

## **BOARD OF ZONING APPEALS**

The Board of Zoning Appeals of the City of La Porte held a meeting on January 10th, 2022, at 6:00 p.m. with Chairperson Pete Saunders presiding and the following in attendance:

Brian Kajer

Vickie Gushrowski

Mark Danielson

### **Election of Officers for 2023**

Brian Kajer nominated for Chair Pete Saunders and Mark Danielson 2<sup>nd</sup> the nomination. Pete Saunders then Nominated for Vice Chair Brian Kajer and Vickie Gushrowski 2<sup>nd</sup> the nomination. Motion passed 4 to 0.

### **Public Comments on Non-Agenda Items**

Chairperson Saunders asked the public if there are any comments on Non-Agenda Items. There was no response.

### **Approval of Minutes**

Chairperson Saunders asked the board if they had reviewed the minutes from the Dec. 13<sup>th</sup>, 2022, meeting and if there were corrections or additions. Vickie Gushrowski made the motion to approve minutes and Mark Danielson 2<sup>nd</sup> the motion. Motion passed four to zero.

## **Agenda Rearranged**

Mr. Saunders asked the board if it was ok to rearrange the agenda for the night, everyone agreed.

-Drew Buchanan Stepped into the board meeting at this point.

## **Item 6. Use Variance #22-09 Petition: TO ALLOW ADDITION TO REAR SOUTHWEST CORNER OF EXISTING SINGLE FAMILY SWELLING**

David Ambers on behalf of the petitioners explained his case for both Items 6 and 7. David Ambers then passed out more photos. He explained how it is a remove and replace. Then with detail gave us the dimensions of the replacement.

Pete Saunders opened for public comment.

Bill Nelson, the attorney from Nelson and James on behalf the Seeker family who lives next door to the property in question. Bill explained that all standards need to be met with the use variance of the city. He disagreed with the developmental partition, on the bases that the new addition will be 22 ft out from the house. He reads that the standard is that it will not impact the public health safety or well being of the community. He states that with this expansion it will block the lake. He states that the city has the waterfront view protection overlay district and this protection is based on a percentage of the lot with of 30%. He proposes that this addition will impact the view of the lake from the client's property, and also impact the value of the clients property. Bill then read the report from Mr. Liberatore a realtor of LaPorte. This report states that he has been on site and used the flags on the property to identify the impact of the addition and claims that will block about 60%-70% of the lake being viewed on the northern side of the house.

Bill Nelson then closed his argument restating his findings on how it's not that they don't want the neighbor to build but that will affect his view of the lake and his home value.

David Ambers approached to clarify the build that will be taking place. David explained that the flags that were on the property were only the ones placed by the city to locate the utilities water and sewer lines. These flags are much further beyond the building. He states that any findings that the realtor based his opinion on is totally inappropriate because it is based on false assumptions.

Pete Saunders asked what the height of the structure would be, and the builder responded that it would be two stories but that shouldn't impact the neighboring properties because the neighboring houses are one story.

Mark Danielson asked about the flags. Bill explained that he was wrong on how the realtor based his judgment not on the flags but the given evidence and then approached the podium to explain in detail.

The realtor explained that from the neighbor's property and had someone stand where the addition would extend to and determined his findings.

Mark Danielson asked if they used a measuring tape, which the realtor answered no.

Brian Kajer asked how he came up with the estimation of 60-70% of an obstructed view. The realtor explained how he came up with that number.

No further questions from the board were asked.

The builder approached and explained the build again and there were no further questions after that.

Brian Kajer asked the attorney a question and our attorney answered.

Pete Saunders made a motion to approve item 6 and Brian Kajer 2<sup>nd</sup> the motion. Motion passed 5 to 0.

**Item 7 Variance of development standards #22-09 Petition: TO REDUCE THE MINIMUM SIDE YARD SETBACK FROM 8 FEET TO 2 FEET.**

Drew Buchanan made a motion to Deny item 8 and Vickie Gushrowski 2<sup>nd</sup> the motion to Deny. Motion passed 5-0.

**Item 8. Use Variance #22-10 Petition: TO ALLOW CONVENIENCE STORE WITH GASOLINE SALES**

David Ambers approached to ask for continuance till next meeting.

Mark Danielson made a motion to defer item 8 until February 14<sup>th</sup> BZA meeting and Vickie Gushrowski 2<sup>nd</sup> the motion. Motion passed 5-0

**Old Business**

Chairperson Saunders asked if there was any old business. There was not any old business.

### **New Business**

Chairperson Saunders asked if there was any new business. There was not any new business.

### **Other Business**

Chairperson Saunders asked if there was any other business. There was not any other business.

### **Adjournment**

Vickie Gushrowski made a motion to adjourn the meeting Drew Buchanan 2<sup>nd</sup> the motion. Motion passed four to zero. The meeting was adjourned at 6:46 pm.

Respectfully Submitted,  
Pete Saunders, Chairperson

Nickolas Owens, Secretary