zoning Administrator R. Hawley went through and discussed the changes to the Board of Zoning Rules of Procedures 8.1, 8.1 A and 8.1 B – Notice of Hearing.

J. McClain entertained a motion to approve changes as written to 8.1, 8.1 A and 8.1 B.

**Motion by:** W. Grabowski

To approve changes as written to 8.1, 8.1 A and 8.1 B.

**2<sup>nd</sup> by:** K. Tyler

All in favor, say I. Vote was unanimous. Motion carried; changes as written to 8.1, 8.1 A and 8.1 B approved.

Zoning Administrator R. Hawley went through and discussed the changes to the Board of Zoning Rules of Procedures 8.3 – Posting Signs.

J. McClain entertained a motion to approve changes as written to 8.3.

**Motion by:** K. Tyler

To approve changes as written to 8.3.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; changes as written to 8.3 approved.

Zoning Administrator R. Hawley went through and discussed the changes to the Board of Zoning Rules of Procedures 8.4 – Cost of Notice.

J. McClain entertained a motion to approve changes as written to 8.4.

**Motion by:** K. Tyler

To approve changes as written to 8.4.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; changes as written to 8.4 approved.

Zoning Administrator R. Hawley and the Board of Zoning went through and discussed the changes to the Board of Zoning Rules of Procedures 9.4 – Final Disposition of Cases.

J. McClain entertained a motion to table changes to 9.4 until further exploration.

**Motion by:** K. Tyler

To table changes to 9.4 until further exploration.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; table changes to 9.4 until further exploration approved.

Zoning Administrator R. Hawley goes through and discusses the changes to the Board of Zoning Rules of Procedures 10.4 – Budget.

J. McClain entertained a motion to table changes to 10.4.

**Motion by:** K. Tyler

To table changes to 10.4.

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; table changes to 10.4 approved.

New Business – Election of Chairman, Vice Chairman, and Secretary.

J. McClain asked for nominations for Secretary.

J. McClain nominated R. Hawley

**Motion by:** K. Tyler

To elect R. Hawley for Secretary

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Motion carried; R. Hawley Secretary

Board of Zoning discussed tabling the chairman and vice chairman election until the next meeting.

J. McClain asked for nominations for Chairman.

W. Grabowski nominates J. McClain

**Motion by:** W. Grabowski

To elect J. McClain for Chairman

**2<sup>nd</sup> by:** K. Tyler

All in favor, say I. Motion carried; J. McClain Chairman.

J. McClain asked for nominations for Vice Chairman.

J. McClain nominates K. Tyler

**Motion:** J. McClain

To elect K. Tyler for Vice Chairman

**2<sup>nd</sup> by:** W. Grabowski

All in favor, say I. Motion carried; K. Tyler Vice Chairman.

J. McClain entertained a motion to adjourn the meeting.

**Motion by:** K. Tyler

To adjourn the meeting.

**2<sup>nd</sup> by:** W. Grabowski

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

Meeting adjourned at 7:46pm.

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Board of Zoning Appeals Chairman: Jim McClain

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Zoning Administrator: Robert Hawley

# Town of Clear Lake – Board of Zoning Appeals Special Session Meeting Minutes – April 5, 2023

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

## Roll Call:

Jessica Swander, 7382 East State Road 120

Jim McClain, 1226 Quiet Harbor Drive

Walter (Mokey) Grabowski, 254 West Clear Lake Drive

Matt Rippe, 68 West Clear Lake Drive

Robert Hawley, Zoning Administrator

There were 4 residents in attendance.

Jessica Swander and Matt Rippe are the newly appointed board members.

Chairman Jim McClain goes through the code of conduct, resolution 03-2022 regarding electronic communication, the rules of procedures and UDO variance section 9.19.

Meeting adjourned at 7:48pm

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Board of Zoning Appeals Chairman: Jim McClain

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Board of Zoning: Robert Hawley





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**LEGAL NOTICE OF A PUBLIC MEETING  
BEFORE THE CLEAR LAKE PLAN COMMISSION  
TOWN of CLEAR LAKE, INDIANA**

To: All persons located within the zoning jurisdiction of the Town of Clear Lake, Indiana

RE: Variance 2023-01 (a) & (b)

**The Clear Lake Board of Zoning Appeals (BZA) will meet on Tuesday, April 11, 2023 at 7:00 PM in the Town Hall at 111 Gecowets Drive, Fremont, Indiana 46737.**

At the meeting, the BZA will consider two (2) requests for variances from development standards for 934 South Clear Lake Drive:

**2023-01.a**

5.04 (H) Utilities Sewer or water service shall not be provided into an accessory building, UDO Section 2.16 Sewer and Water, Sanitary sewer not permitted & water utility permitted for outdoor hydrants or spigots.

- Proposed project includes a full bathroom in an accessory building in the Lake Accessory (LA) District

**2023-02.b**

Section 2.16 Maximum Structure Height, 18 feet for accessory structures & 5.04 (D)(1) Maximum Accessory Structure Hight.

- The proposed project establishes the accessory building at 24 feet and 7 inches, 6 feet 7 inches over the required 18 feet.

At the public hearing, all interested persons will be given the opportunity to be heard concerning the matters set out in the variance applications. Written feedback that are filed using the public feedback form three (3) days prior to the public hearing will be summarized and presented at the hearing. Appearance at the Public hearing, in person or by representative, shall waive any defect in notice unless the alleged defect is raised, at the beginning of the public hearing. The hearing may be continued, as necessary.

The Clear Lake Board of Zoning Appeals must find several conditions have been met before the requested variances may be granted. All comments and questions on this matter should be directed to the Zoning Administrator (260) 243-6701 or [zoning@townofclearlake.org](mailto:zoning@townofclearlake.org).

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Robert Hawley  
Town of Clear Lake Zoning Administrator



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**LEGAL NOTICE OF A PUBLIC MEETING  
BEFORE THE CLEAR LAKE PLAN COMMISSION  
TOWN of CLEAR LAKE, INDIANA**

To: All persons located within the zoning jurisdiction of the Town of Clear Lake, Indiana

RE: Variance 2023-02

**The Clear Lake Board of Zoning Appeals (BZA) will meet on Tuesday, April 11, 2023, at 7:00 PM in the Town Hall at 111 Gecowets Drive, Fremont, Indiana 46737.**

At the meeting, the BZA will consider one (1) request for variances from development standards for a vacant lot across from 734 S. Clear Lake Drive, on the Southeast corner of SCLD and Buck Point Drive.

**2023-02**

2.16 LA District Development Standards; Minimum Front Yard Setback, 30 feet for primary and accessory structures

- The proposed project is requesting an allowed setback from the road edge of 13.5 feet where a setback of 30 feet is required.

At the public hearing, all interested persons will be given the opportunity to be heard concerning the matters set out in the variance applications. Written feedback that are filed using the public feedback form three (3) days prior to the public hearing will be summarized and presented at the hearing. Appearance at the Public hearing, in person or by representative, shall waive any defect in notice unless the alleged defect is raised, at the beginning of the public hearing. The hearing may be continued, as necessary.

The Clear Lake Board of Zoning Appeals must find several conditions have been met before the requested variances may be granted. All comments and questions on this matter should be directed to the Zoning Administrator (260) 243-6701 or [zoning@townofclearlake.org](mailto:zoning@townofclearlake.org).

---

Robert Hawley  
Town of Clear Lake Zoning Administrator

**Instructions for Applying for a Development Standards Variance  
Town of Clear Lake – Board of Zoning Appeals**

1. **SUBMITTAL REQUIREMENTS:** Provide seven (7) copies of the following items:
  - Completed Development Standards Variance Application (attached)
  - Drawings, to scale, of the proposed project including all exterior elevations
  - Site plan, to scale, showing property lines, existing improvements, and proposed improvements
  - Exterior materials list ~~XXXXXX~~
  - Certified boundary survey
  - Copy of the property deed (or deeds)
  - Sewer acceptance letter from the Town (if requesting a new sanitary sewer connection) *Pending*
  - Other information, including interior drawings, as requested for a thorough review of the proposed project
  
2. **FEE:** Pay the Variance Application fee per the Town's Fee Schedule (range is \$250+).
  
3. **MEETING:** Once all of the submittal requirements have been met and the application fee paid, the variance request will be placed on the agenda of the next Board of Zoning Appeals meeting that is at least 28 days away. The meeting date for your variance is 4-11-2023 @ 7pm.
  
4. **SITE PREP:** At least 10 days before the meeting, please stake your property lines and the corners of the proposed project. ~~The public hearing sign should also be posted at this time. The date you need to have the staking completed and sign in place is \_\_\_\_\_.~~
  
5. **GENERAL INFORMATION:**
  - You must attend the meeting to present the application and answer questions. If no one is at the meeting to present your request, the Board may dismiss it.
  - Everyone giving testimony to the Board of Zoning Appeals shall be deemed to have given the testimony under oath.
  - The burden is on YOU to supply all information necessary for a clear understanding of the request.
  - Statements made at the meeting regarding operation, siting, or other details shall be binding agreements between you and the Board of Zoning Appeals. Likewise, drawings, displays, or documents presented illustrating details shall also be binding as to their content and representation.
  
6. **ADDITIONAL INFORMATION:**
  - For additional information on the Board of Zoning Appeals, the Variance process, or meeting procedures, please reference the Board of Zoning Appeals *Rules of Procedure* and Town's *Unified Development Ordinance*, Article 9. Both documents are available upon request and on the Town's website ([www.townofclearlake.org](http://www.townofclearlake.org)).
  - If your variance is granted, a permit must be issued within one (1) year of the variance approval or the variance will expire. Once the project is complete, the Board of Zoning Appeals will create a "Certificate of Action Taken" to officially document the variance that was granted and have it recorded in the Office of the Steuben County Recorder.

DEVELOPMENT STANDARDS VARIANCE APPLICATION

# 2023-P1

Town of Clear Lake - Board of Zoning Appeals
111 Gecowets Drive, Clear Lake, Fremont IN 46737
Office: (260)495-9158 Mobile: (260)243-6701 Email: zoning@townofclearlake.org

APPLICANT INFORMATION

Name Denny + Jackie Keiser E-mail Dennis.Keiser3@gmail.com
Address 934 S Clear Lake Dr. Fremont, In. 46737
Phones 574-354-9979 574-910-0390

PROJECT INFORMATION

Address of Property 933A South Clear Lake Dr. 46737 Parcel 760130000031000062
Legal Description Lot 4 MOORE LAKE ACCESSORY SUB.
Property Owner Dennis C Keiser + Jacqueline J Reu, Trust Dtd 5-29-20
Current Zoning LA Existing Covenant NA
Current Use Parking Proposed Use Garage
Variances Requested Height Variance 23'2", Add 1st floor bathroom, insulate + finish upper level, water for boiler heat + bathroom, add grinding pump.

PROJECT DETAILS

Describe the project request in detail.

Detached Garage with two front garage overhead doors, 1 side entry door, 1 small garage door in rear. Two front corners, stone front 1/2 wall to match home. 23'2 height to accommodate 10' 1st floor walls + finished attic. Center height of 8 ft. Roof pitch to match main house pitch, Home main is 10/12 pitch, proposed is 9/12 main and 3/12 on dormers. Connect electric and water under road to home. Eliminate leaning electric pole (Nipco will run underground). 1st Floor Bathroom, Boiler Heated floor, upper level finished for daily use.

Explain why the requested variance is essential to the practical use of your property.

I own my own business + will be storing + using items that can't freeze. I also want option to wash down from inspecting fire losses + will be working in the garage. My busy season is the winter. The lower level will have boats + a vehicle, Need to be able to have use of upper level.

**FINDINGS OF FACT**

The Board of Zoning Appeals must make detailed findings of fact based on your application and presentation at the meeting. Failure to present evidence in support of the findings may result in the denial of your application. Therefore, please complete the following statements:

The proposed project will not be injurious to the public health, safety, morals and general welfare of the community because ...  
The propose utilities would comply with standards for sewer and water concretions. there is no increase in any safety risks. No known conflicts in the comprehensive plan and the general welfare of the community will be maintained.

The use and value of the area adjacent to the proposed project will not be affected in a substantially adverse manner because ...  
The use is consistent with allowable use for neighboring lots. No known value increase or increase in neighboring properties would result.

The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because ...  
1. Economic injury & public health issues bringing fire contaminants in home from work related inspection on fire losses.  
2. It is self created in necessity for avoiding home contamination.  
3. Only other alternative is to rebuild residence with bath / Mud Room off garage, which is not economically feasible.

**AFFIDAVIT**

I/We Dawn Kern, being duly sworn, depose and say that I/we am/are the owners/contract purchasers of the property involved in this application; and that the forgoing signatures, statements, and answers herein contained, and the information herewith submitted, are in all respects true and correct.

STATE OF INDIANA )  
 ) SS:   
COUNTY OF STEUBEN )

Subscribed and sworn to before me, a Notary Public in and for said County and State, on this 23<sup>rd</sup> day of JANUARY, 2023

My Commission Expires: 6/13/2025  
Cindy Martino  
Signature  
1/23/2023  
Date

**FINDINGS OF FACT**

The Board of Zoning Appeals must make detailed findings of fact based on your application and presentation at the meeting. Failure to present evidence in support of the findings may result in the denial of your application. Therefore, please complete the following statements:

The proposed project will not be injurious to the public health, safety, morals and general welfare of the community because ... The proposed project will not have public health issue or interfere with the comprehensive plan.

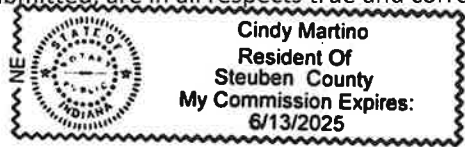
The use and value of the area adjacent to the proposed project will not be affected in a substantially adverse manner because ... Although it is a increase in height, the view from the rear property would not be restricted as there is a large hill directly behind the building.

The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because ... Strict application will result in practical difficulties because i need 10' walls to accommodate 8' overhead doors, so truck can be garaged. the height variance is needed for the upper level to have reasonable head space to navigate that area. Head space would be 8' or slightly less.

