

MEETING AGENDA

Valparaiso Board of Zoning Appeals
Tuesday, January 16th, 2018 7:00 PM
City Hall, 166 W. Lincolnway

1. Roll Call
2. Election of Officers for 2018
3. Old Business

NONE

4. New Business

VAR17-027 A petition filed by Patrick and Melanie Hurley, c/o Brian J. Hurley P.O. Box 209, Valparaiso, IN 46383. The petitioner requests a variance from Article 3, Section 3.501, Table 3.501 of the Valparaiso Unified Development Ordinance, a variance from the required lot coverage of 2,706 square feet, to allow for lot coverage of 3,114 square feet. A variance from Article 2, Section 2.303 (D)(3), to vary the garage rear yard setback of 3 feet to allow for a garage rear yard setback of 1'- 3". The property is located at 507 Academy Street, in the NC-60, Neighborhood Conservation Zoning District,

5. Elections
6. Approval of 2018 Meeting Dates
7. Adjournment
Damon Colby, President - Board of Zoning Appeals
Tyler Kent, Planning Director
Next Meeting: February 13th, 2018

VALPARAISO BOARD OF ZONING APPEALS
Regular Meeting Minutes
November 21, 2017

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 7:00 p.m. on Tuesday, November 21, 2017 in the Valparaiso City Hall Council Chambers. Mike Micka presided.

Members present were: Diane Worstell, Trish Sarkisian, and Mike Micka. Also present were Attorney Ethan Lowe, Tyler Kent, citizens, and representatives of the press.

MINUTES:

Trish Sarkisian made a motion to approve the August 15, 2017 minutes as submitted. Diane Worstell seconded the motion. A voice vote was taken and unanimously carried 3-0.

OLD BUSINESS:

None.

NEW BUSINESS:

VAR17-024 – Public hearing filed by Valparaiso Multi-Schools Building Corp. c/o Dr. E. Ric Frataccia, 3801 N. Campbell Street, Valparaiso, IN. The petitioner requests a variance from Article 11, Section 11.306, of the Valparaiso Unified Development Ordinance, 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 N. Campbell Street, in the Public Space (PS) Zoning District. Dr. Frataccia, Superintendent of Valparaiso Community Schools presented. They are requesting a variance to allow an eight-foot sign height at the Valparaiso High School property. Allowing this will not cause any site restrictions or light nuisance and will not negatively affect the general welfare of the community. It is necessary to communication and to complement the new Valparaiso High School renovation. Valparaiso High School has been at this location, with signage, for many years and the area has not been affected. There are other businesses, churches, etc. in the adjacent area. Although a six-foot sign was considered, it was determined that 6 feet would not be aesthetically pleasing and would not been adequately seen from the roadway especially during winter months with snow removal piled up on the side of the roadway.

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 Plan Commission 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 question/comments were heard from the Members.

Q: The rendering provided to members indicated a ten (10') foot sign, but you are now asking for eight (8') foot?

A: Yes, that is correct.

Q: How does this request compare to other area high school signs?

A: At eight feet we are still smaller than most others.

Q: Is the City in agreeance with this request?

A: The City treats Valparaiso High School as a campus. It has 840 linear feet of frontage and it is not adjacent to residential properties, so there is no issue.

Q: Will the proposed sign be in the same location as the existing sign?

A: No. The current sign has been removed and the new sign will be placed a little bit further north on the property that the former sign.

Q: Will there be a message board on the sign?

A: No. Originally we considered that but with the limitations of the Sign Ordinance requirements we decided to forgo that option.

C: Tyler Kent requested that if the Board chooses to approve this variance that the sign elevations are included in the findings.

Motion: Diane Worstell made a motion to approve VAR17-024 to vary the required sign height of six (6) feet, to allow for a monument style sign of eight (8') feet in height with the condition that a copy of the proposed sign elevations are attached to the findings. Such approval will not be injurious to the health, safety, morals, and general welfare of the community; will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; arises from practical difficulties in the use of the property in conformity with

the Zoning Ordinance, and the petitioner will comply with all parking requirements. Trish Sarkisian seconded the motion. A roll call vote was taken and unanimously carried 3-0.

STAFF ITEMS:

Special Meeting: There will be a special Board of Zoning Appeals meeting on Thursday, November 30, 2017 at 7:00 p.m.

ADJOURNMENT:

There being no further business, the November 21, 2017 Board of Zoning Appeals meeting was adjourned at 7:17 p.m.

Damon Colby, President

Tyler Kent, Executive Secretary

VALPARAISO BOARD OF ZONING APPEALS
Special Meeting Minutes
November 30, 2017

A special meeting of the Valparaiso Board of Zoning Appeals was held at 7:00 p.m. on Thursday, November 30, 2017 in the Valparaiso City Hall Council Chambers. Mike Micka presided.

Members present were: Diane Worstell, Trish Sarkisian, Elizabeth Lynn, and Mike Micka. Also present were Attorney Ethan Lowe, Tyler Kent, citizens, and representatives of the press.

OLD BUSINESS:

None.

NEW BUSINESS:

VAR17-025 – Petition filed by Steve DeBold of Chester Inc., 555 Eastport Centre Drive, Valparaiso, IN. The petitioner requests a variance form Article 10, Section 10.402, of the Valparaiso Unified Development Ordinance, a variance to eliminate the required Class D buffer yard along the West property line. A variance from Article 10, Section 10.402, to vary the required Class D buffer yard, to allow for the existing tree line along the North property line to count toward the required buffer yard landscaping. The property is located at 3705 Bowman Drive, in the INH, Heavy Industrial Zoning District. Mr. Steve DeBold presented. Chester’s has a potential purchaser for lot 37A in Eastport Center. This is a 3.46-acre parcel zoned heavy industrial. The purchaser plan to build a single-story office building. This petition is requesting a variance to vary the required Class D buffer yard along the North property line to allow the very well established and dense existing tree line. This tree line is very satisfactory to the buffer with 33 insidious trees and 16 Evergreen trees already in place. A berm cannot be installed in this area without removing a number of trees and therefore going against what we are trying to buffer. It also requests a variance to eliminate the required Class D buffer yard along the West property line. The West property line faces the existing Chester Inc. building. Landscaping will be installed as part of the project. Aesthetically the proposed building will be similar to the look and feel of the Chester Inc. building. There is a 30-foot wide drainage easement swale developed along the west side so it doesn’t work to have a buffer yard there.

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 Plan Commission while at the same time the petitioner will take notes and respond at one time.

Mr. Ken Moscow, 3703 Colonial Drive, Washington Highlands resident. Mr. Moscow states a berm adjacent to the is property was created within the last year or two and a number of trees were removed and replaced. Before the tree line protected the neighbors of Washington Highlands and now we can see through and hear noise. We do not want any more trees removed.

Mrs. Kari Newton, 353 Cain Drive, Washington Highlands resident. We were not given any notification of the trees Mr. Moscow spoke about being removed or we would have been here to tell you we did not want that. What benefit is there to removing large trees and replacing with a dirt berm? We want to keep our tree line that allows our subdivision some privacy from Eastport Centre.

Mr. Jim Newton, 353 Cain Drive, Washington Highlands resident. Is a concrete barrier probable to decrease the noise that we now hear due to the removal of part of the tree line? We would like a sound barrier. The more barrier the better. Leave the tree line.

