



City of La Porte Board of Zoning Appeals Meeting Agenda	
Tuesday, March 11, 2025 at 6:00 PM	
City Hall Council Chambers, 801 Michigan Ave.	
www.cityoflaporte.com	(219) 362-8260

Live and archived transmissions of the City of La Porte Board of Zoning Appeals meetings are available at the following site links:

- https://www.facebook.com/cityoflaportein/live_videos
- <https://www.youtube.com/@CityofLaPorteIN/streams>

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 shall be:

- A. Applicant Presentation
- B. Staff Presentation
- C. Public Comment
- D. Applicant Response
- E. Board Discussion/Action

ITEM 1. Call Meeting to Order **and** **2025 Election of Officers – Chair and Vice Chair**

ITEM 2. Roll Call & Determination of Quorum

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

ITEM 4. **VARIANCE OF DEVELOPMENT STANDARDS #25-01 PETITION: TO EXCEED MAXIMUM ACCESSORY BUILDING AREA – REQUESTING 1,600 SQUARE FEET**

Applicant: Kyle Ahlgrim
Property Owner: same
Location: 2 Greenacres
Staff Report: David Heinold

ITEM 5. **SPECIAL EXCEPTION USE #25-01 PETITION: TO ALLOW A SMOKE AND VAPE SHOP**

Applicant: Rahid Al Barmaki (Store Manager)
Property Owner: National Surety Trust I, LLC (George Hanus, President)
Location: 1408 E Lincolnway
Staff Report: David Heinold

ITEM 6. Old Business

ITEM 7. New Business

ITEM 8. Other Business

a. Public Comments on Non-Agenda Items

ITEM 9. Adjournment



City of La Porte Board of Zoning Appeals Meeting Minutes	
Tuesday, December 10, 2024 at or after 6:00 PM	
City Hall Council Chambers, 801 Michigan Ave.	
www.cityoflaporte.com	(219) 362-8260

A meeting of the City of La Porte Board of Zoning Appeals (“BZA”), was held at City Hall on Tuesday, December 10, 2024 at the hour of 6:00 PM, (“local time”), pursuant to notice duly given in accordance with the rules of the Commission and the Indiana Open Door Law.

ITEM 1. Call Meeting to Order

The meeting was called to order by Vice Chair Brian Kajer at 6:00 PM.

ITEM 2. Roll Call & Determination of Quorum

On a call of the roll, the members of the BZA were shown to be present or absent as follows:

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

ITEM 3. Approval of Minutes: October 8, 2024, BZA Meeting Minutes.

Vice Chair, Brian Kajer called for any changes or corrections to the October 8, 2024, Meeting Minutes. There being no changes or corrections to the meeting minutes, Vickie Gushrowski made a motion to approve the October 8, 2024, Meeting Minutes and the motion was seconded by Nate Loucks. A roll call vote was taken. The motion passed 3-0.



ITEM 4. Special Exception Use # 24-02 Petition to Allow Amusement Establishments – Golf Studio and Pro Shop; and Inflatable Bounce Houses, Arcades, and Party Room Rental Spaces
Type of Request: Special Exception Use
Staff Report: David Heinold

APPLICANT

Name – David Lewis

PROPERTY OWNER

Name – Perge, Inc.

PREMISES AFFECTED

Parcel Number - 46-10-02-110-002.000-043 and 46-10-02-109-007.000-043 46-10-02-110-001.000-043 and 46-10-02152-001.000-043				
Actual/approximate address or location from major streets – 520 Eggebrecht Road				
Total Acreage – 6.70 acres		Flood Zone on Site? - No		
Zoning of Subject Property – B2		Use of Subject Property – Single Family Dwelling/Vacant		
Zoning of Adjacent Properties	North: B2	South: B2	East: B2	West: B2
Land Use of Adjacent Properties	North: Abandoned Railroad	South: Retail Building	East: Warehouse	West: Warehouse



<p>ITEM 5. Variance of Development Standards # 24-10 Petition to Reduce the Minimum 5 Foot Deep Greenbelt Between the Parking Lot and Public Right of Way to 0 Feet in Front Yard; And Reduction in the Off-Street Parking Spaces from 2 to 1 Per Amusement Station</p>
<p>Type of Request: Variance of Development Standards</p>
<p>Staff Report: David Heinold</p>

APPLICANT

Name – David Lewis

PROPERTY OWNER

Name – Perge, Inc.

