



166 Lincolnway
Valparaiso, IN 46383
(219) 462-1161
Valpo.us

Valparaiso Board of Zoning Appeals Meeting Agenda

Tuesday, April 16, 2024, 5:30 p.m.
City Hall, 166 Lincolnway, Valparaiso, IN 46383
Council Chambers

1. Pledge of Allegiance
2. Roll Call
3. Adoption of Meeting Minutes – Feb 20, 2024
4. Election of Officers
5. Old Business
6. New Business with Public Hearing

VAR24-004

A petition filed by Market 102, a leasee of the building. The property is located at 102 Indiana. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO):

- Section 5.303(E)(2b) to allow a wall sign on the building in a location that is not the sign band (architecture does not provide a sign band location).

VAR24-005

A petition filed by Ted Vinyard, property owner. The property is located at 2505 Ashbourne Ct. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO):

- Table 3.501 to allow an increase in allowable lot coverage (from 40% to 43%) for the purposes of replacing the existing front porch with one that spans the length of the front of the home.

VAR24-006

A petition filed by M-Details c/o Leeth Law LLC. The property is located at 1054-1056 S State Road 2. The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO):

- Table 3.505 to reduce the side yard setback requirement (from 8ft to 0ft) in anticipation of subdividing the parcel into two, between the two existing buildings. The 0ft side yard setback request is specific to each of the two properties along only the shared interior side property line.

7. Other Business
8. Staff Items
9. Adjournment

Kyle Yelton, President – Board of Zoning Appeals
Beth Shrader, Planning Director

Next Meeting: Tuesday, May 21, 2024, 5:30 p.m.

Interested persons may attend in person, view the meeting live on the city's website (www.valpo.us), participate via web conference (bit.ly/ValpoBZA2024), or submit written comments (with name, address and telephone number) to the Planning Director prior to the hearing date (planningdepartment@valpo.us or City Hall address provided above).

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

This application is being submitted for (Check all that apply):

- X ☒ Use Variance
X ☒ Development Standards Variance
☐ Special Exception/Special Use
☐ Relief to Administrative Decision
☐ Conditional Use
☐ Wireless Communications Facility

For Office Use Only:

Petition #: VAR 24-004

Application Type: BZA

Application Filing Fee: \$150.00

Date Filed: 04/03/2024

Meeting: / /

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address:

102 Indiana Ave

Subject property fronts on the North

side between (streets) Indiana

& Franklin

Zoning District: Central Business District (downtown)

PETITIONER INFORMATION

Applicant Name:

MARKET 102

Phone:

708-426-3988

Email:

Market102valpo@gmail.com

Address:

8834 Mathews Street

Crown Point, Indiana 46307

PROPERTY OWNER INFORMATION

Applicant Name:

Porter Co Board of Commissioners

Phone:

219-465-3354

Email:

barb.regnitz@porterco.org

Address:

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:

Article: 5 Section: 303 Paragraph: E Item: 2b

Article: Section: Paragraph: Item:

Article: Section: Paragraph: Item:

Article: Section: Paragraph: Item:

Article: Section: Paragraph: Item:

Article: Section: Paragraph: Item:

Article: Section: Paragraph: Item:

Article: Section: Paragraph: Item:

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO. _____)

Sw 24-35-6 Os Blk 29 Lot 4

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____)

We have a lease for the property at 102 Indiana Ave. We are proposing to have a sign made and have it located on the front of the building.

This historical building does not have a sign band which is needed for wall signage on downtown buildings. Previous banners for the old jail and former sheriff's house were civic banners that are not allowed for commercial signage. Other types of signage do not work with the existing conditions

There is no sidewalk to walk under projecting sign, we cannot block walkways with a sandwich board sign and there are historically narrow windows that would make signs not legible.

The proposed sign meets the intent of the ordinance, much of it will have raised letters and numbers as required by ordinance. The small font at the bottom is recessed versus just printed on the background, as the smaller print is not able to be done with the material used and acrylic is not allowed. There is no sign band between the top of the first historic commercial building, therefore we need the variance for the location of the sign. This business use is a retrofit use of a building that was not originally planned as a store front.

We would like to put up a sign that respects the architecture of this beautiful historic building.

Variance from Development Standards
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner submits that:

- A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because:

This Sign is is no way , shape or form a harm to the community.

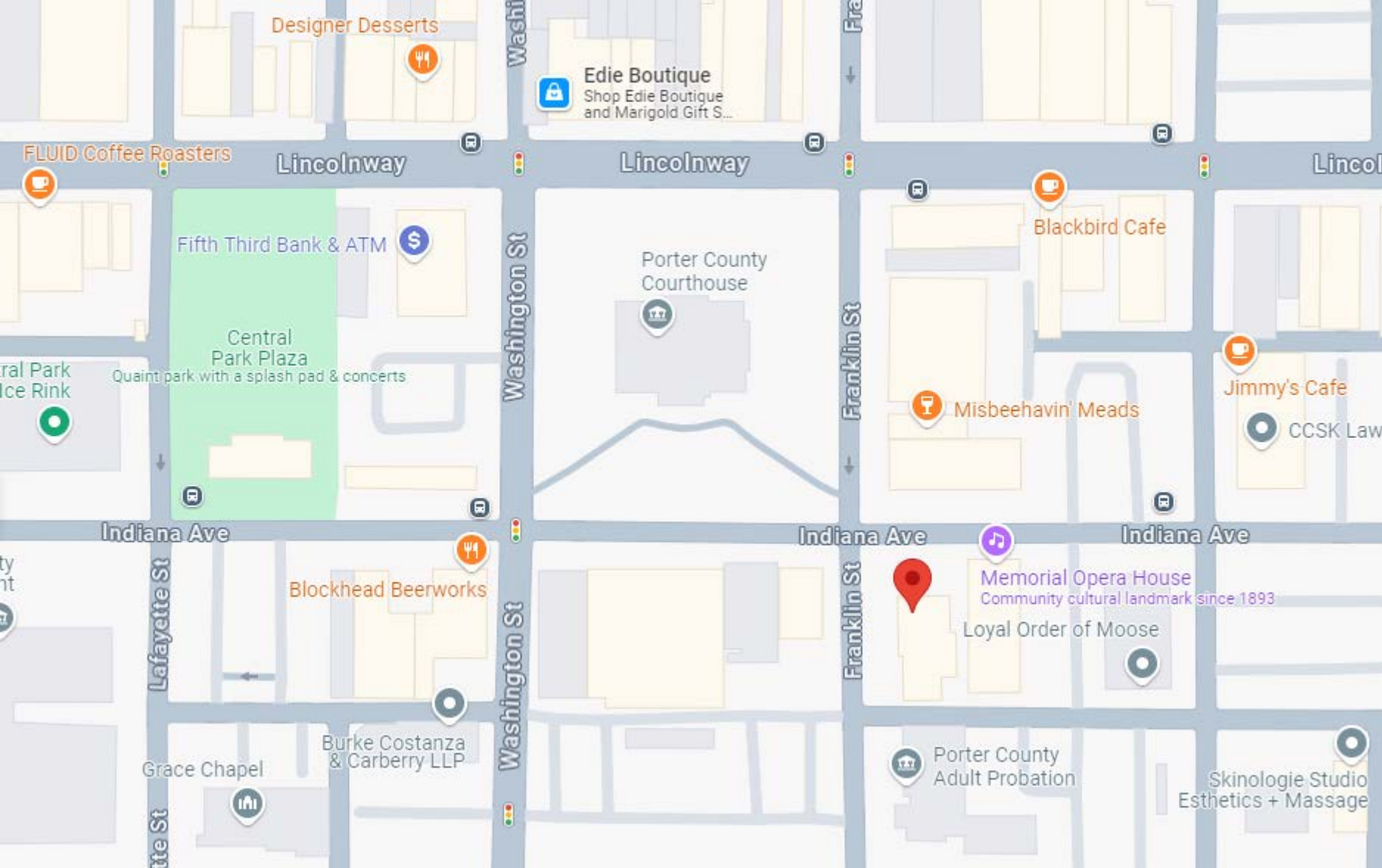
- B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because:

