

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

Kyle Yelton, President

Citizen Member appointed by Mayor also on Plan Commission

James Bilder

Citizen Member appointed by Mayor not on Plan Commission

Paul Reed, Vice President

Citizen Member appointed by Mayor not on Plan Commission

Hannah Trueblood

Citizen Member appointed by City Council and not on Plan Commission

Diane Worstell

Citizen Member appointed by Plan Commission from its membership

As a quasi-judicial board, board members may <u>not</u> be contacted about any petition on this agenda or that which may appear on a future agenda. Direct any comments/questions to the Planning Department.

STAFF

Bob Thompson, Executive Secretary

Patrick Lyp, Attorney

Valparaiso Board of Zoning Appeals Meeting Agenda

Tuesday, February 18, 2025, 5:30 p.m. CST City Hall, 166 Lincolnway, Valparaiso, IN 46383 Council Chambers

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call and Declaration of a Quorum
- 4. Consideration of Minutes of the previous meeting(s)
 - January 21, 2025
- 5. Old Business and Matters Tabled
- 6. New Business

VAR24-015 (Public Hearing)

A petition filed by Gene Lane (Owner). The property is located at 2504 Sears Street (Zoning Classification: GR General Residential). The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO), pertaining to a four-seasons room to the north side of the home:

- From Section 3.501 to encroach approximately 10ft into 25ft rear yard setback (per plan);
- From 13.304(c) to increase the extent of nonconformity (existing home encroaches approximately 17ft into 25ft rear yard setback).

VAR25-002 (Public Hearing)

A petition filed by Leeth Law LLC (Counsel) for Family Express Corporation (Owner). The property is located at 3750 State Road 49 (Zoning Classification: INL Light Industrial). The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO), pertaining to construction of a Family Express gas station and convenience store:

- From Section 11.304(M) and Table 9.401 to allow access with reciprocal cross-easements (per submittal) instead of access road (frontage street or reverse frontage street);
- From 11.502 to reduce projection/recess architectural features requirement to that shown in submittal;
- From 11.506 to reduce transparency (fenestration) architectural requirement to that shown in submittal;
- From 11.508 to reduce roof line architectural requirement to that shown in submittal:
- From Article 10 Landscaping in the following ways:
 - State Road 49 Class D Bufferyard: to eliminate 5ft berm requirement, reduce 65% opacity requirement, and reduce lowest level plant prescription by half (see working copy of landscape plan provided)
 - Division Road Class D Street Buffer: to eliminate 5ft berm requirement, reduce 65% opacity requirement, and reduce

lowest level plant prescription by half (see working copy of landscape plan provided)

7. Other Business

8. Staff Items

- All appointments/reappointments are not yet available. Election of officers and appointment of staff will take place at next regular meeting.
- Draft update to Rules and Procedures will be provided in next regular meeting packet for consideration at next regular meeting.

9. Adjournment

Next scheduled meeting: Tuesday, March 18, 2025, 5:30 p.m.

The agenda packet will be posted on the city's website (Valpo.us) approximately one week prior to the meeting. Interested persons desiring to participate in the public hearing process for a petition on the agenda may attend in person or submit <u>written</u> comments (with name, address, and email address/telephone number) to the Planning Department <u>prior to</u> the hearing date (planningdepartment@valpo.us or City Hall address provided above). For questions about a petition or about the meeting in general, contact the Planning Department at planningdepartment@valpo.us, (219) 462-1161, or visit City Hall. The meeting will be livestreamed on the city's website. A recording of the meeting will be posted on the city's website, and meeting minutes will be posted on the city's website once approved.

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:		For Office Use Only:
This application is being submitted for (Check all that apply):		Petition #: <u>VAR 24 - 015</u>
Use Variance Development Standards Variance Special Exception/Special Use Relief to Administrative Decision Conditional Use Wireless Communications Facility SUBJECT PROPERTY INFORMATION Property Address: Subject property Address: Subject property Side between		Application TypeDEV. STANDARDS V Application Filing Fee: \$50.00 Date Filed: 11 / 15 / 2024 Meeting: 12 / 17 / 2024 O2 / 18 / 2025 TYPE OR PRINT IN INK Perty fronts on the Sears Street (streets) Sears Street
		Act put
	Zoning Distric	ct: GR General Residential
PETITIONER INFORMATION		
Applicant Name:	Address:	
Gene Lane		TO Chroat Valueraine IN 40202
Phone: 219-405-8599	2504 Sea	rs Street, Valparaiso IN 46383
Email: lane@iccmechanical.com		
PROPERTY OWNER INFORMATION		
Applicant Name:	Address:	
Gene Lane Phone: 219-405-8599 Email: lane@iccmechanical.com	2504 Sea	rs Street, Valparaiso IN 46383
SECTIONS OF UDO EDOM WHICH A VARIANCE SPECIAL	YCEDTION OP	ADMIN DELIEF IS SOLICHT.
SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL E		
Article: Section: 3.501 Paragraph: Item: Article: Section: 13-304 (4)		Section: Paragraph: Item:
Article:Section:Paragraph:Item: Article:Section:Paragraph:Item:	I .	
Article: Section: Paragraph: Item:		Section:Paragraph:Item:

Section:

Paragraph:

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO)			
Lot #5 in Northcrest			
DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO)			
Gene Lane is proposing to build a 19' x 16' Four Seasons room extending north from the north east corner of the existing home. This addition will be a single story constructed of architecture and materials similar to the existing home. Addition will be built to standards that are conducive to year round occupancy. Snow melt or Rainfall off of gutters on new addition will be piped underground through the existing 4" underground line to the front yard.			

Variance from Development Standards Petitioner's Proposed Findings of Fact

(Please use fillable pdf, print neatly, or attach printed document.)

A. The proposed variance from the Development Standards will not be injurious to the public health, safety,

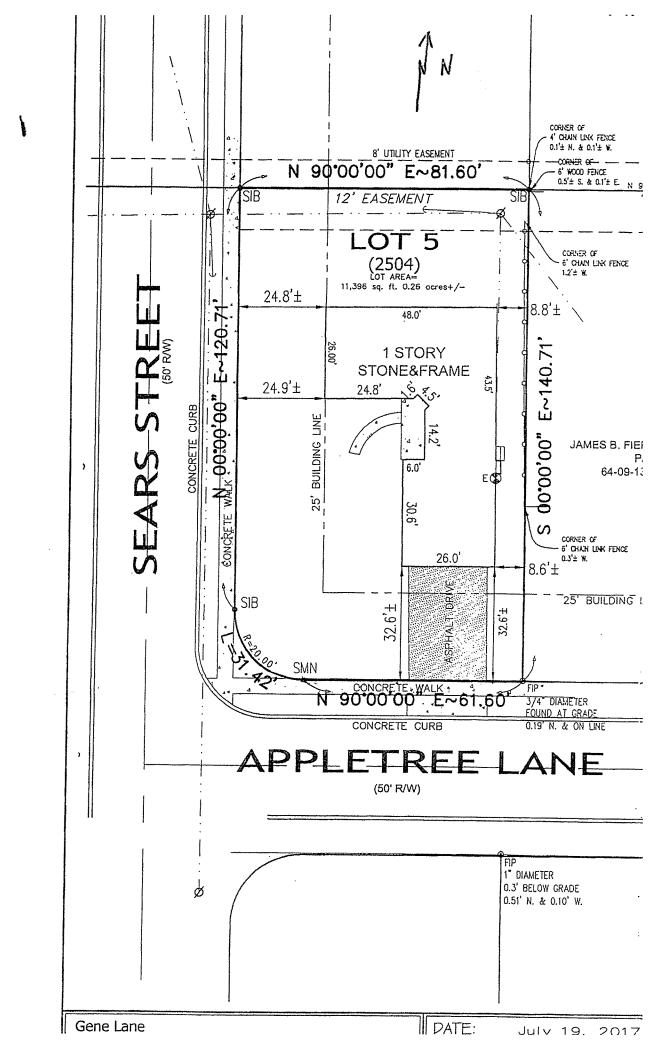
Petitioner submits that:

	morals, and general welfare of the community because:
	This proposed addition will not be accessible to the public. We have addressed the issue of water run off previously in this application. At the completion of the addition only 3,680 sq. ft. of the 11,500 square foot lot will be covered. This is less than 32% with codes allowing up to 50% lot coverage.
В.	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:
	Attached to this application is a picture of the house as it was purchased by Gene Lane in 2015. Since then he has made thousands of dollars in upgrades that brings this house up to the standard of housing in the neighboorhood. This addition should in no way be adverse to the other property values in the neighboorhood. It should only increase it. Also attached is a current photo of the house as it stands today. As Gene has made property improvements, he has always tried to comply with city codes by obtaining permits where required.
	This will not materially disrupt adjacent properties as the back yard and the side yard to this property is covered by a 6 foot wooden fence.

