

MEETING AGENDA

Valparaiso Board of Zoning Appeals

Wednesday, January 20, 2021, 5:30 PM

Meet via Web-Conference – Valparaiso Now Facebook Page

1. Roll Call
2. Adoption of November 18th, 2020 & December 30th, 2020 Meeting Minutes
3. Election of Officers for 2020
4. Approval of 2021 Meeting Dates
5. Old Business

VAR20-019 - A petition filed by Eastgate Investments I, LLC & Eastgate Investments II, LLC c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP. The property is located at 1301 LaPorte Ave and 1308 Lincolnway in the Commercial General (CG) and Urban Residential (UR) Zoning District. The petitioner requests the following variance(s):

- Article 9, Section 9.205 – Vary Parking Requirements to allow for 265 Parking Spaces

6. New Business

VAR20-024 – A petition filed by Todd A. Albert & Michelle R. Albert c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP. The property is located at 205 Elmhurst in the Neighborhood Conservation-60 (NC-60) Zoning District. The petitioner requests the following variance(s):

- Article 9, Section 9.404, Table 9.404A – Vary Maximum Access width for a Two-Car Garage to allow for an access width of 46.5 feet
- Article 3, Section 3.501, Table 3.501 – Vary Maximum Lot Coverage to allow for a lot coverage of 64%

VAR20-025 – A petition filed by Aldred Homes. The property is located at 2501 Pennington Place in the Suburban Residential (SR) Zoning District. The petitioner requests the following variance(s):

- Article 3, Section 3.501, Table 3.501 – Vary Maximum Lot Coverage to allow for a lot coverage of 42.5%

UV20-004 – A petition filed by Simko Buildings, LLC c/o Alexander Kutanovski. The property is located at 656 Washington St in the Commercial General (CG) Zoning District. The petitioner requests the following variance(s):

- Article 2, Section 2.201, Table 2.201B – Allow for a Light Industrial (INL) Use within the Commercial General (CG) Zoning District

7. Adjournment

Michael Micka, *President – Board of Zoning Appeals*

Beth Shrader, *Planning Director*

Next Meeting: **February 17th, 2021**

Interested persons can view the public hearing live on Facebook on the Valparaiso Now Facebook Page.

_____ 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.

_____ 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.

Last Updated: 12/13/19

Legal Description of Subject Property: (Exhibit No. __)
See Attached

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

To allow for 265 parking spaces including on-street permit parking, within the mixed use project known as Uptown East.

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

Article: _____ Section: _____ Paragraph: _____ Item: _____
: _____ : _____ : _____ : _____
: _____ : _____ : _____ : _____

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 _____ 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.

Legal Description

PARCEL 1:

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows:

Commencing at a point on the South right of way line of Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a Parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch Parcel 15.00 feet; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line said West line also being the East line and the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat File 9-A-2 in the Office of the Recorder of said Porter County, 172.50 feet to the point of beginning; thence North 89 degrees 43 minutes 00 seconds East 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East, 137.71 feet; thence North 84 degrees 07 minutes 58 seconds West, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 293.72 feet to the East line of said Greenbriar Addition; thence North 00 degrees 20 minutes 15 seconds West, along said East line, 106.24 feet to the point of beginning.

PARCEL 2:

Lots A and B in Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded in Plat File 9-a-2, IN THE Office of the Recorder of Porter County, Indiana, EXCEPTING THEREFROM THE FOLLOWING TRACTS SET OUT IN THOSE CERTAIN DEDICATION OF PUBLIC RIGHTS-OF-WAY RECORDED JUNE 2, 2015 AS IN INSTRUMENT NOS. 2015-012338 AND 2015-012339, RESPECTIVELY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF LOT B IN GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, AS PER PLAT THEREOF, RECORDED AUGUST 24, 1963 IN PLAT FILE 9-A-2, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, DESCRIBES AS COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT B; THENCE NORTH 00 DEGREES 20 MINUTES 15 SECONDS WEST, ASSUMES BEARING, ALONG THE EAST LINE OF SAID LOT B, 7.00 FEET; THENCE NORTH 84 DEGREES 07 MINUTES 58 SECONDS WEST, 319.73 FEET TO THE WEST LINE OF SAID LOT B, SAID WEST LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF ROOSEVELT ROAD IN THE CITY OF VALPARAISO; THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT B, 5.89 FEET TO THE SOUTH LINE OF SAID LOT B, CITY OF VALPARAISO; THENCE SOUTH 83 DEGREES 56 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT B, 319.93 FEET TO THE POINT OF THE BEGINNING.

AND

A PARCEL OF LAND BEING A PART OF LOTS A AND B OF GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, WHICH IS RECORDED IN PLATE FILE 9-A-2, PLAT BOOK 3 PAGE 30, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, MORE PARTICULARLY DESCRIBES AS FOLLOWS:

THE "POINT OF BEING" OF SAID PARCEL OF LAND BEING THE NORTHWEST CORNER OF SAID LOT A: THENCE SOUTH 00 DEGREES 28 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF SAID GREENBRIAR ADDITION TO THE CITY OF VALPARAISO, A DISTANCE OF 128.94 FEET TO A POINT THAT IS 5.89 FEET NORTHERLY OF THE SOUTHWEST CORNER OF SAID LOT B, SAID POINT BEING ON THE NORTH LINE OF LAPORTE AVENUE; THENCE SOUTH 84 DEGREES 07 MINUTES 58 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 10.04 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 14 SECONDS EAST A DISTANCE OF 129.97 FEET TO THE NORTH LINE OF LOT A; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 10.00 FEET TO THE "POINT OF BEGINNING".

