

**Minutes of The  
Ogden Dunes Plan Commission Meeting**

Regular Meeting Town Meeting Room – November 15 - 7:00PM

**Members of the Ogden Dunes Plan Commission**

*Mike Falk, Chairman 764.4676 ♦ Scott Stolarz, Vice-Chairman, (630) 779-5123  
♦ Herb Craig, Secretary, 764.4665 ♦ Nate Ball, 762-1319 ♦ Scott Lehmann, 763-4688  
♦ Jill Woodburn, 763-2246 ♦ Roger Rhodes, 764.2680 Building Commissioner*

*Members absent: Herb Craig, Nate Ball, Scott Lehmann*

*Guests: Tom Woodburn, Richard Wallace*

1. Call to Order: Chairman Falk called the Meeting to order at 7:04 PM CDST
2. Minutes of the October 2018 meeting were read. RR motioned to accept the Minutes. SS seconded, motion passed 4-0
3. Correspondence: None.
4. Building Commissioner's Report: None
5. Ordinance Planning: None
6. Committee Building Code Review: None.
7. BZA Report: The October BZA denied the petitioner's request for a garage setback variance at 15 Ski Hill
8. Old Business
  - A. 20 Cedar Court, Tom Woodard
    - i) Discussed Architectural Review Issue with Resident.

**804 IAC 1.1-2-7 Architect's seal**

*Sec. 7(g) The seal shall be affixed to documents and instruments only during the time the registration is current and in good standing, and then only on such documents and instruments which have been created by the registrant, regularly employed subordinates, or subordinates under the direct supervision of the registrant. The registrant shall be responsible for seeing that the seal, however affixed, shall be legible on the document.*

**804 IAC 1.1-2-8 Firm, partnership, or corporate practice**

*Sec. 8. A firm, partnership or corporation offering architectural service shall have a registrant who is a principal of the firm or partnership or officer of the corporation and all work shall be performed under the responsible direction and supervision of said registrant. The name of such principal or officer who is registered shall appear whenever the name of the firm, partnership or corporation is used in professional practice to indicate to clients or prospective clients that registrant is in responsible charge and is validly registered as determined by the board.*

**804 IAC 1.1-4-6 Supervisory control; use of signature and seal; gifts; fraud**

*(e) The act of affixing the seal and signature to any drawings, documents or instruments in any manner other than specifically set out in Rule 804 IAC 1.1-2-7, whether such act is performed by the person or by some person to whom the registrant shall have released custody of his seal, shall constitute aiding and abetting a person not duly authorized to practice architecture or landscape architecture. Such unprofessional and unethical conduct is commonly called "plan stamping".*

- A. 25 Hillcrest, Hugh Moore: Court ruled that the owner has 30 days to correct issues
- B. 67 Diana - Tom Frain: Service was forwarded to LaPorte County Sheriff's Department.
- C. 2 Valarie Court - Charles Costanza: Contractor to submit plans immediately or face further court action
- D. Building Code – No response from State

- E. 70 Ogden – Richard Wallace- Discussed Parking issues with Resident – Does not meet Town Code for several reasons.
- i) Parking in the patio area is a violation of Town Code

**Ogden Dunes Ordinance 93.02 PUBLIC NUISANCES PROHIBITED; RESPONSIBILITY FOR A NUISANCE.**

(A) It shall be unlawful, for any person, owner, occupant, company, corporation, tenant, or any other person having a substantial interest in any real or personal property within the town, or any agent thereof, to erect, construct, permit, keep or maintain within the corporate limits of the town anything that is a public nuisance.

(B) Any person, owner, occupant, company, corporation, tenant or any other person having a substantial interest in any real or personal property within the town, or any agent thereof, maintaining any nuisance, as described herein, is declared to be responsible for the nuisance.

(C) Public nuisances are prohibited on private property, as well as on public property and public ways.

