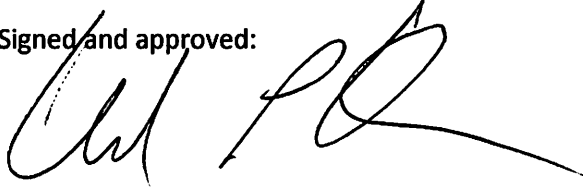


Town of Beverly Shores
BOARD OF ZONING APPEALS
Minutes
June 19, 2025, 6:30 p.m.
In-Person Meeting
Administration Building

1. **Roll Call.** – The meeting was called to order at 6:30 p.m. Board Members present in person: Linda Kurtos, Greg Lyman, Erik Olson and Larry Stanton. Vice President Mary Fulghum was not present. Also present: Town Attorney Connor Nolan, Clerk/Treasurer Ellen Hundt
2. **Title VI Survey Availability.** The Title VI Survey was made available.
3. **Preliminary Hearing – 23 S. Lake Shore County Road.** Michael McCurdy appeared personally before the BZA in relation to a Notice of Violation issued by the Building Commissioner related to the listing published by appellants Michael and Rosemary McCurdy to sell the property at 23 S. Lake Shore County Road, Beverly Shores. Upon review of the submitted materials and questions to the Appellant, the BZA questioned whether certain required preliminary documents were submitted, but determined to set the matter for Public Hearing on the condition that the Appellants provide, in addition to the documents and materials required for a Public Hearing as set forth in the Instructions for Filing a Petition Before the Beverly Shores Board of Zoning Appeals, the following documents, where possible:
 - The most recent survey of the property;
 - A history of the parcels, indicating any division, subdivision, ownership and/or improvement of the parcels;
 - Materials or documents indicating any waivers, exclusions, and/or grandfathering of the parcels from current town ordinances;
 - Any materials or documents supporting Petitioner’s argument that the parcels are not currently in violation of current ordinance as indicated by the Building Commissioner.The matter was set for public hearing on Monday, July 21, 2025 at 6:30 p.m.
4. **Public Hearing – 302 E. Myrtle Avenue.** Petitioners Donald McGarrah and Mary Pariolat appeared through counsel Todd A. Leeth, Leeth Law, LLC. In appeal of the decision of the Building Commissioner dated March 17, 2025 finding a violation of §155.082(A) regarding the height of Petitioners’ proposed home and alternatively, a variance to allow a home of 41’ in height. Petitioners argued their case, public comments, in person and in writing, were heard on the matter, and the Board asked questions of the Petitioners and the Building Commissioner. Upon review of the materials, arguments, and public comments, and after further discussion by the Board, a motion was made, seconded, and unanimously approved to continue the public hearing for further consideration on Monday, July 21, 2025, at 6:30 p.m.

5. **Cancellation of July 17, 2025, Regularly Scheduled Meeting.** Upon motion, second, and unanimous vote, the Board voted to cancel the regularly scheduled July 17, 2025 meeting and substitute it with the special meeting called for July 21, 2025 at 6:30 p.m.
6. **Adjourn** – Upon motion, second, and unanimous vote, the meeting was adjourned at 8:33 p.m.

Signed and approved:

A handwritten signature in black ink, appearing to be 'Linda Kurtos', written over a horizontal line.

Beverly Shores Board of Zoning Appeals
By: Linda Kurtos, President

Town of Beverly Shores
BOARD OF ZONING APPEALS
Minutes
July 21, 2025, 6:30 p.m.
In-Person and Virtual Meeting
Administration Building

1. **Roll Call.** – The meeting was called to order at 6:30 p.m. Board Members present in person: Mary Fulghum, Linda Kurtos, Greg Lyman, Erik Olson and Larry Stanton. Also present: Town Attorney Connor Nolan, Clerk/Treasurer Ellen Hundt.
2. **Title VI Survey Availability.** The Title VI Survey was made available.
3. **Approval of June 19, 2025 Minutes.** Upon review, motion, second and unanimous vote by all Board members, with the exception of Mary Fulgham, who abstained, the June 19, 2025 minutes were approved.
4. **Approval of May 15, 2025 Minutes.** No minutes were available and the review was tabled.
5. **Continued Public Hearing – 302 E. Myrtle Avenue.** Petitioners, Donald McGarrah and Mary Periolat, represented by counsel, Todd A. Leeth, appeared in the continued public hearing for appeal and variance at 302 E. Myrtle Avenue. Upon review of the submitted materials, questions to the Appellant, further public comment, and comment of the Building Commissioner, the BZA determined a development standard variance would be granted under the following conditions:
 - a. That the variance in the limitation on the height of the building is limited to allow construction of a basement, and that the height of the roof above existing grade shall not exceed thirty-two feet eight inches (32' 8") as shown in the plans presented with the petition. A point verifying existing grade will be set before the commencement of excavation.
 - b. That the basement permitted by this variance shall be constructed below-grade with egress through emergency egress windows and window wells only, and the basement shall not include a walk-out door, or a drive-in garage.
 - c. That the variance in the limitation on the height of the building shall be limited to a period of two (2) years from the grant of the variance, and that if a building permit for the construction is not applied for and issued in that time period the variance shall expire. Similarly, the construction must be completed during the duration of the original building permit (and any extensions granted), and if it is not completed during the duration of the original building permit, then the variance shall expire.

u. That in the event bedrooms are located in, or are added to, the basement, the owner shall notify the Beverly Shores Building Commissioner, and the Porter County Health Department.

