

**TOWN OF BEVERLY SHORES
BUILDING SITE AND BUILDING COMMITTEE
MEETING MINUTES
JANUARY 14, 2023**

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.
- II. Title VI forms are available online for attendees.
- III. Minutes – Minutes of the meeting of December 10, 2022 were unanimously approved.
- IV. Building Commissioner Report
 - A. List of active permits/project status - Building Commissioner reports on status. Majority of projects complete. The Committee issued 40 permits in 2023 with additional permits carried over from the prior year.
 - B. Inspections conducted in previous month. Building Commissioner Reports.
 - C. Communications received from residents
 1. Questions about ordinances – Building Commissioner reports on questions about interpretation of ordinances and inquiries from realtors on whether certain properties are buildable. Building Commissioner advises not to render opinions on whether lots are buildable.
 2. Questions about procedures to add on or remodel - None.
 - D. New permits on the horizon – Building Commissioner reports inquiries on potential new permits. Chairman Vliek reports on potential safety issues associated with the use and installation of various types of electrical generators. He will be preparing a document describing these various issues to the Town Council that can be circulated by email to residents.
- V. New Permit Applications
 - A. 111 E. Neptune – Charlie Ray from the Duneland Group, LLC appears on behalf of owners to address questions previously raised by the Committee and Building Commissioner. Building Commissioner reports that structure meets the bulk requirements. Porter County expected to approve the septic system on January 17,

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2023. Motion Lies, second O'Neil, to approve building permit. Motion approved to issue permit.

VI. Public Comments –

- A. Resident G. Clarke reports on status of project.

VII. New Business

- A. 438 E. St. Clair – Owner appears to request second 90-day extension of building permit. Owner reports on various events that have occurred under permit which is the basis for the extension. Owner advised about documentation required for extension and fees. Motion Lies, second Vliek, to approve second extension of permit until June 2, 2023. Motion for extension of permit is approved.
- B. Chairman Vliek reports that the Town Council will be voting on appointments for the 2023 year for the Committee. Chairman Vliek thanks all members for their assistance in working on the Team.

VIII. Old Business – None.

IX. Discussion – None.

- X. Adjournment – Motion Lies, second Williford, to adjourn. Motion approved. Meeting adjourned at 9:13 a.m.

2/11/2023
Scott G. Vliek

**TOWN OF BEVERLY SHORES
BUILDING SITE AND BUILDING COMMITTEE
MEETING MINUTES
MARCH 11, 2023**

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

Roll call:

Present: Scott Vliek, Chairman
 Mark Lies, Secretary
 Dave Wagner
 Council Liaison, S. Loeb

- I. Roll Call. There is a quorum.
- II. Title VI forms are available online for attendees.
- III. Minutes – Minutes of the meeting of February 11, 2023 were unanimously approved.
- IV. Building Commissioner Report
 - A. List of active permits/project status - Building Commissioner reports on status. Majority of projects complete.
 - B. Inspections conducted in previous month. Building Commissioner Reports.
 - C. Communications received from residents
 1. Questions about ordinances – Building Commissioner reports on questions about interpretation of ordinances. Building Commissioner advises not to render opinions on whether lots are buildable.
 2. Questions about procedures to add on or remodel - None.
 - D. New permits on the horizon – Building Commissioner reports inquiries on potential new permits.
- V. New Permit Applications
 - A. 439 E. Myrtle. The Committee conducted a site visit prior to the March 11, 2023 meeting. Property is ready for approval of the site plan. Architect Mark Miller appeared. Architect discusses the site plan, reduction in size of structure. House will be powered by solar energy. Site plan meets the steep slope requirements. Motion Lies, second Wagner, to approve site plan. Motion approved.
- VI. Public Comments –
 - A. 10 S. Greatwater – Resident appears to report on damage to his property caused by Construction work driving piles on adjacent property at 10 E. Atwater on November 22, 2023. Building Commissioner unaware of pile driving. Building Commissioner will contact adjoining property owner regarding damage on violation due to driving piles.

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4/8/2023

- B. 214 Pearson – Resident appears to discuss removal of four black locust trees. The trees will be milled for use on property. Resident will obtain permit to remove trees. Resident informed that contractor must be registered with Town.
- C. Resident Greg Clarke appears to comment that the Smith Plan for Town improvements is well done.