**AFFIDAVIT**

I/We, *Brian Kross*, being duly sworn, depose and say that I/we am/are the owners/contract purchasers of the property involved in this application; and that the forgoing signatures, statements, and answers herein contained, and the information herewith submitted, are in all respects true and correct.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF STEUBEN )



Subscribed and sworn to before me, a Notary Public in and for said County and State, on this 23<sup>rd</sup> day of JANUARY, 2023

My Commission Expires: 6/13/2025  
*Cindy Martino*  
Signature  
1/23/2023  
Date

**ZONING ADMINISTRATOR USE ONLY**

**UDO Provisions for which  
relief is requested?**

5.04(H) : 2.16 Sewer and Water

:

5.04(D)(1) : 2.16 Max Structure Hight

**Previous Variances for this  
Property?**

None

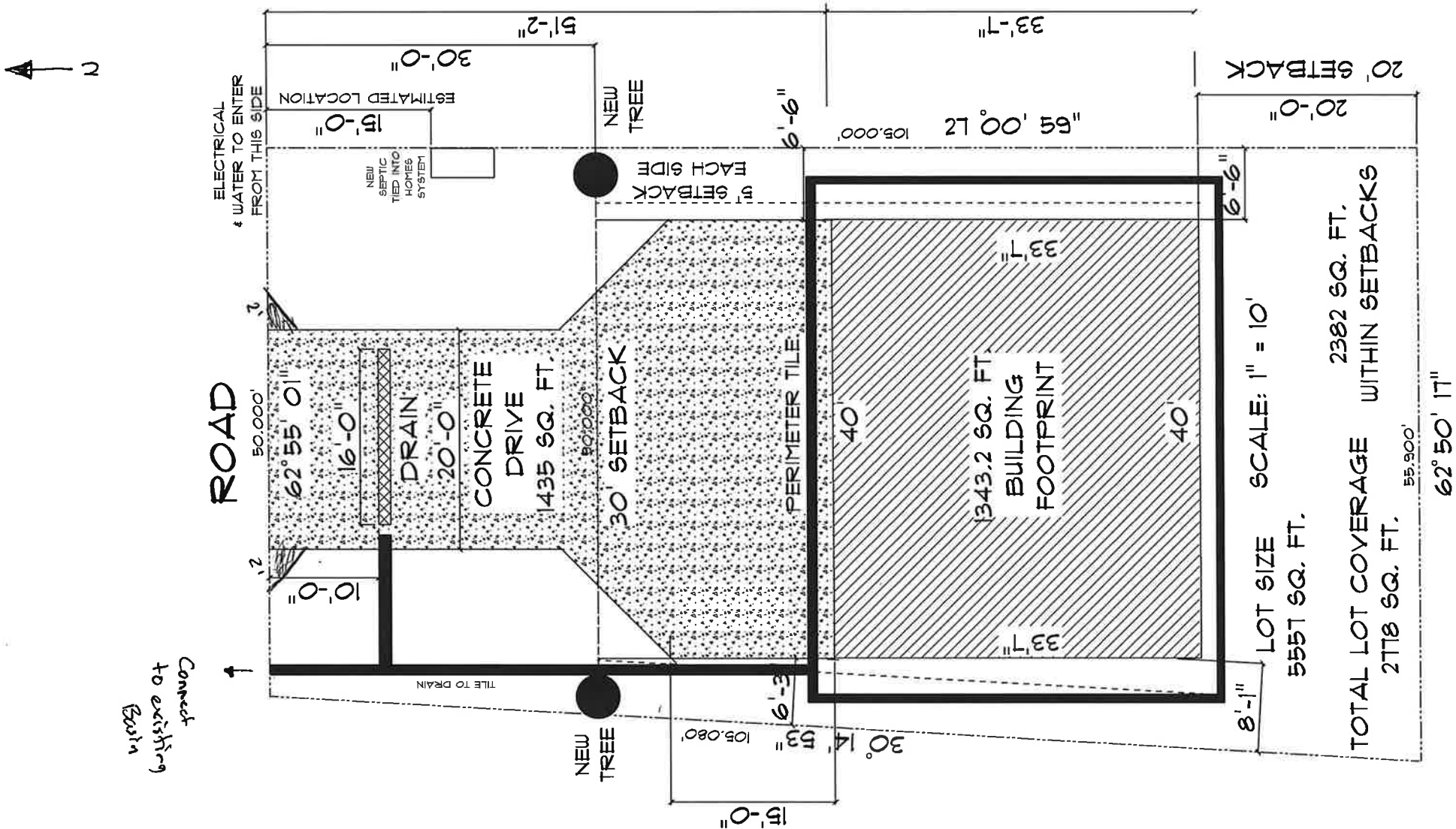
**Adjacent Property Owners**

See Exhibit "C"

**Interested Property  
Owners (within 300 feet)**

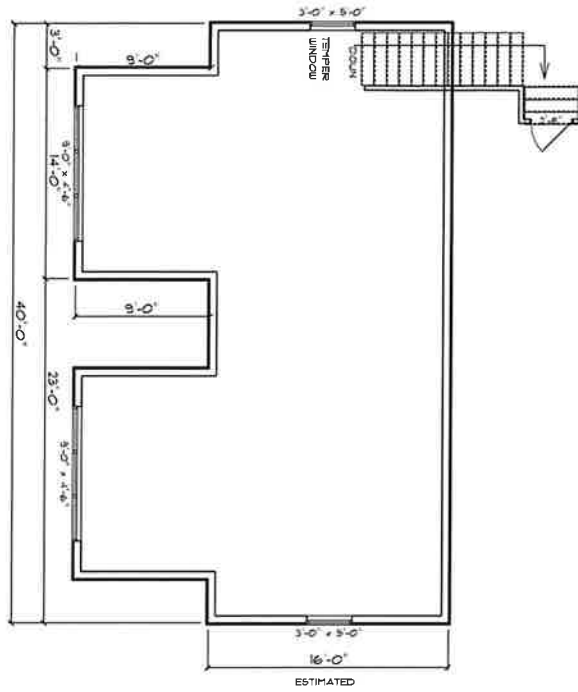
See Exhibit "C"

THIS DESIGN IS NOT PART OF A LEGAL CONTRACT. PLANS ARE SUBJECT TO MODIFICATIONS AS TO MEET ANY STATE OR LOCAL BUILDING CODES, TO FACILITATE MECHANICAL AND ELECTRICAL INSTALLATION AND TO INCORPORATE DESIGN IMPROVEMENTS. ROOM MEASUREMENTS ARE APPROXIMATE. DESIGNER IS NOT AN ARCHITECT, LANDSCAPE ARTIST, LICENSED SURVEYOR OR LICENSED CONTRACTOR. DESIGNER ACCEPTS NO RESPONSIBILITY BEYOND THE DESIGN OF PROJECT.



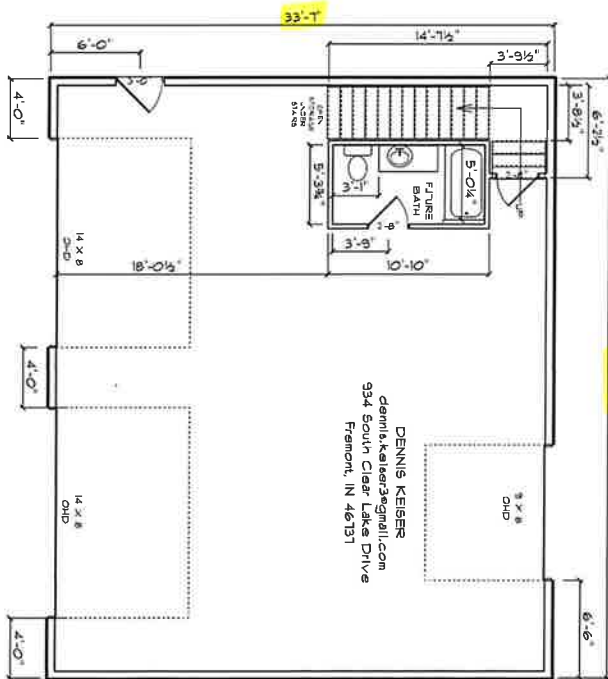


BONUS ROOM WITH OVERLAY



PLAN #1

MAIN FLOOR

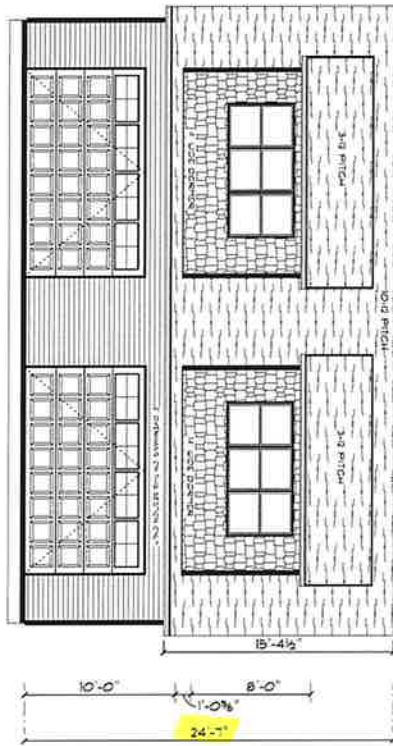


CUSTOMER: DENNIS KEISER  
 PHONE: 814-354-9979  
 MAIN FLOOR: 1343.2 SQ. FT.  
 BONUS ROOM: 292 SQ. FT.  
 SCALE: 1/8" = 1'  
 DATE: 04-27-23

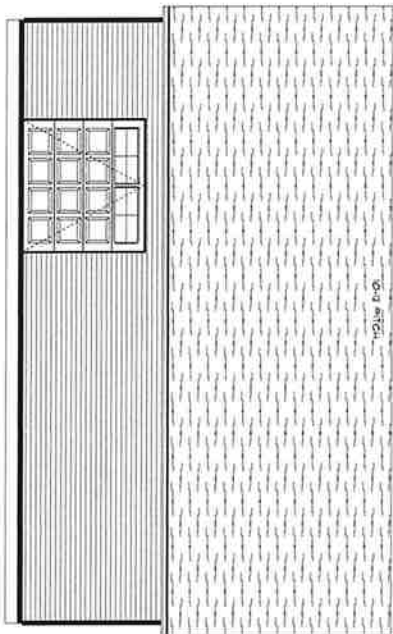
ADDRESS: 934 SOUTH  
 CLEAR LAKE DRIVE  
 FREMONT, IN 46731

AS TO MEET ANY STATE OR LOCAL BUILDING CODES,  
 TO FACILITATE MECHANICAL / ELECTRICAL INSTALLATION AND  
 TO INCORPORATE DESIGN IMPROVEMENTS. ROOM MEASUREMENTS  
 ARE APPROXIMATE. DESIGNER IS  
 NOT AN ARCHITECT, LANDSCAPE ARCHITECT OR LICENSED CONTRACTOR.

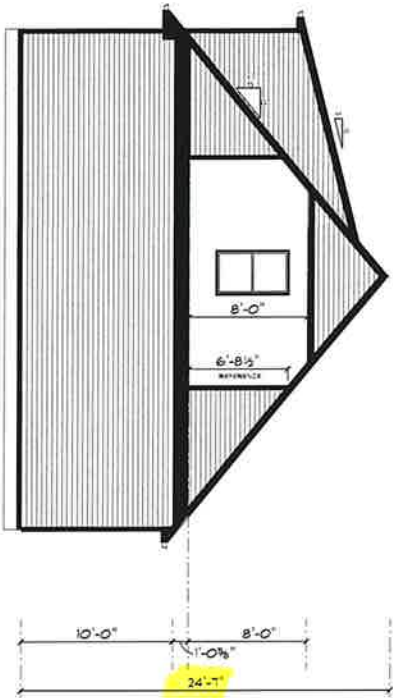
DESIGNED BY:  
 PLANS-PLUS  
 260-668-9733



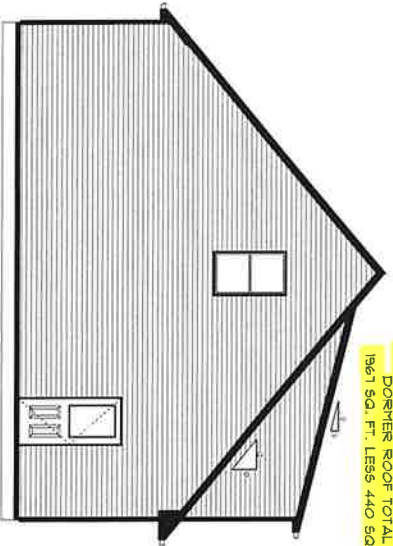
FRONT ELEVATION



BACK ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

PLAN #1

MAIN ROOF TOTAL • 1961 SQ. FT. @ 10-1/2 PITCH  
 DORMER ROOF TOTAL • 440 SQ. FT.  
 1961 SQ. FT. LESS 440 SQ. FT. • 1521 SQ. FT.

78% / 22%

Height 24'-7"

CUSTOMER: DENNIS KEISER  
 PHONE: 574-354-8978  
 MAIN FLOOR: 1343.2 SQ. FT.  
 BONUS ROOM: 892 SQ. FT.  
 SCALE: 1/8" = 1'  
 DATE: 01-21-23

ADDRESS: 334 SOUTH  
 CLEAR LAKE DRIVE  
 FREMONT, IN 46731

AS TO MEET ANY STATE OR LOCAL BUILDING CODES  
 TO FACILITATE MECHANICAL & ELECTRICAL INSTALLATION AND  
 TO INCORPORATE DESIGN IMPROVEMENTS. ROOM MEASUREMENTS  
 ARE APPROXIMATE. DESIGNER IS  
 NOT AN ARCHITECT, LANDSCAPE ARTIST OR LICENSED CONTRACTOR.

DESIGNED BY:  
 PLANS-PLUS  
 260-668-9733



Overview



Legend

- Lakes
- 2006 Contours
- 872
- 874
- 876
- 878
- 880
- 882
- 884
- 886
- 888
- 890
- 892
- 894
- 896
- 898
- 900
- 902
- 904
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- 908
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- 912
- 914
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- 938
- 940
- 942



**Exhibit A**

**LOT 4 IN MOORE LAKE ACCESSORY SUBDIVISION, RECORDED AS INSTRUMENT #22020300 ON FEBRUARY 15, 2022:**

*Formerly known as:*

**Lot Number Two (2) in Island View Lake Accessory Second Addition, a subdivision in the Town of Clear Lake, Steuben County, Indiana, recorded as Instrument No. 21050200 in the Office of the Recorder of Steuben County, Indiana.**

*Also formerly known as:*

**Part of the Northeast fractional quarter of Section 30, Township 38 North, Range 15 East, Steuben County, Indiana, described as follows:**

**Commencing at the Northwest corner of Lot 23 in the plat of Island View Addition on Clear Lake as recorded in Plat Book 2, page 77, said corner marked with a pipe stake in the asphalt roadway; thence South 35 degrees 38 minutes 00 seconds east (plat bearing), along the westerly line of Lots 23 through and including Lot 19 of said Island View Plat, said line also being the northeasterly right-of-way line of a platted roadway 238.07 feet (237.5 feet-plat) to a 2" diameter pipe stake marking the southerly most corner of said Lot 19; thence South 42 degrees 38 minutes 19 seconds West, across the 20 foot platted right-of-way a distance of 20.40 feet, to a #5 rebar stake on the southwesterly right-of-way line to said platted right-of-way; thence South 59 degrees 28 minutes 23 seconds East, along said southwesterly right-of-way line 143.85 feet to a mag nail marking the Point of Beginning; thence continuing South 59 degrees 28 minutes 23 seconds East, along said right-of-way line, 50.08 feet to a mag nail; thence South 30 degrees 31 minutes 28 seconds West, 100.00 feet to a #5 rebar stake; thence North 59 degrees 18 minutes 45 seconds West, 55.63 feet to a #5 rebar stake; thence North 33 degrees 42 minutes 22 seconds East 100.00 feet to the Point of Beginning, said in survey to contain 0.12 acre (5281.4 square feet), more or less.**