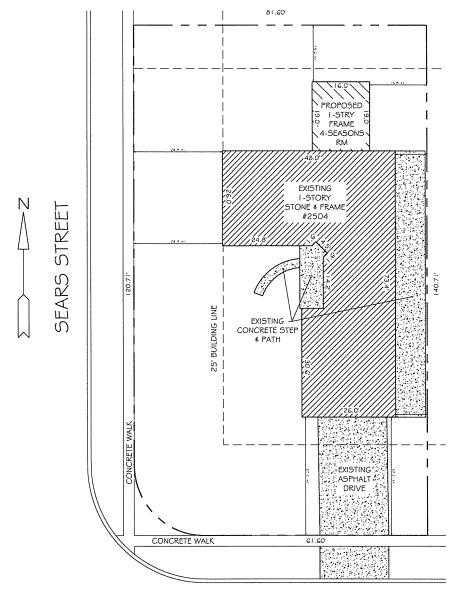
C. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property included in the proposed variance because:

The front of this house including the front door face Sears Street. The back of the house including the back door is less than 9 feet from the back property line. The back property line faces the side of the house at 251 Appletree Lane. The north side of my house, where I am proposing the sunroom addition, is over 35 feet from my lot line. The way I read the city ordinance that applies to my lot, I can build within 6 feet of the lot line. As I understand it, the side yard is being interpreted as the rear yard, which requires a 25 foot set back. I understand that the house is non-conforming to present day building standards, but since the house was built in the mid-60's I feel this should not be an issue. Due to the layout of the house, this is the only practical location that I can place the room. To move it west to the front of the house, allowing for the 25 ft rear yard setback this will place the room addition off one of the bedrooms. (Sketch Attached). This would meet the backyard setback requirement but not be feasible in this case.

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.



SHEET I/TBD

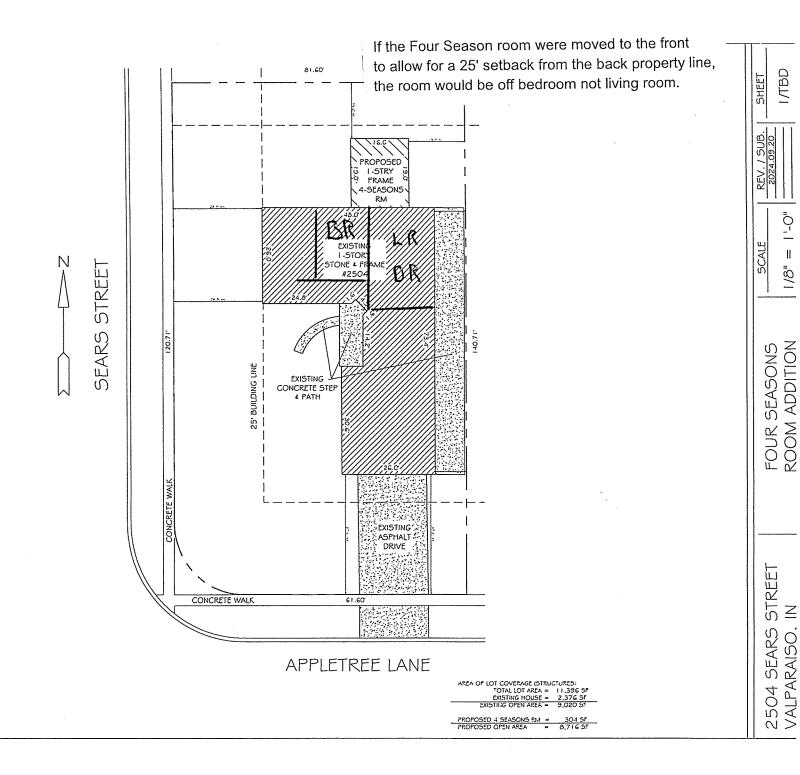


APPLETREE LANE

AREA OF LOT COVERAGE (STRUCTURES: TOTAL LOT AREA = 11.396 SF EXISTING HOUSE = 2.376 SF EXISTING OPEN AREA = 9.020 SF

 PROPOSED 4 SEASONS RM
 =
 304 5F

 PROPOSED OPEN AREA
 =
 8,716 SF



SITE PLAN SF: 304

STREET 2504 SEARS ST VALPARAISO, IN

EXISTING

<u></u>

IST FLOOR - PROPOSED FOUR-SEASINS ROOM SF: 304

AREA OF LOT COVERAGE (STRUCTURES:

TOTAL LOT AREA = 11,396 SF

EXISTING HOUSE = 2,376 SF

EXISTING OPEN AREA = 9,020 SF

PROPOSED 4 SEASONS RM = 304 SF PROPOSED OPEN AREA = 8,716 SF

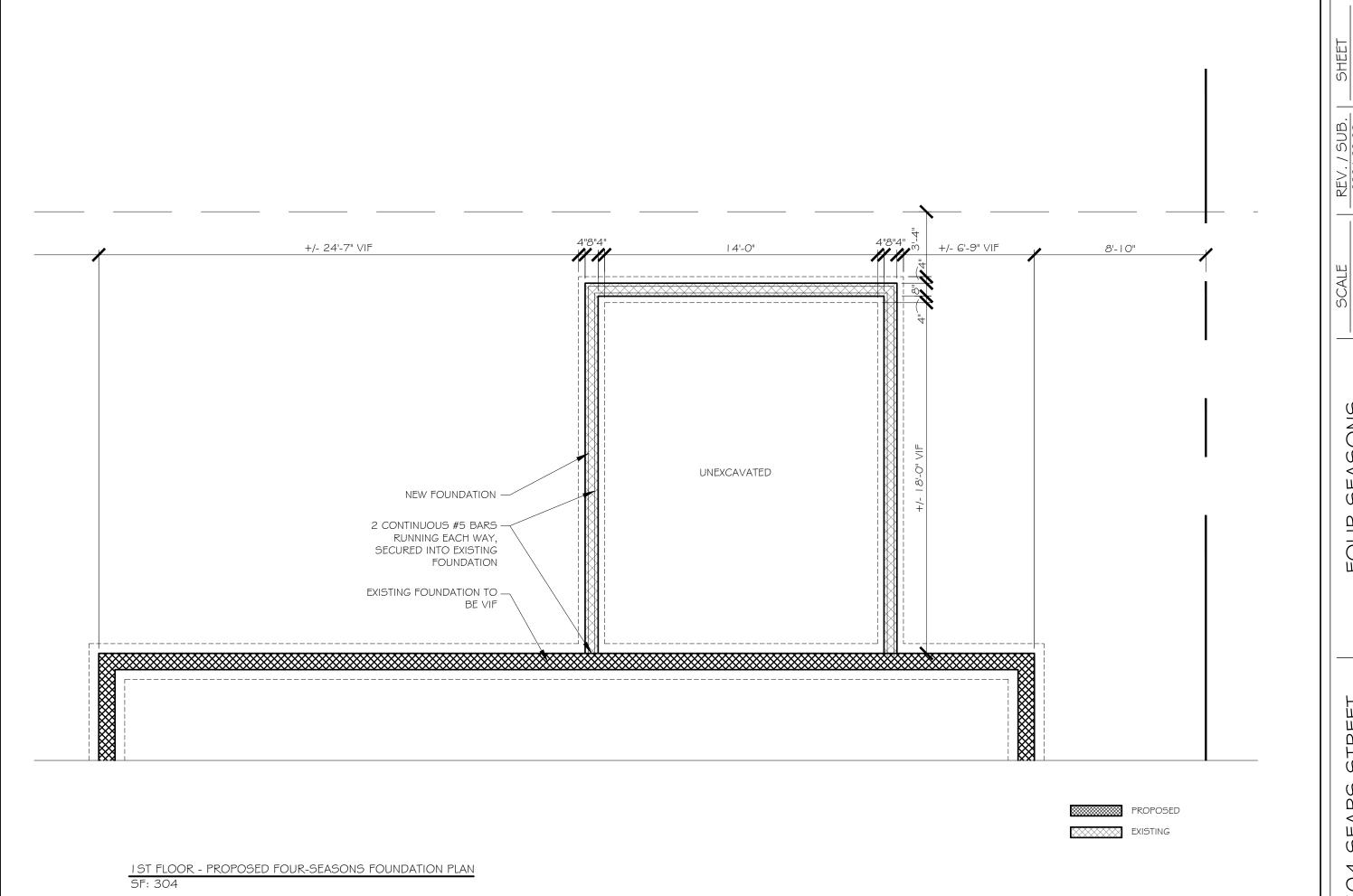
SITE PLAN SF: 304 FOUR SEASONS ROOM ADDITION

