



166 Lincolnway
Valparaiso, IN 46383
(219) 462-1161
Valpo.us

Valparaiso Board of Zoning Appeals Meeting Agenda

Wednesday, October 19, 2022, 5:30 p.m.
City Hall, 166 Lincolnway, Valparaiso, IN 46383
Council Chambers

1. Pledge of Allegiance
2. Roll Call
3. Adoption of Meeting Minutes – September 21, 2022
4. Old Business

5. New Business

SE22-005/VAR22-015

A petition filed by Marija Lalic to request a Special Use Permit (Table 2.201(A) and Section 2.515) to operate a Class 1 Child Care Home in her home at 3108 Winter Garden Drive (General Residential, GR). Two Variances from Development Standards accompany the Special Use Permit request:

- Section 2.515(D)(2) to permit the location which is not located on a street designated as an arterial/collector
- Section 2.515(E)(1)(b) to omit landscaping requirement within the fenced back yard

VAR22-014

A petition filed by Craig and Paula Heuring. The property is located at 501 Erie Street in a Neighborhood Conservation (NC60) Zoning District. The petitioners request Variances from Development Standards:

- Section 2.303(D)(3)(d)(ii) to reduce the setback of a garage with a door facing alley from 20ft to 5ft
- Section 9.301(G) to reduce the minimum driveway length from 20ft to 5ft

6. Other Business
7. Staff Items
8. Adjournment

Michael Micka, President – Board of Zoning Appeals
Beth Shrader, Planning Director

Next Meeting: November 16, 2022, 5:30 p.m.

Interested persons may attend in person, view the meeting live on the city's website (www.valpo.us), participate via web conference (bit.ly/ValpoBZA2022), or submit written comments (with name, address and telephone number) to the Planning Director prior to the hearing date (planningdepartment@valpo.us or City Hall address provided above).

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 #: VAC 22-015 / SE 22-005
 Application Type: DSV / SPECIAL EXCEPTION
 Application Filing Fee: 200 + 50 = 250
 Date Filed: 09 / 12 / 22
 Meeting: 10 / 19 / 22

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address:

3108 Winter Garden dr.
Valparaiso, IN 46385

Subject property fronts on the West
side between (streets) Winter Garden dr.
& Winter Park Dr.

Zoning District: 477-001 Center
640910477001000004

PETITIONER INFORMATION

Applicant Name:

Marija Lalic

Address:

3108 Winter Garden dr.
Valparaiso, IN
46385

Phone:

219-671-3475

Email:

mlalic1988@gmail.com

PROPERTY OWNER INFORMATION

Applicant Name:

Goran Lalic

Address:

3108 Winter Garden dr.
Valparaiso, IN
46385

Phone:

