

MEETING AGENDA

Valparaiso Board of Zoning Appeals
Tuesday, May 21st, 2019, 7:00 PM
653 Hayes Leonard Road

1. Roll Call
2. Adoption of March 19th, 2018 Meeting Minutes
3. Old Business
4. New Business

VAR19-003 - A petition filed by Richard Owens, 465 Grove Ave, Valparaiso, IN 46383. The petitioner requests a variance from Article 2, Section 2.303 (D), Item 3d, of the Valparaiso Unified Development Ordinance, to vary the required rear yard setback from 20 Feet, to allow for a rear yard setback of 17.8 feet. The property is located at 465 Grove Ave, in the Neighborhood Conservation (NC-60) Zoning District.

VAR19-004 – A petition filed by Coolman Builders, LLC., 359 S Franklin Street, Valparaiso, IN 46383. The petitioner requests a variance from Article 3, Section 3.501(B), Table 3.501, of the Valparaiso Unified Development Ordinance, to allow for a .2 ft foundation wall encroachment into the street-yard setback. The property is located at 3156 Bramble Crossing, in the General Residential (GR) Zoning District.

5. Adjournment
Michael Micka, President – Board of Zoning Appeals
Tyler Kent, Planning Director
Next Meeting: June 18th, 2019

Petition #: VAR19-003

**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:

RICHARD A OWENS 465 GROVE AVE VALPARAISO, IN 46385 219-510-3904
 Name (Please Print) Address Phone

OWNER OF SUBJECT PROPERTY:

RICHARD A OWENS 465 GROVE AVE VALPARAISO, IN 46385 219-510-3904
 Name (Please Print) Address Phone

ADDRESS OF SUBJECT PROPERTY: 465 GROVE AVE

Subject property fronts on the South side between (streets) BOND & RIDGELAND
 in the NC Zoning District.

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

LOT 13 IN BLOCK 3 IN CITY VIEW ADDITION TO THE CITY OF VALPARAISO, AS PER PLAT THEREOF, RECORDED IN MISCELLANEOUS RECORD "J", PAGE 550, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA

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

1 STORY DETACHED GARAGE WITH DIMENSIONS OF 19' x 24' ON A FOOTING / STEMWALL FOUNDATION. GARAGE DOOR WILL BE 12' x 7' AND THE SIDING WILL BE VINYL TO COMPLEMENT THE HOUSE.

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

Article: 2 Section: 2.303 Paragraph: D Item: 3d

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 30' Rear Setback 20' Side Setbacks 6' / 16' Lot Coverage 34% 2655 SQFT
Height 15'-1" 7750 TOTAL

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.

Last updated 1/16/18

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 ~~\$50~~ ⁹⁰

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.

Richard A Owens
Signature of Petitioner

Richard A Owens
Printed Name

Richard A Owens
Signature of Property Owner

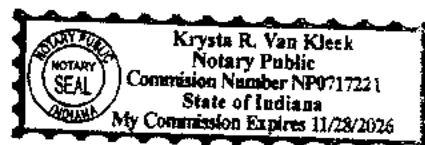
Signature of Property Owner

Subscribed and sworn to before me, a Notary in and for said County and State, personally appeared: RICHARD A OWENS and acknowledge the execution of the foregoing document, this 22nd day of April 2019

Krysta R Van Kleeck
NOTARY PUBLIC

Krysta R Van Kleeck
Type or Print name of Notary

My Commission Expires: 11/28/2026
Resident of Lake County



Affidavit of Consent of Property Owner

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

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

1. That RICHARD A OWENS ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA.
2. That Owner authorizes RICHARD A OWENS ("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.

Richard A Owens
Property Owner

4/22/2019
Date

Property Owner

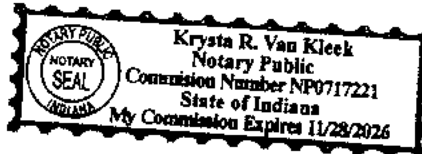
Date

Subscribed and sworn to before me this 22nd day of APRIL, 20 19.