PREMISES AFFECTED

Parcel Number - 46-10-02-110-002.000-043 and 46-10-02-109-007.000-043 46-10-02-110-001.000-043 and 46-10-02152-001.000-043				
Actual/approximate address or location from major streets – 520 Eggebrecht Road				
Total Acreage – 6.70 acres		Flood Zone on Site? - No		
Zoning of Subject Property – B2		Use of Subject Property – Single Family Dwelling/Vacant		
Zoning of Adjacent Properties	North: B2	South: B2	East: B2	West: B2
Land Use of Adjacent Properties	North: Abandoned Railroad	South: Retail Building	East: Warehouse	West: Warehouse

Applicant Presentation

David Lewis of 2762 South 350 West, La Porte, Indiana mentioned that the owners of the property declined to sell the property to him.

Staff Presentation

David Heinold, City Planning, mentioned that petition item numbers four and five have been withdrawn.



ITEM 6. Variance of Development Standards # 24-11 Petition to Allow 41 inch by 144 inch Roof Sign Above the Roof Line
Type of Request: Variance of Development Standards
Staff Report: David Heinold

APPLICANT

Name – Signarama Valparaiso (Austin Svihlik)

PROPERTY OWNER

Name – Monroe LaPorte LLC

PREMISES AFFECTED

Parcel Number - 46-11-06-178-008.000-058				
Actual/approximate address or location from major streets – 2910 Monroe Street				
Total Acreage – 2.13 acres		Flood Zone on Site? - No		
Zoning of Subject Property – B1		Use of Subject Property – Medical/Office		
Zoning of Adjacent Properties	North: R1C	South: R1B	East: B1	West: B1
Land Use of Adjacent Properties	North: Single Family Dwellings	South: Single Family Dwellings	East: Retail Commercial	West: Funeral Home

SUMMARY: The petitioner proposes to allow a 41 inch by 144 inch roof sign above the roof line facing Monroe Street as part of the variance of development standards petition.

HISTORY OF SITE: Per the site aerial image, the parcel is 2.13 acres and is currently zoned B1 (Neighborhood Commercial District). Historically, the property has been used as a financial office.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to allow a 41 inch by 144 inch roof sign above the roof line facing Monroe Street.

STATEMENT OF COMPLIANCE: Article 19 sets forth requirements for type and size of signage in zoning districts. Section 19.05 (n) states that signs erected above the roof line of a building are prohibited. In addition, Table 19.04 within Section 19.04 (a) requires that wall signs must not exceed the height of a building, be a maximum of 10 percent of wall up to a maximum of 100 square feet, and

contain no more than 1 per façade facing a street or public right of way. Section 19.04 (a) (11) also requires certain criteria for the depth of wall signs and allowable sign area corresponding to how far the building is from the public right of way.

SITE REVIEW FINDINGS: Site review was not required due to the type of variance request.

DECISION CRITERIA:

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

The proposed sign above roof line over the entryway to the building will not be injurious to the public health, safety, morals, and general welfare of the community. The roof sign will be positioned at the lowest point on the roof just above the gutter line and will not exceed the height of the midpoint of the main building roof. The proposed sign location is similar to the existing signs above entryways on commercial and medical office buildings along Monroe Street.

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

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because it will be below the height of the gable on the front entryway and over 150 feet from the public right of way. The approximately 42 square foot roof sign is an appropriate size and distance away to minimize any negative impacts to surrounding residential properties to the north of the subject property.

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

The strict application of the terms of the zoning ordinance to prohibit a sign above the roof line of the building will constitute an unnecessary hardship if applied to the property for which the variance is sought because the proposed location for the roof sign will be located on the front of the entryway to the building and not the main building roof structure. Additionally, the roof sign will be located over 150 feet from the public right of way.

STAFF RECOMMENDATION:

Staff finds that the requested variance petition conforms to the goals and policies of the Countywide Land Development Plan. The petitioner's request to allow a 41 inch by 144 inch sign above the roof line is appropriate for the surrounding commercial, medical office, institutional, and residential properties along Monroe Street. Staff recommends **approval** of the petitioner's request to allow the 41 inch by 144 inch sign above the roof line.

Submitted to the Board of Zoning Appeals December 4th, 2024.

Applicant Presentation

Austin Svihlik with Signarama of 1205 Calvin Avenue Valparaiso, Indiana mentioned that he is present to allow a 41-inch by 144-inch roof sign above the roof line.

Staff Presentation

David Heinold, City Planning, mentioned ITEM 6. Variance of Development Standards # 24-11 Petition is to allow a 41-inch by 144-inch roof sign above the roof line at 2910 Monroe Street. David mentioned the placement and location of the sign. David Heinold mentioned the reason for requesting the variance is because the ordinance currently does not allow signs to be located above the roof line. David Heinold mentioned that the staff does find that the main structure is set back away from the front entry way and that the roof sign will be located at the lowest point of where the main structure roof is. David Heinold mentioned that the position of the sign will be subtle and will not overpower the main structure. David stated that the ordinance does allow the business to have a maximum 10% of a wall, a maximum of 100 square feet wall area that includes window signs. David mentioned that the sign will be about 40 square feet in total. David Heinold mentioned that the sign will be over 150 feet away from the public right of way. David Heinold stated that staff recommends approval of the petitioner's request to allow 41-inch by 144-inch sign above the roof line.