AND

Parcel 3:

A parcel of land in the Southwest Quarter of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, in the City of Valparaiso, Porter County, Indiana, describes as follows:

Commencing at a point on the South right of way line in Lincolnway in the City of Valparaiso, said point being located 1144.3 feet South and 330 feet East of the Northwest corner of the Southwest Quarter of said Section 19, said point also being the Northwest corner of a parcel of land conveyed to Larry P. Rouch and Julie K. Rouch per a Trustees' Warranty Deed recorded October 22, 2001 as Document Number 2001-031763; thence South 00 degrees 20 minutes 15 seconds East, assumed bearing, along the West line of said Rouch parcel, 15.00 feet to the point beginning; thence continuing South 00 degrees 20 minutes 15 seconds East, along said West line, said West line also being the East line extended of Greenbriar Addition to the City of Valparaiso, as per plat thereof, recorded August 24, 1963 in Plat file 9-A-2, in the Office of the Recorder of said Porter County, 172.50 feet; thence North 89 degrees 43 minutes 00 seconds East, 292.13 feet; thence South 00 degrees 17 minutes 00 seconds East 137.71 feet; thence South 84 degrees 07 minutes 58 seconds East, parallel with and 15 feet North of the North right of way line of LaPorte Avenue in said City of Valparaiso, 101.08 feet to the West line of a parcel of land conveyed to the Valparaiso University Federal Credit Union per a Corporate Warranty Deed recorded May 6, 1987 in Deed Record 378, page 152; thence North 00 degrees 17 minutes 00 seconds West, along said West line, 319.32 feet; thence South 89 degrees 57 minutes 59 seconds West, parallel with and 15 feet South of the South right of way line of said Lincolnway, 392.79 feet to the point of beginning.

**CITY OF VALPARAISO
BOARD OF ZONING APPEALS**

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: Eastgate Investments II, LLC

Legal Description: Exhibit "A"

Location: 1401 LaPorte Avenue, Valparaiso Indiana

Current Zoning: Commercial, General (CG) District
Urban Residential (UR) District

Petition: Development Standards Variance:

1. Number of Parking Spaces

Code:

Proposed: 265 spaces

Case No.:

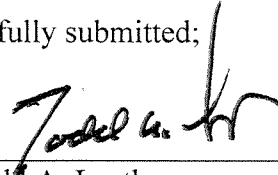
The above named Petitioner now makes the proposed Findings of Fact in support of Petitioner's petition for a development standards variance to allow for 265 parking spaces, including on-street permit parking, within the mixed use project located on Petitioner's property commonly known as Uptown East, 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 variance.
 - b) The granting of the variance will not alter the essential character of the locality.
 - c) The variance 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 variance will not be affected in a substantially adverse manner because:
 - a) The granting of the variance will in no recognizable way encroach on the enjoyment or use of the surrounding properties.
 - b) There will be no substantial change in the use of the property that will result if the variance is granted.
3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties because:
 - a) The Uptown East project is an existing urban project with no alternative space to add new parking spaces or to acquire adjacent sites for new or additional parking area.
 - b) The 2010 Walker Consultant's parking study has been updated (September 3, 2020) which addresses shared parking methodology and parking calculations for the project.
 - c) The mixed use project of Uptown East was approved at different stages in 2006 and 2007 as student housing. Due to various economic factors (a decrease in Valparaiso University enrollment, the closure of Valparaiso University School of Law, the addition of Valparaiso University dormitories such as Beacon Hall, etc., there has been a significant decrease in the number of university students and therefore prospective tenants. As a result, there is not a market demand for student housing, and it is not economically feasible to continue to exclusively market towards university students.

- d) The circumstances and conditions existing on or about Petitioner's property which prevent conformance with the Unified Development Ordinance and requiring the variance are not self-created. Uptown East was anticipated for student housing, but is shifting to non-student housing due to the lack of market demand.
- e) The Petitioner's property is located on two public streets with abundant on-street parking for overflow or unusual conditions and petitioner utilizes the permit parking program for the project.

Respectfully submitted;

By: 

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

Attorneys for Petitioner

This Instrument Prepared By:

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

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

X:\East Gate - 16763\Uptown East -5\Findings of Fact - DSVariance 2020-09-17.docx

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:

c/o Todd A. Leeth
Hoepfner Wagner & Evans LLP
103 E. Lincolnway

Todd A. Albert and Michelle R. Albert	Valparaiso, Indiana 46383	219-464-4961
Name (Please Print)	Address	Phone

OWNER OF SUBJECT PROPERTY:

Same as Petitioner		
Name (Please Print)	Address	Phone

ADDRESS OF SUBJECT PROPERTY: 205 Elmhurst Avenue, Valparaiso, Indiana
Subject property fronts on the West side between (streets) Chestnut Street and Chicago Street
in the _____ Zoning District.
Neighborhood Conservation (NC 60)

Legal Description of Subject Property: (Exhibit No.____)
Lot 5, Block 79, Chautauqua Park Addition to Valparaiso, as shown in Miscellaneous Record "E",
Page 582, now shown in Plat File 14-A-4, Porter County, Indiana.

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

Single family redevelopment. Old home razed and construction of new home on single
lot of record.

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
- 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____ 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.