Krysta R. Van Kleek
Notary Public

My Commission:

11/28/2026
Date



**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 21st day of MAY, 2019 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) VARIANCE TO ARTICLE 2 SECTION 2.303 PARA D Item 3d

The petitioner for the requested action is RICHARD A OWENS of the (address here) 465 GROVE AVE VALPARAISO, IN 46385. The property is located in the Neighborhood Conservation Zoning District. The subject parcel is located at (Address or Location) 465 GROVE AVE and includes the following tract of land:

Legal Description

(Please type the street address and legal description here or attaché to the letter)

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: tyler.kent@cityofvalparaiso.org

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

Respectfully,

RICHARD A OWENS
Petitioner

R. L. OAK

Petitioner

Property Owner:

Richard A Owens

Property Address:

465 Grove Ave

Valparaiso, In 46385

Legal Description:

Lot 13 in Block 3 in City View Addition to the City Of Valparaiso as per Plat Thereof
Recorded in Miscellaneous Record "J", page 550 , in the Office of the Recorder of Porter
County, Indiana.

NC Zoning District

Petitioner

Petitioner

Affidavit of Proper Public Notice for Public Hearing

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

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

1. That he/she is the OWNER (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

Property Owner:

Richard A Owens

Property Address:

465 Grove Ave

Valparaiso, In 46385

Legal Description:

Lot 13 in Block 3 in City View Addition to the City Of Valparaiso as per Plat Thereof
Recorded in Miscellaneous Record "J", page 550 , in the Office of the Recorder of Porter
County, Indiana.

NC Zoning District

SURROUNDING PROPERTY OWNER LIST

List the name and address of all property owners who have received notification below
(Use Additional Sheets if Necessary):

(Please Print)

Name

Address

DONNA RUTH LUNDGREN 467 GROVE AVE VALPARAISO, IN 46385
PETE & JENNIFER LAWSON 469 GROVE AVE VALPARAISO, IN 46385
MARCI JOHNSON 471 GROVE AVE VALPARAISO, IN 46385
RON & TAYLOR ANN TAYLOR 159 KINGSLEY AVE VALPARAISO, IN 46385
↳ 475 GROVE AVE (SITE) 46385
PAM ROSEBERRY 463 GROVE AVE VALPARAISO, IN 46385
PAUL & JOAN KETCHUM 461 GROVE AVE VALPARAISO, IN 46385
TORDEL ARMSTRONG 457 GROVE AVE VALPARAISO, IN 46385
RANDALL TRAVIS 807 CAMPBELL ST VALPARAISO, IN 46385
ADRIAN DUNCAN & PAMELA WILSON 464 GROVE AVE VALPARAISO, IN 46385
LISA MARIE HALSTEAD 466 GROVE AVE VALPARAISO, IN 46385
CHRISTIAN P IRELAND 468 GROVE AVE VALPARAISO, IN 46385
MUNA HARLAN 470 GROVE AVE VALPARAISO, IN 46385
SALLY ENERICK 472 GROVE AVE VALPARAISO, IN 46385
THOMAS C LIPMAN 474 GROVE AVE VALPARAISO, IN 46385
462 GROVE ST LLC, 418 WESSEX RD VALPARAISO, IN 46385
↳ 462 GROVE AVE VALPARAISO, IN 46385 (SITE)
BRIAN NICKELSON 458 GROVE AVE VALPARAISO, IN 46385
JOSEPH & KRIS FARSTER 456 GROVE AVE VALPARAISO, IN 46385
ADAM M SWORDEN 901 CAMPBELL ST VALPARAISO, IN 46385
RICK & TAMMIE BRADLEY 463 BOND AVE VALPARAISO, IN 46385
KATHERINE MOENCH & CODY BROWN 461 BOND AVE VALPARAISO, IN 46385
KEVIN & TAYLOR SILLS 465 BOND AVE VALPARAISO, IN 46385
PAULINA JAGODZINSKA 553 BOND AVE VALPARAISO, IN 46385

SURROUNDING PROPERTY OWNER LIST

List the name and address of all property owners who have received notification below
(Use Additional Sheets if Necessary):

(Please Print)

