

TOWN OF LONG BEACH  
ADVISORY BOARD OF ZONING APPEALS

Zoom Video Conference Call

Meeting Minutes for October 12th, 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, October 12, 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

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 Meg Kanyer, to approve the regular meeting minutes from September 14, 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 September 14, 2021 are approved.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings

**a. Jeffrey and Debra Yoder – 2003 Lawndale Avenue**

Developmental Standards Variance Petition requesting variances from the requirements of:

1) 154.130 – Nonconforming Buildings and Structures,

2) 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage, and

3) 154.134 Nonconforming Residential Dwelling Alteration Permitted

Petitioner is seeking to rehab the property, including converting an existing garage into living space, building out the second floor over the existing garage, adding a new garage, screen in an existing porch, and add fencing.

-Preliminary hearing opened at the September 14, 2021 BZA meeting and was continued to the regularly scheduled October 12, 2021 BZA meeting.

Anthony Novak is the attorney representing the petitioners. Jeff and Debra Yoder are also present. An amended petition was submitted to the Clerk's Office. Anthony Novak explains the petition, including the home and property, and goes through the various exhibits.

The BZA Board discusses the side yard setbacks and property lines. The petitioner will supply a survey that was completed by Steve Thate back in January. Anthony Novak will ask the architect to detail the exact distances being requested for setbacks. An additional variance for lot coverage was discussed. Lot coverage should also be specified. Volume increase was discussed.

Anthony Novak stated the petitioner will amend the petition and include a request for a variance from 154.052(A) for a garage as an accessory structure being located in the side yard. A variance from section 154.105 for corner lot setbacks was discussed as well as a footprint increase under section 154.134.

The two week deadline to submit amendments or additional information is by October 26, 2021. Anthony Novak will submit by this date.

Rich Jercich motions, seconded by Meg Kanyer, to set the petition for public hearing at the November 9, 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.

Mike Gorman explains the public hearing requirements.

**b. Patrick and Pagie O'Neil – Lots 31 and 33, Tentatively 1417 Lake Shore Drive**

Developmental Standards Variance Petition requesting variances from the requirements of:

Section 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage, and

Section 154.051 – Permitted Accessory Uses and Structures

Petitioner is seeking to build a new home, requesting variances to construct retaining walls and staircase, for side setbacks, and to construct an exterior shed in the back yard of the property.

-Preliminary hearing is set to open at the regularly scheduled October 12, 2021 BZA meeting.

Patrick and Paige O'Neil are present as well as architect Tom Hagerty and engineer Casey Richards. Pat O'Neil explains the petition, including elevation change and grade, retaining walls, a shed, and submerged garage. Height and water runoff were mentioned.

Architect Tom Hagerty explains the driveway, garage, and retaining walls. Tom states the patio is around 800 square feet.

The BZA Board discusses height, retaining walls, driveway, side setbacks, and the shed. The project is all new construction.

The petitioners should consider additional variance requests for section 154.052 for a garage in a front yard and 154.106 for structure projection into setbacks. The plans were before the Building Commission. Bob Lemay mentions the petitioners should consider a variance from 154.112 for altering topography.

The two week deadline to submit amendments or additional information is by October 26, 2021.

Meg Kanyer motions, seconded by Doug Wickstrom, to set the petition for public hearing at the November 9, 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.

Mike Gorman explains the public hearing requirements.

### **c. Shoreland Hills Property Owners Association, Inc. – Stop 31 Lake Shore Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.118(C)(1) – Outdoor Signs, Permitted Sign Types  
Petitioner is seeking a variance to allow a new sign that was previously installed on the Property.

-Preliminary hearing opened at the September 14, 2021 BZA meeting and was continued to the regularly scheduled October 12, 2021 BZA meeting.

Anthony Novak, power of attorney for Shoreland Hills Property Owners Association, Inc. is present. Anthony explains the withdrawal of variances from the amended

petition that was submitted to the Clerk's Office, along with the sign placement in the amended petition.

Mike Gorman explains the initial petition requested a variance for two fences, one on the east and one on the west.