Mr. DeBold’s response:

- Trees were removed at the North property line further to the east of our development and were removed for a different project that fell through.
- The berm that was built was done so to meet requirements.
- We are asking for a variance to not have to do that but to keep the existing screening in place.
- The proposed development is not a noise producing development and is more in line with the Chester Inc. building.
- The remonstrators are in favor of the leaving the existing tree line.
- A 40-foot buffer is required and we are leaving 90 feet.

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

Q: This seems like a large lot for a 10,000 square-foot building. What is happening at the north end of the parcel?

A: There are no plans at this time. The back of the building to the north property line is 400 feet.

Q: Will it be paved on the north end for storage?

A: There are no plans for that.

Q: What type of business is this?

A: Masonry contractor. They will come in in the morning, load supplies, travel to their job site and return in the evening.

Q: Is the existing tree line on the property of Lot 37A?

A: Most of them, yes.

Q: What is to stop the developer from going down to a 40-foot buffer?

A: There is a 50-foot requirement as part of the original subdivision but they could go down to that.

Q: Is there a tree replacement schedule in place so if a tree falls or is removed then it will be replaced according to the UDO requirements?

A: There will be.

Q: Does Chester own the property to the east of here also?

A: Yes.

C: Attorney Ethan Lowe states that he and Tyler Kent have discussed this petitioner and they are of the opinion that an approval should be conditioned upon a tree replacement scheduled being in place and if the use of this parcel changes in the future the owner of the property must come before this Board to reevaluate and discuss the best options for the buffer yard at that time.

R: A new owner could comply with the Ordinance today and has every right to do so.

C: It will only take 3-5 years for the tree placed in the adjacent buffer yard to provide a proper screening.

C: The petitioner states they are willing to comply with the tree replacement schedule but placing additional requests on a future user poses a lot of concern. How would this be enforceable?

R: It will be a recorded enforceable document if a purchase or new use take place then it is in place that the buffer yard will have to be reevaluated.

C: The petitioner is willing to agree to the two conditions with proper language in place that the petitioner is allowed to review with Council beforehand. If the language is not agreed upon then the petitioner will simply comply with the current UDO buffer yard requirements.

Motion: Elizabeth Lynn made a motion to approve VAR17-025 to eliminate the required Class D buffer yard along the West property line, and to vary the required Class D buffer yard, to allow for the existing tree line along the North property line to count toward the required buffer yard landscaping with the conditions that a tree replacement schedule in place and approved by Staff and with the written commitments suggested by council and recorded. Such approval will not be injurious to the health, safety, morals, and general welfare of the community; will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; arises from practical difficulties in the use of the property in conformity with the Zoning Ordinance, and the petitioner will comply with all parking requirements. Diane Worstell seconded the motion. A roll call vote was taken and unanimously carried 4-0.

VAR17-26/SE17-001: A petition filed by LJF Investments, LLC c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP, 103 E. Lincolnway, Valparaiso, IN. The petitioner requests a discussion with the Valparaiso Board of Zoning Appeals, regarding the reasonable conditions that were included in the Findings of Fact, for cases SE16-009, UV16-002, and VAR16-004. The property is located at 302, 306 Indiana Avenue and 153 Morgan Boulevard in the RT, Residential Transition Zoning district. Attorney Todd Leeth presented. Jim Ford of LJF Investments was also present. There were a number of approved variances granted on this project. We changed the look and design from six (6) units to two (2), two-unit (2) buildings. Originally Tyler Kent was concerned with the look of the building and many discussions took place regarding the building materials and overall look. The current design is less retro and more modern and clean. There is stone on the lower first level. The bump out is a chimney style and block stone off to the left. There are two canopies over the two porches. The change in materials is what has led us to this discussion. We would like to be able to include the porch roofs covered with slanted seam metal roofing; the porch roof header and deck header to be wrapped in aluminum with a color to match; and the porch knee wall to be clad with Nichiha Rough Sawn ‘Tobacco’.

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 Plan Commission while at the same time the petitioner will take notes and respond at one time.

Ms. Carol Larson, 351 Morgan Boulevard, states that she was of the understanding that the petitioner would be addressing the water issues and it appears no attempt has been made to do anything. She has been monitoring the amount of run off and it is very heavy even with a light rain. Her area now has geysers coming out of the manholes. She has contacted the water department for further consideration as well.

Attorney Leeth's rebuttal:

- This project has been site reviewed and a storm water management plan is in place and was reviewed and approved by the City and meets the criteria.
- A law suit was filed and dismissed through the courts actions.
- The project is not done yet. Landscaping and bio swales are part of the project but are typically the last things to be done. It will probably be Spring before those items are in place.
- If run off is an issue after that point then we are confident that the City will address it appropriately.
- Mr. Ford noted that landscaping will be put in place, however, when the density was changed the lower density no longer required the bio swales.

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

C: Attorney Lowe advised that the matter at hand this evening is only the conditions of the architecture and to determine if the exterior changes are acceptable and do allow or not allow the incorporation of the three (3) exterior elements as presented.

Q: To be clear the bio swales are no longer required?

A: With the lower density, the roof tops and square footage went down by a third (1/3) with the new plan. Greenspace increased enough to put the project in code. We returned to Site Review after this happened and received approval.

Q: What were the conditions of the original variance approval?

A: The one we are focusing on tonight is that the development construction plans in accordance with the plan presented earlier this year. That has now changed so they need to come back to us to make sure we agree with the new design/materials being used.

Q: Are these units owned or rented?

A: Owned.

Q: Are the owners going to take issue with changes?

A: We will deal with that. Nothing at this point is a deal breaker.

Q: Would the city agree to metal slats in the deck versus solid decking? We have an owner with a dog that would like to be able to see out.

A: No, the City does not agree to that.

Q: The deck headers are still being discussed and might not be wrapped in aluminum but may be a steel beam. Is the City agreeable to a steel beam option?

A: Yes.

C: There are 11 changes all together and the petitioner and staff are in agreeance with the three additional conditions.

Motion: Elizabeth Lynn made a motion to allow modifications of the reasonable conditions in accordance with the plans presented tonight and to allow the three additional conditions including a steel beam option for the deck headers. Trish Sarkisian seconded the motion. A roll call vote was taken and unanimously carried 4-0.

ADJOURNMENT:

There being no further business, the November 21, 2017 special Board of Zoning Appeals meeting was adjourned at 8:19 p.m.

Tyler Kent, Executive Secretary

Damon Colby, President

Petition #: VAK 17-027

**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. ☐)
- ☒ 2. Variance(s) from the development standards. See Exhibit no. 5.
- ☐ 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 **Variance(s) from the Development Standards**, the Petitioner states that the granting of such request:

- ☒ Will not be injurious to the health, safety, morals, and general welfare of the community;
- ☒ 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.
- ☒ Petitioner will comply with all ordinance parking requirements.

In support of an application for a **Use Variance**, the Petitioner states that the granting of such request:

- ☐ Will not be injurious to the health, safety, morals, and general welfare of the community;
- ☐ 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.
- ☐ Arise from a condition peculiar to the property;

____ 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 **Special Exception for Home Occupation**, 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: Patrick P. Hurley Melanie D. Hurley	c/o Brian J. Hurley, Attorney P.O. Box 209 Valparaiso, IN	219-462-2126
Name (Please Print)	Address	Phone

OWNER OF SUBJECT PROPERTY: Patrick P. Hurley Melanie D. Hurley	SAME SAME	SAME
Name (Please Print)	Address	Phone

ADDRESS OF SUBJECT PROPERTY: 507 Academy Street, Valparaiso, IN
Subject property fronts on the West side between (streets) Haas and Plum
in the NC Zoning District.

