

MEETING AGENDA

Valparaiso Board of Zoning Appeals
Wednesday, November 17th, 2021, 5:30 PM
Valparaiso City Hall – Council Chambers

1. Pledge of Allegiance
2. Roll Call
3. Adoption of Meeting Minutes
4. Old Business
5. New Business

VAR21-025 – A petition filed by A & J Development, Inc c/o William Ferngren. The property is located at 1207 Evans Ave in the General Residential (GR) Zoning District. The petitioner requests the following variance(s):

- Section 3.301, Table 3.301(A) – To vary the maximum gross density of 3.797 to allow for a maximum gross density of 5.81.
- Section 3.301, Table 3.301(A) – To vary the maximum net density of 5.140 to allow for a maximum net density of 6.98
- Section 3.503, Table 3.503 – To vary the minimum lot width of 45 feet to allow for a minimum lot width of 34 ft.
- Section 3.503, Table 3.503 – To vary the minimum lot area per unit (sf) from 4,500 Sq Ft. to allow for a minimum lot area per unit of 3,717.50 Sq. Ft (Lot 4A) and 4,158.95 Sq. Ft. (Lot 8A).
- Section 3.503, Table 3.503 – To vary the minimum rear yard setback of 25 feet to allow for minimum rear yard setback of 20 ft.
- Section 3.503, Table 3.503 – To vary the maximum building coverage from 45% to allow for a maximum building coverage of 47% (Lot 5A) and 46% (Lot 5b).
- Section 9.403(C) – To vary the minimum connection spacing on opposite sides of the street from 75 ft to allow for a minimum connection spacing of 20.33 ft (West Drive) and 31.60 (East Drive).
- Section 9.403, Table 9.403(A) – To vary the minimum connection spacing for residential drives accessing a minor street from 30 ft to allow for a minimum connection spacing of 10 ft

7. Staff Items

Our City...Our Values

Honestly Accountable Surprisingly Responsive Boldly Proactive Creatively Frugal Respectfully Compassionate

8. Adjournment

Michael Micka, *President – Board of Zoning Appeals*

Beth Shrader, *Planning Director*

Next Meeting: **December 15th, 2021**

Interested persons can view the public hearing Live on the City of Valparaiso Website, www.valpo.us or via web conference at <https://bit.ly/3nQjSqh>.

****Requests for alternate formats please contact Beth Shrader at bshrader@valpo.us or (219) 462-1161. ****

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:

This application is being submitted for (Check all that apply):

- ☐ Use Variance
☒ Development Standards Variance
☐ Special Exception/Special Use
☐ Relief to Administrative Decision
☐ Conditional Use
☐ Wireless Communications Facility

For Office Use Only:

Petition #: _____

Application Type: _____

Application Filing Fee: _____

Date Filed: ____ / ____ / ____

Meeting: ____ / ____ / ____

SUBJECT PROPERTY INFORMATION**TYPE OR PRINT IN INK**

Property Address:

1207 Evans Avenue
Valparaiso, Indiana 46383Subject property fronts on the Northside between (streets) ~~Roosevelt~~ EVANS& RooseveltZoning District: GR**PETITIONER INFORMATION**

Applicant Name:

A & J Development, Inc. c/o William Ferngren

Phone:

Email:

Address:

570 Vale Park Road, Suite B
Valparaiso, Indiana 46385**PROPERTY OWNER INFORMATION**

Applicant Name:

Same as Petitioner

Phone:

Same as Petitioner

Email:

Same as Petitioner

Address:

Same as Petitioner

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:Article: 3 Section: 3.301 Paragraph: A Item: _____Article: 3 Section: 3.503 Paragraph: B Item: _____

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

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

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

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

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

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

LEGAL DESCRIPTION OF SUBJECT PROPERTY: (OR EXHIBIT NO. _____)

See attached Exhibit 1

DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO. _____)

An eight (8) lot residential subdivision consisting of seven (7) duplexes (single family attached homes) and one (1) single family detached home.

Jackson's Corner
Exhibit 1
Legal Description

Lot 1 of Krieter Subdivision, as per plat thereof, recorded in plat file 59-B-4A in the office of the recorder of Porter County, Indiana.

