



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, June 17, 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) – May 20, 2025
5. Old Business and Matters Tabled

VAR25-007 (Public Hearing was closed 05/20/25)

A petition filed by Gordon Bailey (Owner). 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 provided) at 1013 Elmhurst Avenue. The variance request incorporates three development standards variances – 6ft height, full opacity, and location. The zoning classification is NC60 Neighborhood Conservation.

6. New Business

UV25-001 (Public Hearing)

A petition filed by Barley Properties, LLC for and on behalf of Right Approach Performance LLC c/o Leeth Law LLC. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO): Article 2, Section 2.201 Table B to allow an indoor athletic training/performance development business for development of sports skills, fundamental athletic movements and athletic coaching. The address is 2750 Barley Drive. The zoning classification is INL Light Industrial.

VAR25-009 (Public Hearing)

A petition filed by Robert Barthel of Chicago Renovators (Petitioner) for Vaso and Erin Stojic (Owners). The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO): Table 3.501 to encroach into the 30ft minimum rear yard set with a screened-in porch addition (per plan); and 13.304(c) to increase the extent of nonconformity (existing home encroaches approximately 16ft into the 30ft current minimum rear yard setback at the northeast corner of the property). The address is 2308 Dorset Drive. The zoning classification is SR Suburban Residential.

7. Other Business
8. Staff Items
9. Adjournment

Next scheduled meeting: Tuesday, July 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.

R 34120
\$50.00 - CC
4-17-25 OK

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

- ☐ Use Variance
☒ Development Standards Variance \$50.00
☐ Special Exception/Special Use
☐ Relief to Administrative Decision
☐ Conditional Use
☐ Wireless Communications Facility

FILED

APR 17 2025

For Office Use Only:

Petition #: VAR25-007

Application Type: DEV. STANDARDS VAR

Application Filing Fee: \$50.00

Date Filed: 4 / 17 / 2025

Meeting: 5 / 20 / 2025

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address:

1013 Elmhurst Ave
Valparaiso Indiana 46385

Subject property fronts on the East & North

side between (streets) Elmhurst

& Hope

Zoning District: NC 60

PETITIONER INFORMATION

Applicant Name:

Gordon Bailey

Phone:

219-241-6670

Email:

gordon.bailey@comcast.net

Address:

1013 Elmhurst Ave
Valparaiso Indiana 46385

PROPERTY OWNER INFORMATION

Applicant Name:

Gordon Bailey

Phone:

219-241-6670

Email:

gordon.bailey@comcast.net

Address:

1013 Elmhurst Ave
Valparaiso Indiana 46385

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

Article: 2 Section: 302 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. _____)

Chautaugua Park Lot 1 Block 6

6

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

Replace existing fence on North side of property which was damaged during construction of ADA compliant addition. Existing fence is chain link with slats and would be replaced with pvc/vinyl.

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:

Please see attached

- 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:

Please see attached

- 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:

Please see attached

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.

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:

1. **Traffic and Line of Sight:** The proposed fence will not impede traffic flow or obstruct sightlines for drivers, pedestrians, or cyclists. The placement and height of the fence, although different from the previous fencing, have been designed to ensure that it does not interfere with visibility, preserving safe driving and pedestrian conditions on Hope Street for all.
2. **Beautification and Low Maintenance:** The new fence has been selected with an emphasis on enhancing the aesthetics of the area. Its design and materials are intended to improve the visual appeal of the surrounding environment, contributing positively to the neighborhood's overall appearance and character. Furthermore, a fencing of this type requires little to no upkeep and maintenance which is critical given our limited ability to physically maintain something that needs manual labor in order to maintain.
3. **Preservation of Useable Space:** The installation of the new fence does not reduce or interfere with the usable space available for the community. We only wish to replace the new fence material in the exact location of the current fence and can ensure that it does not obstruct common areas or limit access to any public spaces.

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 adjacent property is characterized by a sloped hill, which reduces the impact of the proposed fence on the neighboring area.
- The area surrounding the property lacks sidewalks, and as such, there is minimal to no foot traffic in the immediate vicinity. With no regular pedestrian activity or pathways around the neighborhood, the fence will not interfere with the movement of residents or visitors of any neighbors or adjacent property.
- Other properties in the neighborhood that have fences facing the road feature similar fence heights. The proposed fence will align with the established character of the area, ensuring that it does not create an inconsistency that would affect the aesthetic appeal or value of adjacent properties.

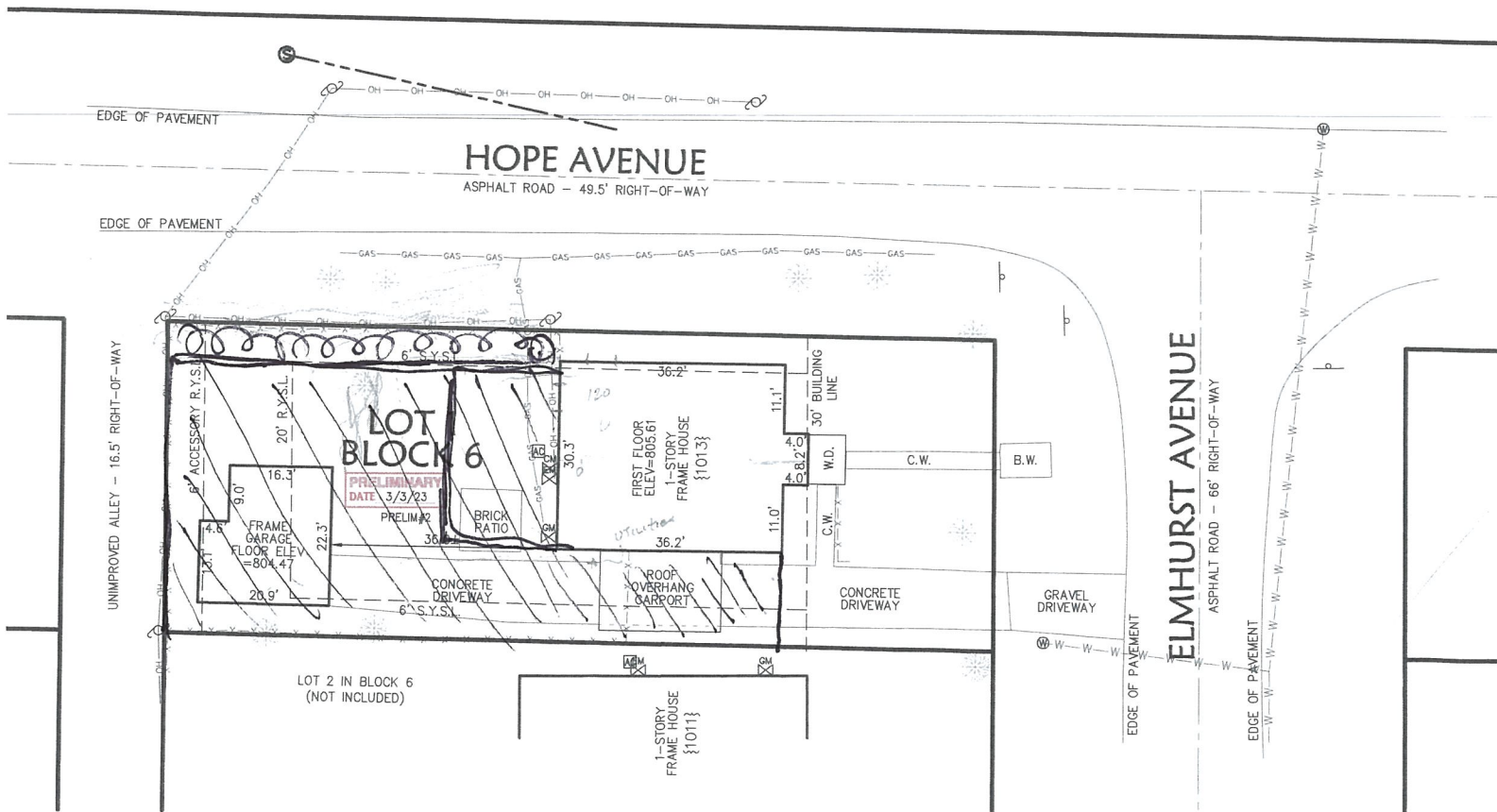
C. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property included in the proposed variance because:

- Strict adherence to the zoning ordinance would require a setback that would result in the loss of approximately 200 square yards of valuable green space. This area is essential for landscaping, outdoor activities, and overall aesthetic appeal, and its reduction would significantly impact the livability and functionality of the property.
- Applying the zoning ordinance as it stands would place the fence too close to the house, making it more difficult to access and maintain. Leaving the fence in the current location would maintain extra space between the fence and the house preventing events such as vandalism which unfortunately we have experienced. A change of location would decrease the functionality of the area around the house particularly for routine activities such as maintenance, landscaping, and general use of the space.

