



City of La Porte Board of Zoning Appeals Meeting Agenda
--

Tuesday, June 27, 2023 at 6:00 PM
--

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: May 9, 2023 Meeting Minutes

ITEM 4. **VARIANCE OF DEVELOPMENT STANDARDS #23-10 PETITION: To Allow Six (6) Foot Tall Privacy Fence in the Side Yard Setback Area Adjacent to the side-street property line along Bradley Court**

Applicant: Steven Burnett

Property Owner: Steven and Janine Burnett

Address: 310 East Jefferson Avenue

Staff Report: David Heinold

ITEM 5. Old Business

ITEM 6. New Business

ITEM 7. Other Business

A. Public Comments on Non-Agenda Items

ITEM 8. Adjournment

BOARD OF ZONING APPEALS

The Board of Zoning Appeals of the City of La Porte held a meeting on May 9th, 2023, at 6:17 p.m. with Chairperson Pete Saunders presiding and the following in attendance:

Vickie Gushrowski

Brian Kajer

Drew Buchanan

Mark Danielson

Approval of Minutes

Pete Saunders asked the board if they had reviewed the minutes from the April 11th, 2023, meeting and if there were corrections or additions. Drew Buchanan made the motion to approve minutes and Vickie Gushrowski 2nd the motion. Motion passed 5 to 0.

Item 4. VARIANCE OF DEVELOPMENT STANDARDS #23-06 PETITION: TO ALLOW 8 FOOT BY 19 FOOT OPEN UNENCLOSED DECK WITH ROOF IN MINIMUM FRONT YARD SETBACK AREA

David started with the staff report explaining what is being proposed and that adjacent properties are similar.

Ally approached to say why he is building the porch. It is for the family that is looking to move in and have the same look as the rest of the houses adjacent.

Vickie Gushrowski motioned to approve and Mark Danielson 2nd the motion. Motion passed 5 to 0.

ITEM 5. USE VARIANCE #23-09 PETITION: TO ALLOW ONE (1) FAMILY RESIDENTIAL DWELLING

Brian Kajer made a motion to approve and Drew Buchanan 2nd the motion. Motion passed 5 to 0.

ITEM 6. VARIANCE OF DEVELOPMENT STANDARDS #23-07 PETITION: TO SUBDIVIDE THE PARCEL TO CREAT A LOT WITH NO ROAD FRONTAGE AND TO REDUCE THE MINIMUM LOT AREA OF TWO LOTS OT LESS THAN 80,000 SQUARE FEET

David started with his staff report, then Andrew wert approached to explain the history on why they are splitting, explaining that there was a tax mix up and now they need to split the property.

Mark Danielson made a motion to approve and Drew Buchanan 2nd the motion. Motion was approved 5 to 0.

ITEM 7. VARIANCE OF DEVELOPMENT STANDARDS #23-08 PETITION: TO ALLOW A 30-FOOT-TALL BILLBOARD WITH 189 SQUARE FEET OF ADVERTISING SPACE ON EACH SIDE

David read his staff report.

Dave Ambers the attorney approached in representing the petitioner requesting construction of billboard. David then read the staff report on the petition.

Jim Roy then approached and explained his side of not wanting another billboard in the city. He stated it will cause business loss for himself and sign pollution in the city. Dave Ambers spoke on this and said they are always open to moving it. Jim Roy approached again stating that he would lose business regardless of position because it draws eyes away from his place to the billboard.

Vickie Gushrowski asked about location and placement of the proposed sign.
Dave Ambers answered and discussed the location of the sign.

Vickie Gushrowski motioned for approval and Drew Buchanan 2nd the motion. Motion was approved 5 to 0

Old Business

None

New Business

None

Other Business

None

Adjournment

Brian Kajer motioned for Adjournment and Mark Danielson 2nd the motion.
Motion carried 5 to 0. Meeting ended at 6:47 pm

Respectfully Submitted,
Brian Kajer, Vice Chairperson

Nickolas Owens, Secretary



ITEM 4. Variance of Development Standards # 23-10 Petition
 to allow Six (6) Foot Tall Privacy Fence in the Side Yard Setback
 Area Adjacent to the side-street property line along Bradley Court

