

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall

Meeting Minutes for November 8th, 2016

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 8, 2016. Chairman Gorman called the meeting to order at 7:00 p.m.

2. Roll Call

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

Members absent: None

A quorum is present and the meeting shall proceed

Attorneys in attendance: Charles Parkinson and Connor Nolan of Harris Welsh & Lukmann

Also in attendance: Secretary Margaret Collins

Also in attendance: Building Commission Representatives: 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 Rich Jercich, the regular and executive meeting minutes from September 13th, 2106 were unanimously approved.

5. Old Business

a. Amendment to BZA Rules to require notice of variance be posted on the subject property

This matter was addressed at numerous meetings and has been brought to a conclusion. Mike Gorman has provided the following resolution due to feedback from the BZA and Building Commission.

The proposed change to Article III Rule 12:

At least 21 days prior to the date set for Public Hearing for Developmental standard and use variance, Petitioner must post an On-Site Notice Sign in a conspicuous location along the street frontage of the Subject Property. The sign must remain posted until the conclusion of the Public Hearing. The sign shall be obtained from the Clerk-Treasurer for a \$20.00 non-refundable fee for each sign. Petitioner shall also complete an Affidavit of Posting of On-Site Notice Sign (BZA 15) and turn the Affidavit in to the Clerk-Treasurer by Monday of the week of the Public Hearing for forwarding to the BZA Secretary.

A motion is made by John Wall to amend the BZA rules Article III Rule 12 as Mike Gorman read, seconded by Meg Kanyer. All in favor, the motion carries.

Mike Gorman states this rule has been adopted. Signs will now be printed so all petitioners henceforth will need to comply with this sign.

The sign would read as follows:

PUBLIC HEARING
Zoning variance applied for this site
For information:
Call 219-874-6616 Office of Long Beach Town Clerk

Mike Gorman asks Connor Nolan to proceed to finalize the rules for the BZA Board. The revised packet will be posted to the Town Website and provided to the Town Clerk's Office.

6. New Business – None.

7. Preliminary Hearings

a. Timothy & Patricia Burke – 2209 Maryben Drive

Developmental Standards Variance Petition requesting two separate variances both from the requirements of Section 154.057; a) 35% lot coverage, and b) 30 foot front yard setback

This preliminary hearing is now open on November 8, 2016.

The Homeowner's are Tim and Patricia Burke. Chris Faust is their builder.

Tim Burke describes the home. The intent of the petition is to improve the safety of the home, including to the three entrances. None of the entrances are covered. Setbacks of the home are explained. Tim mentions the home has moved out of compliance with town rules for setbacks since the Burke's purchased the home two years ago.

Tim Burke tells Mike Gorman they bought the home in October 2014. Mike explains there have been no changes to setbacks since that time. The home is legal nonconforming under the current zoning code. The home is legal because it existed prior to the current zoning code, therefore there are no problems with the way the home sits.

The Homeowner's state that they are before the Board because they were told by Building Commissioner Larry Wall not to change any structure, including the deck, until they appear before the BZA.

Bob Lemay explains two reasons the petitioner's building permit was denied. First due to front setbacks. The overhang over the entry would extend further out than it currently sits. Secondly, since the home is nonconforming, code 154.134 is relevant. The screened in porch increases the volume of the nonconforming structure. The volume and footprint of the home are increased.

John Wall and Builder Chris Faust review the drawings in order to clarify the drawings for the Board. Chris explains the porch request is to build a porch roof as shown in the drawings, but if that is not possible a much smaller one would suffice.

The Board, Bob Lemay, and Chuck Parkinson discuss the interpretation of 154.134 (A) and (B). The Building Commission's interpretation is that when a non-conforming structure is changed, the current zoning code must then be followed.

John Wall would like clarification from the Building Commission on whether the front porch presents a volume footprint issue.

Chuck Parkinson states there is no disagreement from legal or the Building Commission that there is a volume increase. The petitioner will need to come before the BZA to seek a variance for the rear deck footprint, and possibly other variances as well.

Mike Gorman mentions there are also setback issues.

Chris Faust states the petitioner is trying to improve coverage ratios.

Mike Gorman summarizes that the petitioner needs to return to the Building Commission and get information on exact variances and codes. With the Building Commission decision it will then be up to the Homeowner whether they would like to come before the Board to request variances.

Mike Gorman advises the petitioner that they will need to complete the requirements of the Petitioner Checklist - Preliminary Hearing (BZA 11) before returning to the BZA.

Mike Gorman motions to continue the preliminary hearing for 2209 Maryben until the December 13, 2016 BZA meeting. John Kocher seconds the motion. All in favor, the motion carries. The preliminary hearing is scheduled for December.

8. Public Hearings – None.

9. Adjournment: Motion to adjourn by John Wall, seconded by Meg Kanyer. The meeting unanimously adjourned at 8:03 p.m.

Agenda Attached.

Minutes Approved by:
BZA Secretary Margaret Collins


