

MEETING AGENDA

Valparaiso Board of Zoning Appeals
Thursday, November 30th, 2017 7:00 PM
City Hall, 166 W. Lincolnway

1. Roll Call
2. Old Business
3. New Business

VAR17-025 A petition filed by Steve DeBold of Chester Inc., 555 Eastport Centre Drive, Valparaiso, IN 46383. The petitioner requests a variance from Article 10, Section 10.402, of the Valparaiso Unified Development Ordinance, a variance to eliminate the required Class D bufferyard along the West property line. A variance from Article 10, Section 10.402, to vary the required Class D bufferyard, to allow for the existing tree line along the North property line to count toward the required bufferyard landscaping. The property is located at 3705 Bowman Drive, in the INH, Heavy Industrial Zoning District.

VAR17-26/SE17-001 A petition filed by LJF Investments, LLC. c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP, 103 E. Lincolnway, Valparaiso, IN 46383. The petitioner requests a discuss with the Valparaiso Board of Zoning Appeals, the reasonable conditions that were included in the Findings of Fact, for cases SE16-009, UV16-002 and VAR16-004. The property is located at 302, 306 Indiana Avenue and 153 Morgan Boulevard in the RT, Residential Transition Zoning District.

4. Adjournment
Damon Colby, President - Board of Zoning Appeals
Tyler Kent, Planning Director
Next Meeting: December 19th, 2017

Tree Replacement Schedule

**(Along North Property Line and within the Buffer Strip Planted Area, Lot 37A of the
Replat of Eastport Centre for Commerce and Industry)**

1. Tree replacement shall be based on the below ratio for every tree that has fallen and needs to be replaced due to an act of nature.
 - a. 1 to 1 tree replacement for trees that are less than 16 inches DBH;
 - b. 2 to 1 tree replacement for trees that are at least 16 inches DBH, but less than 24 inches DBH;
 - c. 3 to 1 tree replacement for trees that are at least 24 inches DBH, but less than 30 inches DBH; and
 - d. 4 to 1 tree replacement for trees that are at least 30 inches DBH.
2. Replacement trees shall be:
 - a. Planted on the site and within the buffer strip area from which trees have fallen and removed.
 - b. Of good quality and of comparable variety.
 - c. 2.5 inch caliper in regards to deciduous trees at the time of planting.
 - d. Six feet tall in regards to Evergreen replacement trees at the time of planting.

FILED

NOV 15 2017

**Instructions for filing a petition before the
CITY OF VALPARAISO BOARD OF ZONING APPEALS**

Sharon Emmanouil
Clerk-Treasurer

The information contained in this document will assist you in filing a petition before the Valparaiso Board of Zoning Appeals ("BZA"). Although not required, many petitioners do seek the advice of an attorney before filing a petition. As the Petitioner you are responsible for providing all documents and requested information with the petition on or before the Deadline for the BZA meeting. The information and documents must be accurate and must be submitted to the Planning Department prior to the scheduled Deadline. The decision of the BZA depends on a clear understanding of your request. It is strongly recommended that the Petitioner begin collecting the necessary documents prior to the date of the Deadline. If a petition is not complete or is filed late it will not be placed on the Agenda for the following month. The required filing fee as indicated below must be paid to the City Clerk-Treasurer upon filing a complete petition. **Please submit nine (9) copies of your petition.** If you require assistance in completing this form or would like a copy of the application in an alternate format please call the Planning Department at: (219) 462-1161.

STEP ONE: APPLICATION AND CHECK LIST

In order for a petition to be considered complete it must include at a minimum the following (Check all items provided):

1. X **Application Fee** – Submitted to Clerk/Treasure's Office by no later than 4:00 PM on the day of the posted Deadline for the desired Board of Zoning Appeals meeting.
2. X Completed petition and checklist. Petition is attached.
3. X **Vicinity Map.** A vicinity map for the purpose of locating the subject property within the City of Valparaiso.
4. X **Site Plan/Concept Plan.** The site plan must be to scale and show the front, rear, and side setbacks and provide a lot coverage calculation for all impermeable surfaces. The site plan shall also include all present and proposed buildings and structures, parking areas, location and name of all adjacent streets and roads (whether public or private), and a north arrow. Easement information must also be provided if easements exist or are proposed on the property in question.
5. X **Written Description of Project.** There should be a brief written description of the proposed project attached with the site plan. The written description allows the Board of Zoning Appeals and the Planning Department to better understand the proposed project.

EXH. 1

EXH. 2

EXH. 3

6. X

Legal Description. A legal description for the property must be either written in the space provided or typed and attached. The legal description can be found on the Deed for the property or potentially within a recorded mortgage. The abbreviated version of the legal description on the property tax bill is not sufficient. If necessary, the Petitioner can obtain a copy of the Deed from the Porter County Recorders Office located in the Porter County Administration Building at 155 Indiana Avenue in Valparaiso.

EXH. 4

7. X

Surrounding Property Owner List. If a public hearing is required for your requested action, the names and addresses of all the property owners within 300 feet in all directions from the subject parcel shall be provided. Information concerning the owners of property within 300 feet can be obtained through a title company or the Porter County Auditor's Office. Owners of the property within a 300-foot radius of the lot lines of the subject parcel must receive notice of your Petition and the scheduled Public Hearing. All property owner information (including those owned by the City, State, etc.) must be submitted as part of the application. It is the Petitioner's responsibility to obtain this information, and Indiana law and Rules of Procedures of the Valparaiso Board of Zoning Appeals require timely notice to all property owners within 300 feet. Should a property owner not receive timely notice, such could result in your request being denied, delayed, or potentially revoked at some later date.

8. X

Petitioner's Affidavit of Notice and Consent of Property Owner. As part of the Board of Zoning Appeals application process, the Petitioner is required to execute an affidavit indicating that notification of affected property owners has been completed in a timely manner. Letters of notification shall be mailed to property owners within 300 feet of the Petitioner's property which is the subject of the requested Board of Zoning Appeals action. The letter of notification shall be sent via certified mail, return receipt requested, **and must be postmarked a minimum of ten (10) days prior to the BZA hearing.** The Petitioner will bring all the original certified "green cards" to the Board of Zoning Appeals hearing. Upon inspection by the Board of Zoning Appeals and its Attorney, the cards will be returned to the Petitioner. It is highly recommended that the Petitioner retain these cards as proof that all property owners receive notice. Any objection as to failure to notify a property owner within 300 feet will be the responsibility of the Petitioner.

9. X

Factual basis for the BZA's action. It is the Petitioner's responsibility to establish to the BZA's satisfaction the factual basis pertaining to all cases. The Petitioner will need to fill out the attached form for the variance that is being requested.

STEP TWO: PUBLIC NOTIFICATION REQUIREMENTS

- Notification by Newspaper – NWI Times

After it is determined that your application is complete, Planning Staff will submit a Public Hearing Notice in compliance with applicable state law to the Northwest Indiana Times Newspaper if your request requires a Public Hearing. The cost for publication and a proof of publication will be mailed to the Petitioner listed on the Petition. Payment of the bill is the responsibility of the Petitioner. Failure to pay the publication cost may constitute grounds for revoking any granted variance.

- Onsite Notification Sign

Planning Staff will place one or more signs on the subject parcel in a conspicuous location at least ten (10) days prior to the scheduled public hearing for your requested action. Staff will collect the sign(s) immediately following the public hearing date listed on the sign. Do not remove the onsite notification sign for any reason without the permission of the Planning Director. If the sign is damaged or stolen, please contact the Planning Department so that a new sign may be placed on the property.

- Surrounding Property Owner Notification

As outlined in checklist item #8 above, it is the Petitioner's responsibility to mail proper notice to all affected surrounding property owners via certified mail, return receipt requested, that is postmarked no less than ten (10) days prior to the public hearing. This is defined by the BZA as all property owners within a 300 foot radius of the property lines of the subject property. The Petitioner shall present all received or returned green certified mail cards to the BZA Staff or Attorney for inspection to verify compliance with notification requirements, and comparison with provided surrounding property owners list. The Affidavit of Notification of Surrounding Property Owners shall also be provided as outlined above in checklist # 8.

STEP THREE: APPLICATION PROCESS AND PUBLIC HEARING SCHEDULE

Application Review and Checklist Acceptance

Planning Staff will review the application materials for completeness and clarity and schedule the request for the following Board of Zoning Appeals meeting date. If it is determined that the application is incomplete, Planning Staff will notify the Petitioner of the missing or incomplete items and schedule the request for the next Board of Zoning Appeals meeting following receipt of a complete application packet.

Petition #: VAR 17-025

**PETITION TO
VALPARAISO BOARD OF ZONING APPEALS**

The Petition shall be filed in duplicate with the City Clerk-Treasurer a minimum of 25 days prior to the date of the next Board of Zoning Appeals ("BZA") meeting. The BZA meets every third Tuesday of the month at 7:00 PM in City Hall, 166 Lincolnway, Valparaiso. The Petitioner and/or his/her representative must be present at the public hearing. The filing fee must be paid to the City Clerk-Treasurer upon filing a complete Petition. Please submit nine (9) copies of this petition.

PLEASE COMPLETE THE FOLLOWING:

The undersigned Petitioner and owner(s) of real estate, identified within this application as property within the jurisdiction of the City, respectfully petition the Board of Zoning Appeals to consider;

- ☐ 1. Relief to an Administrative decision. (Exhibit No. ☐)
- ☒ 2. Variance(s) from the development standards.
- ☐ 3. Variance of the use from the terms of the Zoning Ordinances.
- ☐ 4. Petition for Special Exception.
- ☐ 5. Special Exception from Home Occupation.
- ☐ 6. Conditional Use.

In support of an application for **Variance(s) from the Development Standards**, the Petitioner states that the granting of such request:

- ☒ Will not be injurious to the health, safety, morals, and general welfare of the community;
- ☒ Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; and arise from practical difficulties in the use of the property in conformity with the Zoning Ordinance.
- ☒ Petitioner will comply with all ordinance parking requirements.

In support of an application for a **Use Variance**, the Petitioner states that the granting of such request:

- ☐ Will not be injurious to the health, safety, morals, and general welfare of the community;
- ☐ Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; and arise from practical difficulties in the use of the property in conformity with the Zoning Ordinance.
- ☐ Arise from a condition peculiar to the property;

- _____ Arises from unnecessary hardships if the Zoning Ordinance is strictly applied; and
- _____ Does not interfere substantially with the Comprehensive Plan adopted.
- _____ Petitioner will comply with all ordinance parking requirements.

In Support of an application for **Special Exception**, the Petitioner states that the granting of such request:

- _____ Will not generate excessive vehicular traffic on minor residential streets;
- _____ Will not create vehicular parking or traffic problems;
- _____ Appropriate access roads, drives, utilities, drainage, facilities, and other necessary facilities have been or will be installed;
- _____ Will make a substantial contribution to the neighborhood environment and will not infringe on the rights of properties in the vicinity of the expected use;
- _____ Will comply with the requirements of the district in which proposed use is to be located.
- _____ Petitioner will comply with all ordinance parking requirements.

