

**Burns Harbor Advisory Plan Commission
Minutes of Monday, April 5, 2021**

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Monday, April 5, 2021 in a combination Regular and Zoom Virtual Meeting. The meeting was called to order by Advisory Plan Commission President, Eric Hull at 7:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Eric Hull	Present
Bernie Poparad.....	Present
Toni Biancardi.....	Absent
Travis Dunlap	Present
Jeremy McHargue	Absent
Sarah Oudman	Present

Additional Officials Present

Attorney-Michael Brazil
Building Commissioner-Jack McGraw
Street Commissioner-Rob Wesley
Global Engineering-Jeanette Hicks
Secretary-Marge Falbo

Minutes

Oudman makes a motion to approve the minutes of March 1, 2021 as written. Poparad seconded the motion. Motion carried by unanimous vote.

Communication, Bills, Expenditures

None

Report of Officers, Committee, Staff

Hull: We have the new Building Commissioner with us tonight.

Building Commissioner McGraw: My name is Jack McGraw. I'm a retired fireman and retired contractor. I moved here about two years ago and met Building Commissioner Wesley. He asked me to fill in with inspections and the next thing I know--I'm the building commissioner.

Preliminary Hearing

None

Public Hearing

Shipping-Cargo Containers: Fee Table

Hull: We have a public hearing tonight for the fee table for Shipping-Cargo Containers

I will open the Public Hearing.

This is for Tables 15-1, 15-4 & 15-5 Fees.

Storage Containers (refer to 15-13-6.1)	
Construction Containers	\$200, \$50 renewal
Temporary Use for Commercial Purposes (max 10 days)	\$50
Long Term Use for Commercial Purposes	\$200 annual fee \$50 annual inspection fee

**Permit fee is per container*

Hull: Public Comment in favor. There were no comments in favor.

Hull: Public Comment in opposition. There were no comments in opposition.

Oudman: We need to remember that if someone has more than one container, they would have to go the Board of Zoning Appeals for a variance.

Hull: I will close the Public Hearing.

Oudman makes a motion to forward the Shipping-Cargo Containers: Fee Table to the Town Council with a favorable recommendation. Dunlap seconded the motion. **Motion carried by unanimous vote.**

Old Business

Swimming Pool Setbacks

Oudman: The Chapters that are affected are 15, 4 and 14.

Major decisions to be made are as follows:

I'll start with Chapter 15--

1. Add Accessory Use to all places where Accessory Building is used.
2. Request/Require electronic documents be submitted.

3. Clarify Definitions for the following definitions as suggested below:

Setback (Keep as in current ordinance)

SETBACK: The minimum horizontal distance between the line of a Building measured at the wall of the Building which is closest to the property line and said property line.

- Principal Front: The setback at the front nearest the Front Lot Line
- Secondary Front: On corner Lots, the setback that is nearest the Secondary Front Lot Line.
- Side: The setback at the side nearest the Side Lot Line
- Rear: The setback at the rear nearest the Rear Lot Line.

Building Line

the line of a Building on all sides, measured at the wall of the Building or use, or the footprint of the building or use, on a parcel of land or lot.

Setback Line

The line on a lot designating the space wherein a building, accessory building, or accessory use may be placed on a lot and beyond which no building, accessory building, or accessory structure may be built, except as allowed by specific ordinance.

Oudman: Setbacks change from zoning district to zoning district and different developments have different requirements as well. We need to change anywhere there is confusion in our definitions to these basic ones.

4. Add Swimming Pool Definitions

Oudman: The swimming pool definitions are in Appendix G of the International Residential Code. There are also some in the Indiana Pool Code. We do reference in Chapter 4 and I believe in Chapter 15 that we adopt or use the latest adoption of the Indiana Code. We say that's what we use but the problem with that is nobody really knows what they are. Some jurisdictions have taken the entire Indiana Code and put it in their Swimming Pool section.

5. Other Definitions as noted (Addition, Finished Grade)

Oudman: There are a few other definitions that needed to be tighten up. One is "Additions"

Hull: Is an attached garage an accessory building?

Global Engineer Hicks: I would think no, but what if it has a covered walkway? Is that really attached?

Hull: Like a breezeway?

Global Engineer Hicks: Yes. That can be a gray area there.

Oudman: Our Code currently says an attached garage is an accessory building or use. I don't know why it is, but we can decide if we want to include that or not. That's one decision we have to make.

Building Commissioner McGraw: My whole thing with the swimming pools is as long as it's set back enough to where it's not a safety concern that's really what I'm focused on. We need a design of where it's going and then we can talk about setbacks (seven feet from any direction.) There will be a final inspection of all pools. We need to make everything as simple as possible.

6. Recommend Adoption of IRC AG 105.2 as well as appropriate code to allow enforcement of basement egress window requirement

Attorney Brazil: I will get some case law that I can send out to the group for pools especially and then the egress windows. So, if someone comes in to challenge it, we have cases we can show and argue our point.

7. Discuss and Determine if Accessory Buildings include attached garages and related items.

Oudman: The importance of this is that in all zoning districts there is a limit put on how many accessory buildings you can have. Residential, I think, is three accessory buildings or uses. I don't think most people anticipate that an attached garage is an accessory building. My personal thought is we should structure it so garages are not an accessory building.

