

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Zoom Video Conference Call

Meeting Minutes for June 8th, 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, June 8, 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, Barb Morgan, and Doug Wickstrom

Members absent: Rich Jercich and Meg Kanyer

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: 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: Barb Morgan motioned, seconded by Doug Wickstrom, to approve the regular meeting minutes from May 11, 2021.

Vote is taken as a roll call. Barb Morgan, Doug Wickstrom, and Mike Gorman are in favor of the motion. None oppose the motion. Three in favor, none opposed, the motion carries. The regular meeting minutes from May 11, 2021 are approved.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings

a. Andrew and Maria Smith - 2616 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 is set to open at the regularly scheduled June 8, 2021 BZA meeting.

Chris Willoughby and Mike Gorman state that a variance approval or denial would require three votes, a unanimous vote of the three present Board members.

Attorney Brad Adamsky summarizes this new petition and explains how the previous two petitions before the BZA have been withdrawn. The new petition includes the removal of the second residence component, the combining of all five lots, a garage with storage underneath it, and the accessory building being placed in side lot due to slope and topography.

Mike Gorman states that the side lot variance request is not requested in the petition. Brad Adamsky agrees that a third variance request would need to be added.

If the Board proceeds to public hearing an approval would be subject to the condition that the petitioners supply the Building Commission with the appropriate documentation demonstrating that the combination of lots has taken place.

Architect Heidi Hornaday gives the specs of the garage accessory structure. Tresses are above the parking spaces to match the construction of the adjacent home. Unfinished storage space is below the garage. The area has 16 feet of clearance to reach grade at Lake Shore Drive.

Chris Willoughby states the Board could include a revocation condition for if the unfinished storage space were to be converted into something that was not approved by the BZA.

Bob Lemay confirms that these new plans have been changed substantially from any plans the building commission has seen.

In response to Mike Gorman's question as to whether any alternatives have been considered which would lower the overall height of the structure so as to not require a variance from the 33' height limit, Architect Heidi Hornaday states that the roof of the garage could be lowered below the 33' limit. Attorney Brad Adamsky said that he would talk to his client's about that.

The Board discusses the size of the structure, the lot size in relation to town ordinances, the property line elevation on the lakeside, the height ordinance, lot coverage, fire concerns, and side yard location of an accessory structure. A possible fourth variance for the 1% limit on an accessory structure may be needed.

Mike Gorman motions, seconded by Barb Morgan, to set this petition for public hearing at the regularly scheduled July 13, 2021 BZA meeting. The Board requests the petitioner to file an amended Form BZA 1 by the filing deadline of June 29, 2021. The notices sent to neighbors within 300 feet should be corrected to identify the common address for each property. The notices and legal notification should include four variance requests discussed tonight:

- 1) 154.048 - maximum height of buildings concerning overall building height.
- 2) 154.051(B) - permitted accessory uses and structures concerning size of storage area limited to 1% of zoning lot.
- 3) 154.052(A) and 154.052(D) - construction and location standards for accessory uses and structures concerning accessory structure not permitted in side yard.
- 4) 154.052(C) - construction and location standards for accessory uses and structures concerning 18 foot height of accessory structure.

Vote is taken as a roll call. Barb Morgan, Doug Wickstrom, and Mike Gorman are in favor of the motion. None oppose the motion. Three in favor, none opposed, the motion carries. This petition is set for public hearing.

8. Public 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 opened at the May 11, 2021 BZA meeting. The public hearing is set to open at the regularly scheduled June 8, 2021 BZA meeting.

The petition has been withdrawn by the petitioners and is no longer on agenda for the BZA to consider.

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 opened at the May 11, 2021 BZA meeting. The public hearing is set to open at the regularly scheduled June 8, 2021 BZA meeting.

The petition has been withdrawn by the petitioners and is no longer on agenda for the BZA to consider.

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

The public hearing was set to open at the May 11, 2021 BZA meeting but all requirements to open a public hearing were not met. The opening of the public hearing was deferred to the regularly scheduled June 8, 2021 BZA meeting.

All requirements to hold a public hearing have been met.

Mike Gorman declares the public hearing open.