In support of such application for **Special Exception for Home Occupation**, Petitioner states:

- _____ That no person other than members of the family residing on the premises will be engaged in the home occupation.
- _____ That the use of the dwelling unit for home occupation will be clearly incidental and subordinate to its use for residential purposes and not more than 25% of the floor area of the dwelling will be used in the conduct of the home occupation.
- _____ That there will be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign-such sign not exceeding two square feet in area, non-illuminated and containing only the name and nature of the business.
- _____ That no home occupation will be conducted in any accessory building.
- _____ That there will be no sales area unless specifically permitted by the BZA.
- _____ That no traffic will be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation will be met by required or permitted parking spaces, and will not be in the front yard.
- _____ That no equipment or process will be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses which can be detected off premises.

PETITIONER:

STEVE DEBOLD CHESTER INC	555 EASTPORT CENTRE DR. VALPARAISO, IN 46383	219-465-7555
Name (Please Print)	Address	Phone

OWNER OF SUBJECT PROPERTY:

CHESTER INC	555 EASTPORT CENTRE DR. VALPARAISO, IN 46383	219-465-7555
Name (Please Print)	Address	Phone

ADDRESS OF SUBJECT PROPERTY: 3705 BOWMAN DRIVE

Subject property fronts on the N side between (streets)
in the INH Zoning District.

**EASTPORT CENTRE DRIVE AND
TRANSPORT DRIVE**

Legal Description of Subject Property: (Exhibit No. __)

Lot 37A IN THE REPLAT OF Lot 37, Eastport Centre For
Commerce And Industry.

DESCRIPTION OF PROPOSED PROJECT INCLUDING, NEW CONSTRUCTION,
ADDITION, ALTERATION, OR CHANGE OF USE: (Exhibit No. __)

10,500 SQ. FT. (2) TENANT BUILDING WITH (2) SEPARATE
SMALL OFFICE AREAS AND WAREHOUSE SPACES. THE OWNER
OF THE BUILDING WILL BE A MASONRY CONTRACTOR.

Section (3) of the Zoning Ordinance from which a Variance, Special Exception, or
Administrative Relief is sought:

Article: 10 Section: 10.403 Paragraph: Item: DISTRICT BOUNDARY BUFFERYARD STANDARDS
: : : :

Attach a Site Plot Plan drawn to scale showing:

- scale
- lot: shape, location, dimension, and area
- existing improvements on the lot (including, structures, sidewalks, & driveways)
and the percent coverage of improvements on the lot
- distance for lot lines, right-of-way lines, or easements to any structure for: front,
back and side yards

Please fill in:

Front Setback 26' Rear Setback 404' Side Setbacks 80' / 75' Lot Coverage 20.80%
Height 23'-9"

The powers and duties of the Board of Zoning Appeals are provided for and limited by Enabling Acts in Indiana Code 36-7-4-900 et. seq.. The public hearing procedures are similar to a courtroom hearing. Although it is not required that the Petitioner represented by legal counsel, information and documentation pertaining to the petitioner should be prepared as if it were to become part of a court hearing. **Although the office of the City Planner is available to assist the Petitioner, it is the Petitioner's responsibility to request and prepare the appropriate variance petition.** The Planning Department can be contacted Monday-Friday between 8:30 – 4:30 at (219) 462-1161.

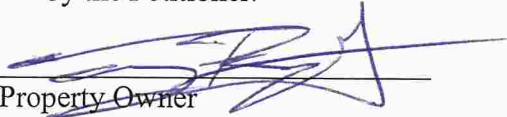
Petitions will not be scheduled for public hearing unless all legal and procedural requirements have been met.

Affidavit of Consent of Property Owner

(To be presented with application for Board of Zoning Appeals)

_____, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That TONY PEUVRET - CHESTER, INC. ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA.
2. That Owner authorizes STEVE DEBOLD - CHESTER, INC. ("Petitioner") to seek the relief sought in the Petition filed before the BZA. Petitioner is further authorized to commit to any reasonable restriction requested by the BZA or proposed by the Petitioner.



Property Owner

11-15-17

Date

Property Owner

Date

Subscribed and sworn to before me this 15 day of November, 2017.



Notary Public

My Commission:

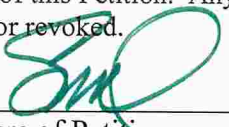
11.11.22

Date

Certificate of Petitioner

Please read and sign the following statement:

I, the Petitioner (and Property Owner, if separate), understand that I and/or my representative must be present at the public hearing. Should I fail to appear, the BZA, in my absence, may consider and take action on my Petition. If the Petitioner is not the owner of the property that is the basis of this Petition, the signature of the Property Owner(s) constitutes authorization for the Petitioner to speak and act on behalf of the Property Owner(s). The Petitioner certifies that neither the Petitioner nor any attachments or exhibits submitted contains any known intentional misrepresentations or intentionally misleading statements. All information submitted is accurate, true and correct to the best of the Petitioner's knowledge. The providing of false and/or inaccurate information on this Petition or during any proceedings before the BZA may result in the denial of the request or the revocation of the request, should a Petition be granted. Similarly, if as part of any granted Petition, the BZA places any restrictions and/or limitations, I acknowledge that my failure to comply with such restrictions/limitations shall be grounds to revoke any granted Petition. The Petitioner acknowledges that it bears the obligation to mail notice of any Public Hearing to all property owners within 300 feet of the property that is the subject of this Petition. Any errors by the Petitioner may result in the Petition being delayed, denied or revoked.


Signature of Petitioner

STEVE DEBALD - CHESTER, INC.
Printed Name


Signature of Property Owner

Signature of Property Owner

Subscribed and sworn to before me, a Notary in and for said County and State, personally appeared: Steve DeBald + Tony Dequet, and acknowledge the execution of the foregoing document, this 15 day of NOV, 2017.


NOTARY PUBLIC

My Commission Expires: 11.11.22
Resident of Porter County

Lydia J Osborne
Type or Print name of Notary

STAFF USE ONLY

Date Received _____

- ____ Names and Addresses of property owners within 300 feet provided
- ____ Signature notarized
- ____ Site Plan attached
- ____ Legal Description (Not Abbreviated) Provided
- ____ Petition Filed Complete
- ____ Written Description of Project
- ____ Petitioners Affidavit of Notice
- ____ Findings of Fact
- ____ Photo's of Property (Staff Request)
- ____ Landscape Plan (Staff Request)

Date approved for Public Hearing _____, _____

BZA Application Fees

____ Use Variance	\$200
____ Single Family Development Standards Variance	\$50
 ____ Commercial Development Standards Variance	\$150
____ Special Exception/Special Use	\$200
____ Relief to an Administrative Decision	\$200
 ____ Special Meeting	\$1000
____ Conditional Use	\$100
____ Wireless Communications Facility Special Use – Major	\$500
____ Wireless Communications Facility RF Tech Study Fee	\$ Actual cost of study

TOTAL FEE ~~150.00~~ \$ 1,000.00

**NOTICE OF PUBLIC HEARING
CITY OF VALPARAISO BOARD OF ZONING APPEALS**

Dear Property Owner:

This letter is to notify that the City of Valparaiso Board of Zoning Appeals will conduct a public hearing on Petition Number _____ on the 19th day of DECEMBER, 2017 at 7:00 p.m. at Valparaiso City Hall, 166 Lincolnway, City Council Chambers, to consider a request for Board of Zoning Appeals action (insert action here) DEVELOPMENT STANDARDS VARIANCE FROM ARTICLE 10, SECTION 10.403 DISTRICT BOUNDARY BUFFER YARD STANDARDS ALONG THE NORTH AND WEST PROPERTY LINES.
The petitioner for the requested action is STEVE DEBOLD - CHESTER, INC. of the (address here) 555 EASTPORT CENTRE DR., VALPARAISO, INDIANA.
The property is located in the INH Zoning District. The subject parcel is located at (Address or Location) 3705 BOWMAN DRIVE and includes the following tract of land:

Legal Description

(Please type the street address and legal description here or attaché to the letter)
LOT 37A IN THE REPLAT OF LOT 37, EASTPORT CENTRE FOR COMMERCE AND INDUSTRY.

You are sent this notice as a property owner within 300 feet of the parcel. Your view on this petition may be submitted in writing to the Planning Director, or you will be given an opportunity to be heard at the above-mentioned time of the Public Hearing. All interested parties are invited to attend. To review the petition and detailed site plans, please contact the Planning Department between 8:30 a.m. and 4:30 p.m. Monday through Friday.

Correspondence to:

Tyler Kent, Planning Director

City of Valparaiso

166 Lincolnway

Valparaiso, IN 46383

Phone: (219) 462-1161 Fax: (219) 464-4273

Email: tkent@valpo.us

(all electronic mail must include name, address, and telephone number)

Respectfully,

 - CHESTER, INC.

Petitioner

Petitioner

Petitioner

Petitioner

Affidavit of Proper Public Notice for Public Hearing

(To be presented to Board of Zoning Appeals staff or attorney at Public Hearing)

STEVE DE BOLD - CHESTER, INC., being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That he/she is the AGENT (agent, attorney, owner) of the property described in the attached notice which an application for a variance has been filed before the Board of Zoning Appeals of the City of Valparaiso, Indiana
2. That on the _____ day of _____, _____, did mail at least ten 10 (10) days prior to the scheduled Public Hearing postage paid, by certified mail, return receipt requested, a letter explaining the proposed change, time, date and place of hearing and attached hereto, to all of the property owners within three hundred (300) feet from the lot lines of described real estate, as follows.

(Please attach legal description)

List the name the address of all property owners who have received notification on page 10. _____

Petitioner

Date

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission Expires

Date

Variance from Development Standards
Findings of Fact
(Please Print)

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: _____

SEE ATTACHMENT.

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: _____

SEE ATTACHMENT.

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

SEE ATTACHMENT.

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.

Variance from Development Standards Findings of Fact

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: *there is already a mature landscape buffer yard in place along the north property line that was in existence and added to with the original Eastport Centre subdivision approval back in 1994. The existing tree line is very tall and very dense with a combination of deciduous and evergreen trees.*

The entire subdivision was originally zoned Heavy Industrial throughout and every building was allowed to be built within this subdivision that fell under Heavy Industrial or a lesser zoning districts. With that said, the building directly to the west is now zoned BP-Business Park and owned by Chester, Inc. and is Office Space with Warehouse. The business that is planned for Lot 37-A is very similar in aesthetics and construction except with a much smaller office space and warehouse area and in an INH-Heavy Industrial zoning.

