



City of La Porte Board of Zoning Appeals Meeting Agenda	
Wednesday, October 11, 2023 at or after 6:00 PM Immediately upon conclusion of Plan Commission meeting	
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: September 12, 2023 Meeting Minutes

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

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

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, September 12, 2023 at or after 6:00 PM Immediately upon conclusion of Plan Commission meeting	
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, September 12, 2023 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 6:13 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		
Mark Danielson		

ITEM 3. Approval of Minutes: August 8, 2023 Meeting Minutes

Vice Chair Brian Kajer called for any changes or corrections to the August 8, 2023 Meeting Minutes. There being no changes or corrections to the meeting minutes, Drew Buchanan made a motion to **approve the August 8, 2023 Meeting Minutes** and the motion was seconded by Mark Danielson. The motion passed 4-0.

ITEM 4. SPECIAL EXCEPTION USE #23-14 PETITION: To Allow for Convenience Store with Gasoline Sales

Applicant: Matthew Kirkwood (Danch, Harner & Associates, Inc.)

Property Owner: Balvir Singh

Address: 2204 East Lincolnway

Located at the southwest corner of East Lincolnway and Fail Rd.

Staff Report: David Heinold

Applicant Presentation

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

Matthew Kirkwood identified himself as the applicant for the petition and explained the project for a proposed gas station and convenience store at the southwest corner of East Lincolnway and Fail Road.

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 #23-14 Petition** and the motion was seconded by Drew Buchanan. The motion to **approve** passed 4-0.

Special Exception Use #23-14 Petition – Approved

ITEM 5. VARIANCE OF DEVELOPMENT STANDARDS #23-15 PETITION: To Exceed the Maximum Accessory Building Area – Requesting 1,500 Square Feet

Applicant: Eugenia A. Reutter & Mark B. Bantz

Property Owner: Eugenia A. Reutter

Address: 1012 Division Street

Staff Report: David Heinold

Applicant Presentation

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

Mark Bantz, 1012 Division Street, identified himself as the petitioner and owner of the subject property. Mr. Bantz described that he is requesting 1,500 square feet of total accessory building area for personal storage of kayaks, 2 boats, and lots of fishing gear. He further explained that the proposed building will be 11 feet tall with one ten foot door. He mentioned that the pine trees will be removed as part of the project to construct the accessory building. Mr. Bantz explained that they plan to add an additional 200 square feet on the house next year.

Staff Presentation

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

Mark Danielson questioned if the additional 200 square feet on the house would impact the current variance petition.

David explained that the staff recommendation for the current variance petition is based on the existing footprint of the house.

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

Vickie Gushrowski asked the petitioner if he would be okay with the staff recommendation for 1,000 square feet of total accessory building area.

Mr. Bantz mentioned that he will need more than 1,000 square feet.

Board Discussion/Action

Mark Worthley, BZA Attorney, explained that the petitioner would have to state that they would like to amend their variance of development standards petition to allow 1,000 square feet of total accessory building area.

Drew Buchanan mentioned that he understands the petitioner's view that we all have too much stuff, but the approval of the large accessory building size may set a precedent. Drew clarified that the board needs to be careful about this size allowance and he is comfortable with the 30% increase in total accessory building area as recommended by City staff. He further mentioned that he is not comfortable with doubling the total accessory building area beyond the maximum area limitations permitted by the zoning ordinance.

Mark Bantz stated that he would like to amend the variance of development standards petition to allow 1,000 square feet of total accessory building area.

Drew Buchanan made a motion to **allow the petitioner to amend the Variance of Development Standards Petition #23-15 to 1,000 square feet** and the motion was seconded by Vickie Gushrowski. The motion passed 4-0.

Drew Buchanan made a motion to **approve the Variance of Development Standards #23-15 with staff recommended conditions** and the motion was seconded by Vickie Gushrowski. The motion passed 4-0.

Variance of Development Standards #23-15 – 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. SPECIAL EXCEPTION USE #23-16 PETITION: To Allow Minor Automobile Service and Repair – Automotive Oil Change Facility

Applicant: Michael Haigh (Quattro Development, LLC)

Property Owner: Quattro Development, LLC (Michael Liyeos, Member Manager)

Address: 103 Warren Street Located at the northeast corner of
Pine Lake Ave. and Warren St.

Staff Report: David Heinold

Applicant Presentation

Michael Liyeos identified himself as the Member Manager for Quattro Development, LLC and explained the special exception use petition to allow the Valvoline Instant Oil Change Facility.

Staff Presentation

David Heinold, City Planning, provided a brief summary of the staff report and recommendation for the special exception use petition. David explained the criteria for consideration of 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 Special Exception Use Petition.

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

Applicant Response

Vickie Gushrowski asked the petitioner if there are any proposed building elevations for the development.

Mr. Liyeos explained that the facility will be a prototype Valvoline Instant Oil Change building. He showed the proposed building elevations on the powerpoint presentation to the board and individuals in attendance.

Brian Kajer asked the petitioner which way the tower would face.

Mr. Liyeos explained that the tower would face towards Pine Lake Avenue away from the residential uses.

Mark Danielson asked about the hours of operation for the proposed facility.

Mr. Liyeos explained that the hours of operations will be from 8 am to 7 pm that usually is about 40 oil changes per day. He further mentioned that there will be 7 employees per shift and 11 parking spaces mostly for employees since there is no particular need for parking space with this type of facility.

Brian Kajer questioned if there will be any large truck deliveries.

Mr. Liyeos explained that there will not be any truck deliveries to the facility. He continued to explain that there will only be small box truck deliveries to the facility.

Board Discussion/Action

Drew Buchanan mentioned that the proposed oil change facility is a good fit for the immediate area.

Drew Buchanan made a motion to **approve the Special Exception Use #23-16 Petition** and the motion was seconded by Mark Danielson. The motion to **approve** passed 4-0.

