Michigan City Board of Zoning and Appeals (BZA)

Tuesday, December 9, 2025, City Hall; Common Council Chambers, 100 East Michigan Blvd.

-Meeting Minutes-

1. CALL TO ORDER: The meeting was called to order by Ricky Vance at 6:00 p.m.

2. ROLL CALL: By Dr. Dominique Edwards (Director of Planning, non-voting):

Present: President Ricky Jackson, Mr. Brian Gross, Mr. Fred Klinder, Ms. Kathy Stransky

Absent: Ms. Deborah Vance

3. APPROVAL OF MINUTES: A motion was made by Mr. Gross, seconded by Ms. Stransky and was approved with the following vote:

AYES (4): Jackson, Klinder, Stransky, Gross

NAYS (0): NONE

4. PETITION(S):

NONE

5. OLD BUSINESS: NONE

6. NEW BUSINESS:

- **Rules and Regulations**
- Dr. Edwards introduced the meeting dates for the 2026 year
- Brian Gross drafted the meeting and deadline dates. The deadline dates were scheduled for 14 days before the meeting dates which Dr. Edwards expressed was not enough time for the planning department and herself to review the application.
- Attorney Hale stated that based off the conversation at the workshop, deadline dates are relatively unnecessary being that it is up to the enforcement officer if the petition is up to standards to be presented to the board whether they meet the deadline or not. This is only relevant if the new rules and procedures are approved by the board.
- It was discussed amongst the board that they would agree to approve the meeting dates and to strike the deadlines as of now.
- Dr. Edwards stated that she would like to work internally within the department to work on new deadline dates and as of now approve the new meeting dates and strike out the proposed deadline dates as of presented to the board.
- Mr. Gross made a motion that for the BZA Calendar of the 2026 meeting that we amend the document to strike all deadlines, seconded by Mr. Klinder and was approved with the following vote:

sent out. This would only be limited to large projects, and the size limit can be increased or decreased to the board's preference. Having them post a sign better helps service the public, and vice versa, it gives transparency and notice for major projects in the city. Dr. Edwards as the enforcement officer has the authority to determine when the sign is necessary and what size the sign needs to be. It states that the sign has to be posted for 20 days. As for public noticing the time frame is for the board to decide. Attorney Hale stated that these are the two major changes being proposed for the new rules.

- Attorney Hale directs the board to Mr. Gross's suggestions that he emailed in stating that the first one was talking about an advisory plan commission and continues to say that state statue does divide plan commission into three categories. Advisory is one which is what majority of cities and counties have. Attorney Hale states that he thinks it is a good idea and has stated a new draft of the rules and has put it under section 1.1 as Mr. Gross suggested. Mr. Gross's second comment states that all the members of president shall vote on every question, which is true, but it then states that they are permitted to abstain if permitted by the presiding officer. Attorney Hale states that he thinks that is true and that has always been his understanding but addressed Mr. Gross stating he couldn't find it. He stated that maybe they can talk about it later after the meeting.
- Mr. Gross stated that what he is referring to is in Appendix C 2805e and that's city code does not state code, the state doesn't mention it, but the city does and he is not sure because They are an independent board, but the city still makes codes for them
- Attorney Hale states that they are independent board, so they are unfettered for those kinds of things. Attorney Hale continues go to one with the list of stuff Mr. Gross has sent out stating that Mr. Gross has a question about whether the Board of Zoning Appeals shall adopt rules which may not conflict with the zoning ordinance. Attorney Hale states that that's true, they cannot conflict with our zoning ordinance, but it does not necessarily apply to general city codes. Mr. Hale states that we have always allowed a petitioner to withdraw his petition if there is not quorum, he says that the board has always done that, and he believes it is a matter of courtesy and a desire to make sure the public understands that board is not trying to ramrod anything. He follows that it has not often been needing to be used, people have declined to have us hear it. He states that as he is doing his proposal it does state that a petitioner is entitled to a continuance if the board does not have quorum.
- Mr. Gross stated that regarding that comment when he sent it in, he was thinking that if a petitioner comes in and there are only 3 or 4 of the board members in attendance, they ask for a continuance then the petitioner must make another appearance. He continues to say even if they do not ask for a continuance if there are only 3 or 4 members present and they can't get a majority of the board, of the board can't get 3 votes one way or the other it will get continued anyways and usually the board tends to all vote the same way. He states that he wants to have the people on a second trip.