STREET

2504 SEARS S VALPARAISO, I

SHEET

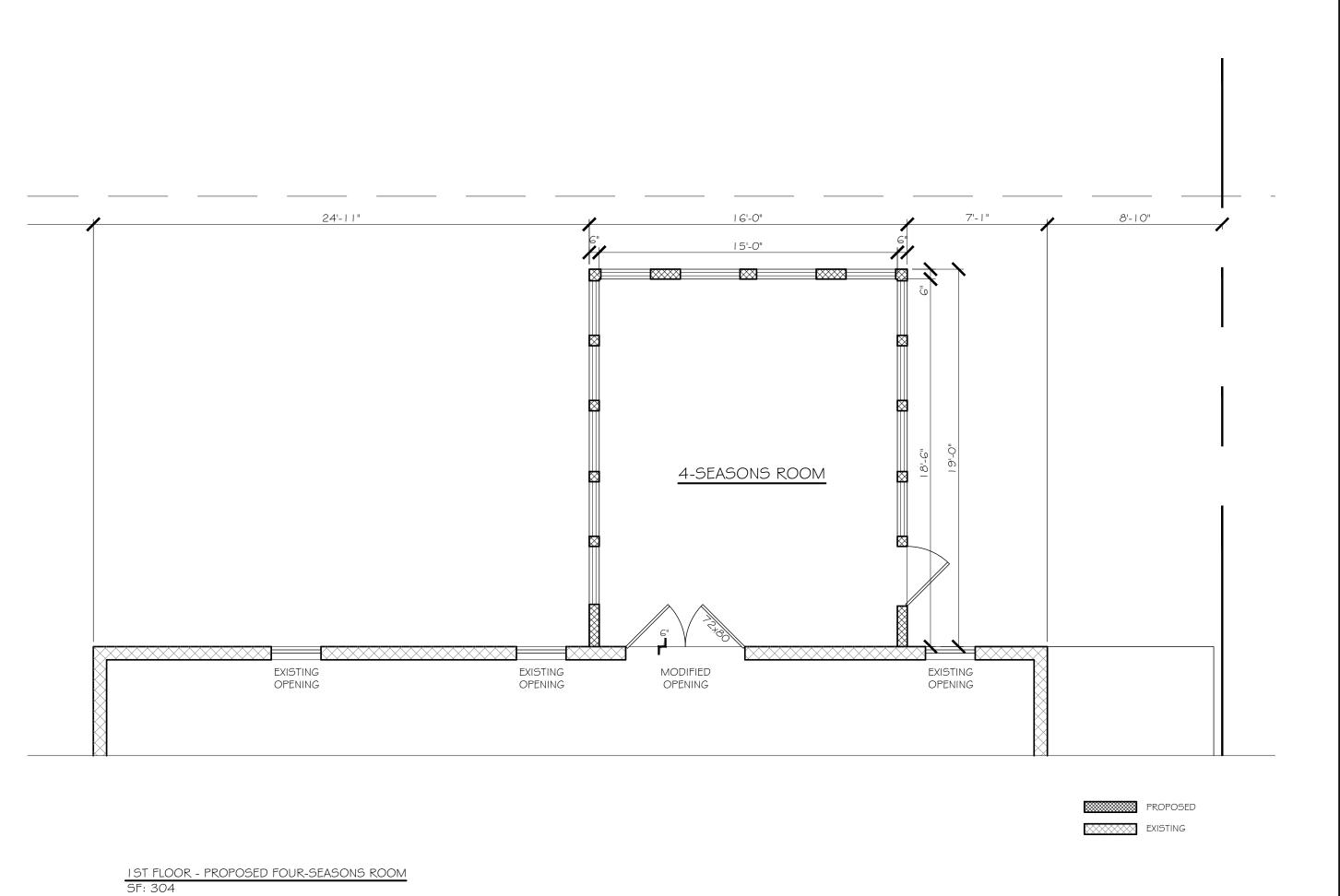
SCALE



SEASONS 1 ADDITION FOUR S ROOM

 $\tilde{\mathcal{S}}$

STREET 2504 SEARS S VALPARAISO, I



FOUR SEASONS ROOM ADDITION

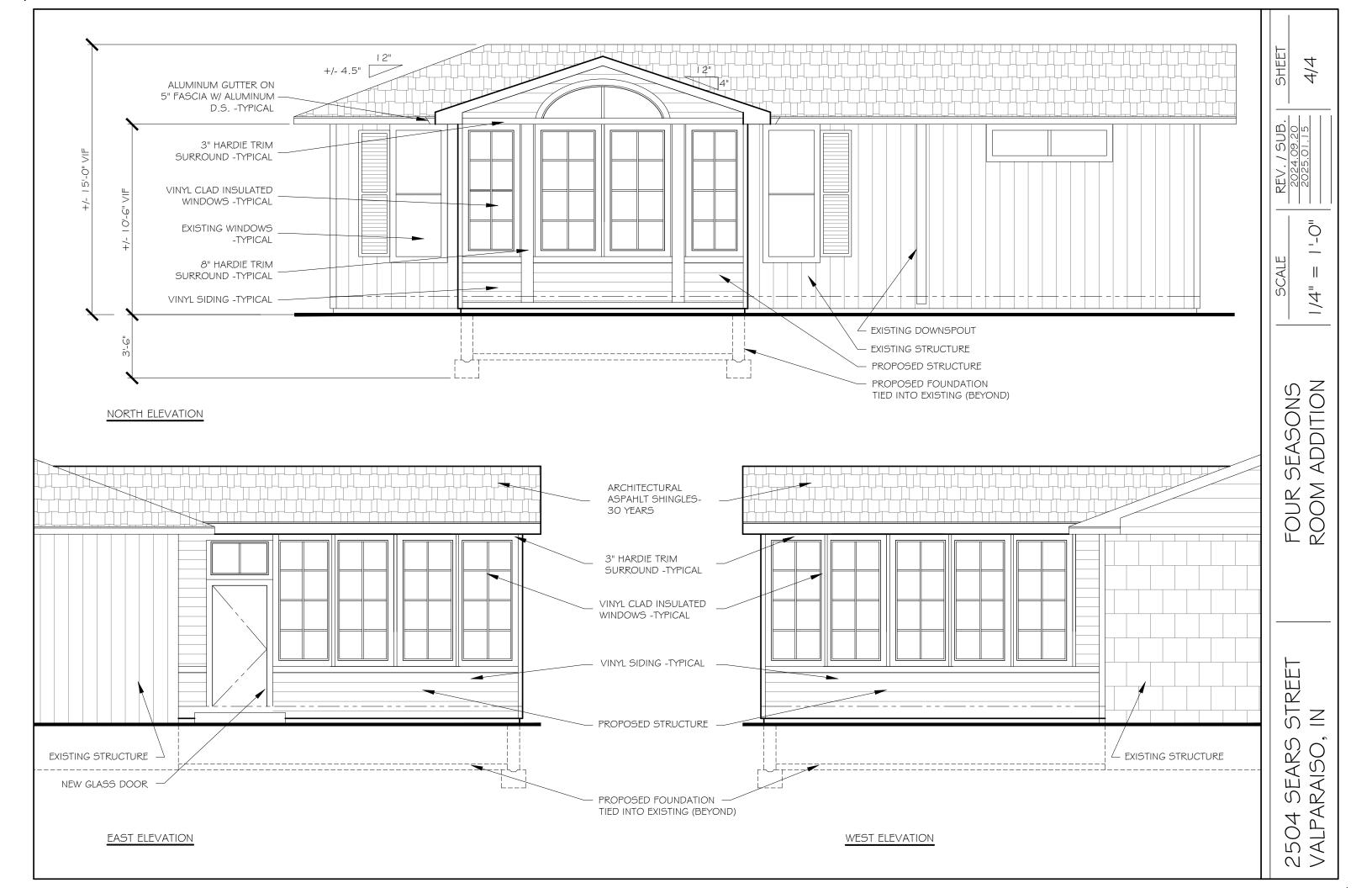
SHEET

SCALE

3/4

<u>+</u>

STREET IN 2504 SEARS 9 VALPARAISO, I



PETITION TO VALPARAISO BOARD OF ZONING APPEAL	S:	For Office Use Only:
This application is being submitted for (Check all that apply)		Petition #: <u>VAR 25 - 002</u>
	·	Application Type: Dev. STANDAKOS VAR
☐ Use Variance		Application Filing Fee: <u>\$150</u>
Development Standards Variance		Date Filed: 1 / 17 / 2025
Special Exception/Special UseRelief to Administrative Decision		
Conditional Use		Meeting: 2 / 18 / 2025
☐ Wireless Communication Facility		
		TVDE OD DDINT IN INIV
SUBJECT PROPERTY INFORMATION Property Address Subject	t property fronts on the_	TYPE OR PRINT IN INK
Justice Justic		
Southwest corner of Division and St. Rd. 49	side between (streets))S.R . 49
	& Sturdy Road	
	Zoning District:	INL-Light Industrial
	Zorning District	INC-Light moustrial
	,	
PETITIONER INFORMATION		
Applicant Name:	Address:	
Family Express Corporation	c/o Todd A. Le	eth
rainity Express Corporation	Leeth Law LLC	
Phone:	2700 Valparais	
219-250-6501	Valparaiso, Ind	Iana 40384
Email:		
todd@leeth.law		
PROPETY OWNER INFORMATION		
Applicant Name:	Address:	
Sama as Applicant		
Same as Applicant		
Phone:		
Email:		
	_	
SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXC	CEPTION OR ADMIN RELI	ег is sought: See Attached List
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 Exhibit A - Legal Description
