

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall

Meeting Minutes for January 14th, 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, January 14, 2020. Chairman Mike Gorman called the meeting to order at 7:00 p.m.

2. Roll Call

Board members in attendance: Chairman Mike Gorman, Rich Jercich, and Meg Kanyer.

Newly appointed members: Barb Moran, Doug Wickstrom

Members absent: None

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: Joe Jogman

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 Meg Kanyer, seconded by Rich Jercich, the regular meeting minutes from December 10, 2019 were unanimously approved.

5. Old Business – None

6. New Business

**a. Annual election of Chairman and Vice Chairman pursuant to BZA Rules
Article II Rule I**

Rich Jercich motions, seconded by Barb Morgan, to appoint Mike Gorman to continue as BZA Chair for 2020. All in favor, the motion carries.

Meg Kanyer motions, seconded by Doug Wickstrom, to appoint Rich Jercich to serve as BZA Vice Chair for 2020. All in favor, the motion carries.

b. Consideration to change February 11, 2020 regularly scheduled BZA meeting date to February 4, 2020.

Mike Gorman motions, seconded by Rich Jercich, to change the February 11, 2020 regularly scheduled BZA meeting to February 4, 2020. All in favor, the motion carries. The next BZA meeting will be February 4, 2020.

The new meeting date changes the filing deadline. The deadline to file amended or new petitions will be January 21, 2020 by 10 a.m.

c. Consideration to cancel March 10, 2020 regularly scheduled BZA meeting.

Mike Gorman motions, seconded by Meg Kanyer, to cancel the March 10, 2020 regularly scheduled BZA meeting. All in favor, the motion carries.

The next meeting would be the April 14, 2020 regularly scheduled BZA meeting.

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 which was set to open on October 8, 2019 was postponed to the November 12, 2019 BZA meeting, which meeting was cancelled. At the December 10, 2019 BZA meeting, the Petitioner requested that the preliminary hearing again be postponed. The preliminary hearing is set to open at January 14, 2020 regularly scheduled BZA meeting.

Tim and Jennifer Perry are present at the meeting.

Jennifer Perry explains the construction of the home that was completed last year. Jennifer explains the 3 foot slab of concrete between the parking space and the home and what led to the concrete being above grade. When the actual building was erected, the front porch is now 10 inches higher than is allowable. The parking space requirement is 20 feet and only 17 feet are currently available.

Chris Willoughby explains the different options and considerations that were discussed. The alternative was to seek a parking variance.

Jennifer Perry confirms for Meg Kanyer that the original building plans were approved by the Building Commission.

Tim Perry explains the original building plan and actions of the Builder.

Mike Gorman has a better appreciation for situation given the Petitioner's explanation but struggles with Petitioner's installation of the concrete without a

building permit and in apparent violation of Ordinance. Mike discusses the grade of driveway and possible topography issue.

Tim Perry explains for Meg Kanyer that the purpose of the concrete was to be a foundation to fill in the gap when the wall of the house was moved three feet back. The concrete should have been at grade level.

Barb Morgan inquires about the hole being in the house from the wall being built three feet back from original foundation, and that there is a new foundation wall that goes below.

Tim Perry explains for Doug Wickstrom that once the gravel is removed it would be one foot or 18 inches below the step going into the house.

Chris Willoughby clarifies that any discussion of gravel and options are simply discussions. The Petitioner was under stop work order and still does not have certificate of occupancy. Gravel was poured after the stop work order was issued. Any discussions have always been the discretion of the Building Commission, and what BZA might allow if the Petitioner seeks proper authorization. The Petitioner may not be seeking all variances that may be required.

Joe Jogman comments that he asked frequently what support the buttress supplies and has never received an answer that the buttress is necessary to support anything.

Mike Gorman summarizes that the Board is being put in a position of considering a variance because the builder did not comply with approved building plans.

Rich Jercich motions, seconded by Barb Morgan, to set the petition for public hearing at the February 4, 2020 BZA meeting. All in favor, the motion carries.

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 was continued to November 12, 2019 BZA meeting, which meeting was cancelled. Preliminary hearing resumed at the December 10, 2019 BZA meeting and was continued to the January 14, 2020 regularly scheduled BZA meeting.

A request in writing from the Petitioner's Attorney, Alan Sirinek, was received at the Clerk's Office, requesting the preliminary hearing be continued to the February BZA meeting. The Petitioner was asked to provide additional information at the

December meeting and explained in the letter why there were not able to provide the requested items in time to attend the January meeting.

Mike Gorman motions, seconded by Meg Kanyer, to continue the preliminary hearing to the February 4, 2020 BZA meeting. All in favor, the motion carries.

8. Public Hearings

a. 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 opened December 10, 2019. Public hearing set to open at regularly scheduled January 14, 2020 BZA meeting.

