

MEETING AGENDA

Valparaiso Board of Zoning Appeals
Tuesday, September 17th, 2019, 7:00 PM
653 Hayes Leonard Road

1. Roll Call
2. Adoption of August 20th, 2019 Meeting Minutes
3. Old Business

VAR19-013 – A petition filed by Frederick Frey, 407 Washington St., Valparaiso, IN 46383. The petitioner requests a variance from Article 3, Section 3.501, Table 3.501 of the Valparaiso Unified Development Ordinance, to vary the required twenty-five (25) feet rear yard setback to allow for a twelve (12) feet rear yard setback. A variance to vary the required twenty (20) feet street yard setback to allow for a sixteen (16) feet street yard setback. The property is located 3107 Churchview Dr. in the General Residential (GR) Zoning District.

4. New Business

VAR19-014 – A petition filed by Dan Luce, 2754 Safer Rd., Valparaiso IN, 46383. The petitioner requests a variance from Article 2, Section 2.303, Paragraph D, Item 1, of the Valparaiso Unified Development Ordinance, to vary the maximum height of one (1) story or seventeen (17) feet to allow for a garage height of twenty-two (22) feet. The Property is located at 1005 Kentucky St., in the Neighborhood Conservation 60 (NC-60) Zoning District.

VAR19-016 A public hearing on a petition filed by Downtown Valparaiso Partners, LLC c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP 103 E. Lincolnway, Valparaiso IN 46383. The petitioner requests a variance from Article 2, Section 2.506(C)(2), of the Valparaiso Unified Development Ordinance, to vary the required bulk standard for townhomes from the required standard of not less than three (3) units and not more than six (6) units, to allow for two (2) unit per building. A variance from Article 2, Section 2.506(C)(3) to vary the required access for parking from an alleyway, to allow for parking to be accessed from an internal courtyard. A variance from Article 3, Section 3.503, Table 3.503, to vary the required building setbacks, to allow for building setbacks as shown on Site Plan Sheet Number 5 prepared by Marbach-Palm Inc. and Lannert Group dated August 23, 2019. A Variance from Article 3, Section 3.505, Table 3.503, to vary the required building separation of (15) fifteen feet, to allow for a building separation of (11) eleven feet. A variance from Article 3, Section 3.503, to vary the required lot size of 2,500 square feet,

to allow for a lot size of no less than 2,143 square feet as shown on Site Plan Sheet Number 5 prepared by Marbach-Palm Inc. and Lannert Group dated August 23, 2019. A variance from Article 10, Section 10.301, Table 3.301, to vary the on-lot landscaping of 12 large trees per acre, 24 small trees per acres and 200 shrubs per acre, to allow for the landscape plan as shown on Site Plan Sheet Number 5 prepared by Marbach-Palm Inc. and Lannert Group. A variance from Article 10, Section 10.303, Table 3.303, to vary the on-lot landscaping of 10 large trees per acre, 15 small trees per acres and 102 shrubs per acre, to allow for the landscape plan as shown on Site Plan Sheet Number 5 prepared by Marbach-Palm Inc. and Lannert Group. A variance from Article 3, Section 3.301, Table 3.301A, to vary the required Net Density of 11.351 per acre, to allow for a Net Density of 13.761 per acre. A variance from Article 11, Section 11.202, to vary minimum width of a dwelling unit that faces a street from the required (24) twenty-four feet, to allow for a dwelling unit width of (22.6) twenty-two and one half feet for dwelling units that face a street. A variance from Article 3, Section 3.505, Table 3.503, to vary the maximum building height of twenty-eight feet (28), to allow for a building height of thirty-eight (38) feet. The property is located at 303 Jefferson Street and 308 Chicago Street in the Residential Transition (RT) Zoning District

5. Adjournment

Michael Micka, President – Board of Zoning Appeals

Tyler Kent, Planning Director

Next Meeting: **October 15th, 2019**

Petition #: VAR19-014

**PETITION TO
VALPARAISO BOARD OF ZONING APPEALS**

The Petition shall be filed in duplicate with the City Clerk-Treasurer a minimum of 25 days prior to the date of the next Board of Zoning Appeals ("BZA") meeting. The BZA meets every third Tuesday of the month at 7:00 PM in City Hall, 166 Lincolnway, Valparaiso. The Petitioner and/or his/her representative must be present at the public hearing. The filing fee must be paid to the City Clerk-Treasurer upon filing a complete Petition. Please submit nine (9) copies of this petition.

PLEASE COMPLETE THE FOLLOWING:

The undersigned Petitioner and owner(s) of real estate, identified within this application as property within the jurisdiction of the City, respectfully petition the Board of Zoning Appeals to consider;

- 1. Relief to an Administrative decision. (Exhibit No.)
- 2. Variance(s) from the development standards.
- 3. Variance of the use from the terms of the Zoning Ordinances.
- 4. Petition for Special Exception.
- 5. Special Exception from Home Occupation.
- 6. Conditional Use.

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

- Will not be injurious to the health, safety, morals, and general welfare of the community;
- Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; and arise from practical difficulties in the use of the property in conformity with the Zoning Ordinance.
- Petitioner will comply with all ordinance parking requirements.

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

- Will not be injurious to the health, safety, morals, and general welfare of the community;
- Will not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner; and arise from practical difficulties in the use of the property in conformity with the Zoning Ordinance.
- Arise from a condition peculiar to the property;

Arises from unnecessary hardships if the Zoning Ordinance is strictly applied; and
 Does not interfere substantially with the Comprehensive Plan adopted.
 Petitioner will comply with all ordinance parking requirements.
In Support of an application for Special Exception, the Petitioner states that the granting of such request:

Will not generate excessive vehicular traffic on minor residential streets;
 Will not create vehicular parking or traffic problems;
 Appropriate access roads, drives, utilities, drainage, facilities, and other necessary facilities have been or will be installed;
 Will make a substantial contribution to the neighborhood environment and will not infringe on the rights of properties in the vicinity of the expected use;
 Will comply with the requirements of the district in which proposed use is to be located.
 Petitioner will comply with all ordinance parking requirements.

In support of such application for Special Exception for Home Occupation, Petitioner states:

That no person other than members of the family residing on the premises will be engaged in the home occupation.
 That the use of the dwelling unit for home occupation will be clearly incidental and subordinate to its use for residential purposes and not more than 25% of the floor area of the dwelling will be used in the conduct of the home occupation.
 That there will be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign-such sign not exceeding two square feet in area, non-illuminated and containing only the name and nature of the business.
 That no home occupation will be conducted in any accessory building.
 That there will be no sales area unless specifically permitted by the BZA.
 That no traffic will be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation will be met by required or permitted parking spaces, and will not be in the front yard.
 That no equipment or process will be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses which can be detected off premises.

PETITIONER:

DAN LUCE 2754 SAGER RD/VALPO/ 46383 219.472.9074
Name (Please Print) Address Phone

OWNER OF SUBJECT PROPERTY:

DAN LUCE / SCOTT KLOCKOW (SAME) (SAME)
Name (Please Print) Address Phone

ADDRESS OF SUBJECT PROPERTY: 1005 KENTUCKY ST
Subject property fronts on the N side between (streets) ROOSEVELT / OHIO
in the NC-60 Zoning District.

Legal Description of Subject Property: (Exhibit No. 1)

SEE EXHIBIT #1

DESCRIPTION OF PROPOSED PROJECT INCLUDING, NEW CONSTRUCTION, ADDITION, ALTERATION, OR CHANGE OF USE: (Exhibit No. 2)

SEE EXHIBIT #2

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

Article: 2 Section: 2303 Paragraph: D Item: 1

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 40' Rear Setback 15' Side Setbacks 6' / 6' Lot Coverage 40%
Height 22' - Garage

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. seq.. 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.

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

<input type="checkbox"/> Use Variance	\$200
<input checked="" type="checkbox"/> Single Family Development Standards Variance	\$50
<input type="checkbox"/> Commercial Development Standards Variance	\$150
<input type="checkbox"/> Special Exception/Special Use	\$200
<input type="checkbox"/> Relief to an Administrative Decision	\$200
<input type="checkbox"/> Special Meeting	\$1000
<input type="checkbox"/> Conditional Use	\$100
<input type="checkbox"/> Wireless Communications Facility Special Use – Major	\$500
<input type="checkbox"/> Wireless Communications Facility RF Tech Study Fee	\$ Actual cost of study

TOTAL FEE \$ 50.00

Affidavit of Consent of Property Owner

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

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

1. That SCOTT KLOCKOW/ DAN LUCE ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA.
2. That Owner authorizes DAN LUCE ("Petitioner") to seek the relief sought in the Petition filed before the BZA. Petitioner is further authorized to commit to any reasonable restriction requested by the BZA or proposed by the Petitioner.

[Signature]
Property Owner

8/22/19
Date

[Signature]
Property Owner

8-22-19
Date

Subscribed and sworn to before me this 22 day of August, 20 19.

