

**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, March 19th, 2019, 7:00 PM 653 Hayes Leonard Road

- 1. Roll Call
- 2. Adoption of February 19th Meeting Minutes
- 3. Old Business

VAR18-026/UV18-003 – A petition filed by Stack's LLC c/o Bill Ferngren, Ferngren Law, 570 Vale Park Road, Suite B, Valparaiso, IN 47385. The petitioner requests a use variance from Article 2, Section 2., of the Valparaiso Unified Development Ordinance, to allow for rooftop dining to be a permitted functionally similar use in the Central Business District. A variance from Article 5, Section 5.303(D), to vary the required sign setback of five (5) feet from the property line, to allow for sign to encroach five (5) feet over the property line. A variance from Article 5, Section 5.303(E)(2)(b), to vary the required location of signage between the top of the ground floor windows and twelve (12) inches below the bottom sill of the second-floor windows, to allow for signage outside of the sign band area and to be constructed with metal, fiberglass and similar construction materials. A variance from Article 5, Section 5.303(G)(1)(b), to vary the that no sign shall project more than 45 inches in to the public way, to allow for a sign to project 60 inches in the public way. A variance from Article 5, Section 5.303(G)(3)(d), to vary the maximum sign thickness for a projecting sign of 1-1/2 inches, to allow for a projecting sign width of 12 inches. A variance from Article 5, Section 5.303 (G)(3)(d), to allow for a projecting sign to be closer than 12 inches to a line extended vertically from a public alley. A variance from Article 5, Section (G)(3)(e), to vary the maximum sign surface area of eight (8) square feet for a projecting sign, to allow for a projecting sign area of 30 square feet for a projecting sign. A variance from Article 5, Section (G)(3)(a), to vary the maximum number of projection signs of one (1) per building tenant, to allow Stack's Restaurant two (2) projection signs. A variance from Article 5, Section (H), to allow for an internally illuminated sign in the CBD district. 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 175 Lincolnway, in the CBD, Central Business District zoning district.



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# 4. New Business

**UV19-001** A public hearing on a petition filed by Jason and Elizabeth Lacny of Four Fathers Brewing, 1555 W. Lincolnway, Suite 105, Valparaiso, IN 46385. The petitioner requests a use variance from Article 2, Section 2.201B, of the <u>Valparaiso Unified Development Ordinance</u>, to allow for Alcoholic Beverage Sales to be permitted within the Heavy Industrial (INH) Zoning District. The property is located at 3705 Bowman Drive.

**UV19-002** A public hearing on a petition filed by VTown, LLC c/o William Ferngren, ESQ, 570 Vale Park Road, Suite B, Valparaiso, IN 46383. The petitioner requests a use variance from Article 2, Section 2., of the <u>Valparaiso Unified Development Ordinance</u>, to allow for rooftop patio space to be a permitted functionally similar use in the Central Business District. The property is located at 1Lincolnway, in the CBD, Central Business District zoning district.

# 5. Adjournment

Michael Micka, President – Board of Zoning Appeals Tyler Kent, Planning Director Next Meeting: April 16<sup>th</sup>, 2019

# Instructions for filing a petition before the CITY OF VALPARAISO BOARD OF ZONING APPEALS

The information contained in this document will assist you in filing a petition before the Valparaiso Board of Zoning Appeals ("BZA"). Although not required, many petitioners do seek the advice of an attorney before filing a petition. As the Petitioner you are responsible for providing all documents and requested information with the petition on or before the Deadline for the BZA meeting. The information and documents must be accurate and must be submitted to the Planning Department prior to the scheduled Deadline. The decision of the BZA depends on a clear understanding of your request. It is strongly recommended that the Petitioner begin collecting the necessary documents prior to the date of the Deadline. If a petition is not complete or is filed late it will not be placed on the Agenda for the following month. The required filing fee as indicated below must be paid to the City Clerk-Treasurer upon filing a complete petition. Please submit nine (9) copies of your petition. If you require assistance in completing this form or would like a copy of the application in an alternate format please call the Planning Department at: (219) 462-1161.

# STEP ONE: APPLICATION AND CHECK LIST

In order for a petition to be considered complete it must include at a minimum the following (Check all items provided):

1. X

**Application Fee** – Submitted to Clerk/Treasure'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.

EXHIBIT3. X

**Vicinity Map**. A vicinity map for the purpose of locating the subject property within the City of Valparaiso.

EXHIBIT4. X

**Site Plan/Concept Plan**. The site plan <u>must</u> 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. <u>X</u>

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.

FEB 2 2 2019

Last updated 1/16/18

Sharm Emm Shirhent Clerk-Treasurer 6. \_\_\_\_\_\_

**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 <u>not sufficient</u>. 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 EXHIBIT 4

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. 🔀

EXHIBIT 3

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. 🗶

EXHIBIT 5

**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 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.

The undersigned Petitioner and owner(s) of real estate, identified within this application as

# PLEASE COMPLETE THE FOLLOWING:

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. X 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: X Will not be injurious to the health, safety, morals, and general welfare of the community; X 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.

X 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:
<ul> <li>Will not generate excessive vehicular traffic on minor residential streets;</li> <li>Will not create vehicular parking or traffic problems;</li> <li>Appropriate access roads, drives, utilities, drainage, facilities, and other necessary facilities have been or will be installed;</li> <li>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;</li> <li>Will comply with the requirements of the district in which proposed use is to be located.</li> <li>Petitioner will comply with all ordinance parking requirements.</li> </ul>
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: JASON + ELIZABETH LACHY FOUR FATHERS BREWING VALPARAISO, IN 46385 (219)464-971
Name (Please Print) Address Phone
OWNER OF SUBJECT PROPERTY:  3705 BOWMAN DY STEA  TODO M. ADAMS VALPARAISO, IN 46383 (219)712-8532  Name (Please Print) Address Phone
ADDRESS OF SUBJECT PROPERTY: 3705 BOWMAN DRIVE Subject property fronts on the N side between (streets) FASTPORT CENTER DRIVE in the NNH Zoning District.  AND TRANSPORT DRIVE

Legal Description of Subject Property: (Exhibit No)
LOT 37A IN THE REPLAT OF LOT 37. EAST PORT CENTRE, 3705 BOWMAN DRIVE
DESCRIPTION OF PROPOSED PROJECT INCLUDING, NEW CONSTRUCTION, ADDITION, ALTERATION, OR CHANGE OF USE: (Exhibit No)
USE OF WAREHOUSE FOR PRODUCTION BREWERY & CONVERSION OF OFFICE SPACE FOR TAPROOM. INSTALLATION OF COUD ROOM, BAR, TRENCH DRAINS.
Section (3) of the Zoning Ordinance from which a Variance, Special Exception, or Administrative Relief is sought:  Article: Section: 2.5 2 Paragraph: A Item: Item: Alcoholic beverage  Sales  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 26 Rear Setback 404 Side Setbacks 80/75 Lot Coverage 20.80%. Heigh 23'9"
The powers and duties of the Board of Zoning Appeals are provided for and limited by Enabling

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.

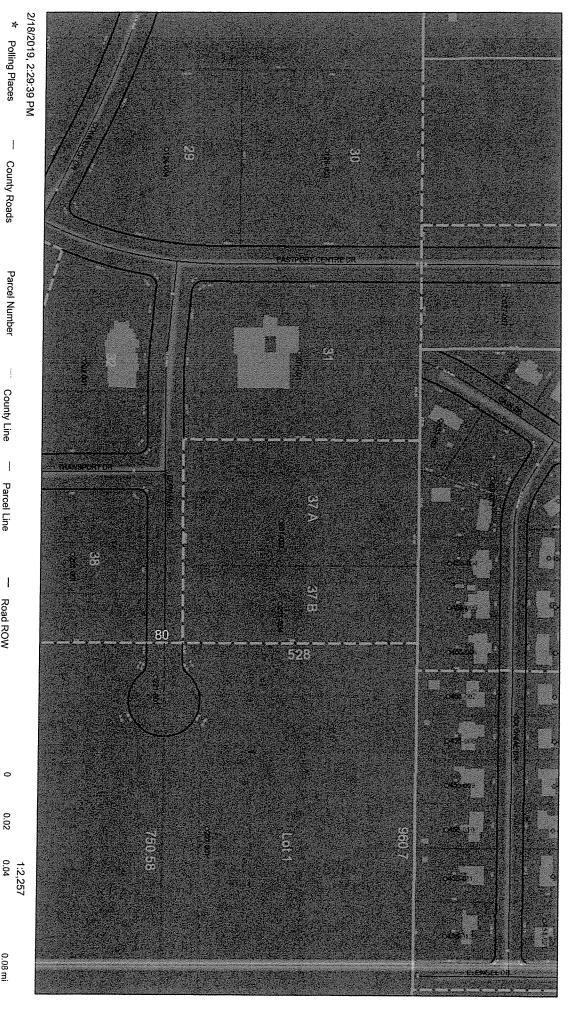
STAFF USE ONLY				
Date Received				
Names and Addresses of property owners within 300 feet provided Signature notarized Site Plan attached Legal Description (Not Abbreviated) Provided Petition Filed Complete Written Description of Project Petitioners Affidavit of Notice Findings of Fact Photo's of Property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

# **BZA Application Fees**

XUse 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 \$ 200

# ArcGIS Web Map



Poter County Auditor's Office, Porter County GIS | Charles Miller, Department of Development and Storm Water Management; Mariline Peabody, Auditor's Office | Indiana Map, Porter County GIS Office, Porter County Voters Registration | Porter County GIS | GRW, University of Vermont, Reed Fowler,

Road Centerline

Parcels Water Line Sub Line 400 Section Line Road ROW

Misc Line Lot Line

> Railroad ROW Railroad Centerline

Charles Miller, Department of Development and Storm Water Management; Mariline Peabody, Auditor's Office, Indiana Map, Porter County GIS Office, Porter County Voters Registration, Porter County Auditor's Office, Porter County GIS, Esri, HERE, Garmin, ©

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Indian Line Geo Twp Line County Line

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Parcel Line

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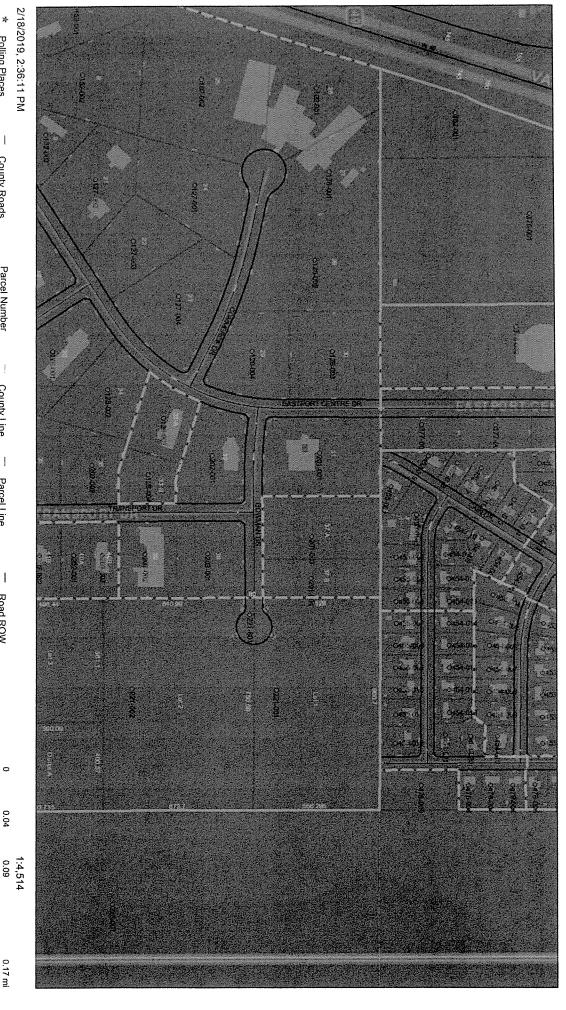
Minor Roads - Municipal Minor Roads - County

☐ County Parks Calumet Trail

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- Highways

# ArcGIS Web Map



Poter County GIS | Charles Miller, Department of Development and Storm Water Management; Mariline Peabody, Auditor's Office | Indiana Map, Porter County GIS Office, Porter County Volers Registration | Porter County GIS | GRW, University of Vermont, Reed Fowler, Highways Corp Line Misc Line Road Centerline Parcels

☐ Porter County Bndry

Buildings

Carto Lines

Lot Line

Railroad ROW

Water Line Sub Line 400 Section Line Road ROW

Charles Miller, Department of Development and Storm Water Management; Mariline Peabody, Auditor's Office, Indiana Map, Porter Country GIS Office, Porter Country GIS, Esri, HERE, Garmin, @

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Railroad Centerline Pol Twp Line Parcel Line

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County Parks Polling Places

Minor Roads - County Minor Roads - Municipal

County Roads

Parcel Number

Calumet Trail

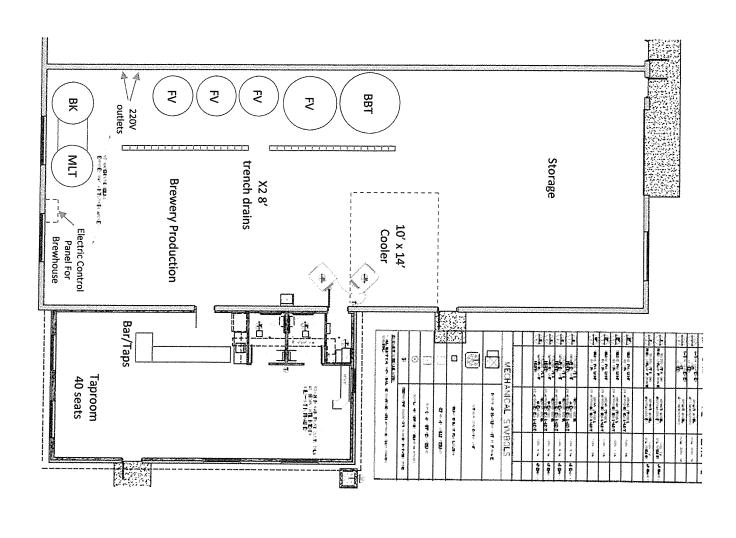


EXHIBIT 2
Four Fathers Brewing LLC
3705 Bowman Dr., Ste B
Valparaiso, IN 46383

EXHIBIT 3

# 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.

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	Sonat	re of	Petition	er
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	10	d d /	Adams	
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	Signati	ure of	Property	y Owner

Signature of Property Owner

Subscribed and sworn to before me, a Notary in appeared: <u>To dol Adams</u> acknowledge the execution of the foregoing doc	, and
NOTARY PUBLIC	My Commission Expires: 3-12-24 Resident of <u>Hake</u> County
Casic C. Hastinas Type or Print name of Notary	

# Affidavit of Consent of Property Owner

(To be presented with a	pplication for Board of Zo	oning Appeals)
legal age deposes and states:		
1. That lodd Adam real property that is the subject	("Owner") (is/ct of a Petition before the	are) the legal owner(s) of BZA.
2. That Owner authorizes seek the relief sought in the Petiti authorized to commit to any reaso by the Petitioner.	on filed before the BZA.	Petitioner is further
Todd Adams	2.18-19	
Property Owner	2 · 19 - 19 Date	
Property Owner	 Date	
A CONTRACTOR OF THE CONTRACTOR		
Subscribed and sworn to before me the	is 18 day of February	, 20 /9 .
Notary Public  Take County  My Commission: 3-12-24		
2-18-19		
Date Date		

