



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

**Board of Zoning Appeals
Regular Session**

Tuesday, June 11, 2024 @ 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
 - 1. April 9, 2024
- E. Budget items - None
- F. Applications, Petitions, or Hearings
 - 1. Variance Application 2024-04 (a) & (b), Julie Waterfield, 262 Lakeview Drive
- G. Old Business - None
- H. New Business
- I. Discussion
- J. Adjournment

The next regularly scheduled meeting of the Clear Lake Board of Zoning Appeals will be Tuesday, August 13, 2024 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 may be brought up for discussion.

Town of Clear Lake – Board of Zoning Appeals

Meeting Minutes – April 9, 2024

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

There were 6 residents in attendance and 4 via Zoom.

Roll Call:

Kathy Latz, 610 East Clear Lake Drive

Roger Dammeier, 624 East Clear Lake Drive

Matt Rippe, 68 West Clear Lake Drive

Jim McClain, 1226 Quiet Harbor Drive

Jessica Swander, 7382 E State Road 120

Mike Hawk, Attorney to the BZA

Robert Hawley, Zoning Administrator

Jennifer Sattison, Billing Clerk

J. Swander entertained a motion to approve the agenda.

Motion by: R. Dammeier

To approve the agenda.

2nd by: J. McClain

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

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

Motion by: R. Dammeier

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

2nd by: M. Rippe

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

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

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

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

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

Board of Zoning members discussed Variance 2024-02.

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

Motion by: R. Dammeier

To open for public comment.

2nd by: K. Latz

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

Residents discussed their support for the variance.

J. Swander entertained a motion to close public comment.

Motion by: R. Dammeier

To close public comment.

2nd by: K. Latz

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

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

Motion by: R. Dammeier

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

2nd by: K. Latz

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

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

K. Latz – Yes

R. Dammeier – Yes

M. Rippe – Yes

J. Swander – Yes

J. McClain – Yes

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

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

K. Latz – Yes

R. Dammeier – Yes

M. Rippe – Yes

J. Swander – Yes

J. McClain – Yes

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

Findings of Fact #3: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

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

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

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

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

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

Variance 2024-02 was approved.

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

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

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

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

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

Motion by: R. Dammeier

To open for public comment.

2nd by: M. Rippe

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

Residents discussed their opposition to the variance.

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

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

Motion by: R. Dammeier

To close for public comment.

2nd by: K. Latz

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

Board of Zoning members and Attorney Mike Hawk discussed.

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

Motion by: R. Dammeier

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

2nd by: M. Rippe

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

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

K. Latz – Yes

R. Dammeier – Yes

M. Rippe – Yes

J. Swander – Yes

J. McClain – Yes

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

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

K. Latz – Yes

R. Dammeier – No

M. Rippe – Yes

J. Swander – No

J. McClain – Yes

Final Vote: 3-2. Yes, Findings of Fact #2 criteria was met.

Findings of Fact #3: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

K. Latz – Yes

R. Dammeier – No

M. Rippe – Yes

J. Swander – No

J. McClain – Yes

Final Vote: 3-2. Yes, Findings of Fact #3 criteria was met.

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

- K. Latz – No
- R. Dammeier – No
- M. Rippe – No
- J. Swander – No
- J. McClain – Yes

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

Variance 2024-03 was not approved.

No New Business.

No Old Business.

J. Swander entertained a motion to adjourn meeting.

Motion by: R. Dammeier

To close vice chair nominations.

2nd by: M. Rippe

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

Meeting adjourned at 8:01pm.



Board of Zoning Appeals Chairman: Jessica Swander



Attest: Jennifer Smith-Sattison, Billing Clerk



Permit #: _____

DEVELOPMENT STANDARDS VARIANCE APPLICATION

Town of Clear Lake, 111 Gecowets Drive, Fremont, IN 46737

Office: (260) 495-9158 Mobile: (260) 243-6701 Email: zoning@townofclearlake.org

Applicant Information

Name: Julie R. Waterfield
 Address: 262 Lakeview Drive
 City, State, Zip: Fremont, Indiana 46737
 Phone: [REDACTED]
 Applicant is: Owner Engineer / Architect Contractor

Owner Information

Name: Same as above
 Address: _____
 City, State, Zip: _____
 Phone: _____ Email: _____

Project Information

Project Address: 262 Lakeview Drive, Fremont, Indiana 46737
 Parcel ID #: 760117330205000002
 Legal Description: (attach if necessary) See attached survey
 Current Zoning: Lake Residential
 Current Use: Residential

Variance Requested: **See site plan**

UDO Provisions for which relief is requested? UDO Section 2.14 & Section 5.15.G.2b

Describe the project request in detail.

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

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

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

Affidavit

I/We, Julie R. Winters being duly sworn, depose and say that I/we, am/are the owner contract purchasers of 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.

Describe the project request in detail.

Permission to tear down the existing cottage and rebuild a new one within the existing cottage footprint, as noted and detailed below, with exceptions:

1. Replace the existing partial basement and crawl space with a new full basement. (The existing structure was built in four sections as the cottage grew with various additions. The original structure is believed to have been built around 1920 and is of questionable structural integrity.) BZA approval shall be required since the existing footprint is beyond the established front yard setback.
2. Expand the cottage with a second story. (The second story interior will be only partially finished at this time.) BZA approval shall be required.
3. The existing 12' x 16' deck shall be expanded to a 12' x 24' deck and shall have a masonry foundation. BZA approval shall be required for this expansion outside of the established front yard setback.
4. The back of the existing garage and the breezeway will be expanded with a 5' x 21' addition, filling an awkward gap in the building's footprint and adding storage area for trash cans. This area is within the permitted building lines.
5. A front (roadside) porch, approximately 5' x 12', will be added. This area is within the permitted building lines.
6. A box or bay window will be added to the lakeside, as an architectural feature. It shall not extend to the ground level and shall not exceed the permitted 3', per section 5.65, A.2 of the UDO.
7. Brick and/or stone architectural finishes may be added to the cottages frame. They shall not exceed the permitted 6", per section 5.65, A.3 of the UDO.

Notes:

1. The existing guesthouse will be unaltered.
2. The cottage shall not exceed 35' in height.
3. The structural coverage of the lot will be 17.8%.

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

A relatively simple remodel turned into a much larger project when both foundation and structural problems with the frame of the house were uncovered. The current owner of the home is a senior citizen and wants one floor living. When the construction project became extensive, she decided to add an unfinished second floor to meet the size requirements of her son and his family, after she passes the property to them. They will be the third and fourth generations to live at Clear Lake. The applicant believes the spirit of the ordinance basis is respected

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

The proposed home and site work meets the spirit of the UDO's Lake Residential Zoning District. The 150' wide lot provides adequate space for placing this structure. The site easily complies with the viewshed standards. The existing structure meets the minimum lake yard setback and the deck extends less than 4' into that setback. The only reason BZA approval is required is because the cottage to the northwest is set back far from the lake.

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

The proposed cottage should be a visual improvement and add to the community's tax base, without further restricting views of the lake from the road.

