



City of La Porte Board of Zoning Appeals Meeting Minutes	
Tuesday, February 13, 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, February 13, 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 Vice Chair Brian Kajer at 6:04 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	Pete Saunders, Chair	Mark Worthley, BZA Attorney
Vickie Gushrowski		David Heinold, City Planner
Mark Danielson		Craig Phillips, CDP Director
Nate Loucks		

ITEM 3. Election of Officers for 2024 (Chair and Vice Chair)

Vice Chair Brian Kajer called for nominations for the election of officers for 2024. Mark Danielson made a motion to **nominate Pete Saunders as Chair and Brian Kajer as Vice Chair** and the motion was seconded by Vickie Gushrowski. The motion passed 4-0.

ITEM 4. Approval of Minutes: December 12, 2023 Meeting Minutes

Vice Chair Brian Kajer called for any changes or corrections to the December 12, 2024 Meeting Minutes. There being no changes or corrections to the meeting minutes, Vickie Gushrowski made a motion to **approve the December 12, 2023 Meeting Minutes** and the motion was seconded by Mark Danielson.
The motion passed 4-0.

ITEM 5. Findings of Fact Letter: December 12, 2023 Findings of Fact Letter

Vice Chair Brian Kajer called for approval of the December 12, 2023 Findings of Fact Letter. Mark Danielson made a motion to **approve the December 12, 2023 Findings of Fact Letter** and the motion was seconded by Vickie Gushrowski. The motion passed 4-0.



ITEM 6. Use Variance # 24-01 Petition to Allow Fourteen (14) Residential Townhomes in the B2 General Commercial District; and **Variance Petition** to Allow Reduction of the South Side Yard Setback to Zero (0) Feet

Type of Request: Use Variance

Staff Report: David Heinold

APPLICANT

Name – G.M. Fedorchak & Associates, Inc. (Jerry Fedorchak)

PROPERTY OWNER

Name – Infinite Commercial Development (same as applicant)

PREMISES AFFECTED

Parcel Number – 46-06-26-177-001.000-043				
Actual/approximate address or location from major streets – 145 East Shore Parkway				
Total Acreage – 1.11 acres		Flood Zone on Site? - No		
Zoning of Subject Property – B2		Use of Subject Property – Vacant Lot		
Zoning of Adjacent Properties	North: R1B/R2A	South: B2	East: R1B	West: B2
Land Use of Adjacent Properties	North: Residential	South: Health Foundation of La Porte	East: Residential	West: Multi-Unit Office Buildings

SUMMARY: The petitioner proposes to allow construction of fourteen (14) residential townhomes in the B2 General Commercial District as part of Use Variance #24-01 Petition. The petitioner is also requesting a variance of development standards to reduce the south side yard setback to zero (0) feet.

HISTORY OF SITE: Per the site aerial image, the total parcel is 1.11 acres and is currently zoned B2 (General Commercial District). Historically, the property has been a vacant lot. The western portion of the subject property has multi-unit office buildings. The subject property requires a use variance petition to allow fourteen (14) residential townhomes in the B2 General Commercial District as part of the Use Variance #24-01 Petition. The petition also requires a reduction in the south side yard setback to zero (0) feet along a shared property line with the City of La Porte utility lift station located at the corner of West McClung Road and East Shore Parkway to accommodate the proposed residential townhomes.

DESCRIPTION OF PROPOSED USE VARIANCE:

The petitioner is requesting a use variance to allow the construction of fourteen (14) residential townhomes in the B2 General Commercial District as part of the Use Variance #24-01 Petition. The petitioner is also requesting a variance of development standards to reduce the south side yard setback to zero (0) feet.

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 was held on February 7, 2024 and the meeting notes are attached to the staff report for review of City staff comments on the proposed development.

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 the construction of fourteen residential townhomes will not be injurious to the public health, safety, morals, and general welfare of the community. The approval of residential townhomes will allow efficient use of the subject property to achieve the goals and objectives of the Countywide Land Development Plan to allow residential and commercial infill development that is consistent with established neighborhood patterns and character. The proposed residential townhomes within the B2 General Commercial District are compatible with existing single family dwellings, townhomes, offices, and institutional land uses on properties in the immediate vicinity. The approval of a variance request to reduce the side yard setback will not be injurious to the public health, safety, morals, and general welfare of the community because the south side yard is located adjacent to a small existing public utility lift station property on the corner of East Shore Parkway and McClung Road.