The sign is in no way shape or form a harm to the neighborhood.

- C. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property included in the proposed variance because:

If we are not allowed to have a sign located on the building, this will directly hurt our business. There is no other way to display that the business is there. There is no sign band on the building. Projected signs are required to be over a sidewalk, which we dont have. The windows are old and narrow and the allowed 25% usage would make the sign not legible. We are allowed a sandwich board, but there is now where to put it that would be out of the walkway.

The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each and every one of the elements listed above.



Designer Desserts

FLUID Coffee Roasters

Lincolnway

Lincolnway

Lincolnway

Fifth Third Bank & ATM

Central Park Plaza

Quaint park with a splash pad & concerts

Porter County Courthouse

Blackbird Cafe

Misbeehavin' Meads

Jimmy's Cafe

CCSK Law

Indiana Ave

Indiana Ave

Indiana Ave

Blockhead Beerworks

Memorial Opera House

Community cultural landmark since 1893

Loyal Order of Moose

Burke Costanza & Carberry LLP

Porter County Adult Probation

Skinologie Studio
Esthetics + Massage

Grace Chapel





we are
**porter
county**

30"

Logo and border is
30" tall and
white polyurethane
mount. Border
border is 1.5"
thick

Backer is polyurethane

Market
102
M
Artisan + Vintage
+ Boutique

5.75"

40"

15.25"

1"

~122"

30"

logo and border is
3D /raised
white polyurethane
matte finish
border is 1.5"
thick

Backer is polyurethane

"Artisan" verbiage is
recessed/engraved
(recessed in a .25")

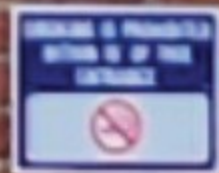


3.75"

15.25"

1"

40"



PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

This application is being submitted for (Check all that apply):

- ☐ Use Variance
☒ Development Standards Variance
☐ Special Exception/Special Use
☐ Relief to Administrative Decision
☐ Conditional Use
☐ Wireless Communications Facility

For Office Use Only:

Petition #: VAR24-005

Application Type: Dev. Standard

Application Filing Fee: \$50

Date Filed: 3 / 26 / 24

Meeting: 4 / 16 / 24

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address:

2505 Ashbourne Ct

Subject property fronts on the

Ashbourne Ct

side between (streets)

&

Zoning District:

SA Suburban Residential

PETITIONER INFORMATION

Applicant Name:

Ted Vinyard

Phone:

219 241-3232

Email:

tmbvin@comcast.net

Address:

2505 Ashbourne Ct
Valparaiso, IN 46385**PROPERTY OWNER INFORMATION**

Applicant Name:

Ted Vinyard

Phone:

219 241-3232

Email:

tmbvin@comcast.net

Address:

2505 Ashbourne Ct
Valparaiso, IN 46385**SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:**

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO. _____)

Manchester Meadows 1st Add. Lot 79 DR461 P107

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____)

Remove and rebuild front porch

We are proposing to remove our existing covered front porch, which is 5'x10'.

We would rebuild the covered front porch increasing the size to 8'x40', which would start at the garage and extend west to the edge of the house. It will be a concrete floor with brick in front that matches the house. The roof of the porch will be gabled in the middle over the front door.

**Variance from Development Standards
Petitioner's Proposed Findings of Fact**
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner submits that:

- A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because:

THE PROPOSED VARIANCE WE ARE REQUESTING WOULD INCREASE OUR CURRENT LOT COVERAGE OF 41.57% TO 42.76%...+ 1.19%. THEREFORE, WE DO NOT FORESEE ANY ADVERSE EFFECTS FROM THE ADDITIONAL 270 SQUARE FEET OF FRONT PORCH & THE ADDITIONAL 1.19% OF LOT COVERAGE. THE ADDITIONAL LOT COVERAGE IS ALONG THE FRONT OF OUR HOME & WILL NOT BE INJURIOUS TO PUBLIC HEALTH, SAFETY, MORALS & GENERAL WELFARE OF THE COMMUNITY.

