

**Valparaiso Board of Zoning Appeals
Regular Meeting Minutes
September 16, 2025**

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Tuesday, September 16, 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 Mark Worthley, Bob Thompson, Jessica Gage, Seyi Aletan, and Petitioners.

MINUTES

Motion: Paul Reed moved to approve the minutes of the August 29, 2025 meeting. Jim Bilder seconded the motion and so approved with a 5-0 voice vote.

Old Business and Matters Tabled

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.

Attorney Bill Ferngren presented. He was joined by John Klumpe, Sam Klumpe, and Tom Krueger.

Attorney Bill Ferngren – They were here in July and presented the project. Nothing has changed from the project's prospective. They have gathered more information and tonight have a better and cohesive package about what they are trying to do. This is a multi-building property. It is zoned Central Place. The uses on the property vary from commercial office space, medical office space, and services. There is one residential apartment on the property. There is also Velero's restaurant. In July 2021, the building where Valeros sits today wasn't there. They received a variance for parking at the time they built the building. At that time they were required to have 48 spaces on site. They only had 26. At that time, the math worked out to 30. As of today they have 26 parking spaces on site for the property. They identified parking in the area and what is available. At the last meeting he presented a calculation for shared parking. That resulted in 29 spaces. That has not changed today. Since the last meeting they went out and counted the parking spaces on the street and in proximity to this parcel. There are 26 spaces on site, 49 on Indiana, 112 in the Franklin House City owned parking lot, 42 on Lincolnway and 31 on Napoleon. This does not take into account any of the parking shared credit. They spent the next few weeks counting the number of cars that are in the parking spaces. You will see it varies greatly. In the morning, a few. As the day wears on, it gets busier. Thursday, Friday, and Saturday evenings are the busiest times. There are always spaces

available. Of all the time they counted, there was only one time when all of the spots on Indiana Avenue were filled. The Ordinance contemplates using this sort of information to determine if you think something is appropriate rather than just doing the straight math.

There was some confusion about the square footage in the building because the property tax cards that they use for assessment purposes are much different than what actually is going on within the building. When you look at the Ordinance, you would count space that is being used, not areas such as utility rooms, hallways, stairways. They measured each unit and provided square footages for each unit within the building. He presented a spreadsheet that broke down each unit and its measurements. The building today -- fully built out and nothing to do with the rooftop -- there is 3,209 square feet of general office, 941 of medical office, 5129 of restaurant and 2,180 square feet of services. The apartment is 960 sq. ft. The total square footage of the buildings is 12,419 sq ft. They are of the opinion that what they have is fine and they do not need any other relief from the Board with respect to the uses today including Valero's. The issue comes with the rooftop and how many additional spaces they need. He presented a shared parking table. Using that table, the number they have to use is 71.16 spaces. The next step is to subtract what they have which is 26, from the required number. Then go to the periphery shared parking credit. They ended up with 29 total spaces they could count in the perimeter of the area against the 71.16. After doing all that math it leaves them with a deficit of 17 spaces. In July of 2021 they already got a variance for 18 spaces. Today -- fully built out and not including the rooftop -- they are within the parameters.

There are two sections to the proposed rooftop. The lower rooftop area is 1,410 sq ft and the upper area is 1,315 sq ft. Mr. Thompson has determined that the use proposed is considered a Place of Public Assembly. There is a little bit of disagreement. The definition is pretty broad. The Ordinance does not say specifically what the use is. This is what Mr. Thompson feels is the closest to what they actually are. As a Place of Public Assembly, if they just use the lower rooftop, they are required to have an additional 45 spaces. If they were to add the upper rooftop, there would be an additional 90 spaces in total. If they were considered a restaurant and they used the lower only they would need 18 additional spaces. If the upper were included they would need 34 additional spaces total. If this were considered a shopping center, they would be 21 spaces short. They already have 18 so they would just be asking for four additional spaces under the shopping center classification. In addition to meeting a required onsite parking requirement, the requirement for Place of Public Assembly in the Central Place zoning classification is that it cannot be on the ground floor.

