



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

Board of Zoning Appeals Tuesday August 9, 2022 @ 7:00 PM

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

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

Agenda

1. Call to Order
2. Introductions and Quorum
3. Hearing Introduction
 - A. *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.
 - B. *Variance 2022-04*

Request for variance from development standards for Tim and Lori Wagner, 426 Point Park Drive, Fremont, IN 46737. They request relief from *UDO Section 5.08 (E) Lake Residential Accessory Structure Standards, Location*. The proposed project includes building an Accessory Structure that is not permitted in the lake yard envelope.
 - C. *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
 - D. *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 Establish Building Setback by 9.4 feet.



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E. Variance 2022-07:

Request for variance from development standards for Joseph and Kathy Schenkel, 72 (rear lot) West Clear Lake Drive, Fremont, IN 46737. They request an 8.3-foot relief from *UDO Section 5.63 (A)(3) General Set Back standards, Minimum Rear Yard Setback*. The proposed project includes building a new garage that encroaches the Rear Yard Setback by 3.3 feet.

4. Old Business - None
5. New Business
 - a. Approve minutes: May 4, 2022
6. Adjournment

The next regularly scheduled meeting of the Clear Lake BZA will be Tuesday October 11, 2022, at 7:00 PM. The deadline for items requiring legal notices is September 13, 2022.

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.

DEVELOPMENT STANDARDS VARIANCE APPLICATION

2022-04

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 Tim & Lori Wagner E-mail lwagner64@gmail.com
Address 426 Point Park Dr. Fremont, IN 12405 St. Joe Road, Grabill, IN 46741
lake permanent
Phones 260-417-3161 260-433-2998
preferred other

PROJECT INFORMATION

Address of Property 426 Point Park Dr. Fremont, IN 46737
Legal Description See attached survey for legal description
(attach if necessary)
Property Owner Timothy & Lori Wagner
Current Zoning LR Existing Covenant _____
Current Use None Proposed Use Accessory storage building
Variances Requested Variance for UDO Article 5.08 (E) Lake Residential Accessory
Structure Standards / Location

PROJECT DETAILS

Describe the project request in detail.

We are requesting a variance to build a storage structure in the lake yard envelope. The storage building will be built into the hill and will not be visible to adjacent neighbors. It is 10'3" deep and 14' wide. (143.5 sq. ft.) with a height above grade from 0' to 8' for the structure, and an additional 5'6" for the roof. The storage building will have natural stone veneer on the exterior to match the home. It will also have a metal roof with a retaining wall.

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

We currently have a 4'x8'x2' wooden box in the lower lake area near this proposed location that holds our irrigation pump and a few small items. This does not serve our need for storage. We have a steep hill with 26 steps to the first landing, and 9 additional steps to the garage level. This makes it very difficult and dangerous to carry large and/or heavy items up and down the stairs each day for use and storage. The proposed building will serve the purpose for storage of items such as: skis, wakeboards, kayaks, life jackets, rafts, lawn chairs, lawn mower, lawn equipment, tools, and the pump for the irrigation system.

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 be injurious to the public health, safety, morals and general welfare because the location of the storage building will not be invasive to anyone or the lake itself. Located a good distance away from other properties, and 30' from the water. It will not be visible by any neighboring homes.

The use and value of the area adjacent to the proposed project will not be affected in a substantially adverse manner because ... The storage building will be built into the hill from the west to the east, and the area north and south is a continuation of the hill and will be grass and/or landscape.

The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because ... The lower lake area of the proposed storage building is only accessible by the extremely steep and long stairway from the patio. It is dangerous and difficult to carry items up and down the stairway each day after use. We also have grass that needs mowed in the lower lake area and we need to keep a mower down there and we have to carry it up and down the stairs.

AFFIDAVIT

Lori Wagner & Lynn A Wagner

I/We, *Timothy Wagner & Lynn A Wagner* 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 8th day of July, 2022

My Commission Expires: 12/31/22

Notary Public
[Signature]
Attest by: *[Signature]*
Signature

7/8/2022
Date

DEVELOPMENT STANDARDS VARIANCE APPLICATION

2022-03

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 Tim & Lori Wagner E-mail lwagner64@gmail.com
Address 426 Point Park Dr. Fremont, IN 12405 St. Joe Road, Grabill, IN 46741
lake permanent
Phones 260-417-3161 260-433-2998
preferred other

PROJECT INFORMATION

Address of Property 426 Point Park Dr. Fremont, IN 46737
Legal Description See attached survey for legal description
(attach if necessary)
Property Owner Timothy & Lori Wagner
Current Zoning LR Existing Covenant
Current Use None Proposed Accessory storage building Use
Variances Requested Variance for UDO Section 5.63 (A)(4)(b) - Foot relief for general setback standards, minimum lake yard setback

PROJECT DETAILS

Describe the project request in detail.

We are requesting a variance of 51' from the line drawn from the adjacent established primary structures to the front of the proposed storage building. The storage building will be built into the hill and will not be visible to adjacent neighbors. It is 10'3" deep and 14' wide (143.5 sq. ft.), with a height above grade from 0' to 8' for the structure, and an additional 5'6" for the roof. The storage building will have natural stone veneer on the exterior to match the home. It will also have a metal roof with a retaining wall.

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

We currently have a 4'x8'x2' wooden box in the lower lake area near this proposed location that holds our irrigation pump and a few small items. This does not serve our need for storage. We have a steep hill with 26 steps to the first landing, and 9 additional steps to the garage level. This makes it very difficult and dangerous to carry large and/or heavy items up and down the stairs each day for use and storage. The proposed building will serve the purpose for storage of items such as: skis, wakeboards, kayaks, life jackets, rafts, lawn chairs, lawn mower, lawn equipment, tools, and the pump for the irrigation system.

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:

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The use and value of the area adjacent to the proposed project will not be affected in a substantially adverse manner because ... The storage building will be built into the hill from the west to the east, and the area north and south is a continuation of the hill and will be grass and/or landscape.

The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because ... The lower lake area of the proposed storage building is only accessible by the extremely steep and long stairway from the patio. It is dangerous and difficult to carry items up and down the stairway each day after use. We also have grass that needs mowed in the lower lake area and we need to keep a mower down there and we have to carry it up and down the stairs.

AFFIDAVIT

Lori Wagner Lori A Wagner

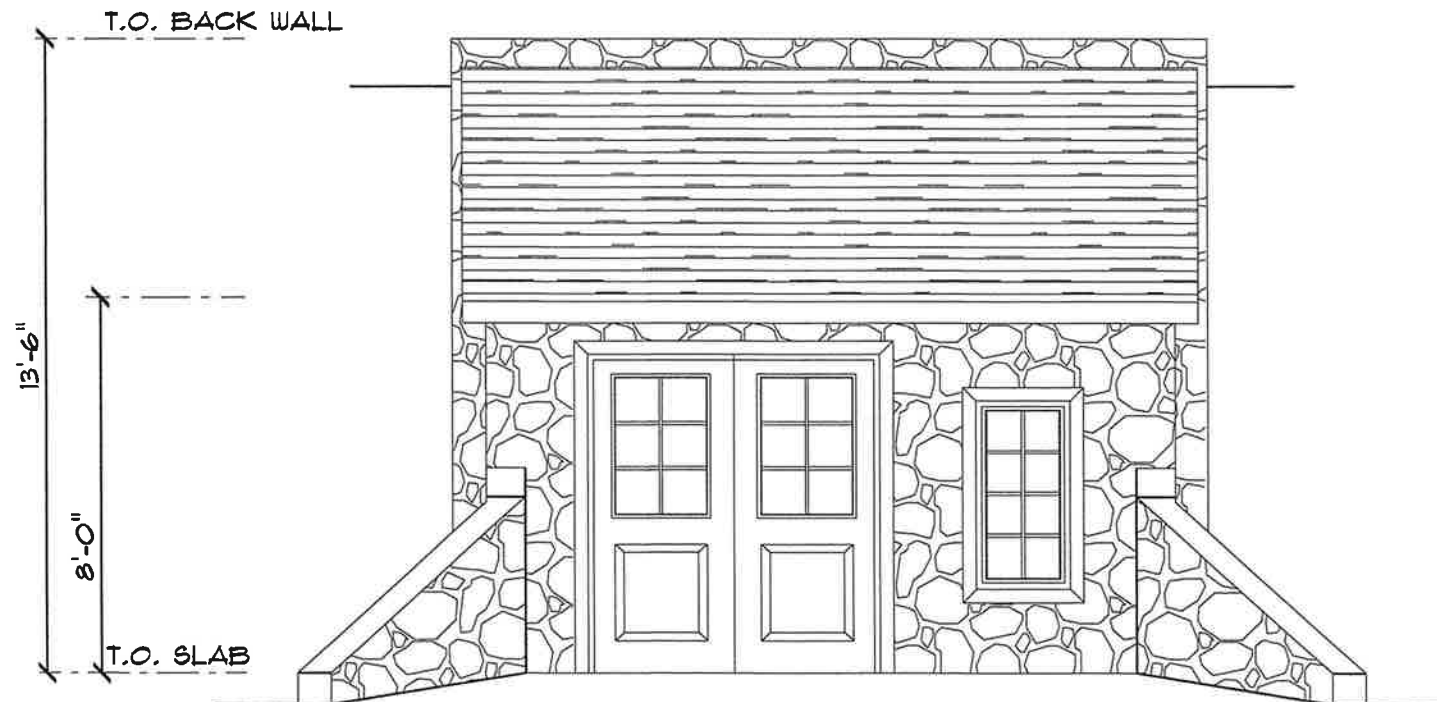
I/We, *Tim Wagner* *Timothy Wagner* being duly sworn, depose and say that I/we am/are the owners/contract purchasers of the property involved in this application; and that the forgoing signatures, statements, and answers herein contained, and the information herewith submitted, are in all respects true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

STATE OF INDIANA)
) SS:
COUNTY OF STEUBEN)

Subscribed and sworn to before me, a *Clerk-Treasurer* Notary Public in and for said County and State, on this *8th* day of *July*, 2022

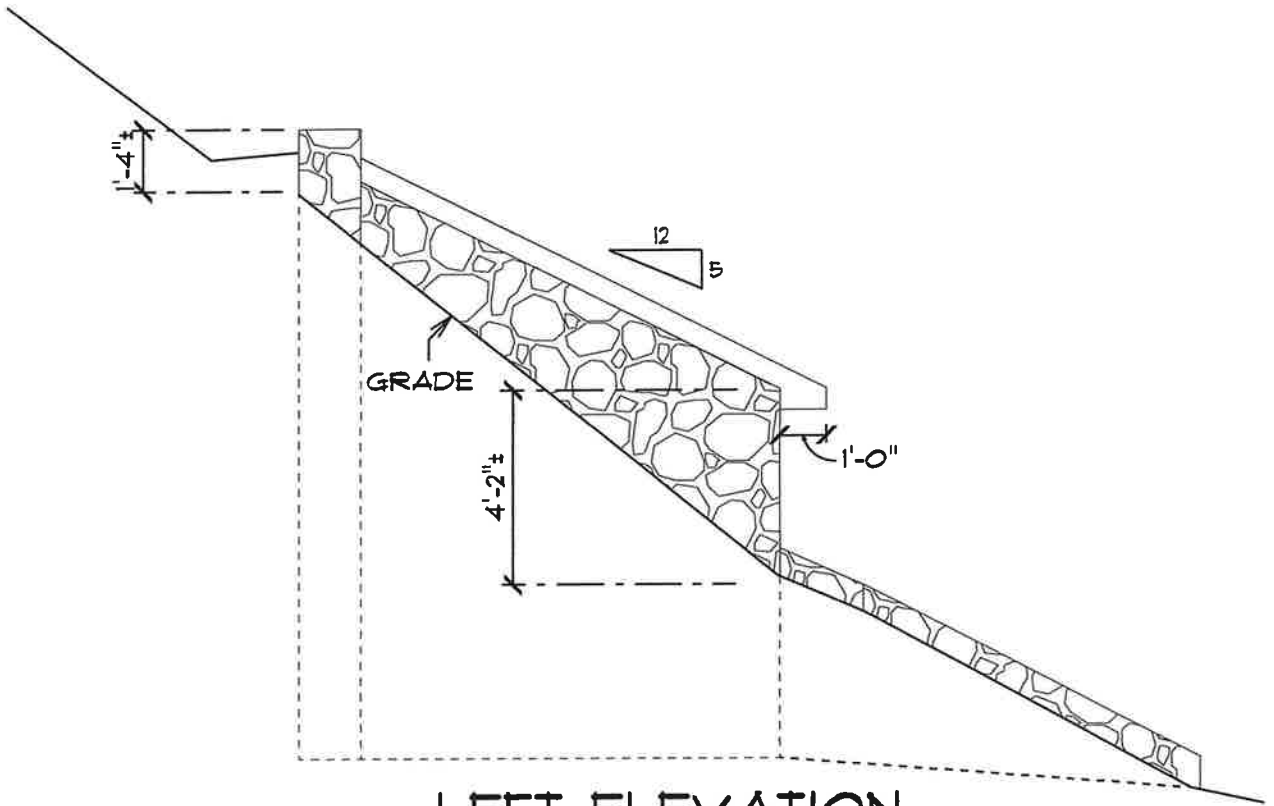
My Commission Expires: *12/31/22*
Attested By *[Signature]* Signature

7/08/2022
Date



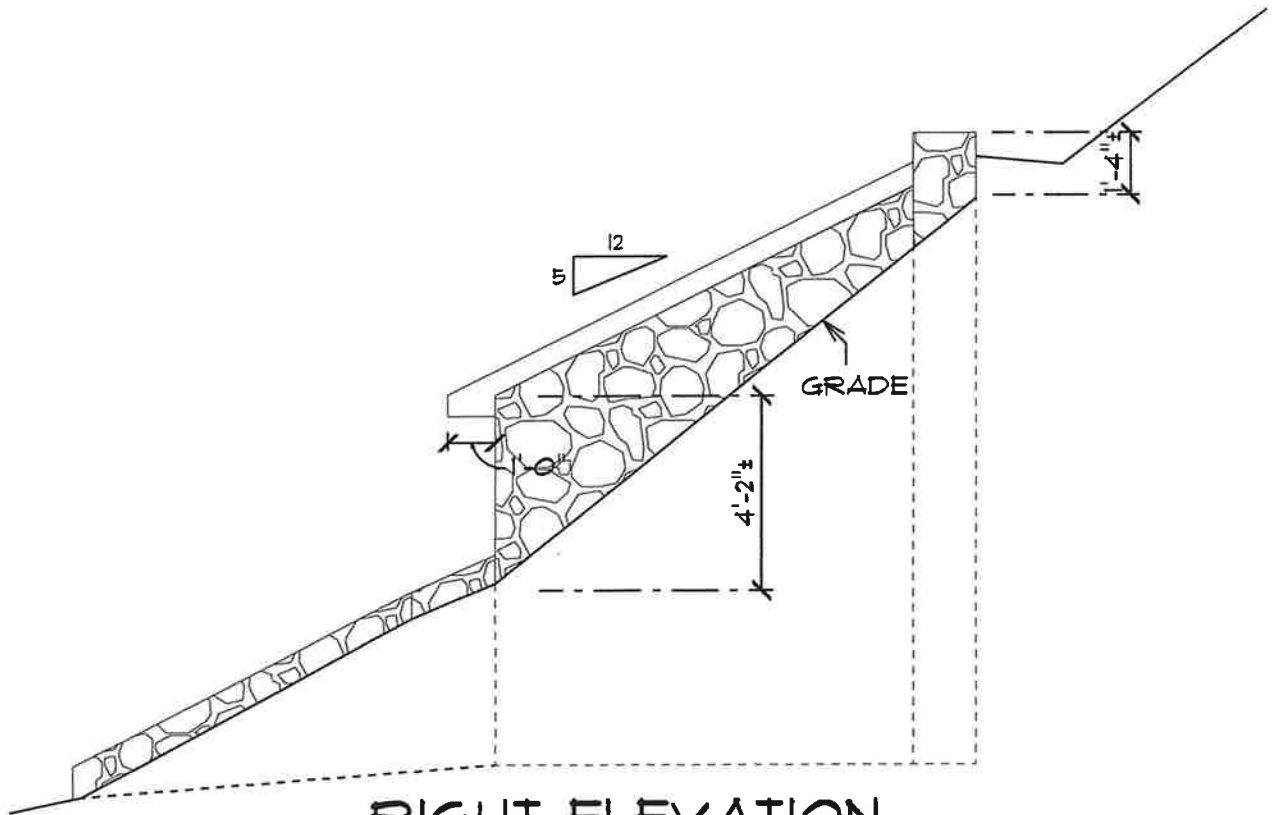
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



