

TOWN OF LONG BEACH  
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall

Meeting Minutes for December 10th, 2019

1. Call to Order

The Regular Meeting of the Town of Long Beach Advisory Board of Zoning Appeals was held in the Long Beach Town Hall on Tuesday, December 10, 2019. Chairman Mike Gorman called the meeting to order at 7:00 p.m.

2. Roll Call

Board members in attendance: Chairman Mike Gorman, Meg Kanyer, and John Kocher.

Members absent: Rich Jercich, John Wall

A quorum is present and the meeting shall proceed

Attorneys in attendance: Christopher Willoughby of Braje, Nelson & Janes, LLP

Also in attendance: Secretary Meg Collins

Building Commission representative: Bob Lemay

Also in attendance: Court Reporter Rebecca Lempa and Videographer Marilyn Jones, hired by a private individual

3. Pledge of Allegiance

4. Approval of Minutes: Upon motion by John Kocher, seconded by Meg Kanyer, the regular meeting minutes from October 8, 2019 were unanimously approved.

5. Old Business

**a. Thomas Cahill – 2813 Elbridge Way**

Withdrawal of variance request from Section 154.133 – Expansion of Nonconforming Building/Structures and Land Uses, which was tabled at the October 8, 2019 regularly scheduled BZA meeting.

Petitioner was granted a variance by the BZA at the October meeting. At that point the Petitioner initially requested two variances and only wanted ruling on one variance. The Petitioner has since requested the second variance to be officially withdrawn. The second variance is no longer an open item for the BZA.

## 6. New Business

The January BZA meeting date is January 14, 2020. The two weeks prior filing deadline falls on New Years Eve. The filing deadline is going to be moved up to Monday December 30, 2019 by 10 a.m.

Chris Willoughby confirms stating this change is sufficient. Meg Collins will post the new deadline on the bulletin board in the Clerk's Office and on the Town Website.

## 7. Preliminary Hearings

### **a. Timothy and Jennifer Perry – 1802 Lake Shore Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.058 – On Site Parking Requirements, to allow a parking space stall depth of 17 feet.

-At Petitioners request the preliminary hearing was postponed to November 12, 2019 BZA meeting, which was cancelled. Preliminary hearing set to open at regularly scheduled December 10, 2019 BZA meeting.

A request from Timothy Perry was received late this afternoon through the Clerk's Office requesting to continue the preliminary hearing to the January BZA meeting.

This is the Petitioner's second request for continuance of the preliminary hearing.

Mike Gorman motions to continue the opening of the preliminary hearing to the regularly scheduled January 14, 2020 BZA meeting on the condition that the Petitioner complies with Article 3, Rule 8 of the BZA Rules. If the Petitioner fails to appear at two consecutive meetings, the Board will move to dismiss the Petition. The Board will move to dismiss the Petition if the Petitioner does not attend the January 14, 2020 BZA meeting. The motion was seconded by John Kocher. All in favor, the motion carried.

Meg Collins will send Timothy Perry an e-mail containing the substance of this discussion.

### **b. Kevin and Jocelyn Kruis – 2027 Oriole Trail**

Developmental Standards Variance Petition requesting variances from the requirements of:

1. Section 154.057 – Schedule of District Regulations, concerning setbacks, and
2. Section 154.134 – Nonconforming Residential Dwelling Alteration Permitted.

Petitioner is requesting to construct three-season room and replacement deck.

-Preliminary hearing opened October 8, 2019 and continued to November 12, 2019 BZA meeting, which was cancelled. Preliminary hearing is continued to December 10, 2019 BZA meeting.

Alan Sirinek, Attorney for the Petitioner, explains the three items that were amended since the last meeting, including Form BZA-1, corrected mailing addresses within 300 feet of property, and completed Findings and Decisions.

Alan Sirinek confirms for Meg Kanyer that the four seasons room will be heated and air conditioned.

Mike Gorman and Alan Sirinek discuss the terms three seasons and four seasons, that are used interchangeably in the Petition. Mike states he is going to call the project an addition, not a screened porch.

Alan confirms there is a volume addition, replacing the old porch. Mike Gorman states the variance for volume needs to be specific. For the Building Commission the BZA needs to approve specific volume increase being approved. It appears the addition is 12 feet by 20 feet. The volume increase is the whole project since the wood deck was removed and is no longer there. Footprint variance was also discussed. In section 6A of Petition, two inches should be changed to two feet. Mike Gorman states 20 foot by 20 foot deck is also being added on southwestern side of property. Size of footprint being requested is not clear.

Setbacks are discussed. Amount of setback variance being requested is not clear. Surveyor report with date of November 9, 2019 is discussed. The survey seems to predate current zoning codes. Mike Gorman mentions elevations of home. Elevation could be more of an issue for Building Commission.

Foundation Plan provided information on deck from Menards and has no Identification on who prepared it. Blueprints show an existing above ground pool. Alan Sirinek states this was probably a mistake on the blueprints, there was no pool.

