

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Zoom Video Conference Call

Meeting Minutes for September 14th, 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, September 14, 2021. Chairman Mike Gorman called the meeting to order at 7:00 p.m.

2. Roll Call

Board members attending by Zoom: Chairman Mike Gorman, Rich Jercich, Meg Kanyer, Barb Morgan, and Doug Wickstrom

Members attending in person: None

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: Bob Lemay and 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: Rich Jercich motioned, seconded by Barb Morgan, to approve the regular meeting minutes from August 10, 2021. A roll call vote was taken. Rich Jercich, Meg Kanyer, Barb Morgan, Doug Wickstrom, and Mike Gorman are in favor of the motion. Five in favor, the motion carried. The regular meeting minutes from August 10, 2021 are approved.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings

a. Neil and Pancha French – 3018 Northmoor Trail

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.052 – Construction and Location Standards for Accessory Uses and Structures, concerning side setback.

Petitioner is seeking to install an accessory structure (shed) in the side yard and within the side setback.

- Preliminary hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.

Neil and Pancha French are present. Neil gives background and explains the petition. Neil explains he spoke with the Building Inspector.

Bob Lemay would have preferred the Inspector to have the petitioner go before the Building Commission to see if any other variance is necessary.

The addition of a setback variance request is discussed. 1% rule for accessory structures was mentioned. The size of the shed should be specified. Petitioner should obtain service addresses for mailing out certified letters.

Rich Jercich motions, seconded by Meg Kanyer, to set the petition for public hearing at the regularly scheduled October 12, 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 petition is set for public hearing.

b. Jeffrey and Debra Yoder – 2003 Lawndale Avenue

Developmental Standards Variance Petition requesting variance – zoning code sections are not specified.

Petitioner is seeking to convert an existing garage into living space, add a new garage, fencing, and an enclosed screen porch.

- Preliminary hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.

Jeff and Debra Yoder are present. Jeff explains the petition. Debra explains going before the Building Commission. Bob Lemay clarifies he believes the petitioner received a site review. Site review goes before Building Commissioner, not the Building Commission.

The petitioner should submit a deed to prove ownership of the home. The Board mentioned setbacks. The petitioner should decide what to request of the BZA.

Meg Kanyer motions, seconded by Barb Morgan, to continue the preliminary hearing to the regularly scheduled October 12, 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 preliminary hearing has been continued.

If items cannot be submitted to the Clerk's Office by the two week deadline of September 28, 2021, the petitioner should request a continuance through the Clerk's Office.

c. Jeffrey and Deborah Zaluda – 2900 Lothair Way

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.052(C) – Construction and Location Standards for Accessory Uses and Structures, concerning setbacks.

Petitioner is seeking to renovate an existing home where the proposed structure does not fall within the required setbacks.

- Preliminary hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.

Deborah and Jeff Zaluda are present. Deborah explains the petition, including footprint and width of the existing garage. The garage will extend 3 feet into the petitioners yard but not toward the street.

The Board inquired about the footprint, height, slope of the roof, and location of the garage. Property and setback lines are what is relevant.

Additional variances from 154.057 (setbacks) and 154.105 (setbacks for corner lots) were discussed. The petitioner should specify how much variance is being requested. Completed findings and decisions should also be submitted. The foundation of the home was discussed. Age of current garage was mentioned. There are not increases to volume or footprint because the garage is not a rehab. Since the garage is new construction there are no issues with volume.

The petitioner explains the two warranty deeds submitted with the petition. Chris Willoughby sees no issue with two warranty deeds.

Rich Jercich motions, seconded by Meg Kanyer, to set the petition for public hearing at the regularly scheduled October 12, 2021 BZA meeting. The petitioner should address the items discussed including Form BZA1 and findings and decisions prior to the two week deadline and comply with all requirements to hold a public hearing.

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 petition is set for public hearing.

d. Shoreland Hills Property Owners Association, Inc. – Stop 31 Lake Shore Drive

Developmental Standards Variance Petition requesting variances from the requirements of:

- 1) Section 154.102(C) – Accessory Uses Allowable in the Public Right Of Way, and
- 2) Section 154.118(C)(1) – Permitted Sign Types

Petitioner is seeking a variance for an existing roped fence in the Town Right Of Way and a variance to retain both preexisting and new signs.

- Preliminary hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.

Anthony Novak, Attorney for Newby, Lewis, Kaminski, & Jones, LLP, representing the Shoreland Hills Property Owners Association, Inc., gives history of the Association and timeline for property. Fencing and signage are explained. Photos and exhibits are explained.

Mike Gorman requests the petition add in common addresses for the notice to surrounding properties within 300 feet. Anthony Novak will also supply two deeds for the properties.

The Board, Anthony Novak, and Joe Schuerman (a member of the Association) discuss two subdivisions of Shoreland Hills. The prior decision of the Long Beach Town Council was discussed, concerning fencing and signage. History, content, and placement of signs was discussed. The number of signs in the variance requests was discussed.

The Board and Anthony Novak discuss rope fencing. The placement, setbacks, prior approval, jurisdiction, and right of way were discussed. A building permit application from September 10, 2020 and two surveys were discussed. Whether the BZA has authority over the two fences was discussed. An easement was mentioned.

Joe Sherman explained the stairway to the east. The current owner across the street has rights to access the beach as long as owner maintains and insures the stairs.

The petitioner can clarify, amend, add to the petition as well as pose questions to the Building Commission prior to the next meeting.

Mike Gorman motions, seconded by Barb Morgan, to continue the preliminary hearing to the regularly scheduled October 12, 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 preliminary hearing has been continued.

Any items should be submitted to the Clerk's Office by the two week deadline, September 28, 2021.

