



City of La Porte Board of Zoning Appeals Meeting Minutes	
Tuesday, March 11, 2025 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, March 11, 2025 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.

Election of Officers for 2025 (Chair and Vice Chair)

Chair Pete Saunders called for nominations for the election of officers for 2025. Chair Pete Saunders mentioned that he would like to stand down as Chair due to travel plans that won’t allow him to always be present for meetings. Vice Chair Brian Kajer volunteered for the Chair position. Chair Pete Saunders made a motion for **Brian Kajer as Chair and the motion was seconded by Pete Saunders**. Chair Pete Saunders called for nomination for Vice Chair, Nate Loucks volunteered for the Vice Chair position and the motion for **Nate Loucks as Vice Chair was seconded by Vice Chair Brian Kajer**. The motion passed 5-0.

ITEM 1. Call Meeting to Order

The meeting was called to order by 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:

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

ITEM 3. Approval of Minutes: December 10, 2024 Meeting Minutes

Chair Brian Kajer called for any changes or corrections to the December 10, 2024 Meeting Minutes. There being no changes or corrections to the meeting minutes, Vickie Gushrowski made a motion to **approve the December 10, 2024 Meeting Minutes** and the motion was seconded by Nate Loucks. The motion passed 5-0.



ITEM 4. Variance of Development Standards # 25-01 Petition
to Exceed Maximum Accessory Building Area – Requesting 1,600 Square Feet
Type of Request: Variance of Development Standards
Staff Report: David Heinold

APPLICANT

Name – Kyle Ahlgrim

PROPERTY OWNER

Name – same

PREMISES AFFECTED

Parcel Number - 46-10-01-453-002.000-043				
Actual/approximate address or location from major streets – 2 Greenacres				
Total Acreage – 0.73 acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1B		Use of Subject Property – Single Family Dwelling		
Zoning of Adjacent Properties	North: R1B	South: R1B	East: R1B	West: R1B
Land Use of Adjacent Properties	North: Single Family Dwelling	South: Single Family Dwelling	East: Single Family Dwelling	West: Single Family Dwelling

SUMMARY: The petitioner proposes to construct a 32 foot by 50 foot detached accessory building for personal storage and use.

HISTORY OF SITE: Per the site aerial image, the total parcel size is 0.73 acre and is currently zoned R1B (Single Family Residential District). Currently, the subject property consists of a single-family dwelling and attached garage. The petitioner proposes to utilize the area at the east end of the existing driveway in the backyard for a 32 foot by 50 foot detached accessory building for personal storage and use.

The petitioner included a site plan that shows the proposed location of the accessory building.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to exceed the maximum area limitations for a detached accessory building to allow 1,600 square feet of total accessory building area 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 for this 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 single story detached accessory building size to allow 1,600 square feet will not be detrimental to the public health, safety, morals, and general welfare of the community. The requested accessory building size is compatible with existing detached accessory building sizes on similar lots in the surrounding area near Kingsbury Avenue and East 18th Street.

(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 a 1,600 square foot single story detached accessory building. The petitioner's requested total accessory building size is similar to most of the existing accessory building sizes in the surrounding area for similar properties. The existing building sizes range from 1,000 square feet to 1,700 square feet on similar properties.

(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 will result in practical difficulties in the use of the subject property. The proposed 32 foot by 50 foot accessory building would provide reasonable use of a three-quarter of an acre property for personal storage and use. City staff recommends adding a condition to the approval of the variance that the proposed single-story accessory building shall be composed of similar exterior materials for site-built residential dwellings. Section 14.01 (b) (1) sets forth requirements for primary materials on site-built residential dwellings to consist of one (1) or more of the following:

1. Residential horizontal aluminum, vinyl, or fiber cement lap siding;
2. Cedar or other wood siding;
3. Stucco;
4. Brick;
5. Stone (including native stone, cultured stone cast stone or other masonry material with the appearance of stone);
6. Other similar quality material to the above, as determined by the enforcement official.

STAFF RECOMMENDATION:

Staff finds that the requested variance of development standards petition conforms to the goals and policies of the Countywide Land Development Plan. The requested variance to exceed the maximum area limitations for accessory buildings to allow 1,600 square feet of total accessory building area is appropriate for the surrounding area. Staff recommends **approval** of the petitioner's request to exceed the maximum area limitations for accessory buildings to allow 1,600 square feet of total accessory building area as part of Variance of Development Standards Petition #25-01 with the following condition:

- 1.) That the accessory building shall be composed of similar exterior materials for site-built residential dwellings as required by Section 14.01 (b) (1) in the 2017 City of La Porte Revised Joint Zoning Ordinance.

