

**MINUTES OF THE REGULAR MEETING OF THE  
MICHIGAN CITY BOARD OF ZONING APPEALS  
TUESDAY, AUGUST 10, 2021**

The Michigan City Board of Zoning Appeals met in a regular meeting in person and via video conference on **Tuesday, August 10, 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.

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

Attorney Hale requested that on the first page of the minutes, the second line of the fifth paragraph, the word "passed" be changed to "distributed" to clarify that the intended meaning of the sentence was that a copy of the resolution had been distributed to each the board members, and that the resolution was passed further down in the minutes.

With that revision, Mr. Klinder made a motion to approve the minutes. Seconded by Ms. Janus.

The roll call vote was taken as follows:

<b><u>AYE</u></b>	<b><u>NAY</u></b>
-------------------	-------------------

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 Development Standards Variance to allow an electronic message board exceeding the 72 square foot maximum and being less than 600 feet from another existing electronic message board, located at 3311 Franklin Street. Continued from July.**

**Bob Pendergast introduced himself on behalf of Ken Patel, the owner of King Richards liquor store. He explained that they want to replace their existing sign with a message board, that there is an existing message board at CVS, which is less than 600 away, and that they are also requesting an 80 foot combination sign, with the town only allowing a 72 foot sign.**

Chairman Zimmer called for the departmental reports.

**Mr. York read the departmental reports (H.I.), wherein the department recommended approval of the proposed Special Exception Use for Petition B-117-21 with the following conditions: One, the EMC sign can be no larger than 30 square feet, and the total square footage of all pole signs cannot exceed 72 square feet as required by the zoning ordinance.**

This was followed by discussion regarding the allowed square footage of both the EMC sign and the static sign. After some conversation with regard to dividing the size of each sign, the recommendation was to stay within the 30 square feet for the electronic sign and that what remains would be the maximum allowed for the static sign.

Mr. Klinder brought up the 600-foot requirement and asked how far away the CVS sign was. Mr. York stated it was approximately 400 feet, but that it's not as though it's right next door having King Richards and a street in between.

Mr. Norvell then clarified that the petitioner would be able to stay within the suggested standards, to which he confirmed he could.

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

With no public comment, Chairman Zimmer called for the attorney's report.

Attorney Hale confirmed that the new notification documentation had all been received and they were free to proceed.

He then pointed out that at the last meeting the petition was listed as a Use Variance and Special Use, and that they were now being asked to approve a Development Standards Variance, which is the appropriate request, so the petition should be referred to as an amended petition.

Secondly, he pointed out that the petition lists Ken Patel as the owner, while Beacon lists Jiba, Inc. as the owner. He stated he having gone through documentation it is Mr. Patel's entity, but requested that the record reflect Jiba, Inc. as the owner.

He then gave a brief summary of the attorney's report (H.I.) and advised the board of their options.

Chairman Zimmer called for a motion.

Mr. Klinder made a motion to approve amended petition B-117-21 with the conditions that are indicated in the City planner's report, including that the EMC can be no longer than 30 square feet, and the total square feet cannot be more than 72 square feet, as required by the joint zone zoning ordinance. Seconded by Ms. Janus.

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 approved.

**Petition B-118-21: Theola Wright requesting Development Standards Variance to allow a privacy fence in a required front yard located at 1324 West 8<sup>th</sup> Street. Continued from July.**

Mr. York clarified that they had now been provided all of her paperwork that was missing at the July meeting.

Theola Wright approached the lectern and introduced herself to the board. Ms. Wright gave a presentation of her petition, explaining that the way her house sits on the property she essentially has three frontages to her home. She went on to state that she is requesting a variance from the front yard setback rule of 20 feet in order to install a six-foot privacy fence running parallel to the existing four-foot chain-link fence that exists on the neighboring property going east to west. She went on to describe her home as being on a slope, making it so this would not create a safety hazard for pedestrians or traffic, and that she's requesting a 15-foot setback to install her six-foot privacy fence.

Chairman Zimmer called for the departmental reports.

Prior to giving his report, Mr. York asked if she was going to take down the chain-link fence, expressing concern over the two fences being smashed together and the weeds that would grow between them. This was followed by conversation between the petitioner, Mr. York and the board regarding where she plans to install the fence and which of the existing chain-link fence surrounding her house is hers and which is the neighbor's. It was explained that she wants the fence to run the whole length of the south property line, that the new fence will be in her yard and the chain-link fence is in the neighbor's yard, and that the existing fence along Douglas Street is her fence.

Mr. York read the departmental reports (H.I.), wherein the department recommended approval of the proposed Special Exception Use for Petition B-118-21 with the following conditions: That the old chain-link fence along Douglas Street must be removed.

After giving the recommendation and one condition there was discussion clarifying that she would not be installing new fencing along Douglas Street, that her plans are only on the south side of the property line.

Mr. York then withdrew his one condition and recommended approval.

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

Chairman Zimmer called for public comment.

With no public comment, Chairman Zimmer called for any other questions or comments from the board.

Mr. Klinder stated that the attorney's report states it as an amended petition and asked what part of the petition was amended. It was stated that that was an error and the petition was not amended.

Mr. Norvell made a motion to accept the finding of facts, Planning Department's report, the petitioner's report, and that petition B-118-21 be approved with no condition. 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 approved.

**Petition B-119-21: Paul E. Taylor/TaylorDESIGN-Architects requesting Development Standards Variance to allow construction of a second floor addition to the existing residence, located at 108 California Avenue.**

Paul Taylor, Taylor DESIGN-Architects, introduced himself on behalf of the property owner, who also was present. He explained that they want to add a second floor addition onto the existing home, that the home encroaches into the side yard by approximately two feet, that they wouldn't be changing the footprint of the home, they are building straight up, so they would be encroaching on the side yard setback.

Chairman Zimmer called for departmental reports.

Mr. York read the departmental reports (H.I.), wherein the department recommended approval of the proposed Development Standards Variance for Petition B-119-21 with the following conditions: One, no further encroachment into the five-foot setback.

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

Chairman Zimmer called for questions from the board.

Mr. Klinder commented on height requirements and asked if they had been taken into consideration. Mr. York confirmed that they have met the qualifications for that, which was followed by conversation clarifying that they will be measuring using the required method for this type of property to ensure they don't exceed 35 feet.

Mr. York then read a remonstrance from Michael Knight, 111 California , who inquired as to what was going on. Mr. York replied to Mr. Knight stating, they are going straight up and will not meet the setback at this time so they're seeking a variance to allow them to go straight up on the same footprint, to which Mr. Knight had no problem with.

Chairman Zimmer called for any other public comment.

With no further public comment or questions from the board Chairman Zimmer called for a motion.

Mr. Norvell made a motion to accept the finding of facts, the attorney's report, the Planning Department's report, Mr. Taylor's report, and that they approve the petition, including the condition that no further encroachment be added to the five-foot setback. Seconded by Mr. Klinder.

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 approved.

\*\*\*\*\*

Next item on the agenda is "Old Business," then "New Business".

There being no old business, new business or public comment, Chairman Zimmer adjourned the meeting.

  
\_\_\_\_\_  
BOARD SECRETARY