

## BOARD OF ZONING APPEALS

The Board of Zoning Appeals of the City of La Porte held a meeting on October 11th, 2022, at 6:00 p.m. with Chairperson Pete Saunders presiding and the following in attendance:

Drew Buchanan

Vickie Gushrowski

Brian Kajer

And the following absent:

None

Chairperson Saunders asked the board if they had reviewed the minutes from the July 12<sup>th</sup>, 2022, meeting and if there were corrections or additions. Hearing none he asked for a motion to approve the minutes. Mrs. Gushrowski made a motion to approve the minutes and Mr. Buchanan 2<sup>nd</sup> the motion. Motion carried and minutes were approved.

### 1530 Michigan Ave

#### Use Variance #22-07 Petition: To allow Four-Unit Multifamily Residential Dwellings

Mr. David Heinold explained that the applicant wrote a letter seeking a deferral until November's meeting. Mr. Kajer made a motion to allow the applicant to defer until November's meeting. Mrs., Gushrowski 2<sup>nd</sup> the motion and a continuance was granted.

## **2927 Silverbrook**

### **Use Variance #22-04 Petition: To allow Two Family Dwelling**

Mr. John Christodoulakis, the owner of the property explained that the property is zoned for a two-family dwelling however the previous owner reverted it back to single family. He would like to fix the property up and rent out both sides. Mrs. Gushrowski asked if he was planning to take the pool in the back down and make improvements. Mr. Christodoulakis stated that he has already began improvements including removal of the pool as well as roof and other items. Mr. Buchanan shared that he drove the neighborhood and noted that most of the homes in the area are duplex/two family homes.

Public comment was opened. There were no public comments.

Mr. Kajer made a motion to approve the use variance, Mrs. Gushrowski 2<sup>nd</sup> the motion and the variance was granted.

## **1301 5<sup>th</sup> Street**

### **Special Exception Use #22-05 Petition: To Allow Expansion of Commercial Mini-Storage Units**

Mr. Tyler Watkins the Vice President of Strategy and Finance for Kabelin Ace Hardware and Mr. Andrew Voltz began by explaining there is a need for self-storage, and they are looking to acquire land next to their store to provide mini storage units. They are looking to expand their current storage from 32 to 340 units when they are all done. It will have state of the art technology and the site will have a wrought iron fence with landscaping around the perimeter to keep the home feel in the neighborhood. Mr. Saunders asked if this is purely for storage and not business operating? Mr. Watkins answered

by saying it will be just storage. This will not be a 24-hour self-storage site. There will be business hours and will also have security cameras on site as well. He also said there is already electricity on site, and they plan to do drainage under the site and plan to use the utilities that are already onsite.

Public comment was opened. There were no public comments.

Mrs. Gushrowski asked how will the lighting affect the neighbors? Mr. Watkins explained that the lighting will have to go “straight down” and not outward.

Mr. Saunders asked what they will do to make sure that nothing injurious or combustible be stored in the units. Mr. Watkins explained that they will have signs posted and it will also be stated in the contract. Mr. Voltz added that they can add verbiage in the contract that would allow self-inspection by the property owner to make sure certain things are not being stored in the units.

Mr. Kajer asked about the operating hours. Mr. Watkins stated “plus or minus 10 pm but not 24 hours. Mr. Kajer also asked what the lot would be made up of? Mr. Watkins explained the intention is a slab of concrete under each building going out 3 to 6 inches from where the building ends and asphalt everywhere else. Mr. Kajer also asked if the existing buildings are going to remain or replaced. Mr. Watkins explained that the existing buildings will be demolished and replaced with state-of-the-art technology buildings.

Mr. Buchanan asked if there will be outdoor storage for campers, boats, etc.? Mr. Watkins stated that there will not be outdoor storage available at this location.

