



City of La Porte Board of Zoning Appeals Meeting Minutes	
Tuesday, April 9, 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, April 9, 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:

Members Present:	Members Absent:	Staff Present:
Brian Kajer, Vice Chair	Mark Danielson	Mark Worthley, BZA Attorney
Vickie Gushrowski		David Heinold, City Planner
Nate Loucks		Josette Schoof, Eng. Coord.
Pete Saunders, Chair		

ITEM 3. Approval of Minutes: March 12, 2024 BZA Meeting Minutes.

Chair Pete Saunders called for any changes or corrections to the March 12, 2024 Meeting Minutes. There being no changes or corrections to the meeting minutes, Nate Loucks made a motion to approve the March 12, 2024 Meeting Minutes and the motion was seconded by Vickie Gushrowski. The motion passed 4-0.

ITEM 4. USE VARIANCE #24-02 PETITION: TO ALLOW OFF-STREET PARKING LOT WITH TEN (10) PARKING SPACES IN A RESIDENTIAL ZONING DISTRICT

Applicant: Development Alliance, LLC (Rory Bunce)

Property Owner: Scott Roberts

Location: 316 I Street

Staff Report: David Heinold



ITEM 4. <u>Use Variance # 24-02 Petition</u> to Allow Off-Street Parking Lot with Ten (10) Parking Spaces in a Residential Zoning District
Type of Request: Use Variance
Staff Report: David Heinold

APPLICANT

Name – Development Alliance, LLC (Rory Bunce)

PROPERTY OWNER

Name – Scott Roberts

PREMISES AFFECTED

Parcel Number – 46-10-02-138-010.000-043				
Actual/approximate address or location from major streets – 316 I Street				
Total Acreage – 0.11 acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1C		Use of Subject Property – Vacant Lot		
Zoning of Adjacent Properties	North: R1C	South: R1C	East: R1C	West: R1C
Land Use of Adjacent Properties	North: Residential	South: Residential	East: Residential	West: Residential

SUMMARY: The petitioner proposes to allow an off-street parking lot with ten (10) parking spaces in a residential zoning district as part of Use Variance #24-02 Petition.

HISTORY OF SITE: Per the site aerial image, the total parcel is 0.11 acre and is currently zoned R1C (Single Family Residential District). Historically, the property has been a vacant lot that had a single family residential dwelling removed from the site. The subject property requires a use variance petition to an off-street parking lot with ten (10) parking spaces in a residential zoning district as part of the Use Variance #24-02 Petition.

DESCRIPTION OF PROPOSED USE VARIANCE:

The petitioner is requesting a use variance to an off-street parking lot with ten (10) parking spaces in a residential zoning district as part of the Use Variance #24-02 Petition.

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 is not required for the proposed off-street parking lot.

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 an off-street parking lot with ten (10) parking spaces will be injurious to the public health, safety, morals, and general welfare of the community. The approval of an off-street parking lot on the subject property is not consistent with established residential neighborhood along 4th and I Streets. The surrounding area along 4th and I Streets primarily consists of single family residential dwellings.

(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 be affected in a substantially adverse manner with the approval of a use variance to allow the off-street parking lot in a residential zoning district adjacent to the R1C Single Family Residential Zoning District. The addition of an off-street parking lot at the intersection of 4th Street and I Street will result in a significant negative impact to adjacent single family residential dwellings.

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

There is no condition peculiar to the property involved to necessitate a need for the use variance to allow an off-street parking lot on property within the R1C Single Family Residential District. The subject property may be developed according to the list of permitted uses within the zoning ordinance that would not cause significant negative impacts to the surrounding permitted residential land uses.

The proposed off-street parking lot on a residentially zoned property is not an appropriate land use in the middle of existing residential single family dwellings. The need for the use variance to allow an off-street parking lot in a residential zoning district for the existing commercial building located less than a half block to the west of the subject property does not consider that there is an existing single family residential dwelling between the existing commercial zoning and the proposed location for the parking lot.

(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 an off-street parking lot located in close proximity to existing commercial buildings will not constitute an unnecessary hardship for the subject property of the requested variance because the zoning district allows for development of the subject property in accordance with the zoning ordinance requirements. There are a variety of permitted land uses in the R1C Single Family Residential District that allow the property owner reasonable use of

the subject property without negatively affecting the existing neighborhood residential single family dwellings along 4th and I Streets.

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

The approval of the requested use variance does interfere substantially with the Countywide Land Development Plan because the plan encourages the full use of land in established communities by eliminating unintended regulatory impediments to residential and commercial infill development that is consistent with established neighborhood patterns and character. The proposed use to allow an off-street parking lot will be located right in the middle of a residential neighborhood surrounded by existing single-family dwellings along 4th and I Streets.

