

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Long Beach Gymnasium
Zoom Video Conference Call

Meeting Minutes for September 8th, 2020

1. Call to Order

The Regular Meeting of the Town of Long Beach Advisory Board of Zoning Appeals was held in the Long Beach Gymnasium and by Zoom Conference Call on Tuesday, September 8, 2020. 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, Rich Jercich, and Doug Wickstrom

Board members attending via Zoom Conference Call: None

Members absent: Barb Morgan

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 via Zoom Conference Call: Court Reporter Rebecca Lempa and Videographer Marilyn Jones, hired by a private individual

3. Pledge of Allegiance

4. Approval of Minutes: Upon motion by Doug Wickstrom, seconded by Rich Jercich, the regular meeting minutes from July 14, 2020 were unanimously approved.

5. Old Business - None

Mike Gorman spoke with Bill DeFuniak concerning an updated copy of the Zoning Book. Bill Defuniak will work with Meg Collins to get an updated copy of the Zoning Book to the BZA Board members.

6. New Business - None

7. Preliminary Hearings

a. Tom and Eileen Rubey – 2003 Idlewood Trail

Development Standard Variance Petition requesting variance from the requirements of Section 154.134 – Nonconforming Residential Dwelling Alteration Permitted.

Petitioner is seeking a home renovation that includes a volume increase.

- The preliminary hearing was set to open at the regularly scheduled August 11, 2020 BZA meeting which was cancelled. The preliminary hearing is set to open at the regularly scheduled September 8, 2020 BZA meeting.

The preliminary hearing is open.

Tom and Eileen Rubey explain the property and variance request, including replacing the roof and garage that will both increase volume. The existing roof will be replaced with a pitched roof and a portion of the deck is on the garage.

Doug Wickstrom asks about the specific amount of volume. Mike Gorman explains the volume on the drawings submitted by the Petitioner and states the Petitioner has not provided height. Eileen Rubey confirms the Petitioner has had conversations with the Building Commissioner but that a building permit application has not yet been submitted.

The submitting of building plans is discussed. Bob Lemay comments that the Board needs cubic feet, or average height.

Mike Gorman explains the actual volume needs to be provided for purposes of public hearing. The Rubey's will also need to specify the exact variance they are asking for and the volume increase in the notice sent to residents within 300 feet.

Doug Wickstrom gives explanation of volume to Eileen Rubey.

Mike Gorman explains if a variance is granted the volume increase will go to the Building Commission and the Petitioner is bound to those numbers with whatever leeway the Building Commission provides. Mike summarizes that in order to set for public hearing the Petitioner is to provide to the BZA Board documents detailing the amount of the volume increase, including adding height to the volume already provided, and include the volume increase number in the public notices.

Meg Kanyer motioned, seconded by Doug Wickstrom, to set the petition for public hearing at the regularly scheduled October 13, 2020 BZA meeting. All in favor, the motion carried. The Rubey's should file with the Clerk's Office at least two weeks prior to the meeting. Mike reminds the Petitioner to pay attention to Form BZA 12, checklist for public hearing.

b. Brian and Danielle Hoener – 2002 Somerset Road

Development Standard Variance Petition requesting variance from the requirements of 154.127 – Residential Single Nonconforming Lot of Record in Any District

Petitioner is seeking to remodel and make permanent a pre-existing three-season room on the front of the residence.

- The preliminary hearing was set to open at the regularly scheduled August 11, 2020 BZA meeting which was cancelled. The preliminary hearing is set to open at the regularly scheduled September 8, 2020 BZA meeting.

The preliminary hearing is open.

Brian and Ellie Hoener explain the property and variance request. The pre-existing three-season room does not have heat or electric. The Petitioner is looking to make the room permanent, increase function, and allow year round use as opposed to seasonal.

Mike Gorman explains code 154.127 does not apply to the Petitioner's property, the site plan states that existing lot coverage is under 35%. Section 154.134 pertains to increasing footprint and volume. Section 154.134 applies when changes to a nonconforming building are requested. Due to the nonconformity, once the Petitioner wants to increase size, the footprint and volume, a variance is needed.

