

**Valparaiso Board of Zoning Appeals
Regular Meeting Minutes
January 19, 2022**

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, January 19, 2022 at Valparaiso City Hall, 166 Lincolnway, Valparaiso, Indiana. Remote access was available via livestream on the Valparaiso City Website. Mike Micka presided. The Pledge of Allegiance was said.

Members present were Paul Reed, Diane Worstell, Kyle Yelton, Bill Oeding and Mike Micka. Also present were Beth Shrader, Carley Lemmon, Attorney Patrick Lyp, and petitioners.

MINUTES

Motion: A motion was made to approve the August, October and November 2021 minutes as presented. Motion seconded. A voice vote was taken and unanimously carried 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

UV21-007 – A petition filed by Bluejay I, LLC c/o Katie Kopf and Todd Leeth of Hoepfner, Wagner & Evans LLP. The property is located at 2650 Barley Rd in the Light Industrial (INL) Zoning District. The petitioner requests the following variance(s):

- Section 11.304 (C) – To allow for a Service Use (Cheer & Dance Studio) within the State Route 49 Signature Corridor.

Mike Micka recused himself from the vote. He helped Bluejay 1 building and represented them on some of the listing agreements.

Bill Oeding advised he works for Abonmarche, which previously completed some work on the project but has no opportunities for further work. Bill Oeding did not recuse himself.

Katie Kopf presented on behalf of Petitioner. This is an existing building. It is zoned Light Industry. It can house up to six tenants. The area they want to occupy is 8,000 sq ft. Famous Athletics is a cheer and dance studio. Currently they are located by Applebee's and Binder Jewelry on Morthland Drive. They would use this as their training center. On the western portion they would have the ability to build two stories. That would house restrooms, office and viewing area for parents. The UDO does not list this use. Staff has determined the subcategory Service is appropriate.

Public Hearing:

Seeing no one wishing to address the Board, the public hearing was closed, and questions/comments were heard from the Members.

There were no questions from the Board.

Motion: Diane Worstell moved to accept UV21-007 filed by Bluejay I, LLC to allow for a Service Use (Cheer & Dance Studio) within the State Route 49 Signature Corridor. Bill Oeding seconded the motion. Upon a roll call vote the motion passed with a 4-0 vote. Mike Micka abstained.

Roll Call Vote:

Paul Reed – Yes
Mike Micka – Abstain
Kyle Yelton - Yes

Bill Oeding – Yes
Diane Worstell – Yes

VAR21-040 – A petition filed by Jessica Vargas of Holladay Properties. The property is located at 2505 Calumet Ave in the Commercial General (CG) Zoning District. The petitioner requests the following variance(s):

- Table 10.301 – To vary the required on-lot landscaping requirement for a property located in Commercial General (CG) to allow on-lot landscaping per proposed landscape plan.
- Table 11.306(A) – To vary the required landscape requirements and reduce the minimum landscaped yard along right-of-way of thirty (30) feet per proposed landscape plan and to vary the requirement to place all parking areas behind buildings to allow for parking on the (North & South) sides of the proposed building.

Mike Micka recused himself from the vote.

Bill Oeding advised he works for Abonmarche, which previously completed some work on the project but has no opportunities for further work. Bill Oeding did not recuse himself.

Jessica Vargas presented on behalf of Petitioner. The proposed project is a new 20,000 sq ft medical office building. It is on Lot 5 within Viking Place business park. As they developed the lots, the private drive is on the parcels. Each lot holds on to some of the private drive. Their lot has .4 acres that is unusable because it is the private drive already. They worked with staff on how to approach this in a logical manner. They are requesting the on-lot landscaping is approved per their proposed landscape plan. The building sits 325' back from the signature corridor. Along with staff, they have determined that they will use back of curb as the start of their 30' right-of-way. The proposed landscaping plan has the number of trees required; they are just in different places than required. The front entrance of the building is on the north side. They are proposing to have all the patient parking by the main entrance. Employee entrance is on the south side.

Public Hearing:

Seeing no one wishing to address the Board, the public hearing was closed, and questions/comments were heard from the Members.

Bill Oeding asked if using the drive to come into the area, will the person see the building and landscaping or parked cars. Jessica explained that is correct.

