Michigan City Board of Zoning Appeals (BZA)

Tuesday, October 13, 2026, City Hall; Common Council Chambers, 100 East Michigan Blvd.

-Meeting Minutes-

1. CALL TO ORDER

Chairman Ricky Jackson called the regular meeting to order at 6:06 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL

PRESENT AT ROLL CALL: Ricky Jackson, Fred Klinder, Kathy Stransky.

ABSENT AT ROLL CALL: Carol Spreitzer (arrived later during the meeting).

Chairman Jackson stated that three members constituted a quorum. He advised petitioners that approval would require unanimous affirmative votes from the three members then present and explained the option to request a continuance. Ms. Spreitzer subsequently arrived and participated in later matters, but recused herself from Petition B-111-26 because she had not heard the petitioner's presentation.

3. APPROVAL OF MINUTES

Mr. Klinder made a motion to approve the September 8, 2026, regular meeting minutes as submitted, seconded by Mrs. Stransky. The motion was approved with the following vote:

AYES (3): Ricky Jackson, Fred Klinder, Kathy Stransky

NAY (0): NONE

4. PETITION(S)

B-111-26: Wayne (Wynn) Wellman / Uptown Limited Auto Sales – Special Exception Use

Mr. Wellman appeared on behalf of Uptown Limited Auto Sales requesting a Special Exception Use to conduct new and used automobile sales at 400 East US Highway 20, a B-2 General Commercial property formerly occupied by Captain Ed's. He elected to proceed with the three members present. He explained that the family-owned dealership currently operates at 1911 and 1908 Franklin Street and needs additional space to display its vehicle inventory. The proposed location would use the existing paved lot and driveway entrances; no building expansion or demolition was proposed, and existing signs would be refaced.

The staff report was read by Everett Ebling, Associate Planner, to which it stated:

Department Comments:

WATER DEPARTMENT: The proposed use of a car sales facility at this address is not a concern. The only concern the Water Department will have is if there is a change to the area along the highway right-of-way.

SANITATION DEPARTMENT: The petition contains a drawing that identifies a new "Detail/Wash Bay". For this type of indoor 'wash bay', the Owner/Developer should be made aware that during the review process for potential future Building Permit applications, the Michigan City Municipal Code for sanitary sewer connections contains restrictions on the amount of sediment and residual chemicals that can be discharged

into the public sanitary sewer. These requirements and potential remedies if needed (such as a sanitary sewer sediment basin typically employed for this type of building use) will be reviewed during the Building Permit review process.

FIRE DEPARTMENT: The Fire Department has no issues with zoning, however, would like to express concerns regarding in house auto repairs, which would not be permitted. Detailing automobiles and auto sales would be permitted on the premises.

POLICE DEPARTMENT: There are no concerns from the Police Department on the proposed business.

ENGINEERING DEPARTMENT: This parcel is accessed via INDOT US 20 only. As such, the City Engineer has minimal input/control regarding this development. The City Engineer believes that INDOT will consider this as a change of use of the parcel, going from a furniture and candy retail store to a car retail facility. INDOT may require the developer to get a driveway permit, which may eliminate one of the driveways and may also require a modification to the culvert size under the driveway(s).

BUILDING DEPARTMENT: The Building Department recommends requiring a sprinkler system and an inspection due to the change of use of the existing building.

PLANNING DEPARTMENT REPORT: The Planning Department has analyzed the petition and compiled this report for the requested Special Exception Use at 400 East U.S. Highway 20, which is located in a B2 General Commercial Zoning District:

Proposed Findings for Special Exception Use

In the Michigan City, Indiana – Code of Ordinances, the standards for a special exception use are found in Section 24.05 of the joint zoning ordinance, which are listed in italics below with the proposed findings from the Planning Department.

(a) General Welfare. The proposal 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. Traffic routes on U.S. Highway 20 will not be impacted since an existing driveway access will be used for the new/used car dealership.

(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. A new/used car dealership at this location 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. It will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The surrounding properties to the north, south, east, and west are all zoned as B2. The surrounding properties include another car dealership, a car wash, and a lumber yard.