# Exhibit 4

- Chester, Inc
   555 Eastport Centre Drive
   Valparaiso, IN 46383
   64-10-29-201-002.000-029
- Welter Donna Draper Revocable Living Trust
   2911 Dudley Drive Porter, IN 46304
   64-10-20-377-007.000-029
- William and Miriam Guinee
   358 Cain Drive
   Valparaiso, IN 46383
   64-10-20-452-019.000-020
- 4. James and Elizabeth Yost 356 Cain Drive Valparaiso, IN 46383 64-10-20-452-018.000-020
- Barbara Thomas
   354 Cain Drive
   Valparaiso, IN 46383
   64-10-20-452-017.000-020
- James and Carrie Newton
   353 Cain Drive
   Valparaiso, IN 46383
   64-10-20-454-010.000-020
- 7. Kenneth and Mary Moskwa 3703 Colonial Drive Valparaiso, IN 46383 64-10-20-454-011.000-020
- Robert and Rebecca Brown 3705 Colonial Drive Valparaiso, IN 46383 64-10-20-454-012.000-020

- Gayle O'Conner
   3801 Colonial Drive
   Valparaiso, IN 46383
   64-10-20-454-013.000-020
- 10. Allan and Maria Hubbell 3804 Colonial Drive Valparaiso, IN 46383 64-10-20-455-007.000-020
- 11. Andrew Fiscus 3802 Colonial Drive Valparaiso, IN 46383 64-10-20-455-006.000-020
- 12. James and Sharie Barker 3706 Colonial Drive Valparaiso, IN 46383 64-10-20-455-005.000-020
- 13. Patrick Wetnight 3704 Colonial Drive Valparaiso, IN 46383 64-10-20-455-004.000-020
- 14. Ronald and Karen Kuehl 3702 Colonial Drive Valparaiso, IN 46383 64-10-20-455-013.000-020
- 15. Robert and Karen Kuehl 3702 Colonial Drive Valparaiso, IN 46383 64-10-20-455-013.000-020
- 16. Mitchell Zimmer 454 Cain Drive Valparaiso, IN 46383 64-10-20-455-020.000-020

# Exhibit 4

17. Chester Inc.555 Eastport Centre DriveValparaiso, IN 46383

64-10-29-201-001.000-029

18. Chester Inc.

555 Eastport Centre Drive Valparaiso, IN 46383 64-10-29-201-002,000-029

19. PK Industrial LLC 555 Eastport Centre Drive Valparaiso, IN 46383 64-10-29-221-001.000-029

20. McAfee Animal Hospital 651 Eastport Centre Drive Valparaiso, IN 46383 64-10-29-202-001.000-029

21. J and N Realty LLC 851 Transport Drive Valparaiso, IN 46383 64-10-29-203-001.000-029

22. Valparaiso Redevelopment Commission 166 Lincolnway Valparaiso, IN 46383 64-10-29-221-002.000-029

23. City of Valparaiso 166 Lincolnway Valparaiso, IN 46383 Attn: Tyler Kent

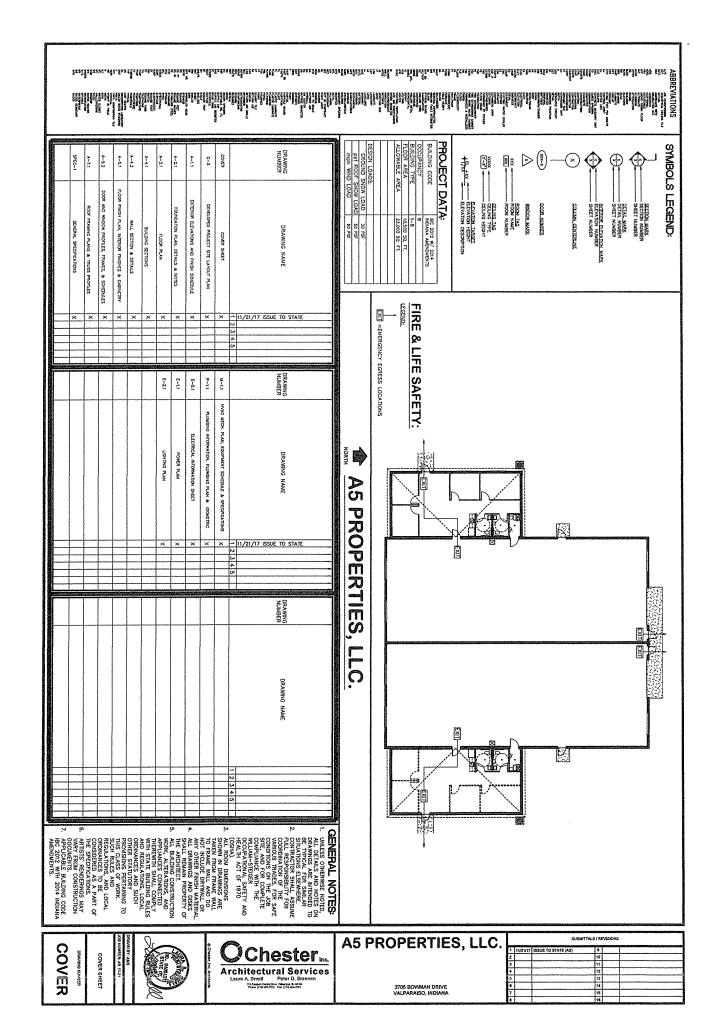
EXHIBIT 5

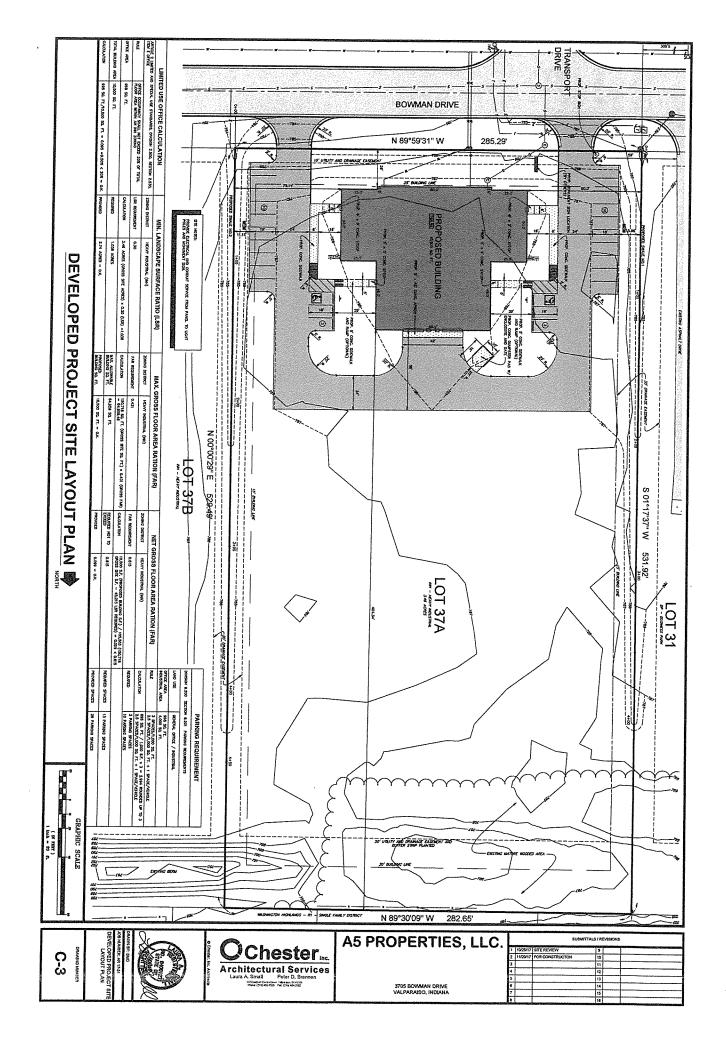
# USE VARIANCE FINDINGS OF FACT (Please Print)

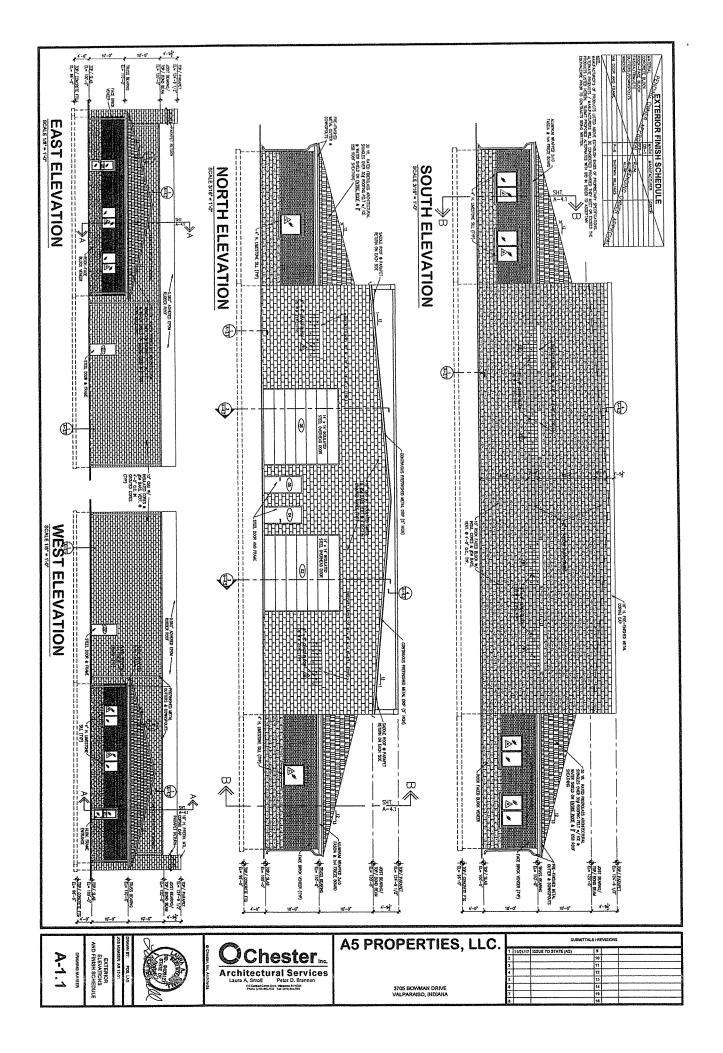
## Petitioner Submits that:

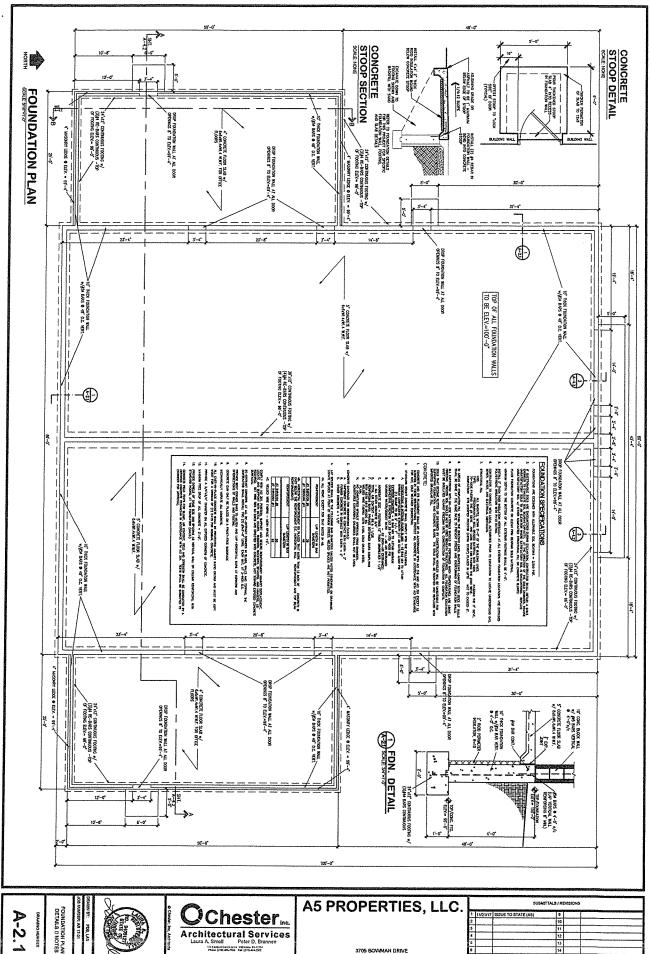
- A. The proposed use variance will not be injurious to the public health, safety, morals and general welfare of the community because: Petitioner proposes to operate a brewery facility for the manufacture of craft beer, with an adjacent tap room on the property. The property is located in an INH zone, and the manufacture of alcoholic beverages is a permitted use in an INH zone; the addition of the tap room for the sale of alcoholic beverages requires the variance. The primary purpose of the tap room is for sample consumption and purchase of craft beers brewed on the premises. The tap room will have limited seating capacity and limited hours of operation, with evening weekday hours between 4 p.m. and 8 p.m. and weekend hours from 12 p.m. to 9 p.m. on Fridays and Saturdays, and 1 p.m. to 6 p.m. on Sundays. All sales will be in compliance with applicable alcoholic beverage laws.
- 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: Petitioner proposes to operate a brewery facility for the manufacture of craft beer, with an adjacent tap room on the property. The property is located in an INH zone, and the manufacture of alcoholic beverages is a permitted use in an INH zone; the addition of the tap room for the sale of alcoholic beverages requires the variance. Petitioner's manufacturing activities will be conducted on weekdays during day time business hours. The proposed tap room will have limited capacity and limited hours of operation which will primarily be during the non-business hours of the surrounding campus, business park and industrial uses of the surrounding properties and are not likely to substantially interfere with their business operations. Further, the limited capacity and limited hours of operation of the tap room are not likely to create traffic or excessive noise issues that will substantially adversely affect the nearby residential area. Moreover, Petitioner's planned tap room is more than 50 feet from the nearby residential area and the planned parking areas are more than 20 feet from the nearby residential area, consistent with the City's established standards in § 2.524.C. of the UDO for alcoholic beverage sales.
- C. The need for the use variance arises from the following condition peculiar to the property involved: Petitioner proposes to operate a brewery facility for the manufacture of craft beer, with an adjacent tap room on the property. There is no zoning district in the City which expressly allows the combined manufacture and limited tap room sales use planned by Petitioner as either a permitted use or a limited or special use. The UDO permits alcoholic beverage sales as a limited or special use in several zoning districts but these districts accommodate primarily commercial or residential transitional uses. In contrast, the manufacture of alcoholic beverages is a permitted use in the INH zone in which the property is located. Combining the manufacture of alcoholic beverage in zoning districts of a commercial/residential character where sales are permitted would seem more disruptive and inconsistent with surrounding uses; whereas permitting alcohol sales on the limited basis as in the tap room proposed by Petitioner in an INH zone is less disruptive to and more compatible with the surrounding industrial and business park zoning.

- D. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: Petitioner proposes to operate a brewery facility for the manufacture of craft beer, with an adjacent tap room on the property. The property is located in an INH zone in which the manufacture of alcoholic beverages is permitted; permitting the sale of alcoholic beverages in the proposed tap room is compatible with the permitted manufacturing use of the property for a brewery and other permitted uses in the INH zone. There is no zoning district in the City which expressly allows the combined manufacture and limited tap room sales use planned by Petitioner as either a permitted use or a limited or special use.
- E. Approval of the proposed use variance does not interfere substantially with the comprehensive plan of adopted by the City of Valparaiso because: While there is no zoning district in the City which expressly allows the combined manufacture and limited tap room sales use planned by Petitioner, the manufacture of alcoholic beverages is a permitted use in the INH zone in which the property is located. The proposed tap room is compatible with the permitted manufacturing use of the property for a brewery and will not be disruptive to other uses permitted in the INH zone.