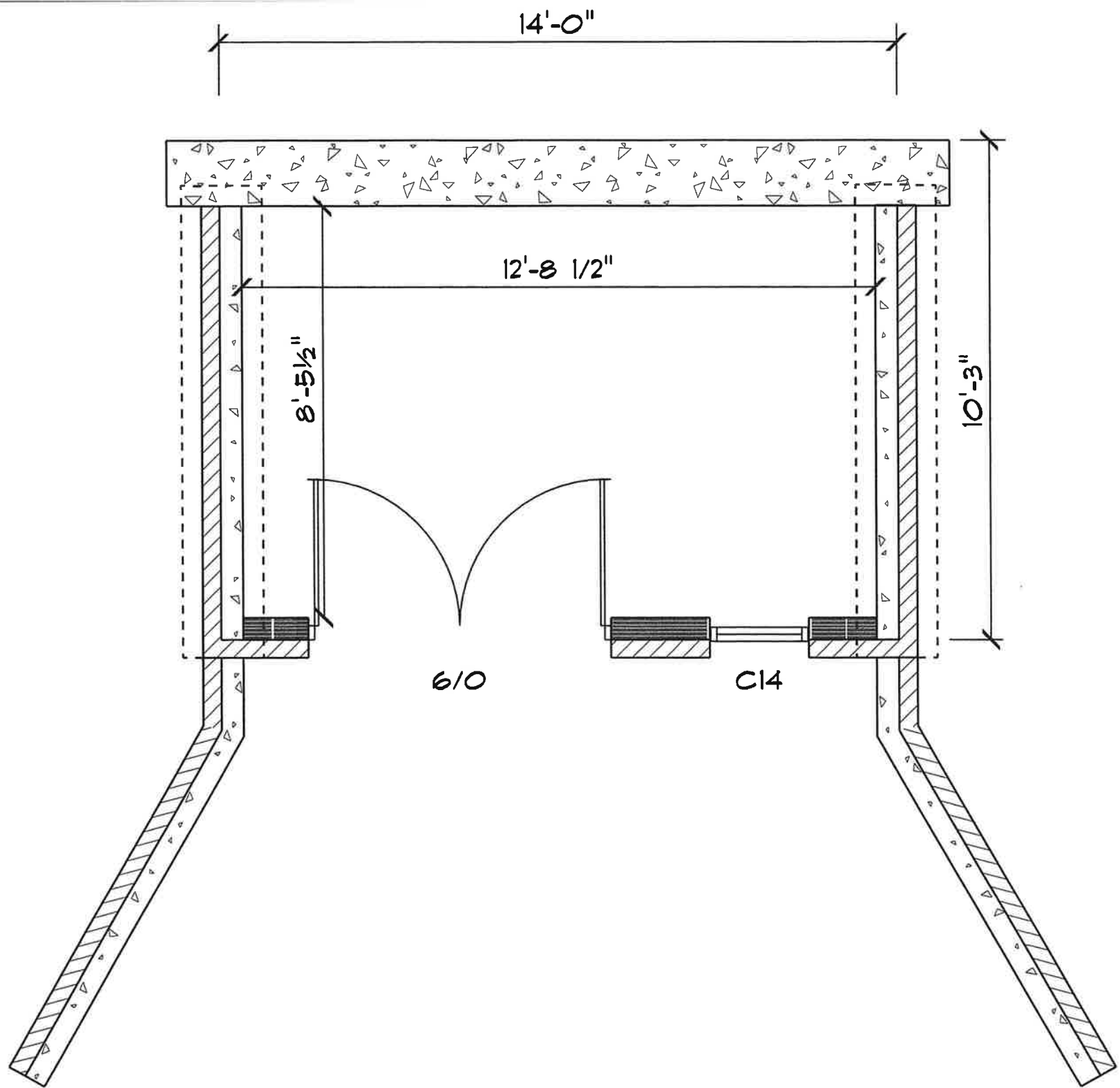
LEFT ELEVATION

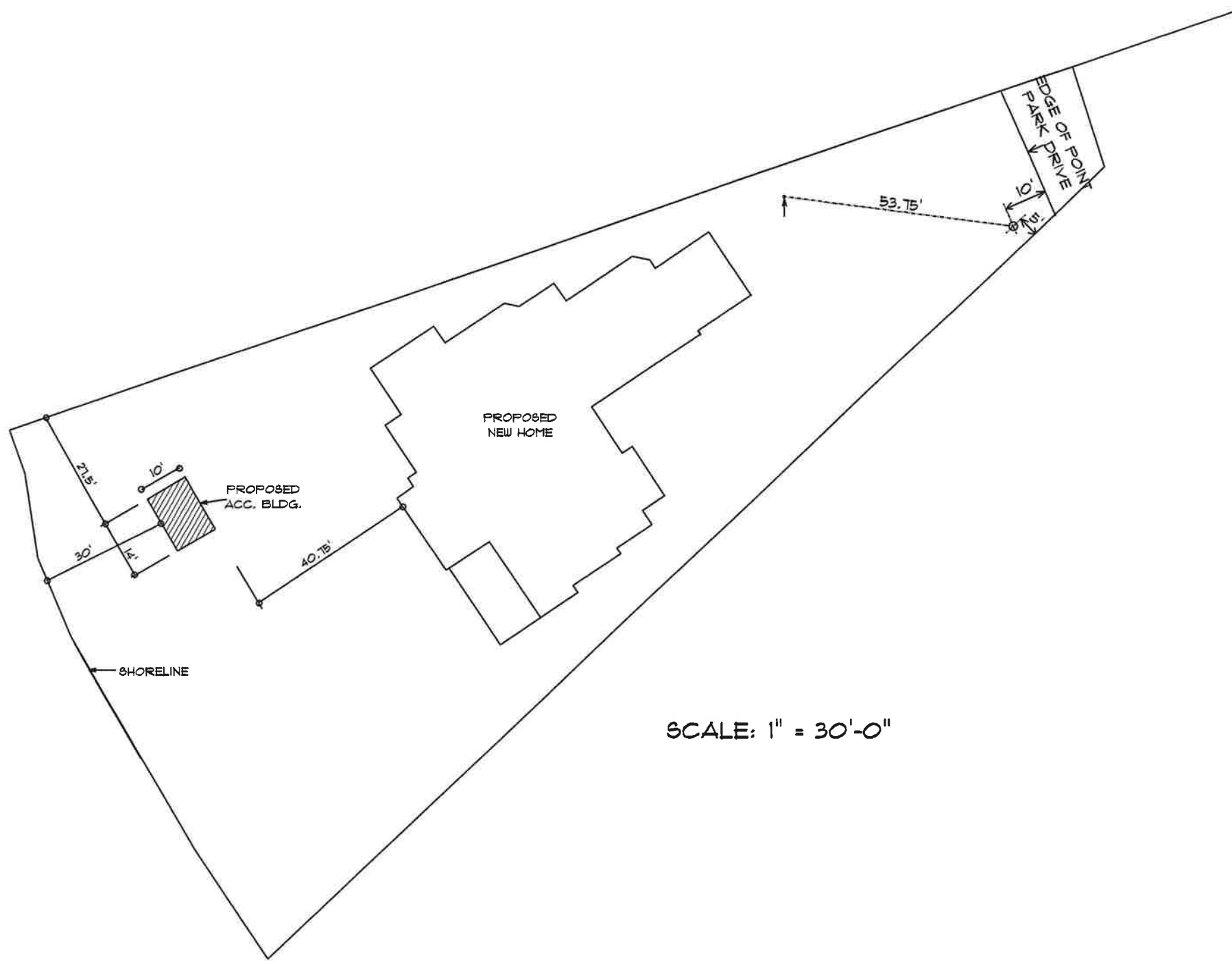
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"





SCALE: 1" = 30'-0"

**Town of Clear Lake
Board of Zoning Appeals
Staff Report**

Variance Number: #2022-03 & 2022-04

Applicant/Owner: Tim and Lori Wagner

Location: 426 Point Park Drive

Zoning: LR (Lake Residential)

Current Use: Lake Home

Variations Requested: 2022-03

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.

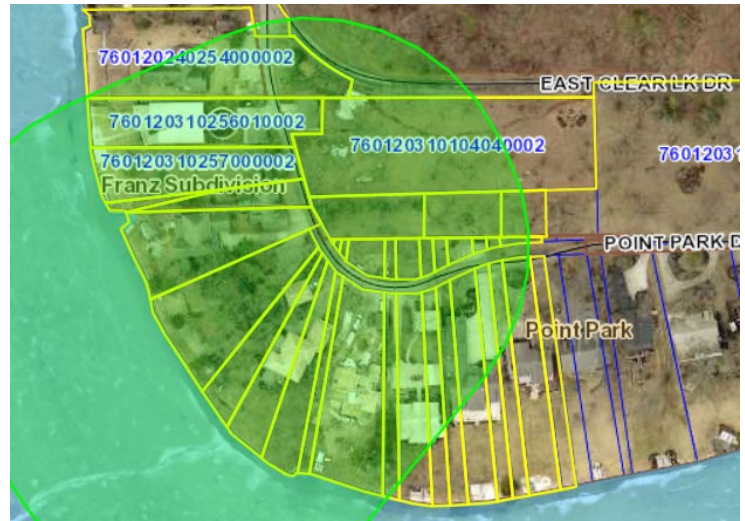
2022-04

UDO Section 5.08 (E) Lake Residential Accessory Structure Standards, Location. The proposed project includes building an Accessory Structure that is not permitted in the lake yard envelope.

Hearing Date: August 9, 2022

- Required Notice:**
- Publication of legal notice was published in the *Herald Republican* on July 27, 2022.
 - Legal Notice was also posted by the Zoning Administrator outside the Town Hall.
 - Two (2) adjacent owners were sent Legal Notices with a certificate of mailing.
 - Eight (8) interested property owners were sent “courtesy notices” by regular US mail.

Notification Sent to Adjacent and Property Owners within 300 feet:

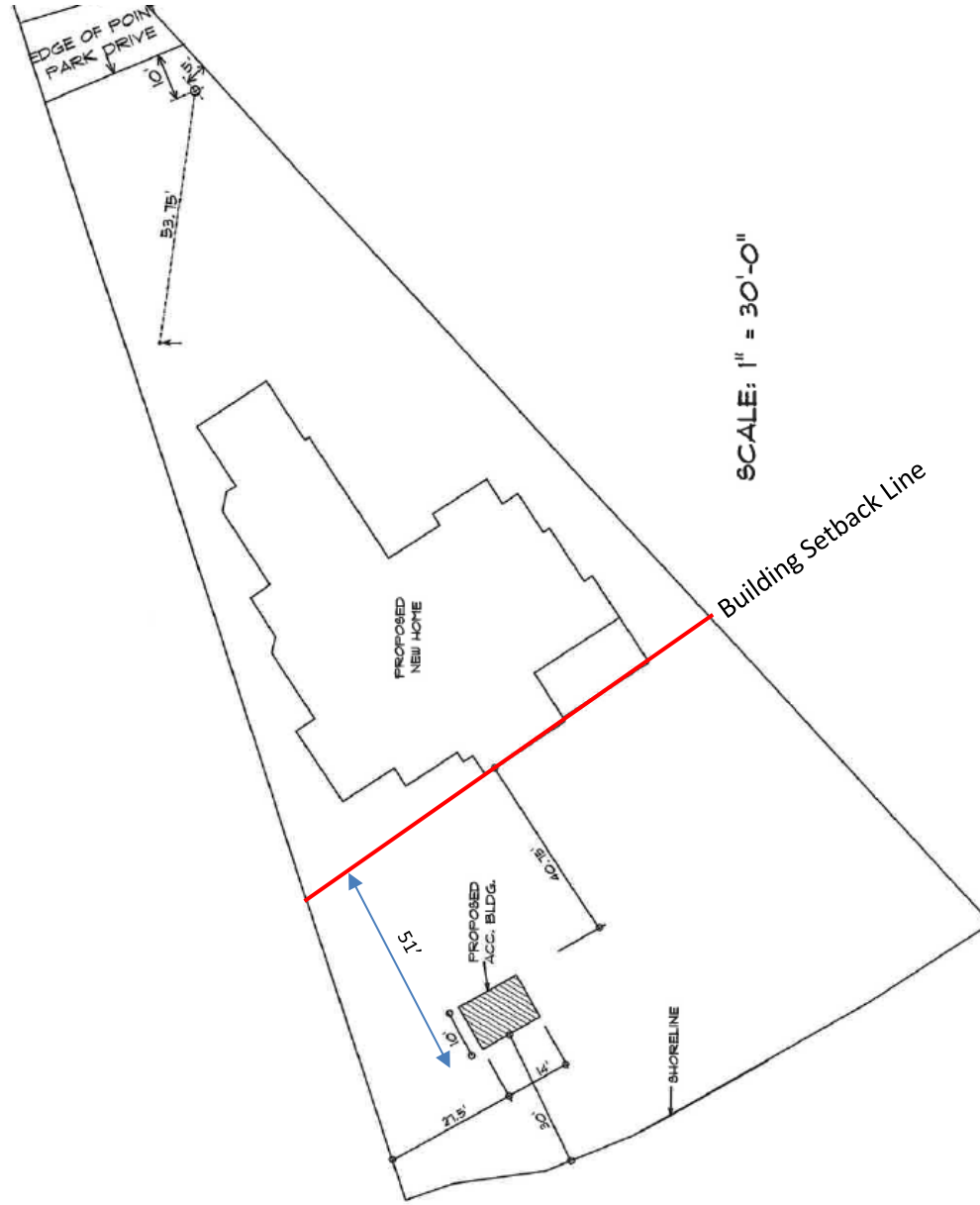


Property Owners within 300 feet to 426 Point Park Drive						
Lake Address	Owner Mail Address	City	State	Zip Code	Name	Cert
402 East Clear Lake Dr.	4200 W. Fox Chase Court	Muncie	IN	47304	Jim and Margaret Lowry	
416 Point Park Dr	6727 Mallard Cove Place	Fort Wayne	IN	46804	Skinner James W & M Anne	
420 Point Park Dr	338 N. Kenilworth Ave	Oak Park	IL	60302	Bill and Judy Greffin	
421 Point Park Dr	111 Gecowets Dr	Fremont	IN	46737	Clear Lake Township Land Conservancy Inc	
424 Point Park Dr	7639 Oakhurst Ln	Columbus	OH	43235	Mike and Pat Franz	x
428 Point Park Dr	1600 Runnymede Rd	Dayton	OH	45419	John Winch	x
430 Point Park Dr	647 West Melrose St Apt. 4	Chicago	IL	60657	Eric and Jennifer Rockhold	
432 Point Park Dr	432 Point Park Dr	Fremont	IN	46737	Todd and Barbara Rumsey	
434 Point Park Dr	434 Point Park Dr	Fremont	IN	46737	Jon and Janet Zachrich	
436 Point Park Dr	7145 East Tanglewood Road -92	Roanoke	IN	46783	John and Cindy McMillen	
Owner						
426 Point Park Dr	12405 St Joe Road	Grabill	IN	46741	Tim and Lori Wagner	

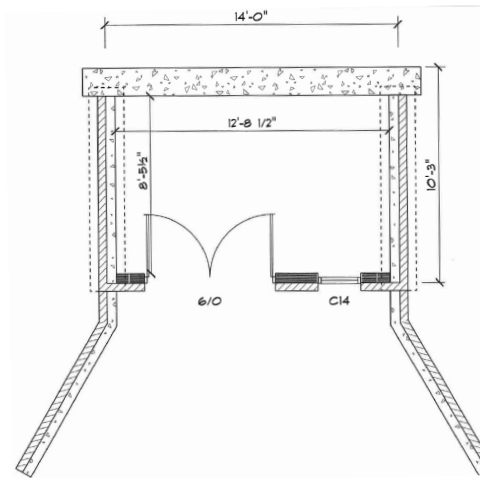
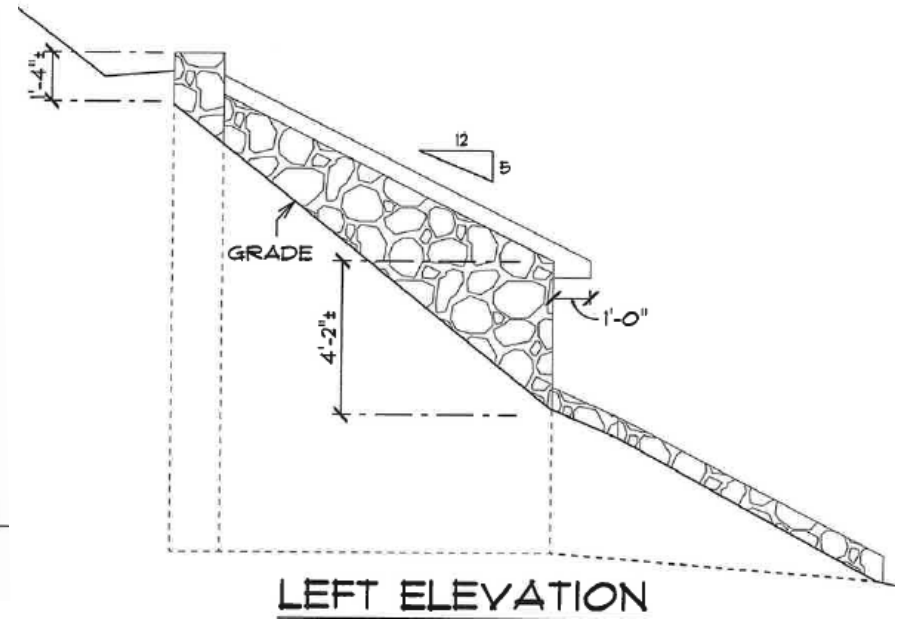
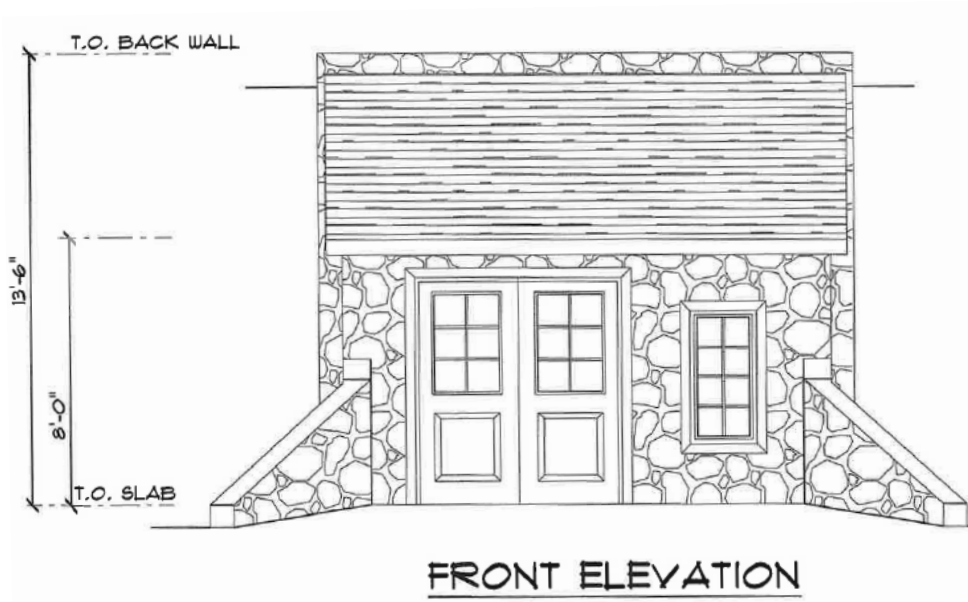
Contextual Land Use and Zoning:



Site Plan:



Structure Drawings:



Material List:

Natural stone will be use for the entire exterior wall veneer of the structure.

