

**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, January 19<sup>th</sup>, 2022, 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

**UV21-007** – A petition filed by Bluejay I, LLC c/o Katie Kopf and Todd Leeth of Hoeppner, Wagner & Evans LLP. The property is located at 2650 Barley Rd in the Light Industrial (INL) Zoning District. The petitioner requests the following variance(s):

• Section 11.304 (C) – To allow for a Service Use (Cheer & Dance Studio) within the State Route 49 Signature Corridor.

**VAR21-040** – A petition filed by Jessica Vargas of Holladay Properties. The property is located at 2505 Calumet Ave in the Commercial General (CG) Zoning District. The petitioner requests the following variance(s):

- Table 10.301 To vary the required on-lot landscaping requirement for a property located in Commercial General (CG) to allow on-lot landscaping per proposed landscape plan.
- Table 11.306(A) To vary the required landscape requirements and reduce the minimum landscaped yard along right-of-way of thirty (30) feet per proposed landscape plan and to vary the requirement to place all parking areas behind buildings to allow for parking on the (North & South) sides of the proposed building.

**VAR21-041** – A petition filed by Tony Oss of Larson-Danielson Construction Co., Inc. The property is located at 2650 Barley Rd in the Light Industrial (INL) Zoning District. The petitioner requests the following variance(s):



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- Section 6.305(D) To vary the requirement for all lots to front upon an improved public street to allow for a lot (Lot 2B) to have no frontage upon an improved public street and access Barley Rd via shared driveway with ingress/egress easement.
- Table 3.301(B) To vary the required 30% Landscape Surface Ratio (LSR) to allow a LSR of 18.3%.
- Table 10.403 To vary the district boundary bufferyard standard to allow existing tree and shrub line to serve in lieu of the required Class B Bufferyard.

### 7. Staff Items

Election - Election of Officers for 2022

Request Approval – 2022 Board of Zoning Appeals Application and Meeting Dates

#### 8. Adjournment

Michael Micka, *President – Board of Zoning Appeals*Beth Shrader, *Planning Director*Next Meeting: **February 16**<sup>th</sup>, **2022** 

Interested persons can view the public hearing Live on the City of Valparaiso Website, <u>www.valpo.us</u> or via web conference at <u>https://bit.ly/32nRFAi</u>

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

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:		PEALS:	For Office Use Only:			
This application is being submitted for (Check all that apply)		hat apply):				
X Use Variance			Application Type:			
Development Standard						
Special Exception/Speci Relief to Administrative			Application Filing Fee:			
Conditional Use	Decision					
Wireless Communications Facility			Meeting:			
UBJECT PROPERTY INFOR	MATION			TYPE OR	PRINT IN IN	
Property Address:		Subject	property fronts on t	the West		
2650 Barley Road		side bet	ween (streets) Sta	te Road 49		
		177	& 150 E.			
		Zoning (	Zoning District: Light Industrial (INL) District			
PETITIONER INFORMATIO	N					
Applicant Name:		Address	Address:			
Bluejay I, LLC			c/o Katie L. Kopf and Todd A. Leeth			
Phone:		103	Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383			
			araios, maiana 15			
Email:						
PROPERTY OWNER INFOR	MATION					
Applicant Name:		Addres	s:			
Barley Properties LLC			2850 Barley Road			
Phone:		Va	Valparaiso, Indiana 46383			
Email:						
See Attached						
SECTIONS OF UDO FROM	WHICH A VARIANCE,	SPECIAL EXCEPTION	ON OR ADMIN RELI	EF IS SOUGHT:		
Article:Section:	Paragraph:It	em: Article	:Section:	Paragraph:	Item:	
Article:Section:	Paragraph:It	em: Article	Section:	Paragraph:	Item:	
Article:Section:	Paragraph: It	em: Article	: Section:	Paragraph:	Item: _	

Article:

Section:

Item:

Section:

Paragraph:

Article:

Item:

Paragraph:

EGAL DESCR	IPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO)
58-D-1A	Appletree Ventures Minor Subdivision as per plat thereof recorded in Plat File , recorded as Document No. 2019-012549 in the Office of the Recorder of county, Indiana.
To al	low a training center for a cheer team and dance instruction within the Industrial (INL) District.

