



City of La Porte Board of Zoning Appeals Meeting Agenda	
Tuesday, November 14, 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: October 11, 2023 Meeting Minutes

ITEM 4. **VARIANCE OF DEVELOPMENT STANDARDS #23-17 PETITION: To Reduce the Minimum Side Yard Setback from 11 Feet to 0 Feet on the South Property Line and Allow Second Story Building Addition with an Increase in Maximum Height from 18 Feet to 21 Feet on the Existing Detached Accessory Building**
Applicant: Jason Seifert
Property Owner: Valerie Martinsen Seifert
Address: 505 Lakeside Street
Staff Report: David Heinold

ITEM 5. **VARIANCE OF DEVELOPMENT STANDARDS #23-18 PETITION: To Reduce the Minimum Front Yard Setback from 20 Feet to 2 Feet from the Road Easement Line and Reduce the Minimum Setback between the Principal Residential Building and Detached Accessory Building from 10 Feet to 4 Feet**
Applicant: Jason Seifert
Property Owner: Valerie Martinsen Seifert
Address: 505 Lakeside Street
Staff Report: David Heinold

ITEM 6. **VARIANCE OF DEVELOPMENT STANDARDS #23-21 PETITION: To Allow Six (6) Foot Tall Privacy Fence in the Front Yard Setback Area Adjacent to West 18th Street and K Street**

Applicant: Hernan S. Barron

Property Owner: same

Address: 1003 West 18th Street

Staff Report: David Heinold

ITEM 7. Old Business

ITEM 8. New Business

ITEM 9. Other Business

A. Public Comments on Non-Agenda Items

ITEM 10. Adjournment



City of La Porte Board of Zoning Appeals Meeting Minutes	
Tuesday, October 11, 2023 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, October 11, 2023 at the hour of 6:20 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 6:20 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:
Brian Kajer, Vice Chair	Pete Saunders, Chair	Mark Worthley, BZA Attorney
Vickie Gushrowski		David Heinold, City Planner
Drew Buchanan		Craig Phillips, CDP Director
Mark Danielson		

ITEM 3. Approval of Minutes: September 12, 2023 Meeting Minutes

Vice Chair Brian Kajer called for any changes or corrections to the September 12, 2023 Meeting Minutes. There being no changes or corrections to the meeting minutes, Drew Buchanan made a motion to **approve the September 12, 2023 Meeting Minutes** and the motion was seconded by Mark Danielson. The motion passed 4-0.

ITEM 4. SPECIAL EXCEPTION USE #23-19 PETITION: To Allow Drive Thru Restaurant

Applicant: Excel Engineering, Inc.
Property Owner: J & K Commercial Rentals, LLC
Address: 1403 East Lincolnway
Staff Report: David Heinold

Applicant Presentation

Vice Chair Brian Kajer called for the petitioner to present the special exception use petition.

Reid Jahns, Excel Engineering, Inc., identified himself as a representative for the petitioner and explained the special exception use petition to allow the proposed drive through restaurant on the subject property.

Staff Presentation

Vice Chair Brian Kajer 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

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

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

Applicant Response

There were no further comments from the applicant.

Board Discussion/Action

Vickie Gushrowski made a motion to **approve Special Exception Use #23-19 Petition contingent upon favorable recommendation of the Preliminary and Final Plat approval from the Plan Commission** and the motion was seconded by Drew Buchanan. The motion passed 4-0.

Special Exception Use #23-19 Petition – Approved

ITEM 5. **VARIANCE OF DEVELOPMENT STANDARDS #23-20 PETITION: To Exceed the Maximum Area Limitations – Requesting 1,008 Square Feet of Total Accessory Building Area**

Applicant: Chris Pintzke

Property Owner: same

Address: 1011 Plain Street

Staff Report: David Heinold

Applicant Presentation

Vice Chair Brian Kajer called for the petitioner to present the variance petition.

Alberto Leyva, 1011 Plain Street, identified himself as the tenant residing at the subject property and representing the petitioner on the variance request. Mr. Leyva explained that the petitioner is requesting approval of the variance petition to build a 22'x17' carport, which is less than the 1,000 square foot maximum area limitations as recommended by City Planning Staff in the staff report recommendation. He continued to mention that the petitioner sent an email to City Planning Staff for amending the variance petition to 1,000 square feet of total accessory building area to allow construction of the proposed carport addition to the existing detached garage.

Staff Presentation

David Heinold, Assistant City Planner, explained the staff report and recommendation for limiting the total accessory building area to 1,000 square feet based on the sizes of accessory buildings on similar properties.

Public Comment

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

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

Applicant Response

There were no further comments from the applicant.

Board Discussion/Action

Mark Danielson made a motion to **approve the Variance of Development Standards #23-20 with staff recommended conditions** and the motion was seconded by Drew Buchanan. The motion passed 4-0.

Variance of Development Standards #23-20 – Approved with 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.

ITEM 6. Old Business

There was no old business.

ITEM 7. New Business

There was no new business.

ITEM 8. Other Business

A. Public Comments on Non-Agenda Items

There was no public comment on non-agenda items.

ITEM 9. Adjournment

Vickie Gushrowski made a motion to **adjourn** and the motion was seconded by Mark Danielson. The motion to **adjourn** passed 4-0. The meeting was **adjourned** at 6:46 pm.