Asphalt or metal roof.

Comprehensive Plan Excerpts (Town objectives to consider when reviewing variances)

Policy 2.1: Balance the preservation of the lake environment with the needs of a growing year-round population.

Objective 2.1.1: Ensure development conforms to the Town's land use regulations recognizing that many lots around the lake possess unique and sometimes challenging features.

Objective 2.1.3: Encourage homeowners and builders to utilize professional architectural services and landscape design to develop and maintain appropriate aesthetics.

Policy 7.2: Ensure land use regulations have sufficient flexibility to allow property owners and the Town to propose measures to adapt development to unique and difficult site conditions, preserve open space and natural resources, and avoid negative impacts on surrounding properties.

Objective 7.2.2: Ensure that reconstruction and rehabilitation of properties in the Town of Clear Lake are consistent with a residential lake setting.

Zoning Administrator Recommendation:

#2022-03 and #2022-04 - Recommend approving variances based on:

- **The structure is built into the hill and does not affect the neighbors' views.**
- **This structure maintains appropriate aesthetics for the area.**
- **Having a storage structure at the base of the hill will keep the homeowner from having to carry difficult items up and down steep stairs.**

**Findings of Fact Worksheet
#2022-03 Wagner 426 Point Park Drive**

Variance: *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.

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

YES, because...

- a. 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 1st class mail recipients that are in the Town's possession.

NO, because...

- a. legal notice of the petition has **NOT** been provided in accordance with applicable Indiana Code and Notice to appropriate landowners because...
-

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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

YES, the approval of the variance will not be injurious because...

- a. the proposed storage structure is consistent with the residential use of adjacent properties and will not impact the drainage or traffic along Point Park Drive.

NO, the approval of the variance will be injurious because.....

- a. the proposed storage structure is not appropriate for a lake side area.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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.

YES, the use and value of the adjacent area will not be affected in a substantially adverse manner because...

- a. the use of the subject property 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.
- b. the proposed storage structure will be constructed of high-quality materials and are appropriately sized for the lot.

NO, the use and value of the adjacent area will be affected in a substantially adverse manner because...

- a. the proposed storage structure is not appropriate for a lake side area.
- a. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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

YES, because...

- a. the proposed storage structure relieves carrying difficult items up and down steep stairs.

NO, the strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because...

- a. the proposed storage structure is not essential to the use of the property for residential purposes.

- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion
_____ Second
_____ Vote

**Decision for Case #2022-03
#2022-03 Wagner 426 Point Park Drive**

Variance: *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.

Approved / Approved with Conditions / Denied

Vote of the Board	Approve	Deny	Abstain
Kit Tyler			
Cecil Fleeman			
Scott Lazur			
Walter Mokey Grabowski			
Jim McClain			

Conditions:

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

Findings of Fact Worksheet
#2022-04 Wagner 426 Point Park Drive

Variance: UDO Section 5.08 (E) Lake Residential Accessory Structure Standards, Location. The proposed project includes building an Accessory Structure that is not permitted in the lake yard envelope.

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

YES, because...

- a. 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 1st class mail recipients that are in the Town's possession.

NO, because...

- a. Legal notice of the petition has **NOT** been provided in accordance with applicable Indiana Code and Notice to appropriate landowners because...
-

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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

YES, the approval of the variance will not be injurious because...

- a. The proposed storage structure is consistent with the residential use of adjacent properties and will not impact the drainage or traffic along Point Park Drive.

NO, the approval of the variance will be injurious because.....

- a. The proposed storage structure is not appropriate for a lake side area.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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.

YES, the use and value of the adjacent area will not be affected in a substantially adverse manner because...

- a. The use of the subject property 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.
- b. The proposed storage structure will be constructed of high-quality materials and are appropriately sized for the lot.

NO, the use and value of the adjacent area will be affected in a substantially adverse manner because...

- a. The proposed storage structure is not appropriate for a lake side area.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion
_____ Second
_____ Vote

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

YES, because...

a. the proposed storage structure relieves carrying difficult items up and down steep stairs.

NO, the strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because...

a. The proposed storage structure is not essential to the use of the property for residential purposes.

b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

**Decision for Case #2022-04
Wagner 426 Point Park Drive Variance:**

Variance: UDO Section 5.08 (E) Lake Residential Accessory Structure Standards, Location. The proposed project includes building an Accessory Structure that is not permitted in the lake yard envelope.

Approved / Approved with Conditions / Denied

Vote of the Board	Approve	Deny	Abstain
Kit Tyler			
Cecil Fleeman			
Scott Lazur			
Walter Mokey Grabowski			
Jim McClain			

Conditions:

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

Variance 2022-04						
Owner	Address		Support / Oppose	Finding Fact 1	Finding Fact 2	Finding Fact 3
Eric E. Belfrage	105	Billing Ct	Oppose	Disagree	Disagree	Disagree
Tim Reith	115	Chapel Ave	Oppose	Disagree	Disagree	Disagree
Dan and Christine Rippe	126	Lakeside Ct	Oppose	Agree	Agree	Disagree
Gary Thompson	134	Lakeview	Oppose	Agree	Disagree	Disagree
Kristina Reynolds	140	West Clear Lake Drive	Support			
Tom Humbrecht	142	West Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Kathy Schenkel	144	West Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Don Schenkel	150	West Clear Lake Drive	Oppose		Disagree	Disagree
John Wihelm	206	West Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Beth and Chris Schweikert	280-16	Lakeview	Oppose			
Jeanne and Mark Loughery	342	East Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Pat Helton	352	East Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Laura Shank Storie	384	East Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Mike and Pat Franz	424	Point Park Drive	Support	Agree	Agree	Agree
Jon and Jane Winch	428	Point Park Drive	Support	Agree	Agree	Agree
Cindy McMillen	436	Point Park Drive	Support			
Jay Ludgate	450	Point Park Drive	Oppose		Disagree	Disagree
Judith Gladieux	478	East Clear Lake Drive	Support			
Nate and Megan Lawrence	480	East Clear Lake Drive	Support	Agree	Agree	Agree
Thomas Reith	674	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Barbara Snyder	740	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Ron Oldsen	776	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Beth and Robert Martin	796	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Jack Horrell	800	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Brian Weber	822	South Clear Lake Drive	Oppose	Agree	Disagree	Disagree
Bruce and Jan Matasick	834	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Bonnie Affolder	928	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Jane Kaiser	930	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Fred Culler	932	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Amy Culler	898	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Bob Hill	936	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Rick Johnston	958	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Ken Goeckel	1024	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree

Support	6
Oppose	27

Finding Fact 1	The approval of the variance will not be injurious to public health, safety, morals and general welfare of the community.
Finding Fact 2	The use and value of the areas adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner.
Finding Fact 3	The strict application of the terms of the zoning ordinance (UDO) will result in practical difficulties in the use of the property.



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

LEGAL NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ZONING APPEALS OF THE TOWN of CLEAR LAKE, INDIANA

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

RE: Variance 2022-03, 2022-04, 2022-05, 2022-06, 2022-07

The Clear Lake Board of Zoning Appeals will meet on Tuesday, August 9 at 7:00 PM in the Town Hall at 111 Gecowets Drive, Fremont IN 46737. At the meeting, the Board of Zoning Appeals will consider five (5) requests for variances from development standards:

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.

Variance 2022-04:

Request for variance from development standards for Tim and Lori Wagner, 426 Point Park Drive, Fremont, IN 46737. They request relief from *UDO Section 5.08 (E) Lake Residential Accessory Structure Standards, Location*. The proposed project includes building an Accessory Structure that is not permitted in the lake yard envelope.

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.

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 Establish Building Setback by 9.4 feet.

Variance 2022-07:

Request for variance from development standards for Joseph and Kathy Schenkel, 72 (rear lot) West Clear Lake Drive, Fremont, IN 46737. They request an 8.3-foot relief from *UDO Section 5.63 (A)(3) General Set Back standards, Minimum Rear Yard Setback*. The proposed project includes building a new garage that encroaches the Rear Yard Setback by 3.3 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 objections that are filed using the public feedback form 3 days before the Public Hearing in the Town Hall at 111 Gecowets Drive, Fremont IN 46737 will be considered. 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.



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

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.

Larry Lillmars, Zoning Administrator

DEVELOPMENT STANDARDS VARIANCE APPLICATION

2022-05

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 Bob Buescher Homes E-mail misty@bobbuescherhomes.com

Address 1250 N 200 W Angola, IN 46703
lake permanent

Phones 260-668-7667 (Misty's cell 260-668-6891)
preferred other

PROJECT INFORMATION

Address of Property 72 West Clear Lake Drive Fremont, IN 46737

Legal Description Please see attached Lot 10 Mclouth plat 1st
(attach if necessary)

Property Owner Joseph and Kathy Schenkel

Current Zoning Lake Residential Existing Covenant _____

Current Use Single family home Proposed Use New single family home

Variances Requested Road side variance- We are asking to to be 19.1ft from the road verses the 25ft road setback.

PROJECT DETAILS

Describe the project request in detail.

Our plan is to replace the current home with a new home and attached garage. the new home would be a three story home with 3209 sf with an attached garage of 326 sf, coverage porch of 88 sf, patio of 326 sf and a hot tub.

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

This variance is essential due to keeping the new home uniformed with the neighboring properties on both sides of our property. The variance would not impact either side of the neighboring properties. The homes on each side are 18.6 ft from the road and 19.2ft from the road. We are asking to be 19.1ft from the road.

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 be injurious to the public health, safety, morals or general welfare of the community. The neighboring homes would be in line and unformed.

The use and value of the area adjacent to the proposed project will not be affected in a substantially adverse manner because ... This project would not affect the area adjacents. The neighboring home to the east is 18.6ft from the road and the neighbor to the right is 19.2ft. If granted this variance we would be 19.1ft We would be building a new custom home that would add value to the surrounding area.

The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because ... The unified development ordinance should be used as a guideline. UDO adversely impacts lots like ours that is a narrow lot and the neighboring homes are closer the road making them non-conforming as well.

AFFIDAVIT

I/We, _____, 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 ____ day of _____, 20__.

My Commission Expires:

Signature

Date

DEVELOPMENT STANDARDS VARIANCE APPLICATION

.. 2022-06

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 Bob Buescher Homes E-mail misty@bobbuescherhomes.com

Address 1250 N 200 W Angola, IN 46703
lake permanent

Phones 260-668-7667 Misty's cell 260-668-6891
preferred other

PROJECT INFORMATION

Address of Property 72 West Clear Lake Drive Fremont, IN 46737

Legal Description Lot 10 Mclouth plat 1st. (see attached)
(attach if necessary)

Property Owner Joeseh and Kathy Schenkel

Current Zoning Lake Residential Existing Covenant _____

Current Use Single family home Proposed Use Single family home

Variences Requested We are asking for a lakeside established building setback variance.

We are asking to be 9.4 ft past the build line.

PROJECT DETAILS

Describe the project request in detail.

On plan is to replace the current home with a new home and attached garage. The new home would be a three story home total of 3209 sf, attached garage of 329 sf, covered porch of 88 sf, patio of 326 sf, and a hot tub.

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

The lakeside variance is being requested to be able to put a hot tub on the lake side. It is not part of the structure and will sit on the concrete patio. It will not block anyones view. The hot tub would be 4.8ft over the build line but will be behind the neighboring properties elevated deck line.

DEVELOPMENT STANDARDS VARIANCE APPLICATION

2022-07

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 Bob Buescher Homes E-mail misty@bobbuescherhomes.com

Address 1250 N 200 W Angola, IN 46703
lake permanent

Phones 260-668-7667 cell 260-668-6891
preferred other

PROJECT INFORMATION

Address of Property West Clear Lake Drive Back lot to 72 West Clear Lake

Legal Description Please see the attached.
(attach if necessary)

Property Owner Joseph and Kathy Schenkel

Current Zoning _____ Existing Covenant _____

Current Use Detached garage Proposed Use Detached garage

Variances Requested We are requesting a rear yard variance for the back lot of 16.7 ft.

PROJECT DETAILS

Describe the project request in detail.

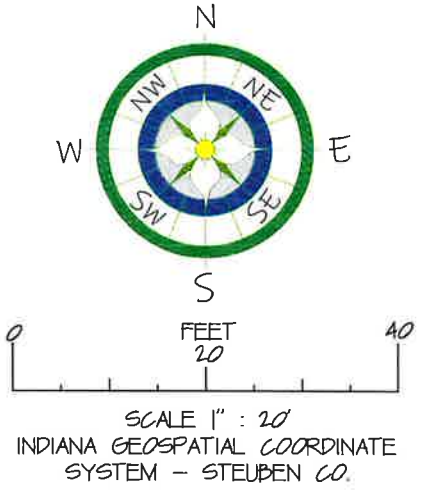
Building a new detached garage of 1200 sf and 620 sf second story attic space.

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

This request is essential due to this property being 55.9' x 80'.04ft. We are asking for a rear side set back of 16.7ft.



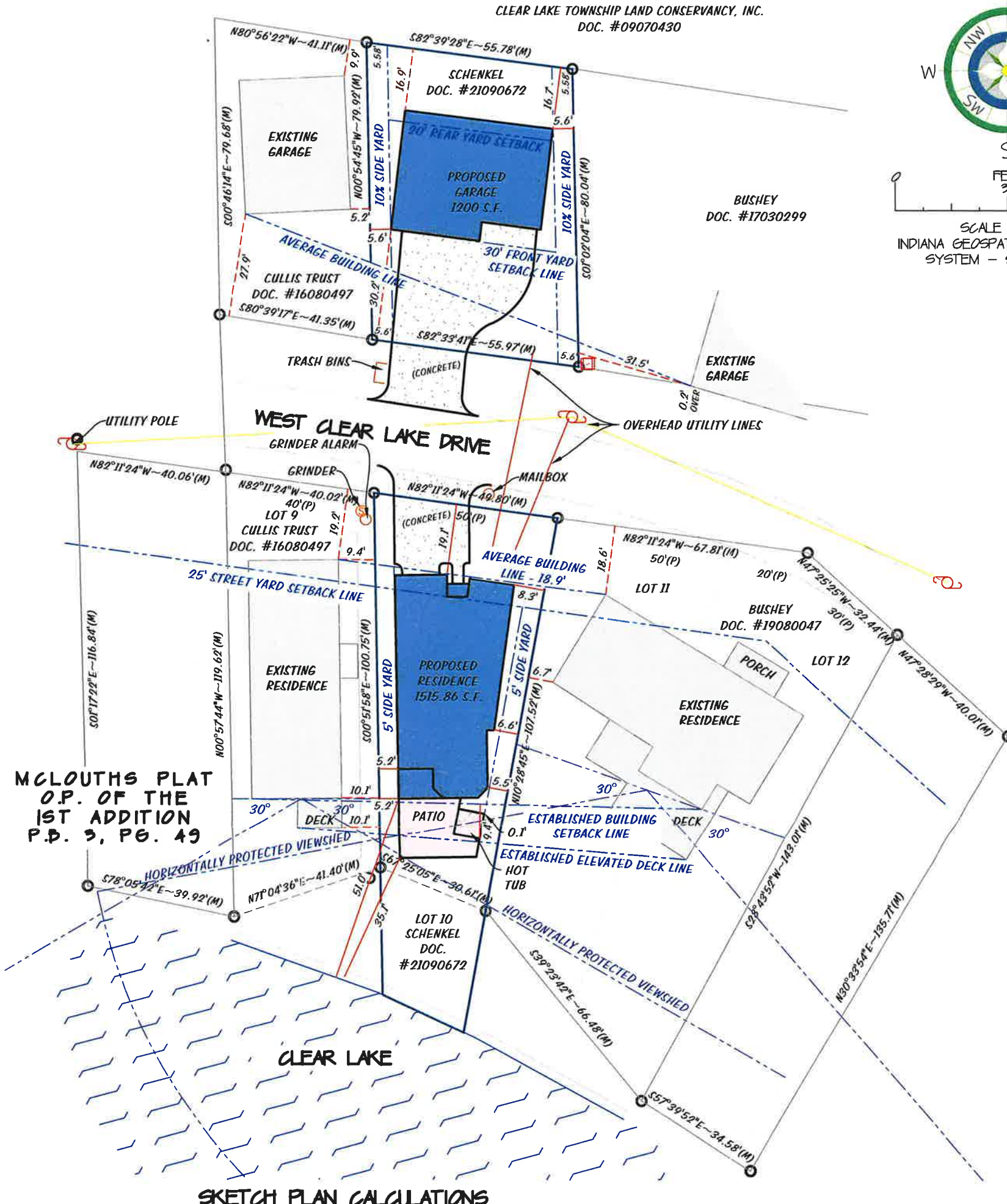
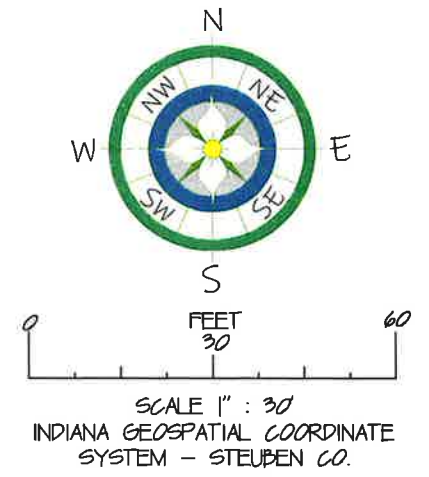
CLEAR LAKE TOWNSHIP LAND CONSERVANCY, INC.
DOC. #09070430



"THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR."

