Michigan City Board of Zoning Appeals (BZA)

Tuesday September 8, 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 Isabelle Turner (Planning Administrative Assistant, Non-Voting)
   PRESENT: Ricky Jackson, Fred Klinder, Carol Spreitzer, Attorney Steven Hale
   ABSENT: Kathy Stransky, Bryant Dabney, Dr. Dominique Edwards
3. **APPROVAL OF MEETING MINUTES**
   A motion was made by Mr. Klinder to approve the August 11, 2026 meeting minutes, seconded by Ms. Spreitzer and was approved with the following vote:
   AYE(3): Jackson, Klinder, Spreitzer
   NAY(0):

4. **PETITION(S):**
   - **B-109-26:** Brian Jakelski
     Brian Jakelski, 144 Fogarty Street, introduced himself to the board.

     Chairman Jackson interrupts informing Mr. Jakelski that with there being a member missing but the vote has to be unanimous if it is not then the petition will not be passed.

     Mr. Jakelski states that he understands and wishes to move forward with the process. Mr. Jakelski continues stating he has owned his property since 2025 and he wishes to expand the garage in the back yard which is also falling apart. He explains he would like to be able to fit two cars, a small camper, a motorcycle, and a small boat. He states he wants to be able to fit everything in the garage for more security with his neighborhood being filled mostly by short term rentals, and to have somewhere to park his car in, in the winter.

     Ms. Spreitzer asks the petitioner if he would be able to go from the garage directly to the house?

     Mr. Jakelski answered no, it will be separate but it will be a shorter pathway from the garage to the house, with a paved walkway.

     The planning department staff report was read by Permit Specialist, Everett Ebling to which it stated:
     Proposed Findings for a Development Standards Variance

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 reduction in setbacks will not be injurious to the public in any way. The new garage will be replacing the existing garage and will be served by the existing driveway with access to Ohming Street. The proposed increase in the size of the garage, relative to the existing garage, will occur towards the applicant's principal structure, as the existing garage is already located at the property line; and therefore, the expansion will not extend any closer to adjacent property lines.

(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 proposed garage is not anticipated to adversely affect the surrounding properties or the surrounding area.

(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 would prevent the petitioner from building the proposed garage. The proposed encroachment into the setbacks required by city ordinances will not exceed the current encroachment by the existing garage. The

detached garage will not be taller than the living portion of the dwelling and will not cause the
impervious surface coverage of the property to exceed the maximum 55 percent permitted for the
R1E zoning district.
Recommendation
The Planning Department recommends approval of the requested Development Standard Variance to allow
the petitioner to exceed the side street yard and rear yard setbacks

Attorney's Report was read by Attorney Hale to which it stated:
Petitioner is demolishing an existing garage and replacing it with a larger garage. The garage is considered an accessory building and is subject to the provisions of Article 16 of our Zoning Ordinance.
Petitioner is requesting a Development Standards Variance to reduce the rear yard setback on the North property line to 0 feet (Table 16.02 requires 3 feet). The Property is on a corner lot, and the longer street (East) is considered the side street on a separate "side street yard" table and the required setback per Table 16.02 is 20 feet; Petitioner is requesting a setback of 3 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.
The BZA may, under Section 28.05(b):
1. grant the request; or,
2. partially grant the request, or grant it with limitations which MUST be included in the motion; or,

3. grant the request, but subject to certain conditions which MUST be included in the motion; or,
4. deny the request; or,
5. table the request until a future meeting.
The record includes:
1. The materials submitted by the Owner/Petitioner, including:
(a) Instructions for filing a petition before the City of Michigan City Board of Zoning Appeals.
(b) Michigan City Board of Zoning Appeals Petition for Development Standards Variance signed by Petitioner on June 9, 2026.
(c) Beacon Overview map.
(d) Acknowledgement of Public Hearing Notice Requirements signed by Petitioner and dated June 9, 2026.
(e) List of property owners within 300 feet (2 pages).
(f) Notice of Public Hearing on August 11, 2026.
(g) Petitioners proposed Finding & Order for Development Standards Variance.
(h) Site Plan prepared by Milmar Buildings dated 4/24/2026 (shows existing and proposed garage).
(i) Garage elevations, dimensions and plans (10 pages).
2. Planning Department Report.
3. This Report.
4. Materials and testimony that may be presented at the public hearing to be held on August 11, 2026.

Mr. Klinder asks for clarification on the North set back being 0 feet when it is indicated that the expansion will not extend any closer to the adjacent property lines. Then asks if this is right off the alley.

Mr. Jakelski answers that it is right off the alley but as the existing building is now, it is already 3 to 4 feet off of the alley and 10 feet off of Oming Street

Mr. Klinder states that he was just concerned about the building being right on the alley line. He asks if it is going to be right on it or three feet from it.

It was answered that there is going to be a 1 to 2 feet buffer between the actual alleyway and the property line. They are not sure of the exact measurement but they want to garage as close to the property line as possible to the alleyway line.

PUBLIC COMMENT

Scott Meland, 200 Kenwood place, made a comment.

BOARD COMMENT

Mr. Klinder made a response toward a public comment stating that the petitioner stated there will be buffer space between the garage and the alleyway line and feels confident that they will be 2-3 feet of room for trash cans, etc.

