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| City of La Porte Board of Zoning Appeals Meeting Agenda | |
| Tuesday, September 12, 2023 at or after 6:00 PM Immediately upon conclusion of Plan Commission meeting | |
| City Hall Council Chambers, 801 Michigan Ave. | |
| www.cityoflaporte.com | (219) 362-8260 |

MEETING NOTES:

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the City of La Porte Office of Community Development & Planning at (219) 362-8260 by 10:00 am, Friday, preceding the meeting to make any necessary arrangements.

Regular Meeting Agenda Items

Members of the public should understand the Board of Zoning Appeals members may be unable to thoroughly review and consider materials delivered by the day of the public hearing. The order of business for each petition shall be the following:

1. Applicant Presentation
2. Staff Report Presentation
3. Public Comment
4. Applicant Response
5. Board Discussion/Action

ITEM 1. Call Meeting to Order

ITEM 2. Roll Call & Determination of Quorum

ITEM 3. Approval of Minutes: August 8, 2023 Meeting Minutes

ITEM 4. **SPECIAL EXCEPTION USE #23-14 PETITION: To Allow for Convenience Store with Gasoline Sales**

Applicant: Matthew Kirkwood (Danch, Harner & Associates, Inc.)

Property Owner: Balvir Singh

Address: 2204 East Lincolnway

Located at the southwest corner of East Lincolnway and Fail Rd.

Staff Report: David Heinold

ITEM 5. **VARIANCE OF DEVELOPMENT STANDARDS #23-15 PETITION: To Exceed the Maximum Accessory Building Area – Requesting 1,500 Square Feet**

Applicant: Eugenia A. Reutter & Mark B. Bantz

Property Owner: Eugenia A. Reutter

Address: 1012 Division Street

Staff Report: David Heinold

ITEM 6. **SPECIAL EXCEPTION USE #23-16 PETITION: To Allow Minor Automobile Service and Repair – Automotive Oil Change Facility**

Applicant: Michael Haigh (Quattro Development, LLC)

Property Owner: Quattro Development, LLC (Michael Liyeos, Member Manager)

Address: 103 Warren Street Located at the northeast corner of
Pine Lake Ave. and Warren St.

Staff Report: David Heinold

ITEM 7. Old Business

a. Request to withdraw Variance of Development Standards #23-12 Petition
VARIANCE OF DEVELOPMENT STANDARDS #23-12 PETITION: To Extend the House Foundation within the minimum front yard setback to Connect the House to the Detached Garage

Applicant: Claudia Winter

Property Owner: Mark Bruso

Address: 1211 Indiana Avenue

Staff Report: David Heinold

ITEM 8. New Business

ITEM 9. Other Business

A. Public Comments on Non-Agenda Items

ITEM 10. Adjournment



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| City of La Porte Board of Zoning Appeals Meeting Minutes | |
| Tuesday, August 8, 2023 at or after 6:00 PM Immediately upon conclusion of 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, August 8, 2023 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 6:08 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: |
|-------------------------|------------------------|------------------------------|
| Pete Saunders, Chair | | Mark Worthley, BZA Attorney |
| Vickie Gushrowski | | David Heinold, City Planner |
| Brian Kajer | | Craig Phillips, CDP Director |
| Mark Danielson | | |
| Drew Buchanan | | |

ITEM 3. Approval of Minutes: June 27, 2023 Meeting Minutes

Chair Pete Saunders called for any changes or corrections to the June 27, 2023 Meeting Minutes. There being no changes or corrections to the meeting minutes, Vickie Gushrowski made a motion to **approve the June 27, 2023 Meeting Minutes** and the motion was seconded by Brian Kajer. The motion passed 5-0.

ITEM 4. **SPECIAL EXCEPTION USE #23-11 PETITION: To Allow Philanthropic and Eleemosynary Support Services**

Applicant: HOI-Ivy Flats, LLC

Property Owner: La Porte Community School Corporation

Address: 205 Rumely Street

Staff Report: David Heinold

Applicant Presentation

Chair Pete Saunders called for the petitioner to present the variance petition.

Jordan Stanfill identified himself as the CEO of Housing Opportunities, Inc. and petitioner for this special exception use petition. Mr. Stanfill explained the proposed use and special exception use petition.

Vickie asked the petitioner what kinds of support services will be available on site.

Mr. Stanfill explained that there will be direct resident support services and primary behavioral health services provided by HealthLinc staff.

Staff Presentation

Chair Saunders called for a staff report presentation.

David Heinold, Assistant City Planner, presented the staff report and recommendation for the special exception use petition.

Public Comment

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

Aurelio Melgoza, 204 North St., stated that he cannot support the proposed use in a single-family neighborhood. He added that we are trying to improve the neighborhood and mentioned concerns about the proposed use making things worse.

Keri Mars-Barron, 205 North St., stated concerns regarding children, streets, and making sure that all of the services can be able accessible to all. She mentioned that this is not the right area for the proposed use. She also mentioned that the residential neighborhood has seen an increase in traffic. She explained that the residential neighborhood consists of families with mixed incomes.

Bob Wayer, 412 Niles St., stated that he agrees with Keri's concerns and mentioned that there is a lack of support for ordinance enforcement in the neighborhood. He added that he cannot support this use if we cannot enforce the ordinances. He mentioned that there has been a vehicle sitting on Niles Street on jack stands and also a pickup truck vehicle at 403 Niles Street.

Randy Milcoff, 309 Rumely St., mentioned that we don't know property values will stay the same or not be impacted by the proposed use. He added that he doesn't support the proposed use in a normal single family residential neighborhood because it will bring 16 more units of persons with disabilities. He stated concerns that there has been no plan presented for what children living in the facility can do on site with no play areas. He also mentioned concerns that people and children will have to cross Lincolnway on foot to get to stores for daily necessities. He stated that there have been 19 police calls at the Michigan Avenue Housing Opportunities location in a year.

Tammy Lawrence, 311 Rumely St., mentioned that she has lived in the neighborhood for 18 years and stated concerns for children's safety. She continued to mention that she was seriously disturbed with their safety regarding the approval of the proposed use. She mentioned that she obtained the police records from the La Porte Police Department for the past year at 1106 Michigan Avenue that showed police reports for sex offense, burglary, car theft, trespassing, search warrants, domestic violence, and suspicious vehicle activity. She stated a potential for negative impact on personal safety in our neighborhood with the proposed use.

Aurelio Melgoza, 204 North St., stated that he does not support the proposed use to keep our community safe.

Randy Milcoff, 309 Rumely St., mentioned that the facility in Portage, Indiana is nowhere near a residential neighborhood and not the same as the proposed use.

Patty Simpson, 317 Talley St., stated that she objects to the support services because of the caliber of people it would bring to the neighborhood. She mentioned concerns that there is no green space that the residents will need as part of their personal development. She stated safety concerns to our neighborhood regarding the proposed use.

Maria Amor, 318 East Jefferson Ave., stated support for approval of the special exception use at this location.

Mayor Tom Dermody stated that he appreciates Tammy bringing the police reports. He mentioned that he spoke with Chief Paul Brettin about police calls that warrants are being served. He added that we want our police to follow up and make sure the community is safe. He further mentioned that we do walk the streets and want to keep people safe in their neighborhoods.

Chair Saunders called for additional public comment. There being no further public comment, Chair Saunders closed the floor to public comment.

Applicant Response

Mr. Stanfill explained that the proposed facility will not be a recovery house or a shelter.

Mark Danielson asked what the hours of operation will be for the proposed facility.

Mr. Stanfill explained that the building will be open from 8 am to 5 pm, Monday through Friday, and have maintenance staff and other property management support staff available 24/7 for emergencies.

Mark Danielson asked how many residents will be in the building at one time.

Mr. Stanfill explained that there will be approximately 36 residents in the building.

Vickie Gushrowski questioned if there was study for how much parking will be needed on site.

Mr. Stanfill explained that they designed the parking lot to accommodate the required number of parking spaces per the City's Zoning Ordinance for the proposed uses. He continued to mention that the 32 parking spaces will be adequate based on similar facilities.

Pete Saunders asked the petitioner if he can explain the type of individuals that will reside in the proposed facility.

Mr. Stanfill explained that at least one person in the units has to have a qualified disability, which is typically includes either individuals with a physical disability or a chronic health condition. He continued to mention that some may also have a mental illness, substance abuse addiction issues, or developmental disabilities. He added that 25% of the residents may have or had some kind of addiction issue.

Mark Danielson questioned what the percentages of the other identified disabilities among the resident population.

Mr. Stanfill explained 50-60% of the residents would have some form of physical disability or a chronic health condition. He also mentioned that 25% may have some kind of addiction issue and the remaining percentage may have an identified mental illness or developmental disability.

There was additional discussion amongst the board and petitioner regarding the amount of parking for the proposed use.

Board Discussion/Action

Drew Buchanan made a motion to **approve Special Exception Use #23-11 Petition** based on the zoning ordinance and the motion was seconded by Vickie Gushrowski. The motion to **approve** passed 5-0.

Special Exception Use #23-11 Petition – Approved

ITEM 5. **VARIANCE OF DEVELOPMENT STANDARDS #23-12 PETITION: To Extend the House Foundation within the minimum front yard setback to Connect the House to the Detached Garage**

Applicant: Claudia Winter

Property Owner: Mark Bruso

Address: 1211 Indiana Avenue

Staff Report: David Heinold

Staff Presentation

Chair Pete Saunders called for staff to explain the request.

David Heinold, City Planning, explained that the petitioner is requesting a deferral until the September 12, 2023 Board of Zoning Appeals meeting to allow the petitioner to revise the variance of development standards petition for presentation at the next meeting.

David explained to the meeting attendees that Variance of Development Standards #23-12 Petition will be heard at the September 12th, 2023 Board of Zoning Appeals meeting in City Hall Council Chambers at 6:00 pm.

ITEM 6. **SPECIAL EXCEPTION USE #23-13 PETITION: To Allow for Watercraft Sales**

Applicant: MTC Investments, LLC and LaPorte Chrysler, Inc.

