



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

**Board of Zoning Appeals  
Regular Meeting**

**Tuesday, August 8, 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
  - June 13, 2023
- E. Budget items - None
- F. Applications, Petitions, and/or Hearings
  - 1. Variance Application 2023-03, Parker – 28 WCLD
- 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 - None
- I. Discussion
- J. Adjournment

The next regularly scheduled meeting of the Clear Lake Board of Zoning Appeals will be Tuesday, October 10, 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 may be brought up for discussion.

# Town of Clear Lake – Board of Zoning Appeals Special Session Meeting Minutes – June 13, 2023

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

Roll Call:

Matt Rippe, 68 West Clear Lake Drive

Jim McClain, 1226 Quiet Harbor Drive

Jessica Swander, 7382 East State Road 120

Mike Hawk, Attorney to the BZA

Robert Hawley, Zoning Administrator

There was 1 resident in attendance.

J. McClain entertained a motion to approve the agenda.

**Motion by:** J. Swander

To approve the agenda.

**2<sup>nd</sup> by:** M. Rippe

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

J. McClain entertained a motion to approve April 11, 2023, Board of Zoning minutes.

**Motion by:** J. Swander

To approve April 11, 2023, Board of Zoning minutes.

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

All in favor, say aye. Vote was unanimous. Motion carried; April 11, 2023, Board of Zoning minutes approved.

No Budget Items.

No Applications, Petitions and/or Hearings.

Board of Zoning discussed fees and recording with Steuben County.

Board of Zoning discussed budget.

No New Business.

J. McClain entertained a motion to add member voting forms to agenda.

**Motion by:** J. Swander

To add member voting forms to agenda.

**2<sup>nd</sup> by:** M. Rippe

All in favor, say aye. Vote was unanimous. Motion carried; Member voting forms added to agenda.

Board of Zoning discussed new member voting forms.

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

**Motion by:** J. Swander

To open for public comment.

**2<sup>nd</sup> by:** M. Rippe

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

Resident Aaron Ostermeyer, 1222 Quiet Harbor, mentioned having a time clock so residents can see how much time they have left to speak within the five-minute limit.

J. McClain entertained a motion to adjourn meeting.

**Motion by:** K. Tyler

To adjourn meeting.

**2<sup>nd</sup> by:** J. Swander

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

Meeting adjourned at 7:44pm

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Board of Zoning Appeals Chairman: Jim McClain

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Billing Clerk: Jennifer Smith-Sattison

# Town of Clear Lake Board of Zoning Appeals

Staff Report

## GENERAL INFORMATION

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<b>Variance Number:</b>	BZA 2023-03
<b>Applicant:</b>	Tom Parker 28 West Clear Lake Drive Fremont, IN 46737
<b>Status of Applicant:</b>	Owner
<b>Owner (if different form applicant):</b>	N/A
<b>Location:</b>	28 West Clear Lake Drive
<b>Zoning:</b>	LR (Lake Residential)
<b>Current Use:</b>	Single family Residential
<b>Variance Type:</b>	Development Variance - 9.19(E)(7)(a)
<b>Adjacent Area Zoning &amp; Uses:</b>	<b>North:</b> LA (Lake Accessory) – Accessory Structure <b>East:</b> LR (Lake Residential) – Single Family Residential <b>South:</b> Waterfront <b>West:</b> LR (Lake Residential) – Single Family Residential
<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 July 18, 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>• Fourteen (14) 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:

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### 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 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
Clear Lake Township Land Conservancy Inc	111 Gecowets Dr	FREMONT, IN 46737
Thorp Darin L & SuAnn G H/W	1236 Quiet Harbor Dr	FREMONT, IN 46737
Petruska Kenneth M & Stacy L Joint Rev Trust dtd 8-24-21	14473 Christie Ann Dr	FORTVILLE, IN 46040
Gamble Troy M & Wendy L Haberstock JT/RS	16368 La Paloma Ct	NOBLESVILLE, IN 46060
Woodward Brian J & Tiffany L H/W	22 W Clear Lake Dr	FREMONT, IN 46737
Vanderpool Micki J	24 W Clear Lake Dr	FREMONT, IN 46737
Howarth Delores A	26 West Clear Lake Dr	FREMONT, IN 46737
Parker Thomas E & Jeannette C H/W	28 W Clear Lake Dr	FREMONT, IN 46737
Mowrey Joseph L & Sally Ann	30 West Clear Lake Dr	Fremont, IN 46737
Gary K Betty	34 West Clear Lake Dr	Fremont, IN 46737
Johnson Keith D & Pamela Sue H/W J/S	6521 US 127	PAULDING, OH 45879
Pridgeon Paul D & Nicole S H/W	787 Phillip Rd	MONTGOMERY, MI 49255
Moran Cynthia L & Timothy L Schlosser & Scott Schlosser JT/RS	904 Stoneybrook Dr	SAINT MARYS, OH 45885
Eisel Randall T & Rebecca L H/W	PO Box 74	NEY, OH 43549
<i>Adjacent properties are highlighted in pink</i>		

