



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

**Board of Zoning Appeals
Regular Meeting**

Tuesday, October 10, 2023 @ 7 PM

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

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

Agenda

- A. Call to Order
- B. Introductions and Roll Call Quorum
- C. Approval of Meeting Agenda
- D. Approve minutes.
 - August 8, 2023
- E. Budget items - None
- F. Applications, Petitions, and/or Hearings
 - 1. Variance Application 2023- 04, Todd & Barbara Rumsey
- E. Old Business - None
- E. New Business - None
- I. Discussion
- J. Adjournment

The next regularly scheduled meeting of the Clear Lake Board of Zoning Appeals will be Tuesday, December 12, 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

Meeting Minutes – August 8, 2023

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

Roll Call:

Walter (Mokey) Grabowski, 254 West Clear Lake Drive

Kit Tyler, 280 Penner Drive

Matt Rippe, 68 West Clear Lake Drive

Jessica Swander, 7382 E State Road 120

Jim McClain, 1226 Quiet Harbor Drive

Mike Hawk, Attorney to the BZA

Jennifer Sattison, Billing Clerk

Robert Hawley, Zoning Administrator

J. McClain entertained a motion to approve the agenda.

Motion by: M. Rippe

To approve the agenda.

2nd by: J. Swander

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

J. McClain entertained a motion to approve June 13, 2023, Board of Zoning minutes.

Motion by: M. Rippe

To approve June 13, 2023, Board of Zoning minutes.

2nd by: J. Swander

All in favor, say aye. Vote was unanimous. Motion carried; June 13, 2023, Board of Zoning minutes approved.

No Budget Items.

Variance 2023-03: Request for variance from the required street yard setback as specified in Section 2.14 of the Unified Development Ordinance. Section 2.14 requires that the primary structure be 25 feet from the property line and the applicant is asking the setback to be reduced to 20.8 feet. The proposed project included building an attached garage onto the existing home.

Zoning Administrator R. Hawley went through the staff report for Tom Parker's Variance 2023-03.

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

Motion by: J. Swander

To open for public comment.

2nd by: W. Grabowski

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

Variance Applicant, Tom Parker, discussed his project and that they would like to be able to access their home through an attached garage especially in bad weather, now that they are full-time residents.

Zoning Administrator, R. Hawley, went through feedback forms.

J. McClain entertained a motion to close public comment.

Motion by: K. Tyler

To close public comment.

2nd by: M. Rippe

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

J. McClain entertained a motion to move to final approval of Variance 2023-03.

Motion by: K. Tyler

To move to final approval of Variance 2023-03.

2nd by: W. Grabowski

All in favor, say aye. Vote was unanimous. Motion carried; moved to final approval of Variance 2023-03.

J. McClain goes through the findings of facts new form.

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

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

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

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

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

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

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

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

Variance 2023-03 was approved.

No New Business.

J. McClain entertained a motion to adjourn meeting.

Motion by: K. Tyler

To adjourn meeting.

2nd by: W. Grabowski

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

Meeting adjourned at 7:30pm.

Board of Zoning Appeals Chairman: Jim McClain

Attest: Jennifer Smith-Sattion, Billing Clerk

Town of Clear Lake Board of Zoning Appeals

Staff Report

GENERAL INFORMATION

Variance Number:	BZA 2023-04
Applicant:	Todd & Barbara Rumsey 432 Point Park Drive Fremont, IN 46737
Status of Applicant:	Owner
Owner (if different form applicant):	N/A
Location:	432 Point Park Drive
Zoning:	LR (Lake Residential)
Current Use:	Single-family Residential
Variance Type:	Development Variance - 9.19(E)(7)(a)
Adjacent Area Zoning & Uses:	North: CO – Conservation District East: LR (Lake Residential) – Single Family Residential South: Waterfront West: LR (Lake Residential) – Single Family Residential
Hearing Date:	October 10, 2023
Required Notice:	<ul style="list-style-type: none">• Publication of legal notice was published in the Herald Republican on September 28, 2023.• A legal Notice was also posted by the Zoning Administrator outside the Town Hall.• Three (3) adjacent owners were sent Legal Notices with a certificate of mailing.• Ten (10) interested property owners were sent “courtesy notices” by regular US mail.• Notifications were sent to adjacent property owners within 300 feet of the subject property.

