

Planning Department

166 Lincolnway Valparaiso, IN 46383 Phone: (219) 462-1161 Fax: (219) 464-4273

www.valpo.us

MEETING AGENDA

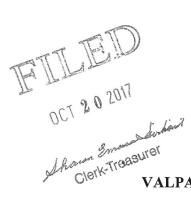
Valparaiso Board of Zoning Appeals Tuesday, November 21st, 2017 7:00 PM City Hall, 166 W. Lincolnway

- 1. Roll Call
- 2. Adoption of August 15th, 2017 BZA Minutes
- 3. Old Business
- 4. New Business

VAR17-024 A public hearing filed by Valparaiso Multi-Schools Building Corp. c/o Dr. Ric Frataccia, 3801 N. Campbell Street, Valparaiso, IN 46383. The petitioner requests a variance from Article 11, Section 11.306, of the <u>Valparaiso Unified Development Ordinance</u>, to vary the required sign height of six (6) feet, to allow for a monument style sign of eight (8') feet in height. The property is located at 2727 Campbell Street, in the Public Space (PS) Zoning District

5. Adjournment

Damon Colby, President - Board of Zoning Appeals Tyler Kent, Planning Director Next Meeting: December 19th, 2017



Petition #: NAR 17-034

PETITION TO VALPARAISO BOARD OF ZONING APPEALS

The Petition shall be filed in duplicate with the City Clerk-Treasurer a minimum of 25 days prior to the date of the next Board of Zoning Appeals ("BZA") meeting. The BZA meets every third Tuesday of the month at 7:00 PM in City Hall, 166 Lincolnway, Valparaiso. The Petitioner and/or his/her representative must be present at the public hearing. The filing fee must be paid to the City Clerk-Treasurer upon filing a complete Petition. Please submit nine (9) copies of this petition.

PLEASE COMPLETE THE FOLLOWING:

The undersigned Petitioner and owner(s) of real estate, identified within this application as property within the jurisdiction of the City, respectfully petition the Board of Zoning Appeals to consider;
1. Relief to an Administrative decision. (Exhibit No)
$\frac{}{2}$ 2. Variance(s) from the development standards. (yard sign - height & EMC)
3. Variance of the use from the terms of the Zoning Ordinances.
4. Petition for Special Exception.
5. Special Exception from Home Occupation.
6. Conditional Use.
In support of an application for <u>Variance(s)</u> from the <u>Development Standards</u> , the Petitioner states that the granting of such request: \[\frac{\V}{\V} \] Will not be injurious to the health, safety, morals, and general welfare of the community; \[\frac{\V}{\V} \] Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; and arise from practical difficulties in the use of the property in conformity with the Zoning Ordinance. \[\frac{\V}{\V} \] Petitioner will comply with all ordinance parking requirements.

Arises from unnecessary hardships if the Zoning Ordinance is strictly applied; and Does not interfere substantially with the Comprehensive Plan adopted. Petitioner will comply with all ordinance parking requirements. In Support of an application for Special Exception , the Petitioner states that the granting of such request:
Will not generate excessive vehicular traffic on minor residential streets; Will not create vehicular parking or traffic problems; Appropriate access roads, drives, utilities, drainage, facilities, and other necessary facilities have been or will be installed; Will make a substantial contribution to the neighborhood environment and will not infringe on the rights of properties in the vicinity of the expected use; Will comply with the requirements of the district in which proposed use is to be located. Petitioner will comply with all ordinance parking requirements.
In support of such application for <u>Special Exception for Home Occupation</u> , Petitioner states:
That no person other than members of the family residing on the premises will be engaged in the home occupation. That the use of the dwelling unit for home occupation will be clearly incidental and subordinate to its use for residential purposes and not more than 25% of the floor area of the dwelling will be used in the conduct of the home occupation. That there will be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign-such sign not exceeding two square feet in area, non-illuminated and containing only the name and nature of the business. That no home occupation will be conducted in any accessory building. That there will be no sales area unless specifically permitted by the BZA. That no traffic will be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation will be met by required or permitted parking spaces, and will not be in the front yard. That no equipment or process will be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses which can be detected off
premises.
PETITIONER:
Dr. Ric Frataccia3801 N. Campbell Street, Valparaiso, IN 46385219-531-3000Name (Please Print)AddressPhone
OWNER OF SUBJECT PROPERTY: Valparaiso Multi-schools Building Corp. 56 Washington Street, Suite 401, Valparaiso, IN 46383 219-464-1041
Name (Please Print) Address Phone
ADDRESS OF SUBJECT PROPERTY: 2727 N. Campbell Street, Valparaiso, IN 46385 Subject property fronts on the East side between (streets) Valle-Park Road & Campbell Street in the PS Zoning District.