Special Exception Use #23-16 Petition - Approved

ITEM 7. Old Business

a. Request to withdraw Variance of Development Standards #23-12 Petition
VARIANCE OF DEVELOPMENT STANDARDS #23-12 PETITION: To Extend the House Foundation within the minimum front yard setback to Connect the House to the Detached Garage

Applicant: Claudia Winter

Property Owner: Mark Bruso

Address: 1211 Indiana Avenue

Staff Report: David Heinold

Staff Presentation

David Heinold, City Planning, explained that the petitioner is requesting to withdraw Variance of Development Standards #23-12 from consideration. This item will be withdrawn from future consideration at the request of the petitioner.

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 6:54 pm.

Brian Kajer, Vice Chair

David Heinold, Secretary



ITEM 4. Special Exception Use # 23-19 Petition

to allow Drive Thru Restaurant

Type of Request: Special Exception Use

Staff Report: David Heinold

APPLICANT

Name – Excel Engineering, Inc.

PROPERTY OWNER

Name – J & K Commercial Rentals, LLC

PREMISES AFFECTED

Parcel Number - 46-07-30-326-016.000-053				
Actual/approximate address or location from major streets – 1401 East Lincolnway				
Total Acreage – 0.45 acre		Flood Zone on Site? - No		
Zoning of Subject Property – B2		Use of Subject Property – Automobile Sales		
Zoning of Adjacent Properties	North: M2	South: B2	East: B2	West: M2 & B2
Land Use of Adjacent Properties	North: Manufacturing	South: Drive Thru Restaurants, Office, & Retail Uses	East: Automobile Sales	West: Manufacturing

SUMMARY: The petitioner proposes to allow a drive through restaurant at 1401 East Lincolnway.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.45 acre and is currently zoned B2 (General Commercial District). Historically, the property has been an automobile sales business. Currently, the subject property has automobiles for sale. The petitioner proposes to allow a drive through restaurant on the subject property.

DESCRIPTION OF PROPOSED SPECIAL EXCEPTION USE:

The petitioner is requesting a special exception use to allow a drive through restaurant.

STATEMENT OF COMPLIANCE: Section 7.02 allows for a drive through restaurant with the approval of a Special Exception Use in the B2 General Commercial District when all applicable standards cited in Article 24 Special Exception Review Requirements and Procedures are met within the 2017 City of La Porte Revised Joint Zoning Ordinance. Section 14.06 (b) requires that drive thru restaurants meet minimum setbacks, screening, and driveway access standards.

SITE REVIEW FINDINGS: Site review was held on October 4, 2023 and the meeting notes are attached for your review.

DECISION CRITERIA:

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

The proposed location for a drive thru restaurant at 1401 East Lincolnway will not be injurious to the public health, safety, and general welfare of the community. The proposed use is compatible with adjacent commercial land uses adjacent to the state highway, East Lincolnway and East State Road 2, near the intersection of Boyd Boulevard.

(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 subject property is located approximately 0.1 mile northeast of the intersection at East Lincolnway and Boyd Boulevard. The approval of the special exception use to allow a drive thru restaurant on the subject property will not be injurious to the use and enjoyment of the surrounding drive thru restaurants, commercial retail, office, medical, and manufacturing businesses.

The establishment of the special exception use for a drive thru restaurant at this location near the intersection of two major streets in the City of La Porte will not impede the normal and orderly development and improvement of surrounding property for commercial uses permitted in the B2 General Commercial District or industrial uses permitted in the M2 Heavy Manufacturing District.

(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 special exception use for a drive thru restaurant will not be hazardous to adjacent property or involve uses, activities, materials or equipment that will be detrimental to the health, safety, general welfare of persons or property.

(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 for a drive thru restaurant will be served adequately by essential public facilities and services such as access to the nearby intersection at East Lincolnway and Boyd Boulevard, police and fire protection inside city limits, drainage structures to manage stormwater runoff from the site, water and sewage facilities, and refuse disposal.

Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and highways. East Lincolnway is designated as a state highway that requires approval from the Indiana Department of Transportation for ingress and egress on the state highway system.

(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 proposed development of the subject property to construct a drive thru restaurant 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 Countywide Land Development Plan for the City of La Porte. The proposed commercial use to allow a drive through restaurant adjacent to similar uses such as drive thru restaurants, commercial retail, office, medical, and manufacturing businesses will not alter the general character of the immediate vicinity at this location.

(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 will not be contrary to the general purposes served by the zoning ordinance and will not permanently injure other property or uses in the same zoning district and vicinity.

(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 for a drive through restaurant will be consistent with the character of the B2 General Commercial District in which it is located and the recommendations of the Countywide

Land Development Plan. The Countywide Land Development Plan encourages full use of land in the City of La Porte for redevelopment and infill using existing infrastructure.

(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.

Section 14.06 (b) requires that drive through restaurants meet minimum setbacks, screening, and driveway access standards. The following standards shall be met for the proposed drive thru restaurant:

- (1) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway. The site shall be oriented so that drive-through lanes and pickup windows are not a prominent feature of the building.
- (2) The drive-through service shall be screened from adjacent residential land uses by a solid screening wall in accordance with Section 17.03, such that it will not impact the use and enjoyment of the residential land use.
- (3) Clear identification and delineation between the drive-through facility and parking lot shall be provided.
- (4) There shall be a minimum of 10 stacking spaces.
- (5) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served.
- (6) Only one (1) access shall be provided onto any street.
- (7) Where the restaurant is constructed adjacent to other commercial uses, a direct vehicular access connection shall be established with the adjoining property if possible.

STAFF RECOMMENDATION:

Staff finds that approval of the special exception use petition to allow a drive through restaurant is consistent with the Countywide Comprehensive Land Development Plan and the general character of the surrounding properties. Staff recommends **approval** of Special Exception Use Petition #23-19.

Submitted to the Board of Zoning Appeals October 5th, 2023.



**City of La Porte
Site Review Meeting Minutes**

October 4, 2023 at 9:30 AM

City Hall Council Chambers, 801 Michigan Ave., La Porte, IN

The Site Review Committee (“SRC”) meeting was held in the City Hall Council Chambers, in the City of La Porte (“City”), Indiana on Wednesday, October 4th, 2023 at the hour of 9:30 am, (“local time”).