Property Owner: same

Address: 1309 Pine Lake Avenue

Staff Report: David Heinold

Applicant Presentation

Christopher Willoughby, Braje, Nelson, & Janes, LLP, identified himself as the attorney representing the applicant to present the Special Exception Use Petition to allow watercraft sales. Mr. Willoughby presented the applicant's request to allow for watercraft sales and explained their perspective of the proposed use impact on the surrounding area.

Staff Presentation

David Heinold, City Planning, provided a brief summary of the staff report and recommendation for the special exception use petition. David explained the criteria for consideration of the special exception use petition.

Mark Danielson questioned what kind of service would be apart of the watercraft sales use.

Mr. Willoughby explained that it is not the intention of the applicant to operate a boat repair shop, but to have the ability to service the boats sold in the existing building.

Public Comment

Chair Saunders opened the meeting to public comment and called for public comments either for or against the Special Exception Use Petition.

Timothy Barton, 323 Outlook Cove, mentioned noise concerns about the existing automobile sales and service operation. He added that the existing operation is currently using the turn lane on the state highway for loading and unloading purposes at all hours of the day. Mr. Barton asked where they will unload and store the boats to be sold. He mentioned that there should be no parking signs put up along the road as it is a turn lane.

There was discussion amongst the board and applicant regarding the applicant's intended purpose to be able to allow trade in boats as a part of the sale of an automobile at their existing facility.

Chair Saunders called for additional public comment. There being no further public comment, Chair Saunders closed the floor to public comment.

Board Discussion/Action

Mr. Willoughby appreciates the concern of neighboring residents, but explained that they left the request general for their intended purpose to exchange boats.

There was discussion amongst the board and applicant regarding the intent of the proposed watercraft sales to sell small recreational boats on the subject property.

Pete asked the petitioner how many boats would be sold on the property.

Mr. Willoughby explained that the number of boats at the highest end would be similar to what exists at other similar businesses in the area. He further added that the intention of the proposed use is not to be a retail boat shop.

Mark Danielson asked the petitioner what the intended purpose of the proposed watercraft sales.

Mr. Willoughby explained that the intention of the proposed watercraft sales is to allow for trade-in boats for automobiles.

There was additional discussion amongst the board regarding the intended use for watercraft sales of the subject property.

Brian Kajer made a motion to **approve the Special Exception Use #23-13 Petition** and the motion was seconded by Mark Danielson. The motion to **approve** passed 5-0.

Special Exception Use #23-13 Petition - Approved

ITEM 7. 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

Mark Danielson made a motion to **adjourn** and the motion was seconded by Vickie Gushrowski. The motion to **adjourn** passed 5-0. The meeting was **adjourned** at 7:15 pm.

Pete Saunders, Chair

David Heinold, Secretary



ITEM 4. Special Exception Use # 23-14 Petition

to allow for a Convenience Store with Gasoline Sales

Type of Request: Special Exception Use

Staff Report: David Heinold

APPLICANT

Name – Matthew Kirkwood (Danch, Harner & Associates, Inc.)

PROPERTY OWNER

Name – Balvir Singh

PREMISES AFFECTED

| | | | | |
|--|----------------------|---|--------------------------------------|-------------------|
| Parcel Number - 46-07-30-277-014.000-053 & 46-07-30-277-015.000-053 & 46-07-30-277-016.000-053 | | | | |
| Actual/approximate address or location from major streets – 2204 East Lincolnway | | | | |
| Total Acreage – 1.173 acres | | Flood Zone on Site? - No | | |
| Zoning of Subject Property – B2 | | Use of Subject Property – Vacant Commercial Buildings | | |
| Zoning of Adjacent Properties | North: I2 | South: B2 | East: B2 | West: B2 |
| Land Use of Adjacent Properties | North: Manufacturing | South: Storage Units | East: Gas Station/ Convenience Store | West: Residential |

SUMMARY: The petitioner proposes to allow gasoline sales in addition to the convenience store located at 2204 East Lincolnway.

HISTORY OF SITE: Per the site aerial image, the parcel is 1.173 acres and is currently zoned B2 (General Commercial District). Historically, the property has been a window glass repair shop and storage building. Currently, the subject property has vacant commercial buildings. The petitioner proposes to allow gasoline sales in addition to the convenience store.

DESCRIPTION OF PROPOSED SPECIAL EXCEPTION USE:

The petitioner is requesting a special exception use to allow gasoline sales in addition to the convenience store.

STATEMENT OF COMPLIANCE: Section 7.02 allows for gasoline sales 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. Section 14.05 (c) requires that gas stations meet minimum setbacks, screening, and driveway access standards.

SITE REVIEW FINDINGS: Site review was held on September 5, 2023 and the meeting notes are attached for your review.

DECISION CRITERIA:

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

The proposed location for a gas station and convenience store at the southwest corner of East Lincolnway and Fail Road will not be injurious to the public health, safety, and general welfare of the community. The proposed use is compatible with adjacent commercial land uses adjacent to the state highway, East Lincolnway and East State Road 2, at the intersection of Fail Road.

(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 subject property is located just inside the La Porte city limits at the southwest corner of East Lincolnway and Fail Road. The properties to the immediate east of the subject property is located outside the La Porte city limits and within the jurisdiction of LaPorte County. The approval of the special exception use to allow a gas station and convenience store on the subject property will not be injurious to the use and enjoyment of the surrounding gas station and convenience store, storage units, and manufacturing businesses.

There are currently two existing residential single family dwellings located immediately adjacent to the subject property on the west side that are completely within the B2 General Commercial District. The establishment of the special exception use for a gas station and convenience store at this location on the intersection of two major streets in the City of La Porte will not impede the normal and orderly development and improvement of surrounding property for commercial uses permitted in the B2 General Commercial 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 special exception use for a gas station and convenience store will be positioned in a way to not be hazardous to adjacent property or involve uses, activities, materials or equipment that will be detrimental to the health, safety, general welfare of persons or property. The proposed underground gas tanks will be located on the east side of the property along Fail Road where there is existing commercial development occurring to the east of the subject property.

(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 gas station and convenience store will be served adequately by essential public facilities and services such as access to the adjacent East Lincolnway and Fail Road, police and fire protection inside city limits, drainage structures to manage stormwater runoff from the site, 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. East Lincolnway is designated as a state highway that requires approval from the Indiana Department of Transportation for ingress and egress on the state highway system.

(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 proposed development of the subject property to construct a new gas station and convenience store 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 Countywide Land Development Plan for the City of La Porte. The proposed commercial use to allow a gas station and convenience store adjacent to similar uses such as a gas station and convenience store, storage units, and manufacturing businesses will not alter the general character of the immediate vicinity at this location.

(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 will not be contrary to the general purposes served by the zoning ordinance and will not permanently injure other property or uses in the same zoning district and vicinity.

(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 for a gas station and convenience store will be consistent with the character of the B2 General Commercial District in which it is located and the recommendations of the Countywide Land Development Plan. The Countywide Land Development Plan encourages full use of land in the City of La Porte for redevelopment and infill using existing infrastructure.

(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 14.05 (c) requires that gas stations meet minimum setbacks, screening, and driveway access standards. The following standards shall be met for the proposed gas station and convenience store:

(1) The site shall have sufficient road frontage to be able to meet all of the driveway access spacing requirements of section 18.04.

(2) Pump islands shall be a minimum of 20 feet from any public right of way or lot line, and at least 50 feet from any residential lot line.

(3) Where adjoining residentially zoned or used property, a solid screening wall shall be erected along any common lot line in accordance with section 17.03.

(4) Access driveways shall meet the standards of Article 18; turning movements may be restricted in consideration of traffic conditions. Only one (1) driveway shall be permitted from each street.

(5) The design and materials of the canopy shall be compatible with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Canopy lighting shall be recessed such that the light source cannot be seen from off site.

STAFF RECOMMENDATION:

Staff finds that approval of the special exception use petition to allow a convenience store with gas sales is consistent with the Countywide Comprehensive Land Development Plan and the general character of the surrounding properties. Staff recommends **approval** of Special Exception Use Petition #23-14.

Submitted to the Board of Zoning Appeals September 5th, 2023.



**City of La Porte
Site Review Meeting Minutes**

September 5, 2023 at 9:30 AM

City Hall Council Chambers, 801 Michigan Ave., La Porte, IN

The Site Review Committee ("SRC") meeting was held in the City Hall Council Chambers, in the City of La Porte ("City"), Indiana on Tuesday, September 5th, 2023 at the hour of 9:30 am, ("local time").

David Heinold, City of La Porte City Planner provided an introduction of the Site Review Committee for all of the attendees. Devon Hunsberger, MS4 Coordinator; Tucker King, Assistant Director of Engineering & Building Services; Jerry Jackson, Wastewater Director; Andy Snyder, Fire Chief all introduced themselves and what they consider with site review applications.

Presenters:

Matthew Kirkwood, Danch, Harner, & Associates, Inc.

Tom Fisher, Good Oil Fuel Co.

Explanation of Project:

Mr. Kirkwood explained the project to construct a gasoline station and convenience store at the southwest corner of East Lincolnway and Fail Road. Tom explained the tanks and tank monitor. He will send drawings to Jerry for review.

Comments from Staff:

David Heinold – Planning: David explained the zoning requirements for a gas station and convenience store at this location. He mentioned the landscaping, lighting, waste receptacle, and impervious surface coverage requirements for the proposed development.

Tom asked about signage limitations for the site. David explained that the proposed development is allowed to have one freestanding sign per street frontage limited to a maximum size of 6 feet tall and 72 square feet. There was discussion about possible sign locations on East Lincolnway and Fail Rd. David mentioned that they will also need approval from INDOT for any signage on East Lincolnway.

Andy Snyder – Fire: Andy asked if there will be a fire or burglary alarm on site. He questioned if there will be an ansele fire suppression system monitored to the alarm system. He mentioned that a nox box is required at the same time as construction to allow for access to the building in an emergency situation. Andy questioned if the demolition contractor for the existing buildings will be local to the area.

