

**VALPARAISO BOARD OF ZONING APPEALS**  
**Regular Meeting Minutes**  
**February 18, 2020**

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 7:00 p.m. on Tuesday, February 18, 2020 in Valparaiso City Hall Council Chambers, located at 161 Lincolnway, Valparaiso. Mike Micka presided.

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

**MINUTES:**

Diane Worstell made a motion to approve the January 21, 2020 minutes as submitted. Ryan Wright seconded the motion. A voice vote was taken and unanimously carried 5-0.

**OLD 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. Gerard Eisenthal, Thad Gleason, and Matt Carr were also present. The petitioner is proposing a 120-apartment assisted living facility to be located at 150 Morthland Drive, Valparaiso. The property is 3.3 acres directly east of GracePoint Church. Attorney Leeth noted that he spoke with the Pastor Ben Lamb from GracePoint Church last month and the church was supportive. This property is located between two fully developed properties and has an existing frontage road and new pedestrian pathway both on the south side of the property. The property is zoned Commercial General and an institutional use is a limited use allowed under the CG zone. However, this property is also within the US30 Overlay District, therefore, there are additional requirements and institutional uses are prohibited in the US30 Overlay District. The Overlay has no purpose as to why institutional uses are prohibited other than the area intent is to be “auto-centric”, however, this property is next to a church that is next to a school. There are residential homes to the north and a number of varied uses throughout the district. The proposed use of Institutional residential is more like a commercial use. The petitioner is planning for landscaping and buffer zones between the residential area and US30. The building was pushed back to allow for primary parking on the south. The property is long and narrow and because there are residences to the north a full commercial use is not a good fit here. Institutional residential is a good buffer use between US30 and residential. There are complimentary elevations on the property. The architecture will be very well done, attractive, and will have a residential look and feel. The building will be the home to 120 seniors, will have a Class 3 bufferyard, will be set back, will have berming to the south that will allow for a very soft approach. With regard to the variances, the petitioner is requesting not to have a fence on the north side due to there being an impressive tree line buffer already in place. They request a building height of 36 feet, only one foot over the requirement, which will be buffered and have a soft look. Parking will be for visitors and staff. Residents do not have vehicles. One loading berth is all that is needed. As proposed the facility is a three-story building so it is dense, however, it is on a small footprint and the building height is only one foot over the requirement. Staff had comments and concerns at the Site Review meeting and the petitioner has worked to already incorporate many of the suggestions into the plan. The property will also have written commitments that allows the city to determine if future façade updates, etc., are needed.

**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. No one spoke, therefore, the public hearing was closed, and questions/comments were heard from the Members.

Q: With regards to parking, how many employees will you have?

A: 55 to 60 maximum with only 20 to 25 per shift. The residents typically do not have a vehicle and the facility provides transportation for them.

Q: Will the existing trees block the building from US30?

A: The plan is to buffer as much as possible from US30. There are existing trees and elevations that will assist in that.

Q: Do you need a fence around the retention pond?

A: The tree line buffer is dense however, we plan to add more landscaping and the retention pond will be built with a safety shelf at 1-2 feet of water and then tapers down.

Q: What is the berm height at the front of the building?

A: 10 feet

C: Tyler Kent requested that the front berm height be indicated in, and the final plans be incorporated into the written agreement and attached as an exhibit and properly recorded. Mr. Kent requested this be a condition to any approval.

Motion: Melanie Trowbridge made a motion to approve UV19-004 with the condition that the front berm height be indicated in, and the final plans be incorporated into the written agreement and attached as an exhibit and properly recorded per staff recommendation. 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 arises from a condition peculiar to the property in that this is in both the Commercial General Zoning District and the US30 Overlay District. Ryan Wright seconded the meeting. A roll call vote was taken and unanimously carried 5-0.

Motion: Melanie Trowbridge made a motion to approve VAR19-019 with the condition that the front berm height be indicated in, and the final plans be incorporated into the written agreement and attached as an exhibit and properly recorded per staff recommendation. 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. Byron Martin seconded the meeting. A roll call vote was taken and unanimously carried 5-0.