Legal Description of Subject Property: (Exhibit No. 6.)

Parcel I: The South Half of the East Half of Lot 153, in Powell's Addition, to the Town, now City of Valparaiso, as per plat thereof, recorded in Miscellaneous Record "A" page 255, now Plat File 6-A-2, in the Office of the Recorder of Porter County, Indiana.

DESCRIPTION OF PROPOSED PROJECT INCLUDING, NEW CONSTRUCTION, ADDITION, ALTERATION, OR CHANGE OF USE: (Exhibit No. 5.)

The Petitioner seeks development standards variances for the garage set back and the lot coverage. 1) Max lot coverage is 2,706 square feet, Petitioner proposes 3,151 (Article 3, Section 3.501, Table 3.501); 2) Garage required setback from property line is 3 feet, as shown 1' 3". (Article 2, Section 2.303 (D)(3)).

Section (3) of the Zoning Ordinance from which a Variance, Special Exception, or Administrative Relief is sought:

Article: 3 Section: 3.501 Paragraph: Item: Table 3.501
: 2 : 2.303(D)(3) : :
: : : :

Attach a Site Plot Plan drawn to scale showing:

- a. scale
- b. lot: shape, location, dimension, and area
- c. existing improvements on the lot (including, structures, sidewalks, & driveways) and the percent coverage of improvements on the lot
- d. distance for lot lines, right-of-way lines, or easements to any structure for: front, back and side yards

Please fill in:

Front Setback 20' Rear Setback 20 Side Setbacks 6 / 6 Lot Coverage 3113.9
Height 2 story w/ attic

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.

Petitions will not be scheduled for public hearing unless all legal and procedural requirements 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
<u>X</u> 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.

Signature of Petitioner

Printed Name

Signature of Property Owner

Signature of Property Owner

Subscribed and sworn to before me, a Notary in and for said County and State, personally appeared: _____, and
acknowledge the execution of the foregoing document, this ____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____
Resident of _____ County

Type or Print name of Notary

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 _____ (“Owner”) (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA.
2. That Owner authorizes _____ (“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

Date

Property Owner

Date

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public

My Commission:

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 _____ day of _____, 20____ 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 _____ of the (address here) _____.

The property is located in the _____ Zoning District. The subject parcel is located at (Address or Location) _____ and includes the following tract of land:

Legal Description

(Please type the street address and legal description here or attaché 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,

Petitioner

Petitioner

Petitioner

Petitioner

Affidavit of Proper Public Notice for Public Hearing

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

_____, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That he/she is the _____ (agent, attorney, owner) of the property described in the attached notice which an application for a variance has been filed before the Board of Zoning Appeals of the City of Valparaiso, Indiana
2. That on the ____ day of _____, _____, did mail at least ten 10 (10) days prior to the scheduled Public Hearing postage paid, by certified mail, return receipt requested, a letter explaining the proposed change, time, date and place of hearing and attached hereto, to all of the property owners within three hundred (300) feet from the lot lines of described real estate, as follows.

(Please attach legal description)

List the name the address of all property owners who have received notification on page 10.

Petitioner

Date

Subscribed and sworn to before me this ____ day of _____, _____.

Notary Public

My Commission Expires

Date

SURROUNDING PROPERTY OWNER LIST

List the name and address of all property owners who have received notification below
(Use Additional Sheets if Necessary):

(Please Print)

NameAddress

See Exhibit No. 7 to the petition.

[illegible]

Variance from Development Standards
Findings of Fact
(Please Print)

Petitioner submits that: See Exhibit no. 5 to the Petition

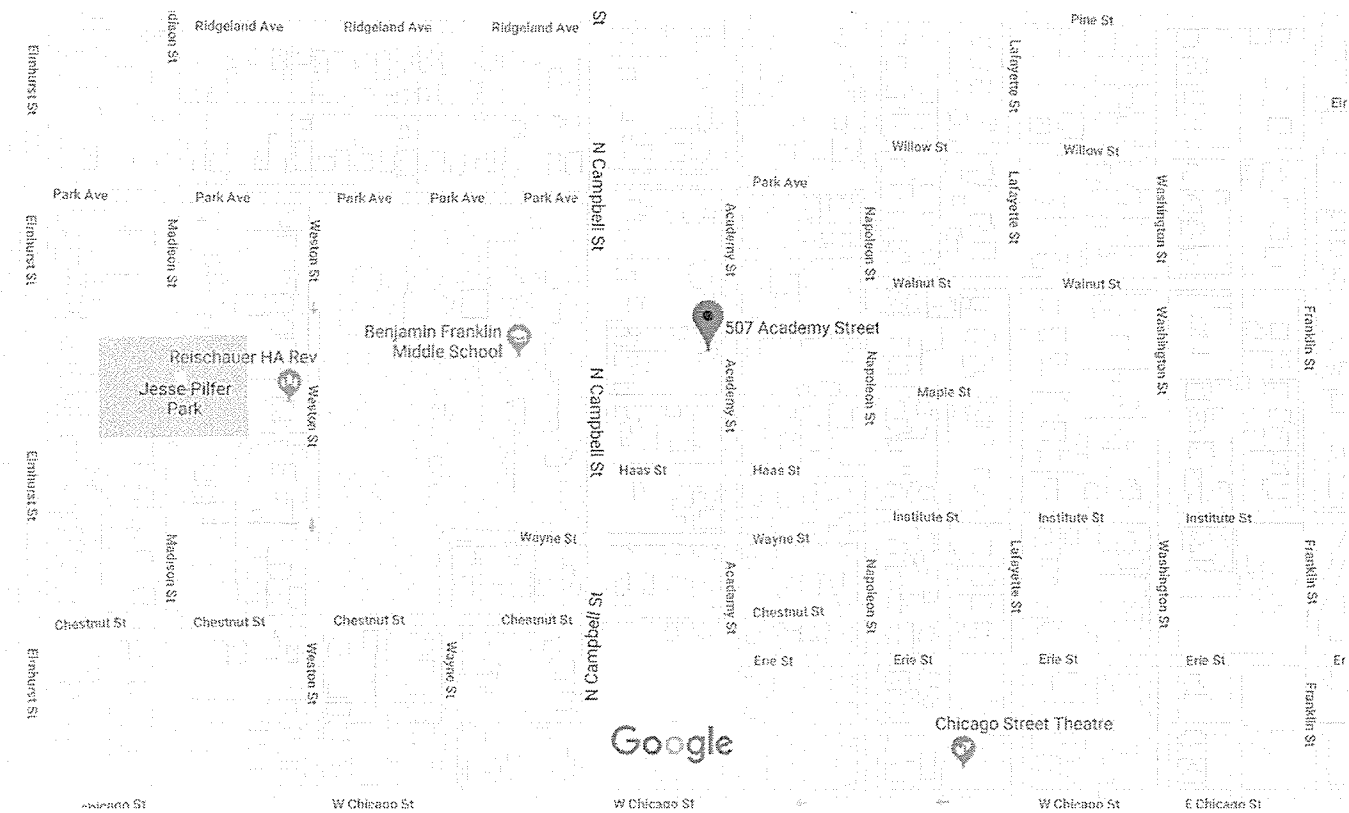
A. The proposed variance from the Development Standards will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

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: _____

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 Petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each and every one of the elements listed above.