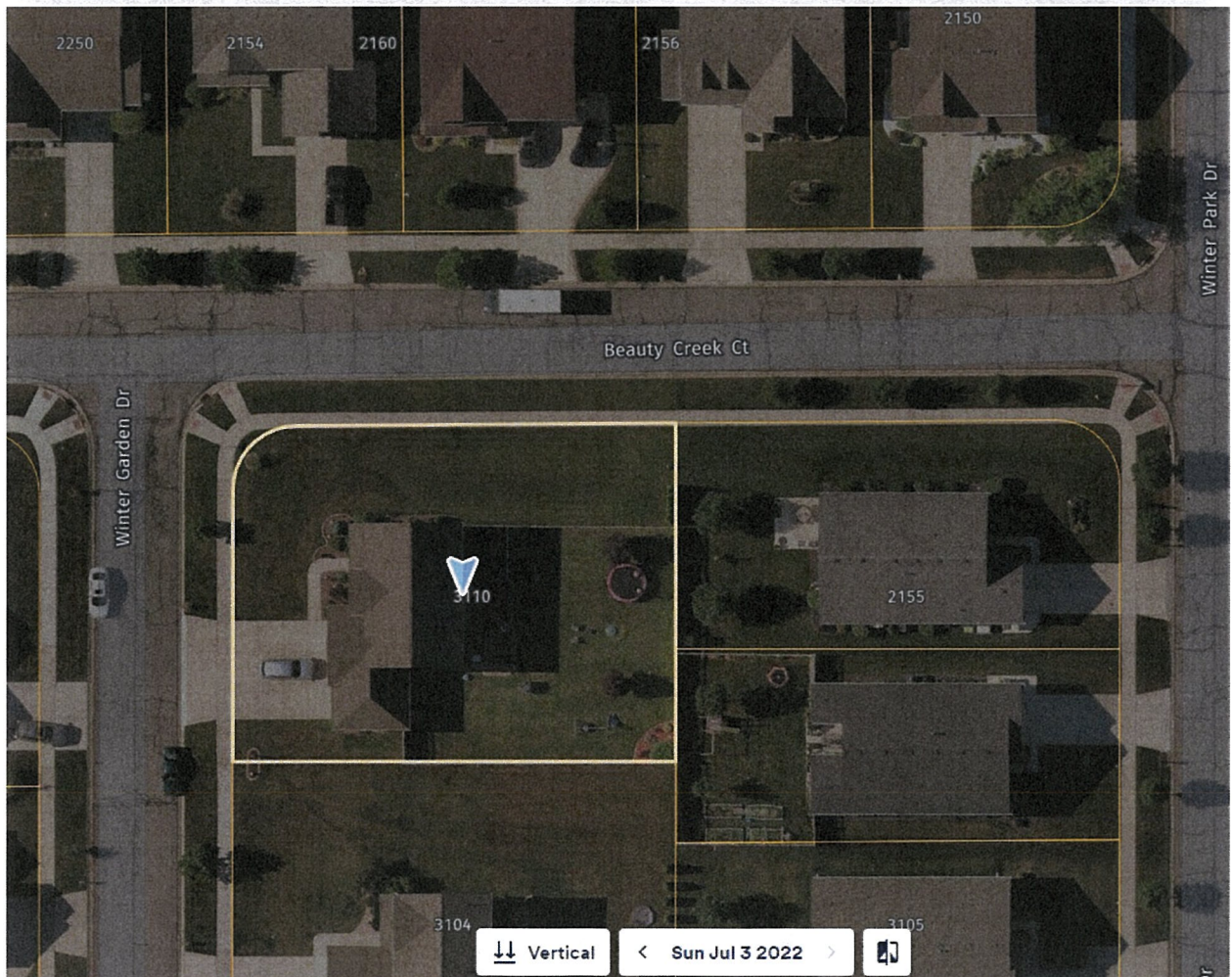
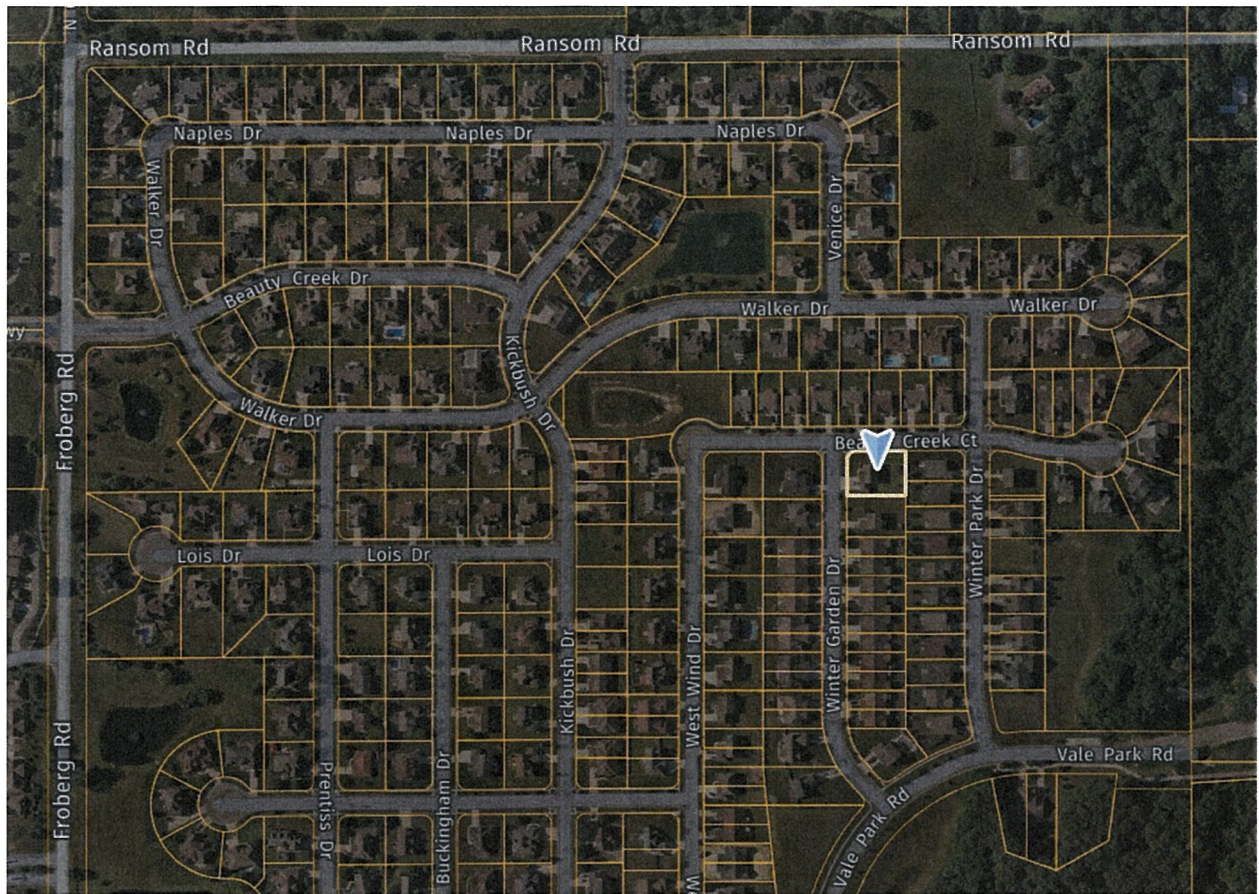
219-308-9187

