

**Valparaiso Board of Zoning Appeals**  
**Regular Meeting Minutes**  
**June 17, 2025**

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Tuesday, June 17, 2025, at Valparaiso City Hall, 166 Lincolnway, Valparaiso, Indiana. Kyle Yelton presided. The Pledge of Allegiance was said. Members present were Sarah Litke, James Bilder, Paul Reed, and Kyle Yelton. Also present were Attorney Mark Worthley, Bob Thompson, Jessica Gage, Seyi Aletan, and Petitioners. Hannah Trueblood, was absent.

**MINUTES**

Adoption of Meeting Minutes – May 20, 2025

**Motion:** Paul Reed moved to approve the minutes from the May 20, 2025 meeting. Jim Bilder seconded the motion and so approved with a 5-0 voice vote.

**Old Business and Matters Tabled**

**VAR25-007** (Public Hearing was closed 05/20/25)

A petition filed by Gordon Bailey (Owner). The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO): Table 2.302 to allow a privacy fence in the street side yard (per plan provided) at 1013 Elmhurst Avenue. The variance request incorporates three development standards variances – 6ft height, full opacity, and location. The zoning classification is NC60 Neighborhood Conservation.

Kyle Yelton – Since the last meeting, police reports on incidents at the Petitioner's home were obtained.

Jim Bilder – Between November of 2023 and October of 2024 there were six incidents. In November, there was a pumpkin thrown on the roof. In May, there were rocks thrown with no visible damage. The house was egged on June 1st. It was egged again on June 17<sup>th</sup>. On June 30<sup>th</sup> there was a bang on the door. On October 13<sup>th</sup> the house was egged. Have there been any other incidents since that time?

Gordon Bailey – Since that time, no. There were about five or six other incidents where they did not call the police. There was ketchup thrown on the house. There were other egging incidents. They have purchased Ring cameras.

Jim Bilder – He requested the police reports to see what was going on. If the matters were so egregious and they thought the fence might be helpful, it could warrant stepping outside the box (city's fence regulations). To have 6' high fences in the front yard is a zoning code that almost every municipality in the country adopts to not allow. On top of that, this will be a privacy fence and will obstruct the view. What a zoning board considers is not just current use,

but the fact that there can be other people there at some point. Another thing that crops up is a safety factor. This is a corner lot. As cars approach the intersection area, it does have the potential for obscuring views.

Gordon Bailey – If you look at the pictures, there is no possibility of it obscuring views. It is set far enough back it is not near the stop sign. It cannot really be considered front yard except that it happens to face a street. Any potential owner will see it as a backyard fence. They are looking to replace what is already there with something comparable.

Jim Bilder – He received clarification that the original fence was damaged when it was rolled up. He referred to legal, nonconforming fences being grandfathered in and new fences needing to meet current ordinance.

Gordon Bailey – Did you not think that was an excessive amount of police reports?

Jim Bilder – He doesn't feel it warrants that. Last summer someone damaged his garage door at night. He empathizes; has been a victim too.

Paul Reed – Do you think by putting this fence in it will eliminate this problem?

Gordon Bailey – He thinks it will help.

Sarah Litke – Didn't you have the fence up when these things happened?

Gordon Bailey – The fence was damaged during construction. Part it was up. Some of the damage was in the front end. We didn't notice the backside stuff because it was during construction. His other concern is what if they decide they want to rush the back door. There is now a door there for ADA accessibility. There is very little lighting. There are no street cameras; they'd need to consider a third camera. He doesn't know if a fence would prevent anything; he'd like to think it would provide some security for the backyard. These kids were wearing devil and demon masks. One ran to the front door. The other two ran to the side kitchen door. The only way they stopped them was because his wife was in the kitchen and saw it on the ring camera and went out and yelled at them. He would feel more secure with the taller fence.

Paul Reed – Are there any comments from staff?

Jessica Gage – She said she's hearing the Board contemplating a denial of the request.

Jim Bilder – His comfort level would be not to approve this petition. He asked counsel about making a negative motion or make a motion knowing you're going to vote no.

Attorney Worthley – You can make the motion in either way. Your vote would go along with how the motion is worded.

Jim Bilder – He hopes if the Petitioner feels he is being singled out in any way that there is a police force here and some great detectives who would be happy to do anything possible to see that that is not a problem. The Board has to approach this from a zoning point.

