



City of La Porte Board of Zoning Appeals Meeting Minutes	
Tuesday, August 8, 2023 at or after 6:00 PM Immediately upon conclusion of Plan Commission meeting	
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, August 8, 2023 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 6:08 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:
Pete Saunders, Chair		Mark Worthley, BZA Attorney
Vickie Gushrowski		David Heinold, City Planner
Brian Kajer		Craig Phillips, CDP Director
Mark Danielson		
Drew Buchanan		

ITEM 3. Approval of Minutes: June 27, 2023 Meeting Minutes

Chair Pete Saunders called for any changes or corrections to the June 27, 2023 Meeting Minutes. There being no changes or corrections to the meeting minutes, Vickie Gushrowski made a motion to **approve the June 27, 2023 Meeting Minutes** and the motion was seconded by Brian Kajer. The motion passed 5-0.

ITEM 4. **SPECIAL EXCEPTION USE #23-11 PETITION: To Allow Philanthropic and Eleemosynary Support Services**

Applicant: HOI-Ivy Flats, LLC

Property Owner: La Porte Community School Corporation

Address: 205 Rumely Street

Staff Report: David Heinold

Applicant Presentation

Chair Pete Saunders called for the petitioner to present the variance petition.

Jordan Stanfill identified himself as the CEO of Housing Opportunities, Inc. and petitioner for this special exception use petition. Mr. Stanfill explained the proposed use and special exception use petition.

Vickie asked the petitioner what kinds of support services will be available on site.

Mr. Stanfill explained that there will be direct resident support services and primary behavioral health services provided by HealthLinc staff.

Staff Presentation

Chair Saunders called for a staff report presentation.

David Heinold, Assistant City Planner, presented the staff report and recommendation for the special exception use petition.

Public Comment

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

Aurelio Melgoza, 204 North St., stated that he cannot support the proposed use in a single-family neighborhood. He added that we are trying to improve the neighborhood and mentioned concerns about the proposed use making things worse.

Keri Mars-Barron, 205 North St., stated concerns regarding children, streets, and making sure that all of the services can be able accessible to all. She mentioned that this is not the right area for the proposed use. She also mentioned that the residential neighborhood has seen an increase in traffic. She explained that the residential neighborhood consists of families with mixed incomes.

Bob Wayer, 412 Niles St., stated that he agrees with Keri's concerns and mentioned that there is a lack of support for ordinance enforcement in the neighborhood. He added that he cannot support this use if we cannot enforce the ordinances. He mentioned that there has been a vehicle sitting on Niles Street on jack stands and also a pickup truck vehicle at 403 Niles Street.

Randy Milcoff, 309 Rumely St., mentioned that we don't know property values will stay the same or not be impacted by the proposed use. He added that he doesn't support the proposed use in a normal single family residential neighborhood because it will bring 16 more units of persons with disabilities. He stated concerns that there has been no plan presented for what children living in the facility can do on site with no play areas. He also mentioned concerns that people and children will have to cross Lincolnway on foot to get to stores for daily necessities. He stated that there have been 19 police calls at the Michigan Avenue Housing Opportunities location in a year.

Tammy Lawrence, 311 Rumely St., mentioned that she has lived in the neighborhood for 18 years and stated concerns for children's safety. She continued to mention that she was seriously disturbed with their safety regarding the approval of the proposed use. She mentioned that she obtained the police records from the La Porte Police Department for the past year at 1106 Michigan Avenue that showed police reports for sex offense, burglary, car theft, trespassing, search warrants, domestic violence, and suspicious vehicle activity. She stated a potential for negative impact on personal safety in our neighborhood with the proposed use.

Aurelio Melgoza, 204 North St., stated that he does not support the proposed use to keep our community safe.

Randy Milcoff, 309 Rumely St., mentioned that the facility in Portage, Indiana is nowhere near a residential neighborhood and not the same as the proposed use.

Patty Simpson, 317 Talley St., stated that she objects to the support services because of the caliber of people it would bring to the neighborhood. She mentioned concerns that there is no green space that the residents will need as part of their personal development. She stated safety concerns to our neighborhood regarding the proposed use.

Maria Amor, 318 East Jefferson Ave., stated support for approval of the special exception use at this location.

Mayor Tom Dermody stated that he appreciates Tammy bringing the police reports. He mentioned that he spoke with Chief Paul Brettin about police calls that warrants are being served. He added that we want our police to follow up and make sure the community is safe. He further mentioned that we do walk the streets and want to keep people safe in their neighborhoods.

Chair Saunders called for additional public comment. There being no further public comment, Chair Saunders closed the floor to public comment.

Applicant Response

Mr. Stanfill explained that the proposed facility will not be a recovery house or a shelter.

Mark Danielson asked what the hours of operation will be for the proposed facility.

Mr. Stanfill explained that the building will be open from 8 am to 5 pm, Monday through Friday, and have maintenance staff and other property management support staff available 24/7 for emergencies.

Mark Danielson asked how many residents will be in the building at one time.

Mr. Stanfill explained that there will be approximately 36 residents in the building.

Vickie Gushrowski questioned if there was study for how much parking will be needed on site.