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

This project was originally a simple remodel of the existing structure, however a structural inspection found both the foundation and floor joist system were deficient. Replacing the foundation and floor joists is possible, but a total rebuilding of the structure will save over \$100,000 and be a superior structure. The immediate second floor expansion for future use makes common sense at this time.

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE

10100704 DEED \$20.00
10/22/2010 02:56:07P 3 PGS
Dani Lou Parrish
Steuben County Recorder IN
Recorded as Presented



OCT 22 2010


AUDITOR STEUBEN COUNTY

TRUSTEE'S DEED

THIS INDENTURE WITNESSETH, That **Julie R. Waterfield**, as Trustee of **The Julie R. Waterfield Trust Agreement, dated July 22, 1998, as amended by Second Amendment to Julie R. Waterfield Trust Agreement, dated May 24, 2004**, who took title as **Julie R. Waterfield and The Trust Company of Oxford or their successors, as Co-Trustees under the Julie R. Waterfield Trust Agreement dated July 22, 1998**, CONVEYS to **Julie R. Waterfield**, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Steuben County, State of Indiana:

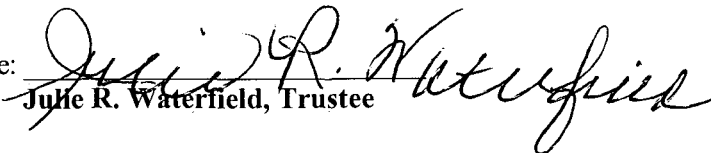
SEE ATTACHED EXHIBIT "A"

Subject to Real Estate taxes not delinquent, and to any and all easements, agreements and restrictions of record. This Deed is executed pursuant to, and in the exercise of, the power and authority granted to and vested in the said Trustee by the terms of said Deed or Deeds in Trust delivered to the said Trustee in pursuance of the Trust Agreement above mentioned and subject to all restrictions of record. The Trustee herein states that (i) the Trust has not been amended, modified or revoked since its execution; (ii) the Trust is in full force and effect as of the date hereof; (iii) the Real Estate has not been withdrawn from the operation of said Trust Agreement.

The address of such real estate is commonly known as **262 Lake Drive, Fremont, IN 46737**. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 14 day of October 2010.

GRANTOR:

Signature: 
Julie R. Waterfield, Trustee

ACKNOWLEDGMENT

STATE OF Indiana)
)SS:
COUNTY OF Allen)

Before me, a Notary Public in and for said County and State, personally appeared **Julie R. Waterfield, as Trustee of The Julie R. Waterfield Trust Agreement, dated July 22, 1998, as amended by Second Amendment to Julie R. Waterfield Trust Agreement, dated May 24, 2004, who took title as Julie R. Waterfield and The Trust Company of Oxford or their successors, as Co-Trustees under the Julie R. Waterfield Trust Agreement dated July 22, 1998, who acknowledged the execution of the foregoing Trustee's Deed, and who, having been duly sworn, stated that any representations therein contained are true.**

Witness my hand and Notarial Seal this 14 day of October, 2010.
My Commission expires: _____ Signature Angela K. Bryant



ANGELA K. BRYANT, Notary Public
Kosciusko County, State of Indiana
My Commission Expires July 13, 2012
Printed _____
Resident of _____ County, Indiana

Send tax bills to: 12032 Kingsbridge Rd., Ft. Wayne, IN 46814

This instrument was prepared by JEFFREY R. LADE, Attorney at Law, 135 N. Pennsylvania St., Ste. 710, Indianapolis, IN 46204.

File No. 121007400.

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 Angela K. Bryant.

EXHIBIT "A"

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 15 EAST, CLEAR LAKE TOWNSHIP, STEUBEN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH 01 DEGREES 16 MINUTES 05 SECONDS WEST 1,526.80 FEET ON THE QUARTER, QUARTER SECTION LINE; THENCE SOUTH 89 DEGREES 50 MINUTES 05 SECONDS WEST 58.0 FEET; THENCE SOUTH 30 DEGREES 12 MINUTES 48 SECONDS WEST 219.49 FEET; THENCE NORTH 63 DEGREES 45 MINUTES WEST 130.0 FEET; THENCE SOUTH 29 DEGREES 30 MINUTES WEST 412.98 FEET TO THE CENTERLINE OF THE CLEAR LAKE ROAD; THENCE NORTH 52 DEGREES 40 MINUTES 30 SECONDS WEST 166.88 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 48 DEGREES 55 MINUTES 10 SECONDS WEST 50.4 FEET; THENCE NORTH 45 DEGREES 28 MINUTES 40 SECONDS WEST 100.00 FEET; THENCE SOUTH 32 DEGREES 59 MINUTES 25 SECONDS WEST 147.00 FEET; THENCE SOUTH 67 DEGREES 13 MINUTES 59 SECONDS EAST 139.65 FEET; THENCE NORTH 39 DEGREES 15 MINUTES 16 SECONDS EAST 95.70 FEET TO THE TRUE POINT OF BEGINNING.

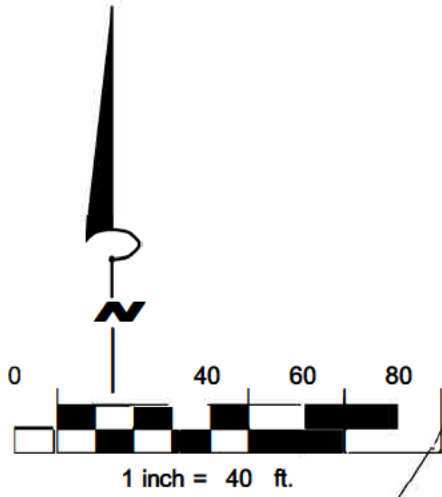
ALSO, THE LAND LYING BETWEEN THE ABOVE DESCRIBED TRACT AND THE SHORELINE OF CLEAR LAKE. THE ABOVE DESCRIBED TRACT IS 0.393 ACRES MORE OR LESS.

10100704 DEED \$20.00
10/22/2010 02:56:07P 3 PGS
Dani Lou Parrish
Steuben County Recorder IN
Recorded as Presented



BOUNDARY RETRACEMENT SURVEY

Part of the W 1/2, SW 1/4, Section 17 - T38N - R15E
262 Lake Drive, Fremont, IN 46737