DEVELOPMENT STANDARD VARIANCE REQUESTS

Todd Albert and Michelle Albert

Maximum Width of Access Code: 22' Proposed: 46.5'	Table 9.404.A
Lot Coverage Code: 50% Proposed: 64%	Table 3.501

**CITY OF VALPARAISO
BOARD OF ZONING APPEALS**

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: Todd A. Albert and Michelle R. Albert

Legal Description: Lot 5, Block 79, Chautauqua Park Addition to Valparaiso, as shown in Miscellaneous Record "E", Page 582, now shown in Plat File 14-A-4, Porter County, Indiana

Location: 205 Elmhurst Avenue, Valparaiso, Indiana

Current Zoning: Neighborhood Conservation (NC 60) District

Petition: Development Standards Variances:

1. Maximum Width of Access Two-Car Garage	Table 9.404.A
Code: 22 Feet Proposed: 46.5 Feet	
2. Maximum Lot Coverage	Table 3.501
Code: 50% Proposed: 64%	

Case No.:

The above named Petitioner now makes the proposed Findings of Fact in support of Petitioner's petition for development standards variances to allow for a driveway to a two-car garage in the Neighborhood Conservation (NC 60) District, all 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

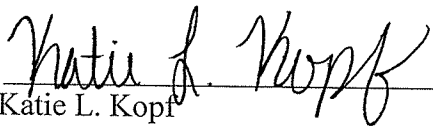
variances, remonstrance and opposition or the opportunity for the receipt thereof, and comments, reports or recommendations of staff and others, the Board of Zoning Appeals for the City of Valparaiso, Indiana now finds as follows:

FINDINGS:

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
 - a. All neighboring property abutting the Petitioner's property is presently developed, and the driveway abuts a fence and an aged building.
 - b. Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variance.
 - c. The granting of the variance will not alter the essential character of the locality.
 - d. The granting of the variance 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.
 - e. The variance will not adversely affect the aesthetic appeal of the subject property or any neighboring property or buildings located thereon. The Petitioner's property is one of the most aesthetically pleasing in the area, and includes ample green space in the front of Petitioner's home.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
 - a. The granting of the variances will not in recognizable way encroach on the enjoyment or use of the surrounding properties, as the driveway is located in the rear of the property within an alley. The opposite side of the alley is a commercial building with a contractor yard visible.
 - 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 granting of the variances are the most restrictive and the minimum relief available to the Petitioner.
- 3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties because:
 - a. The circumstances and conditions existing on or about Petitioner's property which prevent conformance with the Unified Development Ordinance and requiring the variance are not self-created, as the property is non-conforming.
 - b. Granting the variance allows for more beneficial use of the property without detrimentally affecting safety or aesthetics. The driveway is located in an alley, and is not visible from the main roads surrounding the property.
 - c. The subject lot is 400 sq. ft. smaller than the zoning district would require for new subdivision lots, but nonetheless is a legal conforming lot by virtue of a savings clause in the Unified Development Ordinance.
 - d. The purpose of the standards being varied and not applicable to the project, is because the driveway is in the rear of the home.

Respectfully submitted;

By: 
Katie L. Kopf
Hoeppner Wagner & Evans LLP
103 E. Lincolnway
Valparaiso, Indiana 46383

Attorneys for Petitioner

This Instrument Prepared By:

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

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

SITE PLAN
LOT 5 IN BLOCK 79
IN CHAUTAUQUA PARK
PREPARED FOR: TODD & MICHELLE ALBERT
LEGAL DESCRIPTION

(PER PERSONAL REPRESENTATIVE'S DEED RECORDED ON AUGUST 26, 2019 IN DOCUMENT NO. 2019-018552)

LOT 5, BLOCK 79, CHAUTAUQUA PARK ADDITION TO VALPARAISO, AS SHOWN IN MISCELLANEOUS RECORD "E", PAGE 582, NOW SHOWN IN PLAT FILE 14-A-4, PORTER COUNTY, INDIANA.

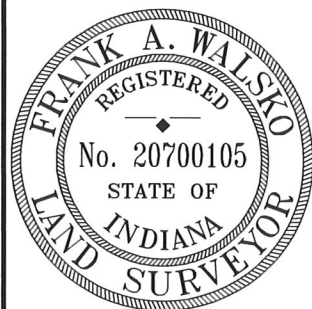
ADDRESS: 205 ELMHURST AVENUE VALPARAISO IN 46385
PARCEL NUMBER: 64-09-23-404-008.000-004

NOTES

1. THE BUILDING PERMIT AND ANY OTHER RELEVANT PERMITS SHALL BE DISPLAYED IN A VISIBLE AREA ON THE SITE. SEE PLAT.
2. THE BENCHMARK FOR THE SITE IS A MAGNETIC NAIL LOCATED WEST OF THE NORTHWEST CORNER OF SAID LOT 5. MAGNETIC NAIL ELEVATION = 745.30. ADDITIONAL BENCHMARKS ARE ALSO NOTED ON THE PLAT.
3. PER THE FEMA MAPS, THE SUBJECT PARCEL LIES WITHIN MINIMAL FLOOD HAZARD ZONE X(UNSHADED) AS SAID TRACT PLOTS BY SCALED MEASUREMENT ON MAP NUMBER 18127C0202D OF THE FLOOD INSURANCE RATE MAP DATED SEPTEMBER 30, 2015. FOR ADDITIONAL INFORMATION PLEASE SEE THE FEMA MAP.
4. A CONCRETE WASHOUT AREA SHALL BE INSTALLED SOUTH OF THE EXISTING CONCRETE DRIVEWAY. THE AREA SHALL BE MAINTAINED UNTIL ALL CONCRETE WORK IS FINISHED ON THE SITE.
5. PER THE SUBDIVISION PLAT, THE AREA OF THE SUBJECT LOT IS 6,600 SQUARE FEET. THE AREA OF THE PROPOSED HOUSE, PORCH, WALK AND DRIVEWAY IS APPROXIMATELY 3,199 SQUARE FEET. THE APPROXIMATE PERCENTAGE OF LOT COVERAGE = $3199 / 6600 = 48.5\% \pm$.
6. FINISHED GRADING SHALL CONFORM TO APPROVED SUBDIVISION CONSTRUCTION DRAWINGS.
7. FINISHED GROUND ELEVATION AT STRUCTURE SHALL BE NO LESS THAN 18" ABOVE TOP OF CURB ELEVATION ON STREET SIDE.
8. SEE THE "CITY OF VALPARAISO EROSION AND SEDIMENT CONTROL NOTES" FOR EROSION CONTROL REQUIREMENTS.
9. INSTALLATION OF EROSION AND SEDIMENTATION CONTROL MEASURES AND PRACTICES SHALL OCCUR PRIOR TO OR CONCURRENT WITH LAND DISTURBING ACTIVITIES, AND EROSION AND SEDIMENTATION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THIS SITE PLAN WAS PREPARED UNDER MY SUPERVISION ON THE DATE INDICATED. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR AN ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.