<u>Name</u>	<u>Address</u>
JASON & PAULA LYNN	464 RIDGELAND AVE VALPARAISO, IN 46385
APRIL L COOK	466 RIDGELAND AVE VALPARAISO, IN 46385
JENNIFER C SMITH	468 RIDGELAND AVE VALPARAISO, IN 46385
JOSEPH RYAN MYERS	752 W 100N VALPARAISO, IN 46385
	470 RIDGELAND AVE VALPARAISO, IN 46385 (SITE)
NICOLE BAUMANN & KATHERINE CABR	472 RIDGELAND AVE VALPARAISO, IN 46385
CORY E THOMPSON	474 RIDGELAND AVE VALPARAISO, IN 46385
MATTHEW MARKESE	462 RIDGELAND AVE VALPARAISO, IN 46385
EMILY & ANTHONY SUAREZ	460 RIDGELAND AVE VALPARAISO, IN 46385
MATTHEW LASSER	458 RIDGELAND AVE VALPARAISO, IN 46385
JAY LITTMANN & D'ELIA RUDY	4 LOCUST ST VALPARAISO, IN 46385 (SITE) → 4510 RIDGELAND AVE VALPARAISO, IN 46385
CURTIS DRUMMOND	803 CAMPBELL ST VALPARAISO, IN 46385
MATT KELLY, P.O. Box 1460	VALPARAISO, IN 46384 → 801 CAMPBELL ST VALPARAISO, IN 46385 (SITE)
STEPHANIE MILLER	463 RIDGELAND AVE VALPARAISO, IN 46385
PHILIP PARMIGIANI & PARMIGI FORMASA	465 RIDGELAND AVE VALPARAISO, IN 46385
MICHAEL & JODY FYNACKER	461 RIDGELAND AVE VALPARAISO, IN 46385
PAUL G KULLMAN	459 RIDGELAND AVE VALPARAISO, IN 46385
DONALD CHRISTOPHER & STEVEN HAMMER	467 RIDGELAND AVE VALPARAISO, IN 46385

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: _____

THE GARAGE WILL BE WITHIN THE PROPERTY SET BACKS
ON BOTH SIDES AND WITHIN 2.2' OF THE ALLEY SETBACKS
ONE CAR WILL BE REMOVED FROM PARKING ON GROVE
AVE PLUS A SMALL CAR CAN PARK IN THE DRIVEWAY.

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: _____

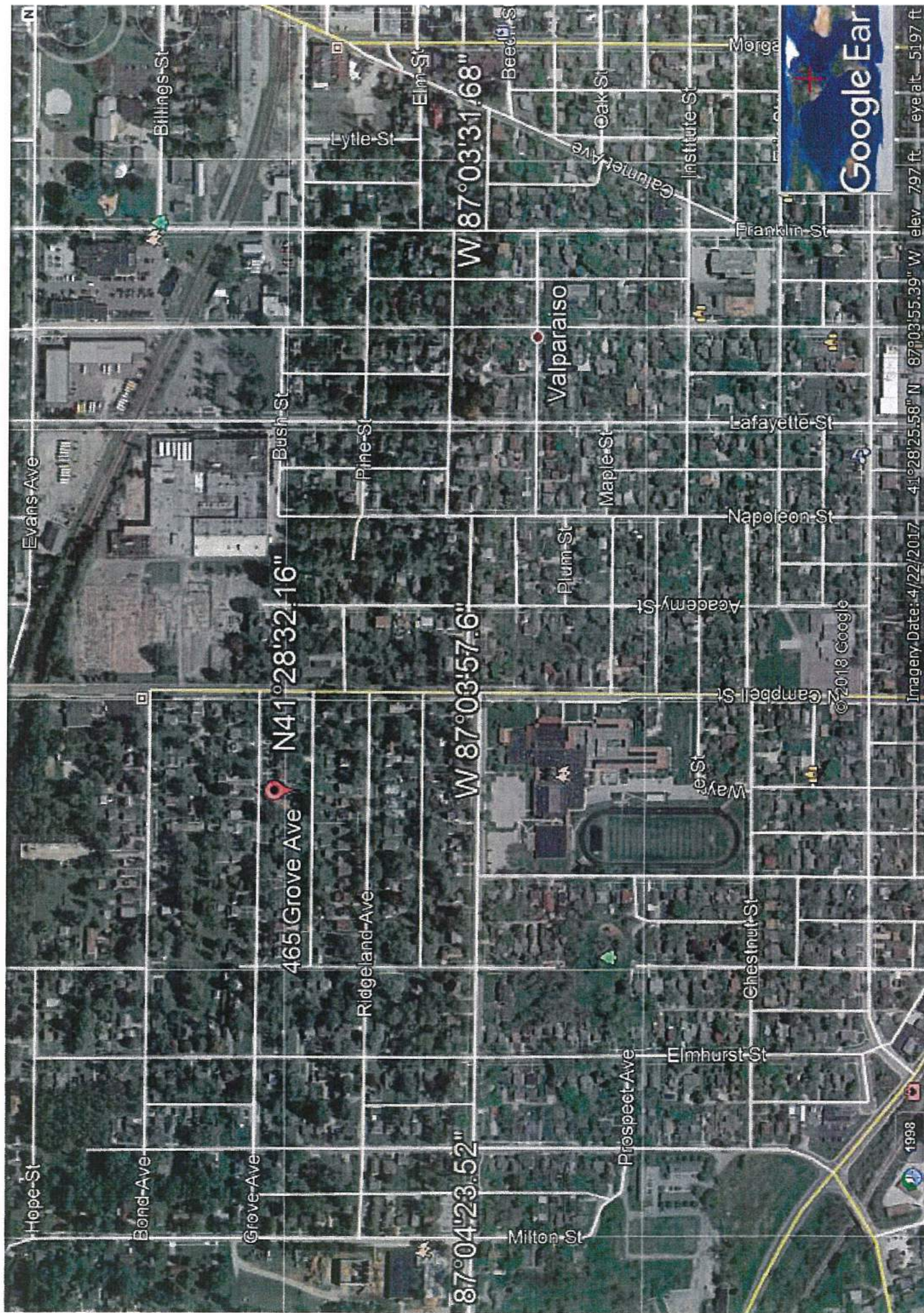
BY ENHANCING MY PROPERTY WITH THE ADDITION
OF A GARAGE THE NEIGHBORS ON ALL SIDE WILL
SEE ADDED VALUE TO THEIR PROPERTY. FOR 15 years MY
NEIGHBORS HAVE ASKED "WHEN ARE YOU BUILDING A GARAGE?"