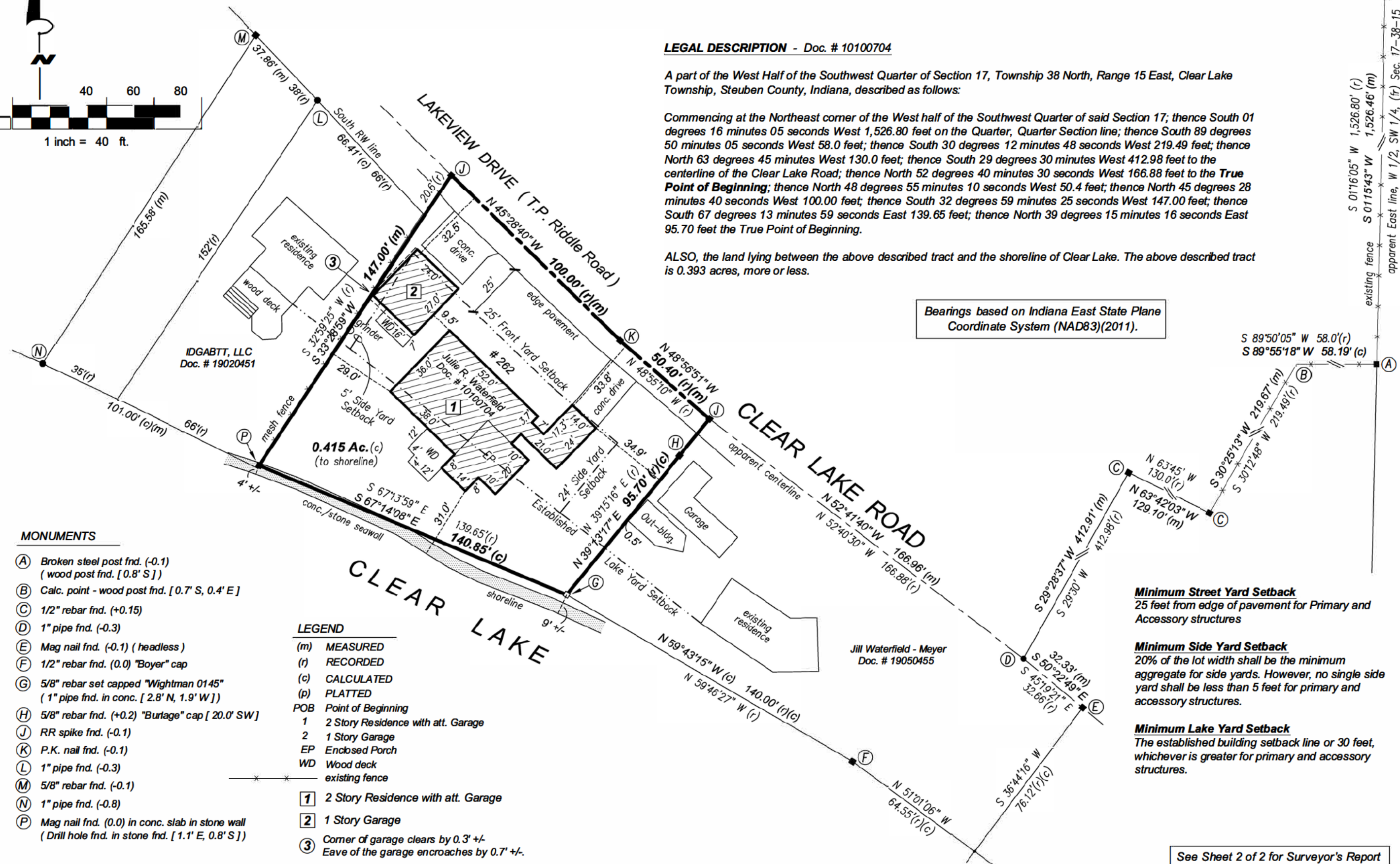
LEGAL DESCRIPTION - Doc. # 10100704

A part of the West Half of the Southwest Quarter of Section 17, Township 38 North, Range 15 East, Clear Lake Township, Steuben County, Indiana, described as follows:

Commencing at the Northeast corner of the West half of the Southwest Quarter of said Section 17; thence South 01 degrees 16 minutes 05 seconds West 1,526.80 feet on the Quarter, Quarter Section line; thence South 89 degrees 50 minutes 05 seconds West 58.0 feet; thence South 30 degrees 12 minutes 48 seconds West 219.49 feet; thence North 63 degrees 45 minutes West 130.0 feet; thence South 29 degrees 30 minutes West 412.98 feet to the centerline of the Clear Lake Road; thence North 52 degrees 40 minutes 30 seconds West 166.88 feet to the **True Point of Beginning**; thence North 48 degrees 55 minutes 10 seconds West 50.4 feet; thence North 45 degrees 28 minutes 40 seconds West 100.00 feet; thence South 32 degrees 59 minutes 25 seconds West 147.00 feet; thence South 67 degrees 13 minutes 59 seconds East 139.65 feet; thence North 39 degrees 15 minutes 16 seconds East 95.70 feet the True Point of Beginning.

ALSO, the land lying between the above described tract and the shoreline of Clear Lake. The above described tract is 0.393 acres, more or less.

Bearings based on Indiana East State Plane Coordinate System (NAD83)(2011).



MONUMENTS

- (A) Broken steel post fnd. (-0.1)
(wood post fnd. [0.8' S])
- (B) Calc. point - wood post fnd. [0.7' S, 0.4' E]
- (C) 1/2" rebar fnd. (+0.15)
- (D) 1" pipe fnd. (-0.3)
- (E) Mag nail fnd. (-0.1) (headless)
- (F) 1/2" rebar fnd. (0.0) "Boyer" cap
- (G) 5/8" rebar set capped "Wightman 0145"
(1" pipe fnd. in conc. [2.8' N, 1.9' W])
- (H) 5/8" rebar fnd. (+0.2) "Burlage" cap [20.0' SW]
- (J) RR spike fnd. (-0.1)
- (K) P.K. nail fnd. (-0.1)
- (L) 1" pipe fnd. (-0.3)
- (M) 5/8" rebar fnd. (-0.1)
- (N) 1" pipe fnd. (-0.8)
- (P) Mag nail fnd. (0.0) in conc. slab in stone wall
(Drill hole fnd. in stone fnd. [1.1' E, 0.8' S])

LEGEND

- (m) MEASURED
- (r) RECORDED
- (c) CALCULATED
- (p) PLATTED
- POB Point of Beginning
- 1 2 Story Residence with att. Garage
- 2 1 Story Garage
- EP Enclosed Porch
- WD Wood deck
- existing fence
- 1 2 Story Residence with att. Garage
- 2 1 Story Garage
- 3 Corner of garage clears by 0.3' +/-
Eave of the garage encroaches by 0.7' +/-

Minimum Street Yard Setback
25 feet from edge of pavement for Primary and Accessory structures

Minimum Side Yard Setback
20% of the lot width shall be the minimum aggregate for side yards. However, no single side yard shall be less than 5 feet for primary and accessory structures.

Minimum Lake Yard Setback
The established building setback line or 30 feet, whichever is greater for primary and accessory structures.

