



City of La Porte Board of Zoning Appeals Meeting Minutes	
Tuesday, October 8, 2024 at or after 6:00 PM Immediately upon conclusion of the Plan Commission Meeting	
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, 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 Chair Pete Saunders at 6:15 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:
Chair, Pete Saunders		Mark Worthley, BZA Attorney
Vickie Gushrowski		Craig Phillips, CDP Director
Nate Loucks		David Heinold, City Planner
Brian Kajer		Josette Schoof, Eng. Coord.
Mark Danielson		

ITEM 3. Approval of Minutes: September 10, 2024, BZA Meeting Minutes.

Chair Pete Saunders called for any changes or corrections to the September 10, 2024, Meeting Minutes. There being no changes or corrections to the meeting minutes, Nate Loucks made a motion to approve the September 10, 2024, Meeting Minutes and the motion was seconded by Vickie Gushrowski. A roll call vote was taken. The motion passed 5-0.



ITEM 4. Use Variance # 24-05 Petition
to Allow a Professional CPA Firm in the R1C Single Family Residential District
Type of Request: Use Variance
Staff Report: David Heinold

APPLICANT

Name – Angela Smoker

PROPERTY OWNER

Name – Corynn Myres

PREMISES AFFECTED

Parcel Number - 46-10-02-147-012.000-043				
Actual/approximate address or location from major streets – 516 I Street				
Total Acreage – 0.15 acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1C		Use of Subject Property – Single Family Dwelling/Vacant		
Zoning of Adjacent Properties	North: R1C	South: B2	East: R1C	West: B2
Land Use of Adjacent Properties	North: Single Family Dwelling	South: Medical Office Building	East: Single Family Dwelling	West: Gas Station/ Convenience Store

SUMMARY: The petitioner proposes to allow a professional CPA firm on property zoned R1C Single Family Residential District.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.15 acre and is currently zoned R1C (Single Family Residential District). Historically, the property has been used as a florist shop as well as a former barber shop. The commercial use of the subject property has been discontinued for a period of more than one year resulting in the loss of legal nonconforming commercial use in the R1C Single Family Residential District. The petitioner proposes to allow a professional CPA firm on the property zoned R1C Single Family Residential District.

DESCRIPTION OF PROPOSED USE VARIANCE:

The petitioner is requesting a use variance to allow a professional CPA firm in the R1C Single Family Residential District.

STATEMENT OF COMPLIANCE: Section 4.02 Uses sets forth requirements for how land and buildings may be used within the residential zoning districts. In addition, the development of the site shall be required to meet the development standards as set forth in Section 4.04 Building Dimensional Requirements for building setbacks. Table 17.02 (c)(2) requires a minimum of 10 feet landscape screening between the proposed professional CPA firm office use and adjacent R1C District Single Family Residential property to the north.

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 allow a professional CPA firm in the R1C Single Family Residential District will not be injurious to the public health, safety, morals, and general welfare of the community. The subject property is located directly adjacent to three properties with B2 Commercial District zoning and existing commercial businesses. There are existing residential single family dwellings to the north and east of the subject property. In addition, the La Porte High School is located directly southeast of the subject property.

(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 approval of a professional CPA firm in the R1C Single Family Residential District. The subject property is located directly adjacent to three properties with B2 Commercial District zoning and existing commercial businesses. There are two existing residential single family dwellings to the north and east of the subject property. In addition, the La Porte High School is located directly southeast of the subject property. The general nature of the surrounding area along 6th Street between I and J Streets is commercial retail and office type uses. The approval of a commercial use as a professional CPA firm in the R1C Single Family Residential District is an appropriate land use transition between the adjacent commercial uses and single family residential uses.

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

The proposed use variance to allow a professional CPA firm arises from the condition that the subject property has retained legal nonconforming use status as a commercial use for the past several years until the vacancy within the past few years resulting in the loss of legal nonconforming commercial use in the R1C Single Family Residential District.

The general nature of the surrounding area along 6th Street between I and J Streets is commercial retail and office type uses. The proposed CPA office location is an appropriate transition between residential and commercial zoning districts at the intersection of two major streets.