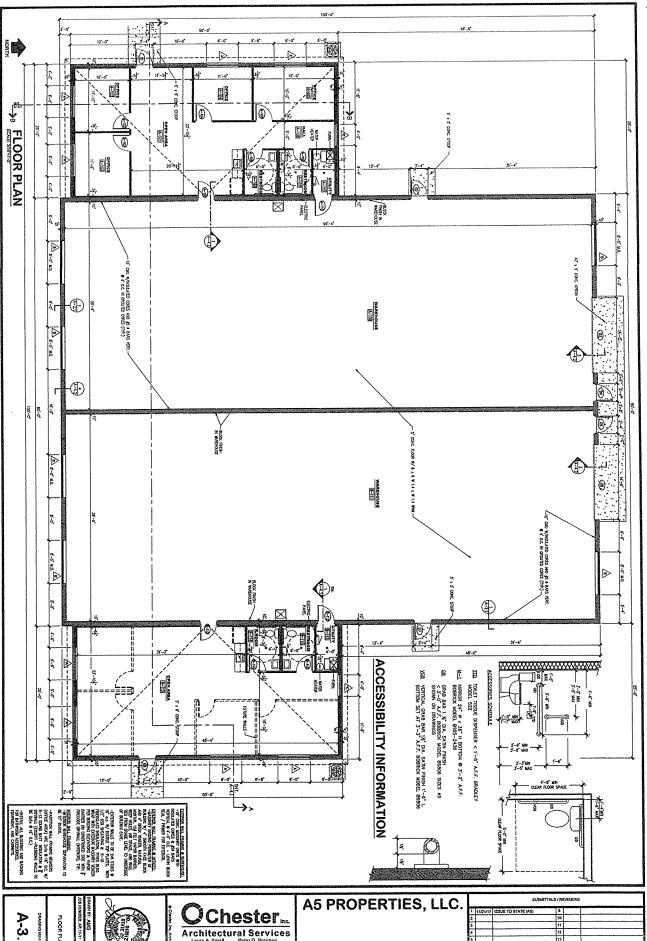






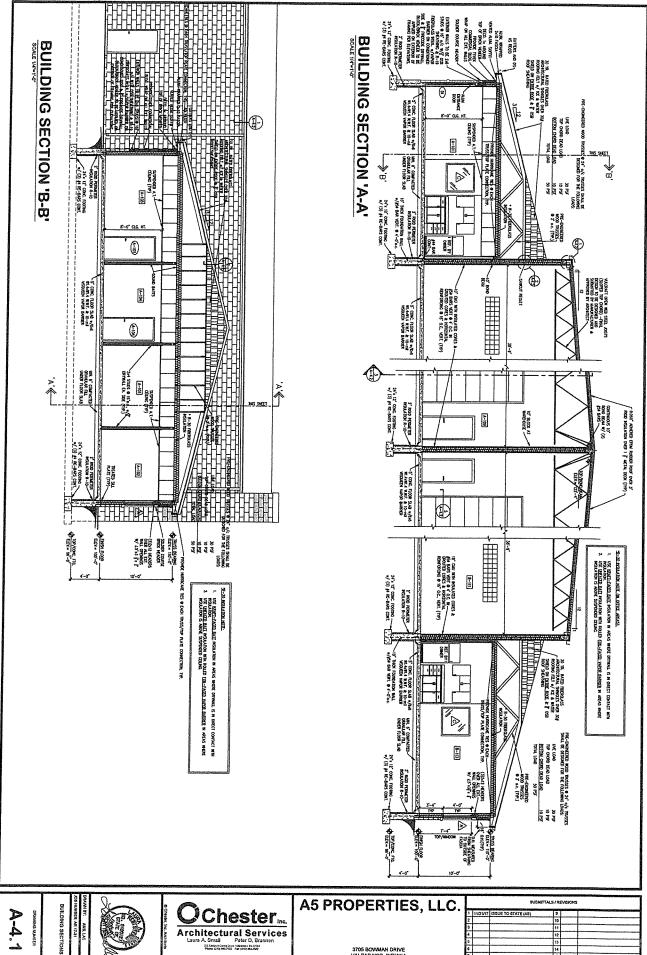
A-2.1 DRAWING MUNITER

Chester<sub>Inc.</sub>
Architectural Services
Laura A Small Poter D. Brannen
(Material Services A Small Poter D. Branne



A-3.1 FLOOR PLAN

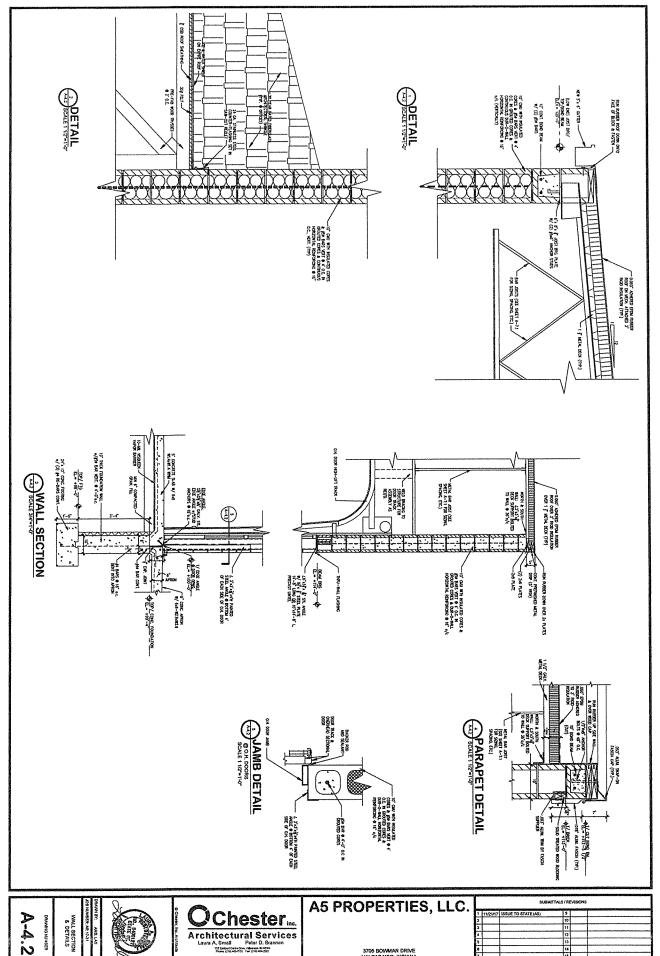
Architectural Services
Laura A. Small Peter D. Brannon
101 Laute Clever Dr. News N. 1004
101 Laute Clever Dr



A-4.1 RAWING NUMBER



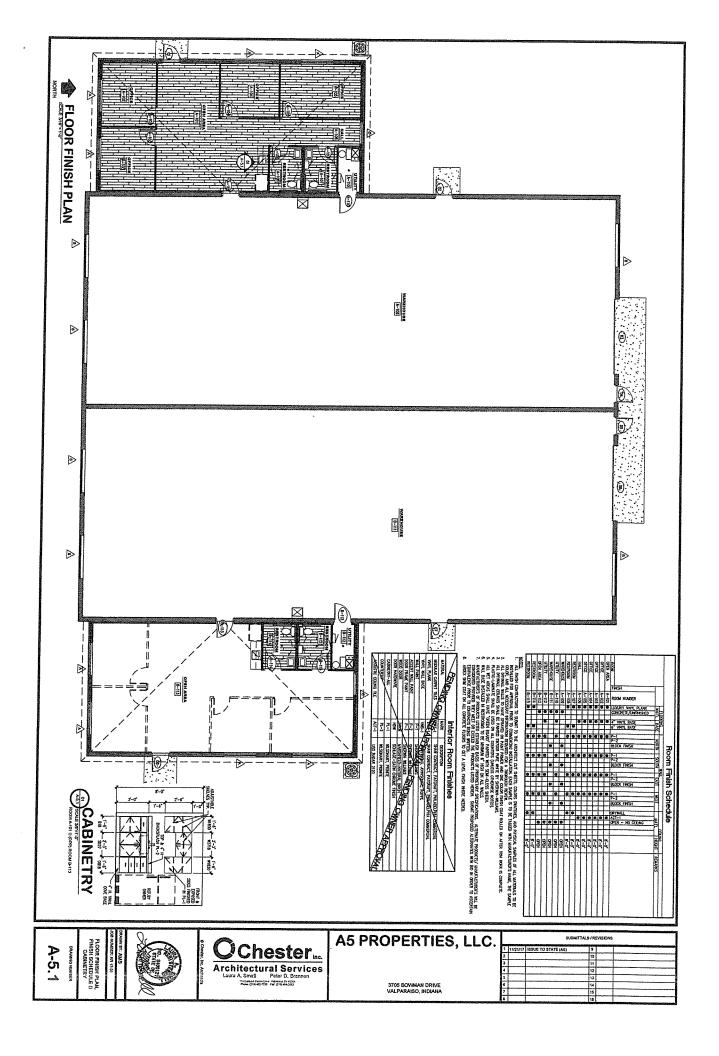


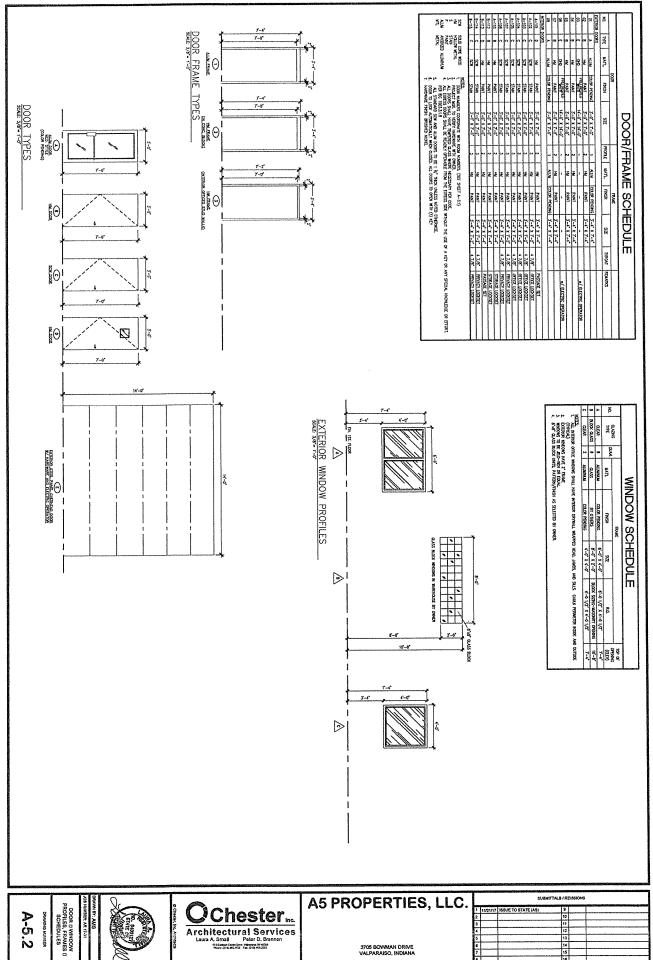


A-4.2



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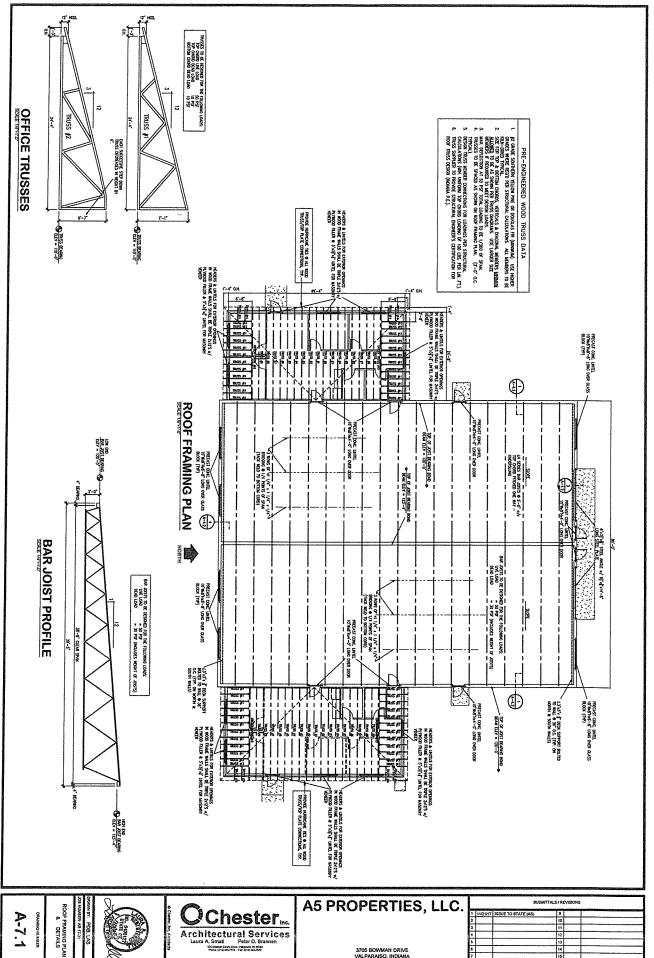