P 12 of 15

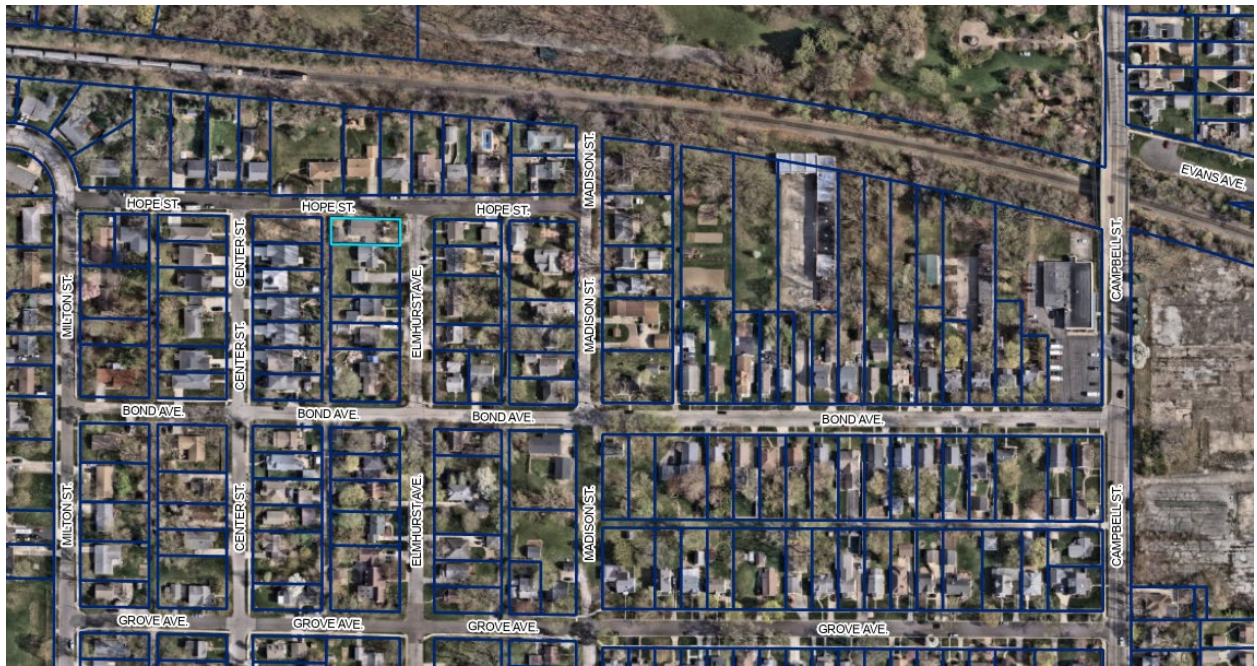


Privacy Fence
location
Per
UDO

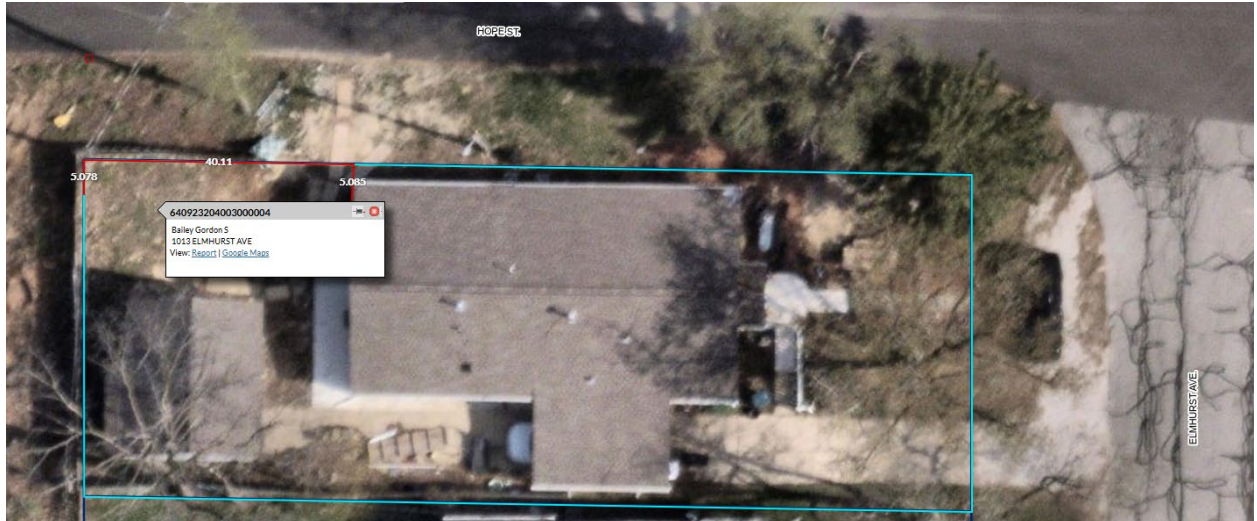


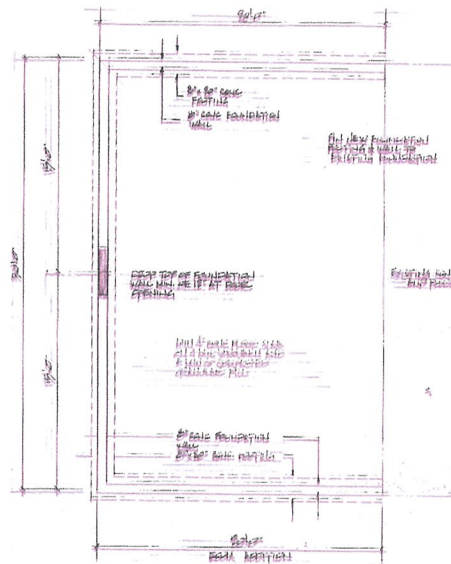
Does not include
ADA home addition put in in 2024.

VICINITY MAP

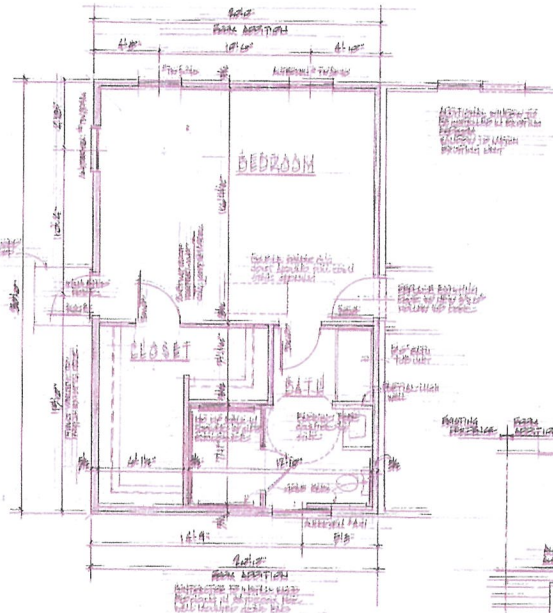


PROPERTY, FENCE VARIANCE LOCATION SHOWN IN RED

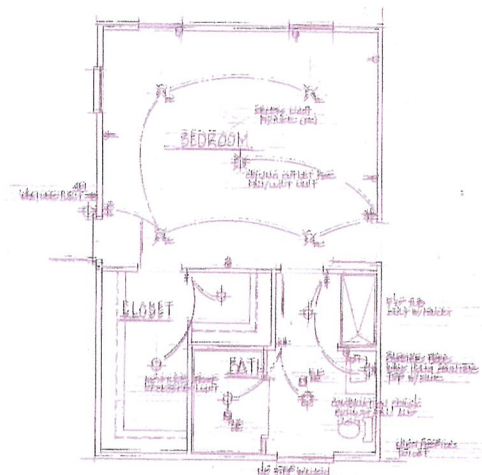




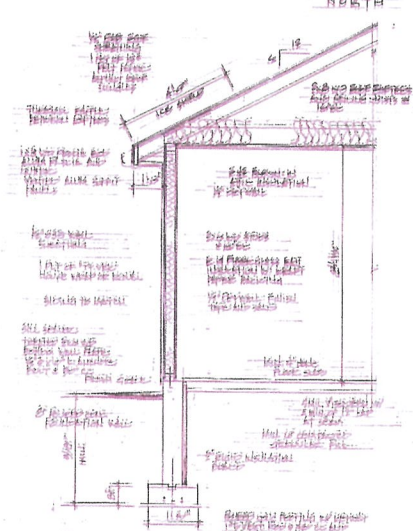
FOUNDATION PLAN
SCALE: 1/8" = 1'-0"