Attorney Barry McDonnell, located at 601 Franklin Street, and Petitioner's Thomas and Joellen O'Keefe, as well as General Contractor Joe Shinn are in attendance.

Barry McDonnell briefly summarizes the Petition. The Petitioner wishes to replace a pre-existing screened porch with a three-season room. The room will not be heated or air-conditioned. The lot size is nonconforming. Barry clarifies that the volume first floor area calculation is 197 square feet. Barry discusses the three necessary criteria from the Findings and Decisions.

Doug Wickstrom lives adjacent to the Petitioner and recuses himself from this vote. Doug will also not take part in any discussion.

Mike Gorman calls for any persons who wish to speak in support of the petition.

The following individuals speak in support of the petition:

Eden Lysaught of 2804 Lyndale Way

Michael Wolz of 2807 Roslyn Trail

Cara Jones of 2807 Lyndale Way

Meg Collins reads a letter of support out loud from Robert and Jayne Schaefer of 2800 Oriole Trail.

Mike Gorman calls for any persons who wish to speak in opposition of the petition. No audience members are in opposition and no letters were received in opposition.

Mike Gorman declares the public comment portion of the meeting closed.

Building Commission representative Joe Jogmen mentions that at the last meeting Bob Lemay requested specifics such as height and volume. Joe would like to make sure the Building Commission receives this information.

Mike Gorman states the footprint increase is 12 by 16 feet, 4 inches. The volume is footprint by one story.

Barry McDonnell agrees the volume and footprint are correct. Barry incorporated the larger dimension provided by Joe Shinn. Mike Gorman states the BZA decision would be tied to the plans the Petitioner submitted.

Mike Gorman reads aloud Findings and Decisions granting the variance.

Mike Gorman motions, seconded by Rich Jercich, to grant the variance based on the Findings and Decisions.

Vote is taken as a roll call. Meg Kanyer, Rich Jercich, Barb Morgan, and Mike Gorman are in favor of the motion. Doug Wickstrom is recused from the vote. None opposed. The motion carries four in favor, one recused. The variance is granted. The Petitioner must still request a building permit from the Building Commission.

b. 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 opened December 10, 2019. Public hearing set to open at regularly scheduled January 14, 2020 BZA meeting.

All requirements have been met. Mike Gorman opens the public hearing.

Petitioner Cory Soller explains the goal of the project is to increase volume of property, while utilizing footprint already established by the existing carport. The lot is nonconforming. Size of lot is 11,000 square feet.

Mike Gorman calls for any persons who wish to speak in support of the petition. Cara Jones of 2807 Lyndale Way speaks in favor of the petition.

Meg Collins reads a letter of support out loud from Robert and Jayne Schaefer of 2800 Oriole Trail.

Mike Gorman calls for any persons who wish to speak in opposition of the petition. No audience members are in opposition and no letters were received in opposition.

Mike Gorman declares the public comment portion of the meeting closed.

Building Commission representative Joe Jogmen explains if the Petitioner chooses to use the garage parking space for a bedroom, one parking space is lost. There are Ordinances for parking spaces that require three parking spaces.

Mike Gorman adds the Petitioner will go back before the Building Commission again for a permit and there is potential the Petitioner is creating a further nonconformance concerning parking spaces.

Cory Soller confirms for Mike Gorman that the roof is not being replaced, that the aesthetics match the current stucco and design, the footprint is not changing, and strictly volume is the issue.

Mike Gorman confirms any variance that is approved is subject to drawings submitted by Petitioner.

Meg Kanyer reads aloud Findings and Decisions in favor of the Petition.

Mike Gorman adds two changes to the Findings and Decisions. Under request in the third line wording should say just volume, not in first floor area, that would result in increase in first floor area. On Page 2, next to last line, wording should say dwelling or structure in volume, not in first floor area.

Meg Kanyer motions, seconded by Doug Wickstrom, to approve the variance based on the Findings and Decisions with amended comments from Mike Gorman.

Vote is taken as a roll call. Meg Kanyer, Doug Wickstrom, Rich Jercich, Barb Morgan, and Mike Gorman are in favor of the motion. None opposed. The motion carries five in favor. The variance is granted. The Petitioner must still request a building permit from the Building Commission.

9. Adjournment: Motion to adjourn by Meg Kanyer, seconded by Barb Morgan. The meeting unanimously adjourned at 8:26 p.m.

Agenda Attached.