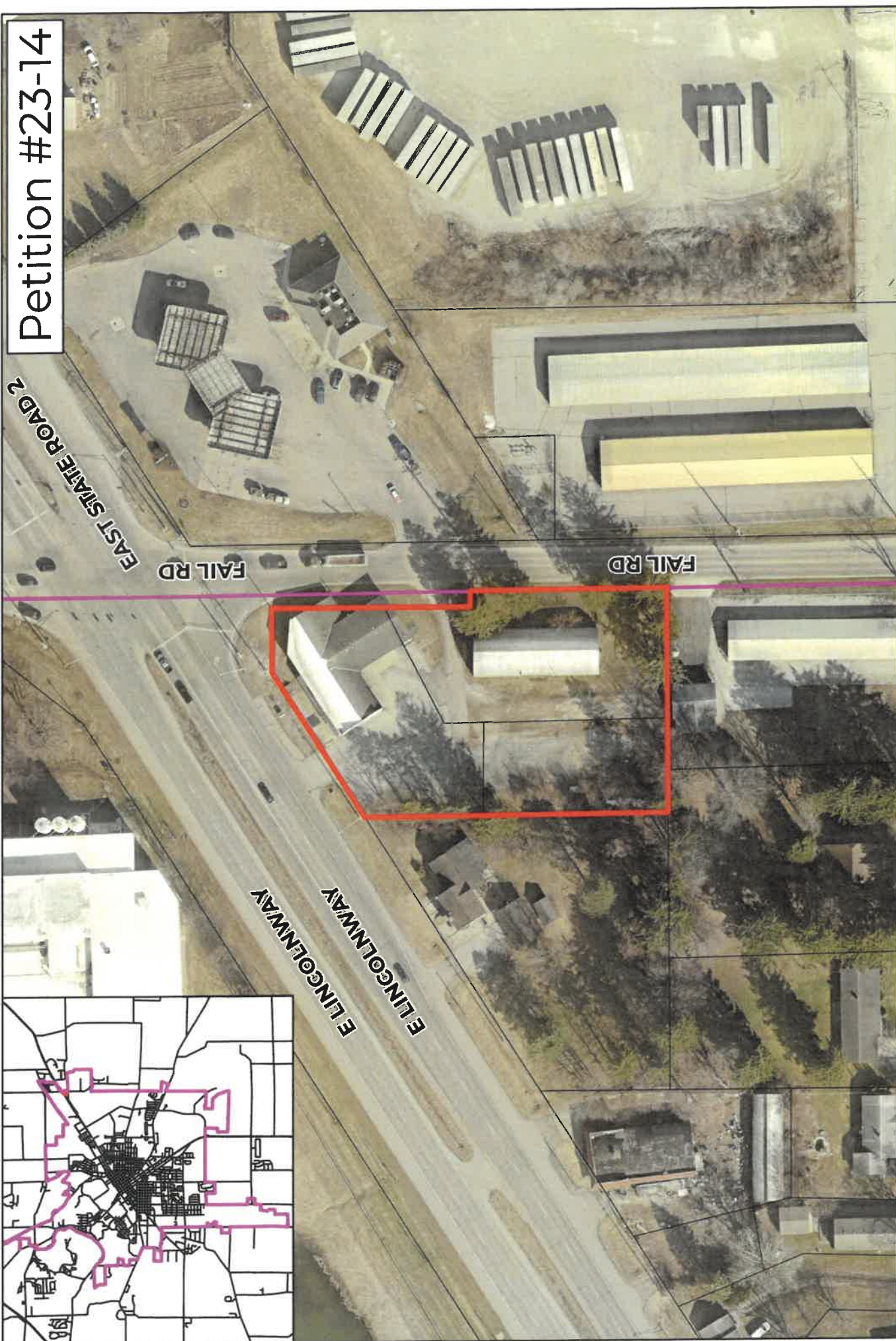
Tom mentioned that there will be a security system and that they can plan for regular checking the ventilation hoods in the food preparation area. Tom also explained that they will install a nox box at the time of construction for Fire Department access to the building. Tom mentioned that he looks to hire as many people from the area as possible since they know what's required.

Jerry Jackson – Wastewater/Stormwater: Jerry questioned if there will be a grease trap for the food preparation area. Jerry explained that there is no gravity sewer available at this location and that a grinder pump will need to be installed on site. He questioned where the stormwater runoff will go from the site.

Tom explained that there will be a 1,000 gallon grease trap. He mentioned that they can install a grinder pump for the proposed development. There was discussion amongst the presenters and staff about new stormwater drainage swale along Fail Road to manage runoff from the site. There was also discussion about managing stormwater runoff from the north across the gas station underground towards the south part of the parking lot.

Other comments: David will send out contact information for City staff to coordinate additional information with the developer and property owners for the proposed gas station. David explained that the site development process would be followed up with review of stormwater, utility, and building plans on the City's online permitting system. It was mentioned that additional site review meetings would be scheduled as necessary.

The Site Review Committee meeting ended at 10:15 am.



Petition #23-14

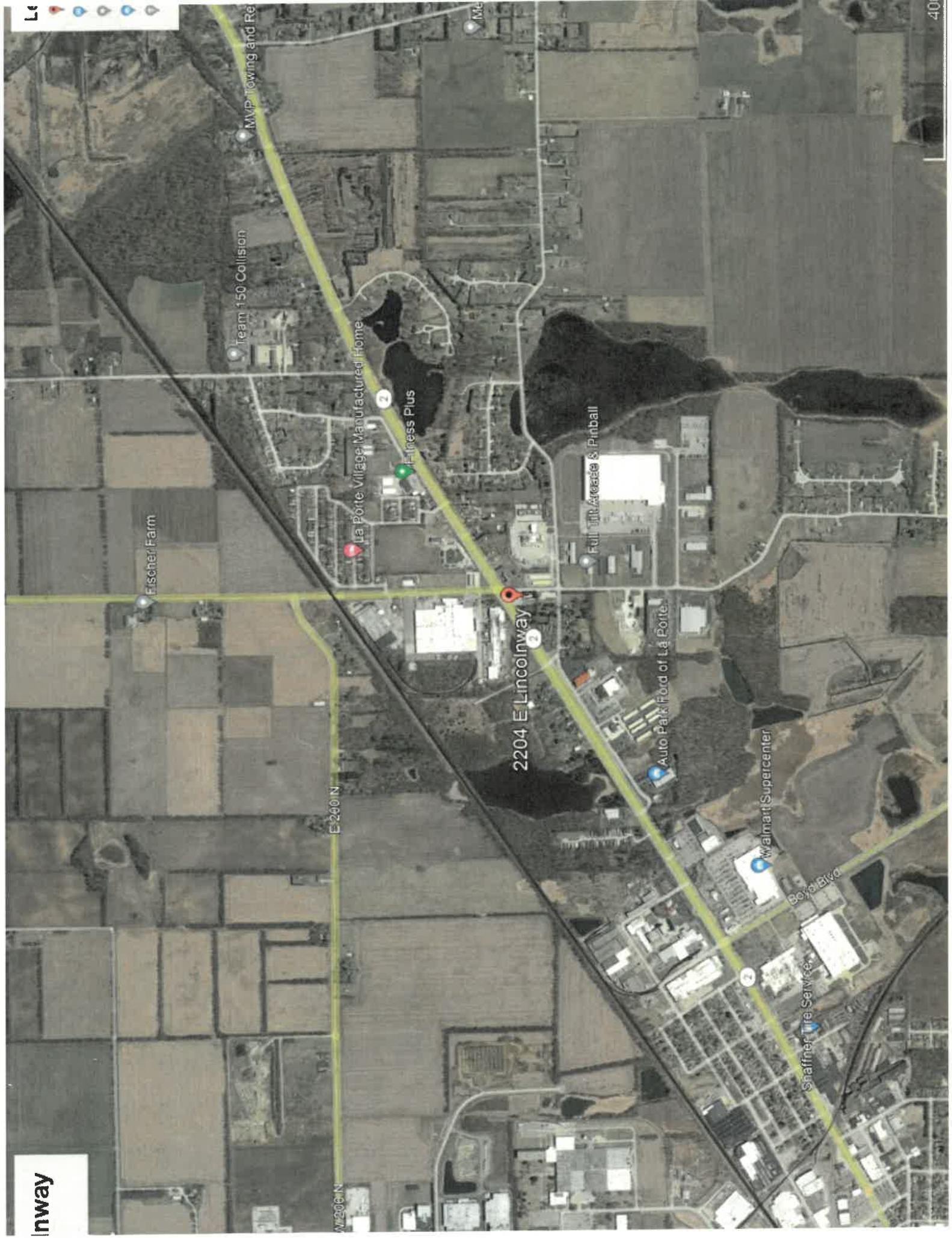


Subject Property
 City Limits

City of La Porte
 Board of Zoning Appeals
Location Map



Date Created: August 22, 2023
 Created By: David Heindl
 Document Path: \\CityPlanner\GIS\Map Requests\Board of Zoning Appeals\W44_23-14
 Map Disclaimer: This product is for informational purposes and may not have been prepared for
 professional use. It is not intended to be used as a substitute for professional engineering or
 consult the primary data and information sources to ascertain the usability of the information.



inway



LaPorte Housing Specialists

Heartfire Self Storage

Family Express

Quality Glass Services

LaPorte Transit

Major Collins Return Center

Alpina Baking

2204 E Lincolnway

N Fall Rd

White Head Rd

Lawn Care 4 Aces

Project Summary: petitioner is requesting approval for developing site for a convenience store with gasoline sales. The proposed building will be 3600 square feet. The proposed building will have operation approximately from 5:00 am-12:00 am. The facility will hire approximately two to three people for daily operations. There will be no increase in traffic flow. The proposed facility will service the existing traffic flow.