Mrs. Gushrowski asked David Heinold about conditions set in the staff report. David then read the following:

Staff finds that approval of the special exception use petition to allow expansion of the existing commercial self-storage unit facility is consistent with the Countywide Comprehensive Land Development Plan. Staff

recommends **approval** of Special Exception Use Petition #22-05 with the following conditions:

- (1) The minimum building and parking setback shall be 20 feet from the western property boundary.
- (2) The side yards adjacent to residential land uses shall include wrought iron or similar decorative fencing and landscaping. Landscaping must be a minimum of 6 feet tall.
- (3) The subject property shall be limited to storage within completely enclosed buildings.
- (4) All lighting shall be directed downward onto the subject property. Lighting must adhere to the requirements provided in Table 17.04 Required Site Illumination of the 2017 City of La Porte Revised Joint Zoning Ordinance.
- (5) There shall be no storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code, or toxic materials, within the self-storage buildings or upon the premises at any time.

Mr. Drew Buchanan made a motion to approve the request with the conditions, Mr. Brian Kajer 2<sup>nd</sup> the motion and the special exception was granted.

### **1505 Lincolnway**

#### **Special Exception Use #22-06 Petition: To Allow Major Automobile Body Collision Repair and Paint Shop**

Ryan Leaf from Legacy Commercial Property has owned the property at 1505 Lincolnway since 1992 and he began his career with Family Video. Marco's Pizza also occupies the building, and they are a franchised owner. Caliber Collision are a repair body shop for automobiles. They formed in 1997 and

have grown quickly to 1500 locations. They are a highly sought-after tenant as they invest in their communities with high paying jobs. 1505 Lincolnway is roughly 1.3 acres and has multiple access points so there won't be an issue with bottlenecks. The building currently has 12,000 square feet of vacancy and is what Caliber would need to occupy the building. This would be well over a million-dollar capital improvement to the building and the site. Brett Flory, the architect for the owner of the building explained they would be renovating most of the building and that he works with Caliber to design most of their buildings. They would put up an eight-foot steel picket type of fence with masonry columns to make it more appealing and revitalize the building. Caliber does all their work inside their buildings and there would be no additional sound added outside of the building. They use all the latest technology in their buildings along with using high quality painting equipment and would meet all air quality requirements. Caliber would add roughly twenty employees with the painter making over \$100,000 dollars a year which would help with tax revenues because they try to buy all parts locally. Their corporate slogan is, "Restoring the rhythm of your life," and they want to follow that slogan.

Public comment was opened. Jason (inaudible last name) who also works for Highland Ventures, explained that in February/March of 2021 Family Video closed and there has been a full court press to try and lease out multiple Family Video locations including 1505 Lincolnway. There is also a team in their offices to try to bring people into the vacant buildings and in the last year and a half there hasn't been any interest in 1505 Lincolnway. He explained that have been homeless issues at this building and having a tenant will help with not only homeless issues but also vandalism. There was no other public comment and public comment was closed.

Chairperson Saunders opened the discussion to the board members. Mr. Kajer asked about fencing. Brett Flory answered by saying they would install a steel picket fence that would be 8 foot tall with added masonry columns every so often with heavy landscaping plus a black mesh that will provide a screen that you can't see through. Caliber would have their own security

system and any wrecked vehicles will be stored behind the fence/mesh and totaled vehicles are removed within twenty-four hours. Mr. Pete Saunders asked David Heinold to explain staff recommendations and to also read Mr. Bert Cook's letter. David showed photos of the location and surrounding areas. He then read the following staff report:

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

The proposed location for the automobile body collision repair and paint shop presents major conflicts with existing commercial, retail, medical, and residential land uses due to the proximity of the Central Business District less than a quarter mile to the northeast.

**(2) 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.**

Approval of the special exception use for an automobile body collision repair and paint shop would be injurious to the use and enjoyment of surrounding restaurants, residential, and retail establishments. The establishment of a special exception use for an automobile body collision repair and paint shop will inhibit the normal and orderly development of surrounding properties for permitted land uses. The subject property is located in or adjacent to an area of the city which has been and will continue to be focused on redevelopment of uses that are typically related to and compatible with medical, mixed-use residential, office and commercial and downtown-adjacent uses.

**(3) 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.**

The proposed special exception use involves operations that typically cause noise, odor, fumes, vibration, illumination hazards, and other negative effects which are detrimental to the health, safety, or general welfare of surrounding properties and pedestrian traffic.

