



City of La Porte Board of Zoning Appeals Meeting Agenda	
Tuesday, April 9, 2024 at or after 6:00 PM	
City Hall Council Chambers, 801 Michigan Ave.	
www.cityoflaporte.com	(219) 362-8260

MEETING NOTES:

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the City of La Porte Office of Community Development & Planning at (219) 362-8260 by 10:00 am, Friday, preceding the meeting to make any necessary arrangements.

Regular Meeting Agenda Items

Members of the public should understand the Board of Zoning Appeals members may be unable to thoroughly review and consider materials delivered by the day of the public hearing. The order of business shall be:

- A. Staff Report
- B. Applicant Presentation
- C. Public Comment
- D. Applicant Response
- E. Board Discussion/Action

ITEM 1. Call Meeting to Order

ITEM 2. Roll Call & Determination of Quorum

ITEM 3. Approval of Minutes: March 12, 2024 Meeting Minutes

ITEM 4. **USE VARIANCE #24-02 PETITION: TO ALLOW OFF-STREET PARKING LOT WITH TEN (10) PARKING SPACES IN A RESIDENTIAL ZONING DISTRICT**

Applicant: Development Alliance, LLC (Rory Bunce)

Property Owner: Scott Roberts

Location: 316 I Street

Staff Report: David Heinold

ITEM 5. Old Business

ITEM 6. New Business

ITEM 7. Other Business

- a. Public Comments on Non-Agenda Items

ITEM 8. Adjournment



City of La Porte Board of Zoning Appeals Meeting Minutes	
Tuesday, March 12, 2024 at 6:00 PM	
City Hall Council Chambers, 801 Michigan Ave.	
www.cityoflaporte.com	(219) 362-8260

A meeting of the City of La Porte Board of Zoning Appeals (“BZA”), was held at City Hall on Tuesday, March 12, 2024 at the hour of 6:00 PM, (“local time”), pursuant to notice duly given in accordance with the rules of the Commission and the Indiana Open Door Law.

ITEM 1. Call Meeting to Order

The meeting was called to order by Chair Pete Saunders at 6:00 PM.

ITEM 2. Roll Call & Determination of Quorum

On a call of the roll, the members of the BZA were shown to be present or absent as follows:

Members Present:	Members Absent:	Staff Present:
Brian Kajer, Vice Chair	Mark Danielson	Mark Worthley, BZA Attorney
Vickie Gushrowski		Craig Phillips, CDP Director
Nate Loucks		Josette Schoof, Engineering Coordinator
Pete Saunders, Chair		Jamie Novak, Assistant PM

ITEM 3. Approval of Minutes: February 13, 2024 BZA Meeting Minutes.

Chair Pete Saunders called for any changes or corrections to the February 13, 2024 Meeting Minutes. There being no changes or corrections to the meeting minutes, Brian Kajer made a motion to approve the February 13, 2024 Meeting Minutes and the motion was seconded by Vickie Gushrowski. The motion passed 4-0.

ITEM 4. Findings of Fact Letter: February 13, 2024

Chair Pete Saunders called for any changes or corrections to the March 13, 2024 Findings of Fact Letter. There being no changes to the Finding of Fact Letter, Vickie Gushrowski made a motion to **approve the February 13, 2024 Finding of Fact Letter** and the motion was seconded by Nate Loucks. The motion passed 4-0.