**MOTION:** Jim Bilder moved to deny the petition.

Gordon Bailey – At the last meeting it was mentioned that they allowed a 6’ fence across the street a couple of years ago and now denying ours. Can you elaborate on that?

Attorney Worthley – He wasn’t the attorney present at the last meeting. He spoke with staff before the meeting. The only thing he can say is that whoever approved it at that time evaluated the situation differently from your application.

Gordon Bailey – Based on the fact that it appears it’s going to be denied, they have sent a second site plan option. Is that something that is allowed to be done? It goes back to the existing fence about 16’ and then it comes over about 5’ to the existing fence.

Sarah Litke – She would be more comfortable with that.

Jessica Gage – In the packet there is a drawing that shows where a new fence would legally be able to be approved for the ordinance. She presented the drawing and explained the alternate request. For clarification, the 5’ fence section (perpendicular to Bond Street to connect new fence panels in an allowable location to existing fence panels that remain in place) requires a variance.

**MOTION:** Jim Bilder moved to withdraw his motion of denial.

**MOTION:** Sarah Litke moved to go with the second option with the 5’ connection to the existing fence. Jim Bilder seconded the motion. Upon roll call vote the motion passed with a 4-0 roll call vote.

**Roll Call Vote:**

Paul Reed – Yes

James Bilder – Yes

Hannah Trueblood – Absent

Sarah Litke – Yes

Kyle Yelton – Yes

**New Business**

**UV25-001 (Public Hearing)** A petition filed by Barley Properties LLC for and on behalf of Right Approach Performance LLC c/o Leeth Law LLC. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO): Article 2, Section 2.201 Table B to allow an indoor athletic training/performance development business for development of sports skills, fundamental athletic movements and athletic coaching. The address is 2750 Barley Drive. The zoning classification is INL Light Industrial.

Attorney Todd Leeth – He presented on behalf of the Petitioner. Barley Properties is the Leetz family. They are the owners of the property. Right Approach is a business in Valparaiso. They have two locations in two different counties. They are looking to have new space that works a little bit better. He was joined by Chris Wellsand, the principal owner of Right Approach Performance LLC. The property is located south of US 30 and on the west side of State Road 49. There are two flex buildings. They are referred to as Bluejay 1 and Bluejay 2. The zoning is Light Industrial. Bluejay 1 has been up for 10 years and is fully rented. Bluejay 2 is new. He is here for a Use Variance. Right Approach Performance's proposed use does not fit in the industrial definition. Their use is athletic training, performance development, batting cages, golf simulators, weight training and those kinds of things. He showed a page of the UDO that lists what is allowed in Light Industrial. The easternmost suite of Bluejay 2 is where Right Approach is proposing to go. They currently are on Airport Road which is also an industrial area. In Bluejay 1 about three years ago, there was a similar variance. Famous Athletic went into Bluejay 1 for a number of years. It was a cheer team and dance lessons for young girls. The project that's being proposed now went through Site Review. Some of the concerns were parking and potential conflicts with customers and truck traffic for Bluejay 1 and Bluejay 2. About 95% of their programming is after 5:00 p.m. when the trucks are not moving. Right Approach is going to work with Indiana Beverage to come up with a traffic plan so they can minimize any traffic conflict. Most of the participants are juveniles, so they are not driving and staying. They do have some 16 and 17 year olds that are part of the older teams. Parents can come and watch a practice. That is not the norm. The parking demand would be off hours from any industrial uses. He presented pictures showing the available parking. There are no trucks that will be traversing the front door of Right Approach.

### **Public Hearing**

Councilman Robert Cotton – One of the circumstances by which the City Council granted an attractive tax abatement (because it passes through to the tenant), is that there would be substantial job creation. He is curious as to what number of employees and what the compensation might be with respect to the beneficiary of that space being able to enjoy a tax abatement.

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

### **Rebuttal from Petitioner/ Questions/Comments from the Board**

Attorney Todd Leeth – Right Approach is one-tenth of the building. Right Approach has between 10 and 15 employees. This is a slow time. Their business picks up in the winter. For the square footage they have, he feels 10 to 15 employees is probably on the high side. If it was an office in front and warehouse in back, that doesn't generate a lot of employees. The beauty of these buildings is that they are flex. They are flexible and can attract many different uses. They have a Cross Easement Agreement between Bluejay 1 and Bluejay 2, so all of the parking spaces on the entire development are available.

