

Planning Department

166 Lincolnway Valparaiso, IN 46383 Phone: (219) 462-1161 Fax: (219) 464-4273

www.valpo.us

MEETING AGENDA

Valparaiso Board of Zoning Appeals Wednesday, October 20th, 2021, 5:30 PM Valparaiso City Hall – Council Chambers

- 1. Pledge of Allegiance
- 2. Roll Call
- 3. Adoption of Meeting Minutes
- 4. Old Business
- 5. New Business

SE21-002 – A petition filed by Kortney Waterloo. The property is located at 1205 Calvin Ave in the General Residential (GR) Zoning District. The petitioner requests the following Special Use/Special Exception:

• Section 2.201, Table 2.201(A) – To allow for a Special Use for a one (1) chair hair salon (Home Business) in the General Residential (GR) Zoning District.

VAR21-035 – A petition filed by Graham Onak & Ashley Rose c/o Todd Leeth & Katie Kopf. The property is located at 253 Chicago St in the Neighborhood Conservation – 60 (NC-60) Zoning District. The petitioner requests the following variance(s):

• Section 9.301(G)— To vary the required driveway length of twenty (20) feet to allow for a driveway length of sixteen (16) feet.

VAR21-036 – A petition filed by Tran Enterprises LLC c/o Todd Leeth & Katie Kopf. The property is located at 1604 Calumet Ave in the Commercial General (CG) Zoning District. The petitioner requests the following variance(s):

- Section 11.502(B)(1) To vary the required projections/recesses of at least two
 (2) feet for buildings with horizontal dimensions of less than eighty (80) feet to
 allow for no projections or recesses.
- Section 11.508(A)(2) To vary the requirement for a flat roof system to be concealed from all ground level views by a parapet wall to allow a parapet wall on all sides except the North side of the building.



Planning Department

166 Lincolnway Valparaiso, IN 46383 Phone: (219) 462-1161 Fax: (219) 464-4273

www.valpo.us

- Section 11.504(B) To vary the requirement for the principal public entrance to be located along the primary building frontage (West) to allow for a principal public entrance to be located on the south façade facing the shared drive.
- Section 11.506, Table 11.506 To vary the required transparency along the primary façade of 60% to allow for a transparency of 25%
- Section 9.501, Table 9.501 To vary the maximum Foot-Candle overspill onto adjacent properties of 0.5 Foot-Candle(s) to allow for a maximum Foot-Candle overspill on the adjacent property (south) of 5.7 Foot-Candle(s)

VAR21-037 – A petition filed by Anthony Moon. The property is located at 303 Lafayette St. in the Neighborhood Conservation-60 (NC-60) Zoning District. The petitioner request the following variance(s):

• Section 3.501, Table 3.501 – To vary the maximum lot coverage of 50% to allow for a maximum lot coverage of 62%.

6. Other Items

UV19-004/VAR19-019 – An amendment filed by Green Oaks of Valparaiso, LLC c/o Todd Leeth & Katie Kopf. The property is located at 2550 Morthland Dr in the Commercial General (CG) Zoning District. The petitioner requests the following amendment(s) to the approved written commitments:

- Remove the contingency for a ten (10) foot berm along the south side of the property along Frontage Rd.
- Amend Landscape Plan incorporated into Agreement for Written Commitments dated March 4, 2020.

7. Staff Items

8. Adjournment

Michael Micka, President – Board of Zoning Appeals

Beth Shrader, Planning Director

Next Meeting: November 17th, 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/3ECwxoe.

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

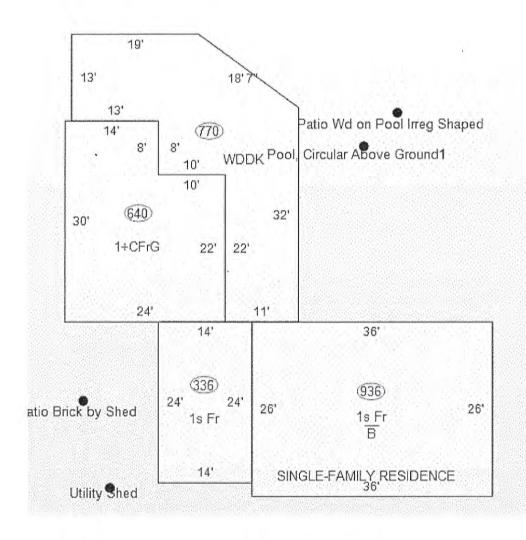
PETITION TO VALPARAISO BOARD OF ZONING APPEAL	S: For Office Use Only:			
This application is being submitted for (Check all that a	pply): Petition #: SE21-002			
Use Variance Development Standards Variance Special Exception/Special Use Relief to Administrative Decision Conditional Use Wireless Communications Facility	Application Type: SPECIAL EXCEPTION Application Filing Fee: 200 Date Filed: 9 / 15 / 2021 Meeting: 10 / 20 / 21			
	CE 26179 DIC			
SUBJECT PROPERTY INFORMATION	TYPE OR PRINT IN INK			
Property Address:	Subject property fronts on the			
1205 Calvin Avenue Valparaiso, IN 46385	side between (streets)			
Valparaiso, in 46565	&			
	Zoning District: GR- General Residential			
PETITIONER INFORMATION				
Applicant Name:	Address:			
Kortney Waterloo	1205 Calvin Avenue			
Phone:	Valparaiso, IN 46385			
Email:				
PROPERTY OWNER INFORMATION				
Applicant Name:	Address:			
Eric Hopper	1205 Calvin Avenue			
Phone:	Valparaiso, IN 46385			
Email:				
SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIA	L EXCEPTION OR ADMIN RELIEF IS SOUGHT:			
Article; 2 Section: 2.201 Paragraph: https://doi.org/10.1001/	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:			