Mike Gorman comments on a few points in the Petitioner's Findings and Decisions.

The Board needs to know the exact amount of variance being sought by the Petitioner for volume, footprint, and setbacks. Bob Lemay states that four seasons room is creating another setback.

Mike Gorman motions, seconded by Meg Kanyer, to continue the preliminary hearing to the regularly scheduled January 14, 2020 BZA meeting. All in favor, the motion carried. Amended documents should be submitted by the new filing deadline of December 30, 2019.

**c. Thomas and Joellen O'Keefe – 2809 Lyndale Way**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted.

Petitioner is seeking to convert a pre-existing screen porch into a three-season room on the west side of the residence.

-Preliminary hearing set to open at the regularly scheduled December 10, 2019 BZA meeting.

Attorney Barry McDonnell, located at 601 Franklin Street, and Petitioner Thomas O'Keefe are in attendance. Barry McDonnell explains his clients wish to replace a prior porch with a slightly larger three seasons room. The room will not be heated or air-conditioned. The home is non-conforming. Footprint and volume are increasing. The structure itself will increase in size.

Barry McDonnell confirms for Meg Kanyer that the prior structure was a screened in porch with a roof. Barry explains the process of the removal of the prior structure (which was done by Petitioner without a building permit) and the broadened footprint on the survey that was submitted with the Petition. Prior, current, and planned new footers are discussed. The flooring was removed.

Barry McDonnell will amend BZA-1 of the petition to reflect both a volume and footprint increase and will clarify the exact amounts of volume and footprint increases. Under 6 B of the petition, 68 feet would be the full dimension of the structure. The request for footprint should be what the Building Commission will need which is the entire addition. Chris Willoughby confirms that since the prior structure was taken out, the footprint will be the size of the addition.

Mailing addresses are briefly discussed. Mike Gorman mentions Findings and Decisions being amended to reflect clarification of exact amounts for footprint and volume.

Meg Kanyer motions, seconded by John Kocher, to set the petition for public hearing at the regularly scheduled January 14, 2020 BZA meeting on the condition that the Petitioner provide revised wording for the amount of variance being requested, as soon as possible, but prior to December 30, 2019. All in favor, the motion carried.

**d. Jayson Will and Cory Soller – 2816 Brentwood Way**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted.

Petitioner is requesting to allow the increase of the usable size of the first floor area by enclosing an existing covered carport, without increasing building footprint but increasing building volume.

- Preliminary hearing set to open at the regularly scheduled December 10, 2019 BZA meeting.

Cory Soller submits additional Petition forms to Meg Collins and BZA Board. Cory explains the goal of the petition is to enclose a carport for usable living space and square footage. A bedroom and bath will be in the new area. Volume will increase, footprint will not increase. The basement of home is under the carport, stairs go down to the basement from the carport.

Cory Soller confirms for Mike Gorman that 16 feet by 22 feet is the size of the variance being sought. The roof over the carport is existing and will not be changed. The outside will match the current stucco of the home. The windows will match the windows currently on the left side of the home.

Bob Lemay and Mike Gorman briefly discuss a survey on the property.

Mike Gorman informs Petitioner he will need to notice neighbors within 300 feet of the property by sending certified letters and provide the Clerk's Office with the green return receipts. Mailing addresses should be used. On-site notice sign should be placed in yard at least 21 days prior to public hearing.

Cory Soller will complete required items for holding a public hearing.

Mike Gorman discusses number 3 of submitted Finding and Decisions that were submitted tonight. Petitioner should amend at a minimum, the checked box of number 3. Petitioner filled out BZA Forms 8, 9, and 10. Only BZA Form 9 is required.

Meg Kanyer motions, seconded by John Kocher, to set the petition for public hearing at regularly scheduled January 14, 2020 BZA meeting, on the condition that the Petitioner comply with requirements to hold public hearing, submit corrected mailing addresses and amended Form BZA 9 as soon as possible, but prior to December 30, 2019. All in favor, the motion carried.

8. Public Hearings - None

9. Adjournment: Motion to adjourn by John Kocher, seconded by Mike Gorman. The meeting unanimously adjourned at 8:20 p.m.

Agenda Attached.

Minutes Approved by:  
BZA Secretary Meg Collins

  
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**TOWN OF LONG BEACH  
ADVISORY BOARD OF ZONING APPEALS  
Regular Meeting  
Tuesday, December 10, 2019  
7:00 p.m.  
Long Beach Town Hall  
AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
  - a. October 8, 2019; Regular Meeting
- 5. Old Business**
  - a. **Thomas Cahill – 2813 Elbridge Way**

Withdrawal of variance request from Section 154.133 – Expansion of Nonconforming Building/Structures and Land Uses, which was tabled at the October 8, 2019 regularly scheduled BZA meeting.
- 6. New Business - None**
- 7. Preliminary Hearings**
  - a. **Timothy and Jennifer Perry – 1802 Lake Shore Drive**

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**8. Public Hearings - None**

**9. Adjournment**