

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

**Regular Meeting
Tuesday, July 12, 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. June 14, 2022; Regular Meeting**
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings - None**
- 8. Public Hearings**
 - a. Todd and Jennifer Rucinski – 2016 Oriole Trail**

Developmental Standards Variance Petition requesting variances from the requirements of Section 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage.
Petitioner is seeking to install a stone patio and pergola, and replace the existing walkway to match stone on the patio, resulting in increased lot coverage in excess of 35% on a lot that is 10,500 square feet
-Preliminary hearing opened at the May 10, 2022 BZA meeting and was continued to the June 14, 2022 BZA meeting. Public hearing is set to open at the July 12, 2022 BZA meeting.
 - b. Yellow Bear Farms LLC. – Lots 51-73 of Hidden Shores 1st Addition Parcel # 460114451033000070**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.048 – Maximum Height of Buildings.
Petitioner is seeking to build a home with a height increase from 27' to 33' from the highest final grade.
-Preliminary hearing opened at the June 14, 2022 BZA meeting. Public hearing is set to open at the July 12, 2022 BZA meeting.
- 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 July 12th, 2022

1. Call to Order

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

2. Roll Call

Board members attending in person: Meg Kanyer and Doug Wickstrom, John Mengel

Members attending by Zoom: John Mengel 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

The public was also permitted to attend and observe via Zoom.

3. Pledge of Allegiance

4. Approval of Minutes: John Mengel motions, seconded by Doug Wickstrom, to approve the regular meeting minutes from June 14, 2022. All in favor, none opposed. The motion carried. The regular meeting minutes from June 14, 2022 are approved.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings - None

8. Public Hearings

a. Todd and Jennifer Rucinski - 2016 Oriole Trail

Developmental Standards Variance Petition requesting variances from the requirements of Section 154.057 - Schedule of District Regulations; Setback, Height, Zoning Lot Size and Coverage.

Petitioner is seeking to install a stone patio and pergola, and replace the existing walkway to match stone on the patio, resulting in increased lot coverage in excess of 35% on a lot that is 10,500 square feet

-Preliminary hearing opened at the May 10, 2022 BZA meeting and was continued to the June 14, 2022 BZA meeting. Public hearing is set to open at the July 12, 2022 BZA meeting.

Chris Willoughby explains that a unanimous vote of the Board is needed for granting a variance.

All requirements to open a public hearing have been met.

Todd Rucinski would like to continue with the public hearing. Todd gives a brief summary of the petition.

Meg Kanyer calls for any persons in the public who wish to speak in support or opposition.

The following letters were received in support:

Ruth McDonald of 2009 Oriole Trail

Laura and John Walsh of 2014 Oriole Trail

Chris Cleary of 2007 Oriole Trail

No letters in opposition were received. No individuals spoke in opposition.

Meg Kanyer declares the public comment portion of the meeting closed.

Doug Wickstrom motions, seconded by John Mengel, to grant the request for variance. Doug Wickstrom reads the findings aloud.

All in favor. The motion carried. The variance request is approved. The petitioner does need to get a building permit.

b. Yellow Bear Farms LLC. – Lots 51-73 of Hidden Shores 1st Addition Parcel # 460114451033000070

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.048 – Maximum Height of Buildings.

Petitioner is seeking to build a home with a height increase from 27' to 33' from the highest final grade.

-Preliminary hearing opened at the June 14, 2022 BZA meeting. Public hearing is set to open at the July 12, 2022 BZA meeting.

All requirements to open a public hearing have been met. Deed for the property was submitted this morning via e-mail.

Mike Schapp and Lynn Beckwith of Mike Schaap Builders are present in person. Mike explains the petition.

Meg Kanyer calls for any persons in the public who wish to speak in support or opposition.

No letters in support were received. No individuals spoke in support.

The following letters were received in opposition:

John VanGemeran of 2426 Hideaway Point

Rick and Elizabeth Lutterbach of 2511 Fairway

Meg Kanyer reads a letter from Long Beach Fire Chief Kurt Earnst

No individuals spoke in opposition.

Meg Kanyer declares the public comment portion of the meeting closed.

John Mengel inquires about possible opportunities for lowering the roof and asks about any efforts that have been made or looked into. Mike Schaap and Lynn Beckwith respond. The grade and bottom level, crawl space, height ceiling, and scale of house are mentioned.

The Board and Chris Willoughby discuss the procedure if the petition is denied.

The petitioner chooses to postpone any vote by the Board until the August 9, 2022 BZA meeting. John Mengel motions, seconded by Doug Wickstrom, to continue the petition to the August 9, 2022 BZA meeting. The public hearing is closed. Coming back next month is only going to be for the BZA to take vote and if the Board wants to consider lesser height.

9. Adjournment: Doug Wickstrom motioned to adjourn, seconded by John Mengel. All in favor, the motion carried. The meeting unanimously adjourned at 7:35 p.m.

Agenda Attached.

Findings and Decisions Attached: Todd and Jennifer Rucinski – 2016 Oriole Trail

Minutes Approved by:
BZA Secretary Meg Collins



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

Petitioner(s)/Owner(s): Todd and Jennifer Rucinski

Common Address: 2016 Oriole Trail

Request: Petitioners seek a Development Standard Variance and relief from Section 154.057 of the Zoning Code and Appendix A (lot coverage) for the purpose of constructing a new stone patio along with a rear pergola and replacing an existing walkway with matching stone that will result in: (1) in the reduction of any existing non-conforming encroachments into setbacks but (2) an overall increase in already non-conforming lot coverage to a total of 43.9%, which is generally prohibited under the Code.

Date Public Hearing Held: July 12, 2022

The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the subject Petition for Development Standard Variance, supporting documents, testimony, and evidence presented during the public hearing on said 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,

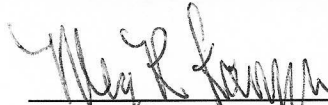
1. The approval of the requested Development Standard Variance will not be injurious to the public health, safety, morals, and general welfare because the contemplated project will be constructed in a manner similar to other projects and improvements allowed in and around the Town, and all construction 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 will not be affected in a substantially adverse manner because the project involves updating and improving the property and removing existing non-conforming setback encroachments while maintaining the general compatibility of the proposed improvement with the character of the existing home and immediate neighborhood; and
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 is sought because due to the unique lot coverage issues caused by the size and layout of their existing driveway Petitioners would not otherwise be able (a) to make the contemplated improvements and/or (b) use and enjoy their property in the same manner as other property owners that are similarly situated.

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 154.057 of the Zoning Code and Appendix A (lot coverage) and authorize Petitioners to construct a new stone patio along with a rear pergola and replace an existing walkway with matching stone that will result in: (1) the reduction of any existing non-conforming encroachments into setbacks but also (2) an overall increase in already non-conforming lot coverage to a total of 43.9%, 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; 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 12th day of July, 2022.


LONG BEACH ADVISORY BOARD OF ZONING APPEALS



Meg Kanyer, Chairperson



Doug Wickstrom, Vice-Chairperson



John Mengel, Member