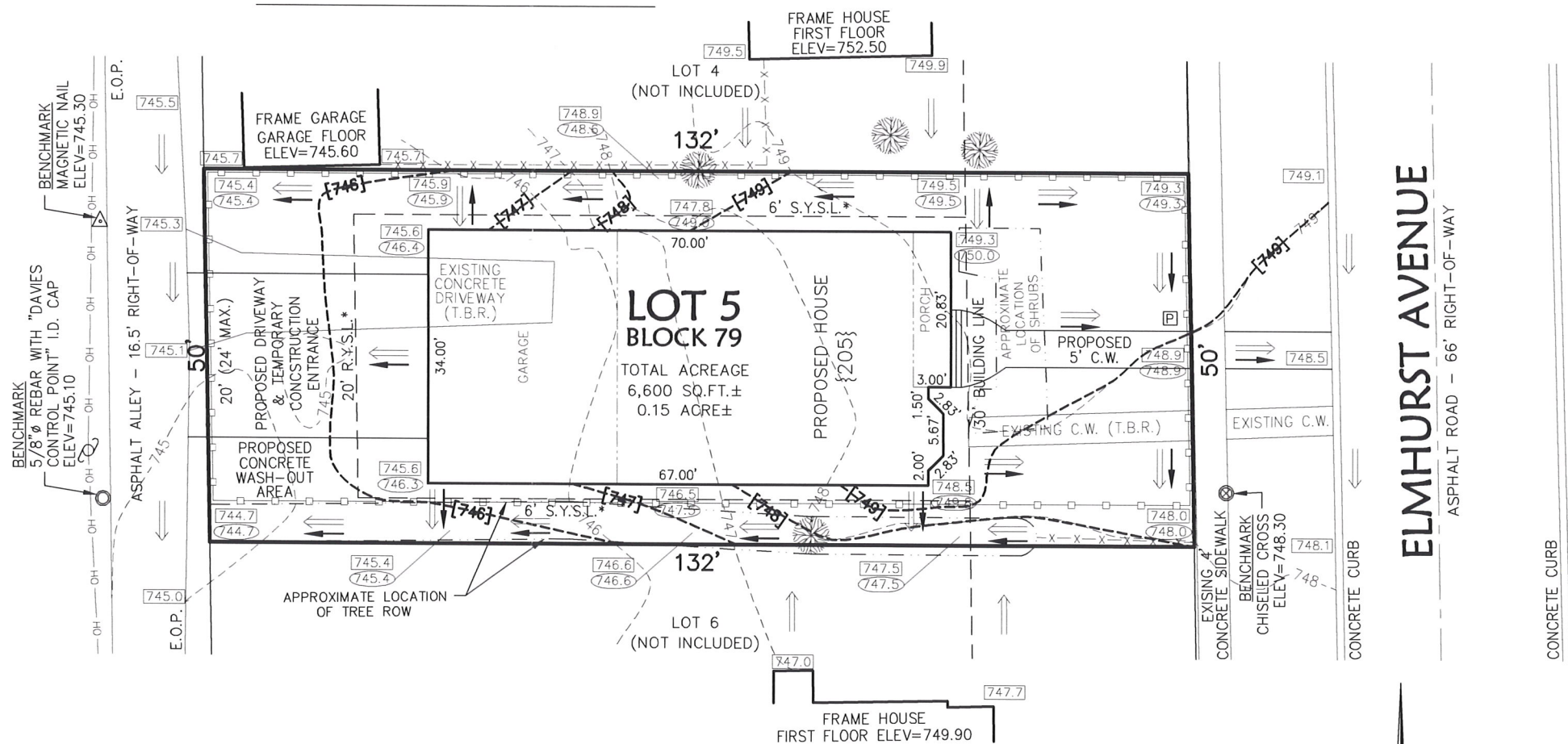


Frank A. Walsko 10/30/19

FRANK A. WALSKO
INDIANA REGISTERED LAND SURVEYOR LS# 20700105
DAVIES & ASSOCIATES LAND SURVEYING
1105 NORTH COUNTY ROAD 100 EAST
CHESTERTON IN 46304
PH: (219) 926-4353 FAX: (219) 926-2241

LEGEND

- = EXISTING DRAINAGE FLOW
- [717.5] = EXISTING GROUND ELEVATIONS
- = PROPOSED DRAINAGE FLOW
- (717.5) = PROPOSED ELEVATIONS
- [P] = PERMIT SIGN LOCATION
- = UTILITY POLE
- 716--- = EXISTING CONTOURS
- [716]--- = PROPOSED CONTOURS
- = PROPOSED SILT FENCE
- OH— = APPROXIMATE LOCATION OF OVERHEAD UTILITY LINES
- ⊙ = EXISTING TREE
- C.W. = CONCRETE WALK
- E.O.P. = EDGE OF PAVEMENT
- T.B.R. = TO BE REMOVED
- R.Y.S.L. = REAR YARD SETBACK LINE
- S.Y.S.L. = SIDE YARD SETBACK LINE
- * = PER NC 60 ZONING