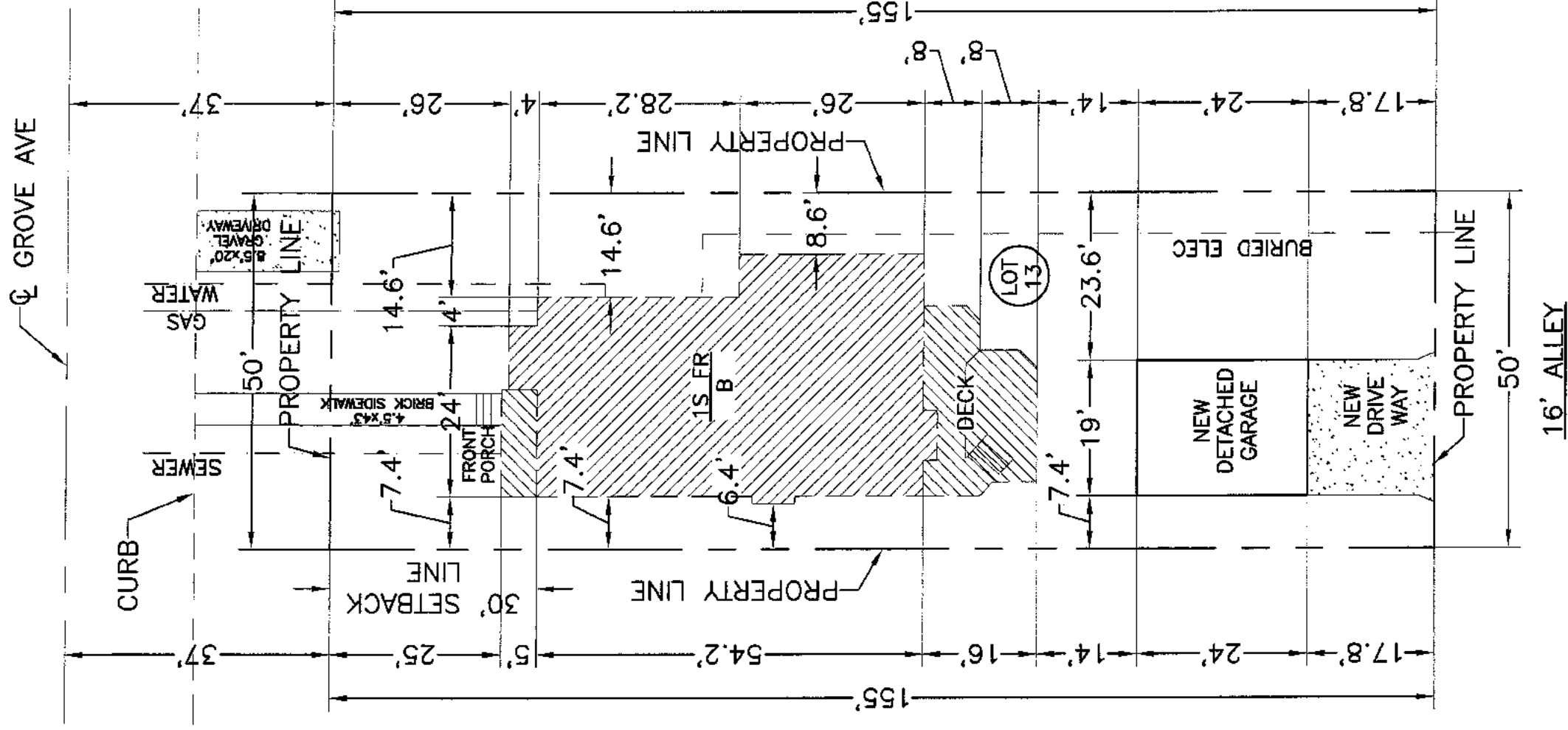
C. The strict application of the terms of the zoning ordinance will result in particular difficulties in the use of the property included in the proposed variance because: _____

