

**TOWN OF BEVERLY SHORES
BUILDING SITE AND BUILDING COMMITTEE
MEETING MINUTES
JULY 9, 2022**

The meeting was called to order at 8:30 a.m. at the Administration Building.

Roll call:

Present: Scott Vliek, Chairman
 Brian O'Neil, Vice Chairman
 Mark Lies, Secretary
 Dave Wagner
 Margaret Williford
 Council Liaison, S. Loeb

I. Roll Call. There is a quorum. Meeting was conducted virtually in part.

II. Title VI forms are available online for attendees.


III. Minutes – Minutes of the meeting of June 11, 2022 were unanimously approved.

IV. Building Commissioner Report

- A. List of active permits/project status - Building Commissioner reports that permits and projects have been quiet.
- B. Inspections conducted in previous month. Building Commissioner reports on inspections.
- C. Communications received from residents
 - 1. Questions from residents – None.
 - 2. Questions about procedures to add on or remodel - None.
- D. New permits on the horizon
 - 1. Remodel – None.
 - 2. New homes – None.
 - 3. New construction – None.

V. New Permit Applications

- A. 2 S. Beach – Owner present in support of permit to add on to existing deck in NE corner of deck to fill in a notch-like space. Building Commissioner advises it is an easy building project. Motion Lies, second Wagner, to approve permit. Motion approved unanimously. Building Commissioner advises contractor must register and requirement regarding positioning of deck joists on supports.
- B. 4 S. Pleasant – Owner present in support of permit to construct an 8' x 12' premanufactured sauna adjacent to existing structure. Chairman Vliek notes that sauna is located away from steep slope. Owner confirms sauna will have no electrical or gas services and will be heated by timber. Vice Chairman O'Neil reads into the record a June 22, 2022 email submitted to Committee by resident


8/13/2022

Mark Weber expressing concerns that the property is currently well beyond its buildable lot capacity. The email is attached hereto as Attachment A. Committee discusses the email from Mark Weber and comments from Building Commissioner. Building Commissioner reports that dimensions and specifications for the sauna meet code requirements. Motion Lies, second Williford, to approve the permit. Motion approved unanimously.

VI. Public Comments –

- A. 11 S. Broadway – Owner appears to discuss concerns regarding Building Commissioner's issuance of stop work order on work on property on June 21, 2022. Building Commissioner advised that stop work signage was going to be posted until interior work on structure could be evaluated. Building Commissioner requested access to home to observe any work being performed and that if not permitted, there could be a fine. Building Commissioner granted access. Owner advised that she objected to the inspection and that she is an attorney and has considered whether she might have a federal legal claim for violation of civil rights. Lies responds that if Owner is threatening litigation, all further communications with the Committee will need to be in writing. Owner states she does not intend to pursue litigation. Committee advised Owner that Building Commissioner has the right to conduct inspections and to issue stop work orders. Committee advised Owner that the Building Commissioner would be allowed to conduct code inspections because of his professional qualifications and expertise with construction requirements and the Building Code but that a process will be established for other Committee members to accompany the Building Commissioner. Owner advised to communicate with the Chairman by email and copy the Building Commissioner.
- PARK BOARD*
JW
- B. ~~Plan Council Board~~ President appears to report on green scape maintenance and that certain areas are unsafe because of foliage overhanging roads. Discussion regarding informing residents to be aware of such foliage and to consider trimming it back. Discussion about foliage in the Town right of way which are reducing the space of the roadway.
- C. 712 Wilson – Owner appears to advise that the siding on structure will be installed and that contractors will be registered.

VII. New Business – None.

VIII. Old Business – None.

IX. Adjournment – Motion Lies, second Williford, to adjourn. Motion approved unanimously. Meeting adjourned at 9:16 a.m.

ATTACHMENT A

From: Mark Weber

Sent: Wednesday, June 22, 2022 9:26 AM

To: dwagner.bsbuilding; mlies.bsbuilding@gmail.com; boneil.bsbuilding@gmail.com;
svliek.bsbuilding@gmail.com; mwilliford.bsbuilding@gmail.com

Subject: 4 Pleasant follow-up

Re: Follow-up to June 11th Site Committee Meeting

Building and Site Committee Members,

Thank you for the opportunity to discuss 4 Pleasant Agenda item at the last meeting and the property owners request for an addition of a hot tub and fenced area to their current residence. I believe that the 4 Pleasant Property is currently well beyond its buildable lot capacity and should not be permitted to add any new built elements per the current request or any proposals in the future. Following are the items that were noted at the meeting:

- The lot is a permissible small corner lot, under 20,000sf @ 17,000sf
- Vast majority of the 4 Pleasant property is steep slope.
- The current Building was approved under the former Zoning Code which had a Height Limit of 40'-0" and the structure was built at 39'-10" height above the lowest garage floor. With the new zoning height restrictions being set at 35'-0" 4 Pleasant exceeds the new established maximum height by 4'-10". This house is extremely tall and out of context to all of the surrounding neighboring properties. The building sits upon the peak of the lot and at the highest height that was able to be built at the time. This structure is one of the main examples of why the new lowered height restriction was established.
- The house as built, is a non-compliant building under the State of Indiana Building Code. This was true when it was originally permitted and is true now. This building is a wood structure over three stories above adjacent grade which is not allowed under the code. With the garage and storage built under the three wood framed stories above, and having two walls fully exposed and the over-all structure far exceeding 50 % exposure, the building is considered a 4-story of building under the Beverly Shores Zoning code both past and present. The State of Indiana Architectural Review Board indicated that any town in Indiana may interpret the State Building Code to be more stringent than the State Building Code, but never less stringent. The Architect of Record nor the Firm of Record were licensed in the State of Indiana. The original 4 Pleasant building design didn't comply with the State Building code and doesn't currently comply. The building is beyond the maximum building code story and height limitation.
- The Septic System is located in the front yard and terraced up from the original site grades to accommodate a county approved system. With both the building and the septic in place the vast majority of the buildable site is occupied. There is little to no practical buildable area that is not located on a steep slope portion of the site. With this usable site limitation, when installed, the septic system excavation went beyond the west property line onto the neighboring property.

With all of the items noted above, the 4 Pleasant is built far beyond its practical capacity, and it would be detrimental to overburden the property in any additional way. Allowing for any additional structures would only add to this imbalance becoming a further burden on all of the surrounding neighboring properties and the community.

Thank You for the opportunity to voice my concerns.

Respectfully,

Mark Weber
5 Merrivale