Google Maps 507 Academy St



Map data ©2017 Google 200 ft

PROPERTY ADDRESS

507 ACADEMY STREET, VALPARAISO INDIANA 46383

LEGAL DESCRIPTION

POWELL'S ADDITION S1/2 E1/2 LOT 153 (TAKEN FROM THE PORTER COUNTY ASSESSORS RECORD CARD)

NOTE

1. THE PROPERTY IS CURRENTLY VACANT AND UNIMPROVED. ALL IMPROVEMENTS ARE PROPOSED, SUBJECT TO APPROVAL.

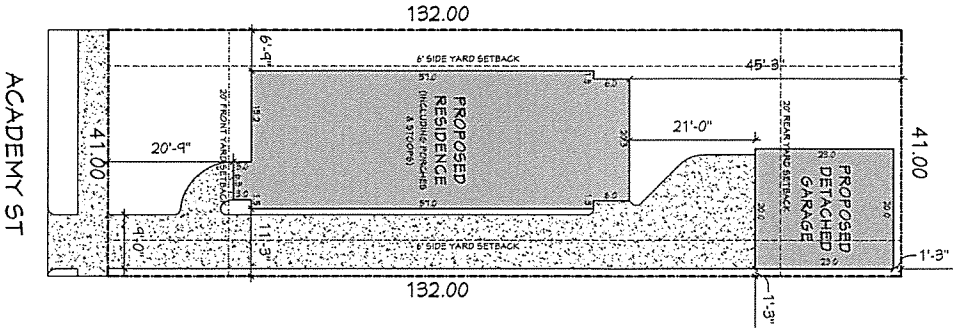
2. LOT COVERAGE CALCULATIONS:

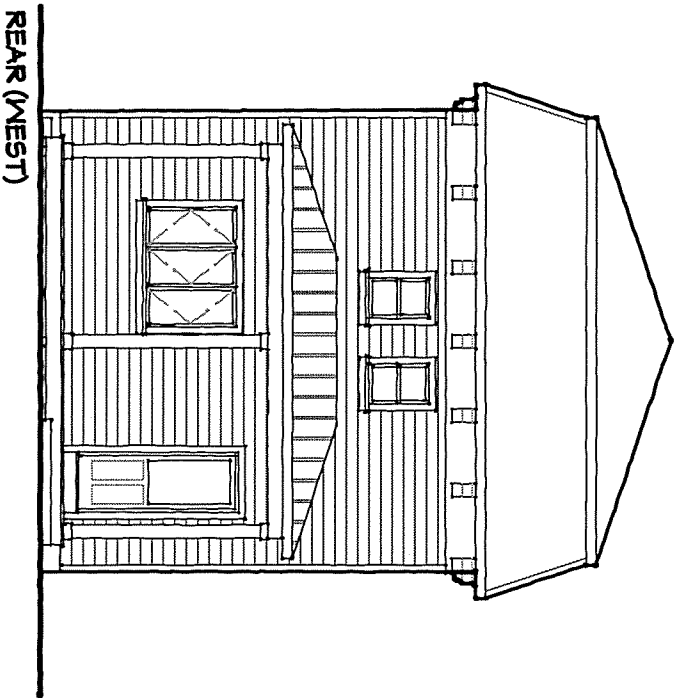
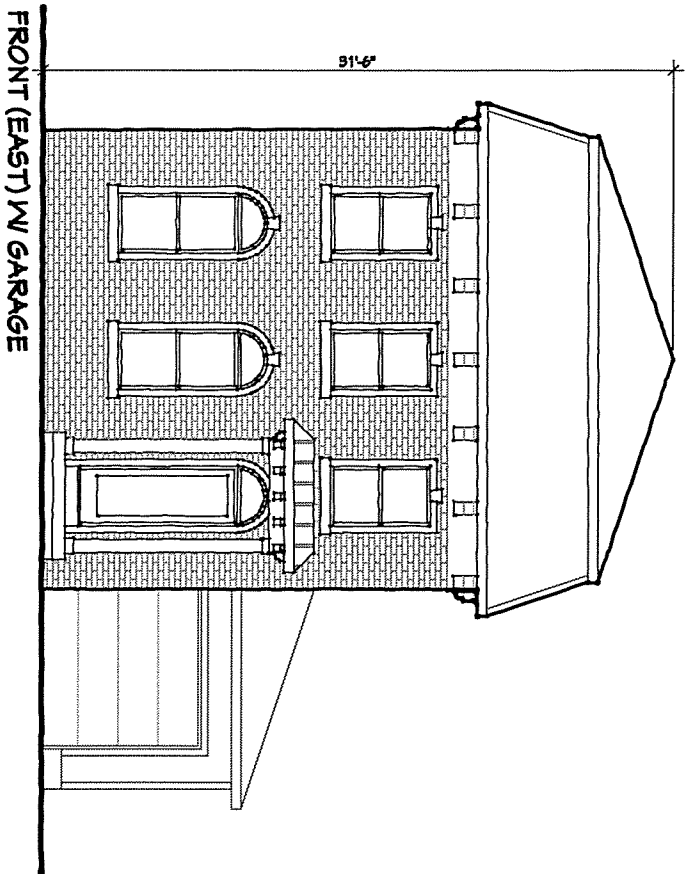
- | | |
|-------------------------------|-------------------|
| 2.1. SITE AREA | 5412.0 SF |
| 2.2. CONCRETE | 1201.4 SF (22.2%) |
| 2.3. PROPOSED RESIDENCE | 1452.0 SF (26.8%) |
| 2.4. PROPOSED DETACHED GARAGE | 460.0 SF (8.5%) |
3. PROPERTY IS ZONED NC-60 NEIGHBORHOOD CONSERVATION
- | | |
|---------------------------|----------|
| 3.1. FRONT YARD SETBACK | 20' |
| 3.2. SIDE YARD SETBACK(S) | 6' / 12' |
| 3.3. REAR YARD SETBACK | 20' |

THIS PRELIMINARY SITE PLAN WAS PREPARED BY THIRD COAST DESIGN CO., LLC FOR THE SOLE PURPOSE OF A ZONING VARIANCE SOUGHT BY THE PROPERTY OWNER. NO PERSON ASSOCIATED WITH THIRD COAST DESIGN CO., LLC REPRESENTS HIMSELF/HERSELF AS A LICENSED ARCHITECT AND/OR ENGINEER AND AS SUCH, DOES NOT GUARANTEE THE ACCURACY OF THIS PRELIMINARY SITE PLAN OR ANY OF THE INFORMATION CONTAINED THEREIN. USE OF THIS PRELIMINARY SITE PLAN SIGNIFIES ALL PARTIES AGREE TO RELEASE AND HOLD THIRD COAST DESIGN CO., LLC AND ITS REPRESENTATIVES HARMLESS FROM ALL ERRORS AND/OR OMISSIONS AND ANY OTHER LIABILITIES THAT ARISE FROM USE OF THIS PRELIMINARY SITE PLAN FOR ANY PURPOSE.