[Signature]
Notary Public

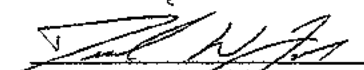
My Commission:

1/18/24
Date

Certificate of Petitioner

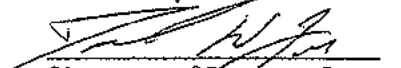
Please read and sign the following statement:

I, the Petitioner (and Property Owner, if separate), understand that I and/or my representative must be present at the public hearing. Should I fail to appear, the BZA, in my absence, may consider and take action on my Petition. If the Petitioner is not the owner of the property that is the basis of this Petition, the signature of the Property Owner(s) constitutes authorization for the Petitioner to speak and act on behalf of the Property Owner(s). The Petitioner certifies that neither the Petitioner nor any attachments or exhibits submitted contains any known intentional misrepresentations or intentionally misleading statements. All information submitted is accurate, true and correct to the best of the Petitioner's knowledge. The providing of false and/or inaccurate information on this Petition or during any proceedings before the BZA may result in the denial of the request or the revocation of the request, should a Petition be granted. Similarly, if as part of any granted Petition, the BZA places any restrictions and/or limitations, I acknowledge that my failure to comply with such restrictions/limitations shall be grounds to revoke any granted Petition. The Petitioner acknowledges that it bears the obligation to mail notice of any Public Hearing to all property owners within 300 feet of the property that is the subject of this Petition. Any errors by the Petitioner may result in the Petition being delayed, denied or revoked.



Signature of Petitioner

DANIEL LUCE
Printed Name


Signature of Property Owner


Signature of Property Owner

Subscribed and sworn to before me, a Notary in and for said County and State, personally appeared: Daniel Luce and Scott Klockow and acknowledge the execution of the foregoing document, this 22 day of Aug. 2019.


NOTARY PUBLIC

Karen G Bechinski
Type or Print name of Notary

My Commission Expires: 1/18/24
Resident of Porter County



THE GOVERNMENT OF INDIA
MINISTRY OF DEFENSE
NEW DELHI

Variance from Development Standards
Findings of Fact
(Please Print)

Petitioner submits that: SEE EXHIBIT # 3

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

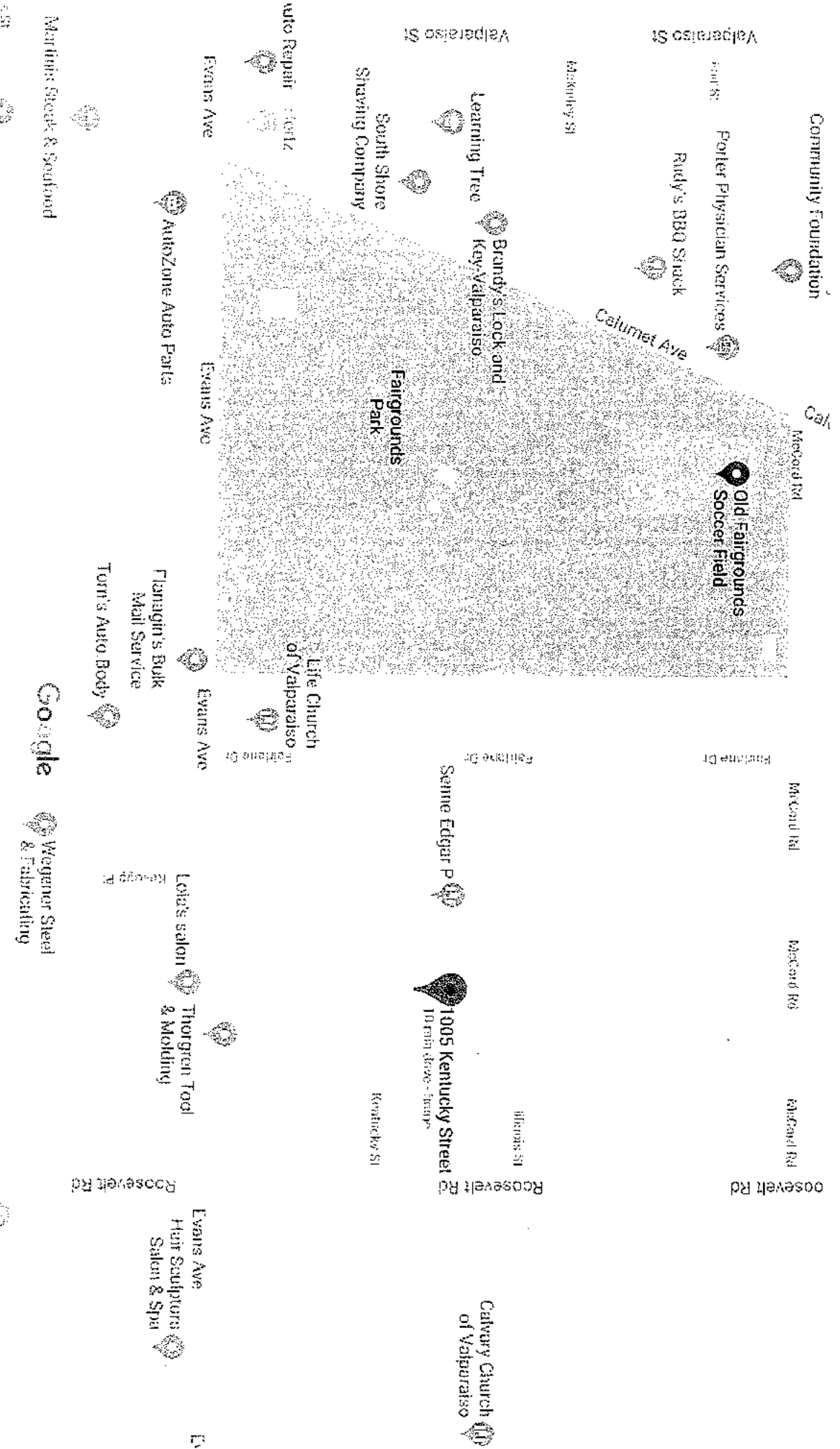
B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because: _____

C. The strict application of the terms of the zoning ordinance will result in particular difficulties in the use of the property included in the proposed variance because: _____

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

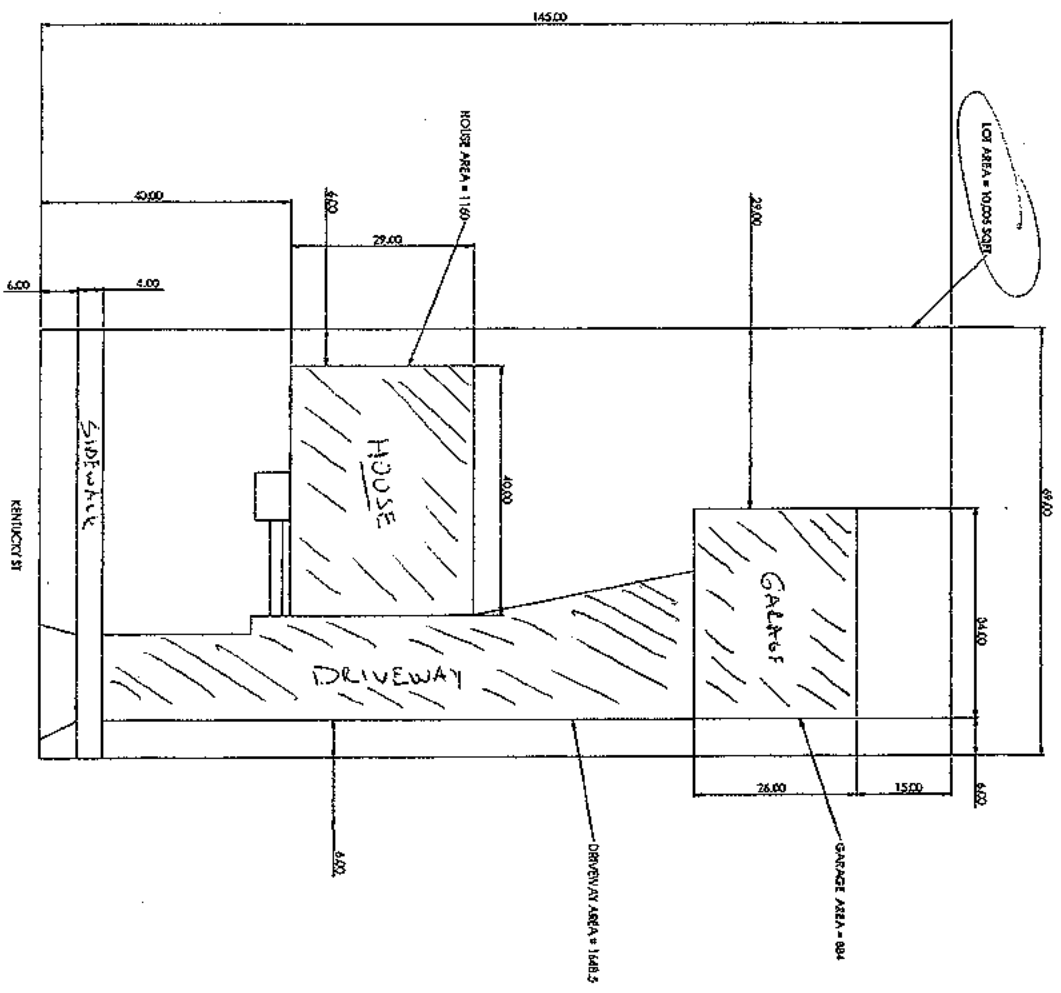
WEINTRY MAP

Google Maps 1005 Kentucky St



Map data ©2019 200 ft

SP SITE MAP 1005 KENTUCKY /



SCALE?

