

MEETING AGENDA

Valparaiso Board of Zoning Appeals
Tuesday, March 20th, 2018 7:00 PM
City Hall, 166 W. Lincolnway

1. Roll Call
2. Old Business

NONE

3. New Business

VAR18-003 A petition filed by Ellen Parker, 503 Garfield Avenue, Valparaiso, IN 46383. The petitioner requests a variance from Article 2, Section 2. 303, of the Valparaiso Unified Development Ordinance, to vary the maximum accessory structure size of 600 square feet to allow for an accessory structure of 720 square feet. The property is located at 503 Garfield Avenue, in the Neighborhood Conservation (NC-60) Zoning District.

4. Adjournment
Michael Micka, President – Board of Zoning Appeals
Tyler Kent, Planning Director
Next Meeting: April 17th, 2018

FEB 23 2018

Clerk-Treasurer:

STEP ONE: APPLICATION AND CHECK LIST

1. X **Application Fee** – Submitted to Clerk/Treasurer’s Office by no later than 4:00 PM on the day of the posted Deadline for the desired Board of Zoning Appeals meeting.
2. X Completed petition and checklist. Petition is attached.
3. X **Vicinity Map.** A vicinity map for the purpose of locating the subject property within the City of Valparaiso.
4. X **Site Plan/Concept Plan.** The site plan must be to scale and show the front, rear, and side setbacks and provide a lot coverage calculation for all impermeable surfaces. The site plan shall also include all present and proposed buildings and structures, parking areas, location and name of all adjacent streets and roads (whether public or private), and a north arrow. Easement information must also be provided if easements exist or are proposed on the property in question.
5. X **Written Description of Project.** There should be a brief written description of the proposed project attached with the site plan. The written description allows the Board of Zoning Appeals and the Planning Department to better understand the proposed project.

6. X

Legal Description. A legal description for the property must be either written in the space provided or typed and attached. The legal description can be found on the Deed for the property or potentially within a recorded mortgage. The abbreviated version of the legal description on the property tax bill is not sufficient. If necessary, the Petitioner can obtain a copy of the Deed from the Porter County Recorders Office located in the Porter County Administration Building at 155 Indiana Avenue in Valparaiso.

7. X

Surrounding Property Owner List. If a public hearing is required for your requested action, the names and addresses of all the property owners within 300 feet in all directions from the subject parcel shall be provided. Information concerning the owners of property within 300 feet can be obtained through a title company or the Porter County Auditor's Office. Owners of the property within a 300-foot radius of the lot lines of the subject parcel must receive notice of your Petition and the scheduled Public Hearing. All property owner information (including those owned by the City, State, etc.) must be submitted as part of the application. It is the Petitioner's responsibility to obtain this information, and Indiana law and Rules of Procedures of the Valparaiso Board of Zoning Appeals require timely notice to all property owners within 300 feet. Should a property owner not receive timely notice, such could result in your request being denied, delayed, or potentially revoked at some later date.

8. X

Petitioner's Affidavit of Notice and Consent of Property Owner. As part of the Board of Zoning Appeals application process, the Petitioner is required to execute an affidavit indicating that notification of affected property owners has been completed in a timely manner. Letters of notification shall be mailed to property owners within 300 feet of the Petitioner's property which is the subject of the requested Board of Zoning Appeals action. The letter of notification shall be sent via certified mail, return receipt requested, **and must be postmarked a minimum of ten (10) days prior to the BZA hearing.** The Petitioner will bring all the original certified "green cards" to the Board of Zoning Appeals hearing. Upon inspection by the Board of Zoning Appeals and its Attorney, the cards will be returned to the Petitioner. It is highly recommended that the Petitioner retain these cards as proof that all property owners receive notice. Any objection as to failure to notify a property owner within 300 feet will be the responsibility of the Petitioner.

9. X

Factual basis for the BZA's action. It is the Petitioner's responsibility to establish to the BZA's satisfaction the factual basis pertaining to all cases. The Petitioner will need to fill out the attached form for the variance that is being requested.

Petition #: VAR18-003

**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.
- ☐ 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:

Ellen Parker	503 Garfield	219.477.9178
	Valparaiso, IN 46383	219.718.8094
Name (Please Print)	Address	Phone

OWNER OF SUBJECT PROPERTY:

Ellen Parker and Eric Berg	503 Garfield	219.477.9178
	Valparaiso IN 46383	219.718.8094
Name (Please Print)	Address	Phone

ADDRESS OF SUBJECT PROPERTY: 503 Garfield, Valparaiso, IN 46383

Subject property fronts on the West side between (streets) Beech and Oak streets
in the NC70 Zoning District.

Legal Description of Subject Property: (Exhibit No.)

