Michigan City Board of Zoning Appeals (BZA)

Tuesday, May 12, 2026, City Hall; Common Council Chambers East Michigan Blvd.

-Meeting Minutes-

1. **CALL TO ORDER**: The meeting was called to order by Chairman Jackson.
2. **ROLL CALL** by Dr. Dominique Edwards (Director of Planning, Non-voting)
   PRESENT: Brian Gross, Ricky Jackson, Fred Klinder, Kathy Stransky, Bryant Dabney (via zoom), Dr. Dominique Edwards
   ABSENT: Carol Spreitzer, Attorney Steve Hale

3. **APPROVAL OF MEETING MINUTES:**
   A motion was made by Mr. Gross to approve the March 10, 2026 meeting minutes, seconded by Mr. Klinder and was approved with the following vote:
   AYE(4): Gross, Jackson, Klinder, Stransky
   NAY(0):
   A motion was made by Mr. Klinder to approve the April 14, 2026 meeting minutes, seconded by Mr. gross and was approved with the following vote:
   AYE(4): Gross, Jackson, Klinder, Stransky
   NAY(0):

4. **PETITION(S):**
   - Petition B-104-26: Michigan City High School Sports Complex requesting a Development Standard Variance at 8466 W. Pahs Road Rd to construct a press box.
     Nick Benwaren, Project Executive, with Fanning Howie, 4055 Kingsway Drive, Crown Point, Indiana and Jeanette Moline, Project manager with Fanning Howie, 6379 Central Boulevard in Whitestown, Indiana addressed the board stating that that are seeking a Development Standard because the press box for the soccer field is 4 ½ feet over the maximum height allowed of a structure. They stated that the press box will sit on the side of the field closest to the school not the side lined with the residential neighborhood.

     Mr. Gross asks if they are no longer getting a development standard variance for the score board like stated in the original petition submitted by the applicant.

Ms. Moline answered that they are no longer in need of a development standard variance for the score board because it is not a occupied structure so it is not required to receive a variance.

Mr. Gross states that it is going to be a full color score board and a moving display and asks if it is going to need a variance just based off of that alone.

Dr. Edwards answered that it does not and that the only variance in question is for the press box.

Lucas Lopez, Associate Planner was asked to present the staff report which stated these conditions:

1. The petitioner shall install a buffer along the east property line. This buffer must have a minimum depth of ten feet and must include a three-foot-tall berm and a chain-linked fence. It must also include a tree every ten feet. The buffer shall be installed prior to opening for operations and must be approved by the planning director.

Attorneys report was ready by Dr. Edwards to which it stated:

The Property is a school, parking lots, and sports fields and is located in a R1C – Single Family Residential District. Petitioner is requesting a Development Standards Variance for an exception to maximum height requirements of the proposed press box on the project site. The maximum height under our Zoning Ordinance is 35 feet; Petitioner is proposing a height of 39.1 feet.

The appropriate standards to be considered by the BZA for the proposed Development Standards Variance are found at Section 28.11(b) of the zoning ordinance and in the Planning Department Report, namely:

(a) The approval will or will not be injurious to the public health, safety, morals, and general welfare of the community.

(b) The use and value of the area adjacent to the property will or will not be affected in a substantially adverse manner.

(c) The strict application of the terms of the Zoning Ordinance

will or will not result in practical difficulties in the use of the property. Practical difficulties shall result from exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. The variance shall be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other property owners in the same district.

BOARD COMMENTS:
Mr. Klinder asked what the buffers will be that they are required to have.

Mr. Lopes answered that they are required to have a tree or bush every 10 feet as well as a chain link fence.

Mr. Gross asks about berm and where it will be.

Dr. Edwards answered that it will be along the residential line.

PUBLIC COMMENT:
Scott Meland 200 Kenwood Place made a comment.