Criteria:

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

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

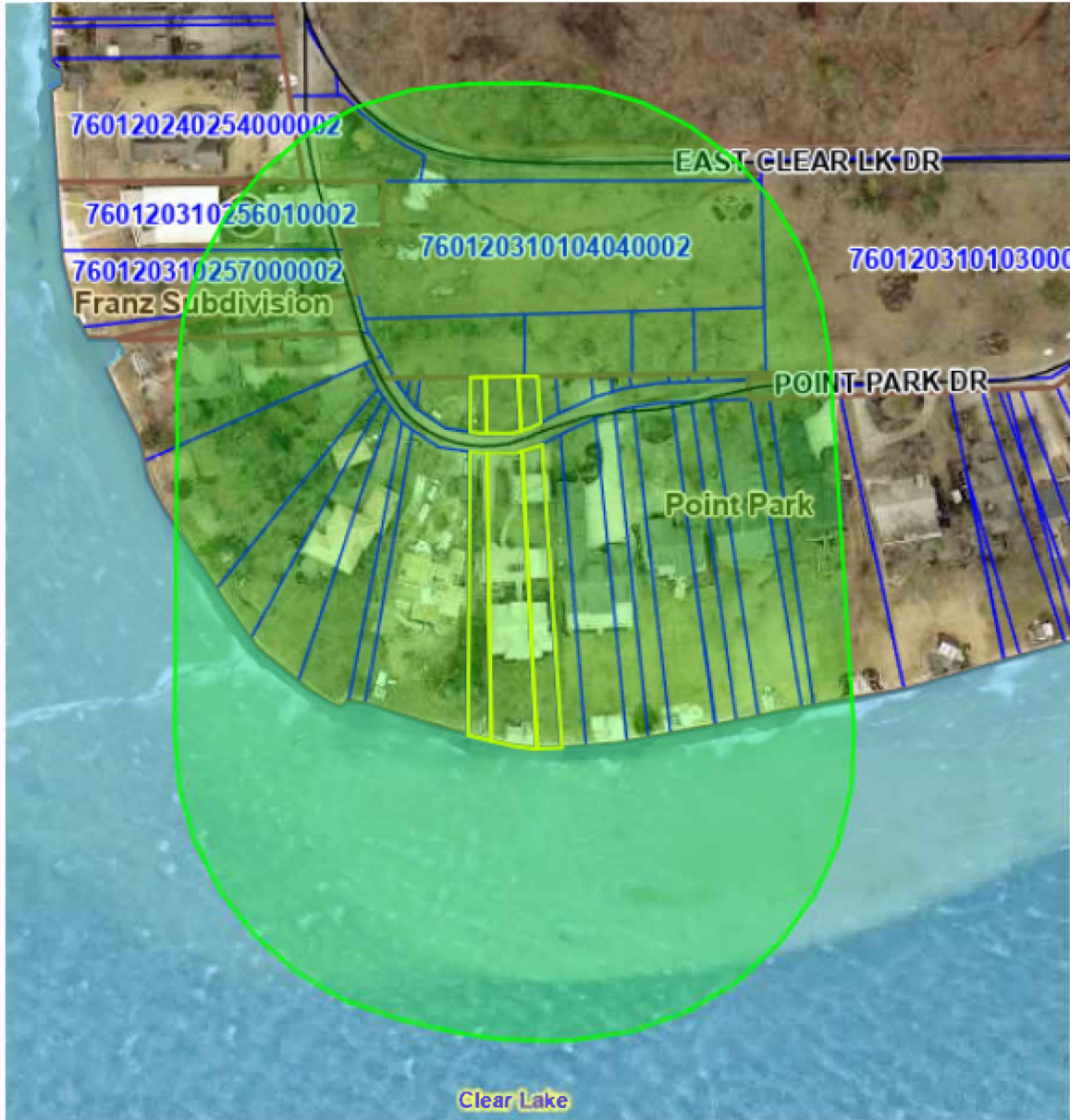
- i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- iii. The strict application of the terms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

Things to consider:

- Is enforcement of the Ordinance unreasonable and prevents the wonder from using the property for a permitted use?
- Would conforming to the ordinance be unnecessarily burdensome?
- Does the variance do substantial justice to the applicant and other property owners in the district?
- Would 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

