

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall

Meeting Minutes for December 11th, 2018

1. Call to Order

The Regular Meeting of the Town of Long Beach Advisory Board of Zoning Appeals was held in the Long Beach Town Hall on Tuesday, December 11, 2018. Chairman Gorman called the meeting to order at 7:00 p.m.

2. Roll Call

Board members in attendance: Chairman Mike Gorman, Rich Jercich, Meg Kanyer, John Kocher, and John Wall.

Members absent: None

A quorum is present and the meeting shall proceed

Attorneys: Christopher Willoughby of Braje, Nelson & Janes, LLP

Also in attendance: Secretary Meg Collins

Also in attendance: Building Commission representative Bob Lemay

Also in attendance: Court Reporter Rebecca Lempa and Videographer Marilyn Jones, hired by a private individual

3. Pledge of Allegiance

4. Approval of Minutes: Upon motion by John Wall, seconded by John Kocher, the regular meeting minutes from November 13, 2018 were approved.

5. Old Business

a. Update of BZA Rules of Practice and Procedure and related Forms

Chris Willoughby is still working on this item.

6. New Business - None

7. Preliminary Hearings - None

8. Public Hearings

a. Kevin and Linda Hnatusko – 2503 Lake Shore Drive

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134 – Nonconforming Residential Dwelling Alteration Permitted – seeking to modify an existing porch through the addition of screens with vinyl-flex windows.

Preliminary hearing was opened September 11, 2018 and continued to October 9, 2018. Public hearing was set to open November 13, 2018 but was not opened at Petitioner's request. Public hearing is set to open December 11, 2018.

All requirements have been met. Mike Gorman opens the public hearing and calls on petitioner.

Kevin Hnatusko summarizes the main points included in the petition. Kevin mentions volume and lot coverage in regards to the porch. Kevin referenced an email from the Architectural Department of Indiana University and mentioned research from the American Institute of Architects, as well as opinions of other architects, to support the Petitioner's proposed screens and window system.

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

John Doyle of 2501 Lake Shore Drive, Jude Rakowski of 2425 Lake Shore Drive, and the Petitioner's General Contractor Joe Shinn of 118 Northbrook Drive speak in support of the petition. John Doyle and Jude Rakowski also submitted letters for the record that were not read out loud.

Meg Collins reads three letters in support from Thomas Stevenson of 2515 Lake Shore Drive, Dale and Kay Gramm of 2417 Lake Shore Drive, and Dan and Caryl Moon of 2514 Glendale Way.

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

Meg Collins reads one letter in opposition submitted by Eric Zubler on behalf of Chester Zubler of 2505 Lake Shore Drive.

Kevin Hnatusko comments on dialogue he had with Mr. Zubler.

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

Bob Lemay confirms the Building Commission has no new information to add.

Board discussion is now open.

Mike Gorman mentions the permit issued by the Building Commission in April specifically did not include screens or windows. The Petitioner understood at that time that coming before the BZA might be necessary at some point.

Kevin Hnatusko states he understood the risk of building the room with the potential of the room being left how it is now, with no screens or windows.

Rich Jercich and John Kocher mention insects and if there are increased insects it could affect livability of the home.

John Wall and Meg Kanyer agree that the roof being installed over the porch already encumbered volume.

John Kocher motions to approve the variance. John Kocher reads the Findings and Decisions submitted by the Petitioner. Rich Jercich seconds the motion.

The Board discusses the old deck compared to the existing deck. The deck is new construction; the old deck was taken down. The word pre-existing is struck from each of three points in the Findings and Decisions. The last sentence in Standard #3 is struck. The first sentence of the last paragraph will change from lot coverage to volume. The Findings and Decisions are amended with these changes.

The Board votes on the motion to approve the variance, with edited Findings. Vote was taken as a roll call. Rich Jercich, Meg Kanyer, John Kocher, and John Wall are in favor of the motion. Mike Gorman opposes the motion. The motion carries four in favor, one in opposition. The variance is granted to the Petitioner.

The Petitioner will be given a copy of the signed Findings and Decisions.

b. Megan Applegate – 2742 Floral Trail

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.057 – Schedule of Zoning District Regulations – based on front, rear, and side yard setbacks and 35% lot coverage requirement.

Preliminary hearing was opened November 13, 2018. Public hearing is set to open December 11, 2018.

All requirements have been met. Mike Gorman opens the public hearing and calls on petitioner.

Megan Applegate summarizes the main points included in the petition. Construction of home that will require retaining walls to support driveway, and variation from 35% lot coverage requirement. Variations are needed for drainage as well as access to garage on Oriole Trail, and to keep with the requirement of the Topography Ordinance. Plans were determined by Surveyors and Engineers as the only option for building on this lot. Megan submitted amended plans based on Board's requests at the last meeting, including square footage of walls, driveway, and home.

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

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

Daniel Tannas of 2708 Belle Plain Trail, and Kate Ardissono of 2714 Belle Plain Trail speaking on behalf of Mary Sheahan of 2701 Oriole Trail, spoke in opposition.

