

**TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS**

Long Beach Gymnasium
Zoom Video Conference Call

Meeting Minutes for November 10th, 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, November 10, 2020. Chairman Mike Gorman called the meeting to order at 7:03 p.m.

2. Roll Call

Board members in attendance: Chairman Mike Gorman, Rich Jercich, and Doug Wickstrom

Board members attending via Zoom Conference Call: Barb Morgan

Members absent: Meg Kanyer

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 Barb Morgan, seconded by Doug Wickstrom, the regular meeting minutes from October 13, 2020 were unanimously approved.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings

a. Keith and Victoria Schander – 2814 Lyndale Way

Development Standard Variance Petition requesting variances from the requirements of Section 154.057 – Schedule of District Regulations, concerning setbacks and lot coverage.

Petitioner is seeking to construct a room addition.

- The preliminary hearing opened at the regularly scheduled October 13, 2020 BZA meeting. The preliminary hearing was continued to the regularly scheduled November 10, 2020 BZA meeting.

Mike Gorman explains the Petitioner has withdrawn the petition and there will be no preliminary hearing held tonight. This item will no longer be on the agenda.

8. Public Hearings

a. 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 opened at the regularly scheduled September 8, 2020 BZA meeting. The preliminary hearing was continued to the regularly scheduled October 13, 2020 BZA meeting. The public hearing is set to open at the regularly scheduled November 10, 2020 BZA meeting.

All requirements to hold a public hearing have been met.

Mike Gorman declares the public hearing open.

Brian and Danielle Hoener are attending via Zoom. Brian explains the remodel will increase functionality, usability, and efficiency of the home. It will increase the property value as well as the property value of the homes around it.

Mike Gorman states for record the three standards the Board is required to meet in order to grant a developmental variance.

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

Meg Collins reads the following letters and e-mails aloud:

Kathleen Hanley of 2000 Goldengate Drive

David Valkema of 2001 Lake Shore Drive

Kathy and Jordan Goodman of 2004 Somerset Drive

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

No individuals speak in opposition and no letters in opposition were received.

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

Building Commission representative Bob Lemay states the need for the variance is due to the lot being too small. The request is for footprint and volume increases.

Barb Morgan motions, seconded by Rich Jercich, to approve the variance request. Barb Morgan reads Findings and Decisions aloud.

Mike Gorman states the numbers are reflected correctly, but asks if it is necessary to correct wording under relief and other section pertaining to the addition on the east side of the home. Chris Willoughby responds that the wording as well as addition on the east side can be added. Barb Morgan understands.

Vote is taken as a roll call. Rich Jercich, Barb Morgan, Doug Wickstrom, and Mike Gorman are in favor of the motion. None oppose the motion. Four in favor, none opposed, the motion carries.

Chris Willoughby will add wording about the addition on the east side of the home.

Meg Collins will send a copy of the signed Findings and Decisions via e-mail to the Petitioner.

b. 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 opened at the regularly scheduled September 8, 2020 BZA meeting. The preliminary hearing was continued to the regularly scheduled October 13, 2020 BZA meeting.

All requirements to hold a public hearing have been met.
Mike Gorman declares the public hearing open.

Bill Loftus runs through exhibits that were provided to the Board and neighbors, and explains the Petition up to this point in time. The Petitioner submitted an original plan in June and received a denial letter from the Building Commission in July. Bill explains the existing structures and discusses the architectural value of the proposed structure. Bill explains this is his home office, a residential application. He will conduct Zoom calls here, there will not be clients at the residence, no materials will be received. Bill walks the Board through the three standards required by the BZA.

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

Meg Collins reads the following letters and e-mails aloud:

Patti Segreti of 2614 Hermoine Trail

Tom and Julie Burke of 2601 Lake Shore Drive

Michelle Sheehy of 2701 Floral Trail

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

No individuals speak in opposition and no letters in opposition were received.

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

Building Commission representative Bob Lemay explains the permit was denied at the July 10, 2020 Building Commission meeting because of side and rear setback issues and considerations of granny loft above the garage that would be a second residence on the property.

The BZA Board discusses the Petition, including the volume and size, the height of the structure, the changes to the plans presented by the Petitioner to the Board, and the placement of the structure and encroachment into the setbacks. The following zoning codes were discussed in relation to the Petition: 154.046 (A) which only allows one dwelling on a building lot, 154.046 (C) which states a home office must be in the principal structure and not in an accessory structure, and 154.049 (C) which says business use is not permitted in residential district.

Chris Willoughby discusses the term hardship and what it means by Indiana standards. Indiana standard would be analyzing practical difficulty and not hardship.

The lot size is mentioned. Mike Gorman explains set back situations typically come about on smaller lots. There could be opportunity to not go further into the setbacks, to get out of the setbacks altogether, or to correct some of these non-compliances. Location of the structure compared to neighboring properties is mentioned.

Bill Loftus requests to withdraw his petition.

The Board discusses this request. Continuation of the petition is discussed. It is explained to the Petitioner that if the petition was continued the record and public comment have been closed. If the petition were to be denied the Petitioner would be prohibited from bringing the same or similar request before this Board for a year. A decision requires a majority vote of three. One Board member is absent tonight.

