

TOWN OF LONG BEACH  
ADVISORY BOARD OF ZONING APPEALS

Zoom Video Conference Call

Meeting Minutes for April 13th, 2021

1. Call to Order

The Regular Meeting of the Town of Long Beach Advisory Board of Zoning Appeals was held via Zoom Conference Call on Tuesday, April 13, 2021. Chairman Mike Gorman called the meeting to order at 7:00 p.m.

2. Roll Call

Board members attending via Zoom Conference Call: Chairman Mike Gorman, Rich Jercich, Meg Kanyer, Barb Morgan, and Doug Wickstrom  
Members absent: None  
A quorum is present and the meeting shall proceed

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

Also in attendance: Secretary Meg Collins

Building Commission representative: Joe Jogmen

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 a motion by Rich Jercich, seconded by Barb Morgan, the regular meeting minutes from March 9, 2021 were unanimously approved.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings

**a. Andrew and Maria Smith – 2610 Lake Shore Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Sections:

1. Section 154.057 – Schedule of District Regulations, concerning lot coverage,
2. Section 154.048 – Maximum Height of Buildings, concerning rear building height, and
3. Section 154.106 – Structure Projection Into Setbacks, concerning side setbacks.

Petitioner is seeking to build a new residence.

-Preliminary hearing was set to open at the regularly scheduled March 9, 2021 BZA meeting. At the Petitioner's request the opening of the preliminary hearing was continued to the regularly scheduled April 13, 2021 BZA meeting.

The Petitioners have requested a continuance through Chris Willoughby.

Mike Gorman suggests and reads the following condition out loud:

Given that this would be the second consecutive continuance, both petitions will be removed from the agenda and held in abeyance until such a time as the Petitioners file a notice with the BZA that they either intend to proceed with their preliminary hearings or withdraw both petitions. Such notice should be filed with the Town Clerk's Office in accordance with the filing deadline, two weeks prior to a scheduled BZA meeting.

Doug Wickstrom motions, seconded by Meg Kanyer, to remove both petitions from the agenda and approve continuance of both petitions based on the condition. All in favor, the motion carried.

Meg Collins will e-mail the Petitioners informing them of the continuance with the condition.

**b. Andrew and Maria Smith - 2616 Lake Shore Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.106 - Structure Projection Into Setbacks, concerning side setbacks.

Petitioner is seeking paving, retaining, and pool that extend into the west 18 foot side setback.

-Preliminary hearing was set to open at the regularly scheduled March 9, 2021 BZA meeting. At the Petitioner's request the opening of the preliminary hearing was continued to the regularly scheduled April 13, 2021 BZA meeting.

This petition has been continued with the above condition.

**c. Bruce and Lisa Miller - 1409 Lake Shore Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.048 - Maximum Height of Buildings, concerning building height due to lot access and steepness of the grade.

Petitioner is seeking to build a new residence on a vacant lot.

-Preliminary hearing is set to open at the regularly scheduled April 13, 2021 BZA meeting.

John Spalding of Spalding Design Group, the architect for the petitioners, explains the variance request for building height.

John Spalding explains the height at street level would be 77 feet.

Mike Gorman inquires if the Petitioners have considered any other design for this building.

John Spalding explains the dune and the design plan.

The list of addresses within 300 feet was briefly discussed.

Joe Jogmen states the Petitioners have not yet come before the Building Commission.

Mike Gorman explains any construction approved by the BZA must first go before the Building Commission.

Mike Gorman motions, seconded by Rich Jercich, to set the petition for public hearing at next regularly scheduled May 11, 2021 BZA meeting. All in favor, the motion carried.

**d. Paul and Julie Walczak – 2028 Silvertip Lane**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.127 – Residential Single Nonconforming Lot Of Record In Any District, concerning lot size requirements.

Petitioner is seeking to raze the existing home and build a new residence on a nonconforming lot that is less than 12,000 square feet.

-Preliminary hearing is set to open at the regularly scheduled April 13, 2021 BZA meeting.

Petitioner Paul Walczak explains the variance request. Paul gives the Board the square footage of the lot as 8700 square feet. Paul explains there is an alleyway that runs behind the property that belongs to the Town. The Petitioner brought up the possibility of purchasing part of the alleyway at the last Town Council meeting. The septic system plan is nearly approved by the Laporte County Health Department.

Chris Willoughby explains the BZA Board could include a restriction or condition that a variance approval would be subject to.

Julie Walczak states going through the BZA process makes sense before beginning excavation of the property.

Meg Kanyer motions, seconded by Barb Morgan, to set the petition for public hearing at next regularly scheduled May 11, 2021 BZA meeting. All in favor, the motion carried.

Mike Gorman mentions the BZA requirements for public hearing.