David Heinold, City of La Porte City Planner provided an introduction of the Site Review Committee for all of the attendees. Jerry Jackson, Wastewater Director; Devon Hunsberger, MS4 Coordinator; Nick Minich, Director of Engineering & Building Services; Andy Snyder, Fire Chief; all introduced themselves and what they consider with site review applications.

Presenters:

Matt Mrochinski, Excel Engineers

Reid Jahns

Clint Lyders

Lydia Greenfield

Explanation of Project:

Mr. Mrochinski explained the project site and utility plans for the proposed Taco Bell drive through restaurant at 1401 East Lincolnway. Reid Jahns explained that there will be an underground stormwater chambers system.

Comments from Staff:

David Heinold – Planning: David explained the zoning requirements for a drive through restaurant at this location. He mentioned the parking, landscaping, lighting, waste receptacle, and impervious surface coverage requirements for the proposed development.

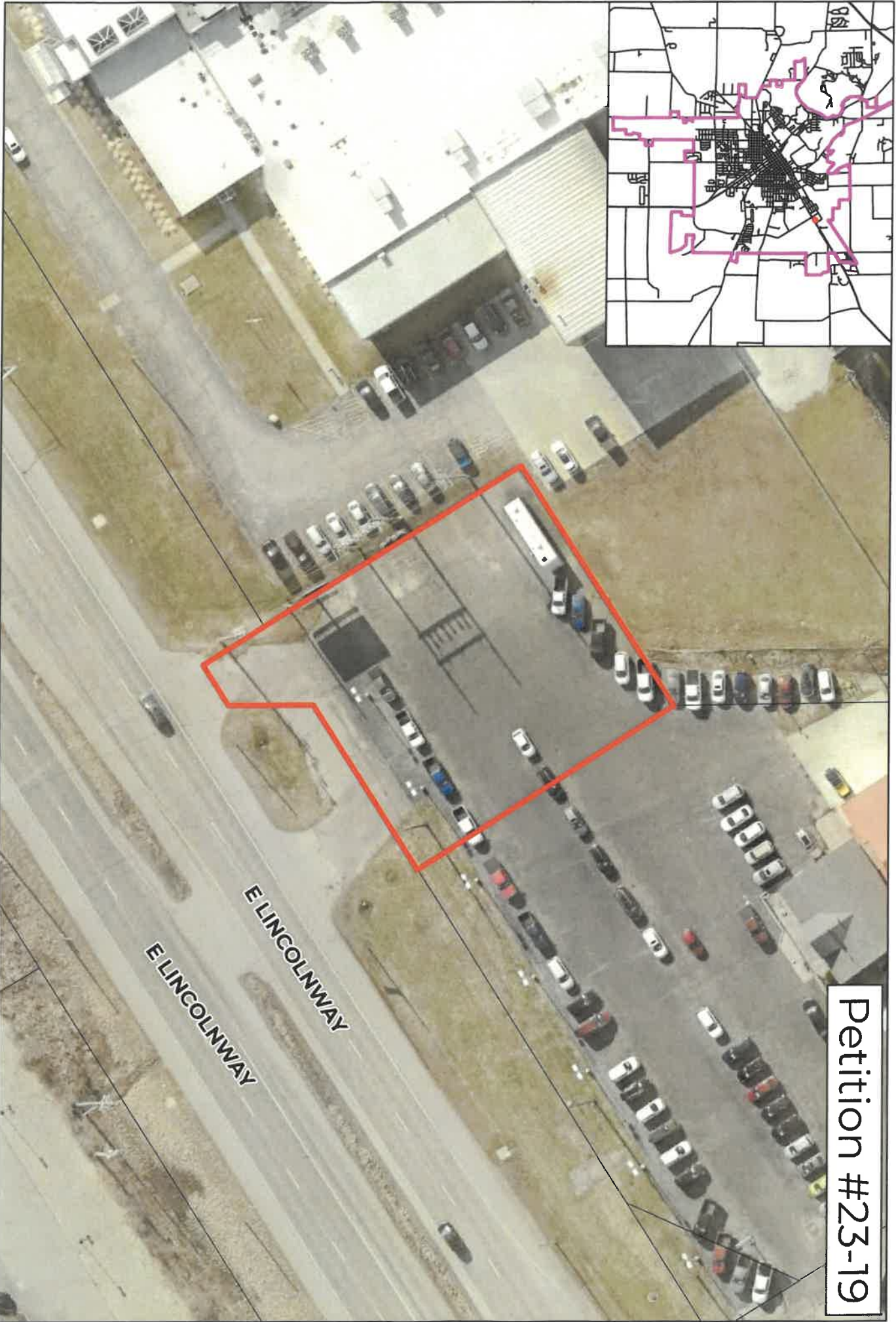
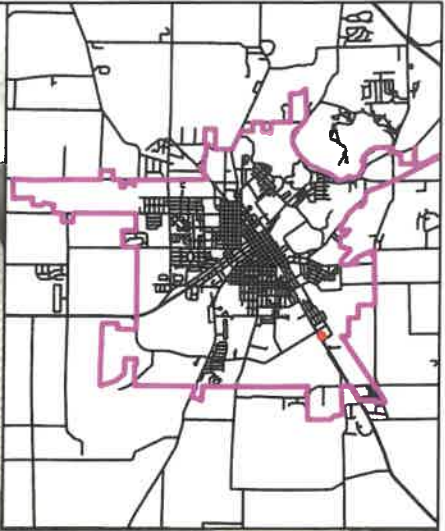
Jerry Jackson – Wastewater: Jerry asked about the proposed elevation of the sewer main connection. He explained that the concrete pipe needs to be saddled. Jerry also mentioned the requirements for water tap and that they should coordinate with Tim Werner, Water Superintendent on connections to the water utility system. Jerry asked about the volume for the stormwater system. Jerry explained that the stormwater discharge needs to go west towards Boyd Boulevard. Jerry questioned where the grease trap will be located on the proposed restaurant.

Reid Jahns explained that the elevation of the sewer main is adequate for the proposed connection. Mr. Jahns mentioned that he didn’t have the proposed volume of stormwater storage and that they are not allowed infiltration since the site is in a wellhead protection area. Reid explained that the grease trap is shown on the site utility plan and that he will send Jerry additional plans showing the capacity of the grease trap.