Bob Lemay responds that if the fences are there in violation of existing ordinances and in violation of what was promised to the town council at the 10-12-20 town council meeting than the Building Commission would seek to have them removed.

Mike Gorman states for the record that this is not before the BZA. At the September BZA meeting the petitioner requested 2 types of signs, existing and new. The existing signs are back in the prevue of the Building Commission.

Anthony Novak explains that the previous signs stated private beach. The petitioner is happy to change the language. The sign will be redone with no attachment.

The placement of the signs is discussed. The only item currently before the BZA is the Shoreland Hills sign on the west side of the property. The Shoreland Hills sign on the east side of the property will be moved to where the private beach sign is. This sign can be moved because it is pre-existing.

Meg Kanyer motions, seconded by Rich Jercich, to set the petition for public hearing at the November 9, 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.

Mike Gorman explains the public hearing requirements.

## 8. Public Hearings

### **a. Neil and Pancha French – 3018 Northmoor Trail**

Developmental Standards Variance Petition requesting variances from the requirements of:

- 1) Section 154.052 - Construction and Location Standards for Accessory Uses and Structures, and
- 2) Section 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage

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

-Preliminary hearing opened at the September 14, 2021 BZA meeting. Public hearing is set to open at the regularly scheduled October 12, 2021 BZA meeting.

Mike Gorman declares the public hearing open.

Neil and Pancha French are present. Neil explains the petition.

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

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.

Building Commission representative Bob Lemay comments about the building commission process prior to a petitioner coming before the BZA.

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

The BZA Board discusses the lot.

Meg Kanyer motions to approve the variance. Meg begins to read findings and decisions aloud but has the wrong version. Chris Willoughby takes over reading the findings aloud. 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 requests are approved.

The petitioner is required to obtain a building permit prior to beginning the project.

**b. Jeffrey and Deborah Zaluda – 2900 Lothair Way**

Developmental Standards Variance Petition requesting variances from the requirements of:

- 1) Section 154.052(C) – Construction and Location Standards for Accessory Uses and Structures,
  - 2) 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage, and
  - 3) 154.105 – front yard setback requirements for through and corner lots
- Petitioner is seeking to construct a new garage in the side yard and within the side setbacks.

-Preliminary hearing opened at the September 14, 2021 BZA meeting. Public hearing is set to open at the regularly scheduled October 12, 2021 BZA meeting.

Mike Gorman declares the public hearing open.

Deborah and Jeff Zaluda are present. Deborah explains the petition. The petitioners have been in touch with a number of neighbors about the work they are doing.

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

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.

Building Commission representative Bob Lemay states that the permit application did not include the garage. The Building Commission approved the work the petitioners asked for.

The BZA Board and the petitioners discuss alternative locations for the garage. The trees on the property were discussed, as well as storage and front setback. The existing driveway was mentioned.

Mike Gorman motions to approve the variances. Mike reads the findings aloud. The motion is seconded by Rich Jercich.

Vote is taken as a roll call. Rich Jercich, Meg Kanyer, Barb Morgan, and Mike Gorman are in favor of the motion. Doug Wickstrom opposes the motion. Four in favor, one in opposition, the motion carries. The variance requests are approved.

The petitioner is required to obtain a building permit prior to beginning the project.

9. Adjournment: Motion to adjourn by Meg Kanyer, seconded by Barb Morgan. All in favor, the motion carried. The meeting unanimously adjourned at 9:17 p.m.

Agenda Attached.

Findings and Decisions Attached:

- 1) Neil and Pancha French of 3018 Northmoor Trail
- 2) Jeffrey and Deborah Zaluda of 2900 Lothair Way

Minutes Approved by:  
BZA Secretary Meg Collins

  
\_\_\_\_\_

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

**Tuesday, October 12, 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. September 14, 2021; Regular Meeting
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings**
  - a. **Jeffrey and Debra Yoder – 2003 Lawndale Avenue**

Developmental Standards Variance Petition requesting variances from the requirements of:

    - 1) 154.130 – Nonconforming Buildings and Structures,
    - 2) 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage, and
    - 3) 154.134 Nonconforming Residential Dwelling Alteration Permitted

Petitioner is seeking to rehab the property, including converting an existing garage into living space, building out the second floor over the existing garage, adding a new garage, screen in an existing porch, and add fencing.