See Sheet 2 of 2 for Surveyor's Report

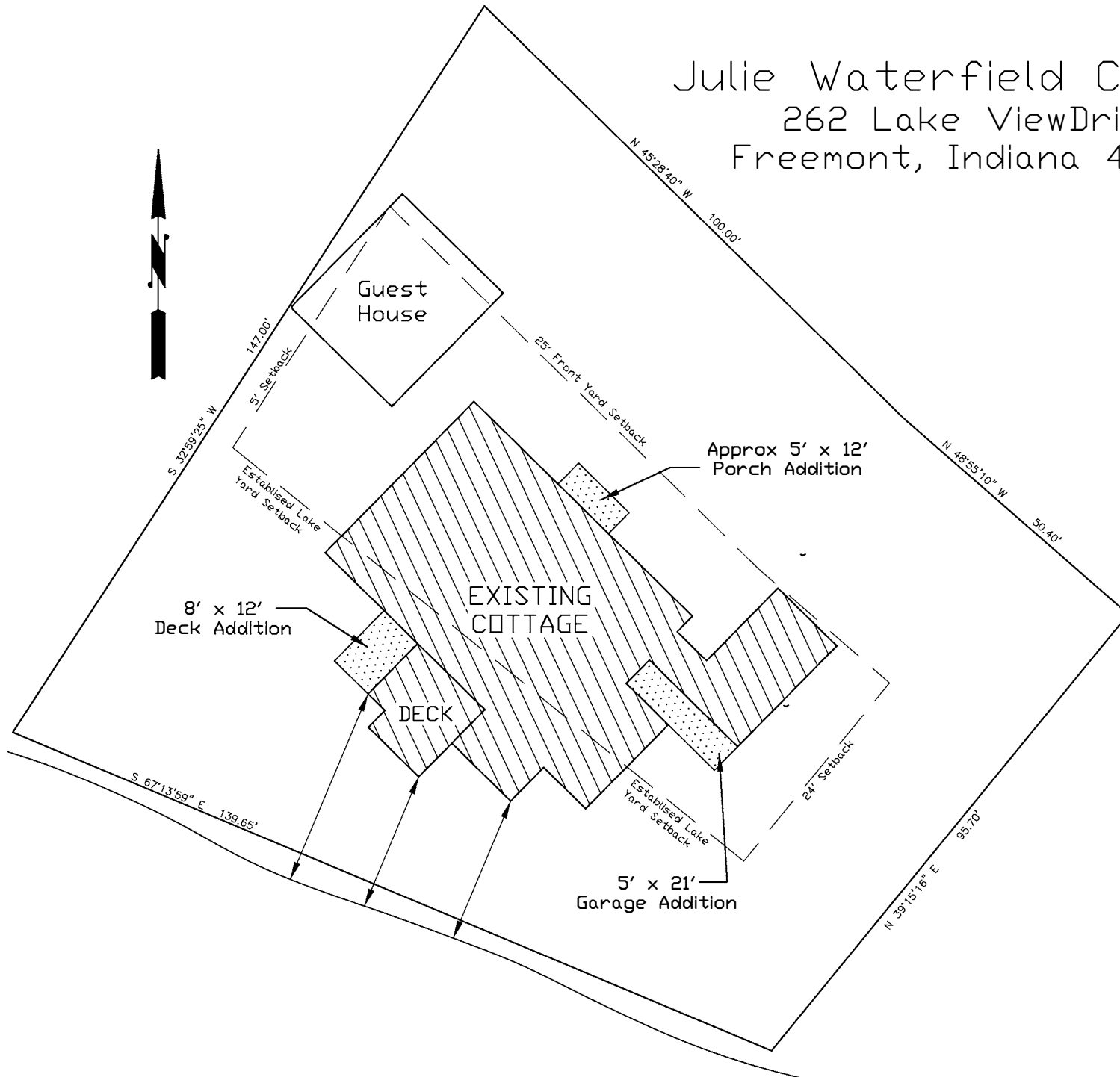
PROJECT NAME:

WATERFIELD

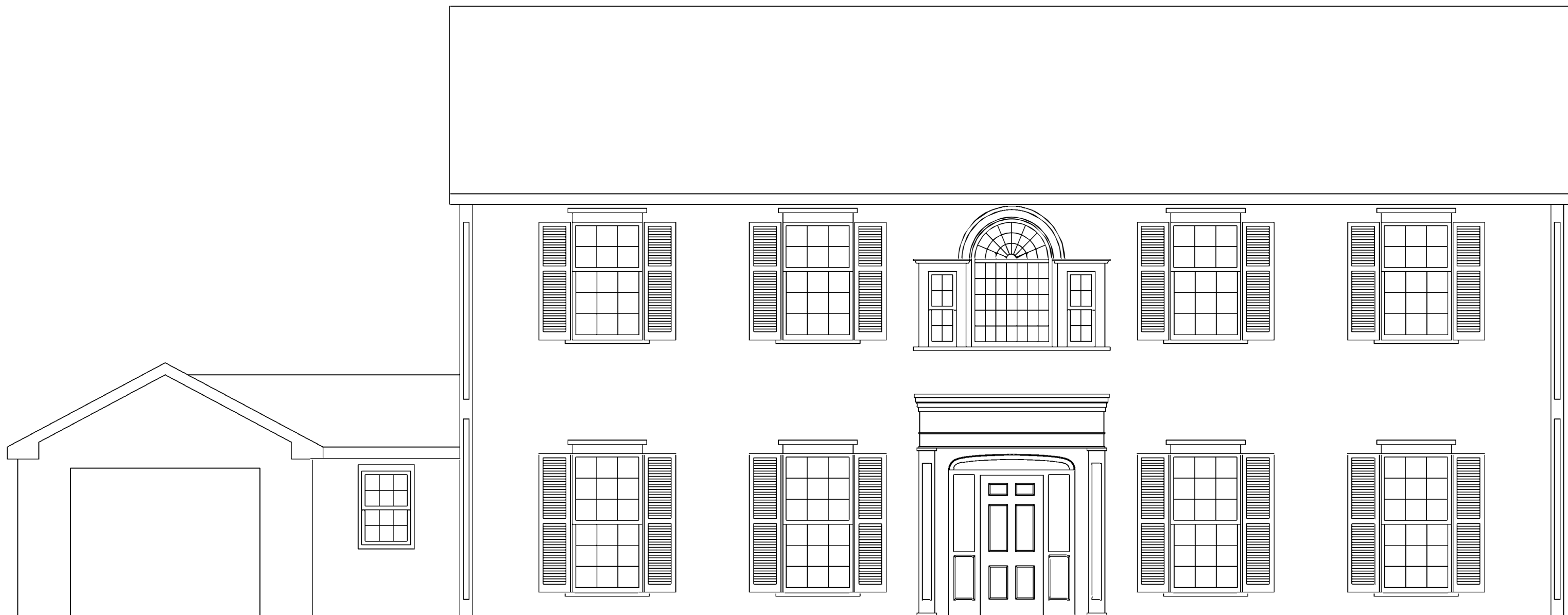
REVISIONS
DATE: FEBRUARY 22, 2024
SCALE: 1" = 40'

BOUNDARY SURVEY

Julie Waterfield Cottage
262 Lake View Drive
Freemont, Indiana 46737







Town of Clear Lake Board of Zoning Appeals

Staff Report

GENERAL INFORMATION

Request Number: 2024-04 (a) & (b)

Applicant: Julie Waterfield

Status of Applicant: Owner

Owner (if different from applicant): N/A

Location: 262 Lakeview Drive

Zoning: LR – Lake Residential

Current Use: Single Family Residential

Type: Dimensional Variance

2024-04 (a) - Section 5.15. G.2.b Elevated Deck Setback

2024-04 (b) - Section 2.14 Established Building Setback

	Zoning	Use
Adjacent Area Zoning & Uses:	North:	AG – Agricultural Vacant
	East:	LR – Lake Residential Residence
	South:	Clear Lake -
	West:	LR – Lake Residential Residence

Hearing Date: June 11, 2024

- Publication of legal notice was published in the Herald Republican on May 31, 2024
- A legal Notice was also posted by the Zoning Administrator outside the Town Hall.
- 4 adjacent owners were sent Legal Notices with a certificate of mailing.
- 5 interested property owners were sent “courtesy notices” by regular US mail.
- Notifications were sent to adjacent property owners within 300 feet of the subject property.