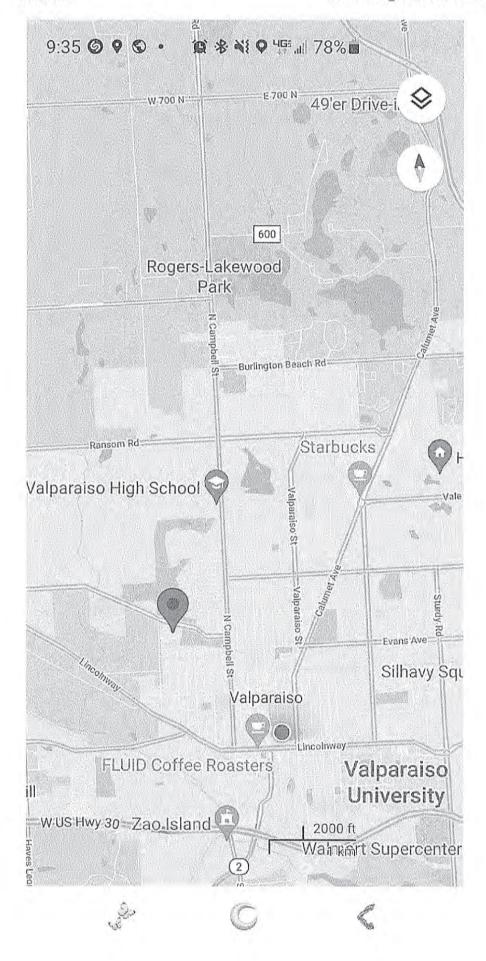
Article: _2 Section: 2.201_ Paragraph: table 2.201 Item: _A_ Article: Section:	N. C. S. C.	_ Section:	_ Paragraph:
Paragraph: Item: Article:			Section: Article:
Section: Paragraph: Item:			Article: Item:
Article: Section: Paragraph:			
Item:	Item:	_ Section	_ Paragraph:
AGE 5 I BZA APPLICATION V. 1.19.21 VALPARAISO PLANNING DEPAR	RTMENT		-
		10.12.1	
Corest Park Add Loys 17 & 18 Blk 10	Y: (OR EXHIBIT	NO)	
LEGAL DESCRIPTION OF SUBJECT PROPERTY orest Park Add Loys 17 & 18 Blk 10	Y: (OR EXHIBIT	NO)	
A CONTROL OF THE PROPERTY OF T	Y: (OR EXHIBIT	NO)	
A	Y: (OR EXHIBIT	NO)	
A A	Y: (OR EXHIBIT	NO)	
A	Y: (OR EXHIBIT	NO)	
A	Y: (OR EXHIBIT	NO)	
A			

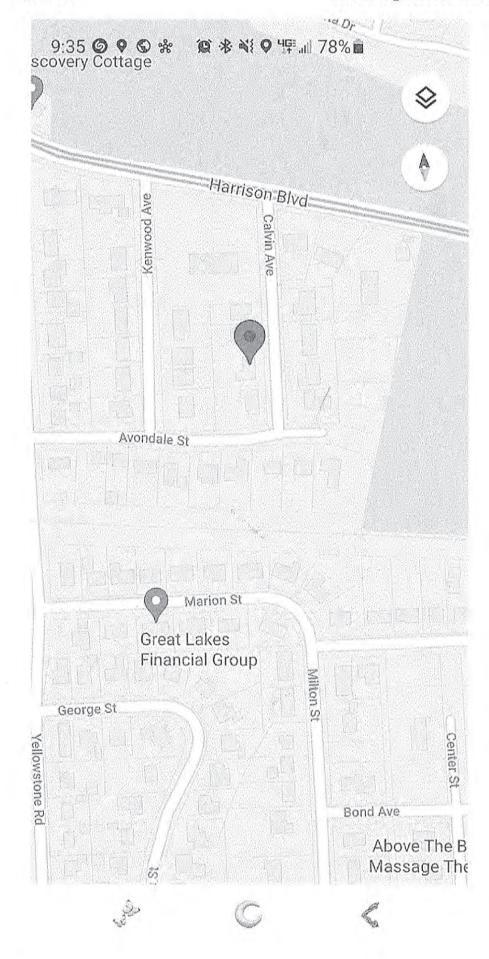
1

New

to sell products to my clients during	arage. Wont park in street. Hours of operation are to be a.m to 6p.m. Sunday- closed. No change to the outward window. I currently have 3 or so clients per week. I'd like their scheduled appointment only so not to attract ditional building or plumbing of any kind, everything I need to 6% of house.
PAGE 6 I BZA APPLICATION V. 1.19.21 VALPARAISO F	
I, the Petitioner (and Property Owner, if present at the public hearing. Should I action on my Petition. If the Petitioner i signature of the Property Owner(s) condition of the Property Owner(s). The Petitioner exhibits submitted contains any known statements. All information submitted is knowledge. The providing of false and/oproceedings before the BZA may result should a Petition be granted. Similarly, if and/or limitations, I acknowledge that my grounds to revoke any granted Petition notice of any Public Hearing to all property.	fail to appear, the BZA, in my absence, may consider and tall is not the owner of the property that is the basis of this Petitic institutes authorization for the Petitioner to speak and act on beer certifies that neither the Petitioner nor any attachments or intentional misrepresentations or intentionally misleading accurate, true and correct to the best of the Petitioner's or inaccurate information on this Petition or during any in the denial of the request or the revocation of the request, if as part of any granted Petition, the BZA places any restriction failure to comply with such restrictions/limitations shall be another than the Petitioner acknowledges that it bears the obligation to perty owners within 300 feet of the property that is the subject of may result in the Petition being delayed, denied or revoked
I, the Petitioner (and Property Owner, if present at the public hearing. Should I action on my Petition. If the Petitioner i signature of the Property Owner(s) conditted for the Property Owner(s). The Petitioner exhibits submitted contains any known statements. All information submitted is knowledge. The providing of false and/or proceedings before the BZA may result should a Petition be granted. Similarly, i and/or limitations, I acknowledge that m grounds to revoke any granted Petition notice of any Public Hearing to all propethis Petition. Any errors by the Petitioner.	fail to appear, the BZA, in my absence, may consider and tall is not the owner of the property that is the basis of this Petitionstitutes authorization for the Petitioner to speak and act on beer certifies that neither the Petitioner nor any attachments or intentional misrepresentations or intentionally misleading accurate, true and correct to the best of the Petitioner's or inaccurate information on this Petition or during any in the denial of the request or the revocation of the request, if as part of any granted Petition, the BZA places any restriction failure to comply with such restrictions/limitations shall be another than the petitioner acknowledges that it bears the obligation to perty owners within 300 feet of the property that is the subject
I, the Petitioner (and Property Owner, if present at the public hearing. Should I action on my Petition. If the Petitioner i signature of the Property Owner(s) condition of the Property Owner(s). The Petitioner exhibits submitted contains any known statements. All information submitted is knowledge. The providing of false and/oproceedings before the BZA may result should a Petition be granted. Similarly, if and/or limitations, I acknowledge that my grounds to revoke any granted Petition notice of any Public Hearing to all property.	fail to appear, the BZA, in my absence, may consider and tall is not the owner of the property that is the basis of this Petitionstitutes authorization for the Petitioner to speak and act on beer certifies that neither the Petitioner nor any attachments or intentional misrepresentations or intentionally misleading accurate, true and correct to the best of the Petitioner's or inaccurate information on this Petition or during any in the denial of the request or the revocation of the request, if as part of any granted Petition, the BZA places any restriction failure to comply with such restrictions/limitations shall be an The Petitioner acknowledges that it bears the obligation to perty owners within 300 feet of the property that is the subject or may result in the Petition being delayed, denied or revoked







