



<b>City of La Porte Board of Zoning Appeals Meeting Minutes</b>	
<b>Tuesday, September 10, 2024 at or after 6:00 PM</b> <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, September 10, 2024 at the hour of 6:00 PM, (“local time”), pursuant to notice duly given in accordance with the rules of the Commission and the Indiana Open Door Law.

ITEM 1. Call Meeting to Order

The meeting was called to order by Vice Chair Brian Kajer at 6:00 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>
Vice Chair, Brian Kajer	Chair, Pete Saunders	Mark Worthley, BZA Attorney
Vickie Gushrowski	Mark Danielson	Craig Phillips, CDP Director
Nate Loucks		David Heinold, City Planner
		Josette Schoof, Eng. Coord.

ITEM 3. Approval of Minutes: August 13, 2024, BZA Meeting Minutes.

Vice Chair Brian Kajer called for any changes or corrections to the August 13, 2024, Meeting Minutes. There being no changes or corrections to the meeting minutes, Vickie Gushrowski made a motion to approve the August 13, 2024, Meeting Minutes and the motion was seconded by Nate Loucks. A roll call vote was taken. The motion passed 3-0.

**ITEM 4. VARIANCE OF DEVELOPMENT STANDARDS #24-08 PETITION: TO EXCEED THE MAXIMUM ACCESSORY BUILDING AREA - REQUESTING 1,204 SQUARE FEET**

**Applicant:** Marian Barteczko

**Property Owner:** same

**Location:** 102 Whitehead Road

**Staff Report:** David Heinold



<b>ITEM 4. Variance of Development Standards # 24-08 Petition</b>
to Exceed the Maximum Accessory Building Area - Requesting 1,024 Square Feet
<b>Type of Request:</b> Variance of Development Standards
<b>Staff Report:</b> David Heinold

**APPLICANT**

Name – Marian Barteczko

**PROPERTY OWNER**

Name – same

**PREMISES AFFECTED**

Parcel Number - 46-07-30-426-001.000-043				
Actual/approximate address or location from major streets – 102 Whitehead Road				
Total Acreage – 1.10 acres		Flood Zone on Site? - No		
Zoning of Subject Property – R1C		Use of Subject Property – Single Family Residential		
Zoning of Adjacent Properties	North: B2	South: B2	East: R1C	West: B2
Land Use of Adjacent Properties	North: Residential	South: Church/ Parking Lot	East: Residential	West: Church/ Parking Lot

**SUMMARY:** The petitioner proposes to exceed the maximum accessory building area for a detached accessory building from 721 square feet to 1,024 square feet.

**HISTORY OF SITE:** Per the site aerial image, the parcel is 1.10 acres and is currently zoned R1C (Single Family Residential District). Historically, the property had a 400 square foot detached garage in addition to the existing single family dwelling. The petitioner proposes to exceed the maximum accessory building area for a detached accessory building from 721 square feet to 1,024 square feet.

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

The petitioner is requesting a variance of development standards to exceed the maximum accessory building area for a detached accessory building from 721 square feet to 1,024 square feet. The approval of the requested variance of development standards would allow construction of the 32 foot by 32 foot detached garage on the subject property.

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

**SITE REVIEW FINDINGS:** Site review is 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 proposed detached accessory building size to allow 1,024 square feet will not be detrimental to the public health, safety, morals, and general welfare of the community. The requested total accessory building size is compatible with existing detached accessory building sizes on similar lots in the surrounding area located along Whitehead Road in the City of La Porte.

**(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 construction of 1,024 square foot detached accessory building. The petitioner's requested total accessory building size is similar to most of the existing accessory building sizes in the immediate area for similar properties. The existing accessory building sizes range from 500 square feet to 1,500 square feet on surrounding properties located along Whitehead Road.

**(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 result in practical difficulties in the use of the subject property. The petitioners may still use the subject property for personal use and storage with a smaller accessory building size. The proposed 32 foot by 32 foot accessory building would provide reasonable use of the one acre property for personal storage.

