Michigan City Board of Zoning Appeals (BZA)

Tuesday, March 11, 2025, City Hall; Common Council Chambers, 100 East Michigan Blvd.

-Meeting Minutes-

1. **CALL TO ORDER:** The meeting was called to order by Mr. Ricky Jackson.

2. **ROLL CALL** by Dr. Sylvia Collins (Director of Planning, non-voting): Present
   President Ricky Jackson, Ms. Deborah Vance, Attorney Steve Hale, Mr. Brian Gross, Ms. Kathy Stransky, and Mr. Fred Klinder
3. **APPROVAL OF TODAY'S AGENDA:** Approval of agenda was not discussed, assumed to be approved.
4. **APPROVAL OF MEETING MINUTES:** A motion was made by Ms. Stransky to approve the January 14, 2025 minutes, seconded by Ms. Vance and was approved with the following vote:
   Ayes (5): Jackson, Vance, Gross, Stransky, Klinder
   Nays (0): NONE
   A motion was made by Mr. Gross to approve the February 11, 2025 minutes, seconded by Mr. Klinder and was approved with the following vote:
   AYES (5): Jackson, Vance, Gross, Stransky, Klinder
   NAYS (0): NONE
5. **PETITIONS: NONE**

6. **BOARD QUESTIONS AND DISCUSSION: NONE**

7. **OLD BUISNESS:**

- President Jackson stated that we will move onto old business which is the finding of facts and turned over the discussion to Attorney Hale.
- Mr. Hale made a reference to documents they have received prior to the meeting, the Michigan City of Zoning Appeals decision and findings of facts regarding petition number B-107-24. The petitioner was Jacquelin Scarborough. Property Owner was DNC Executive Properties LLC and David Lewis. The request is for development standards variance and special exception use, both of which is pertaining to the property at 3515 Franklin St, building A1. This is pertaining to the opening or the use of the site and having a tattoo parlor within 100 feet of a residential district.
- The property was zoned B2 commercial district. The request is a development standards variance to allow a tattoo establishment within 100 feet of a residential district. The findings that we made were set out in the report of staff. The board approve that development standards variance 72, the condition that the tattoo establishment shall not operate past 10 p.m.
- Mr. Hale stated that they then considered the special exception used to allow for a use of the property as a tattoo establishment. They then used the findings that were presented by Dr. Martin in her report. Based on the report they approved the special exception used for the property to be use as a tattoo establishment but subjected to the condition that the establishment shall not operate after 10 p.m. Based on the conditions, the record, and

presentations the request for development standards variance and the request for special exception has set forth in section and petition b-107 24 in February 14, 2025 was granted but subject to the condition that the business cannot operate past 10 p.m.

- President Jackson thanked Mr. Hale and asked if there was a motion to adopt.
- Mr. Gross made a motion to adopt the decision and finding of facts for petition number B-107-24. Seconded by Ms. Vance and was approved with the following vote:
  AYES (5): Jackson, Vance, Klinder, Stransky, Gross

  NAYS (0); NONE

- President Jackson stated that next on the agenda is the rescheduling of the BZA Workshop.
- Dr. Martin called on the Director of Public Works, Wendy Vachet, and stated why she came to speak on the workshop.
- Ms. Vachet stated that she is new to the job and was trying to come to all the boards under her purview to see how business is conducted. Me. Vachet expressed how she wants to scrub, consolidate, and make cogent many of the boards so that information is clearer or the members. She is asking for more time and patients to get it done.
- Dr. Martin gave a general over view of the time line and has explained that this month of March, it is not a drastic extension as far as time goes. So for the month of March Dr. Martin and Attorney Steve Hale will do a review the comments she has received from the board and try to implement them and create a foundation so when the workshop is had they will know what they need to talk about. In April will be the internal review, which will be the departmental processes to get everyone aligned with how this work like zoning regulation and code regulations so everyone understands the process and able to have their input. She then continues to explain that from there they will move straight into the boards and community workshop which will take place in May. Dr. Martin conforms with Attorney Hale, and he agrees.
- Dr. Martin asked Attorney Hale if this is something that needs to be motioned on being they just shared it with the community. Attorney Hale answered No.
- Dr. Martin stated that next on the agenda is the November meeting, which is a holiday, so the meeting will be moved to November 17th. A Board member asked what day of the week the 17th is, Dr. Martin answered it is a Monday, she then explains why it is on that Monday.
- Attorney Hale confirms that the meeting is on the 17th of November at 6 p.m. in the City Council Chambers.
- President Jackson asks if it is necessary to read all the meeting dates out loud or if there will be a notice that these are the dates of the meeting throughout the year.
- Attorney Hale said that it is for the public viewing.
- Mr. Klinder asks for confirmation of the meeting of April.
- There was a discussion amongst the board to determine the meeting date in April. It was decided that April 8, 2025, is the meeting date.
- Dr. Martin states that there is no business to discuss for the April meeting.
- President Jackson instructed to read off the meeting dates for the rest of the year.

- Dr. Martin proceed with the following, April's meeting is cancel due to their being no business, May 13th, June 10th, July 8th, August 12th, September 9th, October 1st, November 17th, and December 9th, these are the 2025 meeting dates. She continues to state that the BZA meetings are located at City Hall Common Council Chambers at 6 p.m.
- Attorney Hale stated that there should be a vote on these dates to confirm that these dates are okay for the Board Members
- Ms. Vance brought attention to the October meeting being on a Wednesday after discussion amongst the board the date was changed to October 14th.
- Ms. Vance made a motion to approve the meeting dates for the year 2025. Seconded by Ms. Stransky and was approved with the following vote:

  AYES(5) : Jackson, Stransky, Vance, Klinder

  NAYS (0): NONE

- President Jackson stated that next on the agenda is new business then proceeds to ask Dr. Martin if and new business has come forward.
- Dr. Martin answered the only new business to discuss was the meeting date of April.

8. **PUBLIC COMMENT:**

   - Public Comment- Tommy Kulavik, 1316 Ohio St, stated that he thinks the board should establish an opening time for the tattoo establishment just as they established a closing time. Along with that he stated he wanted to give the board a "Heads Up" saying that someone had gone before the County Board of Zoning Appeals about his portable sign that he wants to place on Highway 12 right before the state line. He states that it is out of our city limits and jurisdiction, Coolspring Township. He explains that the sign is for the Bloomery Cannabis Dispensary in New Buffalo, Michigan. He stated how the board had denied his request for the sign within our city limits and voiced his concern on how the sign was on Franklin Street in Michigan City the week before this meeting and explained where exactly he saw it and who he contacted about it within City Hall. Mr. Kulavik then explains where in the ordinance he says we can't have signs like that in our city limits.
   - Public Comment- Wendy Vachet stated that we go ahead and republish the meeting dates and take the dates off the website and correct them for the public. She also wanted to acknowledge Mr. Kulavik's comment about the advertisement sign stating that it had come across her desk and that code enforcement is informed about the issue.

9. **ADJOURNMENT:** Meeting Adjourned until Monday April 15th at 6 p.m.

Ricky Jackson, Chairman

Kathy Stransky, Secretary