ITEM 5. VARIANCE OF DEVELOPMENT STANDARDS #24-01 PETITION: TO ALLOW REDUCTION OF THE MINIMUM OFF-STREET PARKING REQUIREMENTS FROM FIFTY TWO (52) TO TEN (10) PARKING SPACES

Applicant: Steve Ruby (representing Jeff Swan, agent for Hickman Williams & Co. of Kentucky)

Property Owner: Stuart Shroyer (Vice President, Hickman Williams & Company of Kentucky)

Location: 3200 North State Road 39

Staff Report: David Heinold



ITEM 4. Variance of Development Standards # 24-01 Petition

to allow Reduction of the Minimum Off-Street Parking Requirements from Fifty-Two (52) to Ten (10) Parking Spaces

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Steve Ruby (representing Jeff Swan, Agent for Hickman Williams & Co. of Kentucky)

PROPERTY OWNER

Name – Stuart Shroyer (Vice President, Hickman Williams & Company of Kentucky)

PREMISES AFFECTED

Parcel Number - 46-06-15-400-011.000-042				
Actual/approximate address or location from major streets – 3200 North State Road 39				
Total Acreage – 8.98 acres		Flood Zone on Site? - No		
Zoning of Subject Property – M1		Use of Subject Property – Vacant Land/Agriculture		
Zoning of Adjacent Properties	North: M1	South: M1	East: R1B	West: M1
Land Use of Adjacent Properties	North: Vacant Land/Agriculture	South: Light Industrial (Liquid Carbonic - Praxair)	East: Single Family Residential Dwellings/ Briar Leaf Golf Course	West: Light Industrial/ (Hickman Williams & Company building)

SUMMARY: The petitioner proposes to allow a reduction in the minimum number of required parking from fifty-two (52) to ten (10) spaces for a fruit product warehouse and distribution business.

HISTORY OF SITE: Per the site aerial image, the parcel is 8.98 acres and is currently zoned M1 (Light Industrial District). Historically, the property has been a vacant lot used for agricultural purposes. Currently, the subject property is a vacant lot with agricultural crops. The petitioner proposes to reduce the minimum number of required parking from fifty-two (52) to ten (10) spaces for a fruit product warehouse and distribution center.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to reduce the minimum number of required parking from fifty-two (52) to ten (10) parking spaces for a warehouse and distribution center use. The approval of the requested variance of development standards would allow the reduction of the minimum number of required parking from fifty-two (52) to ten (10) parking spaces for the proposed warehouse and distribution center use.

STATEMENT OF COMPLIANCE: Section 9.04 shall be met for the proposed parking area. Section 18.01, which contains Table 18.01(b) for required minimum off-street parking spaces lists the minimum number of parking spaces for transportation and warehouse uses. Section 18.01 (e) Reduction of Parking Requirements allows the Board of Zoning Appeals to reduce the parking requirements upon a finding that there will be a lower demand for parking due to one (1) or more of the following:

- (1) A high proportion of multi-purpose visits are expected or uses have significantly different peak parking demands during the day or days of the week (such as offices and restaurants or churches and retailers). Pedestrian connections shall be maintained between the uses. For separate lots, they shall have pedestrian and vehicular connections between the lots. Shared parking agreements shall be filed with the county or city after approval and before a certificate of occupancy is issued.
- (2) Convenient municipal off-street parking or on-street spaces located along the site's frontage are available.
- (3) Expectation of walk-in business due to sidewalk connections to adjacent residential neighborhoods or employment centers.
- (4) Availability of other forms of travel, such as transit or non-motorized transportation, that can reasonably be expected to reduce parking demand. The enforcement official may require pedestrian connections be provided to nearby transit stops or similar facilities.
- (5) Where the applicant has provided a parking study that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic or actual counts at a similar establishment.

SITE REVIEW FINDINGS: Site review was held on March 6, 2024 to discuss the proposed development and request for the reduction in the minimum required number of parking spaces. The notes from the site review meeting are attached for your review on the requested variance.

DECISION CRITERIA:

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

The approval of the requested variance of development standards to allow the proposed reduction in the minimum number of parking from fifty-two (52) to ten (10) will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed reduction in the minimum number of parking from fifty-two (52) to ten (10) will not negatively impact surrounding properties in the R1B Single Family Residential District or M1 Light Industrial District.

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

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner with the proposed reduction in the minimum number of parking from fifty-two (52) to ten (10). The petitioner's request to allow the proposed reduction in the minimum number of parking from fifty-two (52) to ten (10) is compatible with the adjacent residential properties and conforms to the general character in the immediate vicinity with comparable privacy fences.