DESCRIPTION OF PROPOSED PROJECT: (OR EXHBIT NO)

CITY OF VALPARAISO BOARD OF ZONING APPEALS

DEVELOPMENT STANDARD VARIANCE REQUESTS SECOND AMENDMENT February 12, 2025

Family Express Corporation Southwest Corner – Division Road & Hwy 49

Access Management Regulations Table §9.401

State Road 49 Standards

Access Road §11.304(M)

Code: Frontage street or reverse frontage street shall be provided to

connect to abutting parcels. Required for all commercial zoned

parcels to State Road 49. "Access Road" is not defined.

Proposed: Reciprocal cross-easements. Access to Hwy 49 determined

with collaboration with INDOT.

Non-Residential Design Standards §11.502

Architectural Features

Code: Projections or recesses on all exterior elevation building walls.

Proposed: No projections or recesses are provided on either side

elevations or on the rear elevation.

Transparency §11.506

Code: 60% along Primary Façade

30% along Other Street Façade

[Between 3 and 8 feet above finish grade]

Proposed: 49% along Primary Façade

7% along Other Street Façade

Non-Residential Development Standards Roof Structure Materials

§11.508

Code: Roof lines shall be designed ...

- a. Break up the apparent mass of the building;
- b. Highlight individual components of the building;
- c. Add visual interest to the building; and
- d. Form a cascade, wherein the highest points of the roof cover the area of the primary use or most significant floor area of the building.

Proposed: See architectural rendering

Landscaping

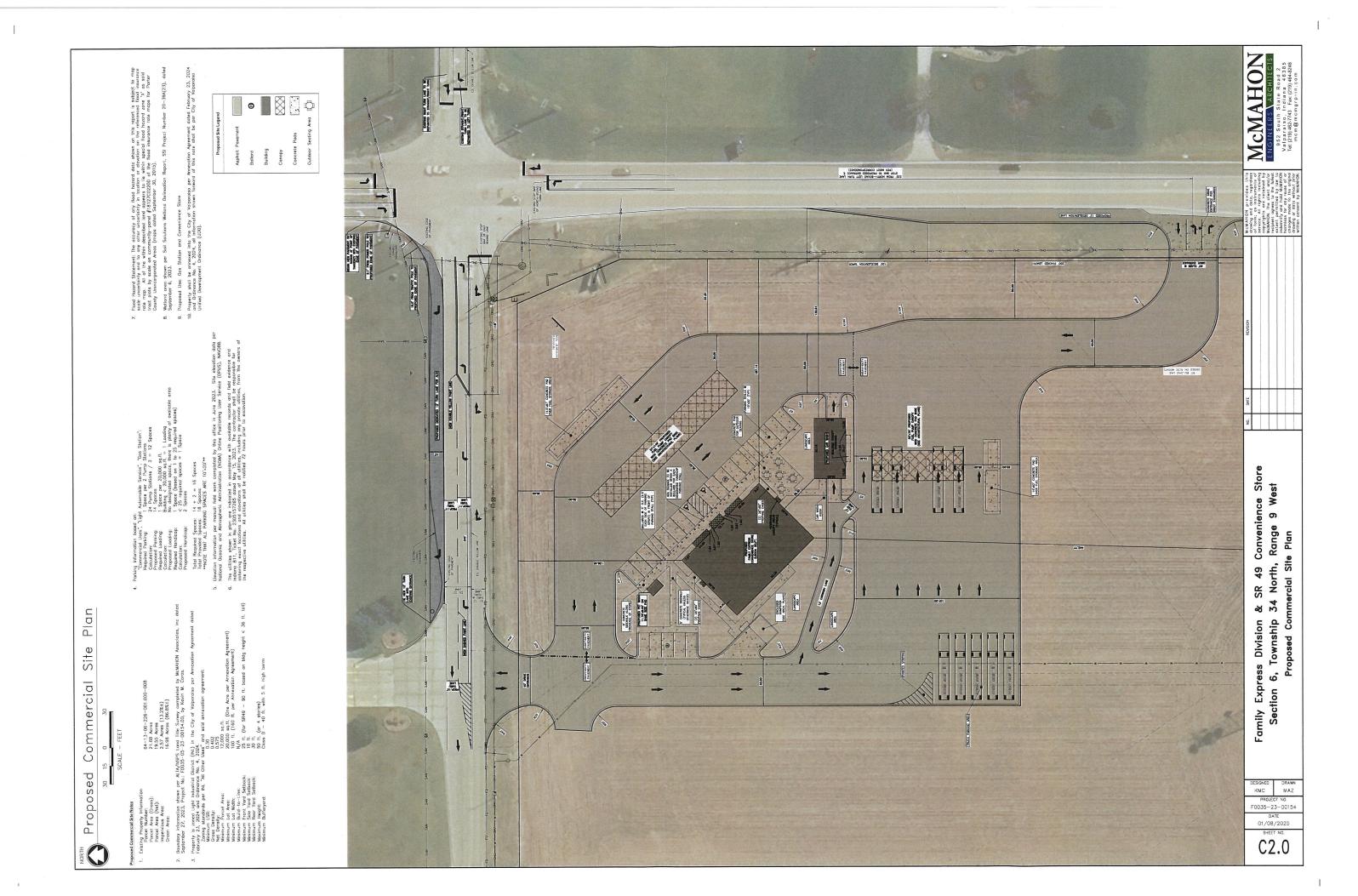
Bufferyard Table §10.402

Code: Class D Bufferyard Requirements:

- 5' berm
- Plantings per lineal feet for 65% opacity
- Shrub plantings

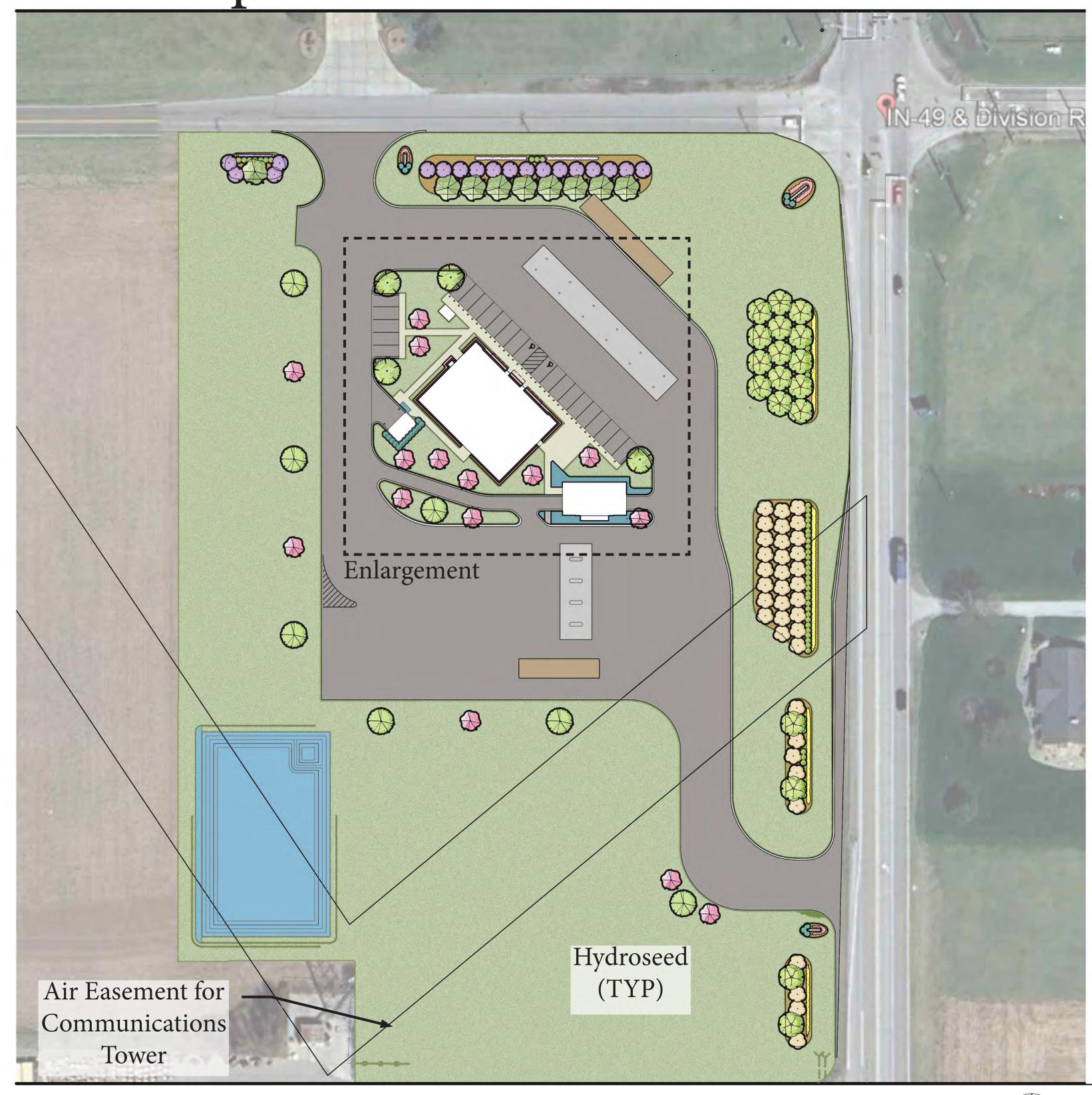
Proposed:

- No berm
- Plantings clustered to allow visual corridors.
- Reduction in number of shrub plantings