**(4) 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.**

The proposed use will be operated from an existing building that has access to highways, streets, police and fire protection, drainage structures, water and sewage systems, refuse disposal and schools. The petitioner will need to obtain necessary approvals from the appropriate governing body regarding ingress and egress from the proposed use.

- (5) 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.**

The proposed development of the property for an automobile body collision repair and paint shop would significantly alter the intended character of the general vicinity based upon the Countywide Comprehensive Land Development Plan objective to create walkable, user-friendly neighborhoods where residents have the choice to walk to schools, nearby institutions, and at least basic commercial services. The general neighborhood area has developed with a mixed variety of commercial retail, restaurants, office, medical, and residential land uses that encourage more walkable neighborhoods. The subject property is located in or adjacent to an area of the city which has been and will continue to be focused on redevelopment of uses that are typically related to and compatible with medical, mixed-use residential, office and commercial and downtown-adjacent uses.

- (6) 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.**

The approval of the special exception use to allow an automobile body collision repair and paint shop will be contrary to the general purposes served by the 2017 City of La Porte Revised Joint Zoning Ordinance to promote the best use of land at strategic locations and avoid encouraging marginal strip business development along major streets. The proposed use is incompatible with surrounding medical and retail and restaurant uses in terms of odor, fumes, noise, and other negative effects often associated with automobile body collision repair and paint shop uses.

**(7) County 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 County Land Development Plan.**

The proposed use will negatively affect the general character of the zoning district where the subject property is located. The Countywide Comprehensive Land Development Plan recommendations state that urbanized areas should encourage development that promotes a walkable neighborhood center. The subject property is located in or adjacent to an area of the city which has been and will continue to be focused on redevelopment of uses that are typically related to and compatible with medical, mixed-use residential, office and commercial and downtown-adjacent uses.

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

Article 14, Section 14.05 of the 2017 City of La Porte Revised Joint Zoning Ordinance states that Vehicle Service and Repair Shops must adhere to the following requirements:

- (1) All repair work shall be conducted completely within an enclosed building.
- (2) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles awaiting repair shall not be stored outdoors for more than seven (7) days and shall be screened with an eight (8) foot high screen wall in accordance with section 17.03.
- (3) There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site plan which extends no more than 10 feet beyond the building.

**STAFF RECOMMENDATION:**

Staff finds that approval of the special exception use petition to allow an automobile collision repair and paint shop is not consistent with the Countywide Comprehensive Land Development Plan and the general character of the surrounding area. Staff recommends **denial** of Special Exception Use Petition #22-06.

Mr. David Heinold then went on to read the attached letter from Mr. Bert Cook, Executive Director of La Porte Economic Advancement Partnership.



Mr. Craig Phillips  
Director of Community Development and Planning  
City of La Porte  
801 Michigan Avenue  
La Porte, IN 46350



Re: 1505 Lincolnway—Major Automobile Collision Repair and Paint Shop

Mr. Phillips,

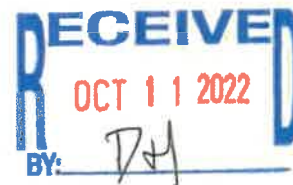
As the Executive Director of the La Porte Economic Advancement Partnership (LEAP) I am writing to express my concern with the proposal to build a Major Automobile Collision Repair and Paint Shop at 1505 Lincolnway. The project requires a Special Exception from the Board of Zoning Appeals to proceed and will be heard on October 11<sup>th</sup>, 2022.

As you know LEAP focuses a good deal of its efforts on developing or redeveloping the City of La Porte. This area recently experienced major growth with the construction of the new Northwest Health La Porte Hospital and subsequent medical office buildings. The area continues to grow, and the demolition of the old hospital will only expedite the continued development in this area. The proposal to build a collision repair center conflicts with the neighboring uses in this area and is not a fit with our strategic plan for this corridor. While we appreciate their desire to invest in La Porte, we feel this would be far better suited for other areas of the City and/or county.