**Ogden Dunes Ordinance 93.04 PUBLIC NUISANCE DEFINED.**

A public nuisance includes the following:

(C) Any condition or use of premises or building exteriors that is detrimental to the property of others, or that causes or tends to cause substantial diminution in the value of property in the neighborhood in which such premises are located, including but not limited to, keeping, permitting or allowing any of the following materials:

(11) **Parking a motor vehicle on a front yard not designed and approved for parking.** The FRONT YARD shall be defined as the area of private property that is located between the public right-of-way and the front line of the primary structure on that property. Parking of any motor vehicle within this area shall be prohibited; and

- ii) Submitted report does not comply with Indiana Administrative Code:

**864 IAC 1.1-7-3 Application of seal; signature**

Sec. 3. (a) The seal shall be affixed to documents and instruments only during the time the certificate of registration is current and has not been suspended or revoked and then only on such documents and instruments which have been prepared by the registrant or by the regularly employed and directly supervised subordinates of the registrant. The registrant shall be responsible for seeing that the seal, however affixed, and the signature shall be legible on the document.

(b) Whenever a registrant affixes the seal, it shall have:  
the registrant's signature; and

the date the seal is being affixed; directly adjacent to the seal, but not across the seal.

(c) When a registrant is in responsible charge of engineering work for which one (1) or more: specifications;

plans; and

drawings;

are required to be submitted for review by the state building commissioner or other governmental body, the registrant shall apply the seal in the full manner required by this section on each page of all drawings or plans and on the title page of all specifications.

- iii) If patio is used as parking it does not meet code for parking design and construction as it does not conform to manufacturer's instructions

**Ogden Dunes Ordinance 151.002 DEFINITIONS.**

**PARKING SPACE.** The area used for parking an automobile or automobiles by occupants of buildings or others, but not for commercial purposes nor for hire.

**Ogden Dunes Ordinance 152.048 OFF-STREET PARKING AND LOADING.**

(C) All off-street parking area shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

**Rule 2.6. 2014 Indiana Building Code**  
**675 IAC 13-2.6-1 Adoption by reference**

Sec. 1. (a) That certain document being titled the International Building Code, 2012 Edition, first printing dated May 2011, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in sections 2 through 36 of this rule.

**2012 International Residential Code**

**International Residential Code R102.4 Referenced codes and standards.**

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R 102.4.1 and R102.4.2.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

**R102.4.1 Conflicts.**

Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**R1 02.4.2 Provisions in referenced codes and standards.**

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

- iv) If patio is used as parking it does not meet code for parking for conformance to existing conditions

**Ogden Dunes Ordinance 152.060 PURPOSE AND SCOPE OF THE BUILDING CODE.**

(A) *Scope of the Building Code.* The construction, alteration, addition, enlargement, repair, removal or relocation of any building, structure or appurtenance within the town shall conform to this Building Code.

(B) *Purpose and objectives of the Building Code.* This Building Code is enacted for the purpose that adequate light, air, convenience of access and safety from fire, flood and other dangers may be secured; that congestion in the public streets may be avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings already constructed, the most desirable use for which the land may be adapted and the conservation of property values throughout the town.

(1) The permit applicant must recognize the unique character of the natural features of Ogden Dunes and the designs submitted should preserve, insofar as possible, the dunes, natural terrain and existing contours of the town.

**Ogden Dunes Ordinance 150.11 FUTURE DEVELOPMENT**

(G) In the nearly 75 years of its existence as a town, Ogden Dunes has consistently endeavored to maintain its unique character as a community of substantial, permanent, single-family residences. The town's planning and development throughout its history reflect as well its genuine respect for the surrounding natural environment. Instead of leveling the land for a typical suburb or subdivision, the dunes have been left largely intact, with roads following the contour of the land, and with lots large enough and so arranged as to permit where possible preservation of the dunes in their natural state. Accordingly, this development has made Ogden Dunes the unique community it is today. Its preservation will depend heavily on prohibiting incompatible development and vigorously enforcing the regulations encompassed by the Ordinance for Zoning, Building and Subdivision Control which is set forth in Chapter 152.

