

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Zoom Video Conference Call

Meeting Minutes for December 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, December 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, Vice Chairman 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: Barb Morgan motioned, seconded by Rich Jercich, to approve the regular meeting minutes from November 9, 2021. A roll call vote is taken. Mike Gorman, Rich Jercich, Meg Kanyer, Barb Morgan and Doug Wickstrom are in favor of the motion. Five in favor, none opposed, the motion carries. The regular meeting minutes from November 9, 2021 are approved.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings

a. Chris Cleary – 2007 Oriole Trail

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.047 - Minimum Residential Building Width and Building Area.

Petitioner is seeking to construct a new home on a non-conforming lot size.
-Preliminary hearing is set to open at the December 14, 2021 BZA meeting.

Chris Cleary is present and gives a summary of the petition explaining that the previous house burned down a little over a year ago. Chris has plans for the new house and has talked to Laporte County about a septic field. Chris went before the Building Commission and the lot is nonconforming due to square footage.

Bob Lemay explains that this issue was discussed at the Building Commission meeting even though the Building Commission did not have a permit application before them. The Building Commission never denied the Cleary's. If the Cleary's build a house that is the same size as the previous house the project would be grandfathered and if the house is not bigger than the previous house than the Cleary's may not need to be before the BZA.

The Board briefly discusses lot coverage, parking spaces, and setbacks. The Board directs the petitioner to other sections of the code that may apply. The Board asks the petitioner to file an amended petition with the BZA addressing other sections of the code if they are applicable. The current petition should be amended to include a list of property owners within 300 feet and proposed findings and decisions.

Chris Cleary thinks he can submit an amended application by the two-week deadline.

Mike Gorman motions, seconded by Meg Kanyer, to continue the preliminary hearing until the January 11, 2021 BZA meeting. The two-week deadline to file with the Clerk's office is by 10 a.m. on December 28, 2021.

A roll call vote is taken. Mike Gorman, Rich Jercich, Meg Kanyer, Barb Morgan and Doug Wickstom are in favor of the motion. Five in favor, none opposed, the motion carries. The preliminary hearing has been continued.

8. Public Hearings

a. Jeffrey and Debra Yoder - 2003 Lawndale Avenue

Developmental Standards Variance Petition requesting variances from the requirements of:

- 1) Section 154.057(A) - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage,
 - 2) Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted,
 - 3) Section 154.052(A) - Construction and Location Standards for Accessory Uses and Structures, and
 - 4) Section 154.105 - Front Yard Setback Requirements for Through and Corner Lots.
- 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 October 12, 2021 BZA meeting. Public hearing was not opened on November 9, 2021 as the petitioner requested and was granted a continuance to the December 14, 2021 BZA meeting.

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

Anthony Novak, attorney for Jeff and Debra Yoder, gives a summary of the petition and variance requests. Jeff and Debra Yoder are present on the Zoom call. Anthony explains the additional items submitted including exhibits and a survey. Anthony gives specific numbers and calculations including lot size, volume, footprint, and setbacks. Anthony names the following neighbors who gave consent for the project although this consent was not submitted to the BZA:

Daniel and Patricia Joyce of 2002 Lawndale Avenue
Mark and Margaret Udelhofen of 2010 Oriole Trail
Todd and Jennifer Rucinski of 2016 Oriole Trail
Byron and Ann Schreeg of 2023 Goldengate Drive

Mike Gorman calls for any persons who wish to speak in support of the petition.
No individuals spoke in support.
Meg Collins reads one letter of support submitted by Dan and Shannon Wojcik of 2024 Goldengate Drive

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 had nothing additional to add since the discussion of this petition at the last meeting.

Mike Gorman declares the public comment portion of the meeting closed.
Mike Gorman describes his thoughts on the petition.

Mike Gorman motions to approve the variance requests and reads the findings aloud. The motion is seconded by Meg Kanyer.

