

MEETING AGENDA

Valparaiso Board of Zoning Appeals
Wednesday, June 16th, 2021, 5:30 PM
Valparaiso City Hall – Council Chambers

1. Roll Call
2. Adoption of Meeting Minutes
3. Old Business
4. New Business

SE21-001 – A petition filed by Bond LLC – Janet McNair c/o Glen Kuchel. This property is located at 560 Bond Ave in the Commercial Neighborhood (CN) Zoning District. The petitioner requests the following Special Use/Special Exception:

- Article 13, Section 13.400 – To allow for a request for Special Use to make the nonconforming use and building/structure conforming per the criteria set in Article 13, Section 13.403

VAR21-010 – A petition filed by Biruh’s Kitchen. This property is located at 309 Lincolnway in the Residential Transition (RT) Zoning District. The petitioner requests the following variance(s):

- Article 3, Section 3.505, Table 3.505 – To vary the minimum side yard setback of ten (10) feet to allow for a side yard setback of zero (0) feet.
- Article 3, Section 3.301, Table 3.301(B) – To vary the required minimum on-site parking spaces from 14 spaces to allow for a minimum of 3 on-site parking spaces.
- Article 9, Section 9.201, Table 9.201 – To vary the required minimum Landscape Ratio (LSR) of 60% to allow for a minimum LSR of 17%.

VAR21-011 – A petition filed by Adam McAlpine. This property is located at 701-705 Glendale Blvd in the Urban Residential (UR) Zoning District. The petitioner requests the following variance(s):

- Article 9, Section 9.403(C) – To allow for an access spacing on opposite sides of the street of less than 75 feet.

- Article 3, Section 3.503, Table 3.503 – To vary the required 12 ft building separation to allow for a building separation of 10 ft

VAR21-012 – A petition filed by Christopher & Linda Kemper. This property is located at 2263 Vale Park Rd in the General Residential (GR) Zoning District. The petitioner requests the following variance(s):

- Article 3, Section 3.503, Table 3.503 – To vary the minimum lot width per unit from 45 ft to allow for a minimum lot width of 41.04 feet.

VAR21-013 – A petition filed by Elias Kalafatis. The property is located at 1004 Calumet Ave in the Commercial General (CG) Zoning District. The petitioner requests the following variance(s):

- Article 11, Section 11.306, Table 11.306(A) – To vary the minimum landscaped yard along R.O.W of thirty (30) feet to allow for a minimum landscaped yard along R.O.W of zero (0) feet.
- Article 11, Section 11.306, Table 11.306(A) – To vary the landscape requirements.
- Article 11, Section 11.306, Table 11.306(A) – To vary the requirement to screen parking areas to allow for no parking area screening.

VAR21-014 – A petition filed by Josh Thornton. The property is located at 2606 Valley Dr in the Business Park (BP) Zoning District. The petitioner requests the following variance(s):

- Article 2, Section 2.402(A)(1c) – To vary the maximum fence height in a street side yards from four (4) feet to allow for a fence height of six (6) feet.

VAR21-015 – A petition filed by Crew Carwash c/o Justin Furr. The property is located at 2615 LaPorte Ave (Outlot A) in the General Residential (GR) Zoning District. The petitioner requests the following variance(s):

- Article 2, Section 2.303(A) – To allow for an accessory structure to be built without a principal building on the property.

UV21-002/VAR21-016 – A petition filed by Christopher Enright. The property is located at 105 Porter Vale Blvd. in the Commercial General (CG) Zoning District. The petitioner requests the following variance(s):

- Article 11, Section 11.304(C)(12) – To allow for a Light Automobile Service use in the State Route 49 Overlay District.
- Article 11, Section 11.304(Ia) – To vary the required yard abutting corridor setback of 90 feet for buildings that are 36 feet or less in height to allow for a setback of 40 feet.
- Article 11, Section 11.506, Table 11.506 – To vary the required 60% transparency along the west (primary) building facade to allow for a transparency of 17%. To vary the required 30% transparency along the north building façade to allow for a transparency of 23%.

5. Adjournment

Michael Micka, *President – Board of Zoning Appeals*

Beth Shrader, *Planning Director*

Next Meeting: **July 21st, 2021**

Interested persons can view the public hearing Live on the City of Valparaiso Website, www.valpo.us or via web conference at <https://bit.ly/3oTXZGU>

****Requests for alternate formats please contact Beth Shrader at bshrader@valpo.us or (219) 462-1161. ****

VALPARAISO BOARD OF ZONING APPEALS
Regular Meeting Minutes
May 19, 2021

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, May 19, 2021 at Valparaiso City Hall, 166 Lincolnway, Valparaiso, Indiana. Remote access was available via livestream on the Valparaiso City Website. Mike Micka presided.

Members present were Paul Reed, Kyle Yelton, Byron Martin, and Mike Micka. Also present were Beth Shrader, Carley Lemmon, Attorney Patrick Lyp, and petitioners. Diane Worstell arrived after roll call.

MINUTES:

Paul Reed made a motion to approve the April 21, 2021 minutes as presented. Kyle Yelton seconded the motion. A voice vote was taken and unanimously carried 4-0.

OLD BUSINESS:

None.

NEW BUSINESS:

VAR21-006 – A petition filed by Beth Wrobel. The property is located at 2401 Valley Dr in the Business Park (BP) Zoning District. The petitioner requests the following variance(s):

- Article 2, Section 2.403 (F)(3) – To vary the maximum accessory structure height to allow for an accessory structure height of 19' 8 ¾".

Ms. Beth Wrobel presented. HealthLinc would like to build an accessory structure to house their mobile van as well as accommodate extra need in giving vaccinations. The mobile unit's height is 14.5 feet requiring a 16-foot overhead door. Because of this the structure is up to 19 feet 8 ¾".

Public Hearing: Beth Shrader asked if any of the public would like to speak in favor of or in opposition of this petition. Ms. Shrader also asked that the public address their questions to the Board Members while at the same time the petitioner will take notes and respond at one time. No one spoke; therefore, the public hearing was closed, and questions/comments were heard from the Members.

Q: What is the exact location of the building?

A: Centered at the north of the property. A site design was provided in the Member's packets.

Q: There are a number of trailer units on the property now. What is their purpose?

A: Currently those are for help with the Covid vaccines and will be removed once that is no longer needed.

Q: Are there landscaping requirements that go with this?

A: Plan were submitted with landscaping and will create a buffer to the north. No variances were requested for landscaping. There is no landscape buffer requirement to the west because the adjacent parcel is also Business Park Zoning.

Q: Is this a separate lot?

A: No. It has all been joined with HealthLinc's existing lot.

Staff advised a thorough review of the plan was made and height is the only variance needed.

Motion: Paul Reed made a motion to approve VAR21-006 o vary the maximum accessory structure height to allow for an accessory structure height of 19' 8 ¾" as presented and based on the proposed findings of fact. Kyle Yelton seconded the motion. A roll call vote was taken and unanimously carried 5-0.

VAR21-007 – A petition filed by Stephanie Edwards. The property is located at 3400 Venice Dr in the Suburban Residential (SR) Zoning District. The petitioner requests the following variance(s):

- Article 3, Section 3.501(B), Table 3.501 – To vary the maximum lot coverage to allow for a maximum lot coverage of 44.34%.

Ms. Stephanie Edwards presented. We would like to install an inground pool at our home. We were approved through our homeowner's association. It will be a 16x32-foot pool with a concrete apron surrounding it.

Public Hearing: Beth Shrader asked if any of the public would like to speak in favor of or in opposition of this petition. Ms. Shrader also asked that the public address their questions to the Board Members while at the same time the petitioner will take notes and respond at one time. No one spoke; therefore, the public hearing was closed, and questions/comments were heard from the Members.

Q: Will the entire yard be fenced?

A: Yes. We will also have an auto cover.

Motion: Paul Reed made a motion to approve VAR21-007 to vary the maximum lot coverage to allow for a maximum lot coverage of 44.34% as presented and based on proposed findings of fact. Kyle Yelton seconded the motion. A roll call vote was taken and unanimously carried 5-0.

VAR21-008 – A petition filed by Jason Lynn c/o Todd A. Leeth, 103 Lincolnway, Valparaiso, IN 46383. The property is located at 306 Glendale Blvd in the General Residential (GR) Zoning District. The petitioner requests the following variance(s):

- Article 2, Section 2.303(D)(2) – To vary the maximum accessory building footprint to allow for an accessory building footprint of 1,040.40 Sq. Ft.

Attorney Katie Kopf presented. Mr. Jason Lynn was also present. There is an existing home on the property that is .42 acres in size. The petitioner purchased the property and has been renovating the home. The owner would like a variance to allow for an 1,040 square-foot accessory building to allow for a garage and carport.

Public Hearing: Beth Shrader asked if any of the public would like to speak in favor of or in opposition of this petition. Ms. Shrader also asked that the public address their questions to the Board Members while at the same time the petitioner will take notes and respond at one time.

Via webinar comments – Joe Arredondo – why is a variance being requested after the structure has already been built, and is there a fine for doing so?

Attorney Kopf's rebuttal:

When Mr. Lynn started his renovations, he visited the building department for proper permits and his understanding was that a variance was not needed. It has since been discovered that a variance is necessary.

Ms. Shrader advised written correspondence was received Mary Brown, 305 Stanley Street, Valparaiso stating the home has been beautifully renovated.

The public hearing was closed, and questions/comments were heard from the Members.

C: Attorney Lyp noted that there is a difference of opinion between the petitioner and the Building Department regarding the initial contact with Mr. Lynn.

C: Ms. Shrader advised there is no current fee schedule for a situation such as this.

Q: Is this home owner-occupied?

A: No.

Q: Were building permits received?

A: No, the understanding was that if the petitioner was replacing an existing material then a building permit was not necessary. The garage was there originally so we thought replacing it was permitted.

Q: Is on street parking permitted at this location on Glendale Blvd?

A: Not directly in front of this property.

Motion: Diane Worstell made a motion to approve VAR21-008 to vary the maximum accessory building footprint to allow for an accessory building footprint of 1,040.40 square feet as presented and based on the proposed findings of fact. Kyle Yelton seconded the motion. A roll call vote was taken and unanimously carried 5-0.

VAR21-009 – A petition filed by Matthew Stechly. The property is located at 210 Carter Ct in the Suburban Residential (SR) Zoning District. The petitioner requests the following variance(s):

- Article 2, Section 2.303(D)(6) – To vary the requirement for the accessory structure to match materials of the principal structure to allow for an accessory structure with metal siding.

Mr. Matthew Stechly presented. Carter Court is a private drive with four to five homes existing on it. He has lived at this location for 10 years and is now financial able to construct an accessory structure to be his hobby shop. 30x30 accessory building. Due to cost, he needs to have a metal structure. Color will match the home. There are other accessory structures in his immediate area, so his request is not unique to this street.

Public Hearing: Beth Shrader asked if any of the public would like to speak in favor of or in opposition of this petition. Ms. Shrader also asked that the public address their questions to the Board Members while at the same time the petitioner will take notes and respond at one time

Beth Shrader noted the following written correspondences:

Larry & Sherry Dravies, 2905 Tanager Avenue, Valparaiso, are in support of this petition.

Darryl Kellerman, neighbor, is in support of this petition.

Steven & Deborah Zulich, 457 N 211 E., Valparaiso, are in support of this petition.

Dennis Putnam, 209 Carter Court, Valparaiso, is in support of this petition.

The public hearing was closed, and questions/comments were heard from the Members.

Q: What type of roof will the structure have?

A: Metal.

Q: Will there be a drive to the structure?

A: Currently it is grass, but we are considering other hardscape options for the future.

Motion: Paul Reed made a motion to approve VAR21-009 to vary the requirement for the accessory structure to match materials of the principal structure to allow for an accessory structure with metal siding as presented and based on the proposed findings of fact. Kyle Yelton seconded the motion. A roll call vote was taken and unanimously carried 5-0.

STAFF ITEMS:

Fines - Attorney Lyp advised that the current City policy is that as long as a property owner acknowledges they are in default and they are working to correct the issue then there is no fine.

Errors - Attorney Lyp commented occasionally a petitioner will suggest that the City made an error. In those situations, we will want to make sure we get the input from the department that is suggested of making the error.

ADJOURNMENT:

There being no further business, the May 19, 2021 Board of Zoning Appeals meeting was adjourned at 6:10 p.m.

Mike Micka, President

Beth Shrader, Executive Secretary

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

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

For Office Use Only:

Petition #: SE 21-001Application Type: SPECIAL EXCEPTION/USEApplication Filing Fee: 206.00Date Filed: 05 / 14 / 2021Meeting: 06 / 16 / 2021**SUBJECT PROPERTY INFORMATION**

TYPE OR PRINT IN INK

Property Address:

560 Bond Avenue
Valparaiso, IN 46385Subject property fronts on the northside between (streets) North Campbell St.& Madison St.

INL (legal nonconforming use); rezoned from INL to CN on 5/10/21

Zoning District: _____

PETITIONER INFORMATION

Applicant Name:

Bond LLC by Janet McNair, as its Member

Phone:

Email:

Address:

c/o Glenn Kuchel
Green & Kuchel, P.C.
322 Indianapolis Blvd., Suite 104
Schererville, IN 46375**PROPERTY OWNER INFORMATION**

Applicant Name:

same as above

Phone:

same as above

Email:

same as above

Address:

same as above

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

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

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

A part of Lot No. 13, described as commencing 50 feet West of the Southeast corner of said Lot 13, running thence North 175 feet; thence East 50 feet to the East line of said lot; thence North on said East line to the Northeast corner of said lot; thence Westerly along the North line of said lot 100 feet, more or less to the Northwest corner of said lot; thence South on the West line of said lot to a point 175 feet North of the South line of said lot; thence East 15 feet; thence South 175 feet to the South line of said lot; thence East 35 feet to the place of beginning, in Block No. 1, as marked and laid down on the recorded plat of City View Addition to the City of Valparaiso, Porter County, Indiana, as the same appears of record in Miscellaneous Record "J", page 550, in the Recorder's Office of Porter County, Indiana, and a part of Lot No. 12, described as commencing at a point on the East line of said Lot 12, 175 feet North of the Southeast corner thereof, running thence West parallel with the South line of said lot, a distance of 15 feet; thence North parallel with the East line of said Lot 12, to the North line thereof; thence Southeasterly along the North line of said lot to the Northeast corner thereof, thence South along the East line of said Lot to the place of beginning, in Block No. One (1), as marked and laid down on the recorded plat of City View Addition to the City of Valparaiso, Porter County, Indiana, as the same appears of record in Miscellaneous Record "J" page 550, in the Recorder's Office of Porter County, Indiana.

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

560 Bond Avenue is requesting a Special Use Permit to provide conforming use and conforming structure. This Special Use Permit will allow us to continue using the building and property in the same manner and under the same zoning classification as has historically been done for the last approximately 70 years under UDO Division 13.400. We are not making any changes to the use or structure, we are merely asking for a finding of Special Use Conformity due to the recently changed zoning class and for Structure Conformity from historical land use ordinance changes over the years.

Our property serves as a type of "business incubator" facility for smaller light industrial users such as an organic wine wholesaler, a custom cabinetry builder, a fire-stop equipment fabricator, a custom auto detailer, and other light industry uses. Due to our attractive, well-appointed facility, our property enjoys 100% occupancy for the last 10 years and a waiting list for new tenants. We have an excellent record with our neighbors and we operate in a responsible, neighborhood-friendly manner.

Recently, on May 10, 2021, our property was rezoned from Light Industrial (INL) to Commercial Neighborhood (CN) as a part of the general rezoning of central city industrial sites to lower impact zoning classes. Our property still complies, grandfathered as a legal non-conforming use of INL. However, because that grandfathering could be jeopardized if there was an interruption of use or significant damage to the building, we have been working with Ms. Shrader for a Special Use Permit with restrictions both for the building use and the structure (which met requirements in the 1940s when it was built).

Our tenants have voiced concerns that our property's legal non-conforming use status could jeopardize their ability to obtain loans. As a result, legal non-conforming use status would harm our ability to keep the building rented

Special Exception/Special Use
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner Submits that:

- A. The special use will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory because:

The use of the property as a small industrial business incubator will not change and the property enjoys a very good relationship with its neighbors. At the recent Plan Commission meeting, one neighbor described the property as "a gem." The property has been owned and operated by Janet Froberg-McNair and her family for the last 70 years. The size and type of the property also limits negative impacts. Further, the property owner and the Valparaiso Director of Planning, Ms. Shader, have worked out a set of conditions (in D. below) for the Special Use Permit which will facilitate continued harmony with the neighborhood. This Special Use Permit is supported by the Valparaiso Planning Department.