I WILL LOSE APPROXIMATELY 60 SQ FT OF GREENSPACE THAT
WOULD BE MUCH BETTER USED BY MY 2 DOGS OR AS THE
PLACE FOR GUESTS TO RELAX UNDER THE PLANNED PERGOLA
BETWEEN THE HOUSE AND DECK. I HAVE SCALED BACK
THIS PROJECT FROM A 2 CAR TO A 1 CAR SO AS TO

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.

PRESERVE AS MUCH GREENSPACE AS POSSIBLE AND
ALSO UNDERSTANDING THE NECESSITY OF HAVING
A GARAGE.





PROPERTY OWNER:
RICHARD A. OWENS

PROPERTY ADDRESS:
465 GROVE AVENUE
VALPARAISO, IN 46385

LEGAL DESCRIPTION:
LOT 13 IN BLOCK 3 IN CITY VIEW ADDITION TO THE CITY OF
VALPARAISO AS PER PLAT THERE OF RECORDED IN MISCELLANEOUS
RECORD "J" PAGE 550, IN THE OFFICE OF THE RECORDER OF
PORTER COUNTY, INDIANA.

LOT COVERAGE:
HOUSE: 1668 SQFT
GARAGE: 456 SQFT
DRIVEWAY: 338.2 SQFT
BRICK SIDEWALK: 193.5 SQFT

TOTAL SQUARE FOOTAGE: 2655.7 SQFT = 34.3%

OWENS RESIDENCE—LOT 13

NC ZONING DISTRICT
465 GROVE AVENUE
VALPARAISO, IN 46385
DATE: 4/23/19
SCALE: 1"=20'

FILED

APR 26 2019

Petition #: 1AK19-004

Sharon Emerson Schubert

Clerk-Treasurer

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.

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- ☐ 1. Relief to an Administrative decision. (Exhibit No. ☐)
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- ☐ 3. Variance of the use from the terms of the Zoning Ordinances.
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- ☐ 5. Special Exception from Home Occupation.
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- ☐ 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:

Coolman Builders, LLC 359 S. Franklin St., Valpo, IN 46383
Name (Please Print) Address Phone

OWNER OF SUBJECT PROPERTY:

AT THIS TIME: Coolman Builders - as above 219-464-8055
Name (Please Print) Address Phone

AFTER 10 MAY 19: WILL BRING IN AFFIDAVIT OF CONSENT FROM NEW OWNER
ADDRESS OF SUBJECT PROPERTY: 3156 Bramble Crossing, Valparaiso, IN 46385
Subject property fronts on the north side between (streets) Pepper Ridge Road &
in the QR Zoning District.

Building Permit # B-18-0127
Lot C-10 in Pepper Ridge

Legal Description of Subject Property: (Exhibit No.)

Lot Number C-10 at Pepper Ridge which is recorded
in Plat File 57-C-6, Recorded Instrument No. 2018-
001111 in the Office of The Recorder of Porter
County, Indiana.

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

Seeking a variance to allow for an encroachment
of .2 ft into a general residential street-yard
setback.

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

Article: 3 Section: 3.501 Paragraph: B Item: Table 3.501

: : : :
: : : :

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 20' Rear Setback 25' Side Setbacks 5' / 5' Lot Coverage 29.81%
Height

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.

Last updated 1/16/18

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 50 -

SURROUNDING PROPERTY OWNER LIST

List the name and address of all property owners who have received notification below
(Use Additional Sheets if Necessary):

(Please Print)