Matt Mrochinski requested the as built utilities and for the City to mark anticipated connections. Jerry will send Matt the as built utilities and mark the anticipated connections.

Nick Minich – Engineering: Nick explained that the local stormwater ordinance applies for all new and redevelopment projects. He mentioned that the wellhead protection area is a state requirement. There will need to be additional review between utilities to determine the best connection for the proposed development. Nick also mentioned for Fire Chief Andy Snyder that a nox box is required if there is an alarm system and it needs to be accessible somewhere near the front of the building. The will need to coordinate with Fire Chief Andy Snyder on further requirements for the site development.

The Site Review Committee meeting ended at 10:05 am.



Petition #23-19



City of La Porte

Board of Zoning Appeals

Location Map


-  Subject Property
-  City Limits



Date Created: September 21, 2023 Created By: David Heimold
 Document Path: \\K:\City Planning\GIS\Map Requests\Board of Zoning Appeals\WAP_23-19
 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.

Taco Bell

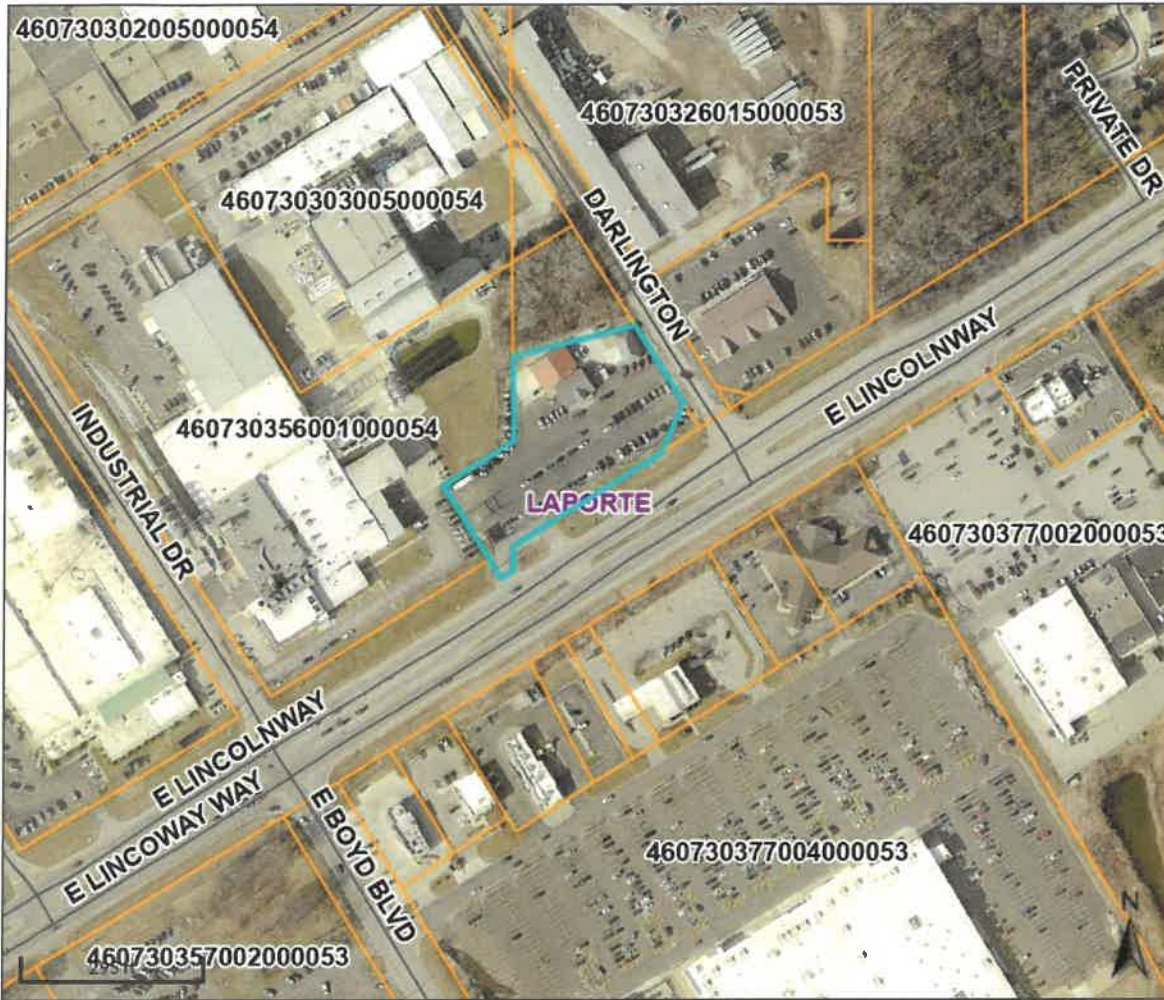
Legend

 1403 E Lincolnway



Google Earth





Overview



Legend

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

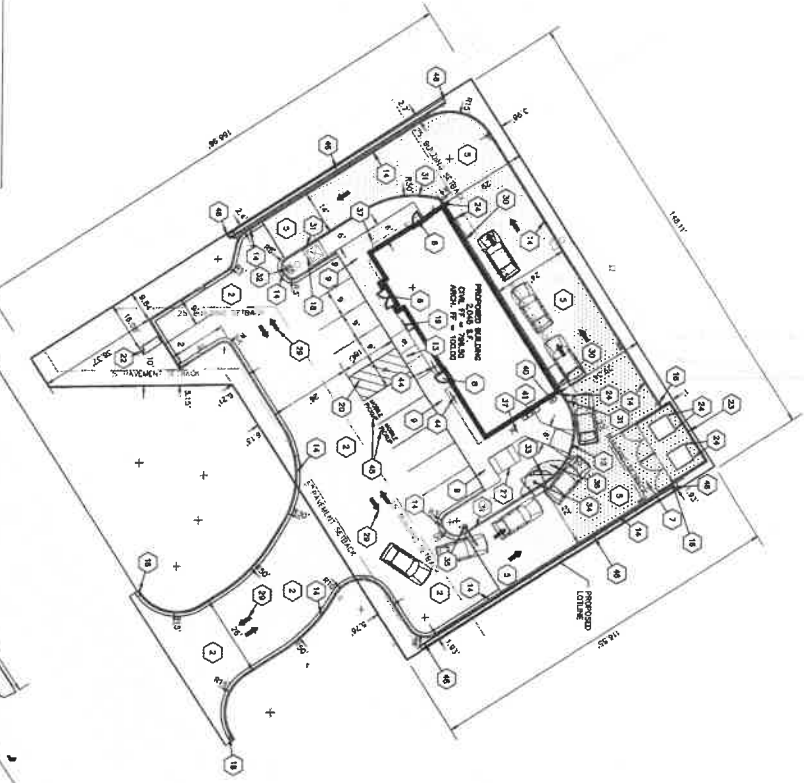
Parcel ID	460730326016000053	Alternate ID	46-07-30-326-016.000-053	Owner Address	J & K Commercial Rentals Llc
Sec/Twp/Rng	30-37N-02W	Class	COMMERCIAL AUTO SALES & SERVICE		1403 E Lincolnway
Property Address	1403 E LINCOLNWAY LA PORTE	Acreage	1.71		La Porte, IN 46350

District Laporte Kankakee #1
Brief Tax Description 33-07-30-326-016 W SD E1/2 SW1/4 N OF STATE RD 2 S30 T37 R2 1.71 AC
 (Note: Not to be used on legal documents)

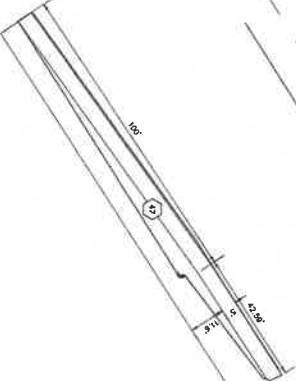
Date created: 9/19/2023
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Developed by  Schneider
 GEOSPATIAL

SPECIFICATION NOTE:
 PLAN
 SEE SHEET C01 FOR
 SPECIFICATIONS AND REQUIREMENTS



SITE INFORMATION:
 PROPERTY AREA: 18,592 SF. (0.43 ACRES)