- B. There is no practicable alternative location where the use is permitted as-of-right within one-quarter mile of the parcel proposed for development, or, if such a location exists, the proposed location is more favorable in terms of providing a needed community service to a population that has limited mobility because:

The 560 Bond property is a unique building which rents to various small businesses such as an organic wine wholesaler, a wine wholesaler, residential renovator/rehabber, Dave Smith/Smith Ready Mix, specialty woodworking, fire protection fabricator, auto detailing business and vintage car restorer. We are aware of no other similar use within one-quarter mile. Out tenants have said they could find no alternative locations with the features and support we offer. This Special Use Permit under Division 13.400 of the UDO, Mitigation of Nonconformities, gives this important property and its tenants the assurance of continuity of use while enabling Valparaiso to update it's zoning map effective May 10, 2021. This Special Use Permit under Division 13.400 would be recorded with the County Recorder and an annotation would be made on the Official Zoning Map as provided in Section 13.404.

- C. The approval of the special use will not create a critical mass of similar special uses that is likely to tend to discourage permitted uses by making the vicinity less desirable for them because:

This property is a unique, impeccably well-maintained small business hub with very low traffic and noise impacts. There are no similar uses to our knowledge in the area. We have run the building in a similar manner for nearly 70 years and have great relationships with our neighbors. The building meets the criteria for approval stated in UDO Section 13.403(B) because: 1. tenants of the building hire many neighborhood residents, particularly for the custom auto detailing work; 2. Management has an excellent track record of no nuisances by the installation of noise/sound-blocking fencing, prohibiting overnight parking, prohibiting outside materials storage and keeping a very clean facility; 3. We enjoy a record clear of complaints because we work with our neighbors to prevent nuisances; and 4. Our facility is immaculately maintained (see attached photos). Classification as a nonconformity creates a disincentive to maintenance because tenancy rates will decline and value of the building will be diminished.

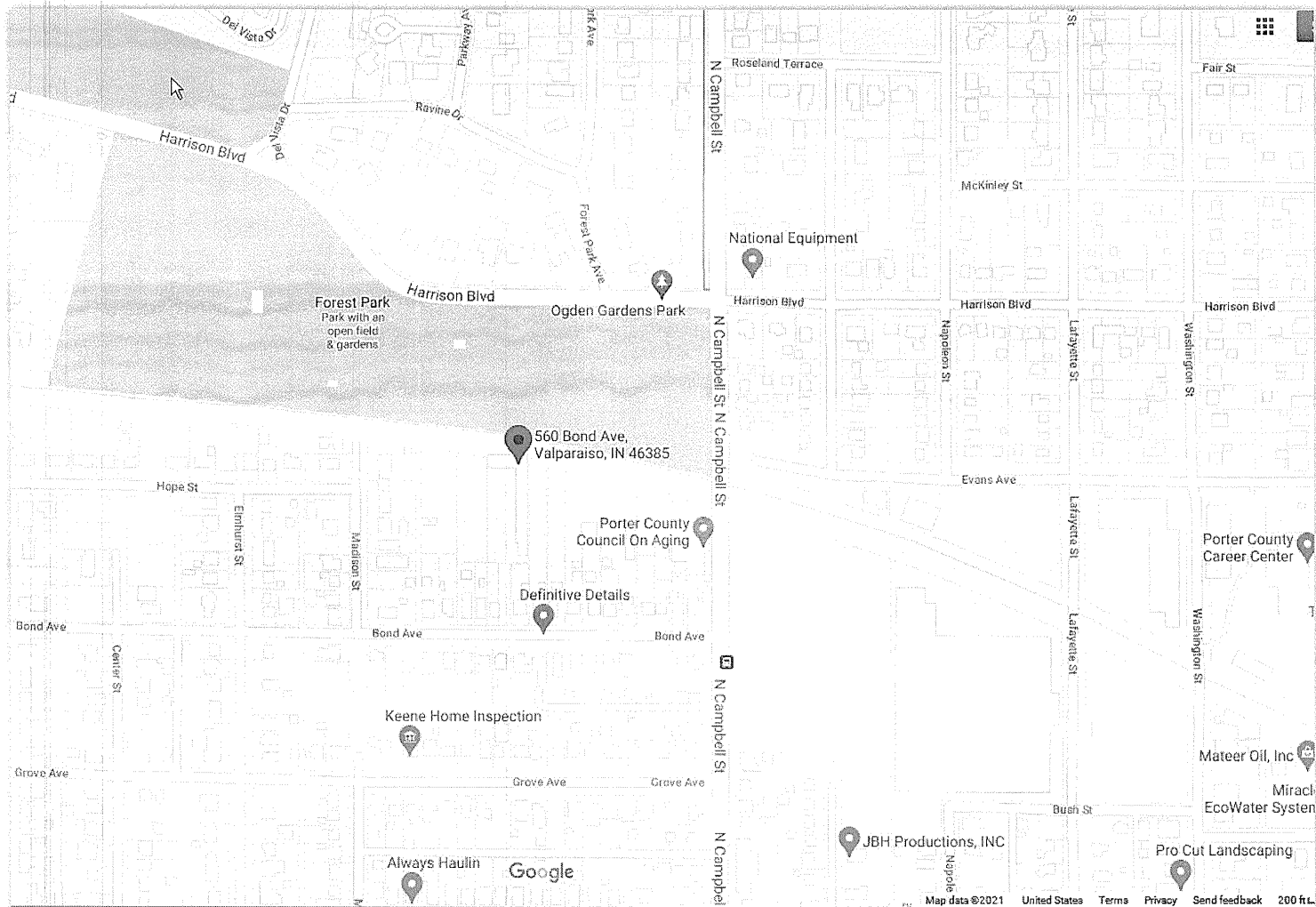
- D. The special use is conducted in a manner that is not materially more disruptive to adjacent properties than other permitted uses in the district unless the special use is temporary and the duration of the use is limited to minimize the impact because:

(Include any proposed conditions of approval to ensure that this requirement is satisfied.)

- Uses permitted in Light Industrial (INL) zoning district would be continued, supported and permitted per Table 2.201A of the UDO, except the following as they are defined in the current UDO: Kennel; Protective Care; Agriculture Support and Other Rural Services; Heavy Retail; Light Automobile Service; Car wash (except auto detailing, which shall be permitted); Vehicle Sales, Rental, and Service; Adult Uses; Recycling/Salvage; College/University; Parking (stand alone lot) and Transit Facilities; Any use with outdoor storage.
- Limited and Special Use Standards from Division 2.500 of the UDO apply.
- No single user will take up more than 4,000 sq. ft. interior space of the building.

The Special Use permit is also be supported by the Planning Department to approve the structure on the property in its current configuration as a conforming structure with respect to the standards for CN zone. As agreed with the Department, conformity will allow repairs and alterations to extend the life of the structure, but not to expand the footprint of the structure beyond the current building coverage (approximately 11,700 SF). As also agreed, conformity will relieve the structure from the restrictions of Sec. 13.307, except that if portions of the structure that are outside the property lines are destroyed, they may only be rebuilt within the property lines.

The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each element listed above.



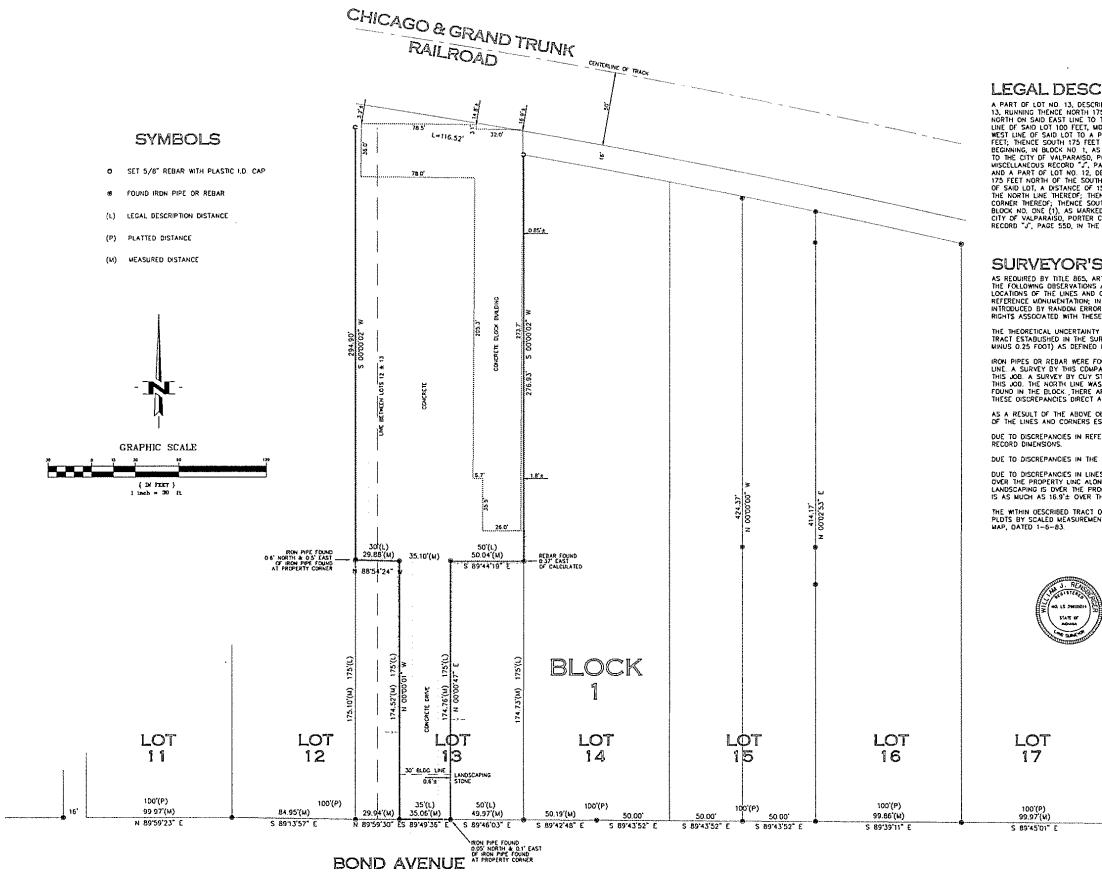
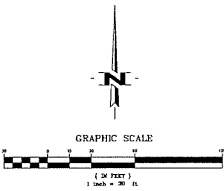
PLAT OF SURVEY
PREPARED FOR JANET MCNAIR
PART OF LOTS 12 & 13, BLK. 1, CITY VIEW ADD.

REVISIONS	BY
10 APR 06	JM

PLAT OF SURVEY
PREPARED FOR JANET MCNAIR
PART OF LOTS 12 & 13, BLK. 1, CITY VIEW ADD.

SYMBOLS

- SET 5/8" REBAR WITH PLASTIC ID CAP
- FOUND IRON PIPE OR REBAR
- (L) LEGAL DESCRIPTION DISTANCE
- (P) PLATTED DISTANCE
- (M) MEASURED DISTANCE



LEGAL DESCRIPTION

A PART OF LOT NO. 13, DESCRIBED AS COMMENCING 50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 13, RUNNING THENCE NORTH 175 FEET, THENCE EAST 50 FEET TO THE EAST LINE OF SAID LOT; THENCE NORTH ON SAID EAST LINE TO THE NORTHEAST CORNER OF SAID LOT; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 100 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH ON THE WEST LINE OF SAID LOT TO A POINT 175 FEET NORTH OF THE SOUTH LINE OF SAID LOT; THENCE EAST 15 FEET, THENCE SOUTH 175 FEET TO THE SOUTH LINE OF SAID LOT; THENCE EAST 35 FEET TO THE PLACE OF BEGINNING, IN BLOCK NO. 1, AS MARKED AND Laid DOWN ON THE RECORDED PLAT OF CITY VIEW ADDITION TO THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, AS THE SAME APPEARS OF RECORD IN MISCELLANEOUS RECORD "J", PAGE 550, IN THE RECORDER'S OFFICE OF PORTER COUNTY, INDIANA.

SURVEYOR'S REPORT

AS REQUIRED BY TITLE 36, ARTICLE 1, CHAPTER 12, OF THE INDIANA ADMINISTRATION CODE ("RULE 12"), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED IN THIS SURVEY AS A RESULT OF UNCERTAINTIES IN REFERENCE MONUMENTATION, IN RECORD DESCRIPTIONS AND PLATS, IN LINES OF OCCUPATION, AND AS INTRODUCED BY RANDOM ERRORS IN MEASUREMENT (THEORETICAL UNCERTAINTY). THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES.

IRON PIPES OR REBAR WERE FOUND ON ALL OF THE SUBJECT PARCELS CORNERS EXCEPT ALONG THE NORTH LINE. A SURVEY BY THIS COMPANY OF PART OF LOT 15 IN BLOCK 1 DATED 9-27-01 WAS REFERENCED FOR THIS JOB. A SURVEY BY CITY STINGFIELD DATED 3-14-02 OF THE SUBJECT PARCEL WAS REFERENCED FOR THIS JOB. THE NORTH LINE WAS STAKED USING REFERENCES FROM THE STINGFIELD SURVEY AND CORNERS FOUND IN THE BLOCK. THERE ARE DISCREPANCIES BETWEEN RECORD DIMENSIONS VERSUS MEASURED DISTANCES. THESE DISCREPANCIES DIRECT AND/OR PROPORTIONATELY AFFECT THE SUBJECT PARCEL.

AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY ARE AS FOLLOWS:

DO TO DISCREPANCIES IN REFERENCE MONUMENTS: UP TO 0.48' AS SHOWN IN MEASURED DISTANCES VERSUS RECORD DIMENSIONS.

DO TO DISCREPANCIES IN THE RECORD DESCRIPTION: NONE FOUND.

DO TO DISCREPANCIES IN LINES OF OCCUPATION: THE WEST NEIGHBOR'S FENCE IS AS MUCH AS 0.3 FEET OVER THE PROPERTY LINE ALONG THE SOUTH SIDE OF THE CONCRETE AREA. A NEIGHBOR'S STONE-LINED LANDSCAPING IS OVER THE PROPERTY LINE BY AS MUCH AS 0.5 FEET. THE SUBJECT PROPERTY'S BUILDING IS AS MUCH AS 16.9' OVER THE NORTH PROPERTY LINE.

THE WITHIN DESCRIBED TRACT OF LAND LIES WITHIN MINIMAL FLOOD HAZARD ZONE C AS SAID TRACT PLOTS BY SCALED MEASUREMENT ON COMMUNITY PANEL NUMBER 100204 D005 C OF THE FLOOD INSURANCE RATE MAP, DATED 1-6-83.



STATE OF INDIANA
COUNTY OF PORTER
I, DAVID RENSBERGER, being duly sworn, depose and say that I am the Surveyor who personally performed the survey shown hereon and I am a correct representation of the survey.