22030628 DEED \$25.00  
03/25/2022 10:14:25A 2 PGS  
Linda S Myers  
Steuben County Recorder IN  
Recorded as Presented

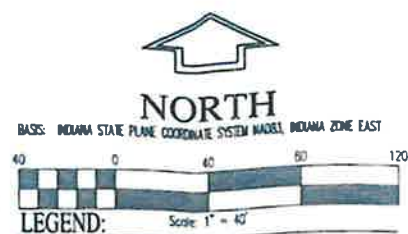


# MOORE LAKE ACCESSORY SUBDIVISION

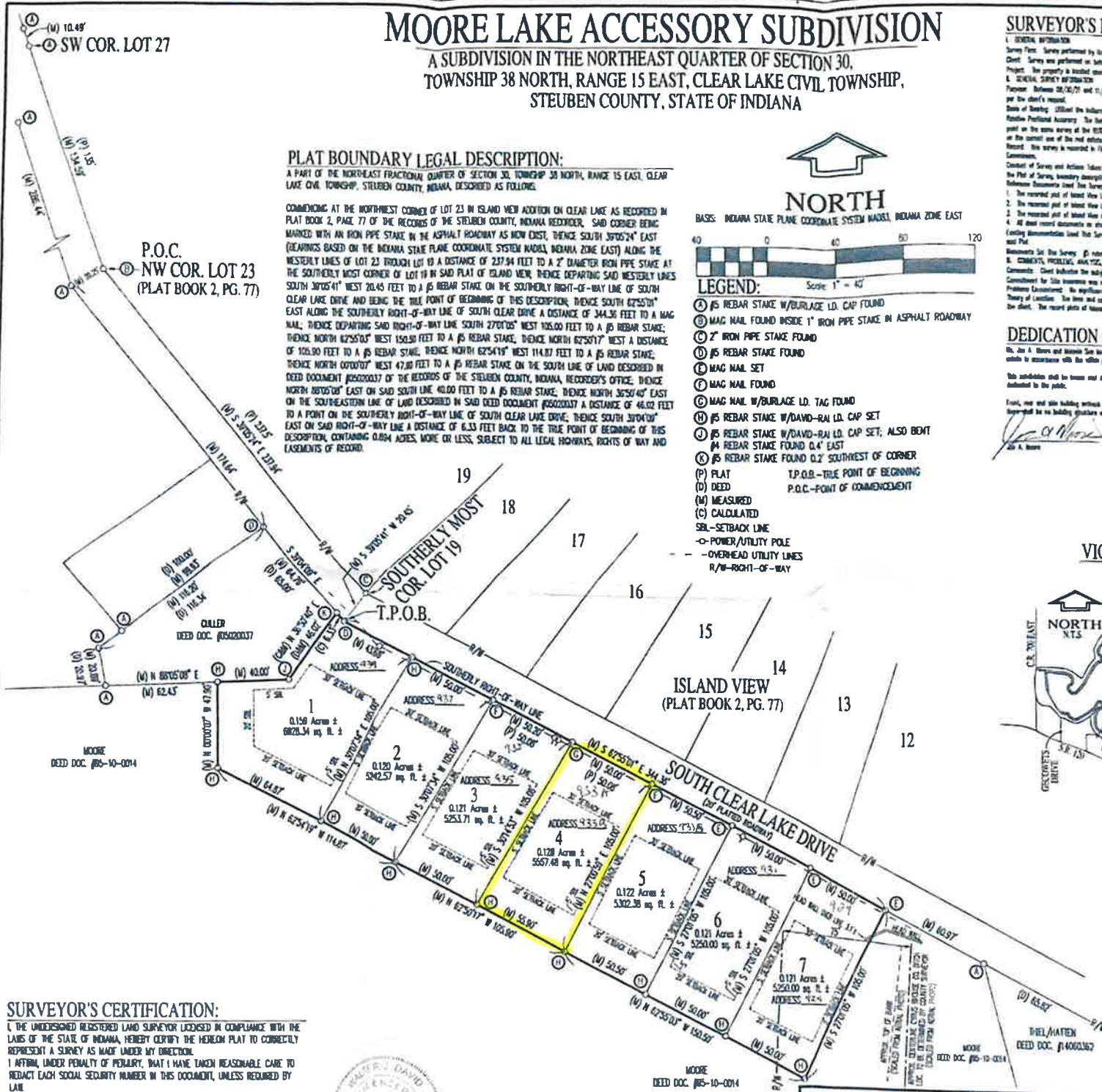
A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 30,  
TOWNSHIP 38 NORTH, RANGE 15 EAST, CLEAR LAKE CIVIL TOWNSHIP,  
STEBUEN COUNTY, STATE OF INDIANA

**PLAT BOUNDARY LEGAL DESCRIPTION:**  
A PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 38 NORTH, RANGE 15 EAST, CLEAR LAKE CIVIL TOWNSHIP, STEBUEN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 23 IN ISLAND VIEW ADDITION ON CLEAR LAKE AS RECORDED IN PLAT BOOK 2, PAGE 77 OF THE RECORDS OF THE STEBUEN COUNTY, INDIANA RECORDER, SAID CORNER BEING MARKED WITH AN IRON PIPE STAKE IN THE ASPHALT ROADWAY AS NOW EXIST, THENCE SOUTH 30°05'24" EAST (BEARINGS BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM MODEL, INDIANA ZONE EAST) ALONG THE WESTERLY LINES OF LOT 23 THROUGH LOT 19 A DISTANCE OF 237.94 FEET TO A 2" DIAMETER IRON PIPE STAKE AT THE SOUTHERLY RIGHT-OF-WAY LINE OF LOT 19 IN SAID PLAT OF ISLAND VIEW, THENCE DEPARTING SAID WESTERLY LINES SOUTH 30°05'41" WEST 20.45 FEET TO A 1/2" REBAR STAKE ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH CLEAR LAKE DRIVE AND BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE SOUTH 62°55'07" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH CLEAR LAKE DRIVE A DISTANCE OF 344.36 FEET TO A MAG NAIL, THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 27°07'05" WEST 106.00 FEET TO A 1/2" REBAR STAKE, THENCE NORTH 62°55'07" WEST 150.00 FEET TO A 1/2" REBAR STAKE, THENCE NORTH 62°50'17" WEST A DISTANCE OF 106.00 FEET TO A 1/2" REBAR STAKE, THENCE NORTH 62°54'18" WEST 114.87 FEET TO A 1/2" REBAR STAKE, THENCE NORTH 00°00'07" WEST 47.80 FEET TO A 1/2" REBAR STAKE ON THE SOUTH LINE OF LAND DESCRIBED IN DEED DOCUMENT #060200037 OF THE RECORDS OF THE STEBUEN COUNTY, INDIANA, RECORDER'S OFFICE, THENCE NORTH 80°05'00" EAST ON SAID SOUTH LINE 40.00 FEET TO A 1/2" REBAR STAKE, THENCE NORTH 30°04'00" EAST ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH CLEAR LAKE DRIVE, THENCE SOUTH 30°04'00" EAST ON SAID RIGHT-OF-WAY LINE A DISTANCE OF 6.33 FEET BACK TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 0.084 ACRES, MORE OR LESS, SUBJECT TO ALL LEGAL HIGHWAYS, RIGHTS OF WAY AND EASEMENTS OF RECORD.



- LEGEND:**
- (A) 1/2" REBAR STAKE W/BURLAP LD. CAP FOUND
  - (B) MAG NAIL FOUND INSIDE 1" IRON PIPE STAKE IN ASPHALT ROADWAY
  - (C) 2" IRON PIPE STAKE FOUND
  - (D) 1/2" REBAR STAKE FOUND
  - (E) MAG NAIL SET
  - (F) MAG NAIL FOUND
  - (G) MAG NAIL W/BURLAP LD. TAG FOUND
  - (H) 1/2" REBAR STAKE W/DAVID-RAJ LD. CAP SET
  - (I) 1/2" REBAR STAKE W/DAVID-RAJ LD. CAP SET; ALSO BENT
  - (J) 1/2" REBAR STAKE FOUND 0.4' EAST
  - (K) 1/2" REBAR STAKE FOUND 0.2' SOUTHWEST OF CORNER
  - (P) PLAT T.P.O.B. - TRUE POINT OF BEGINNING
  - (D) DEED P.O.C. - POINT OF COMMENCEMENT
  - (M) MEASURED
  - (C) CALCULATED
  - SL - SETBACK LINE
  - O- POWER/UTILITY POLE
  - O- OVERHEAD UTILITY LINES
  - R/W - RIGHT-OF-WAY



**SURVEYOR'S REPORT:**

1. GENERAL INFORMATION  
Survey Firm: Survey performed by Rowland Associates, Inc. located at 120 1/2 E. Walnut St., Angola, Indiana.  
Client: Survey was performed on behalf of Joe A. Moore and Melanie Sue Moore (owners).  
Project: The property is located along South Clear Lake Drive in the Northeast 1/4 of Section 30, Clear Lake Civil Township, Steuben County, Indiana.  
2. SURVEY INFORMATION  
Reference to Deeds: 20/06/21 and 11/08/21 an original survey was conducted to divide into (7) lots out of land described in Deed Document #05-10-0014 of the records of the Steuben County Indiana Recorder in per the owner's request.  
Date of Survey: 11/08/2021  
Method of Survey: Utilized the Indiana State Plane Coordinate System (NAD 83 Indiana Zone East (NAD 83) IZEA) and connected to the BDOT CORS Network.  
Reference Professional Accuracy: The Indiana Professional Accuracy (IPIA) was approved by the Indiana State Board of Surveying, Indiana County Recorder's Office.  
3. THE SURVEY  
The survey was conducted on the ground and in the office. The survey was conducted on the ground and in the office. The survey was conducted on the ground and in the office.  
4. THE PLAT  
The plat is a true and correct representation of the survey as conducted on the ground and in the office. The plat is a true and correct representation of the survey as conducted on the ground and in the office.

**DEDICATION OF SUBDIVISION:**

Do, Joe A. Moore and Melanie Sue Moore, the undersigned owners of the real estate shown and described herein, do hereby certify that we have surveyed, laid out, and subdivided said real estate in accordance with the above plat.  
This subdivision and plat is hereby dedicated to the use of Clear Lake, Steuben County, Indiana. All real right-of-way shown and easements delineated are hereby dedicated to the public.  
I, Joe A. Moore  
I, Melanie Sue Moore



**PRIMARY PLAT APPROVAL:**

The undersigned, by authority granted to them by the Unified Development Ordinance of the Town of Clear Lake, Indiana, certifies that this minor plat has been granted secondary approval as required by the laws of the State of Indiana, and shall be legally effective upon filing with the Auditor of Steuben County and recording in the Office of the Recorder of Steuben County, Indiana.  
Date of this plat: 21 Day of December, 2021.  
I, [Signature], President of the Clear Lake Planning Commission (signature)  
Larry Libbers, Zoning Administrator of Clear Lake Planning Commission (signature)

**SECONDARY PLAT APPROVAL:**

This Minor Plat complies with the Zoning Ordinance requirements for maximum lot area, width and setbacks.  
Approved this date: 21 Day of December, 2021.  
I, [Signature], President of the Plat Commission (signature)  
Larry Libbers, Zoning Administrator of the Plat Commission (signature)

**NOTARY:**

STATE OF INDIANA )  
COUNTY OF STEUBEN ) SS  
Before me, the undersigned authority, on this 11th day of December, 2021, personally appeared Joe A. Moore and Melanie Sue Moore, representatives of the real estate, acknowledged the execution of the foregoing instrument to the uses therein set forth.  
Witness my hand and official seal this 11th day of December, 2021.  
My Commission expires 10/31/22  
Angela W. Spitzer  
Notary Public - Clerk - Treasurer

**SURVEYOR'S CERTIFICATION:**

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, HEREBY CERTIFY THE HEREON PLAT TO CORRECTLY REPRESENT A SURVEY AS MADE UNDER MY DIRECTION.  
I AFFIRM, UNDER PENALTY OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

FIELD WORK COMPLETED ON: 11/09/2021  
Walter J. David  
PROFESSIONAL LAND SURVEYOR WALTER J. DAVID, NO. S-0120  
DATE OF CERTIFICATION: 11/09/2021



**FLOOD STATEMENT:**  
ACCORDING TO FLOOD PLANS AND MAPS, THE SUBJECT REAL ESTATE DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.

REVISIONS	<b>ROWLAND ASSOCIATES, INC.</b> CONSULTING ENGINEERS - SURVEYORS P.O. BOX 136 120 1/2 E. WALNUT ST. ANGOLA IN 46703 Ph: 260-665-3761 FAX: 260-665-3482	SCALE: 1" = 40'	CHECKED: WJD/RJS
		PROJECT: MOORE LAKE ACCESSORY SUBDIVISION LOTS 1-7	FILE: 21-093
	DRAWING: 21093-303815-SITE JOE A. & MELANIE SUE MOORE	DRAWN: RUCKEL II	DESIGN: N/A
		SHEET: 1	OF: 1

# Town of Clear Lake Board of Zoning Appeals

## Staff Report

### GENERAL INFORMATION

---

<b>Variance Number:</b>	BZA 2023-01 (a) & (b)
<b>Applicant:</b>	Dennis & Jackie Keiser 934 South Clear Lake Drive Fremont, IN 46767
<b>Status of Applicant:</b>	Owner
<b>Owner (if different form applicant):</b>	N/A
<b>Location:</b>	933 a South Clear Lake Drive
<b>Zoning:</b>	LA (Lake Accessory)
<b>Current Use:</b>	Vacant Lot
<b>Variance Type:</b>	Development Variance - 9.19(E)(7)(a)
<b>Adjacent Area Zoning &amp; Uses:</b>	<b>North:</b> LR (Lake Residential) – Residence <b>East:</b> LA (Lake Accessory) – Vacant <b>South:</b> RE (Rural Estate) – Residence <b>West:</b> LA (Lake Accessory) – Accessory Structure
<b>Hearing Date:</b>	April 11, 2023 @ 7 PM
<b>Required Notice:</b>	<ul style="list-style-type: none"><li>• Publication of legal notice was published in the Herald Republican on March 31, 2023.</li><li>• A legal Notice was also posted by the Zoning Administrator outside the Town Hall.</li><li>• Three (3) adjacent owners were sent Legal Notices with a certificate of mailing.</li><li>• Ten (10) interested property owners were sent “courtesy notices” by regular US mail.</li><li>• Notifications were sent to adjacent property owners within 300 feet of the subject property.</li></ul>

### Criteria:

#### UOD 9.19(E)(7)(a) Development Standard Variances

Development Standards Variance Findings of Fact: The Board of Zoning Appeals shall make the following findings of fact for Development Standards Variances. Approval of the findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.