 EXISTING ZONING: B-2
 PROPOSED ZONING: B-2
 PROPOSED USE: QUICK SERVICE RESTAURANT
 AREA OF SITE DISTURBANCE: 26,234 SF. (0.61 ACRES)
 SETBACKS: BUILDING: FRONT = 25'
 SIDE = 0'
 REAR = 25'
 LANDSCAPE BUFFERS:
 FRONT = 5'
 SIDE = 0'
 REAR = 0'
 PROPOSED BUILDING HEIGHT: 22' (MAX. HEIGHT ALLOWED: 40')
 PARKING REQUIRED: 1 SPACE/EMPLOYEE + 1 SPACE/75 SF OF DINING AREA, 8
 STAGING SPACES FOR EACH DRIVE-THRU WINDOW (11 SPACES
 MAX.)
 PARKING PROVIDED: 11 SPACES (1 H.C. ACCESSIBLE)
 HANDICAP STALLS PROVIDED: 1
 LANDSCAPE REQUIREMENTS: MIN. PERCENTAGE: 15%
 MINIMUM PERMISSIBLE SURFACE COVER: 5%
 MAXIMUM LOT COVERAGE - BUILDING ONLY: 65%



SITE PLAN KEYNOTES

- 1 HEAVY DUTY ASPHALT SECTION (TYP.)
- 2 HEAVY DUTY DRIVE THRU CONCRETE (TYP.)
- 3 COLORED DUMPFSTER PAD/SPRINK CONCRETE, VERIFY COLOR WITH OWNER (TYP.)
- 4 CONCRETE STOOD (TYP.) SEE ARCH. PLANS FOR DETAILS.
- 5 COLORED BASED WALK, VERIFY COLOR WITH OWNER (TYP.)
- 6 CURB RAMP (TYP.)
- 7 ADA CURB RAMP (TYP.)
- 8 18" CURB & GUTTER (TYP.)
- 9 CURB TRAPER (TYP.)
- 10 CONCRETE TRANSFORMER PAD BY UTILITY SUPPLIER (CONTRACTOR TO VERIFY FINAL LOCATION & DESIGN PRIOR TO CONSTRUCTION)
- 11 HANDICAP SIGN (TYP.)
- 12 HANDICAP STALL & STRIPING PER STATE CODES.
- 13 MONUMENT SIGN (ACCESSIBILITY LOCATION, & APPROVAL BY SIGN VENDOR)
- 14 DUMPFSTER ENCLOSURE (SEE ARCH PLANS FOR DETAILS)
- 15 6" CONCRETE BELLOUSE (SEE DETAIL ON ARCH. PLAN)
- 16 BIKE RACK (TYPE & COLOR BY OWNER)
- 17 TRAFFIC FLOW ARROWS COLOR TO MATCH PARKING STALL STRIPING
- 18 DRIVE-THRU BUILDING VERTICAL CURB (SEE DETAIL ON C22)
- 19 DRIVE-THRU 6" VERTICAL CURB (SEE DETAIL ON C22)
- 20 DO NOT ENTER SIGN (TYP.)
- 21 MENU BOARD
- 22 SPEAKER POST, CANOPY, AND BOLLARD (SEE DETAIL)
- 23 CLEARANCE BAR W/ BOLLARD
- 24 4" CONCRETE, STAMPED & STAINED (SEE DETAIL ON C22)
- 25 COLORED CONCRETE SIDEWALK, VERIFY COLOR WITH OWNER (TYP.)
- 26 GAS METER
- 27 ELECTRIC METER
- 28 "GO WOBLE PICKUP" SIGN (2 TYP.)
- 29 PAVEMENT LETTERINGS (TYP.)
- 30 MODULAR BLOCK RETAINING WALL WITH FENCE (SEE DETAIL ON C21)(TYP.)COLOR BY OWNER
- 31 LEFT TURN LANE PER MOBILITY STANDARDS

