

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

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Tuesday, July 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, Paul Reed, and Kyle Yelton, James Bilder (arrived during meeting). Also present were Attorney Mark Worthley, Bob Thompson, Jessica Gage, Seyi Aletan, and Petitioners.

MINUTES

Adoption of Meeting Minutes – June 17, 2025

Motion: Paul Reed moved to approve the minutes of the June 17, 2025 meeting. Sarah Litke seconded the motion and so approved with a 4-0 voice vote.

Old Business and Matters Tabled - None

New Business

VAR25-010 (Public Hearing)

A petition filed by Dutch Bros Coffee c/o Bohler Engineering. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO): 11.306(A)(1) to allow dumpster enclosure to encroach into 30ft Signature Corridor greenbelt (per plan). The address is 2510 Laporte Ave. The zoning classification is CG General Commercial.

Rich Keagy of Bohler Engineering presented. He showed the existing site plan of the Pizza Hut. He is asking to relocate a dumpster area to a different location. The reason for the relocation is operational and aesthetics. He showed the route garbage trucks will use which will avoid the two drive through windows. He showed a picture of the new dumpster enclosure. The dumpster enclosure will be the same colors as the building. The dumpster will not be able to be seen from the street. He showed a picture of the landscape plan. They are exceeding code in regard to screening of the site. He showed a picture of the proposed building. They are using the existing building and doing a scaled down version of their signature buildings. This is their first location in Indiana.

Public Hearing

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

Questions/Comments from the Board

Sarah Litke – It appears the green space at McDonald's is smaller. She does not have an issue with this because there is such a grade change from the street and there is a gigantic green space.

Paul Reed – With the grade, when you are up on the road you will be looking down into the dumpster area.

Rich Keagy – That is why they put evergreen trees there.

MOTION: Hannah Trueblood moved to approve VAR25-010. 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 – Absent

Hannah Trueblood – Yes

Sarah Litke – Yes

Kyle Yelton – Yes

VAR25-014 (Public Hearing)

A petition filed by Ivan Bodensteiner. The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO): 5.303(B) to allow a ground sign in the CBD; and 5.303(D) to allow a ground sign closer than five feet to a property line. Petitioner requests replacement of same sign size in same sign location. This notice is provided to allow the Board to discuss the proximity of the proposed sign to the property lines along Napoleon and Jefferson, up to zero feet (but not beyond) either/both street property lines. The address is 7 Napoleon Street. The zoning classification is CBD Central Business District.

Ivan Bodensteiner and his daughter Jill presented.

Ivan Bodensteiner – The building is a professional office building with multiple tenants. It has been this way since 1982. They are seeking two variances to an informational ground sign. Several years ago the location was rezoned to Central Business District. That zoning does not allow ground signs. He is seeking a variance to allow a new simple informational non-lit ground sign in front of this commercial building. The second variance is a request to allow a ground sign closer than 5' from a property line. They have worked with Jessica and appreciate her assistance to complete all of the aspects of the petition. The proposed new location would be an improvement over the existing situation. There is an existing sign there now. The request is to replace an old deteriorated, multi-tenant, ground sign with a same size sign. The sign will still be closer than 5' from the property line but in an arguably better position than the current sign for multiple reasons. The new location would be closer to the building so it is more removed from the public right of way than the current sign. The new location will increase visibility for vehicles.

Public Hearing

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

Questions/Comments from the Board

Paul Reed – On the existing site plan it shows the sign on the property line. Is that correct?

Ivan Bodensteiner – It actually extends a bit over the property line. This proposed plan would correct that.

Jill Bodensteiner – It is 7' from one sidewalk and 10' from the other.

Paul Reed – Jessica, you worked with him on the exact placement of the new sign?