Legal Description of Subject Property: (Exhibit No. 4)
Attached
DESCRIPTION OF PROPOSED PROJECT INCLUDING, NEW CONSTRUCTION,
ADDITION, ALTERATION, OR CHANGE OF USE: (Exhibit No. $\underline{5}$) $+3$
New 10' high yard sign with internally illuminated letters and electronic messaging center.
Sign is double sided.
Reference attached sign drawing
or Administrative Relief is sought: Article: 11 Section: 306 Paragraph: 3 Item: C
Please fill in: Front Setback NA Side Setbacks NA/ Lot Coverage see attached site drawing Height
The powers and duties of the Board of Zoning Appeals are provided for and limited by Enabling Acts in Indiana Code 36-7-4-900 et. eq The public hearing procedures are similar to a courtroom hearing. Although it is not required that the Petitioner represented by legal counsel, information and documentation pertaining to the petitioner should be prepared as if it were to become part of a court hearing. Although the office of the City Planner is available to assist the Petitioner, it is the Petitioner's responsibility to request and prepare the appropriate variance petition. The Planning Department can be contacted Monday-Friday between 8:30 – 4:30 at (219) 462-1161.
have been met.

Last updated 1/17/17

STAFF USE ONLY
Date Received
Names and Addresses of property owners within 300 feet provided Signature notarized Site Plan attached Legal Description (Not Abbreviated) Provided Petition Filed Complete Written Description of Project Petitioners Affidavit of Notice Findings of Fact Photo's of Property (Staff Request) Landscape Plan (Staff Request)
Date approved for Public Hearing

BZA Application Fees

Use Variance	\$200
Single Family Development Standards Variance	\$50
Commercial Development Standards Variance	\$150
Special Exception/Special Use	\$200
Relief to an Administrative Decision	\$200
Special Meeting	\$1000
Conditional Use	\$100
Wireless Communications Facility Special Use – Major	\$500
Wireless Communications Facility RF Tech Study Fee	\$ Actual cost of study

TOTAL FEE \$50.00

Certificate of Petitioner

Please read and sign the following statement:

I, the Petitioner (and Property Owner, if separate), understand that I and/or my representative must be present at the public hearing. Should I fail to appear, the BZA, in my absence, may consider and take action on my Petition. If the Petitioner is not the owner of the property that is the basis of this Petition, the signature of the Property Owner(s) constitutes authorization for the Petitioner to speak and act on behalf of the Property Owner(s). The Petitioner certifies that neither the Petitioner nor any attachments or exhibits submitted contains any known intentional misrepresentations or intentionally misleading statements. All information submitted is accurate, true and correct to the best of the Petitioner's knowledge. The providing of false and/or inaccurate information on this Petition or during any proceedings before the BZA may result in the denial of the request or the revocation of the request, should a Petition be granted. Similarly, if as part of any granted Petition, the BZA places any restrictions and/or limitations, I acknowledge that my failure to comply with such restrictions/limitations shall be grounds to revoke any granted Petition. The Petitioner acknowledges that it bears the obligation to mail notice of any Public Hearing to all property owners within 300 feet of the property that is the subject of this Petition. Any errors by the Petitioner may result in the Petition being delayed, denied or revoked.

S. Ritatem
Signature of Petitioner
Dr. Ric Frattacia Frataccia
Printed Name
Jog S Luclous
Signature of Property Owner
Dr. Roger Luckins Luckens

Signature of Property Owner

Type or Print name of Notary

Subscribed and sworn to before me, a Nota appeared: E.Ric Fratacia and R	oger Luekens	, and
acknowledge the execution of the foregoing	g document, this 19 day	of oct, 2017.
NOTARY PUBLIC	My Commission Exp	oires: 12/7/2022 Luc County
lies A Transkys		

Affidavit of Consent of Property Owner

(To be presented with application for Board of Zoning Appeals)

, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:
1. That <u>Valparaiso Multi-schools Building Corp.</u> ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA.
2. That Owner authorizes <u>Dr. Ric Frataccia</u> ("Petitioner") to seek the relief sought in the Petition filed before the BZA. Petitioner is further authorized to commit to any reasonable restriction requested by the BZA or proposed by the Petitioner.
Property Owner Dr. Robert Luckins Luckens 10 19 17 Date 10 19 17 Date
Subscribed and sworn to before me this 19 day of bctober, 2017. Notary Public, 3
My Commission: December 7, 2020 Date

