

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY BOARD OF ZONING APPEALS
TUESDAY, MARCH 10, 2020**

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, March 10, 2020**, 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:

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

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

Chairman Zimmer then requested to waive the reading of the policy of conduct and procedures of the meeting (H.I.).

The first item of business on the agenda was the approval of the minutes from the **Tuesday, January 14, 2020**, regular meeting.

Mr. Norvell made a motion to approve the minutes of Tuesday, January 14, 2020. Seconded by Ms. Stransky.

The roll call vote was taken as follows:

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

With a roll call vote of four ayes, motion **carried**, and the minutes were **approved**.

Chairman Zimmer called the first petition.

Petition B-100-20, Mikropor America requesting Use Variance to add 6'7" company logo to the existing sign located at 4921 Ohio Street.

Mr. York stated that the petition wasn't noticed correctly, that he had been in contact with the petitioner to get it corrected, and that it would be appropriate to request a continuance to the next regularly scheduled meeting.

Ms. Stransky made a motion to continue Petition B-100-20. 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. Norvell
Mr. Zimmer
Ms. Stransky

With a roll call vote of four ayes, motion carried, and Petition B-100-20 was continued.

The next petition called was Petition B-101-20, John Condon and Jessica Dant requesting Use Variance to construct detached accessory dwelling unit in vacant lot included in the current platted property at 710 Washington Park Boulevard.

John Condon and Jessica Dant approached the lectern and introduced themselves to the board. Mr. Condon went on to explain that two years ago they purchased what was originally a double lot that was joined, that their house was built on the 160 by 100 lot, and that the fenced in side yard is undeveloped and that they are hoping to build an accessory dwelling unit there for family to come visit. He then read their findings into the record.

Chairman Zimmer called for questions from the board.

Ms. Stransky asked if the zoning on their personal property would then be multi-family with building an additional building on that lot. Mr. Condon explained that to his understanding it would not be, that he has a VA loan and making it multi-family would void his qualification for that loan. He went on to state that it would all be on the same water meter, electric and sewer. There was further discussion regarding it being two separate buildings but that the use would only be for visiting family, never to be rented out.

Attorney Hale then explained that the water department had indicated that it must have a separate water meter if it's other than family, but that if it's family they can utilize it with just the existing water meter. He also stated that the board could make that a condition to their approval of the petition if they so wish.

Chairman Zimmer then asked the petitioner why they are wanting a separate building as opposed to adding on to their existing home, at which time the petitioner explained he would have to completely rip out the newly installed flooring and siding making it a more expensive project than a separate building and tapping in from the outside. This was then followed by discussion regarding the plan having a different style roof and that keeping it the same gabled roof as the home would make it esthetically look better.

With no further questions from the board, Chairman Zimmer called for the departmental report.

Mr. York first handed out a document containing the original plat on the property for the board to reference while going through his report. He then read departmental reports (H.I.) wherein the department recommended approval of the petition with the following conditions: One, the new two-car off-street parking area constructed by the time of certificate of occupancy; two, retaining or replanting the area directly behind the ADU with a plant buffer; three, It can't be a rental, it would need to remain for family use; four, to conform to all requirements of an accessory dwelling.

This was then followed with Mr. York further explaining what an accessory dwelling unit is in more detail, along with conversation regarding heating and cooling plans with where the water heater, furnace and air conditioning would be placed for the new building.

Attorney Hale then confirmed that the documentation was in order and they are free to proceed, and then read the attorney's report (H.I.) into the record and advised the board of their options.

Mr. Norvell made a motion to accept the petitioner's presentation, finding of facts, the Planning Department's report, along with the attorney's report and that Petition B-101-20 be

approved with all recommendations, along with the two verbal conditions added to the Planning report. Motion approved by Ms. Stransky, seconded by Ms. Janus.

The roll call vote was taken as follows:

AYE _____ **NAY**

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

With a roll call vote of four ayes, motion Petition B-101-20 was **granted**.

The next petition called was Petition B-102-20, James Epstein requesting Special Exception Use to allow a used car lot in a B2 zoning district located at 3609 E. U.S. Highway 12.

Mr. York informed the board that not all adjacent neighbors had been properly notified and that the petitioner had been informed that before their petition can be heard they need to send out proper notifications to all adjacent neighbors.

Attorney Hale then elaborated by stating that it was his opinion that the notice form was not sufficient. He went on to state that the ordinance requires that they advise the property owners as to the nature of the request and that the true spirit of the ordinance requires that you have to advise the public, including adjoining neighbors and in your newspaper advertisements what it is that the petitioner is asking for, not just what type of process the petitioner is wanting, commenting that as counsel for the board he wanted to be sure they were informed of his opinion regarding this.

Next item on the agenda is "Old Business".

The next item of business was approval of Findings and Orders for Petition B-110-19, Dennis and Lois Gates, corrected decision and findings of fact. Having presented the board with a printed copy of the Findings and Orders in their entirety, Attorney Hale explained that this petition was approved in December of 2019 for Development Standard Variance at 812 Lake Shore Drive, at which time Mr. York explicitly indicated that the approved variance was a setback of seven feet, one inch, but that in one instance it was erroneously put in the written decisions and findings of fact as seven feet, eleven inches. He then asked that the board make a motion to approve the corrected decision and findings of fact submitted to them.

Ms. Stransky made a motion to accept the corrected findings. Seconded by Mr. Zimmer.

The roll call vote was taken as follows:

AYE _____ **NAY**

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

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

Next item on the agenda is “New Business”.

There being no new business, further comments from the board or any public comment, Chairman Zimmer adjourned the meeting.

/s/ Karen Janus, Secretary

BOARD SECRETARY