Findings and Decision Attached – Thomas and Joellen O’Keefe, 2809 Lyndale Way
Findings and Decision Attached – Jayson Will and Cory Soller, 2816 Brentwood Way

Minutes Approved by:
BZA Secretary Meg Collins



TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS
Regular Meeting
Tuesday, January 14, 2020
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. December 10, 2019; Regular Meeting
- 5. Old Business - None**
- 6. New Business**
 - a. Annual election of Chairman and Vice Chairman pursuant to BZA Rules Article II Rule 1
 - b. Consideration to change February 11, 2020 regularly scheduled BZA meeting date to February 4, 2020.
 - c. Consideration to cancel March 10, 2020 regularly scheduled BZA meeting.
- 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.

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 - 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 an addition and replacement deck.

-Preliminary hearing opened October 8, 2019 and was continued to November 12, 2019 BZA meeting, which meeting was cancelled. Preliminary hearing resumed at the December 10, 2019 BZA meeting and was continued to the January 14, 2020 regularly scheduled BZA meeting.

8. Public Hearings

a. 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 opened December 10, 2019. Public hearing set to open at regularly scheduled January 14, 2020 BZA meeting.

b. 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 opened December 10, 2019. Public hearing set to open at regularly scheduled January 14, 2020 BZA meeting.

9. Adjournment

**Long Beach Advisory Board of Zoning Appeals
Findings and Decisions
Development Standard Variance**

Petition No.: _____

Petitioner(s)/Owner(s): Thomas H. O'Keefe and Joellen O'Keefe.

Common Address: 2809 Lyndale Way.

Legal Description: *See attached Exhibit "A", which is incorporated into and made a part of these Findings and Decisions by virtue of this reference.*

Request: Petitioners request Development Standard Variance for the purpose of replacing a previously existing porch with a newly constructed three (3) seasons room without HVAC. The addition will result in the alteration and improvement of a nonconforming residential dwelling or structure that will result in an increase in the footprint and first floor area as well as the overall volume of the building, all of which is generally impermissible under the Section 154.134 of the Town's Zoning Code.

Date Public Hearing(s) Held: January 14, 2020.

The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the Petitioner's Petition for Standard Development Variance, supporting documents, testimony, and evidence presented during the public hearing on the subject Petition, other materials presented to the BZA that are part of the public record, and the legal requirements set forth under the Indiana and Long Beach Codes, the BZA now makes the following findings,

1. The approval of the requested Development Standard Variance from the Town's general restriction against permitting the alteration of the Petitioner's nonconforming residential building or other accessory nonconforming structure that improves livability or usability but also increases the size of the first floor area and/or volume of the building will not be injurious to the public health, safety, morals and general welfare because the contemplated project will be constructed in a manner similar to other projects and improvements that exist or that have otherwise been allowed in and around the immediate vicinity of the subject property, and all construction will be in compliance with applicable provisions of the Town's Building Code.

2. The use and value of the area adjacent to the property subject to the requested Development Standard Variance will not be affected in a substantially adverse manner because the project involves updating and improving the property while maintaining its general compatibility with the character of the immediate neighborhood.

3. The strict application of the Long Beach Zoning Code will result in practical difficulties in the use of the subject property for which the Development Standard Variance is sought because the subject property, like many throughout the community, is a nonconforming lot. As a result of the nonconformance, the Petitioners would not otherwise be able to make the contemplated improvements or use and enjoy their property in the same manner as other property owners that are similarly situated without receiving approval for the requested Development Standard Variance.

4. All relief granted by the BZA for the subject Petition should be only under Section 154.134 of the Zoning Code as no other relief from any other Sections is properly before the BZA for consideration.


Based on the forgoing findings as well as due regard for the requirements of both state and local laws, it is the decision of the BZA to approve and grant the requested Standard Development Variance to allow Petitioners to replace a previously existing porch with a newly constructed three (3) seasons room without HVAC, which will allow for the alteration and improvement of a nonconforming residential dwelling or structure resulting in a total increase in first floor area of 197 square feet and footprint of 12 feet by 16 feet 4 inches, as well a total increase in the volume of the building based on this one story room, subject to the following determinations and/or conditions:

- 1. The Standard Development Variance are granted as relief only from Section 154.134 of the Zoning Code;**
- 2. No part of these Findings and Decisions shall be deemed to include any consideration or determination regarding any other Section(s) of the Zoning Code, including as no relief under any other Section(s) was requested of or otherwise properly before the BZA for consideration as part of the subject Petition; and**
- 3. Petitioner must obtain all required and applicable permits, including, but not limited to, a building permit, prior to the commencement of any work, all of which shall be based on and subject to the drawings and plans submitted to the BZA for consideration under the Petition.**

Dated this 14th day of January, 2020.

