

TOWN OF LONG BEACH  
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall

Meeting Minutes for February 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, February 13, 2018. Chairman Gorman called the meeting to order at 7:05 p.m.

2. Roll Call

Board members in attendance: Chairman Mike Gorman, Rich Jercich, and Meg Kanyer

Members absent: John Kocher and John Wall

A quorum is present and the meeting shall proceed

Attorneys: Nathan Vis of Vis Law, LLC is absent

Secretary: Meg Collins is absent. Mike Gorman will serve as acting Secretary.

No Building Commission representative was in attendance.

Also in attendance: Court Reporter Janelle Robinson and Videographer Justin Sirinek, hired by a private individual

3. Pledge of Allegiance

4. Approval of Minutes: Upon motion by Meg Kanyer, seconded by Rich Jercich, the regular meeting minutes from January 9, 2018 were unanimously approved.

5. Old Business – None.

6. New Business – None.

7. Preliminary Hearings – None.

8. Public Hearings – None

**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 is set to open February 13, 2018.

Prior to opening the public hearing, Mike Gorman notes that the Petitioner has filed with the Town Clerk; 1) BZA 12 Public Hearing Checklist, 2) BZA 15 Affidavit of Posting of On-Site Notice Sign, 3) Certified Mail Receipts for the 24 properties located within 300 feet, and 4) The Petitioner has paid the cost of the legal notice publication. There are two deficiencies in the above documents filed with the Town Clerk that the Board needs to address.

With respect to BZA 15 Affidavit of Posting, the Petitioner has acknowledged that he did not comply with the 21 day posting requirement. The sign is to be posted 21 days prior to today's scheduled public hearing.

As a result, the Petitioner has requested that the public hearing be continued until the next meeting of the BZA in order to comply with the 21 day posting requirement.

Meg Kanyer makes a motion to continue this public hearing until April 10, 2018. Seconded by Rich Jercich. Upon a vote, the motion is unanimously approved.

With respect to the Certified Mail Receipts, the Petitioner was required to mail the notices as Certified Mail Return Receipt Requested. The Petitioner failed to provide for the Return Receipt.

The Board takes notice that the Certified Mail Receipts provide proof that the notices were mailed. The Board also takes notice that three letters have been received by the BZA from property owners and a fourth property owner acknowledged receipt of the notice. Given that the Board is aware that four property owners did, in fact, receive the notice, the Board is in a position to conclude that the notices were duly mailed and received by the 24 property owners.

Mike Gorman makes a motion that the notices were duly mailed and received by the 24 properties within 300 feet. Seconded by Meg Kanyer. Upon a vote, the motion is unanimously approved.

The Board discusses information that should be submitted by Petitioner prior to the next meeting.

The Petitioner has filed Findings and Decision Form BZA 8, whereas Findings and Decision Form BZA 9 is the required form.

The Site Plan attached to the Petition is dated September 21, 2017 and reflects only the work proposed for the porch, not the work for the initial home renovation. The Site Plan which Petitioner submitted to the Building Commission as part of the building permit application for the initial home renovation work should show that the concrete slab was existing prior to commencing work.

A motion is made by Mike Gorman, seconded by Meg Kanyer, directing the BZA Secretary to contact the Petitioner requesting the Petitioner to file: 1) Form BZA 9 Findings and Decision, and 2) Site Plan that Petitioner submitted as part of the building permit application for the initial home renovation showing the existing concrete slab. These materials are required to be filed with the Town Clerk no later than March 27, 2018, which is two weeks prior to the April 10, 2018 meeting. However, given that there will not be a BZA meeting in March, the Petitioner is requested to file these materials as soon as practicable after today's meeting.

Upon a vote, the motion is unanimously approved.

9. Adjournment: Motion to adjourn by Rich Jercich, seconded by Meg Kanyer. The meeting unanimously adjourned at 7:20 p.m.

Agenda Attached.

Minutes Approved by:  
BZA Acting Secretary Michael Gorman

A handwritten signature in cursive script, reading "Michael Gorman", is written over a horizontal line.

**TOWN OF LONG BEACH  
ADVISORY BOARD OF ZONING APPEALS  
Regular Meeting  
Tuesday, February 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. January 9, 2018; Regular Meeting
- 5. Old Business - None**
- 6. New Business - None**
- 7. Preliminary Hearings – None**
- 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 set to open February 13, 2018.
- 9. Adjournment**