## Zoning Matrix

Lot Requirements	Required	Provided
Minimum Lot Area	4,000 SF	8422 SF
Minimum Lot Width (feet)	50	70.94'
Setbacks		
Front Yard Primary	25	21.1'
Side yard Primary	20% or 5*	5.35' & 10.2'
lake Yard Primary	30 or EBS**	73.2'
Dwelling Requirements		
Maximum Lot Coverage	53%	30.72%
Maximum Structure Coverage	35%	19.81%
Minimum Main Floor Area	800	1280
Minimum Dwelling Unit Size	1200	1280
Maximum Primary Structures	1	1

\* 20% of lot width or no less than 5 feet

\*\* EBS - Established building set back

0002

760119230103000002

760119230121000002

000002

Zaharako

WEST CLEAR-LK-DR

000002

Sunset Bay

760119320101000002

090002

760119320102000002

080002

760119320103000002

070002

Quiet Harbor Estates  
760119320104000002

Common Area Replat  
060002

760119320105000002

Clear Lake

R

# DEVELOPMENT STANDARDS VARIANCE APPLICATION

# 2023-03

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 Tom Parker

E-mail tep\_sgg@hotmail.com

Address 28 WCLD - Fremont 46737

same

*lake*

*permanent*

Phones 419-966-7932

*preferred*

*other*

## PROJECT INFORMATION

Address of Property 28 W Clear Lake Drive - Fremont, IN 46737

Legal Description see page 3 of survey (attached)

(attach if necessary)

Property Owner Tom Parker

Current Zoning LR

Existing  
Covenant

Current Use Single Family Residence

Proposed  
Use

SFR w-Added Attached Garage

Variations Requested Relief from required street yard setback as spec'd in sections 2.14 of UDO  
from 25' to 20.8'

## PROJECT DETAILS

Describe the project request in detail.

Build an attached garage onto the existing home, the exterior facade of which will use the same materials in order to match the current appearance.

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

Since we are both retired we are making Clear Lake our permanent home since June, 2023. We would like to be able to access our home through an attached garage especially in bad weather.

**ZONING ADMINISTRATOR USE ONLY**

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

Section 2.14, Minimum street yard setback - 25 feet for primary structures

**Previous Variances for this  
Property?**

None

**Adjacent Property Owners**

Please see attach Staff Report

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

Please see attach Staff Report



**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, the proposed new garage would be roughly 28' from the pavement at its closest point. Visibility and travel along WCLD 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 ...

The terms of the ordinance would limit the size of the garage. The size of the proposed one car garage would allow easy movement within the garage. Our neighbors to the east of us have an extension on their home that is the same as our garage proposal. This plan should not hinder traffic on West Clear Lake Drive.

**AFFIDAVIT**

*Thomas E. Parker + Parker* *Jeannette C. Parker*  
I/We Thomas E. Parker + Parker, 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 )



Becky J Maggart, Notary Public  
Steuben County, State of Indiana  
Commission #: NP0719918  
My Commission Expires 4/23/2027

Subscribed and sworn to before me, a Notary Public in and for said County and State, on this 6th day of July, 2023