Lot 6, excepting therefrom the south 71 feet, in Block 6, in Fiske's Subdivision, in the
City of Valparaiso, as per plat thereof recorded in Miscellaneous Record "D", Page
252, 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.)**

Removing the existing garage and replacing with a 2-car garage (24' x 30'),
including access from the alley to the North of the subject property. The current
structure is deteriorating, and can only serve 1 small vehicle (no storage), with
access only from Garfield street. Storage only in the roof/attic area

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

Article: 2 Section: 303 Paragraph: D Item: 1 and 2
: : : :
: : : :

Attach a Site Plot Plan drawn to scale showing:

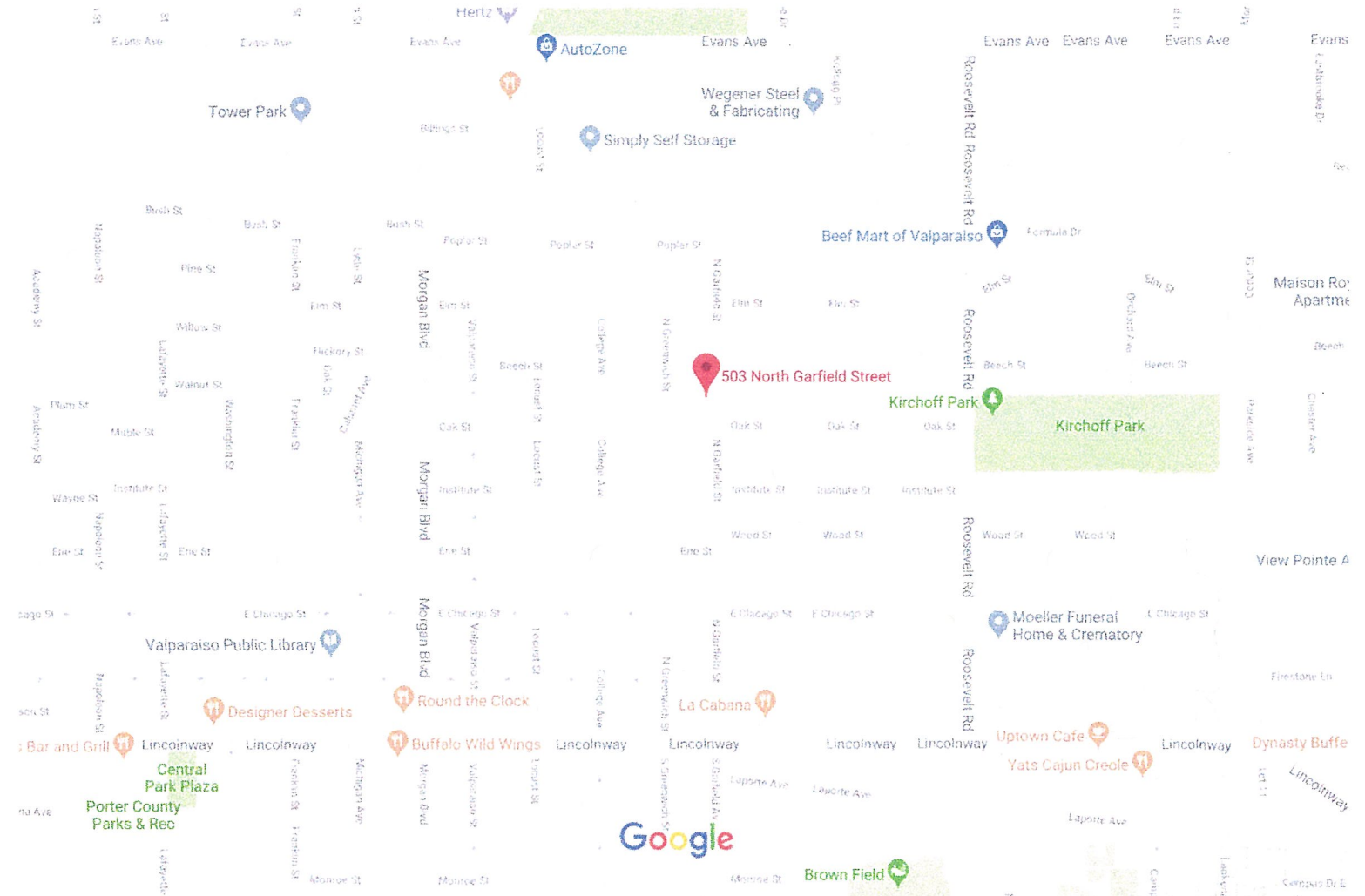
- scale
- lot: shape, location, dimension, and area
- existing improvements on the lot (including, structures, sidewalks, & driveways)
and the percent coverage of improvements on the lot
- distance for lot lines, right-of-way lines, or easements to any structure for: front,
back and side yards

Please fill in: alley side 20' Side Setbacks 3' / 3' Lot Coverage 48%
Front Setback 20' Rear Setback 20'
Height 19'

