

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ZONING APPEALS
TUESDAY, July 14, 2009**

The Michigan City Board of Zoning appeals met in a regular meeting in the Common Council Chambers, City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana, on Tuesday, July 14, 2009, at the time, date and location for holding of said meeting.

A pre-meeting was held by the Board at 6:30 p.m. in the Planning Department's conference room, first floor, City Hall Offices.

Board President Przybylinski called the meeting to order, and upon roll call, the following answered present:

Don Przybylinski, Al Whitlow, John Morse, Wallace Hook. Absent from the meeting was board member Tom Wilson;

Also present: Steven A. Hale, Counsel for the BZA; Joe Siegel, Zoning Administrator; and, Marilyn M. Jones, court reporter.

Next was approval of the minutes from the June 9, 2009, meeting. It was moved and seconded that the minutes be approved.

With a voice vote of all ayes and no nays, motion carried, and the minutes were approved.

The first item of business:

President Przybylinski called for the first petition.

Petition B-104-09 of Ray Cermak requesting a Development Standard Variance for construction of a 12-foot-wide-by-28-foot long screened porch addition with an open deck above to be located in a required rear yard at 1302 Lake Shore Drive.

Mr. Siegel noted for the record that a Power of Attorney had been requested be provided in this matter. Mr. Cermak advised that he thought Mr. Noonan would be attending tonight's meeting.

The board explained to Mr. Cermak that in order for him to proceed he would need to present the signed Power of Attorney to the Board.

Mr. Cermak then requested that the Board grant a continuance of the petition. Petition B-104-09 continued to the next regularly scheduled meeting in August, 2009.

Next item on the agenda was old business.

Last month's successful *Petition B-103-09* of Trevor Johnston FINDINGS OF FACT AND ORDER were presented to the board.

Motion was made and seconded to approve the findings of fact and order as presented. Voice vote of all "ayes" and no nays taken. Findings of Fact and Order for Petition B-103-09 so approved by the board members.

The next item of business on the agenda, new business, being "Discussion of Proposed Rule of Procedure," Mr. Hale explained the need for the adoption of the rule:

"The Petitioner shall submit their affidavit of service, proof of mailing and publisher's affidavit of publication of legal notice to the Planning Department for review the Monday (or Friday if Monday is a holiday) before the Board of Zoning Appeals."

It was moved by Mr. Hook to adopt the above language and make said language part of the Board's Rules of Procedure. Seconded by Mr. Morse.

With a voice vote of all "ayes" and no nays, the motion carried.

Board's legal counsel, Mr. Hale, noted that he feels this rule will help expedite the meetings so that all the publication requirements are sorted out and reviewed before the meeting commences. Board members concurred.

Mr. Siegel noted that August's meeting will be held in another location, rather than the Council chambers. More likely than not the August meeting will be held in the Planning Department's meeting room on the first floor where the "pre-meetings" are held, but if that

room is not sufficient, since there will be possibly two petitions heard in August, the meeting will be moved to the bigger meeting room down the hall.

Mr. Przybylinski called for public comment.

There being no public comment, the public portion of the meeting was closed.

There being no further business to come before the board, the meeting was adjourned.


Board Secretary