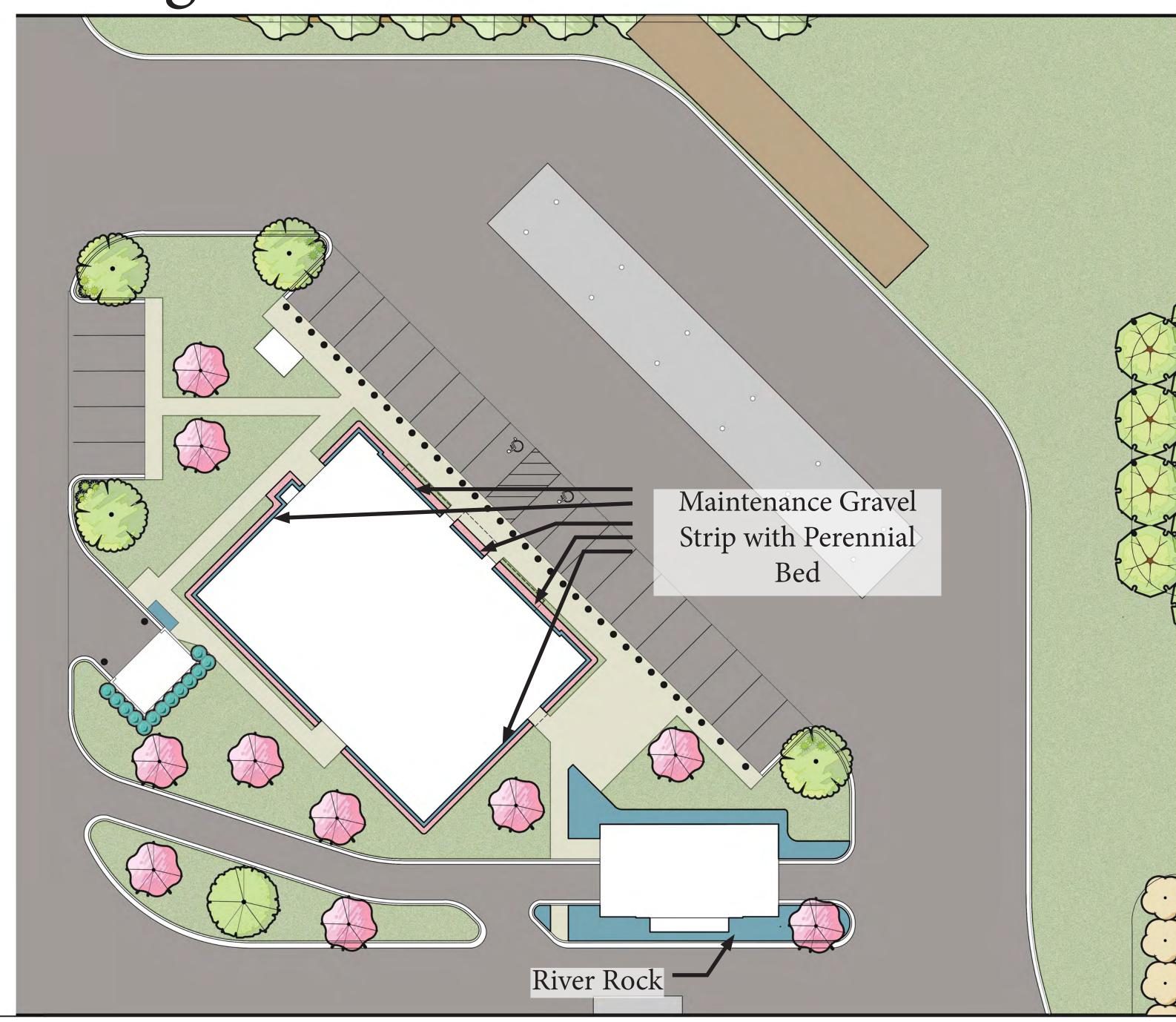


Family Express, Division Road and S.R. 49, Valparaiso, IN

Landscape Plan

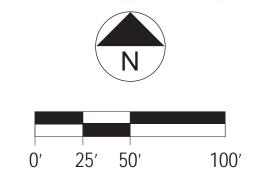


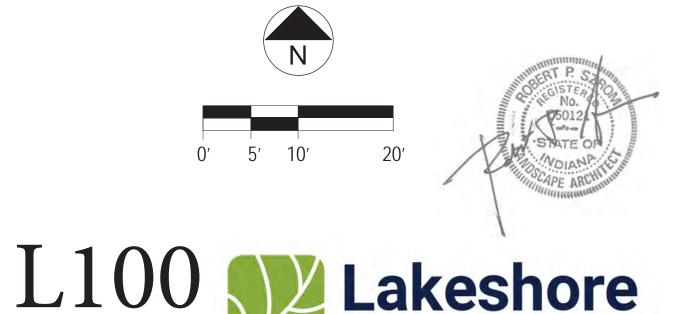
Enlargement



Notes:

- 1.) See L101 for Plant Schedule and Details
- 2.) See L101 for Sign Supporting Imagery Renderings



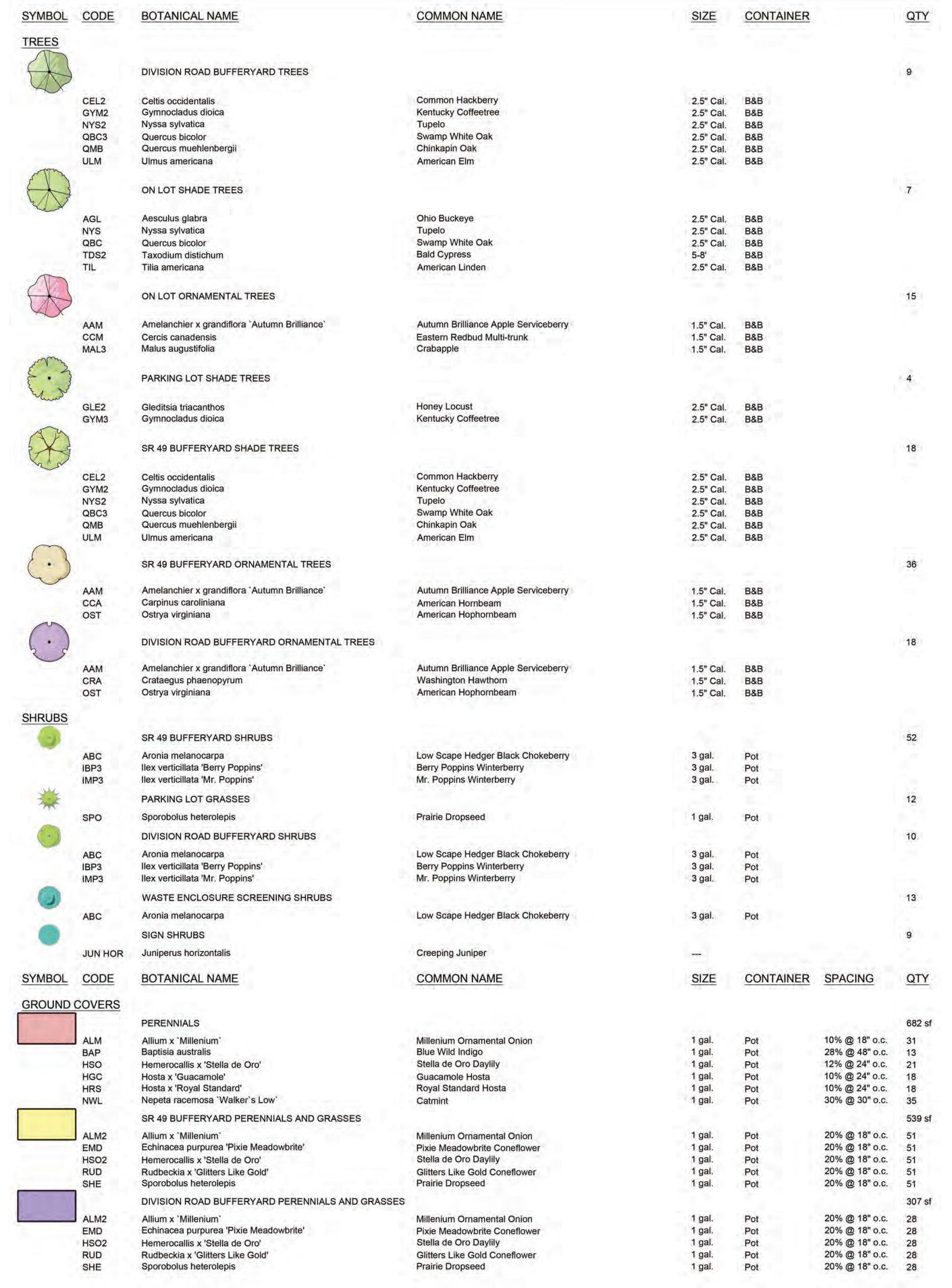


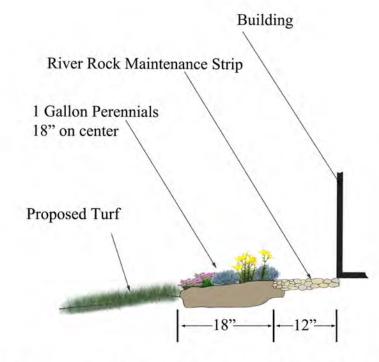
Family Express, Division Road and S.R. 49, Valparaiso, IN

Plant Schedule

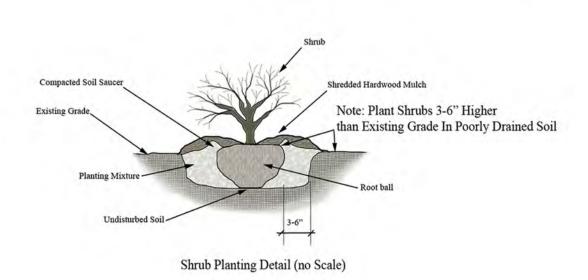
Planting Details Sign

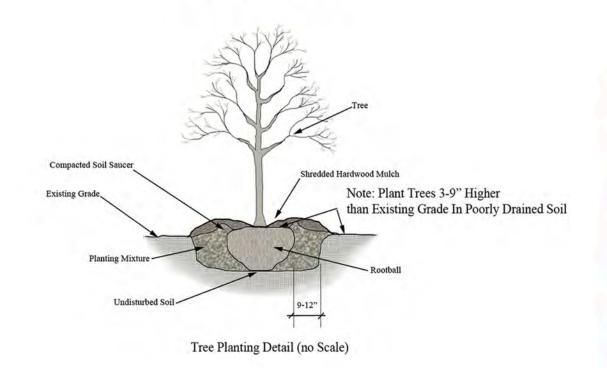
Sign R	enderings
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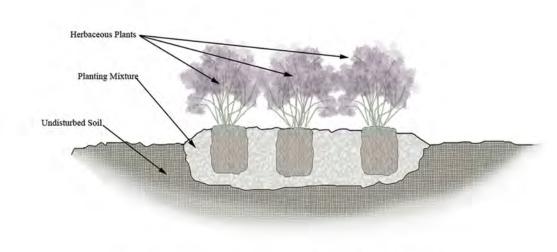




Flowering Perennial/River Rock Maintenance Strip Detail - (no scale)