(c) Hazard. The special exception 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 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. To be consistent with the intent of the ordinance, Condition 1 and Condition 2 shall be addressed to meet this standard of the Michigan City, Indiana – Code of Ordinances. Business operations can be able to comply with all federal, state, and local regulations, including environmental standards for emissions, stormwater management, and waste disposal. B2 zoning allows for a maximum of 85% impervious surface lot coverage. We need to be aware of the total impervious surface lot coverage because drainage problems have happened on U.S. Highway 20 in the City of Michigan City and near the City of Michigan City in the past.

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(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 taken or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The utilities, which includes water, sewer, and electricity, are sufficient.

(e) Development Requirements. 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 County Comprehensive Land Development Plan.

PROPOSED FINIDINGS: The development of the property will be consistent with the intent of the development requirements established by this ordinance for similar uses. A car dealership for new/used automobiles is compatible with and will not significantly alter the intended character of the general vicinity considering that development requirements established by this ordinance and by the city comprehensive plan highlight this area as a commercial area and an industrial area capable of supporting large volumes of vehicular traffic.

(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 property or 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. This specific B2 Zoning District on East U.S. Highway 20 is characterized by similar existing general commercial uses, including another car dealership, car wash, and a lumber yard.

(g) Comprehensive 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.

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. A new/used car dealership is consistent with the surrounding land uses and the intended ordinances of this specific corridor. This specific B2 Zoning District on East U.S. Highway 20 is made up of general commercial zoning. Another automobile business for new/used automobile sales already exists within this specific zoning district. Almost directly across 400 East U.S. Highway 20 is the David Taylor Michigan City Chrysler Dodge Jeep and Ram new/used car dealership. This proposed new/used car dealership at 400 East U.S. Highway 20 can create new jobs and contribute to local tax revenue.

(h) Use Regulations. When there are use-specific regulations contained in Article 14, the special exception use shall comply with all the regulations applicable to the use.

The proposed development must conform with the joint zoning ordinance for its use in Article 14. There are no

specific use regulations for car dealerships, which are specifically called Automobile sales (new/used) in the Michigan City, Indiana – Code of Ordinances.

Recommendation:

The Planning Department has reviewed the proposed new/used car dealership at 400 East U.S. Highway 20 in a B2 parcel and recommends approval contingent upon compliance with all of the applicable conditions listed. There are two specific conditions listed.

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Conditions:

1. The total impervious surface lot coverage must stay below 85% of the total surface area.

2. Automobile repairs and automobile detailing with hazardous materials on the premises shall be conducted only outside of the building

Ms. Spreitzer arrived during this portion of the meeting and recused herself from consideration and voting on this petition.

Attorney's Report was read by Attorney Hale to which it stated:

Petitioner is requesting approval to allow for the operation of new/used automobile sales business in a B2 General Commercial District.

Our Zoning Ordinance in Section 7.02 and Table 7.2 lists automobile sales (new/used) as a special exception use; there are no special requirements in Section 14.05 of our Zoning Ordinance applicable to new/used automobile sales.

The appropriate standards to be considered by the BZA for the proposed Special Exception Use are found in Article 24, Section 24.05 of our Zoning Ordinance and in the Planning Department Report, namely that this Board find each of the following to be true:

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

(b) The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, will not substantially diminish or impair property values within the neighborhood, and will not impede the normal and orderly development and improvement of the surrounding property for permitted uses.

(c) The proposal will 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.

(d) The proposal 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; and adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(e) The proposal will be consistent with the intent of the development requirements established by the zoning ordinance for similar uses; and 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.

(f) The proposal will not be contrary to the general purposes served by the zoning ordinance; and will not permanently injure other property or uses in the same zoning district and vicinity.

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

(h) The Special Exception Use shall comply with all of the requirements applicable to the use as set out in Section 14.05(b) of our Zoning Ordinance.

The BZA may, under Section 24.04(b) of the Zoning Ordinance:

1. Approve the petition if findings are made consistent with the general requirements of Section 24.05 (there are no use requirements under Section 14.05); or,

2. Approve the request, with the findings consistent with Sections 24.05 of our Zoning Ordinance but subject to certain conditions which MUST be included in the motion; or,

3. deny the request; or,

4. continue the hearing until a future meeting upon an appropriate request or to obtain additional information.

