

Minutes of the Regular Meeting of the  
Long Beach Board of Zoning Appeals Held Tuesday, August 13, 2013 at the  
Long Beach Town Hall

The meeting was called to order with the following Board Members present:

Peter Kelly, Alan Hill, Cleo Brodsky and Richard Crain. Peter Kelly served as Chairman.

A motion was made by Cleo Brodsky to approve the minutes of the July 9, 2013 regular meeting of the Long Beach BZA with the correction of the spelling of Mr. Crain's last name. Motion seconded by Richard Crain. A voice vote was taken and all ayes and no nays, motion carried.

Old Business

Public Hearing for Elizabeth A. Lutterbach for the property located at 1404 Lake Shore Drive, Long Beach, IN 46360.

Elizabeth Lutterbach was not in attendance. Attorney for the petitioner, Steven Hale was called to present. He indicated that he submitted proof of payment to our Clerks office from The News Dispatch regarding notice of this public hearing, as well as proof of certified letters mailed to surrounding residents. He informed the Board that Dale Brown from Michiana Construction & Management was in attendance should the Board have questions regarding the project. Steven Hale submitted to the Board additional exhibits on behalf of the petitioner.

Exhibit I: Topographical survey which indicates the specific amount of feet the septic will extend beyond the 106.6' setback. This survey indicates 70' north of the 106.6' line.

Exhibit J: Report from John J. McQuestion, certified soil scientist from Soil Solutions, Inc

Exhibit K: LaPorte County Health Department (Permit #12265) for onsite sewage system for 1406 Lake Shore Drive.

Exhibit L: Findings and Decisions - Development Standard Variance (BZA 9) previously approved by the Board for the property located at 1608 Lake Shore Drive.

Exhibit M: Indiana Administrative Code (410 IAC 6-8.3-57) Table I and Table II regarding separation distances of septic tanks and absorption systems respective of sanitary engineering.

Chairman Kelly called for persons wishing to speak in support of the Petition. There were none.

Chairman Kelly called for persons wishing to speak in opposition to the Petition.

Sarah Liddell 1408 Lake Shore Drive voiced concerns over the new Exhibits, presented to the Board at the beginning of today's meeting, because she has not yet had the opportunity to review. Sarah Liddell wanted to know why the Presby system needed so much land, particularly why it begins 10' from the deck and then further footage into the yard. She voiced concerns over the 2' tubing that will extend up from the ground. She voiced concerns that the 1404 LSD property's topography is higher than her 1408 LSD topography and the piping would disturb their view both east and west.

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Bob Gallagher 1700 Lake Shore Drive voiced concerns about the Presby System's need for so much space and why the distance is so long when their systems usually takes up less area.

Mary Joy 1510 Lake Shore Drive thought that the reason the Presby System is further away from the home is because of the same concerns she potentially has on her property, which is cement deep in the ground and possibly a buried concrete street that is evident on her property. She thought the 1404 LSD property may also have a street or buried concrete which may be why the Presby system is 10' from the deck of the 1404 property.

Peter Kelly asked Sarah Liddell to the Board's table to go over the recent (Exhibit I) survey and compare that with (Exhibit A) survey, addressing her concerns of the 10' distance from the deck. Exhibit I indicates the specific amount of feet beyond 106.6', whereas Exhibit A did not indicate the footage.

Bob Gallagher commented that the footage to the normal high water mark shouldn't be of critical concern.

Steven Hale was called to rebut comments made by those in opposition. He assured the BZA that the Presby System is exactly where it needs to be in accordance with State regulations and that Steve Thate is licensed through the State and well qualified to determine the placement of the Presby System.

Asking for further comments from the public and hearing none, Peter Kelly declared the Public Comment portion of the meeting closed and called for discussion from the BZA Board.

Alan Hill explained that it was unfortunate that some of the public was not at the last meeting to hear Steve Thate's detailed explanation of the Presby System, the septic tank and the determining factors for placement of the Presby System on the 1404 LSD property. Alan Hill further commented that everything was 'A OK' as Steve Thate is licenced by the State to do this and this system is good for Long Beach, future septics and the spirit of Long Beach. Mr. Hill indicated he is in favor or granting request.

Cleo Brodsky requested that prior to granting or denying this Petition by the Board, that we have Steven Hale indicate exactly how many feet the Petitioner is requesting in seeking a variance for. Steven Hale wrote this condition clarifying 6a on the on the Petition form (BZA 1).

Motion was made by Cleo Brodsky to adopt the petitioner's findings.

Motion seconded by Rich Crain.

Roll call vote was taken. All ayes and no nays, motion carried.

Rich Crain motioned to adjourn meeting. Alan Hill seconded motion. Voice vote was taken all ayes and no nays, motion carried. Meeting adjourned.

