

TOWN OF LONG BEACH  
ADVISORY BOARD OF ZONING APPEALS

Zoom Video Conference Call

Meeting Minutes for May 11th, 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, May 11, 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

Note concerning each motion: The state is now requiring all motions be roll call votes. Continued use of Zoom meetings is allowed.

4. Approval of Minutes: Rich Jercich motioned, seconded by Meg Kanyer, to approve the regular meeting minutes from April 13, 2021.

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. The regular meeting minutes from April 13, 2021 are 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 154.048 – Maximum Height of Buildings, concerning rear building height, and
  2. 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 deferred at both the March 9, 2021 and April 13, 2021 meetings. The preliminary hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.

Attorney Brad Adamsky is running late. The two preliminary hearings can be moved to the end of the agenda.

The preliminary hearings are the last items discussed at the May 11<sup>th</sup> meeting.

Mike Gorman explains to Attorney Brad Adamsky that if and when the two Smith petitions are set for public hearing, there will be two separate public hearings. That seems fair to Brad Adamsky.

Attorney Brad Adamsky, representing the petitioners, gives a brief summary of the two Smith petitions.

The BZA Board discussed the possibility of adding a condition to any BZA approval concerning the five lots and any combination that would be completed with the County Assessor Office. Setbacks were discussed at length along with property lines. The Petitioner can determine and state the exact setbacks being requested, how far any structure extends into the setback, and cite the applicable sections of the code that apply to the requests. The impact of setbacks on new residence that is being constructed could be clarified. A swimming pool being classified as a structure was mentioned. The marketability of the property as a whole was discussed in relation to it being sold in the future.

Heidi Hornaday is the architect.

Joe Jogmen mentioned potential issue with the Laporte County Health Department septic moratorium north of LSD that is still in place.

If the petitions were to be set for public hearing the petitioners would need to submit revised amended Form BZA 1's, clarification of codes, exact amounts being requested, and property line clarifications. Variances could be granted on the trust that the Petitioner is going to split these properties.

Mike Gorman motions, seconded by Meg Kanyer, to set both properties, 2610 and 2616 Lake Shore Drive, for public hearing at the June 8, 2021 BZA meeting.

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. The two petitions are set for public hearing. The Petitioners should file documentation to satisfy everything that has been discussed tonight with the Clerk's Office by May 25, 2021.

Meg Collins will send Brad Adamsky a sentence, advising the public that the public hearing will be held by Zoom, to be included in the notices that will be sent.

**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 deferred at both the March 9, 2021 and April 13, 2021 meetings. The preliminary hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.

The petition for 2626 LSD was discussed last at the May 11, 2021 BZA meeting, along with the 2610 LSD petition. See minutes above under 2610 LSD petition.

**8. Public Hearings**

**a. 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 opened at the regularly scheduled April 13, 2021 BZA meeting. The public hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.

Items for opening public hearing were not fulfilled. The opening of this public hearing will be deferred to the regularly scheduled June 8, 2021 BZA meeting.

**b. 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 opened at the regularly scheduled April 13, 2021 BZA meeting. The public hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.

The certified mailings were discussed by the Board. Paul Walczak e-mailed proof of notice to property owners within 300 feet to Chris Willoughby and Meg Collins.

Mike Gorman motioned, seconded by Meg Kanyer, to accept actions taken by the petitioner that result in substantial compliance with the notice requirements of the BZA rules.

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. The e-mail submission is sufficient.

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

Petitioner Paul Walczak summarizes the variance request. John Allegretti is the architect.

Mike Gorman calls for any persons who wish to speak in support of the petition. Donna Kavanagh of 2104 Avondale Drive spoke in favor.

Meg Collins reads the following letters and e-mails aloud:  
Bob and Beth White of 2022 Silvertip Lane  
Teresa and Mark Curi of 2026 Silvertip Lane

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

Mike Gorman declares the public comment portion of the meeting closed.  
Building Commission representative Joe Jogmen has no comments to add.

The BZA Board discussed the size of the lot and square foot percentage of the lot.  
Mike Gorman spoke.

Rich Jercich motions to deny the variance. Rich reads the findings and decisions aloud. Mike Gorman states that Rich referenced the wrong code at the beginning of the findings. The code is changed from 154.157 to 154.127. The motion is seconded by Barb Morgan.

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. The variance request is denied.

**c. 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 opened at the regularly scheduled April 13, 2021 BZA meeting. The public hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.

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

Attorney Rich Trainor outlines the petition and amendment that were filed.

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:

Jeff and Debbie Yoder of 2003 Lawndale Drive  
Ann Schreeg of 2023 Golden Date Drive  
Tim and Marcia Taebel of 2020 Golden Gate Drive  
Mitch Taebel of 2020 Golden Gate Drive  
Veda Briley of 2017 Golden Gate Drive  
Walter Zmuda of 2005 Juneway Drive  
Chris and Joanna Cleary of 2007 Oriole Trail  
Howard and Jane Tiffen of 2002 Oriole Trail  
Mark and Peggy Udelhofen of 2010 Oriole Trail

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

Mike Gorman declares the public comment portion of the meeting closed.  
Building Commission representative Joe Jogmen has no comments to add.

Rich Jercich clarifies the volume amount in cubic feet for Mike Gorman. Rich Trainor put the volume increase in the amendment that was submitted to the Clerk's Office. Mike Gorman spoke briefly.

Mike Gorman motions to approve the variance. Mike reads the 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. The variance request is granted.

9. Adjournment: Motion to adjourn by Barb Morgan, seconded by Rich Jercich. The meeting unanimously adjourned at 8:41 p.m.