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Steven Burnett

PROPERTY OWNER

Name – Steven and Janine Burnett

PREMISES AFFECTED

Parcel Number - 46-06-36-329-001.000-043				
Actual/approximate address or location from major streets – 310 East Jefferson Avenue				
Total Acreage – 0.21 acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1D		Use of Subject Property – Residential Dwelling		
Zoning of Adjacent Properties	North: R1D	South: R1D	East: R1D	West: R1D
Land Use of Adjacent Properties	North: Single Family Residential Dwelling	South: Single Family Residential Dwelling	East: Single Family Residential Dwelling	West: Single Family Residential Dwelling

SUMMARY: The petitioner proposes to construct six (6) foot tall wood privacy fence four (4) feet from the side yard property line along Bradley Court.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.21 acre and is currently zoned R1D (Single Family Residential District). Historically, the property has been a residential dwelling. Currently, the subject property is a residential dwelling. The petitioner proposes to construct six (6) foot tall wood privacy fence four (4) feet from the side yard property line along Bradley Court.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to allow the construction of a six (6) foot tall wood privacy fence in the side yard along Bradley Court. The approval of the requested variance of development standards would extend the proposed six (6) foot tall wood privacy fence within the ten (10) foot side yard setback area that currently only allows a maximum height of three and a half (3 ½) feet tall as well as not in excess of forty-nine percent (49%) solid or opaque.

STATEMENT OF COMPLIANCE: The 2017 City of La Porte Revised Joint Zoning Ordinance, Section 16.05 requires a maximum of three and a half (3 ½) foot tall for fences located in the front yard. Section 4.04 (e) (2) allows corner lots within the R1D zoning district to provide the minimum front yard setback from the road that the lot has the narrowest frontage. This section allows identifying the longer road frontage of the corner lot as a side-street and shall be required to provide a minimum of ten (10) foot side yard setback from the property line along that street. This section allows the enforcement official to adjust the front lot line designation based upon the orientation of the building on the lot and adjacent lots. The applicant shall comply with the minimum ten (10) foot side yard setback from the property line along Bradley Court for the proposed six (6) foot tall wood privacy fence. In addition, the applicant shall meet the minimum front yard setback on East Jefferson Avenue that requires a 20 foot setback on the north side of the subject property for the proposed 6 foot tall privacy fence.

SITE REVIEW FINDINGS: Site review was not required for the requested variance.

DECISION CRITERIA:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

The approval of the requested variance of development standards to allow the construction of a six (6) foot tall wood privacy fence in the side yard along Bradley Court will be injurious to the public health, safety, morals, and general welfare of the community. The proposed 6 foot tall wood privacy fence 4 feet from the side yard property line along Bradley Court will negatively impact surrounding properties in the R1D Single Family Residential District.

(2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner; and

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner with the proposed 6 foot tall wood privacy fence 4 feet from the side yard property line along Bradley Court. The petitioner's request to allow the 6 foot tall privacy fence in the side yard adjacent to Bradley Court is compatible with the adjacent residential properties and conforms to the general character in the immediate vicinity with comparable privacy fences along Bradley Court.

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

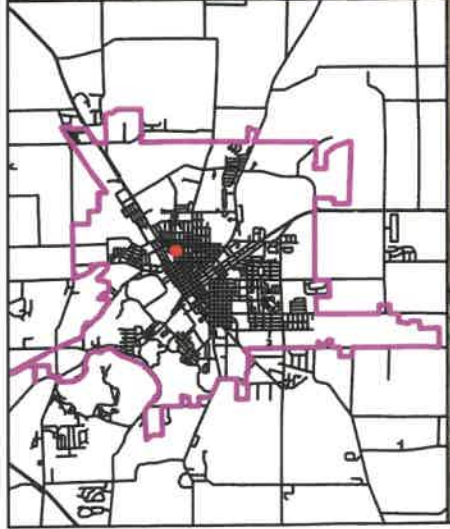
The strict application of the terms of the zoning ordinance with the limitation of a proposed six (6) foot tall wood privacy fence within the ten (10) foot side yard setback area that currently only allows a maximum height of three and a half (3 ½) feet tall as well as not in excess of forty-nine percent (49%) solid or opaque will not result in practical difficulties in the use of the property. The existing residential house is set back about 30 feet from the side yard property line. The strict application of the zoning ordinance to allow a 6 foot tall wood privacy fence within the 10 foot side yard setback area along Bradley Court would not result in practical difficulties in the petitioner’s ability to improve the appearance existing residential single family dwelling.