A-5.2







A-7.1



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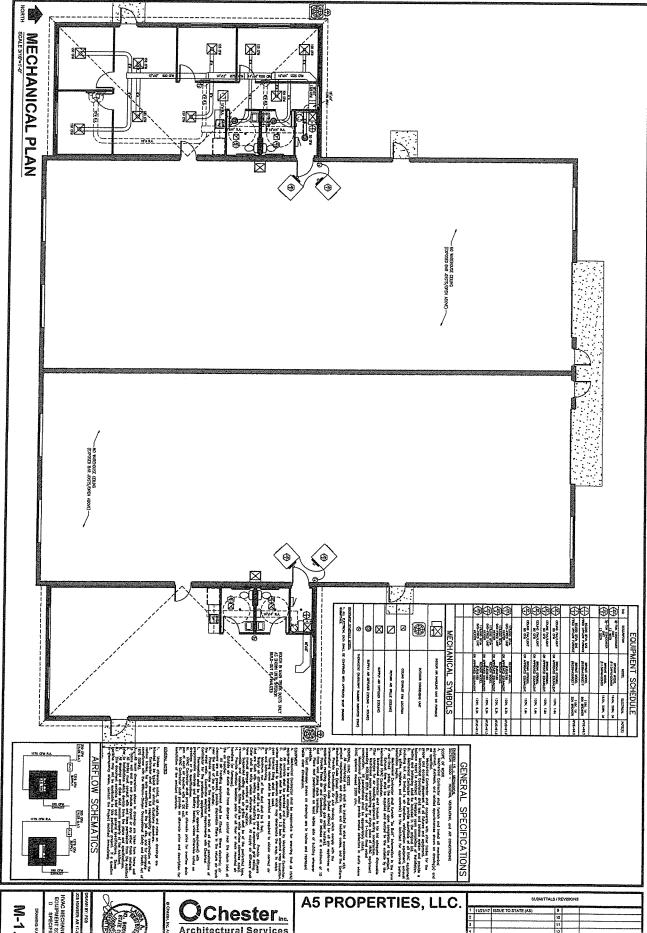
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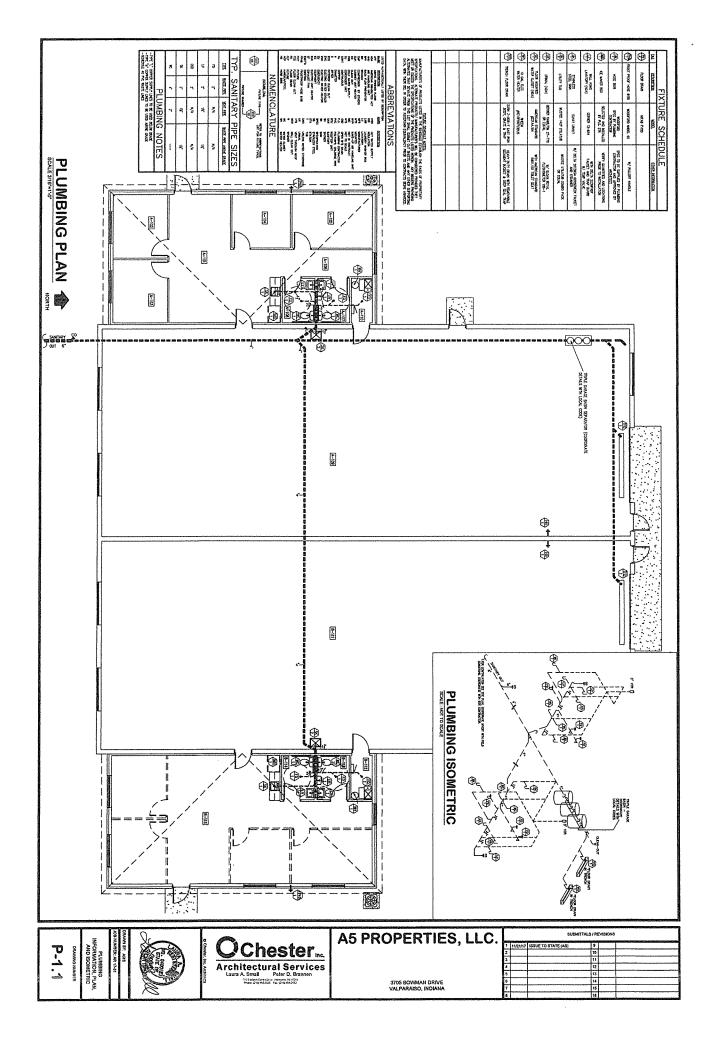
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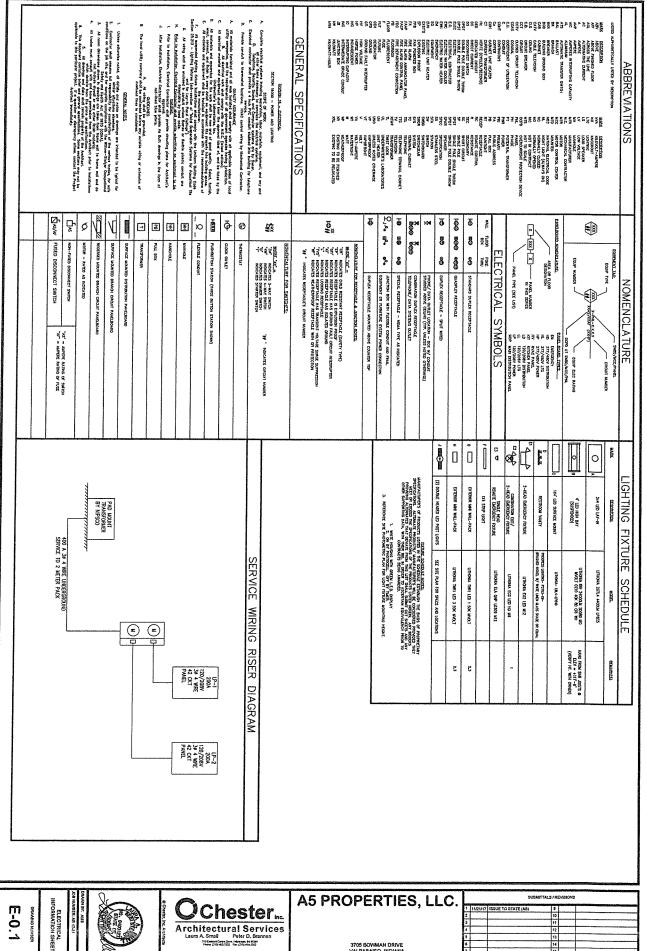
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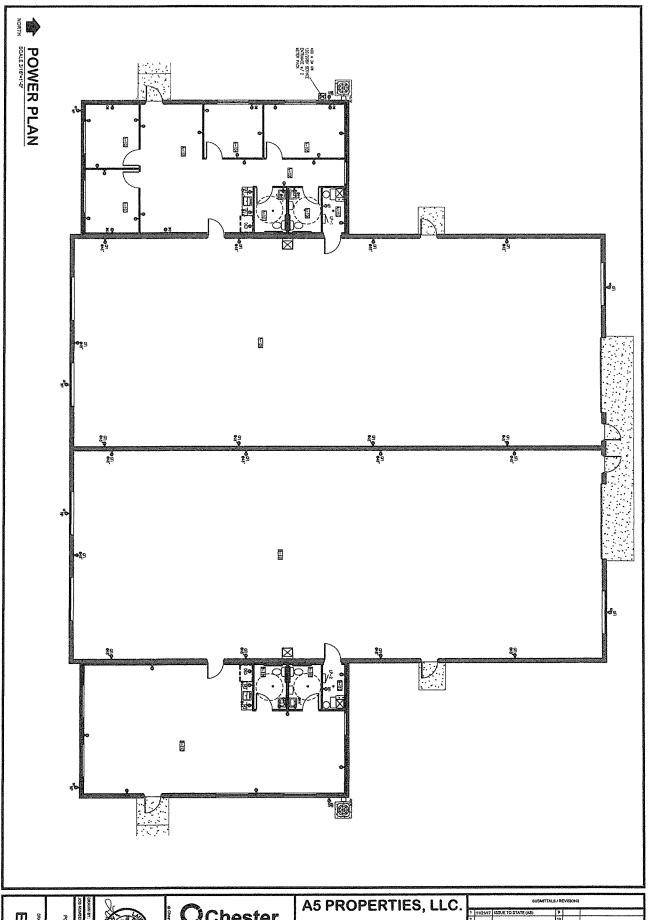




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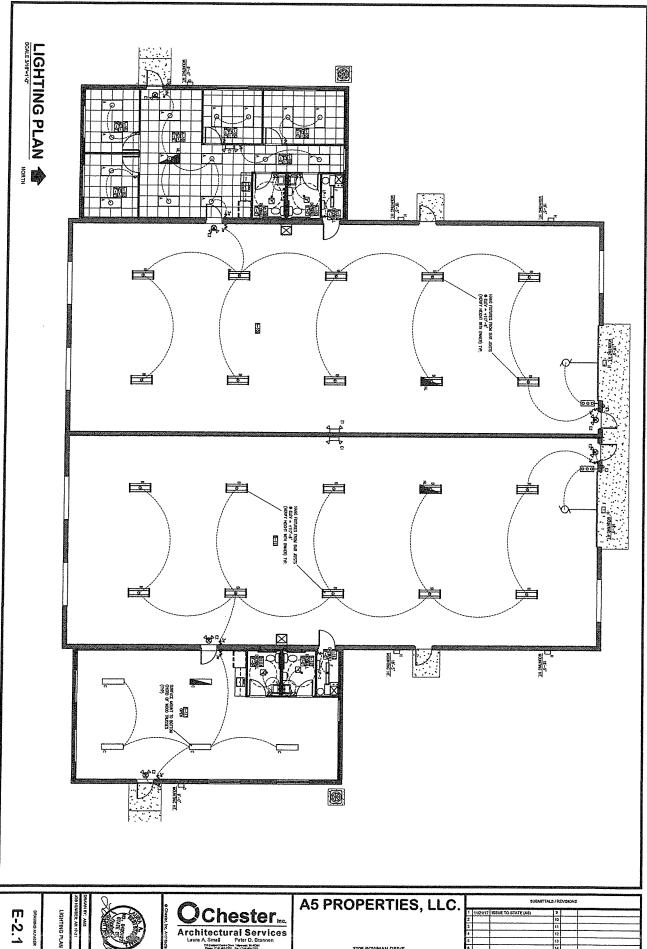






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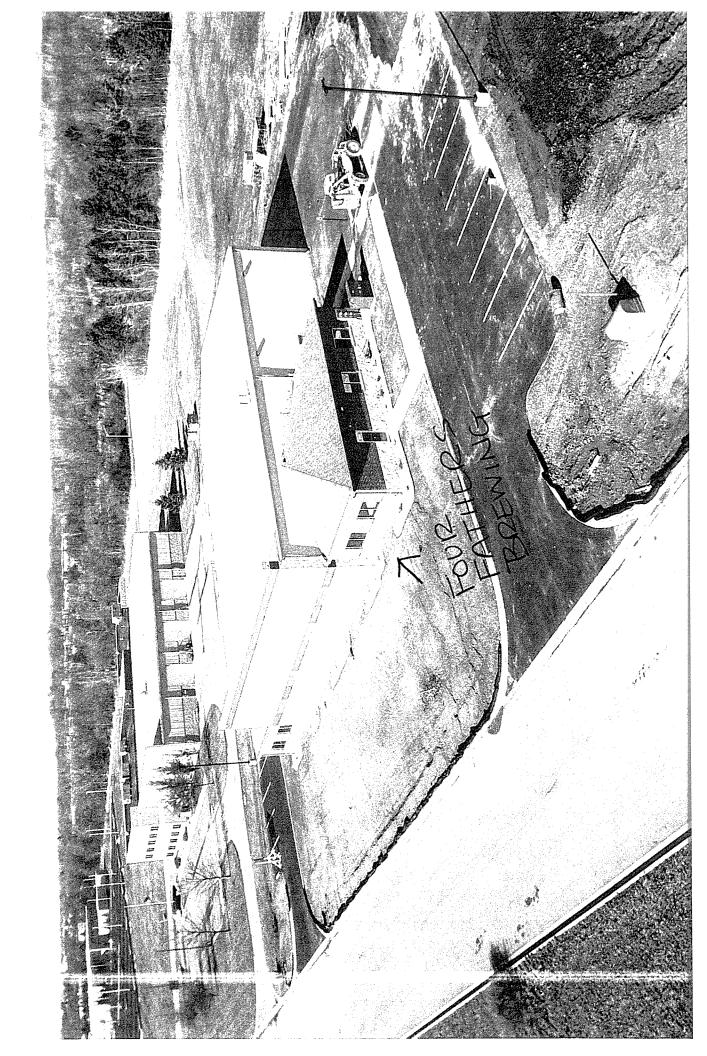
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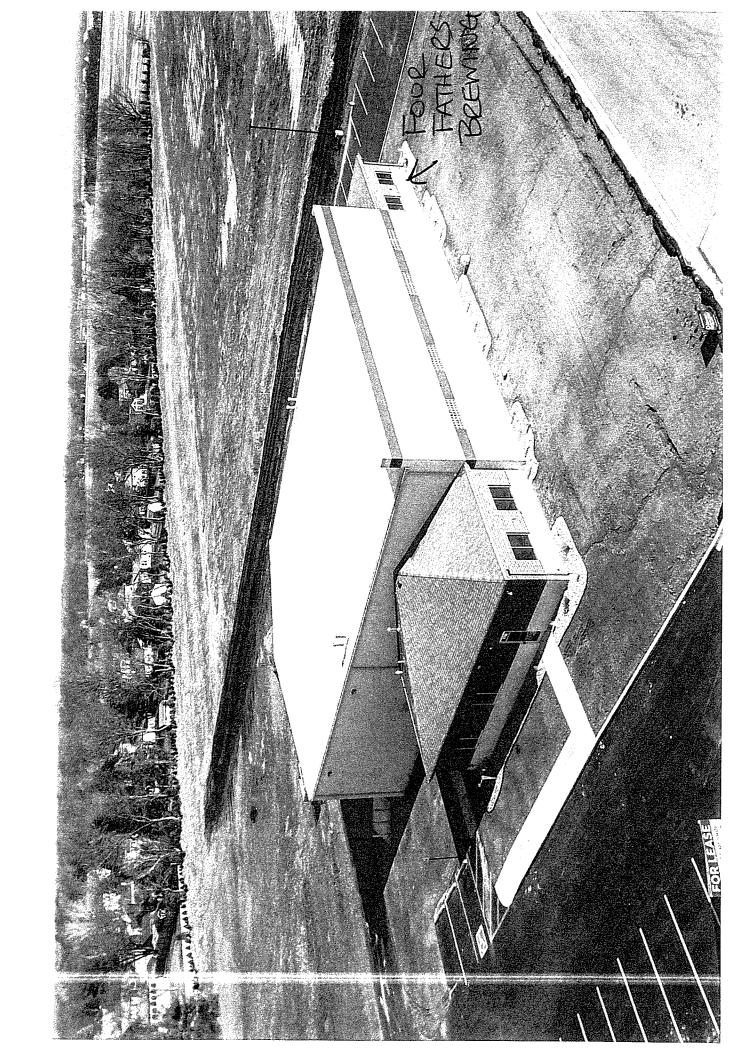


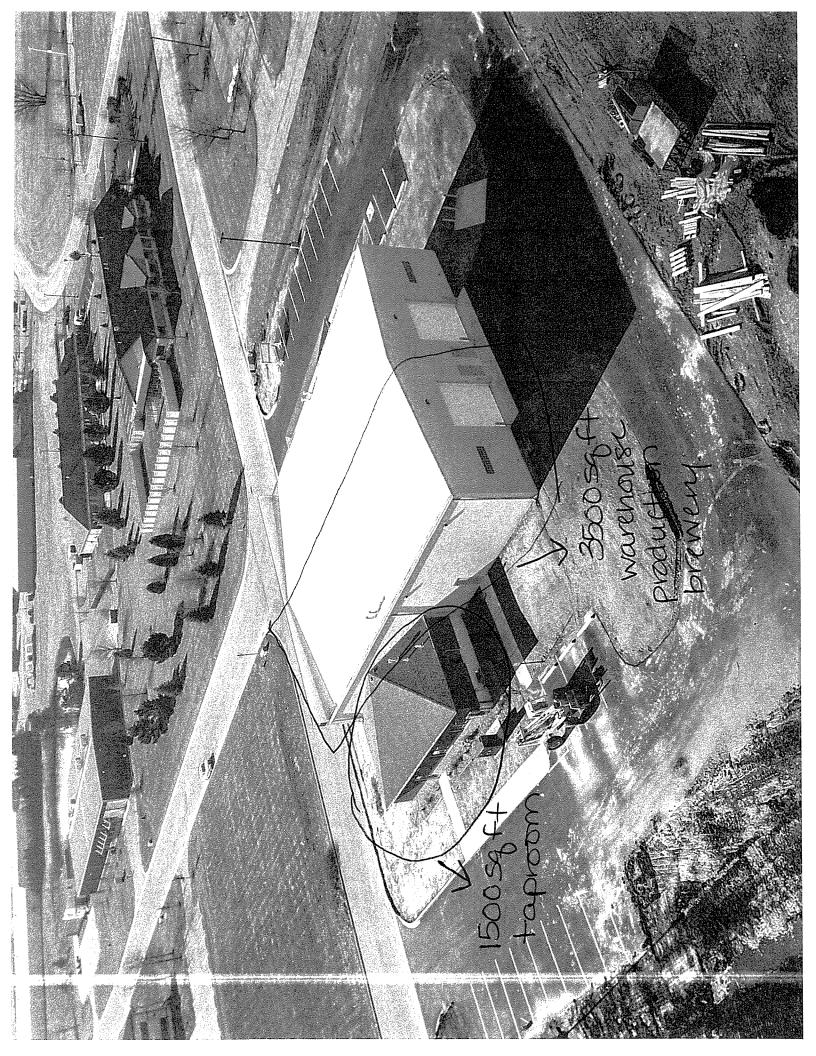
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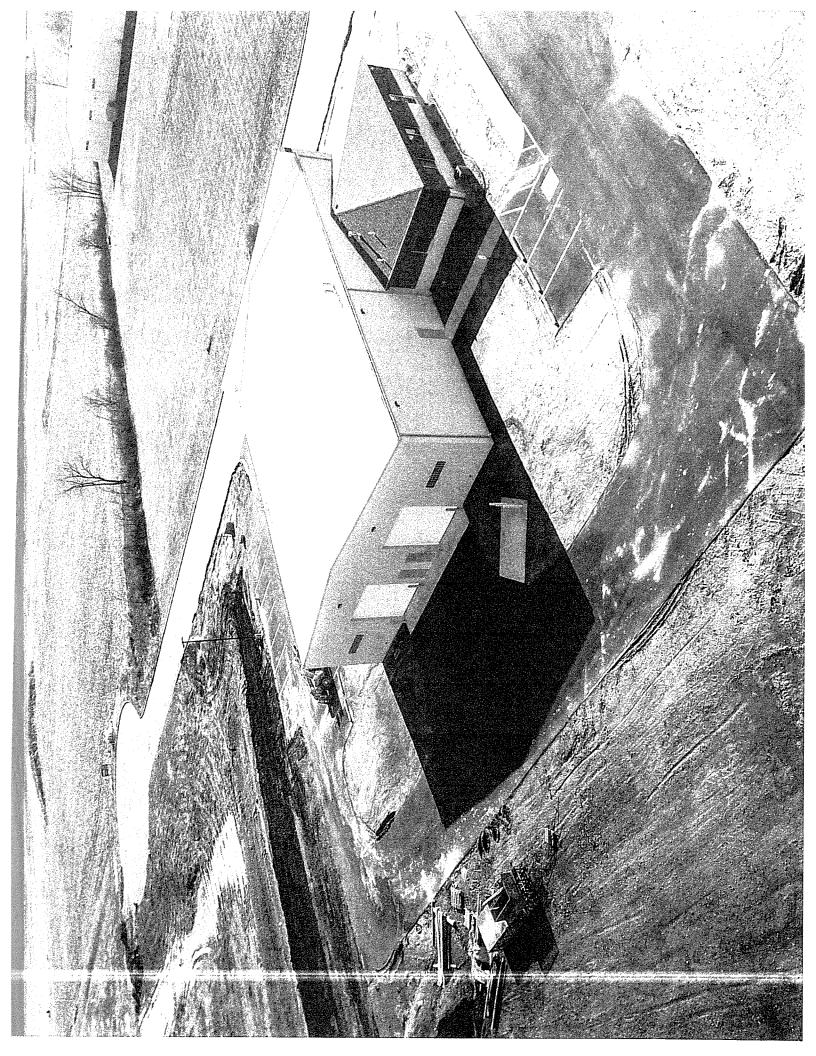