Special Exception/Special Use Petitioner's Proposed Findings of Fact

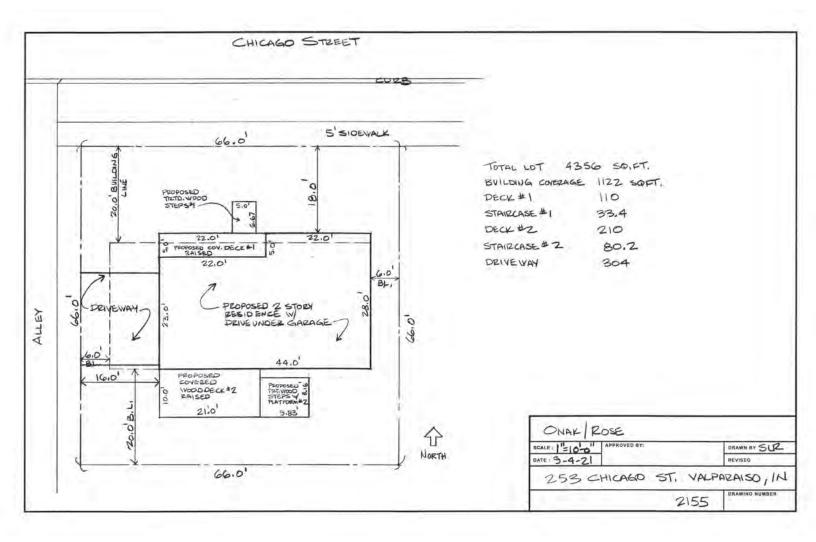
(Please use fillable pdf, print neatly, or attach printed document.)

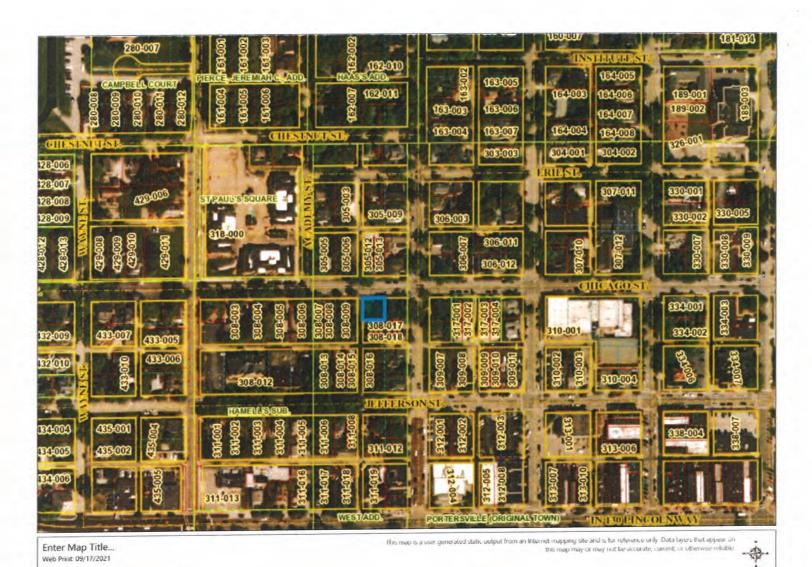
Petitioner Submits that:

- 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:
- There will be no additional parked vehicles in my driveway or in the street. No changes will be made to the outside appearance of the house or property.
- 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:
- There are no nearby salons currently in my neighborhood. I'm wanting this variance to stay at home with my young daughter.
- 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:
- No one will notice that I am conducting a business out of my house since there will be no change in outside appearance.
- 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:
- I will not be changing the outward appearance. I do not need to build or change anything. There will be no fumes or noises. No one will park in the street.
- The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each element listed above.

and the latest	Charles State Service	estico es mund											
PETITION TO VALPARAISO BOARD OF ZONING APPEALS: This application is being submitted for (Check all that apply):		:	For Office Use Only:										
		oly):	Petition #:										
Use Variance X Development Standards Variance Special Exception/Special Use				Application T	ype:								
	Administrative				Application Filing Fee:								
The second second	onal Use												
Wireless Communications Facility				Meeting:									
SUBJECT PR	ROPERTY INFOR	MATION				TYPE OR	PRINT IN IN						
Property Ad	ldress:			Subject pro	perty fronts on	the South of Chi	cago Stree						
253 Chica	ago Street	1.1			en (streets) Na								
Valparais	o, Indiana 4638	33			pbell Street								
				Zoning Dist	rict: NC-60								
PETITIONER	RINFORMATIO	N		2									
Applicant N	lame:			Address:									
Graham Onak & Blake Ashley Rose Phone:		c/o Todd A. Leeth and Katie L. Kopf Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383											
						Email:							
						treeth@hv	velaw.com/kko	pf@hwelaw.com		_			
DRODEDTY	OWNER INCOR	MATION											
	OWNER INFOR	MATION											
Applicant N				Address:									
Same as	Applicant			-									
Phone:													
Email:				-									
See A	ttached			-									
SECTIONS	OF UDO FROM	WHICH A VARIAN	ICE, SPECIA	L EXCEPTION	OR ADMIN RELI	EF IS SOUGHT:							
Article:	Section:	Paragraph:	Item:	_ Article:	Section:	Paragraph:	!tem:						
Article:	Section:	Paragraph:	Item:	_ Article:	Section:	Paragraph:	Item:						
Article:	Section:	Paragraph:	ltem:	_ Article:	Section:	Paragraph:	Item:						
Article:	Section:	Paragraph:	ltem:	_ Article:	Section:	Paragraph:	ltem: _						

EGAL DESCRIPTION OF SUBJEC	T PROPERTY: (OR EXHIBIT NO)
The North Half of Lot 2, Bloc as shown on Plat in Deed Re	k 40, in the Original Survey of the Town, now City of Valparaiso, ecord "A", Page 352, in the Recorder's Office of Porter County, Indiana.
DESCRIPTION OF PROPOSED P	ROJECT: (OR EXHIBIT NO)





©2021 Sidwell. All rights reserved.

