

**Valparaiso Board of Zoning Appeals
Regular Meeting Minutes
August 19, 2025**

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Tuesday, August 19, 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 the meeting. Also present were Attorney Mark Worthley, Bob Thompson, Jessica Gage, Seyi Aletan, and Petitioners.

MINUTES

Motion: Paul Reed moved to approve the minutes of the July 15, 2025 meeting. Sarah Litke seconded the motion and so approved with a 4-0 voice vote.

Old Business and Matters Tabled

VAR25-011 (Public Hearing closed 07/15/25)

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): 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.

SE25-001 and VAR25-006 (Public Hearing closed 07/15/25)

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.

VAR25-013 (Public Hearing)

A petition filed by Aris Avanessian. 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.

Staff indicated that all Old Business petitions were requested to be tabled by the Petitioners.

MOTION: Paul Reed moved to carry VAR25-011, SE25-001 and VAR25-013 (collectively) to the next regular meeting of the BZA. Hannah Trueblood seconded the motion. Upon roll call vote the motion passed with a 4-0 roll call vote.

Staff correction: The variance request for the roof sign (VAR25-011) had been withdrawn by the Petitioner prior to the meeting. The petition will not be shown on the upcoming agenda.

Roll Call Vote:

Paul Reed – Yes

James Bilder – Not present

Hannah Trueblood – Yes

Sarah Litke – Yes

Kyle Yelton – Yes

New Business

VAR25-016 (Public Hearing)

A petition filed by Vicki Valpatic. 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 1502 Lind Court North. The zoning classification is NC60 Neighborhood Conservation.

Vicki Valpatic presented. She would like to replace the fence portion along Lind Lane between her home and her garage. It has bungee cords holding it up. The existing fence is 6'. She would like to replace it with a 6' fence. Her neighbor across the street (Sharon Stephens, 1603 Lind Lane) gave her a note stating she is ok with the project. Right now the fence comes out from the house 5'. The proposed fence will only come out 3' so it will be farther away from the road and sidewalk. It couldn't be any closer to the home due to a gas line and her existing deck.

Public Hearing

Jessica Gage requested the note from the neighbor for the file. Ron and Reda Adam (1502 Lind Court Center) sent a letter to the Planning Department stating they have no objection to the privacy fence variances requested.

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

Questions/Comments from the Board

Paul Reed – What height does the UDO require for fences.

Jessica Gage – Between the structure and the road it is 4' and must be open design (picket, etc.). The expectation would be a 6' privacy fence could be allowed to extend from the southwest corner of the house. In this case, the Petitioner has a deck and a patio area existing and the homeowner recently learned of the gas line there as well.

Vicki Valpatic – She wants to replace the existing fence with white vinyl 6' fence. The people across the street are happy she is getting rid of the wood fence.

Hannah Trueblood – She feels what she is asking for is reasonable and would not cause less of a community feel. That is what the 6’ fence is about -- breakups between neighbors and blocking views from the street.

Sarah Litke – This lines up with the garage. Is a 30’ setback required?

Jessica Gage – The zoning district’s minimum front yard setback is 20’ for a new structures; it appears the existing structures on this property may not meet the current standard.

Sarah Litke – Is the fence at an angle?

Vicki Valpatic – Yes.

MOTION: Hannah Trueblood moved to approve VAR25-016. 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 – Not present

Hannah Trueblood –Yes

Sarah Litke – Yes

Kyle Yelton – Yes

UV25-002 (Public Hearing)

A petition filed by Ray Property Holdings LLC c/o Vis Law. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO): Table 2.201B to allow a floral shop in an INH Heavy Industrial zoning district. The address is 551 Franklin Street.

Attorney Nathan Vis presented for Petitioners. His clients own Schultz Floral. This business has been in Valparaiso for six decades. They are under contract to purchase the building at 551 Franklin to accommodate their growth. The property requires a use variance for floral design, floral retail, floral assembly, and storage design of some items. This property is approximately 0.4 acres. There is an asphalt parking lot with some gravel parking. This property is tucked into a Heavy Industrial area. A floral shop does not meet the definition of Heavy Industrial. This piece of property is not suited for Heavy Industrial; that is why in the past it has been plumbing design and retail. They are asking for a variance to allow floral business for both retail and design. He presented the Use Variance Findings of Fact. This will not be injurious to the public health, safety and morals. This is a tranquil business operation. This will not negatively affect neighboring property. This is a postage size piece of property zoned INH. To find another use would be difficult. There will be a hardship if they are not granted this Use Variance. This does not substantially interfere with the Comprehensive Plan. It goes along with the long term goal to increase growth in that commercial corridor.

