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| <b>City of La Porte Board of Zoning Appeals Meeting Minutes</b>  |                       |
| <b>Tuesday, August 13, 2024 at or after 6:00 PM</b><br><b>Immediately upon conclusion of the Plan Commission Meeting</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, August 13, 2024 at the hour of 6:37 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 6:37 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>        |
|-------------------------|------------------------|------------------------------|
|                         |                        |                              |
| Chair, Pete Saunders    |                        | Mark Worthley, BZA Attorney  |
| Nate Loucks             |                        | Craig Phillips, CDP Director |
| Mark Danielson          |                        | David Heinold, City Planner  |
| Vickie Gushrowski       |                        | Josette Schoof, Eng. Coord.  |
| Brian Kajer             |                        |                              |

ITEM 3. Approval of Minutes: June 11, 2024 BZA Meeting Minutes.

Chair, Pete Saunders called for any changes or corrections to the June 11, 2024 Meeting Minutes. There being no changes or corrections to the meeting minutes, Nate Loucks made a motion to approve the June 11, 2024 Meeting Minutes and the motion was seconded by Mark Danielson. A roll call vote was taken. The motion passed 4-0.

**ITEM 4. VARIANCE OF DEVELOPMENT STANDARDS #24-06 PETITION: TO INCREASE THE SIZE OF TWO (2) EXISTING ELECTRONIC MESSAGE CENTER (EMC) WALL SIGNS FROM 24 SQUARE FEET TO 48 SQUARE FEET FOR EACH WALL SIGN**

**Applicant:** Legacy Sign Group (Shaun Ensign)  
**Property Owner:** Horizon Bank National Association  
**Location:** 710 Indiana Avenue  
**Staff Report:** David Heinold



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| <b>ITEM 4. Variance of Development Standards # 24-06 Petition</b><br>to Increase the Size of Two (2) Existing Electronic Message Center (EMC) Wall Signs From 24 Square Feet to 48 Square Feet for Each Wall Sign |
| <b>Type of Request:</b> Variance of Development Standards   |
| <b>Staff Report:</b> David Heinold  |

**APPLICANT**

Name – Legacy Sign Group (Shaun Ensign)

**PROPERTY OWNER**

Name – Horizon Bank National Association

**PREMISES AFFECTED**

|  |                            |   |                          |                          |
|--|----------------------------|---|--------------------------|--------------------------|
| Parcel Number - 46-06-35-480-001.000-043                                       |                            |   |                          |                          |
| Actual/approximate address or location from major streets – 710 Indiana Avenue |                            |   |                          |                          |
| Total Acreage – 0.88 acre  |                            | Flood Zone on Site? - No                  |                          |                          |
| Zoning of Subject Property – CBD1  |                            | Use of Subject Property – Bank/Commercial |                          |                          |
| Zoning of Adjacent Properties  | North: CBD1                | South: CBD1                               | East: CBD1               | West: CBD1               |
| Land Use of Adjacent Properties  | North: Courthouse/ Medical | South: Church                             | East: Office/ Commercial | West: Office/ Commercial |

**SUMMARY:** The petitioner proposes to replace the current electronic message center (EMC) wall

signs which are 2'x12' and install new EMC wall signs that are 4'x12'. The petitioner will move the existing wall signs up 2 feet on the wall to fit the proposed 4'x12' EMC wall signs.

**HISTORY OF SITE:** Per the site aerial image, the parcel is 0.88 acre and is currently zoned CBD1 (Central Business District). Historically, the property has been used as a commercial bank. The petitioner proposes to increase the size of two (2) existing electronic message center (EMC) wall signs from 24 square feet to 48 square feet for each EMC wall sign.

**DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:**

The petitioner is requesting a variance of development standards to increase the size of two (2) existing EMC wall signs from 24 square feet to 48 square feet for each EMC wall sign. The approval of the requested variance of development standards would allow an increase in the size of two (2) existing EMC wall signs from 24 square feet to 48 square feet for each EMC wall sign at the corner of Lincolnway and Indiana Avenue.

