Michigan city Board of Zoning Appeals (BZA)

Tuesday June 9, 2026, City Hall; Common Council Chambers, 100 E Michigan Blvd.

-Meeting Minutes-

1. **CALL TO ORDER**: The meeting was called to order by Chairman Ricky Jackson.
2. **ROLL CALL** by Dr. Dominique Edwards (Planning Director, Non-voting)
   PRESENT: Ricky Jackson, Kathy Stransky, Fred Klinder, Brian Gross(was not present until 6:11pm), Attorney Steve Hale(via Zoom), Bryant Dabney(via Zoom)
   ABSENT: Carol Spreitzer
3. **APPROVAL OF MEETING MINUTES:**
   A motion was made by Mr. Klinder to approve the May 12, 2026 meeting minutes, seconded by Mrs. Stransky and was approved with the following vote:

   AYE(3): Jackson, Stransky, Klinder

   NAY(0):

4. **PETITION(S):**
   B-108-26: Mid-City Supply requesting a development standards variance at 1501 East Second Street.
   Mr. Merritt introduced himself to the Board members and thanked Planning Staff for all of their assistance. He proceeds to explain that Mid-City supply has been in service for several decades.

Chairman Jackson interrupts to state for the record and explain to Mr. Merritt that because the board is two members short and do to that there will need to be a unanimous vote for the petition to be approved.

Mr. Merritt states that he understands and wishes to move forward with the hearing.

Mr. Merritt continues to explain that they have just went through with a renovation of the interior and exterior of the building and have found that with all of the glazing, the windows on the elevation facing the primary roadway is the sun is beating down into the building and is elevating the temperature and to help fix the issue, he states that they would like to use a perforated film to cover the windows, but also want to put advertisement of the side facing the roadway causing it to qualify as signage to which would not meet the signage requirements stated in the City Code.

Mr. Klinder asked for clarification on how the screening on the window would have advertisement.

Mr. Merritt explained that they will be using perforated film which makes it possible to see outside from the interior of the building but makes it obscure to see inside from the exterior, and it is a common occurrence that graphics are added to the film. He explains that they want to be able to put the product lines on the film.

Dr. Edwards stated that for the record the Planning Department does not do Staff Approvals for what Mr. Merritt is requesting, it did not meet the signage code which required him to get a variance. She continues to state that there have been several Development Standards Variances that have come before the board over the last several months and it is to be believed that it is because Michigan City has a very strict signage code compared to surrounding areas.

The Staff Report was read by Lucas Lopez to which it stated:

Proposed Findings for a Development Standards Variance

The standards for a Development Standards Variance have been set out below in italics [28.11(b)], 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 new window film will not have an effect to the public health, safety, morals, and general welfare of the community. Window films are wanted to alleviate sunlight and glare during peak hours and help maintain cooler interior temperatures during warmer months.

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. The new window fil will have no effect on the surrounding property.

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. Wall signs must stay below 10% of the total wall façade and must stay below a combined 100 square feet in size. Window film is considered a wall sign if it contains advertising.

Recommendation

The Planning Department recommends approval of the requested Development Standard Variance to allow the petitioner to exceed the maximum permitted amount of wall signs in one façade if all listed standards are met.

1. The sign must not take up more than 10% of the wall and must not have a combined larger size than 100 square feet.

The Attorney Report was read by Attorney Hale which stated:

Petitioner is requesting a Development Standards Variance for additional signage on its building. Petitioner is requesting window film signage (technically window signs) on the front facade facing U.S. 12. Section 19.04 and Table 19.04 of our Zoning Ordinance permits only one sign. The total square footage of the existing sign and the requested second signs is less than 100 square feet and is less than 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.

Attoney Hale stated that he has noticed that Mr. Gross had shown up at some point during Mr. Merritts presentation and stated that if Mr. Gross was comfortable doing so he can vote on the petition.

Mr. Gross stated that he will abstain from voting on petition B-108-26.

Mr. Gross states that the recommendations to allow the petitioner to exceed the front, rear, and side setbacks, and asks if that was in the Staff report.

Lucas Lopez, Associate Planner, states that there was a slight error on the report but it will be changed before the Finding of Fact are written, he clarifies that the Development Standards Variance is to allow Mid-City to exceed the maximum number of wall signs.