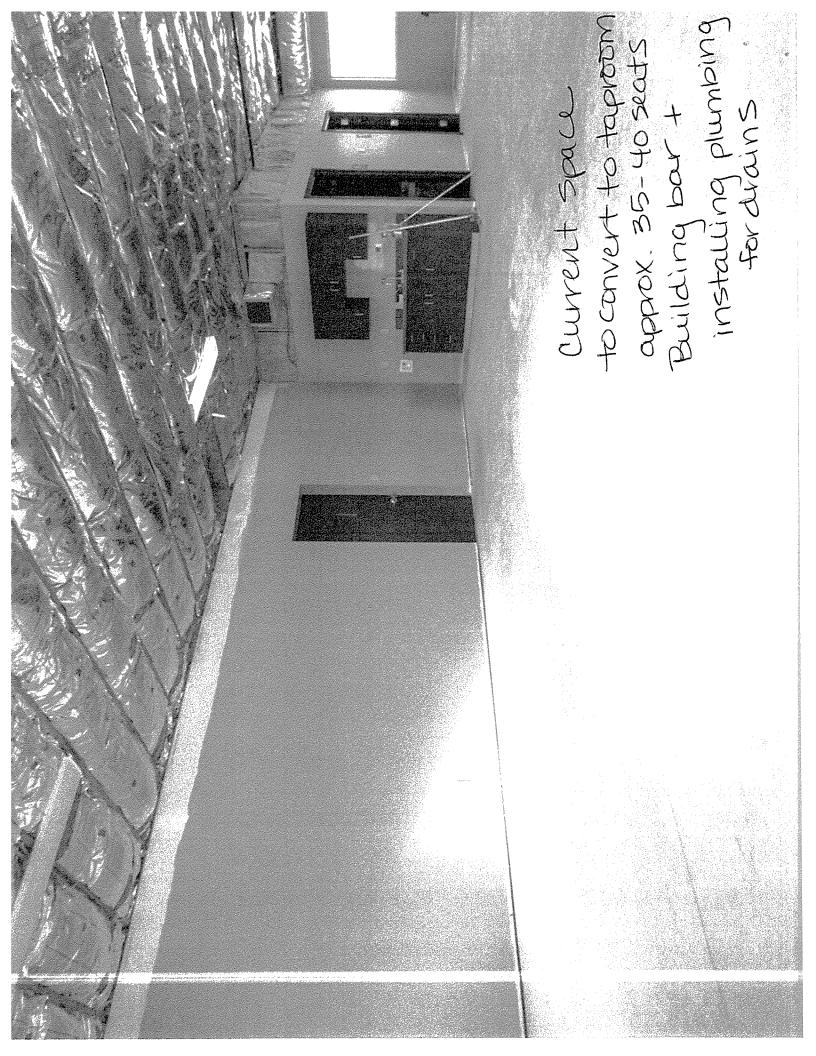
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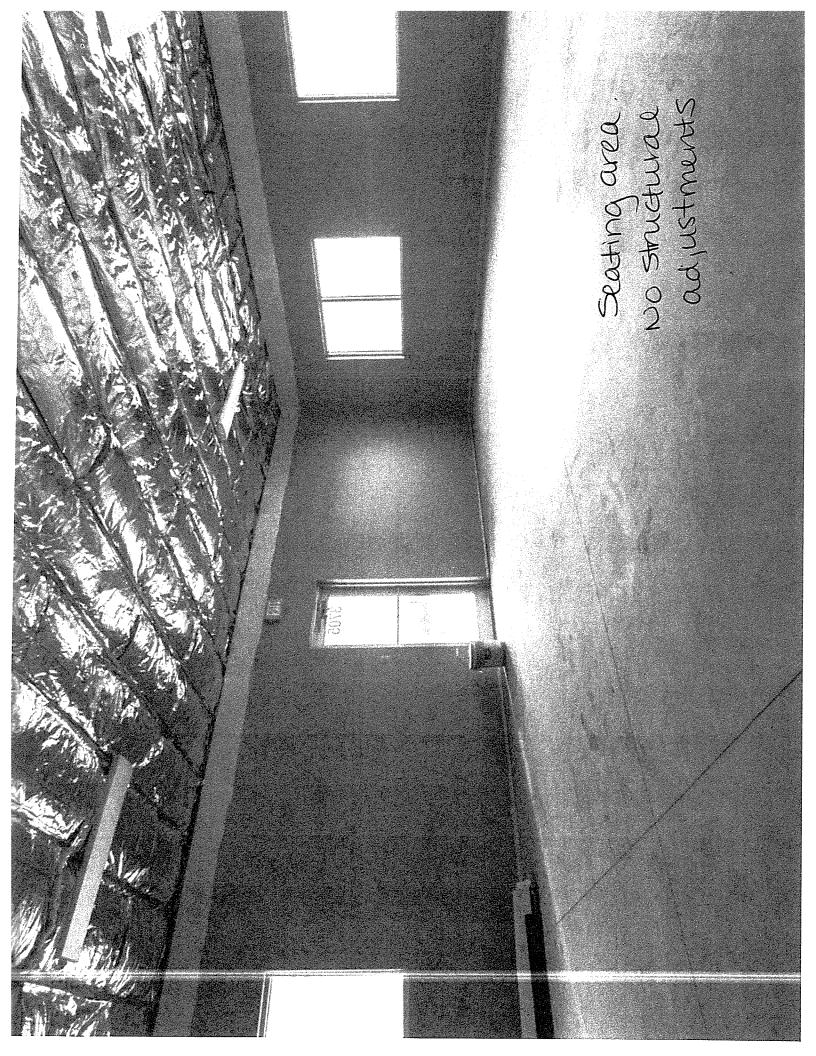


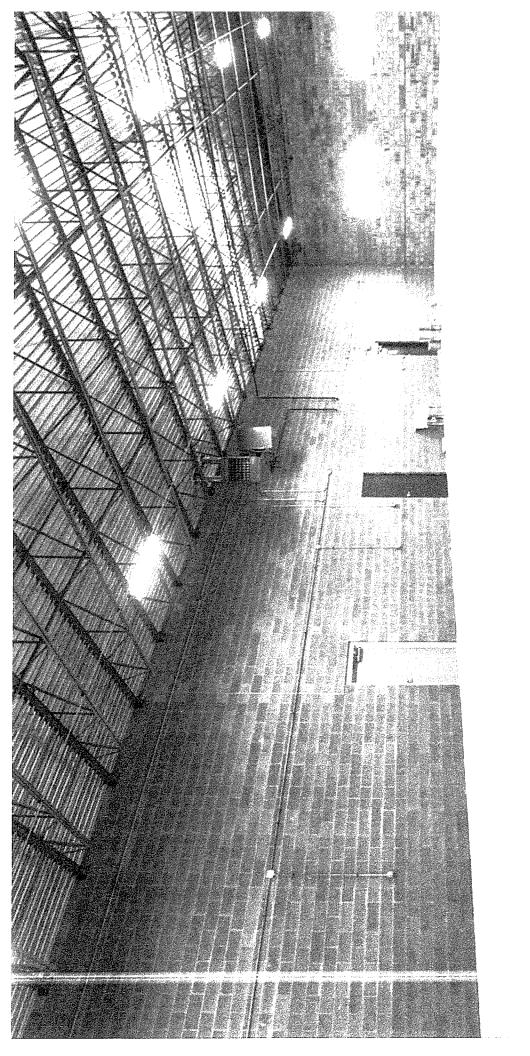




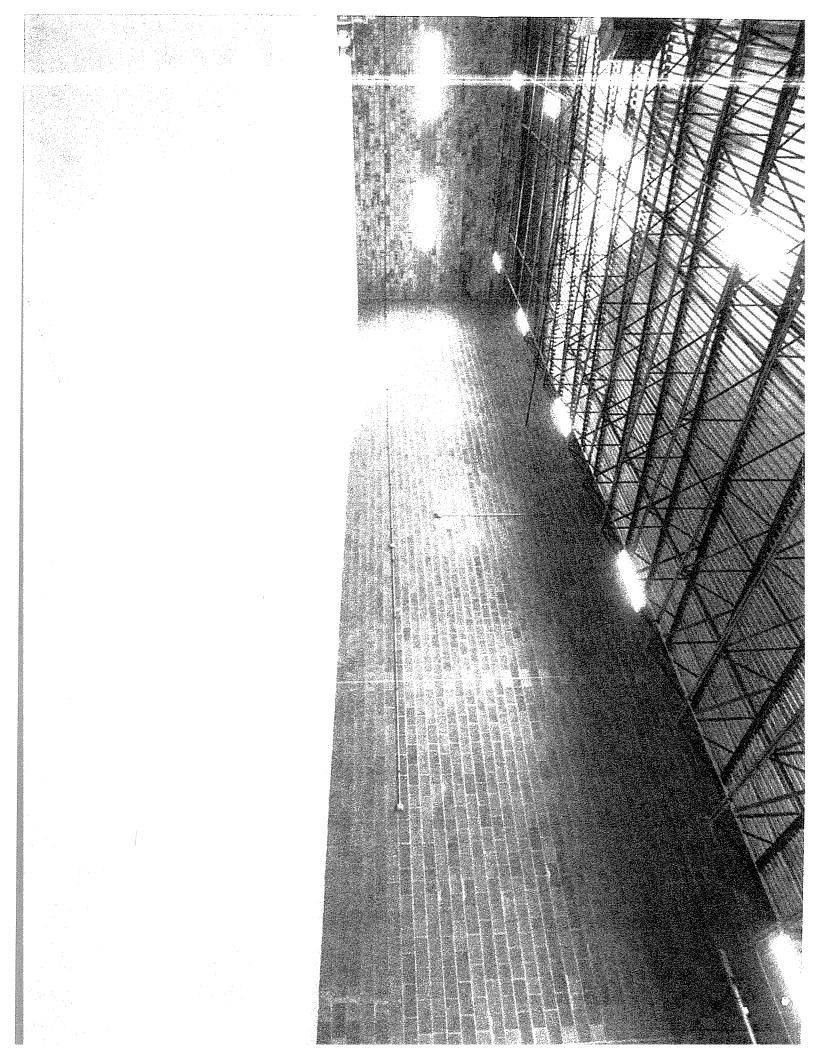








warehouse for production breweing trench duains, cold room



Shann Emma Surhan Clerk-Treasurer

#### 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 <u>Variance(s)</u> from the <u>Development Standards</u> , 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 <u>Use Variance</u> , the Petitioner states that the granting of such request:  X Will not be injurious to the health, safety, morals, and general welfare of the community; X 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.  X Arise from a condition peculiar to the property;
Last updated 1/16/18

Does not interfere a Yetitioner will com	essary hardships if the Zoning Ordin substantially with the Comprehensi ply with all ordinance parking requion for Special Exception, the Peti	ve Plan a irements	dopted.
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HOWILLC &	3 WISHINGTOR, STE C		VALPARASO, LA 46385
Name (Please Print)	Address		Valparaso, la 4638; Phone 219-771-0155
OWNER OF SUBJECT	PROPERTY:		bill & Ferngranlaw, com
Sunt			
Name (Please Print)	Address		Phone
ADDRESS OF SUBJECT Subject property fronts on n the CBD Zoning Distr	T PROPERTY: \ L1\c the side between (streets)_ rict.	10/15/10 10/15/10	W HUGTON/ FRANKLIN

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Legal Description of Sub	oject Property: (Exhibit No. <u>A</u> )
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and the supplied of the supplied and the supplied and the supplied of the supplied and the	
	OPOSED PROJECT INCLUDING, NEW CONSTRUCTION,
ADDITION, ALTERA	FION, OR CHANGE OF USE: (Exhibit No. )
	ATTALHED
Administrative Relief is s Article: Section: Sec	Paragraph: Item:  rawn to scale showing:  cation, dimension, and area covements on the lot (including, structures, sidewalks, & driveways) ent coverage of improvements on the lot ot lines, right-of-way lines, or easements to any structure for: front.
Please fill in: Front Setback Hear Height D	Setback 12 Side Setbacks 14 / 12 Lot Coverage 12/2
Acts in Indiana Code 36-7-7-20 courtroom hearing. Althounformation and document become part of a court health Petitioner, it is the Pe	he Board of Zoning Appeals are provided for and limited by Enabling 4-900 et. eq The public hearing procedures are similar to a 11 mgh it is not required that the Petitioner represented by legal counsel, 12 ation pertaining to the petitioner should be prepared as if it were to 13 ring. Although the office of the City Planner is available to assist 14 titioner's responsibility to request and prepare the appropriate 15 anning Department can be contacted Monday-Friday between 8:30 –

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

Last updated 1/16/18

have been met.

