

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY BOARD OF ZONING APPEALS
TUESDAY, JULY 14, 2020**

The Michigan City Board of Zoning Appeals met in a regular meeting at Krueger Memorial Hall, 801 Liberty Trail, Michigan City, Indiana, on **Tuesday, July 14, 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, Fred Klinder, Lester Norvell, Kathryn Stransky and Lawrence Zimmer.

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, June 30, 2020**, special meeting.

Attorney Hale noted that on the first page, seventh paragraph, on the approval of minutes the date of January 14, 2020 should be March 10, 2020.

Chairman Zimmer called for a motion to approve the minutes with the corrected date duly noted.

Mr. Norvell made a motion to approve the minutes of Tuesday, June 30, 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. Klinder
Mr. Norvell
Mr. Zimmer
Ms. Stransky

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

Chairman Zimmer called the first petition.

Petition B-102-20, James Epstein requesting Special Exception Use to allow a used car lot in a B2 zoning district, located at 3609 East US Highway 12. Continued from June.

Attorney Hale stated that he had a chance to review the additional notice material submitted by Mr. Epstein, found it to be in order, the notice requirements were met, so they were free to proceed to hear this matter.

James Epstein on behalf of Lakeside Associates, LLC, approached the lectern and introduced himself to the board, stating they would like to put a used car lot on the property. He went on to state that two of his close friends own a used car lot on Washington and 11th Street,

and that due to the expansion of South Shore were required to vacate their current location and wanted to utilize his property for their car lot.

Chairman Zimmer called for the departmental reports.

Mr. York read the departmental reports (H.I.) wherein the department recommended approval of the petition with the following conditions: One, any new structures must comply and receive a building permit. Two, the area to be used as a car lot must be paved with a hard surface, not gravel. Three, a solid privacy fence shall be installed between the petitioner's property and the existing two adjacent residential homes. Four, there shall be no storage of wrecked or immobile vehicles at this location.

Attorney Hale noted on the report for Petition B-102-20 the petitioner is James Epstein, the owner is Lakefront Associates, LLC, and that the spelling should be corrected on Mr. York's report. He then reiterated that the documentation was in order and they were free to proceed, and then read the attorney's report (H.I.) and advised the board of their options.

Chairman Zimmer called for questions from the board.

Ms. Stransky requested that Mr. Epstein give his definition of a used car lot, to which he replied that he plans on constructing a new metal building to run the car lot office out of and that the number of used cars on the lot would probably be no more than 18 cars. There was then further discussion clarifying that there would not be any type of body shop or engine repair service done at the location.

Chairman Zimmer then asked about plans for signage. Mr. Epstein stated that there is currently a billboard on the property that will be used for their sign, so there will be no need to construct a sign or request any permits for signage. This was followed by discussion regarding the hours of operation, which at their location on Washington and 11th Street is currently ten to six, closing earlier in the winter months, Monday through Saturday.

Ms. Stransky then asked if they he be constructing his own property fence on his property between him and the neighbors, to which he answered yes.

With no further questions from the board and no questions from the public, 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, and Mr. Epstein's report, and that this petition be approved including the four conditions. 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, Petition B-102-20 was granted.

Next item on the agenda is "Old Business".

The next item of business was approval of Findings and Orders for Petition B-101-20, John Condon and Jessica Dant. Attorney Hale explained that he had provided at an earlier meeting the proposed decision and findings of fact for this petition, but wanted to advise the board that the findings of fact that were heard and approved by this body were relating to a Development Standard Variance, the three standards, and the request was a Use Variance, and that although the description of those are different, the findings were sufficient to apply to these other standards. He expressed that he didn't find it necessary for the body to reconsider new findings, didn't think that would be appropriate, and that the approved findings at the March 10th meeting were sufficient to support the decision that was made to grant the petition. Then having presented the board with a printed copy of the Findings and Orders in their entirety, he gave a summary of the Findings and Orders, highlighting key points along with reading the conditions.

It was moved and seconded that the Findings and Orders as submitted by Attorney Hale be approved for B-101-20.

The roll call vote was taken as follows:

AYE _____ NAY

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

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

The next item was approval of Findings and Orders for Petition B-100-20, Mikropor America. Having presented the board with a printed copy of the Findings and Orders in their entirety, Attorney Hale gave a summary of the Findings and Orders, highlighting key points along with the one condition.

It was moved and seconded that the Findings and Orders as submitted by Attorney Hale be approved for B-100-20.

The roll call vote was taken as follows:

AYE _____ NAY

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

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

The next item was approval of Findings and Orders for Petition B-103-20, Hard Surface Restoration, LLC. Having presented the board with a printed copy of the Findings and Orders in their entirety, Attorney Hale gave a summary of the Findings and Orders, highlighting key points along with the three conditions.

It was moved and seconded that the Findings and Orders as submitted by Attorney Hale be approved for B-103-20.

The roll call vote was taken as follows:

AYE _____ NAY

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

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

The next item was approval of Findings and Orders for Petition B-104-20, Douglas Babcock. Having presented the board with a printed copy of the Findings and Orders in their entirety, Attorney Hale gave a summary of the Findings and Orders, pointing out that this body considered the matter and made findings which turned out to be negative findings found in subsection A through H of the proposed written decision of findings. Those negative findings were that in essence this petition should be denied, and based upon the petition, the presentation of the petitioner, documents, testimony, remonstrances and other matters brought forth in the public hearing, and all materials, documents and testimony set out in the record of the matter, the Michigan City Board of Zoning Appeals made those findings that were set out in his written proposed findings and decision and denied Petition B-104-20 on June 30, 2020. He then explained that an appropriate motion would be to accept decision of findings of fact as submitted.

It was moved and seconded that the Findings and Orders as submitted by Attorney Hale be approved for B-104-20.

The roll call vote was taken as follows:

AYE _____ NAY


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

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

Attorney Hale then explained to the board that they always make findings of fact when considering a petition, which are usually approvals, sometimes subject to conditions. He then pointed out that just as an approval of a petition requires written findings, a denial also requires findings, so the procedure for denials will also require approval of the findings in the future.

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.



BOARD SECRETARY