(3) 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 the zoning ordinance with the requirement for a minimum number of 52 parking spaces for a transportation and warehouse use will result in practical difficulties in the use of the subject property for the proposed use that only requires 10 parking spaces for employees on the site. The proposed use is a transportation logistics and warehouse business with a limited number of employees on site for the operations.

STAFF RECOMMENDATION:

Staff finds that the requested variance of development standards petition is in compliance with the 2017 City of La Porte Revised Joint Zoning Ordinance and does conform to the goals and policies of the Countywide Land Development Plan. Staff recommends **approval** of the petitioner's request to allow the reduction in the minimum number of required parking from fifty-two (52) to ten (10) parking spaces. Submitted to the Board of Zoning Appeals March 8, 2024.

Applicant Presentation

Steve Ruby identified himself as the applicant for the variance. He presented to the board the variance request to allow the reduction of parking spaces from 52 parking spaces to 10 parking spaces. He explained that this is going to be a small operation in the beginning and there isn't a need for the minimum parking requirements as there is only going to be 4-6 employees in the warehouse. He mentioned that the majority of the business will be conducted by rail & semi-trucks. They plan to add 2 additional ADA compliant spaces in the future.

Nate Loucks asked if the footprint would allow expanding for more parking space in the future if needed and if they are just leaving the parking lot unstriped at this time. Mr. Ruby explained that there is room for more parking, but they will not be striping the unused parking spaces at this time.

Public Comment

Chair Pete Saunders opened the meeting to public comment and called for public comments either for or against the variance petition.

There was no public comment on the variance of development standards request. There being no further comment, Chair Pete Saunders closed the floor to public comment.

Staff Presentation

Craig Phillips, CDP Director, explained the staff report and recommendation for the variance of development standards petition to allow Reduction of the Minimum Off-Street Parking Requirements from Fifty-Two (52) to Ten (10) Parking Spaces.

Nate Loucks asked for staff clarification on statutory authority of the property in the annexation area.

Craig Phillips explained that the annexation became effective on March 11, 2024 and it is confirmed that the City of La Porte Board of Zoning Appeals has jurisdiction over the subject property in this request.

Applicant Response

There was no applicant response.

Board Discussion/Action

Brian Kajer made a motion to **approve the Variance of Development Standards #24-01 to allow the reduction in the minimum number of required parking from fifty-two (52) to ten (10) parking spaces with the staff recommended findings** and the motion was seconded by Nate Loucks. The motion passed 4-0.

ITEM 7. Old Business

There was no old business.

ITEM 8. New Business

There was no new business.

ITEM 9. Other Business

A. Public Comments on Non-Agenda Items

There was no public comment on non-agenda items.

ITEM 10. Adjournment

Vickie Gushrowski made a motion to **adjourn** and the motion was seconded by Nate Loucks. The motion to **adjourn** passed 4-0. The meeting was **adjourned** at 6:13 pm.

Pete Saunders, Chair

David Heinold, Secretary



ITEM 4. Use Variance # 24-02 Petition to Allow Off-Street Parking Lot with Ten (10) Parking Spaces in a Residential Zoning District

Type of Request: Use Variance

Staff Report: David Heinold

APPLICANT

Name – Development Alliance, LLC (Rory Bunce)

PROPERTY OWNER

Name – Scott Roberts

PREMISES AFFECTED

Parcel Number – 46-10-02-138-010.000-043				
Actual/approximate address or location from major streets – 316 I Street				
Total Acreage – 0.11 acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1C		Use of Subject Property – Vacant Lot		
Zoning of Adjacent Properties	North: R1C	South: R1C	East: R1C	West: R1C
Land Use of Adjacent Properties	North: Residential	South: Residential	East: Residential	West: Residential

SUMMARY: The petitioner proposes to allow an off-street parking lot with ten (10) parking spaces in a residential zoning district as part of Use Variance #24-02 Petition.