# USE VARIANCE REQUEST

# Bluejay I, LLC

Permitted, Limited and \$2.201 Special Uses Table 2.201.B

To allow a training center for a cheer team and dance instruction within the Light Industrial (INL) District

## CITY OF VALPARAISO BOARD OF ZONING APPEALS

### PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner:

Bluejay I, LLC

Legal Description:

Lot 2 in Appletree Ventures Minor Subdivision, as per plat thereof recorded

in Plat File 58-D-1A, recorded as Document No. 2019-012549 in the Office

of the Recorder of Porter County, Indiana.

Location:

2650 Barley Road, Valparaiso, Indiana

Current Zoning:

Light Industrial (INL) District

Petition:

Allow a training center for a cheer team and dance instruction (Service use)

within the Light Industrial (INL) District.

Case No .:

The above named Petitioner now makes the proposed Findings of Fact in support of Petitioner's petition for a variance of use to allow a training center and dance instruction for the Famous Athletics cheer team on the above described real estate. 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:

### FINDINGS:

- 1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
  - a. 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. The vision is unobstructed both east and west. There are no hills or valleys in the road to limit visibility of on oncoming traffic or to obstruct the view of entering vehicles.

- b. The granting of the variance will not restrict or hamper access by emergency apparatus or personnel to the proposed structure or any other structure.
- 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:
  - The granting of the variance will not substantially increase noise, light, traffic, drainage or other development standards.
  - b. The granting of the variance is the most restrictive and the minimum relief available to the Petitioner.
- The need for the variance arises from some condition peculiar to the property involved because:
  - a. The Petitioner's property is of sufficient size to accommodate the proposed use without negative impacts to the surrounding property. The building improvements and divided leasable space provide special use advantages for the prospective tenant/user.
  - b. The subject property contains a commercial/industrial building which Petitioner leases to various tenants. A portion of the building has been vacant and underutilized for some time, and the proposed use of the structure is a good use of existing resources.
- 4. 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:
  - a. The granting of the variance will allow the Petitioner's property to be used in the best economical and practical way without frustrating or infringing on the use or enjoyment of neighboring properties.
  - b. The UDO does not provide a district of classification to provide the Petitioner with the proposed use, but yet provides a subcategory of Service, which is allowed in commercial districts.
- 5. The approval does not interfere substantially with the comprehensive plan because:
  - a. The granting of the variance will not alter the essential character of the locality and will provide for the orderly growth and development of the area.

 Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variance.

Respectfully submitted;

Todd A. Leeth

Katie L. Kopf

Hoeppner Wagner & Evans LLP

103 E. Lincolnway

Valparaiso, Indiana 46383

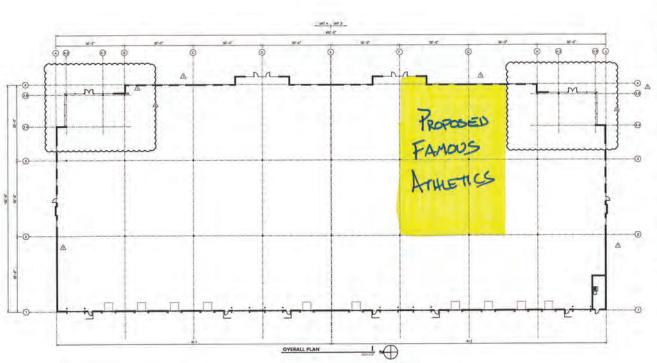
Attorneys for Petitioner

This Instrument Prepared By:

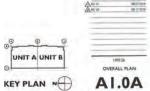
Todd A. Leeth Katie L. Kopf Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46384-2357



X:\Indiana Beverage, Inc. 653\Bluejay 1 -28\Documents\Findings of Fact - use variance 2021-12-16.docx





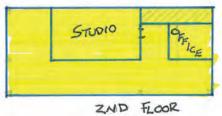


STRETCH - NO WALLS

□= 5'×5'