**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 exceed the maximum accessory building area from 721 square feet to 1,024 square feet.

Submitted to the Board of Zoning Appeals September 5<sup>th</sup>, 2024.

**Applicant Presentation**

Marian Barteczko mentioned that the garage he would like to build exceeds the square footage allowed and this is why he is requesting this variance.

Nate Loucks asked if construction for the garage has been started.

Marian Barteczko responded that he has only dug the hole and that he has not started construction on the garage.

**Public Comment**

Vice Chair Brian Kajer opened the meeting to public comment.

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

**Staff Presentation**

David Heinold, City Planning, briefly explained item number four variance of development standards #24-08 petition to exceed the maximum accessory building area, requesting 1,204 square feet. David Heinold mentioned that the property is located at 102 Whitehead Road and that it is zoned Single Family Residential. David Heinold mentioned that the unfinished 721 square feet building made the petitioner aware that a variance is required to increase the building to the proposed 1,204 square feet. David Heinold mentioned that this property is not required to go to Site Review. David Heinold mentioned that the proposed building size is like many of the surrounding existing detached accessory buildings along Whitehead Road. David Heinold mentioned that staff finds the requested variance to development standards petition is following the 2017 City of La Porte Revised Joint Zoning Ordinance and does conform to the goals and policies of the countywide land development plan. David Heinold stated that staff does recommend approval of the petitioner’s request to exceed the maximum accessory building area from 721 square feet to 1,024 square feet.

Nate Loucks made a motion to **approve the Variance of Development Standards #24-08 Petition to Exceed the Maximum Accessory Building Area-Requesting 1,204 Square Feet** and the motion was seconded by Vickie Gushrowski. A roll call vote was taken. The motion passed 3-0.

Yes Brian Kajer

Absent Pete Saunders

Yes Vickie Gushrowski

Absent Mark Danielson

Yes Nate Loucks

**Variance of Development Standards #24-08 Petition – Approved**

**ITEM 5. SPECIAL EXCEPTION USE #24-01 PETITION: TO BUILD AND OPERATE A 33,750 SQUARE FOOT FAMILY FUN CENTER, AND CONDUCT ALL PLANNED ACTIVITIES AND ATTRACTIONS AS LISTED IN THE ATTACHED LIST OF USES**  
**Applicant:** Noah’s Arcade, LLC d/b/a Full Tilt (Bill Nelson, Attorney Representative)  
**Property Owner:** Redevelopment Commission of the City of La Porte, Indiana  
**Location:** Approximately located on a parcel adjacent to the southeast corner of the intersection at NewPorte Boulevard and Clear Lake Boulevard  
**Staff Report:** David Heinold



<p><b>ITEM 5. Special Exception Use # 24-01 Petition</b>  to Build and Operate a 33,750 Square Foot Family Fun Center, and Conduct All Planned Activities and Attractions as Listed in the Attached List of Uses</p>
<p><b>Type of Request:</b> Special Exception Use</p>
<p><b>Staff Report:</b> David Heinold</p>

**APPLICANT**

Name – Noah’s Arcade, LLC d/b/a Full Tilt (Bill Nelson, Attorney Representative)
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**PROPERTY OWNER**

Name – Redevelopment Commission of the City of La Porte, Indiana
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**PREMISES AFFECTED**

Parcel Number - 46-06-35-251-009.000-043				
Actual/approximate address or location from major streets – Approximately located on a parcel adjacent to the southeast corner of the intersection at NewPorte Boulevard and Clear Lake Boulevard				
Total Acreage – 12.815 acres (6.5 acres for site development)		Flood Zone on Site? - No		
Zoning of Subject Property – B2		Use of Subject Property – Vacant		
Zoning of Adjacent Properties	North: Clear Lake	South: B2	East: B2	West: B2
Land Use of Adjacent Properties	North: Clear Lake	South: Industrial Building	East: Dunes Event Center	West: Medical Office Building

**SUMMARY:** The petitioner proposes to build and operate a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses. The attached list of uses includes the following two special exception uses: arcade establishment and 18-hole outdoor miniature golf course.