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	ecos; re
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**

_X 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
\$0.00.	,

TOTAL FEE 200

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#### 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

defiled of revoked,
Vtaul LLE
Mad M. Julia
Signature of Petitioner
MARIC M. JINDRA
Printed Name
Mark M. Suile
Signature of Property Owner

Signature of Property Owner

Subscribed and sworn to before me, all appeared:	Notary in and for said County and State, personally
acknowledge the execution of the foreg	going document, this 5th day of March, 2019.
MA (Amp NOTARY PUBLIC	My Commission Expires: February 01, 2025 Resident of Porter County
Sara Camp	
Type or Print name of Notary	SARA CAMP Notary Public, State of Indiana Porter County SEAL COmmission # 696187

February 01, 2025







STATE OF INDIANA PORTER COUNTY FILED FOR RECORD 01/20/2017 10:12 AM JON MILLER, RECORDER

2017-001169

REC FEE: 18.00 PAGES: 2

#### WARRANTY DEED

THIS INDENTURE WITNESSETH, That Bramasole Properties, LLC (Grantor) C ONVEY(S) AND WARRANT(S) to VTOWN, LLC (Grantee) for the sum of Ten Dollars (\$10,00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Porter County, State of Indiana:

The West 1/3 of Lot 5, EXCEPTING THEREFROM the North 40 feet thereof, in Block 18 in the Original Survey of the Town (Now City) of Valparaiso, as per plat thereof, recorded in Deed Record "A", page 13, in the Office of the Recorder of Porter County, Indiana.

Property address:

1 Lincolnway, Valparaiso, IN 46383 Tax ID No.:64-09-24-338-009.000-004

Subject to Real Estate taxes not delinquent and to any and all casements, agreements and restrictions of record.

The undersigned person(s) executing this deed on behalf of Grantor represent and certify that he/she/they is/are member(s) of Grantor and has/have been fully empowered, by proper resolution or by the Operating Agreement, to execute and deliver this deed; that Grantor has full capacity to convey the real estate described herein; that the Grantor is a limited liability company in good standing in the State of Indiana; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has executed this deed this \( \frac{1}{5} \) day of \( \frac{1}{5} \) ANUARY , 2017.

Bramasole Properties, LLC Michael J. Recker, Member

FIDELITY NATIONAL TITLE COMPANY TROW-1415

NOX

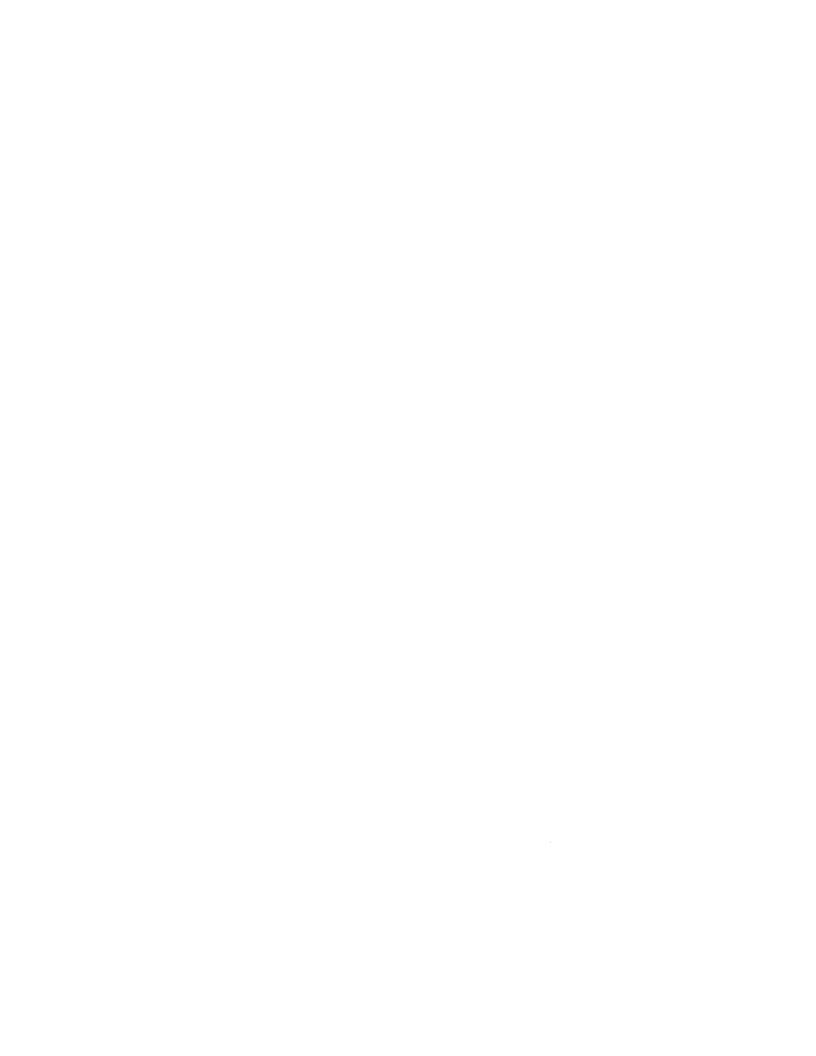
DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER Jan 20 2017

Vicki Urbanik

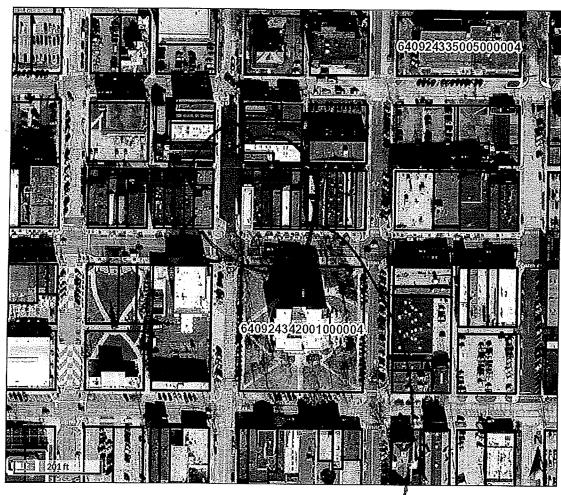
AUDITOR PORTER COUNTY

ELIGIBLE FOR FILING WITH THE COUNTY AUDITOR PORTER COUNTY ASSESSOR DT

1/1 \$15 COPY PORTER COUNTY RECORDER PAGE 1 OF 2



# Beacon<sup>™</sup> City of Valparaiso, IN



Overview

Legend

Parcels

☐ City Limits

Parcel ID Sec/Twp/Rng 640924338009000004 Alternate 09-24-338-008

ID

Owner Address VTOWNLLC 8 Washington St, Suite

Valparaiso IN 46383

Property Address

1 LINCOLNWAY **VALPARAISO** 

Class

Small Detached Retail of Less Than 10,000 Square

Feet

District

Acreage n/a

VALPARAISO (CENTER)

ORIGINAL SURVEY W1/3 LOT 5 EX N40 BLK 18 (Note: Not to be used on legal documents)

Date created: 3/5/2019

**Brief Tax Description** 

Last Data Uploaded: 3/5/2019 12:42:29 PM

Developed by Schneider

LINCOLNWAY

NE COPNER OF

WASHINGTON &

LINCOLNWAY

#### Exhibit "A"

#### Variance Petition of VTOWN, LLC

#### 1 Lincolnway

The West 1/3 of Lot 5, EXCEPTING THEREFROM the North 40 feet thereof, in Block 18 in the Original Survey of the Town, now City of Valparaiso, as per plat thereof recorded in Deed Record "A", page 13 in the Office of the Recorder of Porter County, Indiana, commonly known as 1 Lincolnway, located in Valparaiso, Indiana and being Parcel Number 64-09-24-338-009.000-004.

## Exhibit "B"

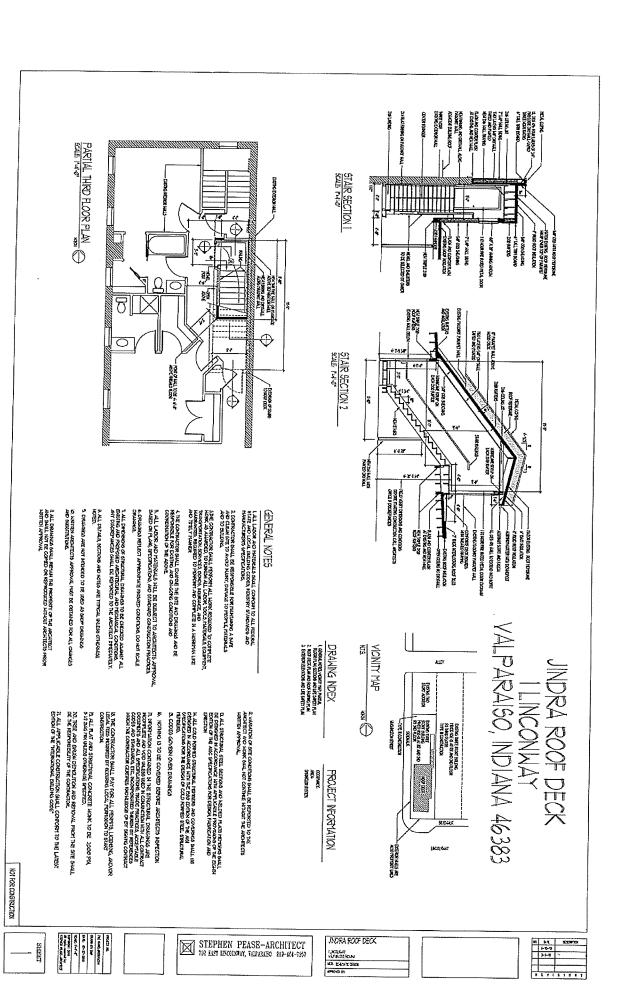
## Variance Petition of VTOWN, LLC

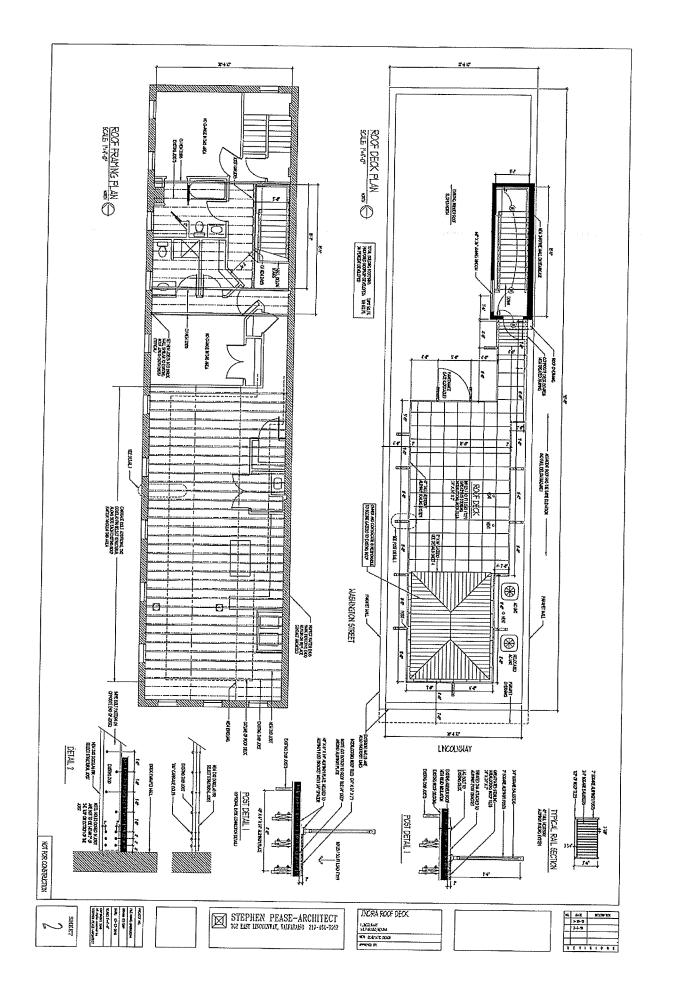
#### 1 Lincolnway

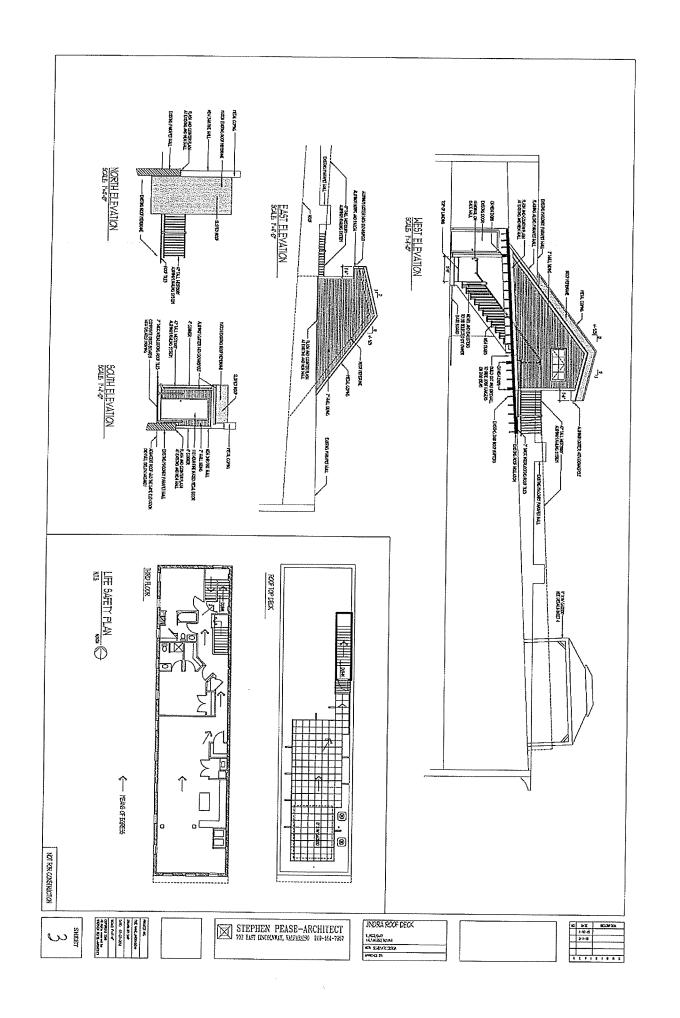
## Description of Project

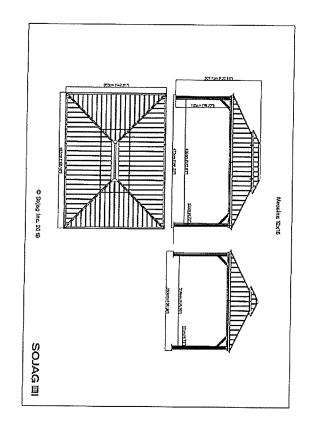
Proposed rooftop residential deck with 12' x 16' Messina and related ancillary uses.

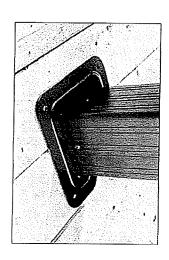
			N.