John Klumpe – The project is envisioned as an enclosed roof that will be retractable and will be two different levels. The vision for this property was largely restaurant. The intent is for Valero's to use it when it is not being reserved as a venue -- along the lines of a baby shower or rehearsal dinner. In those cases, Valero's will probably be catering the event, but that's not certain. They are fortunate that the parking around them that is not highly utilized.

Attorney Bill Ferngren – The times of day will vary. We have shown there is parking available. They are zoned Central Place. If they were 300ft away (in CBD Central Business District), they

would not be having this conversation. The project was reviewed at a Site Review meeting. They did not receive any negative comments. George Douglas, Economic Development Director, thought it was a great project.

Questions/Comments from the Board

Kyle Yelton – He thinks the project is beautiful. He appreciates them nailing down the use.

Paul Reed – What are they determining this to be?

Attorney Bill Ferngren – Shopping Center would be wonderful.

Paul Reed – He was on the Board the last time this was heard. At that time, it was just office on the lower level and residential above. They struggled with the parking. The uses keep changing.

Attorney Bill Ferngren – The uses you see today are what they will remain. Mr. Thompson considers the rooftop use a Place of Public Assembly. He already pointed out the different uses and parking requirements. This is going to be more like the Stacks restaurant across the street.

Paul Reed – Is this an extension of the restaurant?

Attorney Bill Ferngren – It is not exclusively limited to the restaurant, which is why it was determined the proposal would need Special Use approval. If this use were a restaurant versus Place of Public Assembly, it would cut the parking requirements in half. Daycare, museums, and aquariums are among uses listed under the category Place of Public Assembly. They are not any of those. It could be a private dining affair, but it isn't only an extension of the restaurant. Mr. Clumpy owns the whole building. Velero's is a tenant.

Kyle Yelton – This rooftop will probably be vacant more than it is used on a week to week basis?

John Clumpy – He has had conversations with Veleros. The restaurant owner is interested in utilizing it for additional dining and he would like to use it whenever he can. His vision was to allow people to reserve it. People will be allowed to reserve it for baby showers or rehearsal dinners or corporate events. If it is not being used, it will be used as restaurant additional square footage.

Jim Bilder – Is the food limited to the restaurant? Will there be trucks accessing the property from outside caterers?

John Clumpy – There could be. The intent was not to restrict it to a Velero's menu or Velero's restaurant. If you wanted to come in and bring appetizers or something like that, you could.

Jim Bilder – There has to be a business plan that went along with this. He knows they are speculating here, but is it going to be 70% food related events?

John Clumpy – His speculation is Velero's would use it for lunch and dinner as a dining area. He could see it being reserved on a Friday or Saturday night for other type of events periodically, maybe even a Sunday afternoon. He is thinking 80% to 90% of the time it would be restaurant use.

Jim Bilder – In terms of determining its use, do you want this to be considered a public assembly area as opposed to restaurant?

John Clumpy – He would prefer it not be a public assembly place, but his intention was for it to be a place where you could have a rehearsal dinner if you wanted.

Paul Reed – But it is not a standalone restaurant?

John Clumpy – No.

Paul Reed – You can't call it a restaurant because it is not really a restaurant. It is a public space.

Attorney Bill Ferngren – If we had wanted to limit it to a restaurant, we would have said that. It is really a catch call. They don't know what it is.

Paul Reed – He was wondering why Velero's is expanding, but now he sees it is two separate entities.

Kyle Yelton – It is a beautiful concept. He was concerned about building enhancement and affecting Velero's, but now he sees how it works with utilizing each other.

Paul Reed – Are the 90 and 34 total numbers? Are these in addition to what the Board has already given them?

Attorney Bill Ferngren – He went through the math showing what would or would not be required if they are classified as a Place of Public Assembly or another classification.

Paul Reed – He asked Staff if they have had time to review all of the numbers.