**HISTORY OF SITE:** Per the site aerial image, the total parcel size is 12.815 acres and is currently zoned B2 (General Commercial District).

Currently, the subject property is primarily a vacant lot. The petitioner proposes to build and operate a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses. The attached list of uses includes the following two special exception uses: arcade establishment and 18-hole outdoor miniature golf course. The proposed family fun center and attractions listed in the attached list of uses will take place on approximately 6.5 acres of the total parcel. The remainder of the parcel includes the Chessie-Clear Lake Connector Trail on the east side of the subject property along Hoelocker Drive.

**DESCRIPTION OF PROPOSED SPECIAL EXCEPTION USE:**

The petitioner is requesting a special exception use to build and operate a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses.

**STATEMENT OF COMPLIANCE:** Section 7.02 allows for amusement/arcade establishments and putt putt golf with the approval of a Special Exception Use in the B2 General Commercial District when all applicable standards cited in Article 24 Special Exception Review Requirements and Procedures are met within the 2017 City of La Porte Revised Joint Zoning Ordinance. The amusement/arcade establishment use includes laser tag, indoor mini golf course, multi-sport simulators, projection darts, obstacle course, arcade, pinball, and go karts in the attached list of uses for special exception approval by the City of La Porte Board of Zoning Appeals. Section 14.09 (d) sets forth additional use requirements for the construction of buildings and operation of the outdoor putt putt golf facility. Section 7.02 allows for the restaurant, bar, and bowling alley as permitted uses within the B2 General Commercial District. Section 18.01 sets forth minimum parking requirements for the proposed family fun center and it is estimated that approximately 150 parking spaces will be utilized for the mix of planned activities. In addition, the subject property is located within the NewPorte Landing South Overlay District that sets design and development requirements above the zoning ordinance.

**SITE REVIEW FINDINGS:** Site review was not required at this time due to the nature of the special exception use petition to allow a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses.

**DECISION CRITERIA:**

**(1) General Welfare. The proposal will not be injurious to the public health, safety, and general welfare of the community.**

The subject property has historically been the site of the former Dietrich Industrial Building and now a vacant lot located within the NewPorte Landing South redevelopment area. The proposed family fun center will not be injurious to the public health, safety, and general welfare of the community. The proposed popular more amenities and family-friendly activities to an increasingly more popular recreation destination in the heart of La Porte.

The development of a family fun center with the included uses in the variance request will positively benefit the public health, safety, and general welfare of the community.

**(2) Surrounding Property. The special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish or impair property values within the neighborhood. The establishment of the special exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The approval of the special exception use to allow a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish or impair property values within the neighborhood. The proposed development of a family fun center in the NewPorte Landing South redevelopment will further improve property values within the neighborhood and provide overall net positive tax benefits to the community. The proposed use will positively benefit the future development of the surrounding area and NewPorte Landing South redevelopment area. The establishment of the special exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

**(3) Hazard. The special exception shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property.**

The proposed use for a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses does not involve any uses, activities, materials or equipment which will be detrimental to the health, safety, or general welfare of people or property in the immediate vicinity. The impact of the proposed uses identified in the special exception use petition are comparable to the existing commercial, residential, and recreational uses in the B2 General Commercial District within NewPorte Landing.

**(4) Public Facilities and Services. The use will be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

The proposed use for a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and refuse disposal.

Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and highways.

Clear Lake Boulevard will be the primary access to and from the subject property. Clear Lake Boulevard is an adequate two-way street that can handle the amount of traffic generated from the proposed use.