VII. New Business – None.

VIII. Old Business – None.

IX. Discussion – None.

X. Adjournment – Motion Lies, second Wagner, to adjourn. Motion approved. Meeting adjourned at 9:19 a.m.

Greg Clarke
4/8/2023

**TOWN OF BEVERLY SHORES
BUILDING SITE AND BUILDING COMMITTEE
MEETING MINUTES
MAY 13, 2023**

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
 Council Liaison, Matrona Malik

I. Roll Call. There is a quorum.

II. Title VI forms are available online for attendees.

III. Minutes – Minutes of the meeting of April 8, 2023 were unanimously approved. There was no meeting in June, 2023.

IV. Building Commissioner Report

- A. List of active permits/project status - Building Commissioner reports on status.
- B. Inspections conducted in previous month. Building Commissioner Reports.
- C. Communications received from residents
 - 1. Questions about ordinances – Building Commissioner reports on questions about interpretation of ordinances. Building Commissioner advises not to render opinions on whether lots are buildable. Building Commissioner reports about questions from realtors on building on small lots or in vicinity of wetlands.
 - 2. Questions about procedures to add on or remodel - None.
- D. New permits on the horizon – Building Commissioner reports inquiries on potential new permits.

V. New Permit Applications

- A. 214 S. Pearson – Owner appears to request extension of permit for 90 days to complete certain work including gutters, replacement of front steps. Motion Lies, second Wagner, to approve 90-day extension of permit. Motion approved.
- B. 438 St. Clair – Owner appears to request new permit. There were two extensions on the original permit. Owner discusses changes in windows, which were approved under prior permit. Owner is also lowering the elevation of the house by one foot based on recommendations of architect. Owner advised that this permit extension is under the prior Building Code. If project is not completed within the 18-month extension period, the next permit will be governed by the new Building

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7/8/2023

**OWN OF BEVERLY SHORES
BUILDING SITE AND BUILDING COMMITTEE
MEETING MINUTES
JULY 8, 2023**

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
Margaret Williford
Dave Wagner
Council Liaison, Matrona Malik

I. Roll Call. There is a quorum.

II. Title VI forms are available online for attendees.

III. Minutes – Minutes of the meeting of May 13, 2023 were unanimously approved. There was no meeting in June 2023.

IV. Building Commissioner Report

- A. List of active permits/project status - Building Commissioner reports on status.
- B. Inspections conducted in previous month. Building Commissioner Reports.
- C. Communications received from residents
 - 1. Questions about ordinances – Building Commissioner reports on questions about interpretation of ordinances. Building Commissioner advises not to render opinions on whether lots are buildable. Building Commissioner reports about questions from realtors on building on small lots or in vicinity of wetlands.
 - 2. Questions about procedures to add on or remodel - None.
- D. New permits on the horizon – Building Commissioner reports inquiries on potential new permits.

V. New Permit Applications

- A. Commercial sign permits for 1 E. Dunes Highway – There was an extensive discussion about the signage ordinances including the permissible square footage. There was discussion about the location of the signage in relationship to the highway right of way, utility poles and other items on the property, including the septic field.
 - 1. Mullet Group – Motion Lies, second Wagner, to approve a permit for the installation of signage along US Highway 12 in front of the structure at 1 E. Dunes Highway, approximately 5 feet south of the centerline of the

SAV
9/9/2023

**TOWN OF BEVERLY SHORES
BUILDING SITE AND BUILDING COMMITTEE
MEETING MINUTES
SEPTEMBER 9, 2023**

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
 Margaret Williford
 Dave Wagner
 Council Liaison, Matrona Malik

- I. Roll Call. There is a quorum.
- II. Title VI forms are available online for attendees.
- III. Minutes – Minutes of the meeting of July 8, 2023 were unanimously approved. There was no meeting in June 2023.
- IV. Building Commissioner Report
 - A. List of active permits/project status - Building Commissioner reports on status.
 - B. Inspections conducted in previous month. Building Commissioner reports that Owner of property at 523 E. Lake Front Drive asked to tear down front deck which is not compliant with ordinances on structural requirements. Building Commissioner reports the Owner of property at 111 E. Neptune was fined \$7,000 for occupying property without obtaining an occupancy permit. Building Commissioner reports that he notified Owner at 16 W. Leewater of 12 violations. Owner refused to comply with cease and desist order, and fines were issued for \$22,000.
 - C. Communications received from residents
 1. Questions about ordinances – Building Commissioner reports on questions about interpretation of ordinances. Building Commissioner advises not to render opinions on whether lots are buildable. Building Commissioner reports about questions from realtors on building on small lots or in vicinity of wetlands.
 2. Questions about procedures to add on or remodel - None.
 - D. New permits on the horizon – Building Commissioner reports inquiries on potential new permits.
- V. New Permit Applications – None.