- 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: *there already is an approved, adequate, and functioning buffer yard along the north property line that is in place and has been since 1994. There is not a need for a buffer yard along the west line when the two buildings are very similar in aesthetics and construction.*

- C. The strict application of the terms of the zoning ordinance will result in particular difficulties in the use of the property included in the proposed variance because: *in order to comply with the buffer yard requirements along the north property line we would need to remove all the existing mature and established trees that are currently existing, install a 6-foot tall berm and contend with existing drainage patterns, and start over planting smaller trees to recreate the buffer yard.*

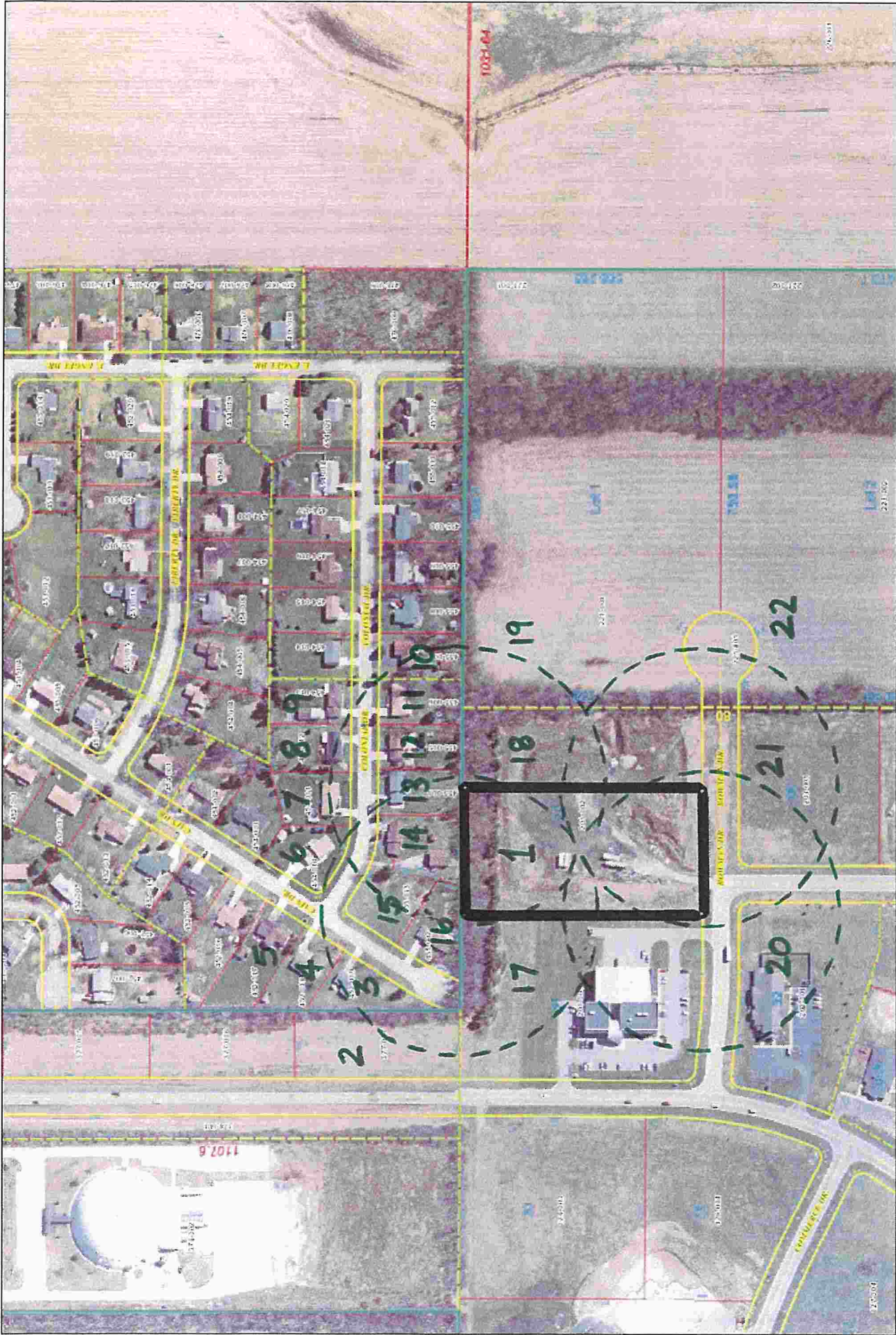
Along the west line exists a 30' wide drainage easement that was planned with the original subdivision drawings to drain both lots 37 and 31 (parcel to the west). Currently Lot 31 drains to this west property line and utilizes a swale within this easement to drain toward a storm sewer with Bowman Drive. The requirement requires a 40' wide buffer yard with a 5' high berm, 48 trees, and 266 shrubs to be planted along the property line and both the berm and plantings would stop both parcels from drainage the way it was designed to do so.

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.

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WRITTEN DESCRIPTION OF PROJECT

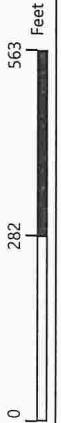
We are proposing a 10,500 sq. ft. (2) tenant building on Lot 37A of the Replat of Lot 37 of Eastport Centre for Commerce and Industry. The property is 3.46 acres large and zoned INH-Heavy Industrial. The adjacent property to the west is zoned BP-Business Park, north is R-1 Single Family Residential within the county, and east is INH-Heavy Industrial. Both spaces are equal in size and will have a small upfront office area with a larger warehouse storage area for equipment and tools. A masonry contractor will own the building and property and occupy the west half of the building. They will either lease out the east half to a similar type of business or eventually expand their current business into it or occupy the other half with one of their other businesses.



Map Title

Web Print: 11/14/2017

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



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Exhibit 4

1. Chester, Inc
555 Eastport Centre Drive
Valparaiso, IN 46383
64-10-29-201-002.000-029
2. Welter Donna Draper Revocable
Living Trust
2911 Dudley Drive
Porter, IN 46304
64-10-20-377-007.000-029
3. William and Miriam Guinee
358 Cain Drive
Valparaiso, IN 46383
64-10-20-452-019.000-020
4. James and Elizabeth Yost
356 Cain Drive
Valparaiso, IN 46383
64-10-20-452-018.000-020
5. Barbara Thomas
354 Cain Drive
Valparaiso, IN 46383
64-10-20-452-017.000-020
6. James and Carrie Newton
353 Cain Drive
Valparaiso, IN 46383
64-10-20-454-010.000-020
7. Kenneth and Mary Moskwa
3703 Colonial Drive
Valparaiso, IN 46383
64-10-20-454-011.000-020
8. Robert and Rebecca Brown
3705 Colonial Drive
Valparaiso, IN 46383
64-10-20-454-012.000-020
9. Gayle O'Conner
3801 Colonial Drive
Valparaiso, IN 46383
64-10-20-454-013.000-020
10. Allan and Maria Hubbell
3804 Colonial Drive
Valparaiso, IN 46383
64-10-20-455-007.000-020
11. Andrew Fiscus
3802 Colonial Drive
Valparaiso, IN 46383
64-10-20-455-006.000-020
12. James and Sharie Barker
3706 Colonial Drive
Valparaiso, IN 46383
64-10-20-455-005.000-020
13. Patrick Wetnight
3704 Colonial Drive
Valparaiso, IN 46383
64-10-20-455-004.000-020
14. Ronald and Karen Kuehl
3702 Colonial Drive
Valparaiso, IN 46383
64-10-20-455-013.000-020
15. Robert and Karen Kuehl
3702 Colonial Drive
Valparaiso, IN 46383
64-10-20-455-013.000-020
16. Mitchell Zimmer
454 Cain Drive
Valparaiso, IN 46383
64-10-20-455-020.000-020

Exhibit 4

17. Chester Inc.

555 Eastport Centre Drive
Valparaiso, IN 46383
64-10-29-201-001.000-029

18. Chester Inc.

555 Eastport Centre Drive
Valparaiso, IN 46383
64-10-29-201-002.000-029

19. PK Industrial LLC

555 Eastport Centre Drive
Valparaiso, IN 46383
64-10-29-221-001.000-029

20. McAfee Animal Hospital

651 Eastport Centre Drive
Valparaiso, IN 46383
64-10-29-202-001.000-029

21. J and N Realty LLC

851 Transport Drive
Valparaiso, IN 46383
64-10-29-203-001.000-029

22. Valparaiso Redevelopment

Commission
166 Lincolnway
Valparaiso, IN 46383
64-10-29-221-002.000-029

23. City of Valparaiso

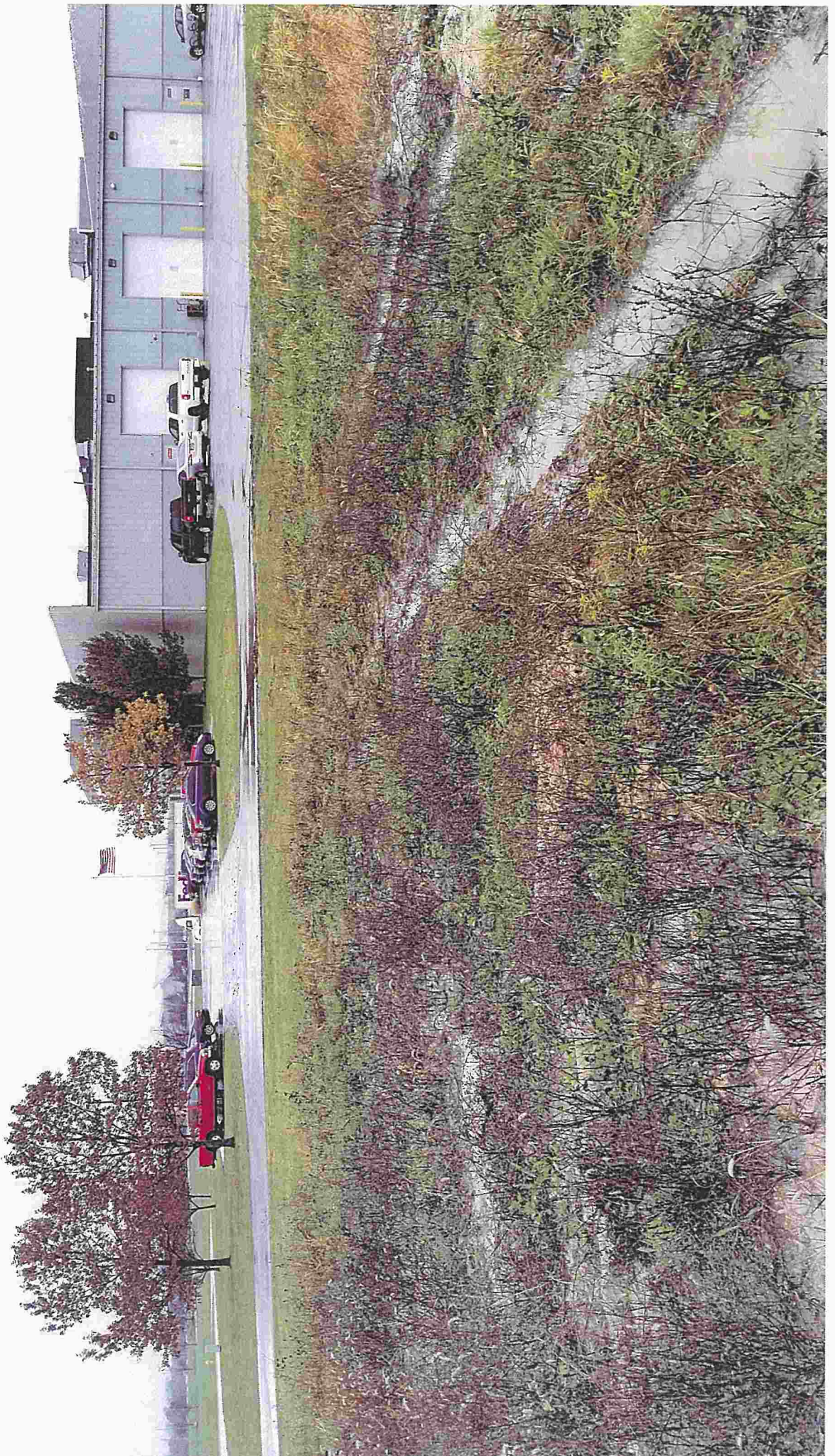
166 Lincolnway
Valparaiso, IN 46383
Attn: Tyler Kent