**(5) Development Requirements. The development of the property will be consistent with the intent of the development requirements established by this ordinance for similar uses. The**

**development will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity, based upon the County Comprehensive Land Development Plan.**

The development of the property will be consistent with the intent of the development requirements established by the zoning ordinance for similar uses in the B2 General Commercial District and NewPorte Landing South redevelopment area. The NewPorte Landing South Overlay District sets additional design and development requirements related to the visual and aesthetic qualities of new site development within NewPorte Landing. The proposed family fun center will be consistent with the intent of the NewPorte Landing South Overlay District for visual and aesthetic qualities of site development within the NewPorte Landing South redevelopment area. The property development will be designed, constructed, operated, and maintained to be compatible with, and not significantly alter, the existing character of the general vicinity based upon the County Comprehensive Land Development Plan.

**(6) Ordinance Intent. Granting the special exception use will not be contrary to the general purposes served by this ordinance and will not permanently injure other property or uses in the same zoning district and vicinity.**

The approval of the special exception use to allow a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses will not be contrary to the general purposes served by this ordinance and will not permanently injure other property or uses in the same zoning district. Commercial retail, restaurants, entertainment, recreation, and residential uses are common land uses located within NewPorte Landing.

**(7) County Land Development Plan. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the County Land Development Plan.**

The proposed use to build and operate a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses will be consistent with the character of the B2 General Commercial District, which has a mixed variety of commercial retail and entertainment businesses similar to the special exception use petition request. The County Land Development Plan encourages full use of land in established communities by elimination of unintended regulatory impediments to commercial infill development. Commercial retail, restaurants, entertainment, recreation, and residential uses are common land uses located within NewPorte Landing.

**(8) Use Regulations. Where there are use-specific regulations contained in Article 14, the special exception use shall comply with all of the regulations applicable to the use.**

Section 14.09 (d) requires that commercial outdoor recreation facilities, including putt putt golf meet the following requirements in the zoning ordinance:

- (1) The minimum front, side and rear yard building setbacks shall be 40 feet, which shall apply to all buildings, recreation activity areas, spectator seating and any other structural appurtenances.



- (2) The use and parking area shall be screened from adjacent major thoroughfares with a landscape greenbelt in accordance with section 17.02(b)(4)..
- (3) Devices for the transmission of broadcasting of voices or music shall be so directed as to prevent sound from being audible beyond the lot lines of the site.
- (4) Whenever any such use abuts a residential district or use, a transitional buffer area shall be provided between all operations, buildings and structures, including fences, and the residential property. Landscaping, walls and/or fences shall be required as part of this buffer as determined by the enforcement official based upon the nature of the use and the noise impact that the use may have on surrounding uses.
- (5) Storage buildings; restroom facilities; facilities for the sale and consumption of food, beverages and refreshments; and other similar accessory uses shall comply with all standards of the county or city.

**STAFF RECOMMENDATION:**

Staff finds that approval of the special exception use petition to build and operate a 33,750 square foot family fun center, and conduct all planned activities and attractions as listed in the attached list of uses is consistent with the Countywide Comprehensive Land Development Plan and the general character of the surrounding properties within the NewPorte Landing South redevelopment area. Staff recommends **approval** of Special Exception Use Petition #24-01.

Submitted to the Board of Zoning Appeals September 5<sup>th</sup>, 2024.

**Applicant Presentation**

Bill Nelson of Braje, Nelson and Janes LLP requested that Bert Cook, Executive Director for La Porte Economic Advancement Partnership, speak about the project.

Bert Cook gave a brief background about the property on Newport Landing. Bert Cook explained that the property is owned by the Redevelopment Commission, and they are fully supportive of the goals for Newport Landing. Bert Cook mentioned that along with the Redevelopment Commission and City Council they've been working in partnership with Ryan and Ashley Hart and Ben Kanowitz on their Family Fun Center Project. Bert Cook mentioned that the new addition will be great not just for Newport Landing but for the City of La Porte as a whole.

