



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

Valparaiso Board of Zoning Appeals Meeting Agenda

Tuesday, February 20, 2023, 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 – December 20, 2023
4. Election of Officers
5. Old Business
6. New Business with Public Hearing

VAR24-001

A petition filed by Michael Kozik c/o Todd A. Leeth, Leeth Law LLC. The property is located at 4001 Sandpiper Court. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO):

- Section 3.501 to exceed the maximum lot coverage by 7.7% (40% to 47.7% in SR, Suburban Residential Zoning District)

VAR24-002

A petition filed by Steven Kolber of Kolbrook Design. A new commercial building is proposed on Lot 2 of the CVS #6905 Subdivision, which will have the address 700 Glendale Boulevard. The petitioner requests the following variance from the Valparaiso Unified Development Ordinance (UDO):

- Section 11.506 to allow 55% (60% requirement) transparency (percentage of windows between 3ft and 8ft) on the proposed north building elevation and 0% (30% requirement) on the proposed west building elevation (per plan). (CG Commercial General Zoning District)

UV24-001 and VAR24-003

A petition filed by Project Neighbors. A new multi-family residential building is proposed on a portion of the of the INH Heavy Industrial property currently addressed 651 Axe (the home on the property has the address 209 Nickle Plate). The petitioner requests the following variances from the Valparaiso Unified Development Ordinance (UDO):

- Table 2.201(B) to allow the development of a 23-unit studio apartment multi-family residential project (per plan provided) in the INH Heavy Industrial zoning district;
- Table 9.201 to reduce the required parking count for proposed project from 35 parking spaces to 30 parking spaces;
- Section 10.405 to reduce Class D street bufferyard width (40ft) and plantings requirement for INH Heavy Industrial along a Collector Street to that typically associated with a multi-family apartment land use along a Collector Street (Class A, 10ft with associated planting).

7. Other Business
8. Staff Items
9. Adjournment

Kyle Yelton, President – Board of Zoning Appeals
Beth Shrader, Planning Director

Next Meeting: Tuesday, March 19, 2024, 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/ValpoBZA2024), 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 #: VA224-001Application Type: DSVApplication Filing Fee: \$50Date Filed: 01 / 19 / 2024Meeting: 02 / 20 / 2024**SUBJECT PROPERTY INFORMATION****TYPE OR PRINT IN INK**

Property Address:

4001 Sandpiper Ct N
Valparaiso, IN 46385Subject property fronts on the Westside between (streets) Sandpiper Ct N

& _____

Zoning District: ~~Center 004~~SR, Suburban Residential**PETITIONER INFORMATION**

Applicant Name:

Michael Kozik

Phone:

219-921-4826

Email:

michaelkozik@live.com

Address:

4001 Sandpiper Ct N
Valparaiso, IN 46385**PROPERTY OWNER INFORMATION**

Applicant Name:

4001 Sandpiper Ct Trust

Phone:

219-921-4826

Email:

michaelkozik@live.com

Address:

4001 Sandpiper Ct Trust
c/o Michael & Honna Kozik
Valparaiso, IN 46385**SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:**Article: 3 Section: 3.501 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. _____)

Lot 28 in Greenfield Creek Phase Two, Unit A, as per plat thereof, recorded in Plat File 20-D-1A, in the Office of the Recorder in Porter County, Indiana, more commonly known as 4001 Sandpiper Ct. N, Valparaiso, IN 46385

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

Addition of attached single bay garage with approximate dimensions of 11 ft by 26 ft and associated driveway. The proposed garage addition will architecturally match the current structure and will not cross over the 8-foot easement from the neighboring property. The existing garage and proposed garage will be adjoining and have a doorway between the two garage bays. There will be attic storage with stair access and an electric attic storage lifting system. Roof water runoff will be directed via underground pipe to the lowest area of the property near the retention pond. The current grade of the property will not change.

Variance requested for Article 3, Section 3.501 Single Family Detached, Paragraph B. Standards, Table 3.501 Single-Family Lot and Building Standards, to exceed maximum lot coverage by 7.7%.

Project plans are attached as Exhibit A.

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:

Granting a variance to increase the maximum lot coverage from 40%, as specified in Table 3.501 of the Unified Development Ordinance (UDO), to 47.7% for the construction of an additional attached garage would not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The proposed increased lot coverage is mitigated in the following ways – the use of the property is not changing, no variance for property setback is requested, the grade of the property will not change, water runoff from the proposed garage will be directed through underground pipe to the lowest area of the property allowing drainage directly into the neighborhood retention pond, water runoff from the additional driveway will flow into the street storm water drainage system, and additional off-street parking will enhance the appearance/quality of life/safety of the neighborhood.

- 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 is bounded by Sandpiper Ct N to the east, residences to the north and south, and common area with retention pond to the west (Greenfield Creek Pond #2). The property is unique, with the highest elevation overlooking pond #2 and most of the property grade slopes to the west towards that retention pond. Currently, the water runoff from the large pool/patio area is directed via underground pipe to the lowest area of the property adjacent to the retention pond. The proposed garage will have the same system ensuring there is no impact on any adjoining neighbors. The addition as proposed is architect designed, aesthetically pleasing, and consistent with the existing massing and design of the current building. The value of the petitioner's home will increase which will increase the value of abutting properties.

- 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 requirements of employment and a home business, three vehicles must be maintained, causing practical difficulties in meeting the objectives of the UDO and adequate off-street parking. Granting a variance for additional off-street parking enhances the character and quality of life of the neighborhood and promotes public safety by negating the need for overflow parking onto the street. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the approval of other past similar requests in the zoning 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.

4001 Sandpiper Ct N
300' Vicinity Map



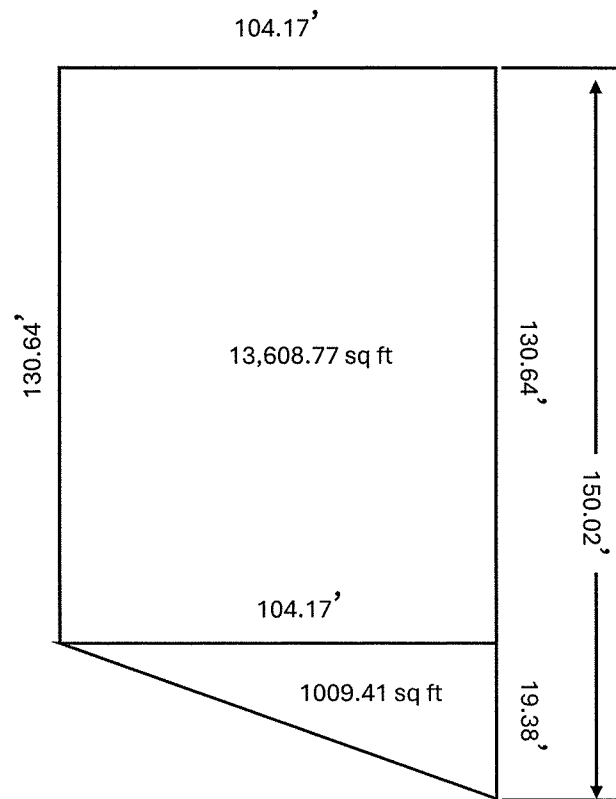
Parcel ID 64091127024000004
Sec/Twp/Rng n/a
Property Address 4001 SANDPIPER CT
VALPARAISO
District
Brief Tax Description

VALPARAISO (CENTER)
GREENFIELD CREEK PH 2 UNIT A LOT 28
(Note: Not to be used on legal documents)

Alternate ID 09-11-126-009
Class 1 Family Dwell - Platted Lot
Acreage n/a

Owner Address Kozik Michael K & Honna R/H&W
4001 Sandpiper Ct N
Valparaiso, IN 46385

4001 Sandpiper Ct N Lot Size Calculation



Total Lot Size

$$13,608.77 + 1009.41 = 14,618.18 \text{ sq ft}$$

$$104.17' \times 130.64' = 13,608.77 \text{ sq ft}$$

$$(104.17' \times 19.38') / 2 = 1009.41 \text{ sq ft}$$

Lot Dimensions from Survey

Building and Lot Coverage Calculations

Lot Size = 14, 618sf

ZONING: SR, Suburban Residential

Maximum Building Coverage 0.30

Maximum Lot Coverage 0.40

BUILDING COVERAGE

MAXIMUM ALLOWANCE

Existing Building Coverage

Existing home and attached 2-car garage	2232	
TOTAL	2232	
Lot size	14618	
Existing total building coverage %	0.15	0.30

Proposed Building Coverage

Existing home and attached 2-car garage	2232	
Proposed attached 1-car garage	312	
TOTAL	2544	
Lot size	14618	
Proposed total building coverage %	0.17	0.30