PETITION TO VALPARAISO BOARD OF ZONING APPE	For Office Use Only:		
This application is being submitted for (Check all that	t apply): Petition #:		
Use Variance  ✓ Development Standards Variance  Special Exception/Special Use  Relief to Administrative Decision  Conditional Use  Wireless Communications Facility	Application Type:  Application Filing Fee:  Date Filed://  Meeting://		
SUBJECT PROPERTY INFORMATION	TYPE OR PRINT IN INK		
Property Address:	Subject property fronts on the East		
2505 Calumet Ave	side between (streets) Vale Park Road		
	& Wall Street		
	Zoning District: CG		
PETITIONER INFORMATION			
Applicant Name:	Address:		
Jessica Vargas, Holladay Properties	6370 AmeriPlex Dr. Suite 110		
Phone:	Portage, IN 46368		
Email:			
rergas(estrollauryph pernos eum)			
PROPERTY OWNER INFORMATION			
Applicant Name:	Address:		
UHV, LLC Phone:	213 S. State Road 49 Valparaiso, IN 46383		
Phone.			
Email:			
SECTIONS OF UDO FROM WHICH A VARIANCE, SPEC	IAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:		
Article: 3 Section: 301 Paragraph: C Item:			
Article: 11 Section: 306 Paragraph: A Item:			
Article: Section: Paragraph: Item:			

Article:

Item:

Section:

Section:

Article:

Paragraph:

Item:

Paragraph:

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO)
Lot 5 in the Secondary Plat of Resubdivision of Lot 2 of Family Express Subdivision, as shown in Plat File 2021-019118, in the Recorder's Office of Porter County, Indiana
DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO)
Proposed Project is the new construction of a 20,000 sf (+/-) medical office building on a 3.13 acre site in the newly developed Viking Place Business Park.  The project has some unique characteristics. The lot has a Calumet Avenue address, yet sits approximately 325 feet back from the Calumet Avenue frontage, along a private drive within the business park, behind 2 other lots. The private drive accounts for 0.4 of the 3.13 acres of the Lot within it's property boundaries.

## Variance from Development Standards Petitioner's Proposed Findings of Fact

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

Petitioner submits that: Article 3.301.C - LSR allowed to be 0.33, in lieu of 0.35

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 site layout is maximizing the best use for the lot.		
В.	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 project is a new construction project in the Viking Place Business park and could increase activity and interest to the adjacent properties.		
6	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:		
	The lot has the unique situation that a private road is within the property boundary and is included in our lot calculations and impacts the use and characteristics of the lot.		
h	e petitioner carries the burden of proving to the Board of Zoning Anneals 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.

### Variance from Development Standards Petitioner's Proposed Findings of Fact

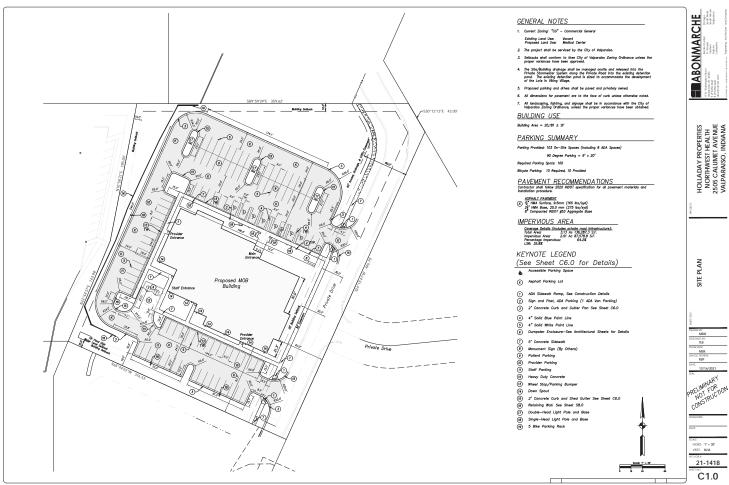
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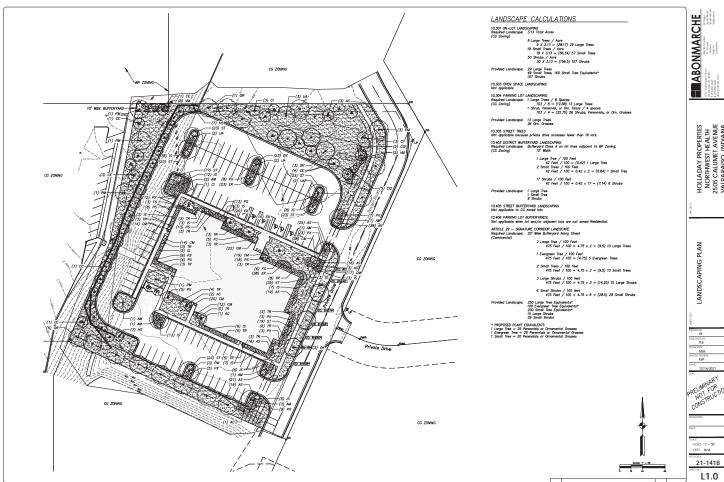
Petitioner submits that: Article 11.306.A - Signature Corridor Landscape Yard size adjustment, Landscape Requirements, and parking area location.