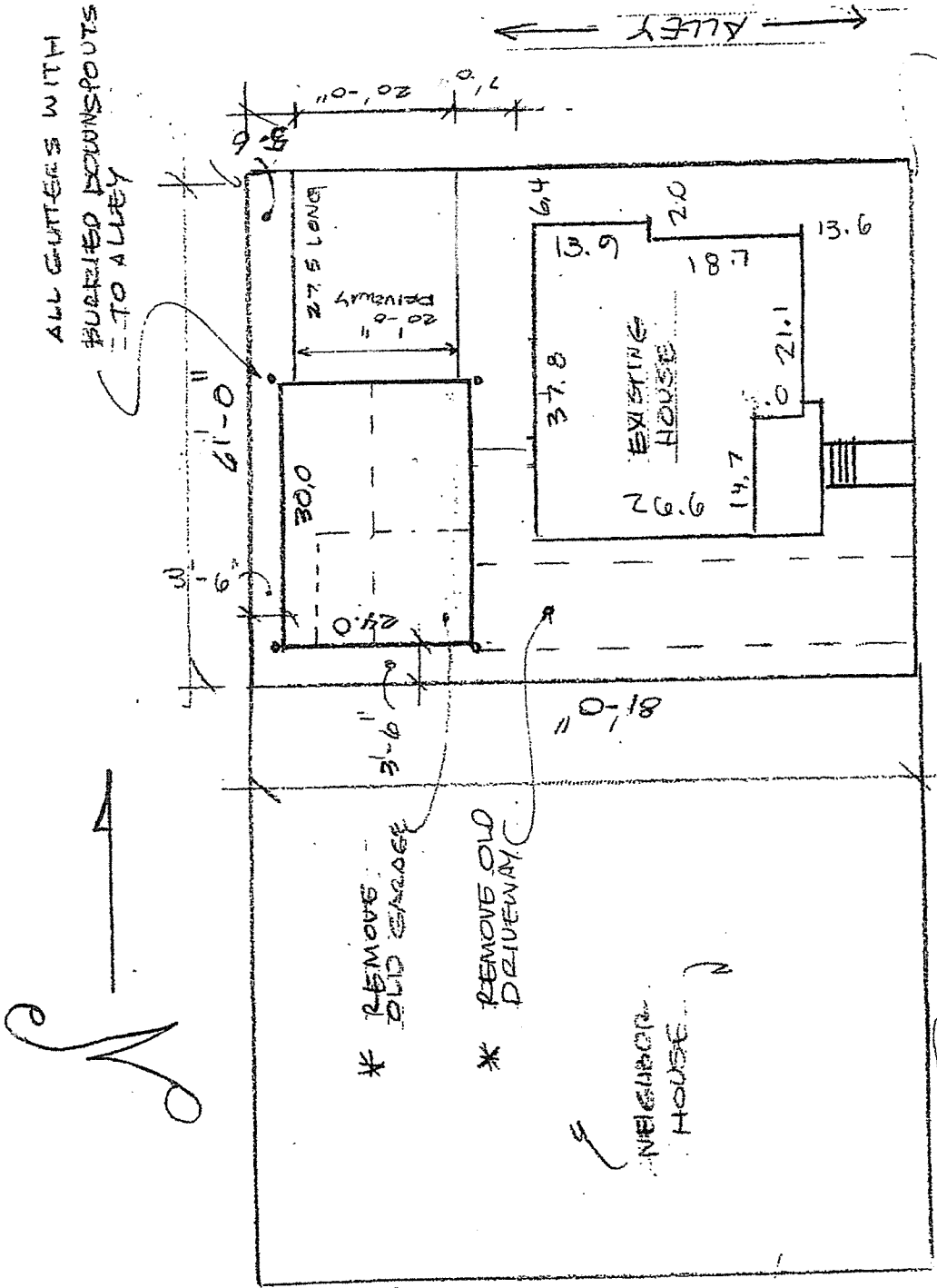
The powers and duties of the Board of Zoning Appeals are provided for and limited by Enabling
Acts in Indiana Code 36-7-4-900 et. eq.. The public hearing procedures are similar to a
courtroom hearing. Although it is not required that the Petitioner represented by legal counsel,
information and documentation 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 1/16/18