- i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- iii. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

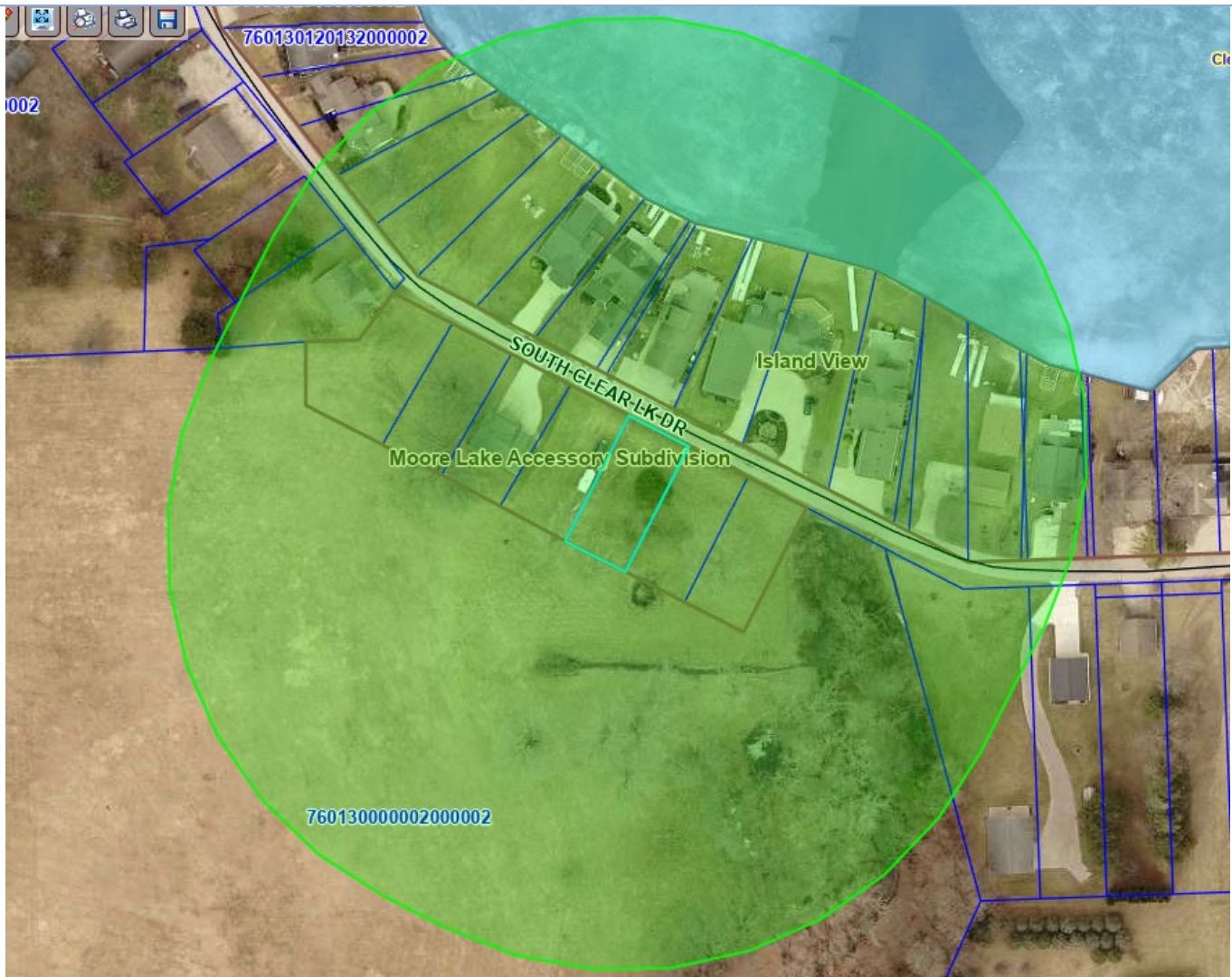
### Per Town Attorney:

- Is enforcement of the Ordinance unreasonable and prevents the wonder from using the property for a permitted use?
- Would conforming to the ordinance be unnecessarily burdensome?
- Dose the variance to substantial justice to the applicant and other property owners in the district?
- Would a lesser relaxation be more appropriate?
- Is the situation causing the need for a variance due to unique circumstances related to the property?
- Is the situation self-created (created by an action of the applicant)?

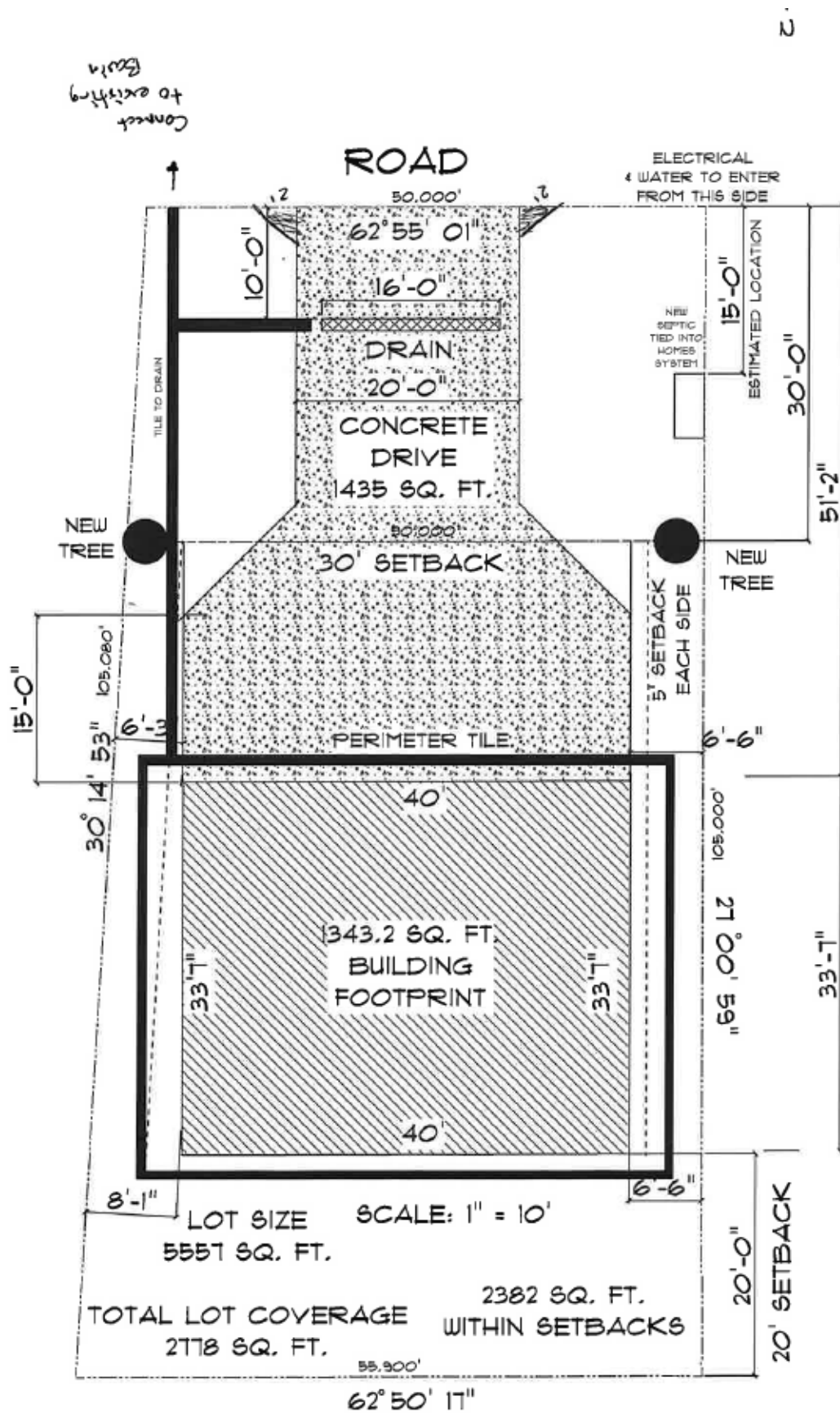
## Notices

Owner Name	Owner Address	Owner City/St/Zip
Moore Joe A & Melanie Sue	7610 E St Rd 120	Fremont, IN 46737
Bombrys Timothy E & Linda Sue Bombrys Trust	20100 State Route 199	BOWLING GREEN, OH 43402
Hill Robert W Jr	936 South Clear Lake Dr	FREMONT, IN 46737
Affolder Bonnie L	3318 Addison Ave	FORT WAYNE, IN 46805
Kaiser Thomas E Declaration of Trust	317 E 6th St	PERRYSBURG, OH 43551
Culler Fredrick I Living Trust dtd 1-5-2021	930 South Clear Lake Drive	FREMONT, IN 46737
Keiser Dennis C & Jacqueline J Rev Trust dtd 5-29-20	934 S Clear Lake Dr	FREMONT, IN 46737
Obrock John & David Obrock & Linda Bombrys T/C	20100 McCutcheonville Rd	BOWLING GREEN, OH 43402
Meso Matthew	820 Suffield	BIRMINGHAM, MI 48009
Culler Amy S	3827 Brookside Dr	Ottawa Hills, OH 43606
Eckrich Thomas J & Sally A H/W	948 South Clear Lake Dr	Fremont, IN 46737
Clear Lake Township Land Conservancy Inc	111 Gecowets Dr	FREMONT, IN 46737
Thiel Anita C & Paul A Hatten JT/RS	926 South Clear Lake Dr	FREMONT, IN 46737

**Adjacent properties are highlighted in pink**









## Variance Request – 2023-01. a

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5.04(H) Utilities, UDO Section 2.16 Sewer and Water, sanitary sewer not permitted & water Utility permitted for door hydrants or spigots.

- The proposed project includes a full bathroom. Utilizing sewer and water in an accessory structure is not permitted.

### Petitioner's Detailed Statement of Reasons

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***Explain why the requested variance is essential to the practical use of your property.***

I own my own business + will be storing and using items that can't freeze. I also want to wash down from inspecting fire losses and will be working in the garage. My Busy season is during the winter. The lower level will have boats and a vehicle. Need to have use of the upper level.

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

**2023-01. a** – The proposed utilities would comply with standards for sewer and water connections. There is no increase in any safety risks. No known conflicts in the comprehensive plan and the general welfare of the community will be maintained.

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

**2023-01.a** – the use is consistent with allowable use for neighboring lots. No known value increase or decrease in neighboring properties would result.

***The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property***

**2023-01. a** – 1. Economic injury & public health issues with bringing fire contaminants into home from work related inspections on fire losses.  
2. It is self-created in necessity for avoiding home contamination.  
3. only other alternative is to rebuild residence with bath and mud room off garage, which is not economically feasible.

**BZA Facts of Findings – 2023-01. a**

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**Criterion #1:** Has Legal notice of the petition been provided in accordance with applicable Indiana Code Section and Notice has been made to appropriate landowners.

**VOTE:** \_\_\_\_\_

**FINDING:**

**YES,** because Legal notice of the application was published in the Herald Republican Newspaper on March 31, 2023. Notice has been made to appropriate landowners as shown by the stamped receipts from the US Post Office and the return receipts (green cards) that are in the Town’s possession.

---

NO, because...

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**Criterion #2:** The approval **WILL NOT/WILL** be injurious to the public health, safety, morals, and general welfare of the community.

**VOTE:** \_\_\_\_\_

**FINDING:**

**WILL NOT:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community because...

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**WILL:** The approval will be injurious to the public health, safety, morals, and general welfare of the community because...

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**Criterion #3:** The use and value of the area adjacent to the property included in the variance **WILL NOT/WILL** be affected in a substantially adverse manner.

**VOTE:** \_\_\_\_\_

**FINDING:**

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

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**WILL:** The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner because...

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**Criterion #4:** The strict application of the terms of the zoning ordinance **WILL/WILL NOT** result in practical difficulties in the use of the property.

**VOTE:** \_\_\_\_\_

**FINDING:**

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

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**WILL NOT:** The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because...

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- If ANY of the criteria have been checked as “no”, the developmental standards variance request may not be approved.
- If All criteria have been checked as “yes”, then a variance from developmental standards is justified.

**Decision for case #2023-01.a**

<b>Vote of the Board</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
Walter Grabowski					
Jessica Swander					
Matt Rippe					
Kit Tyler					
Jim McClain					
BZA Alternate -					

**Variance 2023-01.a : Approved / Denied**

**Conditions:**

1. 1. If granted, a certification of the decision shall be created and recorded at the office of the Steuben County Recorder.

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2.

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3.

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## Variance Request – 2023-01. b

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UDO Section 2.16 Maximum Structure Height, 18 feet for accessory structures & 5.04(D)(1) Maximum Accessory structure height.

- The proposed project establishes the accessory building at 24 feet and 7 inches, 6 feet 7 inches over the required 18 feet.

### Petitioner’s Detailed Statement of Reasons

---

***Explain why the requested variance is essential to the practical use of your property.***

I own my own business + will be storing and using items that can't freeze. I also want to wash down from inspecting fire losses and will be working in the garage. My Busy season is during the winter. The lower level will have boats and a vehicle. Need to have use of the upper level.

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

**2023-01.b** - The proposed project will not have public health issues or interfere with the comprehensive plan.

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

**2023-01.b** – Although it is an increase in height, the view from the rear property would not be restricted as there is a large hill directly behind the lot.

***The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property***

**2023-01.b** – Strict application will result in practical difficulties because in need 10' walls to accommodate 8' overhead doors, so truck can be garaged. The height variance is need for the upper level to have reasonable head space to navigate that area. Head space would be 8' or slightly less.

**BZA Facts of Findings 2023-01.b**

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**Criterion #1:** Has Legal notice of the petition been provided in accordance with applicable Indiana Code Section and Notice has been made to appropriate landowners.

**VOTE:** \_\_\_\_\_

**FINDING:**

**YES,** because Legal notice of the application was published in the Herald Republican Newspaper on March 31, 2023. Notice has been made to appropriate landowners as shown by the stamped receipts from the US Post Office and the return receipts (green cards) that are in the Town's possession.

---

NO, because...

---

**Criterion #2:** The approval **WILL NOT/WILL** be injurious to the public health, safety, morals, and general welfare of the community.

**VOTE:** \_\_\_\_\_

**FINDING:**

**WILL NOT:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community because...

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**WILL:** The approval will be injurious to the public health, safety, morals, and general welfare of the community because...

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**Criterion #3:** The use and value of the area adjacent to the property included in the variance **WILL NOT/WILL** be affected in a substantially adverse manner.

**VOTE:** \_\_\_\_\_

**FINDING:**

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

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**WILL:** The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner because...

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**Criterion #4:** The strict application of the terms of the zoning ordinance **WILL/WILL NOT** result in practical difficulties in the use of the property.

**VOTE:** \_\_\_\_\_

**FINDING:**

**WILL:** The strict application of the terms of the zoning ordinance **WILL** result in practical difficulties in the use of the property because...

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**WILL NOT:** The strict application of the terms of the zoning ordinance **WILL NOT** result in practical difficulties in the use of the property because...

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- If ANY of the criteria have been checked as “no”, the developmental standards variance request may not be approved.
- If All criteria have been checked as “yes”, then a variance from developmental standards is justified.

