



City of La Porte Board of Zoning Appeals Meeting Minutes	
Tuesday, June 11, 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, June 11, 2024 at the hour of 6:05 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 6:05 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
Nate Loucks	Vickie Gushrowski	Craig Phillips, CDP Director
Mark Danielson (via zoom)		David Heinold, City Planner
		Josette Schoof, Eng. Coord.

ITEM 3. Approval of Minutes: May 14, 2024 BZA Meeting Minutes.

Vice Chair, Brian Kajer called for any changes or corrections to the May 14, 2024 Meeting Minutes. There being no changes or corrections to the meeting minutes, Nate Loucks made a motion to approve the May 14, 2024 Meeting Minutes and the motion was seconded by Mark Danielson. A roll call vote was taken. The motion passed 3-0.

ITEM 4. VARIANCE OF DEVELOPMENT STANDARDS #24-03 PETITION: TO REDUCE THE MINIMUM FRONT YARD SETBACK FROM 20 FEET TO 6 FEET FOR AN ENCLOSED FRONT PORCH

Applicant: Juan Mendez
Property Owner: same
Location: 608 Weller Avenue
Staff Report: David Heinold



ITEM 4. Variance of Development Standards # 24-03 Petition to reduce the Minimum Front Yard Setback from 20 Feet to 6 Feet
Type of Request: Variance of Development Standards
Staff Report: David Heinold

APPLICANT

Name – Juan Mendez

PROPERTY OWNER

Name – Maria D Avila Nieves

PREMISES AFFECTED

Parcel Number - 46-06-35-308-004.000-043				
Actual/approximate address or location from major streets – 308 Weller Avenue				
Total Acreage – 0.12 acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1D		Use of Subject Property – Residential		
Zoning of Adjacent Properties	North: R1C	South: R1D	East: R1D	West: R1D/R1C
Land Use of Adjacent Properties	North: Residential	South: Residential	East: Residential	West: Residential

SUMMARY: The petitioner proposes to construct a fully enclosed porch to the front of the existing single family dwelling within 12 feet of the front property line. On May 31, 2024, City staff met with the applicant and measured the distance from the front property line to the front porch to insure the correct front yard building setback. City staff concluded that the appropriate variance request for a reduction in the minimum front yard building setback for construction of the fully enclosed front porch should be corrected to indicate a reduction from 20 feet to 12 feet.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.12 acre and is currently zoned R1D (Single Family Residential District. Historically, the property has been used as a single family dwelling. The petitioner proposes to reduce the minimum front yard building setback from 20 feet to 12 feet to allow the fully enclosed front porch on the existing residential dwelling.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to reduce the minimum front yard building setback from 20 feet to 12 feet to allow the enclosed porch addition to the existing single family dwelling. The approval of the requested variance of development standards would allow the reduction of the minimum front yard building setback from 20 feet to 12 feet.

STATEMENT OF COMPLIANCE: Section 4.04 shall be met for the porch addition to the existing single family dwelling.

SITE REVIEW FINDINGS: Site review was not required due to the type of variance request.

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 to reduce the minimum front yard setback from 20 feet to 12 feet will not be injurious to the public health, safety, morals, and general welfare of the community because the front porch already had a roof and screened in enclosure on the subject property. The applicant proposes to fully enclose the pre-existing front porch with studded walls and windows on the exterior of the structure. The proposed front porch enclosure is similar in construction to the front porches along the same block of Weller Avenue with walls, windows, and a front door for access to the residential dwelling.

(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 fully enclosed front porch because many of the existing residential dwellings along the same block on Weller Avenue have similar front porches with studded walls and windows within the minimum twenty-foot building setback. The proposed fully enclosed porch will be similar in construction to the front porches along the same block of Weller Avenue with walls, windows, and a front door for access to the residential dwelling.

(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 to limit the use of the pre-existing front porch with a roof and partial framing for a screened area will result in practical difficulties for the homeowner in the use of the subject property. The existing single family dwelling has a second story bedroom exterior wall that projects out about four feet over the front porch that the applicant would like to fully enclose in order to provide adequate heating within the existing second story bedroom.

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. The petitioner's request to allow the proposed reduction in the minimum front yard building setback is compatible with the already permitted residential dwellings in the general vicinity. Staff recommends **approval** of the petitioner's request to allow the reduction of the minimum front yard building setback from 20 feet to 12 feet for construction of the fully enclosed front porch at 608 Weller Avenue.

Submitted to the Board of Zoning Appeals June 7th, 2024.

Applicant Presentation

Maria Avila Nieves, 308 Weller Avenue, spoke on behalf of the petitioner Juan Mendez about the variance to reduce the minimum front yard building setback to 12 feet to allow the construction of the fully enclosed front porch.

Public Comment

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

There being no public comment for or against the variance petition, Vice Chair Brian Kajer closed the floor to public comment.

Staff Presentation

David Heinold, City Planning, briefly explained the staff report and recommendation for the variance of development standards petition to reduce the minimum front yard setback from 20 feet to 6 feet to allow the construction of the fully enclosed front porch at 308 Weller Avenue. Mr. Heinold explained that he met with Juan Mendez, petitioner, to measure the setback and confirmed that the building setback to the front yard is 12 feet. He further explained that the correction to the variance request to reduce the minimum front yard setback from 20 feet to 12 feet is appropriate since the required public notice listed a greater setback at 6 feet.

