

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall

Meeting Minutes for April 11th, 2017

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 11, 2017. 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: Julie Paulson and Connor Nolan of Harris Welsh & Lukmann

Also in attendance: Secretary Margaret Collins

Also in attendance: Bob Lemay on behalf of Building Commission

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 Wall, seconded by John Kocher, the regular meeting minutes from January 10, 2017 along with executive minutes from January 10, 2017 and January 17, 2017 were unanimously approved.

5. Old Business – None.

6. New Business – None.

7. Preliminary Hearings

a. Charles J. Dempsey Revocable Trust – 1534 Lake Shore Drive
Developmental Standards Variance Petition requesting variance from the requirements of Section 154.134; Nonconforming residential dwelling alteration, based on front and side yard setbacks.

Preliminary hearing is now open.

Attorney Barry McDonnell of 601 Franklin Street represents the petitioner. C.J. Dempsey, the trustee and beneficial owner of trust, which owns real estate at 1534 Lakeshore Drive, is also present. Barry McDonnell summarizes the request for an addition on the north side of the home to make the home more livable. The code does not allow for an increase in volume on non-conforming structures.

Bob Lemay of the Building Commission states the home is non-conforming on both front and side setbacks. A building permit was granted for interior demolition, although Bob was not familiar with the particulars.

Mike Gorman and Barry McDonnell discuss code 154.134 in relation to volume and footprint increase. It is proposed that the new addition will comply with the code and be within current side setbacks. The petition proposes to extend the home by two feet on either side. Mike asks for specification on the volume increase and footprint. This is not referring to lot coverage.

Julie Paulson confirms this information would be sufficient. This is the square footage change Mike is requesting on the drawing. As a condition of the variance the Board could tie the variance to these exact plans.

Mike Gorman mentions the petitioner will address lot coverage with the Building Commission when the petitioner seeks a building permit. The specifics of the home are discussed by Mike and C.J. Dempsey, including a walkway on the east side of the house being removed, the new front entrance to the home, and the existing parking spaces.

Mike Gorman and C.J. Dempsey discuss septic system. Mike would expect the Building Commission to make sure the property has the proper septic permits before granting a building permit.

Julie Paulson asks the petitioner to amend the petition to clarify the petitioner is seeking a variance because volume and square footage are increasing. This would be included in the notices when sent.

Barry McDonnell will notice the neighbors based off the revised petition. A revised petition will need to be filed at least fourteen days prior to the May 9, 2017 meeting. A sign obtained from the Clerk's office must also be posted in front of the property.

A motion by Rich Jercich to set Charles J. Dempsey, 1534 Lakeshore Drive, for public hearing at the next regularly scheduled meeting to be held May 9, 2017. Motion is seconded by Meg Kanyer. All in favor, the matter is set for public hearing.

Julie Paulson summarizes the petitioner should indicate the actual square footage increase on the petition. The Board can place a condition tying the petitioner to the drawings and plans that are submitted.

b. Donna Kavanagh – 2104 Avondale Drive

Agreement for Written Commitments. Consideration of May 12, 2009 Agreement for Written Commitments.

Mike Gorman states that since no petition was timely filed before the Board, this is not considered a Preliminary Hearing.

Donna Kavanagh summarizes that restrictions were placed on her property and is requesting the Board to revise the Agreement for Written Commitments. Donna has come before the Board to get further instruction for filing a petition.

Mike Gorman explains there are no forms in our rules pertaining to an Agreement for Written Commitments. Indiana code provides that any modification must be made at public hearing. The Homeowner will have to file a petition with the BZA. The petition should describe the property. Include the Agreement. Describe the specific relief being requested and why it is being requested.

Julie Paulson confirms this would be sufficient information for a petition, as well as providing notice to neighbors prior to a public hearing. Notice is required for public hearing.

Mike Gorman informs Donna Kavanagh that no filing fee is listed for Commitments. The Board will waive the filing fee. The Homeowner will file the petition containing the specified information two weeks prior to the regularly scheduled May 9, 2017 BZA meeting.

BZA Secretary will e-mail Donna Kavanagh outlining the necessary information to be included in the petition as was discussed at this meeting.

Donna Kavanagh has a survey with square footage and she will provide any items that will give the Board better information.

8. Public Hearings – None.

9. Adjournment: Motion to adjourn by Rich Jercich, seconded by John Kocher. The meeting unanimously adjourned at 7:45 p.m.

Agenda Attached.

Minutes Approved by:
BZA Secretary Margaret Collins