For the above stated reasons, the Petitioners would contend that approval of the Special Exception Use as shown on the Preliminary Site Plan would not be injurious to the public health, safety, morals and general welfare of the Community. The use and value of the area adjacent to the property included in the above request, will not be affected in a substantially adverse manner. The Petitioners believe the granting of the requested Special Exception Use does meet the intent of the Ordinance as it relates to providing the appropriate proposed use of the property. The need for the above requested Special Exception use arises from a condition peculiar to the Petitioner's proposed use of the premises. The Special Exception Use do not result from any action or inaction by the applicant. The request for the variance is based on the Ordinance and its required standards for convenience store facilities in gasoline sales. The proposed layout provides ingress and egress to minimize traffic congestion on the public roadways. This property does not have any adverse effect on any existing flood hazard area of the city. The proposed plans provide for adequate utilities. All other requirements beyond this Special Exception use in the Zoning Ordinance will be met. Directly located to the east, across Fail Rd is a Family Express which operates as a convenience store with gasoline sales.

DATE: August 8, 2023

TO: City of La Porte Board of Zoning Appeals (BZA).

RE: Special Exception Use request for: 2204 1/2 E Lincolnway (SR 2) Commercial Building located at the SW lighting Intersection of Lincolnway and Fail Road, La Porte, IN.

The undersigned Petitioners respectfully shows the Board:

- 1). That they are the owners of the below-described real estate located in the City of La Porte, Indiana, to-wit:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 2 WEST, CITY OF LAPORTE, LAPORTE COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF LINCOLNWAY EAST (ALSO KNOWN AS STATE ROAD 2) AND THE WEST RIGHT-OF-WAY LINE OF FAIL ROAD, THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF FAIL ROAD FOR THE NEXT THREE (3) COURSES: (ALL BEARINGS BEING ASSUMED) SOUTH 00°08'00" WEST, A DISTANCE OF 162.61 FEET MORE OR LESS, AND NORTH 87°20'23" EAST, A DISTANCE OF 10 FEET MORE OR LESS, AND SOUTH 00°08'00" WEST, A DISTANCE OF 143.09 FEET MORE OR LESS, THENCE NORTH 90°00'00" WEST, A DISTANCE OF 160.86 FEET MORE OR LESS, THENCE NORTH 00°08'00" EAST, A DISTANCE OF 246.33 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LINCOLNWAY EAST (ALSO KNOWN AS STATE ROAD 2), THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES: NORTH 58°04'20" EAST 117.20 FEET MORE OR LESS, AND SOUTH 86°35'32" EAST, A DISTANCE OF 51.66 FEET MORE OR LESS TO THE POINT OF BEGINNING.

Tax ID: 33-07-30-277-014 PCE IN SE ¼ NE ¼ ON W SIDE OF FAIL RD S30 T37 R2 1.27 AC

- 2). The above-described real estate presently has a Zoning classification of "B2" "General Commercial District" under the Zoning Ordinance of the City of La Porte, Indiana.
- 3). The Petitioners presently own the property which is formerly Quality Glass Service. The Petitioners desire to develop a convenience store with gasoline sales (Zoning Ordinance 1.06). See attached Preliminary Site Plan depicting Proposed 80' x 45' Building and the 20' x 135' Accessory Building Canopy over pumps.
- 4). The Petitioner's representatives had discussions with the Planning staff and it was determined that the property is zoned properly for a Convenience store use (Zoning Ordinance page 7-2), but the issue for the proposed facility is that the city ordinance requires a Special Exception Use for Convenience stores with gasoline sales. The Schedule of Permitted

Uses (Table 07.02) under B2 zoning states a Special Exception Use petition.

- 5). The Petitioners would respect the requirement for providing 25' setback for the proposed building and Canopy from both Lincolnway East (to the North) and Fail Road (to the East). Additionally, the West 0' Side Yard (proposed at 15.66') and 25' Rear Yard Building Setback (proposed 103.74') would be respected.
- 6). The Petitioner's as stated above, believe that the function and aesthetics is in adherence to the Ordinance.
- 7). For the above stated reasons, the Petitioners would contend that approval of the Special Exception Use as shown on the Preliminary Site Plan would not be injurious to the public health, safety, morals and general welfare of the Community. The use and value of the area adjacent to the property included in the above request, will not be affected in a substantially adverse manner. The Petitioners believe the granting of the requested Special Exception Use does meet the intent of the Ordinance as it relates to providing the appropriate proposed use of the property. The need for the above requested Special Exception use arises from a condition peculiar to the Petitioner's proposed use of the premises. The Special Exception Use do not result from any action or inaction by the applicant. The request for the variance is based on the Ordinance and its required standards for convenience store facilities in gasoline sales. The proposed layout provides ingress and egress to minimize traffic congestion on the public roadways. This property does not have any adverse effect on any existing flood hazard area of the city. The proposed plans provide for adequate utilities. All other requirements beyond this Special Exception use in the Zoning Ordinance will be met. Directly located to the east, across Fail Rd is a Family Express which operates as a convenience store with gasoline sales.
- 8). The Petitioner's have spoken with Mike Yacullo, Traffic Investigations Engineer with INDOT, about the expansion of the drive and the change in land use and have tentative approval.
- 9). Project Summary: petitioner is requesting approval for developing site for a convenience store with gasoline sales. The proposed building will be 3600 square feet. The proposed building will have operation approximately from 5:00 am-12:00 am. The facility will hire approximately two to three people for daily operations. There will be no increase in traffic flow. The proposed facility will service the existing traffic flow.

Attachment D: Standards for Evaluating a Special Exception Use

Use the following form or attach a separate sheet(s) to explain the Special Exception Use request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.)

Convenience store with gasoline sales.

Standards for Evaluation

1. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

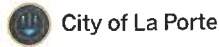
2. The special exception will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

3. The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.

6. The special exception will be located in a district where such use permitted and all other requirements set forth in the Zoning Ordinance that are applicable to such use will be met.



9/5/2023

SE-23-1
Board of Zoning Appeals -
Special Exception Use
Application
Status: Active
Submitted On: 8/15/2023

Primary Location
2204 E LINCOLNWAY
LA PORTE, IN 46350
Owner
CCHT LLC

Applicant
 Matthew Kirkwood
 574-234-4003
mj Kirkwood@danchharner.com
 1643 Commerce Drive
South Bend , IN 46628

Internal Review

File Date
08/15/2023
 Petition Number
2023-VAR-14

Site Review required?

 Site Review Date
09/06/2023

Date of BZA Meeting
09/12/2023
 Decision
-

Deferred Date (if needed)
-
 Decision ?
-

Site Review Meeting Notes Upload



(https://vpc3uploadedfiles.blob.core.windows.net/vpc3-files/laportein/Site_Review_mtg_5Sept2023_Tue_Sep_5_2023_14-46-10.pdf?sv=2021-10-04&st=2023-09-05T19%3A31%3A33Z&se=2023-09-05T20%3A16%3A33Z&sr=b&sp=r&sig=IRyOwxGOaHzMF65DSzMosE9DjRw8aPwkiggriGb8geQ%3D)

Site Review
mtg_5Sept2023.pdf

Conditions of Approval (if applicable)

Meeting Notes/Summary

General Information

Applicant is *
Agent

If you have an engineer please provide the following:

Engineer Preparing Plans Name

Engineer Email

Matthew Kirkwood

mjkirkwood@danchharner.com

Premises Information

Parcel ID Number*

Address or General Location*

330730277014

2204 E Lincolnway

Total Acreage*

Flood Zone?*

1.27

No

Zoning*

Land Use*

B2

Convenience store with gasoline sales

Request*

Special Exception Use

Zoning of Adjacent Properties

North*

South*

M2

B2

East*

West

M2

B2

Land Use of Adjacent Properties

North*

South*

Commercial

Commercial

East*

West*

Commercial

Commercial

Acknowledgement

The above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant Signature*

Date*

Matthew Kirkwood
Aug 7, 2023

08/07/2023

Property Owner Signature

(If different from Applicant)

Property Owner Name

Balvir Singh

Date

08/15/2023

Property Owner Signature



Attachment A: Consent of Property Owner

Property owner needs to sign and complete this form only if different from applicant

I (we) BALVIR SINGH
Name(s)

After being first duly sworn, depose and say:

- That I/we are the owner(s) of the real estate located at:
2204 East Lincolnway, LaPorte, IN 46350
(Address)
- That I/we have read and examined the Application, and are familiar with its contents.
- That I/we have no objection to, and consent to such request as set forth in the application.
- That such request being made by the applicant (_____) is (is not) a condition to the sale or lease of the above referenced property.

(AFFIANT)

STATE OF INDIANA)

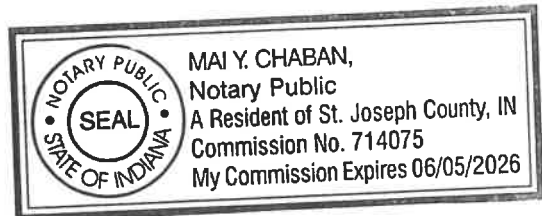
) SS:

COUNTY OF St Joseph)

Subscribed and sworn to before me this 15th day of August, 2023.

[Signature] Notary Public

My Commission expires: 06/05/2026 County of Residence: St. Joseph





ITEM 5. Variance of Development Standards # 23-15 Petition to Exceed the Maximum Accessory Building Area – Requesting 1,500 Square Feet

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Eugenia A. Reutter & Mark B. Bantz

PROPERTY OWNER

Name – Eugenia A. Reutter

PREMISES AFFECTED

| | | | | |
|--|--------------------|---------------------------------------|-------------------|-------------------|
| Parcel Number - 46-06-36-479-021.000-043 | | | | |
| Actual/approximate address or location from major streets – 1012 Division Street | | | | |
| Total Acreage – 0.31 Acre | | Flood Zone on Site? - No | | |
| Zoning of Subject Property – R1D | | Use of Subject Property – Residential | | |
| Zoning of Adjacent Properties | North: R1D | South: R1D | East: R1D | West: R1D |
| Land Use of Adjacent Properties | North: Residential | South: Residential | East: Residential | West: Residential |

SUMMARY: The petitioner submitted a variance of development standards request to exceed the maximum area limitations for a detached accessory building. The petitioner proposes to allow the construction of a 30’x50’ detached accessory building.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.31 acre and is currently zoned R1D (Single Family Residential District). Historically, the property has been residential use combined into one lot from separate lots.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to exceed the maximum area limitation of 721 square feet for a detached accessory building and allow the construction of the proposed 1,500 square foot detached accessory building on the subject property.