**STATEMENT OF COMPLIANCE:** Article 19 shall be met for the proposed wall signage. Section 19.06 (d) (5) states that EMC illuminated by Light-Emitting Diode (LED) are not permitted within residential zoning districts or National Register Historic Districts and parcels adjacent thereto. In addition, the zoning ordinance only allows one (1) EMC sign per business.

**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 increase the size of two (2) existing EMC wall signs from 24 square feet to 48 square feet for each EMC wall sign will be injurious to the public health, safety, morals, and general welfare of the community. The subject property is located along two major transportation routes in the community and within the Downtown La Porte National Register Historic District. The existing EMC wall signs are considered nonconforming EMC wall signs. The proposed increase in the size of the two (2) existing EMC wall signs from 24 square feet to 48 square feet would detract from the intent of Article 19 to maintain and enhance the physical appearance of the community by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses in downtown La Porte, and harmonious with their surroundings.

**(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 be affected in a substantially adverse manner with the increase in the size of the two (2) existing EMC wall signs from 24 square feet to 48 square feet for each EMC wall sign. The subject property is located within the Downtown La Porte National Register Historic District, which is established to enhance the visual aesthetic and quality life of the community. The proposed increase in the size of the two (2) existing EMC wall signs from 24 square feet to 48 square feet is not consistent with the intent of the zoning ordinance to maintain and enhance the physical appearance of the community by encouraging complimentary sign sizes with their surroundings.

**(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 size of the two (2) existing EMC wall signs to 24 square feet on each EMC wall sign will not result in practical difficulties in the use of the property as a commercial bank. The principal intent of the zoning ordinance for regulating commercial signs is for identification of the commercial establishment, not for advertising special events or brand names. The subject property may be used in a reasonable manner for identification of the commercial establishment according to the 2017 City of La Porte Revised Joint Zoning Ordinance without approval of the requested variance to increase the size of the two (2) existing EMC wall signs from 24 square feet to 48 square feet on each EMC wall sign. Article 19 is intended to eliminate potential conflicts between business signs and traffic control signs; therefore, minimizing the potential for confusion and hazardous consequences within the public right of way.

**STAFF RECOMMENDATION:**

Staff finds that the requested variance of development standards petition is not compliant 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 petitioner’s request to allow the increase in size of the two (2) existing EMC wall signs from 24 square feet to 48 square feet for each EMC wall sign is not appropriate for the location within the Downtown La Porte National Register Historic District. Staff recommends **denial** of the petitioner’s request to allow the increase in size of the two (2) existing EMC wall signs from 24 square feet to 48 square feet for each EMC wall sign.

Submitted to the Board of Zoning Appeals August 8<sup>th</sup>, 2024.

**Applicant Presentation**

Todd Esler, General Counselor with Horizon Bank and Sean O’Brien with Legacy Signs explained the sign as a whole & the reader board. Todd Esler explained that the sign is increasing in height from seven and a half feet to nine and a half feet. Todd Esler explained that underneath the sign the reader board will be increased as well. Todd Esler stated that the total size is twelve feet ten inches wide and nine and a half feet in height. Todd Esler explained that the reader board is visually minimized because it is tucked underneath the existing sign. Todd Esler explained that the new reader board will provide a better looking, higher quality visual view for the community compared to the existing reader board.

**Staff Presentation**

David Heinold, City Planning, briefly explained item number four variance of development standards 24-06 petition to increase the size of two existing electronic message centers from twenty-four square feet to forty-eight square feet for each wall sign. David Heinold explained that the parcel is zoned as Central Business District One or National Register Historic District and that historically the property has been used as a commercial bank. David explained that Article 19 Section 19.06D5 states that the EMC illuminated by light emitting diode are not permitted within Residential Zoning Districts or National Register Historic Districts and parcels adjacent there to. David Heinold requested that the sign be allowed to operate as it currently is and that the Board of Zoning Appeals consider his decision based on the criteria in which he stated to the board.

**Public Comment**

Chair Pete Saunders opened the meeting to public comment.

Bert Cook, Executive Director of the La Porte Economic Advancement Partnership requested that the Board of Zoning Appeals consider his support for the modernization of the new sign.