Nate Loucks asked staff for clarification that the approval of the variance request would otherwise be granted if the construction had not already been started.

Mr. Heinold explained that the proposed variance to reduce the minimum front yard building setback is consistent with the existing development of surrounding properties.

Applicant Response

There was no response from the applicant.

Board Discussion/Action

Nate Loucks explained that the public is encouraged to contact David Heinold, City Planning Staff, for clarification on when permits are needed for their projects.

Nate Loucks made a motion to **approve the Variance of Development Standards #24-03 to reduce the minimum front yard setback from 20 feet to 12 feet with the staff recommended findings** and the motion was seconded by Mark Danielson. A roll call vote was taken. The motion passed 3-0.

Yes Brian Kajer

Absent Pete Saunders

Yes Mark Danielson (via zoom)

Absent Vickie Gushrowski

Yes Nate Loucks

Variance of Development Standards #24-03 Petition - Approved

ITEM 5. VARIANCE OF DEVELOPMENT STANDARDS #24-04 PETITION: TO EXCEED THE MAXIMUM FREESTANDING SIGN HEIGHT FROM 6 FEET TO 10 FEET TALL

Applicant: Isai Calderon
Property Owner: Evelyn Calderon
Location: 515 East Lincolnway
Staff Report: David Heinold



ITEM 5. Variance of Development Standards # 24-04 Petition
to exceed the Maximum Sign Height from 6 Feet to 10 Feet Tall

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Isai Calderon

PROPERTY OWNER

Name – Evelyn Calderon

PREMISES AFFECTED

Parcel Number - 46-06-36-207-007.000-043				
Actual/approximate address or location from major streets – 515 East Lincolnway				
Total Acreage – 0.08 acre		Flood Zone on Site? - No		
Zoning of Subject Property – B2		Use of Subject Property – Manufacturing/Office/Parking Lot		
Zoning of Adjacent Properties	North: R1C	South: B2	East: B2	West: B2
Land Use of Adjacent Properties	North: Residential	South: Commercial	East: Residential	West: Residential

SUMMARY: The petitioner proposes to exceed the maximum sign height for a freestanding sign in the B2 General Commercial District from 6 feet to 10 feet tall.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.08 acre and is currently zoned B2 (General Commercial District). Historically, the property has been used as a single family dwelling and home occupation site for family business office space. The petitioner proposes to exceed the maximum sign height from 6 feet to 10 feet tall and approximately 32 square feet in total sign area.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to exceed the maximum sign height for

a freestanding sign in the B2 General Commercial District from 6 feet to 10 feet tall. The approval of the requested variance of development standards would allow an increase in the maximum sign height from 6 feet to 10 feet tall.

STATEMENT OF COMPLIANCE: Article 19 shall be met for the proposed freestanding sign on the subject property zoned B2 General Commercial District.

SITE REVIEW FINDINGS: Site review was not required due to the type of variance request.

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 to exceed the maximum sign height from 6 feet to 10 feet will be injurious to the public health, safety, morals, and general welfare of the community because the proposed sign height would set a standard for allowing additional tall freestanding pole signs where low profile freestanding signs are required by the zoning ordinance. The proposed sign height does not conform to the freestanding sign requirements listed in the zoning ordinance. Section 19.01 of the 2017 City of La Porte Revised Joint Zoning Ordinance is intended to regulate signs and to minimize outdoor advertising to protect public safety, health and welfare, and minimize the abundance and size of signs to reduce visual clutter and motorist distraction.

(2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner; and

The approval of the requested variance to exceed the maximum sign height from 6 feet to 10 feet will substantially affect the use and value of the adjacent properties because it does not conform to the requirements for low profile freestanding signs on commercially zoned property. The intent of the sign regulations is to maintain and enhance the physical appearance of the community by encouraging signs of consistent size which are compatible with and complementary to related commercial/residential buildings and uses on adjacent properties.

(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 will not result in practical difficulties in the use of the property for residential/commercial use as the applicant intends because the freestanding sign can be established in compliance with the zoning ordinance requirements. The principal intent of commercial signs is to meet the purpose of the sign regulations and serve the public interest for identification of an establishment on the premises, and not for advertising off-premise activities that can be more appropriately by other methods.

STAFF RECOMMENDATION:

Staff finds that the requested variance of development standards petition is not in compliance with the 2017 City of La Porte Revised Joint Zoning Ordinance and does not conform to the goals and policies of the Countywide Land Development Plan. The intent of the sign regulations is to encourage freestanding signs of low profile that are compatible with and complementary to related commercial/residential buildings and uses. The petitioner's request to exceed the maximum freestanding sign height in the B2 General Commercial District from 6 feet to 10 feet tall is not consistent with the already permitted freestanding signs. Staff recommends **denial** of the petitioner's request to exceed the maximum sign height for a freestanding sign in the B2 General Commercial District from 6 feet to 10 feet tall.

Submitted to the Board of Zoning Appeals June 7th, 2024.

Applicant Presentation

A representative from Clean Choice PW House Cleaning business spoke on behalf of the petitioner about the variance request to exceed the maximum sign height for a freestanding sign in the B2 General Commercial District from 6 feet to 10 feet tall.

Nate Loucks questioned the safety concern brought up by the business owner.

