

**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, December 18<sup>th</sup>, 2018 7:00 PM 653 Hayes Leonard Road

- 1. Roll Call
- 2. Adoption of November 20th, 2018 Meeting Minutes
- 3. Old Business

None

#### 4. New Business

**Var18-025** A petition filed by Faryl Smith of Victory Christina Academy, 3805 LaPorte Ave, Valparaiso, IN 46383. The petitioner requests a variance from Article 2, Section 2.608 of the <u>Valparaiso Unified Development Ordinance</u>, to vary the maximum allowable time period of temporary classroom building of (2) two years to allow for a maximum period of (5) five years.. The property is located at 3805 LaPorte Ave, in the (CG) Commercial General zoning district.

#### 5. Adjournment

Michael Micka, President – Board of Zoning Appeals Tyler Kent, Planning Director Next Meeting: January 15<sup>th</sup>, 2018



NCT 15,018

Ademon General All 18-025

#### 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 <b>Special Exception</b> , 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 <b>Special Exception for Home Occupation</b> , 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:
Faryl Smith 3805 LaPorte Ave. Valparaiso IV 46383 (219)548-8803  Name (Please Print)  Address Phone  ictory Christian Academy  owner of subject property:
THOMAS THORLEY 3805 LIA PORTE AVE VALPARASOTN 46383 Name (Please Print) Address Phone 219-510-7444
ADDRESS OF SUBJECT PROPERTY: 305 Laborte Ave. Valparaico 46383 Subject property fronts on the side between (streets) in the <u>CG</u> Zoning District.

Legal Description of Subject Property: (Exhibit No. <u>A</u> )
- see attached -
DESCRIPTION OF PROPOSED PROJECT INCLUDING, NEW CONSTRUCTION, ADDITION, ALTERATION, OR CHANGE OF USE: (Exhibit No. 3)
-see attached -
Section (3) of the Zoning Ordinance from which a Variance, Special Exception, or Administrative Relief is sought:  Article: Section: Paragraph: Item: : : : : : : : :
back and side yards  Please fill in: Front Setback Rear Setback Side Setbacks/ Lot Coverage
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.

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

Last updated 1/16/18

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 \$ 150.02

#### **Certificate of Petitioner**

Last updated 1/16/18

#### 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.

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Signature of Petitioner	
	a 1.
Faryl L. Smith-Victory	Christian Academy
Printed Name	J
howas horsey	
Signature of Property Owner	
G	
Signature of Property Owner	
Subscribed and sworn to before me, a Nota	ry in and for said County and State, personally
appeared: Jary Smith and	Thomas Thorley, and
acknowledge the execution of the foregoing	
Unicakarie Cansme	My Commission Expires: 12-19-2020
TOTARY PUBLIC	My Commission Expires: 12-19-2020 Resident of Jasper County
Jenica Larie Jansma	•
Type or Print name of Notary	200000000000000000000000000000000000000
Type of Time name of Ivolary	ARIE JANSMA
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#### Affidavit of Consent of Property Owner

(To be presented with application for Board of Zoning Appeals)
Homas Horley, being dully sworn upon his/her oath, being of sound mind and
regarage deposes and states.
1. That <u>IHOMAS IHORLEY</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>Fary Smith vcA</u> ("Petitioner") to seek the relief sought in the Petition Eled before the BZA. Petitioner is further authorized to commit to any reasonable restriction requested by the BZA or proposed by the Petitioner.
MONAS JUNEY Property Owner  Date  NOV. 9, 2018
Property Owner Date
Property Owner Date
Subscribed and sworn to before me this day of
Journa Janbona Jotary Public
My Commission:
ARIE JANOMA
12-19-2020 Date
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COUNTY STATE
W. W