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VI. New Business

- A. 527 E. Lake Front Drive. Owner appears to object to requirement to obtain permit (\$500) for remodeling work in premises and to vacate the fine (\$1,000) issued for failure to obtain permit and continuing to perform work after Building Commissioner posted two stop work signs and stop work signs were taken down by Owner. Owner states she does not agree with Building Commissioner's interpretation that work being performed required a permit. Committee discusses its interpretation of the building code and it requires a building permit. Committee discusses whether Owner complied with requirements to obtain a building permit, including submitting required documentation. Owner states that if the permit was required, that the \$1,000 fine is excessive and requests that it be waived. Owner informed that Committee has no authority to waive the penalty and will have to appeal to the Board of Zoning Appeals unless Building Commissioner agrees to waive fine. Building Commissioner states that the minimum fine that he issues for this type of violation is \$750 and that he will agree to reduce to \$750 as an accommodation but not required. He issued the \$1,000 fine because the two stop work signs were taken down. Motion Lies, second Williford, to deny request that permit was not required to be obtained by Owner for remodel work. Motion approved. Owner informs Building Commissioner that she will notify Building Commissioner if she will accept Building Commissioner's accommodation to reduce fine to \$750. Secretary was subsequently notified that Owner has accepted the Building Commissioner's accommodation to reduce fine to \$750.

VII. Old Business

- A. 808 E. Vera – Owner appears on application for permit which was previously rejected. Owner informed that application was not timely submitted and also requires additional information. Owner agrees to withdraw application until the Committee's next meeting.

VIII. Public Comments

- A. 721 Wilson – Owner appears to comment that there should be more leeway in interpreting ordinances but also agrees that property owners must comply with ordinances.
- B. 103 W. Leewater – Owner appears to discuss that he wants to discuss a garage. Owner informed of requirements for square footage of property to meet ordinance requirements.
- C. 16 W. Leewater – Owner informed that on appeal of Building Commissioner's penalties must go to the Board of Zoning Appeals.

IX. Discussion – None.

- X. Adjournment – Motion Lies, second Wagner, to adjourn meeting. Motion approved. Meeting adjourned at 10:08 a.m.

Scott G. Drake
11/11/2023

**TOWN OF BEVERLY SHORES
BUILDING SITE AND BUILDING COMMITTEE
MEETING MINUTES
NOVEMBER 11, 2023**

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

Roll call:

Present: Scott Vlieg, Chairman
 Brian O'Neil, Vice Chairman
 Mark Lies, Secretary
 Margaret Williford
 Council Liaison, Susan Loeb

- I. Roll Call. There is a quorum.
- II. Title VI forms are available online for attendees.
- III. Minutes – Motion Lies, second Williford, to approve minutes of September 9, 2023 meeting. Minutes of the meeting of September 9, 2023 were unanimously approved. There was no meeting in October 2023.
- IV. Building Commissioner Report – Building Commissioner was absent due to illness. Chairman Vlieg reports in his absence.
 - A. List of active permits/project status – Chairman Vlieg reports on status.
 - B. Inspections conducted in previous month – Chairman Vlieg reports.
 - C. Communications received from residents
 1. Questions about ordinances – None.
 2. Questions about procedures to add on or remodel - None.
 - D. New permits on the horizon – None.
- V. New Permit Applications – None.
 - A. 205 S. Dewitt – The BZA granted three variances on the project. Committee discussion that the dimensions of the garage on the drawings do not match the dimensions previously given to the Committee. Resident is not present to discuss the differences in the drawings. Motion Lies, second O'Neil, to continue consideration of the permit until the next meeting to allow Resident to appear and explain what appears to be a discrepancy in the drawings submitted to the BZA for the variances. Motion approved unanimously.
 - B. 128 E. Dunes Highway – Residents appear to discuss permit application. Residents request that permit be issued for residential construction for art studio, home office and art storage. Committee raises questions about soil conditions, water table, location of septic system. Discussion about requirements in structure if it is a residence, kitchen, closet, emergency egress windows. Committee questions construction of footings and slab for structure. Committee