The representative from Clean Choice PW House Cleaning explained that they constructed the sign at 10 feet tall in order for the neighbors to see oncoming traffic along East Lincolnway.

Public Comment

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

There being no public comment for or against the variance petition, Vice Chair Brian Kajer closed the floor to public comment.

Staff Presentation

David Heinold, City Planning, briefly explained the staff report and recommendation for the variance of development standards petition to exceed the maximum height for a freestanding sign from 6 feet to 10 feet tall. Mr. Heinold shared the presentation slides showing the photos of the existing sign and the view from the adjacent property to the immediate south of the subject property.

Nate Loucks asked staff for clarification on if the sign would need to be reduced by four feet in order to meet the maximum sign height.

Mr. Heinold explained that the sign would need to be reduced by four feet to meet the maximum sign height.

Applicant Response

There was no response from the applicant.

Board Discussion/Action

Mark Danielson made a motion to **deny the Variance of Development Standards #24-04 to exceed the maximum sign height from 6 feet to 10 feet with the staff recommended findings** and the motion was seconded by Nate Loucks. A roll call vote was taken. The motion passed 3-0.

Yes Brian Kajer

Absent Pete Saunders

Yes Mark Danielson (via zoom)

Absent Vickie Gushrowski

Yes Nate Loucks

Variance of Development Standards #24-04 Petition - Denied

ITEM 6. USE VARIANCE #24-03 PETITION: TO ALLOW FOR THE DEVELOPMENT OF UP TO 24 RESIDENTIAL TOWNHOMES IN THE M2 HEAVY INDUSTRIAL DISTRICT

Applicant: City of La Porte

Property Owner: same

Location: 701 Boyd Boulevard

Staff Report: David Heinold



ITEM 6. Use Variance # 24-03 Petition to Allow for the Development of up to 24 Residential Townhomes in the M2 Heavy Industrial District

Type of Request: Use Variance

Staff Report: David Heinold

APPLICANT

Name – City of La Porte

PROPERTY OWNER

Name – City of La Porte

PREMISES AFFECTED

Parcel Number – 46-07-31-100-034.000-053

Actual/approximate address or location from major streets – 701 Boyd Boulevard

Total Acreage – 1.92 acres

Flood Zone on Site? - No

Zoning of Subject Property – M2

Use of Subject Property – Vacant Lot

Zoning of Adjacent Properties

North: M2

South: M2

East: M2

West: M2

Land Use of Adjacent Properties

North: Wetland

South: Manufacturing

East: Detention Basin

West: Manufacturing

SUMMARY: The petitioner proposes to allow for the development of up to 24 residential townhomes in the M2 Heavy Industrial District.

HISTORY OF SITE: Per the site aerial image, the total parcel is 1.92 acres and is currently zoned M2 (Heavy Industrial District). Historically, the property has been a vacant lot. The subject property requires a use variance petition to allow for the development of up to 24 residential townhomes in the M2 Heavy Industrial District as part of the Use Variance #24-03 Petition.

DESCRIPTION OF PROPOSED USE VARIANCE:

The petitioner is requesting a use variance to allow for the development of up to 24 residential townhomes in the M2 Heavy Industrial District as part of the Use Variance #24-03 Petition.

STATEMENT OF COMPLIANCE: Section 9.02 allows for the use and development of land and buildings only for the following list of permitted uses in Table 9.02 of the 2017 City of La Porte Revised Joint Zoning Ordinance, unless otherwise provided for in this Ordinance.

SITE REVIEW FINDINGS: On June 5, 2024, a preliminary site review meeting among City staff was held to discuss the proposed use variance to allow up to 24 residential townhomes on the property in the M2 Heavy Industrial District. The following items were discussed regarding the preliminary concept site plan for up to 24 residential townhomes. An existing 60 inch storm sewer runs across the northern portion of the subject property that requires 30 feet distance from proposed structures for maintenance work. Additionally, there is an approximately 2 acre detention pond located 125 feet directly east of the subject property that the storm sewer is connected from Boyd Boulevard. The proposed residential townhome development will need to meet the minimum setback of at least 50 feet from the normal water level of the detention pond.

DECISION CRITERIA:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

All proposed improvements related to the proposed townhomes will be built per all applicable ordinances and standards for construction. The proposed residential townhomes will not be injurious to the public health, safety, morals, and general welfare of the community because the housing units are complementary to the surrounding commercial and manufacturing businesses. The approval of the requested use variance to allow the construction of up to 24 residential townhomes in order to meet the City's documented unmet housing needs from the Health Foundation of La Porte and City of La Porte Housing Initiative Study in close proximity to the major employment centers to allow residents ease of access to employment opportunities.

(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 proposed use will serve the housing needs of surrounding employers and is less intense than other uses permitted on the surrounding properties. The addition of up to 24 residential townhomes will not negatively impact the use and value of manufacturing because the proposed use is complementary to the surrounding commercial and manufacturing businesses. The construction of the proposed residential townhomes will be a less intensive land use than the list of allowable uses in the M2 Heavy Industrial District.

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

The property is not particularly well suited for manufacturing uses due to its size, shape, and placement along Boyd Boulevard. The need for the variance arises from the condition that the size and shape of the subject property along Boyd Boulevard does not lend itself to allowing manufacturing uses listed in the M2 Heavy Industrial District. The proposed residential townhomes is a less intensive land use than the list of allowable uses in the M2 Heavy Industrial District.