### **NEW BUSINESS:**

**VAR20-001** – A petition filed by Stephen Pease, 702 E. Lincolnway, Valparaiso, IN. The petitioner requests a variance from Article 11, Section 11.506(1)(A), of the Valparaiso Unified Development Ordinance, to vary the required 60% transparency along the primary façade to allow for a transparency of 47%. A variance from Article 11, Section 11.306, Table 11.306 (A) to vary the required minimum building setback of 30 feet to allow for a setback of 19 feet 6 inches. A variance from Article 11, Section 11.306, Table 11.206(A) to vary the required minimum landscaped yard along Right of Way of 30 feet to allow for a minimum landscaped yard of 23 feet. The property is located at 1004 N. Calumet Avenue, in the Commercial General (CG) Zoning District. Mr. Stephen Pease presented. The property is Martini's Restaurant. The petitioner would like to upgrade the façade to include new fascia, additional lighting, new signs, replace landscaping, additional windows, and a new entry. The building is existing and has been for many years, therefore it is very difficult to comply with the current standards. The existing building is non-compliant with the setbacks and they would like to extend the entry an additional three (3) feet. They will be adding windows to the front of the building but are unable to comply with the required 60% on the west elevation. There is already in-ground landscaping that the petitioner plans to tear out and redo. Nothing goes beyond very much what is already existing and has existed for many years therefore these upgrades will not have any negative affect on the neighbors or surrounding properties.

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. No one spoke, therefore, the public hearing was closed, and questions/comments were heard from the Members.

Tyler Kent, City Planner, advised he received one letter from Mr. Richard Stackert, property owner at 506 Evans Avenue, in favor of the proposed improvements.

C: Carley Lemmon, Assistant City Planner, advised that staff does recommend the Petitioner remove the existing pole sign and bring the signage into compliance.

C: Tyler Kent, City Planner, advised that the City works with property owners to reinvest. This building is already in the setback areas, etc., and causes no negative affect. The City is in favor or the improvements.

Q: Will there be any changes to the parking lot?

A: No.

Q: Will the new entry be ADA compliant?

A: Yes.

Motion: Ryan Wright made a motion to approve VAR20-001 with the condition that the existing pole sign is removed, and new signage is compliant. 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. Melanie Trowbridge seconded the motion. A roll call vote was taken and unanimously carried 5-0.

**UV20-001** – A petition filed by Paul Schreiner 454 S. College Avenue, Valparaiso, IN. The petitioner requests a Use Variance from Article 2, Section 2.201, Table 2.201(A) of the Valparaiso Unified Development Ordinance, to allow for Single-Family attached within the Neighborhood Conservation (NC) Zoning District. The property is located at 606 Indiana Avenue, in the Neighborhood Conservation 60 (NC-60) Zoning District. Attorney Ivan Bodensteiner presented. Mr. Paul Schreiner was also present. The petitioner is proposing a two-unit building versus a single unit at 606 Indiana Avenue, Valparaiso. The two-unit building will be two floors. The existing house will be removed and a new two-unit, two floor structure will be built. The new building will be owner occupied on the first floor and will lease the second-floor unit. From the outside the siding will be the same and the home across the street, the use fits with the existing uses of the area. There are other multi-family units in the area, and this will not stick out. The new building will be an improvement due to the existing structure being in disrepair.

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.

Ms. Elizabeth Gingrich, 702 Indiana Avenue, stated she is in favor of the petition.

Ms. Melissa Osika, 154 S. College, stated she is in favor of the petition.

Mr. Rolando Chillian, states he is in favor of the petition.

A representative from Trinity Lutheran Church stated the church is in favor of the improvement to the neighborhood.

Ms. Tina Allen-Alahassen, states she is in favor of the petition.

Mr. Dave Tincher, 4108 Waterbridge, states he is in favor of the petition.

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

C: Tyler Kent, City Planner, stated he received correspondence from Mr. Ronald Rittgers also in favor of the petition.

C: Carley Lemmon, Assistant City Planner, advised that the City has reviewed the project. If approved, Staff recommends the following: trees remain at the front of the lot, hardy-board or fiber cement siding to be used, and a two-vehicle garage shall be provided for each unit.

Q: Where will the access to the second floor be located?

A: Off the garage.

Motion: Ryan Wright made a motion to approve UV20-001 with the conditions that the trees remain in the front of the lot, hardy-board or fiber cement siding is to be used, and a two-vehicle

garage is provided for each unit. Melanie Trowbridge seconded the motion. A roll call vote was taken and unanimously carried 5-0.

**STAFF ITEMS:**

**Meeting Time:** Tyler Kent noted that he previously asked Members to consider changing the meeting start time to 5:30 p.m. Discussion took place.

**Motion:** Melanie Trowbridge made a motion to change the Board of Zoning Appeals regular monthly meeting time to 5:30 p.m. Diane Worstell seconded the motion. A roll call vote was taken and unanimously carried 5-0.

**ADJOURNMENT:**

There being no further business, the February 18, 2020 Board of Zoning Appeals meeting was adjourned at 8:27 p.m.

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Mike Micka, President

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Tyler Kent, Executive Secretary