My Commission Expires: 4/23/27

*Becky Maggart*  
Signature

July 6, 2023  
Date

# LOJEK SURVEY COMPANY, P.C.

LAND SURVEYING

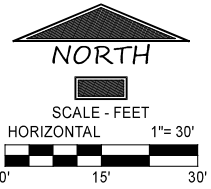
LAND PLANNING & DESIGN

EXCELLENT SERVICE THROUGHOUT ALL OF INDIANA

P.O. BOX 551  
NEW HAVEN, IN. 46774  
PH: (260) 316-7755

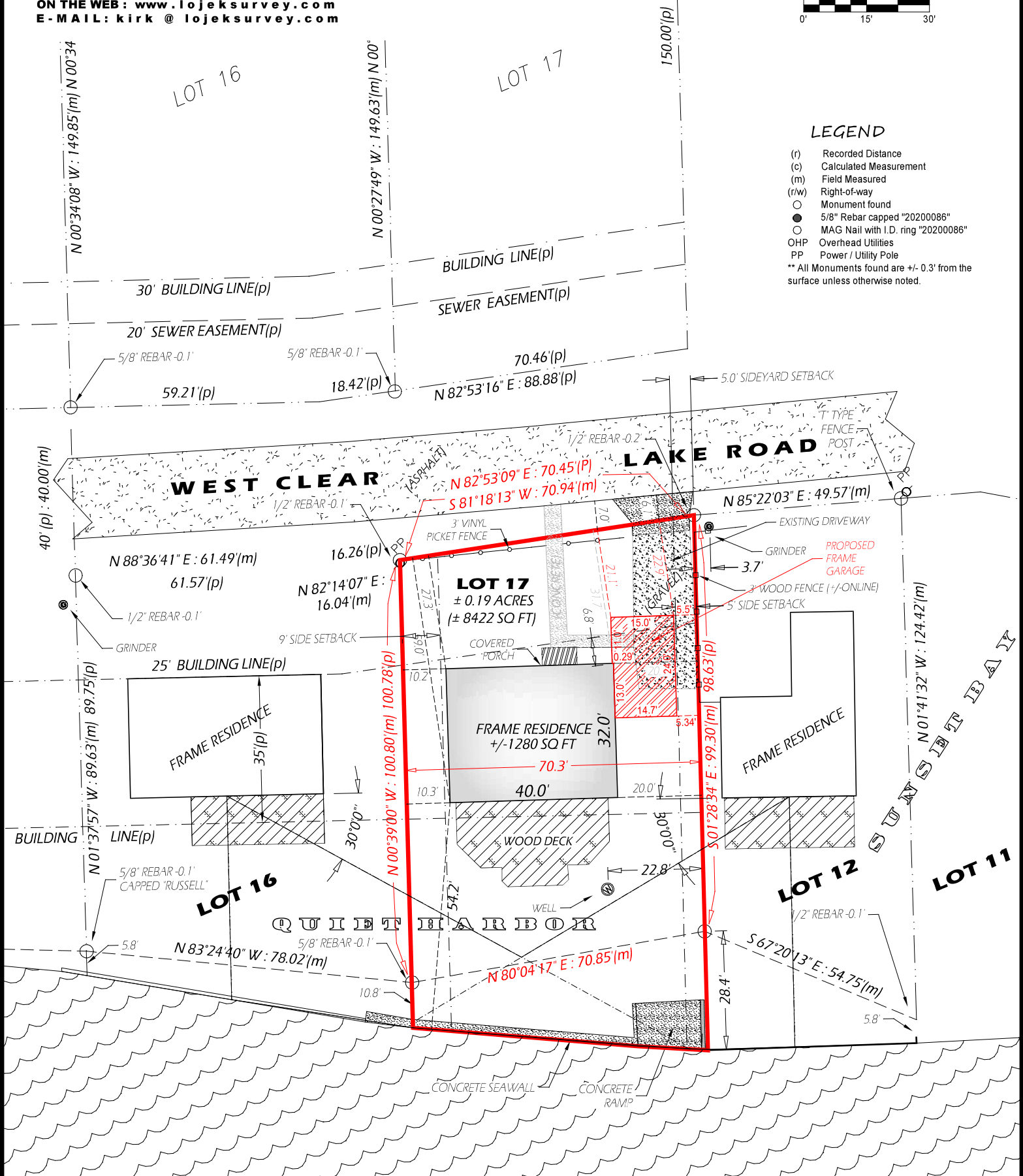


ON THE WEB: [www.lojeksurvey.com](http://www.lojeksurvey.com)  
E-MAIL: [kirk@lojeksurvey.com](mailto:kirk@lojeksurvey.com)



### LEGEND

- (r) Recorded Distance
- (c) Calculated Measurement
- (m) Field Measured
- (r/w) Right-of-way
- Monument found
- 5/8" Rebar capped "20200086"
- MAG Nail with I.D. ring "20200086"
- OHP Overhead Utilities
- PP Power / Utility Pole
- \*\* All Monuments found are +/- 0.3' from the surface unless otherwise noted.