8. Public Hearings

a. Kerry and Robert Vyverberg – 2319 Florimond Avenue

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.106 – Structure Projection into Setbacks, concerning front yard setback.

Petitioner is seeking to raze an existing house and build a new residence that will project into the front yard setback.

-Preliminary hearing opened at the regularly scheduled August 10, 2021 BZA meeting. Public hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.

Rob Vyverberg and the Board discuss the receipts of notice to neighboring property owners and the lack of return receipts. Chris Willoughby explains the rules.

Meg Kanyer motions, seconded by Rich Jercich, to accept the notice paperwork that was submitted as compliance.

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.

Mike Gorman declares the public hearing open.

Rob and Kerry Vyverberg are present. Rob explains the petition.

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

Meg Collins reads letters from the following individuals:

William and Susan Luegers of 2312 Larchmont

Bruce and Regina Bradley of 2313 Larchmont

No individuals spoke in support.

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

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

Building Commission representative Bob Lemay confirms the petition was not submitted to the Building Commission and the Building Commission did not have the opportunity to look at the petition.

The Board mentioned the home will be new construction after the current home is torn down. The Board mentioned topography, septic systems, setbacks, and placement of the home.

Mike Gorman motions to deny the variance. Mike reads findings and decisions aloud. Barb Morgan seconds the motion.

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 requests are denied.

9. Adjournment: Motion to adjourn by Rich Jercich, seconded by Meg Kanyer. All in favor, the motion carried. The meeting unanimously adjourned at 9:22 p.m.

Agenda Attached.

Findings and Decisions Attached: Kerry and Robert Vyverberg, 2319 Florimond Avenue

Minutes Approved by:
BZA Secretary Meg Collins

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**TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS
Regular Meeting
Tuesday, September 14, 2021
7:00 p.m.
Long Beach Community Center Gymnasium
AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
 - a. August 10, 2021; Regular Meeting
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings**
 - a. **Neil and Pancha French – 3018 Northmoor Trail**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.052 – Construction and Location Standards for Accessory Uses and Structures, concerning side setback.
Petitioner is seeking to install an accessory structure (shed) in the side yard and within the side setback.
- Preliminary hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.
 - b. **Jeffrey and Debra Yoder – 2003 Lawndale Avenue**

Developmental Standards Variance Petition requesting variance – zoning code sections are not specified.
Petitioner is seeking to convert an existing garage into living space, add a new garage, fencing, and an enclosed screen porch.
- Preliminary hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.
 - c. **Jeffrey and Deborah Zaluda – 2900 Lothair Way**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.052(C) – Construction and Location Standards for Accessory Uses and Structures, concerning setbacks.
Petitioner is seeking to renovate an existing home where the proposed structure does not fall within the required setbacks.
- Preliminary hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.

- d. **Shoreland Hills Property Owners Association, Inc. – Stop 31 Lake Shore Drive**
Developmental Standards Variance Petition requesting variances from the requirements of:
1) Section 154.102(C) – Accessory Uses Allowable in the Public Right Of Way, and
2) Section 154.118(C)(1) – Permitted Sign Types
Petitioner is seeking a variance for an existing roped fence in the Town Right Of Way and a variance to retain both preexisting and new signs.
- Preliminary hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.

8. Public Hearings

- a. **Kerry and Robert Vyverberg – 2319 Florimond Avenue**
Developmental Standards Variance Petition requesting variances from the requirements of:
1) Section 154.057 - Schedule of District Regulations, and
2) Section 154.105 - Front Yard Setback Requirements for Through and Corner Lots, concerning setbacks.
Petitioner is seeking to raze an existing house and build a new residence that will project into the front yard setback.
- Preliminary hearing opened at the regularly scheduled August 10, 2021 BZA meeting.
Public hearing is set to open at the regularly scheduled September 14, 2021 BZA meeting.

9. Adjournment

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

Petitioner(s)/Owner(s): Kerry and Robert Vyverberg

Common Address: 2319 Florimond Avenue.

Request: Petitioners seek standard development variances from Sections 154.057 and 154.105 of the Zoning Code that would enable them to construct a new single-family residence that encroaches on or into setbacks required under the Code.

Date Public Hearing Held: September 14, 2021.

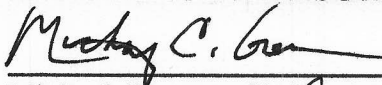
The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to Petitioners' Petition for Standard Development Variances, supporting documents, testimony, and evidence presented during the public hearing on the subject Petition, other materials presented to the BZA that are 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 Variances from Sections 154.057 and 154.105 of the Zoning Code are sought.

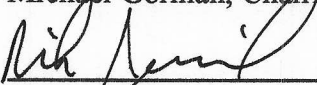
Based on the forgoing findings as well as due regard for the requirements of both state and local laws, it is the decision of the BZA to deny the requested Standard Development Variances from the requirements of Sections 154.057 and 154.105 of the Zoning Code.

Dated this 14th day of September, 2021.

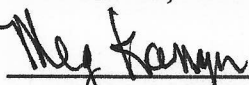
LONG BEACH ADVISORY BOARD OF ZONING APPEALS



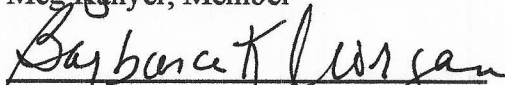
Michael Gorman, Chairman



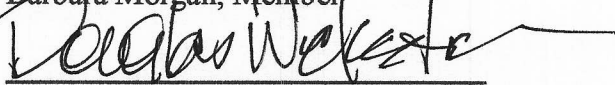
Rich Jercich, Vice-Chairman



Meg Kanyer, Member



Barbara Morgan, Member



Doug Wickstrom, Member