- Attorney Hale states that it is up to the petitioner to decide if they still want to be heard by the board if we do not have a full complement. He restates that it is the petitioner's decision not the boards. He continues to state that the board is not depriving him of any time or causing any inconvenience because it is the petitioner's choice to come or not come in front of the board they run of risk of being approved or denied.
- Mr. Gross clarifies that if a petitioner comes in front of the board with only three members and gets the majority of the vote has denied and asks for continuation then he will come before the next meeting and still get denied.
- President Jackson intervenes and states that Mr. Gross may be right but if the board member that missed the last meeting is at the new meeting asks just one question that may sway other board members to vote yes instead of no, and he thinks it is important to understand that they understand that as it was done in the past if there are only three members and you choose to still go in front of the board then the petitioner is rolling the dice on whether the project gets approved or not.
- Mr. Goes states that if there are only three members and one votes nay, the petition is not denied, they have to have majority, 3 yes or 3 no, before a decision of the board is made and states that that was his whole point of everything he was saying.
- Attorney Hale states that he is correct about the majority of votes. He continues to go down the list of comments that Mr. Gross sent in and states that the next one relates to how they caption some information. He states that if he paid attention to the first draft and then the second draft he sent in the mail, he states that the whole is section 7 was not well organized and that he tried to make some improvements of how it was outlined. He thinks Mr. Gross is right and that in his next draft he will make a caption or a heading for that information that relates to administrative appeals, because is a different process. Attorney Hale states that Mr. Gross's next point is even more pertinent. There is no requirement as to how long a period of time they allow for administrative appeals that he could find. It is made by the board by rule, so he put 15 days and Mr. Gross pointed out that maybe it should be 30 days which Attorney Hale thinks is a better time frame.
- Attorney Hale gave an example.
- Attorney Hale tells the board to think about how long they would like the time frame to be.
- Mr. Klinder asked to clarify if the original time set was 15 days.
- Mr. Gross answers with the cities code saying 15 days but the city has 30 days to respond and feels that they should be the same.
- Mr. Klinder asked if those kind of appeals are available to ask for a continuance.
- Attorney Hale answers that they are allowed to ask for a continuance it is just a requirement for them to file the appeal within the time frame.
- Mr. Gross states that an administrator made the decision on the time frame not the BZA and they have to be filed in court.

- Attorney Hale states that he is right, it does have to be filed in court.
- Mr. Gross states that once the BZA makes a decision, it is part of an ordinance.
- Attorney Hale states that Mr. Gross worded it perfectly correct, it is an administrative matter, if it becomes in front of thee board and they make a decision it is only appealable to court, but if staff makes a decision or does something that violates the zoning ordinance or their the boards ability to deal with the zoning ordinance or building permit, perhaps it would be an administrative appeal.
- Mr. Gross asks if it is something for building code or other parts of the code, the Board of Public Works is an appeal board for other departments and things. So, if people have a problem with administration or administrative decisions made, they go to the Board of Public Works.
- Attorney Hale states that he is correct.
- Attorney Hale continues with his list of comments stating that Mr. Gross made another good observation, as drafted the rules require that the petitioner appear, which Mr. Gross sent the question, does that mean in person or can it be via zoom? Attorney Hale states that they need to put something in the rules that clarifies they can appear in person, via zoom, or some similar method. He states that he does know they allow petitioners to show up via zoom.
- Attorney Hale clarifies that the use of a lawyer or a representative or some authority is allowed to speak on the petitioner's behalf while the petitioner is not present, that is allowed.
- President Jackson asked if there are laws about zoom stating that people have a right to use zoom?
- Attorney Hale states that he is not aware of any that relate specifically to the petitioner, and they are well within their rights to require them to be there is person if the board so chooses. But there are definite rules for the board in the circumstances in which the five members of the BZA may appear via zoom or some other remote electronic means. Attorney Hale states that they must follow these rules but in terms of allowing a petitioner it is up to the board.
- Attorney Hal moves on to another point made by Mr. Gross in which he has already made the change to already within the draft. There was a conflict made in section 6.2A1 that talked about property notice and 7.1A states that an enforcement officer decided who needs to be notified in the case of an administrative appeal, and that was a part of the disorganization Attorney Hale states that he struggled with drafting. He states that to satisfy the point Mr. Gross is raising, there is no need for an administrative appeal to require notice to a neighborhood.
- Attorney Hale states that the last point was about the type of graphical that was had and it was corrected as well. He continues with he believes those were all the things brought to his attention by Mr. Gross, most of which he, Attorney Hale, thought were really good points and mentioned a couple changes have already been incorporated in the next draft.