HISTORY OF SITE: Per the site aerial image, the total parcel is 0.11 acre and is currently zoned R1C (Single Family Residential District). Historically, the property has been a vacant lot that had a single family residential dwelling removed from the site. The subject property requires a use variance petition to an off-street parking lot with ten (10) parking spaces in a residential zoning district as part of the Use Variance #24-02 Petition.

DESCRIPTION OF PROPOSED USE VARIANCE:

The petitioner is requesting a use variance to an off-street parking lot with ten (10) parking spaces in a residential zoning district as part of the Use Variance #24-02 Petition.

STATEMENT OF COMPLIANCE: Section 7.02 allows for the use and development of land and buildings only for the following list of permitted uses in Table 7.02 of the 2017 City of La Porte Revised Joint Zoning Ordinance, unless otherwise provided for in this Ordinance.

SITE REVIEW FINDINGS: Site review is not required for the proposed off-street parking lot.

DECISION CRITERIA:

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

The approval of the use variance to allow an off-street parking lot with ten (10) parking spaces will be injurious to the public health, safety, morals, and general welfare of the community. The approval of an off-street parking lot on the subject property is not consistent with established residential neighborhood along 4th and I Streets. The surrounding area along 4th and I Streets primarily consists of single family residential dwellings.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner with the approval of a use variance to allow the off-street parking lot in a residential zoning district adjacent to the R1C Single Family Residential Zoning District. The addition of an off-street parking lot at the intersection of 4th Street and I Street will result in a significant negative impact to adjacent single family residential dwellings.

(3) The need for the variance arises from some condition peculiar to the property involved;

There is no condition peculiar to the property involved to necessitate a need for the use variance to allow an off-street parking lot on property within the R1C Single Family Residential District. The subject property may be developed according to the list of permitted uses within the zoning ordinance that would not cause significant negative impacts to the surrounding permitted residential land uses.

The proposed off-street parking lot on a residentially zoned property is not an appropriate land use in the middle of existing residential single family dwellings. The need for the use variance to allow an off-street parking lot in a residential zoning district for the existing commercial building located less than a half block to the west of the subject property does not consider that there is an existing single family residential dwelling between the existing commercial zoning and the proposed location for the parking lot.

(4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

The strict application of the terms of the zoning ordinance to not allow an off-street parking lot located in close proximity to existing commercial buildings will not constitute an unnecessary hardship for the subject property of the requested variance because the zoning district allows for development of the subject property in accordance with the zoning ordinance requirements. There are a variety of permitted land uses in the R1C Single Family Residential District that allow the property owner reasonable use of the subject property without negatively affecting the existing neighborhood residential single family dwellings along 4th and I Streets.

(5) The approval does not interfere substantially with the Comprehensive Land Development Plan.

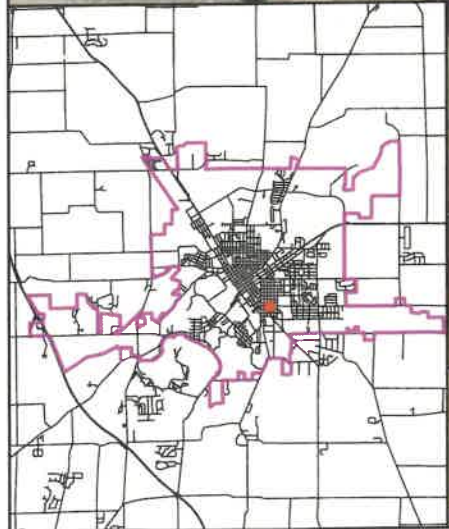
The approval of the requested use variance does interfere substantially with the Countywide Land Development Plan because the plan encourages the full use of land in established communities by eliminating unintended regulatory impediments to residential and commercial infill development that is consistent with established neighborhood patterns and character. The proposed use to allow an off-street parking lot will be located right in the middle of a residential neighborhood surrounded by existing single family dwellings along 4th and I Streets.