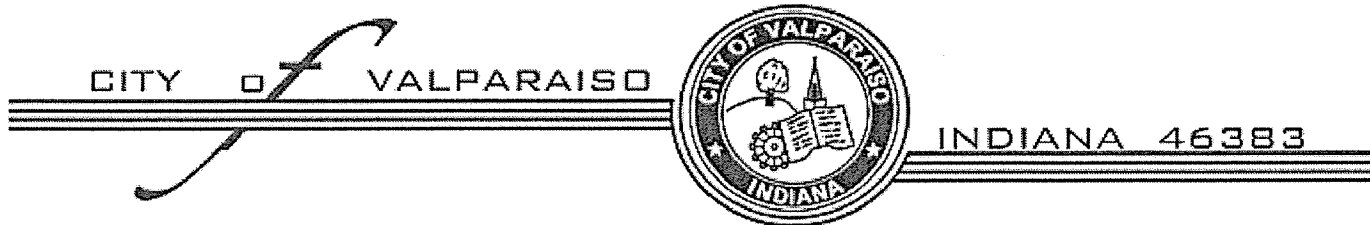


#2









MEETING: Site Review Committee
SUBJECT: A5 Properties Building
ADDRESS: 3705 Bowman Drive
PRELIMINARY SITE REVIEW

LOCATION: City Hall
DATE: November 7, 2017

IN ATTENDANCE:

Tyler Kent, Planning Director	(219) 462-1161
tkent@valpo.us	
Tim Burkman, Engineering Director	(219) 462-1161
tburkman@valpo.us	
Adam McAlpine, Engineering Dept.	(219) 462.1161
amcalpine@valpo.us	
Yacoub Aljobeh, Water Reclamation	(219) 464-4973
yajobeh@valpo.us	
Mark Geskey, Utilities	(219) 462-6174
mgeskey@valpo.us	
Jack Johnson, Fire Department	(219) 462-8325
jjohnson@valpo.us	
Brent Dickson, Public Works	(219) 462-4162
bdickson@valpo.us	

PRESENTERS:

Steve DeBold, Chester, Inc.
(219) 665-7555 / sdebold@gmail.com

Email addresses for the above City of Valparaiso Departments can be found at www.valpo.us.

The following is a summary of discussion at this meeting:

OPENING: The Site Review Committee met to discuss the proposed new building for A5 Properties. Kent stated that site review is not an approval. Rather, it is a preliminary discussion of the requirements and issues to be considered by the developer or owner. It is possible it will need to come back before site review or to seek other approvals.

EXPLANATION OF PROJECT: This building will be a development on Lot 37 at Eastport Centre. The proposed project is a 10,500-sq. ft. building. It will be a two-tenant building with a block wall down the middle. There will be a small office area and a shop area for equipment-type storage. The tenant is a masonry contractor. Workers will meet in the morning to gather supplies and head out to job sites. There is parking lot space on both sides of the building. There are two entrances into the site off Bowman Drive. The sanitary tap is at the front. The water line enters the front of the building and crosses over Bowman Drive. The drainage sheet drains east and west. The roof sheet drains to the east and west property lines. A swale will be provided that drains towards Bowman Drive.

STAFF COMMENTS:

BURKMAN: Burkman asked if the sanitary sewer tap already exists. DeBold indicated the sewer tap is existing. Burkman conveyed the one notable issue is the driveway location on the western side. This does not comply with corner clearance requirements in Section 9.403 of the Unified Development Ordinance. Burkman explained there must be 75-ft. of offset clearance from driveways to avoid left-turn conflicts. When drives are directly across from one another there is no left turn conflict. Burkman provided a copy of Section 9.403 and suggested further discussion on

this issue. A Sidewalk Waiver is required. Burkman conveyed that drives need to be graded to accept a future sidewalk. A Rule 5 Permit is required. A Site Permit is required.

DICKSON: Dickson asked if there will be any work on Bowman Drive or Transport Drive. DeBold said no work will be done in the right-of-way. Dickson provided no other comments.

KENT: The net, gross and SLR ratios are covered on the plans. DeBold mentioned parking has been calculated for the possibility of two tenants. DeBold indicated that approximately 4,000-sq. ft. will be used for equipment storage. Kent said the property on the west side of Lot 37 is zoned Business Park (BP) and to the north the zoning is residential. The Unified Development Ordinance calls for a Class D bufferyard for both. Kent said a variance will be required for the bufferyards on both sides. Kent asked if a tree survey of the existing tree line has been done. Kent requested the Landscape Plan be sent to him electronically. DeBold said a Landscape Plan has been done and the count for trees is 33 deciduous trees and 16 evergreen trees. This count does not include the trees planted in the berm. Kent asked about the caliper of these trees. DeBold said most of these trees are approximately 80-ft. tall. Kent will visit the site sometime this week. Kent asked if there is a maintenance agreement for the existing tree line. DeBold is not aware of any type of maintenance agreement. Kent said this may be something to include as part of the variance request that there is some type of agreement for the property owner to maintain the tree line. Kent mentioned the building elevations need to include the building materials. DeBold said the materials are mainly split block and brick. Kent recommended they contact Kyle Kuebler, Director, Porter County Airport to obtain any required permits. The calculation for signage is 3-sq. ft. of signage per one linear foot of building frontage facing Bowman Drive.

ON BEHALF OF THRASHER: A Construction Design Release from the State is required prior to issuance of a Building Permit. All contractors working on the project must be registered with City before the Building Permit can be issued. Signage will require a separate permit.

ALJOBEH: The Water Reclamation Department is interested in what is being discharged into the sanitary sewer. Aljobeh asked if there will be any machine-type work at the site. DeBold said there will be nothing like that taking place. There will be no chemical storage. Aljobeh asked how the utility tubs will be used. DeBold said these are typical service tubs. Aljobeh conveyed that the isometric on the plumbing plan for sink 2 do not match those of sink 1. Since the discharge will be sanitary, Aljobeh provided no other comments.

MCALPINE: McAlpine mentioned that he reviewed the Rule 5. Everything is in conformance with the plans. The Technical Review Form was issued to Chester. McAlpine reviewed the drainage calculations and they appear to be fine. McAlpine asked if the entire area drains to the new detention pond. DeBold said this parcel was part of Eastport Centre drainage. However, when Airport Business Park was developed this parcel was calculated in that pond. McAlpine asked about the existing storm pipe at the southwest corner. DeBold said this is a catch basin that heads to the Eastport Centre pond. McAlpine asked if the storm water that spills onto Bowman Drive goes into a structure in the cul-de-sac. DeBold said east of this location there are two catch basins that connect into a swale that takes the water to the detention area.

GESKEY: A Clean-out is needed with 5-ft. of the building. Geskey said there is one water line coming into the building; however, if there are two separate businesses they will each require a service with their own meter. Geskey said backflow protection is required.

JOHNSON: Johnson is aware there will not be a sprinkler or alarm system. Neither is required. There is good access around the building. Johnson recommended a Knox Box. Johnson conveyed with storage spaces that are 4,000-sq. ft. the tenants need to be aware of the regulations in the International Fire Code governing high rack and high pile storage.

ISSUES TO BE RESOLVED:

Landscaping Plan (sent electronically)

Rule 5 Permit

Corner Clearance Requirements

Sidewalk Waiver

Detailed Site Plan

Two Separate Water Services

Backflow Prevention

Site Improvement Permit

State Design Release

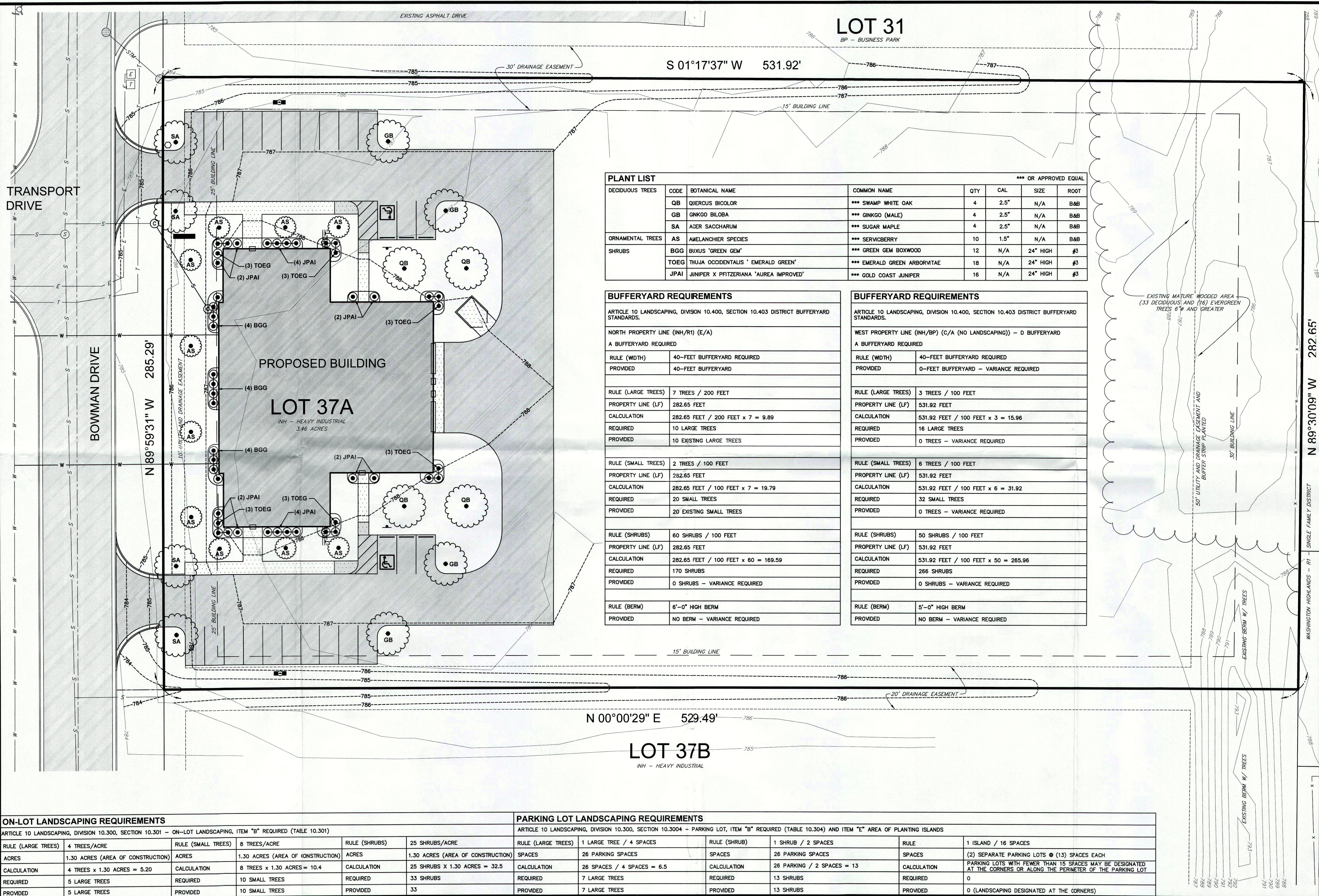
Building Permit

Signage/Fencing Permit

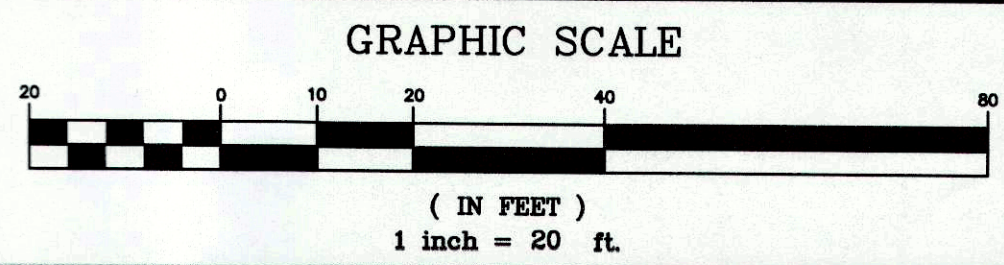
All Contractors Must Be Registered with the City

Knox Box (recommended, not required)

Zoning Clearance



LANDSCAPE PLAN



10/25/17

SITE REVIEW

9

10

11

12

13

14

15

16

A5 PROPERTIES, LLC.