Jessica Gage – Yes. She wanted to make sure this was something the Board could act on. The existing sign was shown to encroach into the right-of-way and the original intention was to have the sign in the same location. The Board cannot make decisions about anything within right-of-way. She explained how there was a discrepancy between a survey document provided and another in near vicinity, compared to plat. She met with the Petitioner onsite. She noted that the right-of-way width of Napoleon Street is 66' wide; and, while it is common for sidewalks to be nearly adjacent to property lines, this property has more yard space beyond the sidewalk that is still in the right-of-way along Napoleon. Jefferson Street also has a 66' right-of-way, but the location of the sidewalk there is more standard compared to the Napoleon side. She is confident the proposed sign location shown is just inside the property line on the Napoleon side and at least 5' from the property line along the Jefferson side.

MOTION: Hannah Trueblood moved to approve VAR25-014. 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

James Bilder – Absent

Hannah Trueblood – Yes

Sarah Litke – Yes

Kyle Yelton – Yes

SE25-001 and VAR25-006 (Public Hearing)

(Jim Bilder arrived.)

Petitions filed by Valparaiso Partners, LLC c/o William A. Ferngren, Esq. The petitioner requests a Special Use (2.516 to allow a multi-functional venue space on the rooftop areas of the building at 255 ½ Indiana Avenue) and a Development Standards variance (Table 9.205 for parking relief for proposed additional square footage/land uses requested on the property (255-259 Indiana Avenue)). The zoning classification is CP Central Place.

Attorney Bill Ferngren presented on behalf of the Petitioner. The property is 255 Indiana through 259 Indiana. It is zoned Central Place. The property is 332,000 sq. ft. overall. There are three structures on the property. One was just constructed last year. There are a variety of uses in these buildings. In July of 2021 they asked for a variance for parking. At that time, the new structure had not yet been built. They were getting ready to position that building on the property and proposing at that time that there were going to be two residential units and the rest was going to continue with the office use throughout that building. Work was undertaken and the project was constructed. The site plan changed a little bit. There are 26 parking spaces on the site. They asked for a variance to have less spots. At that time the deficiency was 18 spaces. While under construction, Velero's restaurant group approached the owner. They have located in the newer structure and that has brought them back to the BZA again because that use is a little different than the office and other uses that were proposed before. They have worked with Bob Thompson and Jessica Gage to figure out how to do this best. This is a property that will change from time to time. They wanted to identify how to address this without having to come to the BZA every time someone moves in or out of the property. Tom Krueger has measured all of the buildings on the property to determine how many square feet are in the building of usable space, what is not useable, and arrived at square footages for the structures and what their uses are as of today. At that time, they were deficient 18 spaces. As it turns out, there are only 26 on site. There was some confusion because at the rear of the property there is a railroad right-of-way that is paved and would appear to be part of the parcel but it isn't. There are 14 paved parking spaces back there. It is the same building as in 2021, but Velero's is the change. They are asking for a Special Use for the multifunction area on the rooftop of the structure. It was determined that they need one parking space for every 75 sq ft for the Velero's restaurant. They need one space per 30 sq ft for the roof top. They have done site review. George Douglas commented it is great project and he is looking for it to be a part of the City. When looking at the parking there are a variety of things to consider. They can take advantage of the offsite parking credits with the City; they get to count how many on-street or other surface public parking spaces exist within 600' of the property within the same Central Place zoning classification. It turns out they get relief for 29 spaces using the public parking calculation. They need 58 parking spaces. They get the offsite credit of 29. When figuring out how to accommodate for a multi-functional use space upstairs, it was determined a Special Use approval is needed. The only guiding principles are that it cannot be on the ground floor and the overall site needs to consist of at least 10,000 sq ft. They have 32,000 sq ft for this campus. They have prepared a couple of renderings that show the very top of the new building. It is not an extension of the restaurant. This is a gathering place for anyone who would want to rent it for an event. A rooftop experience is widely successful here in Valparaiso and many other areas. Thought they would avail themselves to that success as well. This would truly be the rooftop of that structure, and then there is another section of the rooftop where they could extend even higher.

Tom Krueger – He presented pictures showing the design of the rooftop. It will be a place where the other tenants can gather. This will be like an incubator.