NOTICE OF PUBLIC HEARING CITY OF VALPARAISO BOARD OF ZONING APPEALS

Dear Property Owner: This letter is to notify that the City of Valparaiso Board of Zoning Appeals will conduct a public hearing on Petition Number _____ on the 21st day of November , 20 17 at 7:00 p.m. at Valparaiso City Hall, 166 Lincolnway, City Council Chambers, to consider a request for Board of Zoning Appeals action (insert action here) The petitioner for the requested action is Dr. Ric Frataccia the (address here) 3801 N. Campbell Street Valparaiso, IN 46385 The property is located in the PS Zoning District. The subject parcel is located at (Address or Location) 2727 N. Campbell St., Valparaiso, IN 46385 includes the following tract of land: Legal Description (Please type the street address and legal description here or attache to the letter.) You are sent this notice as a property owner within 300 feet of the parcel. Your view on this petition may be submitted in writing to the Planning Director, or you will be given an opportunity to be heard at the above-mentioned time of the Public Hearing. All interested parties are invited to attend. To review the petition and detailed site plans, please contact the Planning Department between 8:30 a.m. and 4:30 p.m. Monday through Friday. Correspondence to: Tyler Kent, Planning Director City of Valparaiso 166 Lincolnway Valparaiso, IN 46383 Phone: (219) 462-1161 Fax: (219) 464-4273 Email: tkent@valpo.us (all electronic mail must include name, address, and telephone number) Respectfully, Dr. Ric Frataccia Petitioner

Last updated 1/17/17

Variance from Development Standards Findings of Fact

Petitioner submits that:

A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals and general welfare of the community because:

The implementation of proposed signage will not be injurious to the public health, safety, morals and general welfare of the community. It will not pose a sight restriction, as its location provides clear visibility for those accessing the adjacent parking lots/drives. It will not provide a lighting nuisance, as the signage will be placed in an area consisting of lighted parking lots on both sides of Campbell street at this location. The size of the signage is necessary to enable quick communication from the sign without inhibiting traffic speed. The sign will be useful to the public general welfare, in that it will be a communication tool for the school.

B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because:

The use and value of the areas adjacent to the parcel will not be affected in a substantially adverse manner. The area is and has been for a significant time used as a school, including a sign in the relative area. The area also includes several parking lots of nearby entities, including churches and light business districts. The

school has recently been renovated and the proposed sign is consistent with the new growth and development of the school parcel.

C. The strict application of the terms of the zoning ordinance will result in particular difficulties in the use of the property included in the proposed variance because:

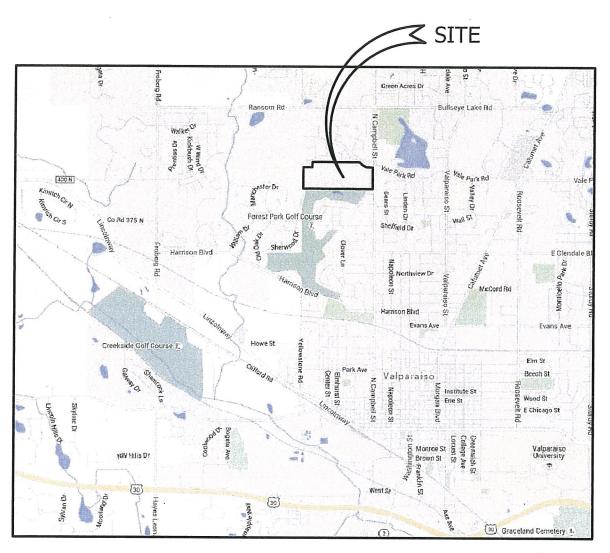
The strict application of the zoning ordinance would inhibit the implementation of a useful communicative school sign.

VARIANCE PETITION FOR 2727 N. CAMPBELL, VALPARAISO, INDIANA

PARCEL: 64-09-11-453-025.000-004

EXHIBITS:

- 1. Vicinity Map
- 2. Detailed Vicinity Map & GIS Overview
- 3. Site Plan
- 4. Legal Description
- 5. Sign Drawing
- 6. Pictures of Location/Former Sign
- 7. List of Owners Within 300 Feet of Impacted Parcel