Chester inc.

Architectural Services

Laura A. Small

Peter D. Brannen

555 Elmport Centre Drive, Valparaiso, IN 46384

Phone: (317) 462-7555 Fax: (317) 464-2552

DRAWN BY: SMD

JOB NUMBER: AR 17-31

LANDSCAPE PLAN

DRAWING NUMBER

C-15

The petitioner's filing of this application for a variance is not to be construed as or implied to be an admission by the petitioner that the variances requested herein are required under the terms of the City of Valparaiso Unified Development Ordinance. Accordingly, the petitioner files this application for a variance under a reservation of rights, and no election of remedies or a waiver of any of the petitioner's rights or remedies shall be construed or implied by the filing of this application.

FILED

NOV 14 2017

Petition #: VAR 17-026
SE-17-001

PETITION TO
VALPARAISO BOARD OF ZONING APPEALS

Sharon Enns
Clerk

The Petition shall be filed in duplicate with the City Clerk-Treasurer a minimum of 25 days prior to the date of the next Board of Zoning Appeals ("BZA") meeting. The BZA meets every third Tuesday of the month at 7:00 PM in City Hall, 166 Lincolnway, Valparaiso. The Petitioner and/or his/her representative must be present at the public hearing. The filing fee must be paid to the City Clerk-Treasurer upon filing a complete Petition. Please submit nine (9) copies of this petition.

PLEASE COMPLETE THE FOLLOWING:

The undersigned Petitioner and owner(s) of real estate, identified within this application as property within the jurisdiction of the City, respectfully petition the Board of Zoning Appeals to consider;

- ☐ 1. Relief to an Administrative decision. (Exhibit No. ☐)
- ☒ 2. Variance(s) from the development standards.
- ☒ 3. Variance of the use from the terms of the Zoning Ordinances.
- ☐ 4. Petition for Special Exception.
- ☐ 5. Special Exception from Home Occupation.
- ☐ 6. Conditional Use.

In support of an application for **Variance(s) from the Development Standards**, the Petitioner states that the granting of such request:

- ☒ Will not be injurious to the health, safety, morals, and general welfare of the community;
- ☒ Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; and arise from practical difficulties in the use of the property in conformity with the Zoning Ordinance.
- ☒ Petitioner will comply with all ordinance parking requirements.

In support of an application for a **Use Variance**, the Petitioner states that the granting of such request:

- ☒ Will not be injurious to the health, safety, morals, and general welfare of the community;
- ☒ Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; and arise from practical difficulties in the use of the property in conformity with the Zoning Ordinance.
- ☒ Arise from a condition peculiar to the property;

☒ Arises from unnecessary hardships if the Zoning Ordinance is strictly applied; and
☒ Does not interfere substantially with the Comprehensive Plan adopted.
☒ Petitioner will comply with all ordinance parking requirements.
In Support of an application for **Special Exception**, the Petitioner states that the granting of such request:

☐ Will not generate excessive vehicular traffic on minor residential streets;
☐ Will not create vehicular parking or traffic problems;
☐ Appropriate access roads, drives, utilities, drainage, facilities, and other necessary facilities have been or will be installed;
☐ Will make a substantial contribution to the neighborhood environment and will not infringe on the rights of properties in the vicinity of the expected use;
☐ Will comply with the requirements of the district in which proposed use is to be located.
☐ Petitioner will comply with all ordinance parking requirements.

In support of such application for **Special Exception for Home Occupation**, Petitioner states:

☐ That no person other than members of the family residing on the premises will be engaged in the home occupation.
☐ That the use of the dwelling unit for home occupation will be clearly incidental and subordinate to its use for residential purposes and not more than 25% of the floor area of the dwelling will be used in the conduct of the home occupation.
☐ That there will be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign-such sign not exceeding two square feet in area, non-illuminated and containing only the name and nature of the business.
☐ That no home occupation will be conducted in any accessory building.
☐ That there will be no sales area unless specifically permitted by the BZA.
☐ That no traffic will be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation will be met by required or permitted parking spaces, and will not be in the front yard.
☐ That no equipment or process will be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses which can be detected off premises.

PETITIONER:	c/o Todd A. Leeth Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383	219-464-4961
<u>LJF Investments, LLC</u>		
Name (Please Print)	Address	Phone

OWNER OF SUBJECT PROPERTY:

<u>Same as Petitioner</u>		
Name (Please Print)	Address	Phone

ADDRESS OF SUBJECT PROPERTY: 302 & 306 Indiana Ave, and 153 Morgan Blvd.

Subject property fronts on the side between (streets)
in the RT Zoning District. is located at the Southeast corner of Morgan and Indiana Avenue, between Morgan Blvd. and Valparaiso Street.

Legal Description of Subject Property: (Exhibit No. ____)

See attached Exhibit A

**DESCRIPTION OF PROPOSED PROJECT INCLUDING, NEW CONSTRUCTION,
ADDITION, ALTERATION, OR CHANGE OF USE: (Exhibit No. __)**

Modification of exterior building materials

Section (3) of the Zoning Ordinance from which a Variance, Special Exception, or
Administrative Relief is sought:

Article: ____ Section: ____ Paragraph: ____ Item: ____ Modification of building materials for Case Nos.
: ____ : ____ : ____ : ____ SE 16-009 and/or UV16-002 & VAR16-004.
: ____ : ____ : ____ : ____

Attach a Site Plot Plan drawn to scale showing:

- a. scale
- b. lot: shape, location, dimension, and area
- c. existing improvements on the lot (including, structures, sidewalks, & driveways)
and the percent coverage of improvements on the lot
- d. distance for lot lines, right-of-way lines, or easements to any structure for: front,
back and side yards

Please fill in:

Front Setback ____ Rear Setback ____ Side Setbacks ____ / ____ Lot Coverage ____

Height ____
Not Applicable

The powers and duties of the Board of Zoning Appeals are provided for and limited by Enabling Acts in Indiana Code 36-7-4-900 et. eq.. The public hearing procedures are similar to a courtroom hearing. Although it is not required that the Petitioner represented by legal counsel, information and documentation pertaining to the petitioner should be prepared as if it were to become part of a court hearing. **Although the office of the City Planner is available to assist the Petitioner, it is the Petitioner's responsibility to request and prepare the appropriate variance petition.** The Planning Department can be contacted Monday-Friday between 8:30 – 4:30 at (219) 462-1161.

Petitions will not be scheduled for public hearing unless all legal and procedural requirements have been met.

Last updated 12/10/15

STAFF USE ONLY

Date Received _____

- _____ Names and Addresses of property owners within 300 feet provided
- _____ Signature notarized
- _____ Site Plan attached
- _____ Legal Description (Not Abbreviated) Provided
- _____ Petition Filed Complete
- _____ Written Description of Project
- _____ Petitioners Affidavit of Notice
- _____ Findings of Fact
- _____ Photo's of Property (Staff Request)
- _____ Landscape Plan (Staff Request)

Date approved for Public Hearing _____, _____

BZA Application Fees

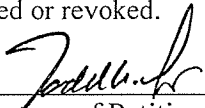
_____ Use Variance	\$200
_____ Single Family Development Standards Variance	\$50
<u> x </u> Commercial Development Standards Variance	\$150
_____ Special Exception/Special Use	\$200
_____ Relief to an Administrative Decision	\$200
_____ Special Meeting	\$1000
_____ Conditional Use	\$100
_____ Wireless Communications Facility Special Use – Major	\$500
_____ Wireless Communications Facility RF Tech Study Fee	\$ Actual cost of study

TOTAL FEE \$150.00

Certificate of Petitioner

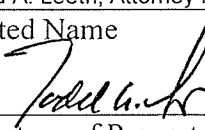
Please read and sign the following statement:

I, the Petitioner (and Property Owner, if separate), understand that I and/or my representative must be present at the public hearing. Should I fail to appear, the BZA, in my absence, may consider and take action on my Petition. If the Petitioner is not the owner of the property that is the basis of this Petition, the signature of the Property Owner(s) constitutes authorization for the Petitioner to speak and act on behalf of the Property Owner(s). The Petitioner certifies that neither the Petitioner nor any attachments or exhibits submitted contains any known intentional misrepresentations or intentionally misleading statements. All information submitted is accurate, true and correct to the best of the Petitioner's knowledge. The providing of false and/or inaccurate information on this Petition or during any proceedings before the BZA may result in the denial of the request or the revocation of the request, should a Petition be granted. Similarly, if as part of any granted Petition, the BZA places any restrictions and/or limitations, I acknowledge that my failure to comply with such restrictions/limitations shall be grounds to revoke any granted Petition. The Petitioner acknowledges that it bears the obligation to mail notice of any Public Hearing to all property owners within 300 feet of the property that is the subject of this Petition. Any errors by the Petitioner may result in the Petition being delayed, denied or revoked.



Signature of Petitioner

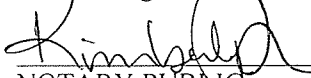
Todd A. Leeth, Attorney for Petitioner
Printed Name



Signature of Property Owner

Todd A. Leeth, Attorney for Owner
Signature of Property Owner

Subscribed and sworn to before me, a Notary in and for said County and State, personally appeared: Todd A. Leeth, and acknowledge the execution of the foregoing document, this 14 day of November 2017.



NOTARY PUBLIC

My Commission Expires: _____
Resident of _____ County

Type or Print name of Notary



LJF INVESTMENTS, LLC
LEGAL DESCRIPTION
EXHIBIT A

Commencing at a point on the North line of Outlot 5 of the Original Survey of Valparaiso which is 52.67 feet East of the Northwest corner of said Outlot 5 and 50 feet West of the Northeast corner of Lot 3 of said Outlot 5; thence South parallel to the West line of said Outlot 5, 66.0 feet; thence East parallel to the North line of said Outlot 5, 50.0 feet; thence North parallel to the said West line 66.0 feet to said North line; thence West 50.0 feet to the Point of Commencement.

Commencing at the Northwest corner of Out Lot 5 of the Original Survey of the Town, now City, of Valparaiso, Indiana, and running thence East 65 feet to a point 50 West of the Northeast corner of Lot 3 in said Out Lot 5; thence South 66 feet; thence West 65 feet to the West line of said Out Lot 5; thence North 66 feet to the place of beginning.

A part of Out Lot 5 in the Original Survey of the Town, now City, of Valparaiso, Indiana, as per plat thereof, recorded in Deed Record "A", page 621, in the Office of the Recorder of Porter County, Indiana, described as: Commencing at a point on the West line of said Out Lot 5 which is 4 rods South of the Northwest corner thereof, and running hence East 102.67 feet; thence South 66 feet; thence West 102.67 feet; thence North 66 feet to the place of beginning.