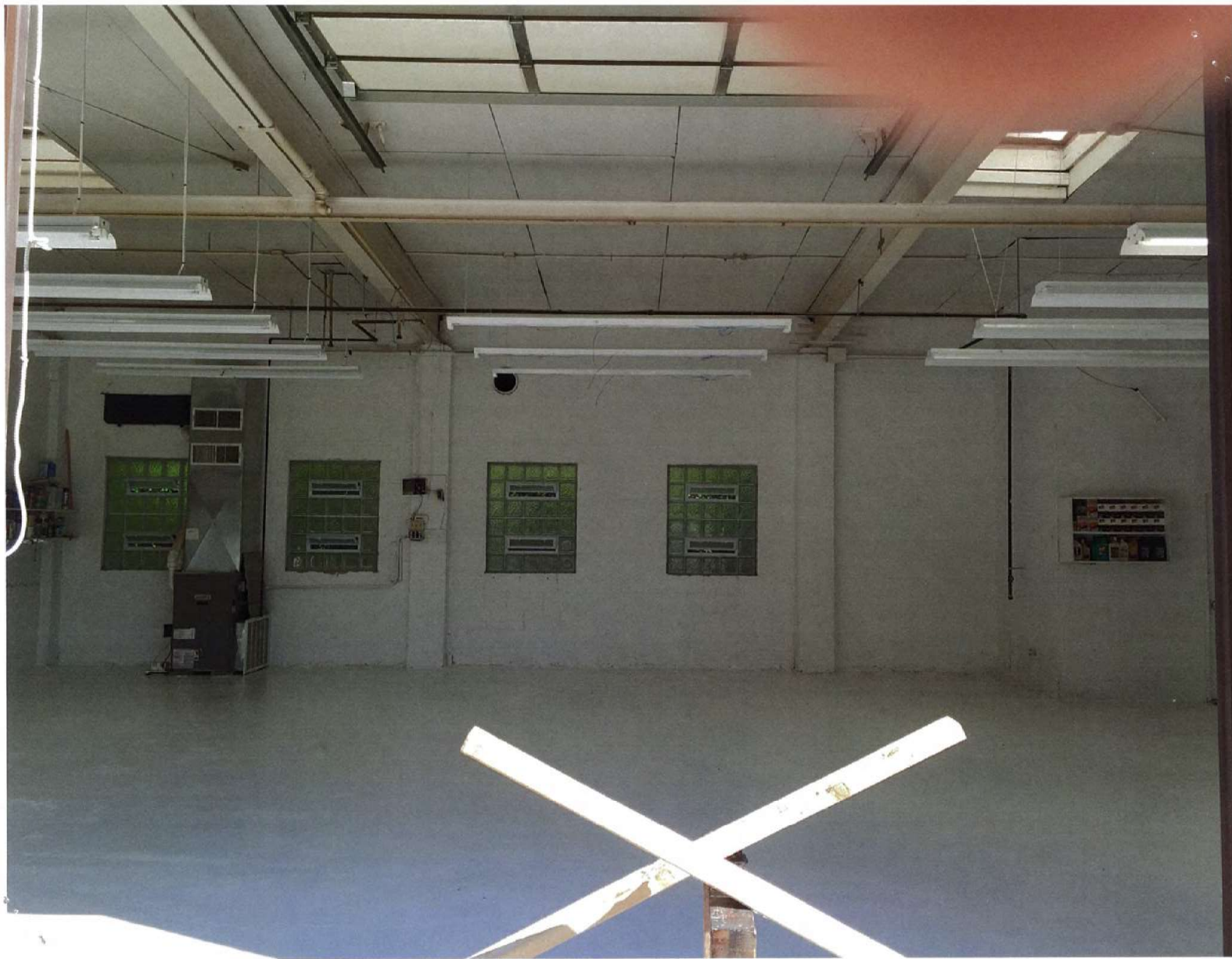
ALSO, I HEREBY
CERTIFY THAT THE SURVEY WAS PERFORMED AS PROVIDED
BY THE INDIANA SURVEYING ACT AND RULES AND REGULATIONS
AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF INDIANA
DATE: 10-10-06 TIME: 10:00 AM EAST
BY: DAVID RENSBERGER, Surveyor, No. 11,000

DAVID RENSBERGER
SURVEYING
1100 NORTH COUNTY ROAD 100 EAST
P.O. BOX 1000
P.O. BOX 1000
P.O. BOX 1000

DATE: 3-27-06
SCALE: 1"=30'
DRAWN: JM
JOB: 06-172
SHEET: ONE

OF 1 SHEETS
C - 010506/PROJ/06-172/06-172.DWG
PART OF LOTS 12 & 13, BLK. 1, CITY VIEW, VALPO. 3-27-06





PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

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

*For Office Use Only:***Petition #:** _____

Application Type: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address:

309 Lincolnway
Valparaiso, IN 46383

Subject property fronts on the Lincolnway
side between (streets) Valparaiso St & Morgan Blvd.
& Valparaiso St & Morgan Blvd.

Zoning District: RT - Residential Transition**PETITIONER INFORMATION**

Applicant Name:

Biruh's Kitchen

Phone:

(219) 220-6640

Email:

contact@biruhskitchen.com

Address:

2603 McAfee Dr
Valparaiso, IN 46383

PROPERTY OWNER INFORMATION

Applicant Name:

Sky Blue Properties, LLC.

Phone:

(219) 464-0040

Email:

louis@skblue.com

Address:

701 Elmhurst Ave
Valparaiso, IN 46385

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:Article: 3 Section: 505 Paragraph: Table Item: 3.505Article: 3 Section: 301 Paragraph: Table Item: 3.301(B)Article: 9 Section: 201 Paragraph: Table Item: 9.201

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

Article: _____ Section: _____ Paragraph: _____ Item: _____

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

ORIG SURVEY E24 LOT 6 OUTLOT 3

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

The property at the location of 309 Lincolnway, Valparaiso, Indiana is proposing a change of use to a commercial building/ restaurant (Biruh's Kitchen). Biruh's Kitchen plans to make the following changes to the building, lot and surrounding premises:

1. Improvement of the parking lot with pervious concrete pavers and stripes
2. Adding al fresco dining on the north side of the building with pervious concrete pavers
3. Adding Trash enclosure on the north side of the lot
4. Adding and entrance on the west side of the building to allow entrance to al fresco diners
5. Adding shrubs/plants on the north side of the lot

Currently the property line has 0 setback on the east side of the building and is encroaching on city property. We propose the city build an ADA ramp on the east side to accommodate wheelchair entrance.

Biruh's Kitchen requests the following variances:

1. Parking (Article 9, sec 9.201, table 9.201)- Required parking spaces are 1 per 75 sq. ft. of usable floor space. The usable floor area is approximately 1000 sq. ft., which requires 14 parking spots. There will be 3 parking spaces on the property and a variance is needed. Solutions proposed to required parking as follows
 - a. Ample street parking is available on both sides of Lincolnway
 - b. There are currently parking spots in front of the building that could be changed to angled parking
 - c. There is public parking on Morgan & Jefferson (a block away) that can potentially be used
 - d. We are working on a shared parking agreement with adjacent neighbors (offices and salon) to fill the rest of the needed spots.

Variance from Development Standards
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner submits that:

- A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because:

Will Enhance the Accessibility of the Business in the Downtown Area

- 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:

- a. The Proposed Variance will be in Coordination of Adjacent Businesses and During their off Business Hours.
- b. This is a business with low client volume especially during the day.

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

- a. The property lot cannot provide the required number of parking spaces.
- b. The business will not be able to open and operate without the variance and will be forced to look for other properties within Valparaiso or outside.

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.

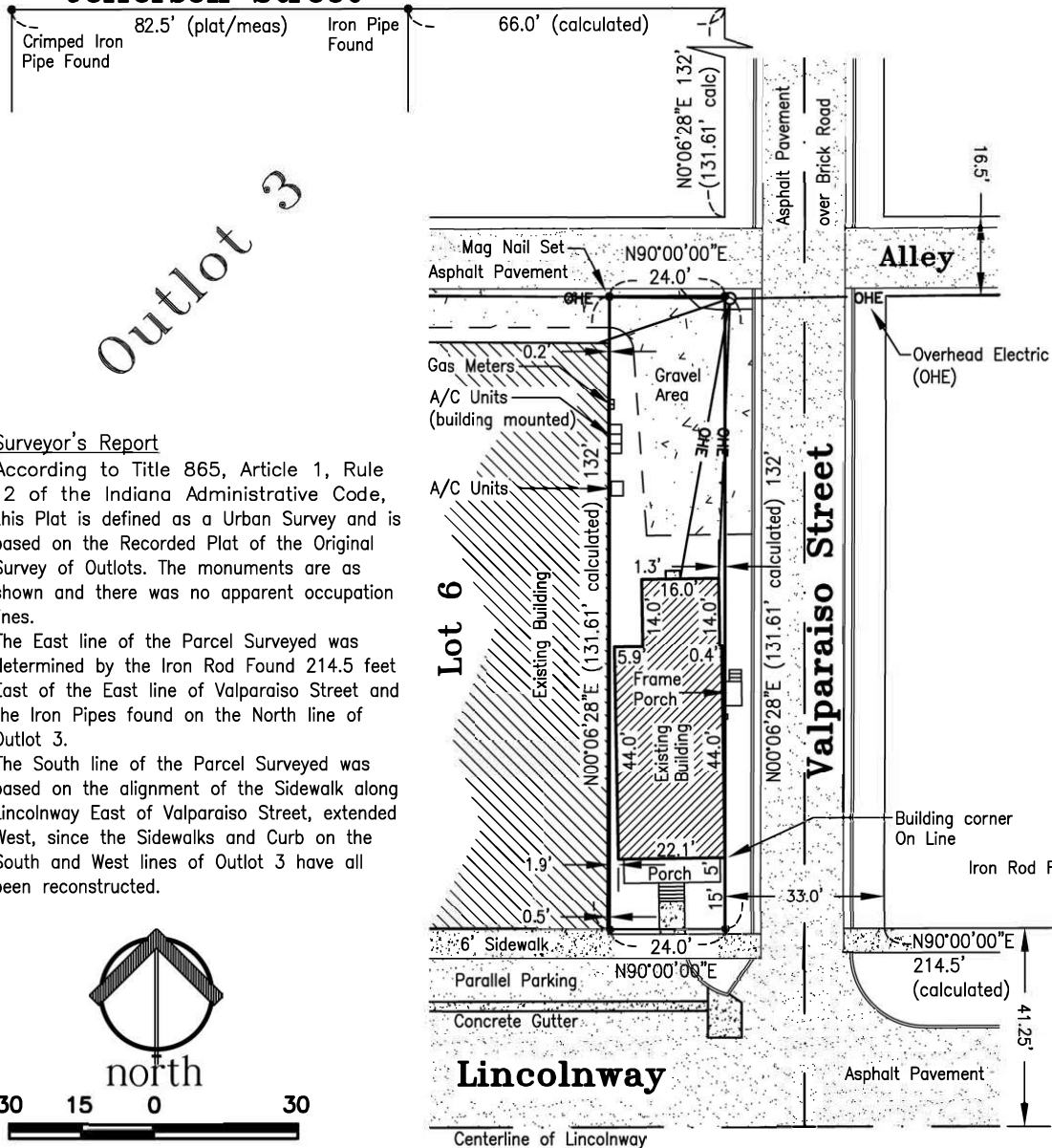
Plat of Survey

Address: 309 East Lincolnway, Valparaiso, IN

Legal Description:

The East 24 feet of Lot 6, in Outlot 3, in the Addition of Outlots to the Original Survey of the Town, now City of Valparaiso, as per plat thereof recorded in Deed Record "A", Page 621, in the Office of the Recorder of Porter County, Indiana.

Jefferson Street

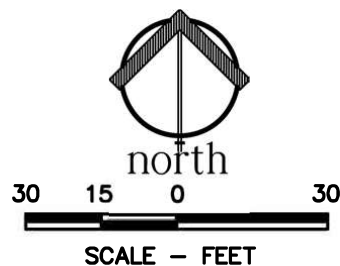


Surveyor's Report

According to Title 865, Article 1, Rule 12 of the Indiana Administrative Code, this Plat is defined as a Urban Survey and is based on the Recorded Plat of the Original Survey of Outlots. The monuments are as shown and there was no apparent occupation lines.

The East line of the Parcel Surveyed was determined by the Iron Rod Found 214.5 feet East of the East line of Valparaiso Street and the Iron Pipes found on the North line of Outlot 3.

The South line of the Parcel Surveyed was based on the alignment of the Sidewalk along Lincolnway East of Valparaiso Street, extended West, since the Sidewalks and Curb on the South and West lines of Outlot 3 have all been reconstructed.



Surveyors Certificate:

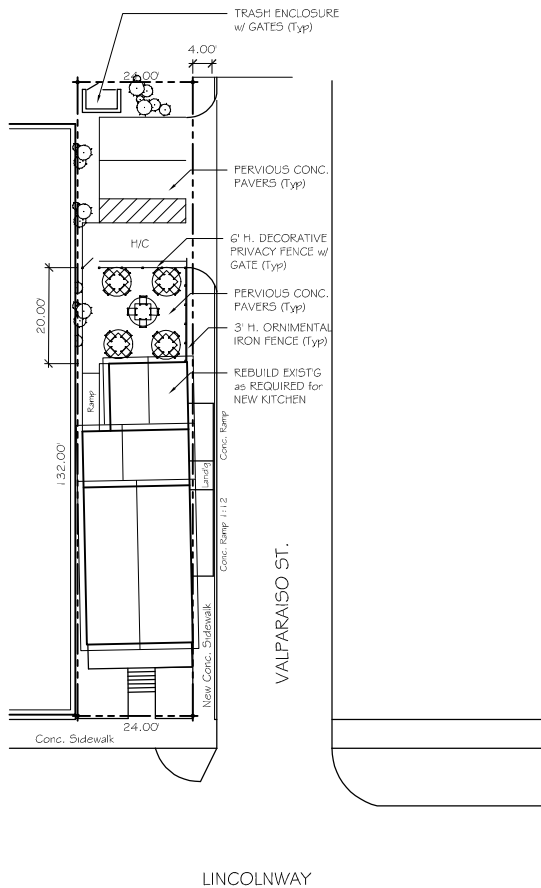
I, David Tiemens, a Registered Land Surveyor in the State of Indiana, hereby state that I supervised the above Survey in accordance with Title 865 IAC 1-12, and that the Plat hereon drawn, to the best of my knowledge and belief, represents said survey.

David Tiemens: Date of Survey: 8/10/2010
Reg. Land Surveyor #29900020

- 5/8" Iron Rod Set w/ 29900020 Cap, unless otherwise noted.



SCALE: 1" = 30'	DATE: 8/10/2010	Tiemens Land Surveying, Inc. 527 North Halleck Street Suite E DeMotte, Indiana 46310 Phone 219-987-2828	DRAWN: DJT	CHECKED: DJT
SHEET NUMBER: 1 OF 1	JOB NUMBER: 2010-1547		FILENAME: Pt Lot 6 Block 3 Plat	



PROJECT INFORMATION:

DESCRIPTION: LOCATE NEW RESTAURANT in EXISTING DOWNTOWN BUILDING. THE RESTAURANT will provide an INTERIOR SEATING AREA for APPROX 20 GUESTS w/ SEASONAL DINING for 20 Adult GUESTS. THE BUILDING is CURRENTLY Being used as MECHANICAL OCCUPANCY.

ZONING	RT - RESIDENTIAL TRANSITIONAL	
LOT SIZE	24 x 132' = 3,168 SF	
LOT COVERAGE		
Maximum Allowed	(1" %)	5F
Proposed Coverage	(1" %)	1,468 SF
BUILDING COVERAGE		
Maximum Allowed	(1" %)	5F
Proposed Coverage	(1" %)	1,318 SF

SITE PLAN

SCALE: 1"=20'-0" RT - Zoning - No Setbacks Shown



WAGNER ARCHITECTURE

54 INDIANA AVENUE
VALPARAISO, IN 46383
TEL. 219-531-2468
FAX. 219-531-0008

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PARTY WITHOUT THE EXPRESSED WRITTEN
CONSENT OF WAGNER ARCHITECTURE.

PROPOSED
BIRUH'S KITCHEN
309 E. LINCOLNWAY
VALPARAISO, IN

TITLE: SITE LAYOUT

NO.	DATE	ISSUED FOR
2	6/01/21	AGENCY REVIEW
1	5/28/21	OWNER REVIEW
PROJECT NO. 21-12		SHEET:

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

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

*For Office Use Only:***Petition #:** _____

Application Type: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address:

701/703/705 Glendale Blvd.

Subject property fronts on the North
side between (streets) Calumet Avenue
& Calumet AvenueZoning District: Urban Residential**PETITIONER INFORMATION**

Applicant Name:

Adam McAlpine

Phone:

[REDACTED]

Email:

[REDACTED]

Address:

398 East 400 North
Valparaiso, IN 46383**PROPERTY OWNER INFORMATION**

Applicant Name:

MJF Development, Inc. (c/o Bob Coolman)

Phone:

[REDACTED]

Email:

[REDACTED]

Address:

359 Franklin Street, Suite A
Valparaiso, IN 46383**SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:**Article: 9 Section: 403 Paragraph: Table 9 Item: 6

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

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

Lots 6, 7, 22, and 23 of Artillas Subdivision

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

The proposed project includes 14 paired patio apartment buildings including a total of 28 units. An internal loop driveway will provide access to the individual apartments. Each apartment will have a single car garage and driveway. The residents will enter and exit the development from Glendale Blvd. The development access points have a less than 75' offset from the cross access points at Pilz Place and the CVS entrance.

Variance from Development Standards
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner submits that:

- A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because:

The proposed access points to the development will not negatively impact traffic conditions along Glendale Blvd.

- B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because:

The use and value of areas adjoining the proposed development will not be diminished with the proposed development.

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

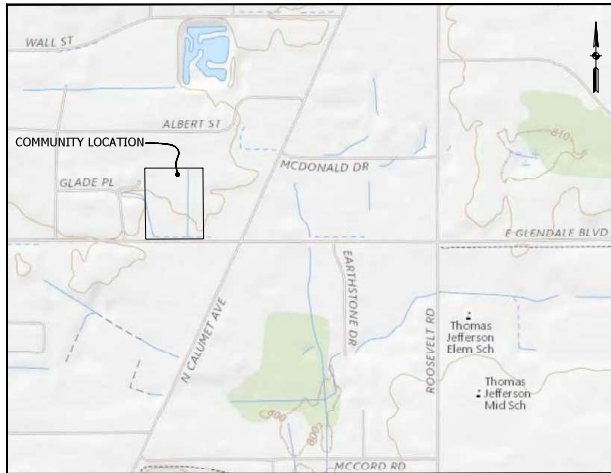
A strict adherence to the UDO ordinance will make access into the development difficult and greatly limit the future development use of the subject property.

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.