Variance Criteria:

UDO 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.

- The approval will not be injurious to the public health, safety, morals, and 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 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 owner 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)?

Relevant BZA History

- None

Notices

Owner Name	Owner Address	Owner City/St/Zip
Freddie Gene & Joyce E Augspur	10020 Houndshill Pl	FORT WAYNE, IN 46804
259 A Lake Dr LLC	140 Lakeview Dr	FREMONT, IN 46737
Gartner Kristine S Rev Trust	253 W Clear Lake Dr	FREMONT, IN 46737
Grabowski Walter & Truley H/W	254 W Clear Lake Dr	FREMONT, IN 46737
Nagle Jeffrey J & Molly S H/W	256 W Clear Lk Dr	FREMONT, IN 46737
Waterfield Julie R	7107 Woodcroft Ln	FORT WAYNE, IN 46804
Waterfield-Meyer Jill	7221 Engle Road Suite 250	FORT WAYNE, IN 46804
Phelps Charles O	8758 Central Ave	INDIANAPOLIS, IN 46240
Triple J Ventures LLC	Po Box 162	RIDGEVILLE CORNERS, OH 43555

Adjacent properties are highlighted



Public Feedback

- See attached summary.

Feed Back – Variance 2024-04

	Support	Support w/ Conditions	Oppose
Total	2	1*	5

*Support with consideration for the true purpose of the deck extension since there are several examples where a detached elevated deck was simply a ploy to acquire a storage shed. Please examine these requests to ensure that they do not become a loophole against lakeside storage sheds.

FINDING OF FACT #1: The approval of the variance will not be injurious to public health, safety, morals, and general welfare of the community.

Agree	Disagree
6	2

Comments:

This variance is an extreme request that goes against the UDO that the community of Clear Lake has put in place to bolster the lake aesthetics.

The existing building is already non-conforming and way too close to the lake. This is against the wishes of the community.

FINDING OF FACT #2: The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner.

Agree	Disagree
6	2

Comments:

This is setting a dangerous precedent for the community, and clearly overstepping a reasonable variance request.

FINDING OF FACT #3: The strict application of the terms of the zoning ordinance (UDO) will result in practical difficulties in the use of the property.

Agree	Disagree
3	5

Comments:

I thought it was the intent to TOCL to reduce Nonconformity when modifications were to happen.

This building should be made to conform to the UDO standards as written.

Note: comments are a summary of responses, and a detailed list is available upon request.

Describe the project request in detail.

Permission to tear down the existing cottage and rebuild a new one within the existing cottage footprint, as noted and detailed below, with exceptions:

1. Replace the existing partial basement and crawl space with a new full basement. (The existing structure was built in four sections as the cottage grew with various additions. The original structure is believed to have been built around 1920 and is of questionable structural integrity.) BZA approval shall be required since the existing footprint is beyond the established front yard setback.
2. Expand the cottage with a second story. (The second story interior will be only partially finished at this time.) BZA approval shall be required.
3. The existing 12' x 16' deck shall be expanded to a 12' x 24' deck and shall have a masonry foundation. BZA approval shall be required for this expansion outside of the established front yard setback.
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5. A front (roadside) porch, approximately 5' x 12', will be added. This area is within the permitted building lines.
6. A box or bay window will be added to the lakeside, as an architectural feature. It shall not extend to the ground level and shall not exceed the permitted 3', per section 5.65, A.2 of the UDO.
7. Brick and/or stone architectural finishes may be added to the cottages frame. They shall not exceed the permitted 6", per section 5.65, A.3 of the UDO.

Notes:

1. The existing guesthouse will be unaltered.
2. The cottage shall not exceed 35' in height.
3. The structural coverage of the lot will be 17.8%.

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

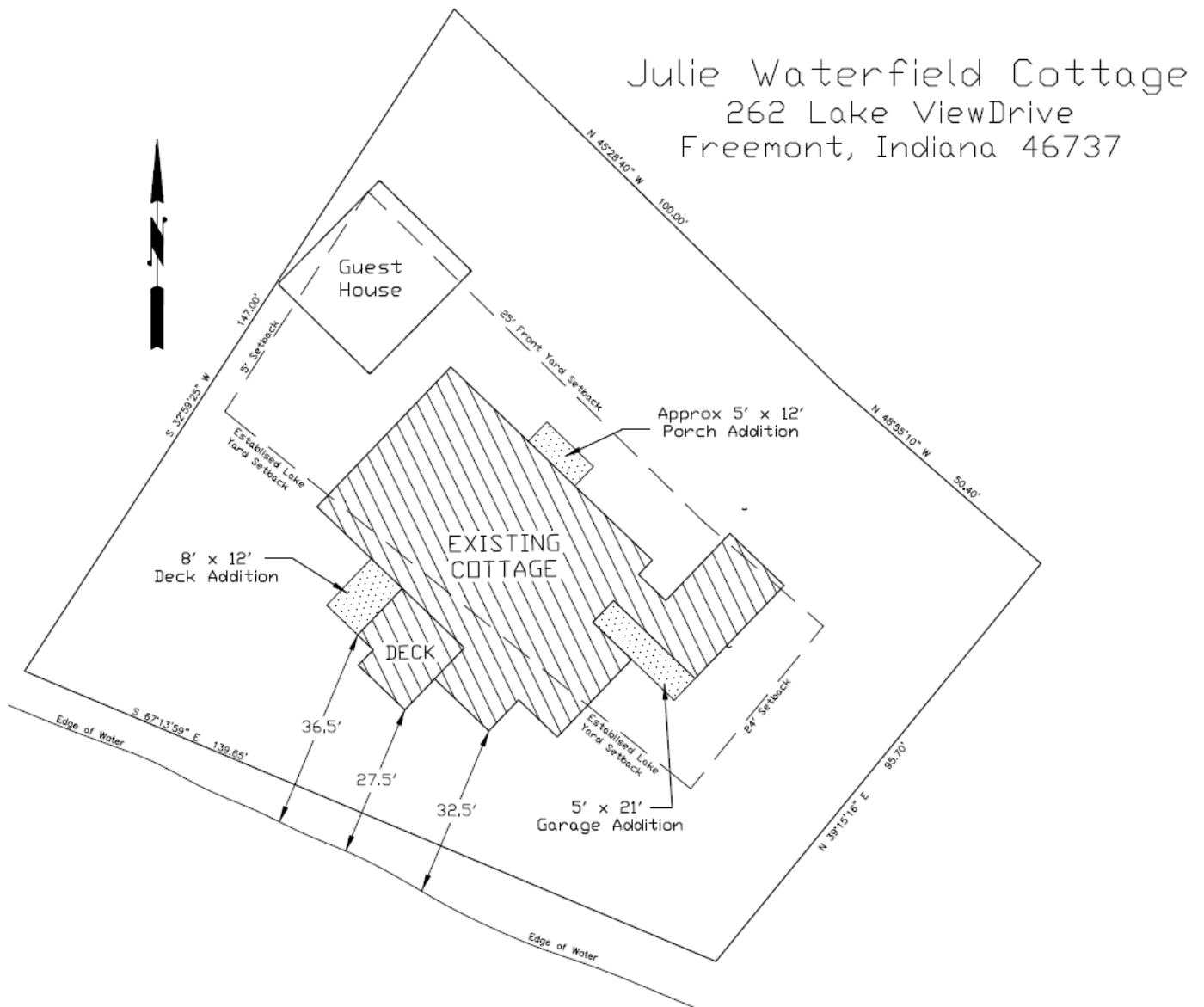
A relatively simple remodel turned into a much larger project when both foundation and structural problems with the frame of the house were uncovered. The current owner of the home is a senior citizen and wants one floor living. When the construction project became extensive, she decided to add an unfinished second floor to meet the size requirements of her son and his family, after she passes the property to them. They will be the third and fourth generations to live at Clear Lake. The applicant believes the spirit of the ordinance basis is respected