212 Lincolnway LLC 212 Lincolnway Valparaiso, IN 46383	Atrium Apartments Llc 359 Lincolnway Valparaiso, IN 46383	Euclydes G Azevedo 177 Cimarron Dr Valparaiso, IN 46385
Eucl ydes G 1/2& Ismael Mart Azevedo 177 Cimarron Dr Valparaiso, IN 46385	Patricia Berning 222 Lincolnway Valparaiso, IN 46383	Patricia L Berning 403 Monroe St Valparaiso, IN 46383
Jeffrey Lee & Charlotte Dia Bradney 156 Valparaiso St Valparaiso, IN 46383	Dennis D & Phyllis A Brandy 1201 Calumet Ave Valparaiso, IN 46383	Kevin D & Karynj Breitzke 406 Indiana Ave Valparaiso, IN 46383
Trust No. 4 5105 Garden Gtwy Valparaiso, IN 46383	Citizens For Mental Health In Porte 402 Indiana Ave Valparaiso, IN 46383	City of Valparaiso Indiana c/o Board of Works 166 W Lincolnway Valparaiso, IN 46383
Stephen F & Nancy Goblen Clarke 405 Indiana Ave Valparaiso, IN 46383	Custom Housing Options 2 LLC PO Box 423 Valparaiso, IN 46384	Davidson Manors Inc 208 Indiana Ave Valparaiso, IN 46383
Sharon R Earley 304 Monroe St Valparaiso, IN 46383	Ginalin F Eichelberg 401 Monroe St Valparaiso, IN 46383	James Thomas Frank Sr Living Trust 6744 Creekridge Trl Indianapolis, IN 46256
Jaclyn Marie Gabrysiak 403 Indiana Ave Valparaiso, IN 46383	David Gamble 402 Monroe St Valparaiso, IN 46383	Anthony M Gengo 218 Lincolnway Valparaiso, IN 46383
Keith A Gingerich 203 Monroe St Valparaiso, IN 46383	Mario A & Gonzalez Ricardo Gonzalez 48 Warren Dr Valparaiso, IN 46385	Dennis C & Hain Judith A Hain 2803 Boilermaker Ct Ste 2A Valparaiso, IN 46383
David P Jankowski 2655 Kildare Ct Valparaiso, IN 46385	Phillip Jenkins 2405 Linden Dr Valparaiso, IN 46383	Colette Jeselskis 1418 Edgewater Beach Rd Valparaiso, IN 46383
Chris & Jennifer R Knight 154 Morgan Blvd Valparaiso, IN 46383	WG3 LLC c/o Scott M. Wagenblast 111 Johnson Dr. Valparaiso, IN 46383	Jane F Lintner 157 Morgan Blvd Valparaiso, IN 46383

Margo F Maples
2952 Sager Rd
Valparaiso, IN 46383

Ronnie W & Margo F Maples
2952 Sager Rd
Valparaiso, IN 46383

Michael & Beth Martin
204 Sunflower Dr
Valparaiso, IN 46383

Javier Roman Mendez
157 Valparaiso St
Valparaiso, IN 46383

John C Monk
1583 Saugus Close
Valparaiso, IN 46385

Shides LLC
2453 S. State Road 2
Valparaiso, IN 46385

Prisoner And Community Together Inc
254 Morgan Blvd
Valparaiso, IN 46383

Reid Services LLC
2406 Eisenhower Ave
Valparaiso, IN 46383

Jud Reidy Realty LLC
455 Sturdy Rd Lot 66
Valparaiso, IN 46383

Karl Robert Bruce & Allison Schmitt
205 Monroe St
Valparaiso, IN 46383

Asiana Properties LLC
3455 Campana Dr.
Valparaiso, IN 46385

Tezak Investments LLC
310 Lincolnway
Valparaiso, IN 46383

Valparaiso City Of
166 Lincolnway
Valparaiso, IN 46383

Valparaiso Partners LLC
259 Indiana Ave
Valparaiso, IN 46383

Gary J Living Trust 1/2 & Wasemann
77 W Division Rd
Valparaiso, IN 46385

Roy U Jr & Marissa R Wilson
59 Appletree Ln
Valparaiso, IN 46383



Nichiha
atural Block
"Grey"

Nichiha
ough Sawn
"Tobacco"

Stonecraft
Farmledge
estchester"

Nichiha
Rough Sawn
"Tobacco"

Nichiha
Architectural Block
"Tuscan"

Nichiha
Rough Sawn
"Tobacco"

Stonecraft
Farmledge
"Hamilton"















VALPARAISO BOARD OF ZONING APPEALS
Regular Meeting Minutes
March 15, 2016

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 7:00 p.m. on Tuesday, March 15, 2015 in the Valparaiso City Hall Council Chambers. Damon Colby presided.

Members present were: Robert Ordway, Elizabeth Lynn, Diane Worstell, Mike Micka, and Damon Colby. Also present were Tyler Kent, Taylor Wegrzyn, and Attorney Ethan Lowe.

MINUTES:

Diane Worstell made a motion to approve the February 16, 2016 minutes as submitted. Elizabeth Lynn seconded the motion. A voice vote was taken and unanimously carried 5-0.

OLD BUSINESS:
None.

NEW BUSINESS:

UV16-002/VAR16-003 – Petition filed by Lutheran University Association, Inc., 1700 Chapel Drive, Valparaiso, IN 46383. The petitioner requests a use variance from Article 2, Section 2.201 of the Valparaiso Unified Development Ordinance, to allow for a temporary manufactured structure to be a permitted use in the (CA), Campus District. A variance from Article 2, Section 2.608, to vary the maximum period of (5) five years. The property is located at 825 LaPorte Avenue, in the Campus zoning district (CA). The petitioner was not present.

Public Hearing:

Damon Colby asked if any of the public would like to speak in favor of or in opposition of this petition. Mr. Colby also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Motion: Mike Micka made a motion to continue UV16-002/VAR16-003. Robert Ordway seconded the motion. A roll call vote was taken and unanimously carried 5-0.

UV16-002/VAR16-004 - Petition filed by LJF Investments, LLC, c/o Todd A. Leeth, 103 E. Lincolnway, Valparaiso, IN 46383. The petitioner requests a variance from Article 2, Section 2.506 of the Valparaiso Unified Development Ordinance, to allow for multi-family use to be a permitted use in the Residential Transition (RT) Zoning District. A variance from Article 3, Section 3.301, to vary the required minimum open space ratio of 40% to allow for an open space ratio of 28.8%. A variance from Article 3, Section 3.301, to vary the required maximum gross density allowed of 3 units to allow for 6 units. A variance from Article 3, Section 3.301, to vary the required maximum net density of 3 units to allow for 6 units. A variance from Article 3, Section 3.301, to vary the required minimum parcel size from 2.5 acres to allow for a minimum parcel area of .311 acre. A variance from Article 9, Section 9.201, to vary the required minimum parking of 3 spaces/dwelling unit to allow for 2 spaces/dwelling unit. A variance from Article 3, Section 3.504, to vary the required maximum height of 35 feet to allow for a building height of 38.6 feet. A variance from Article 3, Section 3.504, to vary the required maximum building coverage of 40% to allow for a building coverage of 40.2%. A variance from Article 3, Section 3.504, to vary the required maximum lot coverage of 60% to allow for a lot coverage of 71%. A variance from Article 11, Section 11.202, to vary the required minimum width of dwelling units of 24 feet to allow for dwelling units 19.25 feet in width. The property is located at 302 & 306 Indiana Ave and 153 Morgan Blvd, in the Residential Transition zoning district (RT). Attorney Todd Leeth presented. Mr. Jim Ford with LJF Investments and Architect Kent Pollock were also present. Proposed are the Morgan Place Townhomes to be located at the southeast corner of Indiana Avenue and Morgan Boulevard. Currently the property is a vacant lot, but previously had two homes that were recently razed. The Morgan Place Townhomes proposal includes six townhomes on three lots. The parcel is 1/3 acre in size and zoned RT, Residential Transition. Cattycorner from this parcel is the downtown area and the CBD, Central Business District zone. The intent is to create condominiums in that the units will be individually owned and owner occupied. All six units are four levels including a basement level, main level entry, and living space on the third and fourth levels. The main entry level would allow for a “live-work” atmosphere which is conducive to the new Creative District Plan adopted in November that travels the length of Indiana Avenue. The units are handicap accessible via individual elevators

for each unit. Upscale surfaces and finishes are used throughout. Parallel parking is provided along Morgan Boulevard; however each unit will have a two-vehicle rear entry garage and driveway parking. We will provide greenery and landscaping and we are providing a bioswail on the northern portion of the property. The table to uses suggests this proposed use is allowed with a special exception. That is limited to four units and we have six so we are moving forward with a use variance. Five or more units are permitted as a special use, but it has to be a multi-plex which allows for multiple units but must look like a single family structure. We have multi-family because we have six units with six exterior doors. If we went with a multi-plex design, this would be allowed and a variance would not be necessary. It is our opinion that we are a “style of home” variance. In addition to the use variance we are also seeking developmental standards variances. This is a redevelopment project and an infill project on a small downtown lot in a fringe area. The developmental standards variances are as follows:

Variance	Code Requirement	Our request
Minimum Open Space	40%	29%
Net Density	3 Units	6 Units
Minimum Parcel Size	2.5 Acres	.311 Acres
Minimum Width of Dwelling	24’	19’ 25”
Parking	3 Spaces/Dwelling	2 Spaces/Dwelling
Maximum Height	35’	38’ 6”
Building Coverage	40%	40.2%
Lot Coverage	60%	71%

We understand that this seems like a lot of developmental standards variances, however, given the type of project proposed we feel they are all necessary and will not be injurious to the surrounding community.

Public Hearing:

Damon Colby asked if any of the public would like to speak in favor of or in opposition of this petition. Mr. Colby also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Attorney Elizabeth Gengerich, representing Dr. Robert and Carol Polombo, 351 Morgan Blvd, and also noting she is a member of this direct community and affected by this project, states they are in opposition of this petition noting the following points of opposition:

- The corner of Morgan and Indiana is the highest point before reaching Lincolnway, and everything is downhill from north to south. This area is already a basin for drainage and floods. Photos were provided to the members.
- 10 variances have been requested.
- Increased concentration of population and overcrowding of land.
- The homes that were on the property previously were single family homes and this will be a large change from that.
- The UDO calls for character of single family home or duplex; this is not that.
- The lot has been bulldozed and all plant material removed, thus eliminating any buffer for absorbing water. This will exacerbate the current flooding conditions.
- They are asking for two times the density amount allowed as well as a huge reduction in parcel size.
- Four story buildings are not in this area and do not fit this area.
- Parking will be overcrowded on the city streets.
- A width reduction from 24’ to 19’ 25” is drastic.
- This project is not preserving the UDO. Would this happen north of Lincolnway? We feel it is being “dumped” in the Hilltop Neighborhood.

Mr. Bob Polombo, 351 Morgan Blvd., states he is opposed to the proposed project for all of the reasons Attorney Gengerich noted and adding that the requested net density is drastic, the sewer system in this area is inadequate for what is there now and can’t handle any more, this project is not creating any more affordable housing in the community. This project will deny adequate green space, destroy an aesthetic community and add to parking issues. This is a historic neighborhood and this project does not fit.