#### EXHIBIT A

#### LEGAL DESCRIPTION

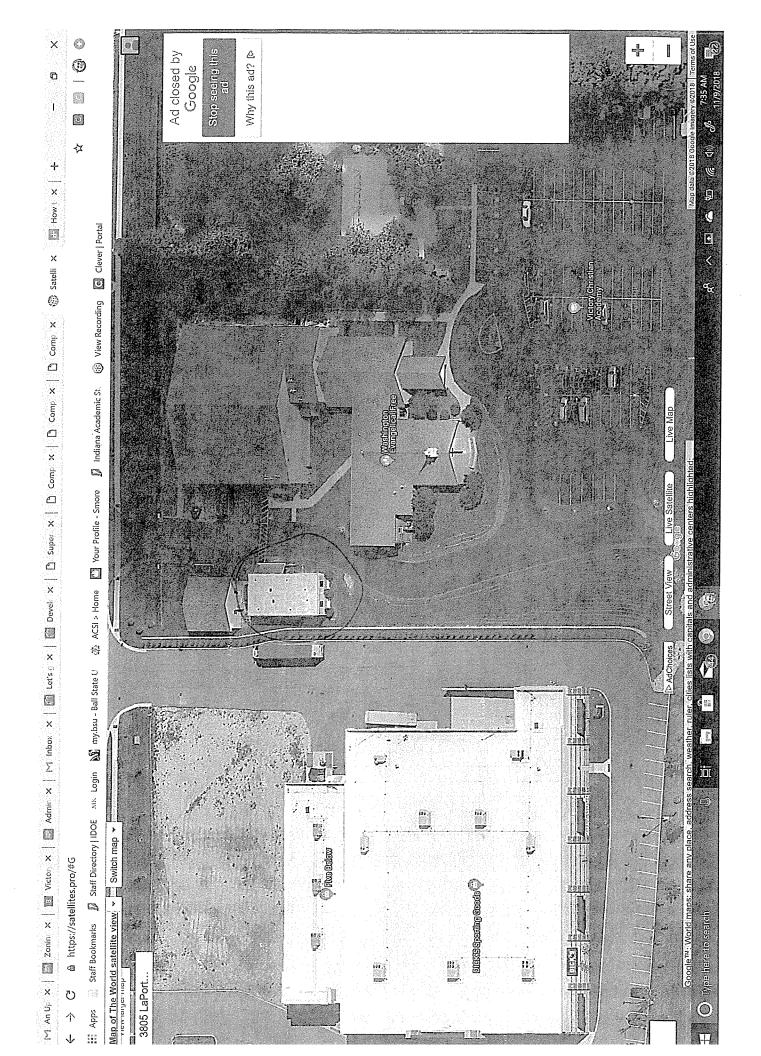
A part of Southeast Quarter of Section 20, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana, described as follows:

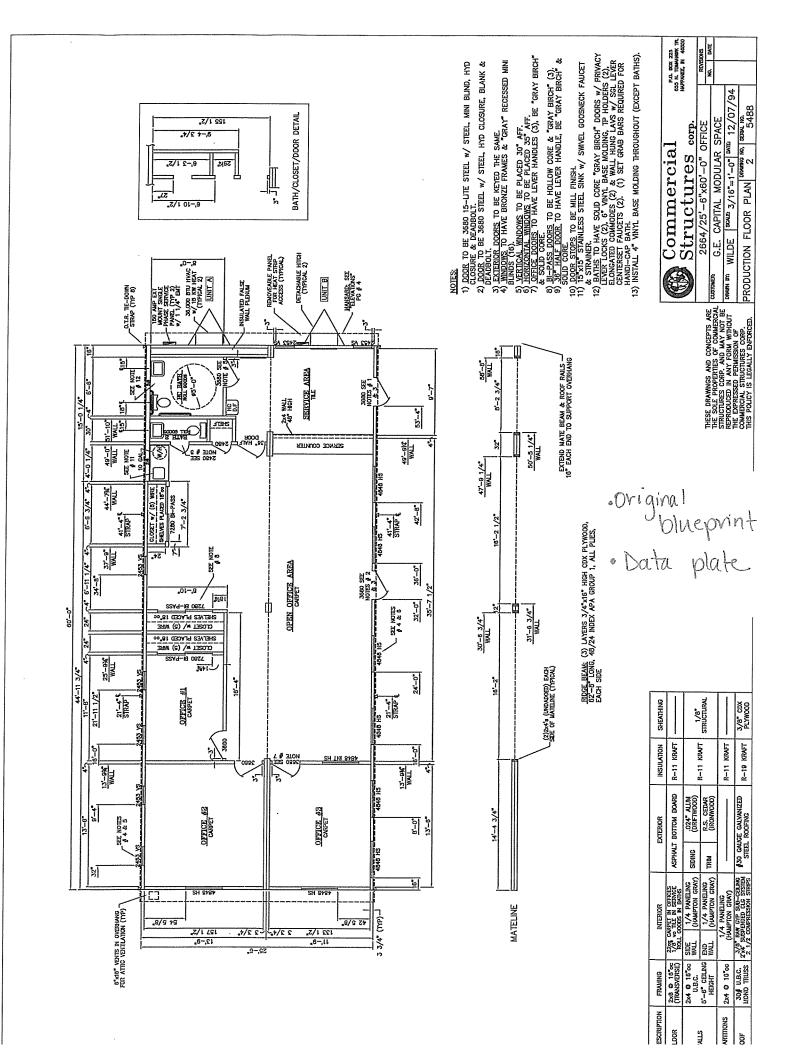
Commencing at the northwest corner of said Southeast Quarter; thence South 89 degrees 06 minutes 00 seconds East (assumed bearing) along the north line of said quarter section a distance of 1125.50 feet to the Point of Beginning at the northeast corner of a tract of land described in a deed recorded as Deed Book 142, page 200 in the Office of the Recorder of Porter County, Indiana; thence continuing South 89 degrees 06 minutes 00 seconds East along said north line a distance of 267.21 feet; thence South 66 degrees 19 minutes 43 seconds East a distance of 182.98 feet; thence South 00 degrees 22 minutes 50 seconds West a distance of 392.41 feet; thence South 89 degrees 56 minutes 32 seconds West a distance of 435.32 feet to the east line of said Deed Book 142, page 200; thence North 00 degrees 23 minutes 10 seconds East along said east line a distance of 470.52 feet to the Point of Beginning, containing 4.53 acres, more or less.