A roll call vote is taken. Mike Gorman, Rich Jercich, Meg Kanyer, Barb Morgan and Doug Wickstom are in favor of the motion. Five in favor, none opposed, the motion carries. The variance requests are approved.

b. 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. Public hearing was not opened on November 9, 2021 as the petitioner requested and was granted a continuance to the December 14, 2021 BZA meeting.

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

Anthony Novak, Power of Attorney for SHPOA, summarizes the petition and signage and gives a brief background of SHPOA and buying of the land.

Mike Gorman calls for any persons who wish to speak in support of the petition. The following individuals speak in support:
Lisa Moore of 3100 Lake Shore Drive
Martha Maust of 3005 Loma Portal Way
Larry Brown of 3005 Loma Portal Way

The following individuals wrote letters in support. Mike Gorman summarizes the letters:

George Thomas and Casey Brown, 3007 Moore Road, 3106 Shoreland Dr.
Nancy and Mark Van Grinsven of 3012 Moore Road
Walter and Jo Ann Hannan of 3010 Moore Road
Brian and Kory Kozlowski of 3006 Northmoor Trail
Becky and Ron Lipton of 3016 Northmoor Trail
Robert Norris of 3103 Lake Shore Drive

Mike Gorman calls for any persons who wish to speak in opposition of the petition. No individuals spoke in opposition.
Meg Collins reads one letter in opposition submitted by Jeff Bartlett of 2102 Oakenwald

Building Commission representative Bob Lemay stated this petition did not really appear before the Building Commission. The petition did appear before the Town Council on October 12, 2020. The Town Council agreed to allow a rope fence, the subject of signs was not addressed.

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

The Board discusses the petition and signage. Mike Gorman states for the record that the BZA did not allow anything for rope fencing. These items were removed from the petition, as Anthony Novak stated.

The Board discusses the private beach language of the signage. Anthony Novak explains the SHPOA would be willing to voluntarily remove that language. Joe Schuerman of 325 Maplewood Drive also stated SHPOA recognizes it is not private

beach, it is private beach access only. Joe confirms the signage will be modified by the end of this year.

Doug Wickstrom motions to approve the variance request and reads the findings aloud.

Chris Willoughby suggests #3 of the findings be amended to reflect the nature of the discussion. Petitioner should remove any and all references to private beach. Mike Gorman states the third condition will include language Chris Willoughby just recited. The motion is seconded by Rich Jercich.

A roll call vote is taken. Mike Gorman, Rich Jercich, Meg Kanyer, and Doug Wickstrom are in favor of the motion. Barb Morgan opposes the motion. Four in favor, one opposed, the motion carries. The variance request has been approved.

c. Patrick and Pagie O'Neil - Lots 31 and 33, Tentatively 1417 Lake Shore Drive

Developmental Standards Variance Petition requesting variances from the requirements of:

- 1) Section 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage,
 - 2) Section 154.052(A) - Construction and Location Standards for Accessory Uses, and
 - 3) Section 154.112 - Permit Required for Earth Changes and to Alter Topography.
- Petitioner is seeking to build a new home, requesting variances to construct retaining walls and staircase, build a subterranean garage in the front yard, and alter topography.

- Preliminary hearing opened at the October 12, 2021 BZA meeting. Public hearing was not opened on November 9, 2021 as the petitioner requested and was granted a continuance to the December 14, 2021 BZA meeting.

All requirements have been met.

Mike Gorman declares the public hearing open.

Pat and Paige O'Neil are present on the Zoom call. Pat explains the amendments to the petition and the items that were removed. Currently there are three variance requests. Since the last meeting the O'Neils have met with the Building Commission and are asking that the topography variance request be removed. Tom Haggerty with DSpace Architects is also present on the Zoom call.

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

No individuals spoke in support.