564 Feet

CITY OF VALPARAISO BOARD OF ZONING APPEALS

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: Graham Onak and Blake Ashley Rose

Legal Description: The North Half of Lot 2, Block 40, in the Original Survey of the Town, now

City of Valparaiso, as shown on Plat in Deed Record "A", Page 352, in the

Recorder's Office of Porter County, Indiana.

Location: 253 Chicago Street, Valparaiso, Indiana 46383

Current Zoning: Neighborhood Conservation District (NC-60)

Petition: Development Standards Variance:

1. Length of Driveway Table 9.301(G)

Code: 20 Feet

Proposed: 16 Feet

Case No .:

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 a residential driveway less than 20 feet in length, all 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:

- The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
 - a. All neighboring property abutting the Petitioner's property is presently developed, and the driveway abuts an alley way.
 - b. Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variance.
 - The granting of the variance will not alter the essential character of the locality.
 - d. The granting of the variance will not adversely affect the safety of vehicular traffic by reducing or obstructing the line of sight at intersections of public or private roads or driveways.
 - e. The variance will not adversely affect the aesthetic appeal of the subject property or any neighboring property or buildings located thereon. The Petitioner's driveway connects to an alleyway.
- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
 - a. The granting of the variance will not in any recognizable way encroach on the enjoyment or use of the surrounding properties, as the driveway is connected to an alley and not a wider street or thoroughfare and a standard American vehicle will fit on the driveway.
 - b. The granting of the variance will secure or preserve adequate light, air, convenience of access, and safety from fire and other dangers.
 - c. There will be no substantial change in the use of the property that will result if the variance is granted.
 - d. The granting of the variance will preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the community and City.
 - e. The granting of the variance is the most restrictive and the minimum relief available to the Petitioner.

- 3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties because:
 - a. The lot in question is very constrained in that it is 4,356 sq. feet in size with only 66 feet of frontage.
 - b. 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.
 - c. Granting the variance allows for more beneficial use of the property without detrimentally affecting safety or aesthetics. The driveway is located in an alley, and is not visible from the main roads surrounding the property.

Respectfully submitted;

By:

Todd A Leeth/Katie L. Kopf Hoeppner Wagner & Evans LLP 103 E. Lincolnway

Valparaiso, Indiana 46383

Attorneys for Petitioner

This Instrument Prepared By:

Todd A. Leeth Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383



X:\Onak, Graham\Documents\Findings of Fact 2021-09-17.docx

PETITION TO VALPARAISO BOARD OF ZONING AP	
This application is balance below the 16 - 16th 1 11 11	rui Office use Unity.
This application is being submitted for (Check all the	Petition #:
Use Variance X Development Standards Variance	Application Type:
Special Exception/Special Use	Application Filing Fee:
Relief to Administrative Decision	Date Filed: / /
Conditional Use Wireless Communications Facility	Meeting://
wheless communications facility	Meeting://
SUBJECT PROPERTY INFORMATION	TYPE OR PRINT IN INI
Property Address:	Subject property fronts on the East side of Calument Ave
1604 N Calumet Avenue	side between (streets) Glendale Blvd.
Valparaiso, Indiana 46383	
	& McCord Rd.
	Zoning District: CG- Commercial, General
PETITIONER INFORMATION	
Applicant Name:	Address:
Tran Enterprises LLC	c/o Todd A. Leeth and Katie L. Kopf
Phone:	Hoeppner Wagner & Evans LLP 103 E. Lincolnway
219-464-4961	Valparaiso, Indiana 46383
Email:	
tiesth@hwelaw.com and kkonf@hwelaw.com	
lleeth@hwelaw.com and kkopf@hwelaw.com	
PROPERTY OWNER INFORMATION	Address:
PROPERTY OWNER INFORMATION Applicant Name:	Address: 233 S. Patterson
PROPERTY OWNER INFORMATION Applicant Name: O'Reilly Automotive Stores, Inc.	
PROPERTY OWNER INFORMATION Applicant Name: O'Reilly Automotive Stores, Inc.	233 S. Patterson
PROPERTY OWNER INFORMATION Applicant Name: O'Reilly Automotive Stores, Inc. Phone:	233 S. Patterson
PROPERTY OWNER INFORMATION Applicant Name: O'Reilly Automotive Stores, Inc. Phone:	233 S. Patterson
PROPERTY OWNER INFORMATION Applicant Name: O'Reilly Automotive Stores, Inc. Phone:	233 S. Patterson
PROPERTY OWNER INFORMATION Applicant Name: O'Reilly Automotive Stores, Inc. Phone: 417-829-5721 Email: See Attached List of Variances	233 S. Patterson
PROPERTY OWNER INFORMATION Applicant Name: O'Reilly Automotive Stores, Inc. Phone: 417-829-5721 Email: See Attached List of Variances SECTIONS OF UDO FROM WHICH A VARIANCE, S	233 S. Patterson Springfield, Missouri SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:
PROPERTY OWNER INFORMATION Applicant Name: O'Reilly Automotive Stores, Inc. Phone: 417-829-5721 Email: See Attached List of Variances SECTIONS OF UDO FROM WHICH A VARIANCE, S Article: Section: Paragraph; Item	233 S. Patterson Springfield, Missouri SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT: 1: Article: Section: Paragraph: Item:
PROPERTY OWNER INFORMATION Applicant Name: O'Reilly Automotive Stores, Inc. Phone: 417-829-5721 Email: See Attached List of Variances	233 S. Patterson Springfield, Missouri SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT: 1: Article: Section: Paragraph: Item: 1: Article: Section: Paragraph: Item:

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO)	
See Attached Legal Description	
DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO)	
Multi-tenant commercial building.	