Brian Kajer, Vice Chair

David Heinold, Secretary



ITEM 4. Variance of Development Standards # 23-17 Petition to Reduce the Minimum Side Yard Setback from 11 Feet to 0 Feet on the South Property Line and Allow Second Story Building Addition with an Increase in Maximum Height from 18 Feet to 21 Feet Maximum Height on the Existing Detached Accessory Building

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Jason Seifert

PROPERTY OWNER

Name – Valerie Martinsen Seifert

PREMISES AFFECTED

Parcel Number - 46-06-27-476-011.000-043				
Actual/approximate address or location from major streets – 505 Lakeside Street				
Total Acreage – 0.25 Acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1E		Use of Subject Property – Residential		
Zoning of Adjacent Properties	North: R1E	South: R1E	East: R1E	West: R1E
Land Use of Adjacent Properties	North: Residential	South: Residential	East: Residential	West: Residential

SUMMARY: The petitioner proposes to allow a second story building addition to the existing detached garage within zero (0) feet of the south side yard property line.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.25 acre and is currently zoned R1E (Waterfront Residential District). Historically, the property has been used as a single family residential dwelling. The petitioner’s existing detached garage was constructed about zero (0) feet from the south side yard property line. The subject property is located within the Waterfront View Protection Overlay Zoning District that sets a minimum requirement that the total of both

side yards shall be at least 30% of the lot width. The subject property requires a variance of development standards petition in order to allow a second story building addition to the existing detached garage within eleven (11) feet of the south side yard property line as required by Section 12.01 (d). The subject property requires an additional variance of development standards petition to allow an increase in height of the detached accessory building from one story to two stories and from 18 feet to 21 feet tall.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to the Waterfront View Protection Overlay Zoning District within eleven (11) feet of the south side yard property line as required by Section 12.01 (d) Building Side Yards. The petitioner is requesting a second variance of development standards to Section 16.02 (d) for exceeding the maximum height for a detached accessory building of one (1) story and 18 feet tall.

STATEMENT OF COMPLIANCE: Article 4 shall be met for the proposed building addition to the existing detached garage. Section 12.01 shall be met for the detached garage located within the Waterfront View Protection Overlay District in regards to side yard setbacks, height limits, and waterfront setback for buildings. Section 16.02 shall be met for the detached garage.

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 approval of the requested variance of development standards will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed reduced side yard building setback from 11 feet to 0 feet will negatively impact adjacent properties with regards to Section 12.01 Waterfront View Protection Overlay Zoning District. The existing detached garage was constructed on the south side yard property line. The proposed height of the second story building addition on the existing detached garage will negatively impact views of the lake from public roadways and adjacent properties.

(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 a reduced side yard setback to allow construction of the second story building addition to the existing detached garage. The existing detached garage was constructed on the south side yard property line and adjacent to the front yard road easement line. The proposed second story building addition to the existing detached garage is not compatible with the established character of the surrounding waterfront neighborhood.

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

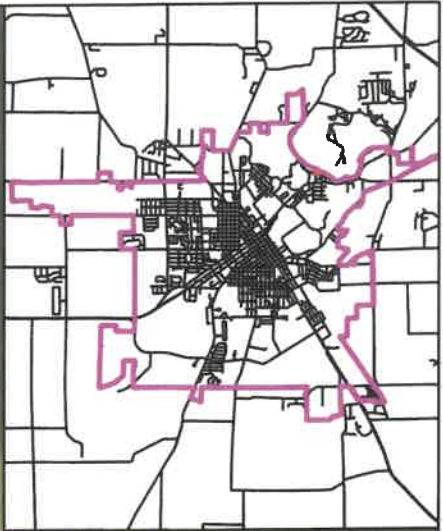
The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the subject property with the existing detached accessory building that was constructed on the south side property line. The strict application of the maximum height limit of one story and 18 feet tall for a detached accessory building will not result in practical difficulties with the petitioner's intended use of the second story garage addition for additional living room area on a lakefront property.

The intent of the Waterfront View Protection Overlay Zoning District is to protect the views of the lakes. The specific purposes of the Waterfront View Protection Overlay Zoning District are to protect community character of waterfront areas by maintaining views of lakes from public roadways, protect property values in waterfront neighborhoods by protecting views of the waterfront, and protect waterfront neighborhoods from overbuilding with excessively large buildings on small waterfront lots that are out of scale with the established character of the neighborhood.

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 #23-17 to allow reduction of the minimum side yard setback for the detached accessory building from 11 feet to 0 feet on the south side property line and to allow Second Story Building Addition with an Increase in Maximum Height from 18 Feet to 21 Feet Maximum Height on the Existing Detached Accessory Building.

Submitted to the Board of Zoning Appeals November 6th, 2023.