Attorney Bill Ferngren – It will not be a constant use; it will be intermittent depending on the needs from the community. He presented pictures of the concept. He showed the outdoor dining space that is very popular. He showed a picture of the rear of the building where you can see where the rooftop will be. There are a couple of balconies from the top floor units. One picture showed some of the parking at the rear of the property. He showed an aerial photograph of the Velero's outdoor dining. He showed the front entryway of the newly constructed building. A few pictures showed unimproved area on the rooftop. There were renderings of the finished proposed product. He feels all of this is a good fit. The Special Use would neatly fit. It is not on the first floor and they exceed the lot areas for that. The parking requirements are what they are getting in touch with now. He sees they have a need for 130 parking spaces overall, assuming this was fully built out. There is a public parking credit of 29 spaces leaving them with a net of 101. Then, take out the actual onsite parking spaces of 26 leaves them with 75. There are 14 spaces adjoining the property to the rear that are not accounted for in that 75. Multifunction is something that was anticipated otherwise it would not have been in the ordinance. This is consistent with the downtown area. Parking is always a discussion item. These will not be constant use, which is the benefit of the varying time frames of a multiuse facility such as this. The offices will be used during the day and the others at night. He has not received any comments.

Public Hearing

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

Questions/Comments from the Board

Jessica Gage – She explained that the restaurant is existing; it would not be there if the parking calculations did not check out with the Planning Director prior to the restaurant's establishment. This parking variance request is for additional parking spaces needed for the multifunction space on the rooftop. The numbers Attorney Ferngren is bringing up are different than what the Board has. The spreadsheet they have shows a deficit of 66 spaces. She wants to make sure they are working off the same information.

Attorney Bill Ferngren – They anticipated there were going to be 30 fully improved spots on the property at the time it was built. As the construction happened there were only 26 lots. Subsequently, permits were issued and it was built according to that.

Kyle Yelton – Safety is always a concern. It is going to be the big thing for a lot of the people up here. There will be a lot of traffic.

Sarah Litke – She really likes this project. But she and her husband went to Velero's for dinner. She had broken her ankle and could not walk very far. Her husband had to drop her off and go back to their home to park. There was no parking available at the restaurant. She thinks this is a big deficit of parking spaces.

Attorney Bill Ferngren - The use will be intermittent. Everyone knows parking can be a challenge but they make it work. He feels this could ultimately fit there.

Tom Krueger – Right now the building is maxed out with a lot of the different uses. When those uses change, those number are down 10 spots. A coffee shop was there. They move out and an insurance company comes in.

Paul Reed – He and Kyle were the only ones on the Board when this was heard last time. Parking was an issue then. It came down to the on-street parking which helped. The occupant load up here can throw this off. Are they going to limit the amount of people allowed up there?

Tom Krueger – This is going to be set up with tables. In the real world they are going to be more like a restaurant at one car per 75'. It is not like a big hall. We could limit it. The calculations could be quite a bit lower. It is very similar to Stack's.

Paul Reed – Can the City designate an occupancy load?

Attorney Mark Worthley – That goes beyond the scope of the BZA, but they can put a condition on approval to say what the maximum occupancy would be.

Attorney Bill Ferngren – He is ok with that. They are driven by the Ordinance as to per square footage.

Tom Krueger – Most of this is because they want to enclose it. He contended the space could all be used with out any variance as an open venue with no parking restrictions.

Attorney Bill Ferngren – They do not feel this is going to be a heavily occupied space. They end up with these numbers because of the standards set forth in the Ordinance.

