

TOWN OF LONG BEACH
ADVISORY BOARD OF ZONING APPEALS

Long Beach Town Hall

Meeting Minutes for July 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, July 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, Meg Kanyer, John Kocher, and John Wall

Members absent: None

A quorum is present and the meeting shall proceed

Attorneys in attendance: Connor Nolan of Harris Welsh & Lukmann

Also in attendance: Secretary Margaret Collins

Also in attendance: Joe Jogmen 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 Rich Jercich, the regular meeting minutes from June 13, 2017 were unanimously approved.

5. Old Business – None.

6. New Business – None.

7. Preliminary Hearings – None.

8. Public Hearings

a. Donna Kavanagh – 2104 Avondale Drive

Consideration of May 12, 2009 Agreement For Written Commitments based on Petition which requests the BZA to remove, terminate and/or waive the encumbrance that was placed on Lot 2 Block 4 Long Beach Gardens Addition.

Preliminary hearing opened May 9, 2017 and was continued to June 13, 2017. The public hearing was set to open July 11, 2017.

The Petitioner has in writing requested that the Board postpone the public hearing to the August 8, meeting.

John Kocher motions to set the public hearing for August 8, 2017, seconded by Meg Kanyer. All in favor, the motion carries.

Mike Gorman states the Board directed Donna Kavanagh at the last meeting to provide a map showing the location of property owners within 300 feet and a corrected list of property owners within 300 feet of the property. Donna also needs to file BZA form 12, petition checklist dealing with public hearing.

a. Charles and Jody Lazar – 2015 Lake Shore Drive

Developmental Standards Variance Petition requesting variance from the requirements of 1) Section 154.058; On site parking requirements, based on insufficient parking; 2) Section 154.057; Schedule of zoning district regulations, based on front yard setbacks; and 3) Section 154.057; Schedule of zoning district regulations, based on side yard setbacks.

Preliminary hearing opened May 9, 2017 and was continued to June 13, 2017. The public hearing opened July 11, 2017.

All requirements have been met to proceed with public hearing.

Petitioner Chuck Lazar summarizes the reasons for the three separate variances, including severe hardship concerning parking, steps that are too steep, and building a wall that will hold up the hill in front of the home.

Mike Gorman calls for any members of the public who want to speak in support of petition. There was no public comment. No letters in support were submitted.

Mike Gorman calls for any members of the public who want to speak in opposition of petition. There was no public comment. No letters in opposition were submitted.

There were no public comments in favor or opposition. Public comment is closed.

Building Commission comments were heard at the preliminary hearing. No further comment was added by the Building Commission.

Discussion by BZA Board is open.

Petitioner submitted a revision to the petition after the last meeting asking specifically for a variance of 10.2 feet. Anything the Board grants must be within 10.2 feet of building setback.

Mike Gorman states the petitioner would need to seek a permit with the Building Commission if the Board were to grant the variance. The Board is not addressing what happens to the neighbor's property on the west where a portion of the wall falls onto this property. The petitioner and neighbor need to sort out how to handle neighbor's property. When the wall is taken down, the Board is not granting any variance to reconstruct the portion of the wall in town right of way. The Board is not granting any authority to construct wall on the public way.

Connor Nolan summarizes the Town Council has the right to regulate public land. The Street Department and Building Commission are representatives of Town Council. The Building Commission may give the petitioner a different way to handle the neighbor's property than what the petitioner and neighbor agree to.

Joe Jogman mentions the wall on the east side that runs north and south and is not on the petitioner's property. There will be nothing north of the wall on either the east or west side.

Mike Gorman motions to grant the petition. Mike is considering all three variances in unison. Mike motions to grant three variances by the petitioner and proceeds to read the findings and decisions submitted by the petitioner as amended by Mike. Two conditions are attached to the findings and decisions. Motion is seconded by John Kocher.

Connor Nolan suggests amending the second variance on sheet three to read variance of 10.2 feet. The Board can also condition the variances based on submitted plans.

Vote was taken as a roll call. Mike Gorman, Rich Jercich, Meg Kanyer, John Kocher, and John Wall are in favor of the motion. The motion carries five in favor. The variance is granted to the petitioner.

9. Adjournment: Motion to adjourn by John Kocher, seconded by Rich Jercich. The meeting unanimously adjourned at 7:40 p.m.

Agenda Attached.

Minutes Approved by:
BZA Secretary Margaret Collins

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