-Preliminary hearing opened at the September 14, 2021 BZA meeting and was continued to the regularly scheduled October 12, 2021 BZA meeting.
  - b. **Patrick and Pagie O’Neil – Lots 31 and 33, Tentatively 1417 Lake Shore Drive**

Developmental Standards Variance Petition requesting variances from the requirements of:

Section 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage, and

Section 154.051 – Permitted Accessory Uses and Structures

Petitioner is seeking to build a new home, requesting variances to construct retaining walls and staircase, for side setbacks, and to construct an exterior shed in the back yard of the property.

- Preliminary hearing is set to open at the regularly scheduled October 12, 2021 BZA meeting.

- c. **Shoreland Hills Property Owners Association, Inc. – Stop 31 Lake Shore Drive**  
Developmental Standards Variance Petition requesting variance from the requirements of Section 154.118(C)(1) – Outdoor Signs, Permitted Sign Types  
Petitioner is seeking a variance to allow a new sign that was previously installed on the Property.  
-Preliminary hearing opened at the September 14, 2021 BZA meeting and was continued to the regularly scheduled October 12, 2021 BZA meeting.

## **8. Public Hearings**

- a. **Neil and Pancha French – 3018 Northmoor Trail**  
Developmental Standards Variance Petition requesting variances from the requirements of:
  - 1) Section 154.052 - Construction and Location Standards for Accessory Uses and Structures, and
  - 2) Section 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and CoveragePetitioner is seeking to install an accessory structure (shed) in the side yard and within the side setback.  
-Preliminary hearing opened at the September 14, 2021 BZA meeting. Public hearing is set to open at the regularly scheduled October 12, 2021 BZA meeting.
- b. **Jeffrey and Deborah Zaluda – 2900 Lothair Way**  
Developmental Standards Variance Petition requesting variances from the requirements of:
  - 1) Section 154.052(C) – Construction and Location Standards for Accessory Uses and Structures,
  - 2) 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage, and
  - 3) 154.105 – front yard setback requirements for through and corner lotsPetitioner is seeking to construct a new garage in the side yard and within the side setbacks.  
-Preliminary hearing opened at the September 14, 2021 BZA meeting. Public hearing is set to open at the regularly scheduled October 12, 2021 BZA meeting.

## **9. Adjournment**

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

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

**Petitioner(s)/Owner(s):** Neil and Pancha French.

**Common Address:** 3018 Northmoor.

**Request:** Petitioners seek Development Standard Variances from Sections 154.052(D) and 154.057 of the Zoning Code authorizing them to construct a shed approximately 18" from the side lot line on the west side of their property, which is generally impermissible under those Sections of the Zoning Code.

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

The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the Petitioners' Petition for Development Standard Variances, 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 Variances from Sections 154.052(D) and 154.057 of the Zoning Code 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 from Sections 154.052(D) and 154.057 of the Zoning 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 Variances from the provisions of from Sections 154.052(D) and 154.057 of the Zoning Code are sought because the layout and topography of the subject property, like many throughout the community, severely limit Petitioners' options for improvements on around the property and, specifically, the placement of the contemplated shed. As a result of these limitations, 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.

**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 Development Standard Variances from the requirements of Sections 154.052(D) and 154.057 of the Zoning Code and authorize Petitioners to construct a shed approximately 18" from the side lot line on the west side of their property, subject to the following determinations and/or conditions:**

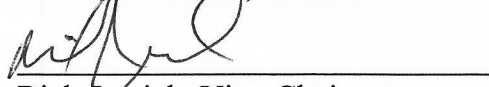
1. No part of these Findings and Decisions shall be deemed to include any consideration or determination regarding any other Section of the Zoning Code as no such relief was requested of or otherwise properly before the BZA for consideration as part of the subject Petition, except as otherwise addressed above; and
2. 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 12<sup>th</sup> day of October, 2021.