(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 property is not particularly well suited for manufacturing uses due to its size, shape, and placement along Boyd Boulevard. The strict application of the terms of the zoning ordinance to only allow the permitted manufacturing uses in the M2 Heavy Industrial District will constitute an unnecessary hardship because the subject property has narrow setbacks for the development of any business uses that

require parking, open space, and landscaping standards. Due to the amount of requirements listed in the zoning ordinance for site development for the subject property, it is difficult to fully develop the property according to the 2017 City of La Porte Revised Joint Zoning Ordinance for the list of allowable uses in the M2 District.

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

The Countywide Land Development Plan calls for development of areas well served by utilities and adequate roadway access. The Plan encourages full use of land in established communities by eliminating unintended regulatory impediments to residential and commercial infill development that is consistent with established neighborhood character. The surrounding area is primarily light manufacturing and commercial uses that are more appropriate land use transitions for the proposed residential townhomes on the subject property due to the size, shape, and placement along Boyd Boulevard. The proposed use for residential townhomes is compatible with the existing commercial and light manufacturing businesses near the intersection of East Jefferson Avenue and Boyd Boulevard.

STAFF RECOMMENDATION:

Staff finds that the development of up to 24 residential townhomes along Boyd Boulevard within the M2 Heavy Industrial District is appropriate given the size and shape of the subject property. Staff recommends **approval** of the use variance petition #24-03 to allow the development of up to 24 residential townhomes in the M2 Heavy Industrial District.

Submitted to the Board of Zoning Appeals June 7th, 2024.

ITEM 7. VARIANCE OF DEVELOPMENT STANDARDS #24-05 PETITION: TO REDUCE THE MINIMUM FRONT, SIDE, AND REAR YARD SETBACKS TO 20 FEET FOR THE CONSTRUCTION OF TOWNHOME RESIDENTIAL UNITS ON THE PROPERTY

Applicant: City of La Porte
Property Owner: same
Location: 701 Boyd Boulevard
Staff Report: David Heinold



ITEM 7. Variance of Development Standards # 24-05 Petition

to reduce the Minimum Front, Side, and Rear Yard Setbacks to 20 Feet for the Construction of Townhome Residential Units on the Property

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – City of La Porte

PROPERTY OWNER

Name – City of La Porte

PREMISES AFFECTED

Parcel Number - 46-07-31-100-034.000-053				
Actual/approximate address or location from major streets – 701 Boyd Boulevard				
Total Acreage – 1.92 acres		Flood Zone on Site? - No		
Zoning of Subject Property – M2		Use of Subject Property – Vacant Lot		
Zoning of Adjacent Properties	North: M2	South: M2	East: M2	West: M2
Land Use of Adjacent Properties	North: Wetland	South: Manufacturing	East: Detention Basin	West: Manufacturing

SUMMARY: The petitioner proposes to construct townhome residential units on the subject property.

HISTORY OF SITE: Per the site aerial image, the parcel is 1.92 acres and is currently zoned M2 (Heavy Industrial District). Historically, the property has been a vacant lot. The petitioner proposes to

reduce the minimum front, side, and rear yard setbacks to 20 feet for the construction of townhome residential units on the property.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to reduce the minimum front, side, and rear yard setbacks to 20 feet for the construction of townhome residential units on the property. The approval of the requested variance of development standards would allow the reduction of the minimum front, side, and rear yard setbacks to 20 feet for the construction of townhome residential units on the subject property.

STATEMENT OF COMPLIANCE: Section 9.04 requires minimum setbacks for all structures within the M2 Heavy Industrial District. Table 9.04 states that the minimum front yard setback is 40 feet, the rear yard setback is 30 feet, and the side yard setback is 15 feet. The maximum building height is 60 feet for all structures. The section also requires a maximum 65% building coverage and 85% impervious surface coverage.

SITE REVIEW FINDINGS: On June 5, 2024, a preliminary site review meeting among City staff was held to discuss the proposed use variance to allow up to 24 residential townhomes on the property in the M2 Heavy Industrial District. The following items were discussed regarding the preliminary concept site plan for up to 24 residential townhomes. An existing 60 inch storm sewer runs across the northern portion of the subject property that requires 30 feet distance from proposed structures. Additionally, there is an approximately 2 acre detention pond located 125 feet directly east of the subject property that the storm sewer is connected from Boyd Boulevard. The proposed residential townhome development will need to meet the minimum setback from the detention pond as well.

DECISION CRITERIA:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

All proposed improvements related to the proposed townhomes will be built per all applicable ordinances and standards for construction. The proposed residential townhomes will not be injurious to the public health, safety, morals, and general welfare of the community because the housing units are complementary to the surrounding commercial and manufacturing businesses. The approval of the requested variance to reduce the minimum front and rear yard setbacks from 40 feet to 20 feet will allow the construction of up to 24 residential townhomes in order to meet the City's documented unmet housing needs from the Health Foundation of La Porte and City of La Porte Housing Initiative Study in close proximity to the major employment centers to allow residents ease of access to employment opportunities.