STATEMENT OF COMPLIANCE: Section 16.02 shall be met for the proposed detached accessory building.

SITE REVIEW FINDINGS: Site review was not required for the proposed use due to the nature of the proposed variance of development standards petition on the subject property.

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 1,500 square feet will be detrimental to the public health, safety, morals, and general welfare of the community. The requested total accessory building size is not compatible with existing detached accessory building sizes on similar lots 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 be affected in a substantially adverse manner with the construction of 1,500 square foot detached accessory building. The petitioner's requested total accessory building size is significantly larger than most of the existing accessory building sizes in the immediate area for similar properties.

Upon site inspection of the immediate vicinity, there is an existing detached accessory building size of about 1,000 square feet located at 1008 Plain Street that is less than 100 feet southwest of the subject property. The remainder of the detached accessory buildings on similar lot sizes are at or near the current maximum accessory building sizes for residential properties in the City of La Porte.

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

The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the subject property. The petitioners may still use the subject property for personal use and storage with a smaller accessory building size. City staff suggests limiting the size of the petitioner's variance request to 1,000 square feet for the total detached accessory building size to be compatible with existing accessory buildings in the surrounding area on similar lots. The proposed accessory building size exceeds the size of the existing house by about 500 square feet. The staff suggestion to limit the petitioner's request to a maximum of 1,000 square feet total accessory building area would provide reasonable use of the property for personal storage.

STAFF RECOMMENDATION:

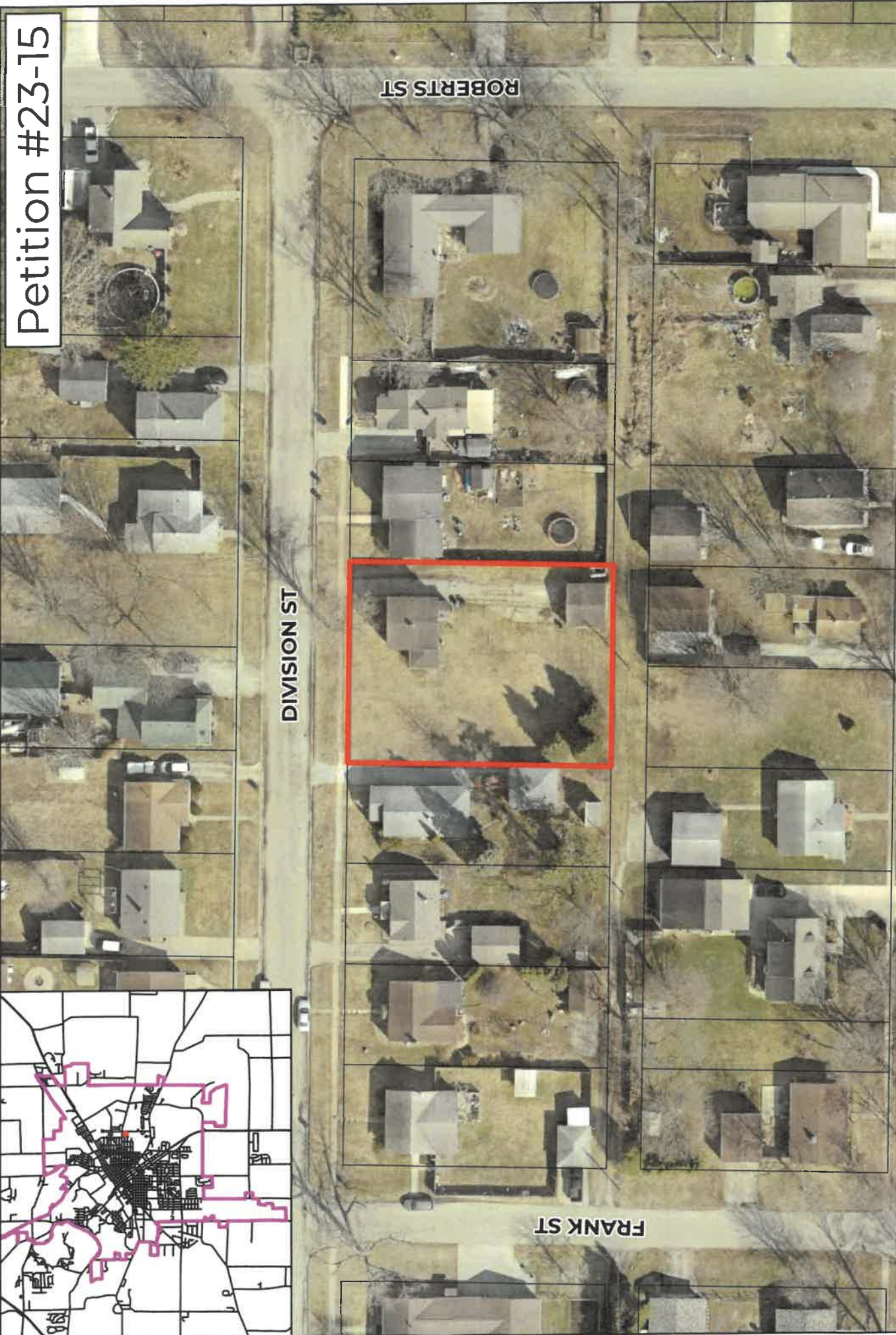
Staff finds that the requested variance of development standards petition does not meet the standards set forth in the 2017 City of La Porte Revised Joint Zoning Ordinance and not compatible with the general character in the immediate vicinity. Staff recommends **denial** of Variance of Development Standards Petition #23-15 to allow 1,500 square feet of total accessory building area.



Staff suggests modification of the variance of development standards petition to limit the maximum total accessory building area to 1,000 square feet to be more appropriate with the existing total accessory building sizes on similar lots. Staff recommends **approval** of Variance of Development Standards Petition #23-15 with the following conditions:

- 1.) The maximum total accessory building area shall be 1,000 square feet.
- 2.) The detached accessory building shall only be used for personal storage. No commercial business or storage shall be permitted at any time.

Submitted to the Board of Zoning Appeals September 5th, 2023.

Petition #23-15



-  Subject Property
-  City Limits

City of La Porte
Board of Zoning Appeals
Location Map



Date Created: August 22, 2023
Created By: David Heinold
Document Path: \\City Planner\GIS\Map Requests\Board of Zoning Appeals\BAG_23-15
Map Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



1012 Division St

Aerial Map - 1007, 1009, 1011?, 1008, 1014 Division St., 1007 & 1011 Plain St



Imagery ©2023 IndianaMap Framework Data, Map data ©2023 Google 20 ft



1012 Division St

Building



Directions



Save



Nearby



Send to phone



Share

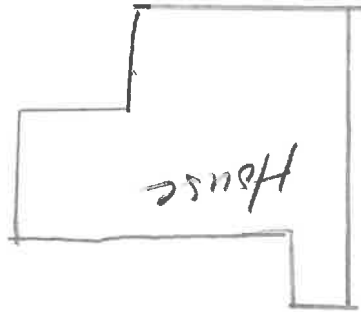


1012 Division St, La Porte, IN 46350

DIVISION ST.

104 FT. ↑

134 FT.



Drive Way

30 FT

50 FT.

Attachment D: Standards for Evaluating a Variance

Use the following form or attach a separate sheet (s) to explain the Variance request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request. Attach additional sheets if necessary.

Project Name: New Family Garage @ 1012 Division St.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.)