LONG BEACH ADVISORY BOARD OF ZONING APPEALS

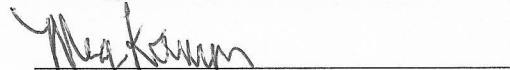
LONG BEACH ADVISORY BOARD OF ZONING APPEALS



Michael Gorman, Chairman

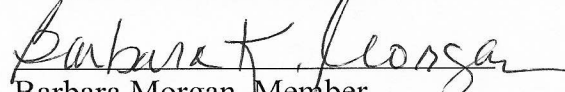


Rich Jercich, Vice-Chairman



Meg Kanyer, Member

Doug Wickstrom, Member



Barbara Morgan, Member

**Long Beach Advisory Board of Zoning Appeals
Findings and Decisions
Development Standard Variance(s)**

Petition No.: _____

Petitioner(s)/Owner(s): Jayson C. Will and Cory L. Soller.

Common Address: 2816 Brentwood Way.

Legal Description: *See attached Exhibit "A", which is incorporated into and made a part of these Findings and Decisions by virtue of this reference.*

Request: Petitioners request Development Standard Variance(s) for the purpose of enclosing an existing carport. The addition will result in the alteration and improvement of a nonconforming residential dwelling or structure that will result in an increase in volume, all of which is generally impermissible under the Section 154.134 of the Town's Zoning Code.

Date Public Hearing(s) Held: January 14, 2020.

The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the Petitioner's Petition for Standard Development Variance(s), supporting documents, testimony, and evidence presented during the public hearing on the subject Petition, other materials presented to the BZA that are part of the public record, and the legal requirements set forth under the Indiana and Long Beach Codes, the BZA now makes the following findings,

1. The approval of the requested Development Standard Variance(s) from the Town's general restriction against permitting the alteration of the Petitioner's nonconforming residential building or other accessory nonconforming structure that improves livability or usability but also increases the size of the first floor area and/or volume of the building will not be injurious to the public health, safety, morals and general welfare because the contemplated project will be constructed in a manner similar to other projects and improvements that exist or that have otherwise been allowed in and around the immediate vicinity of the subject property, and all construction will be in compliance with applicable provisions of the Town's Building Code.
2. The use and value of the area adjacent to the property subject to the requested Development Standard Variance(s) will not be affected in a substantially adverse manner

because the project involves updating and improving the property while maintaining its general compatibility with the character of the immediate neighborhood.

3. The strict application of the Long Beach Zoning Code will result in practical difficulties in the use of the subject property for which the Development Standard Variance(s) is/are sought because the subject property, like many throughout the community, is a nonconforming lot. As a result of the nonconformance, the Petitioners would not otherwise be able to make the contemplated improvements or use and enjoy their property in the same manner as other property owners that are similarly situated without receiving approval for the requested Development Standard Variance(s).

3. All relief granted by the BZA for the subject Petition should be only under Section 154.134 of the Zoning Code as no other relief from any other Sections is properly before the BZA for consideration.

Based on the forgoing findings as well as due regard for the requirements of both state and local laws, it is the decision of the BZA to approve and grant the requested Standard Development Variance(s) to allow Petitioners to enclose their existing carport, which will allow for the alteration and improvement of a nonconforming residential dwelling or structure resulting in an increase in volume, subject to the following determinations and/or conditions:

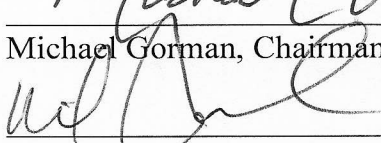
- 1. The Standard Development Variance is granted as relief only from Section 154.134 of the Zoning Code;**
- 2. No part of these Findings and Decisions shall be deemed to include any consideration or determination regarding any other Section(s) of the Zoning Code, including as no relief under any other Section(s) was requested of or otherwise properly before the BZA for consideration as part of the subject Petition; and**
- 3. Petitioner must obtain all required and applicable permits, including, but not limited to, a building permit, prior to the commencement of any work, all of which shall be based on and subject to the drawings and plans submitted to the BZA for consideration under the Petition.**

Dated this 14th day of January, 2020.

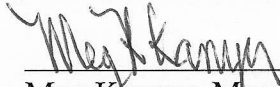
LONG BEACH ADVISORY BOARD OF ZONING APPEALS



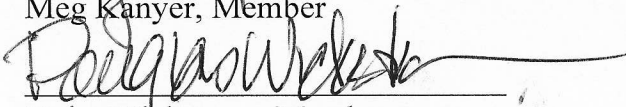
Michael Gorman, Chairman



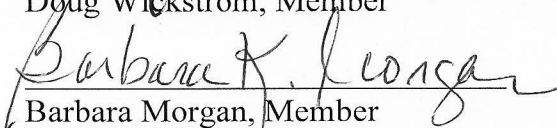
Rich Jereich, Vice-Chairman



Meg Kanyer, Member



Doug Wickstrom, Member



Barbara Morgan, Member