LOT COVERAGE

MAXIMUM ALLOWANCE

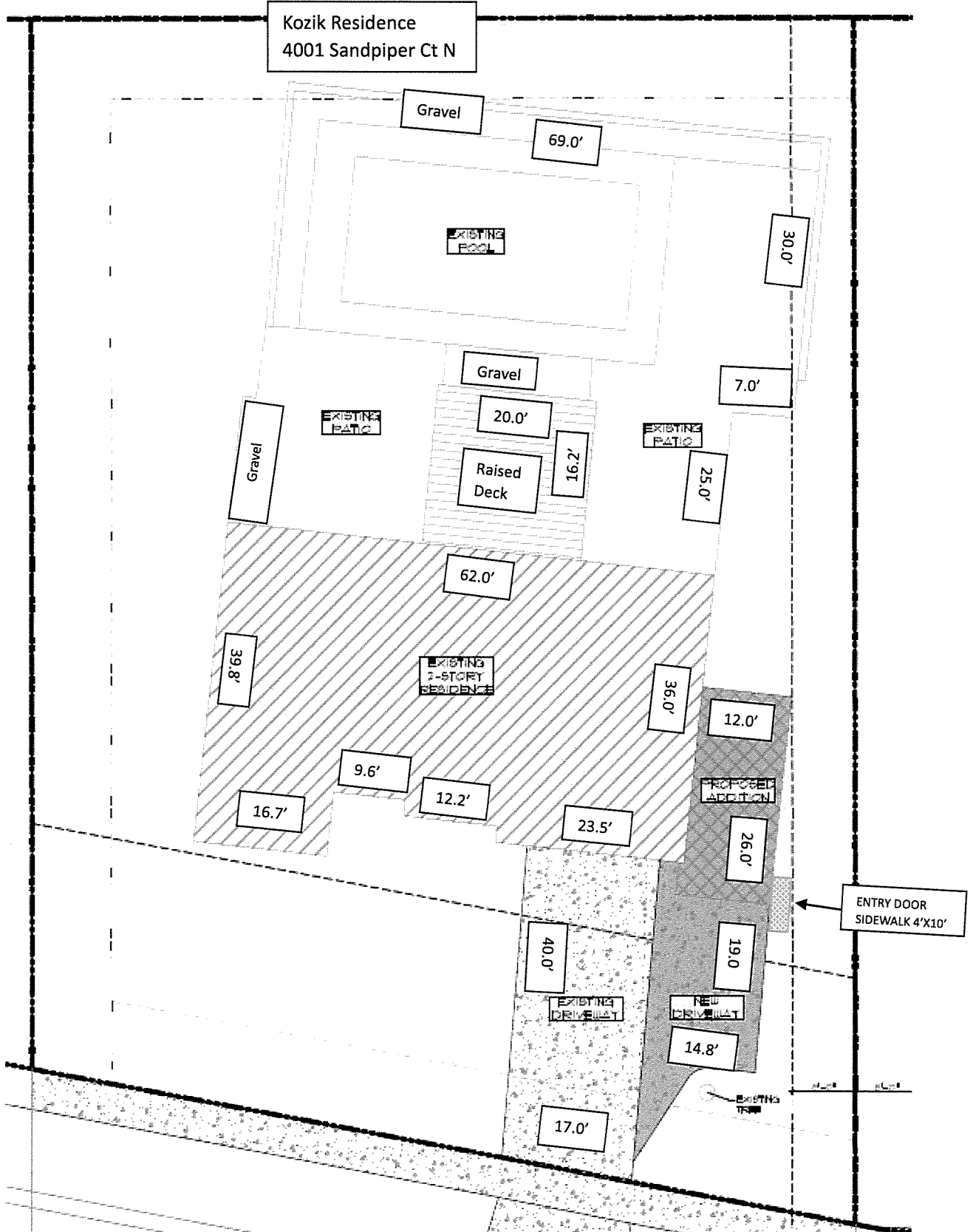
Existing Lot Coverage (Building + other impervious surface)

Existing home and attached 2-car garage	2232	
Existing driveway	680	
Existing sidewalk	250	
Existing pool and patios	3133	
TOTAL	6295	
Lot size	14618	
Proposed total building coverage %	0.43	0.40

Proposed Lot Coverage (Building + other impervious surface)

Existing home and attached 2-car garage	2232	
Proposed attached 1-car garage	312	
Existing driveway	680	
Proposed driveway addition	326	
Proposed sidewalk addition	40	
Existing sidewalk	250	
Existing pool and patios	3133	
TOTAL	6973	
Lot size	14618	
Proposed total lot coverage %	0.477	0.40

Kozik Residence
4001 Sandpiper Ct N



POND 2
PARCEL "B"
COMMON AREA

PLAT FILE 20-D-1A.

S00°00'00"E 104.17' REC.
N00°09'02"W 104.17' CALC.

10' DRAINAGE EASEMENT

LOT 29

DR 2017-005984

N00°00'00"E 136.64' REC.
S89°50'58"W 130.64' CALC.

10' DRAINAGE EASEMENT

HOUSE

RV GROUND POOL

PATIO

DRAVEL

RAISED DECK

0.33 ACRES

17.5'

12.0'

22.5'

HOUSE

16.7'

9.6'

12.0'

12.0'

DR 2021-009727

LOT 28

NO UTILITY EASEMENT

N102°31'05"E 106.88' REC.
N102°31'05"E 105.88' CALC.

SOCCALW

SANDPIPER (60'R/W) COURT

LOT 21

DR 2021-009727

LOT 22

LOT 23

LOT 28 IN GREENFIELD CREEK PHASE TWO, UNIT A, AS PER PLAT THEREOF, RECORDED IN PLAT FILE 20-S-1A, IN THE OFFICE OF THE RECORDER IN PORTER COUNTY, INDIANA, MORE COMMONLY KNOWN AS 4001 SANDPIPER CT. N VALPARAISO, IN 46385

0 100 200

PLAT LOCATION WEST S-1002

Survey for: 4001 Sandpiper Ct Trust
Tract owner: 4001 Sandpiper Ct Trust
Basic bearing: Assumed
Field work performed on: 4/17/2023

As required by Title 86S1A,1-127-7.0 the acceptable accuracy of the survey is 1/100 parts per foot. The subject tract established in this survey is with the specifications for a subsection survey with a relative positional accuracy of 0.15 feet plus 100 parts per million.

The basis of bearing for this retracement is assumed, and the basis of bearing for the needed description is unknown. The basis of bearing is assumed to be the same as the adjacent Boundary was established from found monumentation in the field which closely matched the record plot of Greenleaf Creek - Phase II Unit A subdivision.

ALSO, Found rebar with ribbon at the Northerly corner of Lot 18 above the area which is plotted as "03" COADMET NOT shown hereon.

There may be unrecorded usage or ownership rights when the survey is made, but not limited to, mow lines, fence lines, or tree lines.

Sign of use by adjacent may neighbor may include, but not limited to, mow lines, fence lines, tree lines, bird houses, or other things that may be found on the ground.

Subject to all easements, right-of-ways and restrictions of record.

This survey does not certify compliance with building and zoning regulations or suitability of the property for any use or purpose.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners shown on this map are not likely to be greater than above.

Due to Availability and condition of reference monumenta:
See drawing.

Due to Occupation or Possession lines: See drawing.

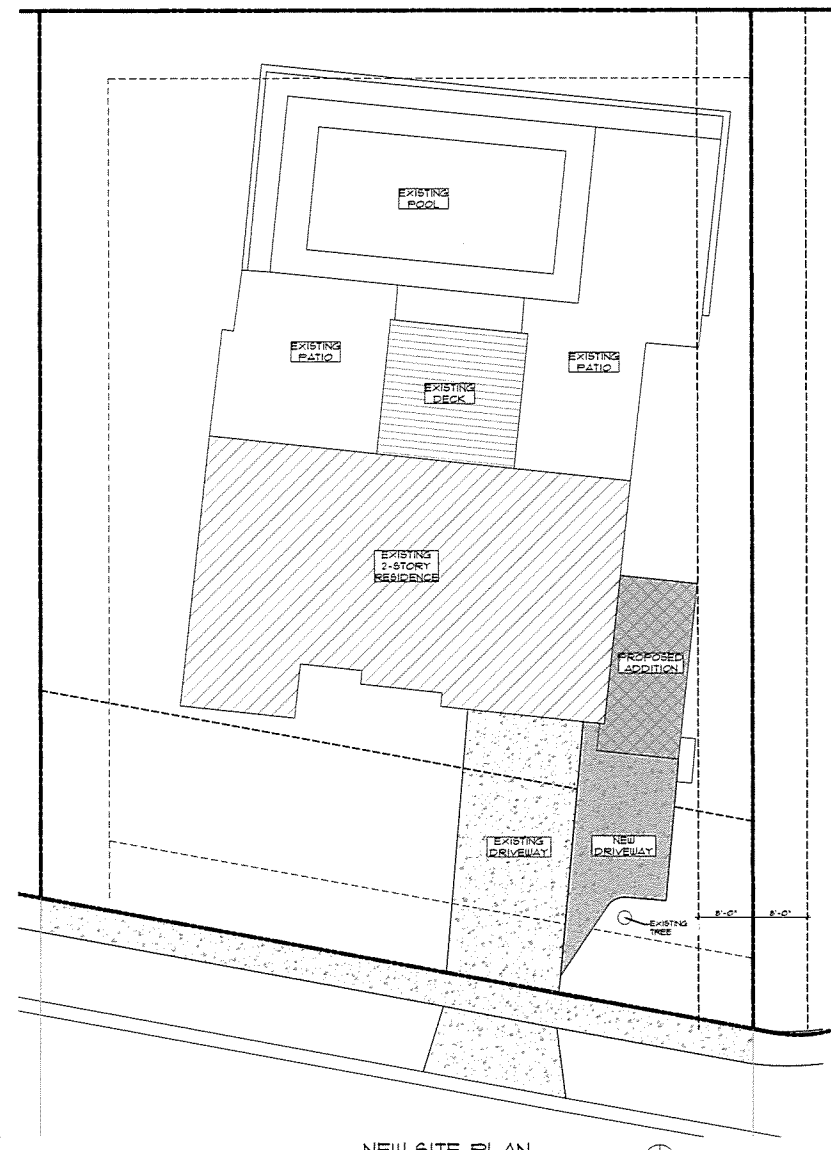
Due to Clarity or ambiguity of the record description used and of adjacent's description and the relationship of the lines and corners shown on this map, it is recommended that:

Monumentation, found or set, in rural, sandstone used areas, is typically +/- 0.4' above the ground. Monumentation, found or set, in urban, frequently used areas, is typically +/- 0.2' above the ground.

This is to certify that this survey was made by me or under my supervision and that this plot represents said survey. I am not responsible for the accuracy of the record available to me. This survey is subject to any facts that may be disclosed by a full and accurate title search.

This survey, to the best of my knowledge and belief, is a true and correct representation of the facts available to me.