Public Comment

Vice Chair, Brian Kajer opened the meeting to public comment and called for public comments either for or against the variance petition.

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

Board Discussion/Action

Nate Loucks asked if the city code is not typically allowed for these types of signs, then what is the purpose of the code.

David Heinold explained that it prohibits signs that extend beyond the plane of the structure.

Nate Loucks asked if the city would be ok if the other businesses on Monroe that are closer to Boyd Boulevard had a similar request.

David Heinold replied with a variance request, each one would be on a case-by-case basis and each particular building would present a different case.

Nate Loucks expressed concern about setting a precedent for allowing the variance of one building and not others when all the other buildings have a similar aesthetic. Nate Loucks asked if a sign is near the road for the company.

David Heinold replied that there is an existing monument sign.

Nate Loucks asked if this would be their second sign.

David Heinold replied that it will be above the roof.

Vickie Gushrowski made a motion to **approve Variance of Development Standards # 24-11 to allow a 41 inch by 144 inch Roof Sign Above the Roof Line** and the motion was seconded by Nate Loucks. A roll call vote was taken. The motion passed 3-0.

Yes Brian Kajer

Yes Nate Loucks

Yes Vickie Gushrowski

Variance of Development Standards # 24-11 Petition - Approved.

ITEM 7. Old Business

There was no old business.

ITEM 8. New Business

There was no new business.

ITEM 9. Other Business

A. Public Comments on Non-Agenda Items

There was no public comment on non-agenda items.

ITEM 10. Adjournment

Nate Loucks made a motion to **adjourn**, and the motion was seconded by Vickie Gushrowski. The motion to **adjourn** passed 3-0. The meeting was **adjourned** at 6.11 pm.

Brian Kajer, Vice Chair

Josette Schoof, Secretary



ITEM 4. Variance of Development Standards # 25-01 Petition
 to Exceed Maximum Accessory Building Area –
 Requesting 1,600 Square Feet

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Kyle Ahlgrim

PROPERTY OWNER

Name – same

PREMISES AFFECTED

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

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

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

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

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to exceed the maximum area limitations for a detached accessory building to allow 1,600 square feet of total accessory building area on the subject property.

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

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

DECISION CRITERIA:

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

The proposed single story detached accessory building size to allow 1,600 square feet will not be detrimental to the public health, safety, morals, and general welfare of the community. The requested accessory building size is compatible with existing detached accessory building sizes on similar lots in the surrounding area near Kingsbury Avenue and East 18th Street.

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

The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner with the construction of a 1,600 square foot single story detached accessory building. The petitioner's requested total accessory building size is similar to most of the existing accessory building sizes in the surrounding area for similar properties. The existing building sizes range from 1,000 square feet to 1,700 square feet on similar properties.

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

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

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

STAFF RECOMMENDATION:

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

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

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

Variance of Development Standards #25-01



City of La Porte
Board of Zoning Appeals
Location Map

 Subject Property
 City Limits

0 62.5 125 Feet



Date Created: March 6, 2025 Created By: David Heindl
Document Path: M:\City Planner\GIS\Map Requests\Board of Zoning Appeals\2025\VAR_25-01
This map is provided for informational purposes only. It is not intended to be used 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.