Petition #23-17

LAKESIDE ST

-  Subject Property
-  City Limits





ITEM 5. Variance of Development Standards # 23-18 Petition to
 To Reduce the Minimum Front Yard Setback from 20 Feet to 2 Feet
 from the Road Easement Line and Reduce the Minimum Setback
 between the Principal Residential Building and Detached Accessory
 Building from 10 Feet to 4 Feet

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Jason Seifert

PROPERTY OWNER

Name – Valerie Martinsen Seifert

PREMISES AFFECTED

Parcel Number - 46-06-27-476-011.000-043				
Actual/approximate address or location from major streets – 505 Lakeside Street				
Total Acreage – 0.25 Acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1E		Use of Subject Property – Residential		
Zoning of Adjacent Properties	North: R1E	South: R1E	East: R1E	West: R1E
Land Use of Adjacent Properties	North: Residential	South: Residential	East: Residential	West: Residential

SUMMARY: The petitioner proposes to allow a second story building addition to the existing detached garage within two (2) feet of the front yard setback from the road easement line and within ten (10) feet of the existing principal residence.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.25 acre and is currently zoned R1E (Waterfront Residential District). Historically, the property has been used as a single family residential dwelling. The petitioner’s existing detached garage was constructed about five (5) feet from the front yard road easement line on Lakeside Street and is considered a legal non-

conforming building. The subject property requires a variance of development standards to extend the proposed detached garage within twenty (20) feet of the front yard road easement line on Lakeside Street as required by Section 4.04 (d) in the R1E Waterfront Residential Zoning District. The subject property requires an additional variance of development standards petition to reduce the minimum ten (10) foot setback between the detached accessory building and principal residential building as required by Section 16.02 (c) (2). Currently, the existing detached accessory building conforms to the minimum requirement for setback between the two structures described in Section 16.02 (c) (2).

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to reduce the minimum front yard setback from 20 feet to 2 feet from the road easement line. The petitioner is requesting a second variance of development standards to reduce the minimum setback between the principal residential building and detached accessory building from 10 feet to 4 feet.

STATEMENT OF COMPLIANCE: Article 4 shall be met for the proposed building addition to the existing detached garage. 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 approval of the requested variance of development standards will be injurious to the public health, safety, morals, and general welfare of the community. The proposed reduced front yard setback from 20 feet to 2 feet of the road easement line will negatively impact use of Lakeside Street for access to adjacent properties. The reduced front yard setback from 20 feet to 2 feet is within the city sewer access easement that would present a challenge for maintenance. The existing detached garage was constructed within the minimum front yard setback and is considered a legal non-conforming building.

(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 the proposed two-story building addition to the existing detached accessory building within the minimum front yard setback. The existing detached garage was constructed about five (5) feet from the front yard road easement line. The proposed two-story building addition to the existing detached garage in the front yard is not compatible with the established character of the surrounding waterfront neighborhood.

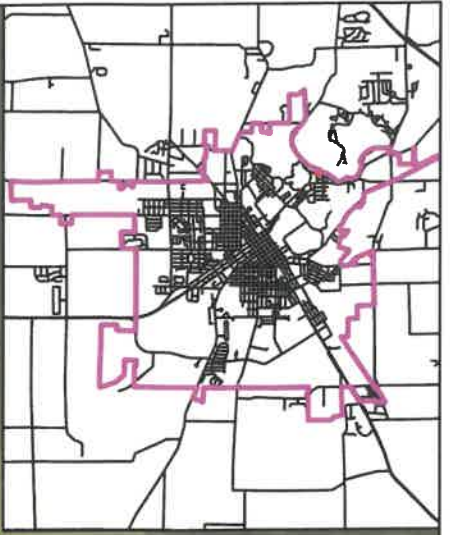
(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the subject property with the existing detached accessory building that was constructed within the minimum front yard setback about five (5) feet from the road easement line. The existing detached accessory building may be used 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 #23-18 to reduce the minimum front yard setback from 20 feet to 2 feet from the road easement line and to reduce the minimum setback between the principal residential building and detached accessory building from 10 feet to 4 feet.

Submitted to the Board of Zoning Appeals November 6th, 2023.