PROPOSED ELEVATIONS

- EXISTING CURB ELEVATION=748.5
- EXISTING GRAVEL ALLEY ELEV=745.1
- PROPOSED GARAGE FLOOR ELEV=746.5
- PROPOSED TOP OF FOUNDATION (GARAGE) ELEV=747.0
- PROPOSED TOP OF FOUNDATION (HOUSE) ELEV=750.7
- PROPOSED FIRST FLOOR ELEV=751.7
- PROPOSED BASEMENT FLOOR ELEV=742.7

FIELD CREW: _____ GS / AW
DATE OF FIELDWORK: 8/8/19

**DON'T
DIG
BLIND**

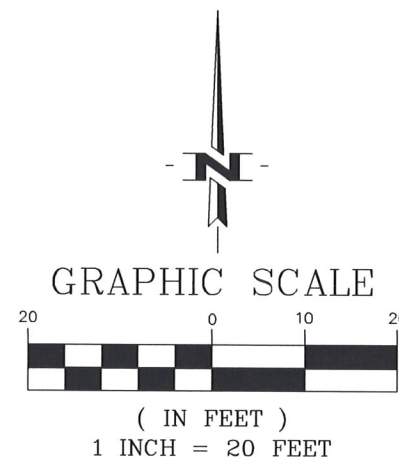
CALL 2 WORKING DAYS
BEFORE YOU DIG
"IT'S THE LAW"

**CALL 811
"HOLEY MOLEY"**



1-800-382-5544 1-800-428-5200
CALL TOLL FREE OUTSIDE INDIANA

UNDERGROUND UTILITIES ARE SHOWN FOR REFERENCE PURPOSES ONLY. THE LOCATION AND DEPTH OF ALL UTILITIES SHOULD BE LOCATED BY THE RESPECTIVE UTILITY COMPANIES BEFORE ANY CONSTRUCTION OR EXCAVATION COMMENCES.



REVISIONS	BY
10/30/19	EMF

SITE PLAN
LOT 5 IN BLOCK 79
IN CHAUTAUQUA PARK
VALPARAISO, INDIANA
PREPARED FOR: TODD & MICHELLE ALBERT

DAVIES & ASSOCIATES
LAND SURVEYING
1105 NORTH COUNTY ROAD 100 EAST
CHESTERTON IN 46304
PH: (219) 926-4353 FAX: (219) 926-2241

DATE:	9/3/19
SCALE:	1"=20'
DRAWN BY:	EMF
JOB NO:	19-238
SHEET	1
OF ONE SHEET	

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:

ALFRED HOMER 17A CRIMSON DR, VALPARAISO, IN
Name (Please Print) Address Phone
219 916 2218

OWNER OF SUBJECT PROPERTY:

JOEY & TAMMIE QUINN 2501 5601 PENNINGTON PLACE
Name (Please Print) Address Phone

ADDRESS OF SUBJECT PROPERTY: 2501 5601 PENNINGTON PLACE
Subject property fronts on the _____ side between (streets) _____
in the 3R Zoning District.

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

HAWTHORNE SUB, PHASE 2 LOT 56, 34A
DITCH ADJACENT 06/07

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

REPLACED SINGLE FAMILY STRUCTURE
WITH A NEW SINGLE FAMILY RESIDENCE, DUE
FIRE. LOT COVERAGE IS 2.5% ABOVE ALLOWABLE
COVERAGE.

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

Article: 3.500 Section: 3.501 Paragraph: B Item: SR

Attach a Site Plot Plan drawn to scale showing:

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

Please fill in:

Front Setback 30.5' Rear Setback 30.25' Side Setbacks 12.10' 8.97' Lot Coverage 42.5%
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. 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.

Variance from Development Standards
Findings of Fact
(Please Print)

Petitioner submits that:

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

THIS PLOT SPECIFIC 2.5% OVER LOT COVERAGE
DOES NOT AFFECT DRAINAGE

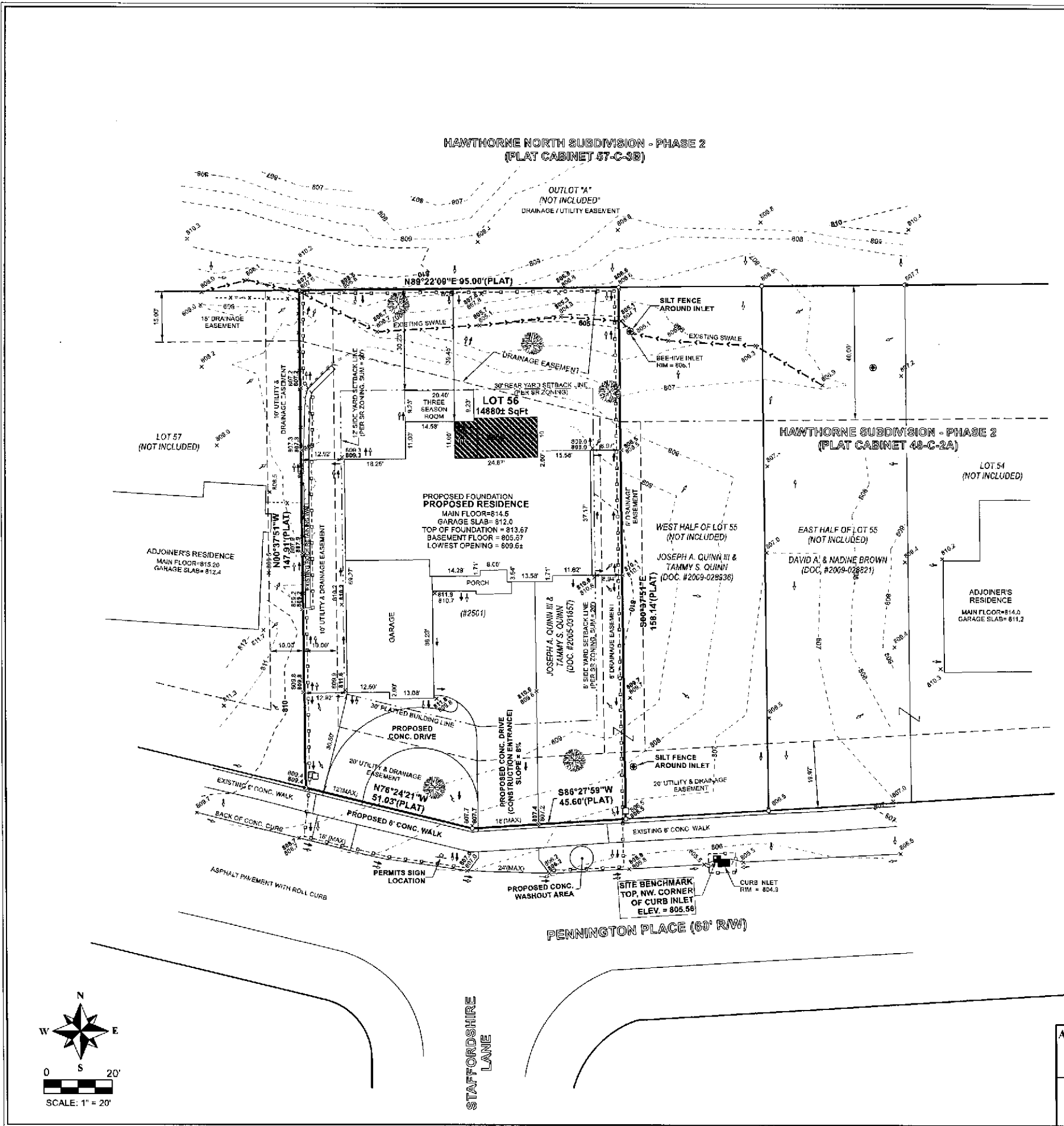
B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because: _____

2.5% OVER THE ALLOWABLE LOT COVERAGE
HAS NO AFFECT TO ADJACENT PROPERTIES

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: _____

HOME OWNERS ARE NOT ALLOWED TO
OBTAIN A CERTIFICATE OF OCCUPANCY DUE
TO THE 2.5% OVER THE STANDARD 40%
OF LOT COVERAGE.

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.



RECORD DESCRIPTION
(From Document Number 2005-031857)
Lot 56 as shown on the plat of Hawthorne Subdivision Phase 2 as shown in Plat Cabinet 48-C-2A and Instrument No. 2005-024221 recorded August 17, 2005 in the Office of the Recorder of Porter County, Indiana.

Address: 2501 Pennington Place, Valparaiso, IN 46383
Parcel Number: 64-10-06-476-015.000-004
Current Owner: Joseph A. Quinn III & Tammy S. Quinn
Current Zoning: Suburban Residential

FLOOD STATEMENT
The Subject Tract appears to lie in a "Zone X" Area of Minimal Flood Hazard as the description plots by scale on NFIP Flood Insurance Rate Map #18127C0145D, effective 09/30/2015.

- NOTES**
1. The width of the lot at the front building line is 95 feet.
 2. Lot 56 contains approximately 1,4880 square feet. The proposed residence and porch contain 3,979 square feet. The building coverage is 3,979/14,880 = 26.7%. The proposed residence, porch and driveway contain 6,323 square feet. The proposed lot coverage is 6,323/14,880 = 42.5%.
 3. Underground improvements and utilities are not shown on this Site Plan. Underground utilities must be located by the appropriate utility companies before commencing construction or excavation.
 4. Installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land disturbing activities, and erosion and sedimentation control measures will be maintained at all time. See the "City of Valparaiso Erosion and Sediment Control Notes" for erosion control requirements.

LEGEND	
	EXISTING DRAINAGE FLOW
	PROPOSED DRAINAGE FLOW
	EXISTING SPOT ELEVATION
	PROPOSED SPOT ELEVATION
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	PROPOSED EROSION CONTROL
	FENCE
	TREE SIZE
	ROUND INLET
	UTILITY PEDESTAL

CERTIFICATION
This drawing is not intended to be represented as a retracement or original boundary survey, a route survey or a Surveyor Location Report.

Job for: Aldred Homes
Date of Fieldwork: March 13, 2020.
This Site Plan certified correct this 18th day of March, 2020.
Stephen E. Shannon
Stephen E. Shannon, PS #21300014



ACRES SURVEYING AND MAPPING, LLC		REVISIONS		JOB NUMBER: 20-1455	
Stephen E. Shannon, Professional Land Surveyor		DATE:	CODE:	SCALE: 1"=20'	
P.O. Box 796, La Porte, IN 46352		12/03/20	PORCH	DATE: 03/18/2020	
219-877-8711 • www.acresandsurveying.com				DRAWN BY: SES	
Site Plan				REVIEWED BY: SES	
Lot 56 in Hawthorne Subdivision, Phase 2				1	
(2501 Pennington Place, Valparaiso, IN 46383)				1	

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:

Simko Buildings, LLC 1454 S. State Road 2 Valparaiso, IN
Name (Please Print) Address Phone 46385

OWNER OF SUBJECT PROPERTY:

TEC Property Holdings, LLC 17725 Volbrecht Rd Lansing, IL
Name (Please Print) Address Phone 60438

ADDRESS OF SUBJECT PROPERTY: 16516 Washington St. Valparaiso
Subject property fronts on the NORTH side between (streets) WEST & WASHINGTON
in the CG Zoning District.