VICINITY MAP



EXHIBIT

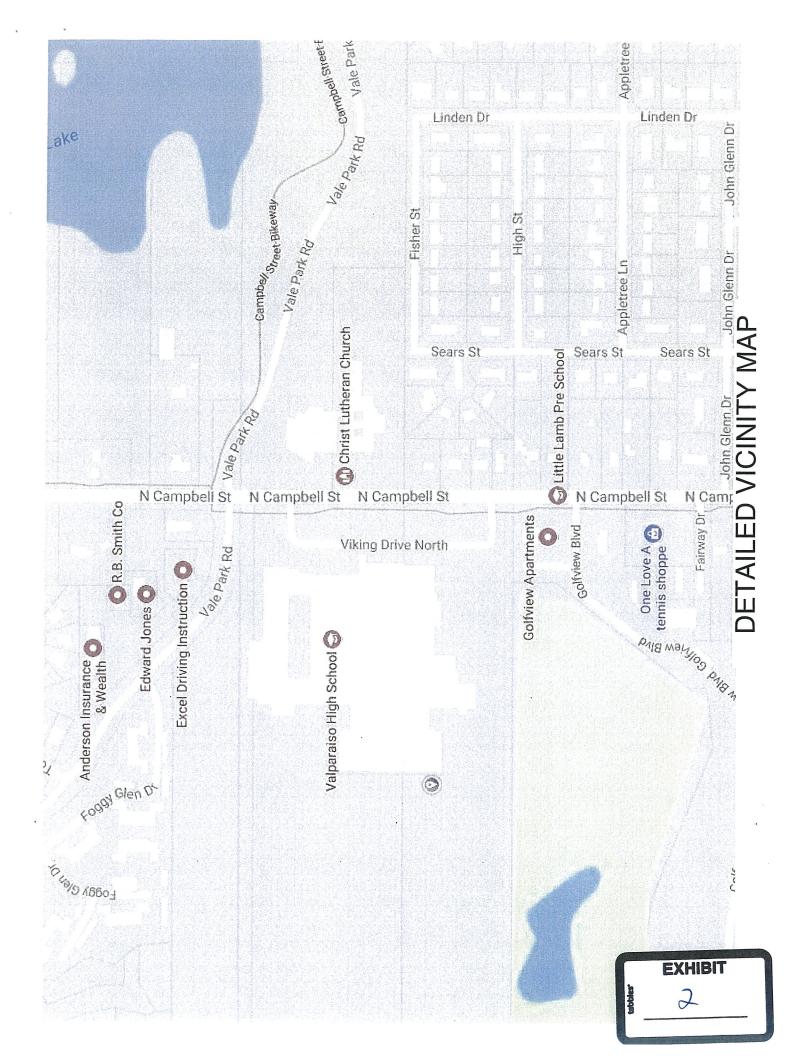
Z:\2015-5081 Valparaiso High School\dwg\2015-5081.dwg 10/17/2017 3:4028 PM CDT