Submitted to the Board of Zoning Appeals March 6th, 2025.

Applicant Presentation

Kyle Ahlgrim of 2 Greenacres in La Porte. Kyle Ahlgrim explained that he wants to build a detached garage for space for his vehicles because he currently cannot park his truck in his garage. He mentioned that it would also be used as a play area for his children during the winter months. Kyle Ahlgrim talked about the materials he would like to use to try & match his house. Kyle Ahlgrim mentioned that he is open to David Heinold's recommendation of using a matching façade.

Staff Presentation

David Heinold, City Planner, mentioned that staff recommends adding a condition to the approval of variance that the proposed single story accessory building shall be composed of similar exterior materials for site built residential dwellings. David mentioned that Section 14.01 B sets forth requirements for primary materials that are listed under the Decision Criteria of these meeting minutes.

Board Discussion/Action

Vice Chair, Nate Loucks asked if the building is going to be a pole barn structure.

Kyle Ahlgrim mentioned that it will be a post frame-built structure, but it will look like a garage.

Mark Danielson asked if one of the six material options that are recommended will be used.

Kyle Ahlgrim stated that it wasn't his initial intention but that he is open to David Heinold's recommendations.

Vice Chair, Nate Loucks, asked Kyle Ahlgrim if he's talked to any of his neighbors about his building plan.

Klye Ahlgrim stated that he did and that everyone is onboard.

Vickie Gushrowski asked if there are similar structures.

Kyle Ahlgrim stated yes.

Vice Chair, Nate Loucks, asked Kyle Ahlgrim if he's building a 1600 square foot building.

Kyle Ahlgrim stated it would be very close and that he may go a little narrower.

Vice Chair, Nate Loucks, asked David Heinold if the building materials recommended would be approved by the Engineering Department.

David mentioned that the Engineering staff would craft a condition letter to review prior to permit approval.

Craig Phillips, Director of CDP, clarified to the public that the city does not enforce any sort of restrictive covenants or deed restrictions on a property that is part of a subdivision.

Public Comment

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, Brian Kajer closed the floor to public comment.

Vice Chair Nate Loucks made a motion to **approve Variance of Development Standards Petition #25-01 to Exceed Maximum Accessory Building area-Requesting 1600 Square Feet contingent on the staff approval of the building material prior to issuance of a building permit as required by Section 14.01 (b) (1) in the 2017 City of La Porte Revised Joint Zoning Ordinance** and the motion was seconded by Vickie Gushrowski. A roll call vote was taken. The motion passed 5-0.

Yes Brian Kajer

Yes Nate Loucks

Yes Vickie Gushrowski

Yes Pete Saunders

Yes Mark Danielson

Variance of Development Standards Petition #25-01 – Approved with the following condition:

1.) That the accessory building shall be composed of similar exterior materials for site-built residential dwellings as required by Section 14.01 (b) (1) in the 2017 City of La Porte Revised Joint Zoning Ordinance upon review by the Office of Community Development and Planning prior to issuance of a building permit.



ITEM 5. Special Exception Use # 25-01 Petition
to Allow a Smoke and Vape Shop
Type of Request: Special Exception Use
Staff Report: David Heinold

APPLICANT

Name – Rahid Al Barmaki (Store Manager)

PROPERTY OWNER

Name – National Surety Trust I, LLC (George Hanus, President)

PREMISES AFFECTED

Parcel Number - 46-07-30-377-002.000-053				
Actual/approximate address or location from major streets – 1408 East Lincolnway				
Total Acreage – 11.99 acres		Flood Zone on Site? - No		
Zoning of Subject Property – B2		Use of Subject Property – Commercial Retail Stores		
Zoning of Adjacent Properties	North: B2	South: B2	East: B2	West: B2
Land Use of Adjacent Properties	North: Commercial Retail Stores	South: Wetland	East: Wetland	West: Commercial Retail Stores/Offices

SUMMARY: The petitioner proposes to allow a smoke and vape shop in an existing multi-unit commercial retail building at 1408 East Lincolnway.