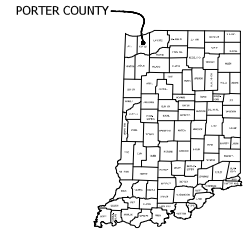
SERENITY

"A LIFESTYLE COMMUNITY"

SHEET INDEX	
SHEET No.	DESCRIPTION
1	TITLE SHEET
2	EXISTING SITE CONDITIONS
3	CLEARING AND REMOVAL PLAN
4	GEOMETRIC SITE PLAN
5	PROPOSED GRADING PLAN
6	SANITARY SEWER PLAN AND PROFILE
7	WATER MAIN PLAN AND PROFILE
8	STORM SEWER PLAN AND PROFILE (1)
9	STORM SEWER PLAN AND PROFILE (2)
10	GENERAL DETAILS
11	EROSION CONTROL PLAN
12	EROSION CONTROL DETAILS



Vicinity Map
Not to Scale



I, THE UNDERSIGNED, A PROFESSIONAL ENGINEER, REGISTERED WITH THE STATE OF INDIANA, WHOSE LICENSE IS IN GOOD STANDING, HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

ADAM W. MCALPINE, PE
INDIANA LICENSED PROFESSIONAL ENGINEER NO. PE10606520
EXPIRES 7/31/2022

BEFORE WE SIGN
DON'T BE
BLIND



1-800-362-3544

1-800-426-3200

IF ALL THESE 9 HOURS
TWO WORKING DAYS PLEASE
LOCATION: PORTER COUNTY, INDIANA
TOWNSHIP: CENTER



McALPINE CONSULTING LLC
288 East 400 North
Bloomington, IN 47403
Phone: 317.352.9841
E-Mail: mcalpineconsulting@yahoo.com

REVISIONS			
No.	Date	Description	Approved By



Design by	Date
AM	4/23/21
Drawn by	
AM	
Reviewed by	
RC	

Adam W. McAlpine 4/23/21
TITLE SHEET

Scale:	N.T.S.
Project No.	20-280
Sheet	1
Of	12



M
 MCDONNELL CONSULTING LLC
 1400 Montclair Park Drive
 Naperville, IL 60563
 Phone: 312.255.9977
 E-Mail: mcdonnaconsulting@yahoo.com

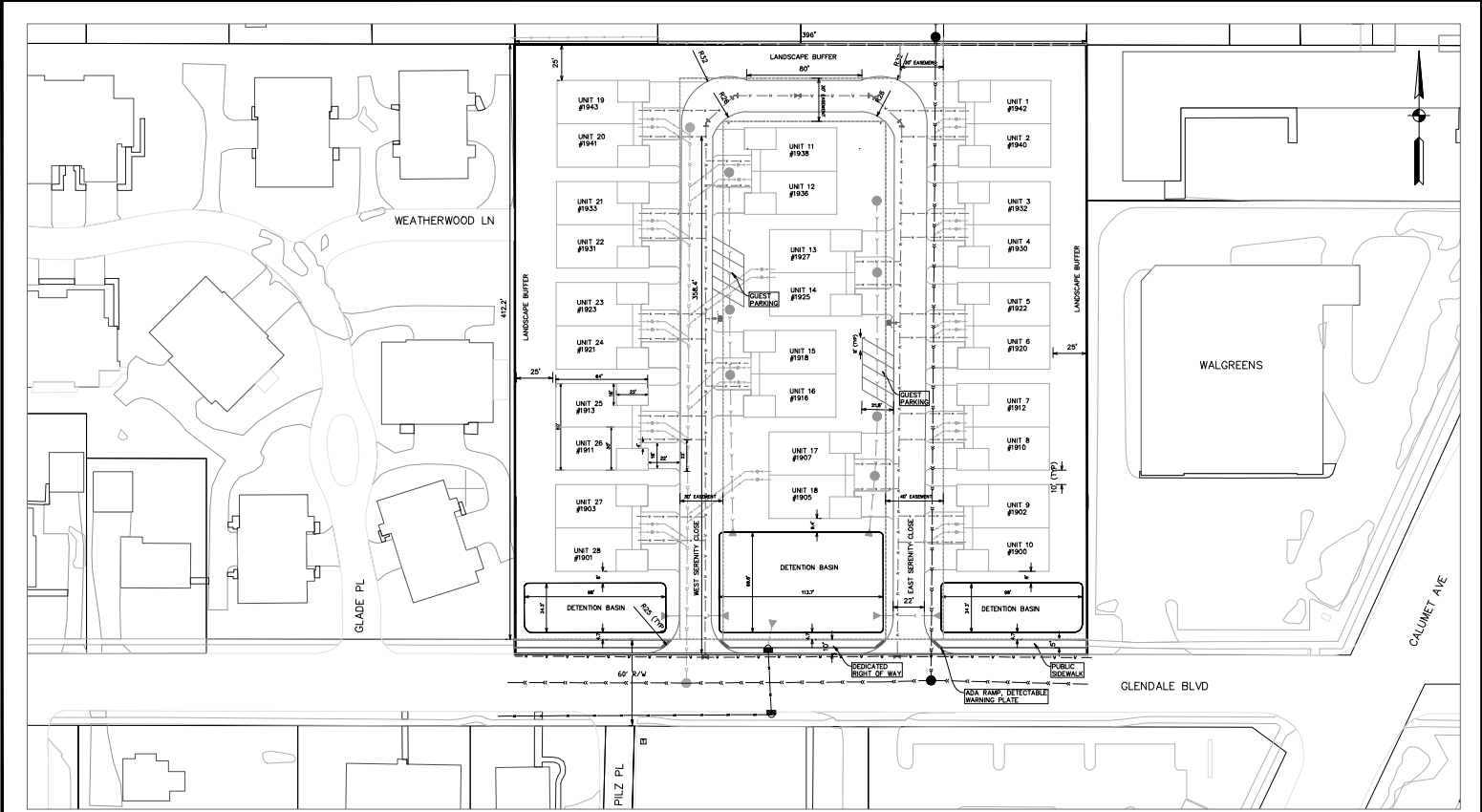
REVISIONS			
No.	Date	Description	Approved By

Design by	Date
AM	4/23/21
Drawn by	
AM	
Reviewed by	
RC	



SERENITY
 EXISTING SITE CONDITIONS

Scale:	1:30
Project No.	20-280
Sheet	2 of 12




MOORE CONSULTING LLC
 300 East 400 North
 Indianapolis, IN 46333
 Phone: 317.233.9647
 E-Mail: mooreconsulting@yahoo.com

REVISIONS			
No.	Date	Description	Approved By

Design by
 AM
 Drawn by
 AM
 Reviewed by
 RC

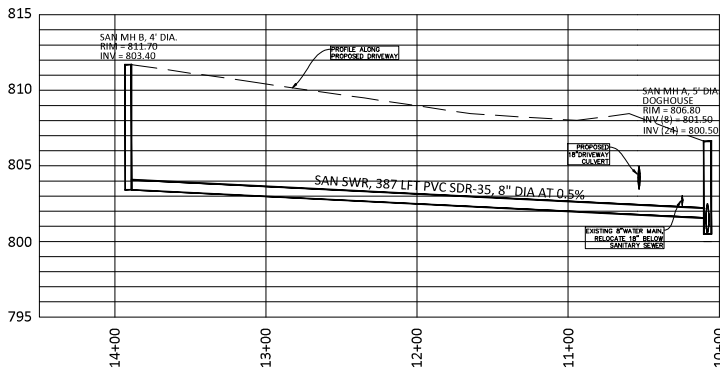
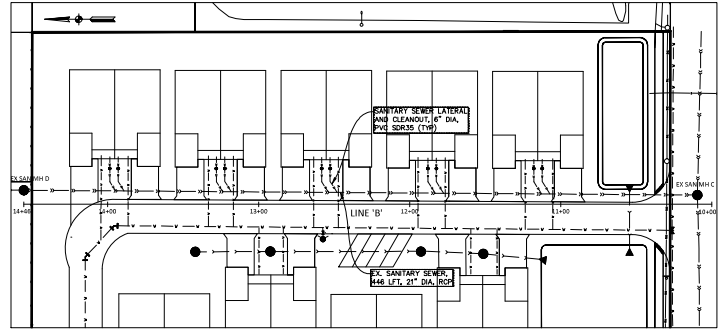
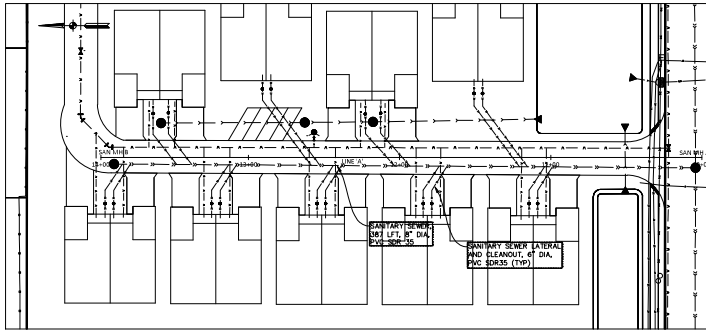
Date

4/23/21

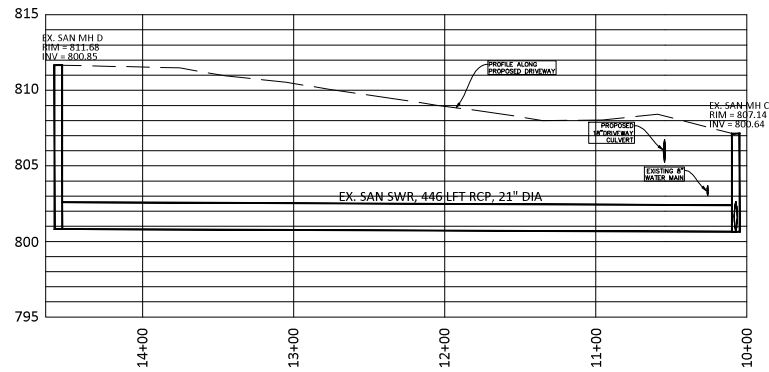


SERENITY
 GEOMETRIC SITE PLAN

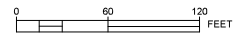
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 Project No.
 20-280
 Sheet 4 of 12



SANITARY SEWER LINE 'A'



SANITARY SEWER LINE 'B'



M
 MCALPINE CONSULTING LLC
 388 East 400 North
 Waukegan, IL 60083
 Phone: 815.232.8667
 E-Mail: mcalpine.consulting@yahoo.com

REVISIONS			
No.	Date	Description	Approved by

Design by
 AM
 Drawn by
 AM
 Reviewed by
 RC

Date

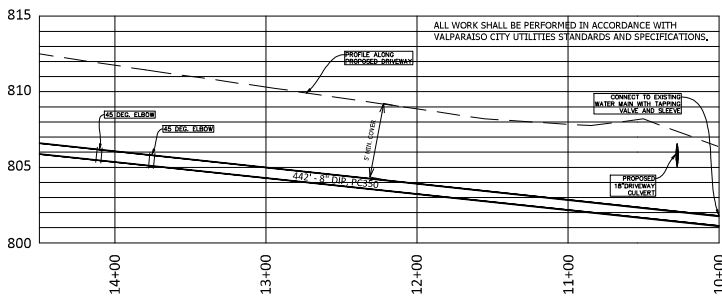
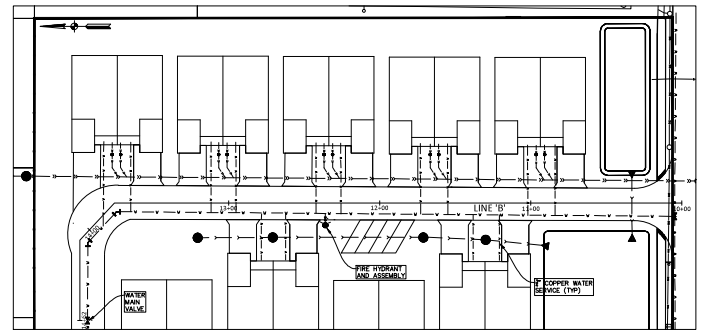
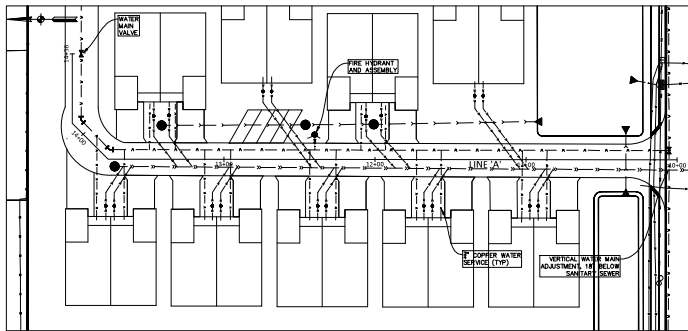
4/23/21



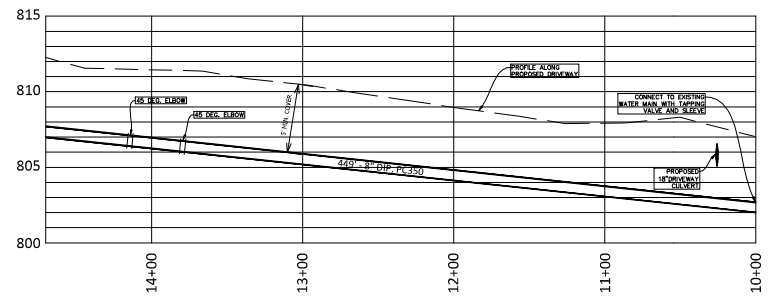
SERENITY

SANITARY SEWER PLAN AND PROFILE

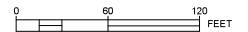
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 Project No.
 20-280
 Sheet
 6 of 12



WATER MAIN LINE 'A'



WATER MAIN LINE 'B'



M
MIDWEST CONSULTING LLC
308 East 400 North
Valparaiso, IN 46383
Phone: 317.232.9647
E-Mail: midwestconsulting@yahoo.com

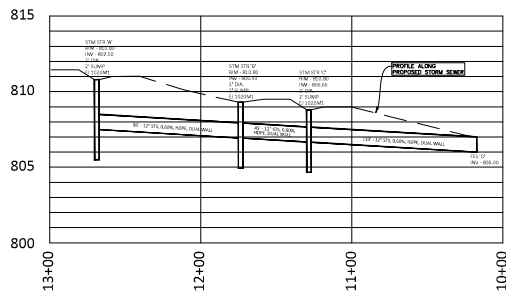
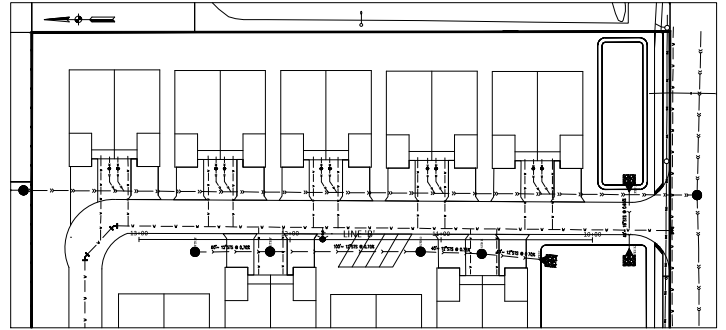
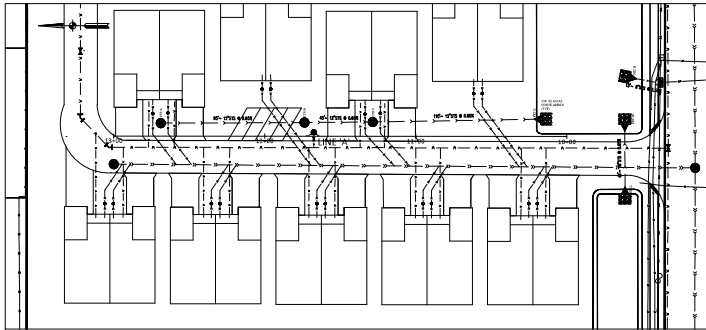
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No.	Date	Description	Approved by

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4/23/21
Drawn by
AM
Reviewed by
RC

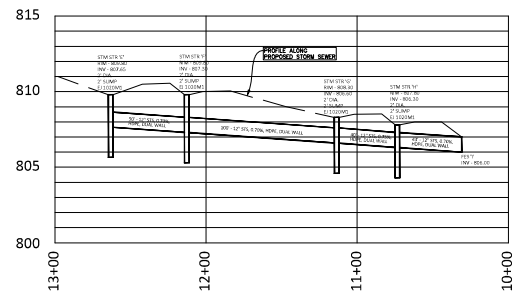


SERENITY
WATER MAIN PLAN AND PROFILE

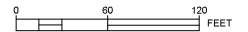
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Project No.
20-280
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STORM SEWER LINE 'A'