PLAT OF SURVEY RETRACEMENT OF LOT 28, GREENFIELD CREEK - PHASE II UNIT A,
LOCATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 6
WEST, CENTER TOWNSHIP, CITY OF VALPARAISO, PORTER COUNTY, INDIANA.
S:\2022\2225 - KOZK\DRAWINGS\SHEETS\2225-01-SITEPLAN.DWG 4001 SANDPIPER CT. TRUST



G.M. FEDORCHAK & ASSOCIATES, INC.
ARCHITECTS, DEVELOPERS, ENGINEERS
286 W JOHNSON RD, SUITE A
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PROPOSED ADDITION
KOZIK RESIDENCE
4001 SANDPIPER COURT
VALPARAISO, INDIANA 46385

PROJECT
2215
ISSUE DATE
AUGUST 14, 2023
ISSUED FOR
CONSTRUCTION

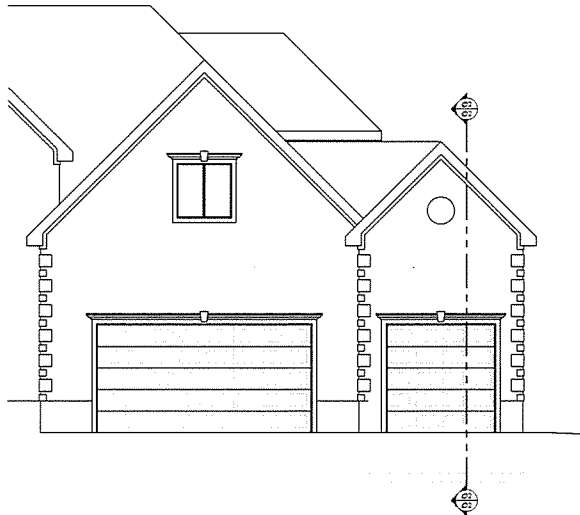
REVISIONS

SHEET NO.

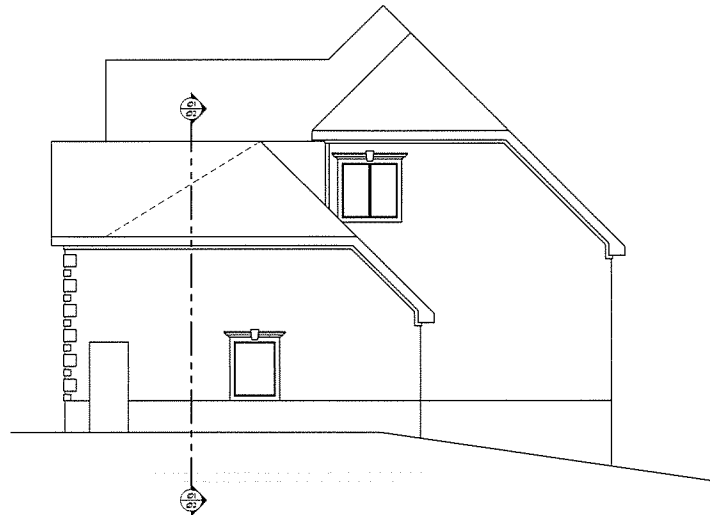
01

NEW SITE PLAN

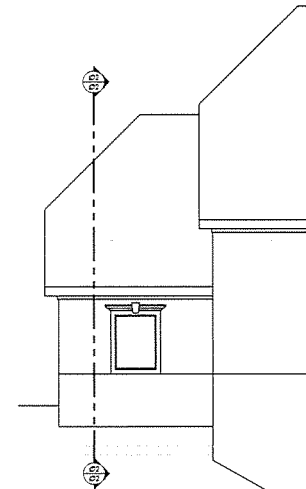




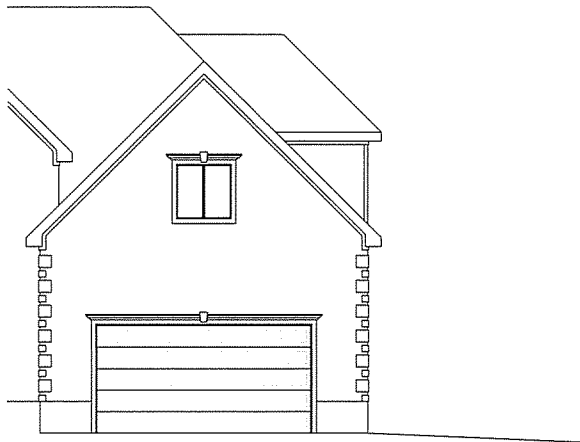
PARTIAL FRONT (EAST) ADDITION ELEVATION
SCALE: 1/4"=1'-0"



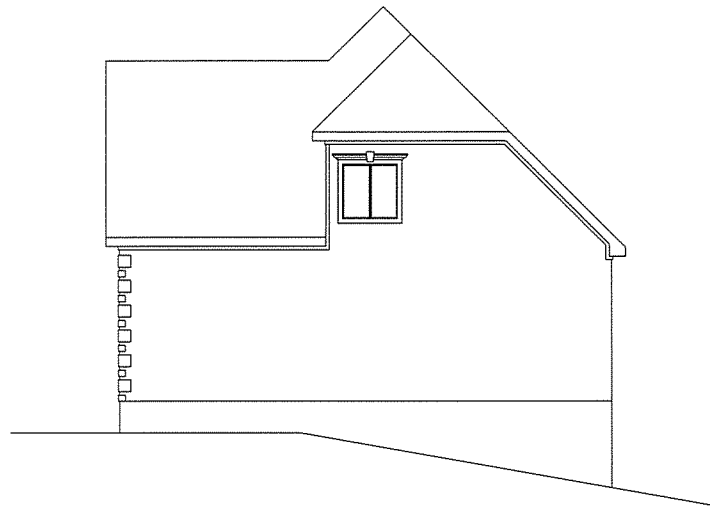
PARTIAL SIDE (NORTH) ADDITION ELEVATION
SCALE: 1/4"=1'-0"



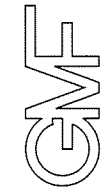
PARTIAL REAR (WEST) ADDITION ELEVATION
SCALE: 1/4"=1'-0"



PARTIAL EXISTING FRONT (EAST) ELEVATION
SCALE: 1/4"=1'-0"



PARTIAL EXISTING SIDE (NORTH) ELEVATION
SCALE: 1/4"=1'-0"



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PROPOSED ADDITION
KOZIK RESIDENCE
4001 SANDPIPER COURT
VALPARAISO, INDIANA 46385

PROJECT
221B
ISSUE DATE
AUGUST 14, 2023
ISSUED FOR
CONSTRUCTION

REVISIONS

SHEET NO.

03

PAID
2/7/24 3:16 33
MK

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 24-002

Application Type: DSV

Application Filing Fee: \$150

Date Filed: ____/____/____

Meeting: 02 / 20 / 24

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address:

700 Glendale Blvd

Subject property fronts on the south

side between (streets) Calumet

& PILZ PLACE

Zoning District: CG

PETITIONER INFORMATION

Applicant Name:

Steven Kolber

Phone:

630-300-4699

Email:

skolber@kolbrook.com

Address:

828 Davis St
Ste 300
Evanston, Illinois
60201

PROPERTY OWNER INFORMATION

Applicant Name:

Chicago Wing Kings

Phone:

773-209-4355

Email:

asheeshseth@gmail.com

Address:

7949 W 79th
Unit 2
Bridgeview, Illinois
60455

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. _____)

Per Porter County Data Map:
CVS #6905 LOT 2 .376A

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

This project consists of the construction of a two tenant building on the currently vacant lot known as 700 Glendale Blvd.

The two tenants will be quick serve restaurants for delivery and carry out only. A Jets Pizza and a Wingstop are proposed. Even though the tenant spaces are designed for delivery and carry out only, we are providing a patio to the south for seasonal dining.

Please note that the developers of the site are also the franchisees for both tenant offerings proposed for the building.

Zoning relief is being requested for the required transparency (between 3'-0" and 8'-0") for the north and west elevations. The north Glendale Blvd. elevation (being the primary elevation) is required to have 60% transparency per 11.506 of the UDO. The drawings show 55% of transparency being provided for the north elevation. The west elevation on Pilz Place is required to have 30% transparency. The drawings call for 0%. We consider the Pilz Place elevation the rear of the building and as you can see from the proposed plans, that elevation is the "back of house" for both tenant offerings. Pilz Place for this project is more of a service road and is where the dumpster enclosure is for the project. As the landscaping plan shows we are proposing many trees to screen the west elevation accordingly.

Please note on the elevations the portions of north and south storefront glazing that will have an applied 3M "Dusted Crystal" film providing 85% visible light transmittance. This film will be for the lower two portions of the storefront system where noted. The transoms in these areas (above 7'-2") will be clear. Cut sheets for this 3M are provided. Other areas of storefront glazing will be clear.

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 requested variance for transparency reduction will not be injurious to the public health, safety, morals and general welfare of the community. We feel the reduction of transparency will allow for proper screening of back of house service areas of the restaurant operations so they are not displayed as part of the building elevation aesthetics.

- 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 requested variance for transparency reduction will not affect the values to the properties to the north across the Glendale Blvd. or to the west across Pilz Place as we feel that adhering to the transparency requirement would make back of house operations visible. We are confident that the dense landscaping Glendale Blvd and Pilz Place provides a more pleasing aesthetic for both elevations, enhancing the development and the surrounding properties.

- 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:

Strict adherence to the transparency requirement would result in extreme hardship for the practical layout and realization of the kitchens for the Wing Stop and the Jets Pizza. We feel the orientation of the building facing Calumet, becoming "part" of the large CVS commercial development, best suits not only our project, but certainly the community and our neighbors, thus leading to the request for the relief on the transparency requirement.

