



CITY OF VALPARAISO

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

Sarah Litke

Citizen Member
appointed by Plan Commission
from its membership

**As a quasi-judicial board,
board members may not 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, March 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. Introduction of New Member (appointed by Plan Commission)
5. Election of Officers
6. Consideration of Minutes of the previous meeting(s)
 - February 18, 2025
7. Old Business and Matters Tabled
8. New Business

VAR25-003 (Public Hearing)

A petition filed by Paradise Community Homes, Inc. (Owner). This variance request pertains to two proposed lots at 751 and 753 Kinsey Street. The zoning classification is mostly GR General Residential; a small portion of the eastern lot is CP Central Place. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO):

- From Table 3.501 to reduce the minimum front yard setback from 20ft to 10ft.

9. Other Business
10. Staff Items
 - Draft update to Rules and Procedures for consideration
11. Adjournment

Next scheduled meeting: Tuesday, April 15, 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 written comments (with name, address, and email address/telephone number) to the Planning Department prior to 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.

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

- For Office Use Only:*

Petition #: VAP25-003

Application Type: BSV.

Application Filing Fee: \$ 50

Date Filed: _____/_____/_____

Meeting: 03 / 18 / 2025

TYPE OR PRINT IN INK

Zoning District: General Residential, CP Central Place

3803 Sandpiper Ct N
Valparaiso, IN 46385

TABLE 3.501

Article: Section: Paragraph: Item:

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

Lots 4 and 5 in (proposed) The Resubdivision of Lot 21-C in The Resubdivision of Lot 21 in Campbell's Subdivision and Lots 23 and 25 in Campbell's Subdivision

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

The proposed project is a change in minimum front yard setback from 20' to 10' to assist with home placement due to steep topography of these two lots (Lots 4 and 5).

The eastern twenty feet of Lot 5 (751 Kinsey) is zoned CP Central Place. Lots 1, 2, and 3 proposed immediately across the street are also zoned CP. CP zoning offers a 10' minimum front yard setback. In a design sense, allowing the same front yard setback for all five proposed new lots on the east end of Kinsey could be seen a reasonable unique design solution for this situation.

The existing home west of Lot 4 (753 Kinsey Street) appears to be much closer to the front property line than 20ft, with the very large front porch encroaching much farther.

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:

Front yard setbacks vary from zoning district to zoning district with no detriment to the community. In this case, the three lots being developed immediately across the street (north side) allow a minimum 10' front yard setback already. In a design sense, allowing the same minimum front yard setback for all five proposed new lots on the east end of Kinsey could be seen as a reasonable unique design solution for this situation.

- 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:

Lots 1, 2, and 3 proposed immediately across the street are zoned CP. CP zoning offers a 10' minimum front yard setback. Having these three new homes along Kinsey Street (which are allowed to build at a 10' front yard setback) will not harm use/value of the Kinsey Street neighborhood. In the same way, two new homes on the south side of the street are simply two more new single-family detached homes in the single-family detached residential neighborhood. If these two homes on the south side of the street are allowed a reduced minimum front yard setback (from 20' to 10'), the difference between the front of these homes and the street will be similar to that of the large front porch on the home at 851 Kinsey. Said home appears to encroach into its required minimum front yard setback and porch allowance.

- 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 Lots 4 and 5 must maintain the 20' minimum front yard setback, it's less likely that a home will be able to be built on Lot 5 (751 Kinsey) especially. The steep topography is significant, and any relief that can be granted in this situation would be much appreciated. Refer to Subsection B for neighborhood context.

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.

THE RESUBDIVISION OF LOT 21-C IN THE RESUBDIVISION OF LOT 21
IN CAMPBELL'S SUBDIVISION AND LOTS 23 & 25 IN CAMPBELL'S SUBDIVISION

A SUBDIVISION LOCATED IN VALPARAISO, INDIANA. PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 6 WEST, CITY OF VALPARAISO, PORTER COUNTY, INDIANA

BOND OF PUBLIC WORKS AND SAFETY CERTIFICATION

THIS PLAT WAS EXAMINED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF VALPARAISO FOR COMPLIANCE WITH THE STANDARDS MANUAL AND APPROVED THIS _____ DAY OF _____, 2024.