LOT SF = 10,005 SF
69x145

% Coverage of lot

GAR. 884
HOUSE 1160
DRIVEWAY 1649
SIDEWALK 276
3969 SF

$$\frac{\%}{10,005} = \frac{3969}{10,005} = 40\%$$

NO.	DESCRIPTION	AREA	PERCENTAGE
1	GARAGE	884	8.84%
2	HOUSE	1160	11.60%
3	DRIVEWAY	1649	16.49%
4	SIDEWALK	276	2.76%
Total		3969	39.69%

Part Description per parts program
1005 Kentucky /

Exhibit 1

1005 Kentucky St
Legal Description

The West 37 feet of Lot 36, and the East 29 feet of Lot 37, In Harlin Terrace, In the City of Valparaiso, as per plat thereof recorded March 30, 1960, In Plat Book 1, page 180 (Plat File 7-D-4), In the Office of the Recorder of Porter County, Indiana

Respectfully Submitted:

Dan Luce, Scott Klockow
August 20, 2019

1005 Kentucky St
Variance Request - Written Description

We are requesting a variance on the height of our detached garage. In 2015 the previous homeowner built the detached garage at 1005 Kentucky St. He apparently did not build it according to his permit or to Valparaiso approved ordinances. The garage now stands 22' tall. We bought said property at the June 26 Sheriff Sale, with no prior knowledge to said garage. We received notice on August 5 of this year that this property was scheduled for a demolition hearing because it had set empty for the last 2 years. Our hope was to improve the property and sell it as soon as possible. A variance for the current garage height would greatly improve our ability to market and sell this house, greatly improving the surrounding neighborhood.

Again, our request to this board would be to allow a variance for the current 22' height of this garage to remain.

To date, the following improvements have been made to the property in the amount of \$20,000:

- New flooring throughout
- Remodeled Baths (2)
- New Kitchen cabinets w/ quartz countertop
- New siding on house
- New blacktop driveway

Respectfully Submitted:

Dan Luce, Scott Klockow
Aug 20, 2019

Variance from Development Standards
Findings of Fact

Petitioner Submits that:

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

There is no safety issue that would on any way endanger the surrounding community. This garage, although built taller than city codes states, is of sound construction.

B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because:

The use and value of the adjacent properties should not be adversely affected. If anything, this garage greatly improves the value of the property. Being able to finish the garage as it is currently built will finally bring an end to the years of unfinished construction at this address and neighbors will no longer be exposed to an eyesore on their street.

When the previous owner built this detached garage, they tore down the garage that was attached to the east of the home. Neighbors have told us this east wall of the house has been left with no siding for the last two years. We have recently updated the entire house to match the newer siding of the current detached garage. We have also added a driveway to the garage that was previously missing, which greatly enhances the use and appearance of the property.

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:

Through no error or misuse of our own, we now realize the previous owner built this garage against city ordinances regarding size and height. While our goal is to improve a property and sell it at a profit, we also take great pride in helping to improve our community, that we've grown to truly appreciate. This garage is completely finished with the exception of 1.5 walls of siding and 2 overhead garage doors. If forced to tear it down, or even remove the roof and rebuild a less-pitched roof, it would greatly hinder our ability to improve the property in a timely and cost-effective manner.

Respectfully Submitted:
Dan Luce, Scott Klockow
August 20, 2019

Exhibit 4 - Surrounding Property Owner List

Owner	Owner Address	Site Address
1 Klockow Scott & Luce Dan	101 McKinley St Kouts IN 46347	1005 Kentucky St Valparaiso IN 46383
2 Healey William Jr & Colleen E	1004 Illinois St Valparaiso IN 46383	1004 Illinois St Valparaiso IN 46383
3 Nuppenau Sharon A	1105 Illinois St Valparaiso IN 46383	1105 Illinois St Valparaiso IN 46383
4 Szczepanski John & Maria Dolores/H&	1100 Kentucky St Valparaiso IN 46383	1100 Kentucky St Valparaiso IN 46383
5 Bakatvar Michelle & Deyoung Kristin	1001 Illinois St Valparaiso IN 46383	1001 Illinois St Valparaiso IN 46383
6 Handley Renata	1103 Kentucky St Valparaiso IN 46383	1103 Kentucky St Valparaiso IN 46383
7 Farrell Andree	1102 Illinois St Valparaiso IN 46383	1102 Illinois St Valparaiso IN 46383
8 Reid Anthony	1213 Ohio St Valparaiso IN 46383	1213 Ohio St Valparaiso IN 46383
9 McCasland Mary A	1009 Illinois St Valparaiso IN 46383	1009 Illinois St Valparaiso IN 46383
10 Paxton Robble G & Candice M/H&W	1101 Kentucky St Valparaiso IN 46383	1101 Kentucky St Valparaiso IN 46383
11 Keating Jennifer A & Kevin J/W&H	1104 Kentucky St Valparaiso IN 46383	1104 Kentucky St Valparaiso IN 46383
12 Anderson Michael A & Jani C/H&W	1201 Ohio St Valparaiso IN 46383	1201 Ohio St Valparaiso IN 46383
13 Maples Ronnie W & Margo F/H&W	2952 Sager Rd Valparaiso IN 46383	1107-1113 Kentucky St Valparaiso IN 46383
14 Ellis Randall & Kelli A/H&W	1106 Illinois St Valparaiso IN 46383	1106 Illinois St Valparaiso IN 46383
15 Parker William T	1103 Illinois St Valparaiso IN 46383	1103 Illinois St Valparaiso IN 46383
16 Lerose Colleen B	1215 Ohio St Valparaiso IN 46383	1215 Ohio St Valparaiso IN 46383
17 Cilder Christopher D & Julie L/H&W	1003 Kentucky St Valparaiso IN 46383	1003 Kentucky St Valparaiso IN 46383
18 Romero Daniel Jr	1105 Kentucky St Valparaiso IN 46383	1105 Kentucky St Valparaiso IN 46383
19 White Keith D & Crystal D/H&W	1008 Illinois St Valparaiso IN 46383	1008 Illinois St Valparaiso IN 46383
20 Cavinder Steven D	1005 Illinois St Valparaiso IN 46383	1005 Illinois St Valparaiso IN 46383
21 Veselica John & Mary Ann	1009 Kentucky St Valparaiso IN 46383	1009 Kentucky St Valparaiso IN 46383

22	Henderson James P & Judith A	1212 Ohio St Valparaiso IN 46383	1212 Ohio Ave Valparaiso IN 46383
23	Smith Courtney D	1102 Kentucky St Valparaiso IN 46383	1102 Kentucky St Valparaiso IN 46383
24	Engel Michael B	1303 Ohio Ave Valparaiso IN 46383	1303 Ohio St Valparaiso IN 46383
25	Senne Edger P	1207 Ohio St Valparaiso IN 46383	1207 Ohio St Valparaiso IN 46383
26	Russell Joshua T & Martin Katelyn E	1211 Ohio St Valparaiso IN 46383	1211 Ohio Ave Valparaiso IN 46383
27	Sherman Leslie E	1104 Illinois St Valparaiso IN 46383	1104 Illinois St Valparaiso IN 46383
28	Springsteen John Peter & Becky Mari	1101 Illinois St Valparaiso IN 46383	1101 Illinois St Valparaiso IN 46383
29	Casa Del Sol Llc	56 City View Dr Valparaiso IN 46383	1101 Evans Ave Valparaiso IN 46383
30	Levan Michael A	1219 Ohio St Valparaiso IN 46383	1219 Ohio St Valparaiso IN 46383
31	Gilbert Hoover R & Gilbert Joan Ct	1208 Ohio St Valparaiso IN 46383	1208 Ohio St Valparaiso IN 46383
32	Boggs Benjamin R & Hannah E/H&W	1006 Illinois St Valparaiso IN 46383	1006 Illinois St Valparaiso IN 46383
33	Carter Jason R	1001 Evans Ave Valparaiso IN 46383	1001 Evans Ave Valparaiso IN 46383
34	Bachman Josh & Jalme/H&W	1115 Ohio St Valparaiso IN 46383	1115 Ohio St Valparaiso IN 46383
35	Balko Eldon W & Donna I	1003 Illinois St Valparaiso IN 46383	1003 Illinois St Valparaiso IN 46383

FILED

AUG 22 2019

Petition #: VAR19-016

Sharon Emerson Schubert

**PETITION TO
Clerk-Treasurer VALPARAISO BOARD OF ZONING APPEALS**

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- 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.
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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:	c/o Todd A. Leeth Hoeppner Wagner & Evans LLP 103 E. Lincolnway Valparaiso, Indiana 46383	219-464-4961
Downtown Valparaiso Partners LLC		
Name (Please Print)	Address	Phone

OWNER OF SUBJECT PROPERTY:

Same as Petitioner		
Name (Please Print)	Address	Phone

ADDRESS OF SUBJECT PROPERTY: 303 and 308 Chicago Street
 Subject property fronts on the North side between (streets) Morgan Blvd. and Valparaiso St.
 in the _____ Zoning District.
 Residential Transition (RT)

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. ___)

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

Article: ___ Section: ___ Paragraph: ___ Item: ___
: ___ : ___ : ___ : ___
: ___ : ___ : ___ : ___

See Attached

Attach a Site Plot Plan drawn to scale showing:

