

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, June 18th, 2019, 7:00 PM 653 Hayes Leonard Road

- 1. Roll Call
- 2. Adoption of May 21st, 2018 Meeting Minutes
- 3. Old Business
- 4. New Business

VAR19-005 - A petition filed by Ocean Life Investments, LLC c/o Todd Leeth, Hoeppner Wagner & Evans LLP, 103 Lincolnway, Valparaiso, IN 46383. The petitioner requests a development standard variance from Article 3, Section 3.301, Table 3.301B of the Valparaiso Unified Development Ordinance, to vary the maximum, Floor Area Ration (FAR) of 8,659, to allow for a Gross FAR of 10,311. A development standard variance from Article 3, Section 3.301, Table 3.301B, to vary the required Landscape Ration (LSR) from the minimum .15 to allow for a LSR of .13. A development standard variance from Article 9, Section 9.201, Table 9.201, to vary the required 52 off-street parking spaces, to allow for 34 off-street parking spaces. A development standard variance from Article 9, Section 9.301, Table 9.301A, to vary the required parking space depth of 20 feet, to allow for a parking space with a width of 19 feet for the 45 Degree angled parking spaces with a located between Silhavy Road and the front of the building. A development standards variance from Article 9, Section 9.301, Table 9.301, to vary the required drive aisle width of 14 feet, to allow for a drive aisle width of 13 feet for the parking off-street parking spaces located between Silhavy Road and the entrance of the building. A Development Standard Variance from Article 3, Division 3.500, Section 3.505, Table 3.505, to vary the required rear yard setback of 20 feet, to allow for a rear yard setback of 15 feet. A Development Standard Variance from Article 10, Section 10.301, Table 10.301, to vary the required on-lot landscaping of 9 large trees per acre, 18 small trees per acre and 50 shrubs per acre. A Development Standard Variance from Article 10, Section 10.303, Table 10.303, to vary the required open space landscaping of 10 large trees per acre, 15 small trees per acre and 40 shrubs per acre. A Development Standard Variance from Article 10.304, Section 10.304, Table 10.304, to vary the required 10 large trees per acre, 15 small trees and 40 shrubs per acre. A Development Standards Variance from Article 10, Section 10.403, Table 10.403, to vary the required Class A bufferyard to allow for landscaping per the submitted landscape plan. The property is located at 2805 Cascade Drive in the CG, Commercial General zoning district.



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Adjournment
 Michael Micka, President – Board of Zoning Appeals
 Tyler Kent, Planning Director
 Next Meeting: July 16th, 2019



MAY 24 2019

Sharen Emer Sushent
Clerk-Treasurer

Petition #: VACI 9-005

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)
X 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: 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.
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:
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;
Last updated 1/16/18

Does not interfere substantial	dships if the Zoning Ordinance is st ly with the Comprehensive Plan ac	trictly applied; and lopted.
Petitioner will comply with a	ll ordinance parking requirements.	
In Support of an application for Sp	ecial Exception, the Petitioner state	tes that the granting of such
request:		
Will not create vehicular park	ehicular traffic on minor residentia ting or traffic problems; ves, utilities, drainage, facilities, ar	
have been or will be installed;	ibution to the neighborhood enviro	
on the rights of properties in the vic	cinity of the expected use;	
Will comply with the required Petitioner will comply with al	ments of the district in which propo Il ordinance parking requirements.	osed use is to be located.
In support of such application for S	pecial Exception for Home Occu	pation, Petitioner states:
That no person other than men in the home occupation.	mbers of the family residing on the	premises will be engaged
That the use of the dwelling u	nit for home occupation will be cle	early incidental and
subordinate to its use for residential	I purposes and not more than 25%	of the floor area of the
dwelling will be used in the conduc		
visible evidence of the conduct of s	n the outside appearance of the but	ilding or premises, or other
exceeding two square feet in area, r	non-illuminated and containing only	ne sign-such sign not y the name and nature of
the business.	on manimated and containing on	y the name and nature of
That no home occupation will	be conducted in any accessory but	ilding.
That there will be no sales are	a unless specifically permitted by	the BZA.
That no traffic will be generat	ed by such home occupation in gre	eater volume than would
normally be expected in a residential conduct of such home occupation w	al neighborhood and any need for prill be met by required or permitted	parking generated by the larking spaces, and will
not be in the front yard.		
That no equipment or process	will be used which creates noise, was table to the manual transfer to the same than the same transfer to the same	vibration, glare, fumes,
odors, or electrical interference dete premises.	ectable to the normal senses which	can be detected off
nomises.	c/o Todd A. Leeth	
PETITIONER:	Hoeppner Wagner & Evans 1 103 E. Lincolnway	LLP
Ocean Life Investments, LLC	Valparaiso, Indiana 46383	219-464-4961
Name (Please Print)	Address	Phone
,		Thone
OWNER OF SUBJECT PROPER	RTY:	
Same as Applicant		
Name (Please Print)	Address	Phone
ADDRESS OF SUBJECT PROPE	ERTY: 2805 Cascade Dr., Valn	araiso
Subject property fronts on the	side between (streets)	
n the Zoning District.		
nmercial, General (CG) District		