Mr. Gross made a motion to approve petition B-104-26 with the conditions listed by the planning department, seconded by Mr. Klinder and was approved with the following vote:
AYE(4): Gross, Jackson, Klinder, Stransky
NAY(0):

- **Petition B-106-26:** Integrated construction Solution requesting a Development Standards variance at parcel# 46-05-09-300-039.000-009 James Huss with DVG Team and Matt Rossman with Integrated Construction Solutions addressed the board stating that they are here on behalf of the property owner seeking two development standard variance's. One is for the front setback relief and one is for rear setback relief. Mr. Huss stated for some brief background, XL investment owns

what is currently undeveloped and unsubdivided adjacent to Cleveland Avenue. The parcel sits on the west side of the road, halfway between west 400 north and US 20. Its northern boundary is AMC Theater and the western Boundary is the rear facing side of Lowe's and Menards. He states that the goal of the subdivision is to extend what is currently Meijer dr., to provide connectivity east out to Cleveland. The whole parcel going beyond where the development will be, the whole parcel is 30 acres in total but a majority of the southern half is inundated with a large amount of wetlands, and there is an opportunity to develop approximately 11 acres. Tailwinds commercial subdivision plans to subdivide 14 acres into approximately 11 lots for future commercial development, lots will range from just over 3 quarters of an acre to as large as 1.14 acres. Mr. Huss stated that they envision for eat building to be around 11,000 square feet but it will not be possible without the variance for setback relief. The zoning regulations for B2 zoning require a 25-foot rear and front setback, and to provide the parking in the size required for a building of that size, the building would encroach into the front and rear setbacks. Due to this Mr. Huss is asking for a 10 foot setback instead of have to follow the 25 foot setbacks to all for the size of buildings they are trying to build. Mr. Huss explains that he is asking for this variance across the subdivision as a whole not just a specific lot to they do not have to keep coming in front of the board for every lot they put a building on. Mr. Huss stated that he has turned in documentation to demonstrate that fire access is still able to be maintained. He explains that the variance is necessary not to interfere with Lowe's and Menards do to them having very defined back of houses.

Mr. Gross asks if AMC Theatre has a 25 foot setback.

Mr. Huss answers that he believes they do.

Mr. Gross comments that his biggest concern is fire emergencies and if they will be able to get the fire trucks through the subdivision with no issues.

Mr. Huss answers that he believes AMC has pavement behind their building and there should be no issues for truck access.

Mr. Gross asks what is going to be in the buildings, general retail etc., and if they are going to sell or lease the buildings.

Mr. Huss answers they will be leasing the buildings.

Mr. Gross asks if the lot owner will be building the buildings themselves or if they will buy the lot after the building is built.

Mr. Rossman with ICS answered that the buildings are probably not going to be used for retail they will mostly be between office and back of house uses. An example would be a HVC contractor where they would have a front office and then have an area that needs to be enclosed for general storage or tool and materials. He states that they intend to build a spec building for lease immediately upon completion of the development and able to pull a building permit for the first building. He states they will consider selling individual lots but overall for right now the intention is for them to build them and lease them out.

Mr. Gross states that his main concern is that he only sees 2-lane roads and with semi's going down them and materials being moved in and out that if one of those building did become retail that would be a lot of traffic on a 2-lane road that services 11 properties.

Mr. Rossman asks if he is referring. the road the middle of the development?

Mr. Gross answers yes, it seems kind of small for many vehicles to go down.

Mr. Huss stated that if they are just talking about the 11 lots he is more then confident that the 2-lane road is more than enough.

Mr. Gross asked if the south part of the parcel which is mostly wetland, if it is completely undevelopable.

Mr. Huss answered that it is not exclusively all wetland but the area is very dense and would be hard to develop.

Mr. Gross asked what the plan for it is, if they are keeping it, deed it out to the city or a conservation group.

Mr. Huss answered that nothing is finalized but there have been discussions of what the owner is looking into.

Chairman Jackson asked for the staff report to be read from the planning department.

The Planning Department staff report was read by Lucas Lopez, Associate Planner, to which read:

- The standards for a Development Standards Variance are found in Section [28.11(b)] in our zoning ordinance, followed by the Department's proposed findings corresponding to each standard.

1. ***STANDARD:*** *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

   PROPOSED FINDINGS: The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The 15 feet reduction in setbacks will not be injurious to the public in any way. Proper steps to ensure that this development is not injurious to the public have been taken and this development has been reviewed by all city departments.