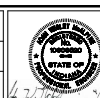
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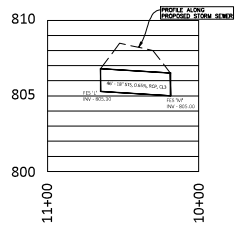
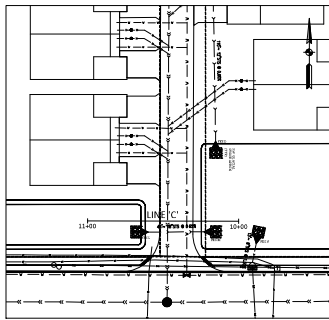
M
MCKINLEY CONSULTING LLC
388 East 402 North
Naperville, IL 60563
Phone: 312.252.9667
E-Mail: mckinleyconsulting@yahoo.com

REVISIONS			
No.	Date	Description	Approved By

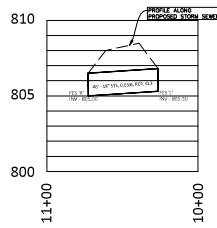
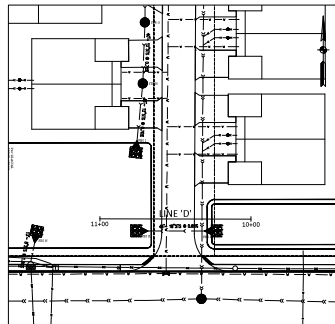
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AM
4/23/21
Drawn by
AM
Reviewed by
RC



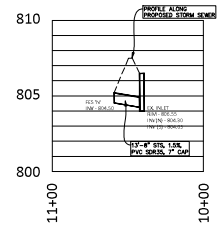
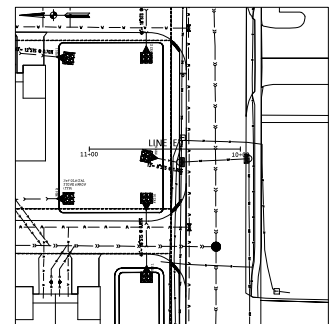
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STORM SEWER PLAN AND PROFILE (1)		Project No. 20-280
Sheet 8	Of 12	



STORM SEWER LINE 'C'



STORM SEWER LINE 'D'



STORM SEWER LINE 'E'



M
MORPHINE CONSULTING LLC
308 East 400 North
Naperville, IL 60563
Phone: 218.252.9457
E-Mail: morphineconsulting@yahoo.com

REVISIONS			
No.	Date	Description	Approved By

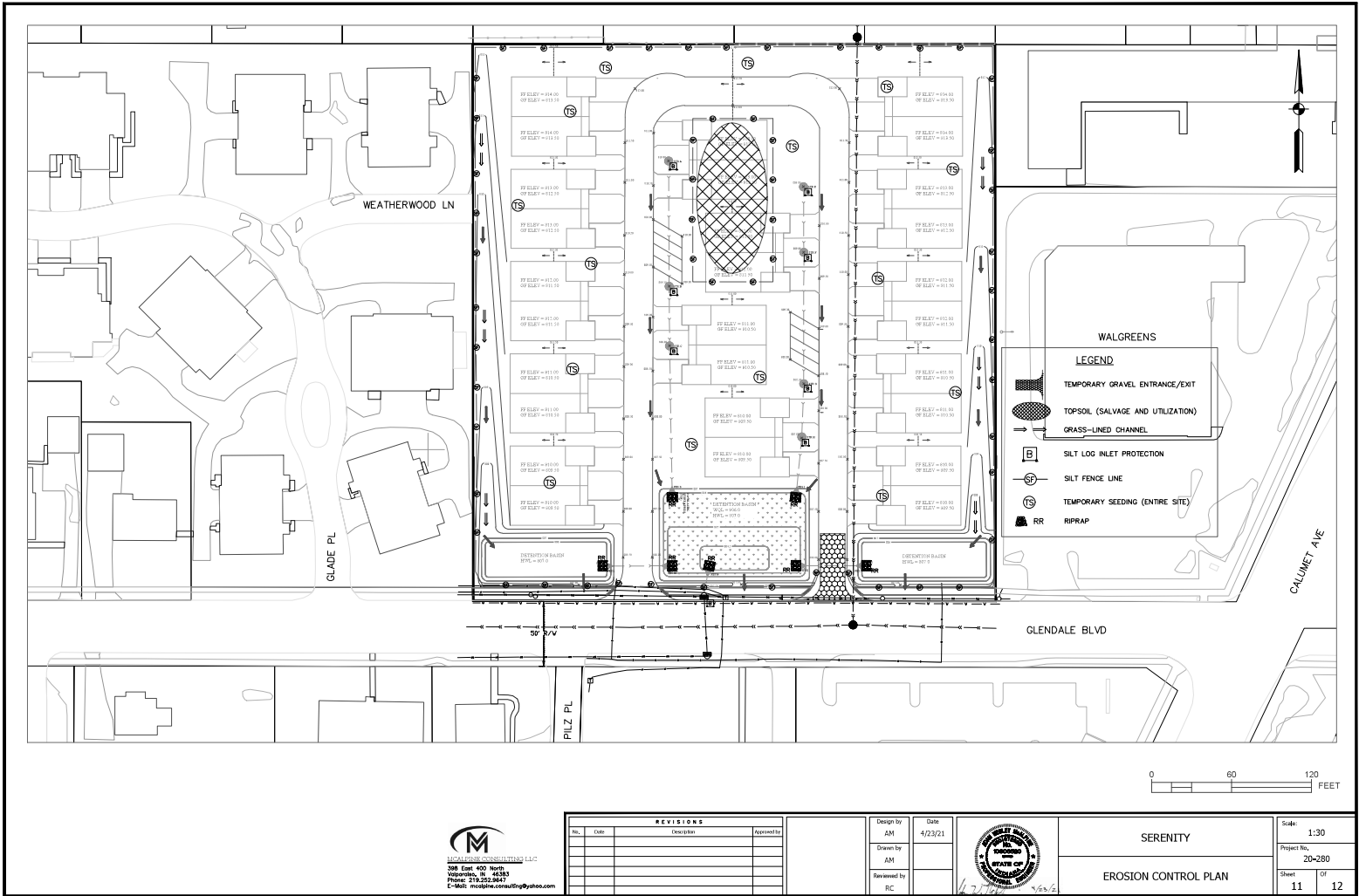
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Reviewed by	
RC	



SERENITY
STORM SEWER PLAN AND PROFILE (2)

Scale:	1:30
Project No.:	20-280
Sheet	9 of 12





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300 East 400 North
Vandalia, IL 62453
Phone: 318.232.9647
E-Mail: mcmcc@comcast.net

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No.	Date	Description

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AM	
Reviewed by	
RC	



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EROSION CONTROL PLAN		Project No.	20-280
Sheet	11	Of	12

Serenity Tree Survey



Serenity Landscape Plan

Landscape Plan



CONCEPT PLANT SCHEDULE SITE PLAN					
	LAUREL TREE - Large Laurel	1" DBH	100	100	
	LAUREL TREE - Large Laurel	2" DBH	50	50	
	LAUREL TREE - Large Laurel	3" DBH	25	25	
	LAUREL TREE - Large Laurel	4" DBH	10	10	
	LAUREL TREE - Large Laurel	5" DBH	5	5	
	LAUREL TREE - Medium Laurel	6" DBH	10	10	
	LAUREL TREE - Medium Laurel	7" DBH	5	5	
	LAUREL TREE - Medium Laurel	8" DBH	2	2	
	LAUREL TREE - Medium Laurel	9" DBH	1	1	
	LAUREL TREE - Medium Laurel	10" DBH	1	1	
	LAUREL TREE - Small Laurel	11" DBH	10	10	
	LAUREL TREE - Small Laurel	12" DBH	5	5	
	LAUREL TREE - Small Laurel	13" DBH	2	2	
	LAUREL TREE - Small Laurel	14" DBH	1	1	
	LAUREL TREE - Small Laurel	15" DBH	1	1	
	LAUREL SHRUB - Large Laurel	16" DBH	10	10	
	LAUREL SHRUB - Large Laurel	17" DBH	5	5	
	LAUREL SHRUB - Large Laurel	18" DBH	2	2	
	LAUREL SHRUB - Large Laurel	19" DBH	1	1	
	LAUREL SHRUB - Large Laurel	20" DBH	1	1	
	LAUREL GROUNDCOVER - Large Laurel	21" DBH	10	10	
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	LAUREL SHRUB - Large Laurel	63" DBH	2	2	
	LAUREL SHRUB - Large Laurel	64" DBH	1	1	
	LAUREL SHRUB - Large Laurel	65" DBH	1	1	
	LAUREL GROUNDCOVER - Large Laurel	66" DBH	10	10	
	LAUREL GROUNDCOVER - Large Laurel	67" DBH	5	5	
	LAUREL GROUNDCOVER - Large Laurel	68" DBH	2	2	
	LAUREL GROUNDCOVER - Large Laurel	69" DBH	1	1	
	LAUREL GROUNDCOVER - Large Laurel	70" DBH	1	1	
LAUREL TREE - Large Laurel					
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Serenity Entrance Landscape Rendering



Serenity Patio Landscape Rendering



Serenity Landscape Rendering



PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

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

*For Office Use Only:***Petition #:** _____

Application Type: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address:

KEMPER, CHRISTOPHER J & LINDA R H&W
2263 VALE PARK RD
VALPARAISO IN 46385-7152
64-09-10-482-015.000-004

Subject property fronts on the Vale Park Roadside between (streets) Beauty Creek Run & Westind Drive& Beauty Creek Run & Westind DriveZoning District: GR - General Residential**PETITIONER INFORMATION**

Applicant Name:

Christopher J Kemper

Phone:

Email:

Address:

2263 VALE PARK RD
VALPARAISO, IN 46385

PROPERTY OWNER INFORMATION

Applicant Name:

Same as Petitioner

Phone:

Email:

Address:

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:Article: 3 Section: 503 Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

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

Beauty Creek Villa Homes SW 41 Lot 20 .133A

Personal General Residence at 2263 Vale Park Road, Valparaiso, IN 46385.

The Southwesterly 41.0 feet of Lot 20, by parallel lines, as measured at right angles to the Southwesterly line thereof, in Beauty Creek Villa Homes, in the City of Valparaiso, as per record Plat thereof recorded in Plat File 49-F-6, in the Office of the Recorder of Porter County, Indiana.

Also identified as parcel number 64-09-10-482-015.000-004

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

At the time of purchase, the property was in compliance with requirements of the applicable laws of the State of Indiana and the City of Valparaiso – including the various ordinances of the City regulating building construction or use as is shown by the City of Valparaiso Certificate of Occupancy Permit # B08-0033 under zoning R-2 issued on 10/13/2008.

I now seek to have the ability to obtain GR acceptance(s) in order to obtain permits for periodic work (maintenance and enhancements) on the home. In this case the permit is requested for the ability to install a legally permitted PV array.

Article 3, Section 503, Table 3.503 for General Residential (GR) requires following for the Lot: Area of 4,500sf, Width of 45ft, Street Yard of 20', Separation of 15', and rear yard of 25'. The Building maximums are a height of 28f, a building coverage of 0.45%, and a lot coverage of 0.6%. As can be seen in the site Survey, the Lot Width is 41.4 to 41.6'. This item appears to require a variance from the current city GR requirements.

As vocally requested, the Blueprints also indicate a shared burn wall that is 13" thick with a 2" void and separate Utilities. Valparaiso City Utilities has also indicated that my property located at 2263 is on separate meter and billing from the adjoining neighbor at 2261.

Variance from Development Standards
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner submits that:

- A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because:

The property is compliance with the General Residence requirements at the time of purchase and only the current city GR now requires a slightly wider property width requirement.

- B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because:

The property lot width will not change in any way

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

It leaves the property owner unable to obtain permitting required for legal maintenance and work upon the residence.

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.

2263 Land Control History

2263 Land Control History as to why my property follows a different GR than CITY's current GR zoning code (in this case I believe the only exception is my property width) – 2021.05.14.

Originally the community was developed by Naples Development LLC. The property was under Porter County control – which had different requirements for Sewer, Curb Dip, Lot Width, Etc. Naples had the proper bond maintained with the county for post development pavement of the community. Most of the community was zoned for Duplex under the Porter County General Residence Code.

Tim Henderlong's Company purchased ~100-200 lots from Naples and began developing Duplexes. During this time the community was brought into the Valparaiso City annex --- however Valpo accepted the development's existing General Residence Code and other Code as is (different sewer standards, no dips on the sidewalks, different property widths, etc). Tim filed for some of the duplex property zones to be split into Single Family homes under the grandfathered Porter County Codes while retaining others as duplex lots. As an aside, the post-development bond was not moved from the county to the city so this expired.

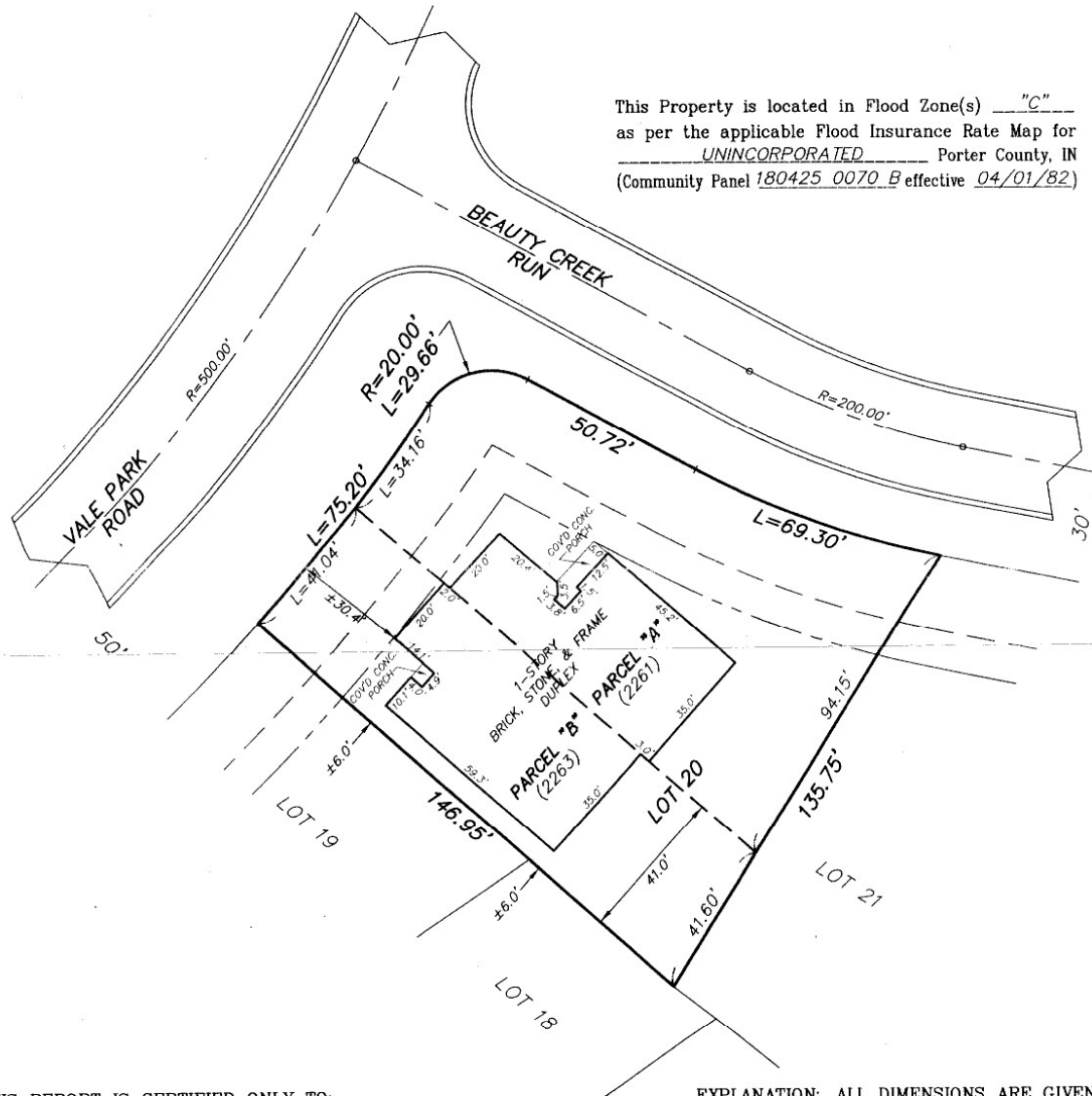
Charlie Griener's Company then purchased 70-80 lots from Tim, and he began to file for (zoning, engineering, etc) many of the duplex property zones to be split into Single Family lots under the current Valpo City GR code. A few of the properties would not easily split into the new code so these he left as Duplex lots following the grandfathered in GR originally outlined by Naples. At this time Valpo discovered the bond for the paving had expired as it was never moved to the City from the County, and Valpo had to push Naples with the promise of leans on their remaining 30 lots for Naples to purchase a fresh bond for the final paving.