- B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because:

THE ADDITIONAL 270 SQUARE FEET OF FRONT PORCH (1.19% ADDITIONAL LOT COVERAGE) WILL NOT AFFECT ADJACENT PROPERTY BECAUSE WE ARE NOT EXTENDING THE PORCH BEYOND THE WEST SIDE (tree lined/grass) OF OUR HOME. THE EAST SIDE OF THE PORCH WILL BLEND INTO OUR EXISTING GARAGE & THE ADDITIONAL PORCH WON'T BE SEEN FROM THE EAST SIDE DUE TO OUR EXISTING GARAGE.
OUR HOME IS ELEVATED ON A HILL & WATER NATURALLY FLOWS INTO OUR FRONT YARD. IN OUR 21 YEARS OF LIVING IN OUR HOME WE'VE NEVER EXPERIENCED ANY STANDING WATER IN OUR YARD OR ADJACENT PROPERTIES.

- C. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property included in the proposed variance because:

THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES BY NOT ALLOWING US TO FULLY USE THE FRONT OF OUR HOME WITH A FRONT PORCH THAT CAN ACCOMMODATE OUR FAMILY. WE ARE A FAMILY OF 8 & GROWING WITH OUR KIDS GETTING MARRIED & THE ARRIVAL OF GRANDKIDS. WE ARE LIMITED TO ONLY 2 CHAIRS FOR SEATING DO TO THE CURRENT SIZE OF OUR FRONT PORCH. WE LOVE SPENDING TIME TOGETHER OUTSIDE BUT CAN'T SIT TOGETHER AS A FAMILY ON OUR CURRENT 5'X10' FRONT PORCH.
WE SINCERELY APPRECIATE YOUR CONSIDERATION. THANK YOU!!

The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each and every one of the elements listed above.

Building and Lot Coverage Calculations

Lot Size = 22,651sf

ZONING: SR, Suburban Residential

Maximum Building Coverage 0.30

Maximum Lot Coverage 0.40

BUILDING COVERAGE

MAXIMUM ALLOWANCE

Building Coverage EXISTING

Existing home and attached 4-car garage minus porch		3785.00
Existing porch		669.00
TOTAL	0	
Lot size	22651	
Existing total building coverage %	0	19.66

Building Coverage PROPOSED

Existing home and attached 4-car garage minus porch		3785.00
Proposed porch		939.00
TOTAL		
Lot size	22651	
Existing total building coverage %	0	20.85

LOT COVERAGE

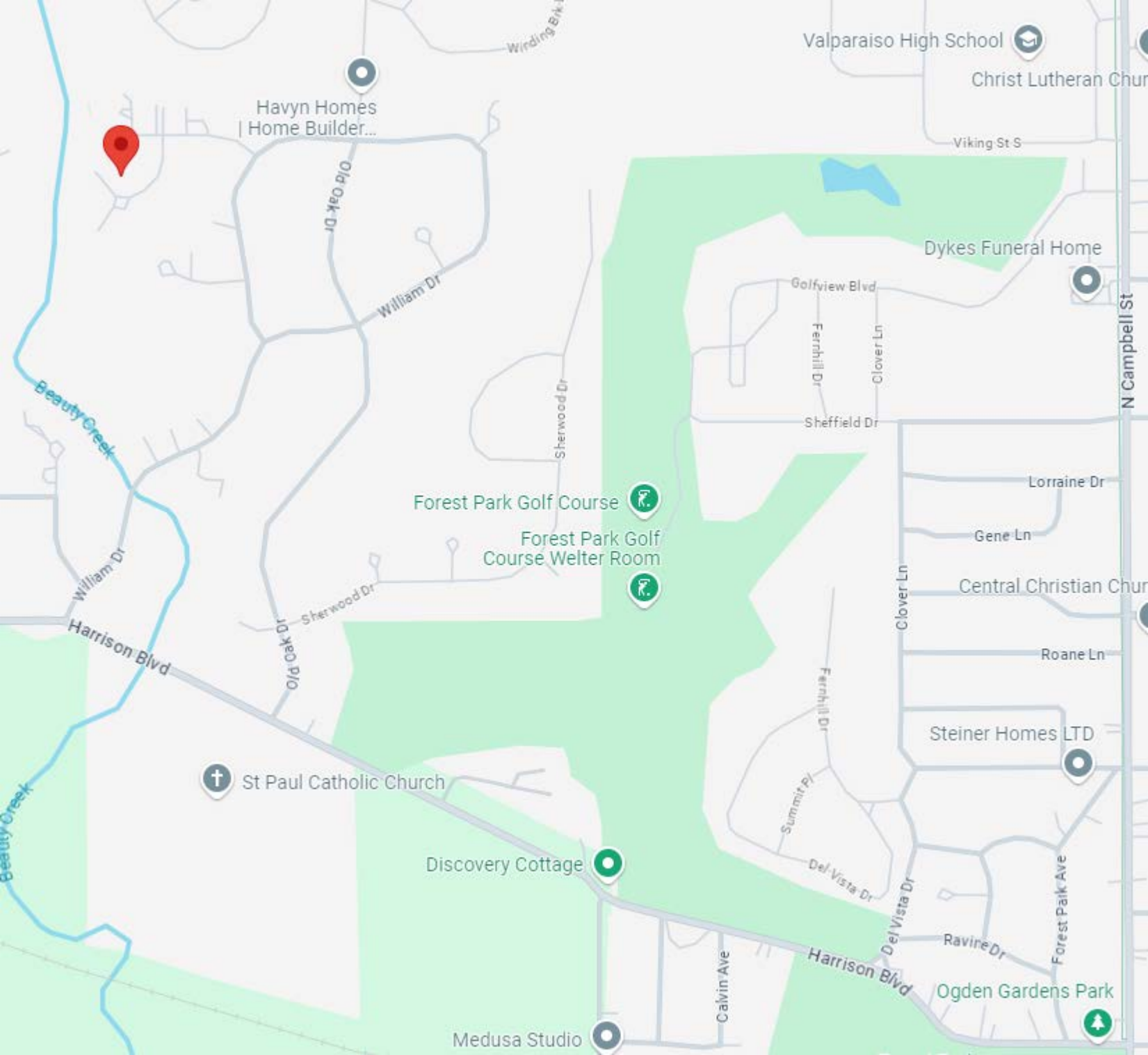
MAXIMUM ALLOWANCE

Lot Coverage (Building + other impervious surface) EXISTING

Existing home and attached 4-car garage minus porch		3785.00
Existing porch		669.00
Existing walkways (not incl city sidewalk)		396.00
Existing driveway		1866.00
Existing pool and all patio space		2701.00
TOTAL	0	
Lot size	22651	
Proposed total building coverage %	0	41.57

Lot Coverage (Building + other impervious surface) PROPOSED

Existing home and attached 4-car garage minus porch		3785.00
Proposed porch		939.00
Walkways to remain (not incl city sidewalk)		396.00
Existing driveway		1866.00
Existing pool and all patio space		2701.00
TOTAL	0	
Lot size	22651	
Proposed total lot coverage %	0	42.76



Valparaiso High School

Christ Lutheran Church

Viking St S

Havyn Homes
Home Builder...