LEGEND	
BUILDING	
CONCRETE	



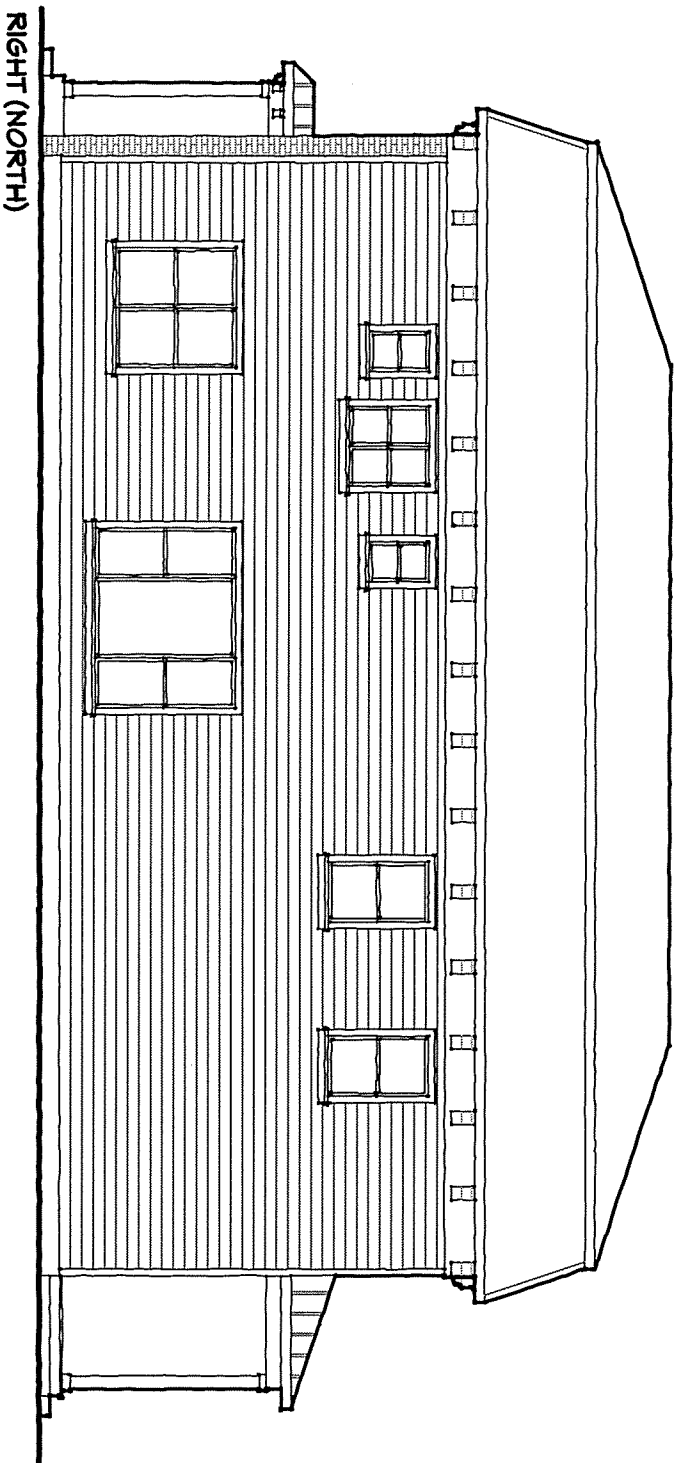


HURLEY RESIDENCE, ELEVATIONS

2622 SF - TOTAL

12/14/17

NOTE: All dimensions are approximate and to rough framing, subject to change
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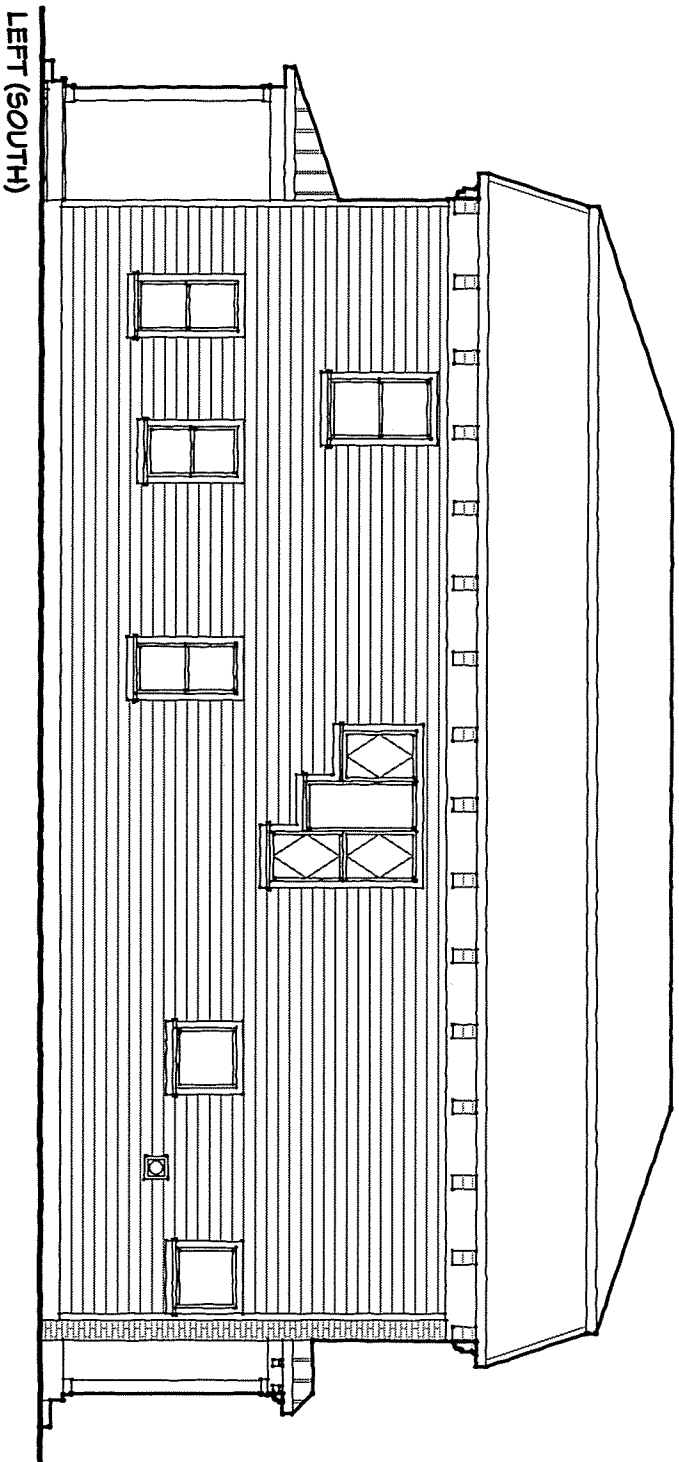