There being no further public comments for or against the variance petition, Chair Pete Saunders closed the floor to public comment.

**Board Discussion/Action**

Vickie Gushrowski asked what the difference is specifically between being able to have these types of signs on Pine Lake but not being able to have them on Lincolnway.

David Heinold stated that La Porte has a Downtown Design Standards Review Committee that does not allow electronic message centers within the Downtown La Porte National Register Historic District and that a variance can be requested.

Vickie Gushrowski asked when the last time the Downtown Design Standards was updated.

David Heinold stated it was 2011.

Mark Danielson stated that the existing sign is already electronic and asked if it was grandfathered in.

David Heinold stated it is an existing sign that was grandfathered in.

Chair, Pete Saunders stated that the sign is dated, and he understood the need to modernize it.

Vickie Gushrowski asked if there's going to be moving video pictures or will it be a static image.

Todd Esler, General Counselor with Horizon Bank stated that it will not be moving. He stated that it will change during the day, it will not flash, and it will be a static picture.

Mark Worthley asked how often it will change.

Sean O'Brien with Legacy Signs that there's an ordinance that requires seconds between messages.

Nate Loucks asked if Horizon Bank will allow the community to use the new sign for information.

Todd Esler stated yes we do.

Nate Loucks made a motion to **approve the Variance of Development Standards #24-06 to increase the size of Two (2) Existing Electronic Message Center (EMC) Wall Signs From 24 Square Feet to 48 Square Feet For Each Wall Sign** and the motion was seconded by Vickie Gushrowski. A roll call vote was taken. The motion passed 3-0.

Yes Brian Kajer

Yes Pete Saunders

Yes Mark Danielson

Yes Vickie Gushrowski

Yes Nate Loucks

**Variance of Development Standards #24-06 Petition – Approved**

ITEM 5. **VARIANCE OF DEVELOPMENT STANDARDS #24-07 PETITION: TO REDUCE THE MINIMUM FRONT YARD SETBACK FROM 25 FEET TO 16 FEET**

**Applicant:** Quattro LaPorte LLC (Severin Kravchuk)  
**Property Owner:** same  
**Location:** 103 Warren Street  
**Staff Report:** David Heinold



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| <b>ITEM 5. Variance of Development Standards # 24-07 Petition</b><br>to Reduce the Minimum Front Yard Setback from 25 Feet to 16 Feet |
| <b>Type of Request:</b> Variance of Development Standards   |
| <b>Staff Report:</b> David Heinold  |

**APPLICANT**

|   |
|---|
| Name – Quattro LaPorte LLC (Severin Kravchuk) |
|---|

**PROPERTY OWNER**

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|--|
| Name – Quattro LaPorte LLC (Robert Walters/Michael Liyeos) |
|--|

**PREMISES AFFECTED**

|   |                           |                                  |                   |                          |
|---|---------------------------|----------------------------------|-------------------|--------------------------|
| Parcel Number - 46-06-35-102-005.000-043                                      |                           |                                  |                   |                          |
| Actual/approximate address or location from major streets – 103 Warren Street |                           |                                  |                   |                          |
| Total Acreage – 0.73 acre   |                           | Flood Zone on Site? - No         |                   |                          |
| Zoning of Subject Property – B2   |                           | Use of Subject Property – Vacant |                   |                          |
| Zoning of Adjacent Properties   | North: B2                 | South: B2                        | East: R1C         | West: B2                 |
| Land Use of Adjacent Properties   | North: Retail/ Commercial | South: Office/ Commercial        | East: Residential | West: Office/ Commercial |

**SUMMARY:** The petitioner proposes to reduce the minimum front yard setback from 25 feet to 16 feet.

**HISTORY OF SITE:** Per the site aerial image, the parcel is 0.73 acre and is currently zoned B2 (General Commercial District). Historically, the property has been a vacant lot. The petitioner proposes to reduce the minimum front yard setback from 25 feet to 16 feet.

**DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:**

The petitioner is requesting a variance of development standards to reduce the minimum front yard setback from 25 feet to 16 feet. The approval of the requested variance of development standards would allow reduction of the minimum front yard setback from 25 feet to 16 feet.