**Decision for case #2023-01.b**

<b>Vote of the Board</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
Walter Grabowski					
Jessica Swander					
Matt Rippe					
Kit Tyler					
Jim McClain					
BZA Alternate -					

**Variance 2023-01.b: Approved / Denied**

**Conditions:**

1. If granted, a certification of the decision shall be created and recorded at the office of the Steuben County Recorder.

---

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2.

---

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3.

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## Variance 2022-01.a

Name	Street #	Address	Support	Oppose	1	2	3
Anita Thiel & Paul Hatten	926	SCLD		1	Disagree	Disagree	Disagree
Anne Shock	120	Lakeside		1	Disagree	Disagree	Disagree
Barbara Snyder	746	SCLD		1	Disagree	Disagree	Disagree
Beth Martin	796	SCLD		1	Disagree	Disagree	Disagree
Bonnie Affolder	928	SCLD		1	Disagree	Disagree	Disagree
Bran Weber	822	SCLD		1	Disagree	Disagree	Disagree
Brenda Elliott	1058	SCLD		1	Disagree	Disagree	Disagree
Brenda Stephens	688	SCLD		1	Disagree	Disagree	Disagree
Bruce Matasick	834	SCLD		1	Disagree	Disagree	Disagree
Bryon & Inga Stephens	960	SCLD		1	Disagree	Disagree	Disagree
Cheryl Johnson	180	WCLD		1	Disagree	Disagree	Disagree
Chirs & Marti Slee	902	SCLD		1	Disagree	Disagree	Disagree
Chris & Beth Schweikert	280	LVD #16		1	Disagree	Disagree	Disagree
Chris & Beth Schweikert	280	LVD #16		1	Disagree	Disagree	Disagree
Chuck Phelps	255	WCLD		1	Disagree	Disagree	Disagree
Cindy King	184	WCLD		1	Disagree	Disagree	Disagree
David & Rebecca Terreo	732	SCLD		1	Disagree	Disagree	Disagree
Deborah Wymer	884	SCLD		1	Disagree	Disagree	Disagree
Denny Keiser	Lot 4	SCLD	1		Agree	Agree	Agree
Denny Keiser	Lot 5	SCLD	1		Agree	Agree	Agree
Denny Keiser	934	SCLD	1		Agree	Agree	Agree
Don & Pat Helton	352	ECLD		1	Disagree	Disagree	Disagree
Don Schenkel	150	WCLD		1	Disagree	Disagree	Disagree
Eric & Jennifer Rockhold	430	PPD		1	Disagree	Disagree	Disagree
Evy Schlosser	110	CLD		1	Disagree	Disagree	Disagree
Fred Culler	932	SCLD	1		Agree	Agree	Agree
Jack Horrell	800	SCLD		1	Disagree	Disagree	Disagree
Jackie Keiser	Lot 4	SCLD	1		Agree	Agree	Agree
Jackie Keiser	Lot 5	SCLD	1		Agree	Agree	Agree
Jackie Keiser	934	SCLD	1		Agree	Agree	Agree
Jeenne Loughery	342	ECLD		1	Disagree	Disagree	Disagree
Jim & Luanne McArdle	782	SCLD		1	Disagree	Disagree	Disagree
Jim Horein	260	WCLD		1	Disagree	Disagree	Disagree
John & Julia Staner	486	ECLD		1	Disagree	Disagree	Disagree
John & Kathy D'Ettorre	370	ECLD		1	Disagree	Disagree	Disagree
John McArdel	900	SCLD	1		Agree	Agree	Agree
Joseph Schenkel	72	WCLD		1	Disagree	Disagree	Disagree
Judy Greffin	420	Point Park		1	Disagree	Disagree	Disagree
Kathy & Ken Wertz	280	Outer Drive		1	Disagree	Disagree	Disagree
Kathy Miller Alpeter	988	SCLD		1	Disagree	Disagree	Agree
Kathy Schenkel	144	WCLD		1	Disagree	Disagree	Disagree
Kay Hoehn	304	ECLD		1			
Kristien Gartner	253	WCLD		1	Disagree	Disagree	Disagree
Leo Weber	5002	ECLD		1	Disagree	Disagree	Disagree
Lori Wagner	426	PPD	1		Agree	Agree	Agree

Lucas Larson	946	SCLD	1		Agree	Agree	Agree
Mark Loughery	342	ECLD		1	Disagree	Disagree	Disagree
Mark Stasell	994	SCLD		1	Disagree	Disagree	Disagree
Mary Brooke	828	SCLD		1	Disagree	Disagree	Disagree
Mary Scrogam	280	LVD #3		1	Disagree	Disagree	Disagree
Michele Butler	114	Terrace Dr		1	Disagree	Disagree	Disagree
Mike Slee	904	SCLD		1	Disagree	Disagree	Disagree
Molly Nagle	256	WCLD		1	Disagree	Disagree	Disagree
Nancy Fenton	320	ECLD		1	Disagree	Disagree	Disagree
NJ Schenkel	472	ECLD		1	Disagree	Disagree	Disagree
Norb & Judy Bauman	596	ECLD		1	Disagree	Disagree	Disagree
Pam Reith	674	SCLD		1	Disagree	Disagree	Disagree
Patrick Heublin	854	SCLD	1		Agree	Agree	Agree
Peter & Sherri Beck	764	SCLD		1	Disagree	Disagree	Disagree
Ricchard Eckert	598	ECLD		1	Disagree	Disagree	Disagree
Rick Behnfeldt	103	Billings		1	Disagree	Disagree	Disagree
Rick Sadowski	808	SCLD		1	Disagree	Disagree	Disagree
Robert Hill	936	SCLD		1	Disagree	Disagree	Disagree
Robert Poffenberger	498	ECLD		1	Disagree	Disagree	Disagree
Robert Webster	592	ECLD		1	Disagree	Disagree	Disagree
Ron Oldsen	776	SCLD		1	Disagree	Disagree	Disagree
Rumsy	432	Point Park	1		Agree	Agree	Agree
Sally Eckrich	948	SCLD		1	Disagree	Disagree	Disagree
Steve Ludgate	450	PPD		1	Disagree	Disagree	Disagree
Sue Compo	414	ECLD		1	Disagree	Disagree	Disagree
Terry Larson	944	SCLD	1		Agree	Agree	Agree
Terry Newcomb	998	SCLD		1	Disagree	Disagree	Disagree
Tim Reith (trustee)	115	Chapel Ave		1	Disagree	Disagree	Disagree
Tom & B. Snyder	740	SCLD		1	Disagree	Disagree	Disagree
Tom Reith	674	SCLD		1	Disagree	Disagree	Disagree
Terry & Rita Brown	1110	SCLD		1	Disagree	Disagree	Disagree
Kip & Joanne Gleckler	1002	SCLD		1	Disagree	Disagree	Disagree
Ann DeWert	168	WCLD		1	Disagree	Disagree	Disagree
Eric Belfrage	105	Billings		1	Disagree	Disagree	Disagree
Steve Ludgate				1	Disagree	Disagree	Disagree
<b>80</b>			<b>13</b>	<b>67</b>			

Comments	#
Approval would set precedence for future requests	5
Approval would encourage guest living, which would increase resident density	10
Current UDO and Comp plan requirements provide adequate allowaces for proposed uses	12
Unknown environmental impact may result if approved	1
The General welfare of the commutiy will be affected negatively	4
No hardship to consider	10
Property Vales will be negitively affected	3
approcal will not affecct adjacent propetyies	1
How will utilites be affected if approved?	5

## Variance 2023-01.b

			26	136			
Name	Street #	Address	Support	Oppose	1	2	3
Anita Thiel	926	SCLD		1	Disagree	Disagree	Disagree
Anne Shock	120	Lakeside		1	Disagree	Disagree	Disagree
Barbara Snyder	740	SCLD		1	Disagree	Disagree	Disagree
Beth Martin	796	SCLD		1	Disagree	Disagree	Disagree
Bill Hanna	208	WCLD		1	Disagree	Disagree	Disagree
Bonnie Affolder	928	SCLD		1	Disagree	Disagree	Disagree
Brenda Stephens	688	SCLD		1	Disagree	Disagree	Disagree
Brian Weber	822	SCLD		1	Disagree	Disagree	Disagree
Bryon and Inga Stephens	960	SCLD		1	Disagree	Disagree	Disagree
Cheryl Johnson	180	WCLD		1	Disagree	Disagree	Disagree
Chris & Beth Schweikert	280	LVD #16		1	Disagree	Disagree	Disagree
Chris & Marti Slee	902	SCLD		1	Disagree	Disagree	Disagree
Chris and Beth Schweikert #16	280	Lakeview		1	Disagree	Disagree	Disagree
Chuck Phelps	255	WCLD		1	Disagree	Disagree	Disagree
Cindy King	184	WCLD		1	Disagree	Disagree	Disagree
David & Rebecca Terreo	732	SCLD		1	Disagree	Disagree	Disagree
Deborah Wymer	884	SCLD		1	Disagree	Disagree	Disagree
Denny Keiser	Lot 5	SCLD	1		Agree	Agree	Agree
Denny Keiser	Lot 4	SCLD	1		Agree	Agree	Agree
Denny Keiser	934	SCLD	1		Agree	Agree	Agree
Don Schenkel	150	WCLD		1	Disagree	Disagree	Disagree
Donald Helton	352	ECLD		1	Disagree	Disagree	Disagree
Eric & Jennifer Rockhold	430	Point Park		1	Disagree	Disagree	Disagree
Evy Mosses	110	CLC		1	Disagree	Disagree	Disagree
Fred Culler	932	SCLD	1		Agree	Agree	Agree
Jack Horrell	800	SCLD		1	Disagree	Disagree	Disagree
Jackie Keiseer	Lot 5	SCLD	1		Agree	Agree	Agree
Jackie Keiseer	Lot 4	SCLD	1		Agree	Agree	Agree
Jackie Keiseer	934	SCLD	1		Agree	Agree	Agree
Jeenne Loughery	342	ECLD		1	Disagree	Disagree	Disagree
Joe Sorg	208	LVD #18		1	Disagree	Disagree	Disagree
John & Jula Starner	486	ECLD		1	Disagree	Disagree	Disagree
John & Kathy D'Ettorre	370	ECLD		1	Disagree	Disagree	Disagree
John McArdel	900	SCLD	1		Agree	Agree	Agree
Joseph Schenkel	72	WCLD		1	Disagree	Disagree	Disagree
Judy And Bill Greffin	420	Point Park		1	Disagree	Disagree	Disagree
Judy Greffin	420	Point Park		1	Disagree	Disagree	Disagree
Karen Devenney	1018	SCLD			Agree	Agree	
Kathy & Ken Wertz	280	Outer Drive		1	Disagree	Disagree	Disagree
Kathy Miller Alpeter	988	SCLD		1	Disagree	Disagree	Disagree
Kathy Schenkel	144	WCLD		1	Disagree	Disagree	Disagree
Kay Hoehn	304	ECLD		1	Disagree	Disagree	Disagree
Kristine Gartner	253	WCLD		1	Disagree	Disagree	Disagree
Leo Wlber	502	ECLD		1	Disagree	Disagree	Disagree
Lori Wanger	426	Point Park	1		Agree	Agree	Agree
Lucas Larson	946	SCLD	1		Agree	Agree	Agree
Mark Loughery	342	ECLD		1	Disagree	Disagree	Disagree

Mark Stasell	994	SCLD		1			
Mary Brooke	878	SCLD		1	Disagree	Disagree	Disagree
Mary Scrogham	280	Lakeview		1	Disagree	Disagree	Disagree
Matt Miller	962	SCLD		1	Disagree	Disagree	Disagree
Michele Butler	114	Terrace		1	Disagree	Disagree	Disagree
Mike Slee	904	SCLD		1	Disagree	Disagree	Disagree
N.J. Schenkel	472	ECLD		1	Disagree	Disagree	Disagree
Nancy Fenteon	320	ECLD		1	Disagree	Disagree	Disagree
Norb & Judy Bauman	596	ECLD		1	Disagree	Disagree	Disagree
Pam Reith	674	SCLD		1	Disagree	Disagree	Disagree
Patrick Heublein	854	SCLD	1		Agree	Agree	Agree
Paul Hatten	926	SCLD		1	Disagree	Disagree	Disagree
Peter & Sherri Beck	764	SCLD		1	Disagree	Disagree	Disagree
Richard Eckert	598	ECLD		1	Disagree	Disagree	Disagree
Rick Behnfeldt	103	Billings		1	Disagree	Disagree	Disagree
Robert Hill	936	SCLD		1	Disagree	Disagree	Disagree
Robert Poffenberger	498	ECLD		1	Disagree	Disagree	Disagree
Robert Webster	592	ECLD		1	Disagree	Disagree	Disagree
Ron Oldson	776	SCLD		1	Disagree	Disagree	Disagree
Rumsy	432	Point Park		1	Disagree	Disagree	Disagree
Steven Gill	876	SCLD	1		Agree	Agree	Agree
Sue Compo	414	ECLD		1	Disagree	Disagree	Disagree
Terry Larson	944	SCLD	1		Agree	Agree	Agree
Terry & Rita Brown	1110	SCLD		1	Disagree	Disagree	Disagree
Terry Newcomb	998	SCLD		1	Disagree	Disagree	Disagree
Tim & LuAnn McArdee	782	SCLD		1	Disagree	Disagree	Disagree
Tim Reith (trustee)	115	Chapel Ave		1	Disagree	Disagree	Disagree
Tom & B. Snyder	740	SCLD		1	Disagree	Disagree	Disagree
Tom Reith	674	SCLD		1	Disagree	Disagree	Disagree
Rick Sadowski	808	SCLD		1	Disagree	Disagree	Disagree
Terry & Rita Brown	1110	SCLD		1	Disagree	Disagree	Disagree
Kip & Joanne Gleckler	1002	SCLD		1	Disagree	Disagree	Disagree
Ann DeWert	168	WCLD		1	Disagree	Disagree	Disagree
Eric Belfrage	105	Billings		1	Disagree	Disagree	Disagree
Steve Ludgate				1	Disagree	Disagree	Disagree
<b>82</b>			<b>13</b>	<b>68</b>			

Comments	#
Approval would set precedence for future requests	6
Approval would encourage guest living, which would increase resident density	12
A Large LA Struture will de-value adjacent homes and be unattractive	3
Current UDO requirements provide adequate allowances for proposed uses	12
Approval would not be in the insterest of the communitny or its general welfare	6
Safety on the lakes will be impacted in a negative way	3
will block future views	5
Higher pitch is more asthetically plesing	1
Use and Value of the propety will be increased	1
Property Values will be nevityly impacted	1
Hardship not present for request	1

**DEVELOPMENT STANDARDS VARIANCE APPLICATION**

# 2023-02

Town of Clear Lake - Board of Zoning Appeals  
111 Gecowets Drive, Clear Lake, Fremont IN 46737  
Office: (260)495-9158 Mobile: (260)243-6701 Email: [zoning@townofclearlake.org](mailto:zoning@townofclearlake.org)

**APPLICANT INFORMATION**

Name Jon Lundy E-mail lundyjd@comcast.net  
Address 734 S Clear Lake Drive 3578 Cabaret Trail / Okemos, MI 48864  
*lake permanent*  
Phones 215-327-3910  
*preferred other*

**PROJECT INFORMATION**

Address of Property SE corner at intersection of S Clear Lake Dr & Buck Point Dr  
Legal Description see provided site plan  
(attach if necessary)  
Property Owner Jon Lundy  
Current Zoning LA Existing Covenant  
Current Use Vacant Lot Proposed Use Storage Garage  
Variances Requested Relief from required front yard setback as spec'd in sections 2.16 & 5.63 A(6) of UDO  
on W side of property from 30' to 13.5'

**PROJECT DETAILS**

Describe the project request in detail.  
Build a 1,340 SF garage with an exterior facade similar in appearance to the house at 734 SCLD.