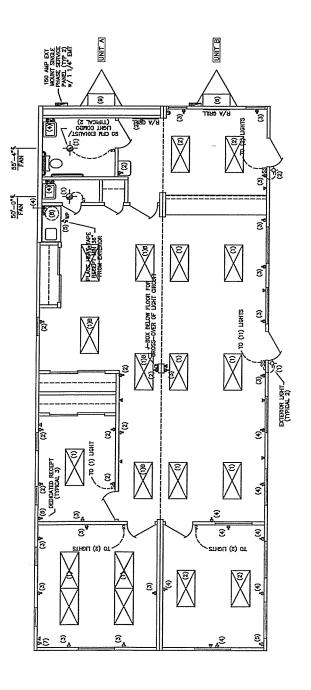
#### Exhibit B

#### Description of Project

The portable building has provided additional classroom space for our growing school for the last 8 years. It is the goal of our Victory Christian Academy school board to begin the process to look for a new building for our school. Currently, we are utilizing two different campuses. Our South Campus location currently rents from the Washington Evangelical Free Church. We will continue to use this property until we have a new building or the church decides to sell the property to the development in the area. At this time, we don't feel it is wise to invest in a permanent structure with the possibility of moving. Therefore, we are requesting that the City allow us to utilize the building for the next 5 years as a space for our additional classrooms for students. The building requires a new floor and windows, but structurally has been deemed safe.







# ELECTRICAL LOAD CALCULATIONS — RESCRIPTION CHARTER CONTINUE LIBERT CONTINUE LI 日 しころ 4 ちゅん 8 な

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SEE "SUSPENDED CEILING PLAN" SHEET
# 4 FOR LIGHT & SUPPLY AIR LOCATIONS

