Michigan City Board of Zoning and Appeals (BZA)

Tuesday, February 10th, 2026, City Hall; Common Council Chambers, 100 East Michigan Blvd.

-Meeting Minutes-

1. CALL TO ORDER: The meeting was called to order by Dr. Dominique Edwards at 5:58 p.m.

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

Present: Ricky Jackson, Brian Gross, Fred Klinder, Kathy Stransky, Carol Spreitzer, Attorney Hale via Zoom

Absent:

3. ELECTION OF OFFICERS:

Dr. Edwards opened the up for the nominations of the Board of Zoning and Appeals Leadership position.

Mr. Klinder made a motion to retain Ricky Jackson as Chairman of the Board of Zoning and Appeals, seconded by Ms. Stransky and was approved with the following vote:

Ayes(5): Klinder, Jackson, Gross, Stransky, Spreitzer

Nay(0):

Mr. Jackson opened the floor for nominations of Vice Chair of the Board of Zoning and Appeals.

Ms. Stransky made a motion to nominate Fred Klinder as the vice chairman of the Board of Zoning and Appeals, seconded by Mr. Gross and was approved with the following vote:

Ayes(5): Klinder, Jackson, Gross, Stransky, Spreitzer
Nay(0):

Next Mr. Jackson opened nominations for board secretary.

Mr. Gross nominated Dr. Edwards as the Secretary of the Boards of Zoning and Appeals as a non-voting member, seconded by Ms. Stransky and was approved with the following vote:

Ayes(5): Stransky, Gross, Jackson, Klinder, Spreitzer
Nay(0):

4. APPROVAL OF MINUTES:

Mr. Gross made a motion to approve the December 9th meeting minutes with the corrections of changing to date from December 8th to the 9th, seconded by Mr. Klinder and was approved with the following vote:

Ayes(5): Klinder, Jackson, Gross, Stransky, Spreitzer

Nay(0):

5. PETITION(S):

B-101-25: Big Red LLC (Crew Carwash)

Mr. Jackson introduces petition number B-101-25 as Crew Carwash to the board and the public.

Crew Carwashes representative Attorney Christopher Willoughby addresses the board and states that Crew Carwash in Big Red LLC has a petition in for a special exception use to put a carwash in the old Red Lobster site. Attorney Willoughby states that unfortunately he learned that departments still have more questions that they would like to have answered. Due to this Attorney Willoughby asked the board for continuance to give them time to provide everything that the other departments are asking for.

Mr. Jackson asked Dr. Edwards if she would like to weigh in on this.

Dr. Edwards stated that there is additional information that she received from the sanitation department that arises questions and the need for additional information. But Attorney Willoughby asked for a continuance and the board but respect that.

Ms. Stransky made a motion to grant petition B-101-25 their continuance till the Match 10th, 2026 meeting, seconded by Ms. Spreitzer and was approved with the following vote:

Ayes(5): Klinder, Jackson, Gross, Stransky, Spreitzer

Nay(0):

B-101-26: Dunes Coffee:

Mr. Jackson introduces petition B-100-26 and Robert Werner.

Dunes Coffee Attorney Michael Bergerson came in front of the board

introducing himself has their lawyer and as Robert Werner's father-in-law. Attorney Bergerson give some background on the property before diving into the petition explaining that he is also the property owner.

After giving the background of the property and his dream for the property he turned the presentation over to Robert Werner.

Robert Werner 200 Wren Court, Chesterton Indiana addressed the board stating that he is the petitioner and that he is requesting a use variance from the board tonight. He states that before it continues he would like to thank the board member, and everyone there for taking their time in considering this request and reviewing the extensive packet he has submitted, and for their time tonight. He continues to thank DR. Edwards and her team and all other members of the city he has worked with to get this project off the ground.

Mr. Werner moves on to the presentation packet stating that it has a lot of information such as background of the business, the proposed business as a coffee shop, as well as the site plan, architectural design, and many different elements that are very pertinent for the hearing in support of the request for the use variance approval.

Mr. Werner states that the subject property is a vacant lot located on the corner of Willard and 4th street, commonly known as highway 12. It is zoned B1, neighborhood business. It is located across the street, west from the skate park and northwest of pullman park. He states that he believes that on page 11 is a vicinity map at which you can clearly see the location he is referring to. He states that the property is about 6/10 of an acre with frontage area to the north on highway 12, frontage on Willard as well, just being a corner property, with highway 12 at higher speeds and traffic flow, industrial commercial zoning to the east and B1 zoning lots to the south and west. This parcel functions more as a corridor transition property than a traditional neighborhood B1 lot. Mr. Werner states that he is here before the board tonight seeking a variance to approve a small neighborhood drive-through coffee shop and the additional variances needed due to the characteristics of the lot. These small characteristics make a small drive-through coffee operation, particularly well-suited to the site. While more intensive or tradition al commercial uses that are allowed by right under B1 would be less compatible. He states that their site plan and building design have been carefully created to keep all traffic on site. Minimize safety impacts, safety issues, while remaining compatible with the surrounding neighborhood and parks. While coffee shops align with B1's