**Ogden Dunes Ordinance 151.016 PURPOSE.**

This Zoning Code is enacted to preserve and promote the public health, convenience, morals, safety, comfort, prosperity and general welfare, and for the following more particularly specified purposes:

(A) To implement the Master Plan;

(B) To protect the character and stability of residential, commercial, and recreational areas; to promote the orderly development of such areas; and to preserve the natural beauty within the town.

**Ogden Dunes Ordinance 152.017 APPLICATION OF THE REGULATIONS.**

(B) The location and type of improvements upon any lot or premises shall preserve, insofar as possible, its natural features which would add value to the subdivision and town, such as trees, valleys, watercourses, terrain and other similar irreplaceable assets.

- v) Considering the existing two car garage, the residence currently meets the code for off street parking

**Ogden Dunes Ordinance 152.048 OFF-STREET PARKING AND LOADING.**

(A) Off-street parking spaces shall be provided in accordance with the specifications in this chapter for all districts, whenever any new use is established, or an existing use is enlarged.

(B) Space for one vehicle shall contain at least 180 square feet, exclusive of drives and aisles.

**Ogden Dunes Ordinance 152.091 RESIDENCE SPACE.**

(J) Driveways and parking areas.

(1) An area adequate for the off-street parking of at least two motor vehicles or 180 sq. ft. exclusive of drives or aisles on the private property shall be provided at each building.

**Ogden Dunes Ordinance 152.045 SUPPLEMENTARY USE, HEIGHT, AREA AND YARD REQUIREMENTS.**

The regulations specified in this Zoning Code shall be subject to the following interpretations and exceptions.

(A) Use.

(1) Accessory uses. Accessory uses and structures, such as detached private garages, tool or storage sheds, swimming pools, fences, retaining walls and landscaping, are permitted in all districts in conjunction with a primary use or structure, provided the accessory use does not change the character of the district in which it is located. No accessory building (such as garage or shed) may be located closer than 15 feet to a side or rear lot line, no closer than ten feet from any portion of the principal building and shall not project further than the front setback line of the principal building. Other structures, such as fences and retaining walls exceeding two feet in height must be set back not less than three feet from any property line.

(a) Not more than one garage, of not more than two-car capacity (24 x 24 ft.), and of not more than one story or total height of 15 feet, nor more than one storage shed (maximum 120 sq. ft.), shall be permitted on any lot in the R District. Temporary or movable structures, such as storage units or tent-like structures, are prohibited.

(b) Outside storage of any materials or equipment, including vehicles, vans, boats, trailers and mobile homes, is prohibited. (Exception: playground equipment, patio or pool furniture, normally in use, are permitted; vehicles or boats may be parked temporarily in driveways for periods not exceeding a total of 30 days in one calendar year.) Not more than four vehicles may be parked in any private driveway, other than for temporary guest use.

vi) If patio is used as parking the driveway does not meet code for width

**Ogden Dunes Ordinance 152.095 DRAINAGE.**

(D) Responsibility of homeowner. It is the responsibility of the home owner to ensure that all run-off from roofs, drives, walks, patios or any other man-made services do not drain onto adjacent public or private property.

(1) Because of drainage problems, no private party shall pave adjacent public property, except for driveway access, and this not to exceed 22 feet wide.

vii) MF read a letter from one of the Wallace's unnamed neighbors. The neighbor voiced strong opposition to allowing the patio to become a parking space and stated that many more neighbors were also opposed.

viii) The Plan Commission advised Mr. Wallace parking in the patio area does not meet Town Code. Mr. Wallace was advised that he could appeal to the BZA for a variance to Town Code.


9. New Business: None

10. Public Comments: None

11. Member Comments: None

12. Adjourn: 7:50 PM

  
Mike Falk Chairman

  
Scott Stolarz, Vice-Chairman