	DRAWN BY ADW	PROJECT # 21-305	PROJECT: EXISTING SITE		COMPASS LAND SURVEYING COMPASSLANDSURVEYING@GMAIL.COM
	REVIEWED BY ADW	DATE 08/05/2021	ADDRESS: THE LANDS OF SCHENKEL 72 WEST CLEAR LAKE DRIVE FREMONT, INDIANA 46737		

CLEAR LAKE TOWNSHIP LAND CONSERVANCY, INC.
DOC. #09070430



SKETCH PLAN CALCULATIONS

LAKESIDE LOT 10:

CLEAR LAKE 100 YEAR FLOOD ELEVATION	1039.1' (1929 DATUM)
FLOOD PROTECTION ELEVATION FOR CLEAR LAKE ZONING (UNDER 5,500SF)	1041.1' (1929 DATUM)
LOT AREA	4,950.79 SF.
PROPOSED IMPERVIOUS BUILDING COVERAGE	32.6% (1,613.9 SF.) ~ 35% MAX. (1,792.7 SF.)
PROPOSED TOTAL IMPERVIOUS COVERAGE	48.3% (2,393.6 SF.) ~ 56% MAX. (2,712.4 SF.)

BACK LOT:

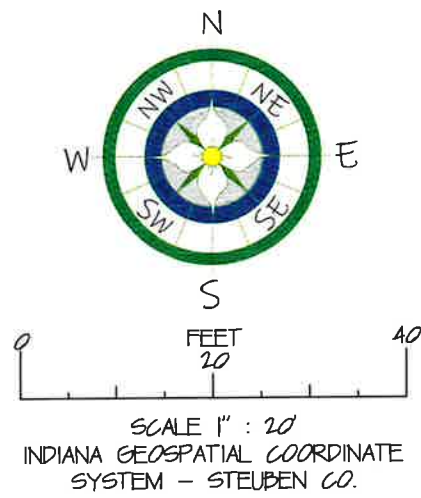
CLEAR LAKE 100 YEAR FLOOD ELEVATION	1039.1' (1929 DATUM)
FLOOD PROTECTION ELEVATION FOR CLEAR LAKE ZONING (UNDER 5,500SF)	1041.1' (1929 DATUM)
LOT AREA	4,421.7 SF.
PROPOSED IMPERVIOUS BUILDING COVERAGE	27.1% (1,200 SF.) ~ 35% MAX. (1,547.6 SF.)
PROPOSED TOTAL IMPERVIOUS COVERAGE	49.7% (2,198.04 SF.) ~ 50% MAX. (2,210.8 SF.)



VICINITY MAP NOT TO SCALE

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

SP11 PAGE 1 OF 2 REV. DATE 07/15/2012	DRAWN BY ADW	PROJECT # 21-305	PROJECT: SKETCH PLAN	PO BOX 12 LEO, IN 46765 260-417-3643	 COMPASS LAND SURVEYING COMPASSLANDSURVEYING@GMAIL.COM
	REVIEWED BY ADW	DATE 07/11/2012	ADDRESS: THE LANDS OF SCHENKEL 72 WEST CLEAR LAKE DRIVE FREMONT, INDIANA 46737		



MONUMENT LEGEND

- "C" ~ 5/8" REBAR W/ FANSLER ID. CAP FOUND (-0.1', CM)
- "D" ~ 5/8" REBAR W/ FANSLER ID. CAP FOUND (-0.1', CM)
- "E" ~ BENT 1/2" REBAR FOUND 0.3'N. (-0.4')
- "F" ~ 5/8" REBAR W/ FANSLER ID. CAP FOUND (+0.3', CM)
- "G" ~ 5/8" REBAR W/ FANSLER ID. CAP FOUND (+0.1', CM)
- "H" ~ 1/2" REBAR FOUND (+0.1')
- "K" ~ 5/8" REBAR W/ DAVID-RAI ID. CAP FOUND (-0.1', CM)
- "L" ~ 5/8" REBAR W/ FANSLER ID. CAP FOUND (-0.1', CM)
- "M" ~ NAIL W/ FANSLER ID. CAP FOUND (-0.1', CM)
- "N" ~ MAG NAIL FOUND (FLUSH, CM)

LEGEND

- M ~ MEASURED
- C ~ CALCULATED
- D ~ DEED
- CM ~ CONTROLLING MONUMENT
- R/W ~ RIGHT-OF-WAY
- POB ~ POINT OF BEGINNING
- POC ~ POINT OF COMMENCEMENT

REAL ESTATE DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 15 EAST, CLEAR LAKE TOWNSHIP, STEUBEN COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON SEPTEMBER 3RD, 2021, AS PROJECT NUMBER 21-305, BEGIN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" REBAR WITH FANLSER IDENTIFICATION CAP AT THE NORTHWEST CORNER OF LOT NUMBER 10 IN MCLOUTH PLAT - ORIGINAL PLAT OF THE FIRST ADDITION AS RECORDED IN PLAT BOOK 3 PAGE 49 WITHIN THE OFFICE OF THE RECORDER OF STEUBEN COUNTY, INDIANA; THENCE NORTH 00 DEGREE 30 MINUTES 25 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - STEUBEN CO. BASIS OF BEARINGS), A DISTANCE OF 41.00 FEET TO A 5/8" REBAR WITH FANLSER IDENTIFICATION CAP AT THE POINT OF BEGINNING; THENCE NORTH 00 DEGREE 53 MINUTES 29 SECONDS WEST, ALONG THE WEST LINE OF DEED RECORD 235 PAGE 469 IN SAID OFFICE, A DISTANCE OF 80.00 FEET TO A 5/8" REBAR WITH FANLSER IDENTIFICATION CAP ON THE NORTH LINE OF SAID DEED RECORD 235 PAGE 469; THENCE SOUTH 82 DEGREES 33 MINUTES 57 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 56.00 FEET TO A 5/8" REBAR WITH FANLSER IDENTIFICATION CAP ON THE EAST LINE OF SAID DEED RECORD 235 PAGE 544; THENCE SOUTH 00 DEGREE 53 MINUTES 29 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 80.00 FEET TO A 5/8" REBAR WITH FANLSER IDENTIFICATION CAP ON THE NORTH RIGHT OF WAY LINE OF WEST CLEAR LAKE DRIVE; THENCE NORTH 82 DEGREES 33 MINUTES 41 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 56.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.10 ACRE OF LAND, MORE OR LESS. SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

TOWN OF CLEAR LAKE APPROVAL:

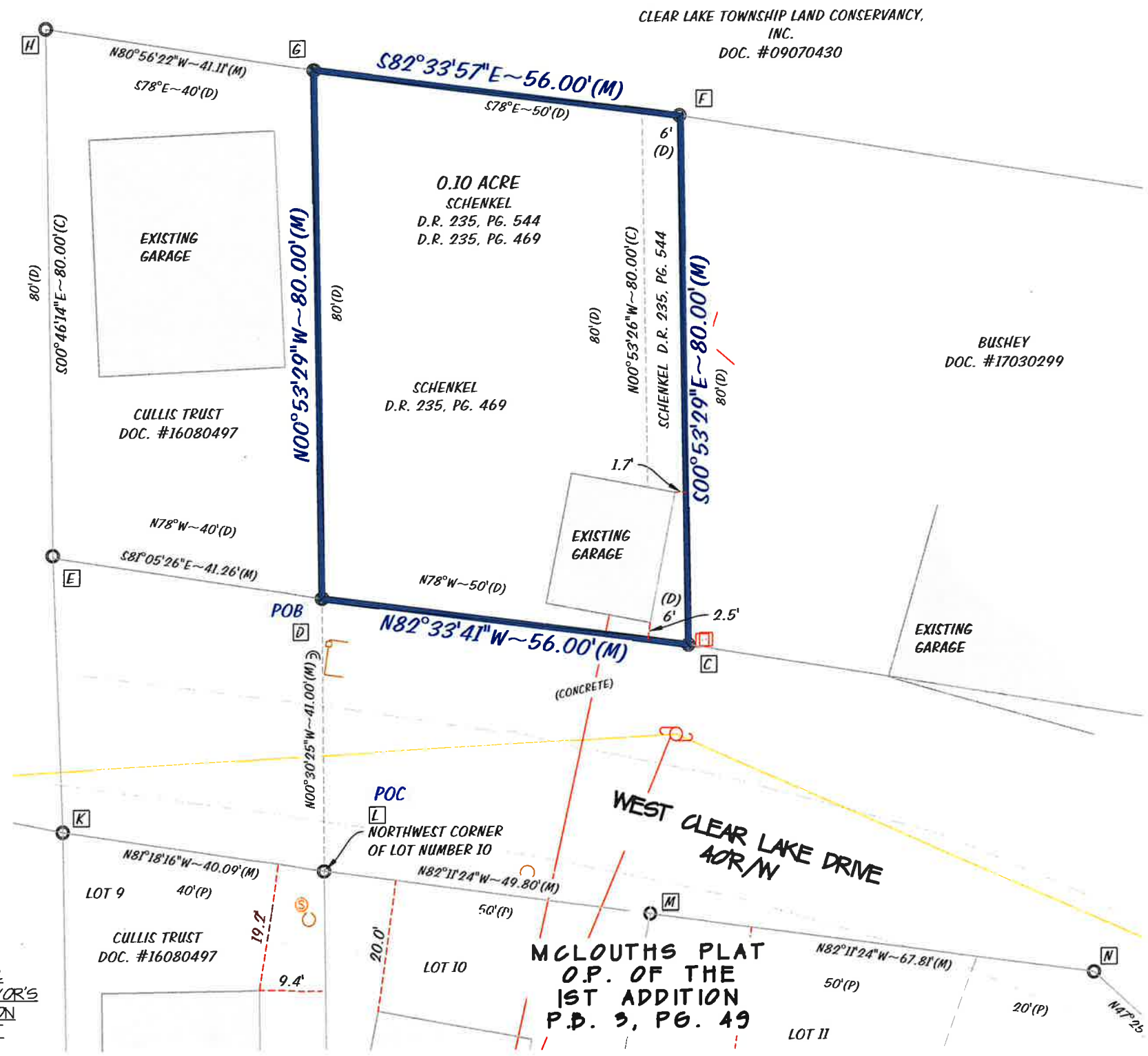
 BONNIE BROWN
 PLANNING COMMISSION PRESIDENT

DATE _____

 ZONING ADMINISTRATOR

DATE _____

SEE PAGE 2
 FOR SURVEYOR'S
 CERTIFICATION
 AND REPORT



THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

COMPASS
 LAND SURVEYING
 COMPASSLANDSURVEYING@GMAIL.COM



PO BOX 12
 LEO, IN 46765
 260-417-3643

BOUNDARY RETRACEMENT SURVEY

PROJECT: THE LANDS OF SCHENKEL
 ADDRESS: 72 WEST CLEAR LAKE DRIVE
 FREMONT, INDIANA 46737

PROJECT # 21-305

DATE 09/02/2021

DRAWN BY ADW

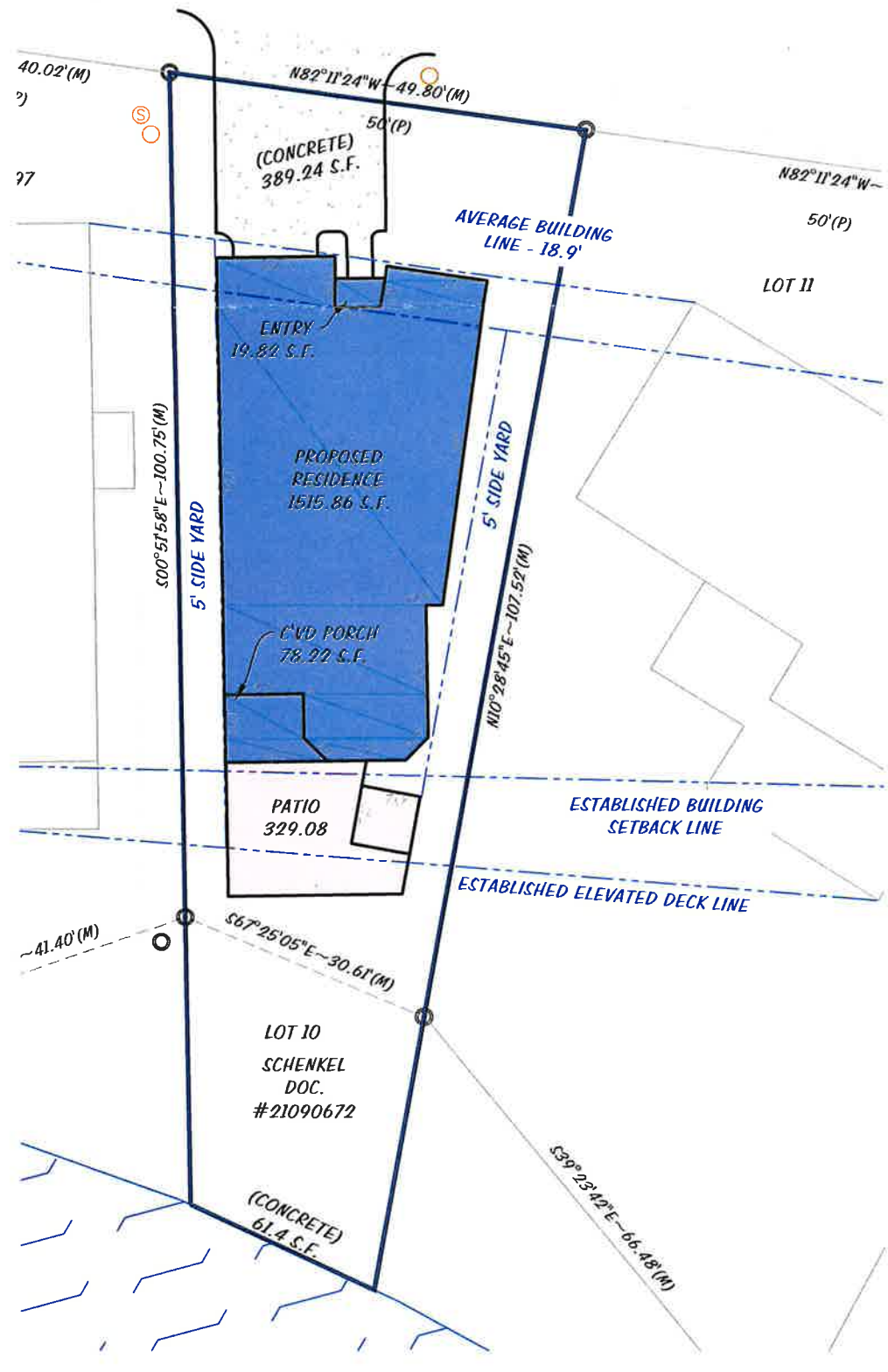
REVIEWED BY ADW

REV. DATE

B.I.I.
 PAGE 1 OF 2



WEST CLEAR LAKE DRIVE



REAL ESTATE DESCRIPTION

AS RECORDED IN DOCUMENT NUMBER 21090672 WITHIN THE OFFICE OF THE RECORDER OF STEUBEN COUNTY, INDIANA:

LOT NUMBERED TEN (10) IN THE FIRST ADDITION TO MCLAUTH'S PLAT AS THE SAME APPEARS OF RECORD.

ALSO, A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 15 EAST, BOUNDED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT NUMBERED 10 IN THE FIRST ADDITION TO MCLAUTH'S PLAT AS THE SAME APPEARS OF RECORD AND RUNNING THENCE NORTHERLY ON THE EXTENDED WEST LINE OF SAID LOT ABOUT 40 FEET TO THE NORTHERLY LINE OF THE 40 FOOT ROADWAY AS SHOWN IN SAID PLAT, WHICH IS THE TRUE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTHERLY ON THE CONTINUATION OF SAID WEST LINE OF SAID LOT NUMBERED 10 A DISTANCE OF 80 FEET; THENCE SOUTH 78 DEGREES EAST 50 FEET; THENCE SOUTHERLY 80 FEET PARALLEL WITH THE EXTENDED WEST LINE OF SAID LOT TO THE NORTH LINE OF SAID PLATTED ROADWAY; THENCE NORTH 78 DEGREES WEST 50 FEET TO THE TRUE PLACE OF BEGINNING. SAID DESCRIPTION TAKEN FROM A SURVEY EXECUTED BY GALE L. FANSLER, RLS#50532 STATE OF INDIANA, DATED OCTOBER 6, 1992.

PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 15 EAST, BOUNDED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT NUMBERED 10 IN THE FIRST ADDITION TO MCLAUTH'S PLAT AS THE SAME APPEARS OF RECORD AND RUNNING THENCE NORTHERLY ON THE EXTENDED WEST LINE OF SAID LOT 4089 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE 40 FOOT ROADWAY AS SHOWN IN SAID PLAT; THENCE SOUTH 78 DEGREES EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 50.0 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL TO THE CONTINUATION OF SAID WEST LINE OF SAID LOT NUMBERED 10 A DISTANCE OF 80.0 FEET; THENCE SOUTH 78 DEGREES EAST A DISTANCE OF 60 FEET; THENCE SOUTHERLY 80.0 FEET PARALLEL WITH THE EXTENDED WEST LINE OF SAID LOT TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PLATTED ROADWAY; THENCE NORTH 78 DEGREES WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

NOW BEING DESCRIBED AS FOLLOWS:

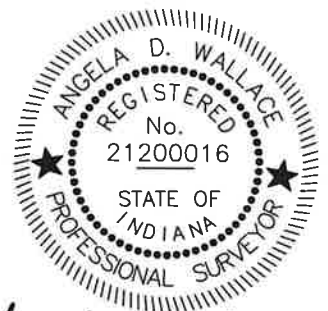
PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 15 EAST, CLEAR LAKE TOWNSHIP, STEUBEN COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON SEPTEMBER 3RD 2021, AS PROJECT NUMBER 21-305, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" REBAR WITH FANSLER IDENTIFICATION CAP AT THE NORTHWEST CORNER OF LOT NUMBER 10 IN MCLAUTH PLAT - ORIGINAL PLAT OF THE FIRST ADDITION AS RECORDED IN PLAT BOOK 3 PAGE 49 WITHIN THE OFFICE OF THE RECORDER OF STEUBEN COUNTY, INDIANA; THENCE NORTH 00 DEGREE 30 MINUTES 25 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - STEUBEN CO. BASIS OF BEARINGS), A DISTANCE OF 41.00 FEET TO A 5/8" REBAR WITH FANSLER IDENTIFICATION CAP AT THE POINT OF BEGINNING; THENCE NORTH 00 DEGREE 53 MINUTES 29 SECONDS WEST, ALONG THE WEST LINE OF DEED RECORD 235 PAGE 480 IN SAID OFFICE, A DISTANCE OF 80.00 FEET TO A 5/8" REBAR WITH FANSLER IDENTIFICATION CAP ON THE NORTH LINE OF SAID DEED RECORD 235 PAGE 469; THENCE SOUTH 82 DEGREES 33 MINUTES 57 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 56.00 FEET TO A 5/8" REBAR WITH FANSLER IDENTIFICATION CAP ON THE EAST LINE OF SAID DEED RECORD 235 PAGE 544; THENCE SOUTH 00 DEGREE 53 MINUTES 29 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 80.00 FEET TO A 5/8" REBAR WITH FANSLER IDENTIFICATION CAP ON THE NORTH RIGHT OF WAY LINE OF WEST CLEAR LAKE DRIVE; THENCE NORTH 82 DEGREES 33 MINUTES 41 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 56.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.10 ACRE OF LAND, MORE OR LESS.

PROFESSIONAL SURVEYOR'S CERTIFICATION

I, ANGELA D. WALLACE, HEREBY CERTIFY THAT THE SKETCH PLAN WAS COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.

PROJECT NO.: 21-305
 PREPARED FOR: BOB BUESCHER HOMES & SCHENKEL
 LAST DAY OF FIELDWORK: 07/15/2021



Angela D. Wallace

"THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR."

SPL 2 PAGE 2 OF 2 REV. DATE	DRAWN BY ADW	PROJECT # 21-305	PROJECT: SKETCH PLAN
	REVIEWED BY ADW	DATE 07/11/2022	ADDRESS: THE LANDS OF SCHENKEL 72 WEST CLEAR LAKE DRIVE FREMONT, INDIANA 46737

PO BOX 12
LEO, IN 46765
260-417-3643



COMPASS
LAND SURVEYING
COMPASSLANDSURVEYING@GMAIL.COM

PROFESSIONAL SURVEYOR'S REPORT

PURPOSE OF SURVEY:

THE PURPOSE OF THIS SURVEY IS TO RETRACE DEED RECORD 235 PAGE 544 AND DEED RECORD 235, PAGE 469 AS RECORDED WITHIN THE OFFICE OF THE RECORDER OF STEUBEN COUNTY, INDIANA TO COMBINE THE TWO PARCELS IN TO ONE PARCEL PER THE OWNER'S REQUEST.

EQUIPMENT USED FOR SURVEY:

LEICA TS13 AND LEICA 6507 GPS UNIT WAS USED TO COLLECT THE INFORMATION NEEDED FOR THIS SURVEY WHILE UTILIZING THE INDIANA CONTINUOUSLY OPERATING REFERENCE STATION NETWORK (INGORS) WITH INDIANA GEOSPATIAL COORDINATE SYSTEM NETWORK INCS-STEUBEN COUNTY.

GEOID MODEL: INGEOD 12B GRS80, PROJECTION: STEUBEN

CLASSIFICATION OF SURVEY AND THE RELATIVE POSITIONAL ACCURACY:

SUBURBAN SURVEYS: 0.13 FEET (40 MILLIMETERS) PLUS 100 PARTS PER MILLION

AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS:

5/8" REBAR WITH FANSLER IDENTIFICATION CAP WERE FOUND AT THE CORNERS OF THE SUBJECT PARCEL AND AT THE NORTHWEST CORNER OF LOT NUMBER 10. FANSLER NAIL WAS FOUND AT THE NORTHEAST CORNER OF LOT NUMBER 10 IN MCLOUTH'S PLAT ORIGINAL PLAT OF THE FIRST ADDITION. VARIOUS TYPES OF MONUMENTS WERE FOUND AROUND ADJOINING PARCELS. MONUMENTS WERE FOUND IN GOOD CONDITION, UNLESS NOTED OTHERWISE.

CONTROLLING MONUMENTS WERE LOCATED AT POINTS:

- C, D, G, F, & L - 5/8" FANSLER SET PER FANSLER 1992 SURVEY
- M - FANSLER NAIL
- N - MAG NAIL SET PER ROWLAND 2017 SURVEY

OCCUPATION OR POSSESSION LINES:

NO SIGNIFICANT INCONSISTENCIES WERE FOUND BETWEEN THE OCCUPATION LINES OR POSSESSION LINES, NOR DID ANY OCCUR AS A RESULT OF THE LINES ESTABLISHED THIS PLAT OF SURVEY.

CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION:

MINOR AMBIGUITIES WERE FOUND IN THE REFERENCE DOCUMENTS USED FOR THIS SURVEY.

THE LANDS OF SCHENKEL AS RECORDED IN DEED RECORD 235 PAGE 544 AND DEED RECORD 235, PAGE 469 THE LANDS OF BUSHEY AS RECORDED IN DOCUMENT NUMBER 17030299, THE LANDS OF CULLIS TRUST AS RECORDED IN DOCUMENT NUMBER 16080497 ALL WITHIN THE OFFICE OF THE RECORDER OF STEUBEN COUNTY, INDIANA.

MCLOUTH'S PLAT ORIGINAL PLAT OF THE FIRST ADDITION, AS RECORDED IN PLAT BOOK 3, PAGE 49 WITHIN THE OFFICE OF THE RECORDER OF STEUBEN COUNTY, INDIANA.

REFERENCE SURVEY BY GALE FANSLER ID #4889 DATED 10/06/1992.

REFERENCE SURVEY BY ROWLAND ASSOCIATES, INC AS RECORDED IN DOCUMENT NUMBER 98-01-0394 (WEST ADJOINER) AND DOCUMENT NUMBER 00-01-0149 (EAST ADJOINER) ALL WITHIN THE OFFICE OF THE RECORDER OF STEUBEN COUNTY, INDIANA.

NO TITLE COMMITMENT FOR TITLE INSURANCE WAS PROVIDED AT THE TIME OF THIS REPORT, NOR DID THE SURVEYOR PERFORM A TITLE SEARCH. AN ABSTRACT OR TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PROPERTY.

PROFESSIONAL SURVEYOR'S REPORT CONTINUED

THEORY OF LOCATION:

THE FOLLOWING LINES WERE ESTABLISHED BY THE OPINION OF THIS PROFESSIONAL SURVEYOR BASED UPON THE REFERENCE MONUMENTS FOUND THIS SURVEY AND THE RECORD DESCRIPTIONS. THE AMOUNT OF UNCERTAINTY IN THESE LINES ARE 0.2 FEET.

THE SOUTH LINE OF THE SUBJECT PARCEL WAS ESTABLISHED AS A LINE BETWEEN THE MONUMENTS AT C AND D. THESE ARE BOTH REFERENCE ON ALL THE REFERENCE SURVEYS AND CORRELATE TO DEED DISTANCE.

THE WEST LINE OF THE SUBJECT PARCEL WAS ESTABLISHED AS A LINE BETWEEN THE MONUMENTS AT D AND G. THESE ARE BOTH REFERENCE ON ALL THE REFERENCE SURVEYS AND CORRELATE TO DEED DISTANCE.

THE NORTH LINE OF THE SUBJECT PARCEL WAS ESTABLISHED AS A LINE BETWEEN THE MONUMENTS AT G AND F. THESE ARE BOTH REFERENCE ON ALL THE REFERENCE SURVEYS AND CORRELATE TO DEED DISTANCE.

THE EAST LINE OF THE SUBJECT PARCEL WAS ESTABLISHED AS A LINE BETWEEN THE MONUMENTS AT F AND C. THESE ARE BOTH REFERENCE ON ALL THE REFERENCE SURVEYS AND CORRELATE TO DEED DISTANCE.

FANSLER'S SURVEY FROM 1992 SHOWS THE MONUMENTS WERE SET ALONG THE PERIMETER OF DEED RECORD 235, PAGE 469 AND THE ENCROACHMENT OF THE GARAGE. IT IS BELIEVED THAT FANSLER DID THE SURVEY TO CREATE THE PARCEL AS RECORDED IN DEED RECORD 235, PAGE 544 TO ELIMINATE THE ENCROACHMENT SINCE THE MONUMENTS FOUND ARE FANSLER CAPS.

PROFESSIONAL SURVEYOR'S CERTIFICATION

I, ANGELA D. WALLACE, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE PLAT OF SURVEY AND DESCRIPTION WAS COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 865 IAC 1-12-1 THRU 30.

PROJECT NO: 21-305
 PREPARED FOR: SCHENKEL
 LAST DAY OF FIELDWORK: 07/15/2021

IN WITNESS THEREOF, I HEREBY PLACE MY HAND AND SEAL THIS 3RD DAY OF SEPTEMBER, 2021.

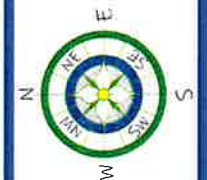
I, ANGELA D. WALLACE, AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



Angela D. Wallace

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL. FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

COMPASS
 LAND SURVEYING
 COMPASSLANDSURVEYING@GMAIL.COM



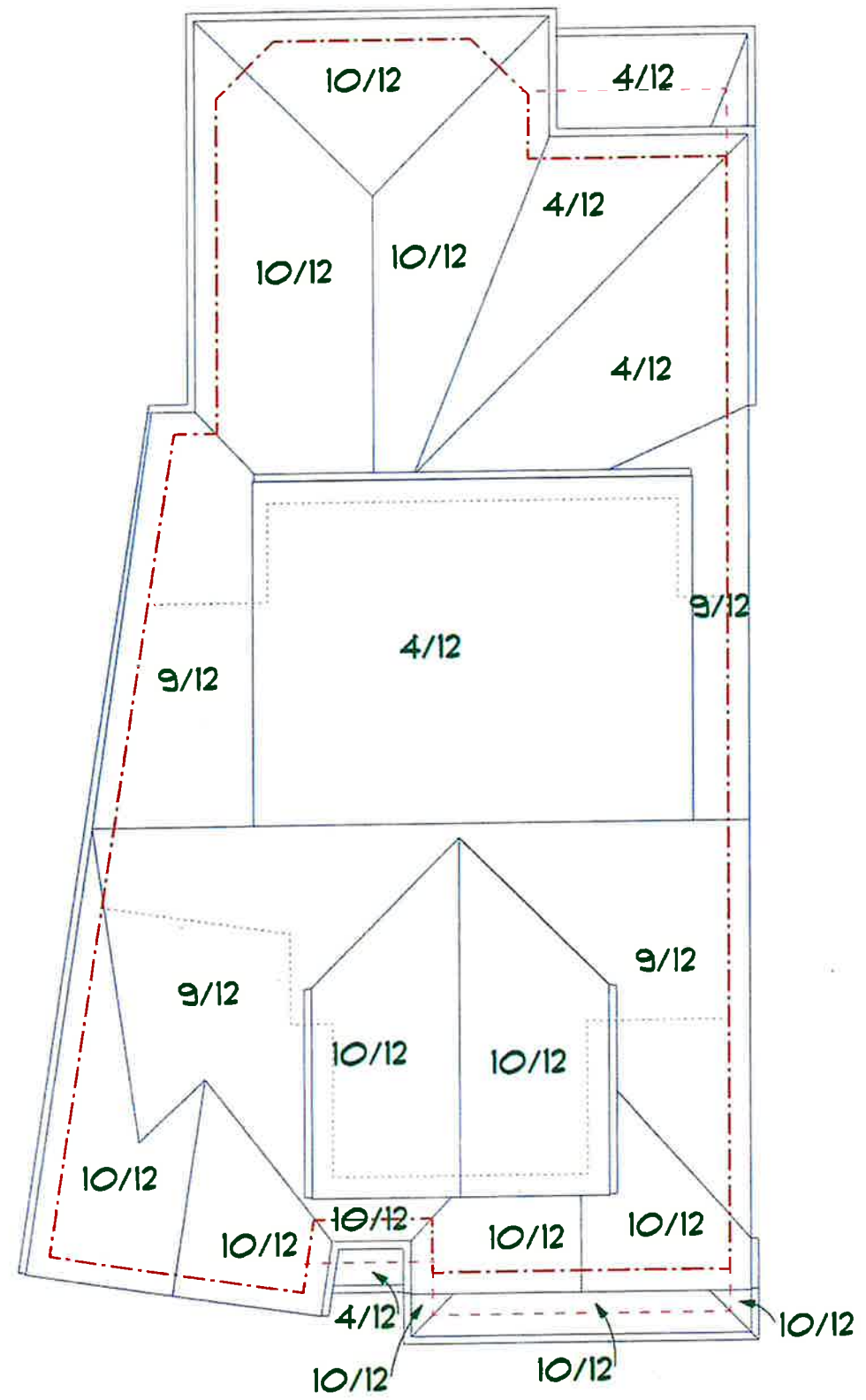
PO BOX 12
 LEO, IN 46765
 260-417-3643

BOUNDARY RETRACEMENT SURVEY

PROJECT: THE LANDS OF SCHENKEL
 ADDRESS: 72 WEST CLEAR LAKE DRIVE
 FREMONT, INDIANA 46737

PROJECT # 21-305
 DATE 09/02/2021
 DRAWN BY ADW
 REVIEWED BY ADW
 REV. DATE

B1.2
 PAGE 2 OF 2



ROOF PLAN
1/8" = 1'-0"



LAKE ELEVATION
1/8" = 1'-0"



STREET ELEVATION
1/8" = 1'-0"



1	2	3	4

REVISIONS

JOE & KATHY SCHENKEL
12 W. CLEAR LAKE DR.
LOT #10 MCLOUTH'S PLAT
CLEAR LAKE

OFFICE LOCATIONS
1206 RUSTON PASS
FT. WAYNE, IN 46825
(760) 490-3395
1250 N. 200 W.
ANGOLA, IN 46703
(760) 668-1667



SHEET TITLE:
ELEVATIONS
DATE:
07/11/22
SCALE:
1/8" = 1'-0"



RIGHT ELEVATION

1/8" = 1'-0"



LEFT ELEVATION

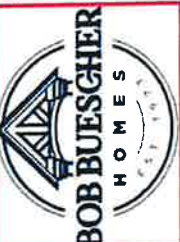
1/8" = 1'-0"