Jessica Gage – They have not double-checked all of the square footages provided. A number of the floor plans were not provided. The little building is easy enough. The three levels in the new building as well as any basements used for business were provided. There are a couple of tweaks to make on the chart. For instance, the calculation was provided for 6:00 pm to 12:00 am weekdays, but the 71.16 referred to 6:00 am to 6:00 pm weekend.

Attorney Bill Ferngren – He adjusted that. He handed out the most current version just before the meeting tonight.

Jessica Gage – A dumpster enclosure is still needed for the restaurant. It seems that is most appropriate in the back corner behind the building that is still on the property. That will need to come in compliance. She knows they are working with the Building Department on that. The parking count they show after the back two spaces are converted for the dumpster, seems to be 22 onsite. That is in line with what was presented for the 2021 variances. Since the last meeting, the parking ordinances were reviewed again. The UDO indicates that “shopping center” parking calculations may be used for a mix of commercial uses. That might not have anticipated an event center concept as part of that. One section of the ordinance includes restaurants as part of the potential scenario. It will be interesting to see how the parking calculation math plays out with that. She understands that the building was originally planned to be offices with two residential units. Now there is just one residential unit. Is the second half of the third floor accounted as some type of use in the calculations provided?

Attorney Bill Ferngren – It was included in restaurants.

Jessica Gage – She can see how this is close to Stacks (if the proposed rooftop will primarily be used by Velero’s). Stacks occasionally rents their rooftop for events. In the scenario of a restaurant doing that, the catered party is more so an accessory use to the primary use. The event center aspect of this proposal is potentially a bit different. It would be wonderful to not need to do the shared parking calculation ever again considering how often businesses change in the big building; that building is broken up into so many users. From the math you have provided, even using shopping center at five spaces per thousand and adjusting for 22 spaces on site, if that square footage number is correct, then the deficit which is on top of the 29 public parking allowance, she calculates 25 spaces needed. You are saying the 18 parking space variance from 2021 is not yet applied. If you were to do shopping center parking math, there is a deficit of seven spaces? Would you entertain additional accessible parking spaces near the building?

Attorney Bill Ferngren – Accessible in what way?

Jessica Gage – Handicap accessible spaces. That could benefit everyone if you are looking to add that much space. To the Board – Since the last meeting in July, what was presented as existing space used was about 8,000. With the additional work they are now saying that is about 12,000. Staff has not double-checked the information provided, but the idea of this being used predominantly as a restaurant (tables turning over instead of rooms turning over) makes the parking conversation more palatable than was originally discussed.

Kyle Yelton – To Staff – When we are looking at this, how are you wanting us to make our decision? If this is something that the Board is in favor of, we are going to have to make some concessions on parking spots.

Jim Bilder – Will it bother you from a legal perspective if it is regarded as a restaurant? Language is everything. Earlier you said three quarters of the time food is going to be involved.

Attorney Bill Ferngren – The types of uses that are anticipated are all things you could do. Let's say I want to go to Pesto's with a group of lawyers and talk about continuing education. We could do that. We could do a bridal shower there too. The issue is saying it has to be classified as Place of Public Assembly.

Jim Bilder – Restaurants can serve a tray of food at times. So if there is food there, it is a restaurant.

Kyle Yelton – From the last meeting to now, we are starting to see the vision of what you guys are trying to do. So now it depends on which way the Board goes. If it is something the Board is in favor of and we want it to work, we are trying to make it work in a way the City wants and what they want.

Bob Thompson – For parking, give consideration for the rooftop as a restaurant. But the City still wants the special exception approved for the public assembly.

Attorney Mark Worthley – For the purpose of calculating parking spots, the restaurant designation makes most sense and it does not have to affect the Special Use they are requesting.

MOTION: Jim Bilder moved to approve Petition SE25-001 to encompass banquets, celebrations, conventions, and the like. Hannah Trueblood seconded the Motion and so approved with a 3-2 roll call vote.