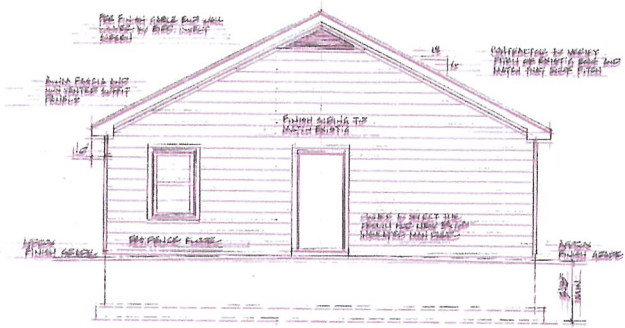
FLOOR PLAN
SCALE: 1/8" = 1'-0"



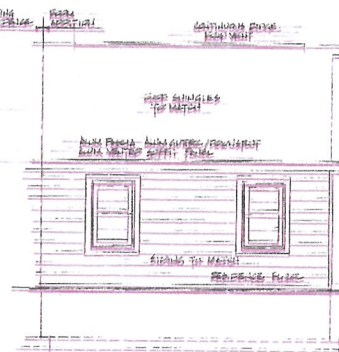
UTILITY PLAN
SCALE: 1/8" = 1'-0"



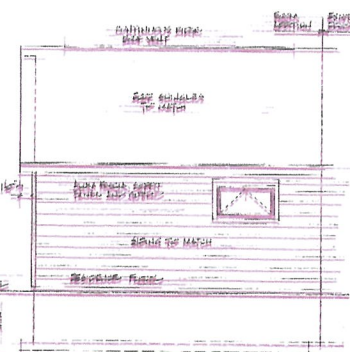
WALL CROSS SECTION 'A-A'
SCALE: 1/8" = 1'-0"



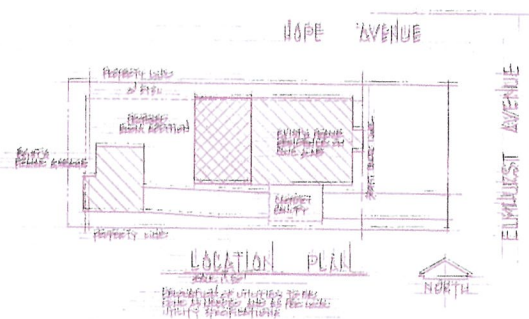
VEST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



LOCATION PLAN
SCALE: 1/8" = 1'-0"

JAMES F. GIANNINI & ASSOCIATES
 Architecture • Engineering • Design/Build
 105 South 2nd Street • Chicago, Illinois 60604
 312.728.7439 • www.jfassociates.com

Proposed Addition
 1013 Elm Street
 Valparaiso, Indiana

SHEET
 A.1

Proposal

RESIDENTIAL

www.nwifenceco.com

COMMERCIAL

GUARD RAIL

DAMON COLBY,
PRESIDENT



West U.S. 130
1758 West Lincolnway
Valparaiso, IN 46385
Ph: (219) 464-4207
Fax: (219) 465-1747

Proposal Submitted To:

Gordon Bailey

Phone:

241-6670

Date:

1-7-25

Address, City, State, Zip:

1013 Elmhurst St. Valparaiso 85

e-mail:

gordon.bailey@comcast.net

Specifications:

Size:

No. of Feet 97' Line Post 5x5 O.D.
Height 6' End Post 5x5 O.D.
Type PVC Corner Post 5x5 O.D.
Coating Clay Gate Post 5x5 w/stiff O.D.
Gauge Estate Top Rail 1 1/2" x 5 1/2" O.D.
Style Solid Caps Pyramid (Flat)
Width of Gate 6' x 4' & - & - & -

Wood Material

Wood Posts

Removal of 5" Chain Link is included.

Quote #2 - 69' of 6' Clay Estate is \$4,980

Sub Total \$6,006-

Sales Tax 302-

Total \$6,308-

Down Payment \$3,154-

Completion Balance \$3,154-

Balance due within 10 days of completion. Any variance will incur a MONTHLY 1.5% finance charge. Any lawyer and court fees incurred trying to collect an outstanding debt, will be at buyers expense.

Contractor Responsibilities:

All work performed in a workmanlike manner and in accordance with standard practices. All agreements contingent upon strikes, accidents or delays beyond our control. To be licensed as required by cities, towns or counties as a contractor. Workers fully covered by Workmans Compensation Insurance.

Owners Responsibilities

1. Verify property lines and acquire necessary permits. Fees to be added if we are required to obtain permit.
2. Pending fence line needs to be cleared 3' to ground of all landscaping prior to installation.
3. Locate and mark PRIVATE utilities and sprinkler lines. Not liable for damages to unmarked utilities and lines.
4. Dirt removal. For an additional fee of \$25 per hole, we can provide this service.

Accept Dirt Service Y/N

FOR NEW INSTALLS:

1. Owner to be present at start to verify layout with foreman. If unavailable, install will be as drawn.
2. Owner to be present at end for final inspection and payment with foreman. If unavailable, owner has 3 working days to notify NWI Fence of issues with install at which time balance would be due.

These responsibilities have been fully explained to me and I accept them.

Signature: _____

Acceptance of Proposal:

The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. I understand that I have three(3) working day to cancel. After that 10% of the TOTAL contract amount will be retained as a cancellation fee. Special order materials are non-refundable.

Signature _____

Signature _____

Date _____

More or less material other than amount contracted for will be debited or credited at current rate.

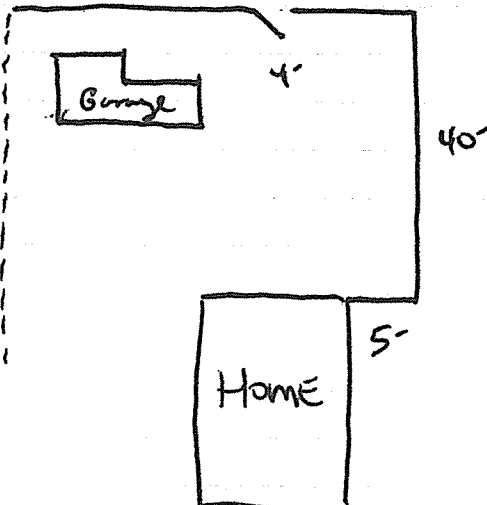
This proposal becomes a contract when accepted by both parties:

Authorized
Signature

R. M. Dong

Proposal may be withdrawn after 30 days if not accepted.

50' T



Bailey, Gordon

Proposal

RESIDENTIAL

www.nwifenceco.com

COMMERCIAL

GUARD RAIL

DAMON COLBY,
PRESIDENT
 West U.S. 130
 1758 West Lincolnway
 Valparaiso, IN 46385
 Ph: (219) 464-4207
 Fax: (219) 465-1747

Proposal Submitted To: Gordon Bailey

Phone: 241-6670

Date: 5-6-25

Address, City, State, Zip:
1013 Elmhurst St. Valparaiso 46385

e-mail: gordon.bailey@comcast.net

Specifications:

Size:

No. of Feet 21' Line Post 5 x 5 O.D.
 Height 6' End Post 5 x 5 O.D.
 Type PVC Corner Post 5 x 5 O.D.
 Coating Clay Gate Post _____ O.D.
 Gauge Solid Top Rail 1 3/4" x 5 1/2" O.D.
 Style Privacy Caps Pyramid (Flat)
 Width of Gate _____ & _____ & _____
 Wood Material _____ Wood Posts _____

Sub Total \$ 1,321

Sales Tax \$ 51

Total \$ 1,372

Down Payment \$ 686

Completion Balance \$ 686

Balance due within 10 days of completion. Any variance will incur a MONTHLY 1.5% finance charge. Any lawyer and court fees incurred trying to collect an outstanding debt, will be at buyers expense.

Contractor Responsibilities:

All work performed in a workmanlike manner and in accordance with standard practices. All agreements contingent upon strikes, accidents or delays beyond our control. To be licensed as required by cities, towns or counties as a contractor. Workers fully covered by Workmans Compensation Insurance.

Owners Responsibilities

1. Verify property lines and acquire necessary permits. Fees to be added if we are required to obtain permit.
2. Pending fence line needs to be cleared 3' to ground of all landscaping prior to installation.
3. Locate and mark PRIVATE utilities and sprinkler lines. Not liable for damages to unmarked utilities and lines.
4. Dirt removal. For an additional fee of \$ 25 per hole, we can provide this service.

Accept Dirt Service Y/N

FOR NEW INSTALLS:

1. Owner to be present at start to verify layout with foreman. If unavailable, install will be as drawn.
2. Owner to be present at end for final inspection and payment with foreman. If unavailable, owner has 3 working days to notify NWI Fence of issues with install at which time balance would be due.

These responsibilities have been fully explained to me and I accept them.

Signature: _____

Acceptance of Proposal:

The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. I understand that I have three(3) working day to cancel. After that 10% of the TOTAL contract amount will be retained as a cancellation fee. Special order materials are non-refundable.

Signature _____

Signature _____

Date _____

More or less material other than amount contracted for will be debited or credited at current rate

This proposal becomes a contract when accepted by both parties:

Authorized
Signature

Proposal may be withdrawn after 30 days if not accepted.