Street Commissioner Wesley: Accessory Building is defined as an outdoor structure such as an attached or detached garage, shed, playhouse, storage building, pergola, greenhouse, private studios, bathhouse, pool houses, cabanas, or other similar residential buildings.

Hull: Whose definition is that?

Street Commissioner Wesley: Indiana General Code

Hull: We can't turn around and say, no, it's not. Can we? We can add accessory use and define it a little bit better.

8. Setback Discussion

What structures and uses will be allowed to intrude into setbacks?

Oudman: For example--15-13-4 PATIOS....A. UN-ENCLOSED PORCHES, SCREENED ONLY: An un-enclosed, one-story porch or deck, even though it has a roof and/or a screened enclosure, may project into a required Front, Side or Rear Yard area a distance not to exceed six (6) feet and shall not be considered as part of the Lot Coverage; provided, however, that such a Porch shall not be closer than eight (8) feet from any lot line, and that no Building shall have such Porches projecting into the required Side Yard on more than one (1) side.

We should decide what we want to allow to avoid any gray wiggle room. The majority of places in different developments that I looked at the setback in the rear of the yard is 20 feet. I think we need to be cautious about going too far in the setback, so we need to come up with a number and then apply it across the board. Some places in our Code it says nothing is in the setback.

Hull: I think some of the setbacks are outdated.

Oudman: Setbacks are set by somebody besides us. We don't set the setback except in a general sense. So, our setbacks aren't necessarily outdated, but we have to think about how we allow people to use them.

Building Commissioner McGraw: You mention that a setback is set up the developer when the area is constructed. The reason for that setback is for a certain amount of the area to remain unobstructed generally.

Oudman: "Inaudible"

9. Swimming Pool Ordinance

All residential swimming pools in the Town of Burns Harbor, IN shall conform to the current Indiana codes for swimming pools found in... (Additional Lawyer Language)

The Town of Burns Harbor adheres to the following codes regulating residential swimming pools:

675 IAC Ch. 20 - Some jurisdictions include entire text

2012 International Residential Code Appendix G (AG 105.2)

"Insert text of IN pool code here or link to website?"

Oudman: We should determine if we want to insert all of the Indiana Pool Code into our pool section or if we just want to do it by reference.

Hull: I would reference it because otherwise you have to update it.

Oudman: We can put in a link so people can read all the details.

Add definitions of pool types as adopted by Plan Commission

Oudman: We added definitions and pool types. Some of the items below were taken from other communities who have pool permits

All swimming pools shall conform to the following restrictions:

- No swimming pool shall be located in any recorded easement.

- Swimming pools shall observe the same side and rear Setbacks as primary Buildings in their District; and...Current pool permit allows intrusion into setback
- No swimming pool shall be located closer to the Front Lot Line than the Front Line of the Building;
- Pools must be a minimum of X' from any property line and X' from any other structure.
- No Swimming pool shall be located above or below any utility lines including electric, gas, or water.
- Swimming pools shall be securely fenced or covered as required by State Statute.

Oudman: There are a number of other things besides just a cover on a pool.

- A minimum 4' barrier surrounding pool is required, either fenced yard or pool fence with locking gate or ladder if pool is less than 4' above ground.
- If the top of the pool wall is less than 4' above any surround deck, patio, or grade, the barrier must be placed to be a minimum of 4' above.
- For in-ground pools, an automatic locking pool cover may be installed in lieu of barrier, as provided for in 675 IAC CH 20.
- A temporarily installed above ground pool must be removed by the expiration date.
- For pools less than 24" in height, no permit is required. Homeowner accepts responsibility for all liability.

Any in-ground, partially in-ground pool, above-ground pool, permanently installed, or an above-ground, temporarily installed pool with a deck, also requires a building/location improvement permit.

Inspections are required for location, electrical, mechanical, concrete (in-ground pools), and final.

Notice shall be given to the Town's Sanitary Superintendent prior to draining a Swimming Pool with a capacity of more than five hundred (500) gallons.

Oudman: To give you an idea of how much 500 gallons is—a 12 x 36- inch pool, I believe.

Hull: If anyone is going to drain their pool there is no harm in letting sanitation know.

You have done quite a bit of work on this and you need to be acknowledged. I do appreciate what you have put into this.

Oudman: We have pretty much covered a lot of the things that need to be changed. The one that we really need to cover in the future is how far we are going to allow people to intrude into their setbacks.

Miscellaneous item as follows:

- 10. Zoning Map Color Correction
- 11. Add missing references on sketch pages and correct typos
- 12. Change Fee Schedule for permits to be consistent

Chapter 4

- 13. Strike requirement to pay for locates.
- 14. Remove provision to show TC all permit documents.

Chapter 14

- 15. Add provision for electronic or remote attendance
- 16. Mostly formatting and typos

New Business

Review: Bonds, Maintenance Guarantees, Letters of Credit

Hull: Mr. Kleihege Trail Creek Phase 1 Maintenance Bond is due in July 2021.

Falbo: Global Engineer Hicks is working on the punchlist and inspection. I will follow up with her tomorrow.

Hull: If Hicks is ready then invite Mr. Kleihege.

Good of the Order and Any Other Business

None

Announcements

None

Adjournment

Poparad makes a motion to adjourn at 8:38 p.m. Oudman seconded the motion. Motion carried by unanimous vote.

APPROVED on May 3, 2021

Eric Hull, President

Marge Falbo, Secretary