Family garage use only
PERSONAL USE
1500 SQ FT Detached garage

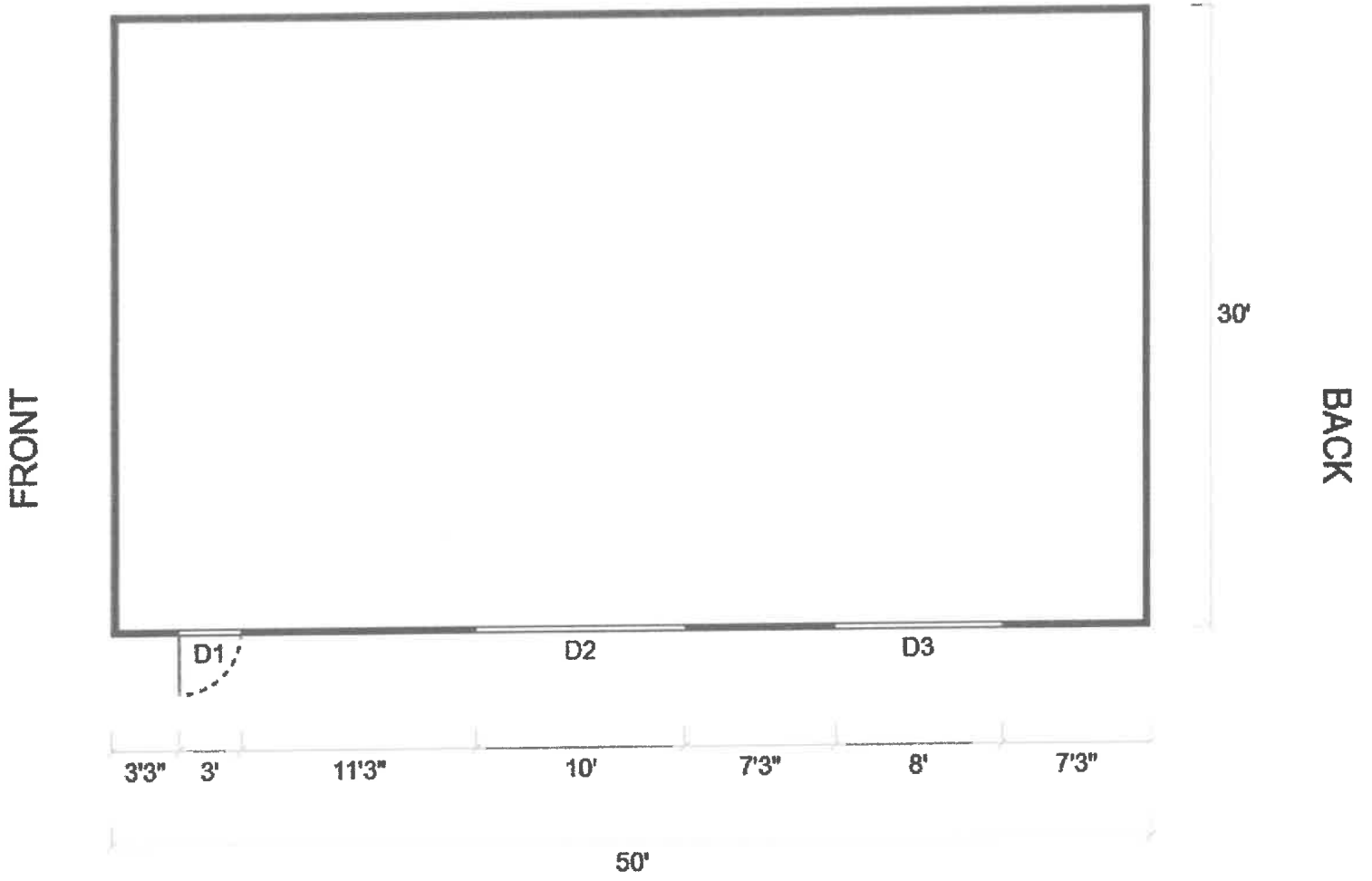
Standards for Evaluation

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community because.....
Family garage use only
PERSONAL USE

2. The use or value of the area to the property included in the variance will not be affected in a substantially adverse manner because.....
BRAND New Family Garage

3. The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variance is sought because...
Current Garage is Collapsing, we need a new larger garage to store our belongings.

LEFT SIDE



RIGHT SIDE

□ = 1ft

SYMBOL LEGEND

D1 Walk-in Door 36x80

D2 10x10 Garage Door

D3 8x8 Garage Door

— Closed Wall

Name: Mark Bantz
 State: IN 46350
 Phone:
 e-mail: mbantz76@gmail.com
 Date: 08/02/2023



| | | | | | |
|----|--|--|-----------------------------------|---------------|--------------|
| 1 | Base Price Galvanized Steel Framework Double Coated | | 30x50x11 | | \$ 11,195.00 |
| 2 | Vertical Roof Upgraded Roof System Included | | | | \$ 1,670.00 |
| 3 | Certification of Braces and Anchors included | | 30PSF/110MPH | | |
| 4 | Leg Height Option | 11 | | | \$ 745.00 |
| 5 | Sides Closed | Horizontal <input checked="" type="checkbox"/> | Vertical <input type="checkbox"/> | | \$ 2,090.00 |
| 6 | Ends Closed | Horizontal <input checked="" type="checkbox"/> | Vertical <input type="checkbox"/> | | \$ 3,840.00 |
| 7 | Roll-Up Doors | Quantity 1 | Size 10 x 10 | Position Side | \$ 1,465.00 |
| 8 | Roll-Up Doors | Quantity 1 | Size 8 x 8 | Position Side | \$ 985.00 |
| 9 | Walk in Doors | Quantity 1 | Size 36 x 80 | | \$ 375.00 |
| 10 | Windows | Quantity | Size | | |
| 11 | Additions | | | | |
| 12 | ***Pricing could vary within 48 hours*** | | | | |
| 13 | CONCRETE EXPANSION ANCHORS INCLUDED! | | | | |
| 14 | DELIVERED ANF INSTALLED! | | | | |
| 15 | ***** SUMMER END SALE! ***** (End Date AUGUST 11th 5:00pm EST!) | | | | -\$ 3,354.75 |
| 16 | 6 MONTH PRICE PROTECTION WITH PLACEMENT OF DEPOSIT! | | | | |
| 17 | | | | | |
| 18 | PRICE BEFORE LOCAL SALES TAX | | | | |
| 19 | Generic Engineered Drawings included | | | | |
| 20 | As- Built Engineered Drawings not included in purchase price (ONLY IF NESSECARY) | | | | |
| 21 | Steel Surcharge (%) | 0 | | | \$ 0.00 |

Total: \$ 19,010.25

READ BELOW: (QUOTES ARE ONLY GOOD FOR 48 HOURS)

- Quotes are subject to change until initial deposit is placed.
- Buildings taller than 12', or 32' or wider require Lull Lift rental by customer.
- As-Built Engineered drawings are NOT included in purchase price and can only be purchased after deposit is placed. No questions asked.
- Sales tax not included in quote and varies by state and location

DEPOSIT

(%): 19

Amount: \$ 3,611.95

DISCLAIMER:

Buildings come delivered and installed. We do not do ground work. If your land is not level and square we will not install buildings. Lead times vary by state, location. All prices are subject to change before deposit is place



Board of Zoning Appeals Application VARIANCE OF DEVELOPMENT STANDARDS

City Planner
David Heinold, AICP
dheinold@cityoflaportein.gov
www.cityoflaporte.com

City Hall
801 Michigan Ave.
La Porte, IN 46350
(219) 362-8260

| | |
|-----------------------------------|------------------------------|
| For Office Use Only | |
| Fee: <u>80⁰⁰</u> | Receipt: <u>488</u> |
| File Date: <u>8/4/2023</u> | File #: <u>2023-VAR-1115</u> |
| Site Review: <u>n/a</u> | |
| Date of BZA mtg: <u>9/12/2023</u> | |
| Decision: _____ | |

This application is being submitted for a Variance of Development Standards

Applicant

| | | | |
|---|---|-------|---------------------------|
| Name | <u>EUGENIA A. REUTTER + MARK B. BANTZ</u> | | |
| Street Address | <u>1012 DIVISION ST.</u> | | |
| City, State, Zip | <u>LAPORTE, IN 46350</u> | | |
| Primary Contact regarding this petition | <u>MARK B. BANTZ</u> | | |
| Phone | <u>219-851-2147</u> | Email | <u>MBANTZ76@GMAIL.COM</u> |
| Engineer Preparing Plans | | Email | |
| Others to be Notified | | Email | |
| Applicant is (check one): | <input checked="" type="checkbox"/> Sole Owner <input type="checkbox"/> Joint Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | | |

Property Owner (if different than above)

| | |
|------------------|-------|
| Name | |
| Street Address | Phone |
| City, State, Zip | Email |

Premises Affected

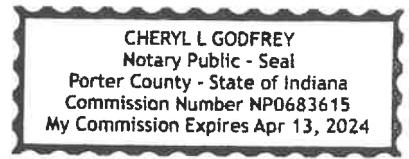
| | | | | |
|---------------------------------|---------------------------------|--------|-------|-------|
| Parcel ID Number | <u>46-06-36-479-021.000-043</u> | | | |
| Address or General Location | | | | |
| Total Acreage | Flood Zone? | | | |
| Zoning | Land Use | | | |
| Request | | | | |
| Zoning of Adjacent Properties | North: | South: | East: | West: |
| Land Use of Adjacent Properties | North: | South: | East: | West: |

The above information and attached exhibits, to my knowledge and belief, are true and correct.

Eugenia A. Reutter
Signature of Applicant

Cheryl L. Godfrey
Signature of Notary
Cheryl L. Godfrey
Notary Public's Name (printed)

Subscribed and sworn to before me this 17th day of 23
August





| |
|--|
| ITEM 6. Special Exception Use # 23-16 Petition to allow Minor Automobile Service and Repair – Automotive Oil Change Facility |
| Type of Request: Special Exception Use |
| Staff Report: David Heinold |

APPLICANT

Name – Michael Haigh (Quattro Development, LLC)

PROPERTY OWNER

Name – Quattro Development, LLC (Michael Liyeos, Member Manager)

PREMISES AFFECTED

| | | | | |
|---|--------------------------|----------------------------------|-------------------|---|
| Parcel Number - 46-06-35-102-002.000-043 & 46-06-35-102-004.000-043 46-06-35-102-005.000-043 | | | | |
| Actual/approximate address or location from major streets – 103 Warren Street | | | | |
| Total Acreage – 0.695 acres | | 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: R3B |
| Land Use of Adjacent Properties | North: Retail Commercial | South: Office | East: Residential | West: Retail Commercial/ Veterinary Clinic |

SUMMARY: The petitioner proposes to allow minor automobile service and repair, an automotive oil change facility.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.695 acres and is currently zoned B2 (General Commercial District). Currently, the subject property is a vacant lot. The petitioner proposes to allow minor automobile service and repair, an automotive oil change facility on the subject property.

DESCRIPTION OF PROPOSED SPECIAL EXCEPTION USE:

The petitioner is requesting a special exception use to allow minor automobile service and repair, which includes an automotive oil change facility requested by the petitioner.

STATEMENT OF COMPLIANCE: Section 7.02 allows for minor automobile service and repair, including automotive oil change facility, 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. Section 14.05 (a) requires minimum standards be met for minor vehicle service and repair.

SITE REVIEW FINDINGS: Site review was held on September 5, 2023 and the meeting notes are attached for your review.

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 a vacant lot. The proposed automotive oil change facility will not be injurious to 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 minor automobile service and repair, an automotive oil change facility 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. There are similar uses located along Pine Lake Avenue in the surrounding area that have automobile service and repair businesses. 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 minor automobile service and repair, an automotive oil change facility does 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 automobile sales and service businesses.

(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 an automotive oil change facility 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. Pine Lake Avenue is designated as a state highway that requires approval from the Indiana Department of Transportation for ingress and egress on the state highway system.