Mr. Klinder makes a motion to approve petition B-109-26 for the development standards variance along with the findings in the staff report and standards that are listed in the attorneys report, along with the requirement that there be rough space, 2-3 feet, between the garage and alleyway for services such as garbage trucks, etc., seconded by Ms. Spreitzer and was approved with the following vote:
AYE(3): Jackson, Klinder, Spreitzer
NAY(0):

5. **FINDING OF FACTS**

B-110-26 CLD Holdings, LLC:
Public Hearing Date: August 11, 2026

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

1. That the Petitioner is CLD Holdings, LLC ("the Petitioner").
2. That the Property Owners are John Fegaras and Gail Fegaras ("the Owners").
3. That the Property that is the subject of the Petitions is 3940 S. Franklin Street, Michigan City, Indiana ("the Property").
4. That the Property is zoned B2 General Commercial District.
5. That the Petitioner requests a Special Exception Use to construct a new Dutch Bros Coffee Shop with a drive-through (Restaurant with Drive-Thru).
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.

B2 zoning, which is general commercial, is intended for a variety of commercial uses. Numerous other similar businesses are in the surrounding area on properties zoned B2, including businesses with drive-throughs. These districts are generally characterized by an integrated cluster of establishments

serviced by large roads and access roads allowing for large volumes of vehicular traffic.

(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.

The proposed development will contribute to the commercial corridor along Franklin and will fit in with the characteristics of the surrounding area. The business will follow strict management, health, and safety standards to prevent nuisances and maintain a clean and well□maintained environment. Additionally, the prior use of this

Property was also a restaurant.

(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.

This proposed development will not produce an excessive amount of traffic, smoke, odor, fumes, or glare and will not involve any uses which may be hazardous to adjacent properties. Proposed lighting will be in accordance with city standards. Traffic impacts will be minimized by providing the required number of stacking stations and stacking spaces for the proposed drive-through facility in accordance with city ordinances. The site will also include two full-access driveways to facilitate safe and efficient movement of vehicles.

(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.

City departments have worked with the Petitioner to ensure

that the use will be adequately served by all public services and will once again review the proposal prior to permit being issued.

(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.

The development of the Property will be consistent with the intent of the development requirements established by this ordinance for similar uses. Development requirements were communicated to the Petitioner prior to the submission of the requested variances, and the Petitioner has incorporated all applicable development requirements into the submitted site plan for the proposed commercial development.

(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.

This proposal will not be injurious to other properties and is not contrary to the purposes of this ordinance. The proposed use is permittable as a Special Exception Use within the zoning district in which it is located.

(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.

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. B2 zoning is intended to serve general commercial uses and clusters of commercial services which generate large volumes of vehicular traffic. This proposed development is complimentary with intent of the 421-Corridor Plan as well.

(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.

14.06(b) Restaurants with Drive-Through Service
1. The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway. The site shall be oriented so that drive-through lanes and pickup windows are not a prominent feature of the building.
2. The drive-through service shall be screened from adjacent residential land uses by a solid screening wall in accordance with Section 17.03, such that it will not impact the use and enjoyment of the residential land use. This requirement has been met.
3. Clear identification and delineation between the drive□through facility and the parking lot shall be provided.
This requirement has been met.
4. There shall be a minimum of ten stacking spaces. This requirement has been met.
5. Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. This requirement has been met.
6. Only one access shall be provided onto any street. After review, the Planning Department determined that the two existing access points will remain in use; therefore, this standard is not applicable.
7. Where the restaurant is constructed adjacent to other commercial uses, a direct vehicular access connection shall be established with the adjoining property if possible. This requirement is not possible.
7. The Petitioner has also requested Development Standards Variances relating to signage. Specifically, Petitioner requested approval of: menu boards with a height of 7 feet and a size of up to 22 square feet; and four menu boards exceeding the maximum permitted amount of one.
8. That the Board of Zoning Appeals (the "Board") now finds as to the request for the Development Standards Variance as follows:
(a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
The additional and larger menu boards will help facilitate the efficient movement of vehicles through the drive-through and the surrounding properties by allowing customers to more easily navigate the site.

(b) The use and value of the area adjacent to the Property will not be affected in a substantially adverse manner;
Surrounding commercial properties within the South Franklin commercial corridor have previously received variances for increased signage and additional menu boards to facilitate traffic, improve business operations, and allow customers to easily navigate the area.
(c) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the Property.
The strict application of the terms of this zoning ordinance will result in slower business operations, traffic increases, and customer accessibility issues.
NOW THEREFORE, based upon the Petition, the presentation of the Petition, 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 in Paragraph 6 above, and granted the request for a Special Exception Use and then made the findings set out in Paragraph 8 above and granted the request for a Development Standards Variance, as set forth in Petition No. B-110-26 on August 11, 2026

Mr. Klinder made a motion to adopt the finding of facts for petition B-110-26, seconded by Chairman Jackson and was approved with the following vote:
AYE(3): Jackson, Klinder, Spreitzer
NAY(0):

PUBLIC COMMENT

Dr. Dominique Edwards, Planning Director, made a comment.

Adjournment: 6:28 p.m.

Chairman Ricky Jackson

Secretary Dr. Dominique Edwards