

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY BOARD OF ZONING APPEALS
TUESDAY, OCTOBER 13, 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, October 13, 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, Lawrence Zimmer and Kathryn Stransky.

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 **Thursday, August 27, 2020**, special meeting.

Mr. Norvell made a motion to approve the minutes of Thursday, August 27, 2020. Seconded by Ms. Janus.

The roll call vote was taken as follows:

AYE	NAY
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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 minutes were **approved**.

Chairman Zimmer called the first petition.

Petition B-105-20, Nicholas Africano requests Development Standard Variance to allow an electronic sign at 325 US Highway 20 which is located within 600 feet of another electronic sign. Continued from August.

Mr. York reminded the board that this was continued from the last meeting due to an issue with noticing. Attorney Hale then confirmed with the board that the new notices satisfy all requirements, everybody got notice, so they were free to proceed with this matter.

Mr. Africano approached the lectern and introduced himself as being there on behalf of David Taylor, who owns the car dealership on the corner of Cleveland and 20. He went on to state that they are building the car wash next door to the car lot and are wanting an LED sign like what they use at all of their dealerships and/or car washes, and also stating they normally reserve some spots on the board for community-type events.

He then commented his understanding of reading the ordinance called for up to 72 square feet, at which time Mr. York explained that other requests have been adding to a stack sign, but

that they have been trying to hold a standard with these requests at somewhere between 25 and 30, trying to be both considerate and reasonable with the petitioner and the board. There was then further discussion regarding the car wash being built, that it had been granted a Special Exception Use in the past, and that it will also have a detail shop to service the Chrysler dealership that is also open to the public.

Mr. York then read departmental reports (H.I.) wherein the department recommended approval of the petition with the following condition: That the sign can be no larger than 30 square feet.

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.

Chairman Zimmer asked if the allowed amount was for both sides of the sign or the full sign. Mr. York explained that it's a double-sided sign, both sides being allowed the square footage. This was followed with conversation regarding the distance of nearest signs in the area, the sizes of them and types of electronic signs.

Attorney Hale then asked Mr. Africano the size of the sign he is requesting, to which Mr. Africano answered a double-sided, seven and a half by 10, or 72 square feet sign, also stating that he had measured from the closest sign to where his would be and it was 160 feet from the Von Tobel sign.

Mr. Klinder inquired as to why the request for a larger sign instead of the standard 12 square feet. This was followed by discussion with the board, Mr. York and the petitioner regarding the size of the proposed size and other similar situations where the similar requests have been made.

There was further conversation regarding what would be advertised on the sign, that selling space and advertising for other businesses like a billboard is not allowed, only non-profit community advertising could be added to their board.

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

Mr. Norvell made a motion to accept the finding of facts, the report submitted by the petitioner, along with the planning department's report and the attorney's report and that they approve B-105-20, to include the recommendation that the sign does not exceed 30 square feet. 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, Petition B-105-20 was granted.

Petition B-107-20, Barry F. and Jennifer L. McDonnell requests Development Standard Variance to allow construction of a single-family residence on a non-conforming lot located at 702 Lake Shore Drive.

Attorney McDonnell approached the lectern, introduced himself stating he is there representing himself and his wife. He commented that he had provided all of the required documentation, followed by giving some background information explaining that they had purchased the property at Sheridan Beach in 2016 and are now ready to build their future home there. He then stated they are only requesting one variance regarding the requirement in an R1E district that the longest ridge line of the home be perpendicular to the shoreline. He further described their plans of building a single-story home below 20 feet in height, and that the way their design fit best on the property was to have the ridgeline facing Illinois Avenue rather than Lake Shore Drive and that it would not create any obstruction of the shoreline view for other property owners. He then went on to state they are opting for a smaller house with additional parking on the property so there would be no issues with street parking when they have family and friends visiting.

Chairman Zimmer then called for the departmental reports.

Mr. York then read departmental reports (H.I.) wherein the department recommended approval of the petition with the following condition: Any additional story added to the home will have to conform to the ordinance or seek another variance at a time desired.

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.

Chairman Zimmer called for questions from the board.

Mr. Klinder clarified with Mr. McDonnell the location of his property, followed by further conversation between the board, Mr. York and Mr. McDonnell regarding the address being historically listed as Lake Shore Drive and the process of getting it changed to an Illinois Ave. address. There was also further discussion regarding the design of the home on this property with it being well-designed to have the ridgeline facing Illinois Avenue as opposed to Lake Shore Drive.

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

Mr. Norvell made a motion to accept the finding of facts, the planning department’s report, the attorney’s report and the petitioner’s presentation, and that they approve petition B-107-20 to include the recommendation that any additional stories added to the home have to conform to the ordinance or another petition would have to be sought. 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, Petition B-107-20 was **granted**.

Petition B-108-20, Universal Sign, Inc. requests Development Standard Variance to allow an electronic message center greater than 12 square feet on a pylon sign at 4421 Franklin Street which is located within 600 feet of another electronic message center.

Attorney Hale advised the board that the notice documentation was not sufficient, that the petitioner had been notified and is aware that this would be continued. Mr. York and Mr. Hale then confirmed to the board that the petitioner had requested a continuance to the next meeting.

Mr. Norvell made a motion to continue the petition to the next regularly scheduled meeting on November 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, Petition B-108-20 was continued.

Next item on the agenda is "Old Business".

There being no old business Chairman Zimmer called for new business.

Next item on the agenda is "New Business".

Chairman Zimmer opened up discussion regarding future meetings being held in person versus by Zoom, at which time there was an agreement by the board that as long as distancing is maintained, masks are worn and people are honest regarding health conditions meeting in person would be preferred for future meetings.

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



BOARD SECRETARY *President*