PROPERTY INSPECTION REPORT

CAUTION: THIS REPORT IS INTENDED FOR USE ONLY BY TITLE INSURANCE COMPANIES AND LENDERS, OR OTHER PARTIES SPECIFICALLY NAMED HEREON. THIS REPORT IS NOT A PROPERTY SURVEY AND NO PROPERTY CORNER MARKERS WERE SET. NO LIABILITY WILL BE ASSUMED FOR THE USE OF DATA HEREIN FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS: 2261-2263 Vale Park Road, Valparaiso, Porter County, Indiana

DESCRIPTION: Lot 20 in BEAUTY CREEK VILLA HOMES, a subdivision of Center Twp., (now Valparaiso), Porter County, Indiana, as per Record Plat thereof appearing in Plat File 49-F-6 in the Office of the Recorder of Porter County, Indiana.
(SEE SHEET 2 OF 2 FOR INDIVIDUAL DESCRIPTIONS)



THIS REPORT IS CERTIFIED ONLY TO:

NAME: HENDERLONG CONSTRUCTION

EXPLANATION: ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENT UPON THE PLAT.

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREON WAS INSPECTED UNDER MY SUPERVISION AND THAT THE PLAT DRAWN HEREON CORRECTLY REPRESENTS SAID INSPECTION.

John E. Bullock
JOHN E. BULLOCK-INDIANA LAND SURVEYOR NO. S-0512



SHEET 1 OF 2



SCALE 1 IN = 30 FT

CLIENT HENDERLONG DRAWN SMG
JOB NO 213-08 DATE 05/12/08
REV _____

FLD BK M35 PG 107 FILE NO 5537 B

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

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

For Office Use Only:

Petition #: VAR 21-013
 Application Type: DEV. STANDARDS
 Application Filing Fee: \$150.00
 Date Filed: 05 / 14 / 2021
 Meeting: 06 / 16 / 2021

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address:

1004 CALUMET AVE
VALPARAISO, IN 46383

Subject property fronts on the

EAST

side between (streets)

EVANS

&

BILLINGS

Zoning District:

CG**PETITIONER INFORMATION**

Applicant Name:

ELIAS KALAFATIS

Phone:

[REDACTED]

Email:

[REDACTED]

Address:

584 SHATZ DR
VALPARAISO, IN 46385

PROPERTY OWNER INFORMATION

Applicant Name:

K-4 EQUITIES LLC

Phone:

[REDACTED]

Email:

[REDACTED]

Address:

584 SHATZ DR
VALPARAISO, IN 46385

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:Article: 11 Section: 306 Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

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

EX PAR W 11.63 & W 1/2 VAC LOCUST
ST BLK 1

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

See attached
expansion of paved dining
area within landscape
buffer yard.

Variance from Development Standards
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner submits that:

- A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because:

We will improve property by replacing degraded asphalt with new concrete and flowers

- 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:

We are improving the property to complete the facade enhancements already completed hence improving the neighborhood all together.

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

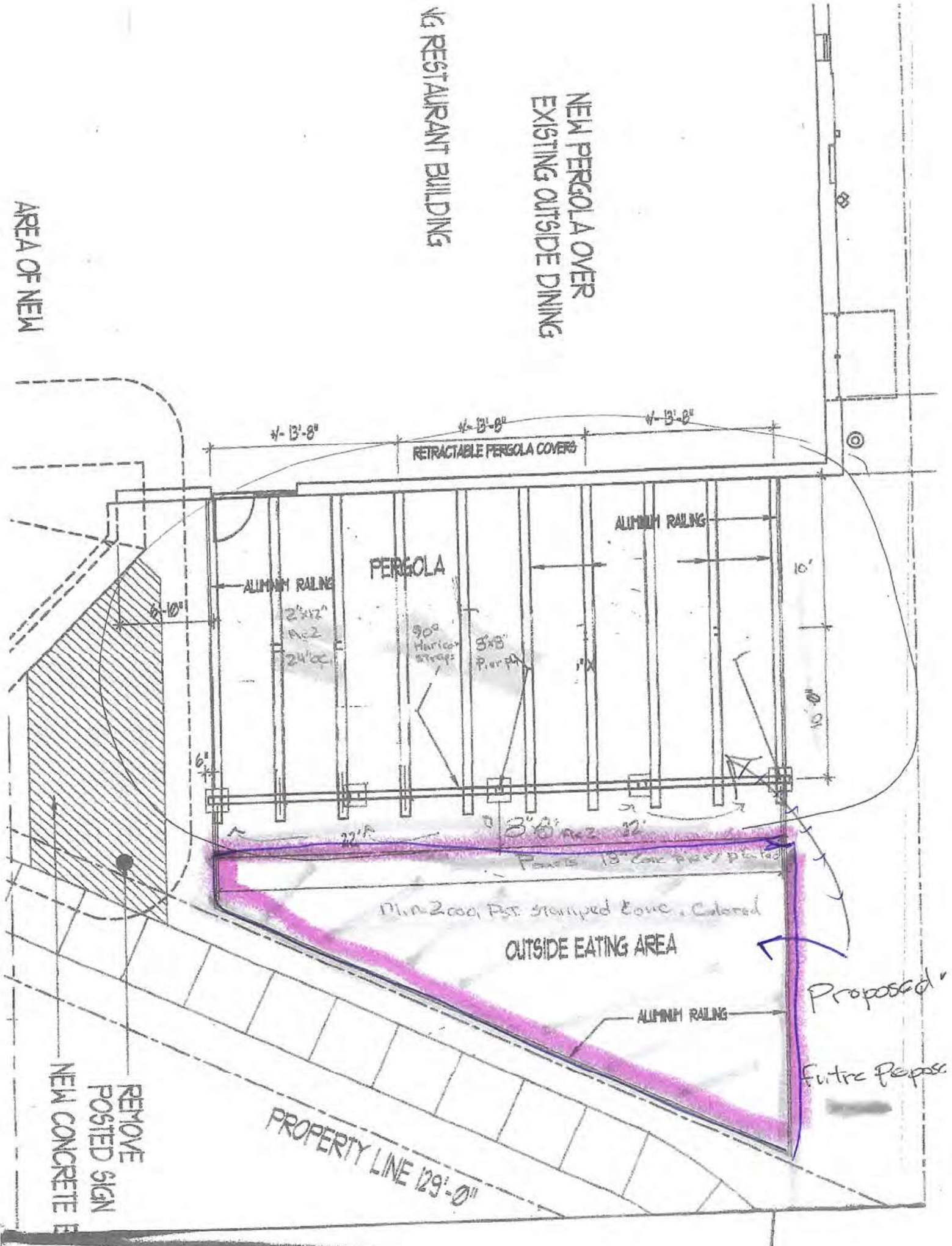
If fully landscaped there would NOT be enough space to adequately space the tables in dining area to comfort customers in times of COVID.

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.

NEW PERGOLA OVER
EXISTING OUTSIDE DINING

1/2 RESTAURANT BUILDING

AREA OF NEW



PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

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

*For Office Use Only:***Petition #:** _____

Application Type: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address:

2606 Valley Drive Valparaiso, IN 46383

Subject property fronts on the Westside between (streets) Vale Park Rd& Vale Park RdZoning District: Business Park**PETITIONER INFORMATION**

Applicant Name:

Josh Thornton

Address:

315 W. Jefferson Blvd, South Bend, IN 46601

Phone:

200-605-4121

Email:

jthornton@bomarchison.com

PROPERTY OWNER INFORMATION

Applicant Name:

Kyle Meihofer

Address:

3730 Edison Lakes Pkwy, Mishawaka, IN 46545

Phone:

200-605-4121

Email:

jthornton@bomarchison.com

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

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

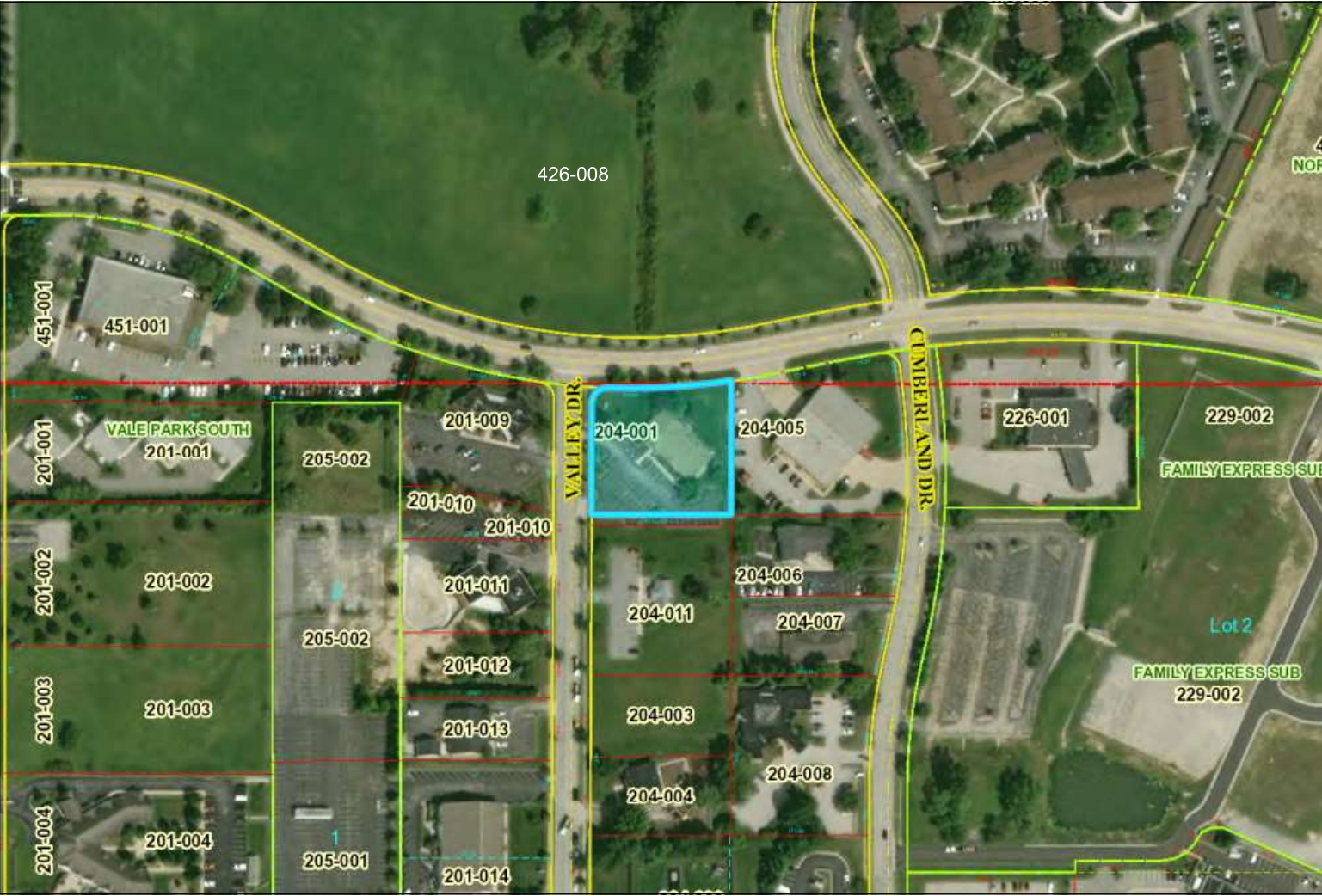
Article: ____ Section: ____ Paragraph: ____ Item: ____

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

Vale Park South Lot 21

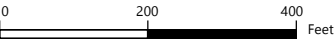
DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____)

The project is an interior renovation with the exception of the removal of an exterior fenced dog kennel and new fence installation. The proposed autism center will offer one on one child therapy services to produce improvements in communication, behaviors, social relationships and self-care for children diagnosed with autism by certified behavior and speech therapists. Individual staff therapists will be with the children from the point of arrival to the time of departure. Treatment sessions will take place over several hours on site primarily within the individual therapy rooms. Resident or overnight stay will not occur.



2606 Valley Drive Vicinity Map

Web Print: 05/14/2021



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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PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

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

*For Office Use Only:***Petition #:** _____

Application Type: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address:

McAfee Drive, Valparaiso, IN 46383

Subject property fronts on the McAfee Drside between (streets) Silhavy & Sturdy& Silhavy & SturdyZoning District: GR**PETITIONER INFORMATION**

Applicant Name:

Dahm No. 51, LLC - Justin Furr

Address:

10251 Hague Rd, Fishers, IN 46040

Phone:

317-558-7931

Email:

PROPERTY OWNER INFORMATION

Applicant Name:

Dahm No. 51, LLC

Address:

10251 Hague Rd, Fishers, IN 46040

Phone:

Email:

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

Article: <u>2</u> Section: <u>2.303</u> Paragraph: <u>A</u> Item: ____	Article: ____ Section: ____ Paragraph: ____ Item: ____
Article: ____ Section: ____ Paragraph: ____ Item: ____	Article: ____ Section: ____ Paragraph: ____ Item: ____
Article: ____ Section: ____ Paragraph: ____ Item: ____	Article: ____ Section: ____ Paragraph: ____ Item: ____
Article: ____ Section: ____ Paragraph: ____ Item: ____	Article: ____ Section: ____ Paragraph: ____ Item: ____

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO. 1)

Outlot "A" Parcel 3: DETENTION POND IN PARKWOOD ESTATES, IN THE CITY OF VALPARAISO, AS PER PLAT THEROD, RECORDED IN PLAT FILE 27-C-1, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. 1)

Proposing to complete the required landscaping, per ordinance, and to construct a wooden accessory structure with a metal roof and concrete paver floor on the parcel as required per our agreement with our neighbor Ms. Coleman.

Variance from Development Standards
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner submits that:

- A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because:

If this variance is granted it will allow an amenity to be added to the parcel that will improve public health, and the general welfare of the neighboring parcel owners.

- B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because:

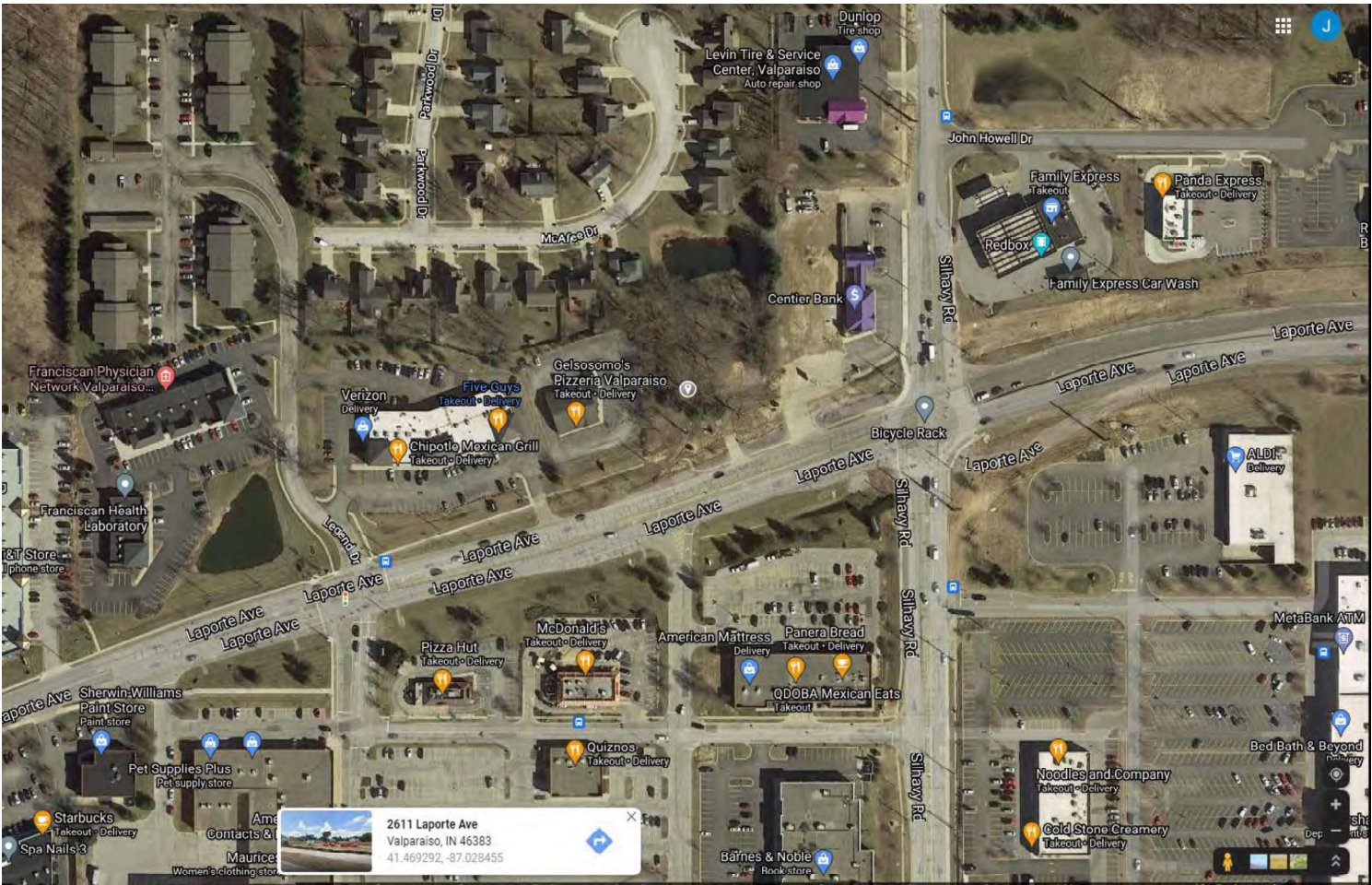
The use and value of the subject parcel and surrounding parcels will be improved by the granting of this variance as it will allow an amenity to be added to benefit the property and those adjacent.