(2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner; and

The proposed use will serve the housing needs of surrounding employers and is less intense than other uses permitted on the surrounding properties. The addition of up to 24 residential townhomes will not negatively impact the use and value of the area adjacent to the subject property because the proposed use is complementary to the surrounding commercial and manufacturing businesses. The reduction in building setback from 40 feet to 20 feet on the front and rear property lines is the minimum necessary in order to develop the property with the proposed residential townhomes.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

The property is not particularly well suited for manufacturing uses due to its size and placement along Boyd Boulevard and the required setbacks in the M2 Heavy Industrial District are excessively out of character for typical residential development. The strict application of the terms of the zoning ordinance to require the minimum 40 feet on the front and rear of the subject property would not allow

the proposed residential townhomes to be constructed due to the narrow size and shape of the subject property. Without approval of the requested variance of development standards to reduce the minimum building setback from 40 feet to 20 feet, the property could not be developed in accordance with the requirements as set forth in the 2017 City of La Porte Revised Joint Zoning Ordinance.

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. The variance of development standards petition is compatible with the existing setbacks for typical residential buildings. Staff recommends **approval** of the variance of development standards petition #24-05 to allow the reduction of the minimum front, side, and rear yard setbacks to 20 feet for the construction of townhome residential units on the subject property.

Submitted to the Board of Zoning Appeals June 7th, 2024.

Applicant and Staff Presentation

Craig Phillips, CDP Director, explained that the next three variance requests on the agenda are related and invited Brandon Shields from Advantix Development Corporation to talk about the overall project for three different property sites within the City. Vice Chair Brian Kajer explained that the board may combine Items #6 and #7 together for the Boyd Boulevard property.

Brandon Shields, Advantix Development Corporation, spoke about the overall project to add a mix of workforce housing units on the three different sites within the City proposed as part of the low income housing tax credit housing program application to the Indiana Community Development & Housing Authority. Mr. Shields provided a summary of the proposed housing units on each of the three different sites in the City. He shared presentation slides with examples of housing units and the site layout for each of the proposed housing sites in the City. Mr. Shields explained that the Housing Initiative Study, funded by the Health Foundation of La Porte, reported the demand for affordable housing as the overall project proposed by Advantix Development Corporation.

Nate Loucks asked for clarification from Mr. Shields about where else they build or plan to build projects. Mr. Shields explained that they have built in Kokomo, Muncie, and Corydon. He continued to explained that they were just awarded funding to build projects in South Bend and Elkhart.

Nate Loucks asked for clarification on what Advantix Development Corporation means when they talk affordable. Brandon Shields explained that the rents are available at \$500, \$900, and \$1,120 per month.

Public Comment

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

Jeff Maki, 720 Boyd Boulevard, identified himself as a business owner across from the 701 Boyd Boulevard housing site. Mr. Maki explained that he received the notice in the mail on short notice. He further mentioned that this is in an industrial area and he expects other businesses to be located in the industrial area. He mentioned concerns about safety along Boyd Boulevard for people that would live in the housing units. He is opposed to the housing units located on Boyd Boulevard, but supportive of the other residential sites within the City.

Edward Botic, 707 Boyd Boulevard, identified himself as the Director of Operations representing the Plant Manager at Avient Corporation located to the immediate south of the Boyd Boulevard housing site. Mr. Botic mentioned that they are opposed to the Boyd Boulevard housing site because they may expand the shipping docks at Avient Corporation, which may affect their operations in the future. He continued to mention that they are supportive of the proposed housing at other areas more appropriate for residential housing.

Mike Riehle, 605 Michigan Avenue, identified himself as a representative of the La Porte Economic Advancement Partnership and mentioned the demonstrated need for this type of workforce housing to continue meeting the needs of the local business community. Mr. Riehle continued to explain the need for housing in close proximity where employees can walk to their place of employment.

Sue Antoszewski, 101 Belden Street, identified herself as one of the adjacent property owners to the 111 Roosevelt Street proposed housing site. Ms. Antoszewski asked questions about the rent to own percentage, home sales, and the definition of affordability for the proposed site. She questioned if a traffic study has been completed for the proposed housing site on Roosevelt Street. She asked about the use of the proposed daycare. She mentioned concerns about the condition of the infrastructure and quality of life in the neighborhood. She is opposed to the use variance petition for rental housing units.

Eric DeWald, 140 East Shore Parkway, identified himself as the Executive Director of the Health Foundation of La Porte explained their support of the variance requests for affordable housing. Mr. DeWald explained that a lack of affordable housing can lead to chronic diseases, mental health, and other related issues. He further mentioned that this type of housing can reduce healthcare costs.

Shannon Walker, 2707 S. Collins Dr., identified herself as the Vice President of the Unity Foundation located in La Porte County. She explained that Unity Foundation of La Porte County supports these variance requests for affordable and workforce housing in La Porte. She explained that Unity Foundation conducted the first La Porte County Housing Study that led to the Health Foundation of La Porte among other subsequent housing studies in the City of La Porte. She further mentioned that there is a demonstrated need of 3,300 units of attainable workforce housing over the next 10 years in La Porte County.

Merle Miller, 150 Sagamore Parkway, identified himself as the previous owner and resident of the former Washington School property for 28 years. Mr. Miller explained that \$200,000 is not affordable. He would like to see the former Washington School property be purchased by someone and stay the way it is.

Nancy Goerske, 406 Bach Street, identified herself as a resident of the surrounding neighborhood. She mentioned that there are empty houses, but asked why tear down and build places that have black mold. She mentioned concerns about the quality of sidewalks and alleys in the neighborhood. She is opposed to bringing in the proposed low-income housing and would like the City to build up the empty houses that already exist in La Porte.