HISTORY OF SITE: Per the site aerial image, the total parcel size is 11.99 acres and is currently zoned B2 (General Commercial District). Currently, the subject property consists of several retail stores within two existing commercial buildings. The petitioner proposes to utilize a small tenant commercial retail storefront as a smoke and vape shop. The existing commercial retail buildings consist of a pet supplies store, paint store, dollar store, and medical clinics.

The petitioner included a site plan that shows the location of a smoke and vape shop in the existing commercial retail building located at 1408 East Lincolnway.

DESCRIPTION OF PROPOSED SPECIAL EXCEPTION USE:

The petitioner is requesting a special exception use to allow a smoke and vape shop.

STATEMENT OF COMPLIANCE: Section 7.02 Uses lists Smoke and Vape Shop as a Special Exception Use in the B2 General Commercial District. Section 31.23 Definitions “V” defines Vape and Smoke Shop as a retail shop specializing in the selling of tobacco products, glassware, hemp products (i.e. CBD), electronic cigarettes, electronic smoking devices, liquid nicotine, liquid nicotine containers, vapor product, vaporizers, and/or other similar products.

The proposed use as a smoke and vape shop in the B2 General Commercial District requires Special Exception Use Review and Approval by the City of La Porte Board of Zoning Appeals according to the process set forth in Article 24 of the 2017 City of La Porte Joint Revised Zoning Ordinance.

SITE REVIEW FINDINGS: Site review is not required for this type of variance request.

DECISION CRITERIA:

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

The proposed use to allow a smoke and vape shop within an existing multi-unit retail building will be injurious to the public health, safety, and general welfare of the community. Currently, there are eight locations allowed to sell vape shops prior to the zoning ordinance changes to require special exception use approval for smoke and vape shops and tobacco shops. The overconcentration and visibility of smoke and vape shops within the City of La Porte presents challenges for the area school system managing the negative impacts of vape supplies and other tobacco products on public health.

(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 smoke and vape shop will be injurious to the use and enjoyment of other commercial and residential properties in the immediate vicinity for the purposes already permitted. The proposed use will be located within 0.125 miles of an existing residential manufactured home subdivision directly across East Lincolnway to the north and less than 0.25 mile of existing major industrial businesses along East Lincolnway and Boyd Boulevard. The establishment of the special exception use will impede the normal and orderly development and improvement of the surrounding permitted retail and industrial businesses.

(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 to allow a smoke shop and vape shop involves materials or equipment which will be detrimental to the health, safety, or welfare of the general public. The proposed location for a smoke and vape shop will be hazardous to the adjacent retail stores and industrial businesses in a high-profile and heavily travelled commercial retail complex because of the negative public health effects of vape supplies and other tobacco products.

(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 will be served adequately by essential public facilities such as the existing commercial retail building parking lot, access to the highway, police and fire protection, drainage structures, water and sewage facilities, and refuse disposal. The existing commercial retail building where the proposed use is planned already has access to the local and state roads.

(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 for a smoke and vape shop is not consistent with the intent of the development requirements established by the 2017 City of La Porte Joint Revised Zoning Ordinance to protect the health, safety, and general welfare of the community. The proposed use of a smoke and vape shop in an existing commercial retail building will significantly alter the intended character for the commercial retail businesses and restaurants in the B2 General Commercial District.

(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 smoke and vape shop will be contrary to the general purposes served by the zoning ordinance for protecting the health, safety, and general welfare of the community. The proposed use of a smoke and vape shop in an existing commercial retail building will significantly alter the intended character for the commercial retail businesses and restaurants in the B2 General Commercial District.

(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 allow the smoke and vape shop will not be consistent with the character of the B2 General Commercial Zoning District with commercial retail businesses and the recommendations of the Countywide Land Development Plan because of the negative impacts to the health, safety, and general welfare of the community.

(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.

The proposed use to allow the smoke and vape shop does not require any use-specific regulations in the 2017 City of La Porte Joint Revised Zoning Ordinance.

STAFF RECOMMENDATION:

Staff finds that approval of the special exception use petition to allow the smoke and vape shop is not consistent with the Countywide Comprehensive Land Development Plan and the general character of the surrounding commercial retail stores and residential dwellings within the surrounding area. Staff recommends **denial** of Special Exception Use Petition #25-01.

Submitted to the Board of Zoning Appeals March 6th, 2025.

