

VALPARAISO BOARD OF ZONING APPEALS
Regular Meeting Minutes
March 31, 2020

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Tuesday, March 31, 2020 in Valparaiso City Hall Council Chambers, located at 161 Lincolnway, Valparaiso via remote access. Mike Micka presided.

Members present were Diane Worstall, Byron Martin, and President Mike Micka. Also present were Beth Shrader, Carley Lemmon, Attorney Patrick Lyp, citizens, and representatives of the press. Ryan Wright joined the meeting at a later time.

MINUTES:

Diane Worstall made a motion to approve the February 18, 2020 minutes as submitted. Byron Martin seconded the motion. A voice vote was taken and unanimously carried 3-0.

OLD BUSINESS:

VAR19-015 (Reconsideration) – A petition filed by Philip E. Hahn, 125 West Division Road, Valparaiso, IN. The petitioner requests a variance from Article 3, Section 3.501, of the Valparaiso Unified Development Ordinance to vary the required rear yard setback of twenty (20) feet to allow for a rear yard setback of eight (8) feet for the construction of a single-family home. The property is located at 304 Stanley Street in the Neighborhood Conservation 60 (NC-60) Zoning District. Attorney Patrick Lyp presented. There were some notice concerns with this petition at the October 15, 2019 meeting. Subsequently an impacted property owner contacted the City stating he had not received notice and it was found that several individuals were not contacted because the notices were sent to the addresses not the property owners. (Ryan Wright joined the meeting.) Due to these challenges, Attorney Lyp recommends the Board rescind the prior approval and the petitioner refile the petition. Mr. Gary Green, representing the petitioner, advised that he sent notices per the addresses provided to him and a notice of hearing sign was placed at the property site prior to the October hearing. There was no known attempt to not properly notify all parties. Mr. Hahn walked the neighborhood and spoke with as many neighbors as he could. Mr. Green spoke with the complainant and has heard his concerns, and requests being able to continue construction. (Ryan Wright left the meeting.) Attorney Lyp advised that he does not believe there was any intent to deceive and recommends the petitioner be allowed to continue construction at the builder's risk, and that no occupancy permits will be granted until the petition has been refiled, with waiver of fees, and gone through the proper process.

Motion: Diane Worstall made a motion to rescind VAR19-015 per Attorney Lyp's recommendations noting there is no believed intent to deceive, the petitioner may continue construction at the builder's risk, and no occupancy permits will be granted until the petition has been refiled, with waiver of fees, and gone through the proper process. Byron Martin seconded the motion. A roll call vote was taken and unanimously carried 3-0.

NEW BUSINESS:

VAR19-026 – A petition filed by Anton Baumann, 3101 Cascade Drive, Valparaiso IN. The petitioner requests a variance from Article 2, Section 2.406 (A), of the Valparaiso Unified Development Ordinance, to vary the required loading and truck access location from behind the principal building and screened to allow for loading and truck access to be located in the front of the principal building and unscreened. A variance from Article 11, Section 11.502 (B), to vary the required offset. A variance from Article 11, Section 11.507 (B), to vary the permitted building materials to allow for Galvalume Steel Siding. A variance from Article 11, Section 11.306, Table 11.306 (A), to vary the required minimum building setback from 60 feet to allow for a minimum building setback of 32.28 feet. A variance from Article 11, Section 11.306 (A) to vary the required 30-foot landscaped yard along the right-of-way. A variance from Article 11, Section 11.306 (A) to vary the required 4 shade trees, 3 Evergreen trees, 4 ornamental trees, 6 large shrubs and 10 small shrubs per 100 linear feet of frontage. A variance from Article 11, Section 11.306 (A) to vary the required screening of all service areas with dense planting of shrubs and Evergreen trees. A variance from Article 11, Section 11.306 (A) to vary the required screening of all parking areas with a 5-foot buffer of shrubs, 3 feet in height maximum. A variance from Article 10, Section 10.303, to vary the required open space landscaping of 10 large

trees, 15 small trees and 17 shrubs per acre. A variance from Article 10, Section 10304, Table 10.304, to vary the required parking lot landscaping of 1 large tree per 8 parking spaces and 1 shrub/perennial/ornamental grasses per 4 parking spaces. The property is located at 3001 Cascade Drive, in the Light Industrial (INL) Zoning District. Mr. Kevin Coros and Mr. Anton Baumann presented. The property is located in a small and old business park. Most of the businesses here use front service areas, have small lots, and not a lot of landscaping. Because the business park is established, a number of variances are required. Due to the aesthetics of the site, the offsets create a detriment to the service area. Steel siding is in keeping with the existing building. The minimum building setback is due to the site being just barely inside the Silhavy Signature Corridor by approximately 10 feet on the west side. Having a 60-foot setback is very prohibitive. With regards to the 30-foot landscape yard along the right-of-way, we are at 32 feet in totality. The parking lot and service ramps go through this area. There is enough landscaping in the rear of the property. The project will allow for additional storage and another dock to better serve the trucks.

Public Hearing: Mike Micka asked if any of the public would like to speak in favor of or in opposition of this petition. Mr. Micka also asked that the public address their questions to the Board Members while at the same time the petitioner will take notes and respond at one time. No one spoke; therefore, the public hearing was closed, and questions/comments were heard from the Members. (Ryan Wright rejoined the meeting.)