(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 not be affected in a substantially adverse manner with the approval of a use variance to allow the construction of fourteen (14) residential townhomes to already permitted land uses in the B2 General Commercial District. The addition of residential townhomes at the intersection of West McClung Road and East Shore Parkway will result in the most efficient use of land and public services at strategic locations in the City of La Porte. The proposed residential townhomes within the B2 General Commercial District are compatible with existing single family dwellings, townhomes, offices, and institutional land uses on properties in the immediate vicinity.

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

The need for the variance arises from the condition that the current zoning of the subject property allows residential dwellings in mixed use buildings, but not in separate residential townhomes. The proposed use variance to allow construction of fourteen (14) residential townhomes is compatible with the already permitted land uses in the B2 General Commercial District by serving the intent of the zoning district to integrate a cluster of land uses to avoid marginal strip development along major streets in the City of La Porte. The layout of the subject property allows for the efficient use of a small corner parcel for fourteen attached residential townhomes.

The need for the variance of development standards to reduce the minimum south side yard building setback to zero (0) feet arises from the condition that a small corner piece of the subject property was split off to allow for installation of a public utility lift station at the corner of East Shore Parkway and

McClung Road. The minimum south side yard setback was created when the adjacent property was split off, which the proposed residential townhomes would be in full compliance with the minimum twenty-five (25) foot front yard setback.

(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 the construction of fourteen (14) residential townhomes in the B2 General Commercial District will constitute an unnecessary hardship for the subject property of the requested variance because the zoning district already permits residential dwellings in mixed-use buildings. The strict application of the minimum south side yard setback would not allow residential townhomes without a fire-rated wall adjacent to the neighboring property.

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

The approval of the requested use variance does not interfere substantially with the Countywide Land Development Plan because the plan encourages the majority of new development to take place in and near existing cities and towns where residents will have easy access to a range of public and private services. The Plan also encourages eliminating unintended regulatory impediments to residential and commercial infill development that is consistent with established neighborhood patterns and character. The result of this objective allows redevelopment of property using existing infrastructure that reduces the need for expansion of public utilities.

STAFF RECOMMENDATION:

Staff finds that the proposed use to allow the use variance with the construction of fourteen (14) residential townhomes in the B2 General Commercial District and to allow the variance of development standards to reduce the minimum south side yard building setback to zero (0) feet is consistent with the existing neighborhood character of mixed residential and office land uses in the immediate vicinity. Staff recommends **approval** of the petitioner's request allow fourteen (14) residential townhomes in the B2 General Commercial District as part of Use Variance #24-01 Petition and to allow the variance of development standards to reduce the minimum south side yard building setback to zero (0) feet.

Submitted to the Board of Zoning Appeals February 8th, 2024.

Applicant Presentation

Jerry Fedorchak, representative for G.M. Fedorchak & Associates, explained the use variance request

to allow 14 multifamily residential townhomes in the B2 General Commercial District and the variance to reduce the minimum south side yard setback to zero feet.

Nate Loucks questioned if the setbacks on the northwest side are appropriate. City staff confirmed that the setbacks on the northwest side meet the zoning ordinance requirements.

Nate Loucks questioned if there are plans to extend residential to the north of the subject property. Craig Phillips, Community Development and Planning Director, explained that the variance request is appropriate for allowing horizontal mixed use on the subject property and the potential for residential to the north in the future.

Staff Presentation

David Heinold, Assistant City Planner, explained the staff report and recommendation for the use variance petition and the variance to reduce the minimum south side yard setback to zero feet as part of the Use Variance #24-01 Petition.

Public Comment

Vice Chair Brian Kajer opened the meeting to public comment and called for public comments either for or against the use variance petition.

There was no public comment on the use variance petition or variance of development standards request.

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

Board Discussion/Action

Vickie Gushrowski made a motion to **approve the Use Variance #24-01 and the variance of development standards to reduce the minimum south side yard setback to zero feet 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

Mark Danielson made a motion to **adjourn** and the motion was seconded by Vickie Gushrowski. The motion to **adjourn** passed 4-0. The meeting was **adjourned** at 6:20 pm.

Brian Kajer, Vice Chair

David Heinold, Secretary