Overview



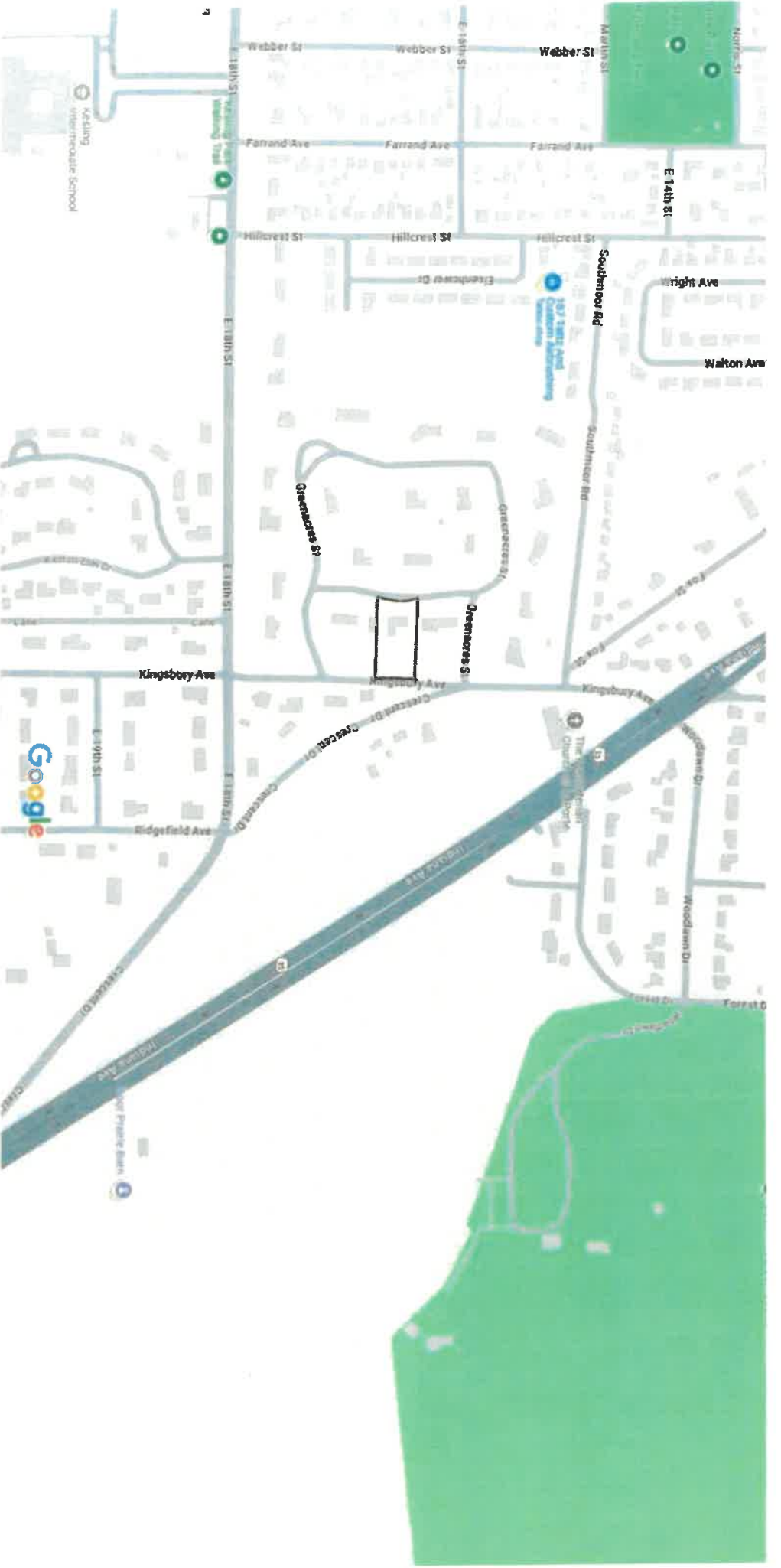
Legend

-  Road Centerlines
-  Geographic Townships
- Michigan City Historical Districts**
-  Elston Grove
-  Franklin
-  Wabash
-  Parcels

Parcel ID	461001453002000043	Alternate ID	46-10-01-453-002.000-043	Owner Address	Ahlgim Kyle & Andrea
Sec/Twp/Rng	01-36N-03W	Class	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT		2 Greenacres
Property Address	2 GREENACRES LA PORTE	Acreage	n/a		La Porte, IN 46350

District Laporte Center
Brief Tax Description 05-10-01-453-002 GREEN ACRES EX 44 FT S END LOT 2
 (Note: Not to be used on legal documents)

Date created: 1/29/2025
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Overview



Legend

- Road Centerlines
- Geographic Townships
- Michigan City Historical Districts
 - Elston Grove
 - Franklin
 - Wabash
- Parcels

Parcel ID	461001453002000043	Alternate ID	46-10-01-453-002.000-043	Owner Address	Ahlgim Kyle & Andrea
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Brief Tax Description 05-10-01-453-002 GREEN ACRES EX 44 FT S END LOT 2
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Kyle Ahlgrim
2 Greenacres
La Porte IN 46350

01/29/2025

To Whom It May Concern:

The following is the Project Summary for the addition of a new garage to my property at 2 Greenacres.

I intend to build a garage for vehicle storage and play area for my children. The garage will be on a concrete foundation with exterior metal paneling that resembles standing seam, and which will be painted to match the same color as the painted portion of the home. The roof will be the same metal as the exterior walls. There will be wainscots on the bottom of the exterior that will be like the limestone on the home. There will be can lights in the soffit with the 2 garage doors matching the existing ones on the current garage. There will be a man door visible from the street next to the garage door and there will be 3 windows on the north side of the garage. There will be gutters and proper drainage.

The interior of the garage will be heated, cooled, insulated and the walls will either be finished in metal or drywall. There will be a bathroom consisting of a toilet and sink. There will be a floor drain in the middle of the garage.