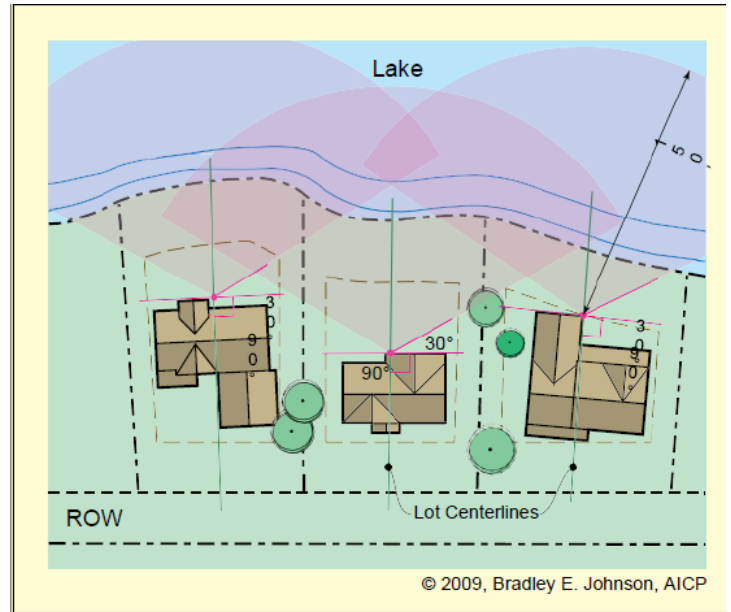
Owner Name	Owner Address	Owner City/St/Zip
Clear Lake Township Land Conservancy Inc	111 Gecowets Dr	FREMONT, IN 46737
Wagner Timothy L Rev Trust Agreement dtd 6-28-07 und 1/2 INT & Lori A Wagner Rev Trust Agreement dtd 6-28- 07 under 1/2 INT	12405 St Joe Rd	GRABILL, IN 46741
Zachrich Janet D Trustee Under Revoc Trust Agreement of Janet D Zachrich dated 11-9-1995	3283 Foxcroft Dr	LEWIS CENTER, OH 43035
Greffin William E as Trustee of the William E Greffin Trust Agreement dtd 10-1-13	338 N Kenilworth Ave	Oak Park, IL 60302-2004
Lowry James R Sr & Margaret R Lowry Co-Trts Lowry Fam Tr 11-19-07	4200 W Fox Chase Ct	Muncie, IN 47304
Rumsey Todd C & Barbara W H/W	432 Point Park Dr	FREMONT, IN 46737
Kramer Susan M Rev Trust U/D/T dtd 12-27-99	440 Point Park Dr	FREMONT, IN 46737
Korte Chadwick A & Hope C H/W	442 Point Park Dr	FREMONT, IN 46737
Russert Clear Lake Partnership	45 Outer Bridge Cir	HILTON HEAD ISLAND, SC 29926
428 Point Park Drive LLC	532 Canterbury Dr	Kettering, OH 45429
Rockhold Eric R & Jennifer K Rockhold	647 W Melrose Street, Apt 4	CHICAGO, IL 60657
Skinner James W & M Anne H/W	6727 Mallard Cove Place	FORT WAYNE, IN 46804
McMillen John F & Cynthia S McMillen	7145 E Tanglewood Rd - 92	ROANOKE, IN 46783
Franz Patricia A Trustee of the Patricia A Franz Trust	7639 Oakhurst Ln	COLUMBUS, OH 43235
<i>Adjacent properties are highlighted in pink</i>		