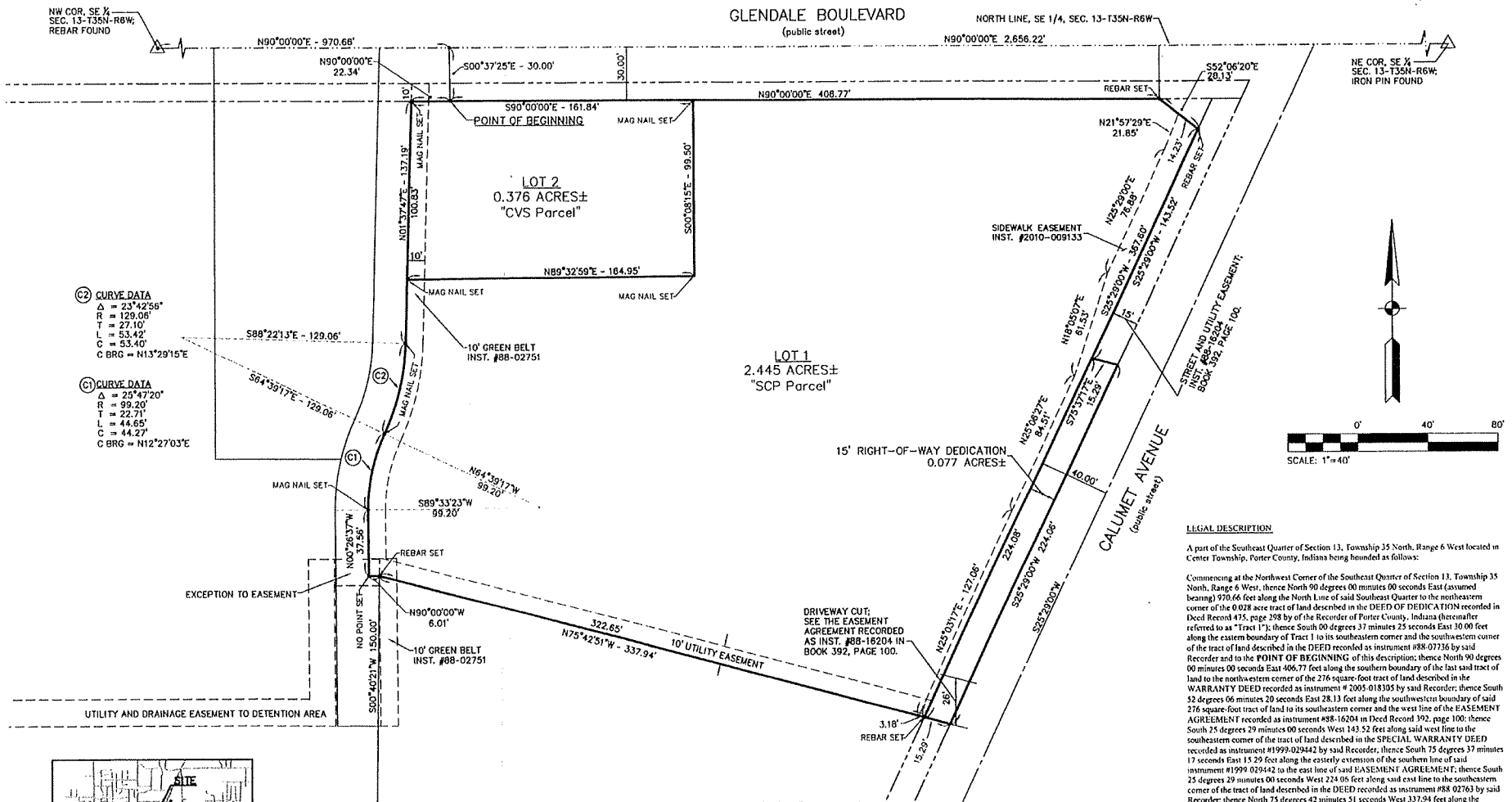
The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each and every one of the elements listed above.

CVS #6905 ADDITION TO THE CITY OF VALPARAISO

A PART OF THE S.E. 1/4 OF SECTION 13, T35N, R6W PORTER COUNTY, INDIANA

52-F 1

2011-022353
FILED FOR RECORD
OCT 26 2011 2:54 PM
PORTER COUNTY RECORDER
JON C. MILLER



LEGAL DESCRIPTION

A part of the Southeast Quarter of Section 13, Township 35 North, Range 6 West located in Center Township, Porter County, Indiana being bounded as follows:

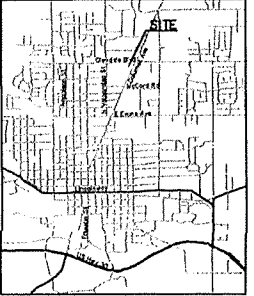
Commencing at the Northwest Corner of the Southeast Quarter of Section 13, Township 35 North, Range 6 West, thence North 90 degrees 00 minutes 00 seconds East (assumed bearing) 970.66 feet along the North Line of said Southeast Quarter to the northeastern corner of the 0.028 acre tract of land described in the DEED OF DEDICATION recorded in Deed Record 475, page 298 of the Recorder of Porter County, Indiana (hereinafter referred to as "Tract 1"); thence South 00 degrees 37 minutes 25 seconds East 30.00 feet along the eastern boundary of Tract 1 to its southeastern corner and the southeastern corner of the tract of land described in the DEED recorded as instrument #88-07736 by said Recorder and to the POINT OF BEGINNING of this description; thence North 90 degrees 00 minutes 00 seconds East 406.77 feet along the southern boundary of the last said tract of land to the northwestern corner of the 276 square-foot tract of land described in the WARRANTY DEED recorded as instrument # 2005-018305 by said Recorder; thence South 52 degrees 06 minutes 20 seconds East 28.13 feet along the southwestern boundary of said 276 square-foot tract of land to its southwestern corner and the west line of the EASEMENT AGREEMENT recorded as instrument #88-16204 in Deed Record 392, page 100; thence South 25 degrees 29 minutes 00 seconds West 143.52 feet along said west line to the southeastern corner of the tract of land described in the SPECIAL WARRANTY DEED recorded as instrument #1999-029442 by said Recorder; thence South 75 degrees 37 minutes 17 seconds East 15.29 feet along the easterly extension of the southern line of said instrument #1999-029442 to the east line of said EASEMENT AGREEMENT; thence South 25 degrees 29 minutes 00 seconds West 224.08 feet along said east line to the southeastern corner of the tract of land described in the DEED recorded as instrument #88-02763 by said Recorder; thence North 75 degrees 42 minutes 51 seconds West 337.94 feet along the southern boundary of said tract of land to its southwestern corner and a corner of the tract of land called Parcel II (Roadway) described in the WARRANTY DEED recorded as instrument #88-02761 in Deed Record 385, page 507 by said Recorder; the following six (6) courses are along the boundary of said tract of land: 1) thence North 90 degrees 00 minutes 00 seconds West 6.01 feet; 2) thence North 00 degrees 26 minutes 37 seconds West 37.56 feet to the point of curvature of a curve to the right, said point of curvature being South 89 degrees 33 minutes 23 seconds West 99.20 feet from the radius point of said curve; 3) thence northwesterly and northeasterly 44.65 feet along said curve to a point of reverse curvature, said point of reverse curvature being North 64 degrees 19 minutes 17 seconds West 99.20 feet from the radius point of said curve and being South 64 degrees 39 minutes 17 seconds East 129.06 feet from the radius point of said reverse curve; 4) thence northeasterly and northerly 53.42 feet along said curve in its point of tangency, said point of tangency being South 88 degrees 22 minutes 13 seconds East 129.06 feet from the radius point of said curve; 5) thence North 01 degree 37 minutes 47 seconds East 137.19 feet to the southern boundary of Tract 1; thence North 90 degrees 00 minutes 00 seconds East 22.34 feet along the southern boundary of Tract 1 to the POINT OF BEGINNING containing 2.898 acres, more or less.

Under authority provided by Indiana Code 36-7-4, et seq., enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Valparaiso, this plat was given approval by the City as follows:
Approved by the Valparaiso Plan Commission (or Plat Committee) at a regular meeting held on October 11, 2011.

Valparaiso Plan Commission (or Plat Committee)

[Signature]
President
[Signature]
Executive Director

PREPARED BY:
Michael J. Smith, L.S.
Registration No. 20500025
American Structurepoint, Inc.
7260 Shadeland Station
Indianapolis, IN 46256
317-547-5560



VICINITY MAP
not to scale

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

OCT 26 2011

AUDITOR PORTER COUNTY

AMERICAN
STRUCTUREPOINT
INC.

7260 SHADELAND STATION
INDIANAPOLIS, IN 46256-3957
TEL 317-547-5560 FAX 317-543-0270
www.structurepoint.com

SCALE: 1" = 40'	SHEET NO. 1
DATE: 03/09/2011	
DRAWN BY: CMJ	
JOB NO. IN20061082	OF 2

PLAT SCALE: 1" = 40' DATE: 3/9/11 - 5:37 PM EDITED BY: MSUTH DRAWING FILE: P:\2006\1082\0. DRAWINGS\DWG\14. PLAT\IN20061082 SV2010.08.05 PLAT CVS #6905.DWG

CVS #6905
ADDITION TO THE CITY OF VALPARAISO

A PART OF THE S.E. 1/4 OF SECTION 13, T35N, R6W PORTER COUNTY, INDIANA

52-F-1

2011-022362
FILED FOR RECORD

OCT 26 2011 2:54 PM
PORTER COUNTY RECORDER
JON C. MILLER

LEGAL DESCRIPTION

A part of the Southeast Quarter of Section 13, Township 35 North, Range 6 West located in Center Township, Porter County, Indiana being bounded as follows:

Commencing at the Northwest Corner of the Southeast Quarter of Section 13, Township 35 North, Range 6 West; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing) 970.66 feet along the North Line of said Southeast Quarter to the northeastern corner of the 0.028 acre tract of land described in the DEED OF DEDICATION recorded in Deed Record 475, page 298 by of the Recorder of Porter County, Indiana (hereinafter referred to as "Tract 1"); thence South 00 degrees 37 minutes 25 seconds East 30.00 feet along the eastern boundary of Tract 1 to its southeastern corner and the southwestern corner of the tract of land described in the DEED recorded as instrument #88-07736 by said Recorder and to the POINT OF BEGINNING of this description; thence North 90 degrees 00 minutes 00 seconds East 406.77 feet along the southern boundary of the last said tract of land to the northwestern corner of the 276 square-foot tract of land described in the WARRANTY DEED recorded as instrument # 2005-018305 by said Recorder; thence South 52 degrees 06 minutes 20 seconds East 28.13 feet along the southwestern boundary of said 276 square-foot tract of land to its southeastern corner and the west line of the EASEMENT AGREEMENT recorded as instrument #88-16204 in Deed Record 392, page 100; thence South 25 degrees 29 minutes 00 seconds West 143.52 feet along said west line to the southwestern corner of the tract of land described in the SPECIAL WARRANTY DEED recorded as instrument #1999-029442 by said Recorder; thence South 75 degrees 37 minutes 17 seconds East 15.29 feet along the easterly extension of the southern line of said instrument #1999-029442 to the east line of said EASEMENT AGREEMENT; thence South 25 degrees 29 minutes 00 seconds West 224.06 feet along said east line to the southeastern corner of the tract of land described in the DEED recorded as instrument #88-02763 by said Recorder; thence North 75 degrees 42 minutes 51 seconds West 337.94 feet along the southern boundary of said tract of land to its southwestern corner and a corner of the tract of land called Parcel II (Roadway) described in the WARRANTY DEED recorded as instrument #88-02761 in Deed Record 385, page 507 by said Recorder, the following six (6) courses are along the boundary of said tract of land: 1) thence North 90 degrees 00 minutes 00 seconds West 6.01 feet; 2) thence North 00 degrees 26 minutes 37 seconds West 37.56 feet to the point of curvature of a curve to the right, said point of curvature being South 89 degrees 13 minutes 23 seconds West 99.20 feet from the radius point of said curve; 3) thence northerly and northeasterly 44.65 feet along said curve to a point of reverse curvature, said point of reverse curvature being North 64 degrees 39 minutes 17 seconds West 99.20 feet from the radius point of said curve and being South 64 degrees 39 minutes 17 seconds East 129.06 feet from the radius point of said reverse curve; 4) thence northeasterly and northerly 53.42 feet along said curve to its point of tangency, said point of tangency being South 88 degrees 22 minutes 13 seconds East 129.06 feet from the radius point of said curve; 5) thence North 01 degree 37 minutes 47 seconds East 137.19 feet to the southern boundary of Tract 1; thence North 90 degrees 00 minutes 00 seconds East 22.34 feet along the southern boundary of Tract 1 to the POINT OF BEGINNING containing 2.898 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Michael J. Smith, hereby certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana, and that to the best of my knowledge, this plat conforms to the requirements of the City of Valparaiso Unified Development Ordinance, and the Standards Manual; that the markers and monuments shown on the plat actually exist; and that their location, size, type and material are accurately shown.