Roll Call Vote:

Paul Reed – No

James Bilder – Yes

Hannah Trueblood – Yes

Sarah Litke – No

Kyle Yelton – Yes

Hannah Trueblood – If the use were to change what would happen?

Attorney Mark Worthley – You can condition your approval on the use. The use you have approved is fairly wide. Maybe you can elaborate on what sort of use you would not approve.

Hannah Trueblood – It seems like over the years and these last couple of meetings, the use has changed.

Attorney Mark Worthley – They would not be permitted to put an office up there.

Attorney Bill Ferngren – His understanding is that the calculation would be based on the restaurant square footage for the uppers.

Bob Thompson – To answer Hannah’s question about changing uses, if they see a change of use and they need a building permit, it will go through Site Review or it will go through a review by staff to determine the parking.

Paul Reed – Shouldn’t we define a number? We did last time.

Kyle Yelton – Do we need to include the additional accessibility spot?

Paul Reed – Does this variance supersede our old Variance? We had a defined number last time.

Attorney Bill Ferngren – Our goal is to come back and eliminate recalculation, recalculation, recalculation. But take into account if we come before you with a change that is going to require a building permit, we need to take a look at it at that time.

Jim Bilder – Bob, in this Motion do you want a specified number of parking spaces or should we just say deviate from the number of parking spaces required for the use?

Attorney Mark Worthley – They do not need a specific number because we know how many spaces are there. The question is are you ok with the use based on the number of spaces that are available?

MOTION: Jim Bilder moved to approve VAR25-006 with the stipulation that the dumpster has to be placed into an enclosure that is per code. There has to be one or more additional handicapped accessible parking spots. And to deviate from the required parking spaces to accommodate the use as presented today. The Motion is made based on the understanding that if there is any desire to change the use that the appropriate permits would have to be secured from the City. Kyle Yelton seconded the Motion. The Motion failed with a 2-3 roll call vote.

Roll Call Vote:

Paul Reed – No

James Bilder – Yes

Hannah Trueblood – No

Sarah Litke – No

Kyle Yelton – Yes

Jim Bilder – He does not know the pragmatics of approving the first and not the second.

Bob Thompson – He was wondering about that also.

Jim Bilder – He would like to propose a Motion to reconsider. This is like saying you can buy the front half of a car but not the back half.

Hannah Trueblood – The reason she voted Yes on the first motion and No on the second motion is because she wants to see development continue that makes sense in that area but the

parking is such an issue already. She has a hard time putting a Yes behind something that is going to continuously become an issue. What happens when more people develop and the parking is going to continue to be an issue.

Jim Bilder – As a Board, this has been pointed out that they can evaluate each case on its own merits as opposed to saying this is now an ironclad rule and what we have to do. We can have a 3ft setback that is not a problem at one home but it is a problem at another. He thinks it defeats the purpose of approving the program if they only approve one half of it. They are not limited by future cases. We can decide each petition on its own merits.

Paul Reed – He thinks the use can be done but they have to find parking.

Attorney Bill Ferngren – That is why they spent time running through these things and providing information. One item they felt was pretty important was the Franklin House parking lot. It is not far away at all. It is very underutilized, particularly at the times they are talking about. They had talked to staff about promoting that as a place to park. They may not even know that is a possibility. Parking is always a challenge, but they do not think this is going to make it any worse. They are showing the Board places where things can happen and how this can fit within the framework of downtown Valparaiso and look at particular cases as they come to them. Based on these facts, they are here saying they think this works and is justified based on the information they have presented.

Sarah Litke – One of her concerns is what if there is a big event at Franklin House. It is not just these guys using the street parking and other parking lots. It is existing people already using them.

Attorney Bill Ferngren – The City is always searching for parking. They are working on solving that at their level. We can't hide from the fact that if everyone does something at the same time there will be a problem. We saw that last weekend at the Popcorn Festival. He remembers when they built Target. They have a huge parking lot. When you go there on the busiest of days, there are empty parking spots. If everyone in this area has an event on the same night, it is going to be crowded. This is not something that will happen all of the time.