(4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

The strict application of the terms of the zoning ordinance to limit the subject property for only residential use will constitute an unnecessary hardship when applied to a property that has been used for commercial use for the past several years before losing legal nonconforming commercial use within the past few years. The surrounding properties on the west and south sides are all zoned B2 General Commercial District for use as commercial businesses as well as La Porte High School located on the block catcorner to the southeast of the subject property.

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

The approval of the requested use variance does not interfere substantially with the Countywide Land Development Plan because the plan encourages the majority of new development to take place in and near existing cities and towns where residents will have easy access to a range of public and private services. The Plan also encourages eliminating unintended regulatory impediments to residential and commercial infill development that is consistent with established neighborhood patterns and character. The proposed professional CPA office use is consistent with the established neighborhood pattern on this block of 6th Street between I and J Streets.

The result of this objective allows redevelopment of property using existing infrastructure that reduces the need for expansion of public utilities.

STAFF RECOMMENDATION:

Staff finds that the requested use variance petition conforms to the goals and policies of the Countywide Land Development Plan. The petitioner's request to allow a professional CPA firm in the R1C Single Family Residential District is appropriate for the surrounding commercial, institutional, and residential properties. Staff recommends **approval** of the petitioner's request to allow a professional CPA firm in the R1C Single Family Residential District.

Submitted to the Board of Zoning Appeals October 3rd, 2024



ITEM 5. Variance of Development Standards # 24-09 Petition

to Reduce the Minimum Front Yard Setback from 25 Feet to 10 Feet Along 6th and I Street; and to Reduce the Minimum Landscape Buffer Zone from 10 Feet to 0 Feet on the North and West Side of the Subject Property

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Angela Smoker

PROPERTY OWNER

Name – Corynn Myres

PREMISES AFFECTED

Parcel Number - 46-10-02-147-012.000-043				
Actual/approximate address or location from major streets – 516 I Street				
Total Acreage – 0.15 acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1C		Use of Subject Property – Single Family Dwelling/Vacant		
Zoning of Adjacent Properties	North: R1C	South: B2	East: R1C	West: B2
Land Use of Adjacent Properties	North: Single Family Dwelling	South: Medical Office Building	East: Single Family Dwelling	West: Gas Station/ Convenience Store

SUMMARY: The petitioner proposes to allow a professional CPA firm on property zoned R1C Single Family Residential District as part of the Use Variance Petition #24-05.

In addition, the petitioner is requesting approval of Variance of Development Standards Petition #24-09 to reduce the minimum front yard setback from 25 feet to 10 feet and to reduce the minimum landscape buffer zone from 10 feet to 0 feet along the north and west side of the subject property to use the property for the intended professional CPA office.

The petitioner is also requesting as part of Variance of Development Standards Petition #24-09 to reduce the minimum front yard building setbacks along 6th and I Street for construction of more suitable entrances to the office space for ADA access as indicated on the attached site plan.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.15 acre and is currently zoned R1C (Single Family Residential District). Historically, the property has been used as a florist shop as well as a former barber shop. The commercial use of the subject property has been discontinued for a period of more than one year resulting in the loss of legal nonconforming commercial use in the R1C Single Family Residential District. The petitioner proposes to allow a professional CPA firm on the property zoned R1C Single Family Residential District. The subject property has an existing nonconforming detached garage, which the petitioner plans to remove if both the use variance and variance of development standards requests are granted for improving the parking area. The existing house structure was built within the current zoning ordinance minimum 25 foot front yard setback for the R1C District, which makes the existing house structure a legal nonconforming structure according to Article 29.

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 10 feet and to reduce the minimum landscape buffer zone from 10 feet to 0 feet along the north and west side of the subject property to use the property for the intended professional CPA office.