2. ***STANDARD:*** *The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.*

   PROPOSED FINDINGS: The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. Measures to accommodate extra traffic have been taken and efforts to ensure safe access are underway. The development will provide social and economic benefits to the city. This commercial development will increase surrounding property values and will provide more consumers for surrounding businesses.

3. ***STANDARD:*** *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Practical difficulties shall result from exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. The variance shall be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district.*

   PROPOSED FINDINGS: The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Smaller permitted structures and site suitability constraints will adversely affect the timing and marketability of lots. This will also decrease economic and social benefits to the city including tax revenue and employment opportunities.

   <u>Recommendation</u>

The Planning Department recommends approval of the requested Development Standard Variance to allow the petitioner to exceed the front and rear setbacks.

With no conditions listed.

Chairman Jackson asked for the Attorney's Report to be read.

The attorney's report was ready by Dr. Dominique Edwards, Planning Director, on behalf of Attorney Hale to which it read:

- Petitioner is requesting Development Standards Variance to decrease the front and rear setbacks for a future commercial subdivision. The Property is zoned B2 General Commercial District. Petitioner requests that the front and rear setbacks, each of which are 25 feet per Section 7.04 and Table 7.04 or our Zoning Ordinance, be reduced to 10 feet each.
The appropriate standards to be considered by the BZA for the proposed Development Standards Variance are found at Section 28.11(b) of the zoning ordinance and in the Planning Department Report, namely:
(a) The approval will or will not be injurious to the public health, safety, morals, and general welfare of the community.
(b) The use and value of the area adjacent to the property will or will not be affected in a substantially adverse manner.
(c) The strict application of the terms of the Zoning Ordinance will or will not result in practical difficulties in the use of the property. Practical difficulties shall result from exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. The variance shall be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other property owners in the same district.

BOARD COMMENTS:

Mr. Gross stated that he believes this is a good idea and it puts the land to use.

PUBLIC COMMENT

Scott Meland 200 Kenwood Place made a comment.

Mr. Gross asks if the reduced front setback would be to the building line.

Mr. Huss answered yes, they stared from the building and worked outward. Starting with the 11,000 square feet and then went back to the zoning code and looked at the parking requirements for the building size, so the building line would be at 10 ft in the front so there is room to turn the parking and have 2 rows and vehicular access to the rear of the property.

Mr. Gross stated that looking at the site plan it looks like the front of the building line is 10 feet but the back building line is looks to be in the 45-50 foot range and the rest is for pavement, parking, delivery, and dumpsters.

Mr. Rossman stated that the dumpsters do need to be inside of the setback line and the reason they are asking for this variance is because they do not know what every site is going to look like and this gives them the flexibility to sit down with potential tenates pr purchasers and lay out a site plan and accommodate what will have to be submitted for that individual site plan approval.

Mr. Gross asked the applicants if they would have a problem if the board would put in the requirements that the rear building line can be no closer than 25 feet.

Mr. Rossman answered that ultimately that is the board discretion but he does not know if there will be a business that will need to being the building line in to allow for rear loading areas, or if someone wants front parking not rear parking, customer parking might be important to them and the building may need to be build further back.

Mr. Gross asks if it would make sense to to possible put a combined front and back setback building line of 35 feet with neither one less than 10 feet to which opens up the building to move front or back wither way by 20 feet.

Mr. Rossman stated that they do not ask for this variance lightly, they have looked at all possible different layouts for these buildings on these lots.

Mr. Gross further explains what he means.

Mr. Gross asks if there will be just one structure on the property, not any other structures.

Mr. Rossman answers yes on each individual lot.

Mr. Klinder states that 10 feet seems close to the road for a building.

Mr. Huss states that it is really all about building size but it all depends on what you interpret as a road, there is about 60 feet of right of way so the building will not be 10 feet from the road.