I further certify that the within plat represents a subdivision of the land surveyed within the cross-referenced plat of survey and, to the best of my knowledge and belief, there has been no change from the conditions revealed by said plat of survey.


Michael J. Smith 7-12-11



The size of said Lots and easements are shown in figures denoting feet and decimal parts thereof.

Cross-reference is hereby made to a plat of survey prepared by American Structurepoint, Inc. as Project Number IN20061082, which is in compliance with "Rule 12" of TITLE 865 of the Indiana Administrative Code (establishes minimum standards for the competent practice of land surveying) and recorded as Instrument Number 2011-005445 in the Office of the Recorder of Porter County, Indiana.

Cross-reference is hereby made to a covenants and easements agreement recorded as Instrument

Number 2011-022362 in the Office of the Recorder of Porter County, Indiana.

DEED OF DEDICATION

We, the undersigned, SCP 2009-C33B-001 LLC, a Delaware limited liability company, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided said real estate in accordance with the attached plat. This subdivision shall be known and designated as

Plat for CVS #6905. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public. There are strips of ground of various widths shown on this plat and labeled as easements for various purposes. Utility easements are reserved for the use of public utilities for the installation of mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. Drainage easements are reserved for the use of the City, homeowners, and/or the property owners' association to provide for the construction, maintenance, and operation of drainage conduits, swales, channels, overflows, detention basins, or other runoff management facilities. No permanent or other structures are to be erected or maintained upon said easements. Owners of lots in this subdivision shall take their titles subject to the rights of the public utilities and to the rights of the owners of other lots in this subdivision.

In testimony whereof, witness the signatures of the Owner and Declarant this 13th day of

July, 2011

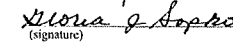
SCP 2009-C33B-001 LLC, a Delaware limited liability company

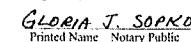
BY: 
Greg Lovasz, Executive Vice President

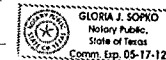
Before me, the undersigned, a Notary Public in and for said County and State, personally

appeared Greg Lovasz ^{EVP} as owner of SCP 2009-C33B-001 LLC and acknowledged the execution of the foregoing as his voluntary act and deed.

Witness my hand and Notarial Seal this 13th day of July, 2011.

My Commission Expires: 5-17-2012 
(signature)

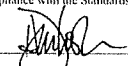
County of Residence: DALLAS 
Printed Name Notary Public

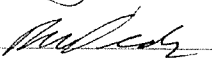


Board of Public Works and Safety Certification

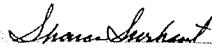
This plat was examined by the Board of Public Works and Safety of the City of Valparaiso for

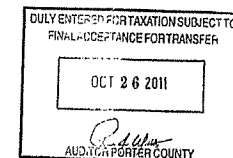
compliance with the Standards Manual, and approved this 13th day of October, 2011.

 Jon Cusack, Mayor

 Bill Oeding, Member

ABSENT Chuck Williams, Member

ATTEST:  Sharon Swihart, Clerk-Treasurer



I affirm, under penalties for perjury, that I have taken reasonable care to reduce each Social Security number in this document, unless required by law.
Michael J. Smith

PREPARED BY:

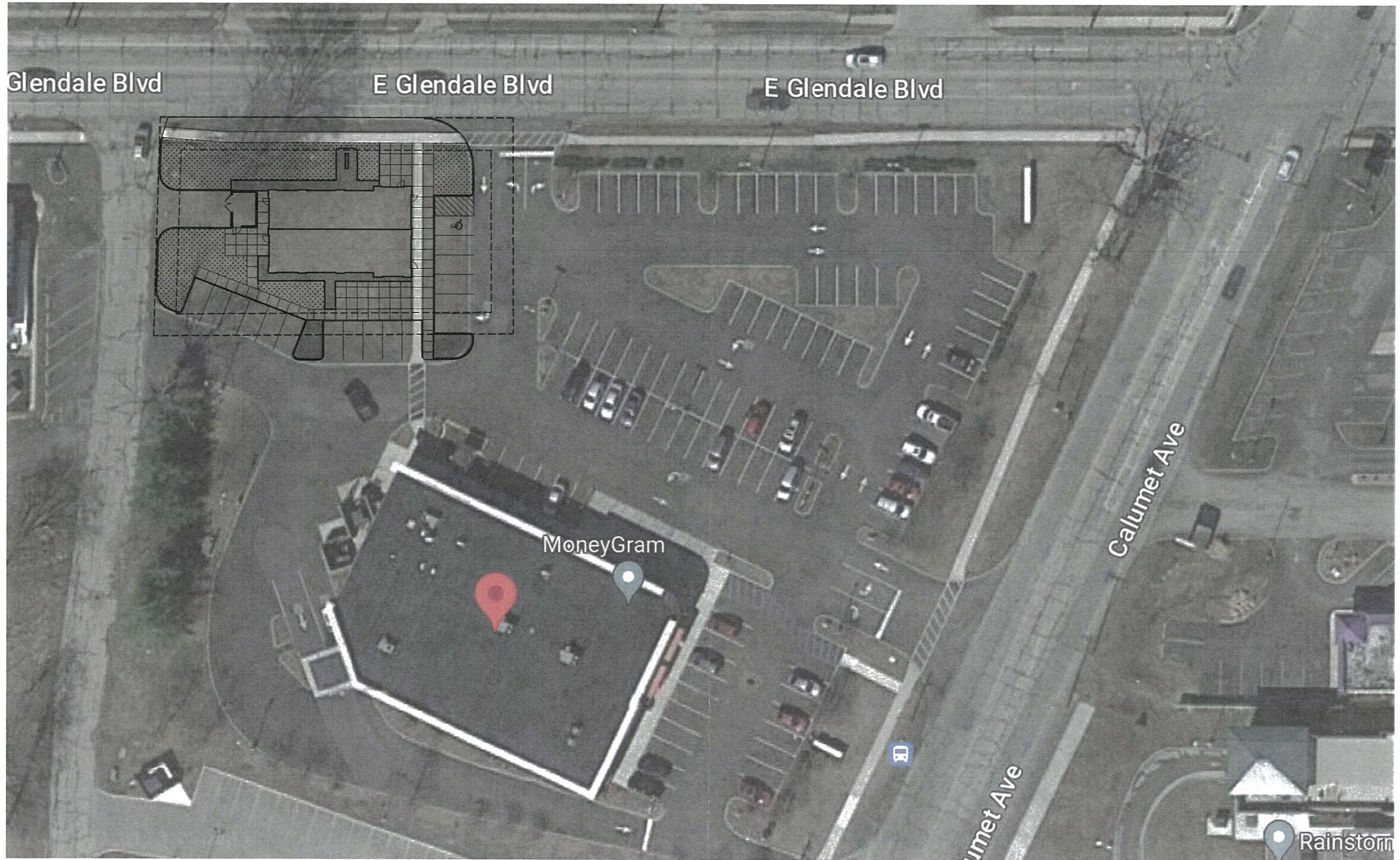
Michael J. Smith, L.S.
Registration No. 20500025
American Structurepoint, Inc.
7260 Shadeland Station
Indianapolis, IN 46256
317-547-5580

AMERICAN
STRUCTUREPOINT
INC.