Request(s)

2024-04 (a): To allow the applicant to demolish the existing elevated deck and to be replaced in the existing footprint with an expansion of an 8' by 12' deck addition not to exceed the existing setback in the lakeside yard. This would require relief from section 5.15.G.2.b Elevated deck, Lake Yard.

2024-04 (b): To allow the applicant to demolish in part the existing structure which is lawfully nonconforming and replace in the same footprint as a new two-story residential structure with existing garage. This would require relief from section 2.14 Established Building Setback

Site Plan



UDO Provisions

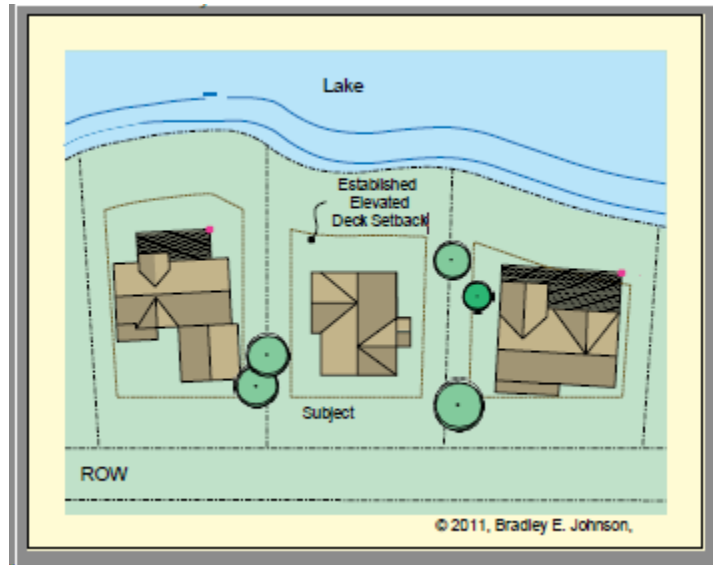
2024-04 (a) Section 5.15. G.2b Elevated Deck Setback

Deck Standards 5.15 (G)(2)(b) (PG 5-14)

2. Elevated Deck: b. Lake Yard: An elevated deck and stairs to said elevated deck shall be permitted to extend into a required lake yard setback by up to four (4) feet, or up to an "established elevated deck setback" as defined and illustrated in Article 11: Definitions; whichever allows the elevated deck to be closer to the lake.

Definition (PG 11-27)

Setback, Established Elevated Deck: A line drawn from existing elevated decks on neighboring lots across the subject property. The end points of the established elevated deck setback shall be the point on each deck (excluding stairs) that creates a line closest to the lake. If either of the neighboring lots does not have an existing elevated deck, there is no established elevated deck setback.



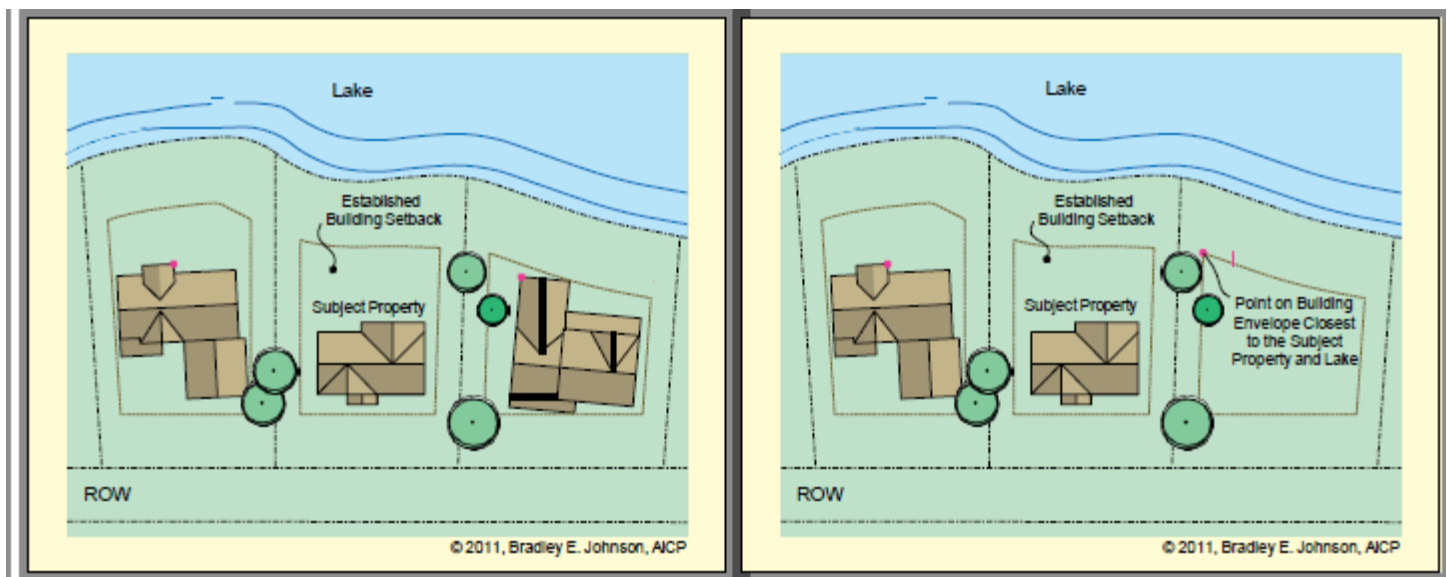
2024-04 (b) Section 2.14 Established Building Setback

Minimum Lake Yard Setback (PG-2-15)





The established building setback line or 30 feet, whichever is greater for primary and accessory structures.

