

**Valparaiso Board of Zoning Appeals
Regular Meeting Minutes
April 15, 2025**

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Tuesday, April 15, 2025, at Valparaiso City Hall, 166 Lincolnway, Valparaiso, Indiana. Kyle Yelton presided. The Pledge of Allegiance was said. Members present were Sarah Litke, Hannah Trueblood, James Bilder, Paul Reed, and Kyle Yelton. Also present were Attorney Patrick Lyp, Jessica Gage, Seyi Aletan, and Petitioner.

MINUTES

Adoption of Meeting Minutes – February 18, 2025 and March 18, 2025

Motion: Paul Reed moved to approve the minutes from the February 18, 2025, and March 18, 2025, meetings. Jim Bilder seconded the motion and so approved with a 5-0 voice vote.

Old Business - None

New Business with Public Hearing

VAR25-004 (Public Hearing) A petition filed by Who Brew IL II, LLC (Petitioner). This variance request pertains to the development proposal of a 7 Brew Drive Thru Coffee at 2805 Calumet Avenue. The zoning classification is CG General Commercial. The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO):

- From 11.306 to reduce the minimum landscaped yard along Calumet from 30ft to 25ft;
- From 9.303 to locate stacking areas between the façade of a building and the public street upon which the building fronts and stacking lanes without an abutting eight-foot-wide bypass lane;
- From 11.502 to reduce the required maximum horizontal dimension and offsets to that shown per plan; and
- From 11.506 to reduce the required fenestration to that shown per plan.

Chris George, franchisee with Who Brew LLC presented. The markets they are in are Northwest Indiana, Chicago land area, Nashville, TN, and Pittsburgh. The property being considered is 2805 Calumet which was Long John Silver's. The proposed use is a 7 Brew Drive double Thru Coffee. The existing zoning is CG Commercial General.

The first shop was in Rogers, Arkansas. There are 371 currently in the US. It is double drive through only concept. There is no indoor service. There is no traditional speaker box. Team members are on i-pads and walk up to the cars and take orders. This decreases mistakes, increases speed and makes an atmosphere that is fun and people want to come back. There menu is beverage only. They have six bases and over 20,000 options of combinations. They

open at 5:30 a.m. and close at 10:00 p.m. except for Friday and Saturday when they are open until 11:00 p.m.

Their entrance is from the access road to the west. They have the double drive thru lanes that run along the south side of the site and loop around the building, one-way. The service is on the north side of the building. They have worked with staff to refine the site plan. At the north east corner of the site, they are cleaning up the sidewalk and making it ADA compliant. They are adding a sidewalk on the north side of the parcel as well. They are proposing a 25' instead of 30' greenbelt. If they were to comply with the greenbelt requirement they would lose five drive thru que spaces. The queuing is very important to them. They will comply with all other landscaping requirements. They have 22 cars in que and 10 parking spaces on site. There is no by-pass line. They are asking for a variance for this. Customers only go through the drive thru lane. Employees do shift change at non-peak times. If there is an emergency, their team is out in the drive thru lanes and they are trained that if that happens, they need to move the cars out of the way to let any emergency vehicles get to where they need to go.

He showed pictures of the building elevations. The front will face Calumet. It is a modular building concept. It is 510 sq ft building box and a 238 sq ft remote cooler and dry storage. They have pushed the two together to create the spirit of offsets described in the city's the design guidelines.

They have a lot of glazing on the building, but they fall short because there is so little space to work with and they do not want the back of coffee machines or the inside of the bathroom visible to the public.

Public Hearing

Seeing no one wishing to address the Board, Kyle Yelton closed the Public Hearing.

Questions/Comments from the Board

Kyle Yelton – He has seen one of their facilities. He appreciated the explanation tonight of how the drive thru works. He also appreciates his willingness to work with staff to make this what they are looking at tonight.

Hannah Trueblood – She is having a problem with the no bypass lane. She sees how congested the Starbucks can get. There will be pedestrians in the area even though they are a no service inside facility. Have there been some facilities where they have put in a by-pass lane?