PROJECT LOCATION MAP VALPARAISO HIGH SCHOOL

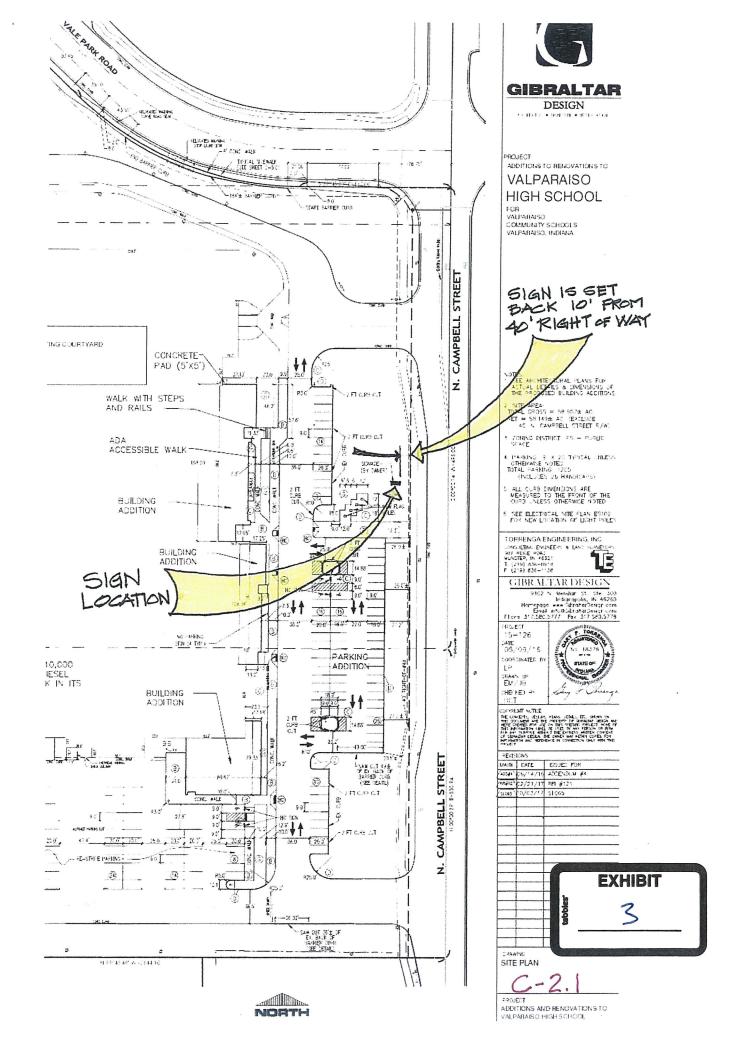
Applicant: Valparaiso Community Schools

Engineer: Torrenga Engineering, Inc.

Date: October 18, 2017 Scale: NOT TO SCALE







<u>LEGAL DESCRIPTIONS (AS PER CORPORATE DEED RECORDED MAY 13, 1992 IN BOOK 426, PAGE 195 AS INSTRUMENT NUMBER 92-11625)</u>

PARCEL 1

The South 30 acres of the Southeast Quarter of Section 11, Township 35 North, Range 6 West of the 2nd Principal Meridian, and the North 20 acres of the Northeast Quarter of Section 14, Township 35 North, Range 6 West of the Second Principal Meridian, containing 50 acres, subject to all legal highways.

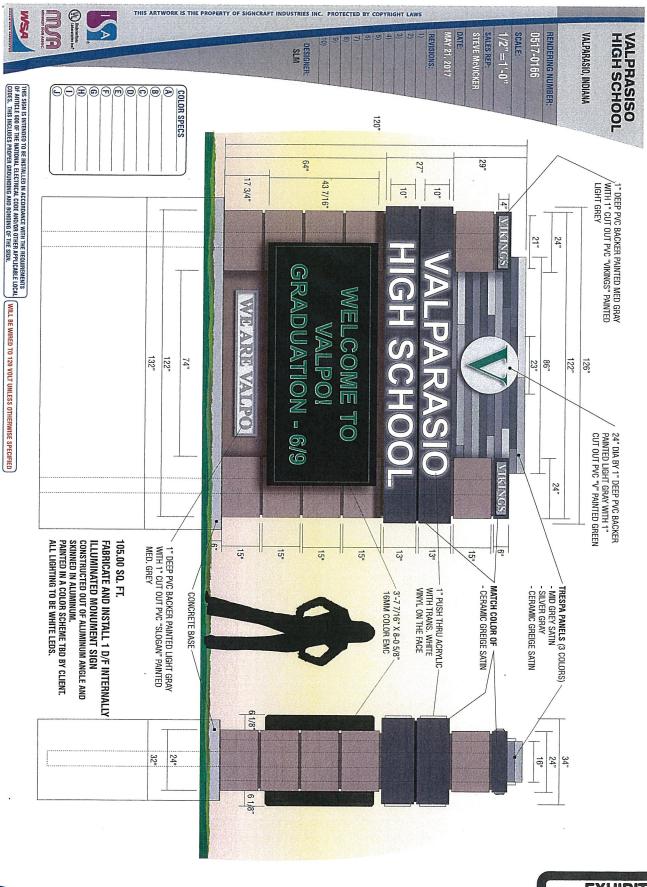
PARCEL 2

A parcel of land in the Southeast Quarter of Section 11, Township 35 North, Range 6 West of the Second Principal Meridian, bounded and described as follows: Commencing at the Southeast corner of said Southeast Quarter and running thence North 00 degrees 02 minutes 14 seconds East along the East line of said Southeast Quarter 271.76 feet; thence North 89 degrees 47 minutes 45 seconds West 205.17 feet to the True Point of Beginning for said parcel; thence North 89 degrees 47 minutes 45 seconds West 40.0 feet to the East face of the East wall of the existing Valparaiso High School Building; thence along said East wall North 00 degrees 12 minutes 15 seconds East 10.0 feet to the North face of the North wall of said school building; thence North 89 degrees 47 minutes 45 seconds West along said North wall 400.0 feet; thence continuing North 89 degrees 47 minutes 45 seconds West 50.0 feet; thence North 00 degrees 12 minutes 15 seconds East 213.12 feet; thence North 89 degrees 48 minutes 19 seconds West 1600.7 feet; thence North 00 degrees 02 minutes 14 seconds East parallel to the East line of said Southeast Quarter 200.0 feet; thence South 89 degrees 48 minutes 19 seconds East 1850.55 feet; thence South 47 degrees 12 minutes 09 seconds East 170.0 feet to the Point of Tangent of a curve to the left having a radius of 300.0 feet, a delta angle of 43 degrees 36 minutes 10 seconds and a tangent length of 120.0 feet; thence along said curve a chord length of 141.29 feet and a chord bearing of South 59 degrees 49 minutes 19 seconds East and an arc length of 141.63 feet; thence South 00 degrees 12 minutes 15 seconds West 235.35 feet to the True Point of Beginning.