Applicant Presentation

Rahid Al Barmaki of 3134 S Cuffers Drive, Bloomington Indiana mentioned that he found a location to lease, applied for a LLC, and for a tobacco license in preparation to open a vape shop. Rahid Al Barmaki explained that when he tried to apply for a sign permit, he was told that a special exception use application was required. Rahid Al Barmak mentioned that he had spent a lot of money on the store and signed a lease for the store space. Rahid Al Barmak stated that the store is filled with merchandise but was not open for business.

Staff Presentation

David Heinold, City Planner, mentioned that within the last six months the city now requires a special exception use approval by the Board of Zoning Appeals for smoke, vape, and tobacco shops within the city limits and the B2 General Commercial Zoning District. David mentioned that the sign company requested approval of a sign for tobacco and vape. David mentioned that is when it was explained to go through the special exception use process. David explained what 31.23 Definition Vape was and mentioned that approval is required from the Board of Zoning appeals through the special exception process. David explained that the board is to go through the decision criterion, and he listed the eight criteria for the special exception use with staff recommended findings. David mentioned that staff recommends denial of special exception use petition #25-01 because the vape shop is not consistent with the character of the B2 General Commercial Zoning District with the existing commercial retail businesses.

Board Discussion/Action

Vice Chair, Nate Loucks, asked if it is the City's default decision for the new ordinance standard to not approve future vape shops and that it will need to be approved through the special exemption process.

David mentioned that it will be on a case-by-case basis and he mentioned that the things for the Board of Zoning Appeals to consider on a case-by-case basis are the merits of how well the store fits within the intended characteristics of the existing area and the proximity of certain land uses.

Craig Phillips, Director of CDP, mentioned that the council's intent of the new ordinance is that the applicant would need to make a compelling argument as to what the benefits would be to the community for future vape shops.

Vickie Gushrowski asked when the recommendation was made by the council.

Craig stated it went into effect last year.

Vice Chair, Nate Loucks asked if there's been no approval of vape shops since the ordinance passed.

Craig stated that is correct.

Vice Chair, Nate Loucks asked how the applicant was able to get to the place where he was allowed to build out the store space and fill it with merchandise.

Craig Phillips mentioned that based on the current rules if there is not a change of use from the standpoint of occupancy then additional approvals are not required but if there is a change of signage then it triggers a review of the space such as in this case.

Vickie Gushrowski asked if the applicant had not updated the sign, then he would've been able to start his business.

Craig stated it's possible.

Vickie Gushrowski stated that in regard to public comments, did any of the other businesses in the area speak out about this.

Rahid Al Barmaki mentioned that they were notified by certified mail, and there was no response from anyone.

Vickie Gushrowski asked when the lease for the location was signed.

Rahid Al Barmaki stated it was signed four months ago.

Vice Chair Nate Loucks asked the applicant if he owns or operates other vapes shops in La Porte.

Rahid Al Barmaki mentioned that he has a couple of smoke shops in Indiana and normally some of the cities do not ask for a sign permit. Rahid Al Barmaki mentioned that he thought it would be the same process for this location. Rahid Al Barmaki stated that it was his first time going through the zoning process and that he was unaware of what was required outside of obtaining his tobacco license and LLC.

Public Comment

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, Brian Kajer closed the floor to public comment.

Mark Danielson made a motion to **deny Special Exception Use Petition #25-01 to allow a Smoke and Vape Shop** and the motion was seconded by Vice Chair Nate Loucks. A roll call vote was taken. The motion passed 5-0.

Yes Brian Kajer

Yes Nate Loucks

Yes Vickie Gushrowski

Yes Pete Saunders

Yes Mark Danielson

Special Exception Use Petition #25-01 - Denied

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

David Heinold made a comment about the city's first Comprehensive Plan Open House. The board members and public are encouraged to attend the events as they can. David mentioned that there will be two sessions held on March 12, 2025. The first session will be from noon to 3 pm at The Exchange Building downtown and the second session will be 5 pm to 8 pm at the Civic Auditorium in La Porte. Craig explained that the two open house sessions will be the same format with the opportunity for the public to submit comments and engage with the project consultants with any questions about the Plan.

ITEM 9. Adjournment

Vickie Gushrowski made a motion to **adjourn**, and the motion was seconded by Pete Loucks. The motion to **adjourn** passed 5-0. The meeting was **adjourned** at 6.40 pm.

Brian Kajer, Nate Loucks

Josette Schoof, Secretary