Bill Loftus states he read this in the code and that his garage will not last a year. Bill asks for a continuation of the petition and understands the public hearing would continue at Board deliberation at the December BZA meeting.

Chris Willoughby clarifies again for the Petitioner and the Board that if the Board votes to continue, the Petitioner will not have the opportunity to submit any additional documentation and the public hearing will be taken up at Board discussion at the next meeting.


Mike Gorman motions, seconded by Doug Wickstrom, to continue this public hearing at this point in the process to the regularly scheduled December 8, 2020 BZA meeting. All in favor, the motion carried.

9. Adjournment: Motion to adjourn by Rich Jercich, seconded by Doug Wickstrom. The meeting unanimously adjourned at 8:20 p.m.

Agenda Attached.

Findings and Decision Attached: Brian and Danielle Hoener, 2002 Somerset Road

Minutes Approved by:
BZA Secretary Meg Collins

_____

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS
Regular Meeting
Tuesday, November 10, 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. October 13, 2020; Regular Meeting
5. **Old Business - None**
6. **New Business - None**
7. **Preliminary Hearings**
 - a. **Keith and Victoria Schander – 2814 Lyndale Way**

Development Standard Variance Petition requesting variance from the requirements of Section 154.057 – Schedule of District Regulations, concerning setbacks and lot coverage.

Petitioner is seeking to construct a room addition.

- The preliminary hearing opened at the regularly scheduled October 13, 2020 BZA meeting. The Petitioner has requested the Petition be withdrawn. This item is no longer before the Board.
8. **Public Hearings**
 - a. **Brian and Danielle Hoener – 2002 Somerset Road**

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

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

- The preliminary hearing opened at the regularly scheduled September 8, 2020 BZA meeting and was continued to the regularly scheduled October 13, 2020 BZA meeting. The public hearing is set to open at the regularly scheduled November 10, 2020 BZA meeting.

b. Bill and Karen Loftus – 2600 Hermoine Trail

Development Standard Variance Petition requesting variance from the requirements of:

- 1) Section 154.057 – Schedule of District Regulations, concerning side and rear setbacks; and
- 2) Section 154.134 – concerning volume and footprint.

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

- The preliminary hearing opened at the regularly scheduled September 8, 2020 BZA meeting and was continued to the regularly scheduled October 13, 2020 BZA meeting.

The public hearing is set to open at the regularly scheduled November 10, 2020 BZA meeting.

9. Adjournment

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

Petition No.: _____

Petitioner(s)/Owner(s): Brian and Danielle Hoener.

Common Address: 2002 Somerset Road.

Request: Petitioners request Development Standard Variances for the purpose of remodeling their home and building a permanent three seasons room located at the front and an addition on the east side of their existing home. The contemplated project will involve the alteration and improvement of a nonconforming residential dwelling or structure resulting in an increases in the volume of 837 cubic feet and footprint of 217 square feet, all of which is generally impermissible under the Section 154.134 of the Town's Zoning Code.

Date Public Hearing Held: November 10, 2020.

The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the Petitioners' 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 Variances from the Town's general restriction against permitting the alteration of the Petitioners' nonconforming residential building or other accessory nonconforming structure that improves livability or usability but also increases the size of the first floor area or footprint 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 approved in and around the immediate vicinity of the subject property and/or community, 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 Variances will not be affected in a substantially adverse manner because the project involves updating and improving the property while maintaining and be compatible 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 Variances are sought because the subject property, like many throughout the community, is a nonconforming lot. As a result of the nonconformance, 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 Variances.

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.

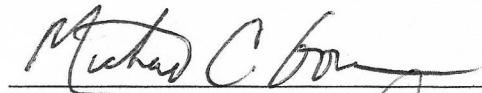
Based on the forgoing findings as well as due regard for the requirements of both state and local laws, it is the decision of the BZA to approve and grant the requested Standard Development Variances to allow Petitioners to remodel their home and build a permanent three seasons room located at the front and an addition on the east side of their existing home. The contemplated project will result in the alteration and improvement of their nonconforming residential dwelling or structure that will result in increases in the volume of 837 cubic feet and footprint of 217 square feet, all of which is otherwise generally impermissible under the Section 154.134 of the Town's Zoning Code, subject to the following determinations and/or conditions:

1. The Standard Development Variance(s) 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 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. Petitioners 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.

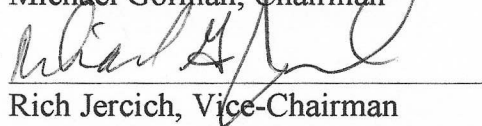
Dated this 10th day of November, 2020.

LONG BEACH ADVISORY BOARD OF ZONING APPEALS

By:

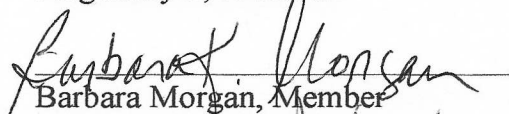


Michael Gorman, Chairman



Rich Jercich, Vice-Chairman

Meg Kanyer, Member



Barbara Morgan, Member



Doug Wickstrom, Member