Petition #23-18

-  Subject Property
-  City Limits



Google Maps 311 Lakeside St



La Porte, Indiana
Google Street View
Jul 2023 See more dates

Image capture: Jul 2023 © 2023 Google



311 Lakeside St



La Porte, Indiana

Google Street View

Jul 2023

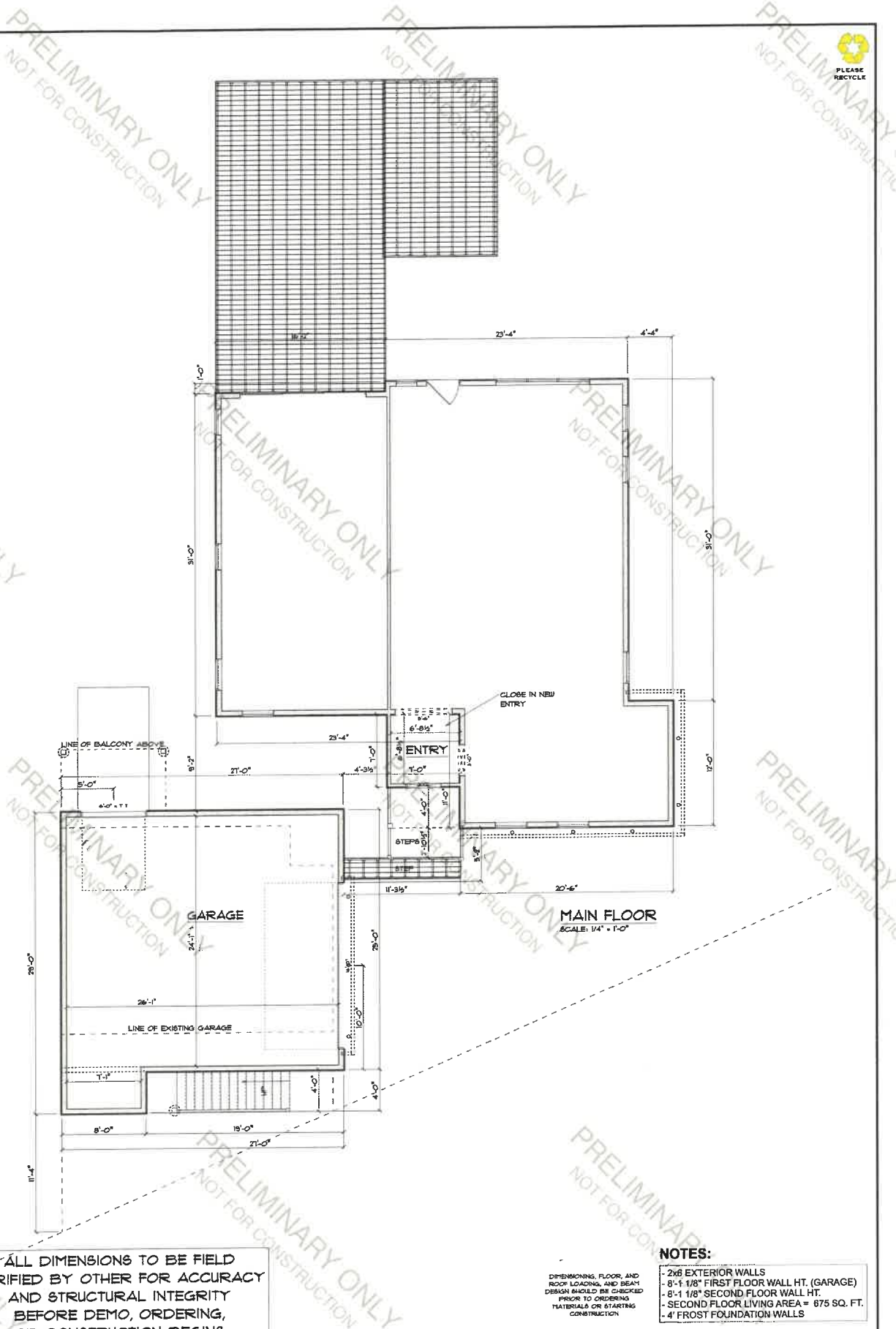
See more dates

Image capture: Jul 2023 © 2023 Google





These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.



ALL DIMENSIONS TO BE FIELD VERIFIED BY OTHER FOR ACCURACY AND STRUCTURAL INTEGRITY BEFORE DEMO, ORDERING, OR CONSTRUCTION BEGINS

NOTES:

- 2x6 EXTERIOR WALLS
 - 8'-1 1/8" FIRST FLOOR WALL HT. (GARAGE)
 - 8'-1 1/8" SECOND FLOOR WALL HT.
 - SECOND FLOOR LIVING AREA = 875 SQ. FT.
 - 4' FROST FOUNDATION WALLS
- DIMENSIONING, FLOOR, AND ROOF LOADINGS, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION.

* These plans are not approved, stamped or signed by an architect or engineer. *

	DESIGNED BY	REVISIONS	FINAL	SCALE	DATE	PROJECT NO.	MAIN FLOOR PLAN
	LL5A L			1/4" = 1'-0"	6/25/2023	6P23091	SEIFERT RESIDENCE