Thank You,

A handwritten signature in black ink, appearing to read 'Kyle Ahlgrim', written in a cursive style.

Kyle Ahlgrim

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: Ahlgrim Garage

Petition Information

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

Garage to store my truck and household items.
Area for children to play inside during winter.

Standards for Evaluation

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community because.....

It will be used to park my truck and storage. The play area will be inside for winter activities.

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.....

The garage will match the house and be appealing from the road and neighbors 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...

Won't be able to store vehicle and have area for children in winter months.



VAR-25-1

Board of Zoning Appeals
- Variance of
Development Standards
Application
Status: Active
Submitted On: 1/29/2025

Primary Location

2 GREENACRES
LA PORTE, IN 46350

Owner

Kyle Ahlgrim
Greenacres 2 La Porte, IN 46350

Applicant

Kyle Ahlgrim
 219-851-2854
 kyle@hgplumbing.com
 2 Greenacres
La Porte, IN 46350

Internal Review

File Date

01/29/2025

Petition Number

2025-VAR-01

Site Review required?

Date of BZA Meeting

03/11/2025

Decision

—

Deferred Date (if needed)

—

Decision

—

Site Review Meeting Notes Upload



No File Uploaded

Conditions of Approval (if applicable)

Meeting Notes/Summary

General Information

Applicant is *

Joint Owner

If you have an engineer please provide the following:

Engineer Preparing Plans Name

Engineer Email

Premises Information

Parcel ID Number*

461001453002000060

Address or General Location*

2 Greenacres

Total Acreage*

0.73

Flood Zone?*

No

Zoning*

Residential

Land Use*

Residential

Request*

To exceed 721 square feet of maximum accessory building - requesting 1600 square feet

Zoning of Adjacent Properties

North*

Residential

South*

Residential

East*

Residential

West

Residential

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*

 Kyle Chad Ahlgrim
Jan 29, 2025

Date*

01/29/2025

Property Owner Signature

(If different from Applicant)

Property Owner Name

Date

—

Property Owner Signature





ITEM 5. Special Exception Use # 25-01 Petition

to Allow a Smoke and Vape Shop

Type of Request: Special Exception Use

Staff Report: David Heinold

APPLICANT

Name – Rahid Al Barmaki (Store Manager)

PROPERTY OWNER

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

PREMISES AFFECTED

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

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

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

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

DESCRIPTION OF PROPOSED SPECIAL EXCEPTION USE:

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

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

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

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

DECISION CRITERIA:

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

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

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

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

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

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

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

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

(5) Development Requirements. The development of the property will be consistent with the intent of the development requirements established by this ordinance for similar uses. The development will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity, based upon the County Comprehensive Land Development Plan.