_____, MAYOR

_____, MEMBER

_____, MEMBER

ATTEST: _____, CLERK-TREASURER

LEGAL DESCRIPTION

LOT 21-C OF THE RESUBDIVISION OF LOT 21 IN CAMPBELL'S SUBDIVISION, AS PER PLAT THEREOF RECORDED APRIL 26, 2017, IN PLAT FILE 57-A-3 AND AS INSTRUMENT NUMBER 2017-000397 AS RECORDED IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, A PART OF LOT 23 AND LOT 25 IN CAMPBELL'S SUBDIVISION, IN THE CITY OF VALPARAISO, AS PER PLAT THEREOF RECORDED IN MISCELLANEOUS RECORD "C", PAGE 567 IN SAID RECORDER'S OFFICE, AND A PARCEL LAND DEDICATED AS PUBLIC ROAD RIGHT-OF-WAY TO THE CITY OF VALPARAISO AS PER DEED OF DEDICATION RECORDED AS INSTRUMENT NUMBER 2022-024191. IN SAID RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 5/8 INCH REBAR WITH A "BEEB" CAP FOUND AT THE NORTHWEST CORNER OF SAID LOT 25 OF CAMPBELL'S SUBDIVISION; THENCE ALONG THE SOUTH LINE OF THE CONRAIL RAILROAD (FORMERLY PITTSBURGH, FORT WAYNE, & CHICAGO RAILWAY) RIGHT-OF-WAY SOUTH 58°48'00" EAST 152.19 FEET TO A 5/8 INCH REBAR WITH ID CAP STAMPED "ACI FIRM 06059"; THENCE SOUTH 31°14'39" WEST 138.98 FEET TO AN ACI MONUMENT; THENCE SOUTH 31°22'11" WEST 50.00 FEET TO AN ACI MONUMENT; THENCE SOUTH 31°22'11" WEST 147.76 FEET TO A 5/8 INCH REBAR WITH "MCMAHON" CAP FOUND AT THE SOUTHWEST CORNER OF SAID LOT 21-C; THENCE NORTH 58°42'56" WEST 20.00 FEET TO THE EAST LINE OF THE AFORESAID LOT 21-C ALSO BEING THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN A QUIT-CLAIM DEED TO THE CITY OF VALPARAISO AND RECORDED AS INSTRUMENT NUMBER 2024-000000; THENCE SOUTH 31°22'11" WEST 188.15 FEET; THENCE NORTH 58°42'56" WEST 20.00 FEET TO THE EAST LINE OF SAID LOT 21-C; THENCE NORTH 31°14'39" EAST 152.19 FEET TO A 5/8 INCH REBAR WITH "MCMAHON" CAP FOUND AT THE NORTHWEST CORNER OF SAID LOT 21-C ALSO BEING THE SOUTH LINE OF THE KINSEY STREET RIGHT-OF-WAY PARCEL; THENCE NORTH 59°00'38" WEST ALONG THE SOUTH LINE OF KINSEY STREET 22.98 FEET TO AN IRON PIPE FOUND AT THE SOUTHWEST CORNER OF SAID KINSEY STREET RIGHT-OF-WAY PARCEL; THENCE NORTH 31°12'37" EAST ALONG THE WEST LINE OF SAID KINSEY STREET RIGHT-OF-WAY PARCEL 51.43 FEET TO A PINCH PIPE AT THE SOUTHEAST CORNER OF LOT 2 IN CAMPBELL'S SUBDIVISION RECORDED AS INSTRUMENT NUMBER 2023-009389 IN SAID RECORDER'S OFFICE; THENCE NORTH 31°14'39" EAST ALONG THE WEST LINE OF SAID LOT 2 A DISTANCE OF 148.67 FEET TO THE POINT OF BEGINNING, CONTAINING 1.572 ACRES, MORE OR LESS, BEARINGS IN THE FOREGOING DESCRIPTION ARE REFERENCED TO GRID NORTH OF THE INDIANA STATE PLANE COORDINATE SYSTEM (NAD 83/NAADS 2011 AD), AS DETERMINED BY GNSS OBSERVATIONS.