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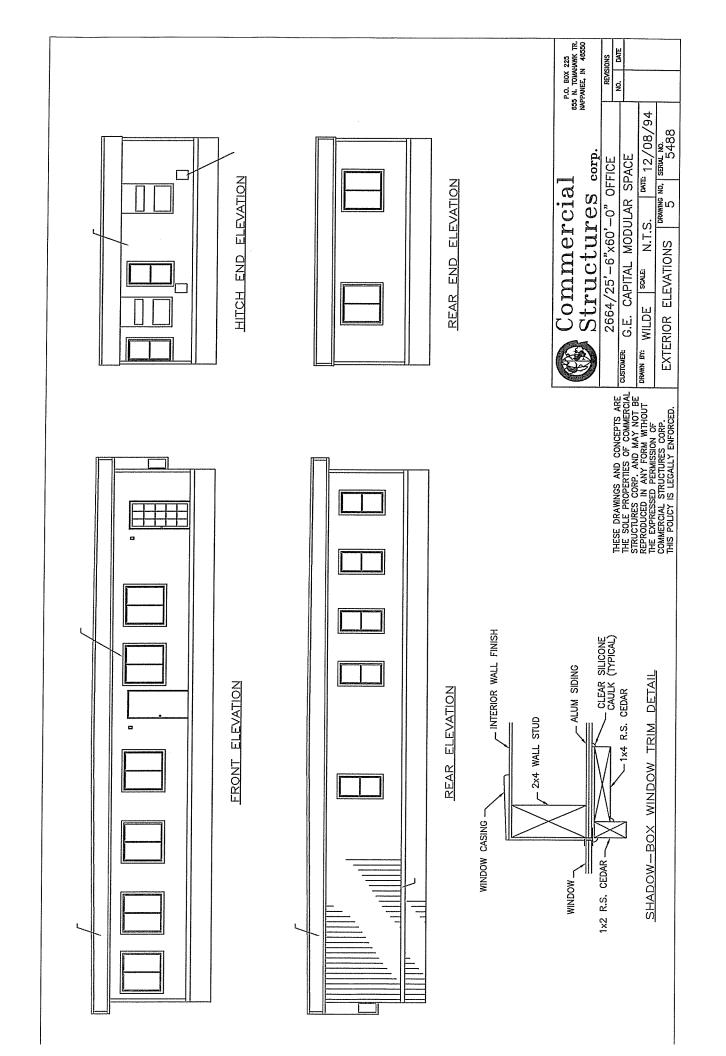
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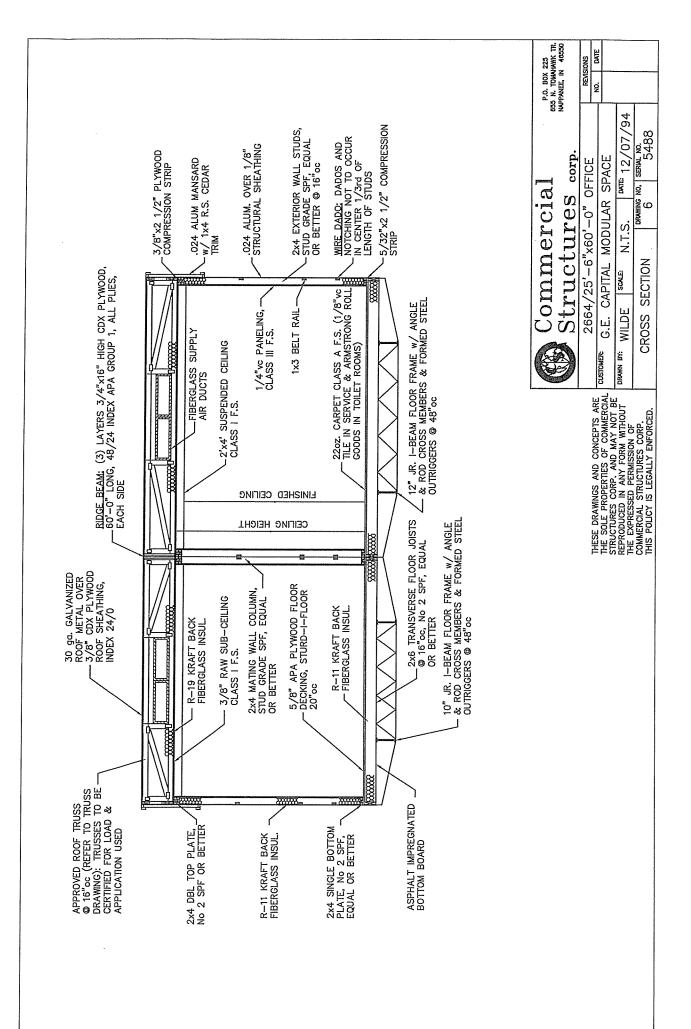
SEE "ELECTRICAL PLAN" SHEET # 3 FOR LIGHT CIRCUITS

P.O. BOX 225 635 N. TOMMUNN TR. NAPPANEE, B. 46650

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#### MANUFACTURER'S DATA PLATE

