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| City of La Porte Board of Zoning Appeals Meeting Agenda | |
| Tuesday, April 11, 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 shall be:

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

ITEM 1. Call Meeting to Order

ITEM 2. Roll Call & Determination of Quorum

ITEM 3. Approval of Minutes: March 14, 2023 Meeting Minutes

ITEM 4. **VARIANCE OF DEVELOPMENT STANDARDS #23-05 PETITION: TO REDUCE THE MINIMUM SOUTH SIDE YARD SETBACK FROM 8 FEET TO 2 FEET WHERE PREVIOUS ENCLOSED PORCH EXISTED AND TO ALLOW AN ADDITION TO THE SOUTHWEST CORNER OF THE EXISTING SINGLE FAMILY RESIDENCE**

Applicant: Matthew Collins (David Ambers, Attorney)

Property Owner: Bryon E. Ramey and Ann P. Ramey

Location: 804 Pine Lake 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 March 14th, 2023, at 6:08 p.m. with Vice Chairperson Brian Kajer presiding in the absence of the Chairperson and the following in attendance:

Vickie Gushrowski

Drew Buchanan

Brian Kajer opened the meeting with recognition of a quorum for the three members present.

Approval of Minutes

Brian Kajer asked the board if they had reviewed the minutes from the Feb. 14th, 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 three to zero.

Item 4. VARIANCE OF DEVELOPMENT STANDARDS #23-02 PETITION: TO ALLOW A 381.6 SQUARE FOOT ELECTRONIC CHANGEABLE MESSAGE (EMX)SIGN ILLUMINATED BY LIGHT EMITTING DIODE (LED) ON THE SUBJECT PROPERTY ADJACENT TO A RESIDENTIAL ZONING DISTRICT

Robert Miller approached and passed out photos. He explained the difference between the existing sign and what he is proposing. He talked about his company's history in advertising and that they are looking to expand their digital footprint.

Drew asked about the size of the board and David explained the ordinance of billboards and what the city standards are for static signs.

David then showed a PowerPoint on what the proposed sign would look like in size to what is current from different distances on the road for drivers.

David then read the conditions that would need to be met to approve the billboard.

Drew then asked about the standards that have been laid out and if they will be met. Robert explained all the standards and how they will be met with the new billboard.

Brian Kajer asked for public comment, there was none.

Drew Buchanan made a motion to approve the Variance of Development Standards Petition #23-02 with the following staff recommended conditions and Vickie Gushrowski 2nd the motion. Motion passed three to zero.

- 1.) That a maximum of one (1) Electronic Message Center (EMC) Sign illuminated by Light-Emitting Diode (LED) shall be permitted on the subject property adjacent to a residential zoning district.
- 2.) The maximum total sign area for the EMC Sign shall be 288 square feet.
- 3.) The message on the EMC shall remain static a minimum of twenty (20) seconds and not take longer than one (1) second to change the message.
- 4.) The EMC sign shall be equipped with a sensor or other device that automatically determines the ambient light conditions to adjust the brightness of the sign to a maximum luminescence level is not more than three-tenths (0.3) footcandles measured at a distance of 170 feet away from the sign.
- 5.) The EMC sign shall comply with all applicable requirements, conditions, and permit approval process from the Indiana Department of Transportation.

Item 5. SPECIAL EXCEPTION USE #23-03 PETITION: TO ALLOW TATTOO ESTABLISHMENT

Jake Morrel explained his petition for a tattoo establishment.

David summarized the staff report and showed a PowerPoint on where this establishment would be located.

A citizen approached and explained his concern on the potential of neon signs, and Jake Stated he doesn't need any neon signs and that is no problem.

Vickie Gushrowski made a motion to approve the Special Exception Use Petition #23-03 with the following staff recommended conditions and Drew Buchanan 2nd the motion. Motions passed three to zero.

- 1.) The use shall allow a tattoo establishment.
- 2.) The use shall operate between the hours from 8:00 AM to 10:00 PM.

Item 6. VARIANCE OF DEVELOPMENT STANDARDS # 23-04 PETITION: TO REDUCE THE MINIMUM REAR YARD SETBACK FORM 25 FEET TO 5 FEET

Jim White approached and he explained his case on why they would like the variance.

David explained the staff report.

Vickie Gushrowski motioned to approve the Variance of Development Standards Petition #23-04 and Drew Buchanan 2nd the motion. Motion passed three to zero.

Item 7. USE VARIANCE #22-10 PETITION: TO ALLOW CONVENIENCE STORE WITH GASOLINE SALES

The City Attorney explained that the petitioner emailed in and withdrew his petition. There was no action taken on this petition.

Old Business

Brian Kajer asked if there was any old business. There was not any old business.