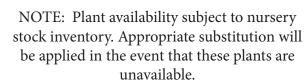








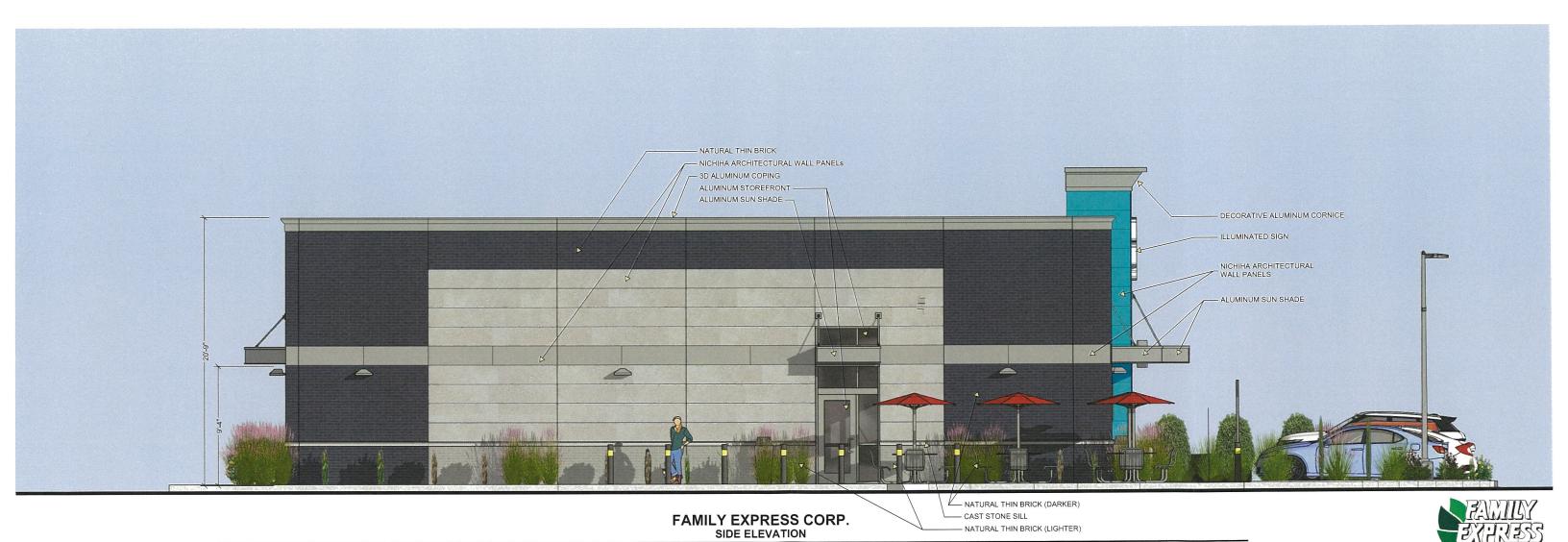




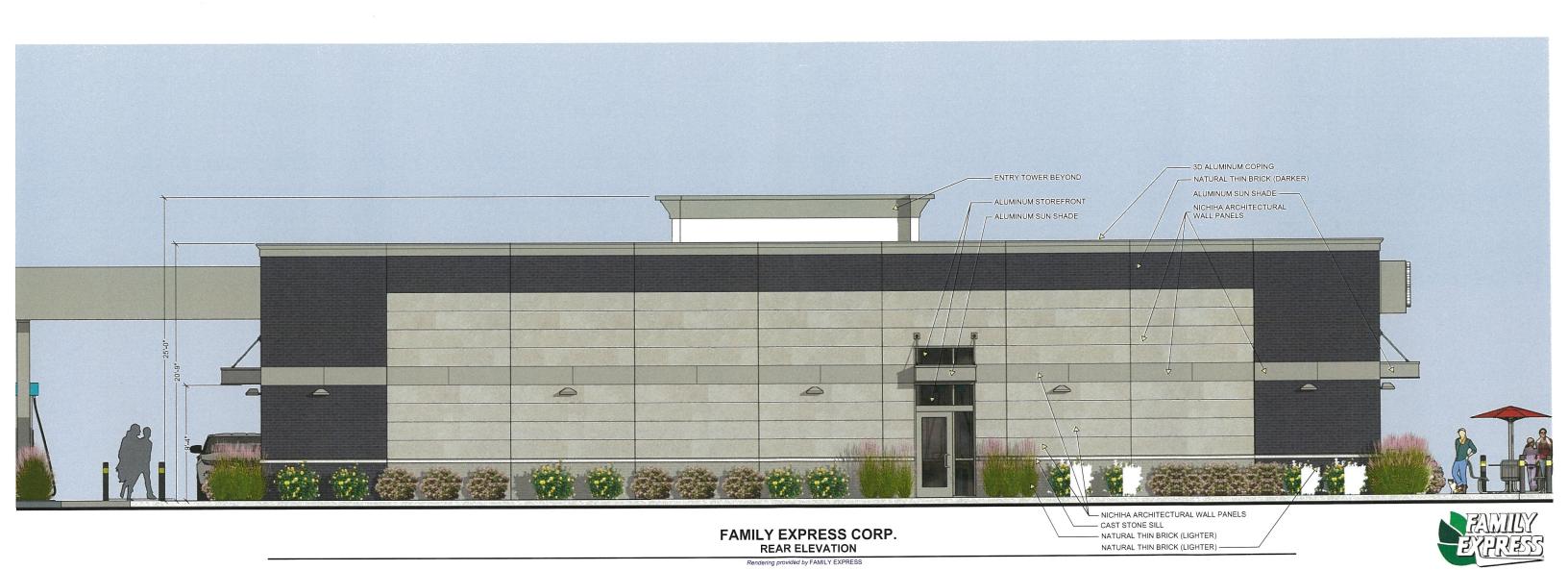


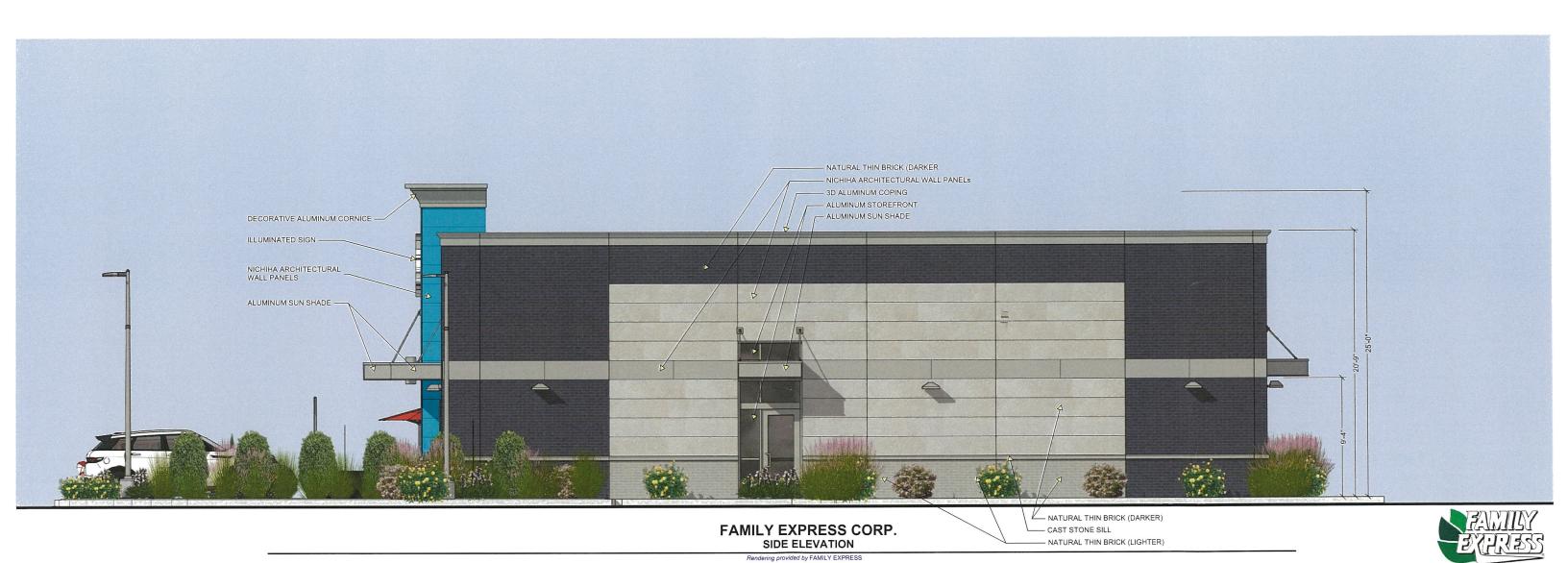


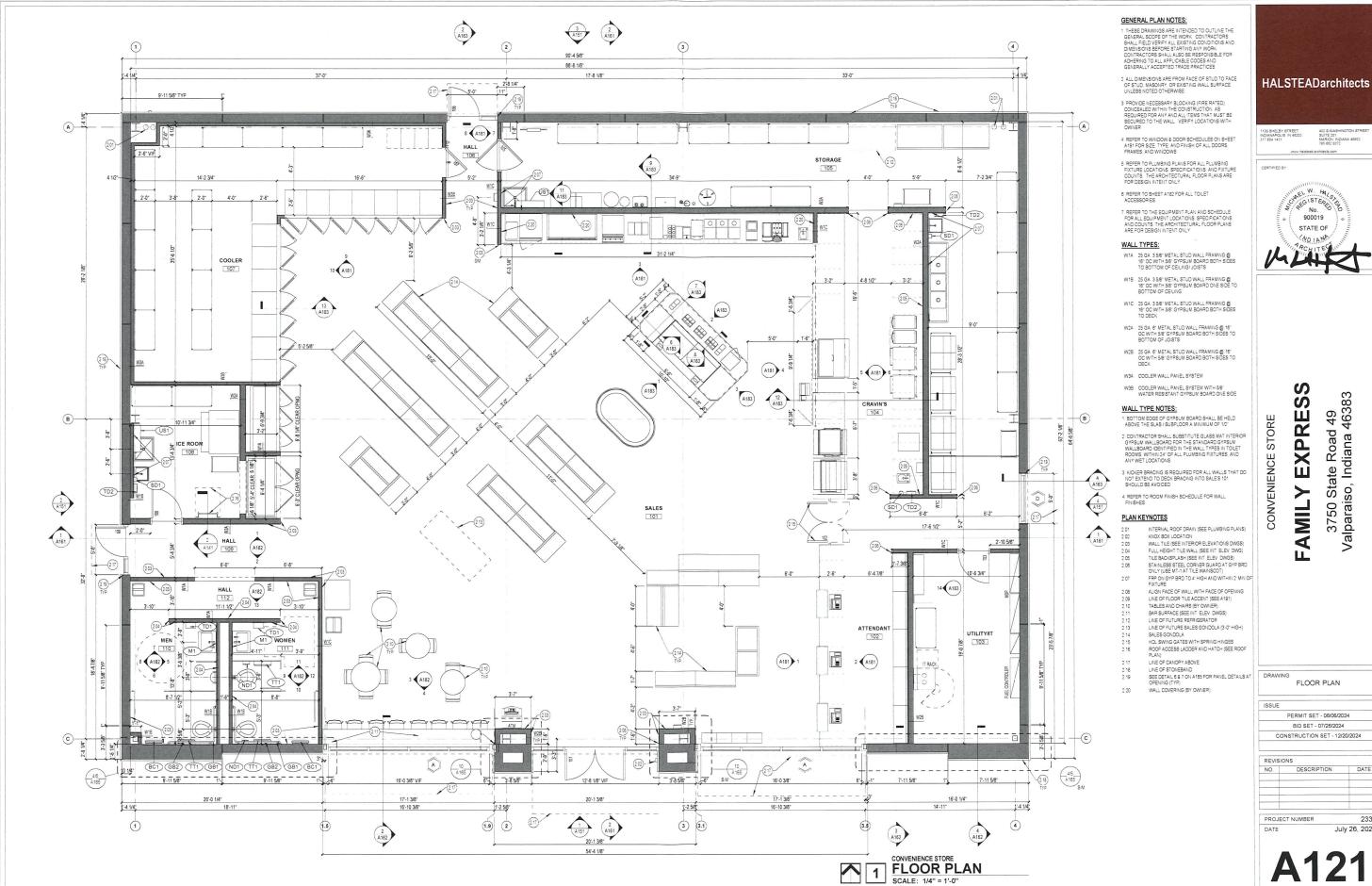
Rendering provided by FAMILY EXPRESS



Rendering provided by FAMILY EXPRESS







402 S WASHINGTON STRE SUITE 201 MARION INDIANA 46952 765 662 9372

3750 State Road 49 Valparaiso, Indiana 46383