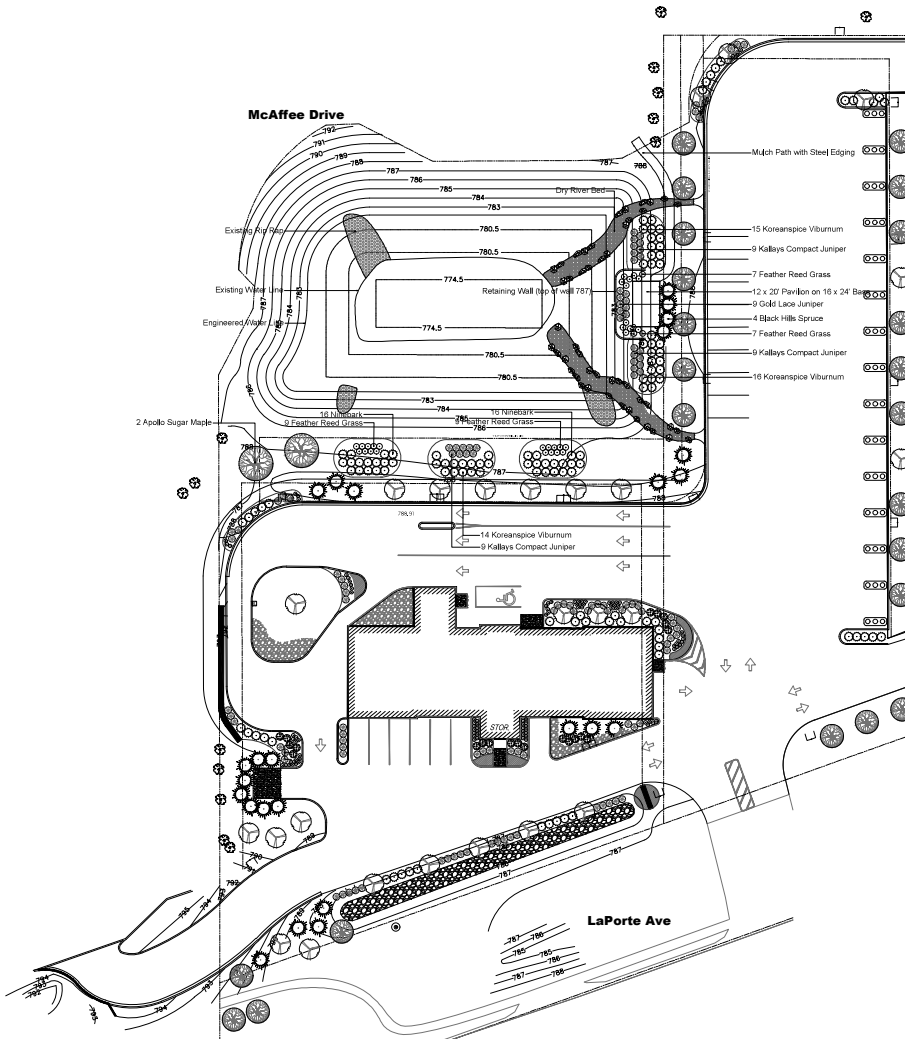
- C. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property included in the proposed variance because:

Due to prior legal agreements with a neighboring land owner the addition of the pavilion amenity is required in order to move forward with the required landscaping plans to meet the zoning ordinance. If the variance is not approved, the pavilion will not be allowed to be constructed and would then prevent agreement with the neighbor on the landscaping plan to proceed.

The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each and every one of the elements listed above.

Vicinity Map





LaPorte Ave Overlay		325 In ft
	Required	Provided
Shade Tree	7	7
Ornamental Tree	7	7
Large Evergreen Tree	4	4
Shrub	10	30

Qty	Scientific Name	Common Name	Size
7	Acer rubrum 'Armstrong'	Armstrong Maple	2.5'
5	Prunus virginiana 'Shubert'	Canada Red Cherry	1.5'
2	Syringa reticulata 'Honey Silk'	Honey Silk Lilac	1.5'
4	Picea canadensis	Norway Spruce	6'
10	Juniperus chinensis 'Kallay's Compact'	Kallay's Compact Juniper	3.4'
10	Viburnum dentatum	Arrowwood Viburnum	3 g

On-Lot Landscape		1.71 acres
	Required	Provided
Large Tree	36	36
Ornamental Tree	33	32
Shrub	86	86

Qty	Scientific Name	Common Name	Size
7	Calamagrostis 'Tran Fontaine'	Columnar Hornbeam	2.5'
9	Quercus rubra	Red Oak	2.5'
9	Amelanchier x grandiflora 'Autumn Brilliance'	Serviceberry	6' Clump
1	Malus x 'Pinnatifid'	Crabapple	1.5'
6	Syringa reticulata 'Honey Silk'	Honey Silk Lilac	1.5'
17	Picea glauca 'Denata'	Black Hills Spruce	6'
6	Viburnum dentatum	Arrowwood Viburnum	3 g
23	Taxus x media 'Densiformis'	Dense Yew	3 g
5	Rosa 'Mendocino'	Coral Drift Rose	3 g
13	Chamaecyparis pisifera 'Filiformis King's Gold'	King's Gold Cypress	3 g
6	Buxus hybrid 'Green Gem'	Green Gem Boxwood	3 g
11	Rosa 'Metairie'	Red Drift Rose	3 g
5	Hebe virginica 'Spiral'	Little Henry Sweetspire	3 g
1	Buxus 'Green Velvet'	Green Velvet Boxwood	3 g
5	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	3 g
5	Hydrangea quercifolia	Oakleaf Hydrangea	3 g
26	Liriodendron	Liriodendron	1 g
13	Hemerocallis 'Happy Returns'	Happy Returns Daylily	1 g
21	Coneopos verticillata Zagreb	Coneopsis	1 g
12	Salvia nemorosa Marcus	Marcus Salvia	1 g
21	Sedum spectabile 'Autumn Joy'	Autumn Joy Sedum	1 g

Parking Lot		8 spaces
	Required	Provided
Large Tree	2	1
Shrub	2	10

Qty	Scientific Name	Common Name	Size
5	Acer rubrum 'Armstrong'	Armstrong Maple	2.5'
10	Hydrangea paniculata 'SMHPLQ'	Little Quick Fire Hydrangea	3 g

Butterfly		340 In ft
	Required	Provided
Large Tree	9	9
Ornamental Tree	37	18
Shrub	153	167

Qty	Scientific Name	Common Name	Size
3	Acer saccharum 'Barnett Cole'	Apollo Sugar Maple	2.5'
2	Amelanchier x grandiflora 'Autumn Brilliance'	Serviceberry	6' Clump
6	Syringa reticulata 'Honey Silk'	Honey Silk Lilac	1.5'
17	Juniperus chinensis 'Kallay's Compact'	Kallay's Compact Juniper	3.4'
45	Viburnum carlesii	Korean Spice Viburnum	3 g
9	Juniperus chinensis 'Gold Lace'	Gold Lace Juniper	3 g
12	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	3 g
10	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	3 g
12	Taxus x media 'Densiformis'	Dense Yew	3 g
10	Picea glauca 'Denata'	Black Hills Spruce	6'
7	Calamagrostis 'Tran Fontaine'	Columnar Hornbeam	2.5'

Wild Ridge
LANDSCAPE ARCHITECTS
www.wildridgelandscape.com

This drawing and any and all ideas and designs contained herein are the sole property of Wild Ridge Land & Landscape and are not to be used without written permission.

811
Know what's below.
Call before you dig.

Crew Carwash

2811 LaPorte Ave
Valparaiso, IN

DATE: May 14, 2010
REVISED: Jan 11, 2021
May 10, 2021



SCALE IN FEET
0 20 40

SHEET TITLE
**Landscape Plan
Pond Area**

DESIGNED BY
KR
ACCOUNT MANAGER
KR

SHEET NUMBER
1 of 1



This drawing and any and all ideas and designs contained herein are the sole property of Wild Ridge Lawn & Landscape and are not to be used without written permission.

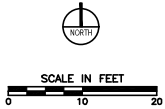


Know what's below.
Call before you dig.

Crew Carwash

Valparaiso, IN

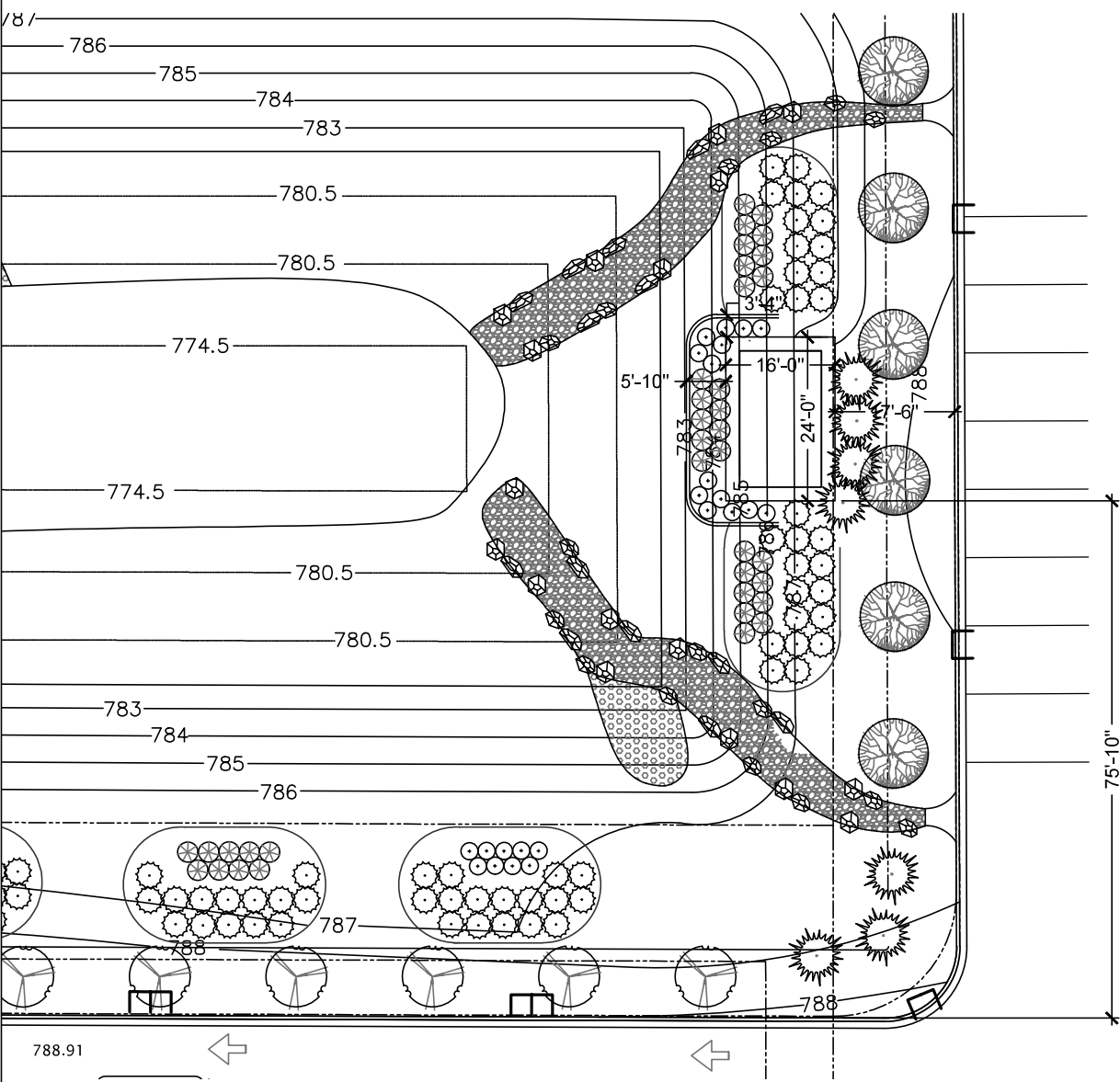
DATE
5/27/21



Dimension Plan

Drawn By:
KR
Checked By:
KR

Sheet 1 of 2



PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

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

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

*For Office Use Only:***Petition #:** _____

Application Type: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address:

225 Porters Vale Boulevard
Valparaiso, IN 46383Subject property fronts on the north
side between (streets) Porters Vale Boulevard
& Porters Vale BoulevardZoning District: CG - Commercial, General District**PETITIONER INFORMATION**

Applicant Name:

Christopher Enright, NCARB

Phone:

[REDACTED]

Email:

[REDACTED]

Address:

628 E Parent Avenue, Suite 106
Royal Oak, MI 48067**PROPERTY OWNER INFORMATION**

Applicant Name:

BMD Porters Vale LLC, Attn: Jay Peirick

Phone:

Email:

[REDACTED]

Address:

301 North Broadway, Suite 300
Milwaukee, WI 53202**SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:**Article: 11 Section: 11 Paragraph: 304 Item: C.11Article: 11 Section: 11 Paragraph: 304 Item: I.1

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

Article: ____ Section: ____ Paragraph: ____ Item: ____

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

Exhibit A of Warranty Deed, 2017-018146

First American Title Insurance Company File No.: NCS-1052410-MICH

The Land referred to herein below is situated in the County of Porter, State of Indiana, and is described as follows:

PARCEL 1: LOT 1 IN PORTER'S VALE SHOPPING CENTER AN ADDITION IN PORTER COUNTY, AS PER PLAT THEREOF, RECORDED IN PLAT FILE 51-D-1, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA

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

This project involves the construction of a 10,000 square foot building and associated infrastructure which sells and installs vehicle tires, various automotive parts and offers minor repairs such as brakes, alignments, batteries, shocks and struts, and oil changes.

Variance from Development Standards

Petitioner's Proposed Findings of Fact

(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner submits that:

- A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because:

- This Development will meet all engineering, public health, safety and general welfare standards of the City.
- Building will be fully fire suppressed and meet all aspects of NFPA as well as provide visual and audible security systems.
- Development will not require any special security of safety support from the City other than standard emergency services.
- Electric tire equipment in their new stores going forward will reduce any potential noise concerns.

- 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:

- This multi-million dollar development on an existing vacant lot will increase surrounding property values.
- Belle has a very active Property Management department that services and maintains their buildings on a scheduled basis so quality is maintained.
- Belle is a substantial, long standing entity that will provide constant support to the proposed facility and area.

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

Per UDO Article 11, Division 11.300, Section 11.304 State Route 49 Standards, Item I. Commercial and Industrial Setbacks, the front yard setback for a building 36-feet or less in height is 90-feet. Including the 15-foot side yard setback on the east, this requirement would only leave 80-feet in the east-west direction for a building on this 185-foot wide lot which would render the site essentially unusable.

Our development is able to achieve all other City requirements regarding buffer yards, greenbelt overlays, number of parking spaces, robust landscaping, signage, and pedestrian and bike accessibility.

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.

Use Variance
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

Petitioner Submits that:

- A. The proposed use variance will not be injurious to the public health, safety, morals, and general welfare of the community because:

•This Development will meet all engineering, public health, safety and general welfare standards of the City.
•Building will be fully fire suppressed and meet all aspects of NFPA as well as provide visual and audible security systems.
•Development will not require any special security of safety support from the City other than standard emergency services.
•Electric tire equipment in their new stores going forward will reduce any potential noise concerns.

- 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:

•This multi-million dollar development on an existing vacant lot will increase surrounding property values.
•Belle has a very active Property Management department that services and maintains their buildings on a scheduled basis so quality is maintained.
•Belle is a substantial, long standing entity that will provide constant support to the proposed facility and area.

- D. The need for the use variance arises from the following condition peculiar to the property involved, which is:

The proposed use is Vehicle Sales, Rental, and Service. This is considered a Limited Use in the underlying zoning, CG, Commercial, General District but is prohibited per the State Route 49 Signature Corridor Overlay District Standards (UDO Article 11, Division 11.300, Section 11.304).