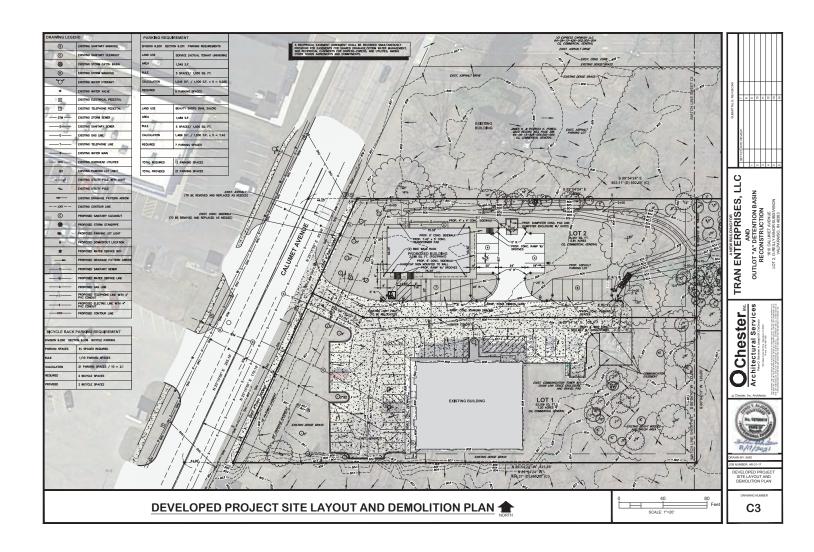
Legal Description Tran Enterprises by Loan Tran d/b/a LA Nails

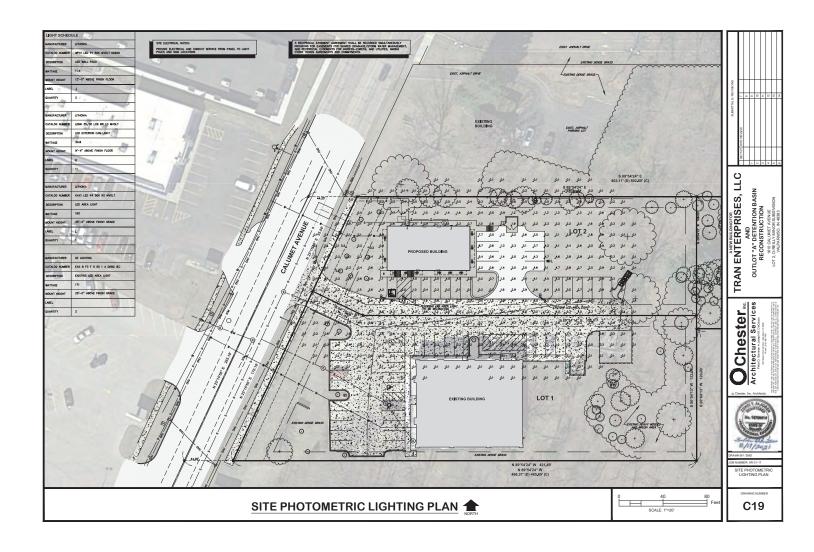
Record Legal Description: Part of the Southeast Quarter of Section 13, Township 35 North, Range 6 West of the Second Principal Meridian in Porter County, Indiana, Commencing at the Northeast corner of said Southeast Quarter; thence West along the North line of said Southeast Quarter a distance of 667 feet; thence South along a line parallel to the East line of said Southeast Quarter a distance of 590.9 feet to the Point of Beginning; thence continuing along said parallel line a distance of 120 feet; thence West along a line parallel to the North line of said Southeast Quarter a distance of 450 feet; thence South along a line parallel to the East line of said Southeast Quarter a distance of 120 feet; thence West along a line parallel to the North line of said Southeast Quarter a distance of 466.37 feet more or less to the existing center line of Calumet Avenue (formerly the Valparaiso-Chesterton Road); thence Northeasterly along said center line a distance of 264.32 feet more or less; thence East along the line parallel to the North line of said Southeast Quarter a distance of 803.11 feet more or less to the Point of Beginning.

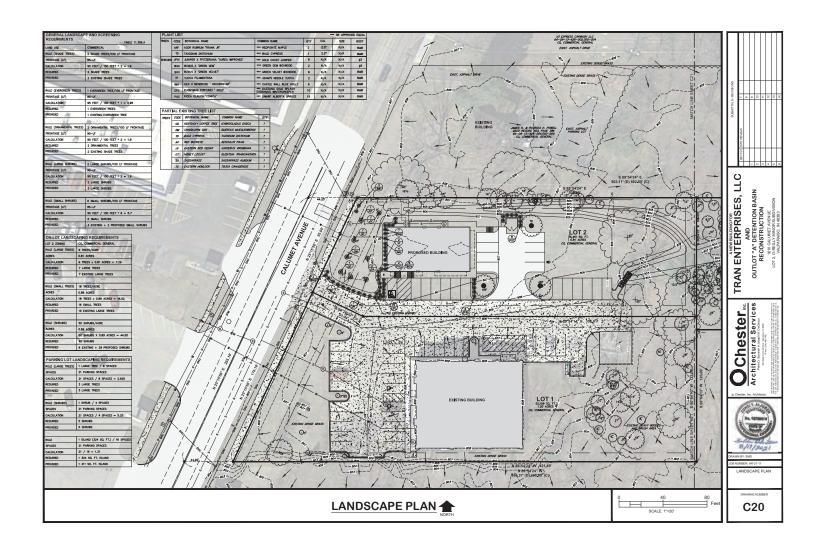
Measured Metes and Bounds Description: Part of the Southeast Quarter of Section 13, Township 35 North, Range 6 West of the Second Principal Meridian in Porter County, Indiana, Commencing at the Northeast corner of said Southeast Quarter; thence West along the North line of said Southeast Quarter N89°54'24"W, 667.00 feet; thence along a line parallel to the East line of said Southeast Quarter S00°04'13"W 590.9 feet to the Point of Beginning; thence continuing along said parallel line S00°04'13"W, 120 feet; thence N89°54'24"W, 450 feet; thence S00°04'13"W, 120 feet; thence N89°54'24"W, 465.69 feet to the center line of Calumet Avenue; thence Northeasterly along said center line N25°15'56"E, 265.18 feet; thence S89°54'24"E, 802.80 feet to the Point of Beginning.