Commercial Structures corp.  # P.O. Box 225, Nappanee, In 46550  P.O. Box 368, Richfield Springs, NY 13439  Model: 2664  Mfg. Serial Number: 5488 14 18	Design & Test Data:  Roof Design: 30 PSF Live 10 PSF Dead  Wind Load: 20 PSF Uplift: 16 PSF  Design Temp: 72 Inside 0° Outside  Elec Rating: 120/240 V / 19 Test 1080 v @ 1 sec.  Water Supply: 100 PSI @ 15 min.  Drainage: 5 PSI @ 15 min.
Use Group Class: <u>BZ-DFFK</u> Type of Const. <u>V-N</u>	Code Compliance:
Occupancy Load: 15 Floor Live Load: 50# PSF Corridor Live Load: 50# PSF  State(s) Insignia No(s)  INDIANA (A) F-176431  NOIMNA (B) F-176431	<ul> <li>National Electrical Code - NFPA</li> <li>National Building Code - BOCA</li> <li>National Standard Plumbing Code</li> <li>National Mechanical Code - BOCA</li> <li>Basic Plumbing Code - BOCA</li> <li>National Energy Code - BOCA</li> <li>Standard Building Code - SBCCI</li> <li>Standard Plumbing Code - SBCCI</li> <li>Standard Mechanical Code - SBCCI</li> <li>Standard Gas Code - SBCCI</li> <li>Uniform Building Code - ICBO</li> <li>Uniform Plumbing Code - ICBO</li> <li>Uniform Mechanical Code - ICBO</li> </ul>
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	(-x) 1991 INDIANA PLUMBIKA (ODE
Date of Mfg 1/95 Date D	lata Plate Attached

### 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 Fan Smith Victor Christian Androis the (address here) 3805 Latorte Ave. Valparaise, In 4583  The property is located in the CG 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,  Homm 5 Honey  Petitioner Owner  Homas Thorles  Fami Smith
HOMAS THORLEY tand Smith

Petitioner

### Petitioner Affidavit of Proper Public Notice for Public Hearing

	•
(To b	e presented to Board of Zoning Appeals staff or attorney at Public Hearing)
mind and	, being dully sworn upon his/her oath, being of sound 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 theday 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 na 10.	me the address of all property owners who have received notification on page
Petitioner	Date
Subscribed	and sworn to before me this day of,,
,	
Notary Pul	plic
My Comm	ission 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)

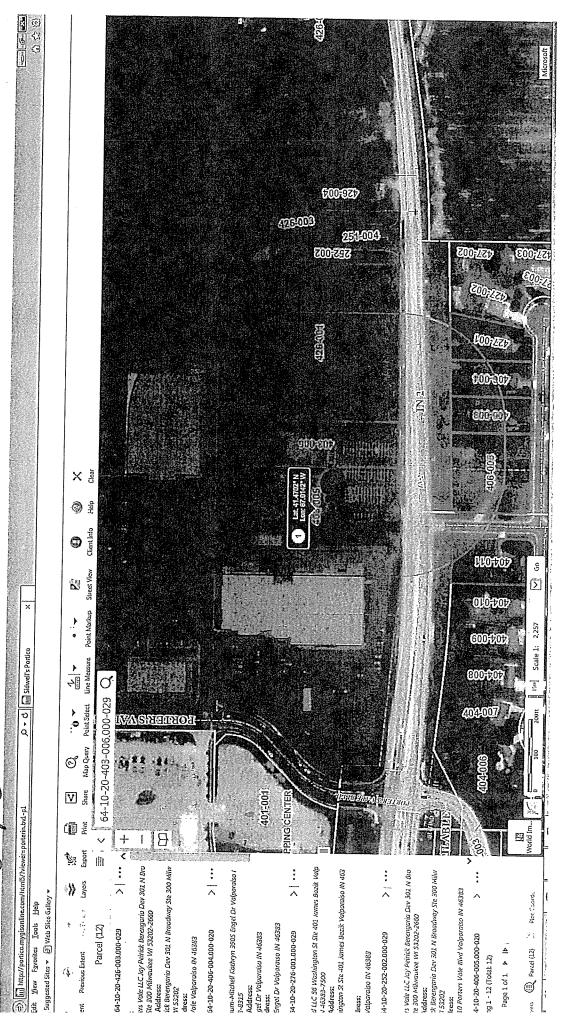
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Jay Peirick Berengaria, Der 301 N. Broadway, Ste Milwaukee, WI 53202
Milwaukee, WI 53202
Kathryn Kassabaum-Mitchell
3905 Engel Dr.
Valpo, IN. 46383
Vansland, ILC James Rozin
56 Washington St., Ste. 401
Vansland, LLC James Bozik 56 Washington St., Ste. 401 Valpo, IN 46383
Steven + Donna Golub
102 (ain Dr. Valpo, IN. 46383
VAIPO, IN. 46383
Jc Penney Properties, Inc.
PO Box 10001
Dallas TX 75301
Victor & Amanda Garcia
101 Cain Dr.
Valpo, IN. 46383