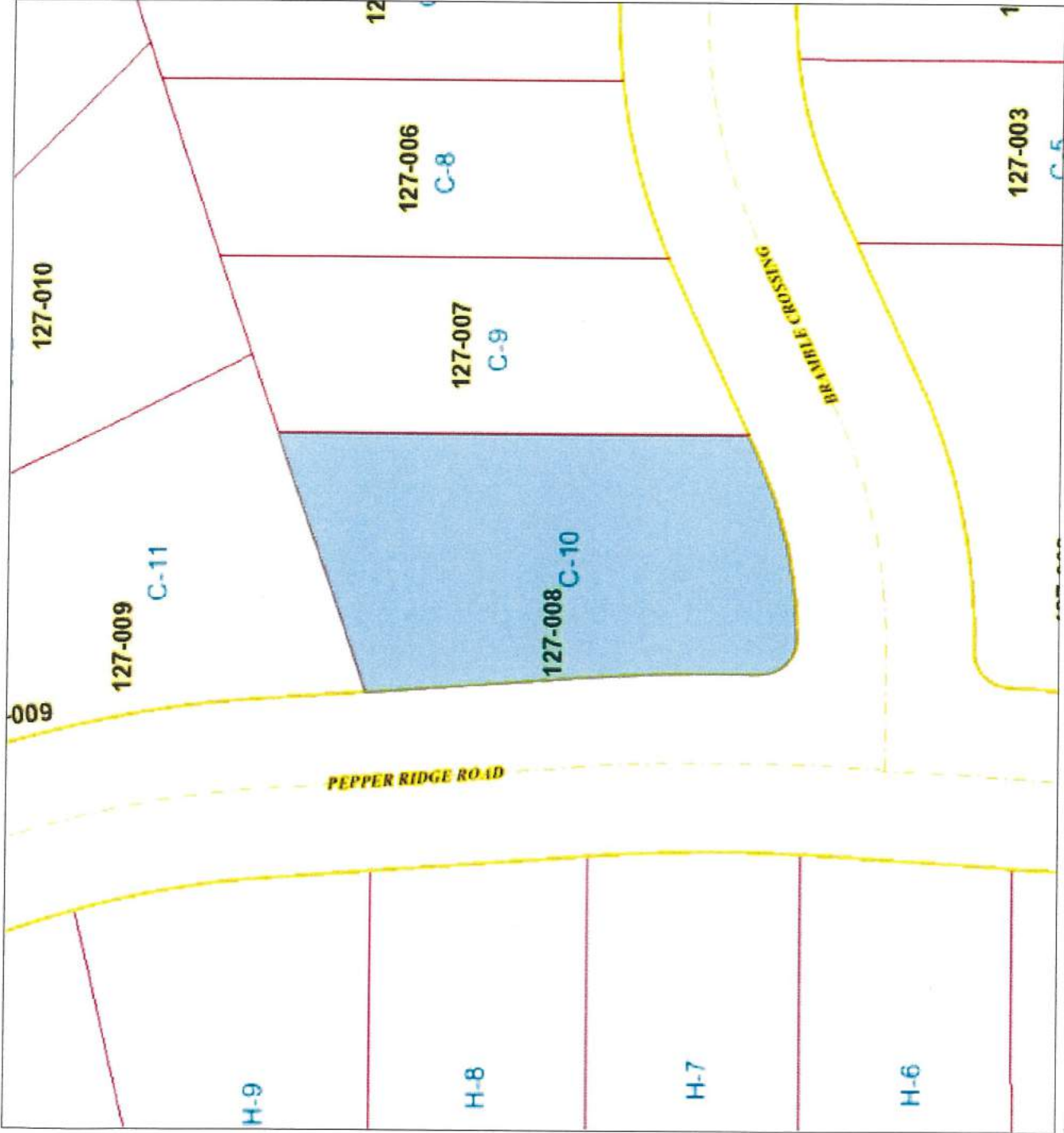
Name

Address

see attached

C-10 300 ft Resident List

Parcel Number	Owner	Owner Address	Site Address
64-09-15-102-005.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2209 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-102-009.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2307 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-127-012.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2328 Pepper Loop Valparaiso IN 46385
64-09-15-127-003.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	3153 Bramble Crossing Valparaiso IN 46385
64-09-15-177-002.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2206 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-128-055.000-004	Pepper Cove Development LLC	8051 Wicker Ave Ste A Saint John IN 46373	2309 Caspian Ln Valparaiso IN 46385
64-09-15-127-009.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2306 Pepper Ridge Rd or 2322 Pepper Loop Valparaiso IN 46385
64-09-15-128-057.000-004	Pepper Cove Development LLC	8051 Wicker Ave Ste A Saint John IN 46373	2305 Caspian Ln Valparaiso IN 46385
64-09-15-128-056.000-004	Blanton Lester & Grace/H&W	2307 Caspian Ln Valparaiso IN 46385	2307 Caspian Ln Valparaiso IN 46385
64-09-15-127-011.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2326 Pepper Loop Valparaiso IN 46385
64-09-15-102-004.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2207 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-127-006.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	3152 Bramble Crossing Valparaiso IN 46385
64-09-15-128-058.000-004	Pepper Cove Development LLC	8051 Wicker Ave Ste A Saint John IN 46373	2303 Caspian Ln Valparaiso IN 46385
64-09-15-102-010.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2309 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-177-003.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	Vacant Valparaiso IN 46385
64-09-15-102-008.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2305 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-102-003.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	Vacant 375 N Valparaiso IN 46385
64-09-15-127-008.000-004	Coolman Communities Inc	359 Franklin St Valparaiso IN 46383	3156 Bramble Crossing or 2304 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-127-002.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2210 Pepper Ridge Rd or 3155 Bramble Crossing Valparaiso IN 46385
64-09-15-102-011.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2401 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-127-005.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	3150 Bramble Crossing Valparaiso IN 46385
64-09-15-127-004.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	3151 Bramble Crossing Valparaiso IN 46385
64-09-15-102-006.000-004	Coolman Communities Inc	359 Franklin St Valparaiso IN 46383	2301 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-176-008.000-004	Pepper Cove Community Association I	4408 Enterprise Ave Valparaiso IN 46383	Vacant Valparaiso IN 46385