ALSO: The West 3 acres of the West 58 rods and 13.5 links of the South 330 feet of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.

EXCEPTING THEREFROM: An "L" shaped parcel of land in the City of Valparaiso, County of Porter, located on the West side of a tract of land owned by Glen D. Stanley and Amy Stanley, husband and wife, pursuant to a Warranty Deed recorded as Instrument Number 2003-038653 in the Porter County Recorder's Office, the parcel described as: Beginning at the Southwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian; thence Northerly along the West line of said Southwest 1/4 Southwest 1/4, a distance of 330 feet; more-or-less, to the Northwest corner of said Stanley tract; thence Easterly along the North line of said Stanley tract 40.0 feet; thence Southerly parallel with said West line, a distance of 270 feet, more-or-less, to a point that is 60.0 feet Northerly from an intersection with the South line of said Southwest 1/4, Southwest 1/4; thence Southeasterly making a deflection angle to the left of 45°, a distance of 35 feet, more or less to a point that is 35.0 feet (measured at right angles) Northerly from said South line; thence Easterly parallel with said South line 12.0 feet; thence Southerly at right angles to said South line, a distance of 35.0 feet to said South line; thence Westerly along said South line, a distance of 77 feet, more or less, to the point of beginning, the parcel containing approximately 14,808 square feet in total and 3198 square feet net, less the apparent existing right-of-way.

ALSO EXCEPTING THEREFROM: The South 30.00 feet of said Stanley parcel (2003-038653) described as being the West 3 acres of the West 58 rods and 13.5 links of the South 330 feet of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, EXCEPTING THEREFROM: All that part of the Grant of Permanent Right-of-Way recorded in Instrument No. 2010-0227 44, in Porter County Recorder's Office the parcel containing approximately 9,570 square feet.

ALSO EXCEPTING THEREFROM:

Commencing at the Southwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian; thence Easterly along the South line of said Southwest 1/4 Southwest 1/4, a distance of 93.00 feet; thence Northerly at right angles 30.00 feet to the North line of the South 30.00 feet and the point of beginning; thence continuing Northerly along the prolongation of the proceeding course 5.00 feet; thence West parallel with said South line 16 feet, more-or-less, to a point on the existing Right-of-Way as described in a Grant of Permanent Right-of-Way recorded as Instrument No. 2010-022744 in the Porter County Recorder's Office; thence South along the East edge of said existing Right-of-Way 5.00 feet to said North line of the South 30.00 feet; thence East, parallel with said South line and along said North

line to the point of beginning, the parcel containing approximately 80 square feet.

ALSO EXCEPTING THEREFROM: Commencing at the Southwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 35 North, Range 5 West of the Second Principal Meridian; thence Easterly along the South line of said Southwest 1/4 Southwest 1/4, a distance of 220.00 feet; thence Northerly at right angles 30.00 feet to the North line of the South 30.00 feet and the point of beginning; thence continuing Northerly along the prolongation of the proceeding course 4.00 feet; thence East parallel with said South line, 20.00 feet; thence South at right angles with the proceeding course 4.00 feet to said North line of the South 30.00 feet; thence West parallel with said South line and along said apparent Right-of-Way line 20.00 feet to the point of beginning, the parcel containing 80 square feet.

Variance from Development Standards

Petitioner's Proposed Findings of Fact

(Please use fillable pdf, print neatly, or attach printed document.)

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:

- Residential uses are consistent with the uses in the area.
- More intense industrial and multi-family uses are in the area.
- Will allow the property to be developed in a manner consistent with the City's ordinances and cause the removal of a structure that is obsolete and offers no real benefit to the City.
- The City services will not be impacted by the proposed construction or installation of infrastructure to be dedicated to the City.