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 site layout	is maximizing the best use for the lot.
	of the area adjacent to the property included in the proposed variance will not be antially adverse manner because:
	new construction project in the Viking Place Business park and could increase erest to the adjacent properties.
property included	on of the terms of the zoning ordinance will result in practical difficulties in the use of the in the proposed variance because:
signature corridoshrubs.	vate drive located along the east property line that conflicts with the required or landscape yard, reducing the area remaining to plant the required trees and one side of the building does not accommodate the building program.

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.





HOLLADAY PROPERTIES NORTHWEST HEALTH 2505 CALUMET AVENUE VALPARAISO, INDIANA

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:		For Office Use Only:			
This application is being submitted for (Check all that apply):		Petition #:	VAP-21-		
Use Variance		Application Type: STANDARDS VARIANCE			
Development Standards Variance			a water to be the control of		
Special Exception/Special Use		Application	Filing Fee: \$15	0	
Relief to Administrative Decision		Date Filed:	\$121 IT I	2021	
Conditional Use Wireless Communications Facility		Hardy Pala	01/19/		
		Wiccing		<i></i>	
SUBJECT PROPERTY INFORMATION			TYPE OF	R PRINT IN INK	
Property Address:	Subject prop	erty fronts or	the West		
2650 Barley Road, Valparaiso, IN 46383			(no cross streets	)	
	The second				
	&	50.0			
	Zoning Distri	Zoning District: INL			
PETITIONER INFORMATION					
Applicant Name:	Address:	Address:			
Larson-Danielson Construction Co., Inc.	Attn: Tony	Oss			
Phone:					
THORE.		722			
	-1			[]	
Email:					
PROPERTY OWNER INFORMATION					
Applicant Name:	Address:				
Barley Properties LLC	100000000000000000000000000000000000000	2850 Barley Road			
		Valparaiso, IN 46383			
Phone:					
L. A.	_				
Email:					
	- 1				
SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIA	AL EXCEPTION OF	R ADMIN RELI	EF IS SOUGHT:		
Article: 6 Section: 305 Paragraph: Item:	Article: 6	Section:	Paragraph:	Item:	
Article: 3 Section: 505 Paragraph: Item:	Article:	Section:	Paragraph:	Item:	
Article: Section: 207 Paragraph: Item:	Article:	Section:	Paragraph:	Item:	
Article: 10 Section: 301 Paragraph: Item:	Article:	_Section:	Paragraph:	Item:	

	_)
Lot 2 in Appletree Ventures Minor Subdivision as per the plat Number 2019-012549 in the Office of the Recorder of Porter	thereof recorded as Document County, Indiana.
DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO)	
Construction of a new approx. 114,000 SF warehouse/light in	

## 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 development will not be injurious to the public health, safety, morals and general welfare of the community because the general use of the subject property complies with the prescribed uses outlined in the Unified Development Ordinance. Additionally, the proposed development is utilizing an already existing large wilderness and wetland area as a drainage basin in lieu of locating a drainage basin on the site. This basin is already used as a drainage basin for other surrounding properties and the additional water provided to this basin from this development should, in fact, provide a beneficial increase (however minimal) in the overall water level of the basin.