Legal Description of Subject Property: (Exhibit No) See Attached Legal Description
DESCRIPTION OF PROPOSED PROJECT INCLUDING, NEW CONSTRUCTION, ADDITION, ALTERATION, OR CHANGE OF USE: (Exhibit No) See attached Concept Site Plan
Redevelopment of existing retail building with addition of new 3,196 sq. ft. storage and office building.
Section (3) of the Zoning Ordinance from which a Variance, Special Exception, or Administrative Relief is sought: Article: Section: Paragraph: Item: See Attached List
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 *unless* 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
X 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 \$150.00

Certificate of Petitioner

Please read and sign the following statement:

I, the Petitioner (and Property Owner, if separate), understand that I and/or my representative must be present at the public hearing. Should I fail to appear, the BZA, in my absence, may consider and take action on my Petition. If the Petitioner is not the owner of the property that is the basis of this Petition, the signature of the Property Owner(s) constitutes authorization for the Petitioner to speak and act on behalf of the Property Owner(s). The Petitioner certifies that curate, lt in ilarly, 0 il ne d,

misrepresentations or intentionally a true and correct to the best of the Peinaccurate information on this Petiti the denial of the request or the revoif as part of any granted Petition, the acknowledge that my failure to com revoke any granted Petition. The Penotice of any Public Hearing to all p	aments or exhibits submitted contains any known intention misleading statements. All information submitted is acceptitioner's knowledge. The providing of false and/or ion or during any proceedings before the BZA may result cation of the request, should a Petition be granted. Simile BZA places any restrictions and/or limitations, I apply with such restrictions/limitations shall be grounds to retitioner acknowledges that it bears the obligation to mat property owners within 300 feet of the property that is the by the Petitioner may result in the Petition being delayed
Tadd 6 M	
-	
Signature of Petitioner	
Todd A Looth Attornov for Dotiti	oner
Todd A. Leeth, Attorney for Petitic	onei
Trained Plante	
Joddl. W	
Signature of Property Owner	
Todd A. Leeth, Attorney for Owne	r
Signature of Property Owner	
Subscribed and swarn to before me	a Notary in and for said Courts and State 11
1 -11 0 1 00 11	a Notary in and for said County and State, personally , and
acknowledge the execution of the fo	regoing document, this day of , 20 19 .
12-160.	
Armony W	My Commission Expires:
NOTARY PUBLIC	Resident of County
Type or Print name of Notary	KIMBERLY S. WERNER Notary Public, State of Indiana
1, po or 1 mic name or reotary	Laporte County Commission # 685608
	My Commission Expires

Affidavit of Consent of Property Owner

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

Todd A. Leeth	, being dully	sworn upon his/hex oath,	heing of sound mind and
legal age deposes and s	states:	over upon mozacz odun,	oonig or sound mind and
1. That Ocean Li real property th		of a Petition before the B.	the legal owner(s) of ZA.
seek the relief soug	tht in the Petitio	Life Investments LLC n filed before the BZA. Penable restriction requested	("Petitioner") to etitioner is further by the BZA or proposed
Property Owner Todd A. Leeth, Attorney	for Owner	Date	
Property Owner		Date	
Subscribed and sworn t	o before me this	s <u>23</u> day of May	, 20_19
Notary Public			
My Commission:	TATE O	KIMBERLY S. WERNER Notary Public, State of Indiana Laporte County Commission # 685608	
Date	- IIII WO'AN ALINA	My Commission Expires	