1013 Elmhurst
- NORTH
FACING -



1013 Elmhurst Ave.
- WEST
FACING -



1014 E. Elmhurst Ave.
corner of Elmhurst
and HOPE
- NORTH
FACING -



ence
approved
6-14-2018
318-0459

705 ELMHURST
CORNER OF GROVE
and ELMHURST
- SOUTH FACING -



486 Ridgeland
CORNER OF MADISON
and Ridgeland
- Facing WEST -



1021 MADISON →



1021 MADISON
CORNER OF
MADISON and HOPE
- SOUTH
FACING -



1014 ELMHURST —
CORNER OF
HOPE and Elmhurst
- NORTH AND
WEST FACING -

486 Ridgeland
Corner of Madison
and Ridgeland
- Facing WEST -



1021 MADISON
CORNER OF
MADISON and Hope
- SOUTH Facing -



662 Lincolnway
corner of Madison
and Lincolnway
- Facing WEST -



557 Chestnut
corner of
WESTON and
Chestnut
- Facing WEST -



714 Elmhurst
corner of Bond
and Elmhurst
- Facing North -



201 Madison
corner of
Madison and
Chicago
- Facing South -



1021 Madison
Corner of Madison and Bond
Facing East and South -



955 Milton
Corner of Milton and
Ridgeland
- Facing NORTH -



313 Elmhurst
Corner of
Prospect and
Elmhurst
- Facing North -



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 #: _____
Application Type: _____
Application Filing Fee: _____
Date Filed: ____/____/____
Meeting: ____/____/____

SUBJECT PROPERTY INFORMATION		TYPE OR PRINT IN INK
Property Address 2750 Barley Road Valparaiso, Indiana 46383	Subject property fronts on the <u>Barley Road</u> side between (streets) _____ & _____ Zoning District: <u>INL-Light Industrial</u>	
PETITIONER INFORMATION		
Applicant Name: <u>Barley Properties LLC on behalf of Right Approach</u> <u>Performance LLC</u> Phone: <u>219-250-6501</u> Email: <u>todd@leeth.law</u>	Address: c/o Todd A. Leeth Leeth Law LLC 2700 Valparaiso Street, #2412 Valparaiso, Indiana 46384	
PROPERTY OWNER INFORMATION		
Applicant Name: <u>Barley Properties LLC</u> Phone: <u>219-250-6501</u> Email: <u>todd@leeth.law</u>	Address: c/o Todd A. Leeth Leeth Law LLC 2700 Valparaiso Street, #2412 Valparaiso, Indiana 46384	
SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:		
Article: <u>2</u> Section: <u>2.201</u> Paragraph: <u>Table B</u> 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:_____)

Lot 2B in the Replat of Lot 2 in Appletree Ventures Minor Subdivision, as per plat thereof recorded in Plat File 58-D-1A1, recorded as Document No. 2024-003996 in the Office of the Recorder of Porter County, Indiana.

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

Allow an indoor athletic training/performance development business for development of sports skills, fundamental athletic movements and athletic coaching and shall include a studio for golf simulators, batting cages, weight training and other athletic development methods within the Industrial, Light (INL) District

**CITY OF VALPARAISO
BOARD OF ZONING APPEALS**

PETITIONER’S PROPOSED FINDINGS OF FACT

[Revised 5-28-2025]

Petitioner: Barley Properties, LLC for and on behalf of Right Approach Performance, LLC

Legal Description: Lot 2B in the Replat of Lot 2 in Appletree Ventures Minor Subdivision, as per plat thereof recorded in Plat File 58-D-1A1, recorded as Document No. 2024-003996 in the Office of the Recorder of Porter County, Indiana.

Location: 2750 Barley Road, Valparaiso, Indiana

Current Zoning: Industrial, Light (INL) District

Petition: Allow an indoor athletic training/performance development business for development of sports skills, fundamental athletic movements and athletic coaching and shall include a studio for golf simulators, batting cages, weight training and other athletic development methods within the Industrial, Light (INL) District.

Case No.:

The above-named Petitioner now makes the proposed Findings of Fact in support of Petitioner’s petition for a variance of use to allow a facility for development of sports skills, fundamental athletic movements and athletic coaching and shall include a studio for golf simulators, batting cages, weight training and other athletic development methods on the above described real estate. After conducting a public hearing pursuant to I.C. 37-7-4-920 *et seq.* and the Unified Development Ordinance, and after hearing Petitioner’s arguments and evidence in support of the variance, 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, Indiana 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 granting of the variance will not adversely affect the safety of vehicular traffic by reducing or obstructing the line of sight at intersections of public or private roads or driveways. Traffic volume is consistent with or lower impact from many light industrial uses otherwise permitted. The vision is unobstructed both east and west. There are no hills or valleys in the road to limit visibility of on oncoming traffic or to obstruct the view of entering vehicles.
 - b. The granting of the variance will not restrict or hamper access by emergency apparatus or personnel to the proposed structure or any other structure.
 - c. The proposed facility promotes participation in athletic activity and enhances physical fitness of the participants and students.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
 - a. The granting of the variance will not substantially increase noise, light, traffic, drainage or other development standards.
 - b. The granting of the variance and allowance of the proposed use does not impair public safety, harm community character, or jeopardize the protection of public infrastructure, and land use compatibility.
 - c. The granting of the variance is the most restrictive and the minimum relief available to the Petitioner.
3. The need for the variance arises from some condition peculiar to the property involved because:
 - a. The Petitioner's property is of sufficient size to accommodate the proposed use without negative impacts to the surrounding property. The building improvements and divided leasable space provide special use advantages for the utilization of sports performance training systems where flight and trajectory of the flight of a ball in play can allow performance feedback in an indoor climate-controlled environment.
 - b. The subject property contains a commercial/industrial building which Petitioner leases to various tenants. A portion of the building is currently

vacant and underutilized, and the proposed use of the structure is a good use of existing resources.

- c. Section 1.415 of the UDO acknowledges that the character of buildings within the Industrial, Light (INL) District are generally utilitarian and the overall building is adequately and strategically designed to allow for varying uses in the building.
 - d. The building is located near and has easy access to State Highway 49, a major thoroughfare that can easily accommodate traffic for this use.
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:
- a. The granting of the variance will allow the Petitioner's property to be used in the best practical way without frustrating or infringing on the use or enjoyment of neighboring properties. Petitioner's real estate and the building situated thereon is uniquely configured in generally a lineal orientation with acoustic building materials designed for Light Industrial uses thereby controlling the transmission of sound to adjoining properties or other tenants.
 - b. The need for the use variance is not self-created or inflicted and is not the result of actions or omissions of the Petitioner.
 - c. The Unified Development Ordinance does not provide a district or classification to provide the Petitioner with the proposed use and Petitioner would have to rely on Section 2.204 (Unlisted and Functionally Similar Uses) for allowance of this use in potentially other zoning districts.
5. The approval does not interfere substantially with the comprehensive plan because:
- a. The granting of the variance will not alter the essential character of the locality and will provide for the orderly growth and development of the area because the use is permitted in commercial zoning classifications that offer a lesser intensity of use under the Unified Development Ordinance.
 - b. The granting of the variance does not alter or negatively affect the community character, historic neighborhoods, or other key growth factors discussed in the Comprehensive Plan. The proposed use is consistent with and does not deviate from the auto-urban character of the overall development.
 - c. Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variance.

Respectfully submitted;

By: _____

Todd A. Leeth
Leeth Law LLC
2700 Valparaiso Street, #2412
Valparaiso, Indiana 46384