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

PLEASE SEE ATTACHED EXHIBIT

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

CURRENT BUILDING TO BE USED FOR
THE OPERATION OF THE SIMKO STENS
BUSINESS FOR FABRICATION OF SIGNS,
BANNERS AND GRAPHICS

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

Article: 2 Section: 2.20 Paragraph: Item: 2.201B

: : : :
: : : :

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 Rear Setback Side Setbacks / Lot Coverage

Height AS EXISTS CURRENTLY ON SITE

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.

EXHIBIT "A"

Legal Description:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE CITY OF VALPARAISO, IN PORTER COUNTY, INDIANA, SAID PARCEL BEING PART OF BLOCK 44, COUNCIL'S ADDITION TO VALPARAISO, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING 729.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTERLY, ALONG THE CENTERLINE OF CROSBY AVENUE (WEST ST.) NORTH 84 DEGREES 33 MINUTES 30 SECONDS EAST, A DISTANCE OF 145.00 FEET; THENCE SOUTH 86 DEGREES 45 MINUTES 30 SECONDS EAST A DISTANCE OF 384.88 FEET; THENCE SOUTH 69 DEGREES 21 MINUTES 30 SECONDS EAST A DISTANCE OF 117.97 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID CENTER LINE, SOUTH 69 DEGREES 21 MINUTES 30 SECONDS EAST, FOR A DISTANCE OF 246.25 FEET TO THE CENTERLINE OF OLD STATE ROAD NO. 2; THENCE ALONG SAID CENTERLINE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1126.77 FEET AND AN ARC LENGTH OF 158.34 FEET, FOR A CHORD DISTANCE OF 158.21 FEET ON A CHORD BEARING OF SOUTH 09 DEGREES 04 MINUTES 33 SECONDS WEST; THENCE NORTH 78 DEGREES 34 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 280.94 FEET; THENCE NORTH 20 DEGREES 28 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THE 63.00 FEET AS MEASURED NORMAL TO THE SOUTH LINE OF SAID PARCEL.

Commonly known as 656 South Washington, Valparaiso, IN 46384

**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: the operation of Simko Signs has been a good community partner for more than a decade.

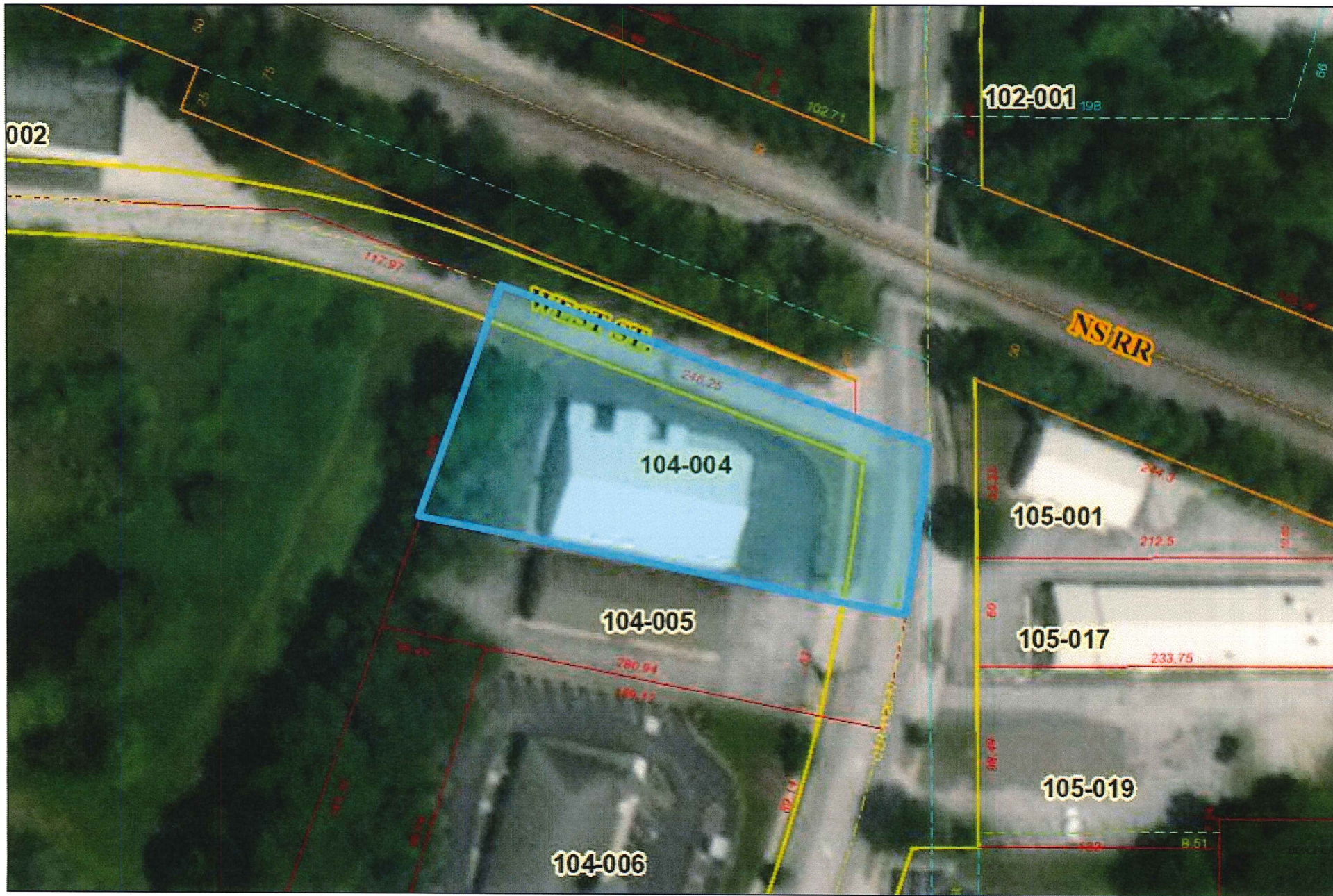
B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because: the operation of the business will be contained within the premises and will only increase the value of the adjacent properties based on the purchase price and vibrant business operation.

