

MINUTES
Building Commission
Town of Long Beach, IN
September 5, 2012
7:00 P.M.

A regular meeting of the Long Beach Building Commission was held on September 5, 2012 at 7:00 P.M. The following were in attendance: Paul Fithian, Building Commissioner, and Building Commission members Robert Angelo and Pat McDonald. Also present: Council Members Pete Byvoets and Jane Neulieb. There were approximately 15 residents in attendance.

1. Approval of Minutes – The minutes of the previous meeting were reviewed and on motion made and seconded were approved by a unanimous vote of all present. A copy of the minutes will be posted on the website.

2. Review Action Items from Previous Meeting – The following items were discussed by the Commission:

a) Scope of work for the Building Commissioner referred to the Advisory Plan Commission (hereinafter APC). Mr. Byvoets referred to his handout which outlined the Scope of the proposed Town Engineer. A copy of the handout is attached hereto as Exhibit “A”.

Full discussion followed with regard to items defined within “Scope” and the Commission inquired about the need for an engineering review for accessory structures with below grade support, footings and/or foundations. It was noted that the review would include review of the provisions of Title XV, Chapters, 150, 151, 153, 154 and 155. The Building Commission concurred that this item should go back to the Plan Commission for further review. It was requested that more reasonableness be given to some of the items that were required for an engineering review.

MOTION was made by Pat McDonald to send this matter to the Plan Commission for further review and clarification. Motion seconded and approved.

It was noted that proposals for this review were received and Haas Engineering was recommended by the APC to perform the engineering study required for building permits.

Lukeman and Haas & Associates have been charged with codifying the existing codes and ordinances in the town as they relate to Building and Zoning.

Paul Fithian requested the study of Lukeman and Haas be submitted to the Building Commission prior to any further action by the Building Commission. He requested that this matter be tabled until further information is obtained from Lukeman and Haas.

b) Right-of-Way clarification by Atty Lukeman. The Council determined that issues of right-of-way are complicated. It was noted that in order to pursue right-of-way violations, a matter of public safety must be present. It was noted that new structures will not be allowed in the right-of-way, and any damaged items will not be allowed to be replaced in the right-of-way.

- c) Notify Tom King of all Building Commission Meetings – Notification has been made.
- d) Enforcement of Fines on Property – The Building Commission and Inspector are responsible for identifying and issuing fines for various violations. This is an ongoing policy.
- e) Beach Access Permit – will be issued only **after** Building Permit is issued. This has been done.

3. Stairs at 2728 Lake Shore Drive - Mr. Denvir and Atty. McDonald were in attendance at the meeting to discuss the stairs at 2728 Lake Shore Drive. The stairs are in violation of the View Ordinance and were installed without a permit. The homeowner indicated that no permit was obtained by the contractor and a reasonable fine will be paid for this violation. However, Atty. McDonald cited the code for existing legendary non-conforming structures. Full discussion followed and the Commissioners recommended that the homeowner pursue a variance from the Long Beach Building & Zoning Commission for the stairs.

4. Further action regarding lots at Stop 23. Paul Fithian noted that permit fees have been collected for 2 building permits for proposed homes at Stop 23. Mr. Fithian stated that the permits have been denied due to the septic permits being denied. Mr. Fithian inquired if the funds should be returned to the contractor now that the permits have been denied.

It was noted that the Building Commission will wait to receive a request for refund from the contractor.

5. Electrical Box status on Lake Shore Dr. – This matter is being handled by Atty. Thorne and all documentation will be forwarded to him to further this matter. The intent is to inform the homeowner that the electrical box must be relocated.

6. Checklist for Building Plan Reviews –Mr. Fithian noted that Mr. Bill Owens will have a checklist for review of building permits. This checklist will be attached as part of these Minutes as Exhibit “B”. Mr. Byvoets submitted the checklist used by Michigan City Planning and Inspection Department, these will be reviewed further to develop a new checklist for Long Beach.

7. Contractor RB Services – Mr. Fithian noted that a contractor, RB Services may have been working in Long Beach without insurance or without a permit. No member of the BC or audience were aware of any work being done by this contractor.

8. Legacy – non-conforming issues for new work and policy going forward – The current policy is that renovation is allowed as long as it does not enlarge the footprint of the building. It was noted that if an existing foundation is there, building can take place. No new foundation may be installed without a variance. Full discussion followed with regard to this matter and the Commission recommended an approach similar to right-of-way situations.

9. Plumbing and HVAC Inspector – Mr. Fithian noted that the Building Inspector recommended the addition of a plumbing and HVAC inspector. Mr. Byvoets indicated that the

APC has discussed this matter. Bob Angelo noted that Mr. Owens is certified in Building and Plumbing. The Commissioners stated that a Plumbing and HVAC inspector is recommended. It was noted that the request for a Plumbing and HVAC Inspector should be forwarded to the APC for further development. A fee structure for the inspections would be similar to the Electrical Inspector fee structure was discussed and recommended.

