

TOWN OF LONG BEACH  
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall With Zoom Video Conference Information On Town Website

Meeting Minutes for April 12th, 2022

1. Call to Order

The Regular Meeting of the Town of Long Beach Advisory Board of Zoning Appeals was held Tuesday, April 12, 2022 at the Long Beach town hall with Zoom video conference information on the Town website. Chairman Mike Gorman called the meeting to order at 7:00 p.m.

2. Roll Call

Board members attending in person: Chairman Mike Gorman, Vice Chairman Rich Jercich, Meg Kanyer, John Mengal, and Doug Wickstrom

Members attending by Zoom: 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

Mike Gorman and Chris Willoughby briefly discuss the rules and regulations regarding Zoom going forward and the resolution that was adopted in July 2020 and is now being followed again. Board members should be seen and heard if they attend electronically.

3. Pledge of Allegiance

4. Approval of Minutes: Rich Jercich motions, seconded by Meg Kanyer, to approve the regular meeting minutes from February 8, 2022. All in favor, the motion carried. The regular meeting minutes from February 8, 2022 are approved.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings

**a. Charles and Virginia Goodall – 2021 Silvertip Lane**

Special Exception Petition requesting variance from the requirements of Section 154.133 – Expansion of Nonconforming Building/Structures and Land Uses.

Petitioner is seeking expansion of a nonconforming use via construction of a garage on a lot that is 11,000 square feet.

-Preliminary hearing is set to open at the April 12, 2022 BZA meeting.

Attorney Brad Adamsky of Drayton, Biege, Sirugo, and Elliott LLP is present in person on behalf of the petitioners, Charles and Virginia Goodall. Brad explains the petition was filed as a special exception. Though we filed as special exception the petitioner understands that the board might prefer or require the petition be filed as a standard development variance petition requesting variance from section 154.134 that includes footprint and volume increases. The petitioner is not asking for variance from lot coverage, volume, or height under special exception. The lot is small and the petitioner is building an addition. The petitioner needs special exception but would be prepared to request standard development variance.

Brad Adamsky confirms for Mike Gorman that a hard copy of power of attorney will be filed. Brad will also confirm whether the property is one combined lot. Brad confirms for Doug Wickstrom that the garage is attached to the house. The footprint and volume of the garage and hardscape are discussed. The petitioner should specify the calculations being requested. A patio in the back and lot coverage are mentioned.

The petitioner needs to explain intended use for the bonus room and septic system plans. Windows on the back of the garage are also mentioned. Brad will get clarification on these points.

Mike Gorman motions, seconded by John Mengal, to continue the preliminary hearing to the May 10, 2022 BZA meeting. All in favor, the motion carried. The filing deadline is April 26, 2022.

## 8. Public Hearings

### **a. Kelly Doherty and Michael Woodrow – 2317 Hazeltine Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted.

Petitioner is seeking to remove three decks and a shed/tree house and convert a back deck into 420 square foot three season back porch.

-Preliminary hearing opened at the January 11, 2022 BZA meeting and was continued to the February 8, 2022 BZA meeting. Public hearing was set to open at the March BZA meeting. At the petitioner's request, the public hearing was postponed to the April BZA meeting. Public hearing is set to open at the April 12, 2022 BZA meeting.

All requirements have been met.

Mike Gorman declares the public hearing open.

Kelly Doherty and Michael Woodrow are present via Zoom. Michael briefly explains the project.

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

Meg Collins reads four letters of support submitted by:

Thomas King of 2301 Florimond Avenue

Bill and Amanda Kenefick of 2318 Hazeltine Drive

Rick Blank of 2303 Grassmere

Nick and Colleen Meyer of 2302 Grassmere 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.

Rich Jercich stated he thinks the petitioners have done a good job answering the Board's questions and revising their petition. Mike Gorman agrees and notes he has all of the information he needs. Mike states for the record that lot coverage is not something the Board looked at but is a positive for the property and neighbors. The neighbor with encroachment wrote of their support.