Chris George – There have been some facilities where a bypass is accommodated. Due to the size of this property, there were limitations. They have removed some of the property on the north side to accommodate a sidewalk and tried to maintain the spirit of a greenbelt. The variance request was made because if they added a by-pass lane they would lose more than 4-5 queuing spots. He is confident that because their team members are out in the drive thru, they

can manage any situation that may arise. The team members can stop any traffic if there is a pedestrian. On the south side of the building there is an area where pedestrians can stand and are out of the area where cars will be moving.

Jim Bilder – Is there a procedure for clearing the cars out if an emergency vehicle needs to gain access? Is there signage? Do people have to run from car to car?

Chris George – He is more than happy to put signage in place. They will put an official procedural plan in place. What they have trained the team members to do is to go to the first car and direct them to a parking space or to the side and the rest follow.

Jim Bilder – If there were a procedure in place it would be a lot more comforting.

Paul Reed – With Chipotle being right next to this, what about the off-site stacking? If you are backed up all the way to the road are they going to block Chipotle entrance?

Chris George – They will hire additional employees if that happens. It is not fair to block a neighbor's entrance.

Kyle Yelton – During the peak time, what is the average time from ordering to receiving?

Chris George - That is 4-5 minutes at the most. To get under that time frame is the goal.

Paul Reed – With both lanes, how many spots do you have.

Chris George – There are 22. They will train the team that blocking a neighboring business is not acceptable.

Paul Reed – They had the same situation with Chipotle and the landscaping. This will line up with Chipotle?

Chris George – He thinks he is a little bigger than Chipotle.

Jessica Gage – She referred to the image in the staff report showing the two properties side by side. The building on this parcel is a little bit farther west than Chipotle. The Petitioner is proposing a larger greenbelt.

Paul Reed – Is the area in the back all garbage?

Chris George – Yes. It is sized to handle two 8 yard dumpsters.

Sarah Litke – What is the screening around the garbage area? Is it similar to the look of the building itself?

Chris George – Yes.

Sarah Litke – She likes that there is more greenspace than what is on the existing site and she like the sidewalk addition. This is a vast improvement to what is on the property currently.

Kyle Yelton – He asked Attorney Lyp if things like the operation plan in case of an emergency would be worked out with him if the Board conditionally approved the Petition.

Attorney Patrick Lyp – If you are going to grant the variance, then anything else is conditional.

Jim Bilder – He would like to see that this variance applies to this business only. It cannot be carried over.

Hannah Trueblood – Especially with that no bypass lane. It is feasible with this plan.

Attorney Patrick Lyp – The Variance from 9.303 is what is particular to this business. He asked if they have had one of their businesses not make it and does he know what type of business went in after it.

Chris George – This is a 500 sq ft building that is maxed out with coffee making equipment. It would be hard for someone to come in that wants to cook food. There is not room and none of the cooking elements is installed in the building.

Attorney Patrick Lyp – Typically a variance goes with the structure. The 9.303 is unique to this building. If someone else were to come in and have this building and want the same variance, they would have to come back to this Board. He suggested that prior to the opening of the business, they provide the City Planner with a copy of the Operational Plan.

MOTION: Jim Bilder moved to approve the variances requested, with the following conditions:

- Variance from 9.303 only applies to this particular establishment. Subsequent business would need to come before the board to operate without a bypass lane; and
- A safety/operational plan to be presented to the City Planner prior to opening the business.

Paul Reed seconded the Motion. Upon roll call vote the motion passed with a 5-0 roll call vote.

Roll Call Vote:

Paul Reed – Yes

Hannah Trueblood –Yes

Kyle Yelton – Yes

James Bilder –Yes

Sarah Litke – Yes

VAR25-005 A petition filed by S & L Properties Thornapple LLC (Owner) c/o McCON Building Corporation and SAM. This variance request pertains to the development proposal of a Culver's Restaurant at 852 Thornapple Way. The zoning classification is CG General Commercial. The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO):

- From 11.502 to reduce the required maximum horizontal dimension and offsets to that shown per plan; and
- From 11.506 to reduce the required fenestration to that shown per plan.

Jessica Gage – There was a hiccup with the Legal Notice publication. This request will be on next month's agenda.

ADJOURNMENT

Motion: Paul Reed moved to adjourn the meeting. Jim Bilder seconded the motion and so approved with a 5-0 voice vote.

NEXT MEETING: Tuesday, May 20, 2025, 5:30 p.m.



Bob Thompson, Executive Secretary



Kyle Yelton, President