STAFF RECOMMENDATION:

Staff finds that the proposed use to allow the off-street parking lot is not consistent with the existing neighborhood character of the adjacent single family residential land uses. The intent of the RIC Single Family Residential District is to maintain and enhance traditional, walkable, pedestrian-oriented neighborhoods and to provide for infill development that is consistent with the established character of the neighborhood. Staff recommends **denial** of the petitioner's request to allow an off-street parking lot with ten (10) parking spaces as part of Use Variance #24-02 Petition.

Submitted to the Board of Zoning Appeals April 2nd, 2024.

Applicant Presentation

Rory Bunce, Development Alliance LLC, identified himself as the applicant. He explained the history of projects that he has completed, including the newest project with the retail building at 325 J Street. He explained the use variance request to allow an off-street parking lot that would have 10 parking spaces to include additional parking for the retail building because parking is an issue for future buildout. He handed out a packet of information and explained the packet to the members.

Pete Saunders asked when the house was demolished. Mr. Bunce stated it was removed 6 years ago.

Pete Saunders asked how many parking spaces are in front of the retail mall. Mr. Bunce stated that there are 25 parking spaces in front of the retail mall.

Nate Loucks mentioned the availability of parking was mostly used by Domino's customers and employees. Mr. Bunce

Nate Loucks asked how much parking will the remaining third of the building need. Mr. Bunce stated that he is sensitive to what uses could go into the remaining third of the building and how it impacts parking needs.

Nate Loucks asked will some parking be handicap. Mr. Bunce stated yes some will be handicapped and ADA compliant.

Public Comment

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

Ed Downs introduced Joe Howard his son in law who is married to Mr. Downs daughter Sandra Howard and they live in the house located at 907 E 4th Street. Mr. Downs expressed concerns regarding illegal activity, delivery trucks in the alley, safety of children, speeding cars and the location of the sewer lines where the old house was located next door. Ed Downs passed out photos of the property to the members. The Howards expressed interest in buying the property next door. Joe Howard expressed concern about the location of the sewer line and flush out. Mr. Howard also expressed concern about having to pay for any damage to the sewer line.

Rory Bunce stated there are no easements on the property and that the sewer line can be relocated at the owner's discretion.

Pete Saunders asked about liability. Mr. Bunce responded that there is no liability.

Ed Downs questioned whether the sewer lines will need to be removed if the variance is approved.

Mark Worthley stated that the board typically has a time limit for public comments and asked for the comments to be wrapped up.

Vickie Gushrowski asked if there will be lighting in the parking lot. Mr. Bunce responded he will comply with the city's requirements for lighting for the parking lot.

Staff Presentation

David Heinold, City Planner, briefly explained the staff report and recommendation for the variance of development standards petition to allow the 10 spaces off street parking lot.

Nate Loucks asked if approved will it go through the site review committee. David explained that it will go through site review committee if the parking lot is approved.

Nate Loucks stated that there are some concerns that have been presented that do not seem right.

Pete Saunders asked for the applicant to respond to the concerns presented by the neighbors.

Rory Bunce responded with solutions concerning crime, loitering and traffic.

Ed Downs stated that it seems like this parking lot doesn't fit with the city staff's recommendation. Ed Downs stated issues regarding drainage issue on 4th street, closeness of crime and potential for more illegal activity, traffic going by all hours and the impact on property value.

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

Applicant Response

Rory Bunce stated that there is not one residence in this block that isn't next to commercial property.

Pete Saunders asked if other residents have concerns about the parking lot and the impact on the property values of the surrounding area.

Rory Bunce responded that there are no issues with property value and that the owner of the subject property that lives across on I Street does not have any concerns.

Vickie Gushrowski stated we need to consider that one block to the east is residential.

Board Discussion/Action

Pete Saunders asked the members for their opinion of the variance prior to the motion.

Vickie Gushrowski stated that this is hard to approve with this in a residential neighborhood.

Nate Loucks is willing to approve the variance request to allow the parking lot.

Brian Kajer was not in favor and Pete Saunders was in favor.

Pete Saunders made a motion to **approve the Use Variance #24-02 to allow off-street parking lot with ten (10) parking spaces in a residential zoning district with the staff recommended findings** and the motion was seconded by Nate Loucks. The motion tied 2-2. Pete Saunders, yea; Vickie Gushrowski, nay; Brian Kajer, nay; Nate Loucks, yea.

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

Pete Saunders 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 6:43 pm.

Pete Saunders, Chair

David Heinold, Secretary