Old Oak Dr

William Dr

Sherwood Dr

Golfview Blvd

Fernhill Dr

Clover Ln

Sheffield Dr

Dykes Funeral Home

Lorraine Dr

Gene Ln

Central Christian Church

Roane Ln

Steiner Homes LTD

St Paul Catholic Church

Forest Park Golf Course

Forest Park Golf
Course Welter Room

Old Oak Pkwy

Sherwood Dr

Harrison Blvd

Discovery Cottage

Summit Pl

Del Vista Dr

Calvin Ave

Harrison Blvd

Del Vista Dr

Ravine Dr

Forest Park Ave

Ogden Gardens Park

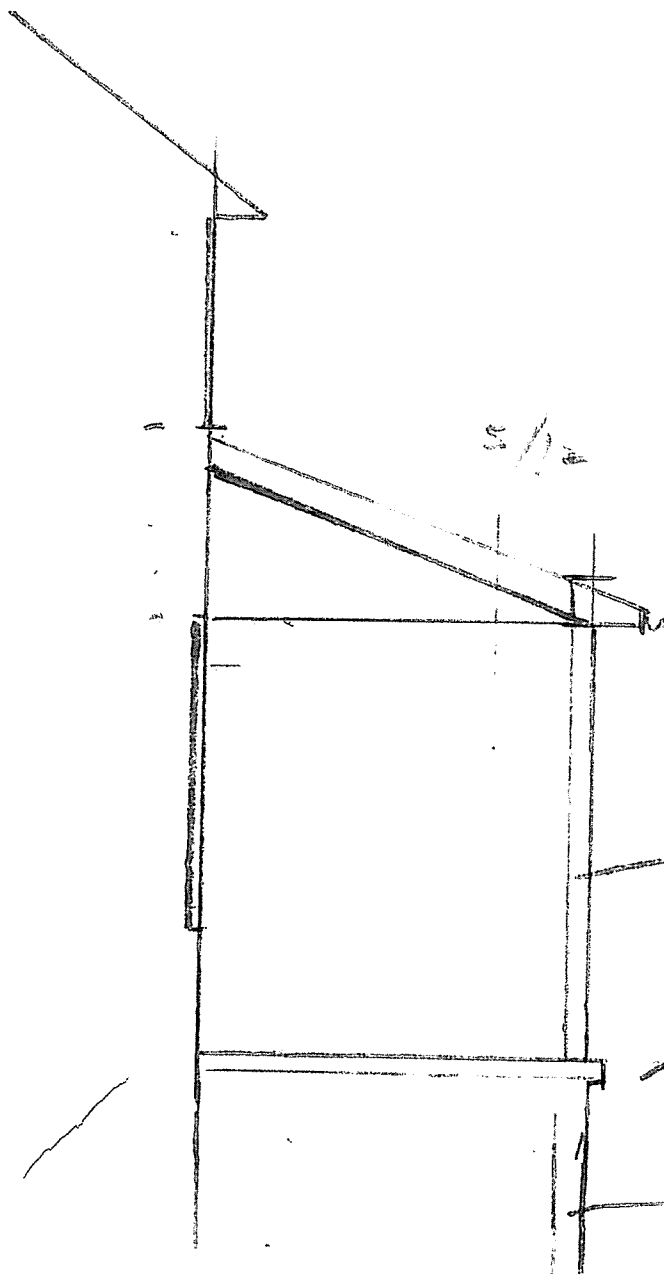
Medusa Studio



Google

Image capture: Sep 2013 © 2024 Google





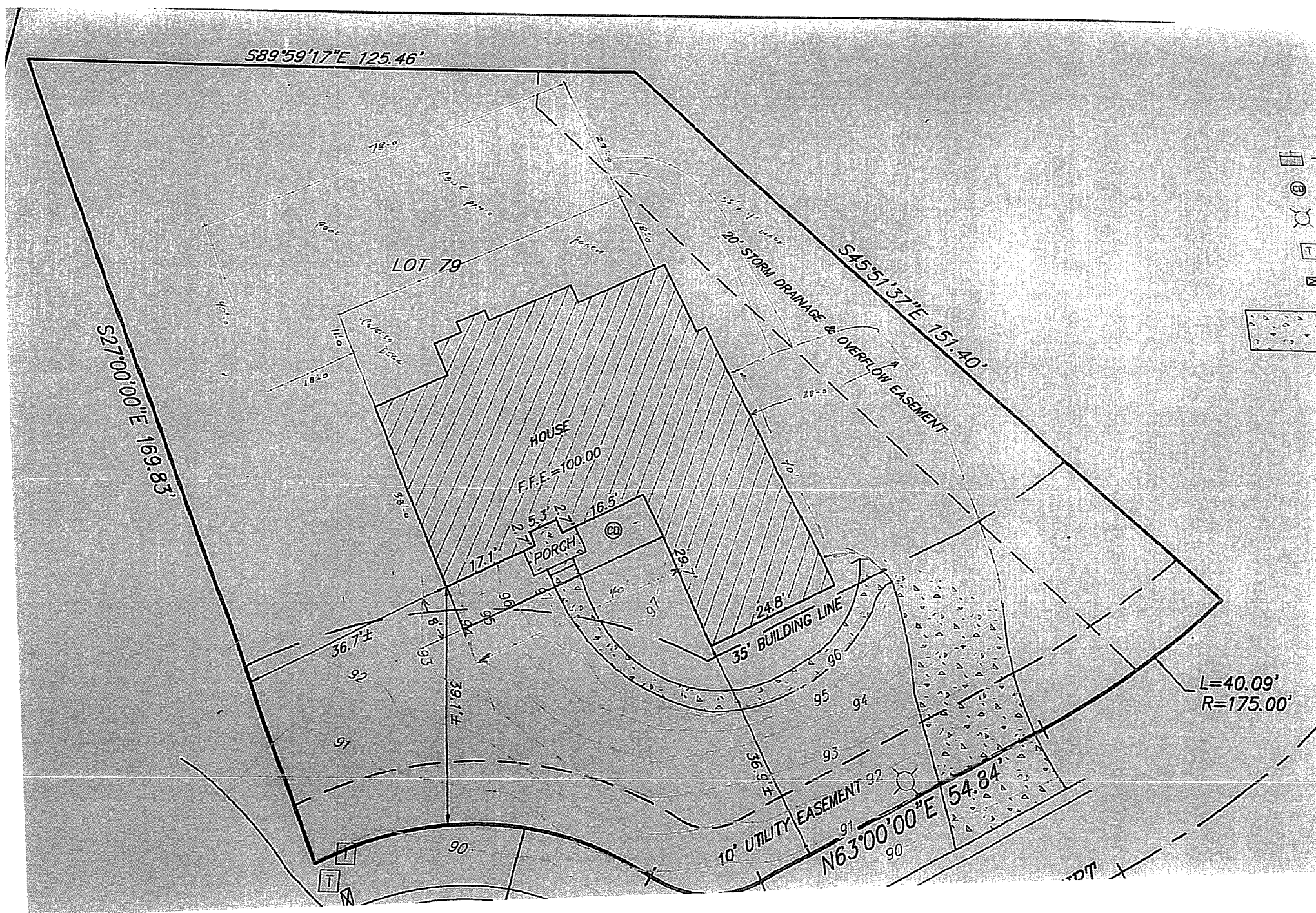
2/12

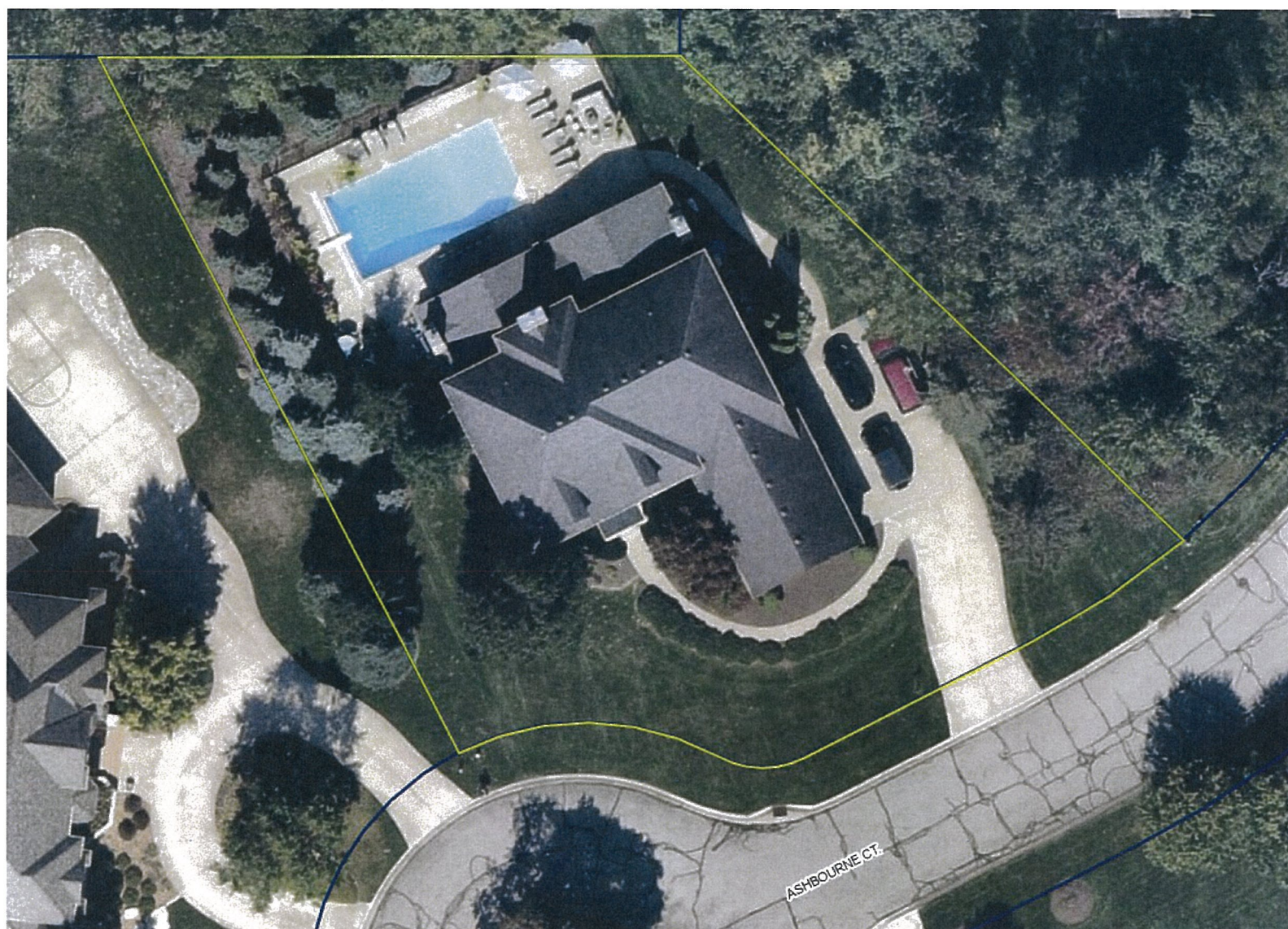
6 x 6 Post No. 2

4/10

Concrete Slab

Concrete Foundation





PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

This application is being submitted for (Check all that apply)

- ☐ Use Variance
☒ Development Standards Variance
☐ Special Exception/Special Use
☐ Relief to Administrative Decision
☐ Conditional Use
☐ Wireless Communication Facility

For Office Use Only:

Petition #: VAR24-006
Application Type: dev. stand.
Application Filing Fee: \$150
Date Filed: 03/15/2024
Meeting: 04/16/2024

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address

Subject property fronts on the West side of St. Rd. 2
side between (streets) U.S. 301054-1056 S. St. Rd 2
Valparaiso, Indiana 46383& Horse Prairie Ave. and Smoke RoadZoning District: CG- Commercial General**PETITIONER INFORMATION**

Applicant Name:

Address:

M-Details LLC

Phone:

(219) 250-6501

Email:

todd@leeth.lawc/o Todd A. Leeth
Leeth Law LLC
2700 Valparaiso St., #2412
Valparaiso, Indiana 46384**PROPERTY OWNER INFORMATION**

Applicant Name:

Address:

Same as ApplicantSame as Applicant

Phone:

Email:

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:SEE ATTACHED

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO: _____) SEE ATTACHED

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____)

Renovation and redevelopment of existing parcel with 2 structurally independent buildings which will be subdivided into a two lot subdivision.