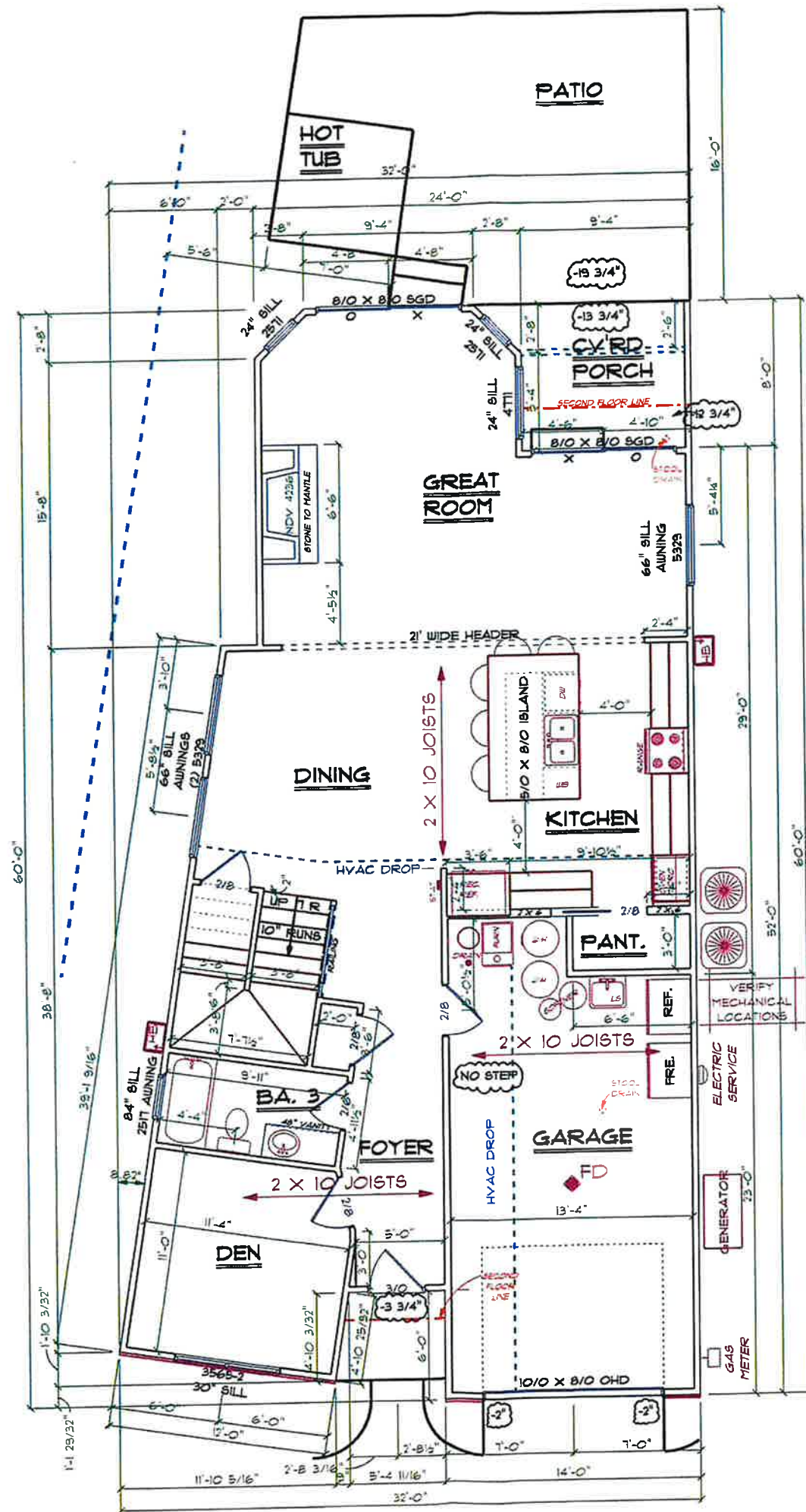
1	2	3	4
REVISIONS			

JOE & KATHY SCHENKEL
72 W. CLEAR LAKE DR.
LOT #10 MCLOUTH'S PLAT
CLEAR LAKE

OFFICE LOCATIONS
1206 RUSTON PASS
FT. WAYNE, IN 46825
(260) 430-3355
1250 N. 200 W.
ANGOLA, IN 46703
(260) 668-7667



SHEET TITLE:
ELEVATIONS
DATE:
07/11/22
SCALE:
1/8" = 1'-0"



AREA SCHEDULE

FIRST FLOOR:	1187 SQ. FT.
SECOND FLOOR:	1429 SQ. FT.
THIRD FLOOR:	593 SQ. FT.
TOTAL:	3209 SQ. FT.
GARAGE:	321 SQ. FT.
CV'RD PORCH:	88 SQ. FT.
PATIO:	326 SQ. FT.
CV'RD ENTRY:	20 SQ. FT.



1	2	3	4
---	---	---	---

REVISIONS

JOE & KATHY SCHENKEL
 72 W. CLEAR LAKE DR.
 LOT #10 MCLOUTH'S FLAT
 CLEAR LAKE

FIRST FLOOR PLAN

1/8" = 1'-0"

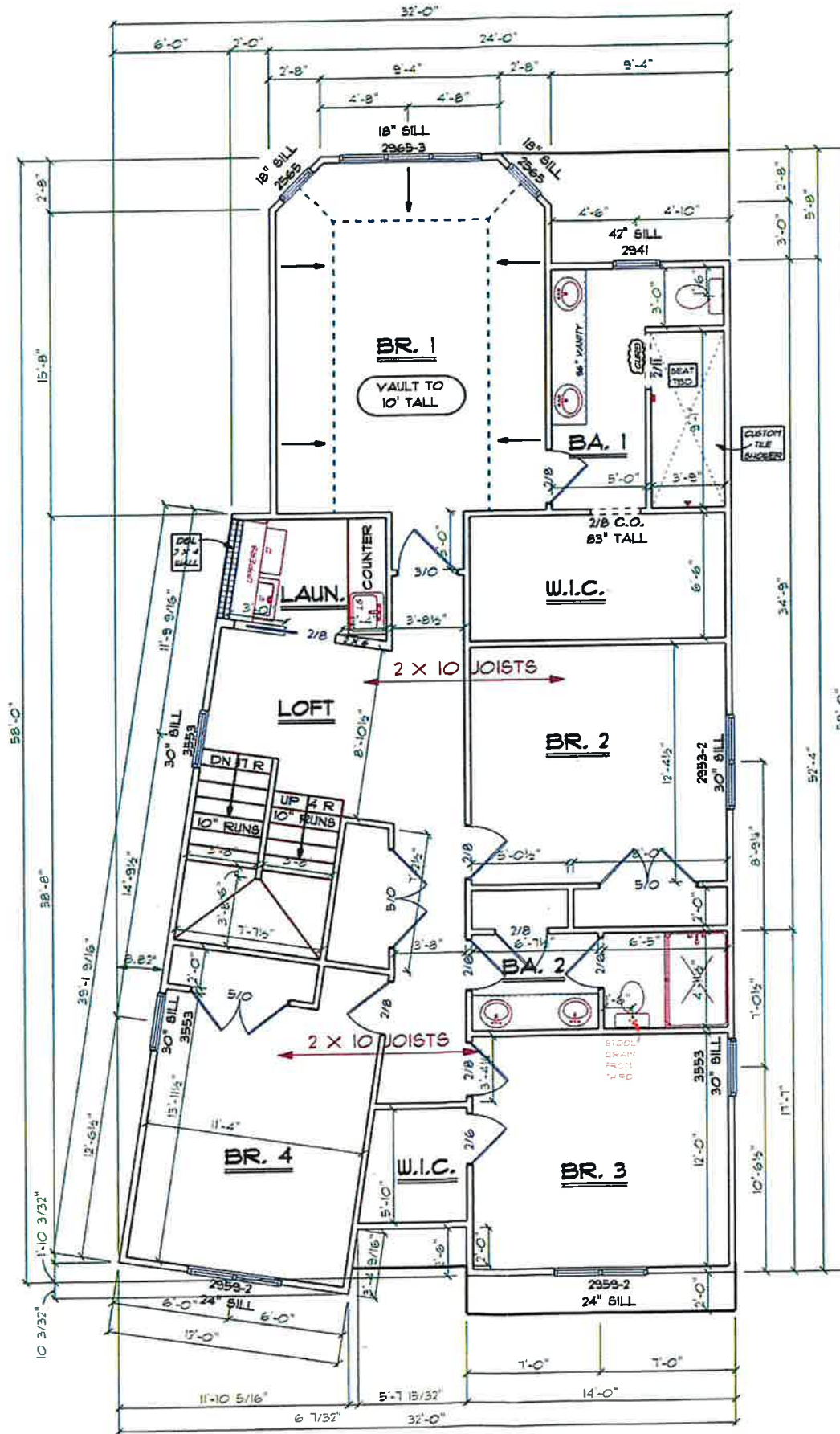
NOTES

- 4" EXTERIOR & GARAGE WALLS (UNLESS NOTED OTHERWISE)
- 3 1/2" INTERIOR WALLS (UNLESS NOTED OTHERWISE)
- 10'-1 1/8" CEILING HEIGHT (UNLESS NOTED OTHERWISE)
- PELLA LIFESTYLE WINDOWS SHOWN WINDOW SILLS/HEADERS AS NOTED

OFFICE LOCATIONS
 1206 RUSTON PASS
 FT. WAYNE, IN 46825
 (260) 490-3355
 1250 N. 200 W.
 ANGOLA, IN 46103
 (260) 666-7667



SHEET TITLE:
 FIRST FLOOR
 DATE:
 07/11/22
 SCALE:
 1/8" = 1'-0"



SECOND FLOOR PLAN

1/8" = 1'-0"

NOTES

- 4" EXTERIOR & GARAGE WALLS
(UNLESS NOTED OTHERWISE)
- 3 1/2" INTERIOR WALLS
(UNLESS NOTED OTHERWISE)
- 8'-1 1/8" CEILING HEIGHT
(UNLESS NOTED OTHERWISE)
- PELLA LIFESTYLE WINDOWS SHOWN
WINDOW SILLS/HEADERS AS NOTED

1	2	3	4

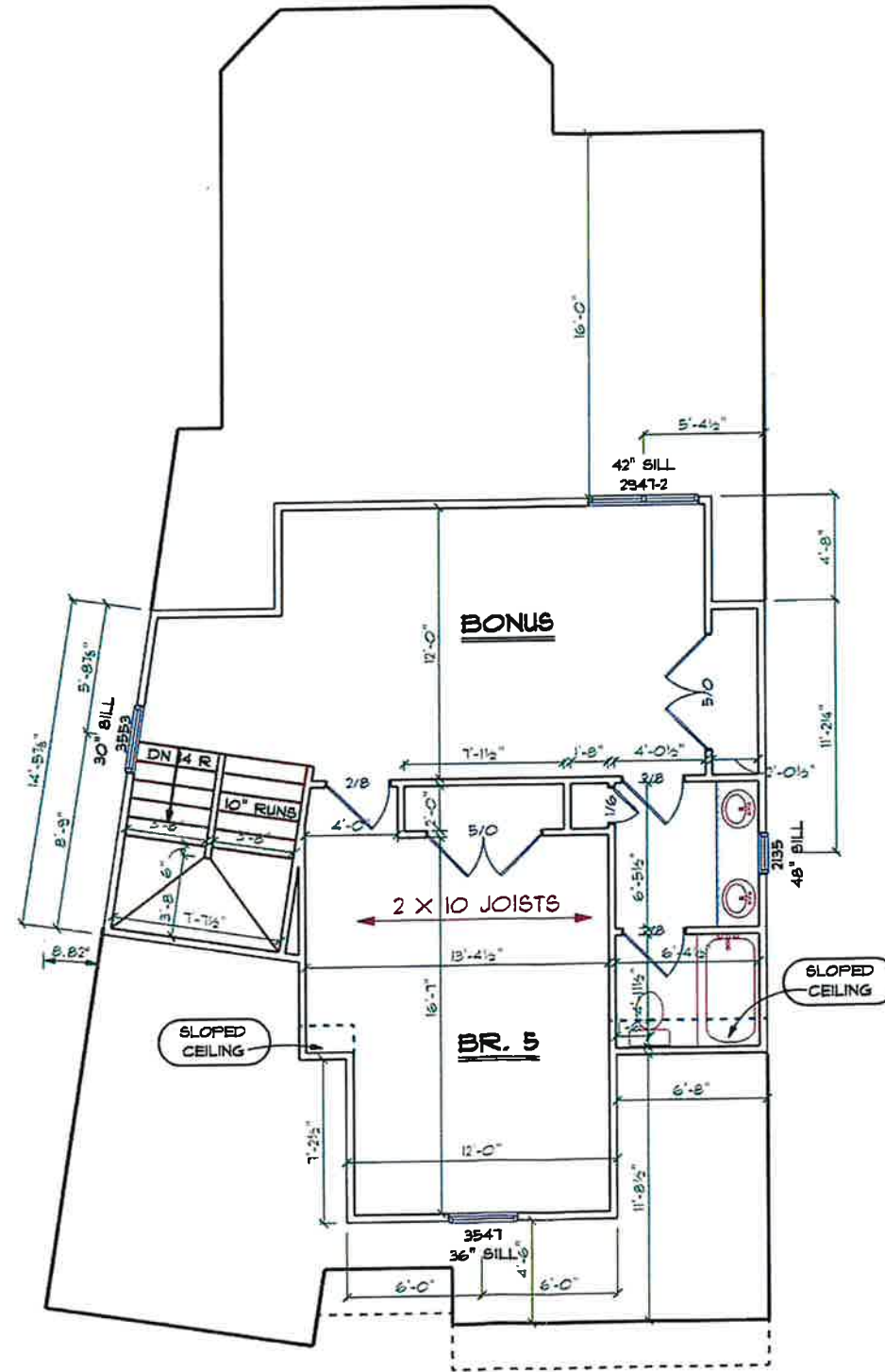
REVISIONS

JOE & KATHY SCHENKEL
 72 W. CLEAR LAKE DR.
 LOT #10 MCLOUTH'S PLAT
 CLEAR LAKE

OFFICE LOCATIONS
 1206 RUSTON PASS
 FT. WAYNE, IN 46825
 (260) 490-3355
 1250 N. 200 W.
 ANGOLA, IN 46703
 (260) 668-7667



SHEET TITLE:
 SECOND FLOOR
 DATE:
 07/11/22
 SCALE:
 1/8" = 1'-0"



1	2	3	4
REVISIONS			

JOE & KATHY SCHENKEL
 12 W. CLEAR LAKE DR.
 LOT #10 MCLOUTH'S PLAT
 CLEAR LAKE

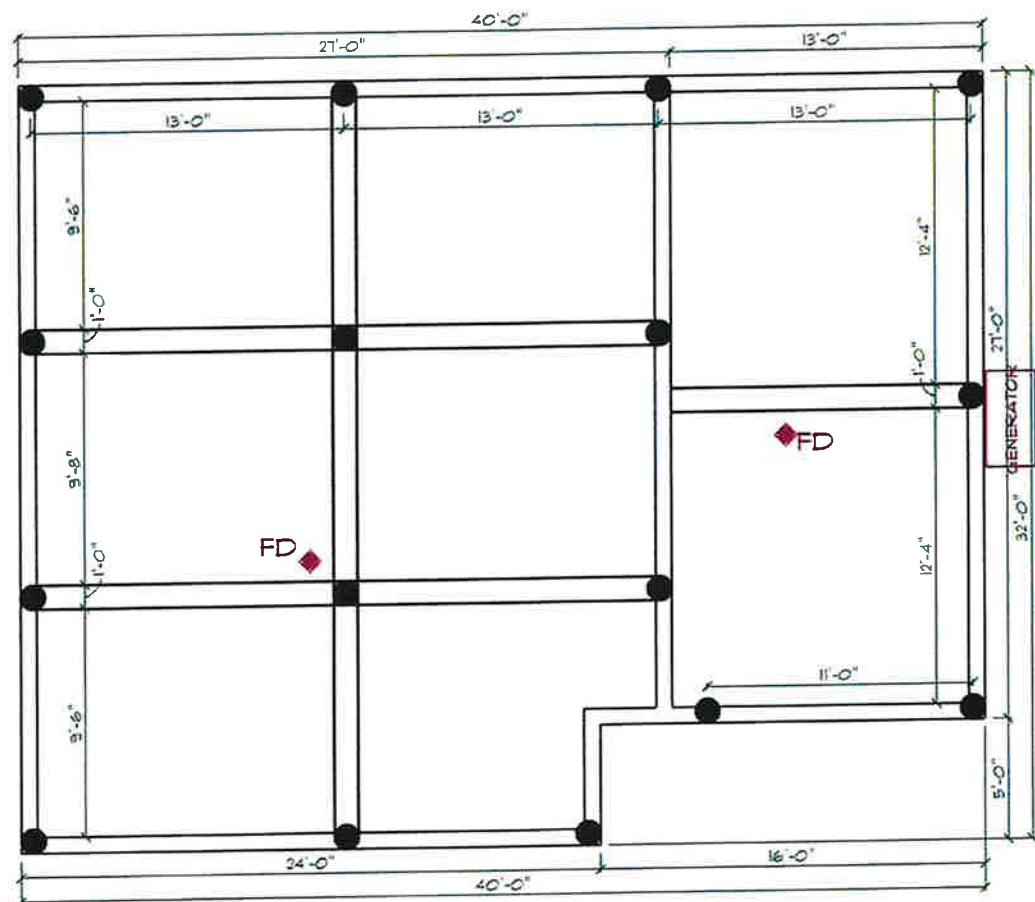
THIRD FLOOR PLAN
 1/8" = 1'-0"

- NOTES**
- 4" EXTERIOR & GARAGE WALLS (UNLESS NOTED OTHERWISE)
 - 3 1/2" INTERIOR WALLS (UNLESS NOTED OTHERWISE)
 - 8'-1 1/8" CEILING HEIGHT (UNLESS NOTED OTHERWISE)
 - PELLA LIFESTYLE WINDOWS SHOWN WINDOW SILLS/HEADERS AS NOTED

OFFICE LOCATIONS
 1206 RUSTON PASS
 FT. WAYNE, IN 46625
 (260) 490-3355
 1250 N. 200 W.
 ANGOLA, IN 46103
 (260) 668-1667

