

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall

Meeting Minutes for April 10th, 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, April 10, 2018. Chairman Gorman called the meeting to order at 7:00 p.m.

2. Roll Call

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

Members absent: Rich Jercich

A quorum is present and the meeting shall proceed

Attorneys: Nathan Vis of Vis Law, LLC is absent

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 Meg Kanyer, seconded by John Wall, the regular meeting minutes from February 13, 2018 were approved. Three Board members approved the minutes. John Kocher was not present at the February meeting and abstained.

5. Old Business – None.

6. New Business – None.

7. Preliminary Hearings

a. Dennis and Beth Dunne – 1808 Ridgemoor Drive

Developmental Standards Variance Petition seeking a variance to construct a retaining wall and a deck on a nonconforming lot.

Mike Gorman reads a portion of an e-mail BZA Attorney Chris Willoughby received from the Dunne's Attorney, Barry McDonnell. Petitioner is requesting that the preliminary hearing be tabled. A new preliminary hearing will be scheduled upon the timely filing of a new petition.

John Kocher motions, seconded by Meg Kanyer, to table the Dunne's Petition, therefore the preliminary hearing will not be opened. All in favor, the motion carries.

Meg Collins is to instruct the Town Clerk to hold the filing fee submitted by the Dunne's and apply it to a new petition as such time as the Dunne's decide to file.

8. Public Hearings

a. Nicholas and Colleen Meyer – 2302 Grassmere Drive

Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134 – Nonconforming Residential Dwelling Alteration Permitted – seeking to construct a screened porch addition over an existing concrete slab on a nonconforming lot size.

Preliminary hearing opened December 12, 2017 as Administrative Decision Appeal Petition. At Petitioner's request the petition was amended to a Developmental Standards Variance Petition and the preliminary hearing opened January 9, 2018. Public hearing was set to open February 13, 2018 but at petitioners' request was continued to April 10, 2018.

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

Nick Meyer summarizes the main points included in the petition. The screened porch in building plans was denied due to adding volume and the lot being nonconforming. Nick describes the detriments of not being able to proceed with construction.

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

Meg Collins reads 4 letters in support: Annette Corbett of Long Beach Country Club, Thomas King of 2301 Florimond, Bill and Sue Luegers of 2312 Larchmont, and Rick Blank of 2303 Grassmere Drive.

Mike Gorman calls for any persons who wish to speak in opposition of the petition. No audience members are in opposition and no letters were received in opposition.

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.

Meg Kanyer asks Petitioner if the patio is existing now.

Nick Meyer refers to the original building plan submitted in December 2016 which shows the existing concrete patio. Homeowner's had planned to remove planter and back side walkway. In October of last year homeowner's received permission and permit to remove and replace the driveway. It was more cost effective to have all the concrete removed at one time. The front sidewalk, flower planter, driveway, and sidewalk were removed. The patio slab was removed and not replaced with anything. Homeowner's made the decision to remove the patio as well, not knowing the outcome of the variance or if this decision would affect the outcome of the variance. The patio was in place until October 2017. Part of the plans is to situate new porch over top of where the previously existing slab was located.

Mike Gorman references Ordinance 154.134, and finds both an increase in volume and footprint. The proposed porch is larger than the prior concrete slab.

Mike Gorman reads a draft of Findings and Decisions which he prepared. Mike included two conditions as part of the Findings. This variance only applies to 154.134. No changes to the proposed Findings and Decisions were suggested by other Board members.

Mike Gorman motions to grant the variance to the Petitioner based on the Findings and Decisions as read aloud. Seconded by John Kocher.

Vote was taken as a roll call. Mike Gorman, Meg Kanyer, John Kocher, and John Wall are in favor of the motion. None opposed. The motion carries four in favor. The variance is granted to the Petitioner.

9. Adjournment: Motion to adjourn by Meg Kanyer, seconded by John Wall. The meeting unanimously adjourned at 7:30 p.m.

Agenda Attached.

Findings Attached.

Name:
Nicholas and Colleen Meyer

Address:
2302 Grassmere Drive

Minutes Approved by:

BZA Secretary Meg Collins

A handwritten signature in cursive script, appearing to read 'Meg Collins', is positioned above a horizontal line.

**TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS
Regular Meeting
Tuesday, April 10, 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. February 13, 2018; Regular Meeting
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings**
 - a. **Dennis and Beth Dunne – 1808 Ridgemoor Drive**
Developmental Standards Variance Petition seeking a variance to construct a retaining wall and a deck on a nonconforming lot.
-Preliminary hearing set to open April 10, 2018.
- 8. Public Hearings**
 - a. **Nicholas and Colleen Meyer – 2302 Grassmere Drive**
Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134 - Nonconforming Residential Dwelling Alteration Permitted - seeking to construct a screened porch addition over an existing concrete slab on a nonconforming lot size.
-Preliminary hearing opened January 9, 2018. Public hearing opened February 13, 2018 and was continued to April 10, 2018.
- 9. Adjournment**

LONG BEACH ADVISORY BOARD OF ZONING APPEALS
FINDINGS and DECISIONS
DEVELOPMENT STANDARD VARIANCE (BZA 9)

Petitioner: Nicholas and Colleen Meyer

Address: 2302 Grassmere Drive, Long Beach, IN

Public Hearing Opened: February 13, 2018 and continued to April 10, 2018

Public Hearing Closed: April 10, 2018

The members of the Long Beach Advisory Board of Zoning Appeals now FIND:

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

The proposed structure does not block views either from neighboring properties or surrounding public property. The proposed structure would be an extension of the existing home and constructed in a similar conforming style to the existing home.

2. That 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:

The proposed structure faces the golf course property and will not block views of the golf course from neighboring properties.

3. That 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:

Given that the southern border of the property borders the golf course, a structure built to the dimensions specified in the drawings included with the petition would allow the petitioner to address the health and safety concerns of living adjacent to a golf course. Any increase attributable to the proposed structure in either the size of the first floor area of the building or volume of the building will not impact adjacent properties in a substantially adverse manner.

DEVELOPMENT STANDARD VARIANCE (BZA9)
2302 Grassmere Drive, Long Beach, IN

THE BOARD NOW **GRANTS** the above requested DEVELOPMENT STANDARD VARIANCE;

AND further decides the following **CONDITIONS** shall be imposed:

1. A building permit shall be obtained prior to any construction.
2. This variance only applies to Section 154.134
Nonconforming Residential Dwelling Alteration Permitted.

Dated: April 10, 2018

LONG BEACH ADVISORY BOARD OF ZONING APPEALS