Mr. Gross makes a motion to approve petition B-106-26 with the comments made by the Planning Department staff report and the Attorney's report, seconded by Mr. Klinder and was approved with the following vote:
AYE(4): Gross, Jackson, Klinder, Stransky
NAY(0):

Petition B-107-27: Frog LLC
Ted Vinyard approached the board stated that he is requesting a Development Standard Variance for the Dairy Queen located at 2506 Franklin Street. This is for the positioning of the new sign, he state that they have recently gone through a remodel and the standards for the Dairy Queen franchise agreement had changed regarding the signage, it requires for the sign to be changed from can to channel letters that are not attached to the face of the building, they are going to be on top of the "eye brow" that is already on the building. The eye brow sticks out about 18in – 2 feet but it doesn't come past the chimney part of the building, which is the closest part to the street. It won't extend past the actual signage that is on the building right now, it faces Ames Field so it would not affect the public or residential neighborhoods. It adheres to the current franchise standards of signage.

Mr. Gross states that on the application it says they are going for a Use Variance but they need to go for a Development Standards Variance.

Dr. Dominique Edwards, Planning Director, states that that was an internal error and Mr. Vinyard provided us with the appropriate pages regarding his application for a Development Standard Variance.

Chairman Jackson asked for the Planning Department staff report.

The staff report is read by Lucas Lopez, Associate Planner, to which the conditions stated:
The Planning Department recommends approval of
the requested Development Standard Variance to allow the petitioner to exceed the maximum permitted amount of wall signs facing a street of right-of-way and recommends approval contingent upon compliance with all applicable conditions.

1. The new sign shall not contain electronic message centers (EMC).
2. Proposed signs should follow illumination City Ordinances found in Section 19.04(f) and Section 19.06(d).

Chairman Jackson asks for the Attorneys Report to be read.

The Attorney's Report is read by Dr. Dominque Edwards on behalf of Attorney Hale to which it states:
Petitioner is requesting a Development Standards Variance for secondary sign facing public right away. Petitioner is requesting a second wall sign on a facade facing a street (Franklin Street). Section 19.04 and Table 19.04 of our Zoning Ordinance permits only one sign. The total square footage of both the existing sign and the requested second sign is _____, which is under the maximum allowable size of 10% of the
square footage of the wall.
The appropriate standards to be considered by the BZA for the proposed Development Standards Variance are found at Section 28.11(b) of the zoning ordinance and in the Planning Department Report, namely:
(a) The approval will or will not be injurious to the public health, safety, morals, and general welfare of the community.
(b) The use and value of the area adjacent to the property will or will not be affected in a substantially adverse manner.
(c) The strict application of the terms of the Zoning Ordinance will or will not result in practical difficulties in the use of the property. Practical difficulties shall result from exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. The variance shall be necessary for the preservation and enjoyment of a substantial

property right similar to that possessed by other property owners in the same district.

BOARD COMMENTS

Mr. Klinder asks for clarification on whether they are asking fro an additional sign with the Grill and Chill sign and if it going to be next to the Dairy Green "DQ" sign and the city requires just one but they are asking for 2.

Dr. Edwards answers yes, that is correct, they are asking for 2 signs.

PUBLIC COMMENT

Scott Meland 200 Kenwood Place made a comment.

Mr. Gross made a motion to approve petition B-107-26 including the comments from the Planning department Staff report, the Attorney's Report and the conditions listed by the Planning department, seconded by Mr. Klinder and was approved with the following vote:
AYE(4): Gross, Jackson, Klinder, Stransky
NAY(0):

FINDING OF FACTS:

Petition B-101-25: Crew Carwash:

Chairman Jackson asks for the finding of facts for petition B-101-25 be presented.

Finding of Facts for petition B-101-25 was read by Dr. Dominique Edwards. Planning Director, to which it stated:

Public Hearing Date: April 14, 2026
WE, THE MEMBERS OF THE MICHIGAN CITY BOARD OF ZONING APPEALS, NOW
FIND:
1. That the Petitioner is Crew Carwash ("the Petitioner").
2. That the Property Owner is Crew Carwash ("the Owner").
3. That the Property that is the subject of the Petition is 4353