DEED OF DEDICATION

WE, THE UNDERSIGNED, _____, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED SAID REAL ESTATE IN ACCORDANCE WITH THE ATTACHED PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS THE RESUBDIVISION OF LOT 21-C IN THE RESUBDIVISION OF LOT 21 IN CAMPBELL'S SUBDIVISION, AND LOTS 23 & 25 IN CAMPBELL'S SUBDIVISION. ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC. THERE ARE STRIPS OF GROUND OF VARIOUS WIDTHS SHOWN ON THIS PLAT AND LABELED AS EASEMENTS FOR VARIOUS PURPOSES. UTILITY EASEMENTS ARE RESERVED FOR THE USE OF PUBLIC UTILITIES FOR THE INSTALLATION OF MAINS, POLES, DUCTS, LINES, AND WIRES, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HODUM RESERVED. DRAINAGE EASEMENTS ARE RESERVED FOR THE USE OF THE CITY, HOMEOWNERS, AND/OR THE PROPERTY OWNER'S ASSOCIATION TO PROVIDE FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF DRAINAGE CONDUITS, SWALES, CHANNELS, OVERFLOWS, DETENTION BASINS, OR OTHER RUNOFF MANAGEMENT FACILITIES. A CONSERVATION EASEMENT IS HEREBY DEDICATED OVER AND ACROSS OUTLOT "A" AND IS GRANTED IN FAVOR OF THE OWNER(S) OF OUTLOT "A" AND THE CITY OF VALPARAISO, ITS AGENTS, REPRESENTATIVES, AND ASSIGNS. SUCH EASEMENTS HAVE BEEN CREATED TO PROTECT THE ENVIRONMENTAL VALUE OF SUCH AREAS AND TO PROTECT THE NATURAL RESOURCES LOCATED THEREIN. SUCH CONSERVATION EASEMENTS PROHIBIT ANY PERSON FROM INTERFERING WITH OR DAMAGING THE NATURAL RESOURCES LOCATED THEREIN. NO STRUCTURES, BUILDINGS, PARKING, OR OTHER IMPROVEMENTS SHALL BE BUILT IN AND NO LAND DISTURBING ACTIVITIES SHALL TAKE PLACE WITHIN SUCH AREAS WITH THE EXCEPTION OF THOSE NECESSARY AND PROPERLY AUTHORIZED TO INSPECT, MAINTAIN, RESTORE AND ENHANCE THE NATURAL RESOURCES LOCATED THEREIN. THE INSPECTION AND MAINTENANCE OF THE NATURAL RESOURCES LOCATED WITHIN SUCH AREAS SHALL BE THE RESPONSIBILITY OF THE OWNER(S) OF OUTLOT "A". THE CITY OF VALPARAISO, ITS AGENTS, REPRESENTATIVES, AND ASSIGNS, IS HEREBY GRANTED THE RIGHT TO REQUEST REMOVAL AND/OR REMOVE ANY INTERFERENCE OR DAMAGE TO NATURAL RESOURCES LOCATED WITHIN SUCH EASEMENTS. THE CITY OF VALPARAISO, ITS AGENTS, REPRESENTATIVES, AND ASSIGNS, IS HEREBY GRANTED THE RIGHT, BUT NOT THE RESPONSIBILITY, TO ENTER SUCH CONSERVATION EASEMENTS IN ORDER TO INSPECT, MAINTAIN, RESTORE, AND ENHANCE THE NATURAL RESOURCES LOCATED THEREIN. SUCH CONSERVATION EASEMENTS ARE BINDING ON ALL HEIRS, SUCCESSORS, AND ASSIGNS TO THE PROPERTY ON WHICH THEY ARE LOCATED. THE CITY OF VALPARAISO, OR ITS SUCCESSOR UNIT OF GOVERNMENT, MAY ENFORCE THE PROVISIONS OF SUCH EASEMENTS AS IF SUCH EASEMENTS WERE A STIPULATION OF THE CITY OF VALPARAISO UNIFIED DEVELOPMENT ORDINANCE, OR ITS SUCCESSION ORDINANCE. SUCH EASEMENTS SHALL BE MODIFIED OR VACATED IN THE MANNER STIPULATED IN THE CITY OF VALPARAISO UNIFIED DEVELOPMENT ORDINANCE, OR ITS SUCCESSION ORDINANCE. NO PERMANENT OR TEMPORARY STRUCTURES ARE TO BE BUILT OR MAINTAINED UPON SAID EASEMENTS. OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES AND TO THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 2024.