Architect John Spalding summarizes the petition. John discusses the renderings and site plan that were e-mailed to the Board. John explained the concept of the building envelope and challenges with the lot.

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

No letters in support were received and no one spoke in support.

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

Fire Chief John Wall of 2022 June way spoke in opposition.

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

Robert Brown of 1406 Lake Shore Drive

James Hutchins of 1407 Lake Shore Drive

Robert Thompson and Sarah Liddell Thompson of 1408 Lake Shore Drive

Nicola Chalik of 1412 Lake Shore Drive and a 1/3rd owner of the two vacant lots directly east of 1409 Lake Shore Drive

Fire Commissioner Rick Lutterbach of 2511 Fairway Drive

John Spalding responded to the Board after the letters in opposition were read.

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

Building Commission representative Bob Lemay states that no permit request has been sent to the building commission.

Barb Morgan states she agrees with the Fire Department and does not think a fire truck could get access easily.

Doug Wickstrom confirms with John Spalding that the petition does not include any fire suppression system.

Mike Gorman comments about the variance request.

Barb Morgan motions to deny the variance. Barb reads the findings and decisions aloud. The motion is seconded by Doug Wickstrom.

Vote is taken as a roll call. Barb Morgan, Doug Wickstrom, and Mike Gorman are in favor of the motion. None oppose the motion. Three in favor, none opposed, the motion carries. The variance request is denied.

9. Adjournment: Motion to adjourn by Barb Morgan, seconded by Mike Gorman. The meeting unanimously adjourned at 8:20 p.m.

Agenda Attached.

Findings and Decision Attached: Bruce and Lisa Miller, 1409 Lake Shore Drive

Minutes Approved by:
BZA Secretary Meg Collins



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

Tuesday, June 8, 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. May 11, 2021; Regular Meeting**
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings**
 - a. Andrew and Maria Smith – 2616 Lake Shore Drive**

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

 - 1) 154.048 – Maximum Height of Buildings, and
 - 2) 154.052 – Construction and Location Standards for Accessory Uses and Structures.

Petitioner is seeking to construct an accessory structure (garage) that is 37' 2 ¼" from lowest pre-construction grade elevation.

-Preliminary hearing is set to open at the regularly scheduled June 8, 2021 BZA meeting.
- 8. Public 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 opened at the regularly scheduled May 11, 2021 BZA meeting. The public hearing is set to open at the regularly scheduled June 8, 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 opened at the regularly scheduled May 11, 2021 BZA meeting. The public hearing is set to open at the regularly scheduled June 8, 2021 BZA meeting.

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

The public hearing was set to open at the May 11, 2021 BZA meeting but all requirements to open a public hearing were not met. The public hearing is set to open at the regularly scheduled June 8, 2021 BZA meeting.

9. Adjournment

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

Petitioner(s)/Owner(s): Bruce and Lisa Miller.

Common Address: 1409 Lakeshore Drive (Vacant Land, Parcel ID# 46-01-22-105-005.000-023).

Request: Petitioners seek a standard development variance from the height limitations of Section 154.048 authorizing them to construct a new home with a total height of 77' from the lowest preconstruction grade, which would otherwise make their contemplated project impermissible without the relief sought.

Date Public Hearing Held: June 8, 2021.

The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the subject 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 154.048 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 154.048 of the Zoning Code.

Dated this 8th day of June, 2021.

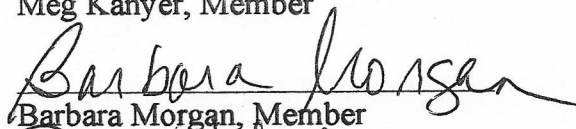
LONG BEACH ADVISORY BOARD OF ZONING APPEALS



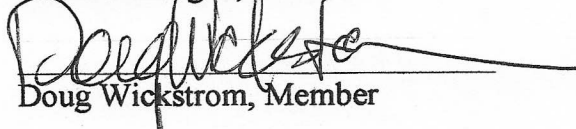
Michael Gorman, Chairman

Rich Jercich, Vice-Chairman

Meg Kanyer, Member



Barbara Morgan, Member



Doug Wickstrom, Member