Franklin Street, Michigan City, Indiana ("the Property").
4. That the Property is zoned B2 General Commercial District.
5. That the Petitioner requested approval to allow for the operation of a car wash in a B2 General Commercial District.
6. That the Board of Zoning Appeals (the "Board") now finds as to the request for a Special Exception Use as follows:
(a) General Welfare. The proposed use will not be injurious to the public health, safety, and general welfare of the community.
PROPOSED FINDINGS: The proposal will not be injurious to the public health, safety, and general welfare of the community. The proposed car wash will increase traffic levels at the intersection of Franklin Street and Lake Park Plaza entrance. The Sanitary District has reviewed this petition and drafted a report that includes comments and conditions for approval. Conditions (2) and (3) are necessary to meet this standard of the city code.
(b) Surrounding Property. The Special Exception Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish or impair property values within the neighborhood. The establishment of the Special Exception Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
PROPOSED FINDINGS: The Special Exception Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish or impair property values within the neighborhood. The establishment of the Special Exception Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The only proposed route of egress for the consumers using the vacuums in through the surrounding parking lot to the west. A cross-access easement allows individuals who are included in the easement to cross or traverse someone else's property. It provides a clear pathway for ingress and egress. Cross access reduces traffic on roadways and prevents conflicts between entering, exiting, and through traffic. A cross access easement including all

surrounding properties will be included in the proposed conditions. Condition (1) is necessary to meet this standard of the city code.

(c) Hazard. The Special Exception Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

PROPOSED FINDINGS: The Special Exception Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare. The site plan has been reviewed by the planning department with a focus on site circulation. Ingress and egress points have been highlighted as a concern for the site and its impact on surrounding businesses. Employee parking is included by the stacking stations, and no exit option is provided for potential customers who decide to exit the stacking stations. Additionally, another hazard was identified via the exit of the car wash tunnel where cars exiting will share the same access points as cars entering the stacking stations. Conditions (4), (5) and (6) are necessary to meet this standard of the city code.

(d) Public Facilities and Services. The use will be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

PROPOSED FINDINGS: The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools. Adequate measures have been or will be taken to provide ingress and egress accesses designed as to minimize traffic congestion in public streets. The Water Department has confirmed they have sufficient capacity to provide the required water volume. The Sanitary District has confirmed

that sufficient capacity exists to support the proposed development.

(e) Development Requirements. The development of the property will be consistent with the intent of the development requirements established by the zoning ordinance for similar uses. The development will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity, based upon the Comprehensive Land Development Plan.

PROPOSED FINDINGS: The development of the property will be consistent with the intent of the development requirements established by this ordinance for similar uses. The development will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity, based upon the City Comprehensive Land Development Plan.

(f) Ordinance Intent. Granting the Special Exception Use will not be contrary to the general purposes served by this ordinance, and will not permanently injure other properties and uses in the same zoning district and vicinity.

PROPOSED FINDINGS: Granting the Special Exception Use will not be contrary to the general purposes served by this ordinance and will not permanently injure other property or uses in the same zoning district and vicinity. The Petitioner is requesting a Special Exception Use which is permitted unless these standards are not met; these standards will be met if conditions are adopted.

(g) Land Development Plan. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the City Comprehensive Land Development Plan.

PROPOSED FINDINGS: The requested Special Exception Use is consistent with the current zoning district for this location, although the land use characteristics of the surrounding properties are similar, we recommend a consistent and traditional commercial use that mirrors previous operations rather than the requested Special Exception Use.

(h) Use Regulations. Where there are use-specific regulations

contained in Article 14, the Special Exception Use shall comply with all of the regulations application to the use.
PROPOSED FINDINGS: Development must conform with the city code regarding its use in Article 14. All requirements have been met.
Section 14.05-Motor Vehicle Dealers and Service
(b) Automobile Wash.
(1) The site shall have sufficient road frontage to be able to meet all of the driveway access spacing requirements of Section 18.04. This requirement has been met.
(2) All washing facilities shall be within a completely enclosed building. This requirement has been met.
(3) Where adjoining a residential district, a solid screening wall shall be erected along any common lot line in accordance with Section 17.03. This requirement has been met.
(4) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from the residential district. This requirement has been met.
(5) All cars required to wait for access to the facilities shall be proposed with stacking spaces fully off the street right of way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums. This requirement has been met.
7. That the Board approves the requested Special Exception Use, but subject to the following condition:
(a) Execution and recording of a revised cross-access easement to allow the proposed west access/egress driveways to and from this access point, as well as the placement of improvements within off-site parking areas, in accordance with the approved site plan. The site plan shall be approved by the Enforcement Officer, and the easement shall be recorded and executed by the petitioner, prior to the car wash opening for business.
(b) Display appropriate 2-way signage to decrease potential head on collisions.
(c) Signage that clearly marks traffic navigation that includes areas that should not be accessed to avoid potential collisions.
(d) Limit site to 3 stacking stations and provide an updated site