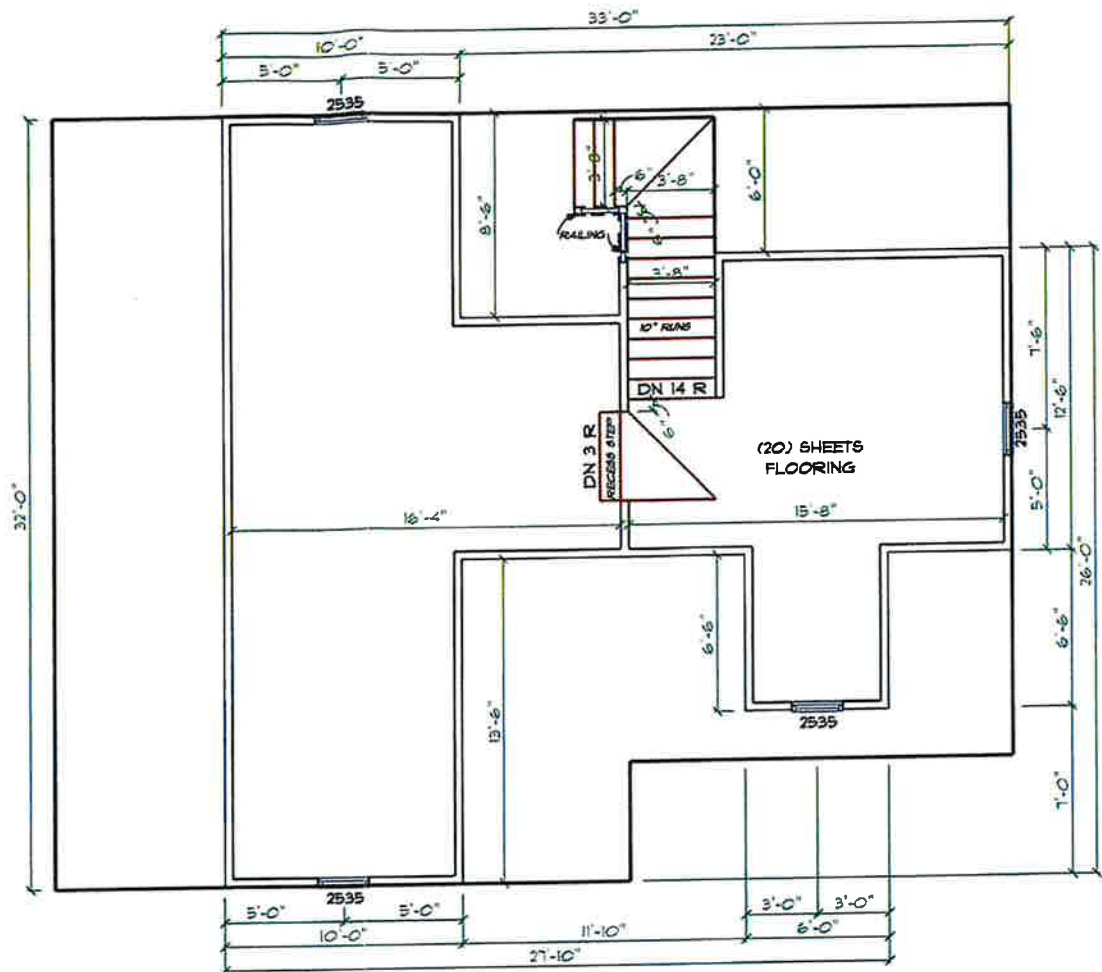


SHEET TITLE:
 THIRD FLOOR
 DATE:
 07/11/22
 SCALE:
 1/8" = 1'-0"



DETACHED GARAGE PILING PLAN
1/8" = 1'-0"

NOTES
36" TALL WALLS ON 12" THICK PAD FOOTERS

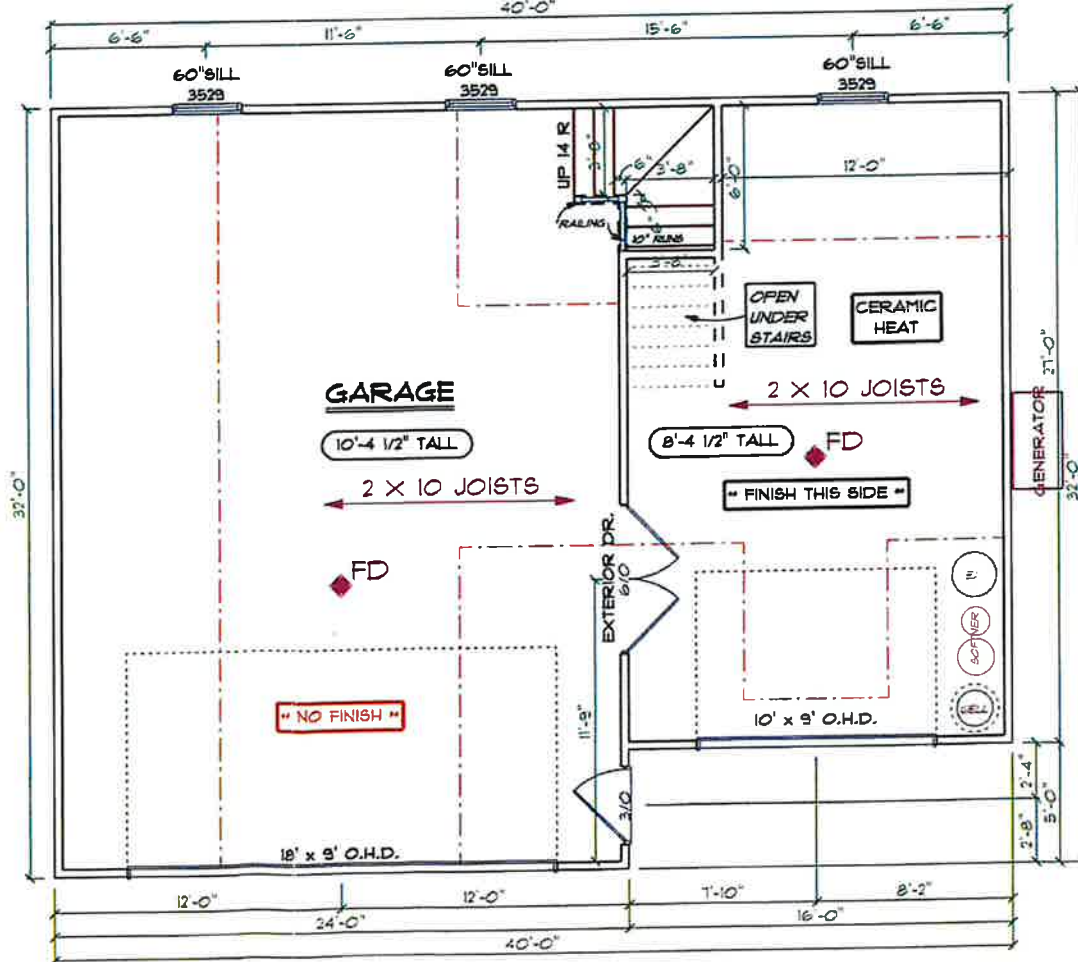


DETACHED GARAGE SECOND FLOOR PLAN
1/8" = 1'-0"

NOTES
4" EXTERIOR & GARAGE WALLS (UNLESS NOTED OTHERWISE)
3 1/2" INTERIOR WALLS (UNLESS NOTED OTHERWISE)
17'-10 1/2" ROOF HEIGHT
PELLA LIFESTYLE WINDOWS SHOWN WINDOW SILLS/HEADERS AS NOTED

1	2	3	4

REVISIONS



DETACHED GARAGE FIRST FLOOR PLAN
1/8" = 1'-0"

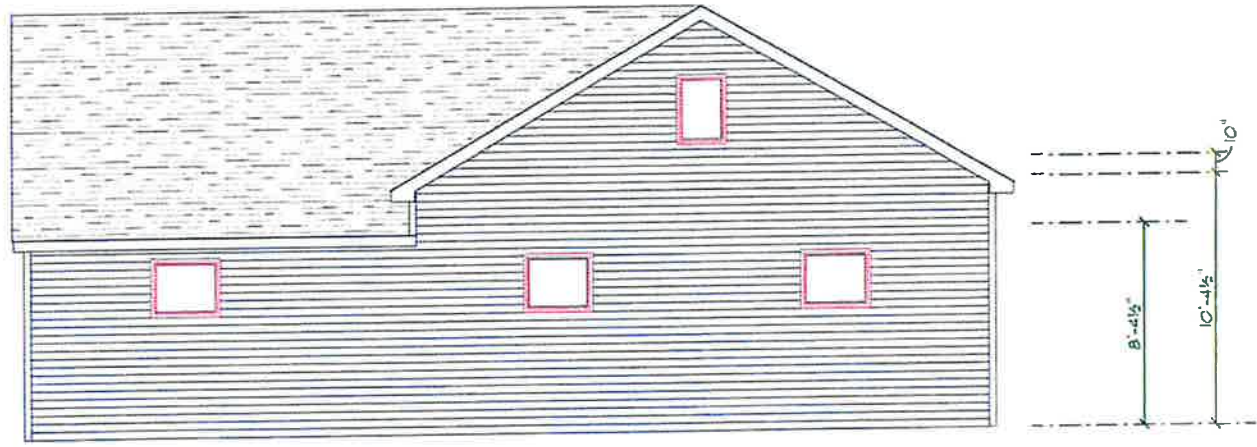
NOTES
4" EXTERIOR & GARAGE WALLS (UNLESS NOTED OTHERWISE)
3 1/2" INTERIOR WALLS (UNLESS NOTED OTHERWISE)
10'-1 1/8" CEILING HEIGHT (UNLESS NOTED OTHERWISE)
PELLA LIFESTYLE WINDOWS SHOWN WINDOW SILLS/HEADERS AS NOTED

JOE & KATHY SCHENKEL
72 W. CLEAR LAKE DR.
LOT #10 MCLOUTH'S PLAT
CLEAR LAKE

OFFICE LOCATIONS
1206 RUSTON PASS
FT. WAYNE IN 46825
(260) 450-3355
1250 N. 200 W.
ANGOLA, IN 46703
(260) 668-1667

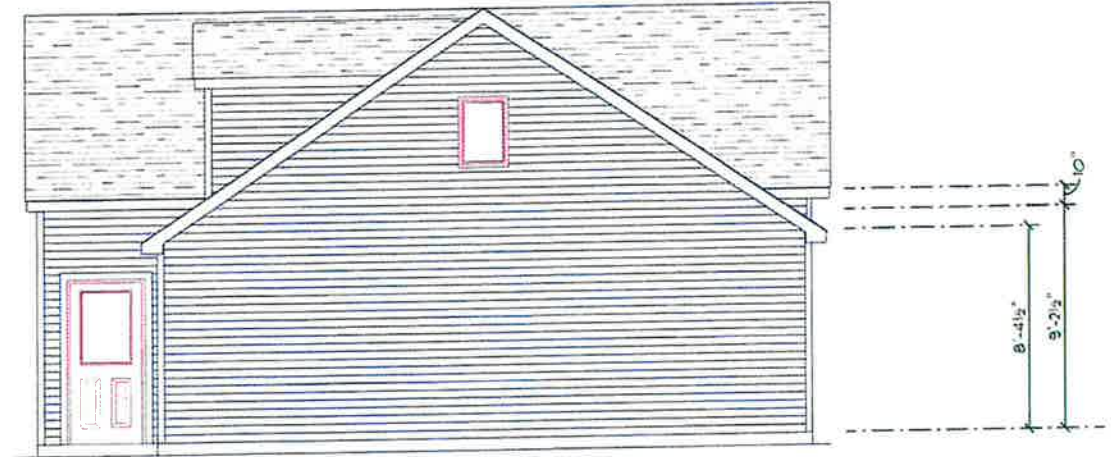


SHEET TITLE:
DETACHED GARAGE
DATE:
07/11/22
SCALE:
1/8" = 1'-0"



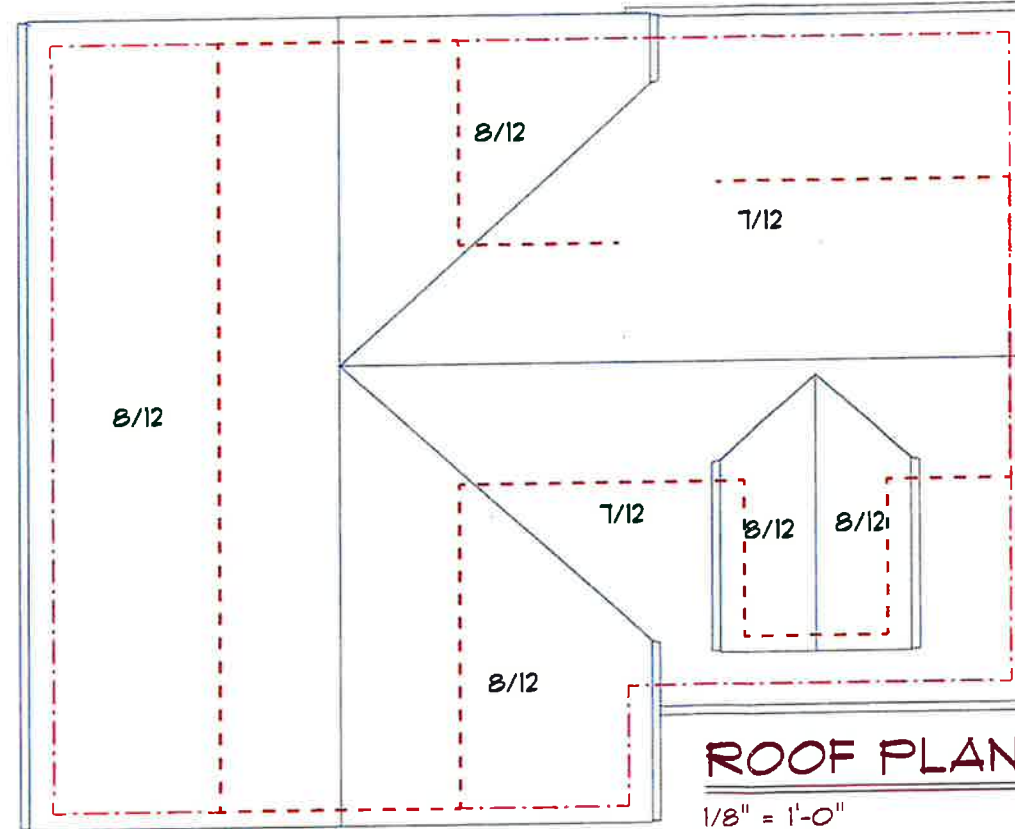
REAR ELEVATION

1/8" = 1'-0"



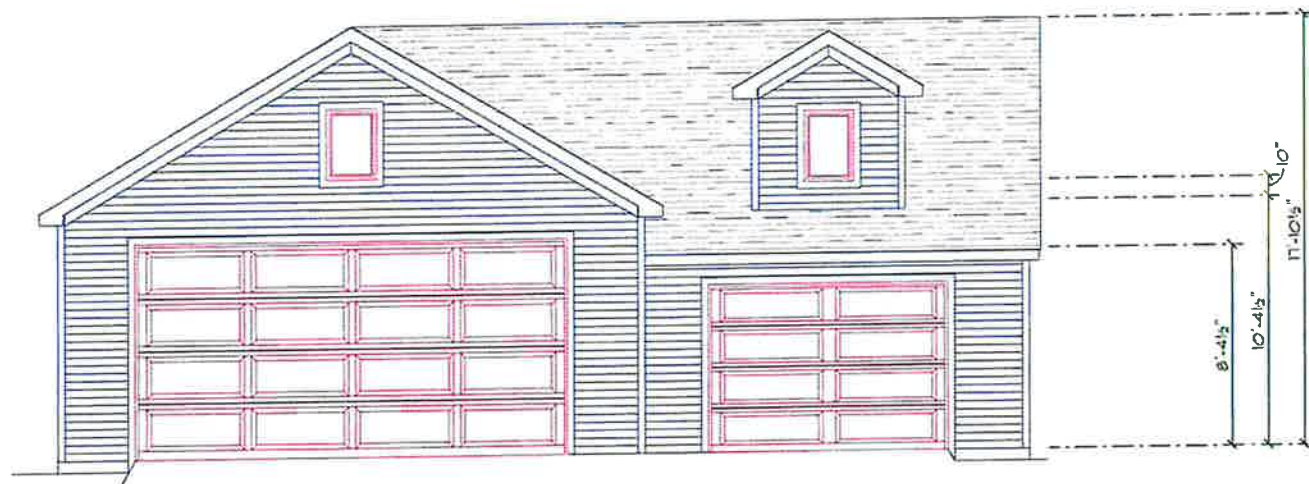
RIGHT ELEVATION

1/8" = 1'-0"



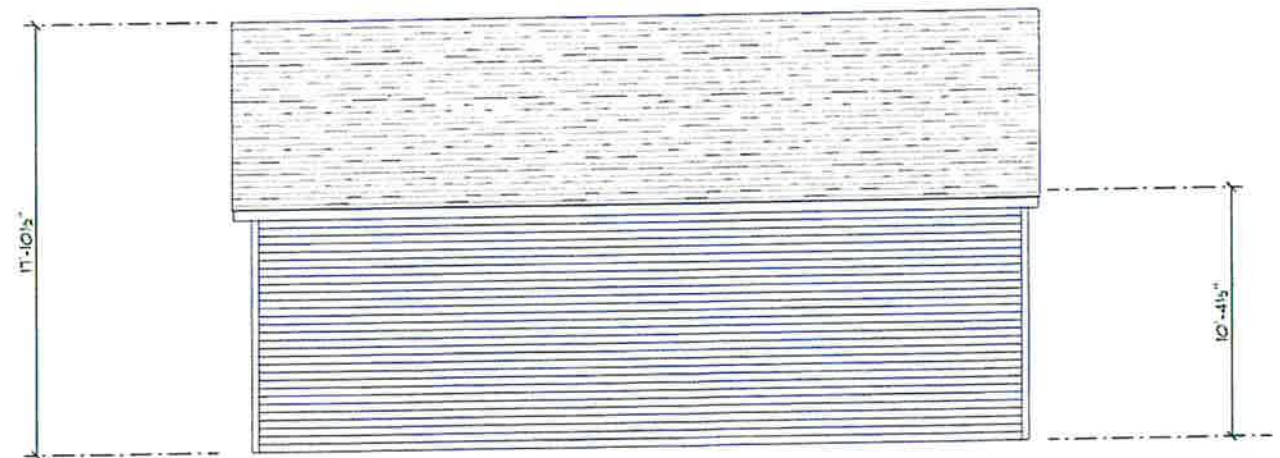
ROOF PLAN

1/8" = 1'-0"



FRONT ELEVATION

1/8" = 1'-0"



LEFT ELEVATION

1/8" = 1'-0"

1	2	3	4

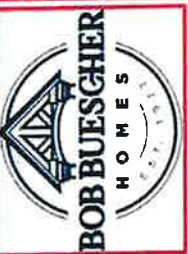
REVISIONS



JOE & KATHY SCHENKEL
72 W. CLEAR LAKE DR.
LOT #10 MCLOUTH'S PLAT
CLEAR LAKE

OFFICE LOCATIONS
1206 RUSTON PASS
FT. WAYNE IN 46825
(260) 450-3355

1250 N. 200 W.
ANGOLA, IN 46703
(260) 668-7667



SHEET TITLE:
DETACHED GARAGE

DATE:
07/11/22

SCALE:
1/8" = 1'-0"

**Town of Clear Lake
Board of Zoning Appeals
Staff Report**

Variance Number: #2022-05, 2022-06, & 2022-07

Applicant/Owner: Bob Buescher Homes / Joseph and Kathy Schenkel

Location: 72 West Clear Lake Drive

Zoning: LR (Lake Residential) and LA (Lake Accessory)

Current Use: Lake Home and Garage

Variances Requested: 2022-05

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.