intent, the inability to include a drive-through prevents viable use of the site. Particularly given this location's physical and functional characteristics, and the current market expectations for convenience and accessibility. The site and building design daytime hours of operation, intentional exclusion of outdoor ordering speakers, LED lights, electronic meus, those things are excluded from what we want to put on the corner, make it really remain compatible with the surrounding neighborhood. They are also intended to minimize the noise. Light and traffic impacts, and ultimately, being a good neighbor to the area. The improvement of the property with a well-designed, thoughtful site and building plan, stacking spaces, continuous 360 escape lane, emergency exit, parking spaces, including ADA space and ADA compliant public restroom. Screening walls to the south, full landscaping buffers and natural screening around the property is expected to enhance rather than diminish the overall appearance of value of the surrounding area. Granting the variance would allow a modest neighborhood-scaled use that remains consistent with the general commercial character of the area while enabling reasonable economic use of the property. Me. Werner states that they believe this petition represents a thoughtful and limited accommodation, and we respectfully request your approval. He thanks the board for their time, and he is happy to any and all questions.

Mr. Jackson turned it over to Dr. Edwards to give the planning department staff report.

Dr. Edwards states that under the conditions pr the standards for the use variance under article 28-11, out departments identified that for approval, saying that the approval will be injurious to the public health, safety, morals, and general welfare of the community. Although the coffee shop will include characteristics that are compatible with surrounding properties, no designated ADA parking space is included in the site plan and no safe route for customers who choose not to continue through the drive through is included in the site plan. No safe walking route from the sidewalk on Willard Ave to the seating area labeled as (8) in the site plan exists either. **Conditions (1), (3), and (4) are necessary to meet standards of city code.**

1. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
   The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The project is modest in scale, professionally designed, and consistent with other commercial and mixed-use activities in the area. Coffee shops align with B1 intents and site design elements, including controlled traffic flow, buffering, and architectural compatibility, ensure the development enhances rather than detracts from the surrounding neighborhood. A drive-through service will create noise and visual

disturbances for adjacent residential properties. **Condition (2) is necessary to meet standards of city code.**

2. The need for the variance does arise from some condition peculiar to the property involved.
   The need for the variance does arise from some condition peculiar to the property involved. The petitioner seeks a use variance to permit a drive-thru coffee shop on a B1-zoned parcel. Strict application of the zoning ordinance would result in practical difficulties due to the site's size, configuration, and frontage constraints, limiting reasonable use of the property. Granting this variance allows the property to be developed in a functional and efficient manner while remaining consistent with the intent of the zoning ordinance.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
   The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. This proposed use variance is consistent with the goals of the City's Comprehensive Plan and the intent of the B-1 zoning district by supporting neighborhood-serving commercial development, reinvestment, and economic vitality. The project provides a service-oriented business that meets daily needs without introducing excessive intensity or adverse impacts. Without this variance, the lot cannot be reasonably or economically used.

4. The approval does not interfere substantially with the Comprehensive Land Development Plan.
   The approval does not interfere substantially with the Comprehensive Land Development Plan. The proposed use is small-scale, neighborhood-oriented, and designed to minimize impacts to adjacent properties, with buffers, traffic controls, and appropriate hours. The requested variance represents the minimum relief necessary to permit reasonable use of the property while maintaining compliance with all other applicable zoning and development standards. No greater variance than necessary is being requested.

<u>Recommendation</u>
The Planning Department would recommend approval of the requested use variance subject to the following conditions, docket no. B-100-26 as presented.

<u>Conditions:</u>

1. Provide enough space along drive through lane to have a safe route for customers who choose not to purchase.
2. A screening wall along the south property line must be constructed, prior to opening for business.
3. Designated ADA parking space, prior to opening for business.
4. Checkered cross walk from sidewalk on Willard Ave to designated seating area prior to opening for business.

Mr. Jackson asked Attorney Hale if he had a report to give the board.

Attorney hale states yes and continues to his report.

Attorney Report
Petition No.: B-100-26
Petitioner/Applicant: Robert Werner (Dunes Coffee Shop)
Property Owner: Michael S. Bergerson
Request: Use Variance
Property Location: Residential Vacant Platted Lot to be known as 117 Willard Avenue, Michigan City, Indiana being described in Deed No. 2009R-030003 as Lots 1, 2, 3 and 4 in Block 1 and the North 31½ feet of Lot 21 and all of Lot 22 in Block 1 in Orr and DeWolfe's Addition to Michigan City Indiana which is recorded in Plat Book 2, Page 51 in the Office of the Recorder of LaPorte County, Indiana, also known as Parcel No. 46-01-29-305-019.000-022
Petitioner is requesting a Use Variance to allow construction and operation of a neighborhood-scale drive-through coffee shop in a B1 – Neighborhood Commercial District.
Under Section 07.07, the proposed use is a restaurant with drive-through service. Special requirements for this drive-through use are found in Section 14.06.
The appropriate standards to be considered by the BZA for the proposed Use Variance are found at Section 28.11(a) of the zoning ordinance and in the Planning Department Report, namely:
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. The approval does not interfere substantially with the Comprehensive Land Development Plan.
The BZA may, under Section 28.05(b) of the Zoning Ordinance:
1. Grant the request, as requested;