DEVELOPMENT STANDARD VARIANCE REQUESTS

M-Details LLC

Minimum Side Yard (South) setback – proposed Lot 1	Table 3.505
Code: 8/16 feet	
Proposed: 0 feet (South) / > 35 feet (North)	
Minimum Side Yard (North) setback – proposed Lot 2	Table 3.505
Code: 8/16 feet	
Proposed: 0 feet (North) / > 75 feet (South)	

Legal Description
M-Details LLC

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 6 WEST BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID NORTHWEST 1/4 WHICH IS 431.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4, THENCE CONTINUING NORTH ALONG SAID WEST LINE 372.77 FEET TO THE CENTERLINE OF A CREEK, THENCE EASTERLY ALONG THE CENTERLINE OF SAID CREEK TO THE WESTERLY RIGHT OF WAY OF INDIANA STATE ROAD NUMBER 2, THENCE SOUTHERLY ALONG SAID RIGHT OF WAY 297 FEET MORE OR LESS, TO A POINT ON A LINE WHICH IS PARALLEL TO AND 431.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST 1/4, THENCE WEST ALONG SAID PARALLEL LINE 426.23 FEET TO THE POINT OF COMMENCEMENT, EXCEPTING THEREFROM THOSE PORTIONS DEEDED TO THE STATE OF INDIANA BY WARRANTY DEED RECORDED AS DOCUMENT NO. 90-08416 IN BOOK 407, PAGE 160, DESCRIBED AS TRACT 1 AS FOLLOWS, AND THAT PART DEDICATED TO THE CITY OF VALPARAISO, BY DEDICATION OF PUBLIC RIGHT OF WAY, RECORDED JANUARY 17, 2012 AS DOCUMENT NO. 2012-001210, DESCRIBED AS TRACT 2 AS FOLLOWS:

TRACT 1:

A PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 6 WEST, PORTER COUNTY, INDIANA DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 0 DEGREES 20 MINUTES 43 SECONDS WEST 431.00 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE SOUTHWEST CORNER OF THE OWNER'S LAND; THENCE NORTH 89 DEGREES 25 MINUTES 27 SECONDS EAST 426.23 FEET ALONG THE SOUTH LINE OF THE OWNERS LAND TO THE WESTERN BOUNDARY OF S.R. 2; THENCE ALONG THE BOUNDARY OF SAID S.R. 2 NORTHERLY 114.28 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 1,176.23 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 20 DEGREES 14 MINUTES 00 SECONDS EAST AND A LENGTH OF 114.23 FEET; THENCE NORTH 17 DEGREES 27 MINUTES 00 SECONDS EAST 138.30 FEET ALONG THE BOUNDARY OF SAID S.R. 2 TO THE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE NORTH 72 DEGREES 33 MINUTES 00 SECONDS WEST 80.00 FEET; THENCE NORTH 17 DEGREES 27 MINUTES 00 SECONDS EAST 35.53 FEET TO THE CENTER LINE OF SAGER CREEK; THENCE SOUTH 84 DEGREES 17 MINUTES 39 SECONDS EAST 81.71 FEET ALONG THE CENTER LINE OF SAID SAGER CREEK TO THE WESTERN BOUNDARY OF SAID S.R. 2; THENCE SOUTH 17 DEGREES 27 MINUTES 00 SECONDS EAST 52.16 FEET ALONG THE BOUNDARY OF SAID S.R. 2 TO THE POINT OF BEGINNING AND CONTAINING 0.081 ACRES, MORE OR LESS.

TRACT 2:

PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN IN THE CITY OF VALPARAISO, CENTER TOWNSHIP, PORTER COUNTY, INDIANA, BEING A 10 FEET WIDE STRIP OF LAND ALONG THE EASTERLY SIDE OF A TRACT CONVEYED TO WILBERT HAMSTRA, INC. IN DEED RECORD 271, PAGE 408 IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH 00° 20' 43" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25, A DISTANCE OF 431.00 FEET, TO THE SOUTHWEST CORNER OF SAID "WILBERT HAMSTRA, INC." TRACT; THENCE NORTH 89° 25' 27" EAST, ALONG THE SOUTH LINE OF SAID "WILBERT