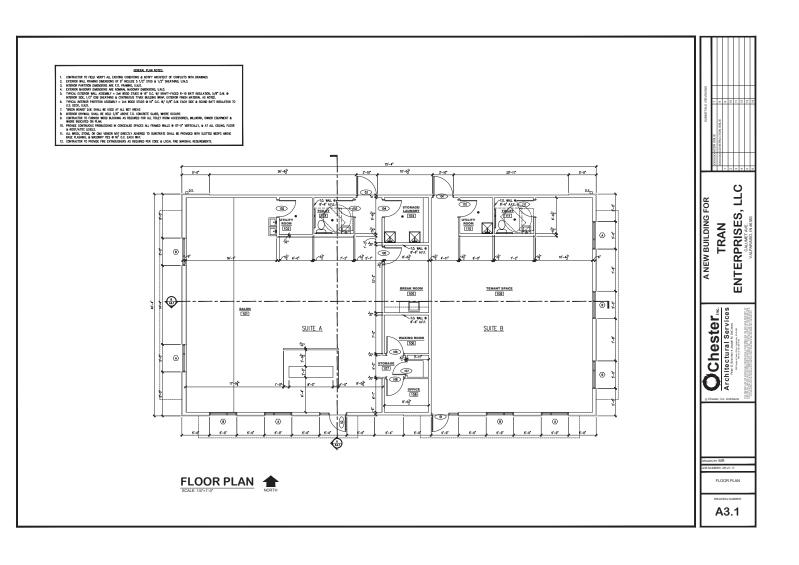
EXCEPTING THEREFROM (Dedication of Public Right of Way per document 2015-030584)

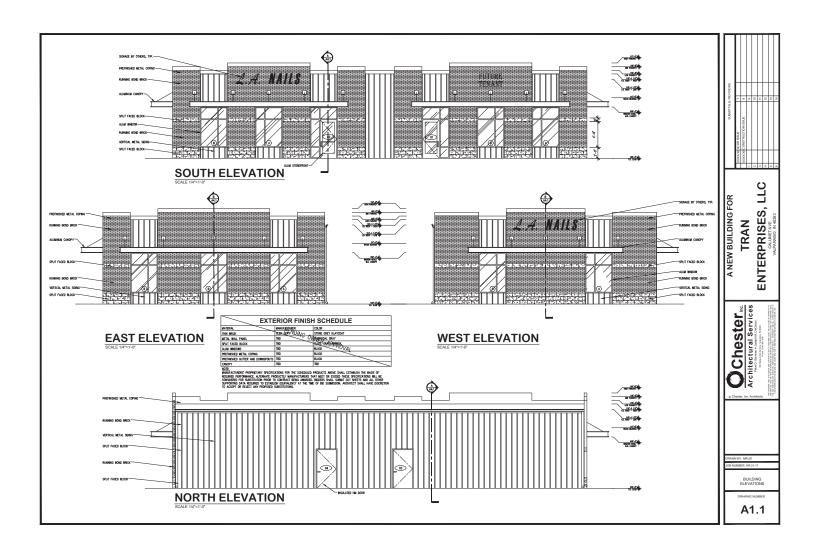
The West 40 feet of the following described parcel of land: A parcel of land in the Southeast 1/4 of Section 13, Township 35 North, Range 6 West of the Second Principal Meridian, said parcel in the City of Valparaiso, Porter County, Indiana, and more particularly described as follows: Commencing at the Northeast corner of said Southeast 1/4; thence West along the North line of said Southeast 1/4, a distance 667 feet; thence South along a line parallel to the East line of said Southeast 1/4, a distance of 590.9 feet to the Point of Beginning; thence continuing along said parallel line, a distance of 120 feet; thence West along a line parallel to the North line of said Southeast 1/4, a distance of 450 feet; thence South along a line parallel to the East line of said Southeast 1/4, a distance of 120 feet; thence West along a line parallel to the North line of said Southeast 1/4, a distance of 466.37 feet, more or less, to the existing center line of Calumet Avenue (formerly the Valparaiso and Chesterton Road); thence Northeasterly along said center line, a distance of 264.32 feet, more or less, thence East along a line parallel to the North line of said Southeast 1/4, a distance of 803.11 feet, more or less, to the Point of Beginning.











CITY OF VALPARAISO BOARD OF ZONING APPEALS

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: Tran Enterprises LLC

Legal Description: Exhibit "A"

Location: 1604 North Calumet Avenue, Valparaiso, Indiana

Current Zoning: Commercial, General (CG) District

Petition: Development Standards Variances:

1. Maximum Horizontal Dimension Sec. 11.502(A)

Code: No more than 40% of façade length for building

smaller than 15,000 square feet.

Proposed: More than 40% of façade length for building smaller

than 15,000 square feet.

2. Building Dimensions – Required Offsets Sec. 11.502(B)(1)

Code: Building wall of less than 80 feet horizontal

dimension requires projections or recesses of 2 feet spaced the lessor of 20 feet or 20% of the building

façade.

Proposed: Varies

3. Building Entries – Frontage Sec. 11.504(B)

Code: Principal public entrance must be located within the

primary building frontage.

Proposed: Principal public entrance not located within the

primary building frontage.

4. Required Transparency – Street Frontages Sec. 11.506(A)

Code: 60% transparency between 3 feet and 8 feet above

finished grade along street frontages.

Proposed: Less than 60% transparency between 3 feet and 8 feet

above finished grade.

5. Roof Structure and Materials

Sec. 11.508(A)(2)

Code:

Flat roof must contain a parapet wall.

Proposed:

No parapet wall on flat roof.

6. Rear Bufferyard (East)

Sec. 10.403(B)

Code:

Bufferyard equal in width and plant material to the sum of the bufferyards is required on parcel proposed for development and adjoining lot when the adjoining property is already developed and does not

have the required bufferyard.

Proposed:

No bufferyard.

7. Exterior Lighting Standards - Maximum Illumination

Code:

Overspill of outdoor lighting onto adjacent property

shall not exceed 0.5 Foot-Candle.

Proposed:

Overspill of outdoor lighting onto adjacent property

exceeds 05. Foot-Candle from existing lighting.