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PAGE

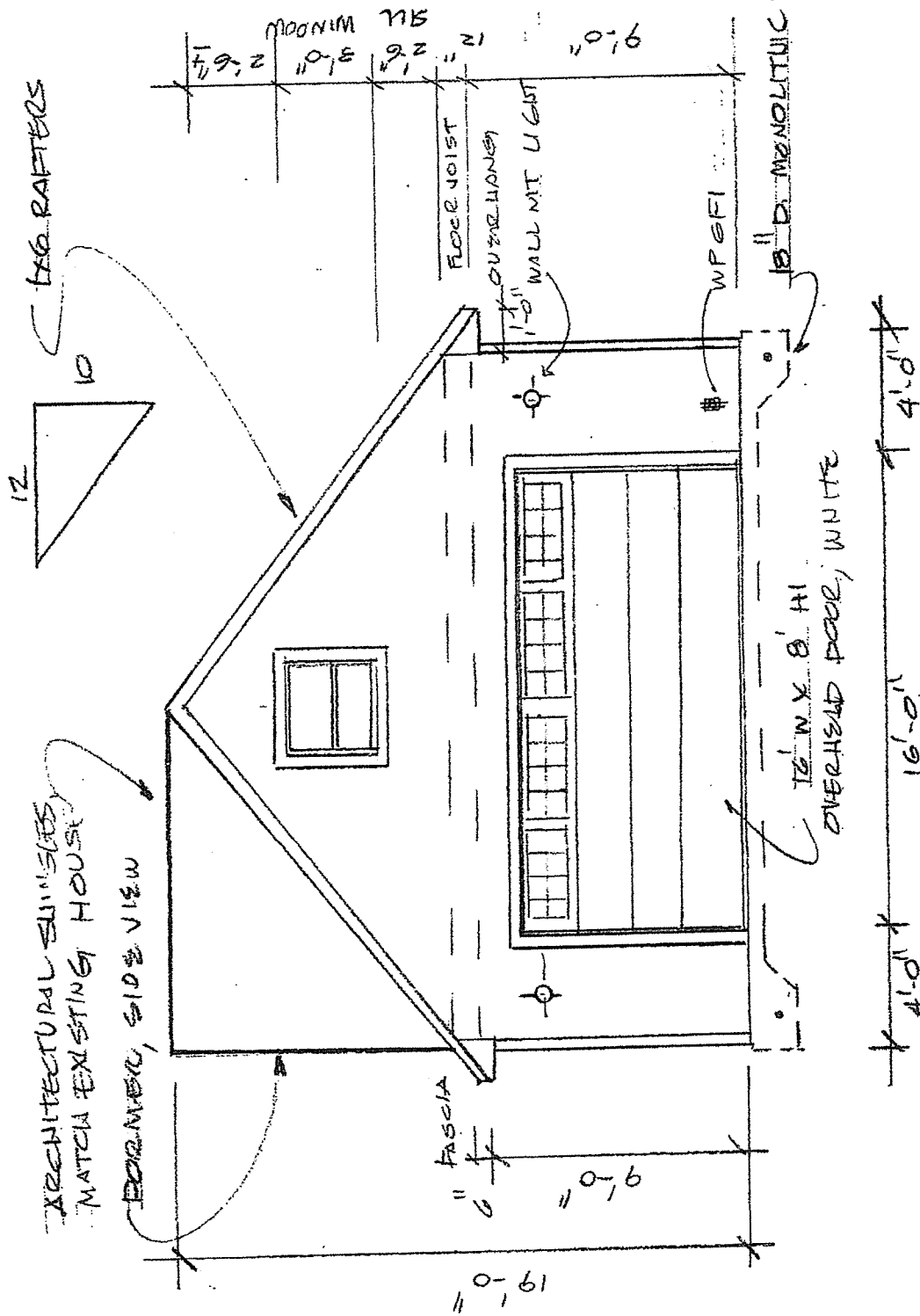
← GARFIELD STREET →

SITE PLAN

BERG/PARKER ACCESSORY BUILDING

503 GARFIELD ST.

VALPARAISO, IN 46383



PAGE 3

END ELEVATION

BERG/PARKER - ACCESSORY BUILDING

SCALE: 3/16" = 1'-0"

DORMER
14'-0" WIDE
PLUS OVERLAP

16'-0" 16'-0"

8'-6"
DORMER

1'-0" OVERHANG

1x4 LP CORNERS
1x6 LP SIDING

8'-0" x 6'-0" STEEL
DOOR W/ WINDOW
4" TRIM

10'-0"

10'-0"

10'-0"

SIDE ELEVATION

19'-0"
11'-9"
11'-6"

30x3-0
WHITE
WINDOWS

PAGE 4

BERG-PARKER ACCESSORY
BUILDING
SCALE: 3/16" = 1'-0"

Lot use calculations

lot	81	61	<u>4941</u>	4941
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house			1114.68	
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<u>garage</u>			<u>720</u>	
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s.f.buildings			1834.68	<u>1834.68</u>
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drive	20	27.5	550	
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<u>buildings</u>			<u>1834.68</u>	
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sf surfaces			2384.68	<u>2384.68</u>
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difference				2556.32	0.48263105	48% of 4941 lot size
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Written Description of Project

In its current state, the house has a single-car width drive, accessed from Garfield Street, leading to a single-car garage. There is a utility pole at the street-end of the garage, making turning into, or backing out of, the drive more difficult, particularly if there is a car parked across the street. If a car is parked in the existing garage (a larger vehicle, such as a pickup, will not fit), there is no room for a lawn mower, snow blower, workbench, bicycles, or any storage. The drive and garage are in poor condition, and the garage is 2'6" from the lot line to the south.