7260 SHADELAND STATION
INDIANAPOLIS, IN 46256-3957
TEL 317.547.5580 FAX 317.543.0270
www.structurepoint.com

SCALE: 1" = 40'
DATE: 03/08/2011
DRAWN BY: CMW
JOB NO. IN20061082

SHEET NO.
2
OF 2



1 OVERALL SITE PLAN
SCALE: 1"=50'-0"



ARCHITECT:

kolbrook design

828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

PROJECT:

MULTI TENANT RETAIL
CALUMET AND GLENDALE
VALPARAISO, INDIANA 46383

Job No.
1577.029

Issue Date
2024 01 15

Project Area
2,536 SQ FT

KEY	QUANT.	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE WIDTH
			<u>DECIDUOUS TREES</u>		
CC	7	CERCIS CANADENSIS	EASTERN REDBUD (SMALL TREE)	15'	15'
OV	6	OSTRYA VIRGINIANA	IRONWOOD (LARGE TREE)	30'	30'
			DECIDUOUS SHRUBS & SHRUB ROSES		
CY	33	CARYOPTERIS	BLUE SPIREA	4'	3'
CN	6	CEANOTHUS AMERICANUS	NEW JERSEY TEA	3'	3'
			PERENNIALS & GROUND COVER		
KM	43	Koeleria macrantha		2'	7'

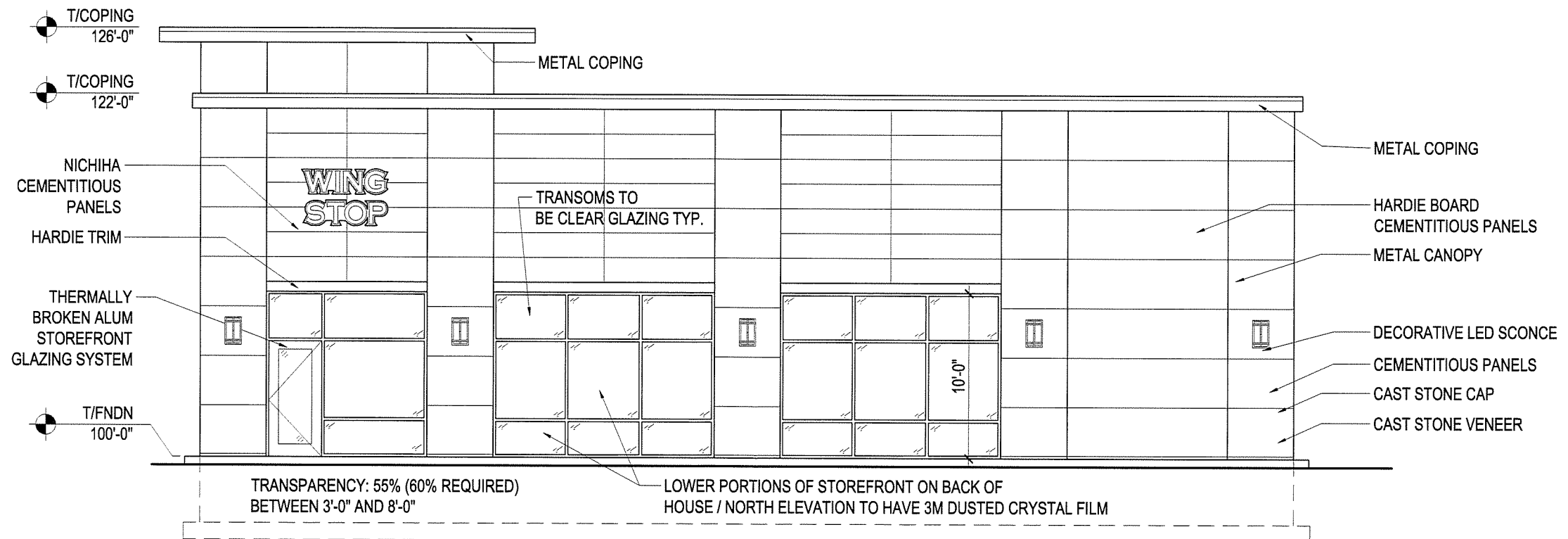
[illegible]

Project Area
2,536 SQ FT



2 EAST ELEVATION

SCALE: 1/8"=1'-0"



1 NORTH ELEVATION

SCALE: 1/8"=1'-0"

ARCHITECT:

kolbrook design

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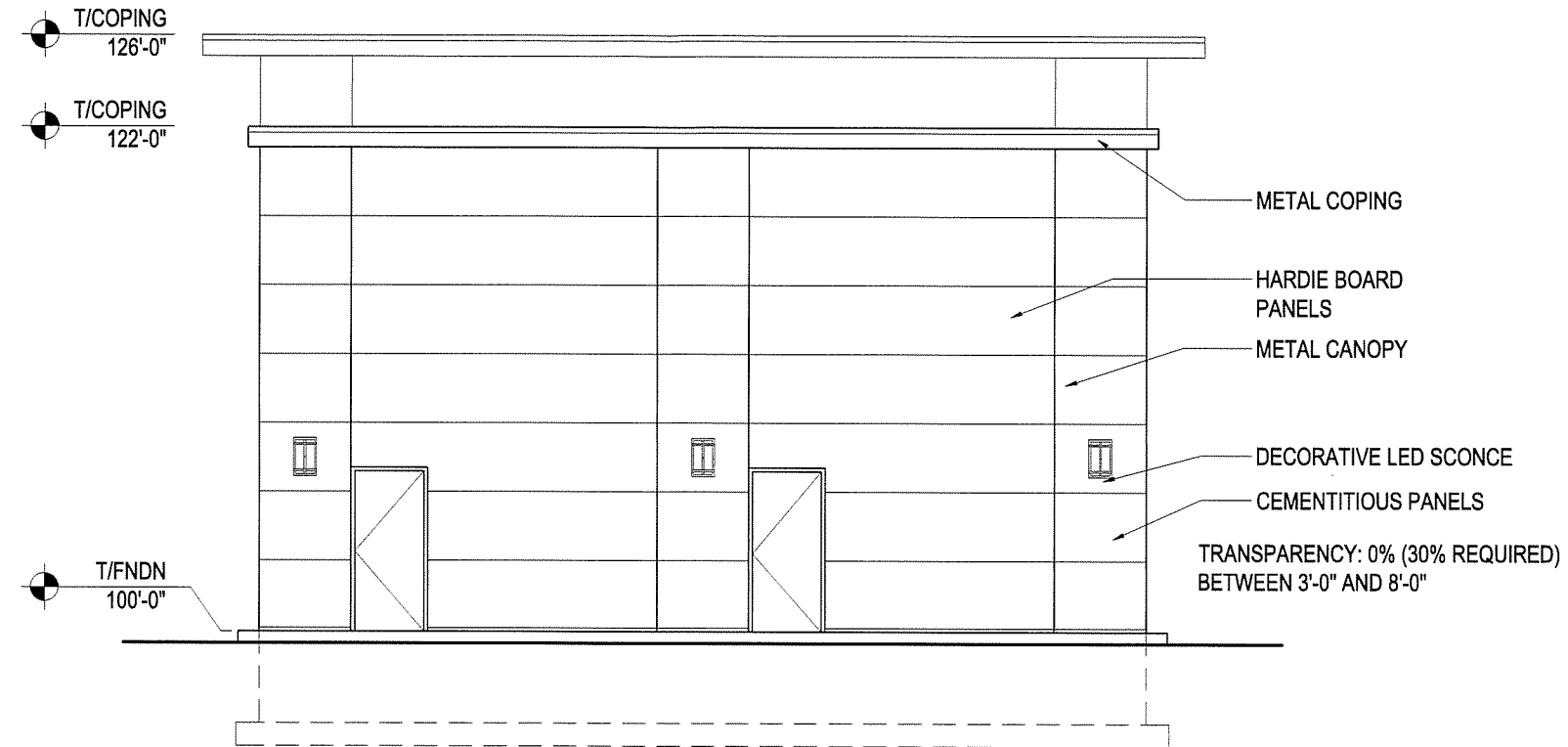
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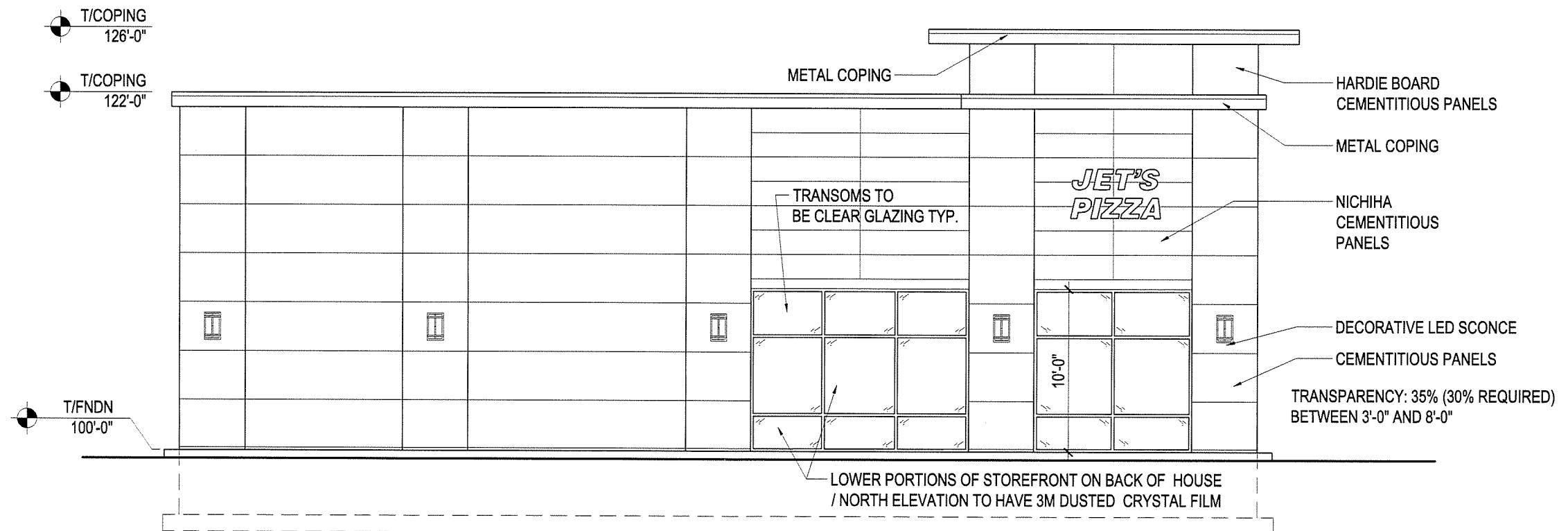
Issue Date
2024 01 15

Project Area
2,536 SQ FT



2 WEST ELEVATION

SCALE: 1/8"=1'-0"



1 SOUTH ELEVATION

SCALE: 1/8"=1'-0"

ARCHITECT:

kolbrook design

828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

PROJECT:

MULTI TENANT RETAIL
CALUMET AND GLENDALE
VALPARAISO, INDIANA 46383

Job No.
1577.029

Issue Date
2024 01 15

Project Area
2,536 SQ FT

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 #: UV24-001, V24-003

Application Type: UV, V

Application Filing Fee: \$350 R# 61314

Date Filed: 01 / 19 / 24

Meeting: 02 / 20 / 24

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address:

209 Nickle Plate Ave.
Valparaiso, IN 46383

Subject property fronts on the west

side between (streets) Nickle Plate (South)

& Union Street (North)

Zoning District: Heavy Industry (INH)

PETITIONER INFORMATION

Applicant Name:

Project Neighbors

Address:

454 College Ave., Valparaiso, IN
46383

Phone:

(219) 405-3070 or (219) 465-3131

Email:

schreiner1927@aol.com

PROPERTY OWNER INFORMATION

Applicant Name:

Nan Palston

Address:

651 Axe Ave.
Valparaiso, IN 46383

Phone:

Email:

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

Article: 2 Section: 201 Paragraph: _____ Item: _____

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

Article: 9 Section: 201 Paragraph: _____ Item: _____

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

Article: 10 Section: 405 Paragraph: _____ Item: _____

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

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

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

UV
V
V



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

Council Add Blk 29 EX Parcel Sold 1.93A Dr 394 P 413

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

~~24~~ Unit Studio Apartment Building

23

209 Nickle Plate Ave.

Description of Proposed Project

A 23-unit studio apartment building: each unit will be designed to house one person and will contain 300 square feet of living space. Each unit will include a sleeping/sitting room with kitchenette and a full bathroom. These units will be rented to income qualifying individuals for \$500 per month on a year-to-year basis. The rent will include all utilities (water, heat, AC, electricity), trash disposal, antenna TV, and Wi-Fi.