**e. Daniel and Shannon Wojcik – 2024 Golden Gate Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Sections:

1. 154.130 – Nonconforming Buildings And Structures, concerning an existing nonconforming structure, and

2. 154.134 – Nonconforming Residential Dwelling Alteration Permitted, concerning volume.

Petitioner is seeking to raise the roof of an existing garage with a room over to a height that matches the roofline of the residence and to replace the existing front porch and canopy. Canopy will be at a steeper pitch and will be slightly larger than the existing canopy.

-Preliminary hearing set to open at regularly scheduled April 13, 2021 BZA meeting.

Rich Trainor, Attorney for the Petitioners, explains the variance requests. Rich confirms for Barb Morgan that the room over the garage is attached to the main house. Rich explains the room over the garage and the front porch and canopy.

Volume increase was discussed, as well as the eaves of the home.

A vacated alley on the northwest property line was discussed.

A photo of the existing house and proposed house is mentioned, along with volume increase. The Petitioner can choose whether to submit an amended letter with the correct volume increase and the reason for the volume changing/increasing.

Rich Jercich motions, seconded by Barb Morgan, to set the petition for public hearing at next regularly scheduled May 11, 2021 BZA meeting. All in favor, the motion carried.

Mike Gorman mentions the BZA requirements for public hearing. Mike also states the filing deadline of April 27, 2021.

#### 8. Public Hearings

##### **a. William and Amanda Kenefick – 2318 Hazeltine Drive**

Development Standard Variance Petition requesting variances from the requirements of Sections:

1. Section 154.057 – Schedule of District Regulations, concerning footprint,
2. Section 154.134 – Nonconforming Residential Dwelling Alteration Permitted, concerning Volume, and
3. Section 154.130 – Nonconforming Buildings and Structures, concerning lot coverage.

Petitioner is seeking to build a covered open deck to the front of the residence and a new walkway that would connect the deck to the already existing driveway.

- The preliminary hearing opened at the regularly scheduled February 9, 2021 BZA meeting and was continued to the regularly scheduled March 9, 2021 BZA meeting. The public hearing is set to open at the regularly scheduled April 13, 2021 BZA meeting.

All requirements to hold a public hearing have been met.

Mike Gorman declares the public hearing open.

Petitioner Billy Kenefick gives a recap of the project.

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:

Edward Ranquist of 2208 Florimond Drive

Tom King of 2301 Florimond Drive

Ryan Neary of 2320 Hazeltine Drive

Lesa Wallace of 2211 Florimond Drive

Kevin Coleman of 2308 Larchmont Drive

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

Anita Remijas of 2300 Florimond Drive spoke in opposition.

No letters in opposition were received.

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

Building Commission representative Joe Jogmen has nothing to add.

The BZA Board discusses the petition. Billy Kenefick confirms no parking spaces will be eliminated. Billy states the specific increases for footprint and volume in percentages and clarifies the necessary numbers for the variances being requested.

Meg Kanyer motions to approve the variance request. Meg Kanyer reads Findings and Decisions aloud. The motion is seconded by Rich Jercich.

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

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

Agenda Attached.

Findings and Decision Attached: William and Amanda Kenefick, 2318 Hazeltine Drive

Minutes Approved by:  
BZA Secretary Meg Collins



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

**Regular Meeting**

**Tuesday, April 13, 2021**

**7:00 p.m.**

**Zoom Video Conference Information On Town Website**

**AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
  - a. March 9, 2021; Regular Meeting
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings**
  - a. **Andrew and Maria Smith – 2610 Lake Shore Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Sections:

    - 1) 154.057 – Schedule of District Regulations, concerning lot coverage,
    - 2) 154.048 – Maximum Height of Buildings, concerning rear building height, and
    - 3) 154.106 – Structure Projection Into Setbacks, concerning side setbacks.

Petitioner is seeking to build a new residence.

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  - b. **Andrew and Maria Smith – 2616 Lake Shore Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.106 – Structure Projection Into Setbacks, concerning side setbacks.

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**c. Bruce and Lisa Miller – 1409 Lake Shore Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.048 – Maximum Height of Buildings, concerning building height due to lot access and the steepness of the grade.

Petitioner is seeking to build a new residence on a vacant lot.

-Preliminary hearing is set to open at the regularly scheduled April 13, 2021 BZA meeting.

**d. Paul and Julie Walczak – 2028 Silvertip Lane**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.127 – Residential Single Nonconforming Lot Of Record In Any District, concerning lot size requirements.

Petitioner is seeking to raze the existing home and build a new residence on a nonconforming lot that is less than 12,000 square feet.

-Preliminary hearing is set to open at the regularly scheduled April 13, 2021 BZA meeting.

**e. Daniel and Shannon Wojcik – 2024 Golden Gate Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Sections:

- 1) 154.130 – Nonconforming Buildings And Structures, concerning an existing nonconforming structure, and
- 2) 154.134 – Nonconforming Residential Dwelling Alteration Permitted, concerning volume.