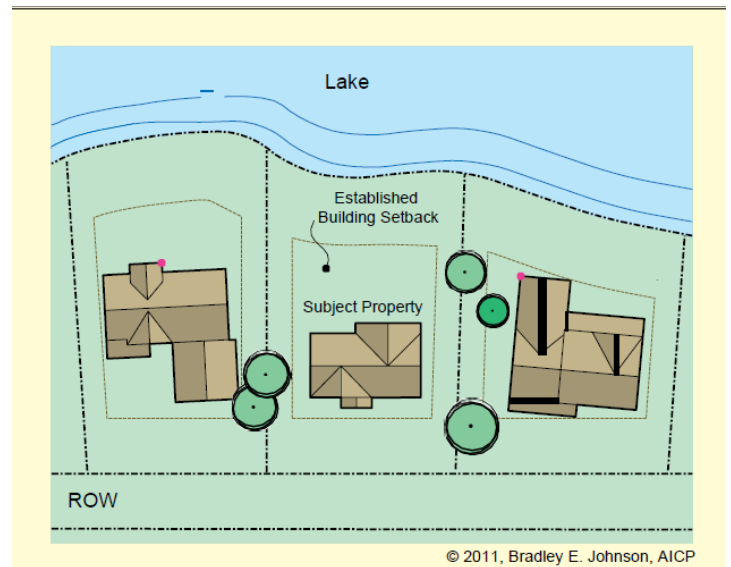
Zoning Matrix

C. **Viewshed:** Under no circumstance shall any of the following improvements on a lot obscure the horizontally projected viewshed of an adjacent lot:

1. New or modified primary structure or room addition,
2. New, modified, or relocated accessory structure, including an elevated deck, porch, or playset,
3. Planting of one (1) or more evergreen trees, or evergreen or dense shrubs,
4. New or modified fence, screening, or retaining wall, or
5. New or modified architectural feature.



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



DEVELOPMENT STANDARDS VARIANCE APPLICATION

2023-04

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 Todd & Barbara Rumsey E-mail _____

Address 432 Point Park Drive Same
lake permanent

Phones _____
preferred other

PROJECT INFORMATION

Address of Property 432 Point Park Drive

Legal Description
(attach if necessary) _____

Property Owner Todd & Barbara Rumsey

Current Zoning LR - Lake Accessory Existing Covenant _____

Current Use Residential Proposed Use N/A

Variances Requested Seeking relief from section 5.65.C View-shed and 2.14 - Minimum lake yard Setback

PROJECT DETAILS

Describe the project request in detail.

Adding on to existing covered deck. The addition will match the eve-line of the existing roof over the deck. In Addition, we are planning on enclosing a portion of the covered deck on the west side of the home. Variances will not exceed existing foot print of the home.

Amended 10-3-2023 *BLM*

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

Due to our home being place before our neighbors, and according to current UDO requirements, there is an unnecessary paractical difficulty present to be able to utilize our property in a reasonable way.

Amended 10-3-2023

BLM

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 extension of the roof and addition to the west side of the home is very-low impact to the surrounding area and created no concerns for the commutation.

Amended 10-3-2023

BLW

The use and value of the area adjacent to the proposed project will not be affected in a substantially adverse manner because ... The foot print of the existing structure will not be changed. We have an established foot print currently and no setbacks will be changed.

Amended 10-3-2023

BLW

The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because ... The UDO prohibits any modification in the viewshed. As stated there is an existing deck where the roof extension is proposed, and the UDO does permit modification in other portions of a nonconforming structure so long as it is not in the viewshed. Due to the size of our lot and location of our existing structure this limitation feels excessive in nature for our unique property. In addition, our home was established prior to our neighbors and because of that it creates a practical difficulty when trying to establish reasonable modifications

Amended 10-3-2023

BLW

AFFIDAVIT

I/We, TODD RUMSEY, 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 22 day of September, 2023