Email:

glalic82@comcast.net

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

Article: <u>2</u> Section: <u>201</u> Paragraph: <u>A</u> Item: <u>Table</u>	Article: _____ Section: _____ Paragraph: _____ Item: _____
Article: <u>2</u> Section: <u>515</u> Paragraph: <u>D</u> Item: <u>2</u>	Article: _____ Section: _____ Paragraph: _____ Item: _____
Article: <u>2</u> Section: <u>515</u> Paragraph: <u>E</u> Item: <u>1b</u>	Article: _____ Section: _____ Paragraph: _____ Item: _____
Article: _____ Section: _____ Paragraph: _____ Item: _____	Article: _____ Section: _____ Paragraph: _____ Item: _____



Sec. 2.515 Child Care Homes (Day Care)

- A. **Generally.** Child care homes shall be permitted as a Limited Use in the Campus (CA) district and as a Special Use in the Rural (RU), Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), Central Place (CP), and Residential Transition (RT) districts subject to the restrictions of this Section.
- B. **Compliance with Statutes.** Child Care Homes shall either be exempt from Indiana licensing requirements (five or less unrelated children) or meet the state licensing requirements as either a Class I (up to 12 children under school-age) or Class II (up to 16 total children) Child Care Home under the provisions of IC 12-17.2-5.
- C. **Principal Use as Residential.** The operator of the facility must live in the building.
- D. **Location.**
1. No more than five children, excluding children of the family providing day care, shall be accommodated by a facility that fronts on a local street or higher functional classification.
 2. Class I and II licensed facilities with more than five unrelated children shall front a collector or arterial street or be situated on a corner lot that includes arterial or collector street frontage.
 3. Class I and II licensed facilities with more than five unrelated children shall be permitted as a Special Use in all districts designated in this section.
- E. **Exterior Requirements.** Exempt and non-exempt facilities shall comply with the following exterior requirements:
1. **Play Areas.**
 - a. Uses shall provide an on-site, fenced, outdoor play area, which shall have a fence beginning at ground level and extending to a minimum height of 42 in. so as to prevent children from crawling under or through the fence or otherwise becoming entrapped.
 - b. If the fenced outdoor play area is located within 10 ft. of any property line, it shall be fully screened by shrubs or other vegetation with a minimum height equal to the fence height.
 2. **Pick-up/Drop-off.** An off-street pick-up/drop-off area shall be provided, which may be a driveway provided it is kept free of parked vehicles and other obstructions for such use.
 3. **Parking.** For Class I and II licensed facilities, one space per four children shall be reserved for on-site parking during the normal hours of operation.

Marija Lalic

Section 2.515 of the city's unified developmental ordinance.

Sections:

A-Generally.

I Marija Lalic live at Winter Garden Drive which is in a General Residential (GR) zoning district. This district permits child care homes via this Special Use Permit process.

B- Compliance with Statues.