Explain why the requested variance is essential to the practical use of your property.  
Due to the east/west width of the lot a structure of any practical size cannot be built due to such tight constraints placed on the building envelope when strictly adhering to the UDO setback standards.

**FINDINGS OF FACT**

The Board of Zoning Appeals must make detailed findings of fact based on your application and presentation at the meeting. Failure to present evidence in support of the findings may result in the denial of your application. Therefore, please complete the following statements:

The proposed project will not be injurious to the public health, safety, morals and general welfare of the community because ...

The proposed structure will be constructed of high quality materials and will support, maintain, or improve adjacent property values. It would not be detrimental to the public health, safety, morals or general welfare of the community.

The use and value of the area adjacent to the proposed project will not be affected in a substantially adverse manner because ...

The proposed reduced setback would not cause an interference with the area adjacent to it, visibility and travel along Buck Point Dr would not be affected.

The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because ...

Strict application of the UDO setback standards would result in an overly restrictive building envelope (between east and west), which would not allow for a reasonably sized garage.

**AFFIDAVIT**

I/We, Jon Lundy and Beth Lundy Trust, being duly sworn, depose and say that I/we am/are the owners/contract purchasers of the property involved in this application; and that the forgoing signatures, statements, and answers herein contained, and the information herewith submitted, are in all respects true and correct.

Jon R. Lundy, Trustee )  
STATE OF ~~INDIANA~~ <sup>Michigan</sup> )  
) SS:  
COUNTY OF ~~STUBEN~~ )  
Saginaw

Subscribed and sworn to before me, a Notary Public in and for said County and State, on this 9th day of March, 2023.

BRANDON BECKMAN  
Notary Public, State of Michigan  
County of Saginaw  
My Commission Expires 06-29-2026  
Acting in the County of Ingham



[Signature]  
Signature  
3-9-2023  
Date

**ZONING ADMINISTRATOR USE ONLY**

**UDO Provisions for which  
relief is requested?**

**Previous Variances for this  
Property?**

**Adjacent Property Owners**

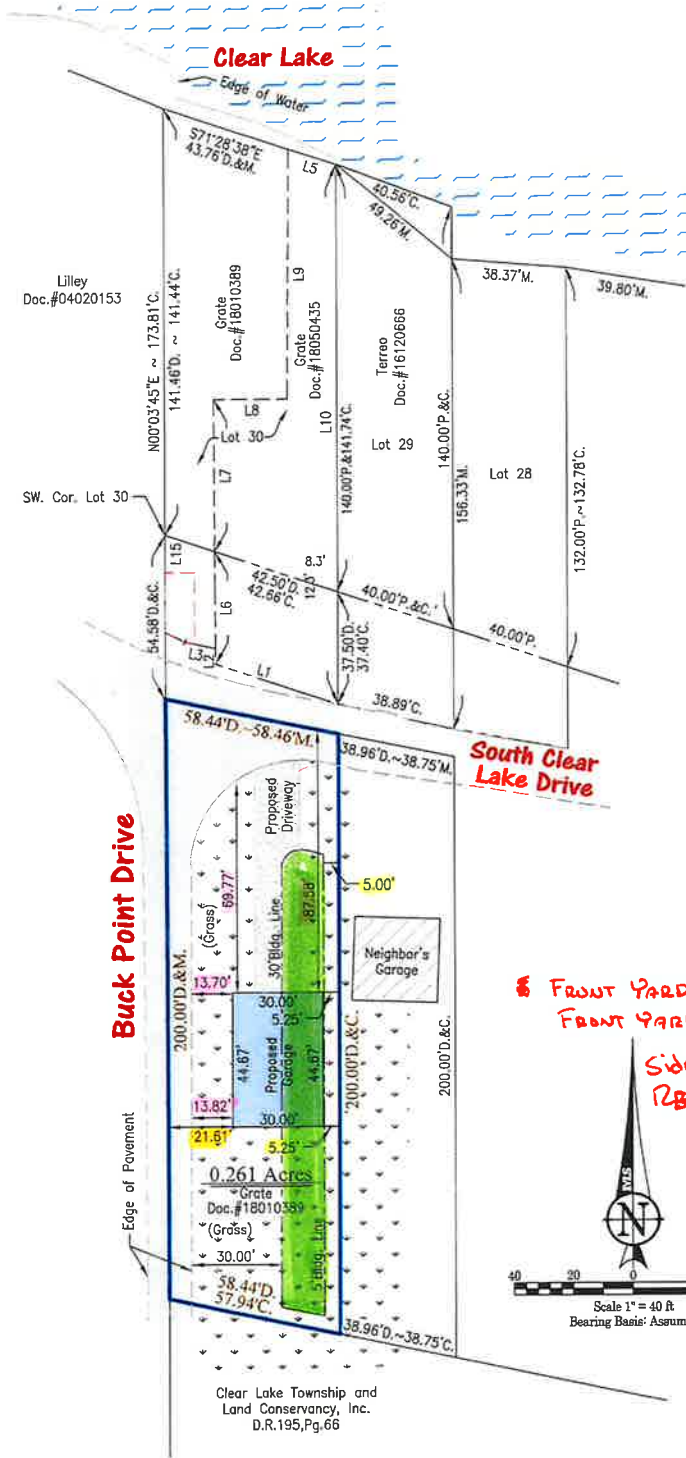
**Interested Property  
Owners (within 300 feet)**

Brett R. Miller, PLS No.LS20300059 Robert J. Marucci, PLS No.LS20400028



www.mlswebsite.us

Precision and Professionalism is where we draw the line.

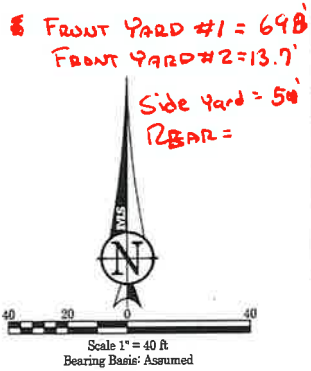


### RECORD DESCRIPTION

A part of Lot numbered thirty (30), in the Plat of Homestead Beach Addition on Clear Lake as recorded in Plat Book #2, Page 28, Steuben County Recorder's Office, and conveyed by Deed Record #204, Page 517, more particularly described as follows:

Commencing at the Southwest corner of Lot 30 in said Homestead Beach Addition on Clear Lake; thence South 00 degrees 03 minutes 45 seconds West, (Assumed bearing and basis of bearings) a distance of 12.37 feet along the Southerly extension of said West line also being the West line of an existing tract described in Document Number 18010389 in the Office of the Recorder of Steuben County, Indiana to the POINT OF BEGINNING of the herein described easement; thence North 90 degrees 00 minutes 00 seconds East, a distance of 10.00 feet; thence South 00 degrees 03 minutes 45 seconds West, a distance of 24.04 feet to the South line of said Document Number 18010389; thence North 78 degrees 10 minutes 18 seconds West, a distance of 3.53 feet along said South line; thence North 63 degrees 08 minutes 16 seconds West, a distance of 7.33 feet (Deed) along said South line to the West line of said Document Number 18010389; thence North 00 degrees 03 minutes 45 seconds East, a distance of 20.00 feet along said West line to the Point of Beginning. Containing 223.54 square feet, more or less. Subject to easements of record.

Line #	Length	Direction
L1	42.20'D. 42.48'C.	N71°28'00"W
L2	5.21'M.	N00°16'28"W
L3	10.61' D.&M.	N78°10'18"W
L4	7.33' D.&M.	N63°08'16"W
L5	16.32' D.&M.	S72°16'19"E
L6	37.50'D. 37.46'C.	N00°16'28"W
L7	50.76'D. 50.78'C.	N00°07'09"W
L8	24.37' D.&M.	S89°54'48"E
L9	82.40' D.&M.	S00°27'12"E
L10	179.14'C.	S00°00'00"W
L11	10.00'C.	N90°00'00"E
L12	24.04'C.	S00°03'45"W
L13	3.53'C.	N78°10'18"W
L14	20.00'C.	N00°03'45"E
L15	12.37'C.	S00°03'45"W



Reference Survey  
Hofer and Davis  
Survey No. NE 29-38-15  
May 23rd  
Donald G. Mason  
September 22, 1984

Survey No. 17124376\_2021  
County: Steuben Township: Clear Lake Sect/Twp/Rng: Sect.29,T38N,R15E  
For: Grate Subdivision: Homestead Beach

IN WITNESS WHEREOF, I hereunto place my hand and seal this 11th day of March, 2023.  
Revised:

*Brett R. Miller*  
Brett R. Miller, PLS NO. 20300059



Legend

POB	- Point of Beginning
M.	- Measured
R.	- Record
C.	- Calculated
D.	- Deed
- - -	- Right of Way (R/W)
- - - - -	- Building Setback Line
- - - - -	- Center Line







Overview



Legend

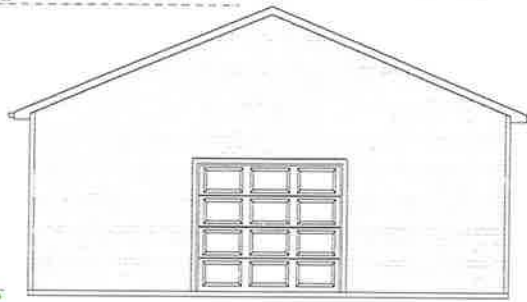
- Lakes
- Subdivisions
- Parcels
- Political Township
- Sections
- Centerlines**
- Interstate
- State
- US
- Other
- <all other values>
- Airports**
- AIRPORT
- HELIPORT
- SEAPLANE BASE
- ULTRALIGHT

Date created: 3/20/2023  
 Last Data Uploaded: 3/20/2023 4:23:03 AM

Developed by Schneider  
 GEOSPATIAL

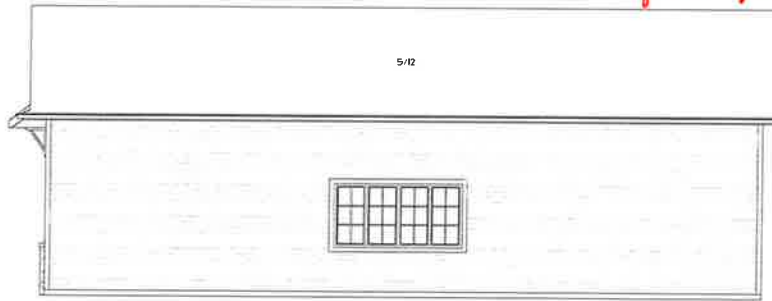


NORTH ELEVATION

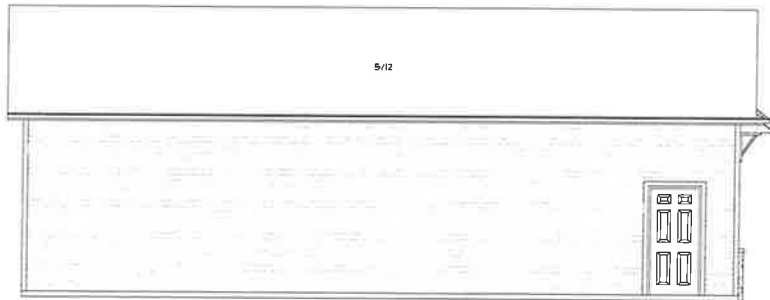


SOUTH ELEVATION

*\* Not to exceed 18' from ~~opposed~~ ground.*



WEST ELEVATION



EAST ELEVATION

*100% = 5/12*

Scale: 1/4" = 1'-0"  
March 10, 2023  
Drawn By: Justin

RESIDENCE FOR:

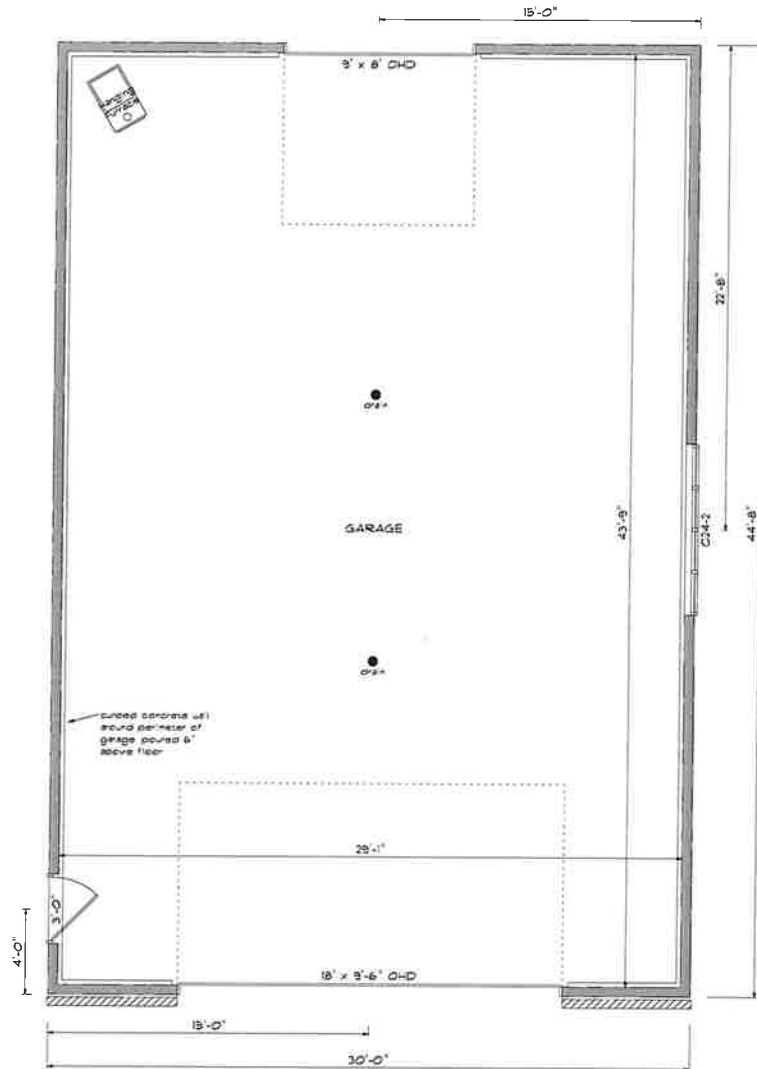
Jon Lundy  
--- 5 Clear Lake Drive  
Fremont, IN 46131

GARAGE ELEVATIONS

Star HOMES  
5909 Wheelock Rd.  
Suite 101  
Fort Wayne, IN 46835  
260-195-5939  
starhomesinc.com

Copyright: Star Homes Inc. 2023





Notes:

- All unmarked exterior garage walls to be 2" x 6" x 10'-7".
- All interior measurements are based on 3 1/2" & 5 1/2" stud walls where spec'd.
- Siding, stone, & roof to match house #134.