Jessica Gage – For places of public assembly, parking calculations depend on the seating style. Because that wasn't known at the time, she understands parking calculations prepared by the Petitioner were based on square footage because that was the only measure available. Event-related spaces where people disperse at the same time creates surge parking rather than typical restaurant/other parking. What was represented in the presentation was that the calculations provided used the public parking relief calculation and the mixed-use parking table calculations, using current uses/space and adding the proposed uses/space. She wants the Board to know that currently that is what they have to go by. She does not know how to set a standard across the board for when tenants move in and out if the basis is the partially using the mixed-use parking chart. Additionally, she questioned how the total space accounted for was approximately 8,000 sq. ft. when based on County records, the current square footage is approximately 26,000 sq. ft. That's not to say the entire 26,000 counts as usable floor area for the parking calculation, but it's far different from what was used in the parking calculation submitted and the county records do not currently account for the rooftop area. For the Board to make an educated decision on the requests, it's important that the facts are clear.

Tom Krueger – The County’s measurements are outside. When he measures, he takes out the spare wells and the furnace rooms etc.; that all gets subtracted. Another thing he saw on the property cards is they add the balconies back into the square footage. That square footage is not counted as usable space. He thinks the difference is what is usable and what is not usable.

Jessica Gage – If an occupancy limit to the rooftop is something the Board is considering, how will that be policed?

Attorney Worthley – Maybe it would be useful if you could identify when you are anticipating surge use demand during the day.

Attorney Bill Ferngren – We can take this information back with us and get more answers for you. We think this will blend in nicely, even with the deficiency.

Hannah Trueblood – Parking is a very contentious topic in this town. She thinks this is a great idea. Parking downtown is already tough. We will be losing use of the County parking garage. She knows that was not included, but the result of that decision could be that more people are parking on the street.

Jim Bilder – Parking is the one concern everyone has had. Is there a comfort level with ingress and egress? Is there enough room to swing around?

Tom Krueger – Every once in a while, someone will have a problem.

Jim Bilder – There are risks versus benefits. He agrees with George Douglas; there’s really great potential here. The Board may want to be a little more precise on how much variance will be incorporated. He would like to see this go forward, but safety is always paramount.

Attorney Bill Ferngren – He is comfortable with taking this matter under advisement. Hearing what has been said, how do they discuss what would be an appropriate sort of number up there to try and get everyone satisfied. He would like to answer Attorney Worthley’s question about the surge timing and identify what they think a realistic occupant load would be. You can continue this matter and then he will get in touch with Mr. Thompson and Ms. Gage and Attorney Worthley. Then he will bring back better information to the Board with answers.

MOTION: Paul Reed moved to table Petition SE25-001 and VAR25-006. Jim Bilder seconded the motion. Upon roll call vote the motion passed with a 5-0 roll call vote.

Roll Call Vote:

Paul Reed – Yes

James Bilder – Yes

Hannah Trueblood – Yes

Sarah Litke – Yes

Kyle Yelton – Yes

VAR25-011 (Public Hearing)

A petition filed by Franciscan Alliance LLC c/o Leeth Law LLC. The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO): 11.502 to reduce the required maximum horizontal dimension and offsets to that shown per plan; 11.508 to reduce roofline variation to that shown per plan; 11.506 to reduce fenestration requirements (between 3ft and 8ft of ground floor façades) from 60% to 58% along east building elevation and from 30% to 0% along west building elevation as shown per plan; 11.503 to reduce architectural feature requirements (every 12ft) along west building elevation to that shown per plan; and 5.303(E)(2) to allow a sign on the rooftop mechanicals screen as shown in information provided. The address is 250 Eastport Centre Drive. The zoning classification is BP Business Park.

Attorney Todd Leeth presented on behalf of the Petitioner.

Attorney Todd Leeth – The site is a unique site located on Highway 49 and Highway 2. It is the former site of Natural Ovens. The property is four parcels. They are proposing a 45,000 sq ft medical office building. Tonn & Blank is the construction manager. They also have professional architects and civil engineers from well-respected firms in the area. The property is zoned BP Business Park on the official zoning map. Their closest neighbor is Ivy Tech. This is a very attractive building that is being proposed. It is a professionally designed medical building and campus. They have been through site review three times. They have received staff comments that have been incorporated within the plans and changes to make them consistent with the concerns of the entire staff. He showed a Google Earth aerial photograph which showed how the parcel is uniquely wooded on all four sides. It is close to two state highways. It has unique access. They are not having a driveway out on the Highway. This makes it perfect for specialty uses such as businesses and medical office buildings. He showed pictures of the site.