The petitioner is able to construct a 6 foot tall wood privacy fence a minimum of 10 feet from the side yard property along Bradley Court and a minimum of 20 feet from the property line on East Jefferson Avenue per the zoning ordinance. The required minimum 10 foot side yard setback from the side street property line along Bradley Court would allow reasonable use of the subject property for residential use. Currently, the subject property already has a 22’ x 32’ detached garage and an 8’ x 18’ portable shed located in the rear yard. Approval of the requested variance as submitted to allow construction of a six (6) foot tall wood privacy fence in the side yard setback area adjacent to the side street property line along Bradley Court would permit additional personal storage area screened from public view. Staff finds this problematic due to the past history of code enforcement violations, including commercial storage for a construction business, on the subject property.

STAFF RECOMMENDATION:

Staff finds that the requested variance of development standards petition is not in compliance with the 2017 City of La Porte Revised Joint Zoning Ordinance and does not conform to the goals and policies of the Countywide Land Development Plan. Staff recommends **denial** of the petitioner’s request to the construction of a six (6) foot tall wood privacy fence in the side yard setback area adjacent to the side street property line along Bradley Court.

Submitted to the Board of Zoning Appeals June 22nd, 2023.



Petition #23-10



City of La Porte
Board of Zoning Appeals
Location Map

 Subject Property
 City Limits

0 12.5 25 50 Feet



Date Created: June 14, 2023
Created By: David Heilhold
Document Path: M:\City Planner\CIS\Map Requests\Board of Zoning Appeals\2023\VAR_23-10
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.

5-22-23

To Zoning Board:

This request is in regards to building a 6' privacy fence in my side yard which will border Bradley Ct. I plan to keep the fence 4' from the alley edge.

Thank you for your consideration

Steven Burnett

JEFFERSON AVE

5'-0"

36'-0"

3'-0"

28'-0"

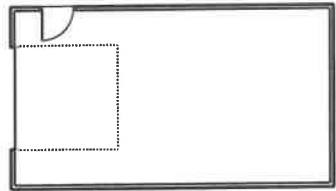
BRADLEY CT

5'-0"

48'-0"

PROPOSED FENCE

EXISTING CONCRETE FOUNDATION



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: 6' PRIVACY FENCE - 310 E JEFFERSON AVE

Petition Information

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

THIS PROPERTY IS MY PERSONAL RESIDENCE. I WANT TO BUILD 6' PRIVACY FENCE IN SIDE LOT OF MY YARD TO GIVE ME SIDE YARD PRIVACY AND ALSO TO BLOCK SOME VIEW OF NEIGHBORS PROPERTY WHICH IS POORLY MAINTAINED

Standards for Evaluation

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community because..... it is only for BASIC YARD PRIVACY AS STATED ABOVE.

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..... it is going to be a PROPERLY BUILT AND WELL MAINTAINED FENCE WHICH WILL ENHANCE THE PROPERTY

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... ~~THE~~ THE NEIGHBORS TO WEST OF BRADLEY CT. DO NOT MAINTAIN THEIR PROPERTY WELL AND MYSELF AM SPENDING A LOT OF MONEY TO IMPROVE MINE. I WOULD JUST LIKE A LITTLE PRIVACY TO ENJOY THE MY PROPERTY AND ALL THE WORK I PUT INTO IT.



06/20/2023

BZA-23-7

Board of Zoning Appeals - Variance of Development Standards Application

Status: Active

Date Created: May 22, 2023

Applicant

Steven Burnett
thigprojects@gmail.com
310 East Jefferson Avenue
La Porte, IN 46350
5748769551

Primary Location

310 E JEFFERSON AVE
LA PORTE, IN 46350

Owner:

Steven R Burnett
310 East Jefferson Avenue Jefferson La Porte, IN 46350

Internal Review

File Date

05/22/2023

Petition Number

2023-VAR-10

Site Review required?

Date of BZA Meeting

06/27/2023

Decision

--

Deferred Date (if needed)

--

Decision

--

Site Review Meeting Notes Upload

Uploaded by ... on

Conditions of Approval (if applicable)

--

Meeting Notes/Summary

--

General Information

Applicant is

Sole Owner

If you have an engineer please provide the following:

Engineer Preparing Plans Name

--

Engineer Email

--

Premises Information

Parcel ID Number

460,636,329,001,000,064

Address or General Location

310 E Jefferson Ave

Total Acreage

0.212

Flood Zone?

No

Zoning

1

Land Use

residential

Request

variance for 6' fence within 4' of bradley ct.