Bill Nelson representing Noah's Arcade explained that the petition was filed as the DBA Full Tilt Arcade. Bill Nelson provided Council with the proof of publication that was done through the Herald Dispatch and regional news, along with the affidavit proving notification by certified mail to the property owners. Bill Nelson mentioned to the council all the criteria required by the City of La Porte that his client met has qualified them for the special exception use petition. Bill Nelson mentioned that the negotiated development agreement with the city was approved, and the purchase agreement was approved as well. Bill Nelson stated that the Family Fun Center will be 33,750 square feet and it will house all of the following: a restaurant and a bar, bowling lanes, laser tag, outdoor 18-hole miniature golf, indoor 9-hole miniature golf, multi-sport simulators, projection darts, two lane ninja warrior course, a hundred game arcade that will include forty pinball machines, and a future plan of having an outdoor go-cart track. Bill Nelson that the only two that require the special exception use is the outdoor 18-hole miniature golf and the arcade. Bill Nelson referred to the 2017 Revised Joint Zoning Ordinance, Section 7.02 that allows for the special use exceptions for the arcade and 14.09 Section D that allows for the special use exceptions for outdoor miniature golf.

Bill Nelson mentioned that the developer has a Professional Engineer that will work with the city to identify the best places for ingress and egress to minimize any congestion. Bill Nelson mentioned that the activities with this project will be symbiotic with the community because it is an area that already provides recreational and retail to the community.

**Board Discussion/Action**

Vickie Gushrowski asked if fencing will be provided between the putt putt golf area, the road and the lake.

Ryan Hart mentioned that there will be fencing on the northside and along the lake area.

Nate Loucks asked David Heinold if the current zoning laws allow for most of the activities mentioned earlier but not the arcade and the 18-hole outdoor golf course.

David Heinold stated that is correct and referred to the 2017 Revised Joint Zoning Ordinance, Section 7.02 allows for amusement/arcade establishments and putt putt golf with the approval of special exception use.

**Public Comment**

Vice Chair Brian Kajer opened the meeting to public comment.

There being no public comments for or against the special exception use petition, Brian Kajer closed the floor to public comment

**Staff Presentation**

David Heinold mentioned that the City of La Porte Zoning Appeals Section 14:09 D sets forth additional use requirements for the construction of buildings and the operation of the outdoor putt putt golf facility. David Heinold stated that section 7.02 allows for the restaurant bar and bowling alley as permitted uses within the B2 General Commercial District. David Heinold mentioned that Section 18.01 sets forth minimum parking requirements for the proposed Family Fun Center and it is estimated that 150 parking spaces will be utilized for the mix of planned activities. David Heinold mentioned that staff finds that the approval of the special exception used petition to build and operate a 33,750 square foot Family Fun Center and conduct all planned activities and attractions mentioned is consistent with the countywide land development plan and the general character of the surrounding properties. David Heinold stated that staff recommends approval of special exception use petition 24-01.

Nate Loucks made a motion to **approve special exception use #24-01 petition to build and operate a 33,750 square foot Family Fun Center, and conduct all planned activities and attractions as listed is the attached list of uses.** and the motion was seconded by Vickie Gushrowski. A roll call vote was taken. The motion passed 3-0.

Yes Brian Kajer

Absent Pete Saunders

Yes Nate Loucks

Absent Mark Danielson

Yes Vickie Gushrowski

**Special Exception Use # 24-01 Petition – Approved**

ITEM 6. Old Business

There was no old business.

ITEM 7. New Business

There was no new business.

ITEM 8. Other Business

A. Public Comments on Non-Agenda Items

There was no public comment on non-agenda items.

ITEM 9. Adjournment

Vice Chair Brian Kajer called for a motion to **adjourn**. Vickie Gushrowski made a motion to **adjourn**, and the motion was seconded by Nate Loucks. The motion to **adjourn** passed 3-0. The meeting was **adjourned** at 6.32 pm.

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Brian Kajer, Vice Chair

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Josette Schoof, Secretary