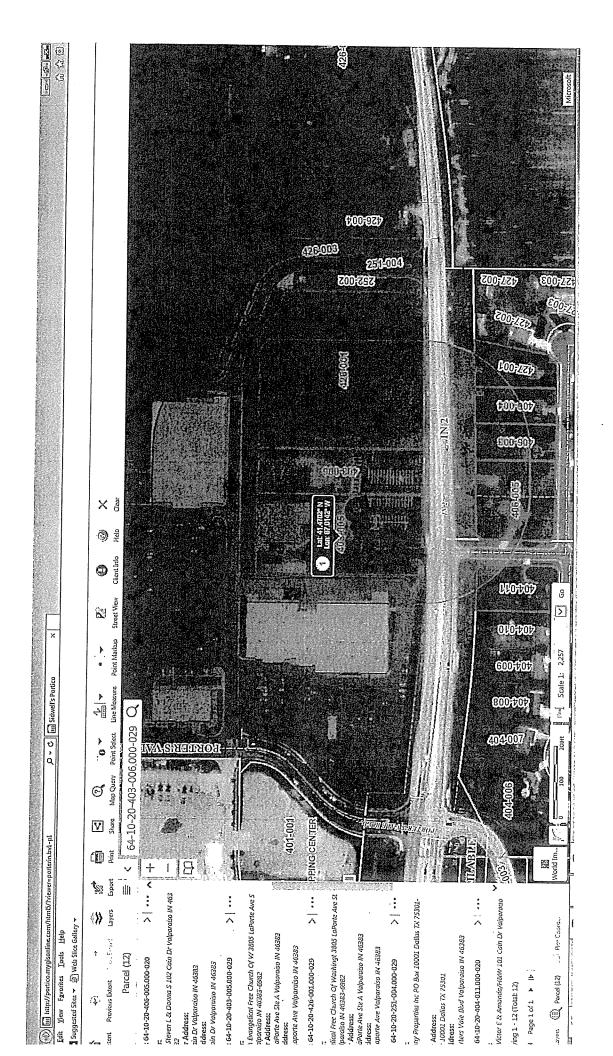
#### SURROUNDING PROPERTY OWNER LIST

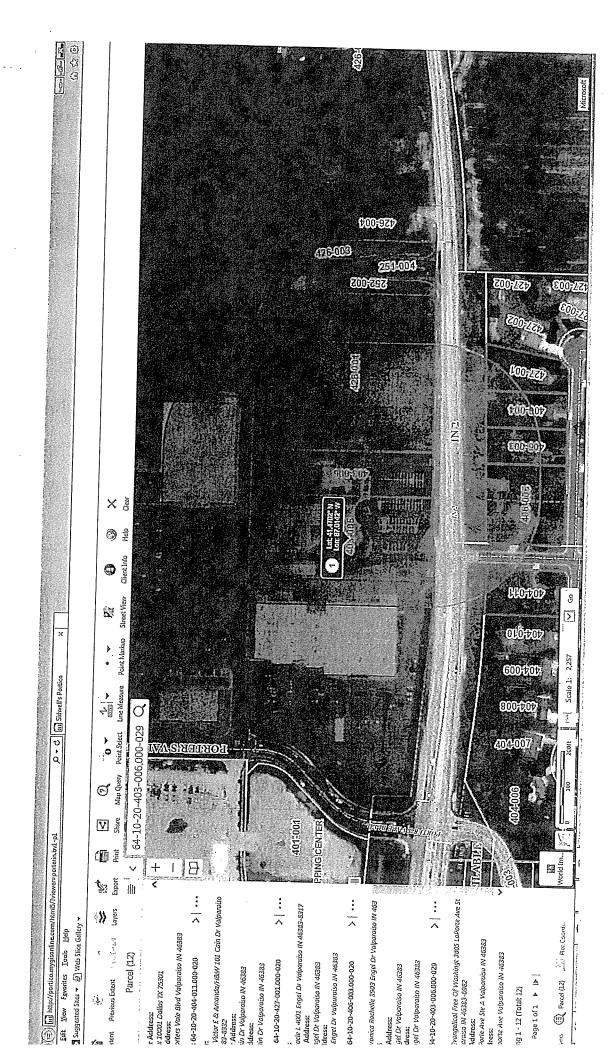
List the name and address of all property owners who have received notification below (Use Additional Sheets if Necessary):

(Please Print) <u>Name</u> Address Engel

# Appess 3.pc's







## Variance from Development Standards Findings of Fact (Please Print)

Petitioner	submits	that
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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:									
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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:									
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