We propose to remove the garage and drive, with a replacement garage 24' wide and 30' deep. The garage would be accessed from the alley to the north, like the drive to the west of the property (see Google satellite map attached). This will allow under-roof parking for our pickup and SUV. It will also benefit others on our block who need to use street parking.

The depth of the garage will permit inside storage of seasonal tools and equipment, our bicycles, the usual array of ladders, tools, and things that need to be fixed or made (we dabble in small woodworking projects).

The non-habitable space above the garage will be used for storage, including files that need to be maintained for a number of years (Ellen is a lawyer nearing retirement). Matching the pitch of the roof to the house does add 2' to the height of the garage. The designer added the dormer to facilitate easy storage and to provide some architectural interest.



SURROUNDING PROPERTY OWNER LIST

Owner	Owner Address	Site Address
Whelan Jessi R	703 Beech St Valparaiso IN 46383	703 Beech St Valparaiso IN 46383
Kohlhoff Paul M	502 Greenwich St Valparaiso IN 46383	502 Greenwich St Valparaiso IN 46383
Richardson Danielle Nicole	505 Garfield Ave Valparaiso IN 46383	505 Garfield Ave Valparaiso IN 46383
Bukur Elizabeth N	806 Beech St Valparaiso IN 46383	806 Beech St Valparaiso IN 46383
Korthals James T III & Ashley L/H&W	801 Beech St Valparaiso IN 46383	801 Beech St Valparaiso IN 46383
Price Natalie S	3830 Rue Flambeau Indianapolis IN 46220	608 Oak St Valparaiso IN 46383
Bjornstad Harlan O & Jennifer I/H&W	601 Garfield Ave Valparaiso IN 46383	601 Garfield Ave Valparaiso IN 46383
Marinello Joan	367 Wilshire Ct Valparaiso IN 46385	505 Greenwich St Valparaiso IN 46383
Bowman Sandra	807 Oak St Valparaiso IN 46383	807 Oak St Valparaiso IN 46383
Sisk Dawn R	808 Beech St Valparaiso IN 46383	808 Beech St Valparaiso IN 46383
Utesch Jason J	PO Box 13 Valparaiso IN 46384	701 Institute St Valparaiso IN 46383
Jordan Brett S	410 Garfield Ave Valparaiso IN 46383	410 Garfield Ave Valparaiso IN 46383
Park & Recreation Department City O	1158 Harrison Blvd Valparaiso IN 46385	Beech St Valparaiso IN 46383
Burke Edward T & Theresa B/H&W	508 Greenwich St Valparaiso IN 46383	508 Greenwich St Valparaiso IN 46383
Trust #646669	706 Oak St Valparaiso IN 46383	706 Oak St Valparaiso IN 46383
Francisco Federico M Jr & Rowena F/	703 Institute St Valparaiso IN 46383	703 Institute St Valparaiso IN 46383
Reimink Brian R & Logan Lauren/Jt	802 Oak St Valparaiso IN 46383	802 Oak St Valparaiso IN 46383
Gootee Elizabeth Michelle	701 Beech St Valparaiso IN 46383	701 Beech St Valparaiso IN 46383
Tudor James	805-805 1/2 Oak St Valparaiso IN 46383	805 Oak St Valparaiso IN 46383
Keller Paula	406 Garfield Ave Valparaiso IN 46383	406 Garfield Ave Valparaiso IN 46383
Gauley Stephen C	501 Garfield Ave Valparaiso IN 46383	501 Garfield Ave Valparaiso IN 46383
Allen Joshua M & Bailee C/H&W	603 Garfield Ave Valparaiso IN 46383	603 Garfield Ave Valparaiso IN 46383
Collins Kenneth E & Rachael M/H&W	703 Oak St Valparaiso IN 46383	703 Oak St Valparaiso IN 46383
Claussen Curtis L & Donna R	605 Oak St Valparaiso IN 46383	605 Oak St Valparaiso IN 46383
Manogg Gregg L & Zdanczyk Cheryl L/	805 Beech St Valparaiso IN 46383	805 Beech St Valparaiso IN 46383
K-O Personal Trust	405 Greenwich St Valparaiso IN 46383	405 Greenwich St Valparaiso IN 46383
Tepavceovich Andrea	404 Garfield Ave Valparaiso IN 46383	404 Garfield Ave Valparaiso IN 46383
Navarro Kristine M	408 Greenwich St Valparaiso IN 46383	408 Greenwich St Valparaiso IN 46383
Sandefur Erica D & Cliver Jonathan	804 Oak St Valparaiso IN 46383	804 Oak St Valparaiso IN 46383
Gamblin Cynthia	604 Greenwich St Valparaiso IN 46383	604 Greenwich St Valparaiso IN 46383
Leer Christopher G & Blythe C/H&W	502 Garfield Ave Valparaiso IN 46383	502 Garfield Ave Valparaiso IN 46383
Saar Rita M	606 Beech St Valparaiso IN 46383	606 Beech St Valparaiso IN 46383
Rogers Chris J	508 Garfield Ave Valparaiso IN 46383	508 Garfield Ave Valparaiso IN 46383
Arreguin Dolores H	506 N Greenwich St Valparaiso IN 46383	506 Greenwich St Valparaiso IN 46383
Witte Nathan A & Robin E/H&W	556 Woodlawn Dr Valparaiso IN 46385	606 Oak St Valparaiso IN 46383
Potis Michael A & Margaret M/H&W	507 Garfield Ave Valparaiso IN 46383	507 Garfield Ave Valparaiso IN 46383
Rankin Ian M	506 Garfield Ave Valparaiso IN 46383	506 Garfield Ave Valparaiso IN 46383
Valdez Jose G	804 Beech St Valparaiso IN 46383	804 Beech St Valparaiso IN 46383
Parker Ellen & Berg Eric M/W&H	503 Garfield Ave Valparaiso IN 46383	503 Garfield Ave Valparaiso IN 46383
Page Nicole R	607 Oak St Valparaiso IN 46383	607 Oak St Valparaiso IN 46383
Georgion Art G Jr	405 Garfield Ave Valparaiso IN 46383	405 Garfield Ave Valparaiso IN 46383
Dres Eric	406 Greenwich St Valparaiso IN 46383	406 Greenwich St Valparaiso IN 46383
Bushman Robert W & Michele L H&W	705 Institute St Valparaiso IN 46383	705 Institute St Valparaiso IN 46383
Lawley Jeffrey L Jr	705 Beech St Valparaiso IN 46383	705 Beech St Valparaiso IN 46383
Norman Timothy J & Elisabeth M S/H&	504 Garfield Ave Valparaiso IN 46383	504 Garfield Ave Valparaiso IN 46383

