

## **SPECIAL MEETING AGENDA**

**Valparaiso Board of Zoning Appeals**  
**Monday, October 5th, 2020, 5:30 PM**  
**Valparaiso City Hall, 166 Lincolnway**

1. Roll Call
2. New Business

**VAR20-019** - A petition filed by Eastgate Investments I, LLC & Eastgate Investments II, LLC c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP. The property is located at 1301 LaPorte Ave and 1308 Lincolnway in the Commercial General (CG) and Urban Residential (UR) Zoning District. The petitioner requests the following variance(s):

- Article 9, Section 9.205 – Vary Parking Requirements to allow for 265 Parking Spaces

3. Adjournment

Michael Micka, President – Board of Zoning Appeals  
Beth Shrader, Planning Director  
Next Meeting: **October 21<sup>st</sup>, 2020**

*Interested persons can view the public hearing live on Facebook on the Valparaiso Now Facebook Page.*

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.

<b>PETITIONER:</b>	c/o Todd A. Leeeth Hoepfner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383	219-464-4961
Eastgate Investments I, LLC		
Eastgate Investments II, LLC		
_____ Name (Please Print)	_____ Address	_____ Phone

**OWNER OF SUBJECT PROPERTY:**

_____ Name (Please Print)	_____ Address	_____ Phone
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**ADDRESS OF SUBJECT PROPERTY:** 53 Roosevelt Road; 1301 LaPorte Avenue; 1308 Lincolnway  
Subject property fronts on the \*            side between (streets)             
in the            Zoning District. Residential, Urban (UR) District and Commercial, General (CG) District

\* Subject property fronts on Roosevelt Road, LaPorte Avenue and Lincolnway and sits South of Lincolnway between Roosevelt Road and University Drive.

Legal Description of Subject Property: (Exhibit No. \_\_)  
See Attached

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

To allow for 265 parking spaces including on-street permit parking, within the mixed use project known as Uptown East.

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

Article: \_\_\_\_\_ Section: \_\_\_\_\_ Paragraph: \_\_\_\_\_ Item: \_\_\_\_\_  
: \_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_  
: \_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_

**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 \_\_\_\_\_

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.

	B	C
2	Owner	Owner Address
3	Brandy Dennis D & Phyllis A/H&W	1201 Calumet Ave Valparaiso IN 46383
4	Dres Pete & Susan/H&W	837 Lincolnway Valparaiso IN 46383
5	Eleftheri Loucas & Michael & Evange	1307 Lincolnway Valparaiso IN 46383
6	Engstrom Gregory Trustee of Agreeeme	1415 Lincolnway Valparaiso IN 46383
7	Horizon Bank	515 Franklin St Michigan City IN 46360
8	JNT LLC	c/o John Tillema 801 E 925 N Wheatfield IN 46392
9	JSM Powerhouse Holdings LLC	1409 E Lincolnway Valparaiso IN 46383
10	Kehe Enterprises LLC	580 Cheyenne Ct Westville IN 46391
11	La Porter Federal Credit Union	PO Box 2116 Michigan City IN 46361
12	LRG Holdings LLC	840 Lincolnway Valparaiso IN 46383
13	Lutheran Deaconess Association	1304 LaPorte Ave Valparaiso IN 46383
14	Lutheran University Association Inc	1700 Chapel Dr Valparaiso IN 46383

	B	C
15	Rudakas Robert E & Traci L/H&W	434 Kingswood Ct Valparaiso IN 46385
16	Shurr Properties LLC	833 E Lincolnway Valparaiso IN 46383
17	Stan James L	2501 Spyglass Dr Valparaiso IN 46383
18	Stoner Carol B	157 McIntyre Ct Valparaiso IN 46383
19	Trust #8 1/2 & Dost Joyce D 1/2/Tc	1012 N 50 W Chesterton IN 46304
20	University Lutheran Assoc Inc Offic	Kretzmann Hall Valparaiso IN 46383
21	University Promenade LLC	1055 Eagle Ridge Dr Schererville IN 46375
22	Woods Raymond D Jr & Betty J	3057 Woodbine Dr Valparaiso IN 46383

## Legal Description

### PARCEL 1:

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows:

Commencing at a point on the South right of way line of Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a Parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch Parcel 15.00 feet; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line said West line also being the East line and the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat File 9-A-2 in the Office of the Recorder of said Porter County, 172.50 feet to the point of beginning; thence North 89 degrees 43 minutes 00 seconds East 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East, 137.71 feet; thence North 84 degrees 07 minutes 58 seconds West, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 293.72 feet to the East line of said Greenbriar Addition; thence North 00 degrees 20 minutes 15 seconds West, along said East line, 106.24 feet to the point of beginning.

### PARCEL 2:

Lots A and B in Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded in Plat File 9-a-2, IN THE Office of the Recorder of Porter County, Indiana, EXCEPTING THEREFROM THE FOLLOWING TRACTS SET OUT IN THOSE CERTAIN DEDICATION OF PUBLIC RIGHTS-OF-WAY RECORDED JUNE 2, 2015 AS IN INSTRUMENT NOS. 2015-012338 AND 2015-012339, RESPECTIVELY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF LOT B IN GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, AS PER PLAT THEREOF, RECORDED AUGUST 24, 1963 IN PLAT FILE 9-A-2, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, DESCRIBES AS COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT B; THENCE NORTH 00 DEGREES 20 MINUTES 15 SECONDS WEST, ASSUMES BEARING, ALONG THE EAST LINE OF SAID LOT B, 7.00 FEET; THENCE NORTH 84 DEGREES 07 MINUTES 58 SECONDS WEST, 319.73 FEET TO THE WEST LINE OF SAID LOT B, SAID WEST LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF ROOSEVELT ROAD IN THE CITY OF VALPARAISO; THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT B, 5.89 FEET TO THE SOUTH LINE OF SAID LOT B, CITY OF VALPARAISO; THENCE SOUTH 83 DEGREES 56 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT B, 319.93 FEET TO THE POINT OF THE BEGINNING.