A	В	C	C	L	u
1 Parcel Number	Owner		Owner Address		Site Address
2 64-10-20-102-023.000-029	Gtwarehouse Llc	%Richden Company	1410 W Irving Park Rd	Chicago II. 60613	Grand Trunk Dr Valnaraico IN 46383
3 64-10-19-277-006.000-004	Snemis Commercial Realestate		500 Stoney Ridge Ct	Valparaiso IN 46385	2701 Beech St Valoaraiso IN 46383
4 64-10-20-103-001.000-029	R & S Valpo Properties LLC		326 N 450 E	Valparaiso IN 46383	610 Silhavv Valparaiso IN 46383
5 64-10-20-102-019.000-029	Baumann	Anton J	241 E 125th Ave	Crown Point IN 46307	3101 Cascade Dr Valparaiso IN 46383
6 64-10-20-103-003.000-029	Hinterman	Richard M Revoc Living Tr	1860 Bagwell St	Flint MI 48503	2904 Cascade Dr Valparaiso IN 46383
7 64-10-20-102-004.000-029	Value Flooring Inc		708 Silhavy Rd	Valparaiso IN 46383	708 Silhavy Rd Valparaiso IN 46383
8 64-10-20-102-018.000-029	Crown Engineeringholdings		2901 Cascade Dr	Valparaiso IN 46383	2901 Cascade Dr Valparaiso IN 46383
9 64-10-20-103-002.000-029	Lifestyle Properties Llc		2501 Chicago St	Valparaiso IN 46383	2902 Cascade Dr Valparaiso IN 46383
10 64-10-20-152-010.000-029	Site Select LLC		PO Box 244	Beverly Shores IN 46301	604 Silhavy Rd Valparaiso IN 46383
11 64-10-19-228-001.000-004	Appletree Ventures		2850 Barley Rd	Valparaiso IN 46383	709 Silhavy Rd Valparaiso IN 46383
12 64-10-19-228-002.000-004	AM Stabilizers Corporation		705 Silhavy Rd	Valparaiso IN 46383	705 Silhavy Rd Valparaiso IN 46383
13 64-10-19-226-003.000-004	Valparaiso City Of		166 Lincolnway	Valparaiso IN 46383	Silhavy Rd Valparaiso IN 46383
14 64-10-20-101-007.000-029	Paul Wurth Inc		135 Technology Dr	Ste 500 Bailey Center II Canonsburg PA 15317	2800 Evans Ave Valparaiso IN 46383
15 64-10-19-277-007,000-004	Stump	Mauri	1811 Woodmere Dr	Valparaiso IN 46383	605 Silhavy Rd Valparaiso IN 46383

LEGAL DESCRIPTION

A parcel of land in the Northwest Quarter of Section 20, Township 35 North, Range 5 West of the 2nd Principal Meridian, in Washington Township, Porter County, Indiana, described as follows: Commencing at the Northwest corner of said Northwest Quarter; thence South 0° East along the West line of said Northwest Quarter, 1033.33 feet to the Point of Beginning; thence continuing South° East along said West line 134.75 feet; thence South 89°37'34" East, 300.00 feet; thence North 0° West, 134.75 feet; thence North 89°37'34" West, 300.00 feet to the point of beginning.