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

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

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

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

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

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

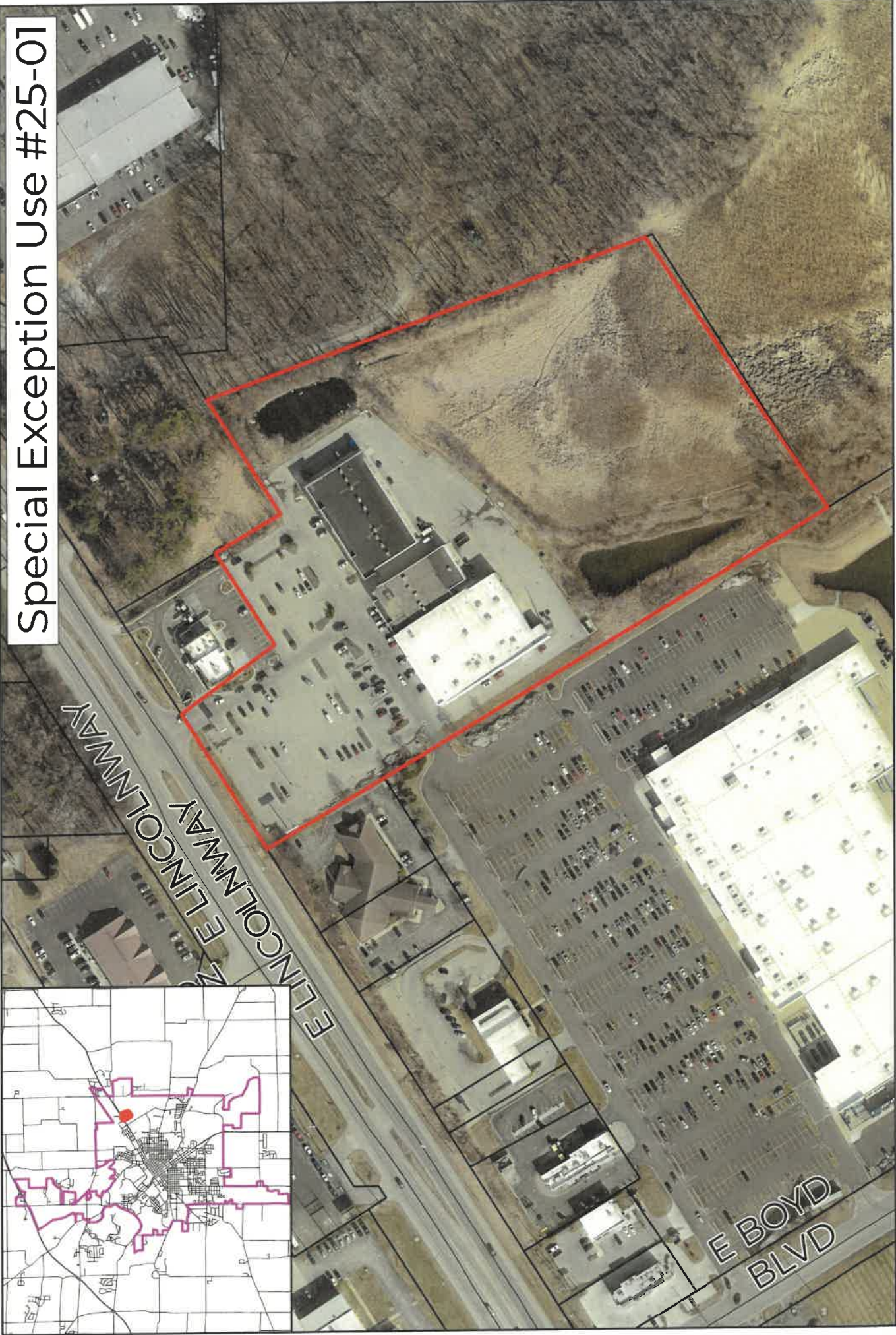
The proposed use to allow the smoke and vape shop does not require any use-specific regulations in the 2017 City of La Porte Joint Revised Zoning Ordinance.

STAFF RECOMMENDATION:

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

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

Special Exception Use #25-01



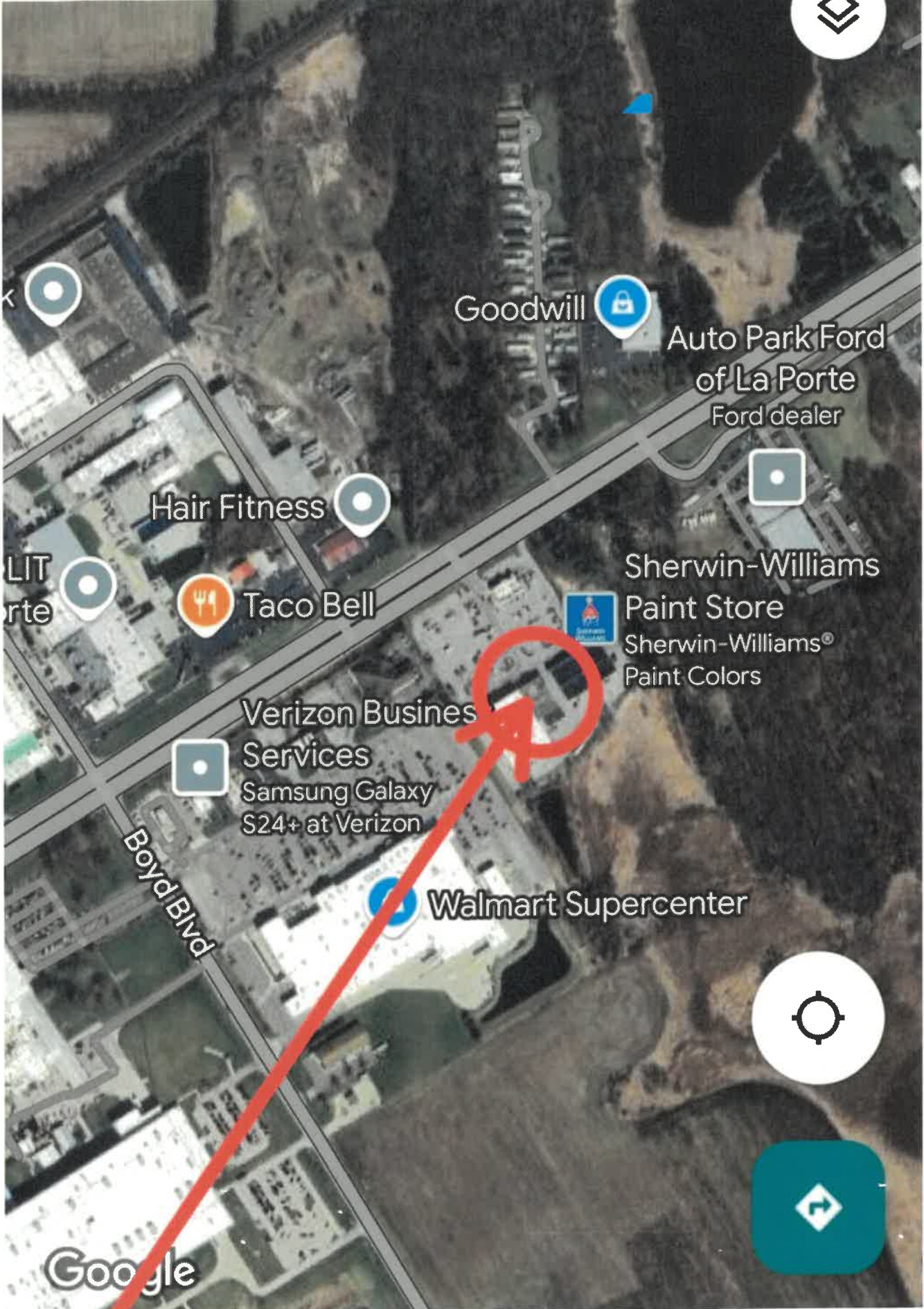
LA PORTE
INDIANA

City of La Porte
Board of Zoning Appeals
Location Map

-  Subject Property
-  City Limits



Date Created: March 6, 2025 Created By: David Heindl
Document Path: M:\GIS\Projects\CityMapa Request\Board of Zoning Appeals\2025\SE_25-01
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.



LIT
rte

Goodwill

Auto Park Ford
of La Porte
Ford dealer

Hair Fitness

Taco Bell

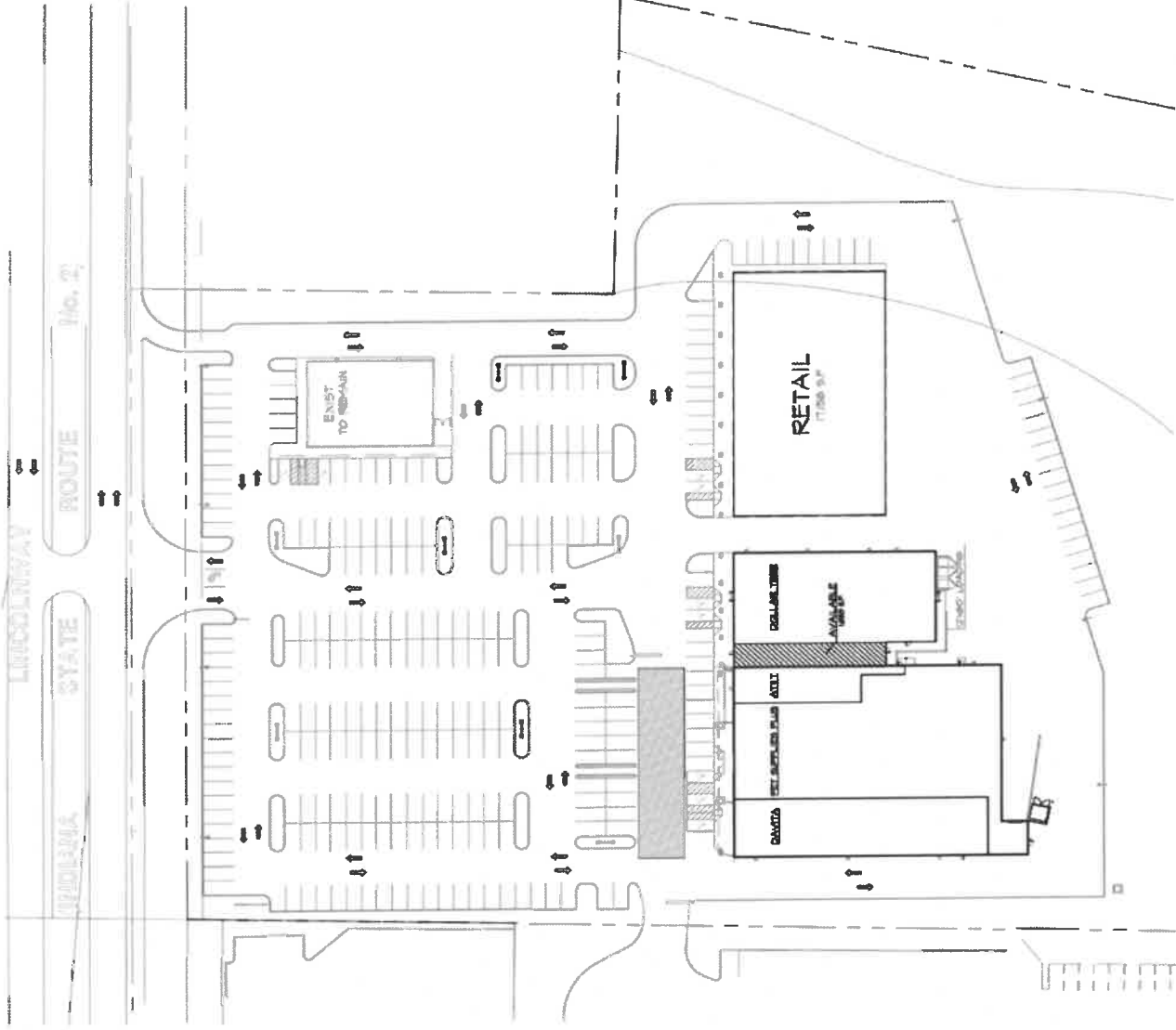
Sherwin-Williams
Paint Store
Sherwin-Williams®
Paint Colors