Public Hearing

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

Questions/Comments from the Board

Paul Reed – Is there a thought to change the zoning in that whole area?

Bob Thompson – The thought is if that is the appropriate place for Heavy Industrial. This is an older section that may have had some of it but the thing is if it is really continuing and is this the appropriate place for Heavy Industrial.

Sarah Litke – Her answer would be No.

Attorney Nathan Vis – When he was going to law school he thought this was a unique sector of the community with a variety of businesses that were tucked away there. That is what happens as a community grows over time.

Paul Reed – I think there is residential there too.

Jessica Gage – The industrial zoning in this area shrunk considerably when the 2009 UDO was put in place. Across the street from this property there are several residential properties. On Axe Street and Nickle Plate there have been two use variance approvals – one for Institutional Residential and the other for a multifamily housing project. The trend is looking like a reduction in industrial zoning in this area.

MOTION: Sarah Litke moved to approve UV25-002. 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 – Not present

Hannah Trueblood – Yes

Sarah Litke – Yes

Kyle Yelton – Yes

VAR25-017 (Public Hearing)

A petition filed by Steven E. and Deborah Jo Davies. The petitioners request the following variances from the Valparaiso Unified Development Ordinance (UDO): from 3.501/3.403 to allow for a 3ft rear yard setback for building addition (per plan) and from 2.301 to allow driveway at property line. The address is 507 Napoleon Street. The zoning classification is NC60 Neighborhood Conservation.

Brian Lewandowski of A-1 Construction presented on behalf of the Davies. During a storm earlier in the spring a tree fell and hit Natalie's (neighbor) house and ruined the garage between the properties. The garage was built in the 1920s. They were sharing the garages as a buddy system. The Davies want to connect their new garage to the house as a breezeway and have a laundry. The house faces Napoleon Street which gives it a rear yard setback. That typically is 20' and they are requesting a 17' encroachment. The addition will be 3' off the lot line.

Debbie Davies – In the future when they can't get up and down the steps to go to the bedrooms they have a parlor that is already partitioned off with doors. They have a full bathroom on the first floor. They are set up to where they can live there until their last days. The only other place to put a washer and dryer would be in the kitchen.

Discussion was held regarding the driveway variance requested. The Petitioner and neighboring property owner would like to continue to have a shared driveway with the proposals before the Board. It was still unclear whether the existing driveway was planned to be replaced new or the existing portions kept after the proposed construction project.

Public Hearing

Blake Rose and a male (inaudible on name) – They live across the street from the Davies. They also have a shared driveway. They support their plan to rebuild their garage. It is going to be beautiful and a nice addition to the area. Anything that keeps the Davies in the neighborhood is positive.

Natalie Kijurna – 253 Plum Street. She is next on the agenda tonight. She definitely wants to see this get approved. They have shared a garage for eight years. Neither of them have been able to use the garage to its full capacity because of its size.

Jessica Gage read email submitted by Lawrence Steele, owner of 504 Napoleon, who had no objection to either project (VAR25-017 and VAR25-018) and believes these projects will enhance the appearance and value not only of the subject properties, but the overall neighborhood as well.

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

Questions/Comments from the Board

Paul Reed – The request on Plum street – is that a side yard setback?

Jessica Gage – It is. They are asking for 3'. The standard is 6'.

Paul Reed – Is there a reason it cannot be 6'?

Debbie Davies – If it were 6' there would not be room for the breezeway.

Jessica Gage – For point of clarification regarding the petition for 507 Napoleon, the home faces Napoleon. The street side yard is Plum. That puts the west side of the property as the rear yard. A normal expectation for rear yard and this zoning district is 20' for a new build. There is some flexibility offered to the Planning Director up to 10' if certain parameters are met. This request

exceeds the flexibility and they are asking for a 17' encroachment into the 20' setback. Their proposal counts as a home addition because of the attached breezeway.

Sarah Litke – With the addition, making this a rear yard complicates this a little bit but she understands the reasoning. Because it is in the Conservation District she does not have an issue with it. She is a little hesitant because it is a rear yard.

Hannah Trueblood – If the driveway is already there, what is stopping them from utilizing what is there and make a repair?