2. Partially grant the request, or grant it with limitations;
3. Grant the request, but subject to certain conditions as enumerated in the motion;
4. Deny the request; or
5. Table the request until a future meeting.
The record includes:
1. The materials submitted by the Petitioner, including:
(a) Michigan City Board of Zoning Appeals Petition for Use Variance signed by Petitioner, Robert Werner.
(b) Surrounding Property Owner List (2 pages).
(c) Acknowledgement of Public Hearing Notice Requirements signed by Petitioner, Robert Werner.
(d) Copy of Notice to be published
(e) Affidavit of Service, unsigned
(f) Letter of Authorization/Power of Attorney signed by Michael Bergerson authorizing and appointing Robert & Mary Werner as representative and agent in all matters relating to zoning, planning, and development approvals for 117 Willard Avneue, Michigan City, Indiana.
(g) Use Variance Proposed Finding & Order.
(h) Site Plan including: basic information about Dunes Coffee Co.; Vicinity Map, Site Plan, Boundary and Topographic Survey, Written Description – Variance Requests, Architectural Drawings, Project Date Table – Current; Project Data Table – Proposed; Surrounding Property Owner List; Surrounding Property Owner Map, and Surrounding Property Owner Map w/300' Radius (20 pages total).
2. Planning Department Report.
3. This Report.
4. Materials and testimony that may be presented at the public hearing to be held February 10, 2026.

Mr. Jackson thanks Attorney Hale and asks the board if they have any questions for Mr. Werner.

Mr. Gross states that he has several questions for either Mr. Werner or Mr. Bergerson. Mr. Gross stated that Mr. Werner mentioned daylight hours and asked him what those hours would be.

Mr. Werner stated that the hours would be pretty standard, he states that they could change but as of right now the hours would be 6 a.m. to 4 p.m.

Mr. Gross asked how many employees they would have on site maximum.

Mr. Werner answered that at any given time there would be 2 employees, 2 baristas, including himself or his wife as an operator, so 3 employees total in the building. There would be times of low traffic to which there may just be the 2 baristas or one barista and one operator, but the maximum would be about 3 employees and minimum of 2.

Mr. Gross stated that from looking at the site plan they look like they are backing up to the alley. He asked Mr. Werner if the alley is going to have access to the property.

Mr. Werner answered that the alley will not have access to the property per se, he states that here will be an emergency exit that will be from the property to the alley so there will be access in case of an emergency, but patrons will be encouraged to use the entrance off of Willard.

Mr. Gross stated that he does not see any bicycle parking on the property which is required by the zoning ordinance. He askes Mr. Werner what his plans are for that especially since the park is across the street.

Mr. Werner states that it was an over site in terms of the site plan drawings. He states that they have certainly talked about it a number of times and it will certainly be on the site. He also states that not only is the skate park across the street but also the singing sands bike path is also important. Some time in the future Me. Werner states that he would want to have an air pump and minimal bike supplies for them or anything they may need.

Mr. Gross states that unfortunately the singing sands trail has no crosswalks going across US 12. He states that is not Mr. Werner's problem.

Mr. Gross states that Mr. Werner has frontage on US 12, which also by zoning ordinance requires that it adhere to the US-12 corridor overlay district. He asks Mr. Werner if his current plans reflect that.

Mr. Werner answers that his plans do reflect with the zoning ordinance, he states that this came up in the conversation with the Civil Engineers as well as potential builders.

Mr. Gross made a comment that being across from the park they should be aware of kids playing in the street and that maybe the speed limit should be lowered to 15 mph.

Mr. Jackson asked the board members if they have other comments or questions.

Mr. Jackson made a comment stating that the entrance and exit is on Willard. There is no entrance or exit to highway 12.

Tommy Kulavic 1316 Ohio Street made a comment.

Scott Meland 200 Kenwood Place made a comment.

Attorney Bergerson made a comment.

Mr. Gross made a motion to approve petition B-100-26 with the conditions and findings that were stated by Dr. Edwards and the attorneys report, seconded by Mr. Klinder and was approved with the following vote:

Ayes(5): Stransky, Gross, Jackson, Klinder, Spreitzer
Nay(0):

OLD BUSINESS:

Attorney hale states that the BZA rules and procedures will be updated for the March meeting.

Attorney Hale states that he has sent out his lates draft but it is not too late to send in any changes or suggestions.

NEW BUSINESS:
NONE

BOARD COMMENTS:

Conversation amongst Mr. Klinder and Attorney Hale

GENERAL PUBLIC COMMENT:

Scott Meland 200 Kenwood Pl. made a comment.

Dr. Edwards introduced the BZA new Council Liaison Bryant Dabney.

ADJOURNMENT:

Mr. Klinder made a motion to adjourn the meeting, seconded by Ms. Stransky and was approved with the following vote:

Ayes(5): Stransky, Gross, Jackson, Klinder, Spreitzer
Nay(0):

Meeting was adjourned at 6:53 p.m.

Chairman Ricky Jackson

Secretary Dr. Dominique Edwards