

**VALPARAISO BOARD OF ZONING APPEALS**  
**Regular Meeting Minutes**  
**April 21, 2021**

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, April 21, 2021 at Valparaiso City Hall, 166 Lincolnway, Valparaiso, Indiana. Remote access was available via livestream on the Valparaiso City Website. Mike Micka presided.

Members present were Diane Worstell, Paul Reed, Kyle Yelton, and Mike Micka. Also present were Beth Shrader, Carley Lemmon, Attorney Patrick Lyp, and petitioners. Byron Martin arrived after roll call.

**MINUTES:**

Paul Reed made a motion to approve the March 17, 2021 minutes as presented. Diane Worstell seconded the motion. A voice vote was taken and unanimously carried 4-0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**VAR21-004** - A petition filed by John & Debra Albers. The property is located at 401 Lafayette Street in the Neighborhood Conservation-60 (NC-60) Zoning District. The petitioner requests the following variance(s):

- Article 2, Section 3.303 (D)(1) – To vary the maximum accessory building height to allow for an accessory building height of 21’4”.
- Article 2, Section 3.303(D)(2) – To vary the maximum accessory building footprint to allow for an accessory building footprint of 1088 square feet.

Mr. John Albers presented. Debra Albers was also present. Their home has a detached two-car garage with driveway and alley access. This structure has been deteriorating over the years. It cannot be repaired because the foundation is not suitable. Therefore, they are replacing the existing structure with a new structure. The existing structure is only 485 square feet. The proposed new structure is approximately 685 square feet to better accommodate modern day vehicle sizes and storage. They also designed a second story home office suite for another additional 100 square feet. The second-floor access is through the main structure. Single story addition to the south of the primary structure will feature a workshop and be an additional 300 square feet. The total footprint is 1,088 square feet. We are eliminating the alley access. We are matching materials to the current home by saving bricks from the existing structure to use on part of the structure in addition to siding.

**Public Hearing:** Beth Shrader asked if any of the public would like to speak in favor of or in opposition of this petition. Ms. Shrader 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: No one will be residing in the upper level of the garage?

A: No.

Q: Is there a need for a firewall in this situation?

A: Yes. That is being accommodated for through our architect.

**Motion:** Diane Worstell made a motion to approve VAR21-004 as presented. Kyle Yelton seconded the motion. A roll call vote was taken and unanimously carried 5-0.

**UV21-001/VAR21-005** – A petition filed by DVG Team, INC – Russ Pozen, 1155 Troutwine Rd, Crown Point, IN 46307. The property is located at 708 Evans Ave in the Light Industrial (INL) Zoning District. The petitioner requests the following variance(s):

- Article 9, Section 9.201, Table 9.201 – To vary the minimum parking and loading requirements to allow for a minimum of 131 Parking Spaces.
- Article 9, Section 9.403, Table 9.403(B) – To vary the minimum connection spacing to allow for a minimum connection spacing of 63 ft.
- Article 10, Section 10.304(E) – To vary the required parking lot planting island area and depth to allow for parking lot planting island area of 295 Sq. Ft. and depth of eight (8) feet.
- Article 10, Section 10.405, Table 10.405 – To vary the required street bufferyard requirements to allow for no street bufferyard along Evans Ave.
- Article 11, Section 11.502 (A) – To vary the required maximum horizontal dimensions to allow for a maximum horizontal dimension of 116 ft.
- Article 11, Section 11.503(A) – To vary the required minimum architectural feature spacing intervals to allow for architectural features spaced at intervals more than 12 feet apart.
- Article 11, Section 11.506, Table 11.506 – To vary the required Transparency along street frontages to allow for a minimum transparency of 26.5%.
- Article 11, Section 11.506(B)(2) – To vary the requirement for windows to be transparent and allow views into the building to allow for the lower portion (3-8 ft) of the window to have a translucent screen.
- Article 11, Section 11.508(A)(4)(a) – To vary the requirement for building height variation to allow for a height variation less than 3 feet per 150 feet.
- Article 2, Section 2.201, Table 2.201(B) – To allow for a Private Club Use in the Light Industrial (INL) Zoning District

Mr. Ryan Smiley, representing the Boys & Girls Club of Northwest Indiana, presented. The Valparaiso Boys & Girls Club is relocating and building a new building at 708 Evans Avenue, Valparaiso.

Mr. Russ Pozen, representing DVG Team, INC, presented.

- Parking - 166 spaces required. We have 131.
- Minimum Connection – We have two access points and they are 63 feet apart. A study was done and found that the entrances will not negatively affect the surrounding area.
- Due to having wetlands on the property, causes the request for the lot planting islands and bufferyard variance requests.

Mr. Jeff Wolfe, architect, presented.

- The building is proposed as a precast concrete building. The panels are 12 feet wide, insulated and provide support. When placed the building will have straight lines of 116-foot horizontal dimension.
- The one-story levels have 14-foot parapets, the gymnasium has a 29-foot parapet, and the cafeteria on the south side will have a 20-foot parapet. This will break up the long horizontals of the building.
- We also have 2, 4, and 8-foot centers to break up the horizontals.
- Our window spacing is controlled due to the 12-foot wide concrete panels. Windows are added in 6'x8' wide window panels. Security film will be added to the bottom two panes of the windows. The bottom sections will have a translucent feature for the safety of our patrons.
- As proposed the main entrance will make a great statement.

Mr. Russ Pozen,

- The building itself is located in a Light Industrial (INL) and requires a variance. The City is in the process of rezoning this area to CN which is a permitted use.

Public Hearing: Beth Shrader asked if any of the public would like to speak in favor of or in opposition of this petition. Ms. Shrader 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: How long will construction take?

A: 12 months approximately. Goal is to be completed by June 2022.

Q: On the lower roof of the west half of the building is what is proposed a mechanical screen on the roof?

A: Yes. That will be done throughout as necessary.

Q: What is the basis for the parking requirements?

Q: Based on the formula a building of this nature, considered a private club and gym, would require 166. We have 131.

Q: Is there a plan for Phase II parking?

A: Not currently. We would need to consider programming needs, shared parking and the wetlands on site.

Motion: Byron Martin made a motion to approve UV21-001 to allow for a Private Club Use in the Light Industrial (INL) Zoning District as presented. Paul Reed seconded the motion. A roll call vote was taken and unanimously carried 5-0.

Motion: Byron Martin made a motion to approve VAR21-005 as presented. Paul Reed seconded the motion. A roll call vote was taken and unanimously carried 5-0.

**STAFF ITEMS:**

1. Mr. Bryon Martin questioned a letter sent to a judge on behalf of the BZA regarding a case a 908 Franklin Street, Valparaiso. Ms. Shrader advised she was not aware of any letter and would look into it further.
2. Ms. Beth Shrader advised at the last Plan Commission Meeting the Commission made a favorable recommendation to City Council for UDO and Map amendments. Carley Lemmon presented the UDO amendments in summary form. Ms. Shrader presented the Map amendments. No action was necessary from the Board.

**ADJOURNMENT:**

There being no further business, the April 21, 2021 Board of Zoning Appeals meeting was adjourned at 6:30 p.m.

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Mike Micka, President

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Beth Shrader, Executive Secretary