Jim Bilder – That is what changed my mind. If I had been forced to vote on your original presentation, there is no question I would have voted No. I did not feel the parking was there. When I saw the work you had done and the use of the building, logistically I think this will work out.

Kyle Yelton – That is why I asked what is going on in a seven-day span. With the explanation he can get on board.

Attorney Mark Worthley – According to Robert's Rules of Order, a motion to reconsider must be made by the person who voted in the negative.

Jessica Gage – She doesn't vote, but was on the fence with this one. She was interested in finding the facts so the Board could decide. She questioned if the Board wanted additional information -- a cleaned-up chart, etc.

Hannah Trueblood – It comes down to parking.

Attorney Mark Worthley – He asked that they vote on the motion and then debate the issues.

MOTION: Hannah Trueblood moved to reconsider VAR25-006. Jim Bilder seconded the Motion. The Motion carried with a 3-2 roll call vote.

Roll Call Vote:

Paul Reed – No	James Bilder – Yes
Hannah Trueblood – Yes	Sarah Litke – No
Kyle Yelton – Yes	

Hannah Trueblood – She is on the fence with this case. If it was last time it would have been a hard No all the way.

Paul Reed – He would like to see the information cleaned up and staff have time to review it.

Hannah Trueblood – She wants to find the way to the Yes here. It makes sense to a degree.

Attorney Mark Worthley – Hannah it appears you are the deciding vote. If you want, you can ask for a continuance. You can ask to bring the motion back today. But don't feel pressured.

Hannah Trueblood – If some of this were cleaned up and some of the discrepancies were adjusted appropriately, then we can feel a little more clear and competent about how that will look.

Attorney Bill Ferngren – We are ok with that. We will assist you with that and further clarify the math because it is a lot.

MOTION: Hannah Trueblood moved to continue VAR25-006. Jim Bilder seconded the Motion. The Motion carried 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	

Attorney Bill Ferngren – He asked that if any Board members had questions they get them to Jessica and he will work with her to get all answers.

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.

The Petitioner was not present.

Attorney Mark Worthley – Staff reached out to him in August and let him know that a Notice had been deficient. He instructed them there is no possible way to deviate from the notice requirements and to inform the Petitioner of such. That was done and the Notice was not completed per the Zoning Ordinance and the rules of this Board. It is counsel's recommendation that they motion to withdraw this Petition.

MOTION: Paul Reed moved to withdraw VAR25-013. Sarah Litke seconded the Motion. The Motion carried 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 closed 08/19/25)

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.

Natalie Kijurna – She has sent a document to the Planning Department outlining her arguments. There are three approval standards. One is it will not be injurious to the public health, safety, morals and general welfare of the community. She hopes they can agree that 3' from 6' does not fall under that. The next is the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. That would not happen. Her neighbor has said she has no problem with this variance. The third is practical difficulty. Hardship comes under the Use Variance and not the Developmental Standard Variance. Hardship is a much higher burden than a practical difficulty. A practical difficulty can be the lot itself and if it is unique in some way. One of the ways it can be unique is in size. Her lot is 67ft X 70ft' it is 4,690 sq ft. In NC60, which is where her lot is located, the minimum lot area is 7,000. The side yard single is 6ft with a total of 12ft. One of her arguments is that her yard is over 2,000 sq ft smaller than the setbacks for the NC zoning. In UR zoning, it is 5,000 sq ft which her lot is still less. UR zoning requires a side yard of 5' with 10' total. The other reason why a practical difficulty is unlike a hardship is that with a hardship, there's no way you could get any enjoyment out of this; you can't use the yard at all. With a practical difficulty, it doesn't mean

you can't use the yard; she will get some enjoyment out of her yard. Granting the variance would give substantial justice to the homeowner. When talking about 3ft, in practicality the garage is proposed 6ft closer to her home than the former garage. Her garage was on the lot line. It was 6ft over. Her side of the current garage is 9ft X 20ft. She would like to make the garage a little bit bigger (than her portion of the former garage). She presented a picture that showed existing, proposed and what the Ordinance allows. With the requirements in the Ordinance, she could have a 600 sq ft garage which is huge and way out of proportion for what they want to see in this neighborhood. Asking for the variance is not because she wants it. She would rather put it back on the lot line; however, it is a compromise she would be willing to make that would give her substantial justice. Plus, still keep the character of the neighborhood and does not go against any of the other bullet points they have already talked about.