C. The need for the use variance arises from the following condition peculiar to the property involved: The property is set up and constructed for a light industry use rather than the typical operations found in a general commercial 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: The property could only be useful to a small selection of users who would be better suited in other available general commercial zoned properties.

E. Approval of the proposed use variance does not interfere substantially with the comprehensive plan adopted by the City of Valparaiso because: This area is near other light industrial and would compliment the plan and surrounding businesses.

The petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each element listed above.



Enter Map Title...

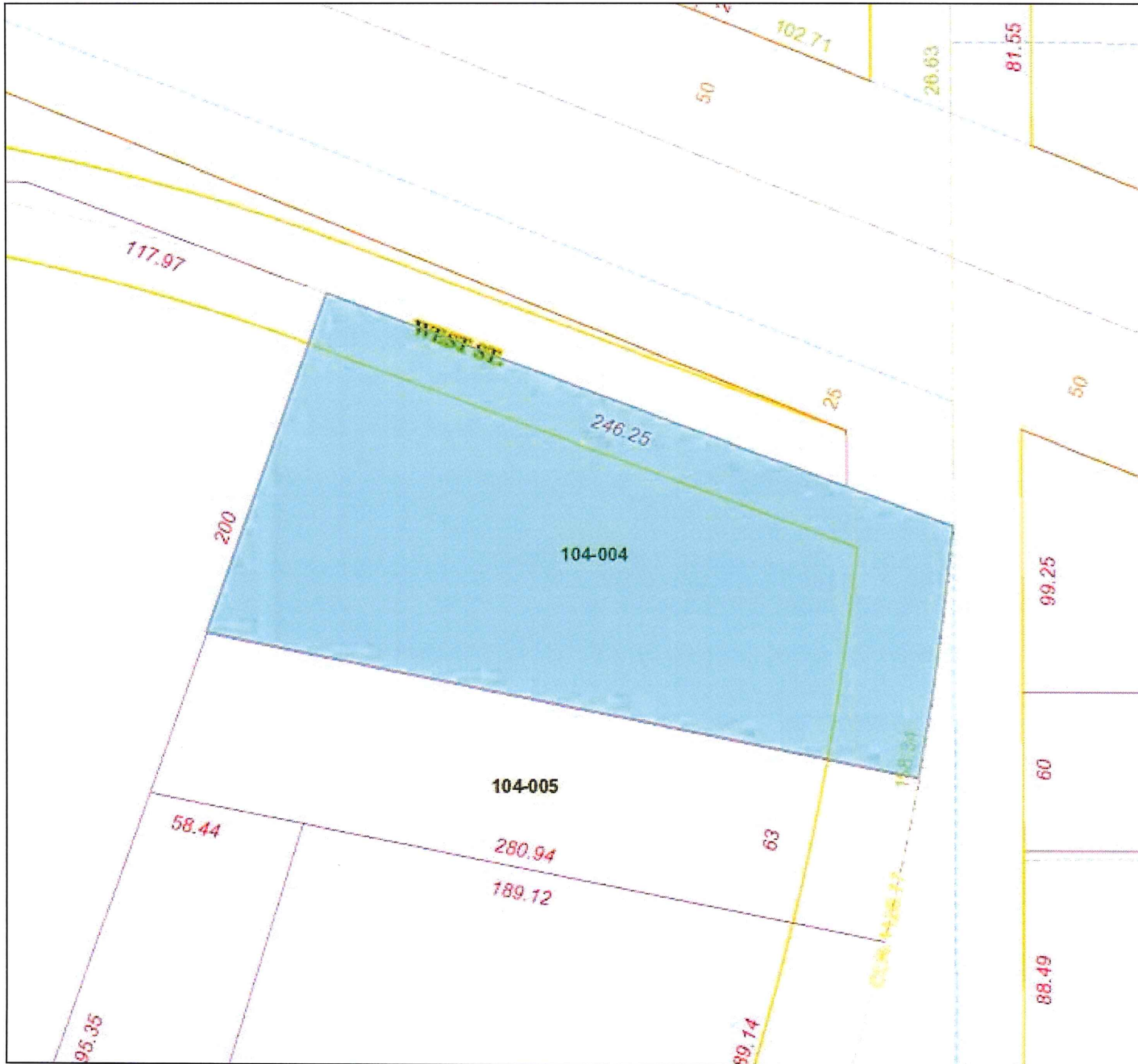
Web Print: 12/21/2020

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



0 94 188 Feet

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Parcel Number: 640925104004000004
Alternate Parcel Number:
64-09-25-104-004.000-004
Owner1: Tec Property Holdings Llc
Owner1 Address: 17725 Volbrecht Rd Lansing
IL 60438
Site Address: 656 Washington St Valparaiso IN
46383
Legal Description: Councils Parc In N200
E280.94 Ex S63 W St Rd 2 Blk 44 Nw
25-35-6 .69A
Homestead Filed: False

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

