

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

Tuesday, February 14, 2023

6:30 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. January 10, 2023; Regular Meeting
- 5. Old Business - None**
- 6. New Business**
- 7. Preliminary Hearings - None**
- 8. Public Hearings**
 - a. **Brian and Patricia Duffy – 2211 Oakenwald Drive**

Developmental Standards Variance Petition requesting variances from the requirements of:

 - 1) Section 154.130 - Nonconforming Buildings and Structures, and
 - 2) Section 154.052 – Construction and Location Standards for Accessory Uses and Structures.

Petitioner is seeking to increase the volume of a previously existing pool shed from 1,110 cubic feet to 1,569 cubic feet in the front and side setback of a non-conforming lot.

-Preliminary hearing opened at the May 10, 2022 BZA meeting and was continued to the June 14, 2022 BZA meeting. The petition was removed from the July 12, 2022 agenda pending discussion with the Building Commission. The preliminary hearing was reconsidered at the January 10, 2023 BZA meeting. Public hearing is set to open at the February 14, 2023 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 February 14th, 2023

1. Call to Order

The Regular Meeting of the Town of Long Beach Advisory Board of Zoning Appeals was held Tuesday, February 14, 2023 at the Long Beach town hall with Zoom video conference information on the Town website. Chairman Meg Kanyer called the meeting to order at 6:30 p.m.

2. Roll Call

Board members attending in person: Meg Kanyer, Seth McCormick, John Mengel, Doug Wickstrom, and Fred Woods

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: No representative

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

3. Pledge of Allegiance

4. Approval of Minutes: John Mengel motions, seconded by Meg Kanyer, to approve the regular meeting minutes from January 10, 2023. All in favor, the motion carried.

5. Old Business - None

6. New Business - None

7. Preliminary Hearings

8. Public Hearings

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Brad Adamsky, Attorney representing the petitioner is present. Brad gives a very brief recap of the petition and explains the basis of the variance requests.

All requirements to open a public hearing have been met.

Meg Kanyer calls for any persons in the public who wish to speak in support or opposition. No one speaks in support or opposition.

One letter in support was submitted by Arlene Tengel of 2311 Hazeltine.

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

Meg Kanyer motions, seconded by John Mengel, to approve the variance requests. Meg Kanyer reads the findings aloud.

Brad Adamsky makes a clarification on Number 1.

All in favor, the motion carried. The variance request is approved.

9. Adjournment: Meg Kanyer motioned, seconded by John Mengel, to adjourn the meeting. All in favor, the motion carried. The meeting unanimously adjourned at 6:42 p.m.

Agenda Attached.

Findings + Decisions Attached - Brian + Patricia Duffy
2211 Oakenwald Drive

Minutes Approved by:
BZA Secretary Meg Collins

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

Petitioner(s)/Owner(s): Brian and Patricia Duffy

Common Address: 2211 Oakenwald Drive

Request: Petitioners seek a post-construction Development Standard Variance from Section 154.130 of the Zoning Code approving a 459 cu. ft. increase in the volume of their shed located within an already nonconforming encroachment in a setback, which is generally prohibited under the Code.

Date Public Hearing Held: February 14, 2023.

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,

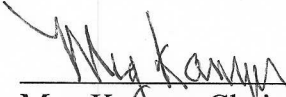
1. The approval of the requested Development Standard Variance from Section 154.130 of the Zoning Code allowing a 459 cu. ft. increase in the volume of Petitioners' shed located within an already nonconforming encroachment in a setback will not be and is not injurious to the public health, safety, morals, and general welfare because the contemplated project is located and constructed in a manner similar to other projects and improvements allowed in and around the Town and all construction is otherwise 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 from Section 154.130 of the Zoning Code allowing a 459 cu. ft. increase in the volume of Petitioners' shed located within an already nonconforming encroachment in a setback will not be and is not affected in a substantially adverse manner because the project resulted in updating and improving the property as well as maintaining general compatibility with the character of the existing home and immediate neighborhood.
3. The strict application of the Zoning Code would and will result in practical difficulties in the use of the subject property for which the Development Standard Variance from Section 154.130 of the Zoning Code is sought because (A) although the newly constructed but unapproved shed placed inside a wall encroaching into the setback would have been initially permissible if approved by the Building Commission, it was later deemed illegal pursuant to changes in the Zoning Code and (B) without the approval of the requested Variance Petitioners would not be able to maintain the already constructed improvements or use and enjoy their property in the same manner as other property owners that are similarly situated.

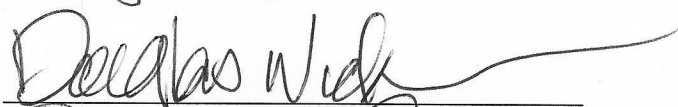
Based on the forgoing findings as well as due regard for the requirements of both state and local laws, it is the decision of the BZA to approve and grant the requested Development Standard Variance from Section 154.130 of the Zoning Code allowing a 459 cu. ft. increase in the volume of Petitioners' shed located within an already nonconforming encroachment in a setback, subject to the following determinations and/or conditions:

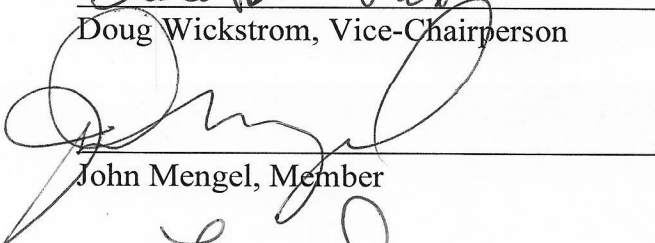
1. The increase in the volume of the shed does not and shall not exceed 459 cu. ft.;
2. No part of these Findings and Decisions shall be deemed to include any consideration or determination regarding any other Section of the Zoning Code as no such relief was requested of or is otherwise properly before the BZA for consideration as part of the subject Petition, except as otherwise addressed above; and
3. A copy of these Findings and Decisions shall be included in the Building Commission's records maintained for the Building Permit issued to Petitioners for their project.

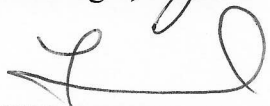
Original Decision on 14th day of February, 2023.

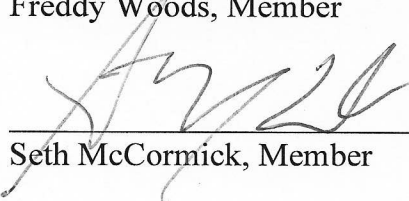
LONG BEACH ADVISORY BOARD OF ZONING APPEALS


Meg Kanyer, Chairperson


Doug Wickstrom, Vice-Chairperson


John Mengel, Member


Freddy Woods, Member


Seth McCormick, Member