Variance from Development Standards
Findings of Fact
(Please Print)

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: _____
a two car garage, with the driveway off the alley, will allow us to avoid street-
parking--freeing the street for others in the neighborhood and guests. The extra

several feet of floor area will permit bicycles, yard maintenance equipment and
tools, and seasonal items to be stored inside and avoid the necessity of an accessory
shed

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 current garage is unsightly; we will be removing an eyesore with a

functional new structure. In addition, the location of the new garage, with

the gutters and downspouts, with buried drainage pipe, should take away

water currently shedding to the neighbors garage.

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:

As most families now, we both work. As currently configured, one of us will have to
park in the street or result in a twice-daily movement of vehicles. Plus, the current

drive has a utility pole at its end, making backing into the street difficult. With little

storage, we would have to leave the lawn equipment, bicycles, grill, outside all year,

subject to the weather and other possible harm, and have no means of keeping our

other small tools and equipment safe and at-hand.

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.

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 _____

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.



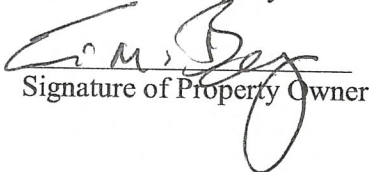
Signature of Petitioner

Ellen Parker

Printed Name

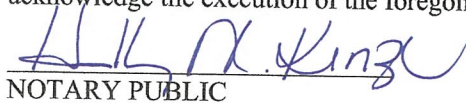


Signature of Property Owner



Signature of Property Owner

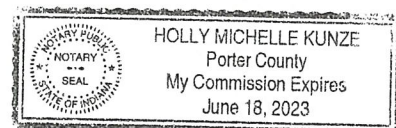
Subscribed and sworn to before me, a Notary in and for said County and State, personally appeared: Ellen Parker, and acknowledge the execution of the foregoing document, this 23rd day of FEBRUARY 2018.



NOTARY PUBLIC

My Commission Expires: 6/18/23
Resident of PORTER County

HOLLY MICHELLE KUNZE
Type or Print name of Notary



Affidavit of Consent of Property Owner

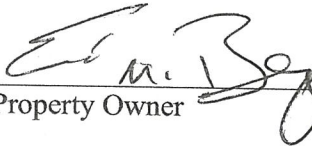
(To be presented with application for Board of Zoning Appeals)

Ellen Parker and Eric Berg being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That Ellen Parker and Eric Berg ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA.
2. That Owner authorizes Ellen Parker ("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.