900019 STATE OF

FLOOR PLAN

PERMIT SET - 06/06/2024 BID SET - 07/26/2024 CONSTRUCTION SET - 12/20/2024

NO. DESCRIPTION



FAMILY EXPRESS CORP.
VALPARAISO, INDIANA
Rendering provided by FAMILY EXPRESS





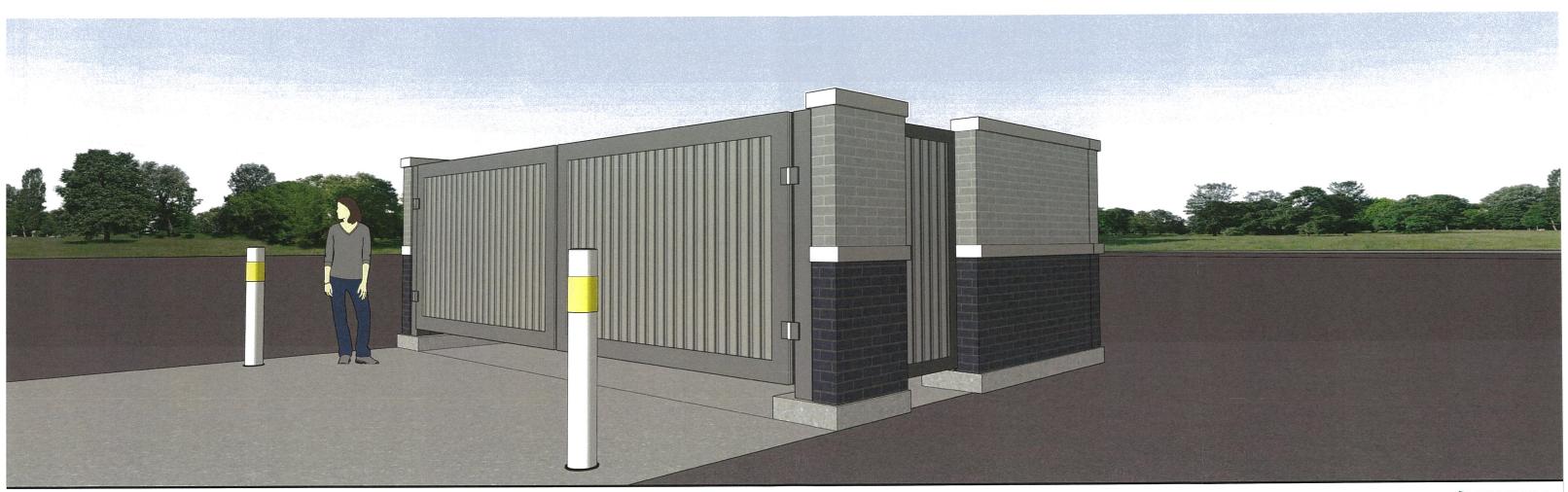




FAMILY EXPRESS CORP.
CARWASH PERSPECTIVE

Rendering provided by FAMILY EXPRESS





FAMILY EXPRESS CORP.
TRASH ENCLOSURE

Rendering provided by FAMILY EXPRESS

