

MINUTES OF THE REGULAR MEETING OF THE MICHIGAN CITY BOARD OF ZONING APPEALS TUESDAY, JULY 13, 2021

The Michigan City Board of Zoning Appeals met in a regular meeting in person and via video conference on **Tuesday, July 13, 2021**, at 6:00 p.m., the time, date and location for holding of said meeting.

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

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

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

Chairman Zimmer then acknowledged the passing of Mike Dempsey, asking everyone to keep him and his family in their thoughts.

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Attorney Hale confirmed with Chairman Zimmer that he had the authority to insert the recently ~~passed~~ Resolution 1-21 (H.I.) concerning holding meetings electronically and what the newly passed statute requires for governing bodies, then explaining to the board in greater detail what the attendance requirements would be in regards to attending in-person and/or electronically.

There was then some follow-up conversation by Mr. Klinder clarifying the requirements as far as the number of consecutive meetings one could attend electronically. Attorney Hale explained that the rule is that you may attend two meetings in a row electronically, then you must attend in-person, and then and you can attend two more meetings electronically, provided that you attend the majority in-person, unless it is for a good reason, and then went over the list of acceptable reasons.

This was followed by conversation regarding how they would confirm their intended attendance with Debbie prior to the meetings.

Chairman Zimmer called for a motion on Resolution 1-21.

Mr. Norvell made a motion that Resolution 1-21 be approved. Seconded by Ms. Stransky.

The roll call vote was taken as follows:

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

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

The next item of business was the approval of the minutes from the **Tuesday, May 11, 2021**, regular meeting.

Attorney Hale confirmed the requested changes that were made were completed and accurate.

Mr. Norvell made a motion to approve the minutes. Seconded by Ms. Janus.

The roll call vote was taken as follows:

AYE _____ **NAY**

Ms. Janus
Mr. Klinder
Mr. Norvell
Mr. Zimmer
Ms. Stransky

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

Next was the approval of the minutes from the **Tuesday, June 8, 2021**, regular meeting.

Attorney Hale commented that he did not find any changes that were needed and felt the minutes were accurate.

Mr. Klinder made a motion to approve the minutes. Seconded by Mr. Norvell.

The roll call vote was taken as follows:

AYE _____ **NAY**

Ms. Janus
Mr. Klinder
Mr. Norvell
Mr. Zimmer
Ms. Stransky

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

The first petition called was Petition B-117-21, Ken Patel requesting Special Exception Use and Use Variance to allow a four by eight marquee message board sign located at 3311 Franklin Street.

Mr. York stated they were requesting a continuance until the August meeting, asking the board to grant their request.

Chairman Zimmer called for a motion.

Mr. Klinder made a motion to grant the continuance to the next regularly scheduled meeting on August 10. Seconded by Ms. Janus.

The roll call vote was taken as follows:

AYE _____ **NAY**

Ms. Janus
Mr. Klinder
Mr. Norvell
Mr. Zimmer
Ms. Stransky

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

Petition B-118-21: Theola Wright requesting Development Standards Variance to allow a privacy fence in a required front yard located at 1324 West 8th Street.

Theola Wright approached the lectern and introduced herself to the board. Attorney Hale then explained that he and Ms. Wright had a previous discussion where it was explained to her that they would not be able to hear her petition due to not having the document verification that she accurately advertised it in the newspaper, and that she would need to request a continuance.

Ms. Wright then gave a presentation regarding her petition, followed by requesting it be continued to the August meeting.

Mr. York then explained to her that she would need to provide the proof of publication, but would not have to renounce for the next meeting so there would be no cost incurred by her in getting the continuance.

Chairman Zimmer called for a motion.

Mr. Norvell made a motion that Petition B-118-21 be continued until the regular scheduled August 10th meeting. Seconded by Ms. Janus.

The roll call vote was taken as follows:

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

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

Next item on the agenda is "Old Business".

The next item of business was approval of Findings and Orders for Petition B-108-21: Patrick & Marianne Grant. 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-108-21.

The roll call vote was taken as follows:

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

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

Next was the approval of Findings and Orders for Petition B-116-21, Steven Lyle Smith. 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-116-21.

The roll call vote was taken as follows:

<u>AYE</u>	<u>NAY</u>
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Ms. Janus	
Mr. Klinder	
Mr. Norvell	
Mr. Zimmer	

Abstained by Ms. Stransky. With a roll call vote of four ayes, motion **carried**, and the Findings and Orders **were approved**.

Next item on the agenda is "New Business".

There being no new business or public comment, Chairman Zimmer commented that at the July 27 Plan Commission meeting Mr. Pointer with Carbon Neutral Indiana will be first on the agenda speaking about how we can all contribute to reducing our carbon footprint.

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



BOARD SECRETARY