Case No .:

The above named Petitioner now makes the proposed Findings of Fact in support of Petitioner's petition for development standards variances to allow for the construction of a commercial building containing a nail salon 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 variance, remonstrance and opposition or the opportunity for the receipt thereof, and comments, reports or recommendations of staff and others, the Board of Zoning Appeals for the City of Valparaiso, Indiana now finds as follows:

FINDINGS:

- The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
 - Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variances.
 - b) The granting of the variances will not alter the essential character of the locality.
 - c) The granting of the variances will not affect the aesthetic appeal or the cohesive development of the surrounding area. Neighboring developments in close proximity to the subject property are oriented internally with side building elevations facing the street frontage.
 - d) The granting of the variances 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 variances will not be affected in a substantially adverse manner because:
 - a) The granting of the variances will in no recognizable way encroach on the enjoyment or use of the surrounding properties. Additional development within an established commercial corridor is beneficial and strong economic growth.
 - b) The granting of the variances will secure or preserve adequate light, air, convenience of access, and safety from fire and other dangers.
 - c) There will be no substantial change in the use of the property that will result if the variances are granted.
- The strict application of the terms of the Zoning Ordinance will result in practical difficulties because:
 - a) Granting the variances allow for more beneficial use of the property without detrimentally affecting safety or aesthetics. The need for the transparency variance arises from placing the windows on the side wall (West) of the building where the UDO intent is to have transparency on the front of the building.

- b) Fenestration/Transparency on the West side (Calumet Avenue frontage) will invite the hot afternoon sunlight on the backs of customers seated in salon chairs along the western wall on the current floor plan.
- c) It is not economically feasible to comply with the Unified Development Ordinance while maintaining the quality and architectural features of the first class building proposed by Petitioner.
- d) The circumstances and conditions existing on or about Petitioner's property which prevent conformance with the Unified Development Ordinance and requiring the variances are not self-created.

Respectfully submitted;

By:

Todd A. Leeth/Katie L. Kopf Hoeppner Wagner & Evans LLP 103 E. Lincolnway

Valparaiso, Indiana 46383

Attorneys for Petitioner

This Instrument Prepared By:

Todd A. Leeth Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383 HOEPPNER WAGNER & EVANS LLP

X:\Tran, Loan 19849\1604-1606 N. Calumet -I\Documents\FOF DSVariance 2021-09-17.docx

EXHIBIT "A"

Record Legal Description: Part of the Southeast Quarter of Section 13, Township 35 North, Range 6 West of the Second Principal Meridian in Porter County, Indiana, Commencing at the Northeast corner of said Southeast Quarter; thence West along the North line of said Southeast Quarter a distance of 667 feet; thence South along a line parallel to the East line of said Southeast Quarter a distance of 590.9 feet to the Point of Beginning; thence continuing along said parallel line a distance of 120 feet; thence West along a line parallel to the North line of said Southeast Quarter a distance of 450 feet; thence South along a line parallel to the North line of said Southeast Quarter a distance of 466.37 feet more or less to the existing center line of Calumet Avenue (formerly the Valparaiso-Chesterton Road); thence Northeasterly along said center line a distance of 264.32 feet more or less; thence East along the line parallel to the North line of said Southeast Quarter a distance of 803.11 feet more or less to the Point of Beginning.

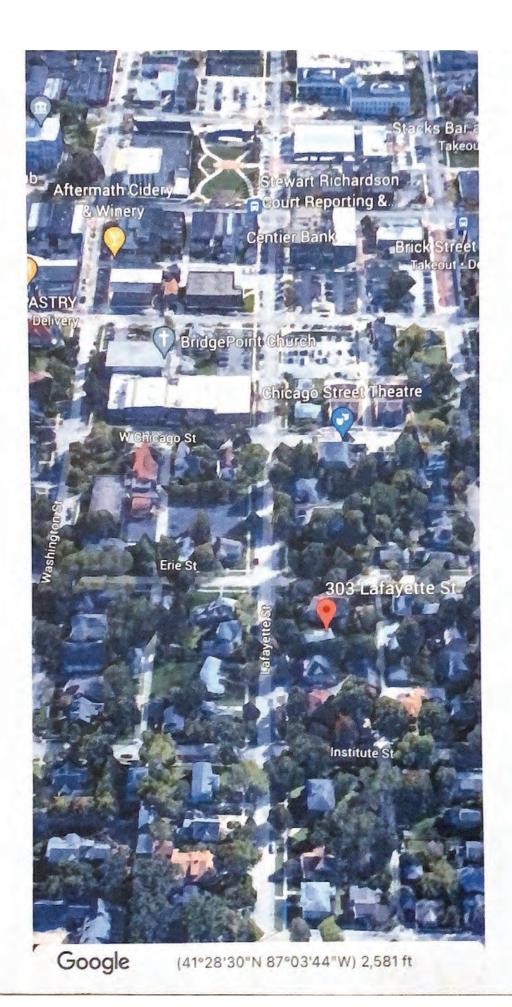
Measured Metes and Bounds Description: Part of the Southeast Quarter of Section 13, Township 35 North, Range 6 West of the Second Principal Meridian in Porter County, Indiana, Commencing at the Northeast corner of said Southeast Quarter; thence West along the North line of said Southeast Quarter N89°54'24"W, 667.00 feet; thence along a line parallel to the East line of said Southeast Quarter S00°04'13"W 590.9 feet to the Point of Beginning; thence continuing along said parallel line S00°04'13"W, 120 feet; thence N89°54'24"W, 450 feet; thence S00°04'13"W, 120 feet; thence N89°54'24"W, 465.69 feet to the center line of Calumet Avenue; thence Northeasterly along said center line N25°15'56"E, 265.18 feet; thence S89°54'24"E, 802.80 feet to the Point of Beginning.

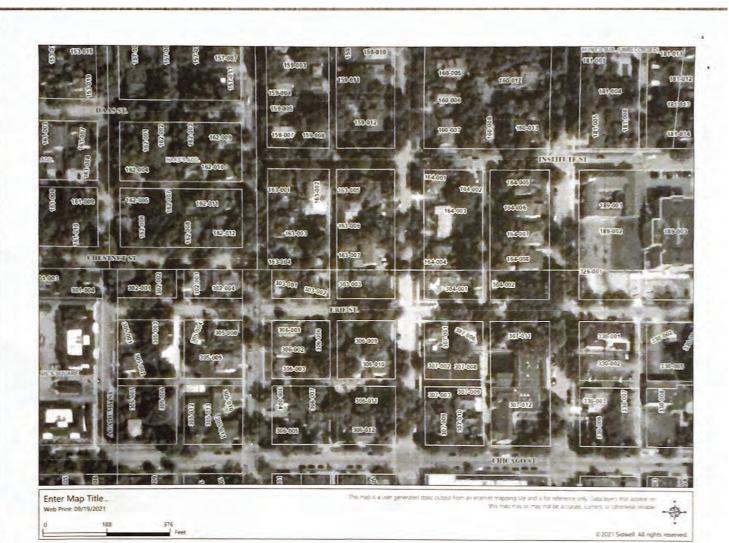
EXCEPTING THEREFROM (Dedication of Public Right of Way per document 2015-030584)