Meg Kanyer motions to approve the variance request and reads the findings aloud. The motion is seconded by Rich Jercich.

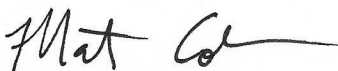
A roll call vote is taken. Mike Gorman, Rich Jercich, Meg Kanyer, John Mengal, and Doug Wickstom are in favor of the motion. Five in favor, none opposed, the motion carries. The variance request is approved.

9. Adjournment: Motion to adjourn by Meg Kanyer, seconded by Doug Wickstrom. All in favor, the motion carried. The meeting unanimously adjourned at 7:52 p.m.

Agenda Attached.

Findings and Decisions Attached: Kelly Doherty and Michael Woodrow of 2317 Hazeltine Drive

Minutes Approved by:  
BZA Secretary Meg Collins



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

**Regular Meeting  
Tuesday, April 12, 2022  
7:00 p.m.**

**Long Beach Town Hall With Zoom Video Conference Information On Town Website  
AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
  - a. February 8, 2022; Regular Meeting
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings**
  - a. **Charles and Virginia Goodall – 2021 Silvertip Lane**

Special Exception Petition requesting variance from the requirements of Section 154.133 – Expansion of Nonconforming Building/Structures and Land Uses.  
Petitioner is seeking expansion of a nonconforming use via construction of a garage on a lot that is 11,000 square feet.  
-Preliminary hearing is set to open at the April 12, 2022 BZA meeting.
- 8. Public Hearings**
  - a. **Kelly Doherty and Michael Woodrow – 2317 Hazeltine Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted.  
Petitioner is seeking to remove three decks and a shed/tree house and convert a back deck into 420 square foot three season back porch.  
-Preliminary hearing opened at the January 11, 2022 BZA meeting and was continued to the February 8, 2022 BZA meeting. Public hearing was set to open at the March BZA meeting. At the petitioner's request, the public hearing was postponed to the April BZA meeting. Public hearing is set to open at the April 12, 2022 BZA meeting.
- 9. Adjournment**



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

**Petitioner(s)/Owner(s):** K. Doherty and M. Woodrow

**Common Address:** 2317 Hazeltine Drive

**Request:** Petitioners seek a Development Standard Variance from Section 154.134 (increases in volume and footprint) authorizing them to construct a three (3) seasons room that will result in a 420 sq. ft. increase in the footprint as well as a 5,880 cu. ft. increase in volume, all of which is generally prohibited under the Zoning Code.

**Date Public Hearing Held:** April 12, 2022.

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 Variance from Section 154.134 of the Zoning Code authorizing Petitioners to construct a three (3) seasons room that will result in a 420 sq. ft. increase in the footprint as well as a 5,880 cu. ft. increase in volume 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 Variance authorizing them to construct a three (3) seasons room that will result in a 420 sq. ft. increase in the footprint as well as a 5,880 cu. ft. increase in volume will not be affected in a substantially adverse manner because the project involves updating and improving the property while bringing lot coverage into conformance with the requirements of the Code by reducing coverage from 38.6% to 34.4% and 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 Variance from Sections 154.134 of the Zoning Code is sought because 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.

the requested Development Standard Variance.

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 Variance from Section 154.134 of the Zoning Code authorizing them to construct a three (3) seasons room that will result in a 420 sq. ft. increase in the footprint as well as a 5,880 cu. ft. increase in volume, subject to the following determinations and/or conditions:

1. The increase in footprint shall not exceed 420 square feet;
2. The increase in volume shall not exceed 5,880 cubic feet;
3. As presented by Petitioners, lot coverage shall be brought into conformance with the requirements of the Zoning Code by reducing coverage from 38.6% to 34.4%;
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 12<sup>th</sup> day of April, 2022.

**LONG BEACH ADVISORY BOARD OF ZONING APPEALS**

  
Michael Gorman, Chairman

  
Rich Jercich, Vice-Chairman

  
Meg Kanyer, Member

  
Doug Wickstrom, Member

  
John Mengel, Member