

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

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Tuesday, April 21, 2020 in Valparaiso City Hall Council Chambers, located at 161 Lincolnway, Valparaiso via remote access. Mike Micka presided.

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

MINUTES:

Diane Worstell made a motion to approve the March 31, 2020 minutes as submitted. Byron Martin seconded the motion. A voice vote was taken and unanimously carried.

OLD BUSINESS:

VAR19-026 (Reconsideration) - A petition filed by Anton Baumann, 3101 Cascade Drive, Valparaiso IN. The petitioner requests a variance from Article 2, Section 2.406 (A), of the Valparaiso Unified Development Ordinance, to vary the required loading and truck access location from behind the principal building and screened to allow for loading and truck access to be located in the front of the principal building and unscreened. A variance from Article 11, Section 11.502 (B), to vary the required offset. A variance from Article 11, Section 11.507 (B), to vary the permitted building materials to allow for Galvalume Steel Siding. A variance from Article 11, Section 11.306, Table 11.306 (A), to vary the required minimum building setback from 60 feet to allow for a minimum building setback of 32.28 feet. A variance from Article 11, Section 11.306 (A) to vary the required 30-foot landscaped yard along the right-of-way. A variance from Article 11, Section 11.306 (A) to vary the required 4 shade trees, 3 Evergreen trees, 4 ornamental trees, 6 large shrubs and 10 small shrubs per 100 linear feet of frontage. A variance from Article 11, Section 11.306 (A) to vary the required screening of all service areas with dense planting of shrubs and Evergreen trees. A variance from Article 11, Section 11.306 (A) to vary the required screening of all parking areas with a 5-foot buffer of shrubs, 3 feet in height maximum. A variance from Article 10, Section 10.303, to vary the required open space landscaping of 10 large trees, 15 small trees and 17 shrubs per acre. A variance from Article 10, Section 10.304, Table 10.304, to vary the required parking lot landscaping of 1 large tree per 8 parking spaces and 1 shrub/perennial/ornamental grasses per 4 parking spaces. The property is located at 3001 Cascade Drive, in the Light Industrial (INL) Zoning District. City Planner Beth Shrader advised there was an insufficiency in public notice that has since been addressed and resolved and all parties are now properly notified. Ms. Shrader respectfully requests a motion to reconsider VAR19-026.

Motion: Diane Worstell made a motion to reconsider VAR19-026. Melanie Trowbridge seconded the motion. A roll call vote was taken and unanimously carried.

Mr. Kevin Coros with McMahon Associates and Mr. Anton Baumann presented. This variance was presented in detail at the March meeting and there have been no changes. City Planner Beth Shrader recommends approval with the same conditions as previously granted.

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.

Motion: Melanie Trowbridge made a motion to approve VAR19-0026 with the same conditions as previously granted; specifically with landscaping conditions to require 3 street trees and some type of landscaping against the new building to match the existing building, noting staff will work with the petitioner on placement of the required trees and additional landscaping. 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. Diane Worstell seconded the motion. A roll call vote was taken and unanimously carried.

NEW BUSINESS:

SE20-001/VAR20-004 – A petition filed by Neighbors Corp, 454 College, Valparaiso, IN. The petitioner requests a special exception from Article 2, Section 2.507(C), of the Valparaiso Unified Development Ordinance, to allow for a multifamily building with five (5) units on the property. The petitioner requests a variance from Article 2, Section 2.507(C)(2), of the Valparaiso Unified Development Ordinance, to allow for a multifamily building with five (5) units on a property that is not a corner lot. A variance from Article 9, Section 9.201, Table 9.201, to vary the required fifteen (15) parking spaces, to allow for a total of seven (7) parking spaces. A variance from Article 3, Section 3.301, Table 3.301(A), to vary the minimum area of parcel proposed for development from 2.5 acres to allow for a minimum area of .2 acres. The property is located at 206 Monroe, in the Residential Transition (RT) Zoning District. Byron Martin advised he would be recusing himself from this petition due to his being a Project Neighbors Board Member. City Planner Beth Shrader advised the petitioner has requested a continuance until the May regular meeting.

Motion: Melanie Trowbridge made a motion to continue SE20-001 and VAR20-004 until the May regular meeting as requested by the petitioner. Diane Worstell seconded the motion. A roll call vote was taken and carried 3-0 with Byron Martin recusing himself.

VAR20-005 – A petition filed by Legacy Sign Group, 316 N 325 E, Suite 1, Valparaiso, IN. The petitioner requests a variance from Article 11, Section 11.306(C), of the Valparaiso Unified Development Ordinance, to vary the required monument sign height of no more than six (6) feet to allow for a monument sign height of eight (8) feet. The property is located at 602 Lincolnway, in the Residential Transition (RT) Zoning District. Mr. Shawn Ensign presented. There is currently a sign located at 602 Lincolnway, however, there is an additional tenant moving into the building that needs to be recognized. The sign cabinet itself will remain as is, only a new tenant's name will be added therefore making the sign 8 feet versus 6 feet. The wood columns will be extended, and the sign will remain internally illuminated.