Petitioner is seeking to raise the roof of an existing garage with a room over to a height that matches the roofline of the residence and to replace the existing front porch and canopy. Canopy will be at a steeper pitch and will be slightly larger than the existing canopy.

-Preliminary hearing set to open at regularly scheduled April 13, 2021 BZA meeting.

**8. Public Hearings**

**a. William and Amanda Kenefick – 2318 Hazeltine Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Sections:

- 1) 154.057 – Schedule of District Regulations, concerning footprint,
- 2) 154.134 – Nonconforming Residential Dwelling Alteration Permitted, concerning volume, and
- 3) 154.130 – Nonconforming Building and Structures, concerning lot coverage.

Petitioner is seeking to build a covered open deck to the front of the residence and a new walkway that would connect the deck to the already existing driveway.

-Preliminary hearing opened at the regularly scheduled February 9, 2021 BZA meeting and was continued to the regularly scheduled March 9, 2021 BZA meeting. Public hearing is set to open at the regularly scheduled April 13, 2021 BZA meeting.

**9. Adjournment**

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

**Petition No.:** \_\_\_\_\_

**Petitioner(s)/Owner(s):** William and Amanda Kenefick.

**Common Address:** 2318 Hazeltine Drive.

**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 Variances from the requirements of Sections 154.057 (lot coverage), 154.130 (nonconforming buildings and structures), and 154.134 (increase in volume and footprint) authorizing them to add an open air, covered porch that will also increase interior living space as well as a walkway located at the front of their home and connecting to an existing driveway. The contemplated project involves an increase in permissible lot coverage to **39%** as well as the alteration and improvement of a nonconforming residential building or other accessory nonconforming structure resulting in increases in the footprint by **324 sq. ft.** and volume by **578 sq. ft.**, all of which is generally impermissible under the Sections 154.057 and 154.134 of the Town's Zoning Code.

**Date Public Hearing Held:** April 12, 2021.

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 Variances from the Town's general requirements for lot coverage in a residential zoning district and 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 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 Variances 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 Variances are sought because the contemplated project, like many throughout the community, involves the alteration or improvement of a nonconforming residential building or other accessory nonconforming structure on a nonconforming lot. As a result of the nonconformance(s), 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 Variances.

4. All relief granted by the BZA for the subject Petition should be only under Sections 154.057

and 154.134 of the Zoning Code as Section 154.130 is not applicable to the relief sought and 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 add an open air, covered porch that will also increase interior living space as well as a walkway located at the front of their home and connecting to an existing driveway. The contemplated project involves an increase in permissible lot coverage to 39% as well as the alteration and improvement of a nonconforming residential building or other accessory nonconforming structure resulting in increases in the footprint by 324 sq. ft. and volume by 578 sq. ft., all of which is generally impermissible under the Sections 154.057 and 154.134 of the Town's Zoning Code subject to the following determinations and/or conditions:**

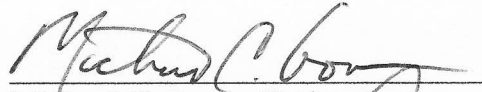
1. The Standard Development Variance is granted as relief only from Sections 154.057 and 154.134 of the Zoning Code as relief under Section 154.130 is deemed unnecessary;

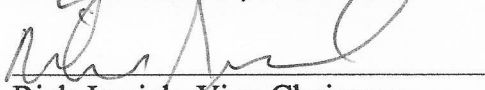
2. No part of these Findings and Decisions shall be deemed to include any consideration or determination regarding any other Section of the Zoning Code as no such relief was requested of or is otherwise properly before the BZA for consideration as part of the subject Petition, except as otherwise addressed above; and

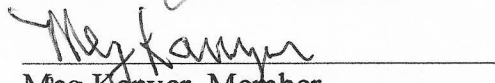
3. Petitioners must obtain all required and applicable permits, including, but not limited to, a building permit, prior to the commencement of any work, all of which shall be based on and subject to the drawings and plans submitted to the BZA for consideration under the Petition.

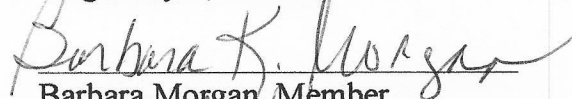
Dated this 13<sup>th</sup> day of April, 2021

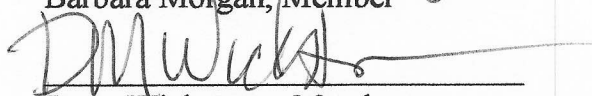
**LONG BEACH ADVISORY BOARD OF ZONING APPEALS**

  
Michael Gorman, Chairman

  
Rich Jercich, Vice-Chairman

  
Meg Kanyer, Member

  
Barbara Morgan, Member

  
Doug Wickstrom, Member