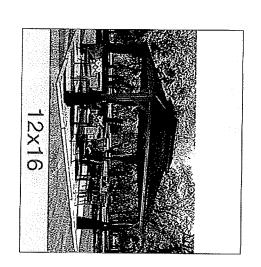












NOT FOR CONSTRUCTION

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STEPHEN PEASE-ARCHITECT IN EST ESCUSION, TUPASSO 215-441-767

INDRA ROOF DECK
LIGGERY
MERCHANIA
RE ERECTOR

R LX | 1-10-3 | 5-1-3 |

## -5/8" OSB WITH ROOF MEMBRANE -MATCH EXISTING ROOF MEMBRANE WRAP OVER TOP OF PARAPET METAL COPING -4" RIGID ROOF INSULATION UL DES 419- FOUR LAERS OF 3/4". FIRECODE DRYWALL-TAPED THREE HOUR RATING - 5/8" OSB SHEATHING 6" TALL TRIM BOARD -6" TALL TRIM BOARD 2XIØ RAFTERS 2X6 CEILING JST 2" LAP WALL SIDING -TWO LAYERS 5/8" DRYWALL - 60" X 28" AWINING WINDOW TAPED AND PAINTED NEW 2X6 WALL FRAMING 1 1/2 HOUR FIRE RATED METAL DOOR FLASH AND COUNTER FLASH AT EXISTING AND NEW WALL -2" LAP WALL SIDING NEW FURRING AND DRYWALL ALONG - MASONRY WALL -5/8" OSB SHEATHING -FLASH AND COUNTER FLASH ADJACENT BUILDING ROOF EXISTING ROOF INSULATION THREE HOUR EXISTING EXTERIOR WALL - JOIST HANGER - NEW TRIPLE 2X10 CENTER STRINGER - NEWEL AND BALUSTERS TO BE SELECTED BY OWNER 2X4 FLAT FURRING ON MASONRY WALL 2X8 LANDING -1'-0" 4'-0"

STAIR SECTION I

SCALE: 1"=4'-0"

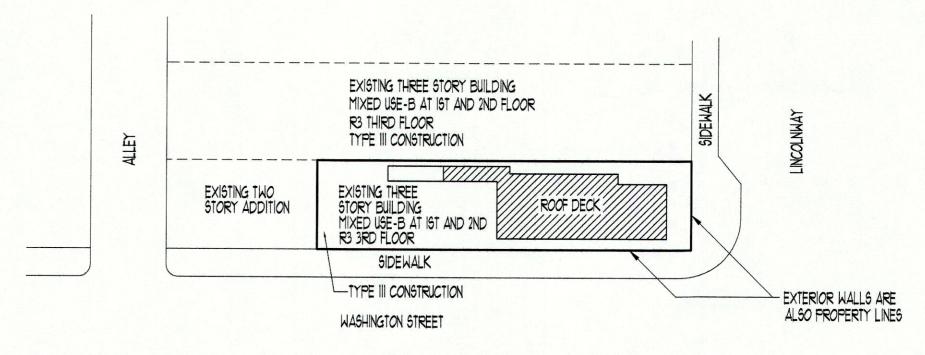
19'-5" MATCH EXISTING ROOF MEMBRANE +/- 9.25 6" BATT INSULATION METAL COPING-- 4" RIGID ROOF INSULATION ROOF MEMBRANE -ALUMINUM GUTTER WITH DOWNSPOUT 2X6 CEILING JST--ALUMINUM SOFFIT AND FASCIA 2XIO RAFTERS -18" PARAPET WALL ABOVE WOOD DECK -UL DES 419 WALL TO EXTEND INTO SOFFIT HURRICANE STRAP ON EACH 2XIØ RAFTER 1 1/2 HOUR FIRE RATED METAL DOOR (3/0X6/8) TWO LAYERS 5/8" DRYWALL EXISTING MASONRY PARAPET WALL TAPED AND PAINTED -COMPOSITE DECK BOARDS WITH TREATED FRAMING EXISTING MASONRY PARAPET WALL - 2" THICK INTERLOCKING ROOF TILES EXISTING ROOF INSULATION - 5/8" OSB SHEATHING OPEN CEILING NO DRYWALL - HURRICANE STRAP ON EACH 2XIØ RAFTER FLASH AND COUNTER FLASH AT EXISTING AND NEW WALL ROOF RAFTERS NEW TRIPLE 2XIO -ROOF RAFTERS EXISTING WALL BELOW FIELD VERIFY DIMENSIONS AND CONDITIONS BEFORE STARTING CONSTRUCTION, CALL ARCHITECTS OFFICE IF DISCREPANCIES - NEW 2X4 WALL WITH 11-10"

STAIR SECTION 2

SCALE: |"=4'-0"

PAINTED DRYWALL

# JINDRA ROOF DECK 1 LINCONWAY VALPARAISO, INDIANA 46383



VICINITY MAP

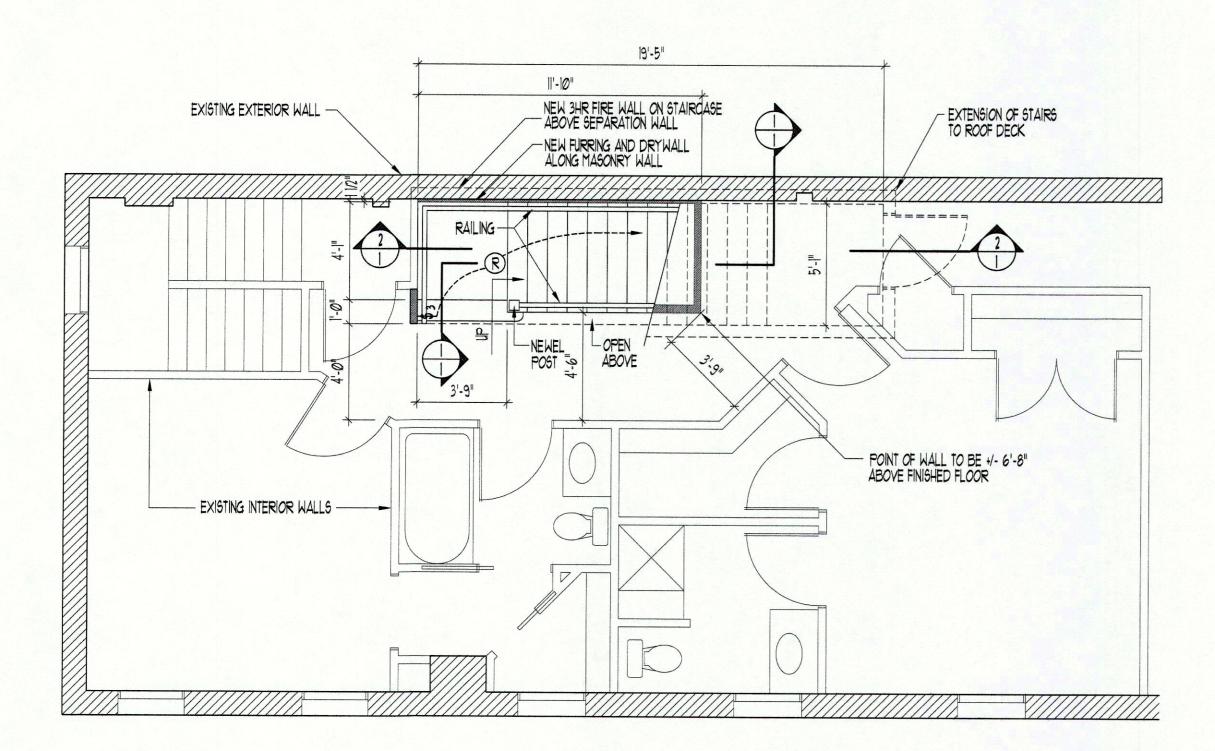
N.T.S. NORTH

# DRAWING INDEX

- 1. GENERAL NOTES, VICINITY MAP, PARTIAL FLOOR PLAN, SECTIONS AND LIFE SAFETY PLAN
- ROOF DECK PLAN AND ROOF FRAMING PLAN
   EXTERIOR ELEVATIONS AND LIFE SAFETY PLAN

# PROJECT INFORMATION

OCCUPANCY: AREA: SPRINKLER SYSTEM:



PARTIAL THIRD FLOOR PLAN

SCALE: 1"=4'-0"

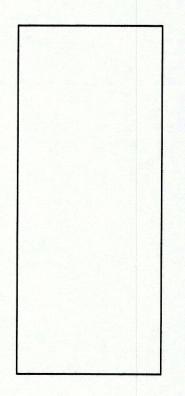
NORTH

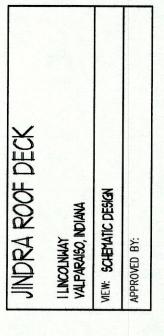
# GENERAL NOTES

- 1. ALL LABOR AND MATERIALS SHALL CONFORM TO ALL FEDERAL STATE AND LOCAL BUILDING CODES, INDUSTRY STANDARDS AND MANUFACTURER'S SPECIFICATIONS.
- 2. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A SAFE AND CLEAN SITE TO AVOID INJURY, DAMAGE TO PEOPLE, MATERIALS AND TO BUILDING.
- 3.THE CONTRACTOR SHALL PERFORM ALL WORK REQUIRED TO COMPLETE WORK AS AWARDED, TO FURNISH ALL LABOR, TOOLS, MATERIALS, EQUIPMENT TRANSPORTATION, SERVICES, BONDS, INSURANCE, AND WARRANTIES, REQUIRED TO PERFORM AND COMPLETE IN A WORKMAN LIKE AND TIMELY MANNER
- 4. THE CONTRACTOR SHALL EXAMINE THE SITE AND DRAWINGS AND BE RESPONSIBLE FOR EXISTING AND ON-GOING CONDITIONS AND COORDINATION OF THE ABOVE.
- 5. ALL LABOR AND MATERIALS WILL BE SUBJECT TO ARCHITECTS APPROVAL BASED ON PLANS, SPECIFICATIONS, AND STANDARD CONSTRUCTION PRACTICES.
- 6. DRAWINGS REFLECT APPROXIMATE FINISHED CONDITIONS, DO NOT SCALE DRAWINGS.
- 1. ALL DIMENSIONS OF STRUCTURAL DRAWINGS TO BE CHECKED AGAINST ALL EXISTING AND PROPOSED ARCHITECURAL AND MECHANICAL CONDITIONS.
  ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY.
- 8. ALL DETAILS, SECTIONS AND NOTES ARE TYPICAL UNLESS OTHERWISE NOTED.
- 9. DRAWINGS ARE NOT INTENDED TO BE USED AS SHOP DRAWINGS
- 10. WRITTEN ARCHITECTS APPROVAL MUST BE OBTAINED FOR ALL CHANGES AND SUBSTITUTIONS.
- II. ALL DRAWINGS SHALL REMAIN THE PROPERTY OF THE ARCHITECT AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT ARCHITECTS PRIOR WRITTEN APPROVAL

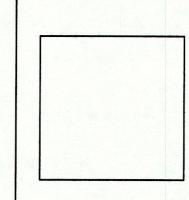
- 12. VARIATION OF SITE CONDITIONS SHALL BE REPORTED TO THE ARCHITECT AND WORK SHAL NOT CONTINUE WITHOUT THE ARCHITECTS WRITTEN APPROVAL.
- 13. ALL STRUCTURAL STEEL SECTIONS AND WELDED PLATE MEMBERS SHALL BE DESIGNED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF THE EIGHTH EDITION OF THE AISC SPECIFICATIONS FOR DESIGN, FABRICATION AND ERECTION
- 14. ALL COLD FORMED STRUCTURAL MEMBERS AND COVERINGS SHALL BE DESIGNED IN ACCORDANCE WITH THE 1980 EDITION OF THE AISI SPECIFICATIONS FOR THE DESIGN OF COLD FORMED STEEL STRUCTURAL MEMBERS.
- 15. CODES GOVERN OVER DRAWINGS
- 16. NOTHING IS TO BE COVERED BEFORE ARCHITECTS INSPECTION
- 17. INFORMATION CONTAINED IN THE STRUCTURAL DRAWINGS ARE INCOMPLETE AND VOID UNLESS USED IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS AND ALL SPECIFICATIONS, TRADE PRACTICES, ACCEPTABLE CODES AND STANDARDS, ETC., INCORPORATED THEREIN BY REFERENCES WHICH THE CONTRACTOR CERTIFIES KNOWLEDGE OF BY SIGNING CONTRACT
- 18. THE CONTRACTOR SHALL PAY FOR ALL PERMITS, LICENSING, AND/OR LEGAL FEES INCURRED BY SECURING LOCAL PERMISSION TO START CONSTRUCTION.
- 19. ALL FLAT AND STRUCTURAL CONCRETE WORK TO BE 3,500 PSI, 5 1/2 BAG MIX UNLESS OTHERWISE SPECIFIED.
- 20. TREE AND BRUSH DEMOLITION AND REMOVAL FROM THE SITE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- 21. ALL APPLICABLE CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF THE "INTERNATIONAL BUILDING CODE"

NO. DATE DESCRIPTION
1-10-19
3-1-19
R E V | S | O N S





STEPHEN PEASE-ARCHITECT 702 EAST LINCOLNWAY, VALPARAISO 219-464-7957



PROJECT NO.