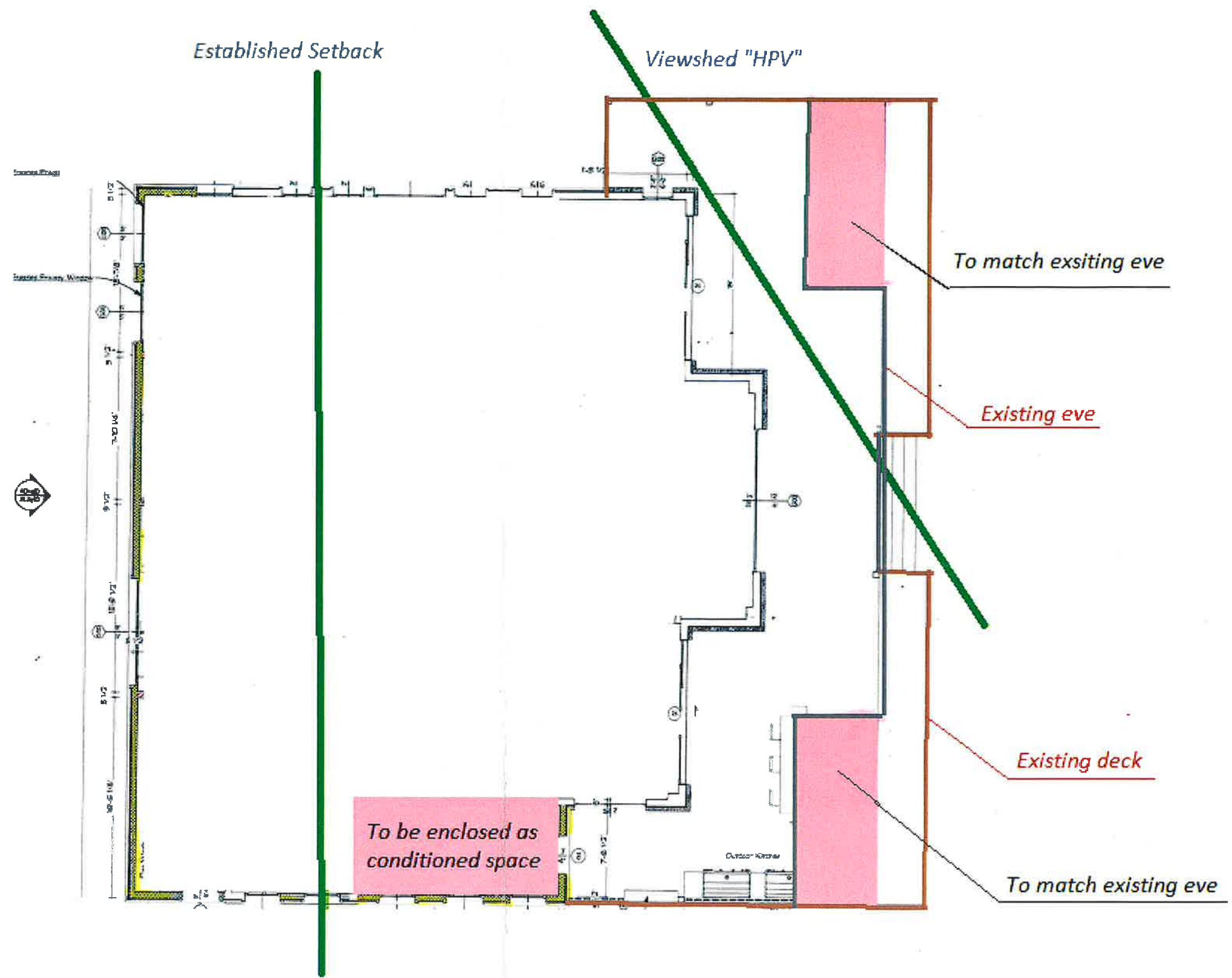
My Commission Expires:

Signature

[Signature]