10. Permit fee for cutting into Long Beach Streets – Mr. McDonald noted that water service upgrades require a street cut to access the water main. A fee for the street cut is recommended to restore the street. It was recommended that a fee of \$50.00 be charged in addition to a bond. A bond is now required, but no fee. Discussion followed and a fee of \$100.00 was recommended for a street cut in addition to the contractor's bond.

A MOTION was made, seconded and approved to recommend to the Town Council that \$100.00 be charged for a street cut fee.

11. Compensation for Building Commissioner – Paul Fithian recused himself from this discussion. The Commissioners discussed the matter and noted that the scope of the Building Commissioner has expanded tremendously. Bob Angelo noted that compensation should at least be equivilent to what the Council members receive. Pat McDonald indicated that reimbursement for expenses could also be reviewed. A flat fee and a per diem for extenuating circumstances, ie court time, was discussed. The commission agreed that this request is not out of order.

Following full discussion, the Building Commission agreed to refer this matter to the Human Resource Committee for further review and recommendation.

12. Setback requirements for corner lots with side streets on 2 sides – re: 154.052 and 154.020 (Zoning Lot Lines) – Issue is before the Building Commission at this time. What is the required setback where a property adjoins a street. One street requires a 30 foot setback and in cases of a corner or triangular lot with 2 streets, do both setbacks need to be 30 feet? Paul Fithian interprets this to mean that both streets need a 30 ft. setback. The commissioners agreed that the setback requirements remain the same for both streets.

13. FEMA – Mr. Fithian referred to a letter dated July 13, 2012 regarding a meeting on September 10, 2012 in Valpariso regarding input to discover the Coastal Flood Risk.

Discussion followed and it was noted a request for information was received and that the information requested was not in the scope of the Building Commission. Mr. Byvoets noted that he will send this request to Haas Engineering for processing.

14. Items Submitted by Pete Byvoets –

2) Revised Contractor License Form; and 3) Revised Building Permit form. The commission reviewed the proposed Application for Contractor's License. It was noted that a caveat has been included requiring the contractor to certify his understanding of town ordinances and codes. Discussion followed with regard to the fee. The Application was approved by the Building Commission.

Item 3, the Building Permit Application was also reviewed by the Building Commissioners. It was noted that a “Date” signed line needs to be added to the form. The form was approved by the Commissioners.

Item 4. Deck at 2218 Oriole Trail – Mr. Fithian reviewed with the Building Commissioner and noted that the homeowner constructed a deck without a permit. Work has been stopped and the homeowner has been notified that a permit and variance will be required. The homeowner was also informed that the size of the deck will most likely need to be reduced. It was noted that when this type of illegal construction happens the work is stopped. The Police Department is requested to report all illegal construction in the town.

Item 5. Deck at 2826 Lake Shore Drive – Mr. Fithian noted that the permit was approved and that the deck will be attached or connected to the house with a walkway.

Item 6. What Ordinance changes does the Commission recommend - Mr. Fithian noted that the Building Commission enforces the rules, but doesn’t change the Ordinances.

Item 7. Thoughts on Plumbing and HVAC Inspections – previously discussed.

Item 8. 2313 Lake Shore Drive / Haas recommendations followed – Mr. Fithian noted that he spoke with the contractor and that he would comply with the recommendations by Haas. Mr. Byvoets noted that no written record was provided by the contractor and reports should have been submitted for review by Haas.

Item 9. License – All ICC Licenses – All inspectors are and should be in the future, licensed in their field.

Comments From the Floor: Jane Neulieb stated that since we paid Haas and Assoc. for their professional recommendation, the Commission didn’t require the contractor to provide the reports. Discussion followed with regard the need for the reports recommended by Haas & Assoc. to be submitted to the Town by the contractors.

Mr. Fithian informed Mrs. Neulieb that if she thinks a new building commissioner is needed than she should make that recommendation to the Town Council.

The meeting adjourned at 9:35 P.M.

Respectfully submitted,

By: _____
Mary Joy, Acting Secretary

Exhibit “A” – Handout from Pete Byvoets
Exhibit “B” – Proposed Checklist for Building Permits

Exhibit "B"

CHECK LIST

HOME OWNER _____

ADDRESS _____

- 1. 3 SURVEY OF PROPERTY _____
- 2. 3 SETS DRAWINGS OR PLANS _____
- 3. SEPTIC APPROVAL _____
- 4. FRONT SET BACK _____
- 5. REAR SET BACK _____
- 6. SIDE SET BACK _____
- 7. BUILDING HEIGHT _____
- 8. INSPECTION FORM _____
- 9. VIEW ORDINANCE 106.6 _____
- 10. CURRENT TOP-A-GRAPHICAL STUDY ON ALL BEACH LOTS FOR REMOVAL OF SAND OR CONSTRUCTION
- 11. GENERAL CONTRACTOR NEEDS TO HAVE ALL SUB CONTRACTORS REGISTERED WITH THE TOWN PRIOR TO STARTING JOB. 154.99?
- 12. ELECTRIAL PERMITS REQUIRED FOR ANY TYPE OF ELECTRIAL WORK BEING DONE
- 13. ALL PERMITS MUST BE POSTED AND VISABLE TO THE STREET