STAFF RECOMMENDATION:

Staff finds that the proposed use to allow the off-street parking lot is not consistent with the existing neighborhood character of the adjacent single family residential land uses. The intent of the R1C Single Family Residential District is to maintain and enhance traditional, walkable, pedestrian-oriented neighborhoods and to provide for infill development that is consistent with the established character of the neighborhood. Staff recommends **denial** of the petitioner's request to allow an off-street parking lot with ten (10) parking spaces as part of Use Variance #24-02 Petition.

Submitted to the Board of Zoning Appeals April 2nd, 2024.

Use Variance Petition #24-02

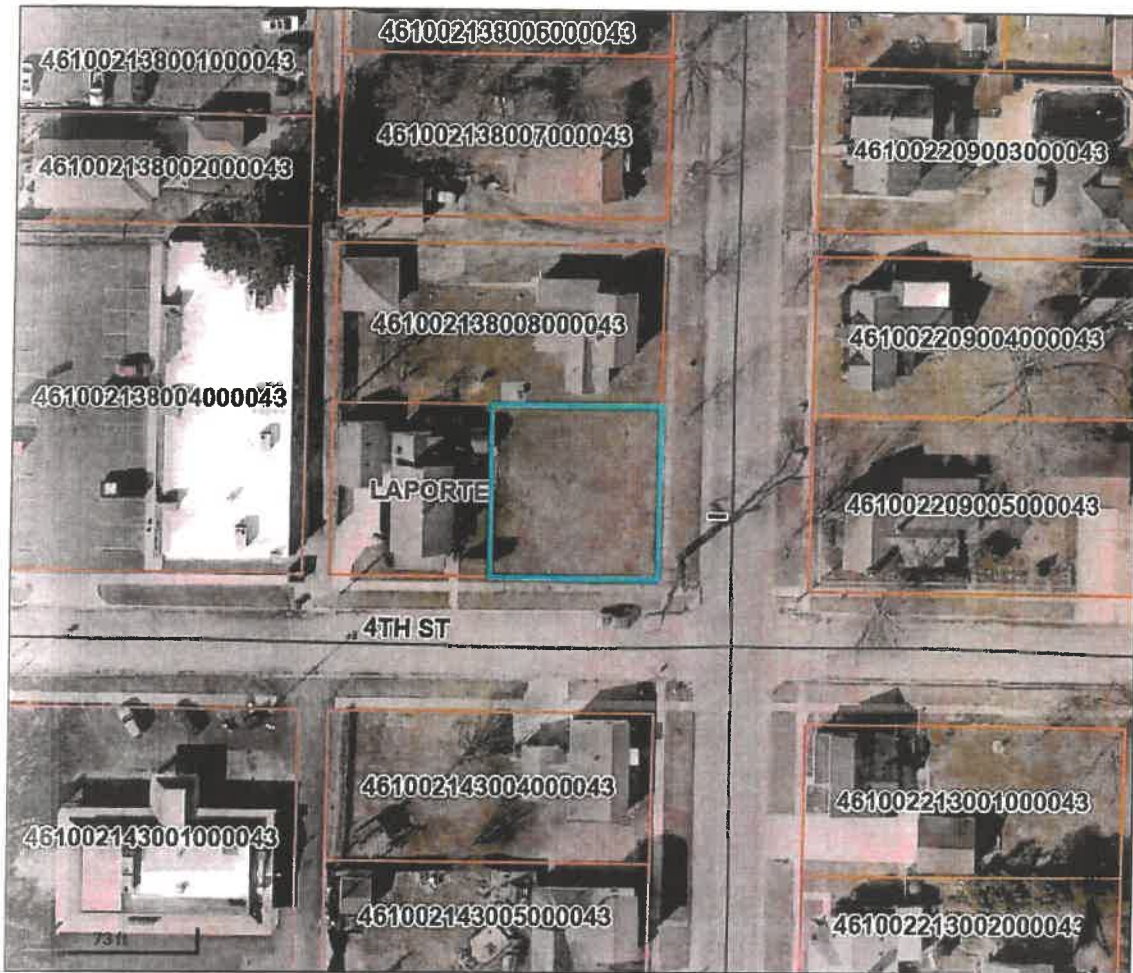


Date Created: March 21, 2024
Created By: David Heinold
Document Path: \\CityPlannedGIS\Map Requests\Board of Zoning Appeals\2024\USE_24-02
Map Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