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12/9/2023

discusses width of driveway and entry on to US Highway 12., which exceeds permissible width. Committee requests additional information on soil conditions. Committee also questions that structure and septic are located on separate parcels of property. Committee discusses issuance of conditional site permit as long as certain deliverables are received, including a driveway permit, documentation that property parcels are consolidated, documentation that driveway has been narrowed to ordinance width. Motion Lies, second O'Neil, to approve site permit subject to submission of deliverables relating to driveway, property parcel consolidation, soil survey. Motion approved unanimously.

VI. New Business – None.

VII. Old Business – None.

VIII. Public Comments – None.

IX. Discussion

- A. Chairman Vliek's remarks – Chairman reads a response that will be submitted into the record to the letter from Resident Glenn Clarke published in the November Sand Tracks magazine regarding the qualifications of the Committee Members and the performance of the Committee regarding issuance of permits, as well as fines that have been issued by the Building Commissioner for non-compliance with ordinances. Chairman Vliek's comments confirm that Committee members are qualified to serve within the meaning of the ordinance and that Committee tries to accommodate applicants for permits with obtaining permits.

Resident Glenn Clarke makes comments regarding his opinion on the qualifications of the Committee.

B. Committee Remarks

1. Member Lies states his view of Resident's letter to Sand Tracks and that members are qualified. Member Lies states his years of practicing construction law as qualification. Member Lies also references errors in the Resident's letter to Sand Tracks claiming that Building Commissioner issues penalties for violations which exceed surrounding communities. Member Lies states that comparison is erroneous, including referencing Long Beach, as the Building Commissioner in Long Beach is also a contractor in Long Beach who can issue permits to his company and enforce compliance against his company.
2. Member Williford states her comments regarding the Glenn Clarke letter to Sand Tracks and the qualifications of the Committee and performance of the Committee. Member Williford informs the Committee that she will be stepping down from the Committee to pursue her interests in retirement and travel and that her decision was not based on Glenn Clarke's comments about Committee member qualifications.

SAV
12/9/2023

- C. Chairman Vlieg comments of Member Williford's valuable service to the Committee and wishes her well in her next endeavors. Other members of the Committee commend her dedicated service.
- X. Adjournment – Motion Lies, second O'Neil, to adjourn meeting. Motion approved. Meeting adjourned at 10:25 a.m.

Sue A Vlieg
12/19/2023

Building Committee Chair Response to Nov Sand Tracks letter

In the November Sand Tracks a letter from a resident was published concerning the Building and Building Site Committee and the Town Council. The ABSR did reach out to us for comment before the publication however it was done in a way the prevented us from responding. If you wish to address members of the committee via email it should be done to individual members using their town email addresses.

As to the published letter, the author of the letter left out several facts concerning treatment of a homeowner what would give a more complete and balanced picture of the situation. In April of this year the homeowners were approached concerning remodeling that was taking place in their home. At that time the Building Commissioner told them that due to the scope of the project a permit would be required. The homeowners disagreed but decided to apply for a permit anyway. Unfortunately, the permit application was not complete and therefore not approved. The homeowners did not follow up on their application and continued with their work. In August of this year, they were visited and notified that they were in violation due to beginning work prior to getting the permit and issued a "stop work" order. The order was ignored and the stop work notices were taken down and work continued. A fine was assessed.

At September Building Committee meeting the homeowners appeared to request a ruling by the committee as to the need for a permit and also to request that the fine be withdrawn or reduced. The committee listened respectfully to the presentation and asked follow up questions. Eventually a motion was made and approved that a permit was needed due to the scope of the work. As to the fine, the Building Committee does not have the authority to address fines, appeals must be submitted to the Board of Zoning Appeals. The Building Commissioner did, at that meeting, offer to reduce the fine. This offer was later accepted by the homeowners.

The author of the letter to Sand Tracks also discussed the use of discretion by the Town Council and the Building Committee. Ignored in this discussion is the fact that most often discretion is used to the advantage of the homeowner. Most often this involves the issuing of an occupancy permit or conditional occupancy permit even though the home is not 100% completed in fit and finish including landscaping and the submission of a final topographic survey of the completed site. This use of discretion was used to the advantage of the author (on a Sunday evening).