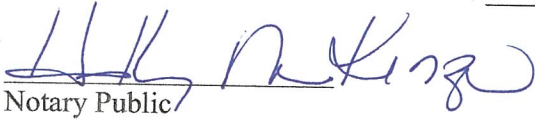

Property Owner

2/23/18
Date


Property Owner

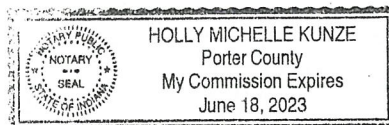
2/23/18
Date

Subscribed and sworn to before me this 23rd day of FEBRUARY, 20 18.


Notary Public

My Commission: 6/18/23

Date



VALPARAISO BOARD OF ZONING APPEALS
Regular Meeting Minutes
February 20, 2018

The regular meeting of the Valparaiso Board of Zoning Appeals was held at 7:00 p.m. on Tuesday, February 20, 2018 in the Valparaiso City Hall Council Chambers. Mike Micka presided.

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

MINUTES:

Elizabeth Lynn made a motion to approve the January 16, 2018 minutes as submitted. Melanie Trowbridge seconded the motion. A voice vote was taken and unanimously carried 4-0.

OLD BUSINESS:

None.

NEW BUSINESS:

VAR18-001 – A petition filed by Paul Schreiner, Project Neighbors, 454 S. College Avenue, Valparaiso, IN. The petitioner requests a variance from Article 3, Section 3.501, of the Valparaiso Unified Development Ordinance, to vary the required minimum lot area of five thousand (5,000) square feet, to allow for two lots with an area of three thousand eight hundred eleven and one-half (3,811.5) square feet. The property is located at 853 Axe Avenue, in the UR, Urban Residential Zoning District. Mr. Paul Schreiner, representing Project Neighbors, presented. Project Neighbors provides affordable housing to this community. The lot at 853 Axe Avenue is 66 feet wide and 115 feet long. We are proposing to divide the lot in the half. There is an existing building on the property that provides a very small living space. It was inspected and can be used by someone in need. Renting this space will allow for some income generation while we build another dwelling on the property. Dividing the property will make the lots 57-3/4 x 66 feet or 3,811.5 square feet in size. It will also allow us to have two dwellings to serve those in need. There are other lots in this area with similar lot sizes and it is possible to build and affordable and attractive home on a lot this size. Two off street parking spaces are required and we will meet that requirement. We are still working through the details on where they will be located. Currently we are proposing parking off of Courtney Street and to the east side of the property, but details are still being worked through.

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.

Attorney Jerome Ezell, representing the Leroy Bowman Land Trust, states on behalf of the Bowman Trust they are opposed to this petition. The Bowman Trust owns seven lots in this immediate area. The existing building Mr. Schreiner referred to is inhabitable. The building was constructed in the 1940's. We believe lead based paint was removed and new siding was installed, but the presumed lead based paint has been left on the ground in the neighborhood. We have no objection to the petitioner rehabilitating the existing building, but believe the property size should remain as is. The only hardship in this case is one of economics for the petitioner and that does not warrant a variance.

Attorney Sarah Bowman-Kohlacki, states the Leroy Bowman Land Trust covers seven lots in this area. The area is very congested and includes many children. More congestion will increase safety concerns. Parking congestion is already an issue in this area as well. This is a very narrow area and traffic coming from Route 30 speeds by. The lot sizes were put in place for a reason and should remain as required.

Mr. Paul Schreiner rebuttal:

- Project Neighbors is known for cleaning up property and building modern, affordable, energy efficient housing. Doing so increases property values.
- Our properties are well maintained.
- The existing building was inspected. Kitchenette, heat, water, electric, etc. are all in place. It is very habitable.

- The paint chips issue would need to be addressed with the current property owner before Project Neighbors would purchase the property.
- The addition of one home and one family will not increase traffic unsafely.
- Project Neighbors tries to fulfill a mission and it is hard to do what we do, but we have been successful and have made a positive impact on this community.

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

Q: This project is not injurious to the health, safety, morals, and general welfare of the community; and it will not affect adjacent properties in an adverse manner, but how does it arise from a practical difficulty in the use of the property?

A: In order for Project Neighbors to be successful we need properties that are \$15,000-\$20,000 per resident. This property is \$70,000. The rent from the existing building allow us to essentially purchase this property for \$10,000. Doing so allows us to provide a 1,000-1,100 square-foot home for a family in need. The property won't work for us if we can't divide it.

Q: Can you give more detail regarding the proposed parking?

A: Parking would be located on the east side of the property so that it stays off of Axe Avenue and as far away from the corner as possible. Another option in this case, may be a bi-level home with a garage underneath. We are certainly willing to work with the City on the placement.

Q: Are the setback met even with the smaller lot size?

A: Yes.

Q: Is this lot size uncommon in the City or in this area specifically?