Attorney for Petitioner

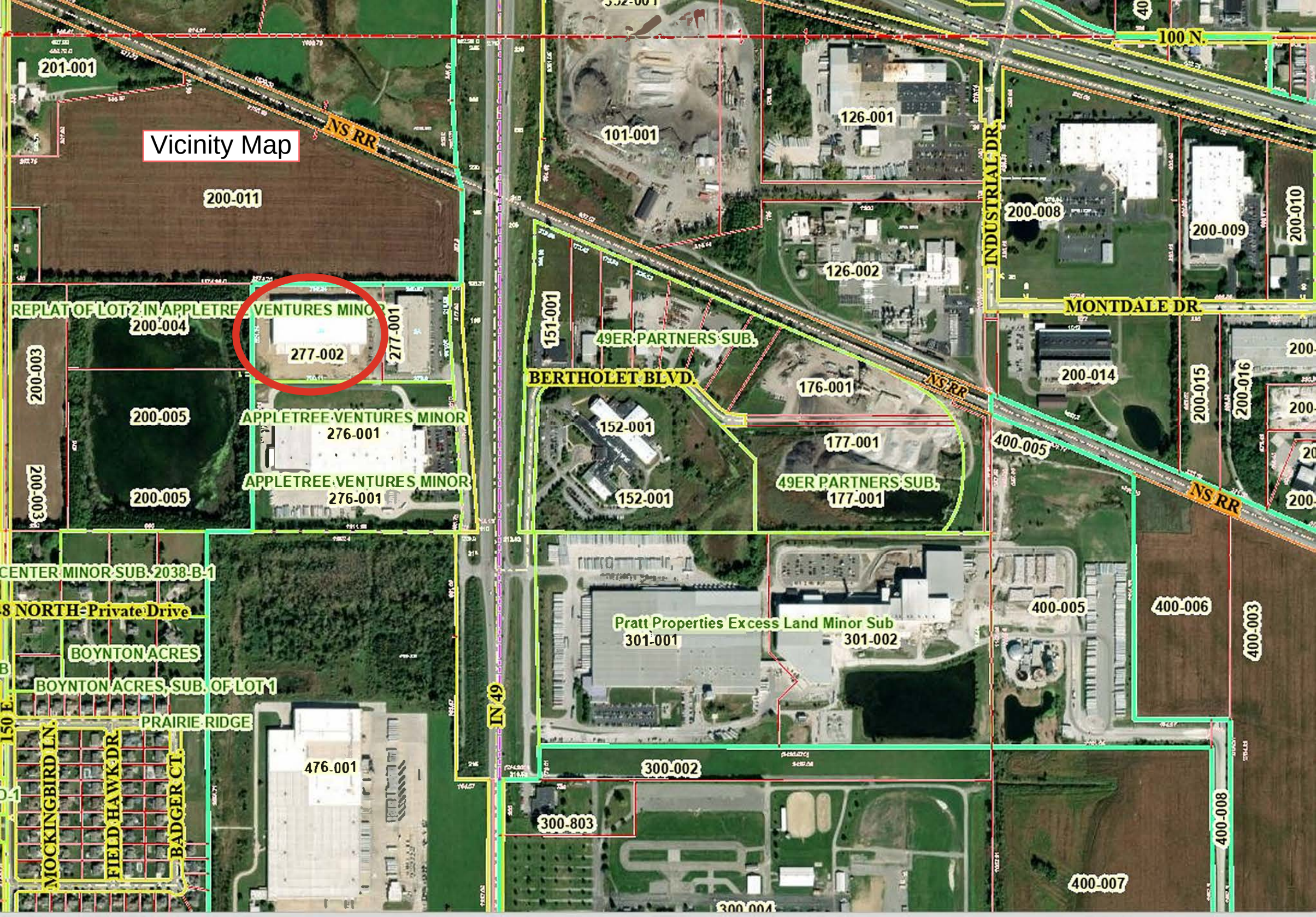
This Instrument Prepared By:

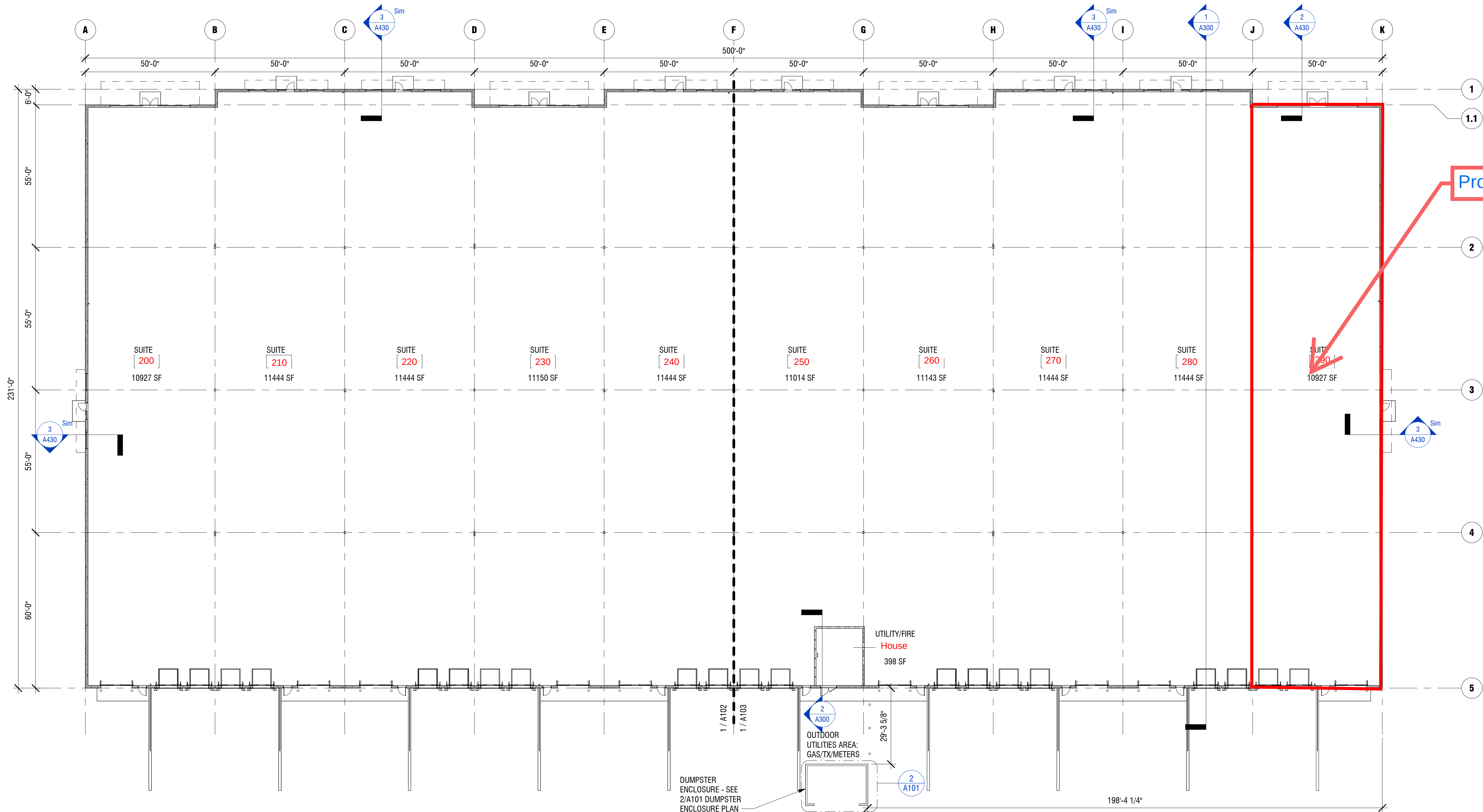
TODD A. LEETH
LEETH LAW LLC
2700 VALPARAISO ST., #2412
VALPARAISO, INDIANA 46384



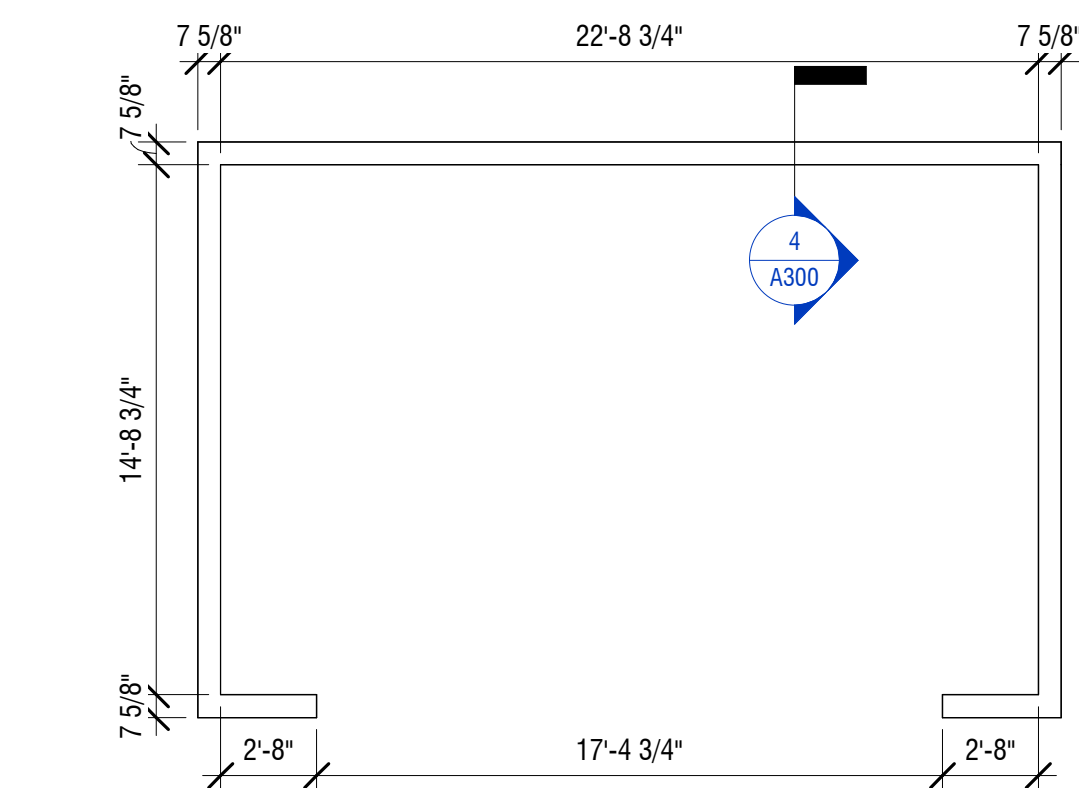
<https://leethlaw.sharepoint.com/sites/LeethLaw/Shared Documents/Client Folders/India/Indiana Beverage, Inc. 653/Bluejay 2 -02/Variance Right Approach Perf 2025/Documents/Findings of Fact REVISED 2025-05-28.docx>