New Business

Brian Kajer asked if there was any new business. There was not any new business.

Other Business

Brian Kajer asked if there was any other business. There was not any other business.

Adjournment

Drew Buchanan made a motion to adjourn the meeting Vickie Gushrowski 2nd the motion. Motion passed 3 to 0. The meeting adjourned at 6:30 pm.

Respectfully Submitted,
Brian Kajer, Vice Chairperson

Nickolas Owens, Secretary



ITEM 4. Variance of Development Standards # 23-05 Petition

to Reduce the Minimum South Side Yard Setback
 From 8 Feet to 2 Feet Where Previous Enclosed Porch Existed
 and to Allow an Addition to the Southwest Corner of the Existing
 Single Family Residence

Type of Request: Variance of Development Standards

Staff Report: David Heinold

APPLICANT

Name – Matthew Collins (David Ambers, Attorney)

PROPERTY OWNER

Name – Bryan E. & Ann P. Ramey Jtwros

PREMISES AFFECTED

| | | | | |
|--|-------------------|---------------------------------------|-------------------|-----------------|
| Parcel Number - 46-06-27-426-003.000-043 | | | | |
| Actual/approximate address or location from major streets – 804 Pine Lake Avenue | | | | |
| Total Acreage – 0.31 acres | | Flood Zone on Site? - No | | |
| Zoning of Subject Property – B2 | | Use of Subject Property – Residential | | |
| Zoning of Adjacent Properties | North: B2 | South: B2 | East: B2 | West: B2 |
| Land Use of Adjacent Properties | North: Yacht Club | South: Residential | East: Residential | West: Pine Lake |

SUMMARY: The petitioner proposes to allow an approximately 10 foot by 18 foot two-story building addition to the existing single family dwelling within two (2) feet of the south side yard property line where the previous enclosed porch existed. In addition, the petitioner proposes to construct an approximately 10 foot by 12 foot two-story building addition that meets the 8 foot minimum building setback from the south side yard on the subject property.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.31 acres and is currently zoned B2 (General Commercial District). Historically, the property has been used as a single family residential dwelling and previously had an enclosed porch on the southwest corner of the existing single family residential dwelling. The petitioner’s existing house was constructed about two (2)

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 the 10'x18' two-story building addition to the existing single family dwelling within eight (8) feet of the south property line as required by Section 12.01 (d).

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to allow the 10'x18' two-story building addition to the existing single family dwelling located in the B2 General Commercial District and the Waterfront View Protection Overlay Zoning District within eight (8) feet of the south side yard property line as required by Section 12.01 (d) Building Side Yards.

STATEMENT OF COMPLIANCE: Article 7 shall be met for the proposed building addition to the existing single family dwelling. Section 12.01 shall be met for the residential dwelling located within the Waterfront View Protection Overlay District in regards to side yard setbacks, height limits, and waterfront setback for buildings. Section 22.04 (a) sets the minimum setback of development activity from streams, lakes, ponds, and wetlands. According to Section 22.04 (b), the minimum waterfront setback for the proposed building addition is approximately 60 feet from the ordinary high water mark. On January 10, 2023, the Board of Zoning Appeals approved the Use Variance Petition to allow the building addition to the rear southwest corner of the existing single family dwelling located in the B2 General Commercial District. The Use Variance Petition was approved to allow the building addition to the rear southwest corner of the existing single family dwelling with the requirement to meet the minimum building setbacks identified in Section 7.04, 12.01, and 22.04. The approval of the requested variance of development standards to reduce the minimum south side yard setback from 8 feet to 2 feet will allow construction of the proposed 10'x18' two-story building addition.

SITE REVIEW FINDINGS: Site review was not required for the proposed variance of development standards due to the nature of the proposed use 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 side yard building setback from 8 feet to 2 feet where the previous enclosed porch existed will negatively impact adjacent properties with regards to Section 12.01 Waterfront View Protection Overlay Zoning District. The proposed building addition to the existing single family dwelling will negatively impact views of the lake. The approval of the requested variance will detract from the intent of the Waterfront View Protection Overlay District to protect community character of waterfront areas by maintaining views of lakes from public roadways.

(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 be affected in a substantially adverse manner with a reduced side yard setback to allow construction of the proposed building addition to the existing single family dwelling where the previous enclosed porch existed. There is a distance of about 14 feet between the petitioner's existing single family dwelling and the existing single family dwelling on the adjacent property to the immediate south. The proposed building addition extending 10 feet from the southwest corner of the existing single family dwelling within 2 feet of the south side property line where the previous enclosed porch existed will negatively impact the use and value of the adjacent property as a single family dwelling in the Waterfront View Protection Overlay Zoning District.