6. **Public Hearing -- 23 S. Lake Shore County Road.** Petitioners Michael and Rosemary McCurdy, represented by counsel, appeared in the public hearing on their appeal of the decision of the Beverly Shores Building Commission regarding the above-referenced property and adjoining lots. Upon review of the submitted materials, questions to the Appellant, public comment, and comment of the Building Commissioner, the BZA denied the appeal.
7. **Adjourn** – Upon motion, second, and unanimous vote, the meeting was adjourned.

Pursuit to IC 5-14-9 section 6 the following current Town of Beverly Shores Board of Zoning Appeals (BZA) Members names, appointing authority and their appointment terms are as follows:

Mary Fulghum appointed by the Beverly Shores Town Council President to serve a term commencing January 1, 2023 and ending December 31, 2026.

Linda Kurtos appointed by the Beverly Shores Town Council President to serve a term commencing January 1, 2025 and ending December 31, 2028.

Greg Lyman appointed by the Beverly Shores Town Council to serve a term commencing January 1, 2024 and ending December 31, 2027.

Erik Olson appointed by the Plan Commission to serve a term commencing January 1, 2024 and ending December 31, 2027.

Larry Stanton was appointed by the Beverly Shores Town Council President to serve a term commencing January 1, 2024 and ending December 31, 2027.

Town of Beverly Shores
BOARD OF ZONING APPEALS
Minutes
October 16, 2025, 6:30 p.m.
In-Person and Virtual Meeting
Administration Building

1. **Roll Call.** – The meeting was called to order at 6:30 p.m. Board Members present in person: Mary Fulghum, Linda Kurtos, Greg Lyman, and Erik Olson. Not present: Larry Stanton. Also present: Town Attorney Connor Nolan, Clerk/Treasurer Ellen Hundt.
2. **Title VI Survey Availability.** The Title VI Survey was made available.
3. **Approval of July 21, 2025 Minutes.** Upon review, motion, second and unanimous vote by all Board members present, the July 21, 2025 minutes were approved.
4. **Approval of May 15, 2025 Minutes.** No minutes were available and the review was tabled.
5. **Preliminary Hearing – 120 W. Fairwater**
The board conducted a preliminary hearing for 120 West Fairwater. Todd Leeth, representing petitioners Ken and Rosemary Francis, detailed their application for four developmental standard variances to remodel and, among other things, enlarge their home by over 1,000 square feet. The Board reviewed the application, relevant documents, and asked additional questions of the petitioners. Upon motion, second and unanimous vote, the Board moved the matter on to a public hearing set for November 20, 2025, with requirement that, in addition to specific documents required by the ordinance, petitioners would also produce:
 - Documentation showing the current existing setbacks
 - Documentation showing the current size and location of the existing house
6. **Preliminary Hearing – 35 E. Stillwater**
The board next conducted a preliminary hearing for 35 E. Stillwater. Todd Leeth, representing petitioners Heath A. Wright and Michelle A. Kelly, Trustees of the Wright and Kelly Living Trust, explained the application for a developmental standard variance for a side yard stair and walkway. Petitioners sought the variance due to the removal and relocation of stairs required by the relocation of a new septic system approved by the Department of Health that resulted in the walkway being within the usual 10' requirement.

Upon further review of ordinances and further questioning, the Board found that no variance was required and upon motion, second and unanimous vote, allowed withdrawal of the petition upon such basis.

7. Preliminary Hearing – 317 E. Ripplewater

The board proceeded to the preliminary hearing for 317 East Ripplewater. Nancy J. Townsend appeared on behalf of petitioners William B. Loftus, as Trustee of the Marianne Loftus Trust and as Attorney-in-Fact for Marianne Loftus and Tony Moran and Megan Moran, who brought two separate matters on the stated property.

a. Violation Appeal

Petitioners first sought an appeal of a violation and fine issued by the Building Commissioner related to violation of Beverly Shores Zoning Ordinances §§155.008 and 155.082.

b. Petition for Variance

In the alternative, petitioners seek a variance from development standards to reduce the minimum frontage requirement to sixty feet for a portion of parcel that has frontage on Ripplewater.