- a. scale
- b. lot: shape, location, dimension, and area
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Please fill in:

Front Setback ___ Rear Setback ___ Side Setbacks ___/___ Lot Coverage ___
Height ___

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STAFF USE ONLY

Date Received _____

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- 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

<input type="checkbox"/> Use Variance	\$200
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<input type="checkbox"/> Commercial Development Standards Variance	\$150
<input type="checkbox"/> Special Exception/Special Use	\$200
<input type="checkbox"/> Relief to an Administrative Decision	\$200
<input type="checkbox"/> Special Meeting	\$1000
<input type="checkbox"/> Conditional Use	\$100
<input type="checkbox"/> Wireless Communications Facility Special Use – Major	\$500
<input type="checkbox"/> Wireless Communications Facility RF Tech Study Fee	\$ Actual cost of study

TOTAL FEE _____

Certificate of Petitioner

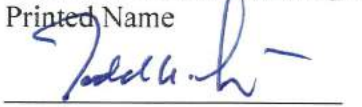
Please read and sign the following statement:

I, the Petitioner (and Property Owner, if separate), understand that I and/or my representative must be present at the public hearing. Should I fail to appear, the BZA, in my absence, may consider and take action on my Petition. If the Petitioner is not the owner of the property that is the basis of this Petition, the signature of the Property Owner(s) constitutes authorization for the Petitioner to speak and act on behalf of the Property Owner(s). The Petitioner certifies that neither the Petitioner nor any attachments or exhibits submitted contains any known intentional misrepresentations or intentionally misleading statements. All information submitted is accurate, true and correct to the best of the Petitioner's knowledge. The providing of false and/or inaccurate information on this Petition or during any proceedings before the BZA may result in the denial of the request or the revocation of the request, should a Petition be granted. Similarly, if as part of any granted Petition, the BZA places any restrictions and/or limitations, I acknowledge that my failure to comply with such restrictions/limitations shall be grounds to revoke any granted Petition. The Petitioner acknowledges that it bears the obligation to mail notice of any Public Hearing to all property owners within 300 feet of the property that is the subject of this Petition. Any errors by the Petitioner may result in the Petition being delayed, denied or revoked.



Signature of Petitioner

Todd A. Leeth, Attorney for Petitioner
Printed Name



Signature of Property Owner

Todd A. Leeth, Attorney for Owner
Signature of Property Owner

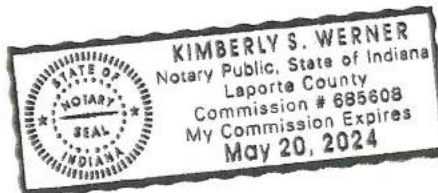
Subscribed and sworn to before me, a Notary in and for said County and State, personally appeared: Todd A. Leeth, and acknowledge the execution of the foregoing document, this 22 day of August, 20 19



NOTARY PUBLIC

My Commission Expires: _____
Resident of _____ County

Type or Print name of Notary



	B	C
1	Owner	Owner Address
2	205 Jefferson LLC	205 Jefferson St, Valparaiso IN 46383
3	301 Lincolnway LLC	1933 S Dearborn St, Chicago IL 60616
4	Abner, Terry L	401 E Lincolnway, Valparaiso IN 46383
5	Antolick, Sandra	103 Morgan Blvd, Valparaiso IN 46383
6	Bianco, Michael A & Jane E	201 Jefferson St, Valparaiso IN 46383
7	Bickel, Gail A Living Trust Lif Est	206 Erie St, Valparaiso IN 46383
8	Christodoulakis, Kostis Living Trust	217 E Lincolnway, Valparaiso IN 46383
9	Cogan, Colin	5915 Emerald Pointe Dr, Plainfield IL 60586
10	Corrado, Joseph M	305 Chicago St, Valparaiso IN 46383
11	Del Real, Manuel & Maria	205 Valparaiso St, Valparaiso IN 46383
12	Dickt, Shawn & Emily	306 Erie St, Valparaiso IN 46383
13	Dohner, Michael R	402 Jefferson St Valparaiso IN 46383
14	Enright, Dennis J & Sherese M	106 Michigan Ave, Valparaiso IN 46383
15	Evans, Donald J li & Kathleen V	208 Chicago St, Valparaiso IN 46383
16	Fletcher, Aaron S & Niemeyer Katelyn	405 Chicago St, Valparaiso IN 46383
17	Friedlund, Keith S & Charlotte L	205 Locust St, Valparaiso IN 46383
18	Good Rentals LLC	424 Lane St, North Judson IN 46366
19	Hall, Ruth M & Berner Karl W/JT	105 Locust St, Valparaiso IN 46383
20	Homevolve LLC	1 Oxford Ct, Branchburg NJ 08876
21	Howe, Edward G & Holly L	402 Chicago St, Valparaiso IN 46383
22	Jaime, Freddy & Mary J	202 Michigan Ave, Valparaiso IN 46383
23	Jarrett, Larry S & Kim Kathleen Mari	434 N 325 E, Valparaiso IN 46383
24	Jefferson Financial Center LLC	2655 Lois, Valparaiso IN 46385
25	JM2 Webdesigners LLC	609-2 N 70 E, Valparaiso IN 46383
26	Kieman, Charles J	207 Morgan Blvd, Valparaiso IN 46383
27	Klemp, Andrew R & Veronica L	408 Chicago St, Valparaiso IN 46383
28	Koselke, Frederick L & Eva B	206 Chicago St, Valparaiso IN 46383
29	Kuruda, Todd A	308 Jefferson St, Valparaiso IN 46383
30	Leath, Katherine M & Leath Jill A	406 Erie St, Valparaiso IN 46383
31	Loughery, Kevin M & Lauren E	403 Chicago St, Valparaiso IN 46383
32	Markovich, Joseph C & Hay Sean M	205 Chicago St, Valparaiso IN 46383
33	Nelson, Jeremy R & Debra J	PO Box 1476, Valparaiso IN 46384
34	Ochmanek, Christopher	308 Erie St, Valparaiso IN 46383
35	One D Girl LLC	204 E Jefferson St, Valparaiso IN 46383
36	Osterhout, Jeffery D	303 Chicago St, Valparaiso IN 46383
37	Parker, Susan A	404 Chicago St, Valparaiso IN 46383
38	Pivarnik, Kathleen A	361 S 100 W, Valparaiso IN 46385
39	Pollack, Phoebe P	6 Morgan Blvd, Valparaiso IN 46383
40	Raab, Ronald & Susan	208 Erie St, Valparaiso IN 46383
41	Raynor, Thomas J & Randall R/Tc	387 15th St W #136, Dickinson ND 58601
42	Rice, Wanda L	408 Jefferson St, Valparaiso IN 46383
43	Richart, Cody R & Andrea	401 Chicago St, Valparaiso IN 46383
44	Riley, Fahey Wayne & Mary H	406 Jefferson S,t Valparaiso IN 46383

	B	C
45	Robinson, Jeremy	307 Lincolnway, Valparaiso IN 46383
46	Schafer, Spencer A	404 Erie St, Valparaiso IN 46383
47	Schiralli, Rocco & Brooksine I	104 Michigan Ave, Valparaiso IN 46383
48	Schulz, Daniel J	407 Jefferson St, Valparaiso IN 46383
49	Shaw, Karen	1005 Calumet Ave, Valparaiso IN 46383
50	Sky Blue Properties LLC	701 Elmhurst Ave, Valparaiso IN 46385
51	Smith, Brooke K	925 Beechwood Dr, Valparaiso IN 46383
52	Smith, Jesse & Melissa Holmes-Smith	401 Jefferson St, Valparaiso IN 46383
53	Soto, Hector R & Kristi R	406 Chicago St, Valparaiso IN 46383
54	Stanley, Amy	405 Jefferson St, Valparaiso IN 46383
55	Sundwall, Lynne E	404 Jefferson St, Valparaiso IN 46383
56	Talking Numbers LLC	203 Jefferson St, Valparaiso IN 46383
57	The VIC LLC	111 W Taylor St Ofc, Chesterton IN 46304
58	Upton, Cory J	606 N Morgan, Valparaiso IN 46383
59	Valparaiso City Of	166 Lincolnway, Valparaiso IN 46383
60	Viers Personal Trust& Nimitz Thomas	8 Morgan Blvd, Valparaiso IN 46383
61	Wegman, Nola J	304 Erie St, Valparaiso IN 46383
62	Wells, Matthew J & Erin E	206 Morgan Blvd, Valparaiso IN 46383
63	Winter Acquisitions LLC	888 N 1st Ave Apt 515, Phoenix AZ 85003
64	Yohe, Jayne M	203 Morgan Blvd, Valparaiso IN 46383

DEVELOPMENT STANDARD VARIANCE REQUESTS

Downtown Valparaiso Partners LLC

Limited and Special Use Standards Single-Family Attached – Bulk Code: 3-6 Units Per Building Proposed: 2 Units Per Building	§2.506(C)(2)
Limited and Special Use Standards Single-Family Attached – Access Code: Accessed from Alley Proposed: Internal Courtyard	§2.506(C)(3)
Setbacks Code: Setbacks per Table 3.501 Proposed: All setbacks as shown on Site Plan prepared by Marbach-Palm, Inc.	Table 3.501
Single Family Attached Lot and Building Standards (Building Separation) Code: 15' Proposed: 11'	Table 3.503
Standard Development – Lot Size Single Family Attached Code: 2,500 Proposed: Varies (smallest?)	§3.503
Standard Development – Lot Width Single Family Attached Code: 25' Proposed: Varies	§3.503
Landscaping Code: All landscaping plans and bufferyards Proposed: As shown on the Landscaping Plan by Lannert Group	Article 10 – Landscaping