Chelsea Hightower, 410 Bach Street, identified herself as a resident of the neighborhood and is concerned about the proposed daycare. She is concerned about the affordability of \$1,200 a month. She believes that the City can look into other options other than just matching the existing structures.

There being no public comment for or against the variance petition, Vice Chair Brian Kajer closed the floor to public comment.

Applicant Response

Brandon Shields explained that the rents are available at \$500, \$900, and \$1,120 per month. He explained that the daycare is available to everyone. Mr. Shields explained that traffic and safety of children has never been an issue with the types of housing units proposed for this development.

Craig Phillips explained that the 2022 Housing Initiative Study led by the Health Foundation of La Porte mentioned a need for housing of all types whether it's apartments, single family homes, or townhomes at all income levels. He explained that the City is focused on providing for those needs across all levels in the community. Craig explained that the Jefferson Avenue and Boyd Boulevard site is planned for residential due to close proximity of businesses for creating opportunities for residents to walk to work.

He mentioned that there are several examples of housing in close proximity to industrial that shows how they can coexist in the City. Mr. Phillips explained that the City plans to extend Jefferson Avenue

further east that will provide for additional housing and business opportunities in the Boyd Boulevard area. He explained that Bach Street is a collector street, which is more than adequate to handle the proposed amount of traffic according to the City Engineer. He further mentioned that Boyd Boulevard is an arterial, which is more than adequate for all traffic. Craig explained that the City is willing to look at all options for compatibility for the proposed housing at Bach Street and Roosevelt Street.

Nate Loucks questioned if the daycare is available for the entire city. Mr. Shields explained that the daycare is for the whole city.

Nate Loucks asked if there are any plans to improve the conditions of Boyd Boulevard. Nate mentioned that let's not talk about walkability if it's not currently walkable.

Craig Phillips explained that the City plans to make Boyd Boulevard more similar to 18th Street with a multi use pathway alongside the road around the east side of the City. Craig further mentioned that the Boyd Boulevard site is not conducive to building commercial and industrial due to the size of the site.

Nate Loucks mentioned that it is good to hear that the City plans to develop infrastructure in the Boyd Boulevard and Jefferson Avenue area to make sure that the area is walkable in the future. Craig explained that Boyd Boulevard is a mixture of uses that can be developed to be more of a walkable area in the future.

Board Discussion/Action

Vice Chair Brian Kajer explained that the board may combine Items #6 and #7 together for the Boyd Boulevard property. Nate Loucks explained that the board does not consider how the housing sites are built. He continued to explain that the board is only considering whether the use and reduced setbacks should be approved for the proposed variances.

Nate Loucks made a motion to **approve the Use Variance #24-03 to allow for the development of up to 24 residential townhomes in the M2 Heavy Industrial District and Variance of Development Standards #24-05 to reduce the minimum front, side, and rear yard setbacks to 20 feet for the construction of townhome residential units on the property with the staff recommended findings** and the motion was seconded by Mark Danielson. A roll call vote was taken. The motion passed 3-0.

Yes Brian Kajer

Absent Pete Saunders

Yes Mark Danielson (via zoom)

Absent Vickie Gushrowski

Yes Nate Loucks

Use Variance #24-03 Petition - Approved

Yes Brian Kajer

Absent Pete Saunders

Yes Mark Danielson (via zoom)

Absent Vickie Gushrowski

Yes Nate Loucks

Variance of Development Standards #24-05 Petition - Approved

ITEM 8. USE VARIANCE #24-04 PETITION: TO ALLOW UP TO 20 RESIDENTIAL TOWNHOMES AND AN ASSOCIATED DAYCARE ON THE PROPERTY IN THE R1D SINGLE FAMILY RESIDENTIAL DISTRICT

Applicant: City of La Porte
Property Owner: Aurello Melgoza
Location: 111 Roosevelt St.
Staff Report: David Heinold



ITEM 8. <u>Use Variance # 24-04 Petition</u> to Allow up to 20 Residential Townhomes and an Associated Daycare on the Property in the R1D Single Family Residential District
Type of Request: Use Variance
Staff Report: David Heinold

APPLICANT

Name – City of La Porte

PROPERTY OWNER

Name – Aurello Melgoza

PREMISES AFFECTED

Parcel Number – 46-06-25-389-001.000-043				
Actual/approximate address or location from major streets – 111 Roosevelt Street				
Total Acreage – 1.58 acres		Flood Zone on Site? - No		
Zoning of Subject Property – R1D		Use of Subject Property – Former Washington School Site		
Zoning of Adjacent Properties	North: R1D	South: R1D	East: R1D	West: R1D
Land Use of Adjacent Properties	North: Residential	South: Residential	East: Residential	West: Residential

SUMMARY: The petitioner proposes to allow up to 20 residential townhomes and an associated daycare facility on the property in the R1D Single Family Residential District as part of Use Variance #24-03 Petition.

HISTORY OF SITE: Per the site aerial image, the total parcel is 1.58 acres and is currently zoned R1D (Single Family Residential District). Historically, the property has been the former Washington School as well as more recently used as a residential dwelling. The subject property requires a use

variance petition to allow up to 20 residential townhomes and an associated daycare on the property in the R1D Single Family Residential District as part of Use Variance #24-03 Petition.