The following individuals wrote letters in support. Mike Gorman summarizes the letters:

Cathy Torie of 1414 Lake Shore Drive

Bruce and Lisa Miller of 1409 Lake Shore Drive

Mary Daley of 1416 Lake Shore Drive
Robert and Moira Daley of 1420 Lake Shore Drive
Michael McDermott of 1418 Lake Shore Drive, Lots 27 and 29

Mike Gorman calls for any persons who wish to speak in opposition of the petition.
The following individuals speak in opposition:
Attorney John Wojcik representing Arthur Kosma of 1421 Lake Shore Drive
William Dubon of 1421 Lake Shore Drive

The following individuals wrote letters in opposition. Mike Gorman summarizes the letters:

Nicola Chalik of 1412 Lake Shore Drive, Lots 27 and 27 and 29
Arthur and Joe Kozma of 1421 Lake Shore Drive
Cathy and Steve Frank of 1410 Lake Shore Drive

Pat and Paige O'neil respond to the comments. Pat states the Building Commission approved that the plans are not in violation of the height ordinance.

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

The withdrawing of the topography section 154.112 was briefly discussed.

The Board and petitioner discuss the construction, the dune, engineers and studies that may be necessary, sand eradication, excavation, subterranean garage, setbacks and wing walls, coverage, and structures in the front yard.

Meg Kanyer motions to approve the two variance requests and reads the findings aloud. The motion is seconded by Doug Wickstrom.

A roll call vote is taken. Mike Gorman, Rich Jercich, Meg Kanyer, and Doug Wickstom are in favor of the motion. Barb Morgan opposes the motion. Four in favor, one opposed, the motion carries. The two variance requests have been approved.

9. Adjournment: Motion to adjourn by Meg Kanyer, seconded by Barb Morgan. All in favor, the motion carried. The meeting unanimously adjourned at 9:35 p.m.

Agenda Attached.

Findings and Decisions Attached:

- 1) Jeffrey and Debra Yoder of 2003 Lawndale Avenue
- 2) Shoreland Hills Property Owners Association, Inc. of Stop 31 Lake Shore Drive
- 3) Patrick and Paige O'Neil of Lots 31 and 33, tentatively 1417 Lake Shore Drive

Minutes Approved by:
BZA Secretary Meg Collins



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

Regular Meeting

Tuesday, December 14, 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. November 9, 2021; Regular Meeting
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings**
 - a. **Chris Cleary – 2007 Oriole Trail**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.047 - Minimum Residential Building Width and Building Area. Petitioner is seeking to construct a new home on a non-conforming lot size. -Preliminary hearing is set to open at the December 14, 2021 BZA meeting.
- 8. Public Hearings**
 - a. **Jeffrey and Debra Yoder – 2003 Lawndale Avenue**

Developmental Standards Variance Petition requesting variances from the requirements of:

 - 1) Section 154.057(A) - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage,
 - 2) Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted,
 - 3) Section 154.052(A) - Construction and Location Standards for Accessory Uses and Structures, and
 - 4) Section 154.105 - Front Yard Setback Requirements for Through and Corner Lots.

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 October 12, 2021 BZA meeting. Public hearing was not opened on November 9, 2021 as the petitioner requested and was granted a continuance to the December 14, 2021 BZA meeting.

b. 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 October 12, 2021 BZA meeting. Public hearing was not opened on November 9, 2021 as the petitioner requested and was granted a continuance to the December 14, 2021 BZA meeting.

c. Patrick and Pagie O’Neil – Lots 31 and 33, Tentatively 1417 Lake Shore Drive

Developmental Standards Variance Petition requesting variances from the requirements of:

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

2) Section 154.052(A) - Construction and Location Standards for Accessory Uses, and

3) Section 154.112 - Permit Required for Earth Changes and to Alter Topography.

Petitioner is seeking to build a new home, requesting variances to construct retaining walls and staircase, build a subterranean garage in the front yard, and alter topography.

- Preliminary hearing opened at the October 12, 2021 BZA meeting. Public hearing was not opened on November 9, 2021 as the petitioner requested and was granted a continuance to the December 14, 2021 BZA meeting.