She said the Board talked about if they do it for her they have to do it for others. That is not necessarily true. Her lot is unique. It is in the NC 60 District. Not everybody in Valpo is in this District. Not everybody in Valpo has a shared garage that got hit by a tree so it needs to be rebuilt. That narrows it down a little bit more. If you look at her property size, most people will not have the size of property she does. If she were to get this variance, they could look at her situation as unique and feel good about the fact that it will not be something they will have a bunch of people coming and saying she got it so should they.

In the chart she sent to the Board members, it talks about a single yard, single setback. It then has a number, a slash and says Total Feet and then it has a #2. The first number is the minimum side yard. The second number is the sum of the two side yards. Her house sits 9ft from the property line of her other (west) neighbor. So a 3ft variance plus this 9ft still is within the 12ft total. The Ordinance says the side yards in the NC District may be modified pursuant to the standards in Division 3.400. These are here but they are not set in stone. The Board can feel good about granting the variance.

Questions/Comments from the Board

Sarah Litke – Is there a survey that shows the 9ft. The drawing she has says 3ft.

Natalie Kijurna – It might be cut off. She does not have a survey. If she needs to she will get one. She measured all of this today.

Sarah Litke – She knows there are a lot of lots in this neighborhood that are 66ft X 66ft. She asked staff if they know how many.

Jessica Gage – She does not have a number or percentage.

Sarah Litke – They call them half lots because they were cut in half.

Jessica Gage – That is information she can track down if needed. Looking at the aerial, it looks like the home could be pretty close to the west lot line. She indicated that there is an unimproved alley west of the Petitioner's property.

Natalie Kijurna – She measured from the pin in her yard. There is a fence between her and the neighbor that has been there since she moved in. She does not know if she will be able to pull up the cement driveway so she will lose quite a bit of greenspace.

Jessica Gage – It is her understanding that anything within 5ft of her property line would require adjustments to how that portion within 5ft is constructed. She will have to be within the Building Code regulations. There is some flexibility in NC 60, but it doesn't apply to new construction of detached structures. There are parameters that would need to be met if it were an addition to the primary structure. There are a number of things that get looked at before such flexibility is determined.

Natalie Kijurna – As she was looking through the Ordinance, there does not seem to be a lot of specificity when it comes to other structures. It may be that it applies to primary structures but it does not say it applies to primary structures.

Paul Reed – He agrees with Sarah that this is not a unique lot. There are half lots all over the place. This is only going to be a garage? You are not going to build above it?

Natalie Kijurna – No. Just a garage.

Paul Reed – You can move it over three more feet?

Natalie Kijurna – She can.

Paul Reed – That is where the argument of practical difficulty falls apart. There is nothing stopping you from doing it.

Natalie Kijurna – But that is not the definition of practical difficulty. She is admitting she will still get some enjoyment from her yard. Hardship means she cannot get any enjoyment from the yard. There are two different standards. Practical difficulty means that the reasonable use due to unique physical conditions and it is different than undue hardship. You can still realize some beneficial use, but not in the most practical or efficient way. Half of her side yard would go over to the other side of the garage -- not a very effective use of the side yard or the greenspace. Because the driveway is still there, it could be that there will be no greenspace. She is not saying she is the only person with a small property. She is saying she is one of a few properties. Last time she was here the comment was made "all of Valpo" could get this variance. That is not true.

