

VALPARAISO BOARD OF ZONING APPEALS
Regular Meeting Minutes
January 21, 2020

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 7:00 p.m. on Tuesday, January 21, 2020 in Valparaiso City Hall Council Chambers, located at 161 Lincolnway, Valparaiso. Mike Micka presided.

Members present were Diane Worstell, Melanie Trowbridge, Ryan Wright and President Mike Micka. Byron Martin arrived late. Also present were Tyler Kent, Carley Lemmon, Attorney Patrick Lyp, citizens, and representatives of the press.

MINUTES:

Melanie Trowbridge made a motion to approve the December 17, 2019 minutes as submitted. Ryan Wright seconded the motion. A voice vote was taken and unanimously carried 3-0. (Byron Martin was not present.)

ELECTION OF OFFICERS:

President: Melanie Trowbridge nominated Mike Micka. Ryan Wright seconded the nomination. A voice vote was taken and unanimously carried 4-0. (Byron Martin was present.)

Vice-President: Diane Worstell nominated Melanie Trowbridge. Ryan Wright seconded the nomination. A voice vote was taken and unanimously carried 4-0.

Secretary: Melanie Trowbridge nominated Helene Pierce. Ryan Wright seconded the motion. A voice vote was taken and unanimously carried 4-0.

Legal Counsel: Tyler Kent advised Attorney Patrick Lyp is now on staff and will be acting Counsel for the Board of Zoning Appeals.

OLD BUSINESS:

None.

NEW BUSINESS:

UV19-004/VAR19-019 – A petition filed by Evergreen Real Estate Group c/o Todd Leeth, 103 Lincolnway, Valparaiso, IN. The petitioner requests a Use Variance from Article 11, Section 11.305 (C)(4) of the Valparaiso Unified Development Ordinance, to allow for Institutional Residential within it the US30 (Morthland Drive) Overlay District. A variance from Article 2, Section 2.518(D), to vary the required installation of a six-foot-high opaque fence constructed between an institutional residential use and lots zoned and or occupied by single-family dwelling units. A variance from Article 3, Table 3.301(B), to vary the Gross Floor Area (FAR) of .431, to allow for a Gross FAR of .68. A variance from Article 3, Table 3.301(B), to vary the NET FAR of .507, to allow for a NET FAR of .77. A variance from Article 3, Table 3.505, to vary the maximum building height of thirty-five (35) feet, to allow for a building height of thirty-six (36) feet. A variance from Article 9, Section 9.201, to vary the required 180 parking spaces, to allow for 90 parking spaces for the use of an Institutional Residential use. A variance from Article 9, Table 9.201, to vary the required six (6) loading berths, to allow for one (1) loading berth. The property is located at 150 Morthland Drive, in the Commercial General (CG) Zoning District. Attorney Todd Leeth was present. Attorney Patrick Lyp advised the petitioner has requested, in writing, a one (1) month continuance.

Motion: Ryan Wright made a motion to continue UV19-004/VAR19-019 until the February 18, 2020 regular scheduled Board of Zoning Appeals meeting. Melanie Trowbridge seconded the meeting. A roll call vote was taken and unanimously carried 4-0.

VAR19-023 – A petition filed by Terry and Harold Howie, 2502 William Drive, Valparaiso, IN. The petitioner requests a variance from Article 2, Section 2.305(C)(2), of the Valparaiso Unified Development Ordinance, to vary the required side yard pool setback of eight (8) feet to allow for a pool setback of six (6) feet. A variance from Article 2, Section 2.302 (A)(3) to vary the required fence height of four (4) feet to allow for a fence height of five (5) feet. The property is located at 2402 William Court, in the Suburban Residential (SR) Zoning District. Mrs. Terry Howie presented. The property at 2402 William Court is in a Trust and our daughter and son-in-law reside in the home. We would like to put a pool in the rear yard, however, because lot rests

on two different streets it is hard to determine where the rear yard is exactly. We will have plenty of vegetation between our yard and the neighbors to provide more than adequate screening. As well, we are requesting a five (5) foot fence because that is what our neighborhood association requires us to have. The configuration will also create a six (6) foot pool set back versus the required eight (8) foot setback.

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

Mr. Mike Tishman, 2503 William Drive, Valparaiso, is a neighbor to the Howie's and this property and he is in favor of the petition.

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

Q: Have you received approval from your Homeowner's Association?

A: Yes.

C: Carley Lemmon, Assistant City Planner, advised that Manchester Meadows subdivision was developed under the County's jurisdiction and requirements. The Landscape Plan on the northwest side of the property acceptable.

Motion: Melanie Trowbridge made a motion to approve VAR19-023 as presented noting the petitioner's Homeowner's Association has also approved the project. Such approval will not be injurious to the health, safety or public welfare of the community; will not affect the use of the adjacent properties; arises from practical difficulties; and the petitioner will comply with all parking requirements. Ryan Wright seconded the motion. A roll call vote was taken and unanimously carried 4-0.

STAFF ITEMS:

Approval of 2020 Meeting Dates: Tyler Kent advised meeting dates are scheduled for the third Tuesday of each month at 7:00 p.m.

Motion: Byron Martin made a motion to approve the 2020 meeting dates. Melanie Trowbridge seconded the motion. A roll call vote was taken and unanimously carried 4-0.

Meeting Time: Tyler Kent asked Member to consider changing the meeting start time to 5:30 p.m. and vote at a future meeting. February's meeting will be held at 7:00 p.m. and the Members will vote from that meeting forward.

Reappointment: Tyler Kent congratulated Mike Micka on being reappointed to this Board by Mayor Murphy for another four (4) year term.

ADJOURNMENT:

There being no further business, the January 21, 2020 Board of Zoning Appeals meeting was adjourned at 7:18 p.m.

Mike Micka, President

Tyler Kent, Executive Secretary