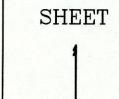
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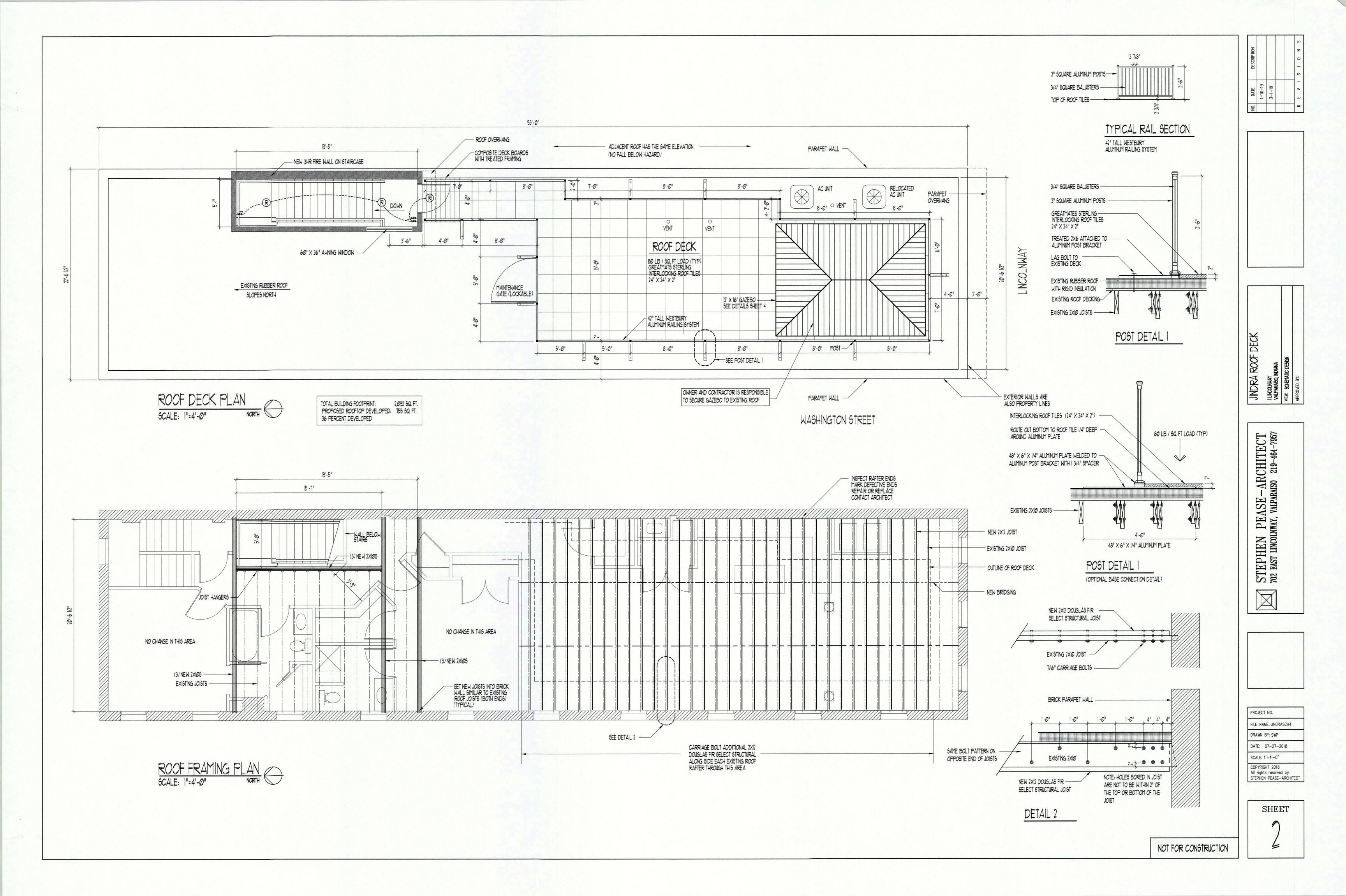
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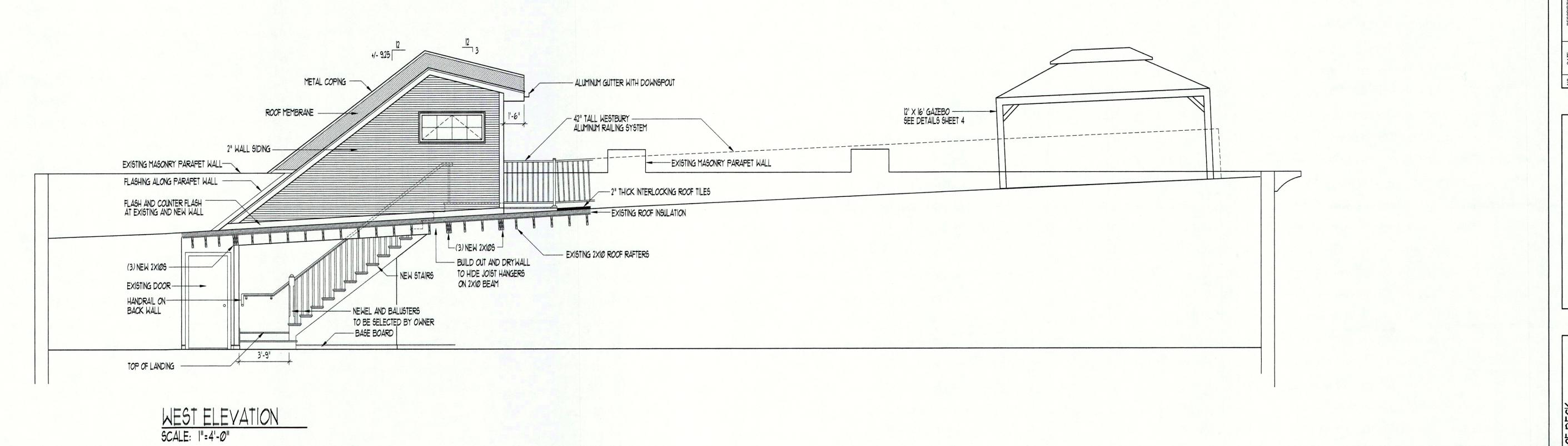
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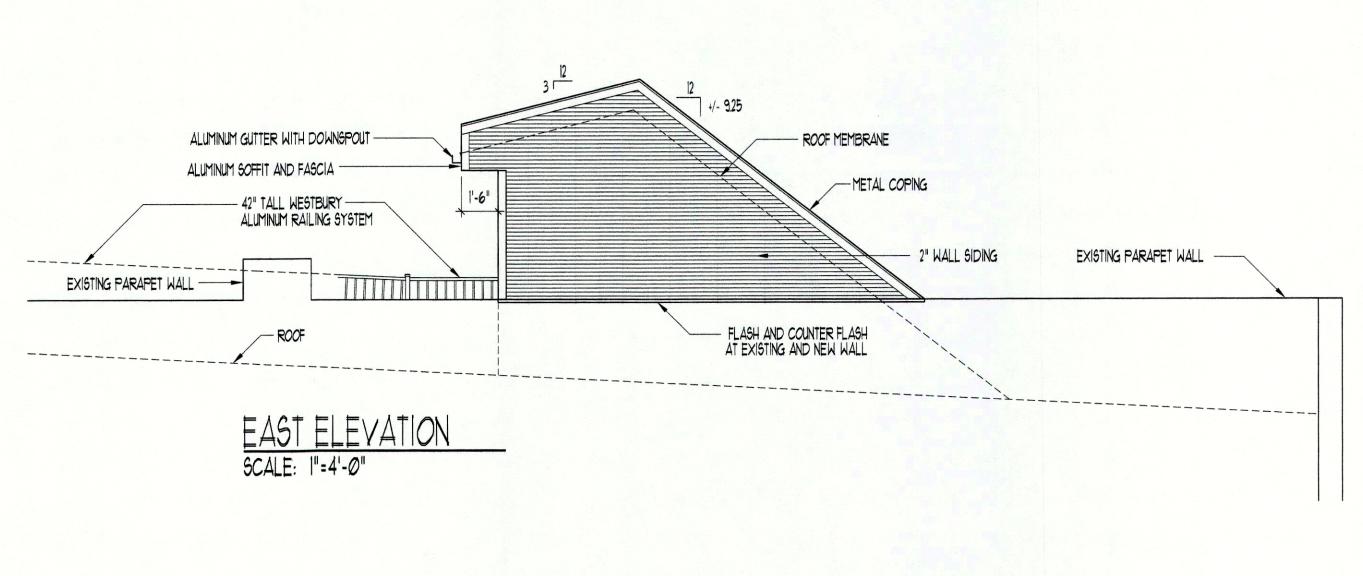
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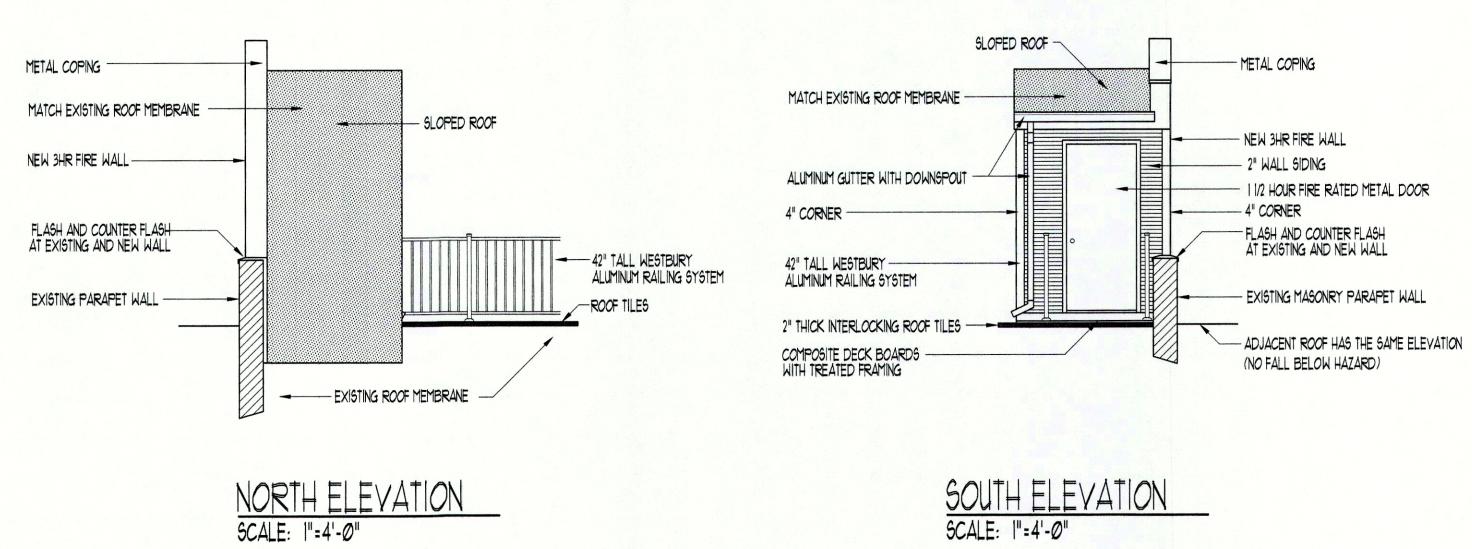
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STEPHEN PEASE-ARCHITECT

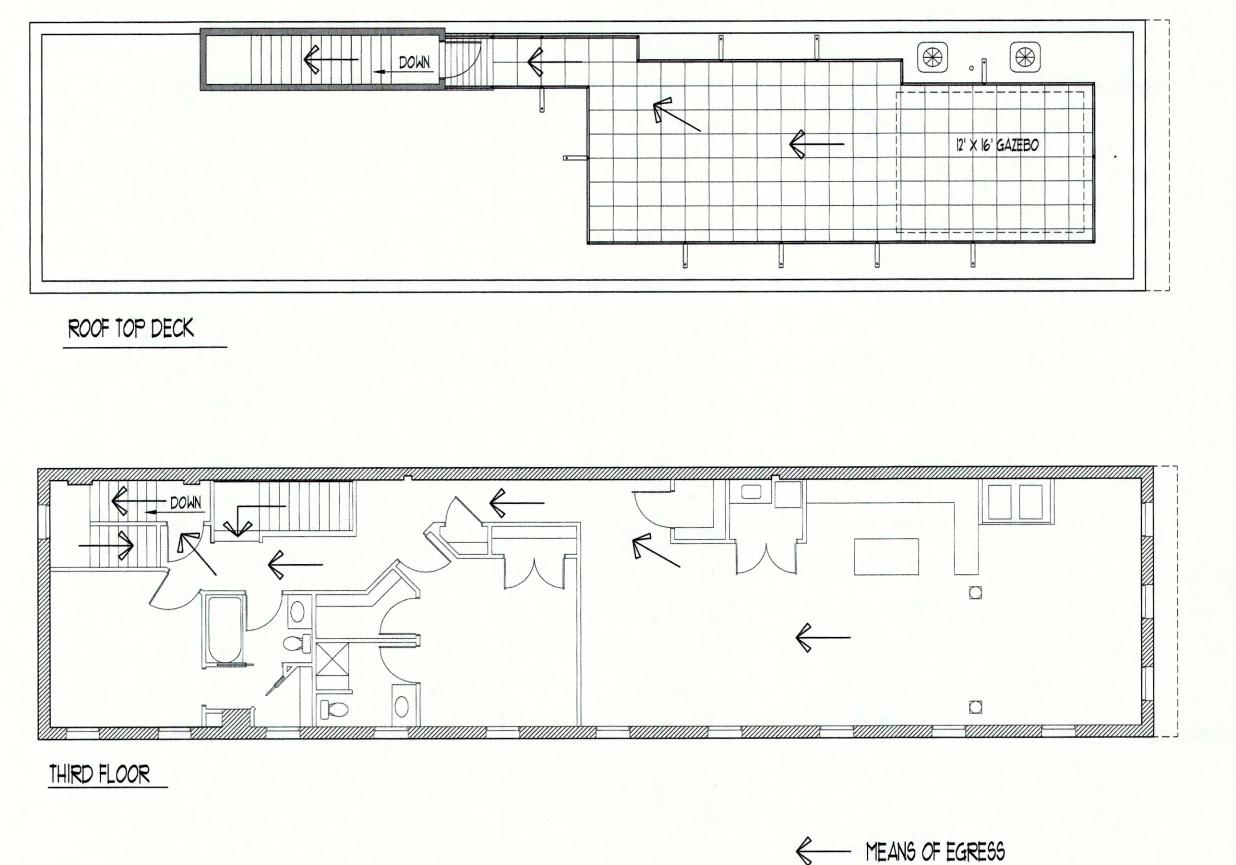






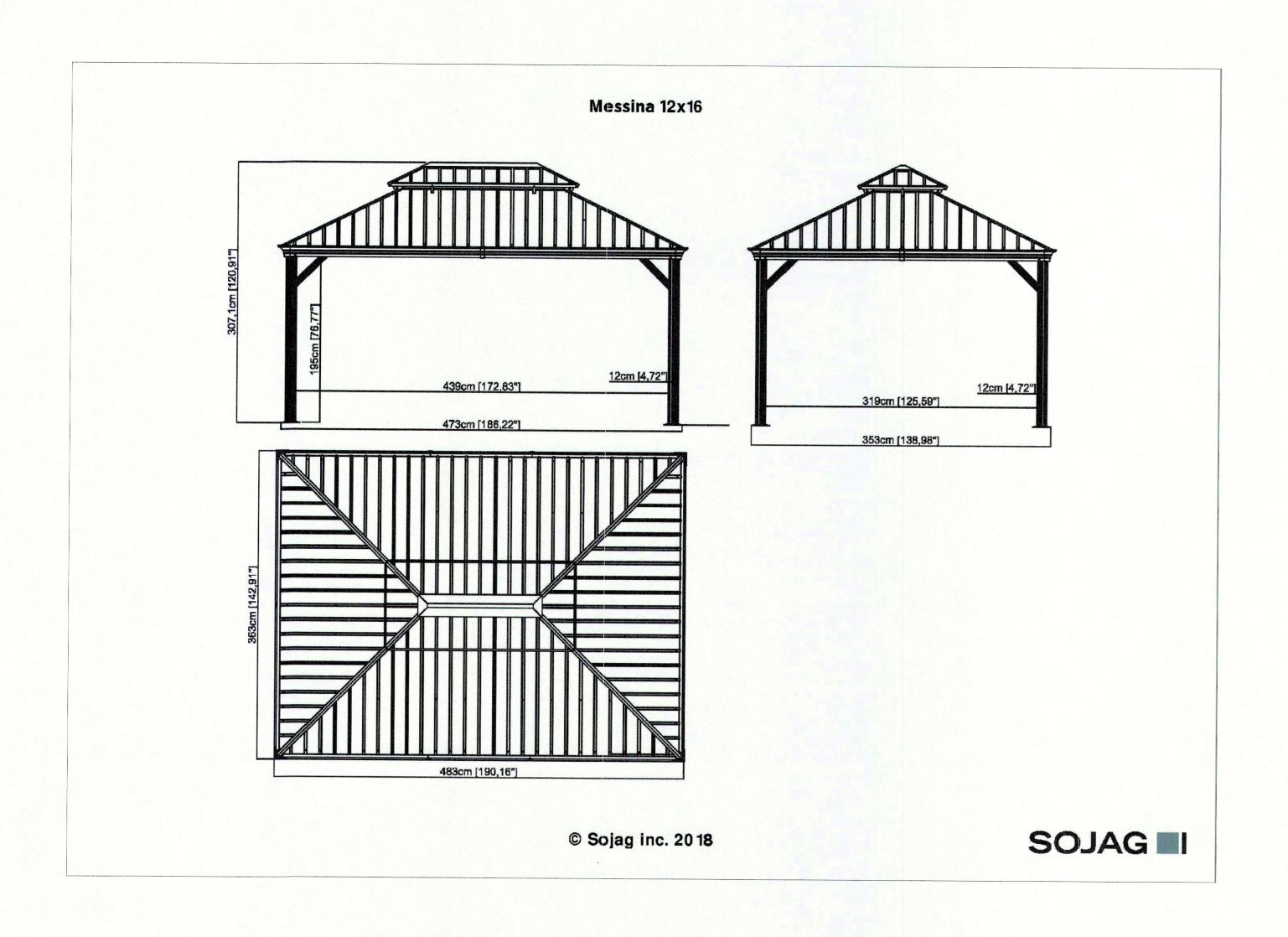






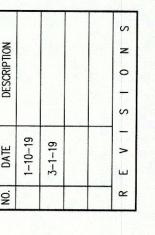
LIFE SAFETY PLAN

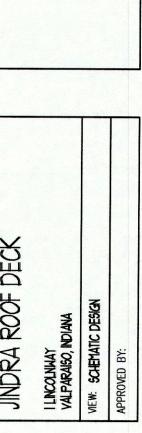
NOT FOR CONSTRUCTION



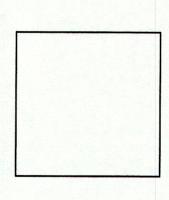








STEPHEN PEASE-ARCHITECT 702 EAST LINCOLNWAY, VALPARAISO 219-464-7957



PROJECT NO.
FILE NAME: JINDRASCH4
DRAWN BY: SWP
DATE: 07-27-2018
SCALE: 1'=4'-0"
COPYRIGHT 2018 All rights reserved by: STEPHEN PEASE—ARCHITE(