**STATEMENT OF COMPLIANCE:** Section 7.04 Building Dimensional Requirements shall be met for the subject property.

**SITE REVIEW FINDINGS:** Site review was previously held for the proposed automotive oil change facility approved by the City of La Porte Board of Zoning Appeals on September 12, 2023 as part of the Special Exception Review approval process and no major changes were presented on the attached site plan from the initial site review meeting on September 5, 2023.

**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 25 feet to 16 feet will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed reduction in the minimum front yard building setback will not negatively impact surrounding properties in the B2 General Commercial District because the existing development setback for properties along Pine Lake Avenue are less than the minimum front yard setback in the B2 General Commercial 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 subject property will not be affected in a substantially adverse manner with the approval of the requested variance to allow the reduced minimum front yard setback from 25 feet to 16 feet to allow the automotive oil change building. The petitioner's request to allow the reduced minimum front yard setback is compatible with the existing building setbacks along Pine Lake Avenue for buildings already permitted in the general vicinity.

**(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 require the minimum 25 foot front yard setback will result in practical difficulties due to the size and shape of the subject property for construction of the proposed automotive oil change facility in relation to the adjacent residential properties with the minimum required landscaping between commercial and residential land uses. The existing commercial and office buildings along Pine Lake Avenue are already within the minimum 25 foot front yard setback in the B2 General Commercial District.

**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 intent of the B2 General Commercial District is to encourage the concentration of regional business areas to promote the best use of land at certain strategic locations. Staff recommends **approval** of the petitioner's request to reduce the minimum front yard setback from 25 feet to 16 feet.

Submitted to the Board of Zoning Appeals August 8<sup>th</sup>, 2024.

**Applicant Presentation**

Severin Kravchuk, Project Manager of Quattro LaPorte LLC mentioned that Quattro Developments is working on developing a Valvoline at 103 Warren Street. Severin Kravchuk mentioned that the proposed reduction from twenty-five (25) feet to sixteen point four (16.4) feet is a thirty-three percent

(33%) reduction and that the building will be sixteen (16) to eighteen (18) feet tall. Severin Kravchuck mentioned that Excell Engineering completed a traffic study that proved to Quattro Developments that there will not be a safety issue with being able to see around the corner. Severin Kravchuck mentioned that the current twenty-five (25) foot set back creates a hardship on Quattro Developments being able to build on the property. Severin Kravchuk stated that the new building would add tax value to the city.

### **Staff Presentation**

David Heinold explained that the reduction to sixteen (16) feet is appropriate for the lot and the staff recommended approval of the variance petition to allow the reduction in the minimum front yard setback from twenty-five (25) feet to sixteen (16) feet.

### **Public Comment**

Chair Pete Saunders opened the meeting to public comment.

There being no public comment for or against the variance, Chair Pete Saunders closed to floor to public comment.

### **Board Discussion/Action**

Nate Loucks mentioned that he did not understand the need for the setback and that it appears the design of the facility does not require a setback.

David Heinold suggested the applicant respond to Nate Loucks statement.

Severin Kravchuk mentioned that the Indiana Department of Transportation denied entrance onto Pine Lake Avenue. Severin Kravchuk mentioned the reason to move the entrance egress back onto Warren Street is because it allows safer standards for traffic to travel in and out of the site.

Vice chair, Brian Kajer made a motion to **approve the Variance of Development Standards #24-07 to Reduce the Minimum Front Yard Setback from 25 Feet to 16 Feet** and the motion was seconded by Vickie Gushrowski. A roll call vote was taken. The motion passed 3-0.

Yes Brian Kajer

Yes Pete Saunders

Yes Mark Danielson

Yes Vickie Gushrowski

Yes Nate Loucks

### **Variance of Development Standards #24-07 Petition – Approved**

ITEM 6. Other Business

A. Public Comments on Non-Agenda items

There was no public comment on non-agenda items.

ITEM 7. Adjournment

Chair, Pete Saunders called for a motion to adjourn. Vickie Gushrowski 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 7:00 pm.

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Pete Saunders, Chair

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David Heinold, Secretary