STATEMENT OF COMPLIANCE: Article 4 sets forth requirements for the development of the site to meet the development standards as set forth in Section 4.04 Building Dimensional Requirements for building setbacks. Table 4.04 (a) requires a minimum of 25 feet front yard building setback from both 6th and I Street. Table 4.04 (a) also requires a minimum of 25 feet on the west rear yard building setback and 10 feet on the north side of the subject property. In addition, Table 17.02 (c)(2) requires a minimum of 10 feet landscape screening between the proposed professional CPA firm office use and adjacent R1C District Single Family Residential property to the north.

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 allow a professional CPA firm in the R1C Single Family Residential District with the proposed reductions in landscape screening will not be injurious to the public health, safety, morals, and general welfare of the community. There is an existing 6 foot tall wood privacy fence on the north side of the subject property that the petitioner plans to replace for screening the adjacent single family residential dwelling in lieu of the minimum 10 foot landscape buffer zone requirement.

The subject property is located directly adjacent to three properties with B2 Commercial District zoning and existing commercial businesses. There are existing residential single family dwellings to the north and east of the subject property within the minimum required front yard building setbacks. In addition, the La Porte High School is located directly southeast of the subject property. The reduction of the minimum front yard setback to 10 feet along 6th and I Street, where there are existing commercial uses, will not be injurious to the public health, safety, morals, and general welfare of the community.

(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 approval of a professional CPA firm in the R1C Single Family Residential District. The subject property is located directly adjacent to three properties with B2 Commercial District zoning and existing commercial businesses. There are two existing residential single family dwellings to the north and east of the subject property. In addition, the La Porte High School is located directly southeast of the subject property. The general nature of the surrounding area along 6th Street between I and J Streets is commercial retail and office uses.

There is an existing 6 foot tall wood privacy fence on the north side of the subject property that the petitioner plans to replace for screening the adjacent single family residential dwelling in lieu of the minimum 10 foot landscape buffer zone requirement. The reduction of the minimum front yard setback to 10 feet along 6th and I Street will not negatively affect the use and value of the area adjacent commercial and residential properties in substantially adverse manner.

There is an existing 6 foot tall wood privacy fence on the north side of the subject property that the petitioner plans to replace for screening the adjacent single family residential dwelling in lieu of the minimum 10 foot landscape buffer zone requirement. The approval of the variance request to reduce the minimum building and landscape setbacks intended for commercial use as a professional CPA firm in the R1C Single Family Residential District is an appropriate transition between the adjacent commercial uses and single family residential uses.

(3) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

The strict application of the terms of the zoning ordinance to limit the subject property for only residential use and residential building setbacks will constitute an unnecessary hardship when applied to a property that has been used for commercial use for the past several years before losing legal nonconforming commercial use within the past few years. The proposed use variance to allow a professional CPA firm arises from the condition that the subject property has retained legal nonconforming use status as a commercial use for the past several years until the vacancy within the past few years resulting in the loss of legal nonconforming commercial use in the R1C Single Family Residential District.

The existing house structure was built within the current zoning ordinance minimum 25 foot front yard setback for the R1C District. The proposed building setbacks for the CPA office will be the minimum necessary to allow for ADA accessibility and improving the condition of the existing building while allowing visibility of sight lines at the 6th and I Street intersection. The strict application of the terms of the zoning ordinance to require the minimum front yard building setbacks and landscape buffer zone requirements on a corner lot will constitute an unnecessary hardship for the subject property to be used as a commercial office.

The general nature of the surrounding area along 6th Street between I and J Streets is commercial retail and office type uses. The proposed CPA office site plan provides the appropriate transition between residential and commercial zoning districts at the intersection of two major streets. The surrounding properties on the west and south sides are all zoned B2 General District for use as commercial businesses. The proposed office use is similar to previous commercial uses that existed on the subject property.

STAFF RECOMMENDATION:

Staff finds that the requested variance petition conforms to the goals and policies of the Countywide Land Development Plan. The petitioner's request to allow a professional CPA firm in the R1C Single Family Residential District with a reduction in the minimum front yard building setback and landscape buffer zone requirements is appropriate for the surrounding commercial, institutional, and residential properties. Staff recommends **approval** of the petitioner's request to allow the reduction in minimum front yard setback from 25 feet to 10 feet along 6th and I Street; and reduction of the minimum landscape buffer zone from 10 feet to 0 feet along the north and west side of the subject property.