HURLEY RESIDENCE, ELEVATIONS

2622 SF - TOTAL

12/14/17

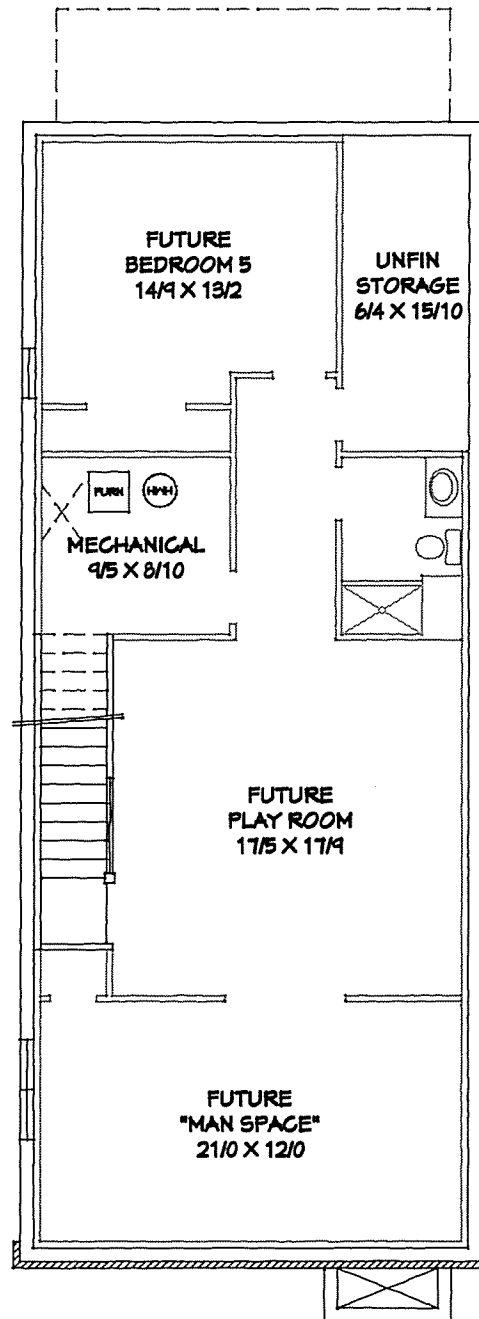
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HURLEY RESIDENCE, ELEVATIONS
2622 SF - TOTAL

12/14/17

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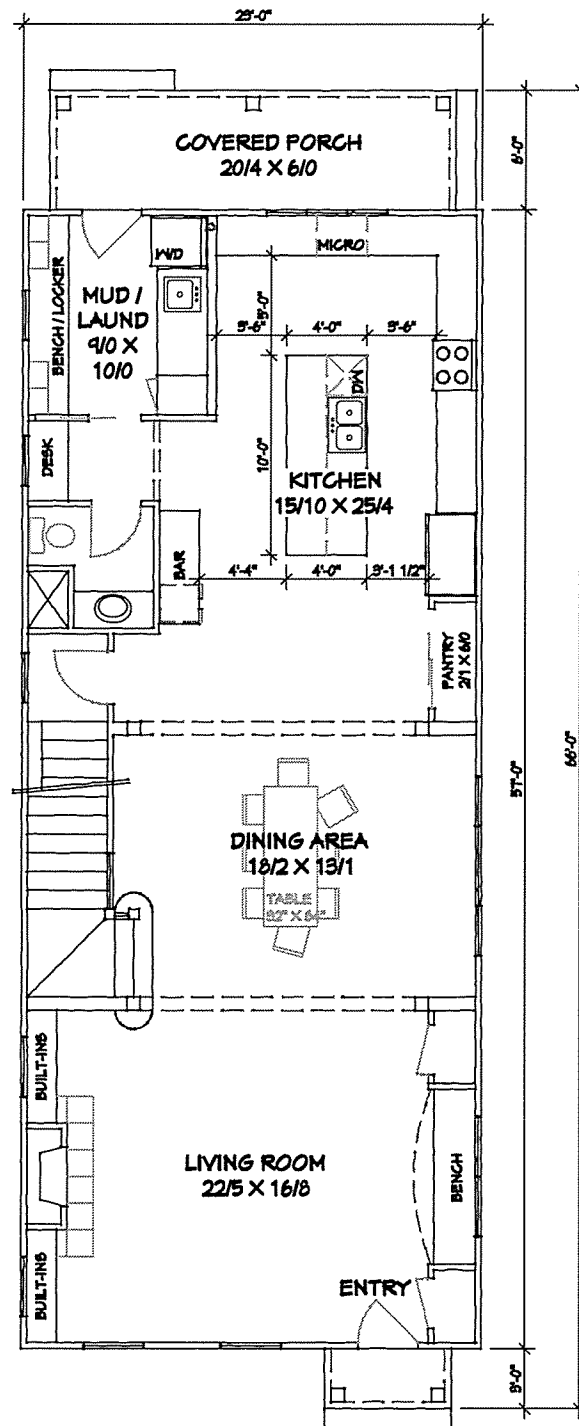
HURLEY RESIDENCE, BASEMENT PLAN (+/- 8'-8" CLGS)

1206 SF

12/14/17

NOTE: All dimensions are approximate and to rough framing, subject to change

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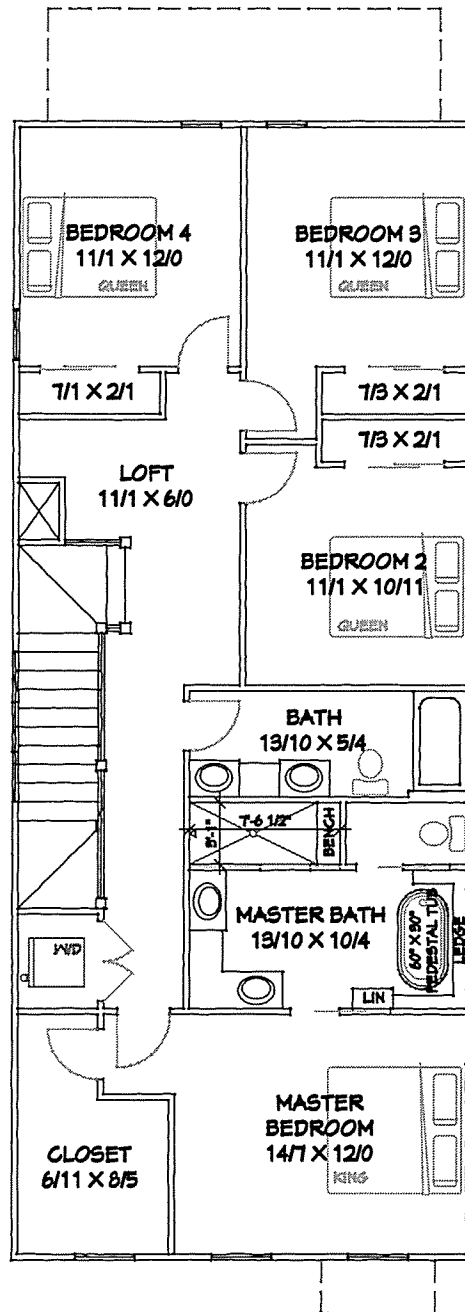