I am seeking a special use permit by the city of Valparaiso to become a licensed class 1 child care home in Indiana. This license will allow me to operate with more than 5 unrelated children but no more than 12 children to one adult. The name of my business is Mommy&Mes Preschool. I am a limited liability company. My program will operate 4 days of the week with children split between morning and afternoon classes. I have a large area for the children to play, read, do craft, and circle time. The area is 16x12. I also have another area in my living room which is 12x12 that is used for craft. In this location I have a table for children to sit comfortably at and read, write, or do a craft. The total area I have for children in my home is about 336 square feet. I want to become licensed by the state of Indiana with a class 1 license. This will allow my business to enroll more children than I would be allowed as an exempt childcare home. I have experience working in the community as a preschool teacher at Discovery Cottage on Harrison Blvd. which is a part of the Valpo Parks District. I also have an associate's degree in Early Childhood Education.

C. Principal Use as Residential.

I live in this home and I will be the operator of this class 1 child care home. State regulations state that 12 children to 1 adult is the ratio for a class 1 license. I do not plan to have more than 9 children at a time so I will not be hiring any

additional staff. Indiana standard for licensing allows for 35 square feet per child. The area designated for my childcare is about 336 square feet which allows about 9 children.

D. Location.

Neither of the two streets that I reside on are designated as a collector or arterial street.

I am requesting a variance from this development standard with my request for the special use permit. My home is on a corner lot at the intersection of Winter Garden Drive and Beauty Creek Court (each having local street designations). Winter Garden Drive is perpendicular to Vale Park Road (Which has a collector street designation.) Vale Park Road is at the end of Winter Garden Drive.

E. Exterior Requirements.

1. Play areas.

a. Uses shall provide an on-site, fenced, outdoor play area, which shall have a fence beginning at ground level and extending to a minimum height of 42 in. so as to prevent children from crawling under or through the fence or otherwise becoming entrapped.

-My home currently has an onsite fenced outdoor play area. The fence is solid vinyl and is a 6ft privacy fence surrounding my backyard.

b. If the fenced outdoor play area is located within 10 ft. of any property line, it shall be fully screened by shrubs or other vegetation with a minimum height equal to the fence height.

-I do not plan to have outdoor time for the children in my childcare. My business plan is to have childcare for 2.5 hours only. This time will not allow for children to go outside. There will be no recess time because my business will focus on a preschool curriculum and all of the work will be done inside my home. I am

seeking a variance from development standards to not have the required landscaping since I will not have recess time for the children.

The schedule I have planned is as follows:

9am-11:30am and 12pm-2:30pm

1.playtime (inside)- 30 minutes

2.circletime (inside)- 30 minutes

3.craft time (inside)- 30 minutes

4.playtime (inside)- 30 minutes

5.story and review (inside)-30 minutes

2. Pick up/drop off.

My home has a large driveway that fits 6 cars total. There are no vehicles parked or blocking the area. The area also has a sidewalk that is easy for someone to walk up to the front door of my house. Since there is a 30-minute gap between my morning and afternoon class there will be no traffic jam or congestion on my street from parents picking and dropping off children.

3. Parking.

I am required to have three off-street parking spaces to accommodate the nine children maximum at one time I am allowed to care for based on square footage I am making available for the child care home. My driveway can accommodate 6 vehicles.

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

Parcel Number: 64-09-10-477-001.000-004

Property address: 3108 Winter Garden dr.
Valparaiso, IN 46385

Legal description: Beauty Creek Villa Homes
Lot 82. 33A Anxd 07/08

Acreage: 0.33A

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____) **RE: SPECIAL USE PERMIT #8**

I am looking to open a licensed in-home preschool with 5 or more children ages 4-5. The program will be 2.5 to 3 hours long 3 days a week. Children will be located in my home. I have a large room designated for my business plan. The room is about 16x10. I need a business permit in order to receive my state license. I do not need to modify or build anything to my home for this plan.

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:

Business will be conducted inside my home only.

- 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:

I am located in a Subdivision that is easy access for people to bring their children to. The location has many children. I am located by two major roads Froberg, Ransom, and also 130.

- 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:

Business will only be inside. I do not plan to have a sign in my yard. I also do not need to modify anything outside of my home. The outside of my home remains the same.

- 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.)

As stated above every part of my business will be conducted indoors. No part of my special use will be outdoors. Nothing will be visible to neighboring property.

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

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

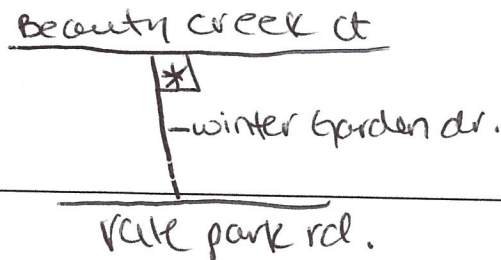
Parcel Number - 64-09-10-477-001.000-004

Beauty Creek Villa homes Lot

82.33A Amd
07/08

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____) RE: VARIANCE - LOCATION

I am seeking approval for use of my home/Street to operate an in home childcare business. The location of my home is not on a collector / Arterial Street. Vale Park Rd which is a collector Street is at the end of my Street (winter garden dr.)



