

## **BOARD OF ZONING APPEALS**

The Board of Zoning Appeals of the City of La Porte held a meeting on April 11th, 2023, at 6:00 p.m. with Chairperson Brian Kajer presiding and the following in attendance:

Vickie Gushrowski

Drew Buchanan

### **Approval of Minutes**

Brian Kajer asked the board if they had reviewed the minutes from the March 14<sup>th</sup>, 2023, meeting and if there were corrections or additions. Drew Buchanan made the motion to approve minutes and Vickie Gushrowski 2<sup>nd</sup> the motion. Motion passed three to zero.

### **Item 4. VARIANCE OF DEVELOPMENT STANDARDS #23-05 PETITION: TO REDUCE THE MINIMUM SOUTH SIDE YARD SETBACK FROM 8 FEET TO 2 FEET WHERE PRECUIOUS ENCLOSED PORCH EXISTED AND TO ALLOW AN ADDITION TO THE SOUTHWEST CORNER OF THE EXISTING SINGLE-FAMILY RESIDENCE.**

Dave Ambers approached and commented on how the petition the way it is worded might not be currently correct. Dave then passed out papers showing the measurements of setbacks and dimensions on the proposed build and the staff report on what was approved in the last meeting. He then explained his case and again positioned that they are still in adherence to the rules of the waterfront district.

Bill Nelson, the attorney for the demonstrators argued that because it is close enough to the same project as before that this petition should not even be heard for a year. He then talked about the last position and zoning of the property, he stated they are not opposed to them building but need to adhere to the waterfront district rules. He talked about protecting the lake views and why they shouldn't be built within the setback. Bill showed photos combatting Dave Ambers about the footprint of the home, stating the porch was not and is not part of the footprint of the home. Bill then brought up the waterfront standards and claims Dave didn't talk about any of those standards.

Dave Ambers approached to rebuttal about the layout and how they are positioning because it isn't an addition but a replacing what was existing and add a screened in porch on top that wouldn't obstruct views.

David Heinold then read the staff report.

Drew Buchanan asked why the petitioner could apply again.

The Attorney, Mark Worthley answered that the layout was different enough that he deemed that they could apply again. Vickie Gushrowski asked for clarification on what the difference is from the last petition to this one. The Attorney clarified that this request is different from the last one and explained the difference between what they approved last time to what is positioned now.

Dave Ambers and Bill Nelson argued about what is allowed to be built. Craig Phillips stepped in to clarify what is allowed. To be able to build a second story on what would be a replacement for what existed they would need to have an appropriate foundation. With the previous build they would not have the correct foundation for a second story and as it sits now, they are only approved to rebuild exactly what they had before.

Drew Buchanan motioned to deny the Variance of Development Standards Petition #23-05 and Vickie Gushrowski 2<sup>nd</sup> the motion. The motion to deny Variance of Development Standards Petition #23-05 passed 3 to 0.

### **Old Business**

Brian Kajer asked if there was any old business. There was not any old business.

### **New Business**

Brian Kajer asked if there was any new business. There was not any new business.

### **Other Business**

Brian Kajer asked if there was any other business. There was not any other business.

### **Adjournment**

Vickie Gushrowski made a motion to adjourn the meeting Drew Buchanan 2<sup>nd</sup> the motion. Motion passed 3 to 0.

Respectfully Submitted,  
Brian Kajer, Vice Chairperson

Nickolas Owens, Secretary