

Town of Beverly Shores  
BOARD OF ZONING APPEALS  
Minutes  
February 9, 6:30 p.m.  
In-Person and Virtual Meeting

1. Roll Call – Board Members: Present in person: Mary Fulghum, Greg Lyman, Linda Kurtos, and Erik Olson. Present Virtually: David Phelps. Also Present: Town Attorney Connor Nolan, Clerk Treasurer Ellen Hundt and Town Council Liaison Donna Norkus.
2. Title VI Survey Availability - The Title VI Survey was made available.
3. Approval of November 17, 2022 Minutes. Greg Lyman moved to accept the Minutes as written, Mary Fulgham seconded; on a roll call vote, all members voted in favor.
4. BZA Organizational Matters. Officer selection: Mary Fulghum nominated Linda Kurtos for BZA Chair; Greg Lyman seconded. On roll call vote, all members voted in favor, without discussion Greg Lyman nominated Mary Fulghum as Vice-Chair; Eric Olson seconded, and all members voted in favor without further discussion. Eric Olson nominated Ellen Hundt as non-minute taking, recording Secretary, Greg Lyman seconded the nomination and all members voted in approval.  
  
New Meeting Time. Mary Fulghum moved that the Board change its regularly scheduled meeting time from the second Thursday of the month, to the third Thursday of the month. Eric Olson seconded and upon a roll call, all Board members approved the motion.
5. Public Hearing for Daniel Casey, 152 E. Ripplewater, Beverly Shores, IN. Mr. Casey represented himself in the hearing. Linda Kurtos explained the process, including review of the required materials, statement by the Petitioner and statement by any members of the public, and Petitioner rebuttal. In a review of the required materials, the Board found that:
  - Mr. Casey completed the application and paid the application fee;
  - Written description of the project;
  - Deed and Photographs;
  - Written rejection from the Building Commissioner
  - Site plan
  - Publication Notice
  - Affidavit of Notice
  - Proof of Notification – for list of property holders created by PetitionerUpon discussion, Linda Kurtos asked about how the property holders list was prepared and asked for the scaled drawing of the 300-foot radius from the lot lines of the property. In her initial review, she identified other properties that appeared to be in the 300-foot radius, but was not included in Petitioner's list of property owners or proof of notification. The Board found that the Petitioner did not meet the burden of showing that every property owner within a 300-foot radius of the property was notified. Greg Lyman moved to continue the public hearing to the

next regularly scheduled meeting to allow the Petitioner to complete the notification and verification process. Erik Olson seconded the motion and it was unanimously approved to continue the hearing to the next regularly scheduled BZA meeting - March 16, 2023 at 6:30 p.m.

6. Preliminary Meeting/Hearing Re: John and Patricia Mackin, 204 Quigley Ave, Beverly Shores, IN. John Mackin appeared on behalf of himself in a preliminary hearing to determine if Mr. Mackin met the requirements for an appeal before the BZA based on a fine issued by the Building Commissioner. The Board reviewed the materials and found the filing to be sufficient. On motion by Greg Lyman and second by Mary Fulghum, and unanimous approval by the Board, public hearing was set for the regularly scheduled April 20, 2023 BZA meeting.
7. New Business: The Board agreed to add pagination to the Application materials.
8. Adjourn. Greg Lyman moved to adjourn; Erik Olson seconded, upon unanimous approval, the meeting was adjourned on unanimous vote on a roll call.

Approved  
L.M. P.A.

Chair, Beverly Shores BZA  
3/16/2023