Mr. Stanfill explained that they designed the parking lot to accommodate the required number of parking spaces per the City's Zoning Ordinance for the proposed uses. He continued to mention that the 32 parking spaces will be adequate based on similar facilities.

Pete Saunders asked the petitioner if he can explain the type of individuals that will reside in the proposed facility.

Mr. Stanfill explained that at least one person in the units has to have a qualified disability, which is typically includes either individuals with a physical disability or a chronic health condition. He continued to mention that some may also have a mental illness, substance abuse addiction issues, or developmental disabilities. He added that 25% of the residents may have or had some kind of addiction issue.

Mark Danielson questioned what the percentages of the other identified disabilities among the resident population.

Mr. Stanfill explained 50-60% of the residents would have some form of physical disability or a chronic health condition. He also mentioned that 25% may have some kind of addiction issue and the remaining percentage may have an identified mental illness or developmental disability.

There was additional discussion amongst the board and petitioner regarding the amount of parking for the proposed use.

Board Discussion/Action

Drew Buchanan made a motion to **approve Special Exception Use #23-11 Petition** based on the zoning ordinance and the motion was seconded by Vickie Gushrowski. The motion to **approve** passed 5-0.

Special Exception Use #23-11 Petition – Approved

ITEM 5. **VARIANCE OF DEVELOPMENT STANDARDS #23-12 PETITION: To Extend the House Foundation within the minimum front yard setback to Connect the House to the Detached Garage**

Applicant: Claudia Winter

Property Owner: Mark Bruso

Address: 1211 Indiana Avenue

Staff Report: David Heinold

Staff Presentation

Chair Pete Saunders called for staff to explain the request.

David Heinold, City Planning, explained that the petitioner is requesting a deferral until the September 12, 2023 Board of Zoning Appeals meeting to allow the petitioner to revise the variance of development standards petition for presentation at the next meeting.

David explained to the meeting attendees that Variance of Development Standards #23-12 Petition will be heard at the September 12th, 2023 Board of Zoning Appeals meeting in City Hall Council Chambers at 6:00 pm.

ITEM 6. **SPECIAL EXCEPTION USE #23-13 PETITION: To Allow for Watercraft Sales**

Applicant: MTC Investments, LLC and LaPorte Chrysler, Inc.

Property Owner: same

Address: 1309 Pine Lake Avenue

Staff Report: David Heinold

Applicant Presentation

Christopher Willoughby, Braje, Nelson, & Janes, LLP, identified himself as the attorney representing the applicant to present the Special Exception Use Petition to allow watercraft sales. Mr. Willoughby presented the applicant's request to allow for watercraft sales and explained their perspective of the proposed use impact on the surrounding area.

Staff Presentation

David Heinold, City Planning, provided a brief summary of the staff report and recommendation for the special exception use petition. David explained the criteria for consideration of the special exception use petition.

Mark Danielson questioned what kind of service would be apart of the watercraft sales use.

Mr. Willoughby explained that it is not the intention of the applicant to operate a boat repair shop, but to have the ability to service the boats sold in the existing building.

Public Comment

Chair Saunders opened the meeting to public comment and called for public comments either for or against the Special Exception Use Petition.

Timothy Barton, 323 Outlook Cove, mentioned noise concerns about the existing automobile sales and service operation. He added that the existing operation is currently using the turn lane on the state highway for loading and unloading purposes at all hours of the day. Mr. Barton asked where they will unload and store the boats to be sold. He mentioned that there should be no parking signs put up along the road as it is a turn lane.

There was discussion amongst the board and applicant regarding the applicant's intended purpose to be able to allow trade in boats as a part of the sale of an automobile at their existing facility.

Chair Saunders called for additional public comment. There being no further public comment, Chair Saunders closed the floor to public comment.

Board Discussion/Action

Mr. Willoughby appreciates the concern of neighboring residents, but explained that they left the request general for their intended purpose to exchange boats.

There was discussion amongst the board and applicant regarding the intent of the proposed watercraft sales to sell small recreational boats on the subject property.

Pete asked the petitioner how many boats would be sold on the property.

Mr. Willoughby explained that the number of boats at the highest end would be similar to what exists at other similar businesses in the area. He further added that the intention of the proposed use is not to be a retail boat shop.

Mark Danielson asked the petitioner what the intended purpose of the proposed watercraft sales.

Mr. Willoughby explained that the intention of the proposed watercraft sales is to allow for trade-in boats for automobiles.

There was additional discussion amongst the board regarding the intended use for watercraft sales of the subject property.

Brian Kajer made a motion to **approve the Special Exception Use #23-13 Petition** and the motion was seconded by Mark Danielson. The motion to **approve** passed 5-0.

Special Exception Use #23-13 Petition - Approved

ITEM 7. Old Business

There was no old business.

ITEM 7. New Business

There was no new business.

ITEM 8. Other Business

A. Public Comments on Non-Agenda Items

There was no public comment on non-agenda items.

ITEM 9. Adjournment

Mark Danielson made a motion to **adjourn** and the motion was seconded by Vickie Gushrowski. The motion to **adjourn** passed 5-0. The meeting was **adjourned** at 7:15 pm.

Pete Saunders, Chair

David Heinold, Secretary