(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 automobile service and repair businesses. 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 minor automobile service and repair, an automotive oil change facility 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. Automobile service and repair is a common land use located along Pine Lake Avenue 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 minor automobile service and repair, an automotive oil change facility will be consistent with the character of the B2 General Commercial District, which has a mixed variety of commercial retail and sales 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. Automobile service and repair is a common land use located along Pine Lake Avenue in the B2 General Commercial District.

(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 14.05 (a) requires that minor automobile service and repair facilities meet the following requirements in the zoning ordinance:

- (1) All repair work shall be conducted completely within an enclosed building.
- (2) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles awaiting repair shall not be stored outdoors for more than seven (7) days and shall be screened with an eight (8) foot high screen wall in accordance with section 17.03.
- (3) There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site plan which extends no more than 10 feet beyond the building.

STAFF RECOMMENDATION:

Staff finds that approval of the special exception use petition to allow minor automobile service and repair, an automotive oil change facility is consistent with the Countywide Comprehensive Land Development Plan and the general character of the surrounding properties. Staff recommends **approval** of Special Exception Use Petition #23-16.

Submitted to the Board of Zoning Appeals September 5th, 2023.



**City of La Porte
Site Review Meeting Minutes**

September 5, 2023 at 10:15 AM

City Hall Council Chambers, 801 Michigan Ave., La Porte, IN

The Site Review Committee (“SRC”) meeting was held in the City Hall Council Chambers, in the City of La Porte (“City”), Indiana on Tuesday, September 5th, 2023 at the hour of 10:15 am, (“local time”).

David Heinold, City of La Porte City Planner provided an introduction of the Site Review Committee for all of the attendees. Devon Hunsberger, MS4 Coordinator; Tucker King, Assistant Director of Engineering & Building Services; Jerry Jackson, Wastewater Director; Andy Snyder, Fire Chief all introduced themselves and what they consider with site review applications.

Presenters:

Mike Haigh, Brett Dahlman, and Peter Pavek from Quattro Development via Zoom meeting link

Explanation of Project:

Mr. Haigh explained the project to construct a Valvoline Instant Oil Change Facility at the northwest corner of Pine Lake Avenue and Warren Street. He introduced Brett and Peter from the project team as well.

Comments from Staff:

David Heinold – Planning: David explained the zoning requirements for a oil change facility at this location. He mentioned the landscaping, lighting, waste receptacle, and impervious surface coverage requirements for the proposed development.

Jerry Jackson – Wastewater/Stormwater: Jerry mentioned that there is sanitary sewer on Pine Lake Avenue and Warren Street. He continued to mention that it is recommended to connect to Warren Street sanitary sewer line due to Pine Lake Avenue being the main state highway with a high volume of traffic. Jerry mentioned he will provide the sewer system plans to the developer for connection.

Jerry explained that there will need to be spill prevention for fluids on site. He questioned if there will be a pit in the proposed facility. Jerry mentioned that there is storm sewer on Pine Lake Avenue and that they will need sediment and trash control with the proposed development. He continued to mention that they will need an erosion and sediment control plan for the new development to be reviewed by City staff.

Peter explained that the facility will have a basement and platforms for the oil change operations.

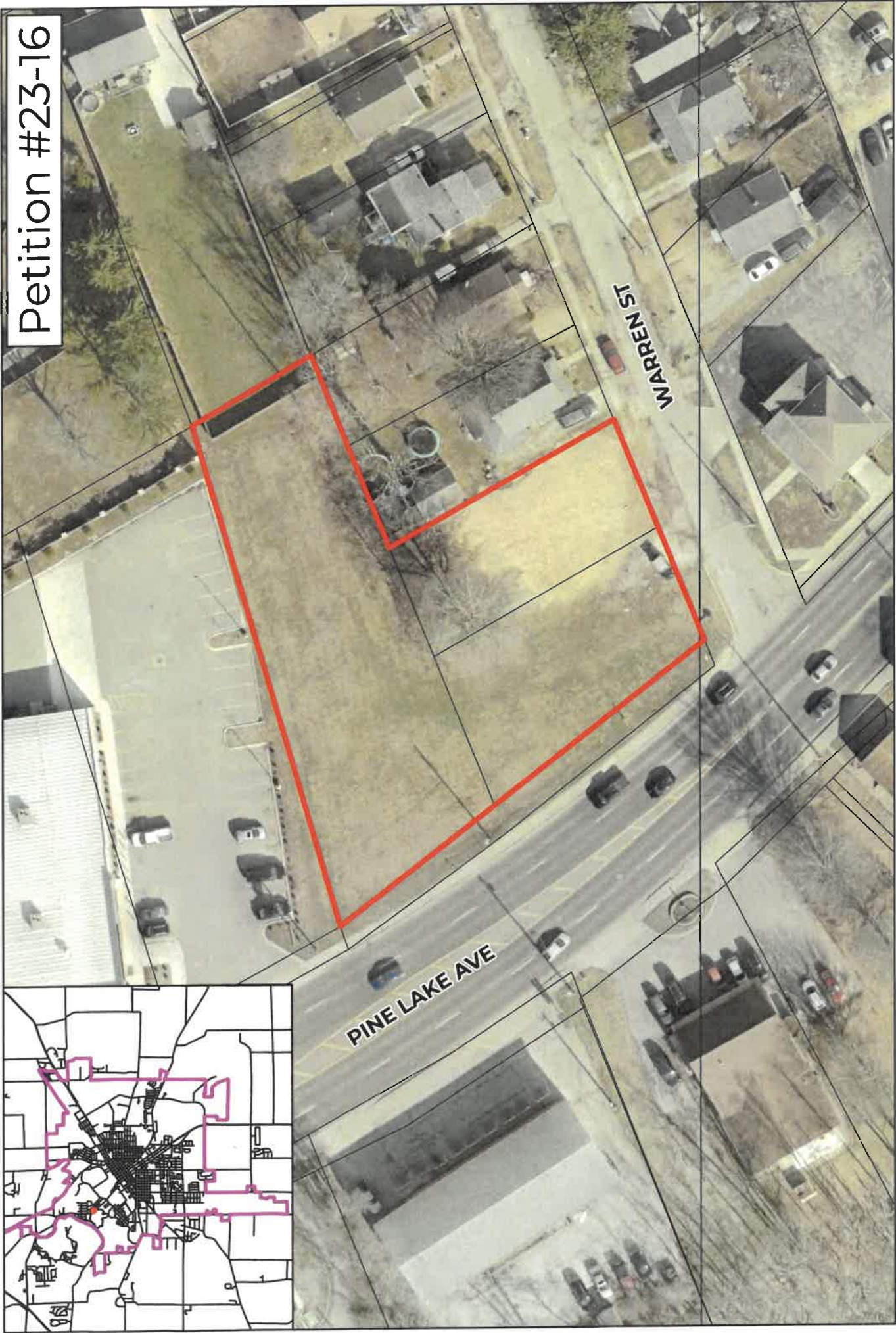
Andy Snyder – Fire: Andy questioned what the capacity of bulk storage tanks and battery storage capacity with the proposed operations. Andy explained that they will need to provide details to the City as well as LaPorte County Hazmat for permitting review by Jeff Hamilton.

Brett explained the sizes of tanks for oil storage and waste antifreeze on site as part of the operations.

Other comments: Tucker King mentioned that there is a 6 inch water main on Warren Street and 12 inch water main across the street south of Pine Lake Avenue.

David will send out contact information for City staff to coordinate additional information with the developer and property owners for the proposed Valvoline Instant Oil Change Facility. David explained that the site development process would be followed up with review of stormwater, utility, and building plans on the City's online permitting system. It was mentioned that additional site review meetings would be scheduled as necessary.

The Site Review Committee meeting ended at 10:35 am.