Ms. Patricia Sullivan, 255 Morgan Blvd., states she is opposed and agrees with the points of opposition made by others.

Mr. Carl Schmidt, 205 Monroe Street, states he is opposed stating there is no green aspect to this project and it is not with the view that Valparaiso has. This project is less green space and more density and doesn't fit here. There are too many variance requests causing standard living.

Ms. Carol Larson, 351 Morgan Blvd., questioned if the structure located at 306 Indiana Avenue is staying? Mr. Ford advised that the structure at 306 Indiana will remain. The vacant lot next door was unbuildable so we had to attach it. Ms. Larson provided a photo noting 10 gas meters located at 306 Indiana Avenue. This adds to and compounds the overcrowding of the area. The height of the proposed units is 10 feet higher than what is allowed and that is just too tall.

Ms. Linda Camp, 208 Brown Street, states she is opposed to this project and does not want it in this historic neighborhood. The sewer system can't handle it and it doesn't fit into the neighborhood.

Mr. Dennis Bradley, 301 Indiana Avenue, states he lives across the street from this property. He loves this area and this would change the appearance of the whole neighborhood. This is too much building for this small lot.

Mr. Michael Palos, 206 Brown Street, states it is easy to recognize the character and historic nature of this area and this is not it. Approving this sets a precedent for allowing development while giving away everything the UDO stands for.

Mr. Tim Lintmer, 407 Brown Street and representing his mother Jane Lintmer at 105 Morgan Blvd., states they are both in opposition and do not want this project. Ms. Lintmer's home was a former schoolhouse and this project ruins the character of that.

Attorney Leeth's rebuttal:

- Density - There was much concern referring to our overcrowding a small sight, but keep in mind we could have this number of units on 1.5 acres. The 2.5 acre requirement relates back to the definition of multi-family. If we were building an apartment building then we would need 2.5 acres, but this is an upscale condominium project that we are fitting into a downtown area. The definitions and the requirements don't necessarily match in this case so we decided to seek a use variance.
- Drainage – We can't build this or any other project without going through the Site Review process. All City Departments are represented at Site Review, and we have to comply with what the Ordinance dictates and the Engineers.
- Height – This is a 3-story building but will have four levels because there is a basement. We are only 3'6" over code.
- Ordinances – We are not a townhome and we are not a multiplex. We are multi-family and that has triggered more variances than a townhome or multiplex on the same lot would.
- Hilltop Neighborhood – We are not “dumping” anything in the Hilltop Neighborhood. These units are 2,800 square feet in size and expected to sell for \$300,000 each. This is a vibrant City because of projects like this. Downtown living is wanted. For example, the Chicago Street Units were presold because this type of housing is a growing demand. At \$300,000 per unit these housing units are not consider transitory. They are upscale and they are intended to be that way. Downtown infill sites are where you will find this type of project.
- 306 Indiana is a 9-unit building (there are 10 gas meters due to one being dedicated to the common area of the house) and there are 3-unit and 4-unit buildings in this area.
- Trees – Trees were taken down because there were three structures on this property previously. Storms took down some of the trees and we removed two and the City recommended that we remove one that was hallowed out.
- Greenery – We could move the greenery to the rear of the building but no one would see it. That is why we are putting it where it can be seen and be useful. It's not required to be visible by a public right-of-way.

The public hearing was closed and questions/comments where heard by the Members.

Q: What is the practical difficulty in the use of this property that necessitates constructing something in such contract to the UDO?

A: This is a redevelopment of any existing site. We looked at alternatives but couldn't find a product of this quality and size that will bring people to purchase a downtown home. We

could comply with some of the things but then we would be lowering the standards.

Q: Why not three units instead of 6?

A: Economics. This project cannot be developed in a profitable way if it is not six units. The units are narrow we needed to go up in order to provide four levels versus just having larger homes. To have an architecturally pleasing product we need economic feasibility. We need two bedroom units to get the quality homebuyer but then that requires more parking, etc. It is not economically feasible to have less than six units, and we feel we are providing a lot of positives to the neighborhood as well.

C: The Chicago Street infill project was referenced, but that project was completed with only one Use Variance. They were designed to be consistent with the historic nature of the area and do not violate the UDO in the way that this project appears to be with so many variances.

R: That project was only referenced to make the point that downtown living is desired.

C: Tyler Kent noted that architecture is like art – some like it and some do not. Maybe we could work with the petitioner on the “historic” look. There is a need for housing in the downtown area. We are now realizing there is a need for this kind of housing in the UDO. This Board is allowed to vary the requirements to fill this need. The Chicago Street buildings are all sold and the Michigan Street project is rented out. Young professionals and empty nesters are seeking this kind of housing. If this were a single-family home, it could be built without question with this architecture or even more modern.

Q: Why is a parking variance needed when each unit will have its own 2-car garage and space for two vehicles in what is considered a driveway? That is 24 parking spaces. Why doesn't the City recognize them all as parking spaces?

A: In single-family units we count the driveway, but multi-family doesn't usually have garages and driveway space so it's not recognized currently in the UDO.

C: The approach to each garage door is designated and separated by landscaping thus making it a driveway. We believe we have four parking spaces per unit on site and therefore street parking will not be negatively affected by this project and may even be made better compared to what was there previously.

Q: Did the original houses have basements?

A: Yes.

Q: How tall were the previous structures?

A: We are not sure. We graded our hill to make our structure lower. The height of the house that was there previously is about the same height of our proposed structure. The house behind actually sat higher and we graded that area lower. The impact to the neighborhood is a wash because the heights are approximately the same as what was there previously.

Q: Why the need to occupy so much land, especially when there is a need to balance profit, concern for climate, and keeping with the historic nature, environmental issues, flooding, etc.?

A: We did not have to provide for onsite detention, but we chose to do so by providing a bioswail. We had a larger bioswail, but the City asked us to remove it from the right-of-way so we did but then had to make it smaller. We will detain water and “wash” it before being discharged. We are not opposed to making the pond larger but to do would require it extending off our site.

Q: Were impervious surfaces considered?

A: We are willing to explore options with the City Engineer.

Q: Is the height you referenced to peak?

A: Yes. We did not want to have flat roofs because that would completely lose the residential feel.

Q: How is the minimum width of a dwelling unit determined and why is that a requirement?

A: We looked at a number of different types of developments throughout the Country and went with the average. At the time the City did not anticipate the tiny home movement. We are looking at that more as well.

Q: What about precedent? What is the practical difficulty here versus the next infill project?

A: All cases are looked at on a case by case basis. One approval does not set a precedent for future approvals. The Chicago Street project is a prime example. Just because that project was approve has not meant a free pass to others. Infill projects are going to require variances. We spent a lot of time working with the City on a pleasing plan. A lot of work went into this prior to filing an application for approval.

C: The neighbor's concerns have to be taken into account and considered. The number of variances is not the issue, but the project is different for the area.

R: The public health, safety, and general welfare does not run afoul of the use and value. We believe that by bringing in a \$2 million project will increase property values. We are not affecting the use and value negatively. Neighbors may continue to use their property as they always have and this property will remain residential. It's not a business and it will not

increase traffic. This is the right spot for this. We agree that perhaps a softer residential look will be a better fit then the futuristic look it has now and we are willing to consider more of a Brownstone or Row home look if that is more desirable.

Q: To the members of the public – What is the main issue at this time? Multifamily, height, quality, parking, drainage, and environmental impact have all been addressed.

A: The UDO is the law and this board should be enforcing the law. We will lose use of our homes if flooding is exacerbated. The density is too much. We understand some allowance but this is too much. We don't consider this residential. We want single-family homes, not high density housing. Aesthetics are important. This is a historic neighborhood and we want something that conforms with that.

C: Developmental standards are not at play here. A modern home could be built without question. The previous grey house was a 3-unit home and we could have turned the other house into a multiplex and we could still have 6 units on the same space. Flooding is a Site Review issue. The Engineer's Office must approve the drainage plan. We don't have to fix any existing issues, but we can't add to them and we are not doing that. We are in a way helping to fix them with our bioswail.

C: The City needs to address the UDO for the Hilltop Neighborhood because we have a number of lower quality dwellings with absentee landlords. It needs to be addressed as a whole. This project needs to be looked at a little harder with regards to keeping with the historic nature of the community.

C: Overall, the parking is ample, the height is not much of a difference, open space is a small variance, width is not an issue if the petitioner has a quality project that is narrower then we can work with that, drainage is being handled in a proactive way and Staff and City Engineers will continue to look at and enforce requirements, the petitioner could have had six units using the previous houses but it would not have been a quality project. The architecture needs to be considered but the other items can be worked through.

Tyler Kent suggested tabling this petition to allow staff and the petitioner to work together on some of the issues and address the concerns and bring back next month. Attorney Leeth agreed and noted drainage will be worked on as well. Elizabeth Lynn suggested also considering 5 units instead of 6.

Motion: Elizabeth Lynn made a motion to table UV16-002/VAR16-004 to allow Staff and the petitioner additional time to address concerns brought forward this evening. Robert Ordway seconded the motion. A roll call vote was taken and unanimously carried 5-0.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business to discuss the March 15, 2016 Board of Zoning Appeals meeting was adjourned at 8:55 p.m.

Tyler Kent, Executive Secretary

Damon Colby, President

FINDINGS OF FACT
VALPARAISO BOARD OF ZONING APPEALS

FINDINGS OF FACT FOR USE VARIANCE

UV16-002 / Van16-004

The Board of Zoning Appeals, City of Valparaiso, now makes the following Findings of Fact in support of its approval/denial of the following Petition for Variance:

Name of Petitioner: L J F Taves / wds, LLC Date of Hearing: 3/16/16

Variance to Ordinance Provision: See Meeting Agenda / Application

1. That the proposed use will/will not be injurious to the public health, safety, morals and general welfare of the community.

Other specific findings:

2. That the use and value of the area adjacent to the property will/will not be affected in a substantially adverse manner.

Other specific findings:

3. That need for the variance does/does not arise from a condition peculiar to the property.

Other specific findings:

4. That strict application of the terms of the ordinance will/will not constitute an unnecessary hardship if applied to the property for which the variance is sought.