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

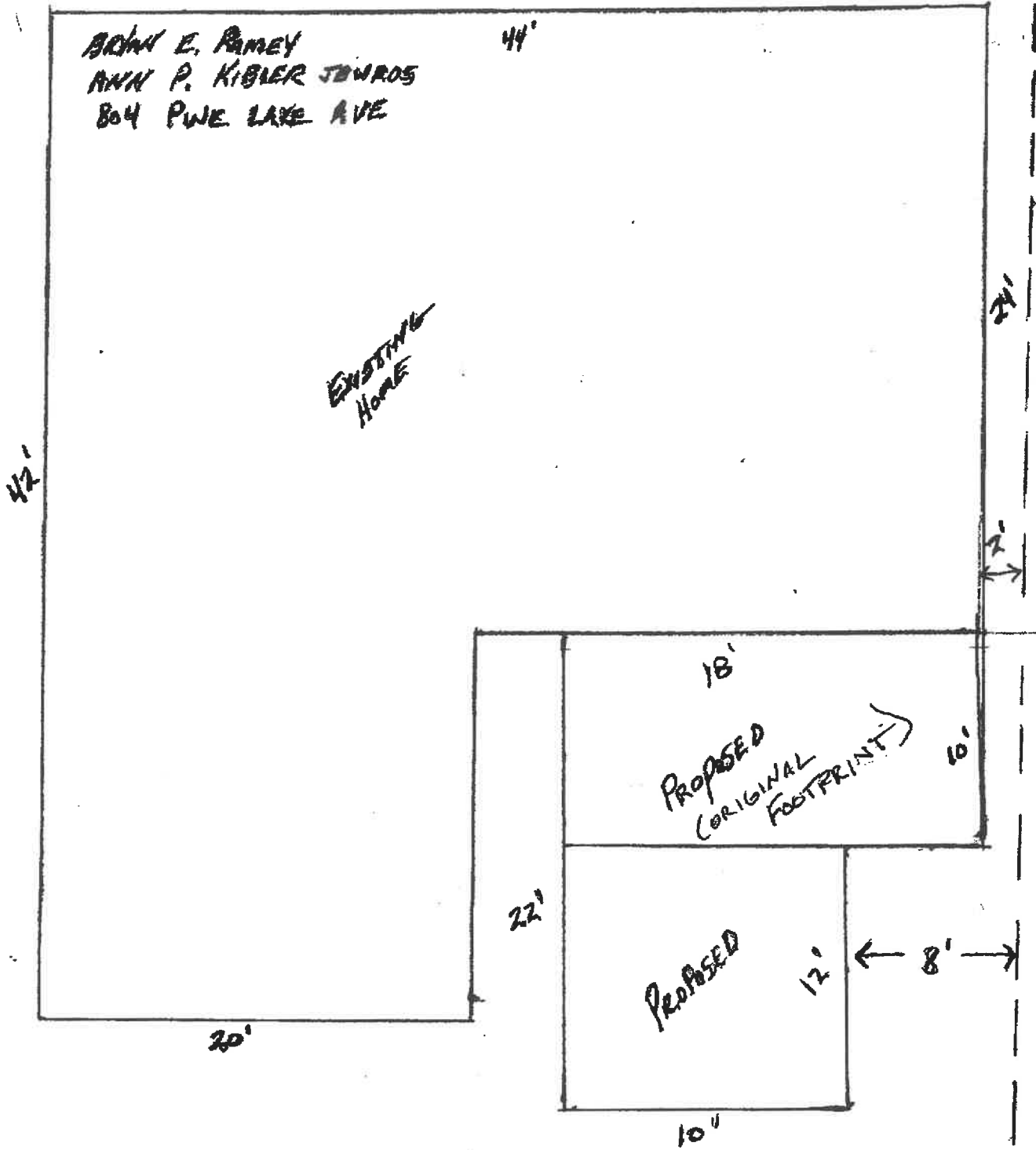
The strict application of the terms of the zoning ordinance with the 8-foot minimum side yard building setback will not result in practical difficulties in the use of the property as a single family residence. The eight-foot minimum side yard setback does not limit the petitioner's use of the subject property as a single family dwelling on a rectangular lot shape. The proposed building addition may be constructed in accordance with the zoning ordinance in a reasonable manner. The approval of the requested variance would detract from the intent of the zoning ordinance to 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 to reduce the minimum side yard setback from 8 feet to 2 feet on the south property line does not meet the intent of the Waterfront View Protection Overlay Zoning District to protect views of the lake. Staff recommends **denial** of Variance of Development Standards #23-05 Petition.

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

PIKE LAKE AVE



* PROPOSED ADDITION *
TO BE TWO STORY

PROPERTY LINE →

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.