A: No. There are lots this size throughout.

Q: Will Project Neighbors purchase the entire lot?

A: Yes, and we will own, maintain, and manage the existing building.

Q: Any purchase would be contingent upon environmental approvals? (Speaking to the paint chips.)

A: Yes.

Motion: Elizabeth Lynn made a motion to approve VAR18-001 to vary the required minimum lot area of five thousand (5,000) square feet, to allow for two lots with an area of three thousand eight hundred eleven and one-half (3,811.5) square feet. Such approval will not be injurious to the health, safety, morals, and general welfare of the community, it will provide attractive and affordable housing; will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner, it will maintain or increase property values; arises from practical difficulties in the use of the property in conformity with the Zoning Ordinance, lot sizes are generalized, but vary in many different neighborhoods and this takes into account the need for the area and this being an infill project; 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.

VAR18-002/UV18-001 – A petition filed by Kyle Schmultzer, 7505 W. Sand Lake Road, Orland, FL. The petitioner requests a use variance from Article 2, Section 2.527, of the Valparaiso Unified Development Ordinance, to allow for the use of a self-storage facility with outdoor storage to be permitted within the INH Heavy Industrial Zoning district. A variance from Article 9, Section 9201, to vary the required 50 parking spaces, to allow for 32 parking spaces. A variance from Article 10, Section 10.401, to vary the required Class B bufferyard. To allow for the existing landscaping to count toward the require bufferyard. A variance from Article 11, Section 11.502, to vary the required offset of 50 feet on the façade of the building. A variance from Article 11, Section 11.507, to allow for pre-fabricated metal siding be the predominate exterior building material. The property is located at 900 Locust Street, in the INH, Heavy Industrial Zoning District. Mr. Mike Arzola presented. Self-Storage would like to add a 20,000 square-foot, one story, climate controlled building to an existing warehouse storage facility. What is there now is drive up storage. There is an existing need for interior, climate controlled storage. Patrons will enter the facility, drive to the back, and enter through a loading and unloading designated area. The building is one story, metal exterior, with a brick entryway and columns. It is not visible from the street and is heavily landscaped. Setbacks are met and we will maintain a buffer. Currently there are nine parking spaces at the front of our office for office use. The remaining spaces are for patrons entering their storage areas. 32 new spaces will be provided. We estimate 10-15 customer trips per day. We will provide new landscaping in front and throughout. Stormwater will be reevaluated and brought up to date and modified as required with the new building requirements. A new fire hydrant will be installed to service the new building as well.

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. Wiley Keist, 7505 W. End Lake Road, Orlando, FL states he is in favor of this petition.

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

Q: Was the entire site reevaluated for stormwater management?

A: Yes. There is an existing basin on site and we anticipate having to modify it.

Q: Is there a manager on site?

A: Not permanently, but from 9:00 a.m. to 6:00 p.m. six days per week.

Q: What is the outside storage component?

A: We have 32 spaces for trailers, etc. now but we are going to improve the area with asphalt, lighting, and landscaping. It's considered vehicle storage. General parking is under the canopy and to the outside of the canopy.

Tyler Kent advised that the original permit was approved and the use was permitted under the previous UDO, but now under the new UDO a variance is needed to allow this use in the Heavy Industrial District. It makes sense, however, to continue this use and it fits for this area. Staff does suggest the following conditions, if approved, that approval is specific to the development plan as submitted by Simply Self Storage; the landscape tree replacement ratio is as presented to the petitioner with 2-1/2" caliper and 6' tall evergreens; and the conditions are recorded.

Motion: Diane Worstell made a motion to approve VAR18-002, to allow for 32 parking spaces, to vary the required Class B bufferyard, to allow for the existing landscaping to count toward the required bufferyard, to vary the required offset of 50 feet on the façade of the building, and to allow for pre-fabricated metal siding be the predominate exterior building material with the following conditions: approval is specific to the development plan as submitted by Simply Self Storage; the landscape tree replacement ratio is as presented to the petitioner with 2-1/2" caliper and 6' tall evergreens; and the conditions are 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. Elizabeth Lynn seconded the motion. A roll call vote was taken and unanimously carried 4-0.

Motion: Diane Worstell made a motion to approve UV18-001, to allow for the use of a self-storage facility with outdoor storage to be permitted within the INH Heavy Industrial Zoning district. 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; 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; arises from a condition peculiar to the property; arises from unnecessary hardships if the Zoning Ordinance is strictly applied; does not interfere substantially with the Comprehensive Plan adopted; and the petitioner will comply with all Ordinance parking requirements. Melanie Trowbridge seconded the motion. A roll call vote was taken and unanimously carried 4-0.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the February 20, 2018 Board of Zoning Appeals meeting was adjourned at 8:10 p.m.

Tyler Kent, Executive Secretary

Mike Micka, President