CITY OF VALPARAISO BOARD OF ZONING APPEALS

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner:

Ocean Life Investments, LLC

Legal Description:

Exhibit "A"

Location:

2805 Cascade Drive, Valparaiso Indiana

Current Zoning:

Commercial, General (CG) District

Petition:

Development Standards Variances:

1. Lot Coverage

Code:

Proposed: 7

79%

2. Building Coverage

Code:

Proposed:

31.7%

3. Number of Parking Spaces

Table 9.201

5 spaces/1,000 square feet

Code:

52 parking spaces

Proposed:

34 parking spaces

(23 existing parking spaces)

4. Parking Stall Size

Table 9.301A

Code:

9 feet by 20 feet (or 9 feet by 18 feet of

overhanging)

Proposed:

9 feet by 19 feet

5. Drive Aisle Size

Table 9.301

45 Degree Angle Parking

Code:

14 feet

Proposed:

13 feet

6. Rear (North) Yard Setback New 3,196 square foot building

Table 3.05

Code:

20 feet

Proposed:

15 feet

7. Landscaping

Article 10

- (a) On-Lot Landscaping (§10.301)
- (b) Open Space Landscaping (§10.303)
- (c) Parking Lot Landscaping (§10.304)

8. District Boundary Bufferyard Standards

Table 10.403

Code:

Class A Bufferyard abutting INL District

Proposed:

No Bufferyard to East

Case No.:

The above named Petitioner now makes the proposed Findings of Fact in support of Petitioner's petition for a development standards variances to allow the addition of a building structure and reconfigured parking spaces in accordance with general plans filed with the City pursuant to the provisions set forth above and found in the Unified Development Ordinance. After conducting a public hearing pursuant to I.C. 37-7-4-920 *et seq.* and the Unified Development Ordinance, and after hearing Petitioner's arguments and evidence in support of the variances, remonstrance and opposition or the opportunity for the receipt thereof, and comments, reports or recommendations of staff and others, the Board of Zoning Appeals for the City of Valparaiso, Indiana now finds as follows:

FINDINGS:

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

- a) Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variances.
- b) The granting of the variances will not alter the essential character of the locality.
- c) The variances will not adversely affect the aesthetic appeal or the cohesive development of the surrounding area.
- d) The variances will not adversely affect the safety of vehicular traffic by reducing or obstructing the line of sight at intersections of public or private roads or driveways.
- 2. The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because:
 - a) The granting of the variances will in no recognizable way encroach on the enjoyment or use of the surrounding properties.
 - b) The granting of the variances will secure or preserve adequate light, air, convenience of access, and safety from fire and other dangers.
 - c) Each parking variance is minor and does not affect others because there is no shared parking and overflow parking is nonexistent.
 - d) There will be no substantial change in the use of the property that will result if the variances are granted. The petitioner's site is located in a commercial district corridor adjacent to industrially zoned real property.
 - e) The granting of the variances will preserve and enhance the scenic beauty, aesthetics and environmental integrity of the community and City.
 - f) The parking associated with the new building is not needed because the new building will largely be used for storage therefore, not increasing the need for additional parking spaces.
- 3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties because:
 - a) Granting the variances allows for more beneficial use of the property without detrimentally affecting safety or aesthetics.
 - b) The petitioner's site is already developed and the plans giving rise to the development standards variances are a redevelopment of an existing small site.

c) The circumstances and conditions existing on or about Petitioner's property which prevent conformance with the Unified Development Ordinance and requiring the variances are not self-created, but the results of pending condemnation action by the City.

Respectfully submitted;

Todd A Los

Hoeppner Wagner & Evans LLP

Attorneys for Petitioner

Todd A. Leeth Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46384-2357



X:\Ocean Life Investments 19275-1\Documents\Findings of Fact - DSVariance 2019-05-24.docx

EXHIBIT "A"

A parcel of land in the Northwest Quarter of Section 20, Township 35 North, Range 5 West of the 2nd Principal Meridian, in Washington Township, Porter County, Indiana, described as follows: Commencing at the Northwest corner of said Northwest Quarter; thence South 0° East along the West line of said Northwest Quarter, 1033.33 feet to the Point of Beginning; thence continuing East along said West line 134.75 feet; thence South 89°37'34" East, 300.00 feet; thence North 0° West, 134.75 feet; thence North 89°37'34" West, 300.00 feet to the point of beginning.