-  Subject Property
-  City Limits

City of La Porte
Board of Zoning Appeals
Location Map





Overview



Legend

- Road Centerlines
- Geographic Townships
- Michigan City Historical Districts
 - Elston Grove
 - Franklin
 - Wabash
- Parcels

Parcel ID	46100213801000043	Alternate ID	46-10-02-138-010.000-043	Owner Address	Roberts Scott A
Sec/Twp/Rng	02-36N-03W	Class	RESIDENTIAL VACANT PLATTED LOT		309 I St
Property Address	316 I ST LA PORTE	Acreage	n/a		La Porte, IN 46350
District	Laporte Center				
Brief Tax Description	05-10-02-138-010 ANDREWS E 1/2 LT 23 BLK I <i>(Note: Not to be used on legal documents)</i>				

Date created: 2/14/2024
Last Data Uploaded: 2/14/2024 8:10:24 AM

Developed by  **Schneider**
GEOSPATIAL

461002138008000043

461002138009000043

461002138010000043

LAPOR 3

4TH ST

461002143004000043

**60 x 60 ft, 5 ft green
space on residential
barrier lot to hold 10
spaces**

Attachment D: Standards for Evaluating a Use Variance

Use the following form or attach a separate sheet(s) to explain the Use Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.):

It would provide additional parking + attract retail businesses to mall located at 325, 323, 321 J street, but would be used for staff and company cars. Would be black topped and follow code for parking size + space.

Standards for Evaluation

1. The approval of the Use Variance will not be injurious to the public health, safety, morals, and general welfare of the community because.... Parking lots are already located in neighborhood. We would do a planting of fence to ensure look of neighbors. Would reduce street parking on 4th street.

2. The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner because.... Parking lots are currently in area 2 blocks N + S of J street and in neighborhood. Consistent to current standards.

3. The need for the Use Variance arises from some condition peculiar to the property involved, and is more clearly described as.... The mall at (325, 323, 321) J street has been there for 50 years. The mall has been at 40% vacancy for last 8 yrs. Limited parking is part of issue. If at 100% overflow will be parking on 4th street.

4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, and is more clearly described as.... When mall is at 100% capacity, overflow parking will be on street parking (4th street).

5. The approval does not interfere substantially with the Comprehensive Plan because... We already have parking in area. It's consistent with area.



City of La Porte

USE-24-2

Board of Zoning Appeals -
Use Variance Application

Status: Active

Submitted On: 3/1/2024

Primary Location

316 I
LA PORTE, IN 46350

Owner

Roberts Scott A

Applicant

Rory Bunce

219-851-0815

rorybunce856@msn.com

374 N Timber Ridge Road
LaPorte, IN 46350

Internal Review

File Date

03/26/2024

Petition Number

2024-USE-02

Site Review required?