Meg Collins reads a letter in opposition submitted by Martha Klein of 2625 Oriole Trail.

Petitioner Megan Applegate responds with information about property regarding elevations, septic, and drainage. Trees will be constructed for privacy. There will be no entrance to home from back alleyway. Plans are only option per Great Lakes Engineering and Steve Thate.

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

There are no comments from the Building Commission.

Board discussion is now open.

The Board discusses the Petitioner's plan to combine the lot three separate lots into two lots, with the Petitioner proposing to build on the east lot as replatted. The Petitioner will need approval by the Planning Commission and Town Council to sub divide, as well as filing with the Recorder's Office. Since the Petitioner has chosen to petition the BZA first, the BZA Board does not have any Building Commission information. The Board discusses direction the Petitioner could take next. The Board agrees variances are most likely necessary in order to keep the contours of the lot.

Bob Lemay discusses an Ordinance that does allow for a preliminary building permit application. An individual could submit plans for \$35 and the Building Commission will look at the plans and tell the individual potential problems. Bob thinks the Petitioner would have enough information for that preliminary application.

John Wall motions to continue the public hearing to the January 8, 2019 regularly scheduled BZA meeting, seconded by John Kocher. The Board requests the Petitioner to proceed with subdivision process and necessary approvals under Town Code. It is the Board's preference the Petitioner file a preliminary building permit application with the Building Commission to obtain preliminary approval by the Building Commission. All in favor, the motion carried.

The Board understands it may take the Petitioner time. The Board asks the Petitioner communicate status and request the public hearing be continued if the Petitioner is not ready in time for the meeting.

9. Adjournment: Motion to adjourn by Meg Kanyer, seconded by Mike Gorman. The meeting unanimously adjourned at 8:32 p.m.

Agenda Attached.

Findings and Decision Attached – Hnatusko 2503 Lake Shore Drive

Minutes Approved by:
BZA Secretary Meg Collins



**TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS
Regular Meeting
Tuesday, December 11, 2018
7:00 p.m.
Long Beach Town Hall**

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
 - a. November 13, 2018; Regular Meeting
- 5. Old Business**
 - a. Update of BZA Rules of Practice and Procedure and related Forms
- 6. New Business – None**
- 7. Preliminary Hearings – None**
- 8. Public Hearings**
 - a. **Kevin and Linda Hnatusko – 2503 Lake Shore Drive**

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted - seeking to modify an existing porch through the addition of screens with vinyl-flex windows.
-Preliminary hearing opened September 11, 2018 and continued to October 9, 2018.
Public hearing was set to open November 13, 2018 but was not opened at Petitioner's request. Public hearing set to open December 11, 2018.
 - b. **Megan Applegate – 2742 Floral Trail**

Developmental Standards Variance Petition requesting four separate variances from the requirements of Section 154.057 – Schedule of Zoning District Regulations - based on front, rear, and side yard setbacks and 35% lot coverage requirement.
-Preliminary hearing opened November 13, 2018. Public hearing set to open December 11, 2018.
- 9. Adjournment**

KEVIN + LINDA HNATUSKO

2503 LAKE SHORE DRIVE, LONG BEACH, IN

RESTATED ANSWERS TO DEVELOPMENT STANDARD VARIANCE ISSUES

PUBLIC HEARING: DEC. 11, 2018

THE BOARD NOW GRANTS THE REQUESTED VARIANCE:

1. The DEVELOPMENT STANDARD VARIANCE WILL NOT be injurious to the public health, safety, morals and general welfare BECAUSE of the facts shown as follows;

The proposed addition of screens with vinyl screen covers is being constructed on the footprint of a pre-existing deck, and after prior approval by the Long Beach Building Commission, a roof structure. This proposed project and the pre-existing footprint are compliant with all other development standard requirements such as set-backs and heights. The health and safety of the homeowners will be increased from reduced exposure to potential disease-carrying insects.

2. The use and value of the area adjacent to the property included in the variance WILL NOT be affected in a substantially adverse manner BECAUSE of the facts shown as follows;

In light of the pre-existing deck and roof structure, the proposed addition of screens with vinyl screen covers will not affect the views of Lake Michigan across Lake Shore Drive for any adjacent property owner and the resulting screened porch is in keeping with similar structures found on houses in the neighborhood and will be an aesthetic improvement to the property adding value to the surrounding homes.

3. The strict application of the Long Beach Zoning and Subdivision Ordinance WILL result in practical difficulties in the use of the property for which the variance is sought BECAUSE of the facts shown as follows;

The fact that the lot was laid out and the existing home constructed prior to the current requirements of the Long Beach Zoning Ordinance is what creates the current non-conformity with regard to ^{volume} lot coverage. In all other respects the pre-existing deck with roof, and proposed installed screens with vinyl screen covers, comply with current development standard requirements. ~~The strict application of the Zoning Ordinance would effectively preclude any further improvements or updates of the home in that there is no remedy to the lot coverage issue short of demolition of the entire home and starting over.~~

Mitchell
Mitchell

John K. L.
Meg Kamyk

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