RE: VARIANCE, LOCATION

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:

All business will be conducted inside my home. Children will be inside my home only - NOT Outside.

- 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:

There will be no noise or activity from my business in the backyard area. My preschool program does not allow time for children to have recess time.

- 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:

I will be unable to operate my childcare as a licensed childcare home. I will be allowed only 5 kids if unlicensed.

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.

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

Parcel number - 64-09-10-477-001.000-004

Beauty Creek Villa homes Lot

82.33A Anxd 07/08

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____) RE: VARIANCE, LANDSCAPING

- Exterior requirements for a childcare home State:
- A. Uses shall provide an on-site, fenced, outdoor play area, which shall have a fence beginning at ground level and extending to a minimum height of 42 in.
- my home has a 6ft privacy fence surrounding my backyard.
- B. If the fenced outdoor area is located within 10ft of any property line, it shall be fully screened by shrubs or other vegetation with a minimum height equal to the fence height.
- I do not plan to follow this requirement because my childcare home will have preschool class for only 2.5 hours per day. This time frame does not allow for recess time. The children in my home will not be outdoors in my backyard.

RE: VARIANCE, LANDSCAPING

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:

Vale Park Rd. is already located at the end of my street. Vale Park rd. will connect Froberg into town. This will allow easy access to the location of my home for parents to pick up and drop off without causing traffic or disturbances.

- 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:

There will be no changes to the outside of my home or area. I need approval to use my street for parents to pick up and drop off their kids between 9:30am - 2:30pm.

- 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:

I will be unable to operate my childcare home as a class 1 licensed facility. I will not be allowed more than 5 kids at a time if unlicensed.

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):

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

For Office Use Only:

Petition #: VAL 22-014Application Type: DSVApplication Filing Fee: \$50Date Filed: 09 / 19 / 2022Meeting: 10 / 16 / 2022**SUBJECT PROPERTY INFORMATION**

TYPE OR PRINT IN INK

Property Address:

501 Erie St.
Valparaiso IN
46383

Subject property fronts on the

side between (streets) NorthLocust
& College AveZoning District: NC6D**PETITIONER INFORMATION**

Applicant Name:

Craig & Paula
Heuring

Phone:

219-241-8661

Email:

craigheuring@yahoo.com

Address:

501 Erie St
Valparaiso IN
46383

PROPERTY OWNER INFORMATION

Applicant Name:

Same

Phone:

Email:

Address:

Same

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:Article: 9 Section: 9.301 Paragraph: 6 Item: Article: 2 Section: 3.03 Paragraph: 1 Item: 3dArticle: 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)

Parcel ID 64-09-24-402-001.000-004

✓ 64-09-24-264-006.000-004

501 Erie St. Valparaiso IN

✓ 303 Locust St. Valparaiso

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO.)

I would like to build a garage on my rear fence line. The 2 car garage door would open to the alley at the fence line. This would be ~~two~~^{five} feet from my property line. My property is too small to have a garage any closer to the house. I would rather have yard space as a driveway. This is why a side entrance will not work. We have plenty of parking on the streets.

revised
after
initial
submission
Site plan
revised
too.
48

Dear Board Members,

We are wanting to build a garage at the rear of our property along the fence line.

We would like to build it as far back as possible to save as much yard as we can. We have discussed a side entrance, but again it would use up too much of our yard and add additional expenses for a gate and paving material. I also feel this would not look good.

We bought this property about two years ago and have spent approx.\$50,000.00 on the exterior. This includes new siding, fascia, soffit, gutters, fence, patio and landscaping.

The plan is to spend an additional \$50,000.00 on a well designed and built garage. We will continue to improve and maintain our property.

We live on the corner of Erie and Locust with parking on both streets. Our property is not very big and we simply do not have any room for a driveway that we would not use. We would much rather use that space for our back yard.

I invite you come by and take a look. If you have any questions contact me or you could talk to Paul Reed. Paul did the plot layout.

I have included some pictures.

Thank You,

Craig and Paula Heuring

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:

My property has been remodeled inside & out. The garage will have the same look as the house. I feel building it as far back as possible from the house will give the original look. I feel providing this original look of an older neighborhood would be a benefit to the community.