Public Comment:

NONE

Mrs. Stransky made a motion to approve petition B-108-26 with the conditions and findings that were set forth in the reports, seconded by Mr. Klinder and was approved with the following vote:

AYE(3): Klinder, Jackson, Stransky

NAY(0):

ABSTAINED(1): Gross

FINDING OF FACT:

Finding of Fact for petition B-104-26 was read by Attorney Hale to which it stated:

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

1. That the Petitioner is Fanning Howey Associates, Inc. ("the Petitioner").

2. That the Property Owner is Michigan City Area Schools ("the Owner").

3. That the Property that is the subject of the Petition is 8466 W. Pahs Road, Michigan City, Indiana ("the Property").

4. That the Property is zoned R1C – Single Family Residential District.

5. That Petitioner requested 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.

6. That the Board of Zoning Appeals (the "Board") now finds as to the request for the Development Standards Variances as follows:

(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed increase in height from 35 feet to 39 feet 6 inches is minimal and will have no measurable effect on safety, sightlines, structural integrity, or the surrounding neighborhood.
(b) The use and value of the area adjacent to the Property will not be affected in a substantially adverse manner;
The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. A buffer is included as a condition to ensure the petitioner complies with zoning code requirements. Condition (1) is necessary to address the increased light and noise impacts.
(c) 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 or to other properties in the same zoning district. The variances shall be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other property owners in the same zoning district.
The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. 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. Standard high school stadiums often reach

40 feet in height. The extra height permitted past the set

maximum will allow the stadium to reach a capacity of 3,000

which is necessary to host special events. The maximum

heights in R1C zoning is intended for residential

properties not sports stadium for recreational purposes.

7. That approval of the Petition for Use Variance shall be

conditioned upon the following condition:

(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

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 Petition

B-104-26 on May 12, 2026.

Mr. Klinder makes a motion to approve the Finding of Fact for petition B-104-26, seconded by Mr. Gross and was approved with the following vote:

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

NAY(0):

Petition B-106-26 Finding of Fact read by Attorney Hale stated:

Public Hearing Date: May 12, 2026

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

FIND:

1. That the Petitioner is Integrated Construction Solutions (ICS) ("the Petitioner").

2. That the Property Owner is XL Investment Properties LLC ("the Owner").

3. That the Property that is the subject of the Petition is described as part of Parcel No. 46-05-09-300-039.000-009 located Cleveland Avenue in Michigan City, Indiana ("the Property").

4. That the Property is zoned B2 – General Commercial District.

5. That Petitioner requested a 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.

6. That the Board of Zoning Appeals (the "Board") now finds as to the request for the Development Standards Variances as follows:

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

The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The 15 foot 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.

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

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.

(c) 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 or to other properties in the same zoning district. The variances shall be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other property owners in the same zoning district.

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.

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, the Michigan City Board of Zoning Appeals made the findings set out above, and granted Petition B-106-26 on May 12, 2026.

Mr. Gross made a motion to approve petition B-106-26 Finding of Fact, seconded by Mr. Klinder and was approved with the following vote:

AYE(4): Stransky, Klinder, Gross Jackson

NAY(0):

Petition B-107-26 reach by Attorney Hale stated:

Public Hearing Date: May 12, 2026

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

1. That the Petitioner is Ted Vinyard ("the Petitioner").

2. That the Property Owner Frog, LLC ("the Owner").

3. That the Property that is the subject of the Petition is 2506 Franklin Street, Michigan City, Indiana ("the Property").

4. That the Property is zoned B2 – General Commercial District.

5. Petitioner is requesting an additional 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.

6. That the Board of Zoning Appeals (the "Board") now finds as to the request for the Development Standards Variances as follows:

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

The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The new signs will have no impact on the the public health, safety, and welfare of the community.

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

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The new signs will have no impact on the surrounding area. Both

signs will be similar in size to the existing signs

(c) 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 or to other properties in the same zoning district. The variances shall be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other property owners in the same zoning district.

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the Property. These signs are consistent with branding elements commonly associated with Dairy Queen franchise requirements and therefor are typical signs installed in many Dairy Queen franchises. The sign which the variance applies to will have a size of 24.5 square feet and is well below the maximum of 100 square feet permitted for wall signs. A sign containing electronic message center (EMC) is within 600 ft of this sign and therefore will prohibit any Dairy Queen signs from containing (EMC). Conditions (1) and (2) have been included to meet this standard of the city code.

7. That approval of the Petition for a Development Standards Variance shall be conditioned upon the following conditions:

(1) The new signs 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)

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 Petition B-107-26 on May 12, 2026

Mr. Gross made a motion to approve petition B-107-26 Find of Fact, seconded by Mrs. Stransky and was approved with the following vote:

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

NAY(0):

OLD BUSINESS:

BZA Rules and Procedures:

Mr. Jackson referred to Attorney Hale to take over for Rules and Procedures.

Attorney Hale explained that this has been brought to the Boards attention on and off throughout the year and there have been several drafts sent to them for review and feedback. Attorney Hale explained that the latest version of the document should be considered a **"redline copy."** Any new material or changes made since the last version distributed and discussed at a prior BZA meeting are shown in red. Language that remains in black was included in previous versions and has been reviewed by the Board. He clarifies that the Board is not bound by any of the proposed changes, including those shown in black. Members remain free to suggest additional changes or revisions. The document was presented for **discussion only**, and no vote was scheduled for the meeting. Attorney Hale states that the Board is not bound by any of the proposed changes, including those shown in black. Members remain free to suggest additional changes or revisions. The document was presented for **discussion only**, and no vote was scheduled for the meeting, he explains that Section 7.5 addresses **continuances**, an issue that had recently been discussed by the Board. The proposed revisions are intended to address concerns regarding the limitation of continuances, which can become a source of frustration for staff, Board members, and the public.