HURLEY RESIDENCE, MAIN FLOOR (10'-0 CLGS)
1311 SF

12/14/17

NOTE: All dimensions are approximate end to rough framing, subject to change

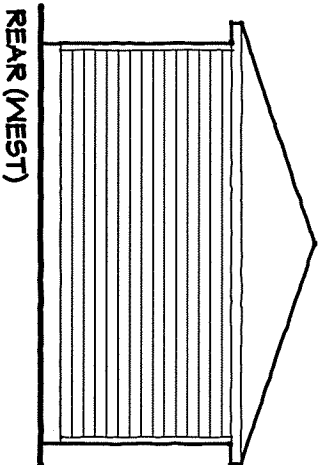
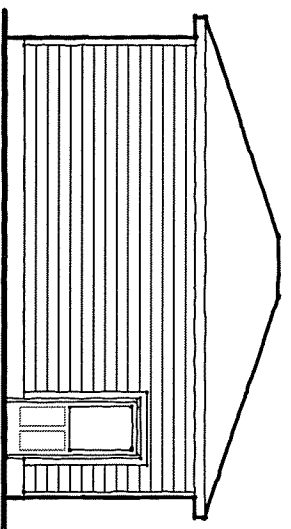
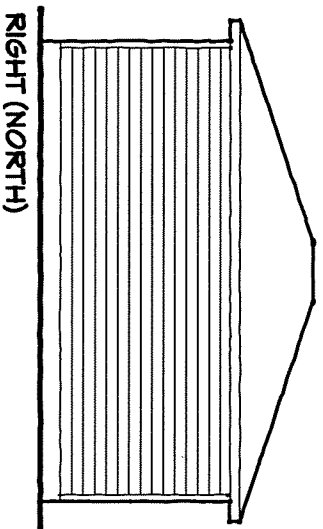
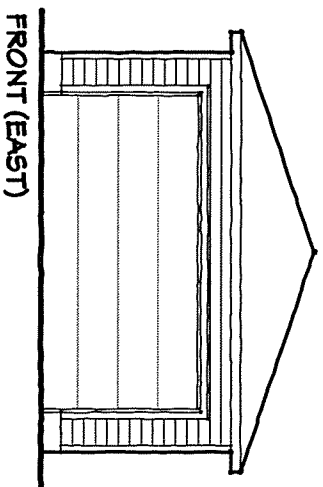
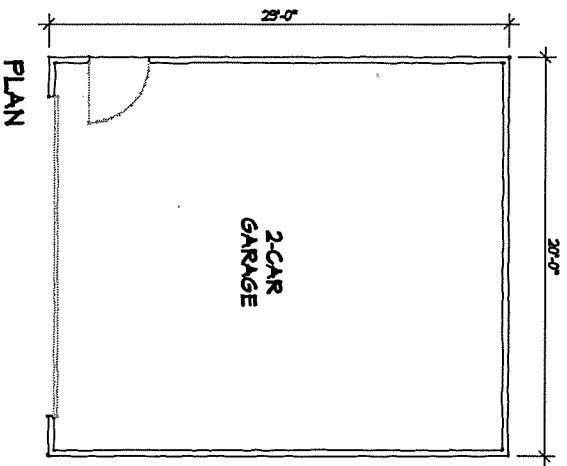
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HURLEY RESIDENCE, SECOND FLOOR (9-0 CLGS)
 1311 SF 12/14/17

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HURLEY RESIDENCE, DETACHED GARAGE

12/14/17

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5. Written Description of Project And Findings of Fact.

The Petitioners seek to build a new home with classic and historic elements in order to fit nicely into this particular neighborhood. The Petitioners are excited about living in a neighborhood that is so close to downtown yet also quiet and peaceful enough to raise their family. They considered specifically the Academy Street area as high on their list of desirable and liveable streets. The home will be located on the east side of the street at 507 Academy which is one home south of where Plum Street "Ts" into Academy. The address is from the previous home on the lot which was razed approximately ten years ago.

The challenges in building a new home on the site will include but not be limited to the size of the lot. Because of its desirability the availability of lots along Academy street are few and far between. The only lots left are what would be called "fill in" lots. There is currently construction on the East side of Academy as Bucher Construction is building a single family house on an existing lot.

The Petitioners' lot is 132 feet deep, but only 41 feet wide. This presents problems with rear yard set backs and lot coverage regulations.

As explained and shown on the site plan, the lot is 5412 sf and the proposed structure will have impermeable surface of 1239sf paving, house footprint 1452sf, and a detached garage footprint of 460sf or a total lot coverage of 3151sf. The design of the of the home which is basically cube-shaped allows for the southern and northern side yards to comply with the zoning requirement of a 6 foot set back. The front yard will also not require a variance as the 20 foot front yard as set back from the right of way line will comply with the ordinance. The front of the proposed home will line up with both neighbors' homes to the north and to the south. The side yard to the north will need to be varied in order to support the garage which will have to be located in the back, that is, the northwest corner of the lot. The first 109 feet to the backyard, will not need a variance because as stated, it complies with the six foot set back. At 109 feet deep into the lot along the northerly property line is where the detached garage begins. The garage which has a three foot side and rear yard set back, to accommodate vehicular exit and entry requires a set back from the rear lot line only 1.3 feet requiring a variance of 1.7 feet from the northwest corner of the lot along the north and west lot lines. The variance is needed across the rear lot line a total of 20 feet or about to the midpoint of the rear lot line and 23 feet along the northerly lot line. As indicated these set back variances will only affect the rear of the lot.

The impermeable surfaces based on the plan will be in excess of the 2706sf lot coverage regulation. As indicated above, the total lot coverage between the house, garage and impermeable surfaces is 3151sf. This again is required because of the shape of the lot and the long driveway back to the garage.

The rationale for the variances is first, to allow for the petitioners to, like almost every house on Academy Street, have a garage on their property. Otherwise, having the house on such a long but narrow lot would necessarily make locating a garage on the property impossible were it not for variances of lot coverage and side and rear set backs for the garage. Second, overall the variances allow for a home to be built with the size and area suitable to modern living on a lot

that is only 41 feet wide. It would be a hardship for the Petitioners if they were not able to utilize the lot as it is with its peculiar shape and dimensions. The need for the variances is tied directly to the uniqueness of the lot on which they desire to build.

FINDINGS OF FACT
(Development Standards Variance)

In support of its application for Variance(s) from the Development Standards, the Petitioner states that the granting of such request:

1. Will not be injurious to the health, safety, morals, and general welfare of the community as the home will abide by set backs on the side yards and the front and will also provide additional assessed value to the community with the additional proposed improvements added to what is currently bare ground;
2. Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner because as a new home it will increase the value of neighbors' property while simultaneously enhancing the value of the surrounding properties as it will be a new house but will appear to match the type and character of the exterior of the homes in the vicinity;
and,
3. The need for the variance arises from practical difficulties in the use of the property in conformity with the Zoning Ordinance because the shape of the lot requires the garage to be set back in the rear corner to fit it on the lot. A garage is a necessary structure to preserve and enhance the use of the property as well as its value.

Petitioners:

/s/Patrick P. Hurley
Patrick P. Hurley

/s/Melanie D. Hurley
Melanie D. Hurley

6. Legal Description of the subject property

Parcel 1: The South Half of the East Half of Lot 153, in Powell's Addition, to the Town, now City of Valparaiso, as per plat thereof, recorded in Miscellaneous Record "A" page 255, now Plat File 6-A-2, in the Office of the Recorder of Porter County, Indiana.