- E. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:

Belle Tire would not be allowed to build on this vacant lot.

- F. Approval of the proposed use variance does not interfere substantially with the comprehensive plan adopted by the City of Valparaiso because:

Per the Envision 2030 Valparaiso Comprehensive Plan, this development is along the SR 49 Corridor within the Porter's Vale Shopping Center. The proposed development adheres to the Plan, specifically, 1. This new business will provide job opportunities to new graduates (pg 1-14); 2. This existing, vacant lot containing little to no landscaping will be planted per all City requirements thus creating a greenway along SR 49 and SR 2 (pg 5-20); 3. The single, proposed building's bay doors will face east, away from the SR 49 right of way (Limited Use requirement in CG zoning); 4. Corridor development, particularly auto-oriented commercial development, is considered desirable and is often encouraged (pg 7-15); 5. Mobility will be maintained within the shopping center utilizing pedestrian sidewalks and bike racks (pg 5-1).

The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each element listed above.

Vicinity Map

Belle Tire
225 Porters Vale Boulevard

Legend

 Belle Tire - Valparaiso IN



A PROFESSIONAL CORPORATION

225 Porters Vale Boulevard
Valparaiso, IN 46383

OWNER Bannock Development Company LLC 2000 International Drive, Suite 100 Waco, TX 76701 817.271.2000	ARCHITECT Conifield Creative Architects 808 E. 10th Street, Suite 100 Royal Oak, MI 48067 Conifield 248.263.9496 (F) 248.263.1289 (C) conifield@conifieldcreatives.com	GEOTECHNICAL ENGINEER Cawley & Associates 1600 E. 10th Street, Suite 100 Royal Oak, MI 48067 Conifield 248.263.9496 (F) 248.263.1289 (C) jackson@conifieldcreatives.com	SOILS ENGINEER Cawley & Associates 1600 E. 10th Street, Suite 100 Royal Oak, MI 48067 Conifield 248.263.9496 (F) 248.263.1289 (C) jackson@conifieldcreatives.com	CIVIL ENGINEER P&J Group 10000 Highway 79, Suite 110 Birmingham, AL 35241 Conifield 205.968.3900 (F) 205.968.3900 (C) Email: p&j@p&jgroup.com
PLASTIC LAM./ & CABINETRY Coastal One 4000 State Lane Court Clearwater, FL 34609 888.555.5555 coastaloneusa@gmail.com	CITY OF VALPARAISO, IN PLANNING DEPARTMENT 10000 N. Meridian Street Valparaiso, IN 46385 Phone: (219) 464-1181 FAX: (219) 464-4773 Contact: Patricia Patricia Jabo, Engineering Dir. Matt Truesdale, Building Commissioner Mingyao Zhou, H&E Coordinator	PIRE DEPARTMENT INSPECTION Phone: (219) 544-4869 Email: 219.544.4869 10000 N. Meridian Street Valparaiso, IN 46385 Phone: (219) 464-1181 FAX: (219) 464-4773 Contact: Patricia Patricia Jabo, Engineering Dir. Matt Truesdale, Building Commissioner Mingyao Zhou, H&E Coordinator	SEWER & WATER: City of Valparaiso Sewer Collection 10000 N. Meridian Street Valparaiso, IN 46385 Phone: (219) 464-1181	GAS & ELECTRIC: NRGSC Phone: (800) 444-0728
FLAG POLE Flagpole Expressions 3300 West 14th Waco, TX 76702 800.444.4444 254.771.7000 (F) info@flagpoleexpressions.com	TRAIL MACHINES/EQUIPMENT Hammer Industries / Coast 1801 W. Venable Drive Las Vegas, NV 89108 702.735.0000 200.988.9999 (F) 200.988.9999 (C) info@hammerindustries.com	HOISTS / LIFTS Chubbenger Lifts 1801 W. Venable Drive Las Vegas, NV 89108 702.735.0000 200.988.9999 (F) 200.988.9999 (C) info@chubbengerlifts.com	RACKS / STORAGE SYSTEMS Raftermex Group 1801 W. Venable Drive Las Vegas, NV 89108 702.735.0000 200.988.9999 (F) 200.988.9999 (C) info@raftermexgroup.com	ALIGNMENT EQUIPMENT Hunter Engineering Company 1801 W. Venable Drive Las Vegas, NV 89108 702.735.0000 200.988.9999 (F) 200.988.9999 (C) info@huntereng.com

[illegible][illegible]

APPROX. LOCATION OF LIMITED ACCESS RIGHT-OF-WAY LINE (PER PLAN)

- ### REFERENCE DRAWINGS
- FORMING WALL & SHOULDER CASTING, PROJECT 101, AREA 01
 SHEET NO. 1, DATED 09/09/19, 18.00 FOR R00000 11.09.07
- | | |
|-----------------|--------------------------|
| WATER WALL | WALLING TO WATER WALL |
| SHOULDER SHOWER | WALLING TO SHOULDER WALL |
| STORM SHOWER | WALLING TO STORM WALL |

GENERAL NOTES:

THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT.

1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB, FACE OF SIDEWALK, OUTSIDE FACE OF BUILDING, PROPERTY LINE, CENTER OF MANHOLE/CATCH BASIN OR CENTERLINE OF PIPE UNLESS OTHERWISE NOTED.
2. NO PARKING-FIRE LANE" SIGNS SHALL BE POSTED ALONG ALL FIRE LANES AT INTERVALS DIRECTED BY THE FIRE OFFICIAL.
3. REFER TO DETAILS SHEET FOR ON-SITE PAVING DETAILS.
4. REFER TO DETAILS SHEET FOR ON-SITE SIDEWALK RAMP DETAILS.

BID ALTERNATE #1
INSTALLATION OF HEAVY DUTY CONCRETE PAVEMENT (PER DETAIL ON PLAN SHEET C-6-60) SITE WIDE IN LIEU OF ASPHALT PAVEMENT.

NOT FOR CONSTRUCTION

CLIENT
**ENRIGHT
ARCHITECTS**
620 CLINTON AVENUE, SUITE 100
ROYAL OAK, MI

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

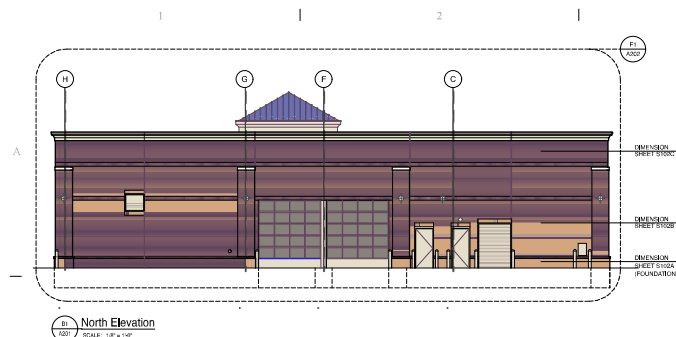
ORIGINAL ISSUE DATE:
MAY 14, 2021

DRAWING TITLE
**PRELIMINARY
SITE PLAN**

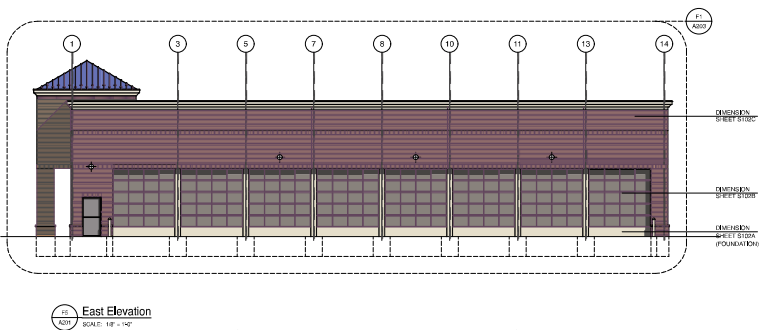
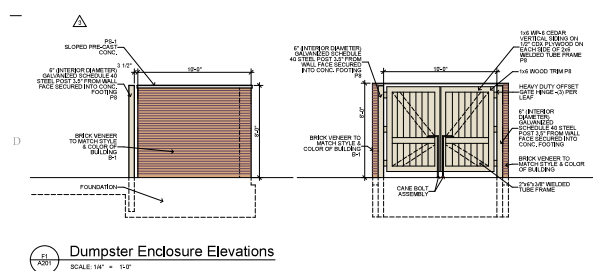
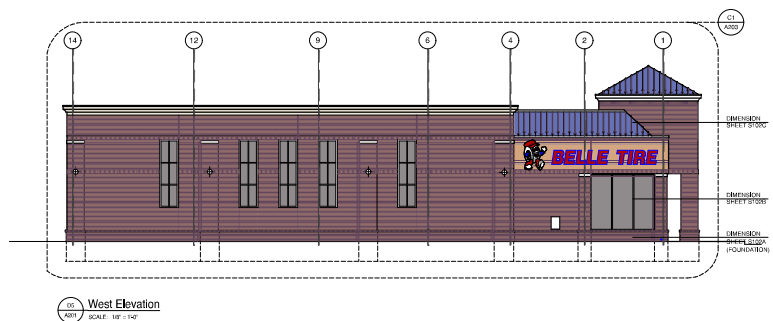
PEA JOB NO.	2021-0160
P.M.	SAP
DN.	ADS
DES.	SAP

DRAWING NUMBER:
C-2.0

NOT FOR CONSTRUCTION C-2.0



MATERIALS:		
ITEM#	MATERIAL	DESCRIPTION
B-1	BAF.S.	STITCHED 1/2" X 100"X14" S/N# 1001-146
B-1-1	FACE BRICK	HEATLAND MASONRY BY SUNSHINE BRICK CO.
G-1	GLAZING SYSTEM	"GLAZING" MTRAL. - FIVE SQUARE IN SOLAR CONTROL LOW "T" GLAZING LOW REFLECTIVE INSULATED GLASS IN GLASS ANGLEPOD FINISHING SYSTEM SERIES 200 BY TUBLIGHT CORP. PROJECT THERMO-2-A-200 AS REQUIRED
G-2	GLAZING SYSTEM	"GLAZING" 20" MIN RAIL NONCYCLOPS POLYCARBONATE PANELS IN GLASS ANGLEPOD FINISHING SYSTEM SERIES 200 BY TUBLIGHT CORP.
M-1	CONCRE	"CONCRETE" - 4" BULK BINA-CONCRETE, FASCO - FINISH FINISH - COLOR TO MATCH BRICKS
P-1	CONCRE	"FINISH" CONCRETE DECORAL WHITE SURF. SUAIRE FOR ANGLEPOD APPROX. 17500 SQ. FT. COV. (W/ST. ANGLEPOD)
P-1-1	PAINT	ENAMEL PAINT 1/4" LAURENT 17500 SQ. FT. PAINTS DRYER 17500
P-2	PAINT	CEMENTAL RED - 2 PAINT 1/4" LAURENT
P-3	PAINT	PAINT TO MATCH BRICKS
P-4	PAINT	DRYALL - BRILLIANT WHITE
P-5	PAINT	SEALING WHITE - INSULATED DRINK PAINT 1/4" LAURENT
P-6	PAINT	BLACK BRICKS - ALL MANUFACTURERS 17500-SURFACE GROWN



Belle Tire
XXX Porters Vale Blvd
Valparaiso, IN 46383

BZA Submittal: May 14, 2021

MARK	DATE	DESCRIPTION
PROJECT NO: 20-440		
MODEL FILE: <u>V:\projects\20-440\20-440.dwg</u>		
COPYRIGHT: © Copyright 2020, Christopher Knight Associates, Inc.		
SHEET TITLE		
Building Elevations		

A201

Address: 10000 N. Meridian, Suite 100, Indianapolis, IN 46240
File Path: C:\Users\jgarcia\OneDrive\Documents\Belle Tire\Belle Tire Elevations.dwg
Project Name: Belle Tire
Sheet Title: Building Elevations
Scale: 1/4" = 1'-0"



Christopher Ebert Architects

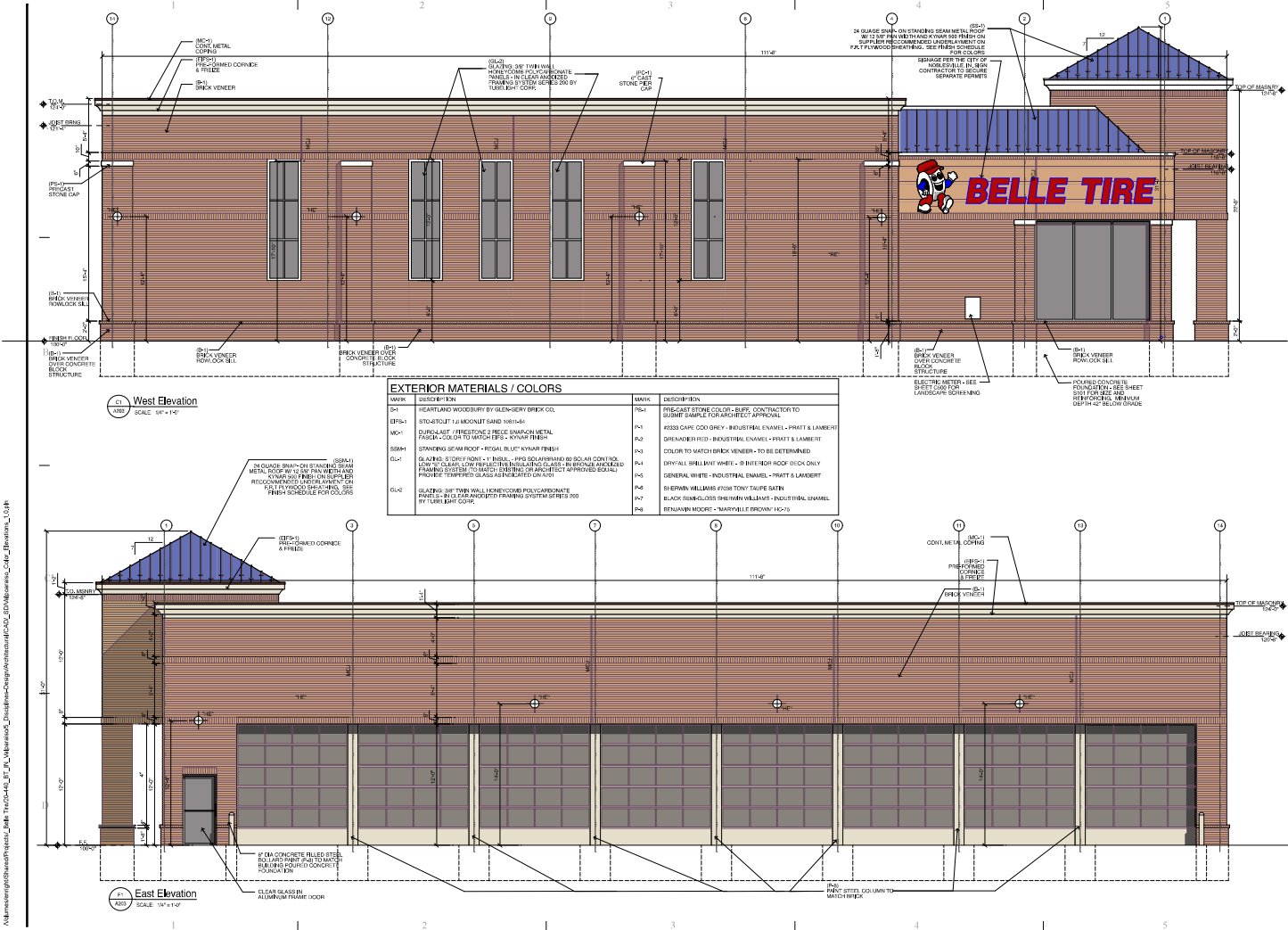
John E. Ebert, Architect
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10000 N. Meridian, Suite 100
Indianapolis, IN 46240
Tel: 317.545.5455
Fax: 317.545.5456
www.christopherebert.com

Belle Tire
XXX Porters Vale Bldg.
Valparaiso, IN 46383

STA Submittal May 14, 2021

MARK	DATE	DESCRIPTION
PROJECT NO.	20-440	
MODEL FILE	20-440.dwg	
DATE	05/14/2021	
SHEET TITLE	Building Elevations	

A202



Christopher Ebert Architects

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 Suite 108
 Fort Wayne, Indiana 46807
 TEL: 317.255.9465
 FAX: 317.255.9466
 cee@cebertarchitects.com

Belle Tire

XXX Porters Vile Bld.
 Valparaiso, IN 46383

BTA Submittal May 14, 2021

MARK	DATE	DESCRIPTION
PROJECT NO.		20-440
MODEL FILE		20-440-01.dwg
COPYRIGHT		Christopher Ebert Architects
SHEET TITLE		Building Elevations

A203