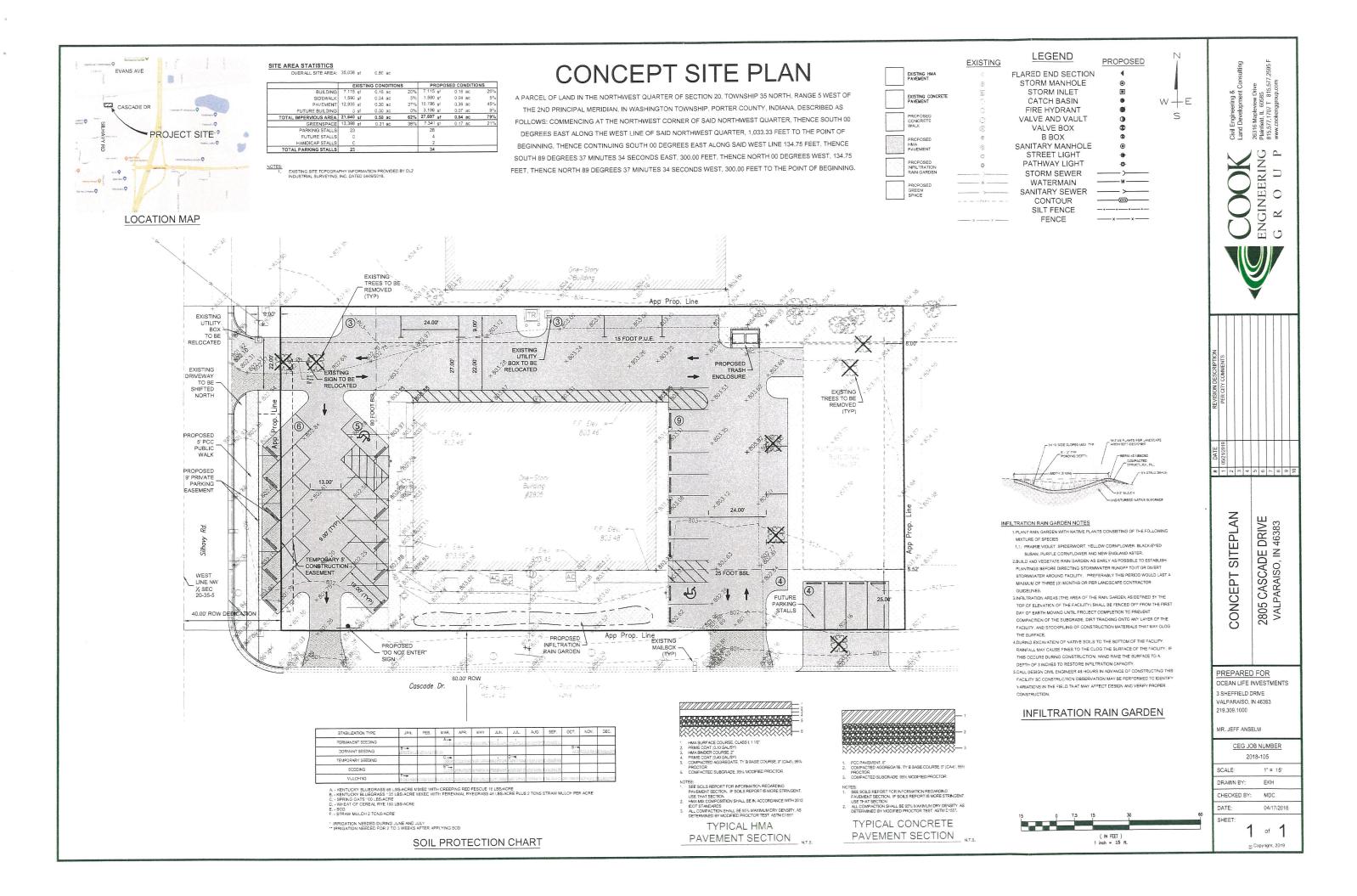


EXHIBIT "A"

A parcel of land in the Northwest Quarter of Section 20, Township 35 North, Range 5 West of the 2nd Principal Meridian, in Washington Township, Porter County, Indiana, described as follows: Commencing at the Northwest corner of said Northwest Quarter; thence South 0° East along the West line of said Northwest Quarter, 1033.33 feet to the Point of Beginning; thence continuing East along said West line 134.75 feet; thence South 89°37'34" East, 300.00 feet; thence North 0° West, 134.75 feet; thence North 89°37'34" West, 300.00 feet to the point of beginning.