Motion: Bill Oeding moved to approve VAR21-040 and to allow to vary the required on-lot landscaping requirement for a property located in Commercial General (CG) to allow on-lot landscaping per proposed landscape plan and to vary the required landscape requirements and reduce the minimum landscaped yard along right-of-way of thirty (30) feet per proposed landscape plan and to vary the requirement to place all parking areas behind buildings to allow for parking on the (North & South) sides of the proposed building. Paul Reed seconded the motion. Upon a roll call vote the motion passed with a 4-0 vote. Mike Micka abstained.

Roll Call Vote:

Paul Reed – Yes
Mike Micka – Abstain
Kyle Yelton - Yes

Bill Oeding – Yes
Diane Worstell – Yes

VAR21-041 – A petition filed by Tony Oss of Larson-Danielson Construction Co., Inc. The property is located at 2650 Barley Rd in the Light Industrial (INL) Zoning District. The petitioner requests the following variance(s):

- Section 6.305(D) – To vary the requirement for all lots to front upon an improved public street to allow for a lot (Lot 2B) to have no frontage upon an improved public street and access Barley Rd via shared driveway with ingress/egress easement.
- Table 3.301(B) – To vary the required 30% Landscape Surface Ratio (LSR) to allow a LSR of 18.3%.
- Table 10.403 – To vary the district boundary buffer yard standard to allow existing tree and shrub line to serve in lieu of the required Class B Buffer yard.

Tony Oss presented on behalf of Petitioner. Lot 2 is the entirety of Lot 2A and Lot 2B on the plat. This project is a proposed spec building. The building will be like the existing one just larger. One variance request is to allow the property to be subdivided which will have a lot that does not have frontage. Lot B will have ingress/egress easements. A maintenance agreement will be prepared. The Plan Commission approved this project. They are also requesting to vary the required landscaping. The requirement is 30% and they are requesting 0.183%. There is a very large detention basin. They are requesting a variance from the buffer yard requirements. They are requesting that an existing line of trees and shrubs be the buffer yard.

Public Hearing:

Seeing no one wishing to address the Board, the public hearing was closed, and questions/comments were heard from the Members.

Questions/Comments from the Board

Beth Shrader reported there has been a tree study and it came back OK. The variance is not required.

Q: Will there be any additional impervious surface on 2A?

A: Yes. They are widening the existing drive.

Beth Shrader advised advertising for the Public Hearing and letters sent to neighboring property owners referred to the request as being for Lot 2B. Tony Oss replied it was all done as Lot 2 because Lot 2A and Lot 2B do not exist yet. Beth Shrader clarified the variance covers the entire Lot 2 and then Lots 2A and 2B will be created. This does not change any discussions.

Tony Oss discussed ingress/egress. The easements run along the south side of Blue Jay 1, wrap around to the north and then there is an easement on the north which will allow traffic that needs to access the back building and emergency vehicles will have access around both buildings.

Beth Shrader recommended if there is a motion that it be specific to the entirety of Lot 2 A and B. Tony Oss added they did receive a comment from the northern property owner. Their only concern was that no storm water runs back on their property. Any water discharged will be to the west to the pond.

Motion: Bill Oeding moved to approve VAR21-041 to vary the requirement for all lots to front upon an improved public street to allow for lots (Lot 2A and Lot 2B) to have no frontage upon an improved public street and access Barley Rd via shared driveway with ingress/egress easement and to vary the required 30% Landscape Surface Ratio (LSR) to allow a LSR of 18.3%. Kyle Yelton seconded the motion. Upon a roll call vote the motion passed with a 5-0 vote.

Roll Call Vote:

Paul Reed – Yes
Mike Micka – Yes
Kyle Yelton - Yes

Bill Oeding – Yes
Diane Worstell – Yes

Election of Officers for 2022

Motion: Bill Oeding presented a slate of officers: Mike Micka – President, Kyle Yelton – Vice President, Patrick Lyp – Attorney, and Debbie Cook – Secretary. Diane Worstell seconded the motion. Upon voice vote the motion passed 5-0.

2022 Board of Zoning Appeals Application and Meeting Dates

Motion: Paul Reed moved to accept the Board of Zoning Appeals Application and meeting dates as presented. Meetings on the third Wednesday at 5:30 p.m. in City Hall. Kyle Yelton seconded the motion. Upon voice vote the motion passed with a 5-0 vote.

ADJOURNMENT:

There being no further business, a motion was made and seconded to adjourn the meeting.

Mike Micka, President

Beth Shrader, Executive Secretary

Next Meeting: February 16, 2022