DESCRIPTION OF PROPOSED USE VARIANCE:

The petitioner is requesting a use variance to allow up to 20 residential townhomes and an associated daycare facility on the property in the R1D Single Family Residential District as part of Use Variance #24-03 Petition.

STATEMENT OF COMPLIANCE: Section 4.02 allows for the use and development of land and buildings only for the following list of permitted uses in Table 4.02 of the 2017 City of La Porte Revised Joint Zoning Ordinance, unless otherwise provided for in this Ordinance.

SITE REVIEW FINDINGS: On June 5, 2024, a preliminary site review meeting among City staff was held to discuss the proposed use variance to allow up to 20 residential townhomes and an associated daycare on the property in the R1D Single Family Residential District. The following items for review were discussed regarding the preliminary concept site plan for up to 20 residential townhomes and associated daycare facility: An existing approximately 190 feet of 12 inch sanitary sewer line that runs down the centerline of the vacated Cable Street located between block 14 and 15 from the centerline of Pine Street and Bach Street public right of ways.

DECISION CRITERIA:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

All construction related to the townhomes and daycare facility will be done in accordance with the applicable ordinances and standards for construction. The intent of the R1D Single Family Residential District to maintain and enhance traditional, walkable, pedestrian-oriented neighborhoods and to provide for urban infill development that is of a form and character consistent with established historic neighborhoods. The R1D District is only intended for incorporated areas of cities where all necessary utilities and community services are available to serve a higher density population.

(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 proposed townhomes will be compatible with the surrounding residential neighborhood in terms of design and character. The surrounding residential neighborhood primarily consists of single family dwellings and religious institutions. The addition of single family attached residential townhouse dwellings, daycare facility, and a small playground will not negatively impact the use and value of the single family residential dwellings and religious institutions in the immediate vicinity.

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

The property is currently used as a former elementary school and is in need of a master developer able to develop the property as a whole to serve the residential needs of the community. The subject property is approximately 1.5 acres and located within the R1D Single Family Residential District, which only allows single family and two family dwellings. The requested use variance allows flexibility for the proposed residential townhouse development and associated daycare facility.

(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 project developer and City would not be able to serve the significant unmet housing needs in the community as outlined in the recently completed Health Foundation of La Porte and City of La Porte Housing Initiative Study. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship for the subject property because of the limited amount of permitted uses for residential and daycare facilities in the R1D Single Family Residential District. The property otherwise

would not be allowed to develop at the intended scale of up to 20 residential townhomes and associated daycare facility.

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

The Plan calls for development in cities and areas where adequate utilities and roadway access exist. The approval of the use variance to allow up to 20 residential townhomes and an associated daycare will not interfere substantially with the Comprehensive Land Development Plan because the proposed attached residential townhomes development will allow population growth in patterns that maintain the quality of life for current residents and new ones occurring in locations where public services can be provided cost effectively in established residential areas. The Plan encourages full use of land within incorporated cities with the objective to eliminate unintended regulatory impediments to residential and commercial infill development that is consistent with the established neighborhood character. The subject property has utilities available, but the proposed development will need utility improvements and service connections for full build out of the residential townhomes and daycare facility.

STAFF RECOMMENDATION:

Staff finds that the proposed use to allow up to 20 residential townhomes and an associated daycare on the property in the R1D Single Family Residential District with the existing neighborhood character of the adjacent single family residential land uses. The intent of the R1D 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 **approval** of the use variance petition #24-04 to allow up to 20 residential townhomes and an associated daycare on the property in the R1D Single Family Residential District.

Submitted to the Board of Zoning Appeals June 7th, 2024.

Applicant and Staff Presentation

Craig Phillips, CDP Director, explained that the next three variance requests on the agenda are related and invited Brandon Shields from Advantix Development Corporation to talk about the overall project for three different property sites within the City. Attorney Mark Worthley explained that Item #8 was presented as part of the public hearing for the proposed housing units included in the three variance petitions.

Brandon Shields, Advantix Development Corporation, spoke about the overall project to add a mix of workforce housing units on the three different sites within the City proposed as part of the low income housing tax credit housing program application to the Indiana Community Development & Housing Authority. Mr. Shields provided a summary of the proposed housing units on each of the three different sites in the City. He shared presentation slides with examples of housing units and the site layout for each of the proposed housing sites in the City. Mr. Shields explained that the Housing Initiative Study, funded by the Health Foundation of La Porte, reported the demand for affordable housing as the overall project proposed by Advantix Development Corporation.

Nate Loucks asked for clarification from Mr. Shields about where else they build or plan to build projects. Mr. Shields explained that they have built in Kokomo, Muncie, and Corydon. He continued to explained that they were just awarded funding to build projects in South Bend and Elkhart.

Nate Loucks asked for clarification on what Advantix Development Corporation means when they talk affordable. Brandon Shields explained that the rents are available at \$500, \$900, and \$1,120 per month.

Public Comment

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

Jeff Maki, 720 Boyd Boulevard, identified himself as a business owner across from the 701 Boyd Boulevard housing site. Mr. Maki explained that he received the notice in the mail on short notice. He further mentioned that this is in an industrial area and he expects other businesses to be located in the industrial area. He mentioned concerns about safety along Boyd Boulevard for people that would live in the housing units. He is opposed to the housing units located on Boyd Boulevard, but supportive of the other residential sites within the City.