EXISTING SITE DATA

AREA (A-D)	AREA (SQ FT)	RATIO
BUILDING FLOOR AREA	6,43	8.92
PAVEMENT (ASP. & CONC.)	6,42	8.91
TOTAL IMPERVIOUS	6,42	8.91
LANDSCAPE/OPEN SPACE	0.01	1.36
PROPOSED SITE DATA		
PROJECT SITE	6.43	8.92
BUILDING FLOOR AREA	6.43	8.92
PAVEMENT (ASP. & CONC.)	6.40	7.95
TOTAL IMPERVIOUS	6.35	81.95
LANDSCAPE/OPEN SPACE	0.08	19.05



CIVIL SITE PLAN



1401 Grandview
 Fort Lauderdale, FL 33304
 954-582-8800
 excel@excel.com

PROJECT INFORMATION

NEW BUILDING FOR:
TACO BELL - BLACK RIVER BELLS
 E. LINCOLNWAY • LA PORTE, IN 46350

PRELIMINARY DATES

FEB. 21, 2023	PROJECT START
FEB. 27, 2023	MARKING
MAR. 28, 2023	CONSTRUCTION
APR. 2, 2023	FOUNDATION
APR. 29, 2023	FOUNDATION
SEP. 1, 2023	FOUNDATION
SEP. 11, 2023	FOUNDATION
SEP. 18, 2023	FOUNDATION

NOT FOR CONSTRUCTION

JOB NUMBER
 230073800

SHEET NUMBER
 C1.1

DATE OF PLOTTING

September 19, 2023

Project Narrative

Project: Taco Bell
Part of 1403 E Lincolnway
La Porte, IN 46350

Black River Bells LLC is requesting special exception use review and approval for a new Taco Bell quick-serve restaurant with a drive-thru located at 1403 E Lincolnway in the City of La Porte. The property is zoned B-2 General Commercial District, and the proposed use is permitted, however, the drive-thru requires special exception use approval. The overall site currently contains All Star Autos and a subdivision plat is proposed; the preliminary & final plat is being submitted concurrently to create a 0.397 acre parcel on the western side of the existing site for the proposed Taco Bell.

The proposed project involves the construction of a new 2,045 square foot Taco Bell quick-serve restaurant with associated site improvements. Proposed site improvements include paved parking spaces, concrete drive-thru lanes, internal sidewalk networks, and a new waste enclosure. Total site disturbance will be 0.61 acres which includes access modifications in the right-of-way.

Stormwater from the proposed development will be conveyed via curb and gutter to storm inlets, connecting into a proposed underground storm chamber system which will discharge into the existing ditch within the E Lincolnway right-of-way.

Landscaping will be provided in an approach which ensures species resiliency and complimentary aesthetics. Site lighting will be provided in a fashion that provides appropriate light intensities (measured in foot candles) for safety with cut-off fixtures for minimal light trespass that are directed inward towards the development.

The facility will be in operation from 9 AM to 2 AM, Monday – Thursday, from 9 AM to 3 AM Friday and Saturday, and from 9 AM to 1 AM on Sunday. The anticipated number of shifts is three (3) with a maximum of eight (8) employees per shift. Anticipated weekly deliveries include McLane food deliveries two (2) times per week and a cash change delivery by armored truck one (1) time every other week. Anticipated traffic generation is 471 entering and exiting cars per day. The anticipated construction start date is May 1, 2024, with an anticipated completion date of August 1, 2024.

The standards for evaluation of the requested special exception use are summarized below:

- 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.
 - The proposed Taco Bell will not endanger the public health, safety, or general welfare of any portion of the community. No hazards or nuisances to nearby neighbors are anticipated as a result of this project.

- 2) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 - The use is compatible with adjacent properties property within the immediate vicinity. The property is surrounded by commercial uses.
- 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.
 - The use is compatible with adjacent properties property within the immediate vicinity. The property is surrounded by commercial uses.
- 4) Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
 - Municipal sanitary sewer and water are available to the site along with dry utilities. Access is currently in place but will be modified. Drainage via the existing ditch within the E Lincolnway right-of-way is proposed for the development.
- 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.
 - Access is currently in place but will be modified for the proposed development to minimize any traffic congestion. The access is adequately spaced from the existing roadways to the west and east.
- 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.
 - The special exception use conforms to the applicable regulations of the zoning district in which it is to be located.

The proposed development will fit in to this existing commercial developed area. The building and site will blend in with and enhance the character of the neighborhood. The property will be transformed into a commercial development that is aesthetically pleasing with high-quality exterior materials on the building along with landscaping designed to ensure species resiliency and complimentary style. The building and grounds will be well maintained.



City of La Porte

10/5/2023

SE-23-3

Board of Zoning Appeals - Special Exception Use Application

Status: Active

Submitted On: 9/19/2023

Primary Location

1403 E LINCOLNWAY
LA PORTE, IN 46350

Owner

J & K Commercial Rentals Llc

Applicant

Lisa Van Handel

920-926-9800

lisa.vanhandel@excelengineer.com

100 Camelot Dr

Fond du Lac, WI 54935

Internal Review

File Date

09/19/2023

Petition Number

2023-VAR-19

Site Review required?



Site Review Date

10/04/2023

Date of BZA Meeting

10/11/2023

Decision

-

Deferred Date (if needed)

-

Decision

-

Site Review Meeting Notes Upload



(https://vpc3uploadedfiles.blob.core.windows.net/vpc3-files/laportein/Site_Review_mtg_4Oct2023_Wed_Oct_4_2023_16-00-36.pdf?sv=2021-10-04&st=2023-10-05T15%3A20%3A14Z&se=2023-10-05T16%3A05%3A14Z&sr=b&sp=r&sig=%2FhBQ3kLgTJpeEZIIZIbFFSdHtSI8BaJd7wJlBpbn7zl%3D)

Site Review
mtg_4Oct2023.pdf

Conditions of Approval (if applicable)

Meeting Notes/Summary

General Information

Applicant is *	Other, Please Specify*
Other	Purchaser

If you have an engineer please provide the following:

Engineer Preparing Plans Name	Engineer Email
Excel Engineering Inc	jason.daye@excelengineer.com

Premises Information

Parcel ID Number*	Address or General Location*
460730326016000060	1403 E Lincolnway

Total Acreage*	Flood Zone?*
0.43	No

Zoning*	Land Use*
B-2	Quick-Serve Restaurant

Request*
 Special Exception Use review and approval for a new Taco Bell quick-serve restaurant with drive-thru. The drive-thru requires special exception use approval.