Other specific findings:

5. That approval does/does not interfere substantially with the Comprehensive Plan adopted.

Other specific findings:

Voting in favor of approval:

Voting to deny:

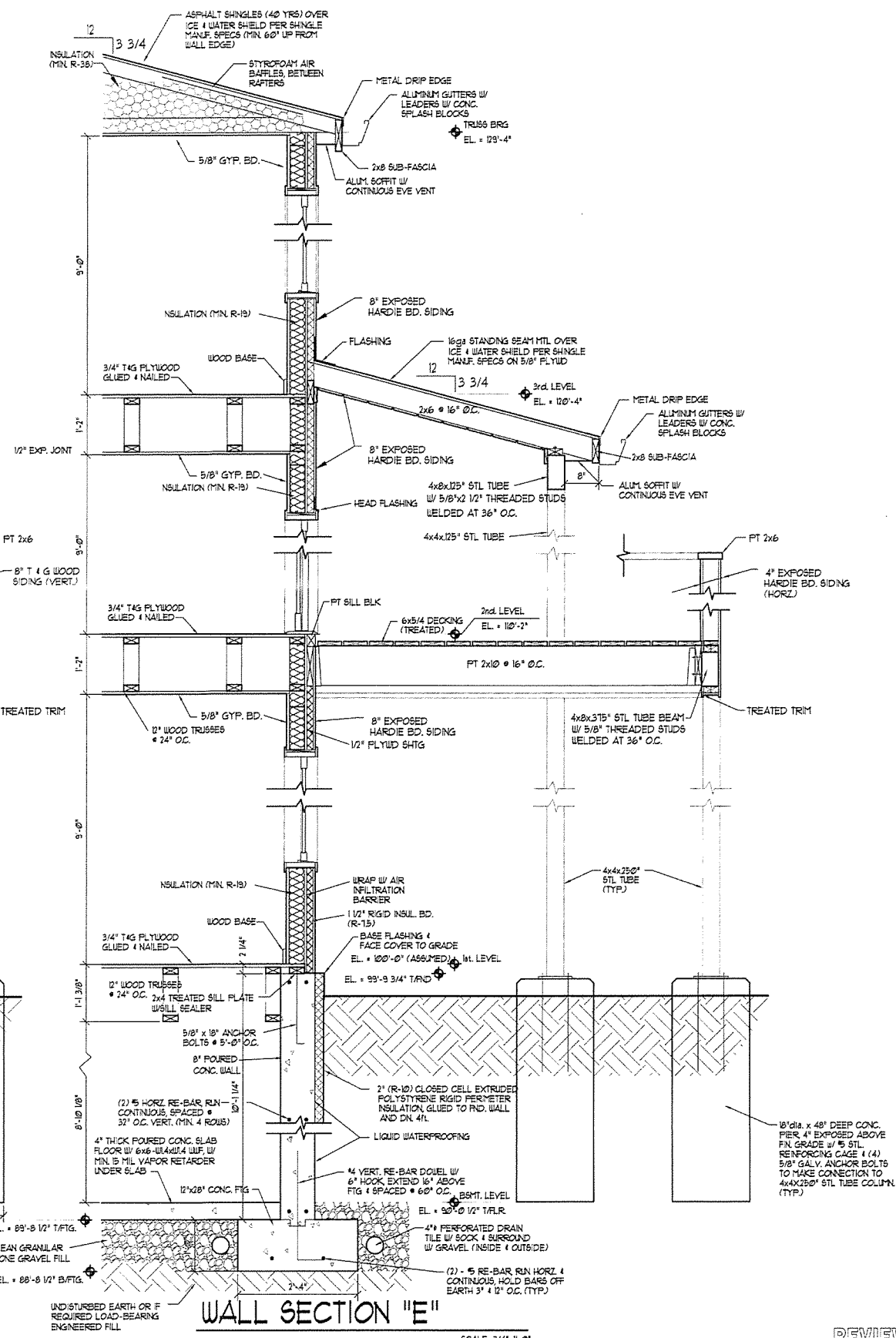
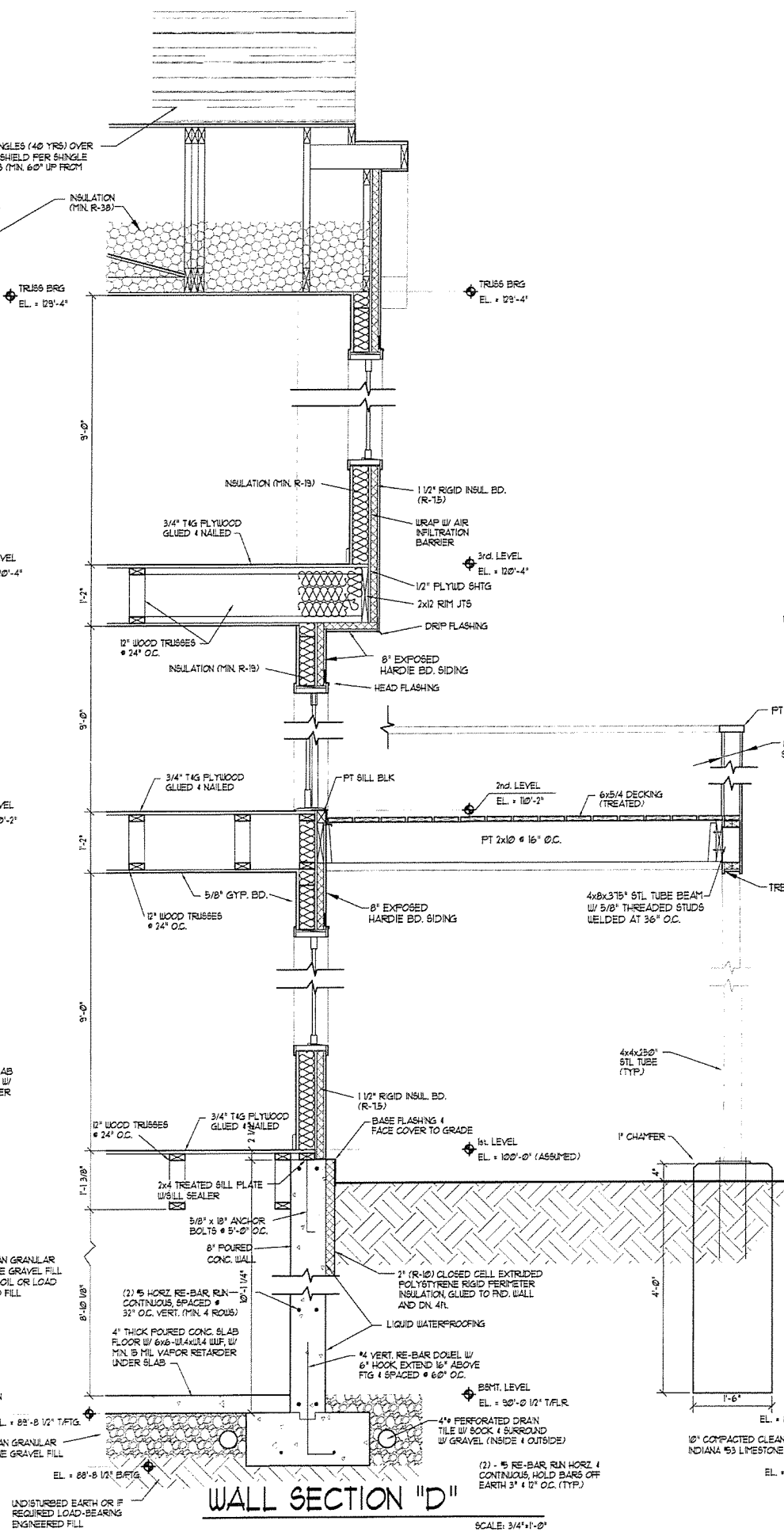
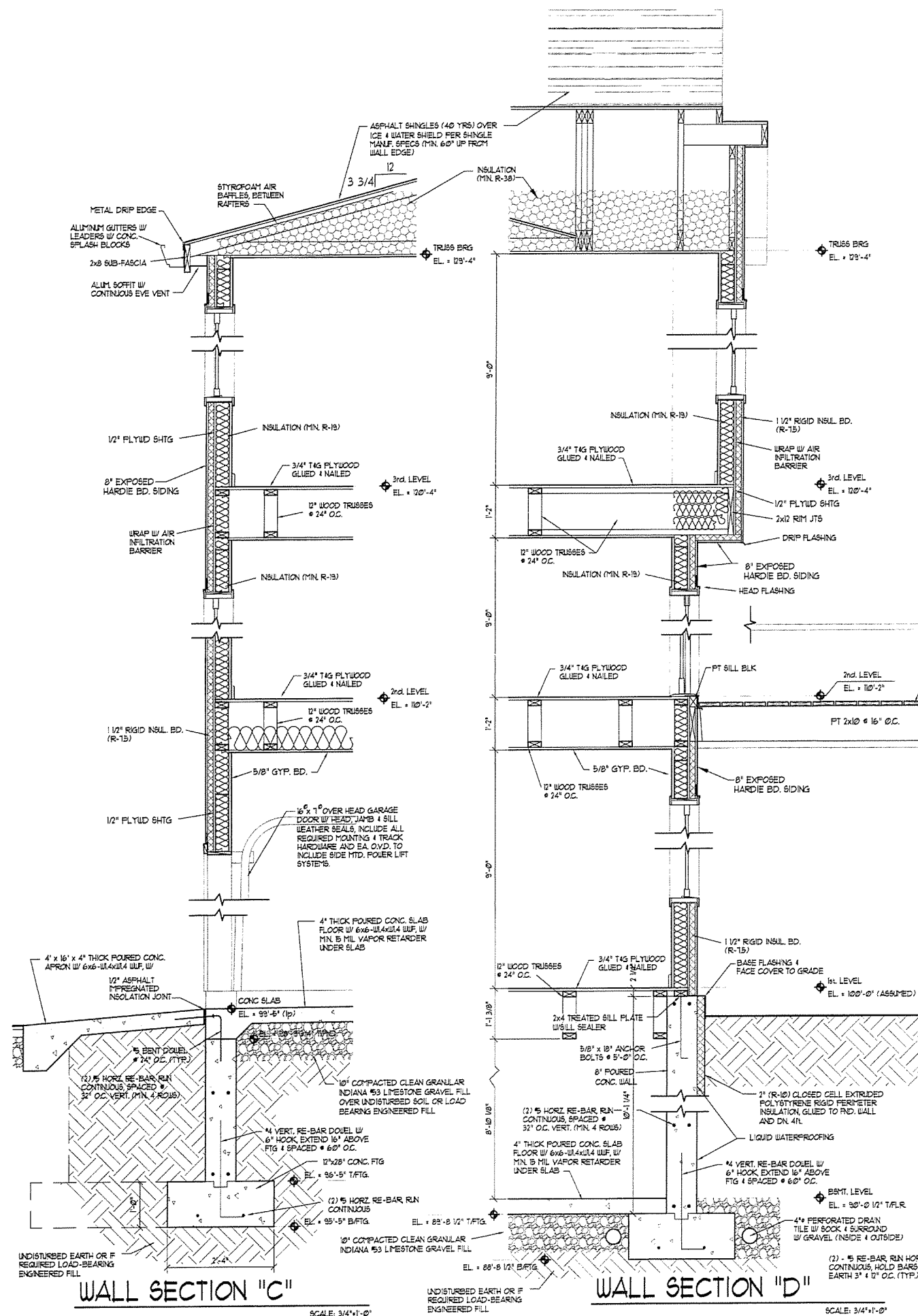
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Approval based on the following contingencies:

Subject to approval of special findings
at last 19 May meeting.

Signature: _____





REVISIONS

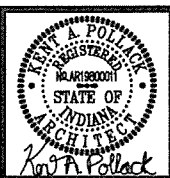
LJF INVESTMENTS, LLC
RESIDENTIAL TOWNHOME UNITS
INDIANA AVE. & MORGAN BLVD.
VALPARAISO, IN 46383

VIEW: WALL SECTIONS C, D, & E

APPROVED BY:

 **POLLACK ARCHITECTURAL GROUP, P.C.**
ARCHITECTS - INTERIOR DESIGNERS

6 N. Morgan Blvd.
Valparaiso, Indiana 46383
Phone: (219) 464-9368



PROJECT NO.	15-1729
FILE NAME:	FORD A3d
DRAWN BY:	MAM
DATE:	10-10-16
SCALE:	3/4" = 1'-0" .375
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REVIEW SET