Vicinity Map





FLOOR PLAN
SCALE: 3/64" = 1'-0"



2 DUMPSTER ENCLOSURE
3/16" = 1'-0"

#	DATE	ISSUE
1	10/26/23	ISSUED FOR CONSTRUCTION



Robin E. White

DRAWN BY:	NAW
PROJECT #	56566
SCALE:	As indicated
SHEET DATE:	11/8/23

BLUEJAY II

2650 BARLEY ROAD
VALPARAISO, INDIANA
FLOOR PLAN

From: [Bob Thompson](#)
To: [Jessica Gage](#)
Subject: FW: Right Approach Performance - 2650 Barlay Rd
Date: Wednesday, June 4, 2025 10:47:02 AM
Attachments: [image001.png](#)
[RABUEJAYMEZZANINE.pdf](#)
[RABUEJAYFLOORPLAN1.pdf](#)
[RABUEJAYFLOORPLAN.pdf](#)



Bob Thompson
Director Planning & Transit
Email: bthompson@valpo.us
Phone: (219) 462-1161 x 3316
166 Lincolnway, Valparaiso, IN 46383
Valpo.us

From: Todd Leeth <Todd@leeth.law>
Sent: Friday, May 30, 2025 10:55 AM
To: Bob Thompson <bthompson@valpo.us>; Jessica Gage <jgage@valpo.us>
Cc: Chris Wellsand <rightapproachgolf@gmail.com>; Todd Wagenblast (Other) <todd.wagenblast@indianabev.com>; Kim Werner <kim@leeth.law>
Subject: FW: Right Approach Performance - 2650 Barlay Rd

The attached are “mockups” as Chris Wellsand call them. Chris is the principal of the prospective tenant, Right Approach Performance. From his email below, they are conceptual at best and I am reluctant to share with the BZA because I do not want to be in a position that they make into the record create a condition or expectation on how Chris can use the space. The “use” of the leased premises is the variance and how that use impacts the area and that it is not injurious to the public health, safety, morals and general welfare. Of course, there is more, but frankly, the location and number of batting cages vs. golf simulators within the closed walls of the leased space and how they are oriented east-west or north-south – or in the front of the space or the rear....does this affect the true issue?

Regardless, here is the “mockups” and smartly, Chris will not do a formal architectural layout until the use is approved. However, if in staff’s opinion, this is critical and important consideration for the BZA or staff’s recommendation of support then let us know and Chris will have a decision to make on proceeding with this work in advance and he will spend additional money that is at risk.

TODD A. LEETH
Attorney at Law

Phone: (219) 250-6501



LEETH LAW LLC
2700 Valparaiso St., #2412
Valparaiso, Indiana 46384

Email: todd@leeth.law

www.leeth.law

From: Chris Wellsand <rightapproachgolf@gmail.com>
Sent: Thursday, May 29, 2025 10:38 AM
To: Todd Leeth <Todd@leeth.law>
Subject: Fwd: Right Approach Performance - 2650 Barlay Rd

Todd - here are the mockups that we have for the space. I am waiting on the actual drawings from the architect until the variance has been approved since there is a significant cost for the drawings and wanted to make sure the variance has been approved first.

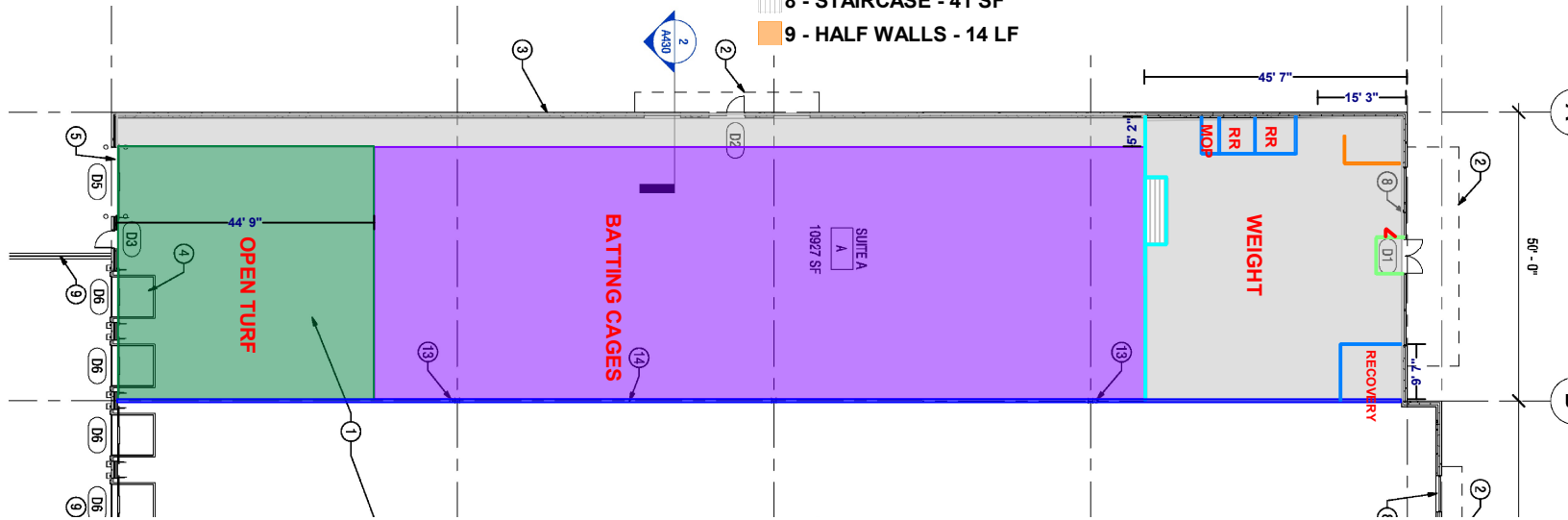
Please let me know if you have any questions.

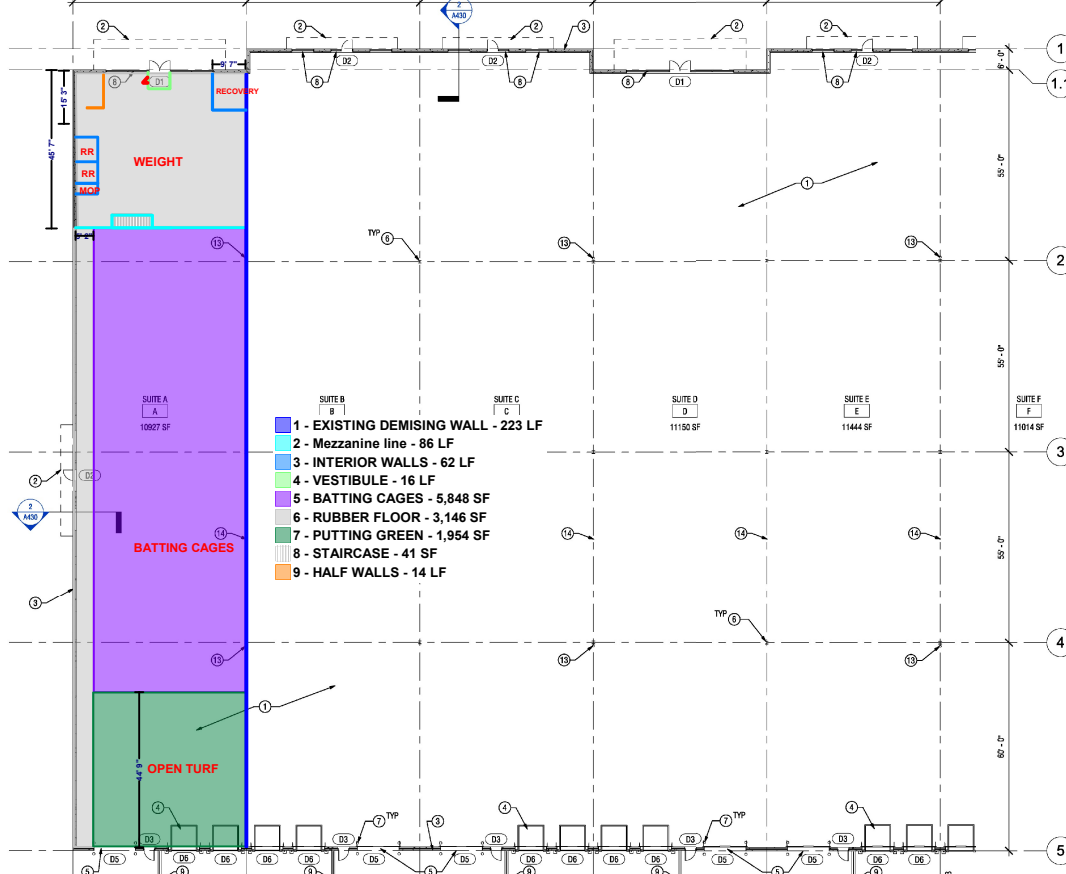
Thanks for your help!