The record includes:

1. Material submitted by Petitioner, including:

(a) Instructions and check list for a petition before the Michigan City Board of Zoning Appeals.

(b) Michigan City Board of Zoning Appeals Petition for Special Exception Use signed by Petitioner and notarized on September 8, 2026

(c) Surrounding Property Owner List (handwritten).

(d) Acknowledgement of Notice Requirements signed by Petitioner.

(e) Notice of Public Hearing.

(f) Affidavit of Service signed by Petitioner and dated September 8, 2026.

(g) Petitioner's proposed Finding & Order for Special Exception Use.

(h) Beacon Report (6 pages)

(i) Untitled page called "Special Exception Use Michigan City, IN Code of Ordinances" apparently intended as a copy of the pertinent section of 7.02 of our Zoning Ordinance.

(j) Mailing List (typed) of property owners within 300 feet.

(k) Beacon Overhead map showing notice area.

(l) Property Map.

(m) Hand drawn map showing layout of property.

(n) Written Description of Project.

(o) Confirmation of Agreement for Purchase and Sale of Real Property dated September 4, 2026. NOTE: County records (Beacon) still show property ownership as Edward W. and Tina A. Beutner (owner's consent to Petition.

2. Planning Department Report.

3. This Report.

4. Materials and testimony presented at the public hearing held October 13, 2026

During discussion, Mr. Klinder asked about the proposed detailing area and whether repairs would be performed. Mr. Wellman stated that no mechanical repairs would take place and that wet washing and other extensive detailing would be performed off-site, with primarily dry interior detailing proposed at the new location.

Chairman Jackson opened public comment; no public comments were received.

Mr. Klinder made a motion to approve Petition B-111-26 for automobile sales at 400 East US Highway 20, incorporating the Planning Department conditions and written findings of fact and Attorney Hale's legal report and exhibits. Mrs. Stransky seconded the motion. The motion was approved with the following vote:

AYES (3): Ricky Jackson, Fred Klinder, Kathy Stransky

NAY (0): NONE

RECUSED: Carol Spreitzer. Petition approved 3–0.

B-112-26 and B-113-26: Reardon Trusts – Administrative Appeals of Fence Permit Denials (Lots 47 and 49, Lakeside Addition)

The Board considered the appeals concerning fence/location improvement permit applications for 1309 Lakeshore Drive (Lot 47) and 1305 Lakeshore Drive (Lot 49). Attorney Bill Reardon appeared on behalf of the applicant land trusts. Attorney Hale explained that these matters were administrative appeals of the City's permit denials, not variance or special exception petitions. He advised that the Board was to determine whether the administrative decisions should be affirmed, reversed, or modified, and that the Board could not adjudicate ownership or settle a disputed property boundary. The proceeding was conducted under special rules limiting testimony to identified parties and witnesses.

Prior to presentations, the Board took the following procedural actions:

Interested parties: Mr. Klinder made a motion to recognize owners of property immediately adjoining the southern property lines of Lots 47 and 49 as interested parties, seconded by Mrs. Stransky and was approved with the following motion:

AYES (4): Ricky Jackson, Fred Klinder, Kathy Stransky, Carol Spreitzer

NAY (0): NONE

Notice: Mr. Klinder made a motion to find notice requirements satisfied as presented, seconded by Ms. Spreitzer, and was approved with the following motion:

AYES (4): Ricky Jackson, Fred Klinder, Kathy Stransky, Carol Spreitzer

NAY (0): NONE

Rules of procedure: Mr. Klinder made a motion to adopt the procedures outlined by Attorney Hale: 15-minute initial presentations for the petitioners, interested parties, and Planning Department; a time limited question period; five-minute rebuttals; and Board deliberation, seconded by Mrs. Stransky and was approved with the following vote:

AYES (4): Ricky Jackson, Fred Klinder, Kathy Stransky, Carol Spreitzer

NAY (0): NONE

Exhibits and submitted materials were made part of the administrative record.