AND

A PARCEL OF LAND BEING A PART OF LOTS A AND B OF GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, WHICH IS RECORDED IN PLATE FILE 9-A-2, PLAT BOOK 3 PAGE 30, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, MORE PARTICULARLY DESCRIBES AS FOLLOWS:

THE "POINT OF BEING" OF SAID PARCEL OF LAND BEING THE NORTHWEST CORNER OF SAID LOT A: THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, A DISTANCE OF 128.94 FEET TO A POINT THAT IS 5.89 FEET NORTHERLY OF THE SOUTHWEST CORNER OF SAID LOT B, SAID POINT BEING ON THE NORTH LINE OF LAPORTE AVENUE; THENCE SOUTH 84 DEGREES 07 MINUTES 58 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 10.04 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 14 SECONDS EAST A DISTANCE OF 129.97 FEET TO THE NORTH LINE OF LOT A; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 10.00 FEET TO THE "POINT OF BEGINNING".

AND

Parcel 3:

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows:

Commencing at a point on the South right of way line in Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch parcel, 15.00 feet to the point beginning; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line, said West line also being the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat file 9-A-2, in the Office of the Recorder of said Porter County, 172.50 feet; thence North 89 degrees 43 minutes 00 seconds East, 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East 137.71 feet; thence South 84 degrees 07 minutes 58 seconds East, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 101.08 feet to the West line of a parcel of land conveyed to the Valparaiso University Federal Credit Union per a Corporate Warranty Deed recorded May 6, 1987 in Deed Record 378, page 152; thence North 00 degrees 17 minutes 00 seconds West, along said West line, 319.32 feet; thence South 89 degrees 57 minutes 59 seconds West, parallel with and 15 feet South of the South right of way line of said Lincolnway, 392.79 feet to the point of beginning.

**CITY OF VALPARAISO  
BOARD OF ZONING APPEALS**

**PETITIONER'S PROPOSED FINDINGS OF FACT**

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Petitioner: Eastgate Investments II, LLC

Legal Description: Exhibit "A"

Location: 1401 LaPorte Avenue, Valparaiso Indiana

Current Zoning: Commercial, General (CG) District  
Urban Residential (UR) District

Petition: Development Standards Variance:

1. Number of Parking Spaces

Code:  
Proposed: 265 spaces

Case No.:

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The above named Petitioner now makes the proposed Findings of Fact in support of Petitioner's petition for a development standards variance to allow for 265 parking spaces, including on-street permit parking, within the mixed use project located on Petitioner's property commonly known as Uptown East, in accordance with general plans filed with the City pursuant to the provisions set forth above and found in the Unified Development Ordinance. After conducting a public hearing pursuant to I.C. 37-7-4-920 *et seq.* and the Unified Development Ordinance, and after hearing Petitioner's arguments and evidence in support of the variances, remonstrance and opposition or the opportunity for the receipt thereof, and comments, reports or recommendations of staff and others, the Board of Zoning Appeals for the City of Valparaiso, Indiana now finds as follows:



## *FINDINGS:*

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
  - a) Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variance.
  - b) The granting of the variance will not alter the essential character of the locality.
  - c) The variance will not adversely affect the safety of vehicular traffic by reducing or obstructing the line of sight at intersections of public or private roads or driveways.
  
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
  - a) The granting of the variance will in no recognizable way encroach on the enjoyment or use of the surrounding properties.
  - b) There will be no substantial change in the use of the property that will result if the variance is granted.
  
3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties because:
  - a) The Uptown East project is an existing urban project with no alternative space to add new parking spaces or to acquire adjacent sites for new or additional parking area.
  - b) The 2010 Walker Consultant's parking study has been updated (September 3, 2020) which addresses shared parking methodology and parking calculations for the project.
  - c) The mixed use project of Uptown East was approved at different stages in 2006 and 2007 as student housing. Due to various economic factors (a decrease in Valparaiso University enrollment, the closure of Valparaiso University School of Law, the addition of Valparaiso University dormitories such as Beacon Hall, etc., there has been a significant decrease in the number of university students and therefore prospective tenants. As a result, there is not a market demand for student housing, and it is not economically feasible to continue to exclusively market towards university students.

- d) The circumstances and conditions existing on or about Petitioner's property which prevent conformance with the Unified Development Ordinance and requiring the variance are not self-created. Uptown East was anticipated for student housing, but is shifting to non-student housing due to the lack of market demand.
- e) The Petitioner's property is located on two public streets with abundant on-street parking for overflow or unusual conditions and petitioner utilizes the permit parking program for the project.

Respectfully submitted;

By: 

Todd A. Leeth  
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Attorneys for Petitioner

This Instrument Prepared By:

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**HOEPPNER  
WAGNER &  
EVANS LLP**  
ATTORNEYS AT LAW

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