Jim Bilder – He is looking at what is the Indiana zoning definition of "hardship" which is often specified as unnecessary hardship. It says "refers to a unique condition of the property that due

to the strict application of zoning ordinances prevents the owner from making any reasonable use of their land. The hardship must be peculiar to the specific property, not self-created by the owner, and cannot be a mere economic loss or personal inconvenience. The property must be unable to yield a reasonable return under the existing regulations. Granting the variance must not negatively alter the character of the surrounding area.” Are we saying this is a practical difficulty or a hardship?

Natalie Kijurna – Your Ordinance says what needs to be proven is a practical difficulty.

Attorney Mark Worthley – Under Indiana Code for a variance from a development standard the Petitioner must establish that a strict application of the term of the zoning ordinance will result in practical difficulties in the use of the property for a development standards variance.

Jim Bilder – The reason for not simply moving over 3ft from the current proposal is...

Natalie Kijurna – Her lot is a small lot. In the Code it talks about a 7,000 sq ft lot with a 6ft setback/12ft total. Her lot is more than 2,000 sq ft smaller than a 7,000 lot. Size is considered a unique practical difficulty. The other reason is greenspace.

Attorney Mark Worthley – At the last meeting, they were intending to put one driveway in. That is something that has not been mentioned today.

Sarah Litke – The drawing shows it as 480 sq ft of drive on each property. That is a lot of pavement.

Natalie Kijurna – She does not think the neighbor is moving any of theirs. The drive is probably going to stay the way it is. She is not sure if she can move the 6ft of drive.

Sarah Litke – Reviewing zoning districts, the lowest it goes down to is to 5ft even in a 4,000 sq ft lot. She is comparing that to other areas in the City. The smallest side yard is 5ft even with a lot smaller than hers.

Natalie Kijurna – The Ordinance gives them room to be flexible.

Sarah Litke – She thinks the number tends to be 5ft because of building code and fire suppression.

Jessica Gage – She reviewed the ordinance regarding flexibility offered to some situations in the Neighborhood Conservation district for the precise wording. She referred to the language of the section mentioning building materials and style making it appear to be an integrated part of the building, as if the building were originally constructed with the improvement. This is why staff has always interpreted this section to be for additions to homes. A hundred years ago fire codes were different, allowing for less separation between buildings.

Jim Bilder – We are talking about lot sizes and home sizes that were constructed under different building and zoning laws. He does not think this is going to dramatically alter the character of the neighborhood. He does not think it is going to set a bad precedent. There is no neighborhood objection to this. His only concern is setbacks from structures on adjoining property for fire safety.

MOTION: Jim Bilder moved to approve VAR25-018 with the condition that building code is met. Hannah Trueblood seconded the Motion. The Motion carried with a 4-1 roll call vote.

Roll Call Vote:

Paul Reed – No

James Bilder – Yes

Hannah Trueblood – Yes

Sarah Litke – Yes

Kyle Yelton – Yes

New Business

VAR25-020 (Public Hearing)

A petition filed by Mark and Janet Fisher c/o Charlson Custom Homes, Inc. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO): Section 2.303 to allow an accessory structure to exceed the maximum height (allowance: 17ft; requesting 18ft and 9 1/8 in). The address is 3355 Fall Meadows Circle. The zoning classification is ER Estate Residential.

Lindsay Knauff of Charlson Custom Homes presented. She is working with the Fishers to design a pool house and exterior space for their existing home in Pepper Creek. The proposed height has gone beyond the allowable amount of 17ft. The primary goal is to be cohesive with the existing house. She provided pictures of the existing house and proposed structure. The existing structure has a 12:12 pitch to the house. They are duplicating that in the pool house. They are also duplicating the 10ft ceiling. Pepper Creek is very large homes and very elaborate architectural integrity. That is required by the POA. Pool houses are quite common out there. They are all designed to be cohesive with the existing houses and are required by the POA and restrictive covenants to be cohesive.

Public Hearing

Jessica Gage – An email was received from Stephen and Agnieszka Sularski (3365 Fall Meadows) who live next door to the Fishers. They have no issue with this request. The correspondence is on file in the Planning Department.