DESCRIPTION: (Chicago Title Insurance Company File No.: T8V16002472, Effective Date: December 22, 2017)

PARCEL 1: A PARCEL OF LAND IN OUT LOT TWO IN THE ORIGINAL ADDITION OF OUT LOTS TO THE TOWN, NOW CITY, OF VALPARAISO, DESCRIBED AS: COMMENCING AT A POINT 33 FEET SOUTH OF THE NORTHWEST CORNER OF SAID OUT LOT AS SHOWN ON PLAT, SAID POINT OF COMMENCEMENT BEING THE INTERSECTION OF THE EAST LINE OF MORGAN BOULEVARD AND THE SOUTH LINE OF CHICAGO STREET IN SAID CITY OF VALPARAISO; THENCE EAST 130.02 FEET TO A POINT 84.48 FEET WEST OF THE EAST LINE OF SAID OUT LOT 2; THENCE SOUTH 65 FEET; THENCE SOUTH 45 DEGREES 43 MINUTES EAST, 27.21 FEET; THENCE EAST 65 FEET TO THE EAST LINE OF SAID OUT LOT, BEING THE WEST LINE OF VALPARAISO STREET THENCE SOUTH 114.75 FEET; THENCE WEST 84.48 FEET; THENCE SOUTH 81.75 FEET TO THE NORTH LINE OF JEFFERSON STREET; THENCE WEST 75.02 FEET; THENCE NORTH 100 FEET THENCE WEST 55 FEET TO THE EAST LINE OF MORGAN BOULEVARD; THENCE NORTH 180.50 FEET TO THE POINT OF COMMENCEMENT, AS PER PLAT THEREOF; RECORDED IN DEED RECORD "A", PAGE 621, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA.

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FILED

SEP 4 2019

REVISED

CITY OF VALPARAISO
BOARD OF ZONING APPEALS

Sharon Emerson Schubert
Clerk-Treasurer

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: Downtown Valparaiso Partners LLC

Legal Description: Exhibit "A"

Location: 303 Jefferson Street, Valparaiso, Indiana 46383

Current Zoning: Residential Transition (RT) District

Petition: Development Standards Variances:

1. Single-Family Attached – Bulk §2.506(C)(2)

Code: 3-6 Units per Building

Proposed: 2 Units per Building

2. Single-Family Attached – Access §2.506(C)(3)

Code: Accessed from Alley

Proposed: Internal Courtyard

3. Setbacks Table 3.501

Code: Setbacks per Table 3.501

Proposed: All setbacks as shown on Site Plan
prepared by Marbach-Palm, Inc.

4. Building Separation Table 3.503

Code: 15'

Proposed: 11'

5. Single Family Attached – Lot Size §3.503

Code: 2,500 sq. ft.

Proposed: Varies – Minimum is 2,143
square feet

- | | |
|---------------------------------------|--|
| 6. Single Family Attached – Lot Width | §3.503 |
| Code: | 25' |
| Proposed: | Varies |
| 7. Landscaping | Article 10 |
| Code: | All landscaping plans and bufferyards |
| Proposed: | As shown on the Landscaping Plan
by Lannert Group |
| 8. Density | §3.301 and Table 3.301.A |
| Code: | 11.351 Units/Acre |
| Proposed: | 13.76 Units/Acre |
| 9. Building Width | §11.202 |
| Code: | 24' |
| Proposed: | 22.5' |
| 10. Building Height | Table 3.503 |
| Code: | 28' |
| Proposed: | 39' (to the highest peak) see §3.201 |

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 one (1) single family home and duplex structures creating a subdivision 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 variance, 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 variance will not adversely affect the aesthetic appeal or the cohesive development of the surrounding area, but will create an attractive enclave of desirable homes within walking distance to a thriving and vibrant downtown.
 - d) The granting of the setback 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. The project is accessed and oriented to an internal courtyard.
 - b) The granting of the variances will secure or preserve adequate light, air, convenience of access, and safety from fire and other dangers.
 - c) There will be no substantial change in the use of the property that will result if the variances are granted.
 - d) The granting of the variances will preserve and enhance the scenic beauty, aesthetics and environmental integrity of the community and City.
 - e) The project design is unique and provides unusual privacy to neighboring properties as well as the new homeowners within the new project.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties because:
 - a) Granting the variances allow for more beneficial use of the property without detrimentally affecting safety or aesthetics.

- b) The housing and home styles are very desirable in the marketplace but not otherwise allowed in the existing district standards. The proposed house style is less density per building than existing standards.
- 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.

Respectfully submitted;

By: Electronic Signature 

Todd A. Leeth
Hoepfner Wagner & Evans LLP
103 E. Lincolnway
Valparaiso, Indiana 46383

Attorneys for Petitioner

This Instrument Prepared By:

Todd A. Leeth
Hoepfner Wagner & Evans LLP
103 E. Lincolnway
Valparaiso, Indiana 46383

**HOEPPNER
WAGNER &
EVANS LLP**
ATTORNEYS AT LAW

EXHIBIT "A"

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SITE DATA TABLE

AREA IN BUILDINGS	14,175	SF	32%
AREA IN AISLE & DRIVEWAYS*	11,208	SF	23%
AREA IN OPEN SPACE	22,097	SF	45%
	47,480	SF	100%

*DOES NOT INCLUDE LANDSCAPE ELEMENTS, STOOPS, WALKS, RETAINING WALLS OR CENTER AMENITY

PARKING SPACES ON SITE

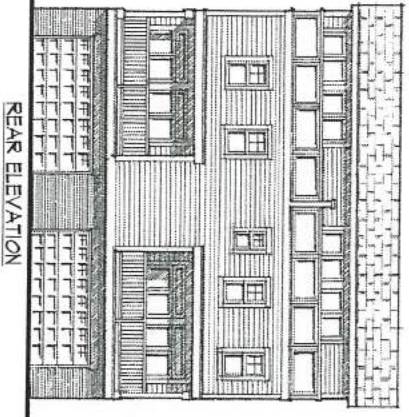
TWO COVERED	30
TWO TANDEM DRIVE	30

PARKING ON STREETS

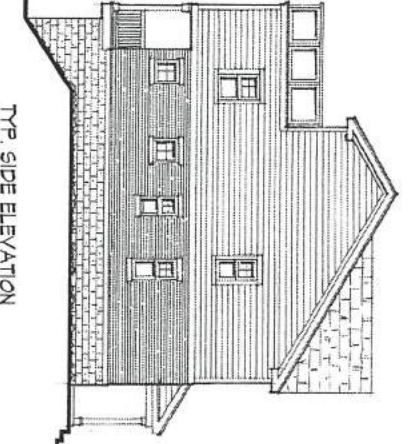
CHICAGO ST.	6
JEFFERSON ST.	1
VALPORAISO ST. (SHARED)	6
	73

PROJECT DENSITY

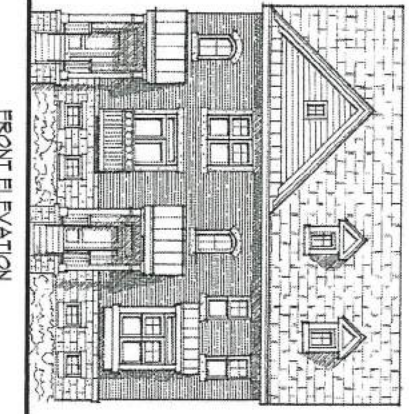
15 UNITS ON 1.09 AC. = 13.76 HU/AC



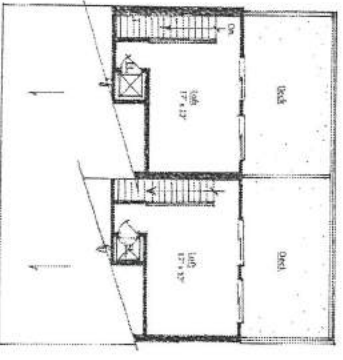
REAR ELEVATION



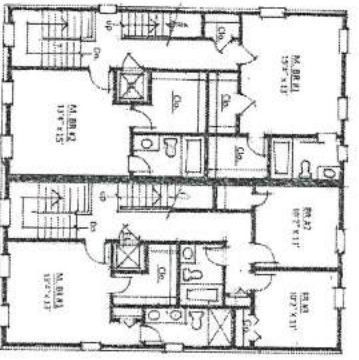
TYP. SIDE ELEVATION



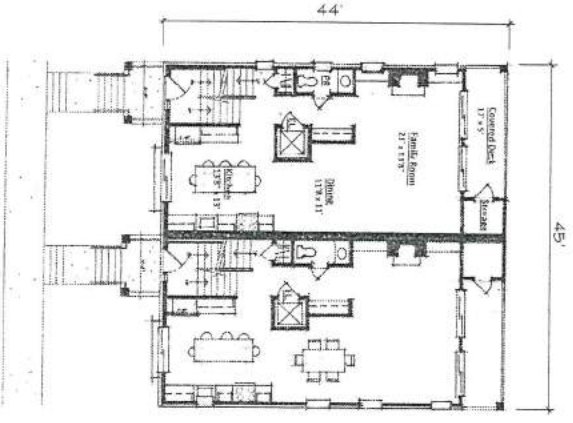
FRONT ELEVATION



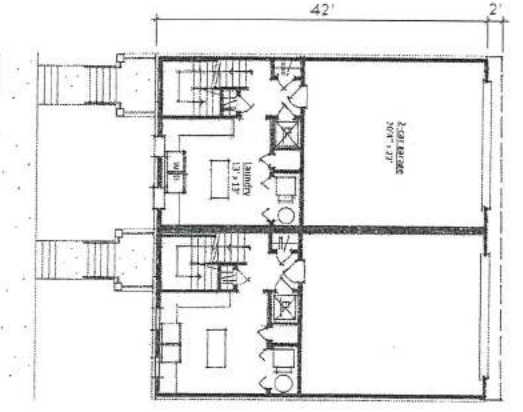
OPT. MEZZANINE/LOFT
& ROOF DECK LEVEL
250 SF