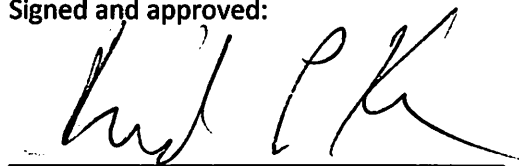
Upon review of the petition and documents and upon additional questions to the petitioners, the Board found that both petitions could move to a public hearing on November 20, 2025. In addition to the public hearing documents required by ordinance, the Board sought the following additional documents:

- Copies of the original and amended sales contracts for the 317 E. Ripplewater property
- Communications between the town and the petitioners regarding the alleged violation, particularly before the sale
- Communications between the buyers and sellers related to the fine or potential violation

Upon motion, second, and unanimous vote, the Board set both the appeal of the building commissioner's determination and fine, and the petition for variance, for a public hearing on November 20th, subject to the provision of the specified documents.

8. Adjourn – Upon motion, second, and unanimous vote, the meeting was adjourned.

Signed and approved:

A handwritten signature in black ink, appearing to read 'Linda Kurtos', is written over a horizontal line.

Beverly Shores Board of Zoning Appeals

By: Linda Kurtos, President

Pursuit to IC 5-14-9 section 6 the following current Town of Beverly Shores Board of Zoning Appeals (BZA) Members names, appointing authority and their appointment terms are as follows:

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Greg Lyman appointed by the Beverly Shores Town Council to serve a term commencing January 1, 2024 and ending December 31, 2027.

Erik Olson appointed by the Plan Commission to serve a term commencing January 1, 2024 and ending December 31, 2027.

Larry Stanton was appointed by the Beverly Shores Town Council President to serve a term commencing January 1, 2024 and ending December 31, 2027.

Town of Beverly Shores
BOARD OF ZONING APPEALS
MINUTES
November 20, 2025, 6:30 p.m.
In-Person and Virtual Meeting
Administration Building

1. **Roll Call.** – The meeting was called to order at 6:30 p.m. Board Members present in person: Mary Fulghum, Linda Kurtos, Greg Lyman, and Erik Olson. Virtually present: Larry Stanton. Also present: Town Attorney Connor Nolan, Clerk/Treasurer Ellen Hundt.
2. **Title VI Survey Availability.** The Title VI Survey was made available.
3. **Approval of October 16, 2025 Minutes.**
Upon review, motion, second and unanimous vote, the October 16, 2025 minutes were approved.
4. **Public Hearing – 120 W. Fairwater**
The board conducted a public hearing on the 120 West Fairwater application. Todd Leeth, representing petitioners Ken and Rosemary Francis, detailed their petition for four developmental standard variances to remodel and, among other things, enlarge their home by over 1,000 square feet. Attorney Leeth introduced the additional materials required by the BZA and further argued on behalf of the petitioners. The Board reviewed the petition, relevant documents, and asked additional questions of the petitioners. The Board heard comments from members of the public and the Beverly Shores Building Commissioner. The Board indicated a desire to see additional materials and analysis, that petitioner did not immediately have available. Upon motion, second and unanimous vote, the Board moved to continue the public hearing to January 15, 2026 at 6:30 p.m. at the regularly scheduled January 2026 BZA meeting.
5. **Public Hearing – 317 E. Ripplewater**
Nancy J. Townsend appeared on behalf of petitioners William B. Loftus. as Trustee of the Marianne Loftus Trust and as Attorney-in-Fact for Marianne Loftus and Tony Moran and Megan Moran, for public hearing on the two separate matters on the stated property.
 - a. **Petition for Variance**
The board first conducted the public hearing on the petition for variance at 317 E. Ripplewater. Attorney Townsend introduced the additional materials required by the BZA and presented petitioners' argument in favor of granting a variance of development standards to reduce the minimum frontage requirement to sixty feet for a portion of parcel that has frontage on Ripplewater. The Board reviewed the petition, relevant documents,

and asked additional questions of the petitioners. The Board heard comments from petitioner Loftus, members of the public, and the Beverly Shores Building Commissioner. The Board indicated a desire for additional information on petitioners' attempt to modify the circumstances around the original property sale that could provide additional remedies. Petitioner was not immediately able to provide such information at the time. Upon motion, second and unanimous vote, the Board moved to continue the public hearing to January 15, 2026 at 6:30 p.m. at the regularly scheduled January 2026 BZA meeting.

b. Violation Appeal

The Board determined that the appeal of the violation would be better heard with the information related to and requested on the petition for variance. Upon motion, second and unanimous vote, the Board moved to continue the public hearing to January 15, 2026 at 6:30 p.m. at the regularly scheduled January 2026 BZA meeting.

6. **Adjourn** – Upon motion, second, and unanimous vote, the meeting was adjourned.

Signed and approved:



Chair, Beverly Shores Board of Zoning Appeals

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Greg Lyman appointed by the Beverly Shores Town Council to serve a term commencing January 1, 2024 and ending December 31, 2027.

Erik Olson appointed by the Plan Commission to serve a term commencing January 1, 2024 and ending December 31, 2027.

Larry Stanton was appointed by the Beverly Shores Town Council President to serve a term commencing January 1, 2024 and ending December 31, 2027.