HAMSTRA, INC." TRACT, A DISTANCE OF 426.23 FEET, TO A POINT ON THE WESTERN RIGHT-OF-WAY OF STATE ROAD 2, BEING THE SOUTHEAST CORNER OF SAID "WILBERT HAMSTRA, INC." TRACT, AS WELL AS, THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID WESTERN RIGHT-OF-WAY, ALSO BEING THE EASTERN BOUNDARY OF SAID "WILBERT HAMSTRA, INC." TRACT, ALONG A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1176.23 FEET, AN ARC DISTANCE OF 114.28 FEET (THE CHORD OF WHICH BEARS NORTH 20° 14' 00" EAST, A CHORD DISTANCE OF 114.23 FEET); THENCE NORTH 17° 27' 00" EAST, CONTINUING ALONG SAID WESTERN RIGHT-OF-WAY, ALSO BEING THE EASTERN BOUNDARY OF SAID "WILBERT HAMSTRA, INC." TRACT, A DISTANCE OF 138.30 FEET, TO A POINT AT THE SOUTHEAST CORNER OF A TRACT CONVEYED TO THE STATE OF INDIANA IN DEED RECORD 407, PAGE 160 IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA; THENCE NORTH 72° 33' 00" WEST, ALONG THE SOUTHERLY LINE OF SAID "STATE OF INDIANA" TRACT, A DISTANCE OF 10.00 FEET; THENCE SOUTH 17° 27' 00" WEST, 10.00 FEET WESTERLY OF, AS MEASURED PERPENDICULAR TO, AND PARALLEL WITH SAID WESTERN RIGHT-OF-WAY, ALSO BEING THE EASTERN BOUNDARY OF SAID "WILBERT HAMSTRA, INC." TRACT, A DISTANCE OF 138.30 FEET, TO A POINT OF CURVE; THENCE SOUTHERLY ALONG SAID CURVE CONCAVE TO THE WEST, 10.00 FEET WESTERLY OF, AS MEASURED PERPENDICULAR TO, AND PARALLEL WITH SAID WESTERN RIGHT-OF-WAY, ALSO BEING THE EASTERN BOUNDARY OF SAID "WILBERT HAMSTRA, INC." TRACT, HAVING A RADIUS OF 1166.23 FEET, AN ARC DISTANCE OF 117.67 FEET (THE CHORD OF WHICH BEARS SOUTH 20° 20' 27" WEST, A CHORD DISTANCE OF 117.62 FEET), TO A POINT ON THE SOUTH LINE OF SAID "WILBERT HAMSTRA, INC." TRACT; THENCE NORTH 89° 25' 27" EAST, ALONG THE SOUTH LINE OF SAID "WILBERT HAMSTRA, INC." TRACT, A DISTANCE OF 10.92 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.058 ACRES, MORE OR LESS, ALL IN THE CITY OF VALPARAISO, CENTER TOWNSHIP, PORTER COUNTY, INDIANA.

**CITY OF VALPARAISO
BOARD OF ZONING APPEALS**

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: M-Details, LLC

Legal Description: See Exhibit A attached

Location: 1054-1056 S. State Road 2, Valparaiso, Indiana 46383

Current Zoning: Commercial General (CG) District

Petition: Development Standards Variances:

Minimum Side Yard (South) setback – proposed Lot 1		Table 3.505
Code:	8/16 feet	
Proposed:	0 feet (South) / > 35 feet (North)	
Minimum Side Yard (North) setback – proposed Lot 2		Table 3.505
Code:	8/16 feet	
Proposed:	0 feet (North) / > 75 feet (South)	

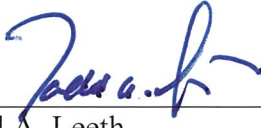
The above named Petitioner now makes the proposed Findings of Fact in support of Petitioner's petition for development standards variances to allow for the reduction of side yard setbacks in the Commercial General (CG) District in accordance with a proposed Primary Plat of subdivision filed with the City pursuant to the provisions set forth above and found in the UDO. After conducting a public hearing pursuant to I.C. 37-7-4-920 *et seq.* and the UDO, and after hearing Petitioner's arguments and evidence in support of the variances, remonstrance and opposition or the opportunity for the receipt thereof, and comments, reports or recommendations of staff and others, the Board of Zoning Appeals for the City of Valparaiso now finds:

FINDINGS:

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
 - a. The structures giving rise to the need for the variance are existing and in place and have been for many years.
 - b. The grant will not alter the essential character of the Petitioner's property or the neighboring industrial community.
 - c. Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variances.
 - d. There are no residential uses adjacent to the Petitioner's property so no buffering is required as proposed by §2.37 of the UDO.
2. The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because:
 - a. The granting of the variances will not abrogate the intent of the CG District or the UDO by negatively impacting adequate light, air, convenience of access, and safety from fire, flood, and other danger to the community or any surrounding property owner;
 - b. The Petitioner's subject real estate is located on a State Highway which is consistent with the district purposes of the Commercial (CG) District which envisions an auto-urban character, generally characterized by a large amount of parking (which often exceeds the building coverage) (see Sec. 1.409).
 - c. The granting of the development standard variance does not change the uses permitted or allowed on the subject property and the narrow lot setbacks are adjacent to each other and impact only the Petitioner's adjacent Lot;
 - d. The development standards varied will not result in increased light pollution or noise pollution on Petitioner's property.
 - e. The development standards varied will not create greater safety risks to pedestrians or vehicular traffic.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
- a. It is not economically feasible to comply with the UDO while maintaining the existing buildings on the Petitioner's property and allow for the bifurcation of the parcel into two lots for separate ownership not otherwise allowed which is reasonably desired by Petitioners due to the configuration of the Petitioner's property. The proposed subdivision with the saving of the existing structures is an appropriate use of existing resources.
 - b. The Petitioner's property is unique in that it is large with 2 separate but closely constructed buildings only approximately 3 feet of separation.
 - c. Granting the variances allows for more beneficial use of the property without detrimentally affecting safety or aesthetics.
 - d. The circumstances and conditions existing on or about Petitioner's property which prevent conformance with the UDO and requiring the variances are not self-created.

Respectfully Submitted;

By: 
Todd A. Leeth
Leeth Law LLC
2700 Valparaiso St., #2412
Valparaiso, Indiana 46384

Attorney for Petitioner

This Instrument Prepared By:

TODD A. LEETH
LEETH LAW LLC
2700 VALPARAISO ST., #2412
VALPARAISO, INDIANA 46384



3/14/2024 11:25 AM

<https://leethlaw.sharepoint.com/sites/LeethLaw/Shared Documents/Client Folders/Mike/M-Details LLC/Documents/FOF Development Standards Variances 2024-03-14.docx>

Vicinity Map

U.S. Highway 30

State Road 2



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0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



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LINDENGROUP

March 27, 2024

City Of Valparaiso

Beth Shrader

Director of Planning & Transit

Email: bshrader@valpo.us

Phone: (219) 462-1161 x3331

166 Lincolnway, Valparaiso, IN 46383

Valpo.us | ValpoTransit.com (Sent Via Email)

RE: **Proposed Re-Subdivision of Combined Lot** – Caliber Collision & Dollar General
Cory Detamore Property at 1054 S.R. 2 South LGI #2023-0027

Dear Ms. Shrader :

Pursuant your request regarding the above property, may this letter and its attachments serve as formal documentation the as-built Dollar General Store's -south exterior wall and New Caliber Collision -north exterior wall construction comply with Indiana's currently adopted building code standards and fire ratings.

