

MINUTES OF THE REGULAR MEETING OF THE MICHIGAN CITY BOARD OF ZONING APPEALS TUESDAY, MAY 11, 2021

The Michigan City Board of Zoning Appeals met in a regular meeting via Zoom on **Tuesday, May 11, 2021**, at 6:00 p.m., the time, date and location for holding of said meeting.

Chairman Zimmer called the meeting to order, and upon roll call, the following answered present:

Lester Norvell, Lawrence Zimmer and Kathryn Stransky. Absent was Karen Janus and Fred Klinder.

Also present: Counsel Steven A. Hale, Skyler York, Planning Director, Janelle Robinson, Court Reporter.

The first item of business was the approval of the minutes from the **Tuesday, April 13, 2021**, regular meeting.

Attorney Hale requested a correction be made to the minutes and that they be approved at the next regular meeting on June 8.

Chairman Zimmer explained that due to a scheduling conflict for Attorney Adamsky his petition would be moved and heard first.

The first petition called was Petition B-115-21: Attorney Bradley J. Adamsky for Christian J. Stolte and Kimberly A. Whitehead appealing the decision of the Plan Director revoking permit 2020-0354 issued on 12/02/2020 for 1012 Lake Shore Drive.

Attorney Hale explained the procedure for determining the administrative appeal being held before the board and the sequence the attorney for the petitioner, Attorney Adamsky, and the attorney for the boards, Attorney Hale, would be presenting testimony, documents or argument, and that after final arguments are made the BZA would decide by a preponderance of the evidence whether to uphold the decision of the Planning Department to revoke the building permit or grant the petition and acknowledge that the revocation would be no longer valid. He then asked that they make a motion to adopt the procedures.

Ms. Stransky made a motion to accept Attorney Hale’s suggestions and follow the procedures given. Seconded by Mr. Norvell.

The roll call vote was taken as follows:

AYE	NAY
<hr/>	
Mr. Norvell	
Mr. Zimmer	
Ms. Stransky	

With a roll call vote of three ayes and no nays, the motion was **granted**.

Attorney Adamsky first introduced his case to the board. Throughout the presentation of the case, the following were called on to give testimony: Chuck Donley, Mike Conner, Skyler York and Sue Downs. After the case was presented and closing arguments given, Ms. Whitehead made a statement to the board.

Mr. York then explained that Colin had been in contact with them and they're working through some subdivision things, so it's not that he isn't doing anything.

The roll call vote was taken as follows:

AYE _____ NAY

Mr. Norvell
Mr. Zimmer
Ms. Stransky

With a roll call vote of three ayes and no nays, the **motion was granted** and the petitions were continued to the next regular meeting on June 8 at six p.m.

Attorney Hale then explained to Mr. Marshall that if he chooses to proceed he does not need to provide notice to the adjoining property owners, they are deemed noticed by the continuance granted.

Petition B-108-21: Patrick & Marianne Grant requesting Development Standards Variance from the rear setback to allow construction of second story over attached garage area of an existing non-conforming residential home located at 302 Duneland Beach Drive. Continued from April.

Mr. York clarified with Marianne Grant that they have engaged a structural engineer and are looking at expanding their house, and would like to ask for a continuance to allow time to get something back before the board. She then confirmed that they are meeting with their structural engineer to get a report finalized and stamped and to move forward with their drawings so they have the proper documentation to present, and are requesting a continuance.

Mr. Norvell made a motion to grant a continuance to the next regularly scheduled meeting, June 8 at six p.m. Seconded by Ms. Stransky.

The roll call vote was taken as follows:

AYE _____ NAY

Mr. Norvell
Mr. Zimmer
Ms. Stransky

With a roll call vote of three ayes and no nays, the **motion was granted** and the petition was continued to the next regular meeting on June 8 at six p.m.

Petition B-109-21: Michigan City Donuts, LLC requesting Special Exception Use to allow for drive-thru at Dunkin Donuts located at 1701 E. Michigan Boulevard. Continued from April.

Peter Paraskis explained that the petition is for a Special Exception to create a drive-through only Dunkin' Donuts at the existing B2 zoned site, which is currently an abandoned full-service restaurant. He further stated that they have already gone through planning and worked closely with the zoning and building department, following all recommendations of the engineering department by providing and additional driveway cut at their request.

Chairman Zimmer called for the departmental reports.

Mr. York first stated that this project has been going on for two to three years, that they have been through development review and before all other departments prior to this.