Jessica Gage – In the process of working through the submittals, it wasn't clear and she still does not believe it is clear whether the driveway will be new. The City no longer permits shared driveways. If this were to be a new driveway, it would need a variance to be within 1' of the property line.

Brian Lewandowski – Shared driveway as used in this case are not technically shared as in the past. The Davies have their own driveway on their own property. Ms. Kijurna has her own driveway on her own property. The shared comes in that they butt in the center. He owns a lot in Burns Harbor and the driveway goes through another person's lot. This is called a shared driveway.

Paul Reed – What is the length of the existing driveway on the street front on Plum? On the drawing it shows 48' wide.

Brian Lewandowski – Yes 24' and 24'. The existing one might be 20' overall.

Sarah Litke – From the picture, it appears the Napoleon property is much wider. It is double the width. On the other side (Plum Street petition), it looks like it is lined up directly with the garage. If the garage is moving over 3' that driveway is not going to line up with the garage. They are going to have to do another driveway which would create at least a separation between the two driveways if that has to be redone anyway. It looks like it is in a little bit more disrepair than the Napoleon Street property.

Brian Lewandowski – In the ordinance, there is a section of what would be conforming. He thought repairing the driveway would fall into that section of the Ordinance. To keep it clear, it was easier to make that one of the variance requests as well. If they were to tear up the driveway, the homeowners would still want it to go to the lot line.

Jessica Gage – Generally speaking, non-conforming can be maintained but not replaced. When something is removed, then the current ordinance comes into play. If the Board is entertaining either of the variances, she asked that they be very specific to the uniqueness of this property. These are standards that exist across the community.

Kyle Yelton – That is always a concern of the Board. When you approve it for one, other people see it and want it. The Board has to take that into consideration. This is definitely unique.

Jessica Gage – For an individual driveway, the max width is 24’.

Paul Reed – He is not seeing the hardship of not having a green space separating the driveways.

Sarah Litke – If the garage is going to move over, could they saw cut the cement by 1’? That way there would be 1’ of green space. That would eliminate part of the existing driveway.

Brian Lewandowski – The driveway is existing. Technically, they don’t even have to touch the driveway. He could build the garage without touching the driveway. There is a convenience factor there as far as trash cans. They plan to put the trash cans in between. Proposed is 6’ between the two garages. In new developments, they pour the driveway as small as they can, and then the owner decides they don’t like getting out in the snow so they are adding pavers to make it wider.

Hannah Trueblood – She does not have any issue with the addition and the garage part. She is getting caught up on the driveway. She knows it is already there. Her concern is with drainage. With new construction, that is going to change. In the older neighborhoods drainage is a big concern. That is why the 1’ separation is supposed to be there. If there is any way to move forward without the property line driveway situation she would feel a lot more comfortable with approving it.

Brian Lewandowski – Can the Board approve one and deny the other? If the driveway gets denied, maybe they will cut it off or maybe they will just leave it.

Hannah Trueblood – When the Board denies something, that prevents such a thing from coming to the Board for a period of time.

Jessica Gage – 12 months. But the builder said they would design around that. She asked that the Board -- as they are considering this -- that the specific uniqueness of the consideration is discussed during the meeting so that can be reflected in the minutes for each of the specific variances.

Mike Davies (owners’ son) – The Board wants 1’ of green space between the two driveways.

Sarah Litke – From the property line to the driveway.

Mike Davies – That would make it different than every other house in the neighborhood. Every other driveway is a joint driveway.

Sarah Litke – But if she is going to be replacing her driveway anyway... it looks like she might be because the garage is moved over (farther from the shared lot line).

Mike Davies – That is part of the issue now. Everybody is trying to figure out how we are going to do this. At the same time the other thing you have to look at is the way the garage sits now and the way the property is built up in the back. If they were to make drastic changes, they would have to grade the whole yard. They are not trying to reinvent the wheel. They have been storing their stuff since March. They just want to get this done. If they left the concrete pad the way it is, would that hurt anything? If they left the existing alone it would give them the space to put their garbage cans. This already takes space away on their patio which is not very big as it is.

Sarah Litke – She is talking about 1'. It is not in front of the driveway any more. The garage is 3' over from where the driveway is now.

Mike Davies – The concrete that is there is already there. That's where they are trying to figure out what can be replaced because the insurance is saying the same thing.

Sarah Litke – She is not suggesting they rip anything out except for 1' of driveway.