- Mr. Gross explains why he made those comments.
- Discussion between Mr. Gross and Attorney Hale.
- Attorney Hale states that he is done and refers to President Jackson to state that he has started a new draft of the rules and he will have something available when they are ready to review it again in a future meeting to vote on it.
- Mr. Gross asked Dr. Edwards if there are any petitions coming in front of the board for the January meeting date.
- Dr. Edwards answered yes we do have some petitions for January, and stated that if they review the rules tonight and determine the board has a little more to discuss and review and produce another iteration with Attorney Hale's upcoming new draft that perhaps we would schedule another workshop or special meeting to take some time and talk more in depth like it was done in November to eventually get a new updated rules and procedures to eventually vote on.
- President Jackson asked a question regarding the summary that was made of the workshop meeting. He references number 5, voting procedures, he asked if it was a typo or if he was reading it wrong. President Jackson read the prompt out loud, "Voting should follow alphabetical order, rotating so the same member does not always vote first."
- Mr. Gross answered that in city code for the Common Council they always vote alphabetically starting with the first person in the beginning of the alphabet then rotating it, so the first person does not vote more the once in a row. Mr. Gross stated that it would be less confusing for the public if all the board acted relatively the same.
- Dr. Edwards asked if there were any additional comments or questions for the workshop summary?
- Mr. Klinder asked about the exclusion of the packet application dates and the fact of the Planning Commission has a sole criteria of deciding, it is no longer required to come to us within 30 days as it has in the past but is there going to be any minimum or maximum administratively. He stated he is more worried about a maximum more than the minimum.
- Mr. Gross states that he knows that with some of the stiff that the planning department has worked on just for house it is a 2- or 3-year procedure just to get it to a point of it being permittable.
- Mr. Klinder stated he understands that a petition cannot go in front of a board without being fully complete and the planning department must be satisfied with all of the information.
- Mr. Gross asked that in the rules it stated that once a petition is complete, they will be heard within 30 days.
- Dr. Edwards answered yes but it also depends on it the petition has appropriately completed the packet. With new petitioners that have been coming she has been

informing them that the application is quite an extensive process, so we advise that they get a lawyer and not rush through to process.

- Dr. Edwards gave an example of a past applicant.
- Mr. Gross pointed out that the enforcement officer, Dr. Edwards, is the person who reviews petitions and it is up to her if the petition is ready to be advanced to the board, which is stated in code.
- Attorney Hale brought to the attention of the summary, that the draft suggests a time limit on public comment speakers, and states that he did not put a time limit on speakers in the draft and would not have council put a time limit in the draft.
- Dr. Edwards asked if it was a typo.
- It was clarified that it was not a typo, it was in the summary because during the workshop putting a time limit on public comment was talked about.
- Mr. Gross stated he was the original one who proposed it.
- Attorney Hale stated that it is only up to the President.
- Dr. Edwards asked if the limit was referring to the 3-minute limit for public?
- Mr. Gross stated that it was for public comment during public hearings, other boards have a time limit.
- Mrs. Stransky stated that she goes to all the City Hall meetings and they do have a 3-minute time limit for public speakers.
- President Jacksson asked if there were any more questions.
- President Jackson opened the floor for public comment.

PUBLIC COMMENT

- Dr. Edwards said she didn't have a public comment, but she wanted to introduce the two new staff who would be helping with BZA, Everett Ebling, permit specialist, and Lucas Lopez, Associate Planner.
- President Jackson closed public comment

ADOURNMENT

Brian Gross made a motion to adjourn, seconded by Kathy Stransky.

The meeting was adjourned at 5:51 p.m.

Ricky W Jackson

President Ricky Jackson

Dominique D Edwards

Secretary ~~Kathy Stransky~~ DE

Dominique Edwards