Edward Botic, 707 Boyd Boulevard, identified himself as the Director of Operations representing the Plant Manager at Avient Corporation located to the immediate south of the Boyd Boulevard housing site. Mr. Botic mentioned that they are opposed to the Boyd Boulevard housing site because they may expand the shipping docks at Avient Corporation, which may affect their operations in the future. He continued to mention that they are supportive of the proposed housing at other areas more appropriate for residential housing.

Mike Riehle, 605 Michigan Avenue, identified himself as a representative of the La Porte Economic Advancement Partnership and mentioned the demonstrated need for this type of workforce housing to continue meeting the needs of the local business community. Mr. Riehle continued to explain the need for housing in close proximity where employees can walk to their place of employment.

Sue Antoszewski, 101 Belden Street, identified herself as one of the adjacent property owners to the 111 Roosevelt Street proposed housing site. Ms. Antoszewski asked questions about the rent to own percentage, home sales, and the definition of affordability for the proposed site. She questioned if a traffic study has been completed for the proposed housing site on Roosevelt Street. She asked about the use of the proposed daycare. She mentioned concerns about the condition of the infrastructure and quality of life in the neighborhood. She is opposed to the use variance petition for rental housing units.

Eric DeWald, 140 East Shore Parkway, identified himself as the Executive Director of the Health Foundation of La Porte explained their support of the variance requests for affordable housing. Mr. DeWald explained that a lack of affordable housing can lead to chronic diseases, mental health, and other related issues. He further mentioned that this type of housing can reduce healthcare costs.

Shannon Walker, 2707 S. Collins Dr., identified herself as the Vice President of the Unity Foundation located in La Porte County. She explained that Unity Foundation of La Porte County supports these variance requests for affordable and workforce housing in La Porte. She explained that Unity Foundation conducted the first La Porte County Housing Study that led to the Health Foundation of La Porte among other subsequent housing studies in the City of La Porte. She further mentioned that there is a demonstrated need of 3,300 units of attainable workforce housing over the next 10 years in La Porte County.

Merle Miller, 150 Sagamore Parkway, identified himself as the previous owner and resident of the former Washington School property for 28 years. Mr. Miller explained that \$200,000 is not affordable. He would like to see the former Washington School property be purchased by someone and stay the way it is.

Nancy Goerske, 406 Bach Street, identified herself as a resident of the surrounding neighborhood. She mentioned that there are empty houses, but asked why tear down and build places that have black mold. She mentioned concerns about the quality of sidewalks and alleys in the neighborhood. She is opposed to bringing in the proposed low-income housing and would like the City to build up the empty houses that already exist in La Porte.

Chelsea Hightower, 410 Bach Street, identified herself as a resident of the neighborhood and is concerned about the proposed daycare. She is concerned about the affordability of \$1,200 a month. She believes that the City can look into other options other than just matching the existing structures.

There being no public comment for or against the variance petition, Vice Chair Brian Kajer closed the floor to public comment.

Applicant Response

Brandon Shields explained that the rents are available at \$500, \$900, and \$1,120 per month. He explained that the daycare is available to everyone. Mr. Shields explained that traffic and safety of children has never been an issue with the types of housing units proposed for this development.

Craig Phillips explained that the 2022 Housing Initiative Study led by the Health Foundation of La Porte mentioned a need for housing of all types whether it's apartments, single family homes, or townhomes at all income levels. He explained that the City is focused on providing for those needs across all levels in the community. Craig explained that the Jefferson Avenue and Boyd Boulevard site is planned for residential due to close proximity of businesses for creating opportunities for residents to walk to work.

He mentioned that there are several examples of housing in close proximity to industrial that shows how they can coexist in the City. Mr. Phillips explained that the City plans to extend Jefferson Avenue further east that will provide for additional housing and business opportunities in the Boyd Boulevard area. He explained that Bach Street is a collector street, which is more than adequate to handle the proposed amount of traffic according to the City Engineer. He further mentioned that Boyd Boulevard is an arterial, which is more than adequate for all traffic. Craig explained that the City is willing to look at all options for compatibility for the proposed housing at Bach Street and Roosevelt Street.

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Board Discussion/Action

Attorney Mark Worthley explained that Item #8 was presented as part of the public hearing for the proposed housing units included in the three variance petitions.

Nate Loucks made a motion to **approve the Use Variance #24-04 to allow up to 20 residential townhomes and an associated daycare on the property in the R1D Single Family Residential District with the staff recommended findings** and the motion was seconded by Mark Danielson. A roll call vote was taken. The motion passed 3-0.

Yes Brian Kajer

Absent Pete Saunders

Yes Mark Danielson (via zoom)

Absent Vickie Gushrowski

Yes Nate Loucks

Use Variance #24-04 Petition - Approved

ITEM 5. Old Business

There was no old business.

ITEM 6. New Business

There was no new business.

ITEM 7. Other Business

A. Public Comments on Non-Agenda items

There was no public comment on non-agenda items.

ITEM 8. Adjournment

Vice Chair Brian Kajer called for a motion to adjourn. Nate Loucks made a motion to **adjourn**, and the motion was seconded by Mark Danielson. The motion to **adjourn** passed 3-0. The meeting was **adjourned** at 7:20 pm.

Brian Kajer, Vice Chair

David Heinold, Secretary