64-09-15-102-007.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2303 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-127-001.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2208 Pepper Ridge Rd Valparaiso IN 46385
64-09-15-128-059.000-004	Miller Melissa A	2301 Caspian Ln Valparaiso IN 46385	2301 Caspian Ln or 3060 Bramble Crossing Valparaiso IN 46385
64-09-15-127-024.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	Vacant Valparaiso IN 46385
64-09-15-127-010.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	2324 Pepper Loop Valparaiso IN 46385
64-09-15-127-007.000-004	Pepper Ridge LLC	359 S Franklin St Valparaiso IN 46383	3154 Bramble Crossing Valparaiso IN 46385
64-09-15-128-054.000-004	Garcia, Robert	2401 Caspian Ln Valparaiso IN 46385	2401 Caspian Ln Valparaiso IN 46385



Parcel Number: 640915127008000004
Alternate Parcel Number:
64-09-15-127-008-000-004
Owner1: Coolman Communities Inc
Owner1 Address: 359 Franklin St Valparaiso IN
46383
Site Address: 3156 Bramble Crossing or 2304
Pepper Ridge Rd Valparaiso IN 46385
Legal Description: Pepper Ridge Lot
C-10 .208A
Homestead Filed: False

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.

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: _____

No change is requested for existing structures. 2"
Encroachment creates no risk for public health or
safety. All other setbacks are conforming.

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: _____

Nothing changes from existing conditions,
which do not affect the use and value of the
adjacent properties.

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

There is no aesthetically pleasing or reasonable
way to remove 2" from the existing home
foundation/elevation (2" into a 20" setback)

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.

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.

Kelly M. Kaminski
Signature of Petitioner

KELLY M. KAMINSKI
Printed Name

Carol A. Carden
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: Eric Feldman & Carol Carden, and acknowledge the execution of the foregoing document, this 26th day of April, 2019.

Tina M. Daugherty
NOTARY PUBLIC

Tina M. Daugherty
Type or Print name of Notary

My Commission Expires: 6/29/2022
Resident of Porter County



Affidavit of Consent of Property Owner

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

Carol A. Carden, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That COOLMAN COMMUNITIES, INC. ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA. (AT TIME OF APPLICATION SUBMISSION).
2. That Owner authorizes KELLY M. KAMINSKI ("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.

[Signature]
Property Owner

24 APRIL 2019
Date

Carol A. Carden
Property Owner

24 APRIL 2019
Date

Subscribed and sworn to before me this 26th day of APRIL, 20 19.