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 development meets the intended use of the property as prescribed by the current City of Valparaiso zoning map. The properties adjacent to the subject property will not be negatively impacted by this development. The properties to the south and east are currently being used for the same purposes as the proposed development. The property to the west is comprised of a large basin that is the receiving basin for the excess storm water from this development (along with others). The property to the north is agricultural land located outside of the Valparaiso City Limits.

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:

The proposed development is unique in that this development, along with other surrounding industrial developments are able to utilize the drainage basin located just to the west of the proposed development. The requested variances regard lot design, access and landscaped area prescribed in the UDO. Because of the advantage this site has with an off site drainage basin, the terms of the zoning ordinance create a practical difficulty due to the fact that a typical site would require additional open space to accommodate a drainage basin. This development maintains the required open space by utilizing off-site open space in an advantageous manner to the overall environment of the area.

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.



Replat of Lot 2 Appletree Ventures Minor Web Print: 12/09/2021 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.





Parcel Number: 641031276002000004 Alternate Parcel Number: 64-10-31-276-002.000-004 Owner1: Barley Properties LLC Owner1 Address: 2850 Barley Rd Valparaiso IN

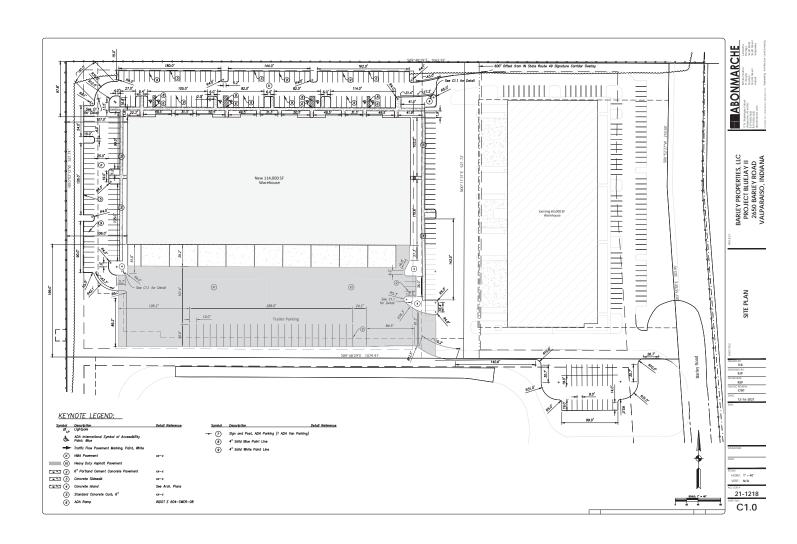
Site Address: 2650 Barley Rd Valparaiso IN 46383

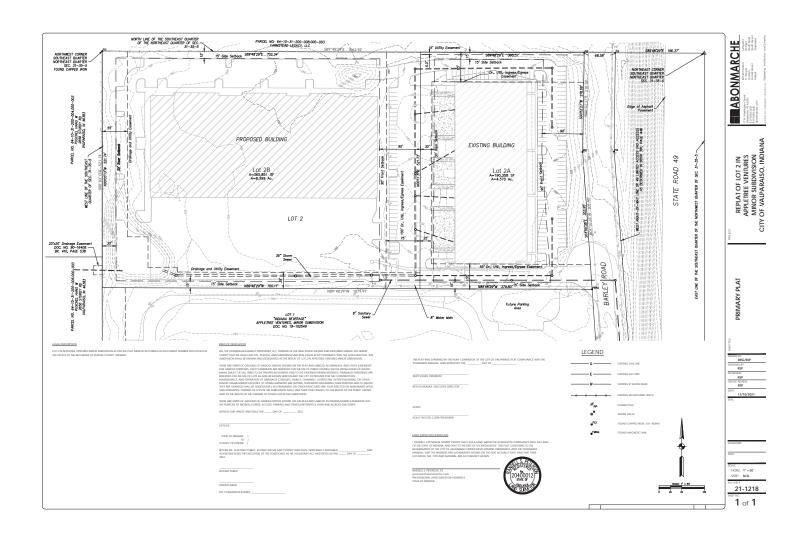
Legal Description: Appletree Ventures Minor Sub Lot 2 12.769A Ditch Tif Homestead Filed: False