Ms. Rosado read an abbreviated summary of the departmental reports (H.I.), wherein the department recommended approval of the petition with the following conditions: One, all design requirements for the zoning ordinance Section 17 must be met; two, all provisions of zoning ordinance 14.06 shall be met.

Attorney Hale confirmed that the new notification documentation had all been received and they were free to proceed, then gave a brief summary of the attorney’s report (H.I.) and advised the board of their options.

Ms. Rosado, having realized she missed a page or her report, finished reading her departmental report.

Chairman Zimmer called for questions from the board.

With no questions from the board, Chairman Zimmer called for public comment.

Councilwoman Tillman introduced herself and gave comment in support of the petition.

With no further public comment, Chairman Zimmer called for a motion.

Mr. Norvell made a motion to accept the finding of facts, the Planning Department’s report along with the attorney’s report, and that petition B-109-21 be approved subject to the conditions Ms. Rosado included in her report. Seconded by Ms. Stransky.

The roll call vote was taken as follows:

<u>AYE</u>	<u>NAY</u>
Mr. Norvell	
Mr. Zimmer	
Ms. Stransky	

With a roll call vote of three ayes and no nays, the motion was granted.

Petition B-113-21: Shawn Pettit/Lamar Advertising requesting Use Variance to allow for conversion of existing static back to back stacked billboard to a back to back LED digital display unit located at 4110 Franklin Street.

Shawn Pettit greeted the board and described the petition as being for an existing back-to-back billboard at the shopping center of Big Lots and Harbor Freight, categorizing it as a community project. He went on to state the he had been in discussions with Mr. York and the redevelopment attorney, Mr. Sirinek, to discuss the condemnation suit for a large billboard at 11th and Franklin as part of the NICTD double tracking project, saying that in an effort to save Michigan City taxpayers and the redevelopment commission money, Lamar is willing to forego the condemnation settlement and remove the sign at 11th and Franklin in exchange for permission to convert the sign on US 421 from a four-panel unit to a two-panel unit, 11 by 23 back-to-back digital. He referred to the next petition as a companion petition that would be to raise the height of the sign above the directional signs installed by the city in the US 421 right-of-way.

Referring to the survey and a sketch Chairman Zimmer had further conversation with Mr. Pettit regarding what their plans were for the sign, with Mr. Pettit stating that the square footage of the new sign would cut the square footage almost in half in comparison to the existing billboard.

Chairman Zimmer called for the departmental reports.

The roll call vote was taken as follows:

AYE _____ **NAY**

Mr. Norvell
Mr. Zimmer
Ms. Stransky

With a roll call vote of three ayes, motion **carried**, and the Findings and Orders **were approved**.

Next was the approval of Findings and Orders for Petition B-110-21, Next Modular/Tim Johnson. Having presented the board with a printed copy of the Findings and Orders in their entirety, Attorney Hale stated that an appropriate motion would be to approve the proposed decision and findings of fact as presented in written form. It was moved and seconded that the Findings and Orders as submitted be approved for B-110-21.

The roll call vote was taken as follows:

AYE _____ **NAY**

Mr. Norvell
Mr. Zimmer
Ms. Stransky

With a roll call vote of three ayes, motion **carried**, and the Findings and Orders **were approved**.

Next was the approval of Findings and Orders for Petition B-111-21, Harbor & Lake LLC. Having presented the board with a printed copy of the Findings and Orders in their entirety, Attorney Hale stated that an appropriate motion would be to approve the proposed decision and findings of fact as presented in written form. It was moved and seconded that the Findings and Orders as submitted be approved for B-111-21.

The roll call vote was taken as follows:

AYE _____ **NAY**

Mr. Norvell
Mr. Zimmer
Ms. Stransky

With a roll call vote of three ayes, motion **carried**, and the Findings and Orders **were approved**.

Next was the approval of Findings and Orders for Petition B-112-21, Andrew Morrison. Having presented the board with a printed copy of the Findings and Orders in their entirety, Attorney Hale stated that an appropriate motion would be to approve the proposed decision and findings of fact as presented in written form. It was moved and seconded that the Findings and Orders as submitted be approved for B-112-21.

The roll call vote was taken as follows:

AYE _____ **NAY**

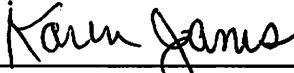
Mr. Norvell
Mr. Zimmer
Ms. Stransky

With a roll call vote of three ayes, motion **carried**, and the Findings and Orders **were**
approved.

Next item on the agenda is "New Business".

Chairman Zimmer called for public comment.

**With no further comments from the board or any public comment, Chairman Zimmer
adjourned the meeting.**



BOARD SECRETARY