The enclosed documents contain dimensioned partial Site Plan, dimensioned Building/Wall sections and applicable details relative to the new proposed property line. In addition, exterior wall fire separation ratings and building construction types are specified.

Please do not hesitate to contact me if you have any questions or comments.

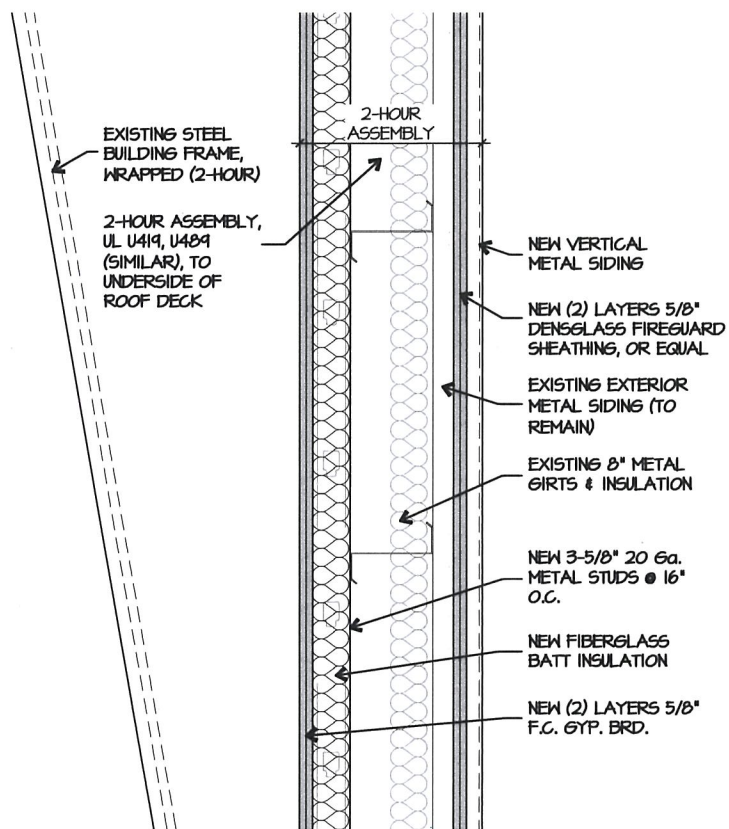
Sincerely,

LINDENGROUP Inc.

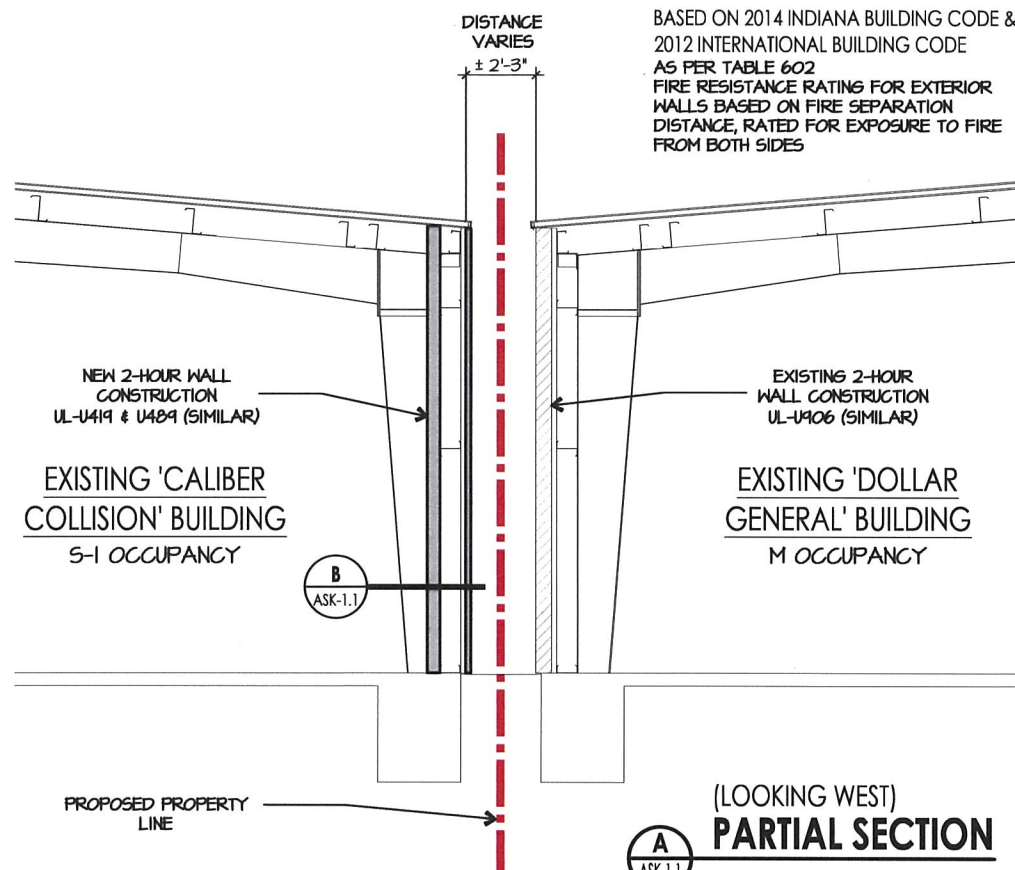


Grant W. Currier, AIA NCARB
President / Architect

CC. File, Cory Detamore, James Hus (DVG)



DETAIL

$$1'' = 1' - 0''$$


BASED ON 2014 INDIANA BUILDING CODE &
2012 INTERNATIONAL BUILDING CODE
AS PER TABLE 602
FIRE RESISTANCE RATINGS FOR EXTERIOR
WALLS BASED ON FIRE SEPARATION
DISTANCE, RATED FOR EXPOSURE TO FIRE
FROM BOTH SIDES

NEW 2-HOUR WALL
CONSTRUCTION
UL-U419 & U489 (SIMILAR)

EXISTING 2-HOUR
- WALL CONSTRUCTION
UL-U906 (SIMILAR)

EXISTING 'CALIBER
COLLISION' BUILDING
5-1 OCCUPANCY

EXISTING 'DOLLAR
GENERAL' BUILDING
M OCCUPANCY



(LOOKING WEST)
PARTIAL SECTION

$$1/4" = 1'-0"$$

PROPOSED PROPERTY
LINE