Zoning of Adjacent Properties

North*	South*
M2	B2
East*	West
B2	B2

Land Use of Adjacent Properties

North*	South*
Industrial	Commercial
East*	West*
Commercial	Commercial

Acknowledgement

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

Applicant Signature*

Date*

Lisa Van Handel
Sep 19, 2023

09/19/2023

Property Owner Signature

(If different from Applicant)

Property Owner Name

Date

J & K Commercial Rentals LLC

09/19/2023

Property Owner Signature





ITEM 5. Variance of Development Standards # 23-20 Petition to Exceed the Maximum Accessory Building Area – Requesting 1,008 Square Feet
Type of Request: Variance of Development Standards
Staff Report: David Heinold

APPLICANT

Name – Chris Pintzke

PROPERTY OWNER

Name – same

PREMISES AFFECTED

Parcel Number - 46-06-36-479-015.000-043				
Actual/approximate address or location from major streets – 1011 Plain Street				
Total Acreage – 0.15 Acre		Flood Zone on Site? - No		
Zoning of Subject Property – R1D		Use of Subject Property – Residential		
Zoning of Adjacent Properties	North: R1D	South: R1D	East: R1D	West: R1D
Land Use of Adjacent Properties	North: Residential	South: Residential	East: Residential	West: Residential

SUMMARY: The petitioner submitted a variance of development standards request to exceed the maximum area limitations for a detached accessory building. The petitioner proposes to allow the construction of a 24’x17’ unenclosed carport roof structure addition to the existing 20’x30’ detached accessory building.

HISTORY OF SITE: Per the site aerial image, the parcel is 0.15 acre and is currently zoned R1D (Single Family Residential District). Historically, the property has been used as a single family residential dwelling.

DESCRIPTION OF PROPOSED VARIANCE OF DEVELOPMENT STANDARDS:

The petitioner is requesting a variance of development standards to exceed the maximum area limitation of 721 square feet for a detached accessory building and allow 1,008 square feet of total detached accessory building area on the subject property for constructing the 24’x17’ carport addition to the existing detached garage.

STATEMENT OF COMPLIANCE: 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 proposed detached accessory building size to allow 1,008 square feet will be detrimental to the public health, safety, morals, and general welfare of the community. The requested total accessory building size is not compatible with existing detached accessory building sizes on similar lots in the City of La Porte.

(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 1,008 square foot detached accessory building. The petitioner’s requested total accessory building size is consistent with most of the existing accessory building sizes in the immediate area for similar properties.

Upon site inspection of the immediate vicinity, there is an existing detached accessory building size of about 1,000 square feet located at 1008 Plain Street that is less than 100 feet west of the subject property. The remainder of the detached accessory buildings on similar lot sizes are at or near the current maximum accessory building sizes for residential properties in the City of La Porte. The Board of Zoning Appeals recently approved on September 12, 2023 a variance of development standards petition to allow 1,000 square feet of total accessory building area at 1012 Division Street.

(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 result in practical difficulties in the use of the subject property with the construction of the proposed unenclosed carport roof structure addition that will be used for personal storage. The petitioner may still use the subject property for personal storage with a smaller unenclosed carport roof structure addition to the existing detached garage. City staff suggests limiting the size of the petitioner’s variance request to 1,000 square feet for the total detached accessory building size to be compatible with existing

accessory buildings in the surrounding area on similar lots. The staff suggestion to limit the petitioner's request to a maximum of 1,000 square feet total accessory building area would provide reasonable use of the property for personal storage.