Agenda Attached.

Findings and Decision Attached: Paul and Julie Walczak, 2028 Silvertip Lane  
Findings and Decision Attached: Daniel and Shannon Wojcik, 2024 Golden Gate Drive

Minutes Approved by:  
BZA Secretary Meg Collins



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

**Regular Meeting  
Tuesday, May 11, 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. April 13, 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) 154.048 – Maximum Height of Buildings, concerning rear building height, and
    - 2) 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 deferred at both the March 9, 2021 and April 13, 2021 meetings. The preliminary hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.
  - 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 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 deferred at both the March 9, 2021 and April 13, 2021 meetings. The preliminary hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.

## **8. Public Hearings**

### **a. 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 opened at the regularly scheduled April 13, 2021 BZA meeting.

The public hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.

### **b. 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 opened at the regularly scheduled April 13, 2021 BZA meeting.

The public hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.

### **c. 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 opened at the regularly scheduled April 13, 2021 BZA meeting. The public hearing is set to open at the regularly scheduled May 11, 2021 BZA meeting.

## **9. Adjournment**



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

**Petitioner(s)/Owner(s):** Paul and Julie Walczak

**Common Address:** 2028 Silvertip Lane.

**Request:** Petitioners seek a standard development variance from Section 154.127 authorizing them to construct a new residential dwelling on an otherwise non-conforming lot, which is prohibited unless the requested relief is granted.

**Date Public Hearing Held:** May 11, 2021.

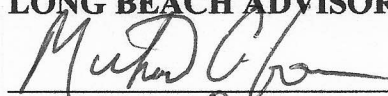
The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the Petitioner's Petition for Standard Development Variance, supporting documents, testimony, and evidence presented during the public hearing on the subject Petition, other materials presented to the BZA that 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,

Petitioners failed to meet their burden of establishing that 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 from the provisions of Section 154.127 of the Code is sought.

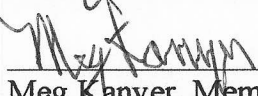
Based on the forgoing findings as well as due regard for the requirements of both state and local laws, it is the decision of the BZA to deny the requested Standard Development Variance from the requirements of 154.127 of the Zoning Code.

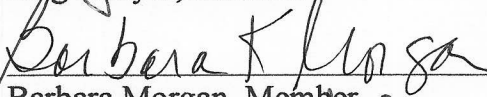
Dated this 11<sup>th</sup> day of May, 2021.

**LONG BEACH ADVISORY BOARD OF ZONING APPEALS**

  
\_\_\_\_\_  
Michael Gorman, Chairman

  
\_\_\_\_\_  
Rich Jercich, Vice-Chairman

  
\_\_\_\_\_  
Meg Kanyer, Member

  
\_\_\_\_\_  
Barbara Morgan, Member

  
\_\_\_\_\_  
Doug Wickstrom, Member

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

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

**Petitioner(s)/Owner(s):** Shannon and Daniel Wojcik.

**Common Address:** 2024 Golden Gate Drive.

**Request:** Petitioners seek standard development variances from Sections 154.130 and 154.134 of the Zoning Code authorizing them to raise the roofline of an existing garage to align the height with the roofline of the residence and increasing living space and also seek to replace existing eaves with larger eaves as well as the front porch and canopy. The contemplated project involves the alteration and improvement of a nonconforming residential building or other accessory nonconforming structure resulting in an overall increase in volume by 1,854.6 cubic feet, which is generally impermissible under the Section 154.134 of the Town's Zoning Code

**Date Public Hearing Held:** May 11, 2021.

The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the Petitioner's Petition for Standard Development Variance, amended and 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 provisions of Section 154.134 of the Code 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 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 from the provisions of Section 154.134 of the Code 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.

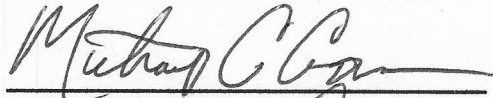
3. The strict application of the Long Beach Zoning Code will result in practical difficulties in the use of the subject property for which the Development Standard Variance from the provisions of Section 154.134 of the Code is sought because the contemplated project, like many throughout the community, 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 Variance.
4. All relief granted by the BZA for the subject Petition should be only under Section 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 Variance from the requirements of 154.134 of the Zoning Code and authorize Petitioners to raise the roofline of an existing garage to align the height with the roofline of the residence and increase living space and further authorize them to replace existing eaves with larger eaves as well as the front porch and canopy all of which will result in an overall increase in volume by 1,854.6 cubic feet, subject to the following determinations and/or conditions:

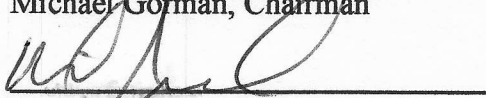
1. A Standard Development Variance is granted as relief only from Section 154.134 of the Zoning Code as relief under Section 154.130 is deemed unnecessary;
2. No part of these Findings and Decisions shall be deemed to include any consideration or determination regarding any other Section of the Zoning Code as no such relief was requested of or 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 11<sup>th</sup> day of May, 2021.

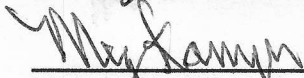
**LONG BEACH ADVISORY BOARD OF ZONING APPEALS**



Michael Gorman, Chairman



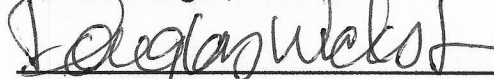
Rich Jercich, Vice-Chairman



Meg Kanyer, Member



Barbara Morgan, Member



Doug Wickstrom, Member