Submitted to the Board of Zoning Appeals October 3rd, 2024.

Applicant Presentation

Angela Smoker mentioned that she is requesting a variance of use as she is looking to purchase the property at 516 I Street where she would like to move her CPA Firm to. Angela Smoker also mentioned that she is requesting a reduction in the front yard setback along I Street and 6 Street from twenty-five feet to ten feet as well as the north and west side to take the landscape buffer from ten feet to zero.

Public Comment

Chair Pete Saunders opened the meeting to public comment.

Jean Thurman of 510 I Street expressed concern that the reduction of footage on the I Street side would not allow her access to the garage from the driveway.

Angela Smoker addressed her concern, mentioning that there wouldn't be a change regarding her driveway. Angela Smoker stated that the fence would be replaced and suggested a survey be done to make sure the property lines are correct.

Vickie Gushrowski asked if the new fence will be installed in the same location as the current one.

Angela Smoker mentioned if that's her property line then yes it would be, and she reiterated that a survey needs to be done due to the uncertainty of the property line.

Nate Loucks asked if the replaced fence is going to be as close to I Street as the current one is now.

Angela Smoker mentioned that the fence will not go any closer to I Street from where it is currently.

Nate Loucks asked Angela Smoker why she is seeking a reduction.

Angela Smoker mentioned that there isn't a particular reason other than to have it. Angela Smoker stated she is not planning on moving any closer to her neighbor who's trying to get in and out of their driveway.

Rory Bunce of 374 Timber Ridge expressed his support for Angela Smoker and asked for continuity with zoning.

Staff Presentation

David Heinold, City Planning, combined items number four and five. David Heinold briefly explained item number five variance of development standards #24-09 petition to reduce the front yard setback from 25 feet to 10 feet along 6th and I Street and to reduce the minimum landscape buffer zone from 10 feet to 0 feet on the north and west side of the subject property. David Heinold stated that the property is located at 516 I Street. David Heinold mentioned that after meeting with the applicant to go over the proposed request it was determined that that 10-foot setback is appropriate. David Heinold mentioned that the proposed addition to the north meets the current zoning requirements for setbacks and stated that parking will be in the back of the property. David Heinold presented photos that show distances between the property line and the building. David Heinold mentioned that staff finds both proposed variances for the use variance and variance of development standards meets the intent of the zoning ordinance. David Heinold stated that staff does recommend approval of the petitioner's use variance request 24-05 and variance of development standards 24-09.

Chair, Pete Saunders called for motions to vote on the two petitions separately.

Nate Loucks made a motion to **approve the Variance #24-05 Petition to allow a Professional CPA Firm in the R1C Single Family Residential District** and the motion was seconded by Brian Kajer. A roll call vote was taken. The motion passed 5-0.

<u>Yes</u> Pete Saunders	<u>Yes</u> Brian Kajer
<u>Yes</u> Vickie Gushrowski	<u>Yes</u> Nate Loucks
<u>Yes</u> Mark Danielson	

Variance #24-05 Petition – Approved

Nate Loucks made a motion to **approve the Variance of Development Standards #24-09 Petition to Reduce the Minimum Front Yard Setback from 25 Feet to 10 Feet Along 6th and I Street; and to Reduce the Minimum Landscape Buffer Zone from 10 Feet to 0 Feet on the North and West Side of the Subject Property** and the motion was seconded by Vickie Gushrowski. A roll call vote was taken. The motion passed 5-0.

<u>Yes</u> Pete Saunders	<u>Yes</u> Brian Kajer
<u>Yes</u> Vickie Gushrowski	<u>Yes</u> Nate Loucks
<u>Yes</u> Mark Danielson	

Variance of Development Standards # 24-09 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

Chair, Pete Saunders made a motion to **adjourn**, and the motion was seconded by Mark Danielson. The motion to **adjourn** passed 5-0. The meeting was **adjourned** at 6.32 pm.

Pete Saunders, Chair

Josette Schoof, Secretary