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

Acknowledgement

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

Applicant Signature

Ssteven Raymond Burnett
05/22/2023

Date

05/22/2023

Property Owner Signature








(If different from Applicant)

Property Owner Signature

Date

--









Attachments

-  310 E Jefferson Site plan.pdf
Uploaded by Steven Burnett on May 22, 2023 at 11:10 am
-  5-22-23.pdf
Uploaded by Steven Burnett on May 22, 2023 at 11:15 am
-  460636329001000043_0.pdf
Uploaded by Steven Burnett on May 22, 2023 at 11:15 am
-  Attachment for newspapaers.pdf
Uploaded by Steven Burnett on May 22, 2023 at 11:22 am
-  Adjacent property owners by mail.pdf
Uploaded by Steven Burnett on Jun 19, 2023 at 7:00 am
-  Standards for evaluating variance(revised).pdf
Uploaded by Steven Burnett on Jun 12, 2023 at 12:06 pm
-  Affidavit of publication.pdf
Uploaded by Steven Burnett on Jun 20, 2023 at 3:34 pm

History

Date	Activity
May 21, 2023 at 11:17 am	Steven Burnett started a draft of Record BZA-23-7
May 21, 2023 at 11:18 am	Steven Burnett altered Record BZA-23-7, changed ownerCity from "" to "La Porte"
May 21, 2023 at 11:18 am	Steven Burnett altered Record BZA-23-7, changed ownerEmail from "" to "thigprojects@gmail.com"
May 21, 2023 at 11:18 am	Steven Burnett altered Record BZA-23-7, changed ownerName from "Burnett Steven" to "Steven R Burnett"
May 21, 2023 at 11:18 am	Steven Burnett altered Record BZA-23-7, changed ownerPhoneNo from "" to "5748769551"
May 21, 2023 at 11:18 am	Steven Burnett altered Record BZA-23-7, changed ownerPostalCode from "" to "46350"
May 21, 2023 at 11:18 am	Steven Burnett altered Record BZA-23-7, changed ownerState from "" to "IN"
May 21, 2023 at 11:18 am	Steven Burnett altered Record BZA-23-7, changed ownerStreetName from "" to "Jefferson"
May 21, 2023 at 11:18 am	Steven Burnett altered Record BZA-23-7, changed ownerStreetNo from "" to "310 East Jefferson Avenue"
May 22, 2023 at 10:39 am	Steven Burnett submitted Record BZA-23-7
May 22, 2023 at 10:39 am	approval step Intake Review was assigned to David Heinold on Record BZA-23-7
May 22, 2023 at 10:54 am	David Heinold approved approval step Intake Review on Record BZA-23-7
May 22, 2023 at 12:42 pm	completed payment step Application Fee on Record BZA-23-7
May 22, 2023 at 12:42 pm	approval step Zoning Review was assigned to David Heinold on Record BZA-23-7
May 22, 2023 at 12:42 pm	changed the deadline to Jun 05, 2023 on approval step Zoning Review on Record BZA-23-7
May 23, 2023 at 9:18 am	David Heinold changed File Date from "" to "05/22/2023" on Record BZA-23-7
May 23, 2023 at 9:18 am	David Heinold changed Petition Number from "" to "2023-VAR-10" on Record BZA-23-7
May 23, 2023 at 10:39 am	David Heinold changed Date of BZA Meeting from "" to "06/13/2023" on Record BZA-23-7
May 25, 2023 at 10:38 am	David Heinold changed Date of BZA Meeting from "06/13/2023" to "06/27/2023" on Record BZA-23-7
May 25, 2023 at 10:45 am	David Heinold changed the deadline to Jun 19, 2023 on approval step Zoning Review on Record BZA-23-7

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Intake Review	Complete	May 22, 2023 at 10:39 am	May 22, 2023 at 10:54 am	David Heinold	-
 Application Fee	Paid	May 22, 2023 at 10:54 am	May 22, 2023 at 12:42 pm	-	-
 Zoning Review	Active	May 22, 2023 at 12:42 pm	-	David Heinold	06/19/2023
 Public Notice Received	Inactive	-	-	-	-
 Deadline for Document and Revision Submittals	Inactive	-	-	-	-
 BZA Meeting	Inactive	-	-	-	-
 Decision Determined	Inactive	-	-	-	-
 Decision Letter	Inactive	-	-	-	-