

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

Tuesday, October 11, 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. September 13, 2022; Regular Meeting**
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings - None**
- 8. Public Hearings**
 - a. 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 opened at the July 12, 2022 BZA meeting. The public hearing concluded and any vote by the Board was continued to the August 9, 2022 BZA meeting. The petitioner requested a continuance to the September 12, 2022 BZA meeting. The public hearing is set to reopen at the October 11, 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 October 11th, 2022

1. Call to Order

The Regular Meeting of the Town of Long Beach Advisory Board of Zoning Appeals was held Tuesday, October 11, 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, Seth McCormick, John Mengel, and Doug Wickstrom

Members attending by Zoom: Fred Woods

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: None

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

3. Pledge of Allegiance

4. Approval of Minutes: John Mengel motions, seconded by Seth McCormick, to approve the regular meeting minutes from September 13, 2022. A roll call vote is taken. Meg Kanyer, Seth McCormick, John Megel, Fred Woods, and Doug Wickstrom are in favor of the motion. Five in favor, none opposed, the motion carries. The regular meeting minutes from September 13, 2022 are approved.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings - None

8. Public Hearings

a. 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.

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Chris Willoughby states that all votes need to be roll call with one member attending by zoom. Making sure the public processes are followed, the public has been noticed and the petitioner has sent out notice.

Anthony Novak of Newby, Lewis, Kaminski, & Jones LLP is present and representing the petitioner. Petitioner Victoria Zahr and builder Mike Schaap are present on zoom. The petitioners have re-noticed the public and did submit some supplemental materials to the BZA Board and also to the fire department through Kurt Earnst. Fire Chief Earnst did give due consideration to the proposal. The position of the fire department is not changed.

Anthony Novak goes through the additional items that were submitted. The petitioner is still asking for the original request, to allow construction of house with height of 33 feet.

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

Ken Klausner of 2405 Shorewood Drive speaks in support of the variance.

The following letters of support were submitted by the petitioner:

Rick and Liz Lutterbach of 2511 Fairway Drive
Gary and Macy Rozier of 2507 Shorewood Drive
Chris Yagelski of 2324 Tinker's Way
Janice and Steven Brown of 2509 Shorewood Drive

One letter in opposition was submitted by John Wall of 2022 Juneway.

No individuals spoke in opposition.

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

Chris Willoughby states how the record is long. Previous submissions, correspondence, and amendments are the elements of what drives the BZA's decision. To approve, deny, or continue all of those items should be considered.

Various board members speak.

Meg Kanyer motions, seconded by Doug Wickstrom, to deny the variance request. Meg Kanyer reads the findings aloud.

A roll call vote is taken. Meg Kanyer, Seth McCormick, Doug Wickstrom, and Fred Woods are in favor of the motion. John Mengal opposes the motion. Four in favor, one opposed, the motion carries. The variance request is denied.

9. Adjournment: John Mengel motioned, seconded by Meg Kanyer, to adjourn the meeting. All in favor, the motion carried. The meeting unanimously adjourned at 7:40 p.m.

Agenda Attached.

Findings and Decisions Attached: Yellow Bear Farms LLC. – Lots 51-73 of Hidden Shores 1st Addition Parcel # 460114451033000070

Minutes Approved by:
BZA Secretary Meg Collins

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

Petitioner(s)/Owner(s): Yellow Bear Farms, LLC
Marc and Victoria Zahr (Mike Schaap Builders, Inc.)

Common Address: Lots 51-73 Hidden Shores Subdivision

Request: Petitioner seeks relief from Section 154.048 of the Zoning Code to allow the construction of a home with a height of 33' from the highest final grade, which is generally limited to 27'.

Date of Final Public Hearing: October 11, 2022

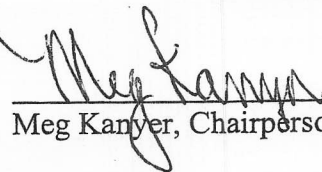
The Long Beach Advisory Board of Zoning Appeals ("BZA"), after giving due consideration to the subject Petition for Standard Development Variance, supporting documents, testimony, and evidence presented during the public hearing on the said Petition, other materials presented to the BZA that are part of the public record, and the legal requirements set forth under the Indiana and Long Beach Codes, the BZA now makes the following findings,

Petitioner failed to meet its burden of establishing that the approval of the requested relief will not be injurious to the public health, safety, morals and general welfare of the community and further failed to establish that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

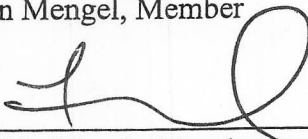
Based on the forgoing findings as well as due regard for the requirements of both state and local laws, it is the decision of the BZA to deny the requested Standard Development Variance from the requirements of Section 154.048 of the Zoning Code.

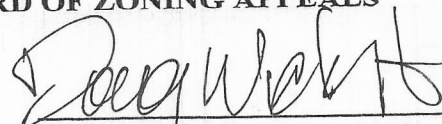
Dated this 11th day of October, 2022.

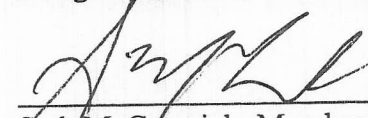
LONG BEACH ADVISORY BOARD OF ZONING APPEALS


Meg Kanyer, Chairperson

John Mengel, Member


Freddy Woods, Member


Doug Wickstrom, Vice-Chairperson


Seth McCormick, Member