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

Questions/Comments from the Board

Jim Bilder – Having the integrity of matching the rest of the structures is more advantageous than just flattening that off to meet code. He has no objection.

Lindsay Knauff – Based on the topography of the lot, it is going to sit far back on the lot and is below grade level of the house.

Sarah Litke – How does it compare with grade?

Lindsay Knauff – What you see there is a six piece sliding door unit that opens wide on the right side. Grade at that level is equal to the grade of the walk out lower level of the house.

Paul Reed – He has no problem with this. It is very attractive. Nobody will be able to tell the height difference.

MOTION: Jim Bilder moved to approve VAR25-020. Paul Reed seconded the Motion. The Motion carried 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

VAR25-019 (Public Hearing)

A petition filed by Powers Health c/o Landmark Sign Group. The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO): Section 11.706 and the Valparaiso Health Center Campus Master Plan to allow a sign (as shown in information provided) that is not monument style and exceeds height and square footage allowances. Section 5.303 is also referenced regarding location. The address is 3800 St. Mary Drive. The zoning classification is CA Campus.

Jason Moorehead of Landmark Sign Group presented. The current sign is 12ft tall and it has an electronic message center. They want to upgrade the sign, make it a little taller so it is easier to see for people trying to find the Emergency Room. With the topography of the hills, the current sign sits in a valley. They want to put the sign in the same location but raise it to 25ft from grade. That brings it in line with the Lakes of Valparaiso sign down the road and the Welcome to Valparaiso sign. Within a four-mile stretch, there are a number of signs that are within that height.

Jessica Gage – Clarification for the record - The existing sign is 15ft tall.

Public Hearing

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

Questions/Comments from the Board

Paul Reed – The existing signs do get lost. They are so far off the road.

Jason Moorehead – They own most of the property in that area.

Paul Reed – So that whole 50 acres will be developed by them?

Jason Moorehead – He does not know, but he does not see them selling it off as residential.

Jessica Gage – Powers Health has several projects happening. Most recently, their parking lot was expanded. Next you will see an oncology unit. Site Review has seen that project and a considerable building addition on the south side of the building with plan for that addition to have additional stories. Long-term, other projects are planned for the medical campus.

Kyle Yelton – Will they be able to put other signs underneath the main portion of the sign?

Jason Moorehead – The tenant panel will be able to be taken out and sectioned out if need be. They opened an Emergency Room at this location in January. It will be internally illuminated.

Kyle Yelton – What about nighttime illumination.

Jason Moorehead – It will be normal illumination.

Bob Thompson – With LED lights, they are normally bright during the day to cut through the sun and dial it back during the evenings. We just want to make sure this is not a nuisance to the traveling public and the residences in the area.

Jason Moorehead – The white portion will not illuminate at all. The logo and Powers Health will illuminate. During the day, the Powers Health will be black and at night it will be white. The Emergency portion will illuminate red and white at night. If it is white only at night, it blends in with the rest of the sign and will not be seen.

Bob Thompson – Is there an example of a sign like that in this area?

Jason Moore – Yes. He will send Bob the locations.

Kyle Yelton – If the Board is in favor, do you want to see anything like examples or is staff satisfied with what we discussed tonight?

MOTION: Paul Reed moved to approve VAR25-019 with the condition that materials and lumen levels are satisfied with Staff. Jim Bilder seconded the Motion. The Motion carried 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: Paul Reed moved to adjourn. Sarah Litke seconded the Motion. The Motion carried with a 5-0 voice vote.

Other Business – None

Staff Items – None

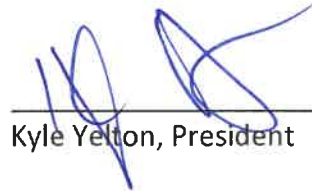
Adjournment

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, October 21, 2025, 5:30 p.m.



Bob Thompson, Executive Secretary



Kyle Yelton, President