5909 Wheelock Rd.  
 Suite 101  
 Fort Wayne, IN 46835  
 260-755-5999  
 starhomesinc.com

RESIDENCE FOR:

Jon Lundy  
 --- S Clear Lake Drive  
 Fremont, IN 46737

SQUARE FOOTAGE TOTALS:

GARAGE AREA = 1,340 SQ. FT.

Scale: 1/4" = 1'-0"  
 March 10, 2023  
 Drawn by: Justin

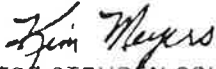


**March 10, 2023**

**Material List for Lundy Proposed Storage Garage**

- Exterior stone, siding, shingles, & trim to match house #734 across the street.

MAR 17 2022



AUDITOR STEUBEN COUNTY

22030412 DEED \$25.00  
03/17/2022 02:28:53P 2 PGS  
Linda S Myers  
Steuben County Recorder IN  
Recorded as Presented



WARRANTY DEED

THIS INDENTURE WITNESSETH, that JEFFREY GRATE and SHERRY L. GRATE, each an adult, (the "Grantor") CONVEYS AND WARRANTS to Beth B. Lundy and Jon D. Lundy, as Trustees of the JON D. LUNDY AND BETH B. LUNDY TRUST dated June 7, 2021, (the "Grantee"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Steuben County, Indiana:

**Parcel 1 Parcel No.: 76-01-29-120-243.000-002**

A part of the West One-Half of the Northeast Quarter of Section 29, Township 38 North, Range 15 East (Clear Lake Civil Township), Steuben County, Indiana, together with Lot Numbered Thirty (30) in the Plat of Homestead Beach Addition on Clear Lake as recorded in Plat Book 2, page 28, Steuben County Recorder's Office, and conveyed by Deed Record 204, page 517, more particularly described as follows:

Beginning at a 5/8" steel rebar found at the Northeast corner of Lot 30 in said Homestead Beach; thence South 00 degrees 00 minutes 00 seconds West (assumed bearing and basis of bearings) a distance of 179.14 feet along the East line and the Southerly extension of said Lot 30 to the South line of an existing tract described in Document Number 1805-0435 in the Office of the Recorder of Steuben County, Indiana, said point being referenced by a 3/4" steel pipe found 0.18 feet West; thence North 71 degrees 28 minutes 00 seconds West, a distance of 42.48 feet (42.20 feet Deed) along said South line to a mag nail with a "Miller Firm" identification ring found on the West line of said Document Number 1805-0435; thence North 00 degrees 16 minutes 28 seconds West, a distance of 5.21 feet along said West line to a Mag Nail with a "Miller Firm" identification ring found on the South line of an existing tract described in Document Number 1801-0389 in the Office of the Recorder of Steuben County, Indiana; thence North 78 degrees 10 minutes 18 seconds West, distance of 10.61 feet (Deed) along said South line to a Mag Nail with a "Miller Firm" identification ring found; thence North 63 degrees 08 minutes 16 seconds West, a distance of 7.33 feet (Deed) along said South line to a 3/4" steel pipe found on the West line of said Lot 30; thence North 00 degrees 03 minutes 45 seconds East, a distance of 173.81 feet along said West line to a 3/4" steel pipe found on the North line of said Deed Record 1801, page 0389; thence South 71 degrees 28 minutes 38 seconds East, a distance of 43.76 feet (Deed) along said North line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap found on the North line of said Document Number 1805-0435; thence South 72 degrees 16 minutes 19 seconds East, a distance of 16.32 feet (Deed) along said North line to the Point of Beginning, said in previous deed to contain 0.233 acres, more or less, together with that portion of the vacated road right way set out in Ordinance No. 2018-02 and recorded September 7, 2018 as Instrument No. 18090122, in the Office of the Recorder of Steuben County, Indiana.

**Parcel 2 Parcel No.: 76-01-29-120-101.000-002**

A part of the West One-Half of the Northeast Quarter of Section 29, Township 38 North, Range 15 East (Clear Lake Civil Township), Steuben County, Indiana, last conveyed by Deed Record 204, page 517, more particularly described as follows:

Commencing at a 1 1/4" iron pipe found this Survey at the Southwest corner of Lot 30 in the Plat of Homestead Beach Addition on Clear Lake as recorded in Plat Book 2, page 28; thence South 01 degree 53 minutes 15 seconds West, (Base Bearing) along the West line of said West One-Half of the Northeast Quarter of Section 29, a distance of 54.58 feet measured, (Deed - SOUTH, 54.77 feet), to a 5/8" iron pin found this Survey at the point of intersection of the pavement centerlines of County

METROPOLITAN TITLE OF IN  
9604 COLDWATER ROAD  
SUITE 105  
FORT WAYN . IN 46825

003053

Road 850 East and Lake Drive, said point being the True Point of Beginning of this description; thence South 76 degrees 35 minutes 40 seconds East, along said centerline of Lake Drive as now traveled, 58.29 feet measured, (Deed - South 78 degrees 08 minutes East, 58.44 feet), to a 1/2" iron pin found this Survey at the Northwest corner of land conveyed by Deed Record #195, page 67, thence departing said centerline of Lake Drive, South 10 degrees 24 minutes 20 seconds West, along the West line of said Deed Record 195, page 67, a distance of 199.81 feet measured, (Deed - South, 200 feet), to a 1/2" iron pin found this Survey at the Southwest corner of said Deed Record #195, page 67; thence departing said West line, North 76 degrees 46 minutes 52 seconds West, 58.27 feet measured, (Deed - North 78 degrees 08 minutes West, 58.44 feet), to a 5/8" iron pin found this Survey on said centerline of County Road 850 East; thence North 01 degree 24 minutes 40 seconds East, along said centerline of County Road 850 East, 200.00 feet, measured (Deed - North, 200 feet), back to the true point of beginning.

Commonly referred to as 734 South Clear Lake Drive, Fremont, Indiana 46737.

**Subject to** all rights-of-way, easements, zoning and subdivision control ordinances, conditions and restrictions of record, and flood zones affecting the Real Estate.

**Subject, also, to** (1) delivery of possession, and (2) payment of all property taxes and assessments now a lien against the Real Estate, in accordance with the written agreement between the Grantor and the Grantee for the sale and purchase of the Real Estate.

IN WITNESS WHEREOF, this instrument was executed on the 25 day of February, 2022.

Jeffrey Grate Sherry L. Grate  
Jeffrey Grate Sherry L. Grate

STATE OF INDIANA )  
) SS:  
COUNTY OF Allen

Before me, a Notary Public in and for the State of Indiana, this 25 day of February, 2022, personally appeared **Jeffrey Grate** and **Sherry L. Grate**, each an adult, and acknowledged execution of the foregoing Warranty Deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

A resident of \_\_\_\_\_ County

Mattyson Kiracofe  
Notary Public (signature)

Commission Expires: \_\_\_\_\_

Commission Number: \_\_\_\_\_

Notary Public (printed name)

\* \* \* \* \*  
This instrument was prepared by **Christopher L. Nusbaum**, Attorney at Law, Indiana Bar No. 30066-02, Carson LLP, 301 West Jefferson Boulevard, Suite 200, Fort Wayne, Indiana 46802.  
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law - *Christopher L. Nusbaum*.

Grantee's Address and Tax Billing Address: 734 S. Clear Lake Dr. Fremont, IN 46737



**MATTYSON KIRACOFE**, Notary Public  
Allen County, State of Indiana  
Commission Number NP0730387  
My Commission Expires December 6, 2028

22030412 DEED \$25.00  
03/17/2022 02:28:53P 2 PGS  
Linda S Myers  
Steuben County Recorder IN  
Recorded as Presented





111 Gecowets Drive Fremont IN 46737  
(260) 495-9158 / (260) 495-5902 fax  
[www.townofclearlake.org](http://www.townofclearlake.org)

**LEGAL NOTICE OF A PUBLIC MEETING  
BEFORE THE CLEAR LAKE PLAN COMMISSION  
TOWN of CLEAR LAKE, INDIANA**

To: All persons located within the zoning jurisdiction of the Town of Clear Lake, Indiana

RE: Variance 2023-02

**The Clear Lake Board of Zoning Appeals (BZA) will meet on Tuesday, April 11, 2023, at 7:00 PM in the Town Hall at 111 Gecowets Drive, Fremont, Indiana 46737.**

At the meeting, the BZA will consider one (1) request for variances from development standards for a vacant lot across from 734 S. Clear Lake Drive, on the South east corner of SCLD and Buck Point Drive.

**2023-02**

2.16 LA District Development Standards; Minimum Front Yard Setback, 30 feet for primary and accessory structures

- The proposed project is requesting an allowed setback from the road edge of 13.5 feet where a setback of 30 feet is required.

At the public hearing, all interested permits will be given the opportunity to be heard concerning the matters set out in the variance applications. Written feedback that are filed using the public feedback form three (3) days prior to the public hearing will be summarized and presented at the hearing. Appearance at the Public hearing, in person or by representative, shall waive any defect in notice unless the alleged defect is raised, at the beginning of the public hearing. The hearing may be continued, as necessary.

The Clear Lake Board of Zoning Appeals must find several conditions have been met before the requested variances may be granted. All comments and questions on this matter should be directed to the Zoning Administrator (260) 243-6701 or [zoning@townofclearlake.org](mailto:zoning@townofclearlake.org).

Robert Hawley

Town of Clear Lake Zoning Administrator

# Town of Clear Lake Board of Zoning Appeals

Staff Report

## GENERAL INFORMATION

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<b>Variance Number:</b>	BZA 2023-02
<b>Applicant:</b>	Jon Lundy 734 South Clear Lake Drive Fremont, IN 46737
<b>Status of Applicant:</b>	Owner
<b>Owner (if different form applicant):</b>	N/A
<b>Location:</b>	734 South Clear Lake Drive
<b>Zoning:</b>	LA (Lake Accessory)
<b>Current Use:</b>	Vacant Lot
<b>Variance Type:</b>	Development Variance - 9.19(E)(7)(a)
<b>Adjacent Area Zoning &amp; Uses:</b>	<b>North:</b> LR (Lake Residential) – Residence & SCLD <b>East:</b> LA (Lake Accessory) – Vacant <b>South:</b> SR (Single family Res.) – Vacant <b>West:</b> A (Agricultural) – Vacant & Buck Point
<b>Hearing Date:</b>	April 11, 2023 @ 7 PM
<b>Required Notice:</b>	<ul style="list-style-type: none"><li>• Publication of legal notice was published in the Herald Republican on March 31, 2023.</li><li>• A Legal Notice was also posted by the Zoning Administrator outside the Town Hall.</li><li>• Three (5) adjacent owners were sent Legal Notices with a certificate of mailing.</li><li>• Ten (13) interested property owners were sent “courtesy notices” by regular US mail.</li><li>• Notifications were sent to adjacent property owners within 300 feet of the subject property.</li></ul>

### Criteria:

UOD 9.19(E)(7)(a) Development Standard Variances

Development Standards Variance Findings of Fact: The Board of Zoning Appeals shall make the following findings of fact for Development Standards Variances. Approval of the findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.

- i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- iii. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

### Things to consider:

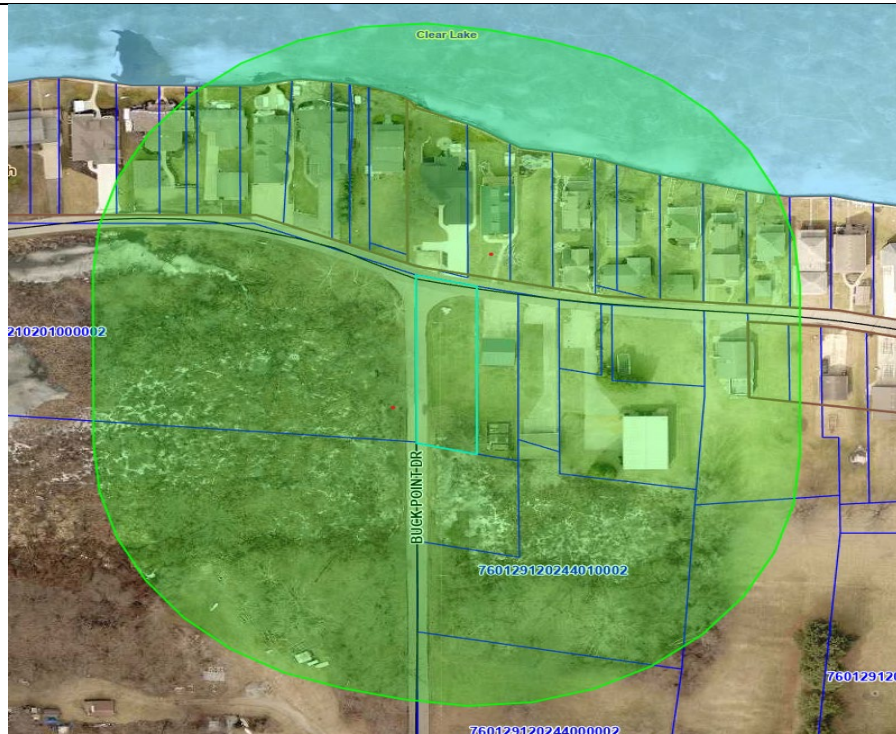
- Is enforcement of the Ordinance unreasonable and prevents the wonder from using the property for a permitted use?
- Would conforming to the ordinance be unnecessarily burdensome?
- Does the variance do substantial justice to the applicant and other property owners in the district?
- Would a lesser relaxation be more appropriate?
- Is the situation causing the need for a variance due to unique circumstances related to the property?
- Is the situation self-created (created by an action of the applicant)?