7. Surrounding Property Owners List

- 153-001 Owner: Hall Doris J Trust W/Life Est Hall
Owner Address: 608 Campbell St., Valparaiso IN 46385
Site Address: 608 Campbell St., Valparaiso IN 46385
- 153-002 Owner: Anleitner Matthew J.
Owner Address: 606 Campbell St., Valparaiso IN 46385
Site Address: 606 Campbell St., Valparaiso IN 46385
- 153-003 Owner: Gibson Matthew & Britta/H&W
Owner Address: 604 Campbell St., Valparaiso IN 46385
Site Address: 604 Campbell St., Valparaiso IN 46385
- 153-004 Owner: Tomerlin Larry & Avonne/H&W
Owner Address: 602 Campbell St., Valparaiso IN 46385
Site Address: 602 Campbell St., Valparaiso IN 46385
- 153-005 Owner: Grennes Michael T. & Jane A./H&W
Owner Address: 600 Campbell St., Valparaiso IN 46385
Site Address: 600 Campbell St., Valparaiso IN 46385
- 153-008 Owner: Gulbransen Donald M. & Mary M./H&W
Owner Address: 607 Academy St., Valparaiso IN 46383
Site Address: 607 Academy St., Valparaiso IN 46383
- 153-009 Owner: Porter County Building Trades Corpo
Owner Address: 1005 N. Franklin, Valparaiso IN 46383
Site Address: 605 Academy St., Valparaiso IN 46385
- 153-010 Owner: Cusson Kyle C. & Kathleen G./H&W
Owner Address: 801 Beech St., Valparaiso IN 46383
Site Address: 603 Academy St., Valparaiso IN 46385
- 153-011 Owner: Spears Gina & Hecimovich Ryan M./Jt
Owner Address: 601 Academy St., Valparaiso IN 46383
Site Address: 601 Academy St., Valparaiso IN 46385
- 153-012 Owner: Orlando Antoinette
Owner Address: 509 Academy St., Valparaiso IN 46383
Site Address: 509 Academy St., Valparaiso IN 46383
- 153-006 Owner: Evans Kenneth M & Barbie S/H&W
Owner Address: 510 Campbell St., Valparaiso IN 46385
Site Address: 510 Campbell St., Valparaiso IN 46385

153-007 Owner: Kokosoulis Exacousty V.
Owner Address: 1608 Briarcliffe Ct., Chesterton IN 46304
Site Address: 506 Campbell St., Valparaiso IN 46385

153-014 Owner: Johnson Patricia A.
Owner Address: 505 Academy St., Valparaiso IN 46383
Site Address: 505 Academy St., Valparaiso IN 46385

153-015 Owner: Hall Shirley
Owner Address: 503 Academy St., Valparaiso IN 46383
Site Address: 503 Academy St., Valparaiso IN 46383

153-019 Owner: Kaye Lyle & Kimberlya/H&W
Owner Address: 501 Academy St., Valparaiso IN 46383
Site Address: 501 Academy St., Valparaiso IN 46383

153-018 Owner: Bezotte Carrie
Owner Address: 354 Haas St., Valparaiso IN 46383
Site Address: 354 Haas St., Valparaiso IN 46383

153-017 Owner: Georgis Demetrios & Gina/H&W
Owner Address: 356 Haas St., Valparaiso IN 46383
Site Address: 356 Haas St., Valparaiso IN 46383

153-016 Owner: Rouse Terry
Owner Address: 358 Haas St., Valparaiso IN 46383
Site Address: 358 Haas St., Valparaiso IN 46383

161-001 Owner: Levy Jacqueline
Owner Address: 7691 N Topinabee Rd., Walkerton IN 46574
Site Address: 357 Haas St., Valparaiso IN 46383

161-002 Owner: Walker Danielle T.
Owner Address: 355 Haas St., Valparaiso IN 46383
Site Address: 355 Haas St., Valparaiso IN 46383

161-003 Owner: Bernardez Rachel
Owner Address: 353 Haas St., Valparaiso IN 46383
Site Address: 353 Haas St., Valparaiso IN 46383

161-007 Owner: Matlock, Ryan D.
Owner Address: 407 Academy St., Valparaiso IN 46383
Site Address: 407 Academy St., Valparaiso IN 46383

157-008 Owner: Kuzmich Penny
Owner Address: 258 Haas St., Valparaiso IN 46383
Site Address: 258 Haas St., Valparaiso IN 46383

157-005 Owner: Strauss Jason B & Erin M/H&W
Owner Address: 204 Green Acres Dr., Valparaiso IN 46383
Site Address: 506 Academy St., Valparaiso IN 46383

157-006 Owner: Mattes Paul L. & Diana
Owner Address: 603 Calumet Ave., Valparaiso IN 46383
Site Address: 505 Napoleon St., Valparaiso IN 46383

157-007 Owner: Daly Michael J & Pamela D.
Owner Address: 503 Napoleon St., Valparaiso IN 46383
Site Address: 503 Napoleon St., Valparaiso IN 46383

157-011 Owner: Hernandez Christine R.
Owner Address: 252 Haas St., Valparaiso IN 46383
Site Address: 252 Haas St., Valparaiso IN 46383

157-010 Owner: Saponaro Catherine A.
Owner Address: 254 Haas St., Valparaiso IN 46383
Site Address: 254 Haas St., Valparaiso IN 46383

157-009 Owner: Jacobs Jeffrey R & Alane E/H&W
Owner Address: 256 Haas St., Valparaiso IN 46383
Site Address: 256 Haas St., Valparaiso IN 46383

157-004 Owner: Davies Steven E & Deborah Jo/H&W
Owner Address: 507 Napoleon St., Valparaiso IN 46383
Site Address: 507 Napoleon St., Valparaiso IN 46383

157-003 Owner: Kijurna Natalie C.
Owner Address: 253 Plum St., Valparaiso IN 46383
Site Address: 253 Plum St., Valparaiso IN 46383

157-002 Owner: Trust No. 4
Owner Address: 5105 Garden Gtwy., Valparaiso IN 46383
Site Address: 255 Plum St., Valparaiso IN 46383

157-001 Owner: Soleim Andrew & Nicole/H&W
Owner Address: 257 Plum St., Valparaiso IN 46383
Site Address: 257 Plum St., Valparaiso IN 46383

162-002 Owner: Walker Danielle T.
Owner Address: 355 Haas St., Valparaiso IN 46383
Site Address: 355 Haas St., Valparaiso IN 46383

162-001 Owner: Monnier Cory J.
Owner Address: 408 Academy St., Valparaiso IN 46383
Site Address: 408 Academy St., Valparaiso IN 46383

280-006 Owner: Naillieux Gloria A.
Owner Address: 558 Glendale Blvd. Valparaiso IN 46385
Site Address: 501 Campbell St., Valparaiso IN 46385

280-005 Owner: Valparaiso Community Schools
Owner Address: 56 Washington St., Valparaiso IN 46383
Site Address: Campbell St., Valparaiso IN 46385

154-001 Owner: Breitinger Walter G. & Cythia T.
Owner Address: 255 Park Ave., Valparaiso IN 46383
Site Address: 608 Academy St., Valparaiso IN 46383

154-004 Owner: Hubbard Thomas Allen
Owner Address: 258 Plum St., Valparaiso IN 46383
Site Address: 258 Plum St., Valparaiso IN 46383

154-005 Owner: Llamas Ann B.
Owner Address: 256 Plum St., Valparaiso IN 46383
Site Address: 256 Plum St., Valparaiso IN 46383

154-007 Owner: Breakey Michael & Michelle/H&W
Owner Address: 603 Napoleon St., Valparaiso IN 46383
Site Address: 603 Napoleon St., Valparaiso IN 46383

154-008 Owner: Sendera Laurie A. Living Trust
Owner Address: 601 Napoleon St., Valparaiso IN 46383
Site Address: 601 Napoleon St., Valparaiso IN 46383

154-006 Owner: Grodrian John K. & Ericka T. /H&W
Owner Address: 605 Napoleon St., Valparaiso IN 46383
Site Address: 605 Napoleon St., Valparaiso IN 46383

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 _____ ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA.
2. That Owner authorizes _____ ("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.

P.P. H.
Property Owner

12/18/17
Date

Property Owner

Date

Subscribed and sworn to before me this 18th day of December, 20 17.

Meagan C. Ferguson
Notary Public

My Commission:

Date