Project Name: RAMEY 804 PINE LAKE AVENUE

Petition Information

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

USE OF PROPERTY IS SINGLE FAMILY RESIDENCE AND CONTINUED USE FORWARD WILL BE THE SAME. DEVELOPMENT STANDARDS VARIANCE TO REDUCE SOUTH SIDE YARD FROM 8' TO 2' IN THE AREA OF THE PREVIOUS ENCLOSED PORCH.

Standards for Evaluation

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

THE HOME AND PROPOSED ADDITION WILL CONTINUE TO BE USED AS A SINGLE FAMILY RESIDENCE AND CURRENT SIDE YARD SETBACKS WILL BE MAINTAINED ONLY WHERE PREVIOUS ENCLOSED PORCH EXISTED.

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 VARIANCE IS REQUESTED TO ADD ADDITIONAL SQUARE FOOTAGE TO THE LIVING SPACE AND EXISTING SIDE YARD SETBACK WILL BE MAINTAINED WHERE THE PREVIOUS ENCLOSED PORCH EXISTED.

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...

SIDE YARD OF ORIGINAL HOME WILL BE MAINTAINED WHERE PREVIOUS ENCLOSED PORCH EXISTED. ORIGINAL HOME WAS BUILT IN 1910.

PROJECT SUMMARY:

REDUCE THE MINIMUM SIDE YARD SETBACK FROM 8 FEET TO 2 FEET ON THE SOUTH PROPERTY LINE WHERE PREVIOUS ENCLOSED PORCH EXISTED. EIGHT FOOT SETBACK ON THE REMAINDER OF THE ADDITION.



Overview



Legend

- Road Centerlines
- ▭ Geographic Townships
- ▭ Parcels

| | | | | | |
|------------------------------|--|---------------------|---|----------------------|---|
| Parcel ID | 460627426003000043 | Alternate ID | 46-06-27-426-003.000-043 | Owner Address | Ramey Bryan E & Ann P Kibler Jtwros 9010 Lemont Rd Downers Grove, IL 60516 |
| Sec/Twp/Rng | 27-37N-03W | Class | RESIDENTIAL ONE FAMILY DWELLING ON UNPLATTED LAND OF 0-9.99 ACRES | | |
| Property Address | 804 PINE LAKE AVE LA PORTE | Acreage | 0.31 | | |
| District | Laporte Center | | | | |
| Brief Tax Description | 05-06-27-426-003 MID PT E SD SE1/4 S27 & MID PT W SD SW1/4 S26 T37 R3 0.31AC <i>(Note: Not to be used on legal documents)</i> | | | | |

Date created: 3/21/2023
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Board of Zoning Appeals Application VARIANCE OF DEVELOPMENT STANDARDS

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

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

For Office Use Only

Fee: 80⁰⁰ Receipt: 478

File Date: 3/21/2023 File #: 2023-VAR-05

Site Review: N/A

Date of BZA mtg: 4/11/2023

Decision: _____

This application is being submitted for a Variance of Development Standards

Applicant

| | | | |
|--|------------------------|-------|---------------------|
| Name | MATTHEW COLLINS | | |
| Street Address | 116 COUNTRY CLUB DRIVE | | |
| City, State, Zip | LAPORTE, IN 46350 | | |
| Primary Contact regarding this petition | | | |
| Phone | 219 871-9264 | Email | mec.22369@yahoo.com |
| Engineer Preparing Plans | | Email | |
| Others to be Notified | | Email | |
| Applicant is (check one): <input 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 | BRYON E. RAMEY and ANN P. RAMEY | | |
| Street Address | 9010 LEMONT ROAD | Phone | 734-612-1703 |
| City, State, Zip | DOWNERS GROVE, IL 60516 | Email | bramey1@gmail.com |

Premises Affected

| | | | | |
|---------------------------------|--|-------------|-------------|-----------|
| Parcel ID Number | 460627426003000043 | | | |
| Address or General Location | 804 PINE LAKE AVENUE, LAPORTE, IN 46350 | | | |
| Total Acreage | .31 | Flood Zone? | NO | |
| Zoning | B2 | Land Use | RESIDENTIAL | |
| Request | Allow room addition to existing home and reduce south side yard from 8' to 2' where previous enclosed porch existed. | | | |
| Zoning of Adjacent Properties | North: B2 | South: B2 | East: B2 | West: R1B |
| Land Use of Adjacent Properties | North: RES | South: RES | East: RES | West: RES |

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

Signature of Applicant

Signature of Notary
KATHY A. PODKUC
Notary Public's Name (printed)

Subscribed and sworn to before me this March 21, 23 day of 20 23