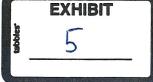
PARCEL 2 (RE-WRITTEN)

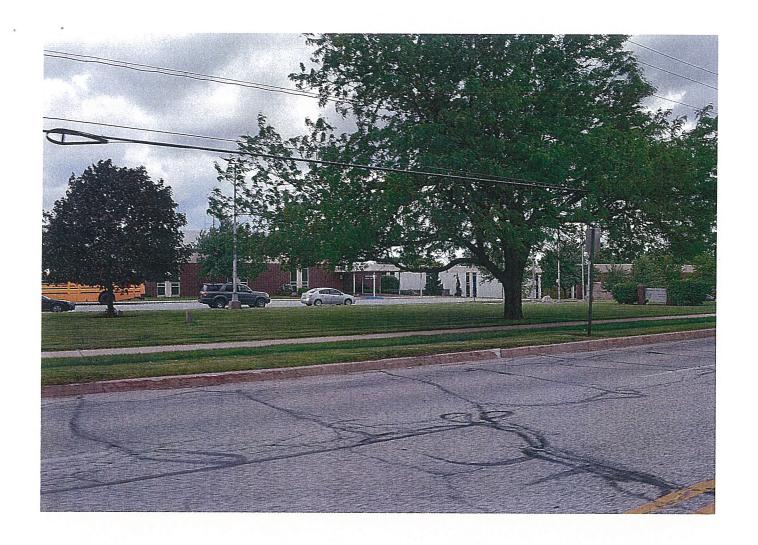
A parcel of land in the Southeast Quarter of Section 11, Township 35 North, Range 6 West of the Second Principal Meridian, bounded and described as follows: Commencing at a point on the East line of said Southeast Quarter which is 495.00 feet North of the Southeast corner of said Southeast Quarter; thence North 89 degrees 48 minutes 23 seconds West along the South right of way line of Vale Park Road as described in Warranty Deed recorded in Book 434, page 471 in the Office of the Recorder of Porter County, Indiana, 162.00 feet to the Point of Beginning; thence continuing North 89 degrees 48 minutes 23 seconds West, 2138.00 feet to the Southeast corner of Lot 12 as shown on the Secondary Plat (Final Plat) of The Replat of Coachman Trail Unit - 2, Carriage Crossing Unit - 2 and Carriage Crossing Unit - 3 in Keystone Commons, recorded in Plat File 20-F-5A in the Office of the Recorder of Porter County, Indiana; thence North 00 degrees 02 minutes 14 seconds East along the East line of said Lot 12, 200.00 feet to the Northeast corner of said Lot 12; thence South 89 degrees 48 minutes 23 seconds East along the South line of Keystone Commons, recorded in Plat File 20-F-5 in the Office of the Recorder of Porter County, Indiana, 1792.55 feet to the Southwesterly right of way line of Vale Park Road as described in Deed of Dedication recorded in Book 434, page 475 in the Office of the Recorder of Porter County, Indiana; thence South 46 degrees 12 minutes 13 seconds East along said Southwesterly right of way line, 154.00 feet to a point on a curve concave to the Northeast and having a radius of 340.00 feet; thence Southeasterly along said curve an arc length of 258.74' (chord bearing South 68 degrees 00 minutes 19 seconds, chord length 252.54') to the Point of Beginning.