- 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:

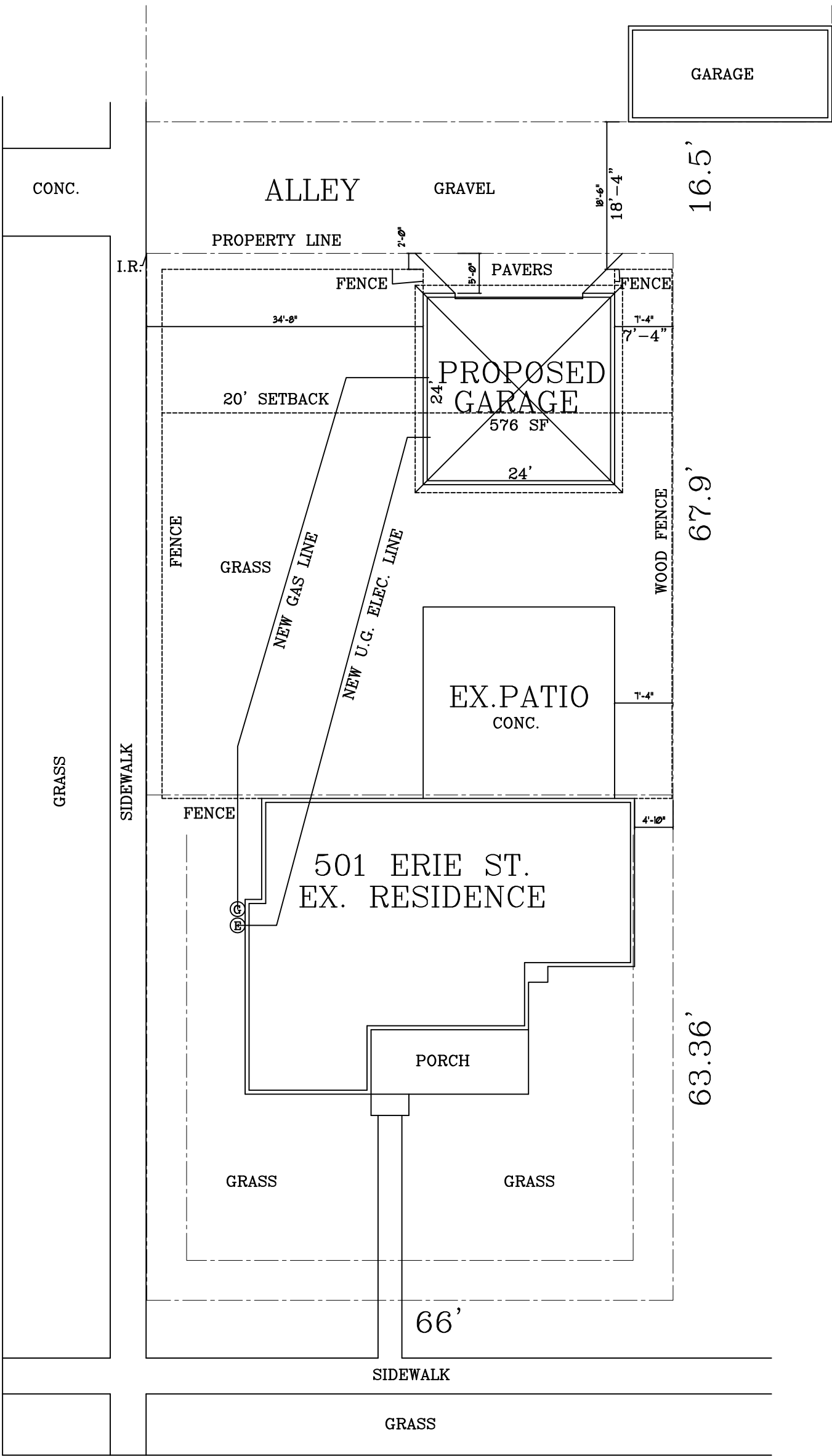
A good looking and well built garage inside my existing fence line will not negatively affect the adjacent property. Properly placed on the property, it will look original to the house and not look like an "add on".

- 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:

There is not enough room on my property to build a garage 20 feet from the property line. 20 feet would put part of a garage on the patio.

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.

LOCUST ST.



ZONING: NC 60
LOT AREA: 8663 SF
EX. LOT COVERAGE: 2235 SF
FAR: .26
NEW LOT COVERAGE: 2811 SF
FAR: .33

SITE PLAN