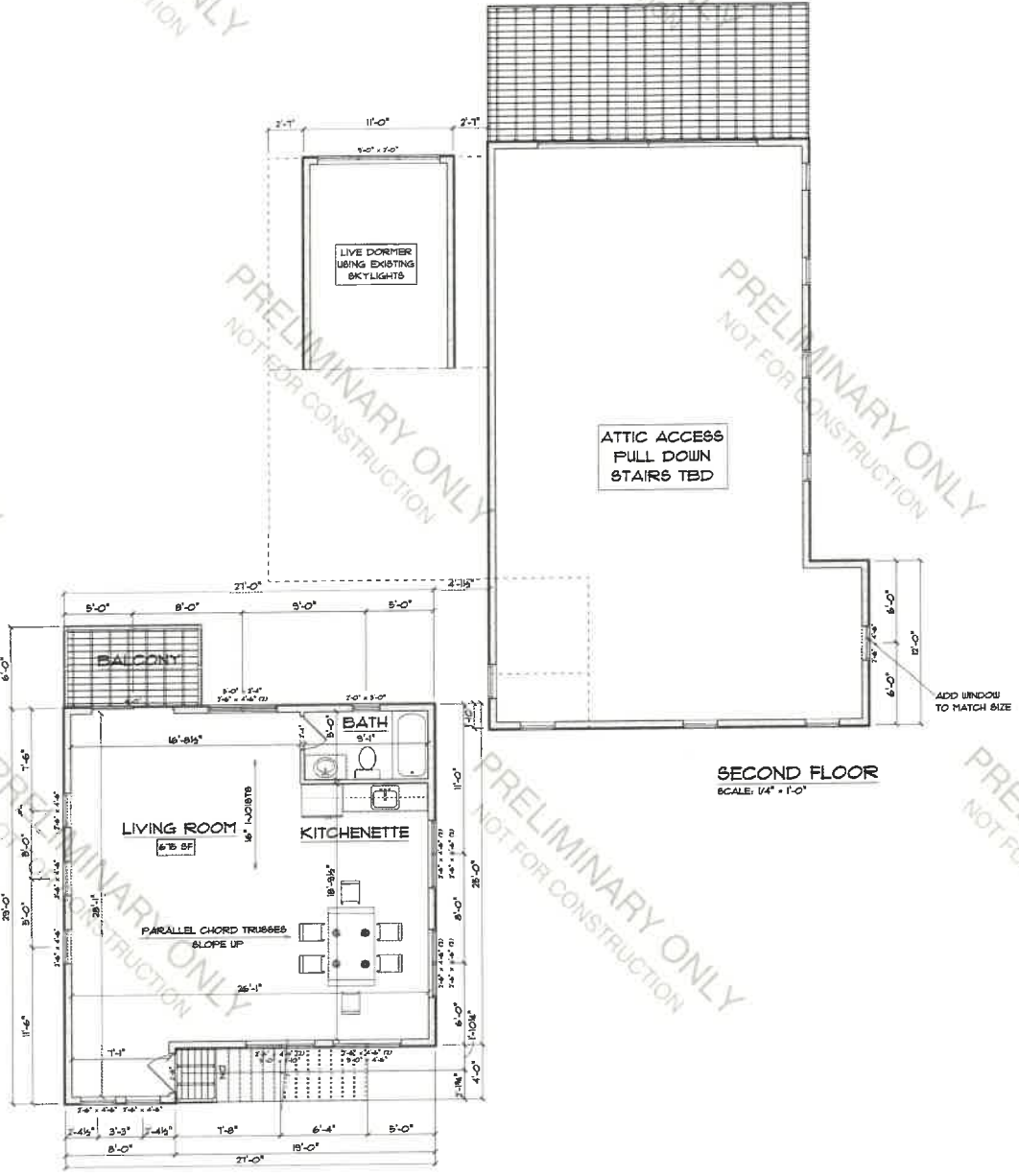


These plans were designed with standard construction practices in mind. Due to variations in local, state, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review this information and assure that it is revised to become code compliant, appropriate, and complete.

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

PRELIMINARY ONLY
NOT FOR CONSTRUCTION



SECOND FLOOR
SCALE: 1/4" = 1'-0"

ALL DIMENSIONS TO BE FIELD VERIFIED BY OTHER FOR ACCURACY AND STRUCTURAL INTEGRITY BEFORE DEMO, ORDERING, OR CONSTRUCTION BEGINS

NOTES:

- 2x6 EXTERIOR WALLS
- 8'-1 1/8" FIRST FLOOR WALL HT. (GARAGE)
- 8'-1 1/8" SECOND FLOOR WALL HT.
- SECOND FLOOR LIVING AREA = 675 SQ. FT.
- 4' FROST FOUNDATION WALLS

* These plans are not approved, stamped or signed by an architect or engineer. *



DESIGNED BY	REVISIONS	FINAL	SCALE	DATE	PROJECT NO.
LISA L			1/4" = 1'-0"	6/23/2023	SP23091

SECOND FLOOR PLAN
SEIFERT RESIDENCE















City of La Porte

BZA-23-8

Board of Zoning Appeals - Variance of Development Standards Application

Status: Active

Submitted On: 9/18/2023

Primary Location

505 LAKESIDE
LA PORTE, IN 46350

Owner

Martinsen Valerie R
Lakeside St 505 LaPorte, Indiana 46350

Applicant

Jason Seifert

219-898-8329

pfd00114@gmail.com

505 Lakeside St
LaPorte, Indiana 46350

Internal Review

File Date

09/18/2023

Petition Number

2023-VAR-17

Site Review required?

Date of BZA Meeting

10/11/2023

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, Please Specify*

Other

Spouse

If you have an engineer please provide the following:

Engineer Preparing Plans Name

Engineer Email

Premises Information

Parcel ID Number*

460627476011000060

Address or General Location*

505 Lakeside St

Total Acreage*

0.29

Flood Zone?*

No

Zoning*

RE1

Land Use*

Residential

Request*

Variance from required side yard setback and maximum height and number of stories

Zoning of Adjacent Properties

North*

RE1

South*

RE1

East*

RE1

West

Waterfront View Protection Overlay District

Land Use of Adjacent Properties

North*

Residential

South*

Residential

East*

Residential

West*

Recreation

Acknowledgement

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

Applicant Signature*

Date*

Jason C Seifert
Aug 21, 2023

08/21/2023

Property Owner Signature

(If different from Applicant)

Property Owner Name

Date

Valerie Martinsen Seifert

08/21/2023

Property Owner Signature





City of La Porte

BZA-23-9

Board of Zoning Appeals - Variance of Development Standards Application

Status: Active

Submitted On: 9/18/2023

Primary Location

505 LAKESIDE
LA PORTE, IN 46350

Owner

Martinsen Valerie R
Lakeside St 505 LaPorte, Indiana 46350

Applicant

Jason Seifert

219-898-8329

pfd00114@gmail.com

505 Lakeside St
LaPorte, Indiana 46350

Internal Review

File Date

09/18/2023

Petition Number

2023-VAR-18

Site Review required?

