

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

**Regular Meeting
Tuesday, May 10, 2022
7:00 p.m.**

**Long Beach Town Hall With Zoom Video Conference Information On Town Website
Zoom information can be found by clicking the Board of Zoning Appeals meeting on the calendar
AGENDA**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
 - a. April 12, 2022; Regular Meeting
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings**
 - a. **Charles and Virginia Goodall – 2021 Silvertip Lane**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted. Petitioner is seeking expansion of a nonconforming use via construction of an attached garage on a lot that is 11,000 square feet.
-Preliminary hearing opened at the April 12, 2022 BZA meeting and was continued to the May 10, 2022 BZA meeting.
 - b. **Brian and Patricia Duffy – 2211 Oakenwald Drive**

Developmental Standards Variance Petition requesting variances from the requirements of:

 - 1) Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted, and
 - 2) Section 154.052 – Construction and Location Standards for Accessory Uses and Structures.

Petitioner is seeking to increase the volume of a pre-existing pool shed on a nonconforming lot and to reconstruct the shed within the front and side setbacks.
-Preliminary hearing is set to open at the May 10, 2022 BZA meeting.

c. Arlene and Cary Tengel – 2311 Hazeltine Drive

Developmental Standards Variance Petition requesting variances from the requirements of:

- 1) Section 154.127 – Residential Single Nonconforming Lot of Record in Any District, and
- 2) Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted.

Petitioner is seeking to replace existing deck with new porch resulting in increased volume and correcting of current side setback noncompliance on a lot that is 10,485 square feet.

-Preliminary hearing is set to open at the May 10, 2022 BZA meeting.

d. Todd and Jennifer Rucinski – 2016 Oriole Trail

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, and
- 2) Section 154.106 – Structure Projection Into Setbacks

Petitioner is seeking to install a patio, pergola, and sidewalk resulting in increased lot coverage in excess of 35% on a lot that is 10,500 square feet and creating a projection into the setback.

-Preliminary hearing is set to open at the May 10, 2022 BZA meeting.

e. Patrick and Rebecca McCusker – 2208 Chastleton Drive

Developmental Standards Variance Petition requesting variance from the requirements of Section 154, Appendix A.

Petitioner is seeking to install a shed 10 feet from the causeway behind the home.

-Preliminary hearing is set to open at the May 10, 2022 BZA meeting.

8. Public Hearings - None

9. Adjournment

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

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

Meeting Minutes for May 10th, 2022

1. Call to Order

The Regular Meeting of the Town of Long Beach Advisory Board of Zoning Appeals was held Tuesday, May 10, 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 Mengel, 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: Joe Jogmen

3. Pledge of Allegiance

4. Approval of Minutes: Meg Kanyer motions, seconded by John Mengel, to approve the regular meeting minutes from April 12, 2022. All in favor, the motion carried. The regular meeting minutes from April 12, 2022 are approved.

5. Old Business - None

6. New Business - None

NEXT MEETING IS JUNE 14th

7. Preliminary Hearings

a. Charles and Virginia Goodall – 2021 Silvertip Lane

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

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

-Preliminary hearing opened at the April 12, 2022 BZA meeting and was continued to the May 10, 2022 BZA meeting.

Attorney Brad Adamsky of Drayton, Biege, Sirugo, and Elliott LLP representing the petitioner is present in person, as well as petitioners Charles and Virginia Goodall and architect Heidi Hornaday. Brad explains the petitioners are becoming full time residents. Specific measurements were added into drawings. There will be no water or plumbing in space behind the garage.

Mike Gorman states that the petition contains the square footage footprint and volume increase.

Brad Adamsky confirms for John Mengel that the patio in the back is included in the square footage.

Architect Heidi Hornaday explains that the drawing is a schematic drawing. Mike Gorman summarizes that the footprint includes the full garage and concrete that is being put down.

Charlie Goodall states there will not be residential area in the back part of the garage. This space will be a tool room. Living space is the second floor of the garage and will include some electric. Virginia is an artist.

Brad Adamsky confirms for Meg Kanyer that the lots are combined in to one parcel.

John Mengel motions, seconded by Meg Kanyer, to set the petition for public hearing at the June 14, 2022 meeting. All in favor, the motion carried.

b. Brian and Patricia Duffy – 2211 Oakenwald Drive

Developmental Standards Variance Petition requesting variances from the requirements of:

- 1) Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted, and
- 2) Section 154.052 – Construction and Location Standards for Accessory Uses and Structures.

Petitioner is seeking to increase the volume of a pre-existing pool shed on a nonconforming lot and to reconstruct the shed within the front and side setbacks.

-Preliminary hearing is set to open at the May 10, 2022 BZA meeting.

Attorney Brad Adamsky of Drayton, Biege, Sirugo, and Elliott LLP representing the petitioner is present in person. Architect Heidi Hornaday is also present. Brad explains that construction is completed. The petitioners are coming before the Board afterwards. Brad explains the original project and the pool shed. The citation was issued in April. The pool shed was preexisting. The wall and shed were built within setbacks. Previous pool shed had a flat roof, now it has a pitched roof. Brad states he does not think the petitioners are asking to put this to public hearing but probably here to have discussions with the Building Commission.

Mike Gorman states that petitions are brought to BZA with purpose of getting a variance. If this is only relief we need based on towns citation then we will move forward. Construction was done and completed months ago.

Meg Kanyer inquires as to why the original building plan was not followed. The petitioner did not have permission to build this large of a structure.

Brad Adamsky responds that the construction was done in conjunction with building inspector. The petitioner felt the plans were being followed.

The shed was discussed by Chris Willoughby, Joe Jogmen, Heidi Hornaday, and the Board.

Chris Willoughby adds some comments to consider.