Petitioners' presentation:

Mr. Reardon asserted that the City's August 26, 2026 Cloudpermit denial did not contain the written findings required by Indiana law. He contended that the City improperly relied on an occupation line survey commissioned by adjoining owners Frank and Virginia Puisis instead of boundary retracement surveys prepared by licensed surveyor Gary Radtke. Mr. Radtke described the original Lakeside Addition plat, recovered survey monuments, the differences between the surveys and his conclusion that the legal boundary follows the platted line 150 feet south of Lakeshore Drive. Mr. Reardon also questioned why a nearby fence permit issued to Christopher Buckley had been approved while the Reardon applications were denied.

Interested parties' presentation: Frank Puisis, an adjoining owner at 113 Prospect Road, disputed the petitioners' survey interpretation. He described conflicting property pins and older surveys and expressed concern that a fence built on the proposed line could affect his existing chain-link fence, air-conditioning equipment, and roof eaves. He also challenged the consistency of Mr. Radtke's prior surveys and asserted that the proposed privacy fence was intended to interfere with neighboring property. These matters were presented as disputed testimony, not findings by the Board.

Planning Department presentation: Attorney Hale and Planning Director Dr. Dominique Edwards explained that multiple surveys submitted to the City showed inconsistent boundary locations. Dr. Edwards stated that she had reviewed and supported the staff denial because the applicants sought to place fences at or along a property line whose location was disputed. She emphasized that City staff could not determine a legal boundary between private owners and could reconsider a new application once reliable and consistent boundary documentation was provided. The Petitioner acknowledged Dr. Edwards wrote an explanation of the denial. Attorney Hale stated that the administrative issue was whether the City acted properly in refusing to issue permits without demonstrated compliance with applicable location requirements.

Questions and rebuttal: Board members asked about the conflicting surveys and whether the neighbors had attempted to resolve the dispute. Mr. Reardon, Mr. Radtke, and Danielle Reardon responded to the City's position and the adjoining owners' testimony, including comments on survey reliability, privacy concerns and alleged neighborhood conflict. Virginia Puisis disputed the accusations made by Ms. Reardon. Attorney Hale reiterated that neither the Board nor the Planning Department could quiet title or establish the disputed property line. The Board was advised that an administrative permit denial did not impose the one-year waiting period applicable to certain denied variance petitions.

Chairman Jackson moved to uphold the Planning Department's denials for Petitions B-112-26 and B-113-26, finding that the conflicting professional surveys and boundary markers prevented City staff from determining whether the proposed fence locations complied with the zoning ordinance, and that the property boundary dispute must be resolved outside the BZA process. Mrs. Stransky seconded the motion. The motion was approved with the following vote:

AYES (4): Ricky Jackson, Fred Klinder, Kathy Stransky, Carol Spreitzer

NAY (0): NONE

The administrative denials were affirmed 4–0. This action did not establish a property boundary.

B-109-26: Brian P. Jaskolski – Affirmation of Decision and Findings of Fact

The Board reviewed the written decision and findings of fact for the developmental standards variance at 1444 Fogarty Street, previously approved at its September 8, 2026 meeting.

The Finding of Facts stated:

Public Hearing Date: September 8,2026

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

FIND:

1. That the Petitioner is Brian Jakelski ("the Petitioner").

2. That the Property Owner is Brian P. Jakelski ("the Owner").

3. That the Property that is the subject of the Petition is 144

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

4. That the Property is zoned R1E – Waterfront Residential District.

5. That the Petitioner requested a Development Standards Variance to replace the existing garage with a larger garage.

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 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. Proper steps will be taken to ensure that the proposed development is not injurious to the public, including review by all applicable 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.

(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 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 zoning district.

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the

Property. 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 percentage permitted in the R1E zoning district

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-109-26 on September 8, 2026.

Mr. Klinder made a motion to approve, adopt, and affirm the written decision and findings of fact as presented, seconded by Mrs. Stransky. The motion was approved with the following vote:

AYES (4): Ricky Jackson, Fred Klinder, Kathy Stransky, Carol Spreitzer

NAY (0): NONE

5. OLD BUSINESS / NEW BUSINESS

Dr. Edwards reported no additional old or new business. She explained the Planning Department's role in coordinating technical and departmental reviews and providing recommendations, while the Board retains final authority on petitions within its jurisdiction. She also recognized staff member Everett for assisting with presentation and administration of the meeting.

6. ADJOURNMENT

There being no further business, the meeting was adjourned.

President Ricky Jackson

Secretary Dr. Dominique Edwards