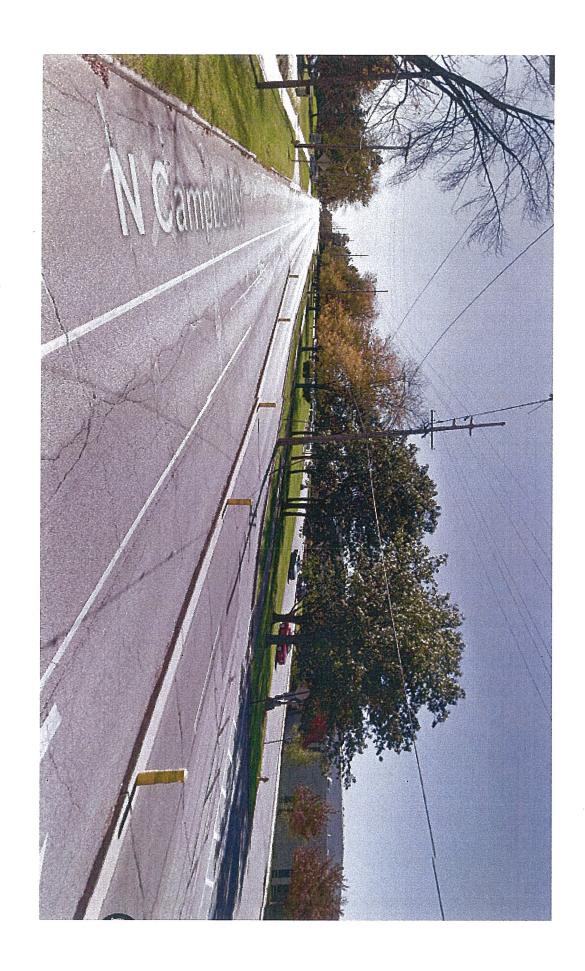












Rishon Darry I Marital Trust 1/2 9	Owner Address	Site Address
Trust 6360	9800 Connecticut Dr Ste B2-900 Crown Point IN 46307	2902 Windsor Trl Valparaiso IN 46385
Yogan Thomas J & Lissa J/H&W	2902 Coachman Trl Valparaiso IN 46385	2902 Coachman Trl Valparaiso IN 46385
Love Raymond C	2606 Campbell St Valparaiso IN 46385	2606 Campbell St Valparaiso IN 46385
Capps Benita M	2903 Windsor Trl Valparaiso IN 46385	2903 Windsor Trl Valparaiso IN 46385
Cavanaugh Ruth A	356 Tim Bishop Ct Valparaiso IN 46383	356 Tim Bishop Ct Valparaiso IN 46383
School Valparaiso Multi-Bldg Corp %	In Fed Bldg Ste 401 Valparaiso IN 46383	2727 N Campbell St Valparaiso IN 46385
Watson Charles R	2604 Campbell St Valparaiso IN 46385	2604 Campbell St Valparaiso IN 46383
MacDonald Investments Llc %1ST Amer	3408 Enterprise Ave Valparaiso IN 46383	552 Vale Park Rd Valparaiso IN 46385
Lamplight Square Property Owners As	3408 Enterprise Ave Valparaiso IN 46383	Lamplight Sq Valparaiso IN 46385
School Valparaiso Multi-Bldg Corp %	In Fed Bldg Ste 401 Valparaiso IN 46383	2727 N Campbell St Valparaiso IN 46385
Clifford J M & T G Living Trust /W	2900 Campbell St Valparaiso IN 46385	2900 Campbell St Valparaiso IN 46383
Freemark Properties LLC	6801 Gray Rd Ste H Attn: Christopher Whitten Indianapolis IN 46237	450 Vale Park Rd Valparaiso IN 46385
Christ Lutheran Church		2802 Campbell St Valparaiso IN 46383
Silberman Richard H Revocable Trust	2607 Sherwood Dr Valparaiso IN 46385	2607 Sherwood Dr Valparaiso IN 46385
Valparaiso City Of Redevelopment Co	166 Lincolnway Valparaiso IN 46383	2808 Campbell St Valparaiso IN 46383
Atkins Larry W & Jennifer C H&W	2602 Campbell St Valparaiso IN 46385	2602 Campbell St Valparaiso IN 46383
Keystone Commons Prop Owners Assoc	3408 Enterprise Ave Valparaiso IN 46383	Coachman Trl Valparaiso IN 46383
Bengs David M & Tina M /H&W	2910 Coachman Trl Valparaiso IN 46385	2910 Coachman Trl Valparaiso IN 46385
Viankes Deno K & Marlono A /H & W/	In Fed Blog Ste 401 Valparaiso IN 46383	2727 N Campbell St Valparaiso IN 46385
School Valnaraiso Multi-Bldg Corn %	In End Bildre (to 101 Valharaire IN 46363	2904 Willusor III Valparaiso IN 46385
Young Willie	2906 Coachman Tri Valparaiso IN 46385	2906 Coachman Trl Valparaiso IN 46385
School Valparaiso Multi-Bldg Corp %	In Feb Bldg Ste 401 Valparaiso IN 46383	1005 Franklin St Valparaiso IN 46383
Leuthart Marc A & Karmol/H&W	2901 Windsor Trl Valparaiso IN 46385	2901 Windsor Trl Valparaiso IN 46385
Town & City Energy Inc	PO Box 104 Valparaiso IN 46384	470 Vale Park Rd Valparaiso IN 46385
VJW Limited LLC	450 Vale Park Rd Ste A Valparaiso IN 46385	Vale Park Rd Valparaiso IN 46385
School Valparaiso Multi-Bldg Corp %	In Fed Bldg Ste 401 Valparaiso IN 46383	2727 N Campbell St Valparaiso IN 46385
School Valparaiso Multi-Bldg Corp %	In Fed Bldg Ste 401 Valparaiso IN 46383	2727 N Campbell St Valparaiso IN 46385
Lamplight Square Property Owners As	3408 Enterprise Ave Valparaiso IN 46383	Vale Park Rd Valparaiso IN 46385
VJW Limited LLC	450 Vale Park Rd Ste A Valparaiso IN 46385	Vale Park Rd Valparaiso IN 46385
Ferngren William A & Lori L/H&W	2906 Windsor Trl Valparaiso IN 46385	2906 Windsor Trl Valparaiso IN 46385
Sworden Shawn M & Brittany A/H&W	2603 Sherwood Dr Valparaiso IN 46385	2603 Sherwood Dr Valparaiso IN 46385
Deters Family Limited Partnership N	926 N Forest Trl Crownsville MD 21032	1455 Ransom Rd Valparaiso IN 46385
Keystone Commons Prop Owners Assoc	3408 Enterprise Ave Valparaiso IN 46383	Vale Park Valparaiso IN 46383
Church Christ Lutheran	2610 Campbell St Valparaiso IN 46385	2610 Campbell St Valparaiso IN 46385
Stark Richard A & Anna C/H&W	2608 Campbell St Valparaiso IN 46385	2608 Campbell St Valparaiso IN 46385
Kowalisyn Thomas J Jr & Kowalisyn S	2907 Windsor Trl Valparaiso IN 46385	2907 Windsor Trl Valparaiso IN 46385
August Laen D & Lisa P/H&W	2904 Coachman Trl Valparaiso IN 46385	2904 Coachman Trl Valparaiso IN 46385
Lesko Therese M & Campbell Christon	355 Tim Bishop Ct Valparaiso IN 46383	355 Tim Bishop Ct Valparaiso IN 46383