Mike Davies – But she wants them to put green space in the center. A concern is drainage.

Sarah Litke – If there is no concrete there, it would go into the ground instead of on the driveway creating ice.

Kyle Yelton – The thing everyone is getting hung up on is the driveway and designing it. Can we approve part of it and table the rest?

Attorney Mark Worthley – You need to address everything. He heard the builder say the driveway is already existing. You approve a portion of their variance, they could just leave the driveway as is and not repair it.

Sarah Litke – We would have to specifically say to not replace the driveway. The existing driveway can remain.

Attorney Mark Worthley – You do not have the authority to tell them to rip out the existing driveway. They are asking for permission to repair the driveway.

Debbie Davies – Their driveway is only five years old.

Jessica Gage – When something is new, current standards at the time apply. That is the comparison. Is there something unique about the property that warrants relief from what the City decided the Ordinances were community wide? It seems like the home addition for 507 Napoleon is the bigger deal than the driveway that may or may not get replaced depending on what happens in construction. She suggested that get addressed first and then the driveway matter.

Debbie Davies – The insurance and mortgage company are telling them what to do.

Hannah Trueblood – This may be better suited for the next case since that is really more of a driveway that is more likely to incur a replacement or a shift. She suggested a motion but asked if they need verbiage regarding the driveway if it is already there and they are not doing anything to it.

Attorney Mark Worthley – They are requesting permission to repair the driveway – correct?

Brian Lewandowski – The driveway was brought up by Miss Jessica that it may be a situation that may arise not so much with this property but the neighboring property. Just to blanket all the potential variances, this one got dropped on both properties.

Jessica Gage – Sometimes in construction – with trucks driving on things -- they get broken up. It seemed sensible to add this variance to both petitions because it wasn't clear what the ultimate goal was. You think the driveway is going to stay. Maybe something happens. Why would you spend the time coming back to the Board? It sounds like some of the Board members find uniqueness in this situation, but it has not been specified. The comparison is the ordinance requirement and finding uniqueness on the property. Even if they could meet the ordinance, there is something unique and identifiable that causes you to think relief should be granted. That is what needs to be clear in the minutes. These are ordinances that apply community wide; both location of proposed home addition in the required rear yard and the general driveway standard for the community.

Sarah Litke – The uniqueness we could point out is that there would not be a way to build a garage and keep a 20' rear yard here. Is that enough of a uniqueness that there can't be a garage at all and maintain a 20' setback?

Hannah Trueblood – And the uniqueness of allowing for inaccessibility.

Jim Bilder – This isn't unlike a situation of about a year ago just down the street. There was a home that had been built. A tree came down and smashed the garage. The Board looked at things and tried to tweak it. In the end they determined the home needed a garage so they granted the variance because they couldn't find a way to tweak it.

Jessica Gage – The Board required the 6' side yard setback for that case. The other variance request was related to proximity to the alley.

MOTION: Hannah Trueblood moved to approve VAR25-017 to allow for the building addition with a 3' rear yard setback. The uniqueness of the property being there is no way to allow for more accessibility and to be able to build a garage with those setbacks. Considering the age of the neighborhood and the surrounding properties with shared garages, the City seeks to eliminate shared garages and shared driveways and there are

not many situations akin to this within the City. If there is damage to the driveway and a new one is installed, Petitioner is requested to adhere to the 1' requirement from the property line. Sarah Litke 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

VAR25-018 (Public Hearing)

A petition filed by Natalie Kijurna. The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO): from 2.303/3.501 to allow for a 3ft side yard setback for detached garage (per plan) and from 2.301 to allow driveway at property line. The address is 253 Plum Street. The zoning classification is NC60 Neighborhood Conservation.

Brian Lewandowski of A-1 Construction presented on behalf of the Petitioner. The Petitioner's garage was damaged from the tree falling. She wants her own independent garage to be 3' off the lot line. The height of the structure meets the ordinance. Her driveway is damaged. It has been there for over 100 years. They are not sure if it will be replaced. He thinks it would be weird to have the 1' between. He does not know what this will do to the drainage. There is no drainage problem in the area.

Public Hearing

Debbie Davies – They totally support anything she needs.

Jessica Gage read email submitted by Lawrence Steele, owner of 504 Napoleon, who had no objection to either project (VAR25-017 and VAR25-018) and believes these projects will enhance the appearance and value not only of the subject properties, but the overall neighborhood as well.