9. Adjournment

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

Petitioner(s)/Owner(s): Jeffrey and Debra Yoder

Common Address: 2003 Lawndale

Request: Petitioners seek Development Standard Variances from Sections 154.052(A) (location of accessory structure in front yard); 154.057(A) and 154.105 (front, side, and rear setbacks; and 154.134 (increases in volume and footprint/minimum lot area) for the purpose of converting an existing garage into living space for their home along with adding an enclosed screened porch, and a new garage located in the front yard, all of which is generally prohibited under the Zoning Code.

Date Public Hearing Held: December 14, 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(A), 154.057(A), 154.105, and 154.134 of the Zoning Code authorizing Petitioners to convert an existing garage into living space for their home along with adding an enclosed screened porch, and a new garage located in the front yard 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(A), 154.057(A), 154.105, and 154.134 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(A), 154.057(A), 154.105, and 154.134 of the Zoning Code 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/or historical use; 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.

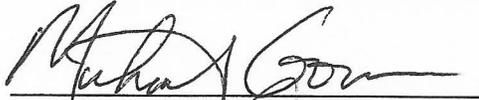
Based on the forgoing findings as well as due regard for the requirements of both state and local laws, it is the decision of the BZA to approve and grant the requested Development Standard Variances from Sections 154.052(A), 154.057(A), 154.105, and 154.134 of the Zoning Code authorizing them to convert their existing garage into living space for their home along with adding an enclosed screened porch, and a new garage located in the front yard, subject to the following determinations and/or conditions:

1. The approved and permissible setbacks, all based on the Site Plan dated January 25, 2019, with a revision date of August 13, 2021, and submitted by Petitioners as part of their request for the above delineated Standard Development Variances, are specifically as follows:
 - (A). The side yard setback (north side) for the northwestern corner of the subject property shall not be less than 8' 7" from the side lot line and shall otherwise comply with the requirements of the Zoning Code;
 - (B). For the front yard setback (east side, facing Lawndale), the northern and southern front corners of the house shall not be less than 26' 10.75" and 26' 10.95" from the front lot line, respectively, and the center porch section shall not be less than 26'10.75" from the front lot line;
 - (C). For the rear yard setback (west side), the porch shall not be less than 19' 6.5" from the rear lot line at the north corner and 14' 5.5" at the south corner; and
 - (D). For the side yard setback (south side), the southwestern corner of the house shall not be less than 25' 2.156" from the southern lot line and the southeastern corner of the house shall not be less than 24' 8.35" from the southern lot line;
2. The increase in footprint shall not exceed 810.1 square feet; resulting in a total footprint for the entire structure of 2,873.6 square feet;
3. The increase in volume shall not exceed 7,669 cubic feet; resulting in a total volume for the entire structure of 23,925 cubic feet.
4. 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
5. 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 14th day of December, 2021.

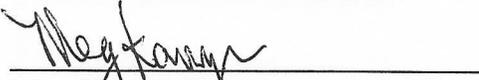
LONG BEACH ADVISORY BOARD OF ZONING APPEALS



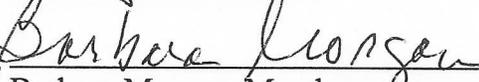
Michael Gorman, Chairman



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 Variances**

Petitioner(s)/Owner(s): Shoreland Hills Property Owners Association

Common Address: Vacant Lots, Stop 31

Request: Petitioners seek Development Standard Variances from Sections 154.118.02 and 154.118.03 to place on the West side of the subject property a 30" x 30" non-illuminated sign that reads "Shoreland Hills", which is generally prohibited under the Zoning Code.

Date Public Hearing Held: December 14, 2021.

The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the Petitioners' Petition for Development Standard 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 Sections 154.118.02 and 154.118.03 will not be injurious to the public health, safety, morals and general welfare because the sign is located and constructed in a manner similar to other signs currently and previously permitted on the subject property or have otherwise been allowed in and around the Town.