He is asking for four variances to the architectural design standards and one variance for signs. The UDO has nonresidential design standards for commercial and industrial buildings. It has a total of seven pages of standards. They are only asking for four variances. He mentions this because there is always an opportunity to ask why they didn't follow the code. He is not sure you could build a 45,000 sq. ft. building, meet your client's expectations, and still meet all seven pages of code. He thinks they have done a good job of trying to hit what is important in the code. They are not trying to skirt the code requirements.

The first variance is one that talks about horizontal dimensions/offsets and they would like to not comply with that and do what the building architecture shows. He pointed out where the UDO states building walls with a horizontal dimension of more than 80' shall have projections or recesses. This is for interest and diversity. He feels there are other ways to create interest and diversity in the look of a building. The purpose was to prevent more Walmarts that go dark. They are trying to prevent the big box look.

The second variance has to do with architectural features. They want to have the building elevations as shown on the plans.

The third variance is transparency. The code requires that on the first floor of nonresidential buildings, between 3' and 8' there has to be a certain percentage of glass. On the proposed building, the east and west elevations do not meet that. The east elevation by only 2% difference. The west elevation is zero. The west elevation is considered to be the back of the building. That is where the service area is. It is where the dumpster is. It is not a public part of the building and doesn't have any visibility for the public. Transparency in a medical office building runs afoul of patient care privacy. The real variance is on the backside, the west side, were they do not have any glass.

The fourth variance of the architectural standards has to do with roof line interest. He is not sure what the code is trying to create here. There apparently is a desire to have special interest, special diversity at the roof line.

He presented the renderings. He thinks this is a very attractive, architecturally designed building. They have diversity. They have fenestration. They have a glass curtain wall that provides great interest in detail in the center of the building. They have two tones of building materials. The windows are uniquely shaped and spaced. There is a lot of thought and interest. This is not a big box. On the west side on the first floor there is no glass. On the second floor there is. They have a change of color at the roof line. They do not meet the code. But there is plenty of interest in the overall design of the building.

The last variance has to do with signage. The requirement is that they cannot have a building wall sign extend above the roof line. They are asking to allow for a sign on the panelized roof panels that are sound buffers and screening for the roof mechanical systems. The sign is above the roof line. They are trying to get it so it can be seen from Highway 49.

Public Hearing

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

Questions/Comments from the Board

Kyle Yelton – This is strictly office building?

Maggie Tortolano – Tonn and Blank – The first floor is lab, urgent care and imaging. There are plans to add ambulatory surgery in the future. The rest is office.

Jim Bilder – This is all for same day procedures?

Maggie Tortolano – Yes. There is no inpatient in this building.

Kyle Yelton – He asked Jessica Gage to go through the signage requirements again.

Jessica Gage – She referred to Page 3 of the Staff Notes. A picture was shown illustrating the proposed sign on the rooftop mechanical screening panels. She mentioned a conversation with the project team earlier in the project about the idea that the screening panels helped play up the ordinance intent for a cascading roof line. That idea speaks more toward the variance concerning roofline variation. For the sake of the proposed sign, what's proposed is still considered a sign over the roofline. Most communities these days do not allow roof signs. The ones you see around town are legal non-conforming. If this is something the Board wants to entertain, she would just ask that the Board identify the uniqueness situation clearly for the record.

Attorney Todd Leeth – The sign panel from the front of the building is set back approximately 27'. From the rendering you may not be able to see that panel from the front. But there is not a sign on that elevation. There the building sign is located below the roof line, so the only variance is on the west side where they are trying to get above the trees.

Sarah Litke – She is having trouble with the whole west side because it is facing Highway 49. The whole side is so blank. She does not like the sign on the roof. She knows he is trying to get above the tree line but she does not like the sign up there.