2ND FLOOR PLAN
922 SF



1ST FLOOR PLAN
905 SF



BASEMENT PLAN
450 SF



ROTH
Architects

200 W. Capital Ave.
Suite 1
Chicago, Illinois 60628
Tel: (312) 251-4370
Fax: (312) 251-4370
Email: info@rotharchitects.com
San Diego
New York
New Mexico
Tel: (312) 251-4370

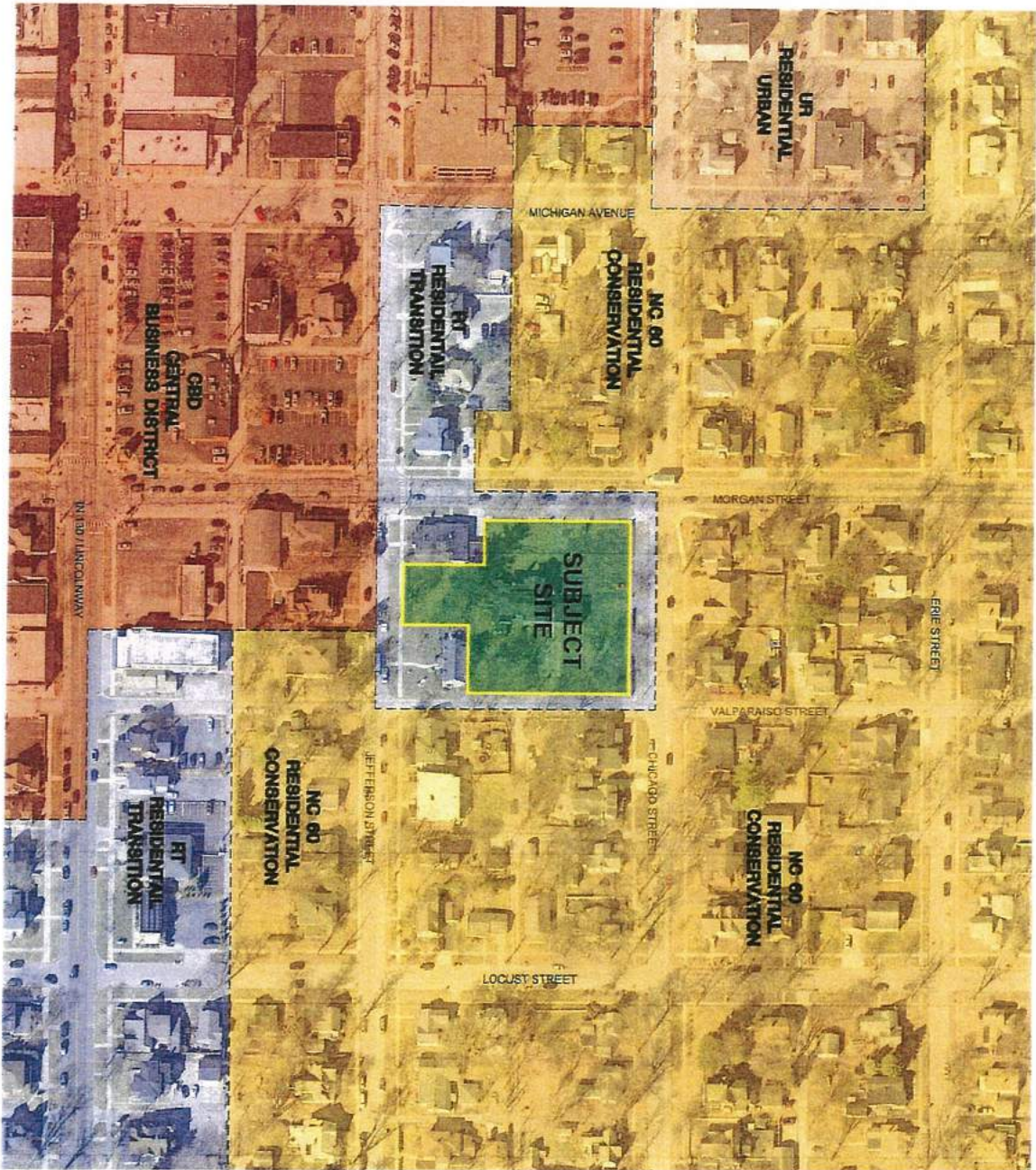
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WHITE HOUSE SQUARE
VALPARAISO, INDIANA

APPLICANT: FAGANEL BUILDERS LLC
OWNER: DOWNTOWN VALPARAISO PARTNERS LLC

NO.	DATE	REVISION

PROJECT NAME	
CLIENT	
ARCHITECT	
DATE	
SCALE	
SHEET NO.	A2
TOTAL SHEETS	14-250
DATE	
PROJECT NO.	
SCALE	
DATE	
PROJECT NO.	



LEGEND

■ SUBJECT SITE

--- ZONING BOUNDARY

ZONING CLASSIFICATIONS

- NC-60 - RESIDENTIAL CONSERVATION
- UR - RESIDENTIAL, URBAN
- RT - RESIDENTIAL TRANSITION
- CBD - CENTRAL BUSINESS DISTRICT

ZONING INFORMATION IS DERIVED FROM THE CITY OF VALPARAISO AND THE BOARD OF ZONING ADJUSTMENTS. THIS INFORMATION IS AVAILABLE FOR REFERENCE ONLY. ZONING MAPS ARE SUBJECT TO CHANGE WITHOUT NOTICE. DATE OF LAST UPDATE: MARCH 17, 2018.

ZONING AERIAL

01

SCALE 1"=60'

NORTH

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Landscape Architecture • Planning • Community Consulting

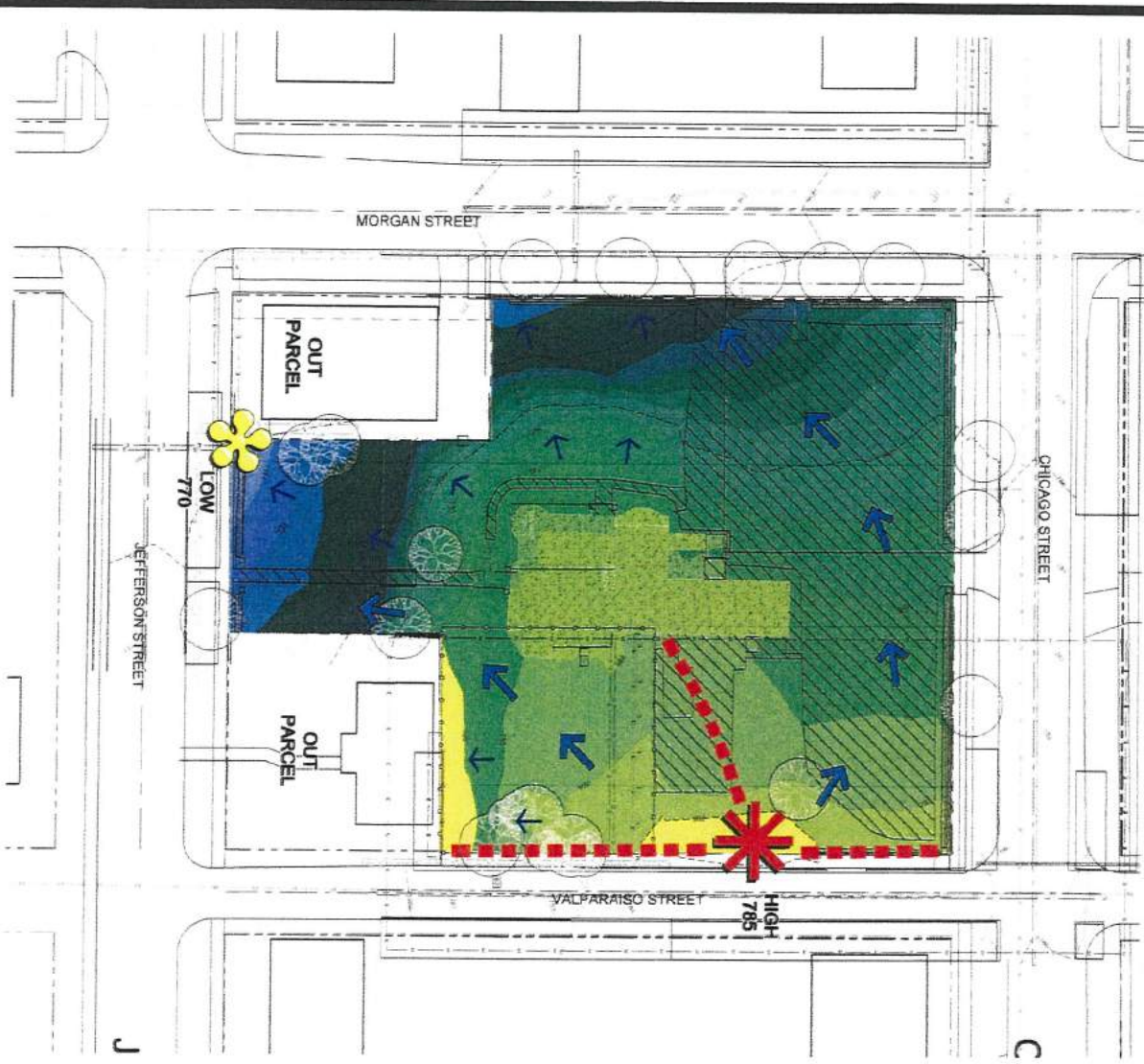
215 Fulton Street
Geneva, Illinois 60134