STATE OF INDIANA)

SS: COUNTY OF PORTER)

BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING AS THEIR VOLUNTARY ACT AND DEED.

THIS _____ DAY OF _____, 2024.

THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC -

NOTARY PUBLIC -

PRINTED NAME -

PRINTED NAME -

MY COMMISSION EXPIRES:

MY COMMISSION EXPIRES:

PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-4, ET SEQ, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, THIS PLAT WAS GIVEN APPROVAL BY THE CITY AS FOLLOWS:

APPROVED BY THE VALPARAISO PLAN COMMISSION AT A REGULAR MEETING HELD ON:

_____, 2024

VALPARAISO PLAN COMMISSION

PRESIDENT, MEMBER

EXECUTIVE DIRECTOR, MEMBER

SURVEYOR'S CERTIFICATION

I, RANDALL S. PETERSON, HEREBY CERTIFY THAT I AM A LAND SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, AND THAT TO THE BEST OF MY KNOWLEDGE, THIS PLAT CONFORMS TO THE REQUIREMENTS OF THE CITY OF VALPARAISO UNIFIED DEVELOPMENT ORDINANCE, AND THE STANDARDS MANUAL, THAT THE MARKERS AND MONUMENTS SHOWN ON THE PLAT ACTUALLY EXIST; AND THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN.

RANDALL S. PETERSON, P.S.
PROFESSIONAL SURVEYOR #1520400012
STATE OF INDIANA

PRELIMINARY

GENERAL NOTES

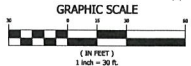
- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:
 - EASEMENTS, OTHER THAN THE POSSIBILITY OF EASEMENTS WHICH WERE VISIBLE BY PHYSICAL EVIDENCE.
 - RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS.
 - ANY FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 - OWNERSHIP OR TITLE.
- NO ABSTRACT OR TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD, WHICH WOULD AFFECT THIS PARCEL.
- NO EFFORT HAS BEEN MADE TO DETERMINE THE EXISTENCE OF OR EXTENT OF "WETLANDS", FLOOD PLAINS OR FLOOD WAVES OR HAZARDOUS MATERIALS, IF ANY EXIST, UNLESS SHOWN OTHERWISE AND NOTED HEREON. ALL IMPROVEMENTS SHOWN WERE VISIBLE AND ABOVE GROUND. NO DICATIONS, PROBINGS, ETC. WERE MADE DURING THE PROGRESS OF THIS SURVEY FOR ANY BURIED OR NON VISIBLE UTILITIES/STRUCTURES.
- B.S.L. DENOTES BUILDING SETBACK LINE.

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW

LEGEND

- FC FOUND CAPPED IRON
- FR FOUND IRON ROD
- FP FOUND FINCH PIPE
- CB SET CAPPED IRON ROD

ABONMARCHE FORM #0050



ABONMARCHE
Surveyor
Professional
Surveyor
#1520400012
State of Indiana

THE RESUBDIVISION OF LOT 21-C IN THE RESUBDIVISION OF LOT 21 IN
CAMPBELL'S SUBDIVISION AND LOTS 23 & 25 IN CAMPBELL'S SUBDIVISION
SECONDARY PLAT

DRAWN BY: BEO
FILED BY: EQ/JR
FILE REVIEW: ASK
QVOC REVIEW: B2P
DATE: 10/25/2024
SCALE: AS NOTED
AC JOB #: 24-1288
SHEET NO. 1 OF 2