Verizon Business
Services
Samsung Galaxy
S24+ at Verizon

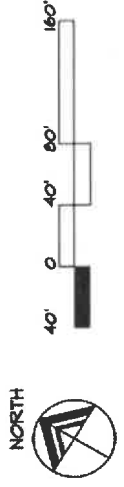
Walmart Supercenter

Boyd Blvd

Google



KMA Proj #2915 5671-N090 JEP 6/14/2023
KMA & ASSOCIATES, ARCHITECTS
 2205 LAKESIDE DRIVE
 BANNOCKBURN, ILLINOIS 60015
 (847)945-6869



TENANT SPACE STUDY - LAPORTE PLAZA
 1406-1436 LINCOLNWAY
 LAPORTE, IN
 FOR AETNA DEVELOPMENT

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.)

This is a business that sells tobacco and vapes.
9am-9pm
Two employees will be working at this store.
Just added some slat wall to organize my products, but nothing major.

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.

1. The business will not endanger the public health, safety, or general health

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

2. We will not cause any harm for any properties/businesses in the area or surroundings.

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.

3. It won't significantly impact any properties because we will not alter anything to the establishment other than replacing the signage.

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

4. All utilities have been provided so no major work will be done.

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.

5. We will not need to take any adequate measures since the business was already fully operational when leased, just the signage will be done.

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

6. The business will be operating in such use that requirements are met. We operate under lawful measures and property regulations.



SE-25-1
 Board of Zoning Appeals
 - Special Exception Use
 Application
 Status: Active
 Submitted On: 2/18/2025

Primary Location
 1408 E LINCOLNWAY
 LA PORTE, IN 46350

Owner
 National Surety Trust I Llc

Applicant
 No applicant

Internal Review

File Date

02/18/2025

Petition Number

2025-SE-01

Site Review required?

Date of BZA Meeting

03/11/2025

Decision

-

Deferred Date (if needed)

-

Decision ?

-

Site Review Meeting Notes Upload



No File Uploaded

Conditions of Approval (if applicable)

Meeting Notes/Summary

General Information

Applicant is *

Other

Other, Please Specify*

Store Manager

If you have an engineer please provide the following:

Engineer Preparing Plans Name

Rahid Al Barmaki

Engineer Email

adamalbarmaki@gmail.com

Premises Information

Parcel ID Number*

460730377002000060

Address or General Location*

1408 E Lincolnway

Total Acreage*

11.99

Flood Zone?*

No

Zoning*

B2

Land Use*

Commercial

Request*

To allow smoke and vape shop

Zoning of Adjacent Properties

North*	South*
B2	B2
East*	West
B2	B2

Land Use of Adjacent Properties

North*	South*
Retail	Retail
East*	West*
Retail	Retail

Acknowledgement

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

Applicant Signature*

Date*

Rahid Al Barmaki
Feb 18, 2025

02/18/2025

Property Owner Signature

(If different from Applicant)

Property Owner Name

George Hanus, President, National
Surety Trust I, LLC

Date

02/17/2025

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) George Hanus, President, National Sweet Trust I, L.L.C.
Name(s)

After being first duly sworn, depose and say:

- That I/we are the owner(s) of the real estate located at:

1410 - 1436 E. 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 (LaPorte Tobacco) (is is not) a condition to the sale or lease of the above referenced property. + Vape LLC.

(AFFIANT)

George Hanus, President, National Sweet Trust I, L.L.C.
STATE OF INDIANA Illinois
) SS:
COUNTY OF WILL)

Subscribed and sworn to before me this 17th day of February, 2025

Lori A. Kapaldo Notary Public

My Commission expires: 3-6-2028 County of Residence: WILL