The buildeing will have an on-site building superintendent.

Variance from Development Standards

Petitioners Findings of Fact

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:

Thirty parking spaces will be more than adequate to meet the needs the residents of the proposed building. Based on the experience of Project Neighbors renting to the target population, at most 50% will own cars. A smaller parking area will result in more permeable area and more green area.

The proposed use of the property is to be residential. the UDO mandates a "D" buffer yard (40' wide) along collector streets in industrial usage, and that makes sense. Since we are proposing residential use, we believe an "A" buffer yard (10 ' wide) to be more appropriate.

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:

Both requested variances are part of dramatic visual and functional change to the property in question. The parking will be adequate to the operation of the building; there will be no on-street parking. The buffer yards will present a very pleasant change from the field of crushed rock.

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.

Both the parking requirement and the buffer yard requirement, from which we seek variances, are excessive in our proposed usage of the property. Less impervious surface allows for greater soil absorption of rainfall and more green space to be viewed and enjoyed. The narrower buffer yard allows the building to be closer to the roadway, which is more consistent with a residential design.

Use Variance – Petitioner’s Proposed Findings of Fact

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

The proposed residential facility will be designed and built to be architecturally pleasing to the eye, efficient in its use of energy, surrounded by well-designed and groomed landscaping, and managed by an organization experienced in this type of housing (Project Neighbors). It will enhance the welfare of the larger community by providing desperately needed housing which is not available in the marketplace. Stable, affordable housing promotes public health, safety, and the general welfare of a community.

Drive down south Morgan, just past Union Street. That stretch of property on the east side of the street was a dumping ground for everybody’s trash and, just north of the tracks it culminated in the ugliest property in Valparaiso with a dilapidated garage used to salvage scraps of metal. Today, because of the vision of Project Neighbors and the efforts of community volunteers, five duplexes replace that long neglected 500 feet of property, with well lighted and fully landscaped lots providing stable housing to Valpo residents, effectively extending an attractive Valparaiso.

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:

Project Neighbors has owned and managed a small duplex directly to the east of the 209 Nickle Plate property for seven years and has had the opportunity to observe conditions of that property:

The Ralston operation, which for years occupied the property in question, served the asphalt industry. The specific use of the two acres in question provided storage for a variety of stone, large and small. Dominating the acreage were piles of stone, the loading of semi-trucks entering and exiting at multiple locations and the process of filling those trucks with stone. These were the activities the adjacent residential neighbors viewed and lived with.

Our proposed project will have two defined ingress and egress off Nickle Plate. Replacing the piles of stone will be an architect designed building with thorough landscaping surrounding the building, along both Axe Ave. and Nickle Plate Ave.

The quality of life to the adjacent neighborhood will be observably improved.

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

The need for affordable housing – in the United States in general and in Valparaiso in particular - is well established. The search for a site that will accommodate the proposed facility has revealed that **there are few, if any, alternative sites in the city** for this much-needed project; both its location and size make this very suitable for the proposed project.

Given well established need (see attached “Data Supporting Need”), Project Neighbors has spent five years seeking property suitable for this project. This property is ideal. Directly to the east is a small residential subdivision zoned Urban Residential, allowing multifamily. To the east, residential housing

exists as one travels east and north and gradually changes to commercial development. Both of these residential neighborhoods date back to the late 1800s or early 1900s. The proposed project will co-exist with these long-established neighborhoods far better than the heavy industry recently practiced on the corner of Axe & Nickle Plate

D. 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:

The “unnecessary hardship” is on low-income people – some disabled living on Social Security benefits, some employed, all struggling to find stable housing – who live in Valparaiso.

Again, look at the nature of this property: it is adjacent to other residential neighborhoods, to the north, east and west, but still separate from purely residential settings. The development to the east, as cited above, is zoned Urban Residential. 209 Nickle Plate is within walking distance of existing bus stops; water and sewer connections are nearby; and it is near potential employers.

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

Again, look at the nature of this property: it is adjacent to other residential neighborhoods, to the north, east and west, but still separate from purely residential settings. It is within walking distance of existing bus stops; water and sewer connections are nearby; and it is near potential employers.

This property works for the proposed function and that function is supported over and over again in documented statements by the City and City sponsored studies and committees. Here is a sampling:

According to the 2030 Vision Plan 6.2 Develop a Comprehensive Housing Plan: June 24, 2013:

This *2030 Vision Plan* specifically calls for this heavy industrial site to be rezoned light industrial and reaffirms Urban Residential across the street to the east.

The Vision: “Valparaiso will continue to be a community of cultural, ethnic, political, and **economic diversity** where each person has the opportunity to live, learn, work, play and excel in a safe and friendly environment.”

“Develop an inventory of undeveloped and underdeveloped sites that provide suitable locations for **higher-density housing**. Particularly: - Identify sites that are suitable for special needs housing...”

“Evaluate and mitigate any regulatory or procedural impediments to affordable housing.”

“Identify and recruit development companies with a track record of building quality housing in small-lot, attached, and higher-density formats...”

"There is also a concern that the cost of housing in Valparaiso is becoming increasingly expensive, which may discourage those who work here from living in Valparaiso."

According to AltogetherValpo:

"The focus of Valparaiso's efforts should be for the development of affordable housing for families and individuals earning less than 80% of area median income..."

"Encourage infill development and redevelopment of existing sites."

"To help increase the supply of affordable residential properties, **look at reclassifying underutilized industrial sites...for residential or mixed use development.**"

"The committee's research identified a void in the small unit, multi-family housing market. The City staff should be encouraged to recommend variances to the BZA to promote denser housing..."

From ValpoNext:

"3a. Ensure Affordable Shelter. Welcome all (not only in word but indeed), by ensuring affordable housing for disabled and minimum wage workers in Valparaiso, through a joint initiative of the city and non-profit sector."

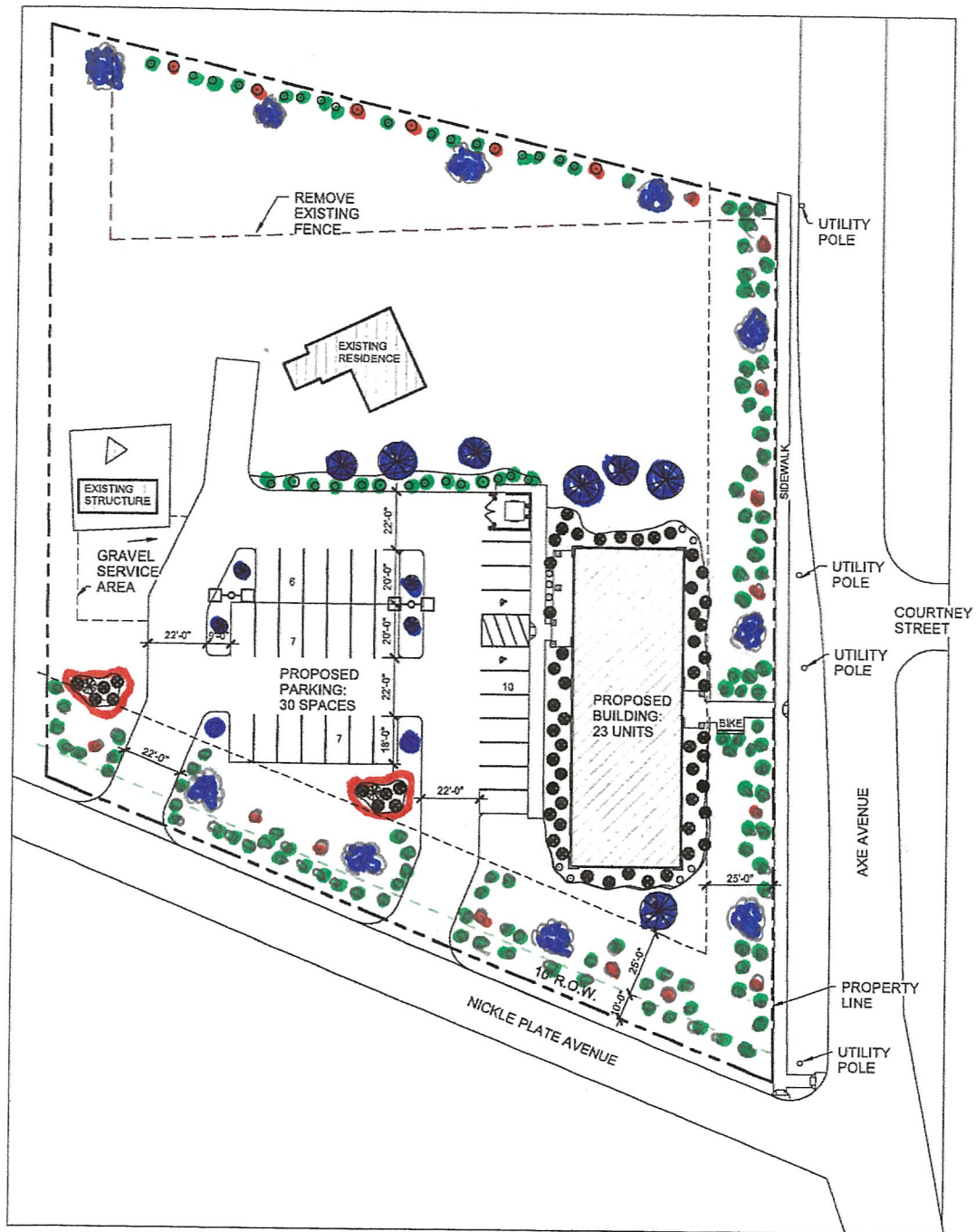
Data Supporting Need:

The most recent City sponsored study, *Residential Market Analysis City of Valparaiso, Indiana: March 2, 2021*, cites the '830 Problem': **"...we estimate that the need for...rental households earning less than 50% AMI is approximately 830 units."** Persons unable to secure affordable housing (paying more than 30% of household income) are unable to afford health care, food, other necessities, and stable employment. According to the *US Census American Community Survey 5 years estimates 2022* for the city of Valparaiso:

Household Income	% paying more that 30%	%paying more than 50%
Under 10,000	100%	92.4%
\$10-\$20,000	82.1%	75%
\$20-\$35,000	88.6%	41.2%
Collectively, this represents 1621 households.		