--

Chris Wellsand, PGA
Right Approach Performance
4501 Airport Dr, Unit 801
Valparaiso, IN. 46383
219.508.2945

- 1 - EXISTING DEMISING WALL - 223 LF
- 2 - Mezzanine line - 86 LF
- 3 - INTERIOR WALLS - 62 LF
- 4 - VESTIBULE - 16 LF
- 5 - BATTING CAGES - 5,848 SF
- 6 - RUBBER FLOOR - 3,146 SF
- 7 - PUTTING GREEN - 1,954 SF
- 8 - STAIRCASE - 41 SF
- 9 - HALF WALLS - 14 LF

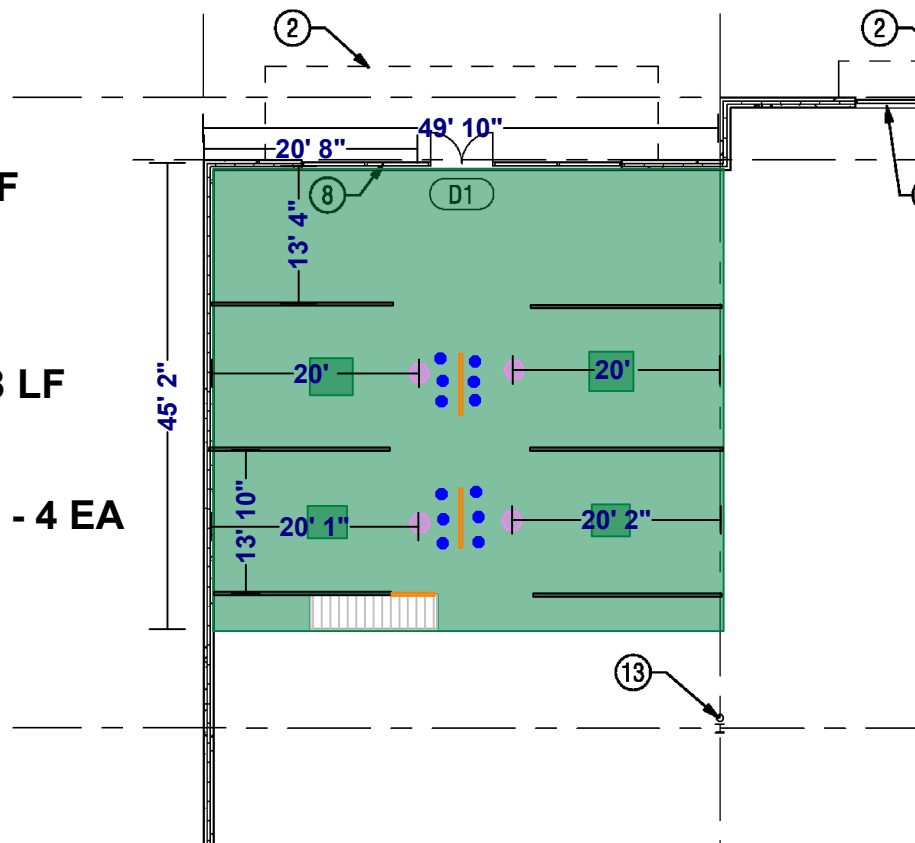




⑧ FLOOR PLAN

- 1 SLAB ON GRADE W/ VAPOR BARRIER, STRUCTURAL, 120M
- 2 PRE-MANUFACTURED ELEVATIONS FOR 5 LUMBER, WITH 11 DECK AND SOUPPE
- 3 INSULATED PRECAST READY CAST IN PLACE SECTIONS FOR DET LOADING DOCK LVL OVERHEAD DOOR,
- 4 INSULATED METAL SCHEDULE ON A10 CONCRETE FILLED
- 5 EXPOSED COLUMN
- 6 THERMALLY BROKEN WITH INSULATED GUARDRAIL, OCCUR CHANGE/WALL OF 8" DIAMETER ROOF
- 7 LOCATION OF FUTURE

- 7 - PUTTING GREEN - 2,224 SF
- 8 - STAIRCASE - 41 SF
- 9 - HALF WALLS - 16 LF
- 10 - SIMULATOR WALLS - 108 LF
- 11 - CHAIRS - 12 EA
- 12 - OVERHEAD PROJECTOR - 4 EA



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 #: VAR 25-009Application Type: Dev. Standards Var.Application Filing Fee: \$50.00Date Filed: 05 / 29 / 25Meeting: 6 / 17 / 2025

CK# 1007

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address:

2308 DORSET DR
VALPARAISOSubject property fronts on the CORNERside between (streets) DORSET DR& LEEDS DR

Zoning District: _____

PETITIONER INFORMATION

Applicant Name:

ROBERT BARTHEL

Phone:

219-331-7215

Email:

BOB@CHICAGOINNOVATORS.COM

Address:

2516 SAMUELSON RD
PORTAGE, IN**PROPERTY OWNER INFORMATION**

Applicant Name:

VASO STOJIC & ERIK STOJIC

Phone:

219-689-3004

Email:

VASOSTOJIC@YAHOO.COM

Address:

2308 DORSET DR
VALPARAISO, IN**SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:**Article: 3 Section: 501 Paragraph: _____ Item: _____Article: 13 Section: 304 Paragraph: C 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. 1)

DRAVINIKAS GLENDALE ACRES 1ST ADD LOT 49

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. 2)

16X14 SCREENED-IN PORCH, 1 STORY/
ATTACH TO THE BACK OF THE HOUSE
PER DRAWING PROVIDED

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 change is only increasing total encroachment by 2 ft, hence it is minor. It does not interfere with visibility or emergency access. It is consistent with the character of the neighborhood, as many homes have a screened in porch. It will improve livability & visual appeal of our home.

- 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:

Our home already sits just 14 feet from the border of the property at the eastern corner. See attached letter from neighbors, Thomas & Mary Sanders of 204 Leeds Dr. demonstrating their approval & support of the addition.

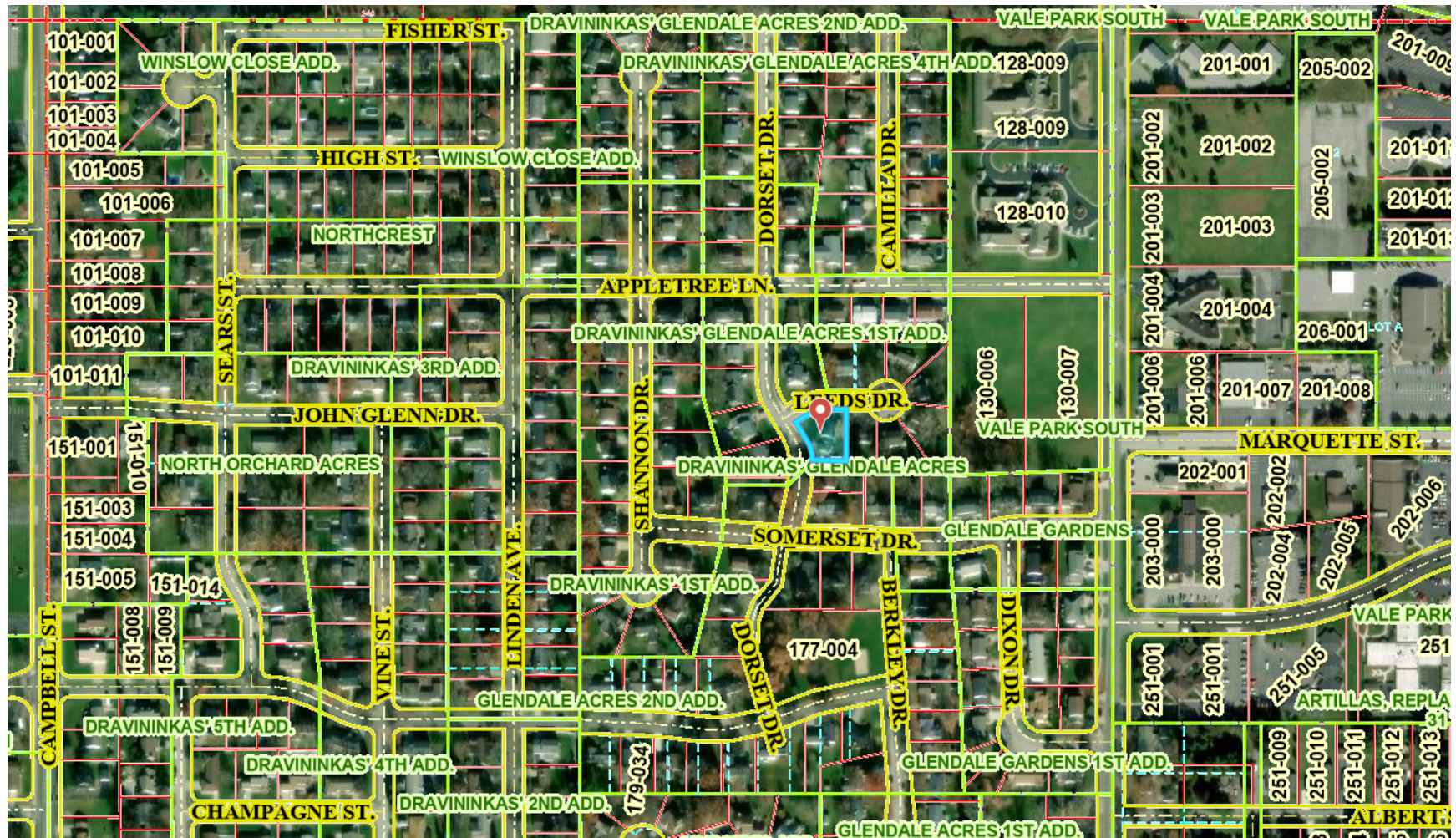
Article 13 Nonconformities. 13.364. C: ~~is~~ altered to improve livability.