2. The use and value of the area adjacent to the property subject to the requested Development Standard Variances from Sections 154.118.02 and 154.118.03 of the Zoning Code will not be affected in a substantially adverse manner because the sign is generally compatible with signs that have been previously allowed on or around the subject property and it is otherwise compatible with the character of the 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 154.118.02 and 154.118.03 as such signs have been traditionally permitted on and around the subject property by the Town and would otherwise negatively impact Petitioner's efforts to continue to preserve and protect the lakefront for the benefit of the entire community.

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 Sections 154.118.02 and 154.118.03 to place on the West side of the subject property a 30" x 30" non-illuminated sign that reads "Shoreland Hills" subject to the following determinations and/or conditions:

1. The total height of the sign shall not exceed 79” as measured from the ground;
2. This variance shall automatically terminate if or when the subject property is further developed or ceases to be used as it is used as of the date of these Findings and Decisions;
3. As an offered concession by Petitioner, Petitioner shall remove any and all references to “private beach” on any of its signs on or around its property and shall refrain from allowing any such language to be posted on future signs;
4. 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
5. 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 14th day of December, 2021.

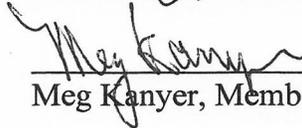
LONG BEACH ADVISORY BOARD OF ZONING APPEALS



Michael Gorman, Chairman

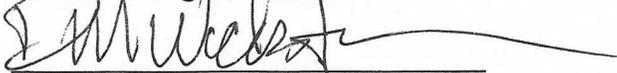


Rich Jercich, Vice-Chairman



Meg Kanyer, Member

Barbara Morgan, Member



Doug Wickstrom, Member

Long Beach Advisory Board of Zoning Appeals

Findings and Decisions - Development Standard Variances

Petitioner(s)/Owner(s): Patrick & Paige O'Neil

Common Address: Lots 31 & 33, LSD

Request: Petitioners seek standard development variances from Sections 154.052(A) (location of garage in front yard) and 154.057(A): Front setback (retaining walls and stairs that will enable them to construct the proposed new home and related accessory structure(s) (garage/storage space).

Date Public Hearing Held: December 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,

1. The approval of the requested Development Standard Variances from Sections 154.052(A) and 154.057(A) of the Zoning Code authorizing Petitioners to place their garage in the front yard and construct retaining walls and stairs that encroach into the 15' front yard setback up to the right-of-way 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 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(A) and 154.057(A) of the Zoning Code authorizing Petitioners to place their garage in the front yard and construct retaining walls and stairs that encroach into the 15' front yard setback up to the right-of-way 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 other homes along Lake Shore Drive.

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(A) and 154.057(A) of the Zoning Code 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 garage,

retaining wall, and stairs. 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 Sections 154.052(A) and 154.057(A) that will enable them to construct the proposed new home and related accessory structure(s) (garage/storage space), including placement of the garage in the front yard and retaining walls and stairs into the 15' front yard setback up to the right-of-way, subject to the following determinations and/or conditions:

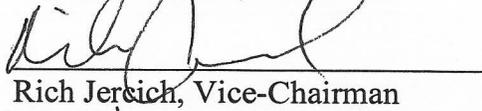
- 1. No part of these Findings and Decisions shall be deemed to include any consideration or determination regarding any other Section of the Zoning Code as no such relief was requested of or is otherwise properly before the BZA for consideration as part of the subject Petition, except as otherwise addressed 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 14th day of December, 2021.

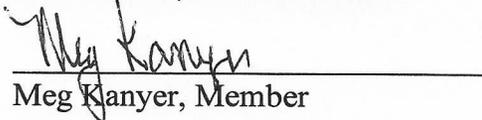
LONG BEACH ADVISORY BOARD OF ZONING APPEALS



Michael Gorman, Chairman

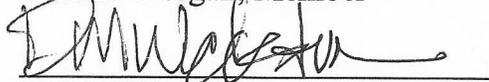


Rich Jersich, Vice-Chairman



Meg Kanyer, Member

Barbara Morgan, Member



Doug Wickstrom, Member