(630) 208-8068
Fax: (630) 208-8050
http://www.lannert.com
eg @ lannert.com

WHITE HOUSE SQUARE
Downtown Valparaiso Partners, LLC
Valparaiso, Indiana

Builder: FAGANEL BUILDERS, LLC
735 Morton Avenue
Kankakee, Illinois

DATE:	08-23-19
REVISION:	
DESIGNED BY:	
DRAWN BY:	
CHECKED BY:	
PROJECT NO.:	1711



LEGEND

- HIGH POINT
- LOW POINT
- RIDGE LINE
- SWALE DRAINAGE
- OVERLAND DRAINAGE
- EXISTING TREES
- EXISTING BUILDING
- 4,633 S.F. COVERAGE
- EXISTING PAVEMENT
- 17,526 S.F. COVERAGE
- ELEV. 786
- ELEV. 784-785
- ELEV. 783-784
- ELEV. 782-783
- ELEV. 781-782
- ELEV. 780-781
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- ELEV. 778-779
- ELEV. 777-778
- ELEV. 776-777
- ELEV. 775-776
- ELEV. 774-775
- ELEV. 773-774
- ELEV. 772-773
- ELEV. 771-772
- ELEV. 770-771

SITE ANALYSIS

03
SHEET NUMBER

SCALE 1"=60'

NORTH

Lannert Group

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Landscape Architecture • Planning • Community Consulting

215 Fulton Street
Geneva, Illinois 60134

(630) 266-8885
Fax (630) 266-8550
http://www.lannert.com
lg@lannert.com

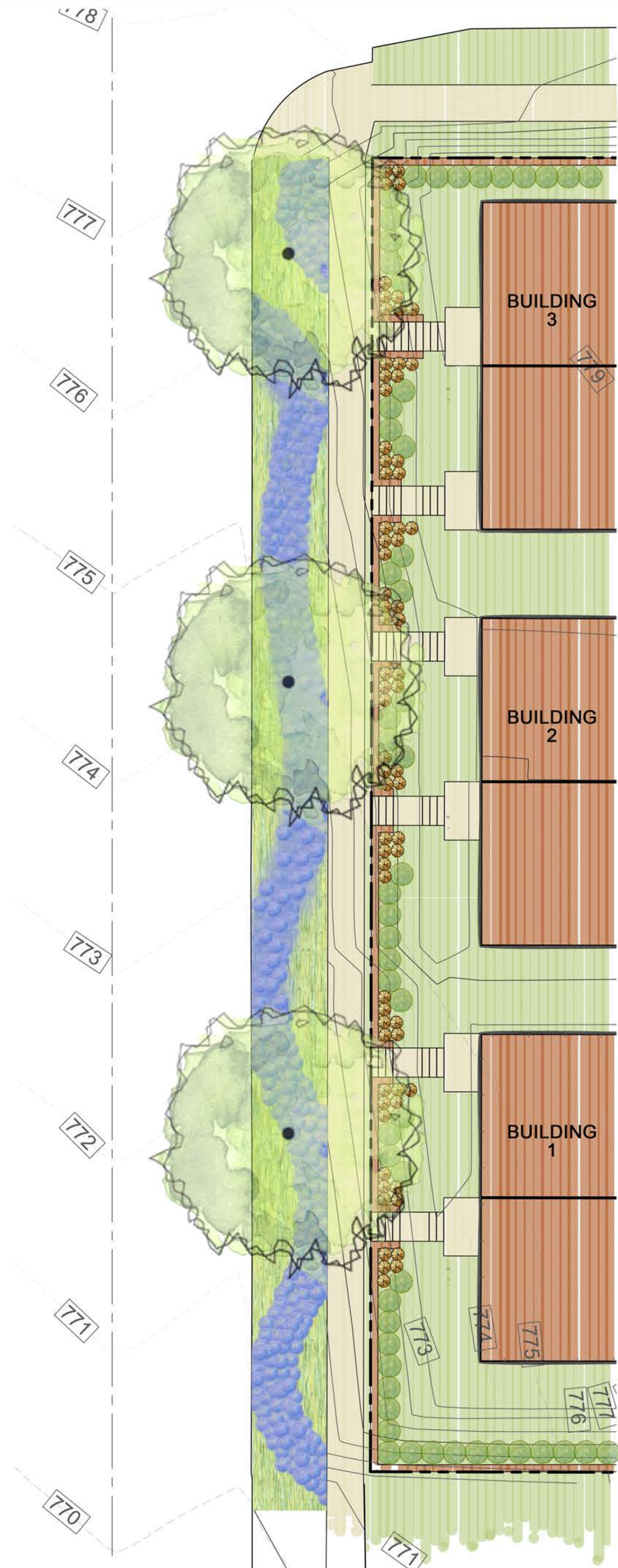
WHITE HOUSE SQUARE

Downtown Valparaosi Partners, LLC
Valparaosi, Indiana

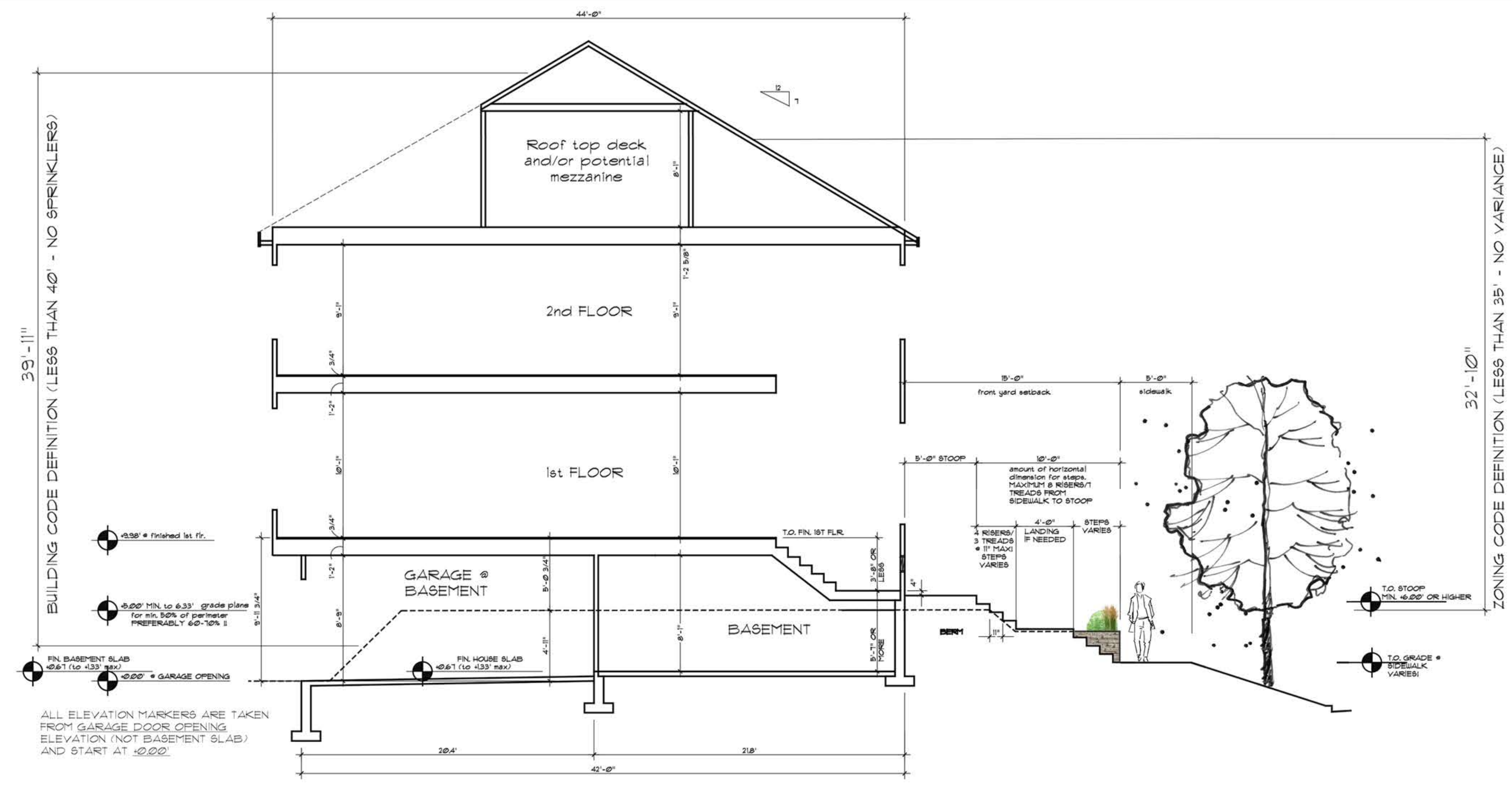
Builder: FAGANEL BUILDERS, LLC
735 Merton Avenue
Aurora, Illinois

