

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall

Meeting Minutes for November 13th, 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, November 13, 2018. Chairman Gorman called the meeting to order at 7:00 p.m.

2. Roll Call

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

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 Kocher, seconded by John Wall, the regular meeting minutes from October 9, 2018 were approved.

5. Old Business

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

Chris Willoughby is still reviewing. The item will be tabled for this meeting and brought back in the future for a report.

6. New Business - None

7. Preliminary Hearings

a. **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.

Mike Gorman confirms with the Board there are no concerns that John Wall and Petitioner Megan Applegate are on the Volunteer Fire Department together.

Megan Applegate describes the lots she purchased in May 2018. Megan summarizes the variances being sought in the Petition. Megan discusses retaining walls, the proposed driveway, and states percentages related to lot coverage.

Megan submits copies of a larger site plan to the Board members as well as a sheet containing lot coverage calculations, for the record.

John Kocher confirms the lot that is not being developed is listed for sale.

Megan Applegate states Great Lakes Engineering completed a survey of the properties and confirmed that both lots were buildable and septic approved. Elevation of the properties is discussed.

Mike Gorman confirms Megan Applegate owns lots 3, 4, and 5 but plans to build on lot 5 and half of lot 4. Mike inquires about subdividing the lots because the lots are not plotted. Mike discusses the legal descriptions and addresses of the lots. Chris Willoughby states the Board is allowed to put conditions on any variance that is granted. Mike Gorman summarizes that Petitioner would have to take steps to satisfy requirements of Recorder's Office prior to the issuance of a building permit.

Mike Gorman states the Board does not have the advantage of input from the Building Commission since the Petitioner came to the BZA first.

Chris Willoughby discusses the common address and legal description for the purpose of adequate public notice and states it would be more prudent to refer to both in the public notice.

The Board discusses the Topography Ordinance as referenced in the Petition, related to retaining walls within setback lines. John Wall states elevations would be looked at when the building permit is issued.

Megan Applegate, John Wall, and Mike Gorman look at larger site plans submitted by the Petitioner. The four variances will need to have specificity regarding the amount of feet being requested, the dimensions and setback lines need to be clarified. The Board requests dimensions for the width of the driveway. Lot coverage percentages are discussed. The Board explains to the Petitioner that any variance granted may be conditional to obtaining a building permit.

Mike Gorman summarizes the three lots owned by the Petitioner will be properly and clearly described in the Petition and in public notice. The descriptions can be made a condition of any variance. This will also satisfy the Building Commission when the Petitioner seeks a building permit. The Topography Ordinance will be addressed by the Building Commission when the Petitioner applies for a building permit.

The Board has requested a more detailed map showing measurements concerning all four variances being sought. The Petitioner should specify the exact amount of feet being requested in each variance. The Petitioner should submit support for calculations of lot coverage, specifically retaining walls and the driveway. These requested items should be submitted no later than two weeks prior to the December meeting.

John Kocher motions, seconded by John Wall, to set public hearing for the next regularly scheduled BZA meeting on December 11, 2018, provided the Petitioner submits the documents requested by the Board. All in favor. The motion carries.

The Petitioner is required to send registered returned notices to all property owners within 300 feet and post the notice sign in the front of the property.

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 is set to open November 13, 2018.

Mike Gorman explains the possible outcomes of a vote to the Petitioner due to the fact that three of five Board members are present at this meeting. Any decision tonight requires unanimous vote by three members. The Petitioner has the option to have the public hearing continued and not opened tonight.

Chris Willoughby mentions the notice is sufficient and the Petitioner does not need to re-notice.

Kevin Hnatusko requests to not open the public hearing at this meeting.

Mike Gorman motions, seconded by John Kocher, to table the public hearing until the regularly scheduled December 11, 2018 meeting. All in favor. The motion carried. Public hearing is now set to take place at the December meeting.

Mike Gorman mentions the volume verbiage discussed at the October meeting. It is agreed that the Petitioner addressed the language in the notices to neighbors. The language will be included in any Findings and Decisions that are adopted.

The Board requested the building permit application and supporting materials that were submitted to the Building Commission in April 2018 at the September and October meetings. The Petitioner agrees to submit the building permit application and supporting materials at least two weeks prior to the December meeting.

9. Adjournment: Motion to adjourn by John Kocher, seconded by John Wall. The meeting unanimously adjourned at 8:22 p.m.

Agenda Attached.

Minutes Approved by:
BZA Secretary Meg Collins



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

Tuesday, November 13, 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. October 9, 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**
 - a. **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 set to open November 13, 2018.
- 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 set to open November 13, 2018.
- 9. Adjournment**