



<b>City of La Porte Board of Zoning Appeals Meeting Minutes</b>	
<b>Tuesday, March 12, 2024 at 6:00 PM</b>	
<b>City Hall Council Chambers, 801 Michigan Ave.</b>	
<a href="http://www.cityoflaporte.com">www.cityoflaporte.com</a>	<b>(219) 362-8260</b>

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:

<b>Members Present:</b>	<b>Members Absent:</b>	<b>Staff Present:</b>
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



<p><b><u>ITEM 4. Variance of Development Standards # 24-01 Petition</u></b> to allow Reduction of the Minimum Off-Street Parking Requirements from Fifty-Two (52) to Ten (10) Parking Spaces</p>
<p><b>Type of Request:</b> Variance of Development Standards</p>
<p><b>Staff Report:</b> David Heinold</p>

**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.

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Pete Saunders, Chair

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David Heinold, Secretary