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: The very top of the sign will be eight feet?

A: Yes.

Q: Does the new height create any visibility issues or concerns?

A: Jefferson Street is a one-way street and the sign is set back a distance so there are no concerns.

Motion: Melanie Trowbridge made a motion to approve VAR20-005 to allow for a monument sign height of eight (8) feet as presented. 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 motion. A roll call vote was taken and unanimously carried.

VAR20-006 – A petition filed by Jesse Butz, 103 Jefferson St, Valparaiso, IN. The petitioner requests a variance from Article 2, Section 2.402 (1C), of the Valparaiso Unified Development Ordinance, to allow for a fence in the front yard of the lot. A variance from Article 2, Section 2.402 (1C), to vary the maximum fence height of four (4) feet to allow for a gate height of five (5) feet and main entrance gate height of thirteen (13) feet. A variance from Article 5, Section 5.303, Table 5.303B, to allow for signage on a lot with no building frontage. The property is located at 106 Jefferson St, in the Central Business District (CBD) Zoning District. Andy Moats with Shive-Hattery presented on behalf of the Porter County Library. The library is working with the City Redevelopment Commission to develop a garden park across the street from the library. In order to have fencing around the property variances are required to allow for signage on the gate, the entry gate to be 13 feet high and the fence to be 5 feet high.

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.

C: Assistant City Planner Carley Lemmon reported that the site was reviewed at the March Site Review meeting. The Library Board is partnering with the Redevelopment Commission and receiving a State grant to continue.

C: Attorney Patrick Lyp advised that the petition documents noted Jesse Butz as the Property Owner and it should be listed as the Library Board.

R: Andy Moats stated they would get this corrected.

Q: Are there any City concerns with these requests?

A: City Planner Beth Shrader stated, no, the project is being developed in a sensible way and the scale of the design works well with the surrounding area.

Motion: Ryan Wright made a motion to approve VAR20-006, to allow for a fence in the front yard of the lot, to vary the maximum fence height to allow for a gate height of five (5) feet and main entrance gate height of thirteen (13) feet, and to allow for signage on a lot with no building frontage. 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. Diane Worstell seconded the motion. A roll call vote was taken and unanimously carried.

VAR20-007 – A petition filed by Philip E. Hahn, 125 West Division Road, Valparaiso, IN. The petitioner requests a variance from Article 3, Section 3.501, of the Valparaiso Unified Development Ordinance to vary the required rear yard setback of twenty (20) feet to allow for a rear yard setback of eight (8) feet for the construction of a single-family home. The property is located at 304 Stanley Street in the Neighborhood Conservation 60 (NC-60) Zoning District. Mr. Gary Green with GL Green Associates presented. This petition was heard and approved in October 2019. After that time, it was determined that there were notice issues and the petitioner was made to refile the petition and correct the notice issues. This is an infill project in an older neighborhood. As proposed this project will align with the property to the east.

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. Adrian Horb, representing neighbor George Horb (address not given), questioned the size of the home that is being built in relation to the lot size.

Ms. Susan Amos, neighbor (address not given), questioned why this petition was approved and why now there is a public hearing when the home is already built.

Ms. Susan Amick, neighbor (address not given), states this property floods and then it floods the surrounding properties.

Mr. Green's rebuttal:

- Attorney Patrick Lyp advised that the petitioner has an obligation to notice those within 300 feet of the property. At the time of the original meeting date, the affidavit was not provided. After the fact, the mistake brought to the City's attention and the matter was addressed. The variance was revoked, and the petitioner was made to refile.
- Mr. Green stated that before the property was purchased, the petitioner worked with the City and believed they were following all protocols. As well, Mr. Hahn walked the neighborhood and spoke to every neighbor that was available. Mr. Hahn is going to live in this home. He also granted a drainage easement to the City to make the drainage better for everyone in the neighborhood. Since then, the City has completed a drainage project

on the southeast corner of Mr. Hahn's property, thus making the drainage in this area better.

- The rear yard setback has no impact on the drainage.
- Beth Shrader advised she would follow up with the City Engineering Department to work with the neighbors on a better understanding of the drainage project and the benefits thereof.
- The size of the home is within the zoning requirements and the project is under the 4.5% lot coverage guideline.

Assistant Planner Carley Lemmon advised that a letter was received from Mr. Rolando Chillian, 302 Stanley Street, Valparaiso, stating he has no objection to this project.

Mr. Green advised that Mr. Chillian's property is directly to the west of Mr. Hahn's and the setbacks are also along the 8-foot line.

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

Motion: Diane Worstell made a motion to approve VAR20-007 to allow for a rear yard setback of eight (8) feet for the construction of a single-family home. 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.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the April 21, 2020 Board of Zoning Appeals meeting was adjourned at 6:25 p.m.

Mike Micka, President

Beth Shrader, Executive Secretary