plan with the bypass lane moved to the outside side.
(e) Provide safe routes and signage for staff and customers to navigate in and out of site that doesn't impact the flow of traffic, carwash operations, or other activities on site.
(f) Special Exception Use approval is also contingent upon INDOT permit approval as it pertains to infrastructure upgrades.
NOW THEREFORE, based upon the Petition, the presentation of the Petitioner, all documents, testimony, remonstrances and other matters brought forth in the public hearing, and all materials, documents and testimony set out in the record of this matter, and subject to the conditions set out in Paragraph 7 above, the Michigan City Board of Zoning Appeals made the findings set out above, and granted the request for a Special Exception Use as set forth in Petition No. B-101-25 on April 14, 2026.

Mr. Klinder made a motion to adopt the finding of facts for Petition B-101-25, seconded by Mrs. Stransky and was approved with the following vote:
AYE(4): Gross, Jackson, Klinder, Stransky
NAY(0):

Petition B-105-26 Nfr Institute of Technology:

Chairman Jackson asked for the Finding of Facts to read for Petition B-105-26.

Dr. Dominique Edwards read the Finding of Facts for Petition B-105-26 to which it stated:

Public Hearing Date: April 14, 2026

WE, THE MEMBERS OF THE MICHIGAN CITY BOARD OF ZONING APPEALS, NOW FIND:

1. That the Petitioner is Nfr Institute of Technology ("the Petitioner").

2. That the Property Owner is Nfr Institute of Technology Incorporated ("the Owner").

3. That the Property that is the subject of the Petition is 1602

Tennessee Street, Michigan City, Indiana ("the Property").

4. That the Property is zoned M2 Heavy Industrial District.

5. That the Petitioner requested a Special Exception Use to permit operation of a restaurant.

6. That the Board of Zoning Appeals (the "Board") now finds as to the request for a Special Exception Use as follows:

(a) General Welfare. The proposed use will not be injurious to the public health, safety, and general welfare of the community.

PROPOSED FINDINGS: This proposal will not be injurious to the public health, safety, and general welfare of the community. This proposal will provide jobs, training, and economic growth to the community. It will be a place where students can learn trades and explore career and entrepreneurship opportunities. No heavy increase in traffic is predicted. To be consistent with the intent of the ordinance, condition (3) shall be addressed to meet this standards of city code.

(b) Surrounding Property. The Special Exception Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish or impair property values within the neighborhood. The establishment of the Special Exception Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

PROPOSED FINDINGS: This Special Exception Use will not be injurious to the use and enjoyment of other property in the

immediate vicinity for the purpose already permitted. Surrounding property will benefit from the services that will be provided by this proposal and will benefit from activity in a historic structure that is limited in terms and uses.

(c) Hazard. The Special Exception Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

PROPOSED FINDINGS: The operation of a restaurant and continued operation of this facility will be hazardous to the health, safety, and welfare of persons or property due to the building not containing appropriate fire suppression. Additionally, the Petitioner upgraded the electric infrastructure of the facility without obtaining appropriate permits or city approval prior to opening for operations.

(d) Public Facilities and Services. The use will be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

PROPOSED FINDINGS: The use will be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.

(e) Development Requirements. The development of the property will be consistent with the intent of the development requirements established by the zoning ordinance for similar uses. The development will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity, based upon the Comprehensive Land Development Plan.

PROPOSED FINDINGS: The development of the Property will be consistent with the intent of the development requirements established by the Special Use Exception standards for similar uses. Restaurants in an industrial district are permitted if a Special Exception Use is obtained. This proposed development will not significantly alter the intended character of the general vicinity considering no changes will be made to the outside of the existing structure. Article 18.01 of the joint zoning code requires a restaurant within an industrial use to have six parking spaces per service or counter station, plus 1 space for each employee. To be consistent with the intent of the ordinance, condition (1) shall be addressed to meet this standard of city code.