C: Carley Lemmon, Assistant City Planner, advised that this project was before the Site Review Committee on April 30, 2020.

Q: Are there any concerns from the City?

A: Beth Shrader, City Planner, advised that this is a compact site, it is not deep, and there is a pattern of multiple driveways here. The landscape provisions are reasonable; however, it is recommended to require 3 street trees and some type of landscaping against the new building to match the existing building. Staff will work with the petitioner on placement of the required trees and additional landscaping.

Q: Is the new storage area for the existing business?

A: Yes.

Motion: Diane Worstell made a motion to approve VAR19-026 with the landscaping conditions to require 3 street trees and some type of landscaping against the new building to match the existing building, noting staff will work with the petitioner on placement of the required trees and additional landscaping. Such approval will not be injurious to the health, safety or public welfare of the community; will not affect the use of the adjacent properties; arises from practical difficulties; and the petitioner will comply with all parking requirements. Ryan Wright seconded the motion. A roll call vote was taken and unanimously carried 4-0.

VAR20-003 – A petition filed by Dan Kachaturoff, 2253 S. State Road 2, Valparaiso, IN. The petitioner requests a variance from Article 3, Section 3.501 (B), Table 3.501 of the Valparaiso Unified Development Ordinance, to vary the maximum lot coverage of 505 to allow for a lot coverage of 66%. The property is located at 203 Napoleon Street, in the Neighborhood Conservation 60 (NC-60) Zoning District. Mr. Dan Kachaturoff presented. Mr. Kachaturoff is the owner of Landscape Concepts, Inc. Mr. Walter Sloane also presented. Mr. Sloane resides at 203 Napoleon Street which is a very tight downtown lot. There was an old unsafe deck that was removed, and the previous concrete work has settled. Stoops were cracked and dangerous and causing structural damage to the home. Mr. Sloane has contracted Landscape Concepts to redo his landscaping including concrete walkways, etc. The existing coverage is 59%. As proposed the new coverage will be 66% and a large improvement to the site.

Public Hearing: Mike Micka asked if any of the public would like to speak in favor of or in opposition of this petition. Mr. Micka also asked that the public address their questions to the Board Members while at the same time the petitioner will take notes and respond at one time.

Carley Lemmon, Assistant City Planner, advised she received correspondence from Barbara and Fred Brown, 256 Chicago Street, Valparaiso, stating they have no objection to the petition.

The public hearing was closed, and questions/comments were heard from the Members.

Q: What is the material of the patio walkway?

A: A unilock brick that is a permeable product.

Motion: Diane Worstell made a motion to approve VAR20-003 as presented, noting such approval will not be injurious to the health, safety or public welfare of the community; will not affect the use of the adjacent properties; arises from practical difficulties; and the petitioner will comply with all parking requirements. Ryan Wright seconded the motion. A roll call vote was taken and unanimously carried 4-0.

UV20-002 – A petition filed by Ron Knoche, 551 Franklin Street, Valparaiso, IN. The petitioner requests a variance from Article 2, Section 2.201, Table 2.201 (B) of the Valparaiso Unified Development Ordinance, to allow for a Commercial Retail Use within the Heavy Industrial (INH) Zoning District. The property is located at 551 Franklin Street, in the Heavy Industrial (INH) Zoning District. Mr. Ron Knoche presented. Mr. Knoche operates Jackson’s Home Improvement, a home improvement business of windows, siding, doors, and bathroom remodeling from 551 Franklin Street. There is a small showroom, however, sales calls are in the home of the client. Storage of product is at the property as well and the loading and off loading by staff members.

Public Hearing: Mike Micka asked if any of the public would like to speak in favor of or in opposition of this petition. Mr. Micka also asked that the public address their questions to the Board Members while at the same time the petitioner will take notes and respond at one time.

Mr. Daniel O’Callaghan, 12025 Huron Lake Road, St. John, IN states he is Mr. Knoche’s business partner and is in favor of this petition.

The public hearing was closed, and questions/comments were heard from the Members.

Q: With the small showroom, how many visitors do you have on average?

A: 2-3 persons per month.

Q: Are there any concerns from the City?

A: Beth Shrader, City Planner, advised this is a downzone use and the petitioner understands they are in a Heavy Industrial Zoning District; therefore, the City has no issues.

C: Carley Lemmon, Assistant City Planner, recommends any approval is specific to Jackson’s Home Improvement only.

Motion: Diane Worstell made a motion to approve UV20-002 specific to Jackson’s Home Improvement business only. Such approval will not be injurious to the health, safety or public welfare of the community; will not affect the use of the adjacent properties; arises from practical difficulties; arises from a condition peculiar to the property; and the petitioner understands they are in a Heavy Industrial Zoning District. Ryan Wright seconded the motion. A roll call vote was taken and unanimously carried 4-0.

STAFF ITEMS:

Notary: Beth Shrader noted that it is more difficult now for petitioners to have access to a notary. Staff is requesting temporarily waiving the requirement that applications are notarized during the stay at home order by the Governor.

Motion: Byron Martin made a motion to temporary waive the requirement that applications are notarized during the stay at home order by the Governor. Diane Worstell seconded the motion. A roll call vote was taken and unanimously carried 4-0.

ADJOURNMENT:

There being no further business, the March 31, 2020 Board of Zoning Appeals meeting was adjourned at 6:40 p.m.

Mike Micka, President

Beth Shrader, Executive Secretary