EXHIBIT

Fider Robert O G	2908 Coachman Trl Valparaiso IN 46385	2908 Coachman Trl Valparaiso IN 46385
Siewin James C & Holly/H&W	2905 Windsor Trl Valparaiso IN 46385	2905 Windsor Trl Valparaiso IN 46385
Valparaiso Redevelopment Commission	166 Lincolnway Valparaiso IN 46383	2802 Campbell St Valparaiso IN 46383
Minko Kurt T & Kimberly A/H&W	2602 William Dr Valparaiso IN 46385	2602 William Dr Valparaiso IN 46385
Mager Erin C	655 Forest Glen Dr Valparaiso IN 46385	655 Forest Glen Dr Valparaiso IN 46385
Ruge Bruce	2906 Foggy Glen Dr Valparaiso IN 46385	2906 Foggy Glen Dr Valparaiso IN 46385
Martin Diane Ruth	651 Forest Glen Dr Valparaiso IN 46385	651 Forest Glen Dr Valparaiso IN 46385
Backstrom Sandra J	2902 Foggy Glen Dr Valparaiso IN 46385	2902 Foggy Glen Dr Valparaiso IN 46385
Hynes Faith	8737 Doubletree Dr S Crown Point IN 46307	653 Forest Glen Dr Valparaiso IN 46385
Gustafson Erik I	2904 Foggy Glen Dr # 6 Valparaiso IN 46385	2904 Foggy Glen Dr Valparaiso IN 46385

Petitioner

Petitioner

Affidavit of Proper Public Notice for Public Hearing

(To be presented to Board of Zoning Appeals staff or attorney at Public Hearing)

Dr. Ric Fratacci	
mind and legal	age deposes and states:
proj	the/she is the Agent (agent, attorney, owner) of the berty described in the attached notice which an application for a variance been filed before the Board of Zoning Appeals of the City of Valparaiso, ana
mai date with	days prior to the scheduled Public Hearing postage paid, by certified, return receipt requested, a letter explaining the proposed change, time, and place of hearing and attached hereto, to all of the property owners in three hundred (300) feet from the lot lines of described real estate, as ows.
	(Please attach legal description)
List the name to	ne address of all property owners who have received notification on page
E. R. F. Petitioner	
Subscribed and	sworn to before me this 19 day of 10ctober, 2017.
Notary Public	frankus
My Commissio	n Expires
<u>Vecenter</u> Date	7, 2002