Additionally, the author describes the result of a Freedom of Information Act request concerning the credentials of each of the members of the Building Committee. The response he got is that there are "no records responsive to this request." Then author then, without any supporting evidence, declares his opinion that "there are current B&SC members who don't remotely exhibit the requirements outlined in our ordinances!" An opinion without facts.

So, a few takeaways:

- Don't try to contact town government members using their personal email address, use their town addresses as listed on the Town's website.
- Don't send an email addressed to all members of the committee as this can be construed as a closed meeting.
- If you applied for a permit and did not get a signed paper permit to post on your property you should contact the Building Commissioner or the Town Clerk and ask if your application has been processed. (The required submissions on list on the permit application).
- If you get a "stop work" order, you must stop work. This is the time to address any issues. And do not remove a "stop work" notice.

Scott G. Clark
12/9/2023

**TOWN OF BEVERLY SHORES
BUILDING SITE AND BUILDING COMMITTEE
MEETING MINUTES
DECEMBER 9, 2023**

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
 David Wagner, Building Commissioner
 Mark Lies, Secretary
 Margaret Williford
 Council Liaison, Susan Loeb

I. Roll Call. There is a quorum.

II. Title VI forms are available online for attendees.

III. Minutes – Motion Lies, second Williford, to approve minutes of November 11, 2023 meeting. Minutes of the meeting of November 11, 2023 were unanimously approved.

IV. Building Commissioner Report – Building Commissioner reports.

- A. List of active permits/project status – Building Commissioner reports on status.
- B. Inspections conducted in previous month – Building Commissioner reports.
- C. Communications received from residents
 - 1. Questions about ordinances – None.
 - 2. Questions about procedures to add on or remodel - None.
- D. New permits on the horizon – Building Commissioner reports two possible permits in First Quarter, 2024.

V. New Permit Applications

- A. 205 S. Dewitt – Building Commissioner reports that variances were granted by the BZA for construction of a garage near the wetlands. Committee discusses location of the garage. Motion Lies, second Wagner, to approve site permit. Motion approved. Motion Lies, second O'Neil, to approve building permit. Motion passed. Building Commissioner informs Owner that there is a one-year period to complete the building and other conditions that must be complied with during construction.
- B. 808 Vera – The Committee members conducted a site visit at 7:30 a.m. on December 9, 2023 to review the property and site plans. The structure is currently proposed to have a Palmer Avenue address. The structure will not involve disturbance of the steep slope. Charlie Ray from the Duneland Group appears on behalf of the Owner. Motion Lies, second Williford, to approve the site plan subject to abandonment of a portion of the existing driveway easement and

CSW
1/13/2024

- documentation that any easement has been abandoned and that the property parcels identified on the drawings have been combined. Motion approved. Motion Lies, second Williford, to approve building permit subject to revision of drawings to confirm detail of crawl space. Motion approved. Motion O'Neil, second Wagner, to delay commencement of the building permit period until the Town Council determines whether to open Palmer Road access. Motion approved.
- C. 128 E. Dunes Hwy – Committee reviewed status of project which was extensively reviewed at the November meeting. There was further discussion of the conditional approval of the site subject to receipt of further information. No building plans have been submitted, including no foundation plans. Committee discusses soil conditions on the property, including issues relating to the water table, which is approximately 2'6" below the surface and drainage of the property. Committee discussed need for a soil engineer to consult with Owner on the foundation. Committee decided to defer any further action on the conditional site permit previously approved until the February, 2024 meeting.

VI. New Business – None.

VII. Old Business – None.

VIII. Public Comments –

Matrona Malik appears to discuss access to property at 808 Vera and possible opening Palmer Road. Committee responds on action taken earlier in meeting regarding permit.

IX. Discussion –

Town Council Member Loeb comments on stepping down from the Town Council and reflects on enjoying her work with the Committee. Committee Member Williford expresses her enjoyment of working on the Committee and wishes the future Committee members good luck.

X. Adjournment – Motion Lies, second O'Neil, to adjourn meeting. Motion approved. Meeting adjourned at 10:05 a.m.

Scott G. Val
1/13/2024