Date of BZA Meeting

10/11/2023

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, Please Specify***

Other

spouse

If you have an engineer please provide the following:

Engineer Preparing Plans Name**Engineer Email**

Premises Information

Parcel ID Number***Address or General Location***

460627476011000060

505 Lakeside St

Total Acreage***Flood Zone?***

0.29

No

Zoning***Land Use***

RE1

Residential

Applicant Signature*

Date*

Jason C Seifert
Aug 21, 2023

08/21/2023

Property Owner Signature

(If different from Applicant)

Property Owner Name

Date

Valerie Martinsen Seifert

08/21/2023

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) Valerie Martinsen Seifert
Name(s)

After being first duly sworn, depose and say:

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

505 Lakeside St., La Porte

(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)

Valerie Martinsen Seifert



STATE OF INDIANA)

) SS:

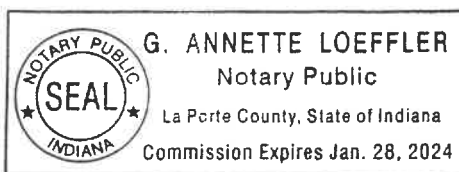
COUNTY OF LaPorte)

Subscribed and sworn to before me this 18th day of September, 2023.

G. Annette Loeffler, Notary Public

G. Annette Loeffler # 679066

My Commission expires: Jan. 28, 2024 County of Residence: LaPorte





ITEM 6. Variance of Development Standards # 23-21 Petition
 to allow Six (6) Foot Tall Privacy Fence in the Front Yard Setback
 Area Adjacent to West 18th Street and K Street

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Hernan S. Barron

PROPERTY OWNER

Name – same

PREMISES AFFECTED

Parcel Number - 46-10-02-382-010.000-043				
Actual/approximate address or location from major streets – 1003 West 18 th Street				
Total Acreage – 0.20 acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1B		Use of Subject Property – Residential Dwelling		
Zoning of Adjacent Properties	North: R1B	South: R1B	East: R1B	West: R1B
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 within sixteen (16) feet of the property line along West 18th Street and six (6) feet from the northwest corner on K Street.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.20 acre and is currently zoned R1B (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 within sixteen (16) feet of the property line along West 18th Street and six (6) feet from the northwest corner on K Street.

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 front yard adjacent to both West 18th St. and K St. The approval of the requested variance of development standards would extend within the front 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: Section 16.05 shall be met for fences located in residential zoning districts. Section 15.06 Corner Clearance sets regulations for maintaining the clear vision triangle that is formed along the property boundaries at the two intersecting street rights-of-way. The two sides of the clear vision triangle being 25 feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two sides.

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 front yard along West 18th St. and K St. will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed 6 foot tall wood privacy fence in the front yard along West 18th St. and K St. will not negatively impact surrounding properties in the R1B 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 in the front yard along West 18th St. and K St. The petitioner's request to allow the 6 foot tall privacy fence in the front yard adjacent to West 18th St. and K St. is compatible with the adjacent residential properties and conforms to the general character in the immediate vicinity with comparable privacy fences.

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

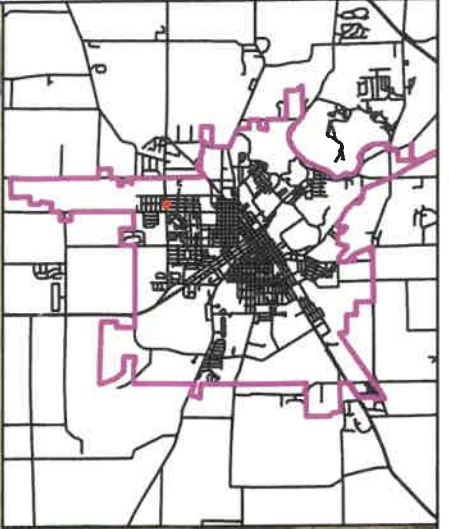
The strict application of the terms of the zoning ordinance with the limitation of a proposed six (6) foot tall wood privacy fence within the front yard setback area only allows a maximum height of three and a half (3 ½) feet tall as well as not in excess of forty-nine percent (49%) solid or opaque will not result in practical difficulties in the use of the corner lot property with two front yard setback areas adjacent to West 18th St. and K St.

The existing residential house is set back about 20 feet from the front yard property line along both West 18th St. and K St. The strict application of the zoning ordinance to allow a 6 foot tall wood privacy fence within the front yard setback area along West 18th St. and K St. would result in practical difficulties in the petitioner's ability to use the property that has a limited rear yard due to the current status as a corner lot with two front yards.