Tina M. Daugherty
Notary Public

My Commission: 6/29/2022

April 26th 2019
Date

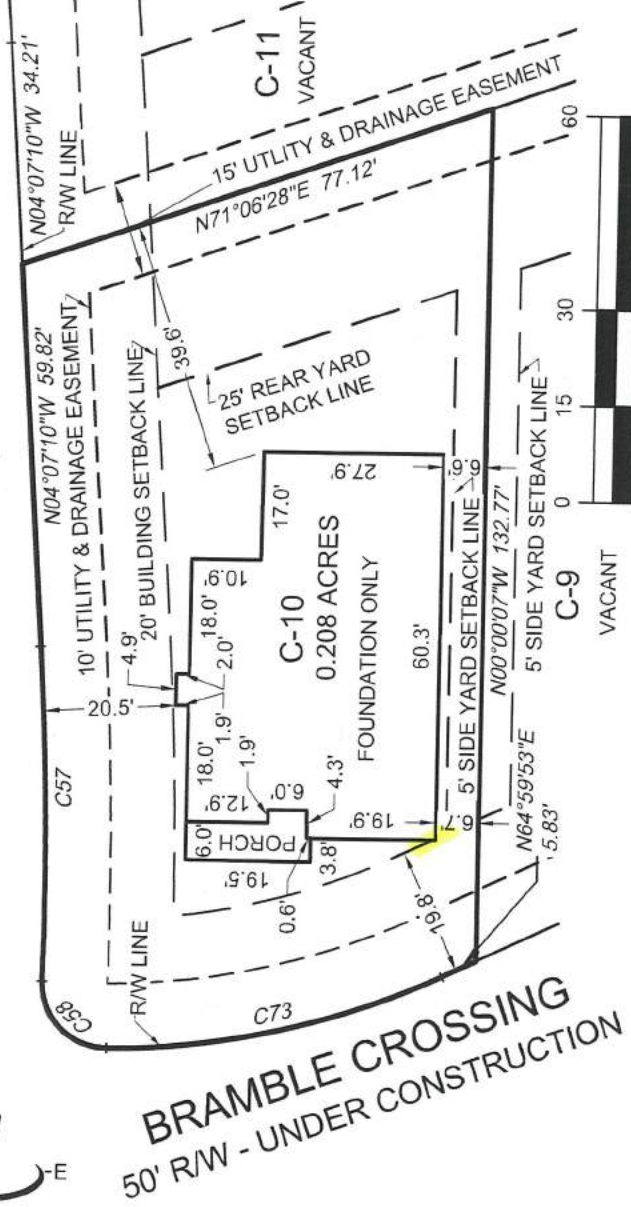


SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNATED FOR USE BY THE TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.



PEPPER RIDGE ROAD 50' R/W - UNDER CONSTRUCTION



BRAMBLE CROSSING 50' R/W - UNDER CONSTRUCTION

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD DISTANCE
C57	52.12'	555.00'	5°22'52"	26.08'	N1°25'44"W	52.10'
C58	15.99'	10.00'	91°37'37"	10.29'	S44°33'07"E	14.34'
C73	53.75'	125.00'	24°38'11"	27.30'	N77°18'59"E	53.34'

Property Address: 3156 Bramble Crossing, Valparaiso, Indiana 46385

Property Description: Lot Number C-10 at Pepper Ridge which is recorded in Plat File 57-C-6, Recorded Instrument No. 2018-001111 in the Office of The Recorder of Porter County, Indiana.

Notes:

- This lot or parcel lies within Zone "X" on Community - Panel 18127C0201D, dated September 30, 2015.
- Right of way statement: Any road, street, or other right-of-way information shown herein affecting platted lots was taken from the recorded plat of subdivision containing such lots. Right-of-way information affecting non-platted tracts was not researched unless otherwise noted and a final determination of said right-of-way location and width should be verified prior to any construction of improvements or fences.
- No visible evidence of possession was found along the boundary lines of the subject tract unless otherwise noted on this drawing.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO THE PARTIES NAMED BELOW THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1.1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

MORTGAGE OR ASSIGNEES: NONE PROVIDED

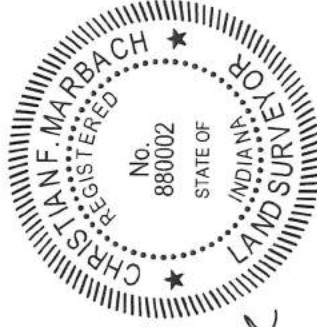
TITLE CO.: NONE PROVIDED

BUYER: NONE PROVIDED

OTHER: ORDERED BY KELLY KAMINSKI (COOLMAN COMMUNITIES)

FIELD WORK COMPLETED: 4/6/2018

4/9/2018



Christian F. Marbach

CHRISTIAN F. MARBACH, PS #880002

Surveyor Location Report
3156 Bramble Crossing
Lot C-10, Pepper Ridge
Center Township, Porter County, Indiana

8888 E. U.S. Hwy. 20
P.O. Box 960
New Carlisle, Indiana 46552
(574) 654-3450
info@marbach.us
www.marbach.us

Marbach
Marbach-Palm, Inc.
Engineering & Surveying

AUTOCAD FILE: 0053-2018 SLR.dwg

JOB NUMBER
0053-2018

SCALE:
1" = 30'

DRAWN BY
MAT

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SHEET 1 OF 1

DRAWING NO.
L-41020