Site Review Date

04/03/2024

Date of BZA Meeting

04/09/2024

Decision

—

Deferred Date (if needed)

—

Decision

—

Site Review Meeting Notes Upload



No File Uploaded

Conditions of Approval (if applicable)

Meeting Notes/Summary

General Information

Applicant is *

Agent

If you have an engineer please provide the following:

Engineer Preparing Plans Name

Engineer Email

Premises Information

Parcel ID Number*

4610021380100000300

Address or General Location*

316 I Street

Total Acreage*

0.11

Flood Zone?*

No

Zoning*

R1C

Land Use*

vacant lot

Request*

to allow a 10 space off-street parking lot in a residential zoning district

Zoning of Adjacent Properties

North*

South*

R1C

R1C

East*

West

R1C

R1C

Land Use of Adjacent Properties

North*

South*

Single Family Residential

Single Family Residential

East*

West*

Single Family Residential


Single Family Residential

Acknowledgement

The above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant Signature*

Date*

 Rory Bunce
Mar 1, 2024

02/26/2024

Property Owner Signature

(If different from Applicant)

Property Owner Name

Date

Scott Roberts

02/26/2024

Property Owner Signature





Board of Zoning Appeals Application USE VARIANCE

City Planner
David Heinold, AICP
dheinold@cityoflaportein.gov
www.cityoflaporte.com

City Hall
801 Michigan Ave.
La Porte, IN 46350
(219) 362-8260

For Office Use Only	
Fee: <u>80⁰⁰</u>	Receipt: <u>#2308</u>
File Date: <u>2/26/2024</u>	File #: <u>2024-VAA-02</u> USE
Site Review: <u>N/A</u>	
Date of BZA mtg: <u>4/9/2024</u>	
Decision: _____	

This application is being submitted for a Use Variance

Applicant

Name <u>Development Alliance LLC</u> <u>Rory Buncie M.M.</u>	
Street Address <u>374 N. Timber Ridge</u>	
City, State, Zip <u>La Porte IN 46350</u>	
Primary Contact regarding this petition <u>Rory Buncie</u>	
Phone <u>219-851-0815</u>	Email <u>Rory.buncie856@msn.com</u>
Engineer Preparing Plans <u>NA</u>	Email _____
Others to be Notified _____	Email _____
Applicant is (check one): <input type="checkbox"/> Sole Owner <input type="checkbox"/> Joint Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other <u>Potential Owner</u>	

Property Owner (if different than above)

Name <u>Scott Roberts</u>	
Street Address <u>309 I St.</u>	Phone <u>219 331-6526</u>
City, State, Zip <u>La Porte IN</u>	Email <u>Scottsdynamic@gmail.com</u>

Premises Affected

Parcel ID Number <u>46-10-02-138-010.000-043</u>				
Address or General Location <u>316 I Street</u>				
Total Acreage <u>65.465</u>		Flood Zone? <u>No</u>		
Zoning <u>Res 1</u>		Land Use <u>Vacant lot</u>		
Request <u>to put commercial paved lot for 7 cars for overflow at 325. St.</u>				
Zoning of Adjacent Properties	North: <u>Res 1</u>	South: <u>Res 1</u>	East: <u>Res 1</u>	West: <u>Res 1</u>
Land Use of Adjacent Properties	North: _____	South: _____	East: _____	West: _____

The above information and attached exhibits, to my knowledge and belief, are true and correct.

Signature of Applicant _____

Signature of Notary _____

Notary Public's Name (printed) _____

Subscribed and sworn to before me this _____ day of 20____

Attachment A: Consent of Property Owner

Property owner needs to sign and complete this form only if different from applicant

I (we) Scott A. Roberts
Name(s)

After being first duly sworn, depose and say:

- That I/we are the owner(s) of the real estate located at:

316 I of LaPorte TN, 46350
(Address)

- That I/we have read and examined the Application, and are familiar with its contents.
- That I/we have no objection to, and consent to such request as set forth in the application.
- That such request being made by the applicant (Rory Bunge is) is not) a condition to the sale or lease of the above referenced property.

(AFFIANT)

[Signature]



CAROL LISOSKI, Notary Public
LaPorte County, State of Indiana
Commission No. 694429
My Commission Expires: February 19, 2025

STATE OF INDIANA)

COUNTY OF LaPorte)^{SS:}

Subscribed and sworn to before me this 15th day of February, 2024

Carol Lisoski, Notary Public

My Commission expires: 2.19.25 County of Residence: LaPorte