Petition #23-16

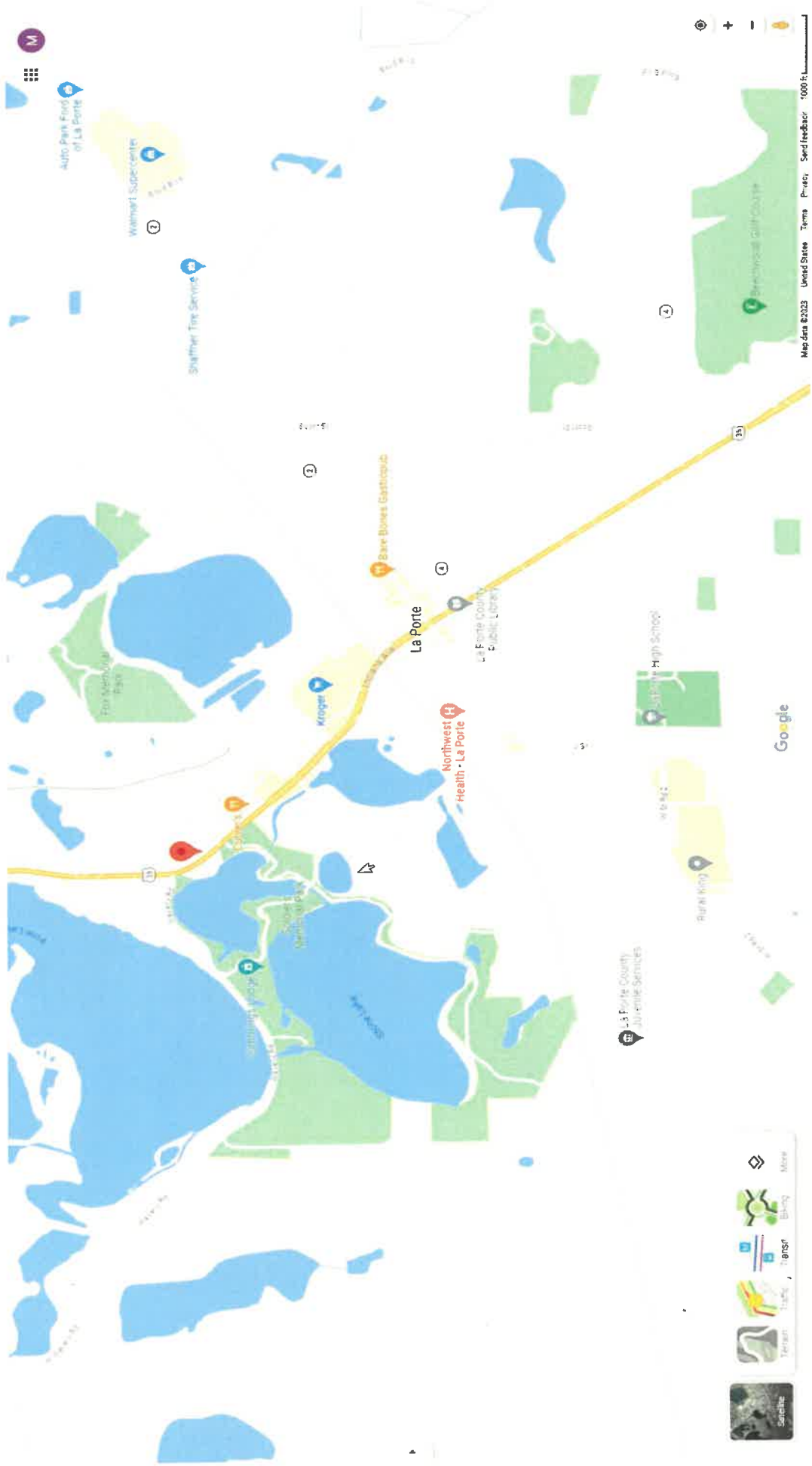


City of La Porte
Board of Zoning Appeals
Location Map

- Subject Property
- City Limits



Date Created: August 22, 2023 Created By: David Heinold
Document Path: \\City Planner\GIS\Map Requests\Board of Zoning Appeals\BZA_23-16
This map is for informational purposes only and is not intended for use in any legal proceeding. For more information or to be suitable for legal, engineering, or surveying purposes, users of this information should review or consult the primary data and information sources to ascertain the usability of the information.










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Google

La Porte

Northwest Health - La Porte

La Porte County Public Library

Bare Bones Gastrology

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Auto Park Ford of La Porte

Walmart Supercenter

Shafter Tire Service

Kroger

La Porte County Juvenile Services

La Porte High School

Rural King

Baychewood Golf Course

Four Seasons Pigeon Forge

Four Seasons Resort Pigeon Forge

Four Seasons Resort Pigeon Forge

Four Seasons Resort Pigeon Forge



Valvoline Instant Oil Change -Project Description

Quattro Development is proposing to develop a Valvoline Instant Oil Change facility at the Northeast corner of Pine Lake Ave & Warren Street. The subject property is comprised of 3 individual lots that total approximately 31,445 sf (.72 acres) in size. The 3 lots are currently vacant and are located in the B2 (General Commercial) zoning district and are adjacent to variety of commercial uses such as a Dollar General, Liquor Store, Veterinary Clinic and Office. Valvoline Instant Oil Change buildings are ~2,087sf in size and are built with quality masonry materials with architectural highlights, such as a tower element, that are more aesthetically pleasing than a generic alternative. Each project is professionally landscaped to ensure a beautiful and cohesive look for the neighboring properties.

Valvoline has been in business for over 100 year and have been in the oil change business for 30+ years and are now the 2nd largest oil change operator in the U.S. Each facility typically employs 7-10 people and average only 40 customers per day which is a significantly lower traffic generation number than the vast majority of commercial uses, including restaurants. This is especially important since Warren Street is primarily a residential street, which will keep the impact on the surround area to an absolute minimum. Valvoline's business model requires almost no parking above and beyond their own employees which will ensure no customers end up parking in any residential areas due to overflow. Their typical hours of operation are from 8 am – 7 pm and they have limited deliveries with no tractor trailers used. Furthermore, Valvoline operates in an environmentally responsible manner where they produce no exhaust or fumes, recycle 100% of materials generated from their primary services, and use minimal water and power for their operation.

Attachment D: Standards for Evaluating a Special Exception Use

Use the following form or attach a separate sheet(s) to explain the Special Exception Use request. The BZA's decision shall be based upon how each of the following statutory requirements is justified in the request.

Petition Information

Describe the proposed use of the property (type of use, hours of operation, access, necessary construction, employees, etc.)

See side sheet.

Standards for Evaluation

1. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

see side sheet

2. The special exception will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

see side sheet.

3. The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.

See side sheet.

4. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

see side sheet.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.

see side sheet

6. The special exception will be located in a district where such use permitted and all other requirements set forth in the Zoning Ordinance that are applicable to such use will be met.

see side sheet.

Attachment D – Standards for Evaluating a Special Exception Use

Petition Information

We are proposing to build a Valvoline Instant Oil Change facility where their primary services are for preventative maintenance only and include oil change, fluid replacement, battery replacement, air filters, etc. At an average store they typically see 40 customers a day, are open and operating from 8 am – 7 pm and have 7 employees. This building will be constructed out of high quality masonry and will have its primary access point on Pine Lake Ave with a secondary access point onto Warren Street.

Standard for Evaluation

- 1) Valvoline has been in business for over 100 years and over 30 years in the Oil Change business. They are a “best-in-class” operator who design, construct and operate their facilities with public health and safety in mind. They are fully OSHA compliant and recycle 100% of materials generated from their primary services
- 2) We do not think this the special exception would be injurious to any neighboring property as this use generates a low amount of traffic, it requires very little parking, puts off no fumes or exhaust and will be housed in an aesthetic building with professional landscaping providing beautification.
- 3) The establishment of this special exception will not impede or alter the normal development in this district as this property is “L” shaped which limits what type of use can go on this property. A ~2,087 sf Valvoline which requires minimal parking and generates little traffic on the side residential street is the ideal use for this type of lot.
- 4) We believe adequate utilities, roads and drainage are to the site as there is a newly constructed Dollar General adjacent to the north of this site.
- 5) Valvoline generates very little customer traffic and we believe this site is well suited for this type of development. We have our primary access point on Pine Lake Ave which is a main commercial corridor with our secondary access point on the smaller Warren Street. We have designed the site in such a way that customers can enter off of Pine Lake and will circulate through the building and exit onto Warren which has full turning movements back onto Pine Lake.

- 6) The site is located in the B2 Commercial district. We expect to comply with all other zoning requirement for this site if granted the special exception.



9/5/2023

SE-23-2
Board of Zoning Appeals -
Special Exception Use
Application
Status: Active
Submitted On: 8/21/2023

Primary Location
103 WARREN
LA PORTE, IN 46350
Owner
Bunce Rory
Thunder Ridge Road 374 La
Porte, IN 46350

Applicant
 Michael Haigh
 815-751-4316
mikeh@quattrodevelopment.com
 1100 Jorie Blvd Ste 140
Oak Brook, IL 60523

Internal Review

File Date
08/21/2023
 Petition Number
2023-VAR-16

Site Review required?

 Site Review Date
-

Date of BZA Meeting
09/12/2023
 Decision
-

Deferred Date (if needed)
-
 Decision ?
-

Site Review Meeting Notes Upload



(https://vpc3uploadedfiles.blob.core.windows.net/vpc3-files/laportein/Site_Review_mtg_5Sept2023_Tue_Sep_5_2023_14-50-51.pdf?sv=2021-10-04&st=2023-09-05T19%3A36%3A06Z&se=2023-09-05T20%3A21%3A06Z&sr=b&sp=r&sig=eXky9SgiXrL2UPNqofwJTW9%2BoOziUZWnoEDgfU29HoY%3D)

Site Review
mtg_5Sept2023.pd

Conditions of Approval (if applicable)

Meeting Notes/Summary

General Information

| | |
|-----------------------|-------------------------------|
| Applicant is * | Other, Please Specify* |
| Other | Developer/Purchaser |

If you have an engineer please provide the following:

| | |
|--------------------------------------|-----------------------|
| Engineer Preparing Plans Name | Engineer Email |
|--------------------------------------|-----------------------|

Premises Information

| | |
|--------------------------|---|
| Parcel ID Number* | Address or General Location* |
| 460635102005000060 | 103 Warren St and the neighboring two vacant parcels at Pine Lake Ave & Warren St |

| | |
|-----------------------|---------------------|
| Total Acreage* | Flood Zone?* |
| 0.722 | No |

| | |
|----------------|------------------|
| Zoning* | Land Use* |
| B2 | Commercial |

Request*
Request for Special Exception for an Automotive Oil Change Facility

Zoning of Adjacent Properties

| | |
|---------------|---------------|
| North* | South* |
| B2 | B2 |
| East* | West |
| R1C | B1 |

Land Use of Adjacent Properties

| | |
|---------------|---------------|
| North* | South* |
| Commercial | Commerical |
| East* | West* |
| Residential | Commercial |

Acknowledgement

The above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant Signature*

Date*

✓ Michael Haigh
Aug 21, 2023

08/21/2023

Property Owner Signature

(If different from Applicant)

Property Owner Name

Date

-

Property Owner Signature

Attachment A: Consent of Property Owner

Property owner needs to sign and complete this form only if different from applicant

I (we) QUATTRO DEVELOPMENT, L.L.C.
Name(s) MICHAEL LYEOS - MEMBER-MANAGER

After being first duly sworn, depose and say:

- That I/we are the owner(s) of the real estate located at:
425 PINE LAKE AVE. - LAPORTE, IN 46350
(Address)
- That I/we have read and examined the Application, and are familiar with its contents.
- That I/we have no objection to, and consent to such request as set forth in the application.
- That such request being made by the applicant () is () is not a condition to the sale or lease of the above referenced property.

(AFFIANT)

[Signature]

STATE OF ~~INDIANA~~ Illinois
) SS:
COUNTY OF Cook)

Subscribed and sworn to before me this 21 day of August, 2023.

[Signature], Notary Public

My Commission expires: 9/23/25 County of Residence: Cook