2022-06

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 Establish Building Setback by 9.4 feet.

2022-07

UDO Section 5.63 (A)(3) General Set Back standards, Minimum Rear Yard Setback. The proposed project includes building a new garage that encroaches the Rear Yard Setback by 3.3 feet.

Hearing Date: August 9, 2022

- Required Notice:**
- Publication of legal notice was published in the *Herald Republican* on July 27, 2022.
 - Legal Notice was also posted by the Zoning Administrator outside the Town Hall.
 - Two (2) adjacent owners were sent Legal Notices with a certificate of mailing.
 - Eight (8) interested property owners were sent “courtesy notices” by regular US mail.

Notification Sent to Adjacent and Property Owners within 300 feet:



Property Owners within 300 feet to 72 West Clear Lake Drive

Lake Address	Owner Mail Address	City	State	Zip Code	Name	Cert
74 West Clear Lake Dr	74 West Clear Lake Dr	Fremont	IN	46737	James & Karen Bushey	x
82 West Clear Lake Dr	82 West Clear Lake Dr	Fremont	IN	46737	Thomas, Calvin & Samantha Champion	
7265 E 675 N	111 Gecowets Dr	Fremont	IN	46737	Clear Lake Township Land Conservancy Inc	
70 West Clear Lake	1253 Ridgewood Dr	Troy	OH	45373	Cass Cullis	x
88 West Clear Lake	88 West Clear Lake	Fremont	IN	46737	Bradley Gay	
78 West Clear Lake	4186 Road 71	Payne	OH	45880	John & Marcia Laukhuf	
86 West Clear Lake	10826 Morning Mist Trail	Fort Wayne	IN	46804	Lindenberg Family	
68 West Clear Lake	6828 Sweetwood	Fort Wayne	IN	46814	Jerry & Joan Rippe	
West Clear Lake	121 S Main St. Suite 500	Akron	OH	44308	Strong Development Corp.	
80 West Clear Lake	1623 State Route 18	Hicksville	OH	43526	Dennis & Sheryl Vetter	
66 West Clear Lake	8111 Minnie Ha Ha Circle	Fort Wayne	IN	46818	Jack Wickland	
Owner						
72 West Clear Lake Dr	515 Fallen Timbers Trail	Fort Wayne	IN	46825	Joe & Kathy Schenkel	

Contextual Land Use and Zoning:



Home and Garage Elevation:



LAKE ELEVATION

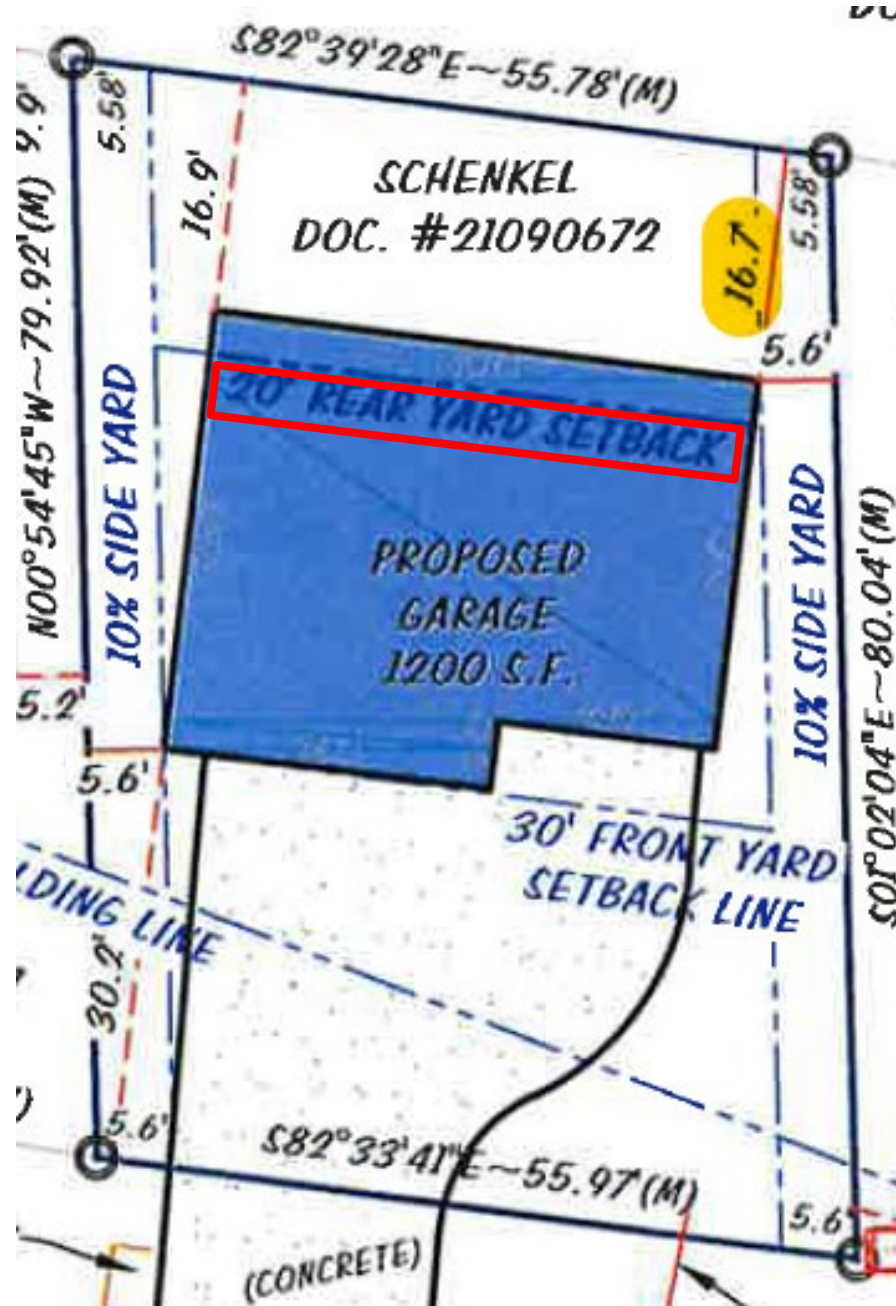
STREET ELEVATION



Current Site Plan with existing home and Garage



Proposed Garage Site Plan:



Material List for home:

Vinyl Shakes

Vinyl Double 4 siding

Stone

Certainteed Landmark Shingles,

Boral Truexterior Composite trims, painted

Pella Clad windows and Sliding Glass Door

Thermatru fiberglass entry & service door

Pre-finished insulated metal garage doors w/ windows

Material List for Garage:

Vinyl double 4 siding

Certainteed landmark shingles

Boral truexterior composite trim, paint

Pre-finished insulated metal garage doors.

Pella Window

Comprehensive Plan Excerpts (Town objectives to consider when reviewing variances)

Policy 2.1: Balance the preservation of the lake environment with the needs of a growing year-round population.

Objective 2.1.1: Ensure development conforms to the Town's land use regulations recognizing that many lots around the lake possess unique and sometimes challenging features.

Objective 2.1.3: Encourage homeowners and builders to utilize professional architectural services and landscape design to develop and maintain appropriate aesthetics.

Policy 7.2: Ensure land use regulations have sufficient flexibility to allow property owners and the Town to propose measures to adapt development to unique and difficult site conditions, preserve open space and natural resources, and avoid negative impacts on surrounding properties.

Objective 7.2.2: Ensure that reconstruction and rehabilitation of properties in the Town of Clear Lake are consistent with a residential lake setting.

Zoning Administrator Recommendation:

- **#2022-05 - Recommend approving the variance based on the home is no closer to the road than the neighbor's home and the location does not affect the adjacent neighbors.**
- **#2022-06 - Recommend approving the variance based on the location of the hot tub is appropriate and is forty feet back from the lake.**
- **#2022-07 - Recommend approving the variance based on the new location is more appropriate than the current garage location and the lot is backed up to the Land Conservancy.**

Findings of Fact Worksheet
#2022-05 Schenkel 72 West Clear Lake Drive

Variance: *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.

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

YES, because...

- a. 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 1st class mail recipients that are in the Town's possession.

NO, because...

- a. legal notice of the petition has **NOT** been provided in accordance with applicable Indiana Code and Notice to appropriate landowners because...
-

Acceptance: YES, Finding or NO Finding

- _____ Motion
- _____ Second
- _____ Vote

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

YES, the approval of the variance will not be injurious because...

- a. the proposed home is consistent with the residential use of adjacent properties and will not impact the drainage or traffic along West Clear Lake Drive.

NO, the approval of the variance will be injurious because.....

- a. the home location is too close to the road and is not appropriate for a lake residential lot.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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.

YES, the use and value of the adjacent area will not be affected in a substantially adverse manner because...

- a. 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.
- b. the proposed home will be constructed of high-quality materials and is appropriately sized for the lot.

NO, the use and value of the adjacent area will be affected in a substantially adverse manner because...

- a. the home location is too close to the road and is not appropriate for a lake residential lot.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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

YES, because...

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

NO, the strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because...

- a. The size of the proposed home can be reduced to fall within the current UDO setbacks.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

Variance: *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.

Approved / Approved with Conditions / Denied

Vote of the Board	Approve	Deny	Abstain
Kit Tyler			
Cecil Fleeman			
Scott Lazur			
Walter Mokey Grabowski			
Jim McClain			

Conditions:

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

Findings of Fact Worksheet
#2022-06 Schenkel 72 West Clear Lake Drive

Variance: *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 Establish Building Setback by 9.4 feet.

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

YES, because...

- a. 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 1st class mail recipients that are in the Town's possession.

NO, because...

- a. Legal notice of the petition has **NOT** been provided in accordance with applicable Indiana Code and Notice to appropriate landowners because...
-

Acceptance: YES, Finding or NO Finding

- _____ Motion
- _____ Second
- _____ Vote

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

YES, the approval of the variance will not be injurious because...

- a. 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.

NO, the approval of the variance will be injurious because.....

- a. the hot tub location is not appropriate for a lake side area.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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.

YES, the use and value of the adjacent area will not be affected in a substantially adverse manner because...

- a. 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.

NO, the use and value of the adjacent area will be affected in a substantially adverse manner because...

- a. the hot tub location is not appropriate for a lake side area.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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

YES, because...

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

NO, the strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because...

- a. the proposed hot tub is not essential to the use of the property for residential purposes.

b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

Variance: *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 Establish Building Setback by 9.4 feet.

Approved / Approved with Conditions / Denied

Vote of the Board	Approve	Deny	Abstain
Kit Tyler			
Cecil Fleeman			
Scott Lazur			
Walter Mokey Grabowski			
Jim McClain			

Conditions:

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

Variance: *UDO Section 5.63 (A)(3) General Set Back standards, Minimum Rear Yard Setback.* The proposed project includes building a new garage that encroaches the Rear Yard Setback by 3.3 feet.

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

YES, because...

- a. 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 1st class mail recipients that are in the Town's possession.

NO, because...

- b. Legal notice of the petition has **NOT** been provided in accordance with applicable Indiana Code and Notice to appropriate landowners because...
-

Acceptance: YES, Finding or NO Finding

- _____ Motion
- _____ Second
- _____ Vote

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

YES, the approval of the variance will not be injurious because...

- a. the proposed garage is consistent with the residential use of adjacent properties and will not impact the drainage or traffic along West Clear Lake Drive.

NO, the approval of the variance will be injurious because.....

- a. the proposed garage location is not appropriate for a lake accessory lot.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

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.

YES, the use and value of the adjacent area will not be affected in a substantially adverse manner because...

- a. 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.
- b. the proposed garage will be constructed of high-quality materials and is appropriately sized for the lot.

NO, the use and value of the adjacent area will be affected in a substantially adverse manner because...

- a. the proposed location of the garage is not appropriate for a lake accessory lot.
- b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

4. The strict application of the terms of the zoning ordinance **will** result in practical difficulties in the use of the property.
YES, because...

a. the setbacks consume 50 feet of the depth of the 80-foot lot, and thereby greatly reducing the building envelop.

NO, the strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because...

a. the proposed garage size is not essential to the use of the property for residential purposes.

b. _____

Acceptance: YES, Finding or NO Finding

_____ Motion

_____ Second

_____ Vote

**Decision for Case #2022-07
#2022-07 Schenkel 72 West Clear Lake Drive**

Variance: *UDO Section 5.63 (A)(3) General Set Back standards, Minimum Rear Yard Setback.* The proposed project includes building a new garage that encroaches the Rear Yard Setback by 3.3 feet.

Approved / Approved with Conditions / Denied

Vote of the Board	Approve	Deny	Abstain
Kit Tyler			
Cecil Fleeman			
Scott Lazur			
Walter Mokey Grabowski			
Jim McClain			

Conditions:

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

Variance 2022-07						
Owner	Address		Support / Oppose	Finding Fact 1	Finding Fact 2	Finding Fact 3
Jerry Rippe	68	West Clear Lake Drive	Support	Agree	Agree	Agree
Cullis	70	West Clear Lake Drive	Support	Agree	Agree	Agree
Jim and Karen Bushey	74	West Clear Lake Drive	Support	Agree	Agree	Agree
John Laukhuf	78	West Clear Lake Drive	Support	Agree	Agree	Agree
Lindenburg	86	West Clear Lake Drive	Support	Agree	Agree	
Dan and Christine Rippe	126	Lakeside Ct	Oppose	Agree	Agree	Disagree
John Wihelm	206	West Clear Lake Drive	Support	Agree	Agree	Agree
Matt Miller	962	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree
Kathy Alpeter	988	South Clear Lake Drive	Oppose	Disagree	Disagree	Disagree

Support	6
Oppose	3

Finding Fact 1	The approval of the variance will not be injurious to public health, safety, morals and general welfare of the community.
Finding Fact 2	The use and value of the areas adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner.
Finding Fact 3	The strict application of the terms of the zoning ordinance (UDO) will result in practical difficulties in the use of the property.

|

Town of Clear Lake – Board of Zoning Appeals

Meeting Minutes – April 12, 2022

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

Roll Call:

Jim McClain, 1126 Quiet Harbor Drive

Larry Lillmars, Zoning Administrator

Walter (Mokey) Grabowski, 254 West Clear Lake Drive

Cecil Fleeman, 240 Penner Drive

Kit Tyler, 280 Penner Drive

Scott Lazur (Phone)

J. McClain read Resolution for BZA Electronic Participation.

J. McClain entertained a motion to suspend rules and read by title only.

Motion by: C. Fleeman

To suspend rules and read by title only.

2nd by: K. Tyler

All in favor, say I. Vote was unanimous. Motion carried; to suspend rules and read by title only.

J. McClain read Resolution 03-2022 by title only.

J. McClain entertained a motion to adopt Clear Lake Resolution 03-2022.

Motion by: K. Tyler

To adopt Clear Lake Resolution 03-2022.

2nd by: W. Grabowski

All in favor, say I. Vote was unanimous. Motion carried; to adopt Clear Lake Resolution 03-2022.

J. McClain, Board of Zoning Officials and residents reviewed and discussed the rules and procedures.

J. McClain entertains a motion to elect Larry Lillmars as Board of Zoning Appeals secretary.

Motion by: W. Grabowski

To elect Larry Lillmars as Board of Zoning Appeals secretary.

2nd by: K. Tyler

All in favor, say I. Vote was unanimous. Motion carried; to elect Larry Lillmars as Board of Zoning Appeals secretary.

J. McClain, Board of Zoning Officials and residents continued reviewing and discussing the rules and procedures.

L. Lillmars reviewed the public feedback forms and how the feedback forms would be summarized for the meetings.

Resident suggested a google form or survey monkey, so the survey can be filled out and submitted and it would summarize and record the responses.

L. Lillmars stated that our webmaster was not able to help with this process.

L. Lillmars, Board of Zoning Officials and residents continued discussing the public feedback forms.

J. McClain entertained a motion to approve Board of Zoning Appeals February 8, 2022, minutes.

Motion by: K. Tyler

Board of Zoning members discussed adding documentation of where the February 8, 2022, emails and letters for Variance 2022-01 would be archived into a folder.

J. McClain entertained a motion to approve Board of Zoning Appeals February 8, 2022, minutes with corrections.

Motion by: K. Tyler

To approve Board of Zoning Appeals February 8, 2022, minutes with corrections.

2nd by: C. Fleeman

All in favor, say I. Vote was unanimous. Motion carried; to approve Board of Zoning Appeals February 8, 2022, minutes with corrections.

J. McClain entertained a motion to update the BZA Rules and Procedures to change two references from Monday to Tuesday.

Motion by: J. McClain

to update the BZA Rules and Procedures to change two references from Monday to Tuesday.

2nd by: K. Tyler

Meeting adjourned.

Date: _____

Board of Zoning Appeals Chairman: Jim McClain

Date: _____

Clerk: Jennifer Smith-Sattison