Attorney Todd Leeth – He thinks the screening looks as though it is part of the building because of the color.

Sarah Litke – She thinks this would be setting a precedent.

Kyle Yelton – He gets it conceptually. He understands the "why".

Jim Bilder – Did you say they will be offering urgent care services?

Maggie Tortolano – Yes, on the first floor.

Jim Bilder – People see that and it is advantageous because it is medical as opposed to simply family medical walk in.

Paul Reed – How tall are the trees?

Attorney Todd Leeth – He does not know but they are mature trees.

Hannah Trueblood – If the issue is the trees, what happens when they grow taller? It seems like a hard argument to agree to just based on that. The trees will overgrow the sign soon. Is there an option to prune those trees back a bit?

Attorney Todd Leeth – A good part of the tree stand is in the right-of-way (State Road 49). The tree buffer is probably half in the right-of-way and half on Franciscan property.

Kyle Yelton – Jim brought up a good point. When you are trying to find a place quickly, it is nice to be able to have a sign.

Jessica Gage – On Page 4 of the Staff Notes at the top of the page is an aerial photo. On the bottom is one of the original renditions of the landscape plan which they have been working on with Lakeshore. The dots represent trees that will be removed during construction and replaced with new trees per City Ordinance. This image will give you an idea of the relationship of the building location to the trees, and the relationship of trees that will stay versus the trees that will go. Some of the existing tree covering will go with Phase 1 and some will go with future phases. From the image comparison, it looks like the building may be in a portion that will have some visibility.

Maggie Tortolano – From 49 you will have to look through some trees to see the building. That is why they were hoping to have it higher.

Attorney Todd Leeth – If you look at his aerial you can see Ivy Tech. On the property line you can see all of the trees. They are not going to be like Ivy Tech. You are not going to drive by on Highway 49 and see Franciscan like you do Ivy Tech.

Jessica Gage – Regarding the architectural variances, she mentioned that this is Phase 1 of this medical complex. The expectation is that both sides of the building will have building partners. The concept of not having as much detail on the two sides of the proposed first building is that these elevations will be fairly covered up at some future date.

Attorney Todd Leeth – That is true. Unfortunately, that does not come through on the site plan on the power point. This is the first phase of many.

Paul Reed – We deal a lot with the windows and facades. Maybe we should change our UDO. And maybe we should change big box to larger building. He would like to see the sign on the building. He does not think that much elevation will be gained. It will match the one on the front.

Attorney Todd Leeth – From the one picture on Highway 49, as you back up the height becomes more significant to get over the tree line. If you are at the property line, the height is not as significant.

Jim Bilder – It is not as if the project is dependent upon that aspect, correct?

Jessica Gage – If a variance is denied, there is a 12-month wait for anything similar to come before the Board. There is the option to put this on hold until you see the building in the space or see the tree clearing.

Attorney Todd Leeth – The other thing additional time would give me is if my client inclined and the sig company is able, we can do some line-of-sight calculations as well. He requests that the Board continue the last of the variances – the sign variance.

Kyle Yelton – He asked Attorney Mark Worthley if they could approve all but the sign variance and then they would come back on just that one.

Attorney Mark Worthley – Yes. You can handle these variance requests individually. You can handle the three that you want to approve and continue the one that he is asking you to continue in two motions.

There was discussion regarding if this should be continued or if they should withdraw and then come back when ready.

Attorney Todd Leeth – He requested they continue this to the next meeting in 30 days. If the project team is not ready to share additional information, they will send a letter to request it be continued for an additional 30 days.

MOTION: Jim Bilder moved that 11.502 to reduce the required maximum horizontal dimension and offsets to that shown per plan; 11.508 to reduce roofline variation to that shown per plan; 11.506 to reduce fenestration requirements (between 3ft and 8ft of ground floor façades) from 60% to 58% along east building elevation and from 30% to 0% along west building elevation as shown per plan; and 11.503 to reduce architectural feature requirements (every 12ft) along west building elevation to that shown per plan. And to exclude 5.303(E)(2). Hannah Trueblood seconded the motion. Upon roll call vote the motion passed with a 5-0 roll call vote.