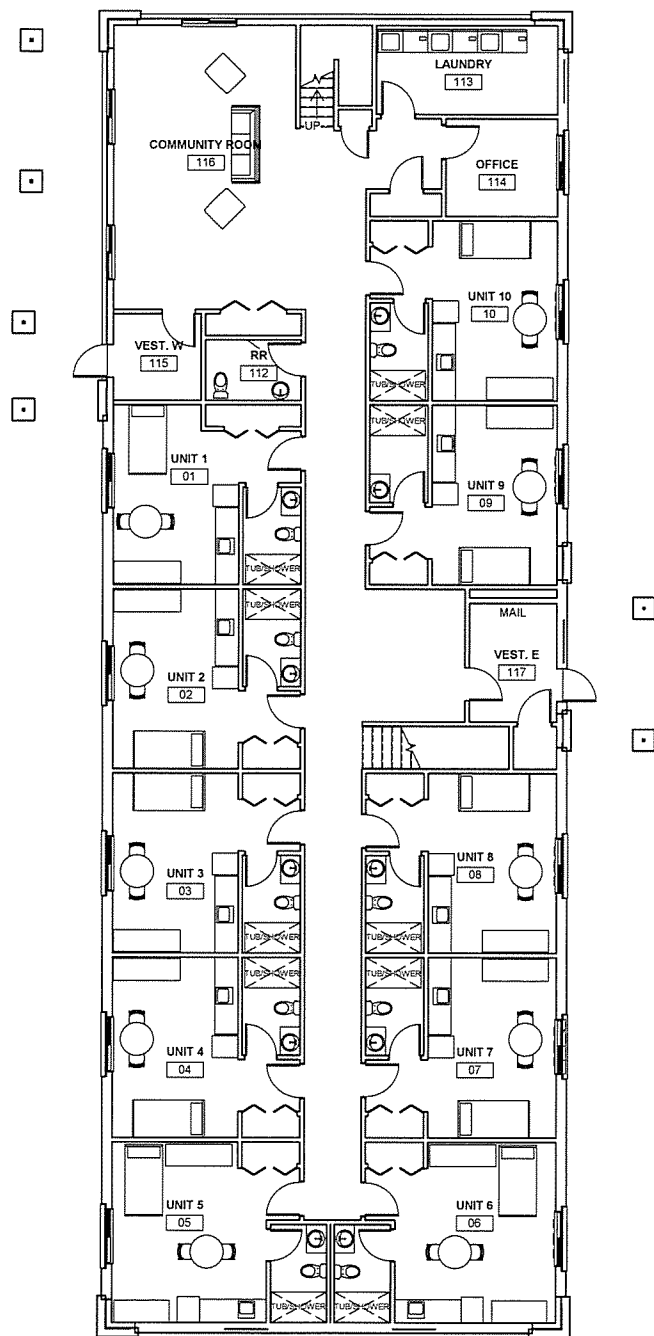
According to the *Bureau of Labor Statistics* and *Fair Market Rental Data*, "cooks, food preparation workers, bartenders, fast food workers, waiters and waitresses, dishwashers, hosts and hostesses, and hotel, motel, and resort desk clerks, to name just a few, average around \$22,500 per year...and could not afford the average fair market rent of a one bedroom or an efficiency apartment in Porter County. In fact, they would need rental costs (without utilities) of around \$450 per month.

LARGE TREES
 SMALL TREES
 SHRUBS

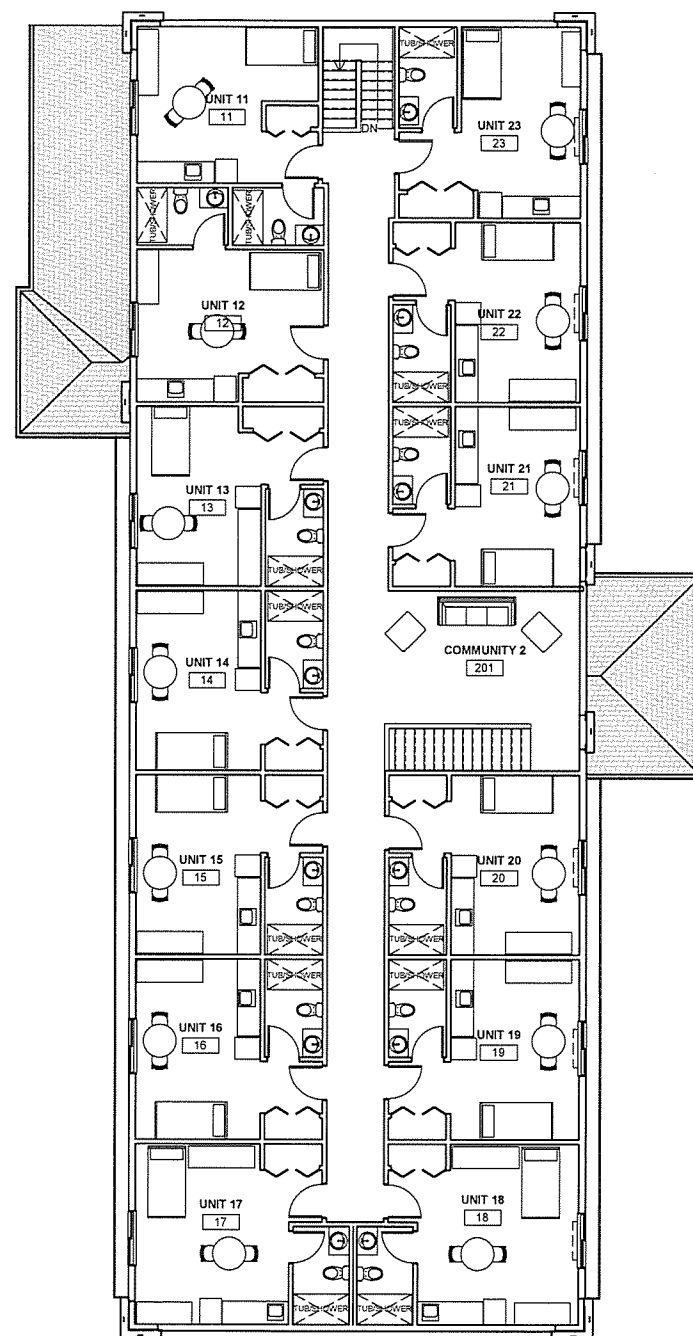


1 SCHEMATIC SITE PLAN
 1" = 30'-0" 0' 45'





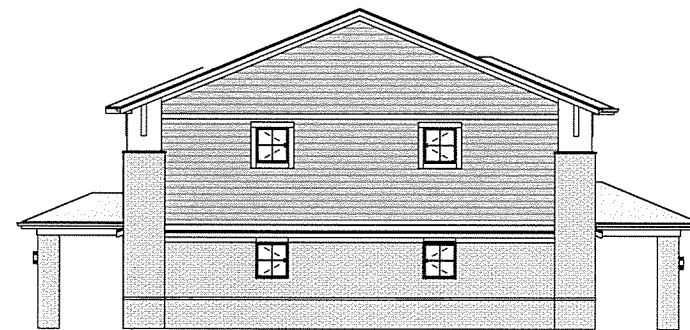
FIRST FLOOR PLAN
1/8" = 1'-0" 0' 12'



SECOND FLOOR
1/8" = 1'-0" 0' 12'



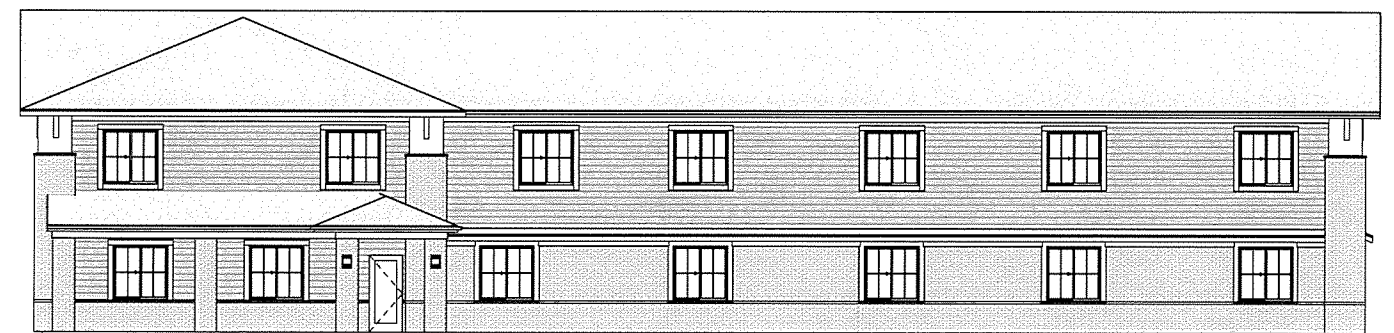
EAST ELEVATION
1/8" = 1'-0" 0' 12'



SOUTH ELEVATION
1/8" = 1'-0" 0' 12'



NORTH ELEVATION
1/8" = 1'-0" 0' 12'



WEST ELEVATION
1/8" = 1'-0" 0' 12'