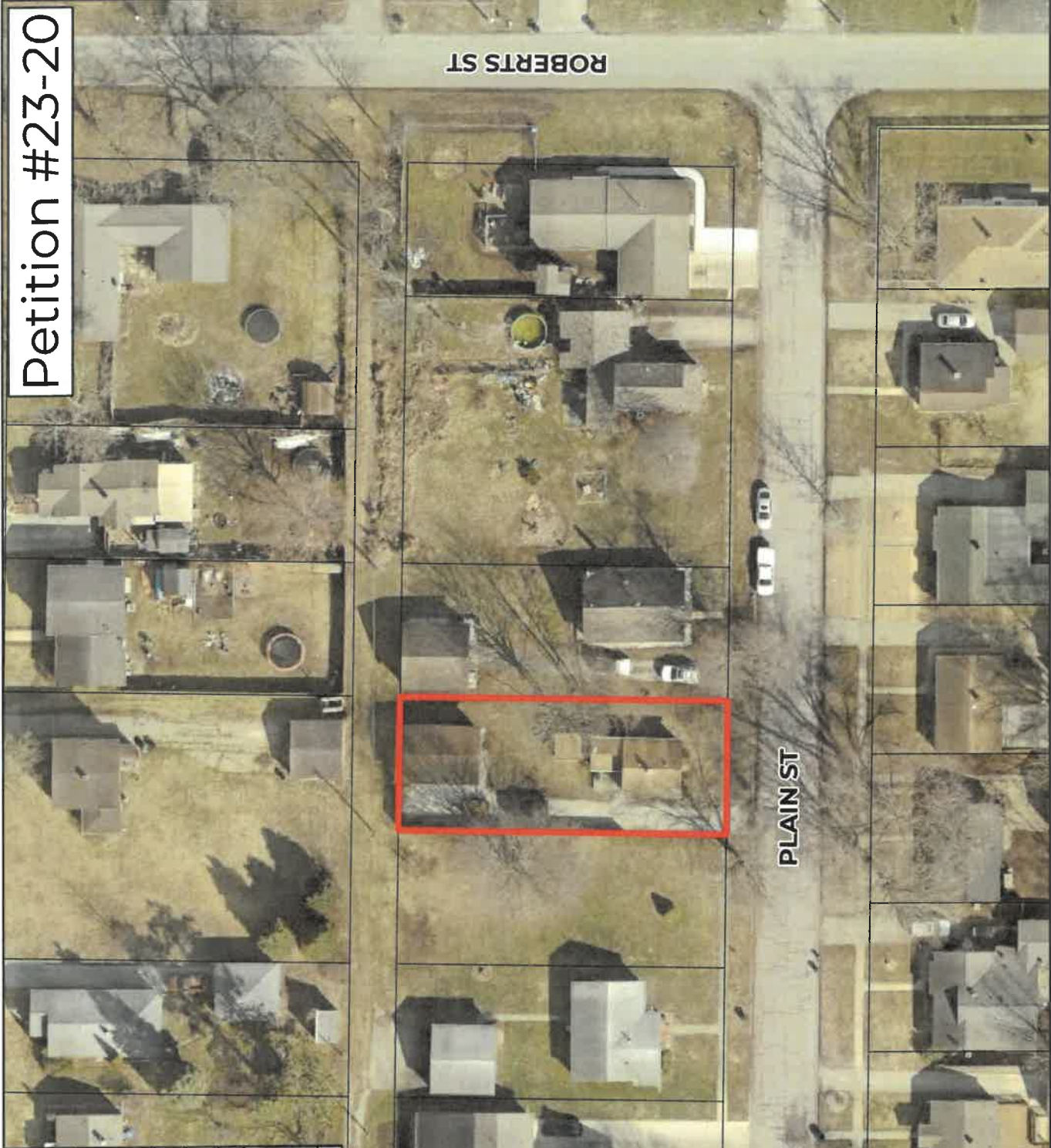
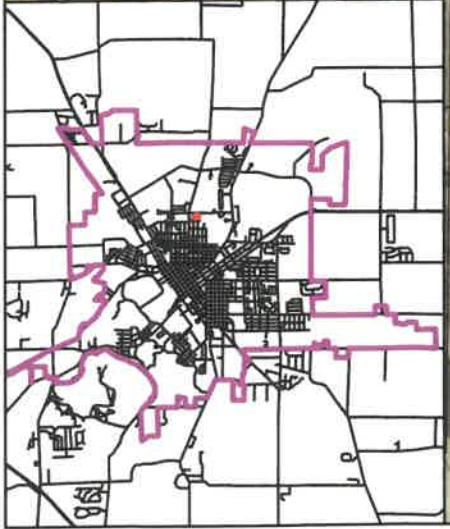
STAFF RECOMMENDATION:

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 #23-20 to allow 1,008 square feet of total accessory building area based upon existing accessory building sizes on similar lots in the immediate vicinity.

Staff suggests modification of the variance of development standards petition to limit the maximum total accessory building area to 1,000 square feet to be more appropriate with the existing total accessory building sizes on similar lots. Staff recommends **approval** of Variance of Development Standards Petition #23-20 with the following 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.

Submitted to the Board of Zoning Appeals October 5th, 2023.



Petition #23-20



City of La Porte
Board of Zoning Appeals
Location Map

 Subject Property
 City Limits

0 25 50 100
Feet



Date Created: October 4, 2023 Created By: David Heilhold
Document Path: M:\City Planning\CIS\Map Requests\Board of Zoning Appeals\VAR_23-20
Map Disclaimer: This product is for informational purposes and may not have been prepared for, or used in, any legal proceeding. It is not intended to be used as a substitute for a professional review or consult the primary data and information sources to ascertain the usability of the information.



Parcel ID 460636479015000043
Sec/Twp/Rng 36-37N-03W
Property Address 1011 PLAIN ST
LA PORTE

Alternate ID 46-06-36-479-015.000-043
Class RESIDENTIAL ONE FAMILY DWELLING ON A PLATTEI
Acreage n/a

District Laporte Center
Brief Tax Description 05-06-36-479-015 MORRISONS RESUB LT 118
(Note: Not to be used on legal documents)

Date created: 9/19/2023
Last Data Uploaded: 9/19/2023 7:22:18 AM

Developed by  Schneider
GEOSPATIAL

ALLEY

YARD

FENCE



Property Line

GRAVEL DRIVEWAY

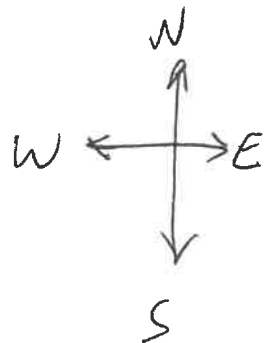
YARD

1011 PLAIN ST HOUSE

YARD

PROPERTY LINE

PLAIN ST.





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: pd online 9/22/2023
File Date: 9/22/2023	File #: 2023-VAR-20
Site Review: n/a	
Date of BZA mtg: 10/11/2023	
Decision: _____	

This application is being submitted for a Variance of Development Standards

Applicant

Name	Christopher Pintzke		
Street Address	1011 Plain St		
City, State, Zip	LaPorte, IN 46350		
Primary Contact regarding this petition	Chris		
Phone	219-363-8550	Email	THELOVEDARTLOUNGE@COMCAST.NET
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	Christopher Pintzke		
Street Address	905 Willard Ave	Phone	219-363-8550
City, State, Zip	LaPorte, IN 46350	Email	

Premises Affected

Parcel ID Number	460636479015000043			
Address or General Location	1011 Plain St.			
Total Acreage	N/A	Flood Zone?	NO	
Zoning	R1D	Land Use	Residential	
Request	TO ALLOW 1008 SQ FT OF total Accessory Bldg Area			
Zoning of Adjacent Properties	North: R1D	South: R1D	East: R1D	West: R1D
Land Use of Adjacent Properties	North: R1D	South: R1D	East: R1D	West: R1D

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

Signature of Applicant:

G. ANNETTE LOEFFLER
Notary Public
La Porte County, State of Indiana
Commission Expires Jan. 28, 2024

Signature of Notary:

G. Annette Loeffler
Notary Public's Name (printed)
Subscribed and sworn to before me this 22nd day of 2023

Resident of LaPorte Co.
679066
Jan. 28, 2024