Roll Call Vote:

Paul Reed – Yes

James Bilder – Yes

Hannah Trueblood – Yes

Sarah Litke – Yes

Kyle Yelton – Yes

Motion: Jim Bilder moved that the request for a roof top sign variation to 5.303(E)(2) be postponed until the next meeting in August pending further information from the Petitioner. 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

James Bilder – Yes

Hannah Trueblood – Yes

Sarah Litke – Yes

Kyle Yelton – Yes

VAR25-012 (Public Hearing)

A petition filed by Jason T. and Kimberly Watson Alsman c/o Leeth Law LLC. The petitioners request the following variances from the Valparaiso Unified Development Ordinance (UDO): Table 3.501 to encroach into 25ft minimum front yard setback, to encroach into the 8ft minimum side yard setback, and to exceed 40% maximum lot coverage (all to that shown per plan). The address is 256 Green Acres Dr. The zoning classification is SR Suburban Residential.

Attorney Todd Leeth presented on behalf of Petitioners. He is requesting three variances from developmental standards for their property at 256 Green Acres Drive. Their home is modest but very well kept. The back yard is fenced. The houses on either side are also very well kept. It is zoned Suburban Residential. The Petitioners want to add a 1,300 sq ft addition to their home. This was her family home that they purchased in 2013. Jason works from home. The purpose of the addition is to create an office for him as well as a third car bay garage. They have engaged a professional design firm to provide design plans. They have had their property surveyed professionally. The first variance is a front yard setback. Code requires 25'. They are requesting 23.9'. The next variance is maximum lot coverage. The Petitioners enjoy their backyard. They have a fenced-in rear yard with an above ground pool, some decks and patios. All of those things take away their lot coverage, so this project will cause the total to exceed the 40% allowance. The minimum side yard setback is 8' for this property and they are requesting 5.9'. He showed a photograph of the area. The existing garage will be converted to living space. The new addition will be garage and office. It goes on the west side of the home. That is one of the variances. It also extends closer to the street. They could go to the rear of the house or on the other side but this is where the garage is now and they are adding on to the front of the house and the same side so they can use the entryway into the house and the driveway, so they are asking for a side yard variance. The homes in this area are not built in the middle of the lots. They are all offset to the west. The good news is that the home to the west is also offset to the west. The open space between our new addition and the existing home is far greater. He showed a GIS aerial where it can be seen their home is not in the middle of the lot nor is the neighbor to the west. The cumulative number for code requirement is 20'. They are cumulatively 37'5", which is almost 80% more than needed. The reason for that is the home is offset to the west. There is a large east setback. He presented pictures that show the location of the home on the lot and the proposed addition. There is a significant open space between them and the neighbor. Along the west side they are adding a French drain to capture any water running to the west and bring that out to the street for management. Part of the existing driveway will be removed. They are adding some extra driveway.

Public Hearing

Valerie Cook – 352 Green Acres. She is the neighbor to the west. She was concerned about the infringement to the west. Her other concern is the water flow issue. When they bought their home, they wanted to put a storage garage in the back of their home. The City would not let them and said there is a water flow problem at the property lines. With all of the land that will be covered, she is worried about the extra water generated and the flow of it. She asked what a French drain is.

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 – Whatever the design is, they can make sure they get a proper certification for the storm water. A French drain is an inground pipe that captures water from the surface. It is usually perforated and carries water to the street for management. That will all be part of the permitting.

Valerie Cook – A neighbor across the street built a structure and now they have a pond in their back yard that does not go away for a couple of weeks sometimes.

Attorney Todd Leeth - The Board can condition their approval on the fact that the building permit for the addition include the French drain to be approved by the Engineering Department or Building Department or both. That is the best way to make sure it has to be done. The other option is talk with each other and make sure it is worked out.