Bob Lemay explains the Building Commission looked at this on July 10, 2020 and he is not sure why the owners did not receive a letter of denial. The lot is nonconforming and they are increasing footprint and volume.

Mike Gorman explains the petitioner needs to calculate the dimensions of extension out to the front of the house and the room on the side of the house, and volume. The petitioner should provide exact numbers for both of those things in order for the BZA to consider the petition.

Meg Kanyer inquires about an outdoor shower that appears to be on the property line. Brian Hoener responds that the shower is not permanent and is moveable.

Mike Gorman adds the shower is something that goes back to the Building Commission. The Building Commission will not grant a building permit if there is an encroachment on the side setback.

Mike Gorman confirms that in addition to covered porch on front and closet on east side of house, the petitioner has behind that covered porch, a breakfast room and foyer that is remodeling of existing footprint. These are all questions the Building Commission will consider when they look at the building permit.

The Petitioner is to file an amended petition, including specifics and the code they are looking for, with the Clerk's Office at least two weeks prior to the October BZA meeting.

Doug Wickstrom motions, seconded by Rich Jercich, to continue the preliminary hearing to the regularly scheduled October 13, 2020 BZA meeting. All in favor, the motion carried.

c. Bill and Karen Loftus – 2600 Hermoine Trail

Development Standard Variance Petition requesting variances from the requirements of:

1. Section 154.057 – Schedule of District Regulations, concerning side and rear setbacks, and
2. Section 154.046(A) – Permitted Uses and Structures, one single-family dwelling on a zoning lot.

Petitioner is requesting to demolish and reconstruct an accessory structure with a second story addition.

- The preliminary hearing was set to open at the regularly scheduled August 11, 2020 BZA meeting which was cancelled. The preliminary hearing is set to open at the regularly scheduled September 8, 2020 BZA meeting.

The preliminary hearing is open.

Bill and Karen Loftus explain the property and the variance requests, including the 2.5 car garage and carport. The Petitioner is requesting to rebuild the structure and add a second story addition.

The Board first discusses the dwelling unit addition request. Code 154.046 (A) which limits one single-family unit per zoning lot is discussed. Doug Wickstrom and Mike Gorman state the addition is a separate living structure.

Bill Loftus asks for clarification on the definition of a dwelling unit.

Bill Loftus and the Board discuss the specifics of the dwelling unit request in the Petition. Mike Gorman states that what the Petitioner presented to the Board is an accessory structure that the Petitioner is looking to change into a dwelling unit.

Chris Willoughby explains incidental use and associated with main dwelling. In the request there are two dwelling units. Under the code there has to be incidental to primary dwelling. Bill Loftus will revise his plans accordingly and resubmit. Bill Loftus confirms for Mike Gorman that he will be prepared to submit a revised petition in two weeks.

Setbacks are discussed. The survey submitted by the Petitioner has incorrect building lines. Larry Wall is the best person for the Petitioner to contact. The Petitioner will need to provide the correct setbacks. Mike Gorman explains that Appendix A submitted with the Petition is not correct. Bob Lemay thinks a height issue raised by Larry Wall was resolved.

The Petitioner is to file an amended petition and amended drawings with the Clerk's Office two weeks prior to the October BZA meeting.

Rich Jercich motions, seconded by Meg Kanyer, to continue the preliminary hearing to the regularly scheduled October 13, 2020 BZA meeting. All in favor, the motion carried.

8. Public Hearings - None

9. Adjournment: Motion to adjourn by Meg Kanyer, seconded by Doug Wickstrom. The meeting unanimously adjourned at 8:08 p.m.

Agenda Attached.

Minutes Approved by:
BZA Secretary Meg Collins



**TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS
Regular Meeting
Tuesday, September 8, 2020
7:00 p.m.
Long Beach Community Center Gymnasium
Zoom Video Conference Information On Town Webpage
AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
 - a. July 14, 2020; Regular Meeting**
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings**
 - a. Tom and Eileen Ruby – 2003 Idlewood Trail**

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8. Public Hearings - None

9. Adjournment