Jim Bilder – There is a tenant that stores buckets. The manufacturing is done off site.

Bob Thompson – That is in Bluejay 1. It is just storage of buckets.

Jim Bilder – A bread company has storage there also.

Bob Thompson – From what he understands from the Building Commissioner, Yes.

Jim Bilder – There seems to be some precedent from January 2022 which allowed a Use Variance for a cheer team and dance instruction training facility.

Paul Reed – What are the hours of operation?

Chris Wellsand – Typically 3:00 p.m. to 9:00 p.m. When kids are in school, it is closer to 5:00 p.m. before they get people. In the winter, it is busy. In the summer, they are not open on Saturday and Sunday.

Councilman Robert Cotton – What will the jobs pay?

Chris Wellsand – Most of the jobs pay \$25 to \$40 per hour depending on the position. It is not full time. It is more part time.

Kyle Yelton – It is more like individualized coaching?

Chris Wellsand – We offer classes so they are doing one on one training.

Sarah Litke – Was the abatement for both buildings or just this one?

Attorney Todd Leeth – There were two abatements, one for each building.

**MOTION:** Jim Bilder moved to approve the petition. Sarah Litke seconded the motion. Upon roll call vote the motion passed with a 4-0 roll call vote.

**Roll Call Vote:**

Paul Reed – Yes

James Bilder – Yes

Hannah Trueblood – Absent

Sarah Litke – Yes

Kyle Yelton – Yes

**VAR25-009** (Public Hearing) A petition filed by Robert Barthel of Chicago Renovators (Petitioner) for Vaso and Erin Stojic (Owners). The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO): Table 3.501 to encroach into the 30ft minimum rear yard setback with a screened-in porch addition (per plan); and 13.304(c) to increase the extent of nonconformity (existing home encroaches approximately 16ft into the

30ft current minimum rear yard setback at the northeast corner of the property). The address is 2308 Dorset Drive. The zoning classification is SR Suburban Residential.

Robert Barthel of Chicago Renovators – This house was built in 1969 and there was no issue with the zoning. Over the years zoning has changed and so has the neighborhood. Currently the back yard zoning rule is 30'. This has been since 2009. The requirement was less prior to that. They are asking to be allowed to build a screened-in porch; is going to end up being close to 10' from the property line.

### **Public Hearing**

Jessica Gage read the email received from Thomas and Mary Sanders into the record. They reside at 204 Leeds Drive, adjacent to the rear yard that would be encroached on. They fully support the proposal.

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

### **Questions/Comments from the Board**

Robert Barthel – This is an old neighborhood. There are a lot of challenges. He does not see how this will affect anyone's property values.

Vaso Stojic – A corner of the house is already 14' close to the property line. What they are proposing to build is not much farther than that.

Paul Reed – We have to judge on hardships. When the house was built it created a hardship for you. You have plenty of front yard and side yard. Unfortunately, they pushed it all the way back and then tilted it.

Robert Barthel – You can still get a NIPSCO truck back there.

Jim Bilder – Is there an easement back there?

Robert Barthel – He has not seen a plat of survey but there are cables back there.

Sarah Litke – Do you know how far the fence corner is from the property line?

Robert Barthel – It is 12'.

**MOTION:** Sarah Litke moved to approve the petition. Paul Reed seconded the motion. Upon roll call vote the motion passed with a 4-0 roll call vote.

**Roll Call Vote:**

Paul Reed – Yes

Hannah Trueblood – Absent

Kyle Yelton – Yes

James Bilder – Yes

Sarah Litke – Yes

**Other Business**

Bob Thompson – Attorney Mark Worthley will be here starting in July. Attorney Patrick Lyp has submitted his resignation.

Paul Reed – He thanked Patrick for his years of service.

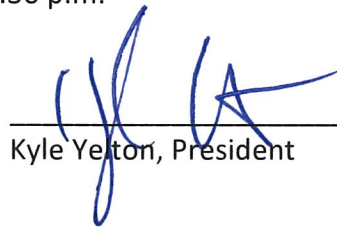
**Adjournment**

**MOTION:** Sarah Litke moved to adjourn. Jim Bilder seconded the motion. Upon voice vote the motion passed with a 4-0 roll call vote.

**Next scheduled meeting:** Tuesday, July 15, 2025, 5:30 p.m.



Bob Thompson, Executive Secretary

  
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Kyle Yelton, President