Brad Adamsky states that in light of all the comments made today it makes sense to go to the Building Commission meeting.

If the petitioner is going before the Building Commission and then back to the BZA, they need to clarify what is being requested of the BZA.

The Board discussed the wall and shed, setbacks, positioning of the wall and shed, volume and height of the shed and whether the wall and shed were preexisting.

The Board has the ability to grant after the fact variance, provided the petitioners satisfy standards to get a variance.

Brad Adamsky states that the petitioners would like to be on next month's agenda.

Chris Willoughby will email electronic copy of the citation.

Heidi Hornaday confirms for John Mengel that the shed is simply mechanicals for pool.

Mike Gorman motions, seconded by Meg Kanyer, to continue the preliminary hearing for the petition to the June 14, 2022 meeting. All in favor, the motion carried. Filing deadline is May 31, 2022. If nothing is filed by the deadline the petition will be continued to the July meeting.

c. Arlene and Cary Tengel – 2311 Hazeltine Drive

Developmental Standards Variance Petition requesting variances from the requirements of:

1) Section 154.127 – Residential Single Nonconforming Lot of Record in Any District, and

2) Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted. Petitioner is seeking to replace existing deck with new porch resulting in increased volume and correcting of current side setback noncompliance on a lot that is 10,485 square feet.

-Preliminary hearing is set to open at the May 10, 2022 BZA meeting.

Arlene Tengel is present in person. Architect Heidi Hornaday is also present in person. Arlene and her husband purchased the home a couple years ago. When the home was purchased, the previous owner built deck over door and stairs to basement. The petitioner would like to correct basement issues, the deck will need to be removed. The petitioner would like to replace the deck with screened in porch. The porch will have the same footprint as existing deck. The lot is nonconforming. Denial letter is in the packet. Gross volume of new porch and existing deck are given in the petition. Lot coverage will be reduced. Arlene explains that the building inspector had referenced 154.127 but she is unsure if that variance is needed.

Mike Gorman responds that he thinks 154.127 does not apply. There is no footprint increase and the volume increase is understood.

Chris Willoughby states that there were no setback issues raised for what was discussed by the Building Commission.

Meg Kanyer motions, seconded by John Mengel, to set the petition for public hearing at the June 14, 2022 meeting. All in favor, the motion carried. Meg Kanyer mentions two public hearing signs for the property.

d. Todd and Jennifer Rucinski – 2016 Oriole Trail

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, and

2) Section 154.106 – Structure Projection Into Setbacks

Petitioner is seeking to install a patio, pergola, and sidewalk resulting in increased lot coverage in excess of 35% on a lot that is 10,500 square feet and creating a projection into the setback.

-Preliminary hearing is set to open at the May 10, 2022 BZA meeting.

Todd and Jennifer Rucinski are present in person. Todd and Jennifer purchased the property in June of last year. Todd explains the property and variance requests. A brick patio with paver would be put in back along with pergola on top. There was grass but it is now all mud. The petitioners are looking for privacy because both neighbors have decks high above, as well as space to enjoy the views of moon valley.

Todd Rucinski hands out pictures of a basic plan for what the project would look like.

The addition of a setback variance is discussed. If setback variance is necessary petitioner should tell the Board how much, as well as the height of the side pergola. Lot coverage is discussed. It would be helpful if the petitioner provides a survey.

Findings and decisions should be completed and submitted.

Meg Kanyer motions, seconded by Doug Wickstrom, to continue the preliminary hearing to the June 14, 2022 BZA meeting. All in favor, the motion carried. The filing deadline is two weeks prior, by May 31, 2022.

e. Patrick and Rebecca McCusker – 2208 Chastleton Drive

Developmental Standards Variance Petition requesting variance from the requirements of Section 154, Appendix A.

Petitioner is seeking to install a shed 10 feet from the causeway behind the home. -Preliminary hearing is set to open at the May 10, 2022 BZA meeting.

Patrick McCusker is attending on zoom. Pat McCusker provides some context and history. Pat explains the variance request. If the shed is placed 20 feet off the causeway an oak tree will need to be cut down. Pat requests that the Board waive the requirement to send registered letters if the petition proceeds to the June meeting.

Pat McCusker confirms for Mike Gorman the size of the shed as 1% of the lot, or 10 feet by 11.5 feet.

The variance requests are discussed. Under Ordinance 154.052 subsection C a 30-foot setback is required. Pat McCusker explains his request is still to be 10 feet off the causeway so that he would not need to cut down the oak tree.

Pat McCusker explains the shed will be a pre-manufactured building that sits on a surface, probably gravel. The shed will match the house.

The location of the shed on the property is discussed, as well as alternative placement options.

A variance for a certain amount of time that would expire was mentioned. The Board can place conditions as a general matter.

The variance request is from 154.052 C, 30 foot setback from causeway, with 154.057 as well for completeness. The petitioner has been clear that these codes are not in the petition but the Board understands this.

John Mengel motions, seconded by Mike Gorman, to set the petition for public hearing at the June 14, 2022 BZA meeting. All in favor, the motion carried.

Pat McCusker would like to retract his request to waive the legal requirement to provide notice. Chris Willoughby explains that there are some alternatives for providing notice in the information packet.

Mike Gorman states that this Board is not telling the petitioner to cut down the oak tree. The petitioner can tell his neighbors this but that is not what the Board is seeking or telling the petition to do.

Pat McCusker adds that without the variance he will cut down the tree.

8. Public Hearings - None

9. Adjournment: Motion to adjourn by Meg Kanyer, seconded by Doug Wickstrom. All in favor, the motion carried. The meeting unanimously adjourned at 8:40 p.m.

Agenda Attached.

Minutes Approved by:
BZA Secretary Meg Collins