STAFF RECOMMENDATION:

Staff finds that the requested variance of development standards petition is in compliance with the 2017 City of La Porte Revised Joint Zoning Ordinance and does conform to the goals and policies of the Countywide Land Development Plan. Staff recommends **approval** of the petitioner's request to allow the construction of a six (6) foot tall wood privacy fence in the front yard setback area within sixteen (16) feet from West 18th Street and within six (6) feet from K Street as submitted on the attached site plan.

Submitted to the Board of Zoning Appeals November 6th, 2023.



Petition #23-21

K ST

W 18TH ST

Subject Property
City Limits

0 15 30 60 Feet



City of La Porte
Board of Zoning Appeals
Location Map

Date Created: October 25, 2023 Created By: David Heindl
Document Path: \\City Planners\GIS\Map Requests\Board of Zoning Appeals\08_23_21
Map Description: This product is for informational purposes. Users of the information should review or consult the primary data and information sources to ascertain the usability of the information.

Sky View

neighbors fence

40' length

Backyard

shed

house

Deck

Side yard

Front yard

8' length

8' length

32' length

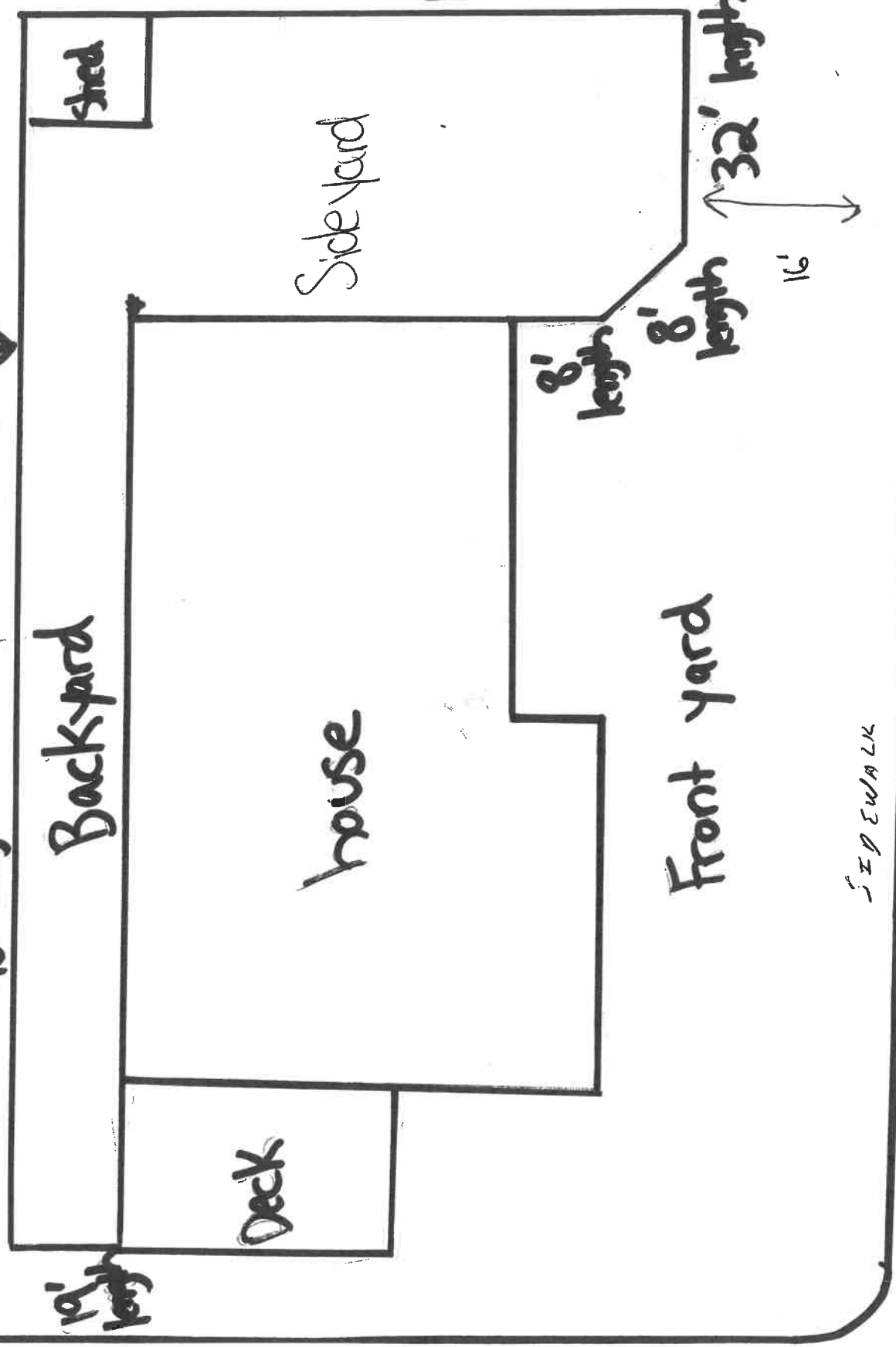
16'