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

Questions/Comments from the Board

Sarah Litke – Why is this not 6' off the property line instead of 3'?

Brian Lewandowski – It is a small lot. It ruins the use. Cars are bigger than they used to be back in early 1900s so garages need to be bigger. This would clean up the neighborhood. It would give her some more use of her side yard so she can enjoy her property a little bit more.

Paul Reed – He is having a hard time finding what the hardship is. We have to find a true hardship not just because someone wants it a certain way. He does not see why it cannot be 6' and abide by the UDO.

Brian Lewandowski – She just wants a garage back. The ordinance would not allow her to rebuild as it was before.

Sarah Litke – But it would let her build 6' from the property line. She is having a harder time with this because there is room to move it over and follow the code.

Hannah Trueblood – If we do that, it would alleviate the need for the driveway at the property line too.

Sarah Litke – The driveway is going to have to be redone because it does not go past where the existing garage is. Obviously they are going to have to add on to the driveway at least if not redone. When they consider these codes they have to think about the whole City. If there is a hardship or uniqueness they can consider approving things, but in this particular case she can't think of a reason why it can't be 3' over from where the Petitioner is proposing it so there is a 6' setback.

Brian Lewandowski – What is unique to this parcel that is not so unique to some of the newer developments is that this lot is only 67.5' wide.

Sarah Litke – This is neighborhood conservation zoning; a new subdivision would be completely different.

Jessica Gage – The current UDO was adopted in 2009. Since that time, the building code has changed and the City made updates to the UDO. She thinks it was the 2018 revisions that related to the distance a building can be from a property line. She understands that the City then updated the UDO with those changes (regarding side and rear yard setbacks of detached structures) around 2020.

Paul Reed – He has the same issue with the driveway width. He lives in an old neighborhood and the quaintness of it is to not have a sea of asphalt and concrete to be looking at. When these houses were originally built they did not have garages. He would like to see a 6' setback and have it line up with the driveway.

Natalie Kijurna – The proposal is if she has a garage then instead of 3' by her house, there will be 3' left on the other side of the driveway. Do you take into consideration what the neighborhood looks like or what was there previously. Looking at her street, there are only five houses. None of them are set up that way. It would seem to be an anomaly almost. They could go back to the way they were – side by side – but they are not allowed to do that because of a natural occurrence that wasn't anybody's fault. She is asking if they can take that into consideration.

Attorney Mark Worthley – Those are non-conforming situations. This Board has to conform their decision making to what the zoning ordinance says right now. If something happens to some of your neighbors in the future, they are going to have the same questions. That is why the Board is looking at this so carefully. They know everybody in the City is going to look at what they decide on your case.

Hannah Trueblood – Was there a survey submitted? No. She understands the point; however, the main issue is the hardship and finding the uniqueness of allowing for the use on this side of the property. It is significantly more difficult for her to find a hardship with a difference of 3'. When we were talking about it for the neighbor's petition, it was a different story because of the circumstances of that property. With this house – facing the direction it does and with the way it is being presented to us – it looks to her like the 3' can be utilized and there is 3' that can shift over without it being a significant hardship. When looking at the older homes in the neighborhood, it is not uncharacteristic. The Board has to look at what is current. That is the rock and hard spot with this type of issue. She is not finding where that 3' cannot be found on that side. That would also alleviate the need for the variance of the driveway too.

Brian Lewandowski – The Board may not have adequate information needed. He asked if this could be tabled until next month and gather some more information.

Jim Bilder – What information are you referring to?

Brian Lewandowski - A survey was mentioned.

Jim Bilder – A plat is always going to be somewhat beneficial. It is going to come down to a basic aspect of uniqueness and need versus want. When it is a unique need we can grant it. When it is just something that isn't an absolute necessity, but it is preferred, that is when it becomes difficult or sometimes impossible for us to grant it.

Sarah Litke – She is ok with tabling this, but if it is just distance, that is not going to create enough uniqueness. If you feel there is something so unique about this that it can't move over 3', then we could consider tabling it.

Brian Lewandowski – If we have more information that will show uniqueness then fine. If we don't and are building to the Ordinance, then we just cancel the hearing.

MOTION: Hannah Trueblood moved to table VAR25-018 to next month. 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

Other Business – None

Staff Items – None

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, September 16, 2025, 5:30 p.m.



Bob Thompson, Executive Secretary



Kyle Yelton, President