Paul Reed – His concern is that all the houses pretty much line up. Now this is going to be projected out about 25’.

Attorney Todd Leeth – Of that 25’ 23.5’ is allowed. It is the garage that sticks out. If they make it shorter they have to buy compact cars.

Paul Reed – He asked Jessica if the original setback was bigger back in the day. Was it 30’ or something?

Jessica Gage – The plat is from 1953. The front yard setback at that time was 30’. It was still at 30’ in 2008 when the UDO was revised.

Attorney Todd Leeth – The other thing that is odd about these lots is they are 136’ wide and only 120’ deep. This is another reason why they are coming out towards the front.

Jim Bilder – The new drive will prevent water from being absorbed in that section. But then part of the driveway will be removed and planted with grass. When the drain is put in it could be done with a swale so the water goes directly into the French drain. From there it will go into a storm water sewer.

MOTION: Paul Reed moved to approve VAR25-012 on the condition that the French drain be approved by the City Engineer and Building Department. Jim Bilder 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

VAR25-013 (To be carried over to next regular meeting) A petition filed by Aris Avanesian. 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). The variance request incorporates three development standards variances – 6ft height, full opacity, and location. The address is 308 Michigan Avenue. The zoning classification is NC60 Neighborhood Conservation.

Jessica Gage – The Petitioner did not send the mailings, so the Board is not able to open the Public Hearing.

VAR25-015 (Public Hearing) A petition filed by Porter County Building Trades Corporation. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO): Table 3.501 to allow home to encroach into 20ft minimum front yard setback (per plan). The address is 807 Lafayette Street. The zoning classification is NC60 Neighborhood Conservation.

Audra Peterson – Director of the Porter County Career in Technical Education, presented. The City gave them a piece of property at 807 Lafayette Street. This is for the building trades students to be able to build a house. They would really like to put a garage in. The lot is 66' X 66'. She presented a picture of the home they would like to build. They want to stick with the Lafayette Street address. They are looking for a variance to the 20' minimum setback. The garage would be towards the front of the house. The garage will be nominal. The driveway will allow two cars to park as well.

Public Hearing

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

Questions/Comments from the Board

Paul Reed – Is it 20'6" to the building line?

Bob Thompson – From the existing sidewalk.

Jessica Gage – The 20'6" is their proposed front yard setback (Lafayette); 20' minimum is required. The same minimum front yard setback applies along Bush Street, which is the point in question tonight.

Audra Peterson – When they talked with Vicki Thrasher, there was talk about maybe having to modify the actual floor plan to accommodate. The footprint of the plan is what they are looking at building. This will sit on a basement.

Paul Reed – It looks like the front elevation on the Bush side will line up with the neighbor.

Audra Peterson – That is correct.

MOTION: Paul Reed moved to approve VAR25-015. Hannah Trueblood seconded the motion. Upon roll call vote the motion passed with a 5-0 roll call vote.

Roll Call Vote:

Paul Reed – Yes

James Bilder – Yes

Hannah Trueblood – Yes

Sarah Litke – Yes

Kyle Yelton – Yes

Other Business – None

Staff Items

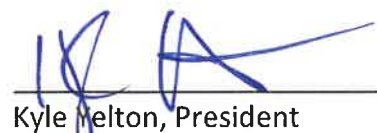
Jessica Gage said she was able to look into Sarah Litke's question at the beginning of the meeting about the greenbelt area in front of McDonal's. That project was built prior to this Zoning Ordinance. That is more than likely the reason the parking lot is encroaching into the greenbelt there.

Adjournment

MOTION: Paul Reed moved to adjourn. Jim Bilder seconded the motion. Upon voice vote the motion passed with a 5-0 vote.

Next scheduled meeting: Tuesday, August 19, 2025, 5:30 p.m.


Bob Thompson, Executive Secretary



Kyle Yelton, President