(f) Ordinance Intent. Granting the Special Exception Use will not be contrary to the general purposes served by this ordinance, and will not permanently injure other properties and uses in the same zoning district and vicinity.

PROPOSED FINDINGS: Granting the Special Exception Use will not be contrary to the general purposes served by this

ordinance and will not permanently injure other property or uses in the same zoning district and vicinity. The Petitioner is requesting a Special Exception Use which is permitted unless these standards are not met; these standards will be met if conditions are adopted.

(g) Land Development Plan. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the City Comprehensive Land Development Plan.

PROPOSED FINDINGS: The proposed use will be consistent with the character of the zoning district in which it is located and the provisions of the Michigan City Comprehensive Plan. This proposal follows objectives of the Michigan City Comprehensive Plan. No exterior changes to the building will be made.

(h) Use Regulations. Where there are use-specific regulations contained in Article 14, the Special Exception Use shall comply with all of the regulations application to the use.

PROPOSED FINDINGS: Development must conform with the Joint zoning ordinance regarding its use in Article 14. To be consistent with the intent of the ordinance condition (2) shall be addressed to meet this standard of city code.

Section 14.06 – Accommodation and Food Service

(c) Restaurants in Industrial Districts

(1) The restaurant shall be located within an office structure or industrial building or shall be located in a freestanding building as part of an overall industrial or office park.

This requirement has been met.

(2) The restaurant shall be planned as a part of an overall plan for development and shall be part of a service establishment complex for such development. This requirement has been met.

(3) The restaurant shall comprise not more than 20 percent of the land area of an overall development. Required condition for compliance with this requirement.

(4) There shall be no more than one restaurant in a freestanding building per business park. This requirement has been met.

(5) Drive-in or drive-through restaurants shall be prohibited. This requirement has been met.

7. That the Board approved the requested Special Exception Use, but subject to the following condition:

i. Parking requirements shall be as follows: six spaces per service or counter station, plus one space for each employee.

ii. The area devoted to the training kitchen/cafeteria use shall comply with all permitted use requirements of the joint zoning ordinance.

iii. Approval of this Special Exception Use shall be contingent upon an updated and approved CDR from the State of Indiana by August 1, 2026 and documentation provided to the Enforcement Officer, Fire Marshal, and Building Commissioner.

iv. The Petitioner shall contact the Water Department to confirm availability of adequate water supply and to provide appropriate documentation of departmental approval as

determined by the Enforcement Officer.

v. The Petitioner shall work with the Fire Marshal and Building Commissioner to update the current fire suppression system and bring it to current and applicable fire and building code requirements.

vi. Petitioner may operate as a training kitchen and cafeteria for their membership as (accessory uses which are permitted under the joint zoning ordinance) but shall not operate as a restaurant open to the public until all state and local fire, health, and building requirements have been met to the satisfaction of the Enforcement Officer, where appropriate and applicable documentation is provided.

vii. Petitioner shall not use the cafeteria/training kitchen accessory use for catering or delivery purpose for the Nfr Institute of Technology/Majik Factory or any other food entrepreneur to distribute food or food products to the public until all local and state fire, building and health requirements are met and documented appropriately to the Enforcement Officer.

NOW THEREFORE, based upon the Petition, the presentation of the Petitioner, all documents, testimony, remonstrances and other matters brought forth in the public hearing, and all materials, documents and testimony set out in the record of this matter, and subject to the conditions set out in Paragraph 7 above, the Michigan City Board of Zoning Appeals made the findings set out above, and granted the request for a Special Exception Use as set forth in Petition No. B-105-26 on April 14, 2026.

Mr. Klinder made a motion to adopt the finding of facts for petition B-105-26 with the conditions listed, seconded by Mr. Gross and was approved with the following vote:

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

NAY(0):

PUBLIC COMMENT:

Scott Meland 200 Kenwood Place made a comment.

BOARD COMMENT:

Brian Gross made a comment.

Chairman Jackson made a motion to adjourn, seconded by Mr. Klinder.

Adjournment: 7:18 p.m.

Chairman Ricky Jackson

Secretary Dr. Dominique Edwards