Definition (PG 11-27)

Setback, Established Building: A line drawn from the adjacent primary structure's on neighboring lots across the subject property. The end points of the line shall be the point on each primary structure that creates a line closest to the lake for properties. If a neighboring property does not have an existing structure, the end point shall be placed at the corner of the building envelope closest to the subject property and the lake.





-  Parcel Boundaries of Indiana Current - Parcel Boundaries of Indiana Current
-  Agricultural District (AG)
-  Single-Family Residential District (SR)
-  Lake Residential District (LR)

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

The proposed home and site work meets the spirit of the UDO's Lake Residential Zoning District. The 150' wide lot provides adequate space for placing this structure. The site easily complies with the viewshed standards. The existing structure meets the minimum lake yard setback and the deck extends less than 4' into that setback. The only reason BZA approval is required is because the cottage to the northwest is set back far from the lake.

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

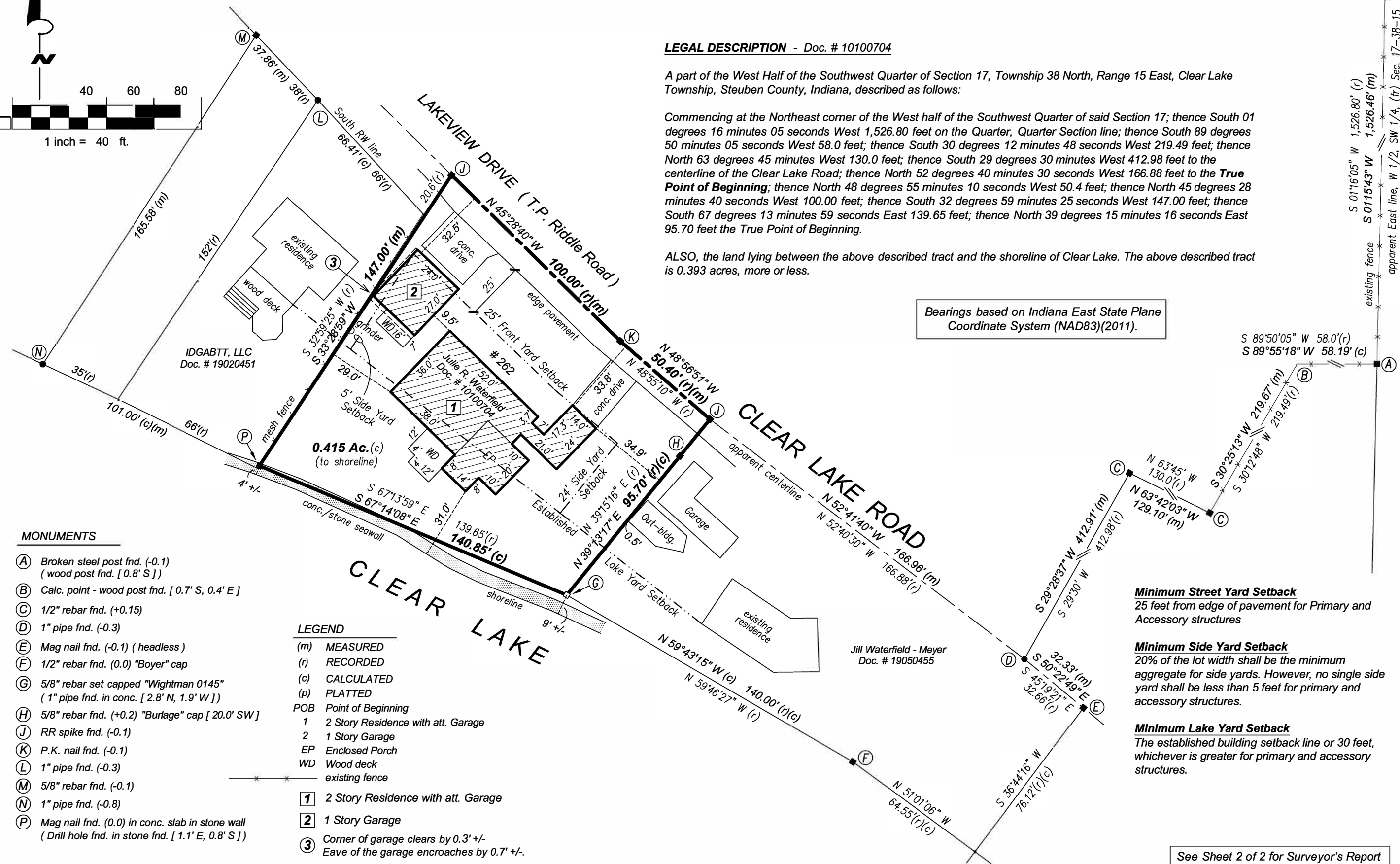
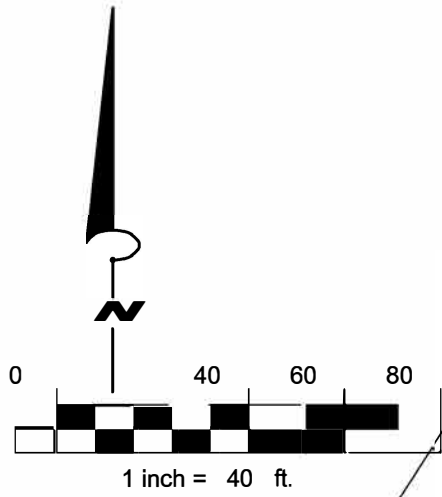
The proposed cottage should be a visual improvement and add to the community's tax base, without further restricting views of the lake from the road.

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

This project was originally a simple remodel of the existing structure, however a structural inspection found both the foundation and floor joist system were deficient. Replacing the foundation and floor joists is possible, but a total rebuilding of the structure will save over \$100,000 and be a superior structure. The immediate second floor expansion for future use makes common sense at this time.

BOUNDARY RETRACEMENT SURVEY

Part of the W 1/2, SW 1/4, Section 17 - T38N - R15E
262 Lake Drive, Fremont, IN 46737



LEGAL DESCRIPTION - Doc. # 10100704

A part of the West Half of the Southwest Quarter of Section 17, Township 38 North, Range 15 East, Clear Lake Township, Steuben County, Indiana, described as follows:

Commencing at the Northeast corner of the West half of the Southwest Quarter of said Section 17; thence South 01 degrees 16 minutes 05 seconds West 1,526.80 feet on the Quarter, Quarter Section line; thence South 89 degrees 50 minutes 05 seconds West 58.0 feet; thence South 30 degrees 12 minutes 48 seconds West 219.49 feet; thence North 63 degrees 45 minutes West 130.0 feet; thence South 29 degrees 30 minutes West 412.98 feet to the centerline of the Clear Lake Road; thence North 52 degrees 40 minutes 30 seconds West 166.88 feet to the **True Point of Beginning**; thence North 48 degrees 55 minutes 10 seconds West 50.4 feet; thence North 45 degrees 28 minutes 40 seconds West 100.00 feet; thence South 32 degrees 59 minutes 25 seconds West 147.00 feet; thence South 67 degrees 13 minutes 59 seconds East 139.65 feet; thence North 39 degrees 15 minutes 16 seconds East 95.70 feet the True Point of Beginning.