Please feel free to let me know if you have any questions or need further information.

A handwritten signature in blue ink, appearing to read "Bert Cook".

Bert Cook  
Executive Director  
La Porte Economic Advancement Partnership  
(219) 324-8584



Chairperson Saunders opened the meeting up for response from the petitioner.

Brent Conley asked Mr. David Heinold for current examples of what is allowed to operate at 1505 Lincolnway under the current zoning. Mr. Heinold explained that retail and restaurant would be acceptable. Mr. Conley asked if several stores would be acceptable such as liquor stores, smoke shops or tattoo shops would be acceptable. He then said, "I think you can see where we are going with this." He made it clear that being invested in the community breeds further success and he feels that they were able to meet each line item that Mr. Heinold spoke about in the staff report. He also had concern about the ease of access with pedestrian traffic and values the pedestrian traffic, but he doesn't feel that in the thirty years there was never strong pedestrian force that made an impact on his business.

Mr. Ryan Leaf went on to explain that this business would bring in eighteen fulltime jobs with salaries ranging from \$25,000 to \$110,000 with an average payroll payout annually around 1.2 to 1.4 million dollars. Regarding the staff concerns he doesn't feel that this is an accurate representation of what this project is, and Caliber Collision is the gold standard of an autobody shops. He believes this will improve pedestrian traffic because it will no longer be a vacant building and will make the area look much better.

Mr. Saunders shared his concern about vehicles being stored outside while they are waiting to be repaired. Mr. Brett Flory explained that they reduced the footprint of where cars would be stored so there won't be a large number of cars sitting outside and it's a week or two at max for cars to sit in this location. Mr. Flory explained that Caliber is a very "green company" and uses water-based paints and eventually will use water based clear coat.

Mr. Craig Phillips addressed the floor by saying he agrees with Mr. Bert Cook's letter that there are better locations for this business within our city. The city has goals moving forward to continue the trajectory of what has already been happening in the Lincolnway corridor to the west of downtown. The medical community has invested substantially, and we plan to see more investment after the demolition of the old hospital in the next month. Mr. Phillips stated that he looked at where Caliber Collisions are located, and they are located on major roads just not in downtown areas. They are usually located on the edges of towns typically where car lots are located. Mr. Phillips explained that we would love to work with Caliber Collision, and we would welcome them to our community just in a different location.

Mrs. Gushrowski added that she feels the location may not be the best option and Mr. Buchanan agreed.

Mr. Pete Saunders made a motion to approve the petition and the board voted nay. There were four votes of nay and no votes of approval. The petition was denied.

### **120 Eastshore Parkway**

#### **Variance of Development Standards #22-08 Petition: To Reduce the Minimum Rear Yard Setback From 25 Feet to 12 Feet**

Mr. David Ambers on behalf of John C. Diedrich Living Trust dated 03-16-2007 to request a variance of development standards. This property is so narrow which is why they were seeking this variance. Mr. Diedrich wants to build this

building to help young entrepreneurs with an office space and workspace which is a building he started out in when he was younger.

Mr. Pete Saunders opened the meeting for public comment. Mr. Ed Fay, owner of Fay's Marina stated that he had some concern regarding the overhead doors in the back of the building. He was told that the doors will be in the front and with there only being thirteen feet property there and a big truck would take more room than that to turn in. He just wanted some clarification and wants the land to be developed.

Mr. Ambers confirmed the overhead doors will be in the front of the building and will not cause any issues.

There wasn't any further public comment and public comment was closed.

Mr. Pete Saunders asked if the board had any questions or comments. There were none.

Mrs. Gushrowski made a motion to approve the variance and Mr. Buchanan 2<sup>nd</sup> the motion. The variance was granted.

There was no old business.

There was no new business.

There was no other business.

Mr. Brian Kajer made a motion to adjourn and Mrs. Vickie Gushrowski 2<sup>nd</sup> the motion. Meeting was adjourned.

Respectfully Submitted,

Mr. Pete Saunders,  
Chairperson

Minutes prepared by Jamie Novak, Engineering Assistant Project Manager