TOTAL LOT SQUARE FOOTAGE = 8422 SF	
BUILDING COVERAGE (Proposed)	
STRUCTURE = 1668.19 SF	±19.81%
IMPERMEABLE SURFACE AREAS:	
EXST'G DECKS @ 0% = (616 SF)(0.0) = 0.00 SF	± 0.00%
CONCRETE DRIVEWAY & WALKS = 519 SF	± 6.16%
GRAVEL DRIVE @ 75% = (533 SF)(.75) = 399.75	± 4.75%
TOTAL = 2569.94 SF	± 30.72%

ADDRESS: 28 WEST CLEAR LAKE ROAD, CLEAR LAKE, INDIANA

**THIS SURVEY IS NOT COMPLETE OR VALID WITHOUT ALL PAGES INCLUDED.**

DRAWN BY: SKC  
LOT 17,  
QUIET HARBOR SUBDIVISION ON CLEAR LAKE  
CLEAR LAKE TOWNSHIP, STEUBEN COUNTY, INDIANA  
PAGE 1 OF 3  
JOB NUMBER : 2305-10R2  
REVISION 2: WIDEN PROPOSED GARAGE

**THIS PLOT PLAN PREPARED FOR:**  
**PARKER**  
C/O STAR HOMES, INC.

DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE

10110091 DEED \$17.00  
11/03/2010 02:58:25P 1 PGS  
Dani Lou Parrish  
Steuben County Recorder IN  
Recorded as Presented

NOV - 3 2010

  
AUDITOR STEUBEN COUNTY

# WARRANTY DEED

THIS INDENTURE WITNESSETH, That *Erin W. Schmitz*, as *Successor Trustee of the James E. Walsh Trust UAD June 19, 2003*, being over the age of eighteen (18) years ("**Grantor**") of Montgomery County in the State of Ohio, **CONVEYS AND WARRANTS TO** *Thomas E. Parker and Jeannette C. Parker*, husband and wife, to hold as tenants by the entireties, ("**Grantee**"), of Henry County in the State of Ohio, in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Steuben County, in the State of Indiana:

Lot Numbered 17 in the Plat of Quiet Harbor Estates, an Addition to the Town of Clear Lake, Steuben County, Indiana, as recorded in the Office of the Recorder of Steuben County, in Book 4, Page 69.

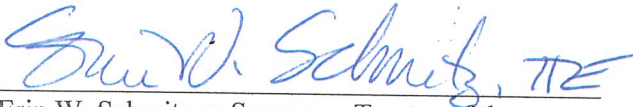
Subject to all covenants, restrictions, reservations, rights of way, easements, taxes, assessments, conditions and rights appearing of record; subject to any state of facts that an accurate survey would show.

**RECITAL:** Erin W. Schmitz as Successor Trustee of the James E. Walsh Trust UAD June 19, 2003, states that she has full authority under the Trust to make this conveyance and that the Trust has not been amended or revoked in any fashion, which would preclude this conveyance.

**POSSESSION:** Date of Closing.

**TAXES:** Prorated to date of Closing.

Dated this 2 day of October, 2010.

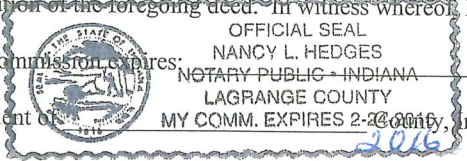


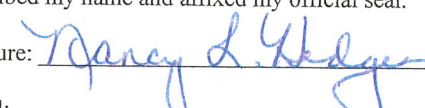
Erin W. Schmitz as Successor Trustee of the James E. Walsh Trust UAD June 19, 2003

STATE OF INDIANA, COUNTY OF STEUBEN ) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 29 day of October, 2010 personally appeared: Erin W. Schmitz as Successor Trustee of the James E. Walsh Trust UAD June 19, 2003, being over the age of eighteen (18) years and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: 2016  
Resident of \_\_\_\_\_, Indiana



Signature:   
Printed: \_\_\_\_\_, Notary Public

### AFFIRMATION

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.