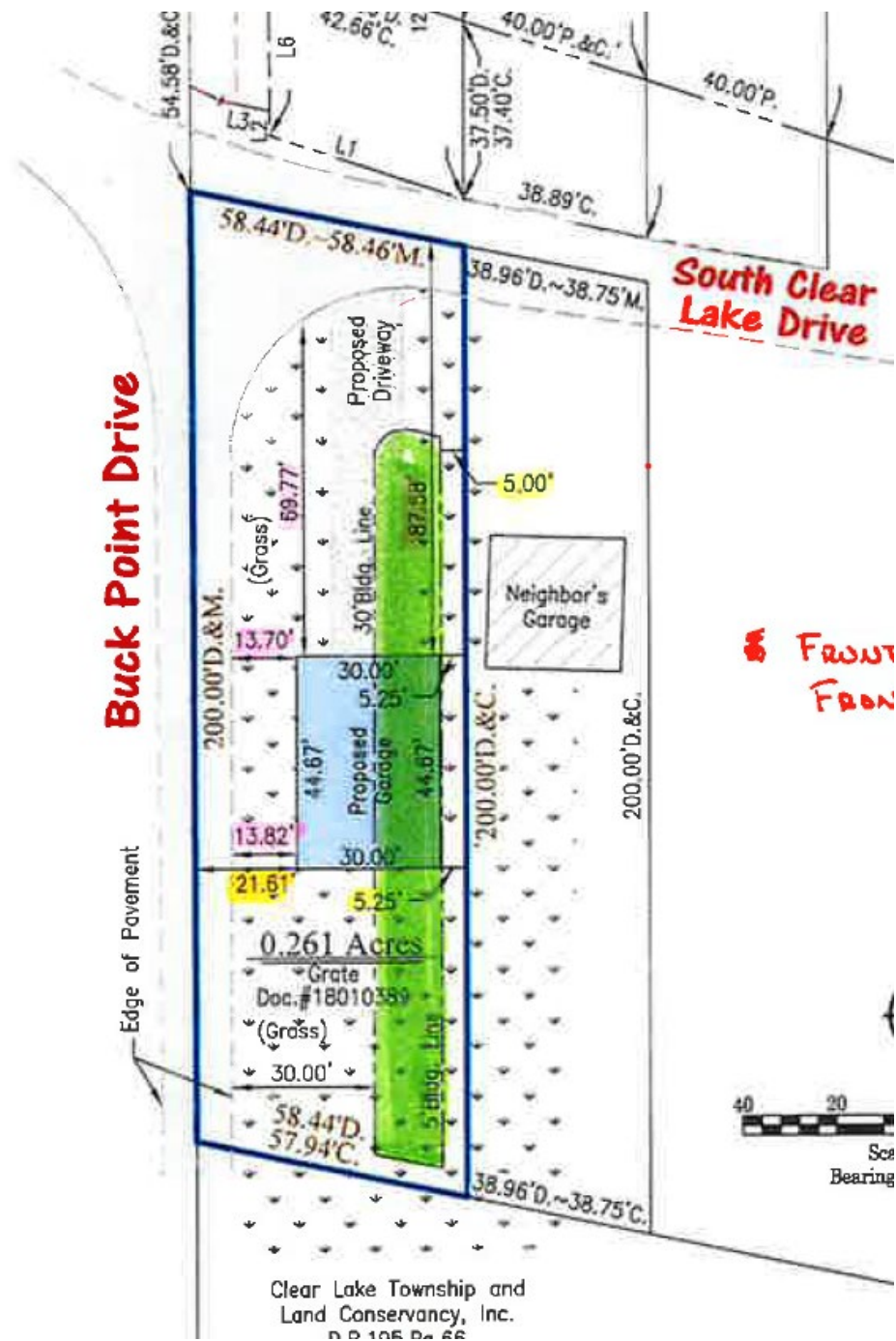


## Notices

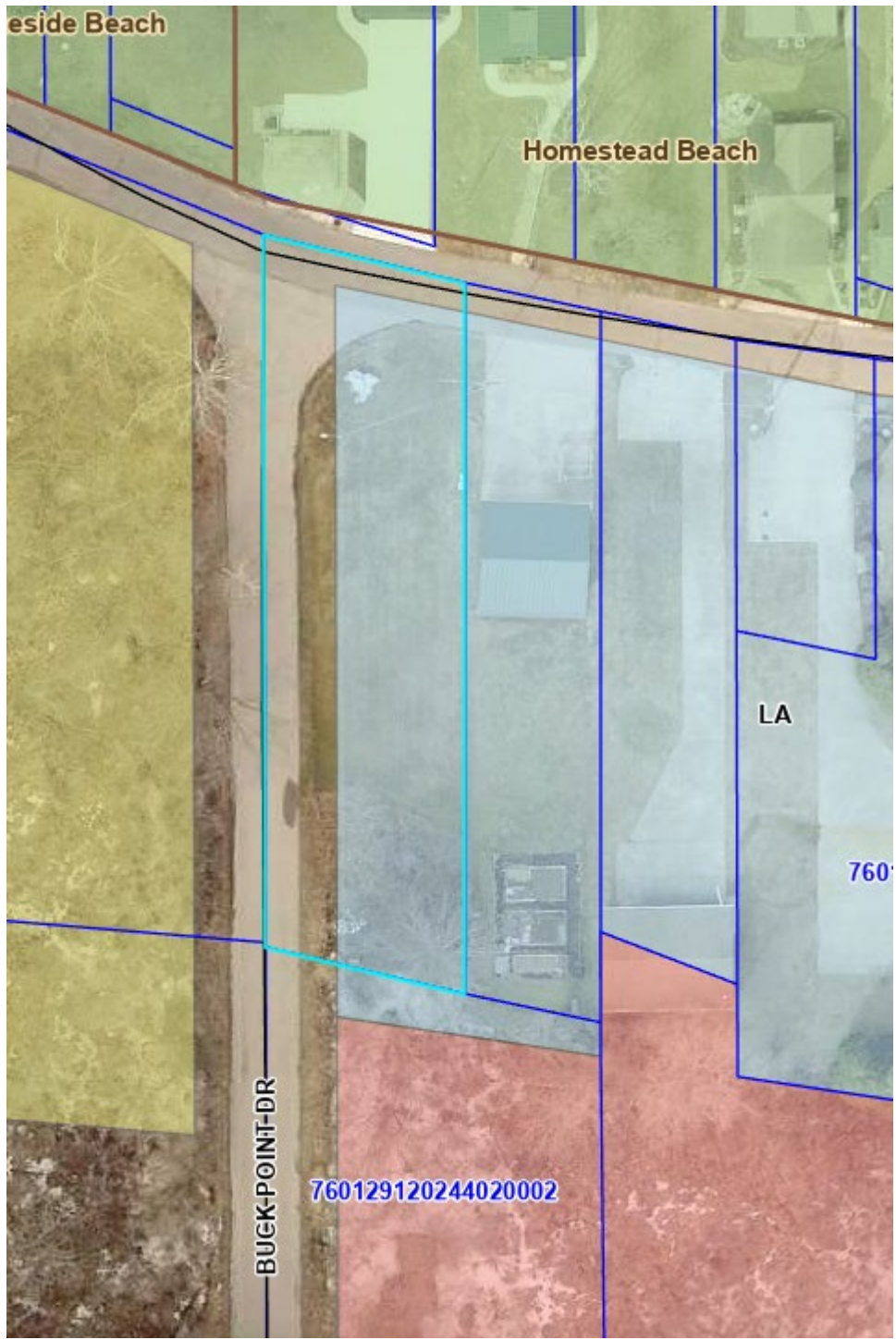
Owner Name	Owner Address	Owner City/St/Zip
Beck Sheryl as Trustee of the Sheryl K B	764 S Clear Lake Drive	Fremont, IN 46737
Clear Lake Township Land Conservancy	111 Gecowets Drive	Fremont, IN 46737
Fisher Richard	5575 N 850 E	Fremont, IN 46737
Terreo David & Rebecca L H/W	514 Americas Way #4199	Box Eder, SD 57718
Lundy Jon D & Beth B Trust	3578 Cabaret Tr	Okemos, MI 48864
Aldridge Keri R & Matthew D Rupp as Trustees of the Ronald L Rupp Family Irrevocable Trust	300 E Mechanic St	ARCHBOLD, OH 43502
Ayres Sara L & Alison Ayres Birkmeier T/C	7824 Inverness Glens Dr	FORT WAYNE, IN 46804
Bochenek John & James Bochenek	1205 Edmundton	GROSSE POINTE, MI 48236
Dean Zachary Robert	14020 US 20 ALT	MONTPELIER, OH 43543
Foss Barbara J & Kevin W/H	290 Outer Dr	FREMONT, IN 46737
Kellermeyer David S	1824 Darbyshire Dr	DEFIANCE, OH 43512
Norton Sarah A	9405 Craigs Cove	FORT WAYNE, IN 46804
Phelps Peter G & Joanna S Trts of the Living Trust of Peter G & Joanna S Phelps dtd 9-29-04	58 Sycamore	BATTLE CREEK, MI 49017
Rau Coley R Rev Trust Agreement dtd 1-31-20	750 South Clear Lake Dr	FREMONT, IN 46737
Sauerteig Paul O	11121 W Sycamore Hills Dr	FORT WAYNE, IN 46814
Shaffer D Robert Trustee under D Robert Staffer Trust Agreement dtd 2-23-1998 und 1/2 & Alice M Shaffer Trustee under Alice M Shaffer Truste Agreement dtd 2-23-1998 Und 1/2	17206 SR 34	Bryan, OH 43506
Shultz Mary Louise Declaration of Trust of Mary Louise Shultz f/b/o Mary Louise Shultz dtd 12-6-94	2209 St Joe Center Rd #151	FORT WAYNE, IN 46825
Snyder Barbara Susan Revocable Trust Dated 10-02-98	740 South Clear Lake Dr	FREMONT, IN 46737
Tiny Trout LLC	20212 Campbell Rd	SPENCERVILLE, IN 46788

**Adjacent properties are highlighted in pink**





Zoning Map



## **Variance Request – 2023-02**

*UDO Section 2.16 minimum front yard setback, 30 feet for primary and accessory structures & 5.63 A (6), Corner Lots: The Minimum Street Yard Setback or the Minimum Front Yard Setback shall apply to each yard abutting a street or a street right-of-way.*

- Relief form required front yard setback as spec'd in sections 2.16 & 5.63 A (6) of the UDO on W. side of property form 30' to 13.5.

### *Petitioner's Project Details*

#### ***Describe the project request in detail.***

Build a 1,340 SF garage with an exterior façade similar in appearance to the house at 734 SCLD.

### *Petitioner's Detailed Statement of Reasons*

#### ***Explain why the requested variance is essential to the practical use of your property.***

Due to the east/west width of the lot a structure of any practical size cannot be built due to such tight constraints placed on the building envelope when strictly adhering to the UDO Setback standards.

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

The proposed structure will be constructed of high-quality materials and will support, maintain, or improve adjacent property values. It would not be detrimental to the public health, safety, morals, or general welfare of the community.

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

The proposed reduced setback would not cause an interference with the area adjacent to it, visibility and travel along Buck Point Dr. would not be affected.

#### ***The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property***

Strict application of the UDO Setback standards would result in an overly restrictive building envelopment (between east and west), which would not allow for a reasonably sized garage.

**BZA Facts of Findings**

---

**Criterion #1:** Has Legal notice of the petition been provided in accordance with applicable Indiana Code Section and Notice has been made to appropriate landowners.

**VOTE:** \_\_\_\_\_

**FINDING:**

**YES,** because Legal notice of the application was published in the Herald Republican Newspaper on March 31, 2023. Notice has been made to appropriate landowners as shown by the stamped receipts from the US Post Office and the return receipts (green cards) that are in the Town’s possession.

---

NO, because...

---

**Criterion #2:** The approval **WILL NOT/WILL** be injurious to the public health, safety, morals, and general welfare of the community.

**VOTE:** \_\_\_\_\_

**FINDING:**

**WILL NOT:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community because...

---

---

**WILL:** The approval will be injurious to the public health, safety, morals, and general welfare of the community because...

---

---

**Criterion #3:** The use and value of the area adjacent to the property included in the variance **WILL NOT/WILL** be affected in a substantially adverse manner.

**VOTE:** \_\_\_\_\_

**FINDING:**

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

---

---

**WILL:** The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner because...

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**Criterion #4:** The strict application of the terms of the zoning ordinance **WILL/WILL NOT** result in practical difficulties in the use of the property.

**VOTE:** \_\_\_\_\_

**FINDING:**

**WILL:** The strict application of the terms of the zoning ordinance **WILL** result in practical difficulties in the use of the property because...

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**WILL NOT:** The strict application of the terms of the zoning ordinance **WILL NOT** result in practical difficulties in the use of the property because...

---

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- If ANY of the criteria have been checked as “no”, the developmental standards variance request may not be approved.
- If All criteria have been checked as “yes”, then a variance from developmental standards is justified.

**Decision for case #2023-02**

<b>Vote of the Board</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>Approve</b>	<b>Deny</b>	<b>Abstain</b>
Walter Grabowski					
Jessica Swander					
Matt Rippe					
Kit Tyler					
Jim McClain					
BZA Alternate -					

**Variance 2023-02: Approved / Denied**

**Conditions:**

1. If granted, a certification of the decision shall be created and recorded at the office of the Steuben County Recorder.

---

---

2.

---

---

3.

---

---

## Variance 2023-02

Name	Street #	Address	Support	Oppose	1	2	3
Anne Shock	120	Lakeside Ct.		1	Disagree	Disagree	Disagree
Brian Weber	822	SCLD		1	Disagree	Disagree	Disagree
Bruce Matasick	834	SCLD		1	Disagree	Disagree	Disagree
Chris & Marti Slee	902	SCLD		1	Disagree	Disagree	Disagree
David & Rebecca Terreo	732	SCLD	1		Agree	Agree	Agree
Don & Pat Helton	352	ECLD		1	Disagree	Disagree	
Don Schenkel	150	WCLD		1	Disagree	Disagree	Disagree
Evy Schlosser	110	CLC		1	Disagree	Disagree	Disagree
John & Kathy D'Ettorre	370	ECLD					
Joseph Schenkel	72	WCLD	1		Agree	Agree	Agree
Kathy Miller Alpeter	988	SCLD		1	Disagree	Disagree	Disagree
Kathy Schenkel	144	WCLD	1		Agree	Agree	Agree
Kristine Gartner	253	WCLD		1	Disagree	Disagree	Disagree
Leo Weber	502	ECLD		1	Disagree	Disagree	Disagree
Michele Butler	114	Terrace Dr		1	Disagree	Disagree	Disagree
Mike Slee	904	SCLD		1	Disagree	Disagree	Disagree
NJ Schenkel	472	ECLD		1	Disagree	Disagree	Disagree
Norb & Judy Bauman	596	ECLD		1	Disagree	Disagree	Disagree
Pam Reith	674	SCLD		1	Disagree	Disagree	Disagree
Richard Eckert	598	ECLD		1	Disagree	Disagree	Disagree
Robert Hill	936	SCLD	1		Agree	Agree	Agree
Sheryl & Peter Beck	764	SCLD		1	Disagree	Disagree	Disagree
Sue Compo	414	ECLD		1	Disagree	Disagree	Disagree
Tim Reith	115	Chapel Ave.		1	Disagree	Disagree	Disagree
Todd Rumsey	432	PPD		1	Disagree	Disagree	Disagree
Tom Reith	674	SCLD		1	Disagree	Disagree	Disagree
Nancy Fenton	320	ECLD		1	Disagree	Disagree	Disagree
<b>27</b>			<b>4</b>	<b>22</b>			

Comments	#
Current UDO requirements provide adequate allowances for proposed uses	4
Clear vision concerns	6
Concerned with potential water shed for adjacent wetlands	2
Increased density	1
Aesthetically appealing	2
Unclear which roads receives the 13.5' set back	2
Too vague/unclear	2