Dr. Edwards interrupts Attorney Hale apologizing, stating that she misunderstood and did not provide the Board with the material due to misunderstanding of communication, she did not know this was suppose to be on the Agenda for tonight's meeting and apologizes to everyone.

Attorney Hale stated that with the he would like to end his not with stating the issue of a Continuance has come up more then once and he is proposing for the Board to consider the matter in light of these two facts; if the petitioner withdraws their petition they are prohibited from refiling the same petition or something substantially similar for a period of 3 months. If the petitioner has their petition denied, they are prohibited from refiling the same petition or a substantially similar petition for 12 months(a year). He states that if a petitioner keeps asking for continuances, there needs to be come way of allowing a number of petitions that we might be satisfied with and forcing the petitioner to do one of two things, either make

a the petitioner present and consequently have a vote on it or make the petitioner withdraw their petition. If that happens that they are prohibited from refiling for 3 months or if they get denied, be prohibited from filing for 12 months. As drafted now, a petitioner is allowed up to 3 continuances Attorney Hale suggests that it should wither be 2 or 4 continuances. He states that right now it is drafted to allow the petitioner to make one continuance which must be granted by the BZA but only upon a positive vote of the members present which is different upon finding of good cause that would mean if the petitioner came and the board allowed two continuances, the third continuance but have a good cause on why it should be granted. Attorney Hale continuances to explain that staff can ask for continuances, the first by right but after that, staff would have to make a case that there is good cause to continue it. Attorney Hale states that every board member will get a copy of the Rules and Procedures most up to date draft to be reviewed.

Mr. Gross asked whether the proposed withdrawal provisions would distinguish between a withdrawal requested on the day of the hearing and one requested several days prior to the hearing.

Attorney Hale explained that two distinctions should be made regarding continuances. First, once a petitioner has begun presenting their case, the petitioner would not be permitted to request a continuance and would be required to complete the presentation and receive a vote. Second, the proposed provisions could allow the enforcement officer to grant one continuance by right if requested within a specified period prior to the hearing, such as several days in advance. This would allow the petitioner to avoid appearing at the hearing when they are unable to proceed and would help make the hearing process more efficient. Attorney Hale further explained that any additional continuances, beyond the one granted by right, would require the petitioner to demonstrate good cause to the Board. If the Board permits up to three continuances, the second and third requests would require a finding of good cause based on the specific circumstances of the case. Examples of good cause could include the inability of a presenter to appear or other substantive circumstances warranting additional time.

It was also noted that a remonstrator may request a continuance for good cause. Mr. Hail confirmed that this provision is included in the proposed version and is consistent with the remonstrator's right under state law to request a continuance. The Board would be required to determine whether good cause exists for granting the request.

Chairman Jackson asked Attorney Hale whether the proposed revision addresses notice requirements, particularly in situations where petitioners arrive at a meeting without having completed all required notices.

Attorney Hale explained that notice requirements are generally addressed under Article 6, specifically Section 6.4. Under the current provision, documentation demonstrating that the required notices have been completed must be submitted to the Planning Department no later than the Monday before the public hearing. This allows staff and himself an opportunity to review the documentation and verify that the notice requirements have been properly satisfied.

Attorney Hale noted that there has been an increasing issue with petitioners not fully understanding the notice process or completing the requirements correctly. When petitioners do not seek assistance early in the process, staff may not discover errors until the required documentation is submitted shortly before the hearing. At that point, there may not be sufficient time to correct the deficiencies.

For example, newspaper publication may require several days to complete, typically approximately four days in advance. If a petitioner fails to arrange the publication in time, they may miss the required 10-day notice period. Similarly, registered mailings must be completed within the required timeframe. In such circumstances, the petitioner would have to return at a later date because the notice requirements could not be satisfied before the scheduled hearing.

Attorney Hale suggested that one possible solution would be to require petitioners to submit their notice documentation earlier, such as one or two weeks before the scheduled hearing. This would provide staff with additional time to identify and correct deficiencies with publication, registered mailings, or other required notices. However, he acknowledged that imposing an earlier submission deadline would place additional responsibility and pressure on petitioners. The decision regarding whether to adopt an earlier deadline would be left to the Board.

Attorney Hale stated that he thinks there should be one more meeting discussing the Rules and procedures to which then have a vote at the following meeting on whether to adopt the new BZA Rules and Procedures.

Chairman Jackson agreed.

PUBLIC COMMENT:

Tommy Kulavik, 1316 Ohio Street, made a comment.

A motion was made by Mr. Gross to adjourn the meeting, seconded by Mr. Klinder.

Meeting Adjourned at 6:46 p.m.

Chairman Jackson

Secretary, Dr. Dominique Edwards