40' length

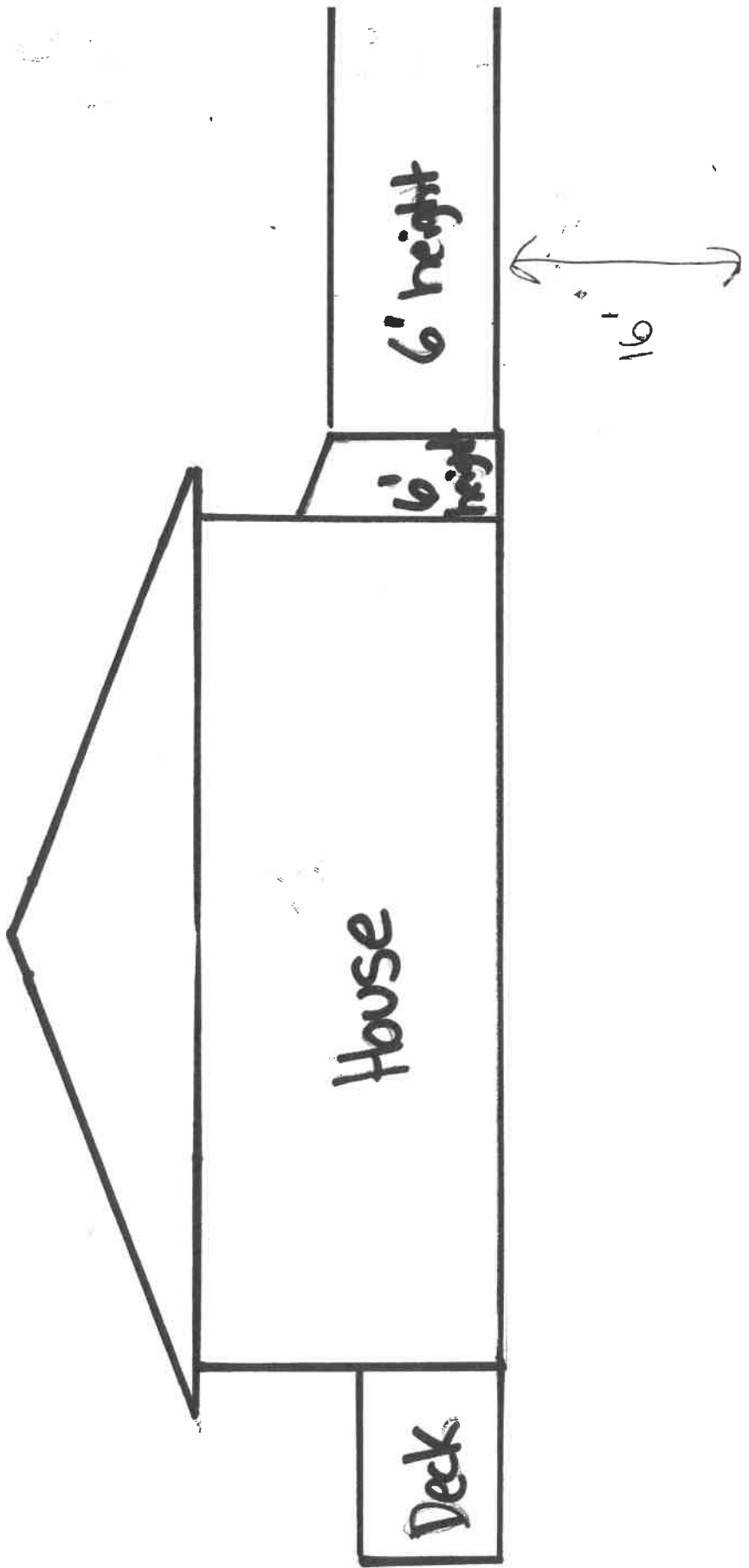
R St.

sidewalk

18th St.



Front View



SIDEWALK

18th St.

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: Fencing yard

Petition Information

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

would like to have the fence for family events and privacy. Would also like the fence to be 6ft of height

Standards for Evaluation

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community because..... the fence doesn't cover any blind spots on the road or corner,

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 fence will be in my property and will not cover any sight from cars or pedestrians views.

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... would like to have the fence for family events and privacy. would also like the fence to be 6ft of height.



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: 80 ⁰⁰	Receipt: 489
File Date: 10/20/23	File #: 2023-VAR-21
Site Review: n/a	
Date of BZA mtg: 11/14/2023	
Decision: _____	

This application is being submitted for a Variance of Development Standards

Applicant

Name <u>Herman S. Barron</u>	
Street Address <u>1003 W 18th St.</u>	
City, State, Zip <u>LaPorte, IN, 46350</u>	
Primary Contact regarding this petition	
Phone <u>(219) 575-4604</u>	Email <u>barron3124@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 <u>Herman S. Barron</u>	
Street Address <u>1003 W 18th St.</u>	Phone <u>(219) 575-4604</u>
City, State, Zip <u>LaPorte, IN 46350</u>	Email <u>barron3124@gmail.com</u>

Premises Affected

Parcel ID Number <u>46-10-02-382-010.006-043</u>				
Address or General Location <u>1003 W 18th St.</u>				
Total Acreage <u>0.20 acre</u>	Flood Zone? <u>No</u>			
Zoning <u>R1B</u>	Land Use <u>Single Family Residential</u>			
Request <u>allow 6 foot tall fence in front yard set back area</u>				
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.

Herman S. Barron
 Signature of Applicant

 Signature of Notary

 Notary Public's Name (printed)
 Subscribed and sworn to before me this ____ day of 20 ____