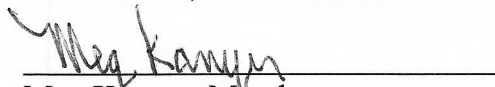
**LONG BEACH ADVISORY BOARD OF ZONING APPEALS**



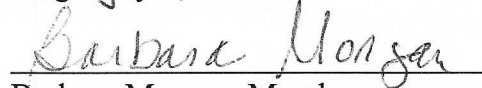
Michael Gorman, Chairman



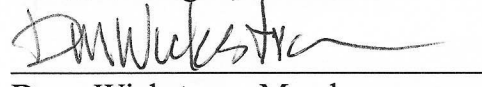
Rich Jercich, Vice-Chairman



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):** Jeffrey and Deborah Zaluda.

**Common Address:** 2900 Lothair Way.

**Request:** Petitioners seek Development Standard Variances from Section 154.052(C) (placement of accessory structure in front yard) and Sections 154.057/154.105 (general prohibition against encroachments into and/or reducing yards as well as the requirement to meet the front yard setback on both streets that the subject property fronts given that it is a corner lot) of the Zoning Code authorizing them to construct a new garage that would encroach into the 30' front yard setback by approximately 28.12', all of which is generally prohibited under the Zoning Code.

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

The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the Petitioners' Petition for Development Standard 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,

1. The approval of the requested Development Standard Variances from Sections 154.052(C), 154.057, and 154.105 of the Zoning Code authorizing Petitioners to construct a new garage that would encroach into the 30' front yard setback by approximately 28.12', will not be injurious to the public health, safety, morals and general welfare because the contemplated project will be located and constructed in a manner similar to other projects and improvements previously existing on the subject property or have otherwise been allowed in and around the Town, 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 from Sections 154.052(C), 154.057, and 154.105 of the Zoning 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 existing home and immediate neighborhood.

3. The strict application of the Zoning Code will result in practical difficulties in the use of the subject property for which the requested Development Standard Variances from Sections 154.052(C), 154.057, and 154.105 are sought because the contemplated project, like many throughout the community, is intended to update and improve a parcel of land that is

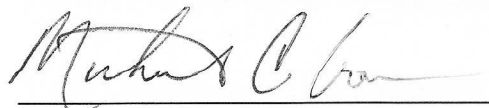
unique in terms of its dimensions; and Petitioners would not otherwise be able to make the contemplated improvements or use and enjoy their property in the same manner as other property owners that are similarly situated without receiving approval for the above-delineated Development Standard Variances.

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 Development Standard Variances from Section 154.052(C) (placement of accessory structure in front yard) and Sections 154.057/154.105 (general prohibition against encroachments into and/or reducing yards as well as the requirement to meet the front yard setback on both streets that the subject property fronts given that it is a corner lot) of the Zoning Code authorizing them to construct a new garage that would encroach into the 30' front yard setback by approximately 28.12', subject to the following determinations and/or conditions:

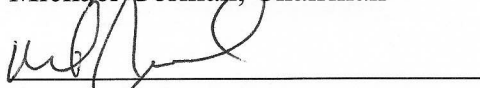
1. No part of these Findings and Decisions shall be deemed to include any consideration or determination regarding any other Section of the Zoning Code as no such relief was requested of or is otherwise properly before the BZA for consideration as part of the subject Petition, except as otherwise addressed above; and
2. 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 12<sup>th</sup> day of October, 2021.

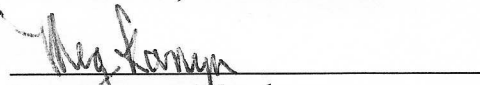
**LONG BEACH ADVISORY BOARD OF ZONING APPEALS**



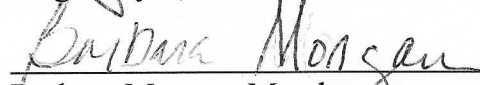
Michael Gorman, Chairman



Rich Jercich, Vice-Chairman



Meg Kanyer, Member



Barbara Morgan, Member

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