/s/ Craig T. Benson

Craig T. Benson

This instrument prepared by: Craig T. Benson, Attorney At Law, 109 S. Martha Street, Angola, Indiana 46703

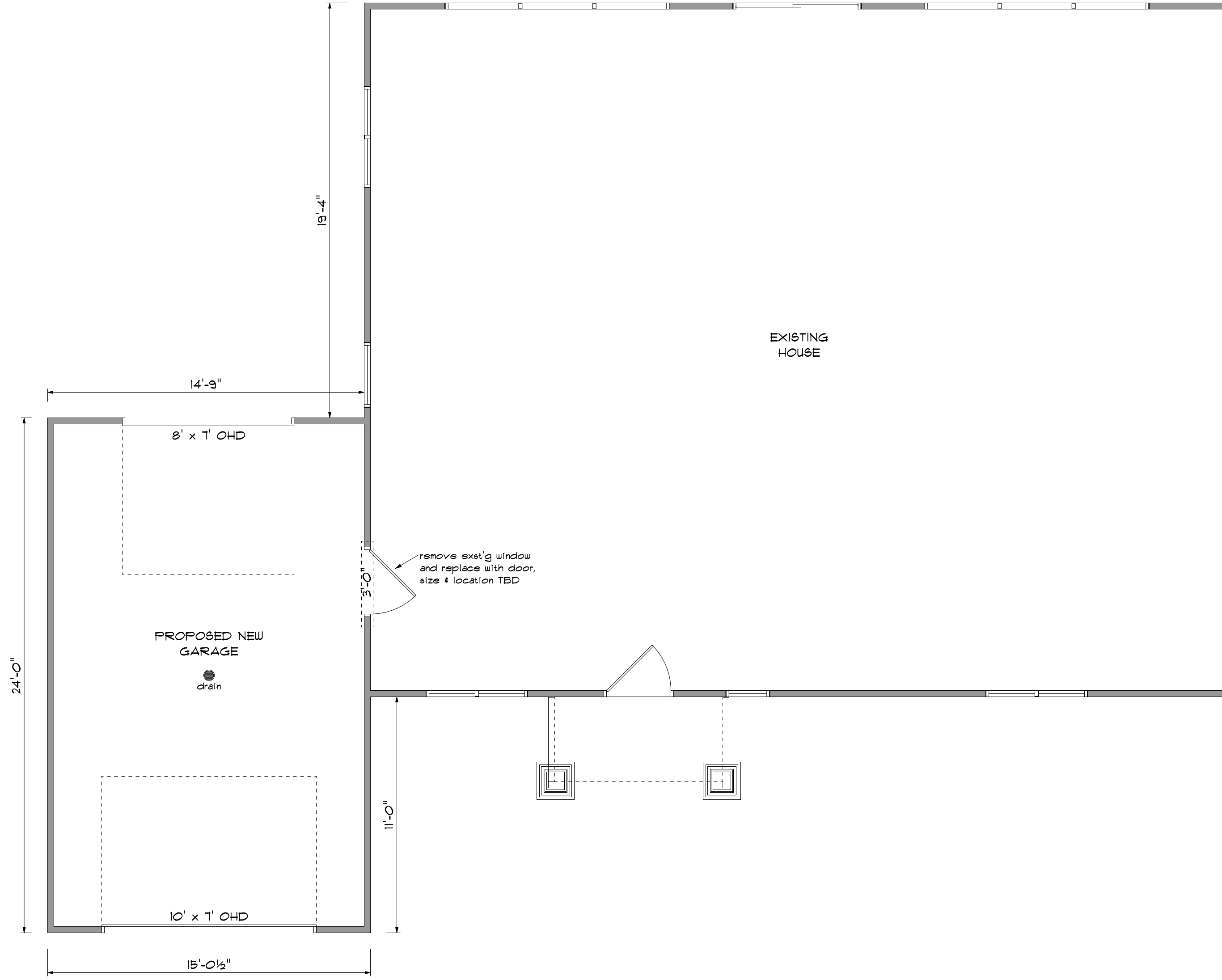
Grantee's Address:

1005 Westchester Ave  
Napoleon, OH. 43545

Tax billing Address:

1005 Westchester Ave  
Napoleon, OH 43545

Revised:



NOTE6:



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



Copyright: Star Homes Inc. 2023

**RESIDENCE FOR:**

Thomas & Jeannette Parker  
 28 W Clear Lake Drive  
 Fremont, IN 46137

**SQUARE FOOTAGE TOTALS:**

NEW GARAGE = 357 SQ. FT.

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

**GARAGE ADD-ON PLAN**



**July 10, 2023**

Material List for Parker Proposed Attached Garage

- Exterior siding, shingles, trim, & etc to match house #28 W Clear Lake Drive.