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

AERIAL PHOTO OF EXISTING SITE









# **CITY OF VALPARAISO**

Planning Department | 166 Lincolnway | Valparaiso, IN 46383 | (219) 462-1161

#### **BOARD OF ZONING APPEALS APPLICATION PACKET**

The information contained in this document will assist you in filing a petition before the Valparaiso Board of Zoning Appeals ("BZA"). Although not required, many petitioners seek the advice of an attorney before filing a petition. The Petitioner must provide a complete application, required fee, and all associated documents for the petition by the deadline. Late or incomplete petitions will be placed on the agenda for the following month. If you need help completing this

For Office Use Unity	•
CHECK #:	RECEIPT #:

form or would like a copy of the application in an alternative format, please call the Planning Department at (219) 462-1161.

#### **2022 MEETING DATES & DEADLINES**

The City of Valparaiso Board of Zoning Appeals meets at 5:30 PM, on the third Wednesday of each month at Valparaiso City Hall, 166 Lincolnway, Valparaiso, IN 46383, unless otherwise notified. You must file your petition no later than the close of business on the appropriate dated listed below. The office hours of the City of Valparaiso Planning Department are from 8:30 AM to 4:30 PM, Monday through Friday.

APPLICATION DUE	PUBLIC NOTICE ISSUED BY	PROOF OF NOTICE DUE	<b>BZA MEETING DATE</b>
December 17 <sup>th,</sup> 2021	January 8 <sup>th</sup>	January 12 <sup>th</sup>	January 19 <sup>th,</sup> 2022
January 14 <sup>th</sup> , 2022	February 5 <sup>th</sup>	February 9 <sup>th</sup>	February 16 <sup>th</sup> , 2022
February 11 <sup>th</sup> , 2022	March 5 <sup>th</sup>	March 9 <sup>th</sup>	March 16 <sup>th</sup> , 2022
March 18 <sup>th</sup> , 2022	April 9 <sup>th</sup>	April 13 <sup>th</sup>	April 20 <sup>th</sup> , 2022
April 15 <sup>th</sup> , 2022	May 7 <sup>th</sup>	May 11 <sup>th</sup>	May 18 <sup>th</sup> , 2022
May 13 <sup>th</sup> , 2022	June 4 <sup>th</sup>	June 8 <sup>th</sup>	June 15 <sup>th</sup> , 2022
June 17 <sup>th</sup> , 2022	July 9 <sup>th</sup>	July 13 <sup>th</sup>	July 20 <sup>th</sup> , 2022
July 15 <sup>th</sup> , 2022	August 6 <sup>th</sup>	August 10 <sup>th</sup>	August 17 <sup>th</sup> , 2022
August 19 <sup>th</sup> , 2022	September 10 <sup>th</sup>	September 14 <sup>th</sup>	September 21 <sup>st</sup> , 2022
September 16 <sup>th</sup> , 2022	October 8 <sup>th</sup>	October 12 <sup>th</sup>	October 19 <sup>th</sup> , 2022
October 14 <sup>th</sup> , 2022	November 5 <sup>th</sup>	November 9 <sup>th</sup>	November 16 <sup>th</sup> , 2022
November 18 <sup>th</sup> , 2022	December 10 <sup>th</sup>	December 14 <sup>th</sup>	December 21st, 2022
December 16 <sup>th</sup> , 2022	January 7 <sup>th</sup>	January 11 <sup>th</sup>	January 18 <sup>th</sup> , 2023

#### FILING PROCEDURE & PETITIONER CHECKLIST

All applications must be reviewed in a meeting with a planning staff prior to the filing of the petition. All relevant documents must be completed in their entirety either typed or written neatly in ink.

#### Step 1: Pre-Application Conference

At least one week prior to the intended filing of the petition, the petitioner must discuss the project with Planning staff to review requirements, submittals, procedures, deadlines, and hearings. Contact the Planning Department by phone at 219-462-1161 to speak with staff.