- 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 lot shape is irregular, and unlike most other properties in the neighborhood, the house is set far back, diagonally on the property. The zoning ordinance at time of construction (1967) allowed the home to sit just 14 feet from the border of the property, demonstrating that at one time, the zoning ordinance must have allowed as such.

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.

VICINITY MAP:



Hyperlinks

[Parcel Assessment Details](#)

Details

Site Address

2308 Dorset Dr Valparaiso IN 46383

Homestead Filed

True

Legal Description

Dravininkas Glendale Acres 1st Add Lot 49

Parcel Number

64-09-13-130-016.000-004

Owner

Stojic Erin & Vaso/H&W

Owner Address

2308 Dorset Dr Valparaiso IN 46383



DEAVINKAS GLENDALE ACRES
LOT #49

LOT AREA 12,590 SF

HOUSE	1,008 SF
BREEZEWAY	284 SF
GARAGE	504 SF
DRIVEWAY	630 SF
SIDEWALK	117 SF
STOOD	40 SF
NEW PORCH	224 SF

PROPOSED 14' x 16'
- SCREENED-IN PORCH

A NEW PORCH FOR:

VASO & ERIN STOJIC
2308 DORSET DR VALPARAISO

SCALE:

APPROVED BY:	
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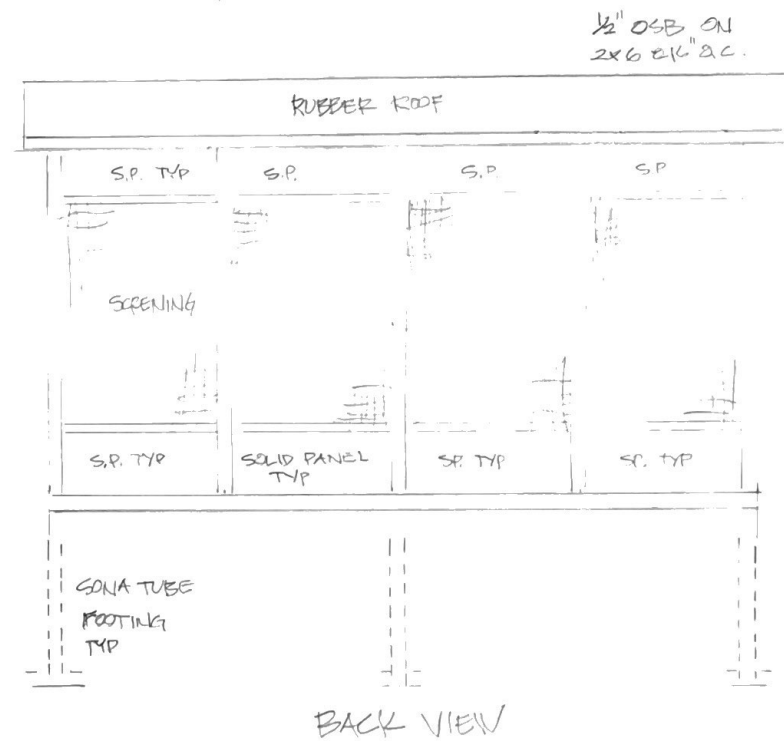
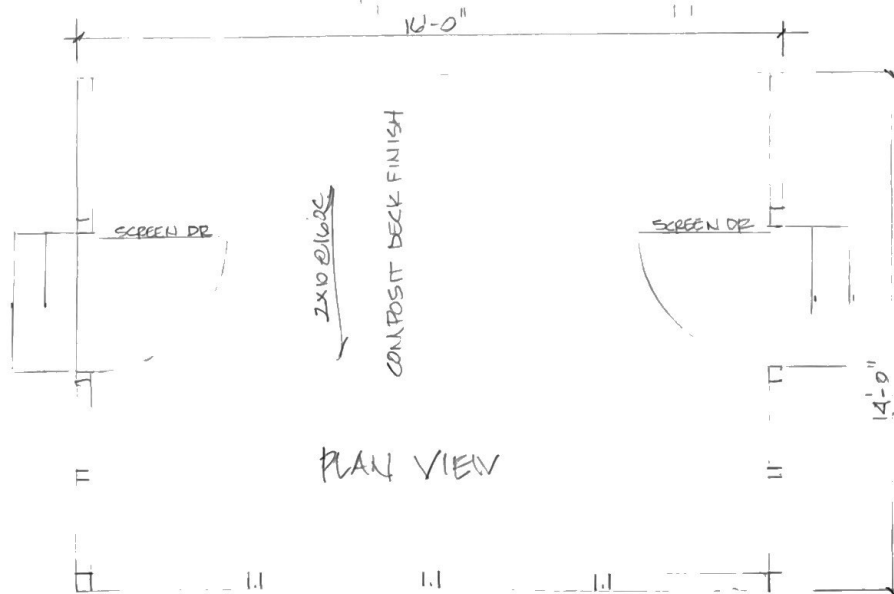
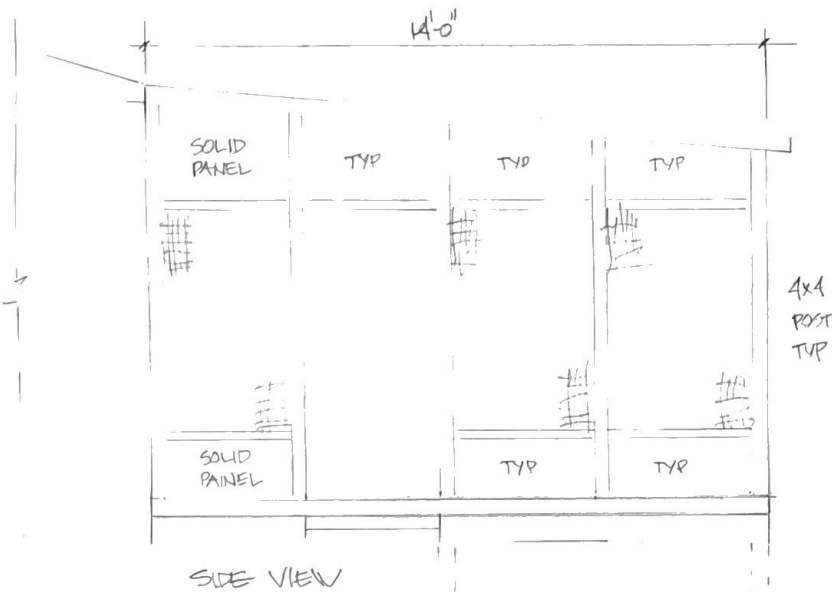
DRAWN BY 21/2

DATE:

REVIEWED

CHICAGO DENIMATORS 219-331-7215
2516 SAMUELSON RD PORTAGE

DRAWING NUMBER



A NEW PORCH FOR

VASO & ERIN STOLIC
2803 DORSET DR. VALPARAISO

SCALE: 1/2" = 1'	APPROVED BY:	DRAWN BY: RHB
DATE:	REVIS	
CHICAGO RENOVATORS	219 331-7215	
2516 SAMUELSON RD PORTAGE		
	DRAWING NUMBER	