ALSO, the land lying between the above described tract and the shoreline of Clear Lake. The above described tract is 0.393 acres, more or less.

Bearings based on Indiana East State Plane Coordinate System (NAD83)(2011).

MONUMENTS

- (A) Broken steel post fnd. (-0.1)
(wood post fnd. [0.8' S])
- (B) Calc. point - wood post fnd. [0.7' S, 0.4' E]
- (C) 1/2" rebar fnd. (+0.15)
- (D) 1" pipe fnd. (-0.3)
- (E) Mag nail fnd. (-0.1) (headless)
- (F) 1/2" rebar fnd. (0.0) "Boyer" cap
- (G) 5/8" rebar set capped "Wightman 0145"
(1" pipe fnd. in conc. [2.8' N, 1.9' W])
- (H) 5/8" rebar fnd. (+0.2) "Burlage" cap [20.0' SW]
- (J) RR spike fnd. (-0.1)
- (K) P.K. nail fnd. (-0.1)
- (L) 1" pipe fnd. (-0.3)
- (M) 5/8" rebar fnd. (-0.1)
- (N) 1" pipe fnd. (-0.8)
- (P) Mag nail fnd. (0.0) in conc. slab in stone wall
(Drill hole fnd. in stone fnd. [1.1' E, 0.8' S])

LEGEND

- (m) MEASURED
- (r) RECORDED
- (c) CALCULATED
- (p) PLATTED
- POB Point of Beginning
- 1 2 Story Residence with att. Garage
- 2 1 Story Garage
- EP Enclosed Porch
- WD Wood deck
- existing fence
- 1 2 Story Residence with att. Garage
- 2 1 Story Garage
- 3 Corner of garage clears by 0.3' +/-
Eave of the garage encroaches by 0.7' +/-

Minimum Street Yard Setback
25 feet from edge of pavement for Primary and Accessory structures

Minimum Side Yard Setback
20% of the lot width shall be the minimum aggregate for side yards. However, no single side yard shall be less than 5 feet for primary and accessory structures.

Minimum Lake Yard Setback
The established building setback line or 30 feet, whichever is greater for primary and accessory structures.

See Sheet 2 of 2 for Surveyor's Report

PROJECT NAME:

WATERFIELD

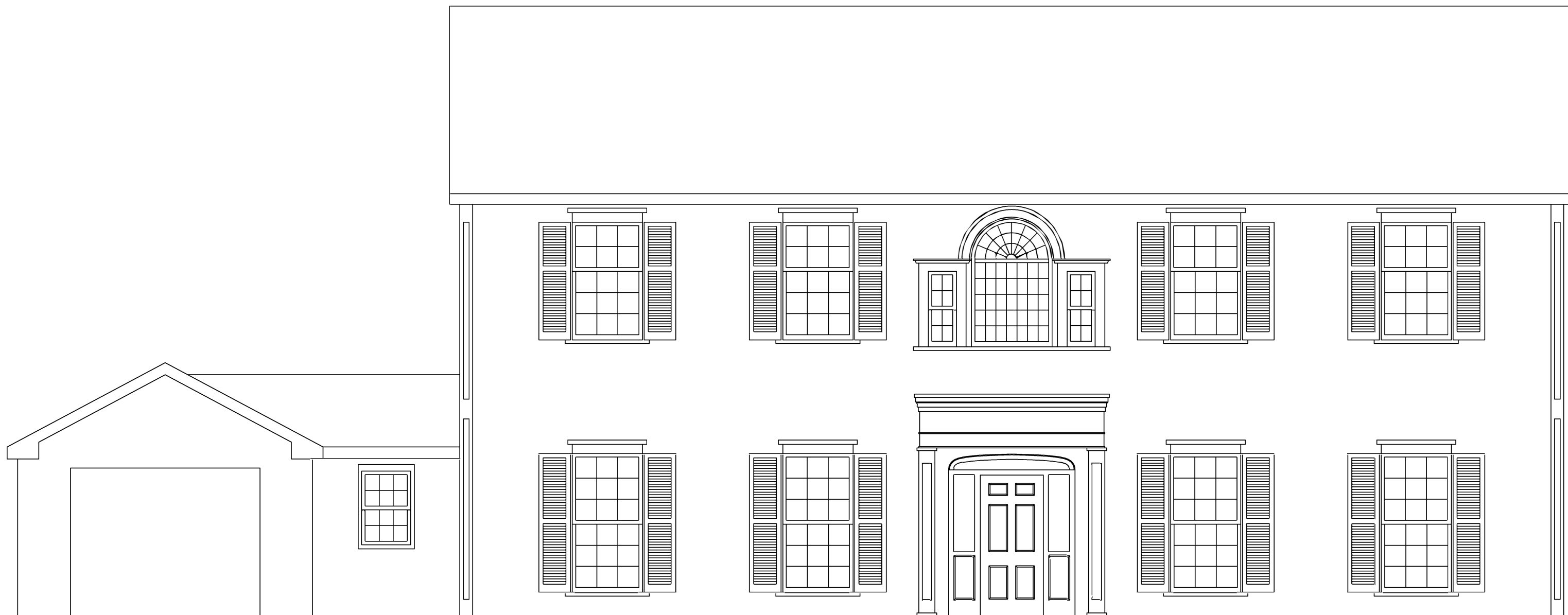
REVISIONS

1	2023/02/22	AutoCAD Release 240102.dwg	1 OF 2 2/22/2024 8:16:54 AM
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DATE: FEBRUARY 22, 2024
SCALE: 1" = 40'

BOUNDARY SURVEY







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

TO: Town of Clear Lake Residents
FROM: TOCL Board of Zoning Appeals
DATE: 6/12/2024
RE: *Variance Results 2024-04 (a) & (b)*

BZA 2024-04 (a) & (b): Request for a variance has been made by resident Julie Waterfield, located at 262 Lakeview Drive. The request are as follows:

2024-04 (a): To allow the applicant to demolish the existing elevated deck and to be replaced in the existing footprint with an expansion of an 8' by 12' deck addition not to exceed the existing setback in the lakeside yard. This would require relief from section 5.15.G.2.b Elevated deck, Lake Yard.

Member	Aye	Nay
Jessica Swander		X
Matt Rippe		X
Jim McClain		X
Kathy Latz		X
Rodger Dammeier		X
<i>Denied 5-0</i>		

2024-04 (b): To allow the applicant to demolish in part the existing structure which is lawfully nonconforming and replace in the same footprint as a new two-story residential structure with existing garage. This would require relief from section 2.14 Established Building Setback

Member	Aye	Nay
Jessica Swander		X
Matt Rippe		X
Jim McClain		X
Kathy Latz		X
Rodger Dammeier		X
<i>Denied 5-0</i>		

Any question please contact me at zoning@townofclearlake.org or via phone at 260-495-9158.