The West 40 feet of the following described parcel of land: A parcel of land in the Southeast 1/4 of Section 13, Township 35 North, Range 6 West of the Second Principal Meridian, said parcel in the City of Valparaiso, Porter County, Indiana, and more particularly described as follows: Commencing at the Northeast corner of said Southeast 1/4; thence West along the North line of said Southeast 1/4, a distance 667 feet; thence South along a line parallel to the East line of said Southeast 1/4, a distance of 590.9 feet to the Point of Beginning; thence continuing along said parallel line, a distance of 120 feet; thence West along a line parallel to the North line of said Southeast 1/4, a distance of 450 feet; thence South along a line parallel to the North line of said Southeast 1/4, a distance of 120 feet; thence West along a line parallel to the North line of said Southeast 1/4, a distance of 466.37 feet, more or less, to the existing center line of Calumet Avenue (formerly the Valparaiso and Chesterton Road); thence Northeasterly along said center line, a distance of 264.32 feet, more or less, thence East along a line parallel to the North line of said Southeast 1/4, a distance of 803.11 feet, more or less, to the Point of Beginning.

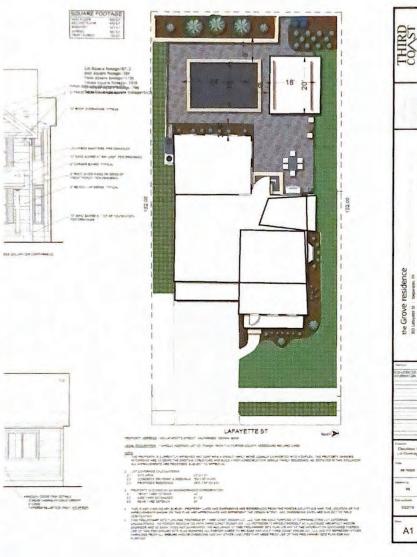
This application is being submitted for (Check all that apply) Use Variance Development Standards Variance Special Exception/Special Use Relief to Administrative Decision Conditional Use Wireless Communications Facility			Application Application Date Filed:	Use Only: :	
SUBJECT PROPERTY INFORMATION				ТҮРЕ О	R PRINT IN INI
Property Address:	Sub	ject pro	perty fronts or	the west	
303 Lafayette street, Valparaiso	side	betwee	en (streets) Ins	stitute	
		Erie			
			rict: NC-60		
PETITIONER INFORMATION					
Applicant Name:	Add	dress:			
Anthony Moon Phone:		2602 Manchester Drive Valparaiso, IN 46385			
Email:					
PROPERTY OWNER INFORMATION					
Applicant Name:	Add	dress:			
David Grove	30	303 Lafayette Street			
Phone:		Valparaiso, IN 46385			
Email:					-50
SECTIONS OF UDO FROM WHICH A V	ARIANCE, SPECIAL EXCER	TION O	R ADMIN RELI	EF IS SOUGHT:	
Article: 3 Section: 3.59 Paragra	ph:3.50 Item: Arti	cle:3	Section:	Paragraph: 3.5	507 _{Item:}
	ph:3.50 Item: Arti	cle:	Section:	Paragraph:	Item:
Article:Section:Paragra	ph:3.50 Item: Artic	cle:	Section:	Paragraph:	Item:
Article:Section:Paragra	ph:3.50 Item: Artic	cle:	Section:	Paragraph:	Item:

EGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO)	
ot 121, IN POWELL'S ADDITION TO THE TOWN (NOW CITY) OF VALPARAISO, AS PE LAT THERE OF RECORDED MISCELLANEOUS RECORDED "A", PAGE 255, AS DOCU O.2018-022689, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA	JMENT
DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO) Eack yard patio project. Install a Brick "Unilock Beacon Hill Smooth" patio for purposes of tain the chair space around new the new pool. A covered area is being proposed for future intertaining. The brick patio elevations will be set to keep all water draining to the same are ney had been.	









the Grove residence 49 THESE Maria M 50279







Variance from Development Standards Petitioner's Proposed Findings of Fact

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

Petitioner submits that:

	ariance from the Development Standards will not be injurious to the public health, safety, eral welfare of the community because:
The improvement	ent is soley for the enjoyment and beautification of the homeowners property infringe on any neighboring properties.
	ue of the area adjacent to the property included in the proposed variance will not be bstantially adverse manner because:
The area will b owner's proper	e properly drained. The proposed project will result in appreciation of the ty vaule, and therefore surrounding properties.
	ration of the terms of the zoning ordinance will result in practical difficulties in the use of the ed in the proposed variance because:
It deprives the	owner of reasonable use of the property by denying them the ability to create bace on which they can have a table, grill, etc.
he netitioner carri	es the burden of proving to the Board of Zoning Appeals the existence of each and every

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.

PETITION TO VALPARAISO BOARD OF ZONING APPEALS: This application is being submitted for (Check all that apply): X Use Variance (Amend Case No. UV19-004) X Development Standards Variance Special Exception/Special Use Relief to Administrative Decision Conditional Use Wireless Communications Facility		For Office Use Only: Petition #:		
SUBJECT PROPERTY INFORMATION			TYPE OR	PRINT IN INK
Property Address:	Subject pro	operty fronts on t	the North side of	US 30
150 US Highway 30 Valparaiso, Indiana 46385 & Cod		ween (streets) Hayes Leonard Road polwood Drive District: Commercial, General (CG)		
PETITIONER INFORMATION				
Phone: Hoe 103		dress: c/o Todd A. Leeth/Katie L. Kopf Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383		
PROPERTY OWNER INFORMATION				
Applicant Name: Same as Applicant Phone:	Address:			
Email:				
SEE ATTACHED SECTIONS OF UDO FROM WHICH A VARIANCE, S	SPECIAL EXCEPTION	OR ADMIN RELI	EF IS SOUGHT:	
Article:Section:Paragraph:Ite			Paragraph:	Item:
Article:Section:Paragraph:Ite		Section:		item:
rticle:Section:Paragraph:Item: Article:_		Section: Paragraph: Item:		

Article:

Section:_

Paragraph:__

Item:

Item:

Section:

Paragraph:

Article:

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO)	
See Attached	
DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO)	
New development of assisted living facility.	