DATE	08/23/15
REVISIONS	
DESIGNER	
CHECKER	
DATE	08/23/15
PROJECT	
CLIENT	
SCALE	
SHEET NUMBER	03

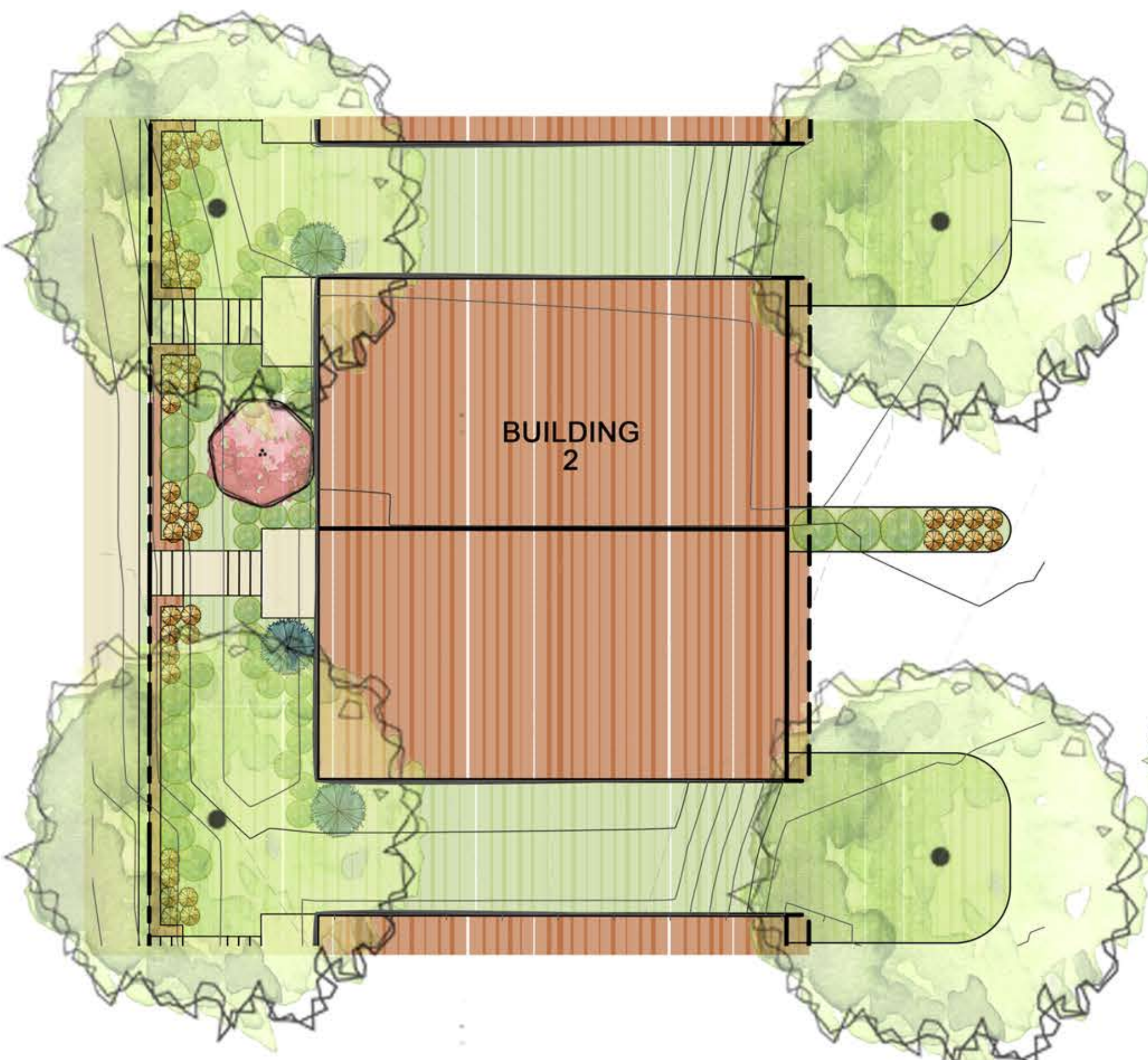
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A MORGAN STREET ROW PLANTING
SCALE: 1" = 10'-0"



B MORGAN STREET SECTION
SCALE: 1" = 5'-0"



C TYPICAL FOUNDATION PLANTING
SCALE: 1" = 10'-0"

LANDSCAPE REQUIREMENTS

RT Zoning
Gross Site Area = 47,703.29 S.F. = 1.09 AC.
Bufferyard Class 'B' required

On Lot Landscape per Section 10.301	required	provided
Large Trees 12/AC.	13	18
Small Trees 24/AC.	26	11
Shrubs 200/AC.	218	225

Bufferyard Landscape per Section 10.401 Class 'A'

Abutting Morgan St.	required	provided
179 L.F. w/ retaining walls		
Large Trees (2/100 L.F.)	4	2
Small Trees (4/100 L.F.)	7	0
Shrubs (34/100 L.F.)	61	61
Abutting Chicago St.		
214 L.F. w/ retaining walls		
Large Trees (2/100 L.F.)	4	2
Small Trees (4/100 L.F.)	9	0
Shrubs (34/100 L.F.)	73	50
Abutting Valparaiso St.		
180 L.F. plantable (drive not included)		
Large Trees (2/100 L.F.)	4	2
Small Trees (4/100 L.F.)	8	2
Shrubs (34/100 L.F.)	67	34
Abutting Jefferson St. = not applicable		

NOTES

- no more than 10% of any plant category (Large Tree, Small Tree, Shrub) is the same species and no more than 40% of any plant category is the same genera.
- NC Zoning on adjacent properties across Morgan, Chicago and Valparaiso Streets. RT Zoning on adjacent properties southeast and south west of Jefferson Street access.
- Street Trees are provided at a maximum of 60' on center per Section 10.304.

LEGEND

- SHADE TREE
- ORNAMENTAL TREE
- EVERGREEN & DECIDUOUS SHRUBS
- GRASSES & PERENNIALS

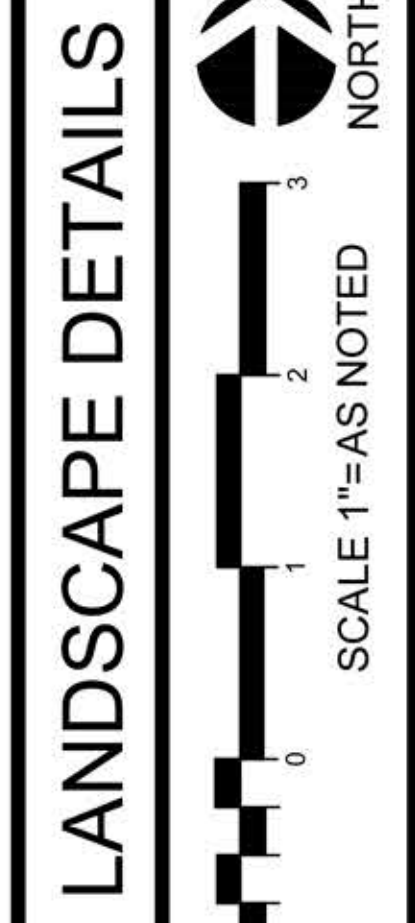


JOB NO.: 1711
DATE: 08.23.19
REVISIONS:
DRAWN BY: KL

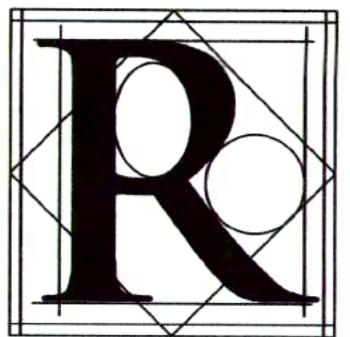
CALKIN HILL
Downtown Valparaiso Partners, LLC
Valparaiso, Indiana
Builder: FAGANEL BUILDERS, LLC
735 Morton Avenue
Aurora, Illinois

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SHEET NUMBER
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MORGAN BLVD. STREETScape - CONCEPTUAL ELEVATIONS

PROPOSED DUPLEXES
VALPARAISO, INDIANA
APPLICANT: FAGANEL BUILDERS LLC
OWNER: DOWNTOWN VALPARAISO PARTNERS LLC

DESIGNED	SR	SEAL
DRAWN	SR	
CHECKED	SR	
APPROVED	SR	

No.	DATE	REVISION

SHEET TITLE
CONCEPTUAL ARCHITECTURE

DATE: 8/23/2019 SHEET NO. **A1**
 PROJ. NO. 19-350
 SCALE: N/A