Date

9-22-2023



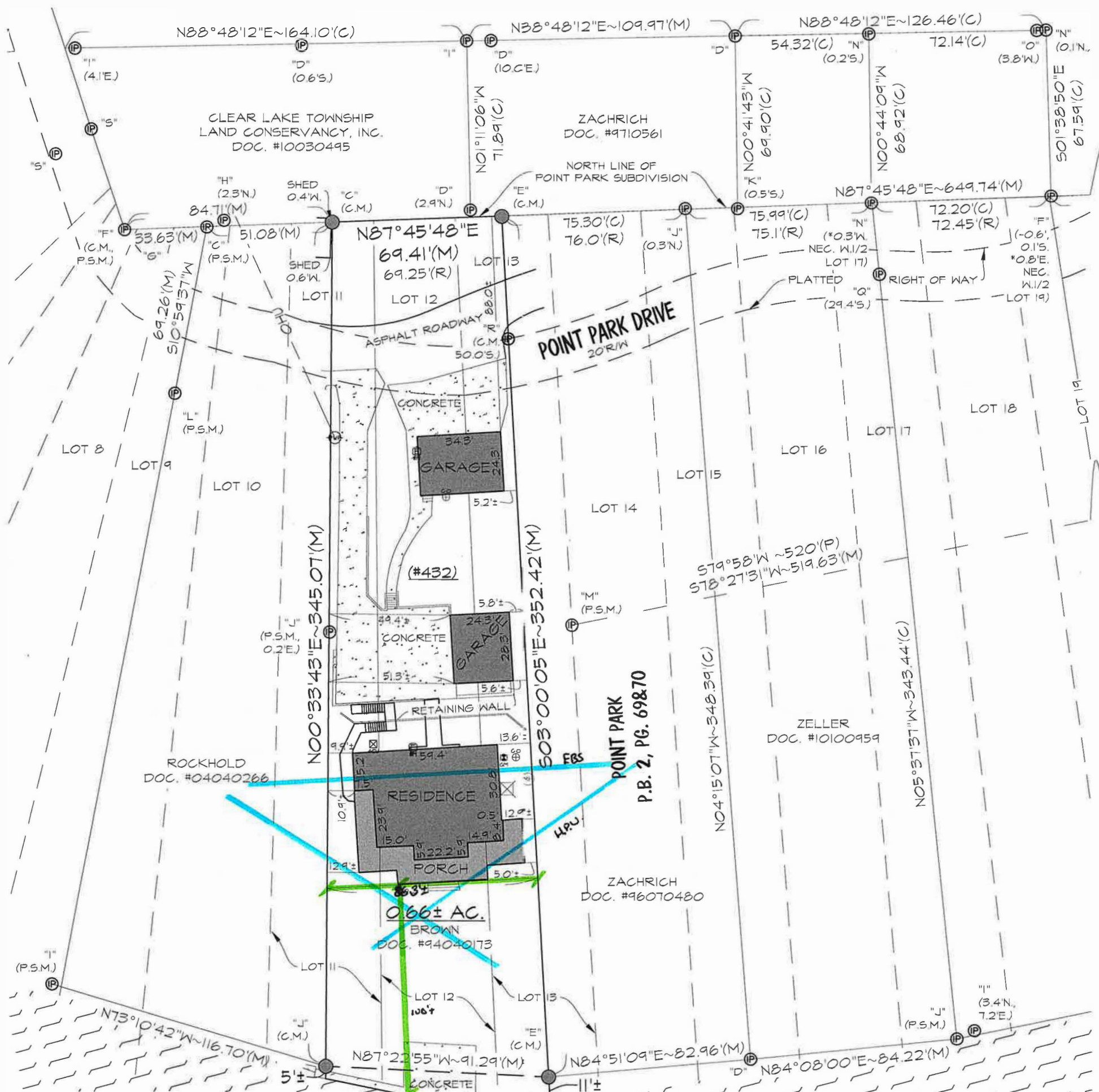
SAHWA DESIGN, LLC
 ARCHITECTS
 1110 N. 10th St.
 Phoenix, AZ 85006
 Tel: 602.254.1111
 Fax: 602.254.1112

The Proposed Plan For
The Rumsey Residence

Sheet No. A2-1

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

A2-1



ANNOTATION LEGEND

- P. = PLATTED/PLAN DIMENSION
- D. = DEED DIMENSION
- M. = MEASURED DIMENSION
- C. = CALCULATED DIMENSION
- RC = REFERENCE CORNER
- C.M. = CONTROLLING MONUMENT
- +/- = HEIGHT OR DEPTH OF MONUMENT
- R/W = RIGHT OF WAY
- P.S.M. = PREVIOUS SURVEY MONUMENT
- NEC. = NORTHEAST CORNER



BOUNDARY "RETRACEMENT" SURVEY

SCALE: 1" = 50'
 BASIS: INDIANA STATE PLANE ZONE EAST COORDINATES





1 WEST ELEVATION
SCALE 1/4" = 1'-0"



2 SOUTH ELEVATION
SCALE 1/4" = 1'-0"

Schaff Design, LLC
200 Hwy 2710, Suite 101 (3301)
TEL: (813) 746-1411
www.schaffdesign.com

The Proposed Plans For
The Rumsey Residence
JN

REVISIONS
PLANS 02/03/00
▲
▲
▲
▲
▲
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FILE NAME
RUMSEY-1-A
CLIENT
2008
DATE
8/22/20



1 EAST ELEVATION
SCALE 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE 1/4" = 1'-0"

Schaff Design, LLC
PO Box 276 Ames IA 50001
TEL: (515) 762-1511
schaffdesign.com

The Proposed Plans For
The Rumsey Residence
JIN

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	02/22/20
2	REVISED PERMIT	02/22/20
3	REVISED PERMIT	02/22/20
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