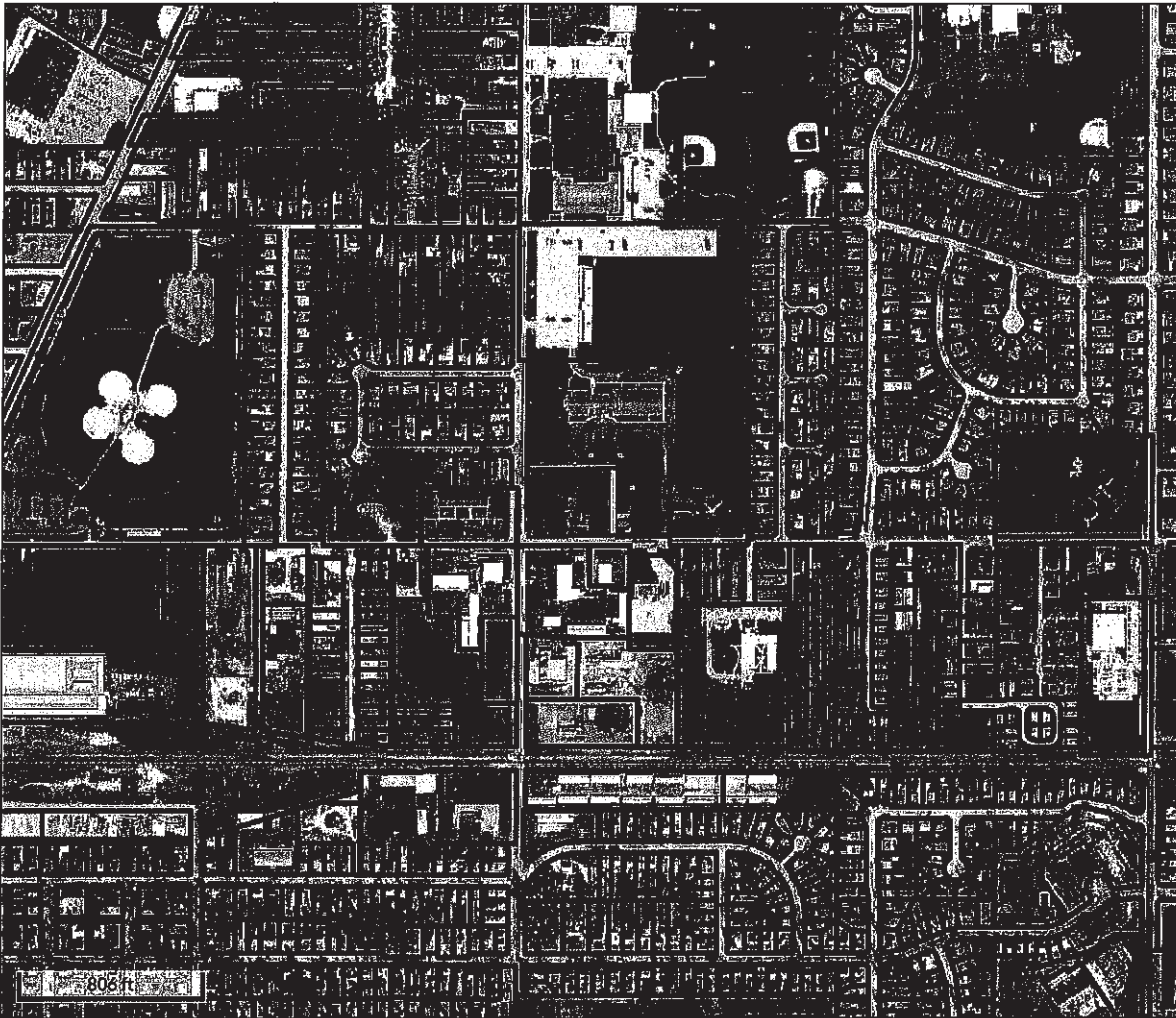
- B. The use and value of the area adjacent to the property included in the proposed variance will not be affected in a substantially adverse manner because:

- Residential uses are consistent with the uses in the area.
- More intense industrial and multi-family uses are in the area.
- Will allow the property to be developed in a manner consistent with the City's ordinances and cause the removal of a structure that is obsolete and offers no real benefit to the City.
- The structures proposed are new construction and the costs will most likely meet or exceed the cost of existing residential property in the area.

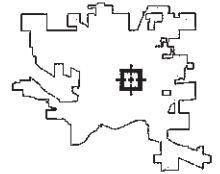
- C. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property included in the proposed variance because:

- The property is uniquely located within the center of the City and as an infill property the site is not necessarily conducive to all City standards.
- Without the variances requested, the property could not reasonably be developed in a manner like the areas in the vicinity.

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.



Overview



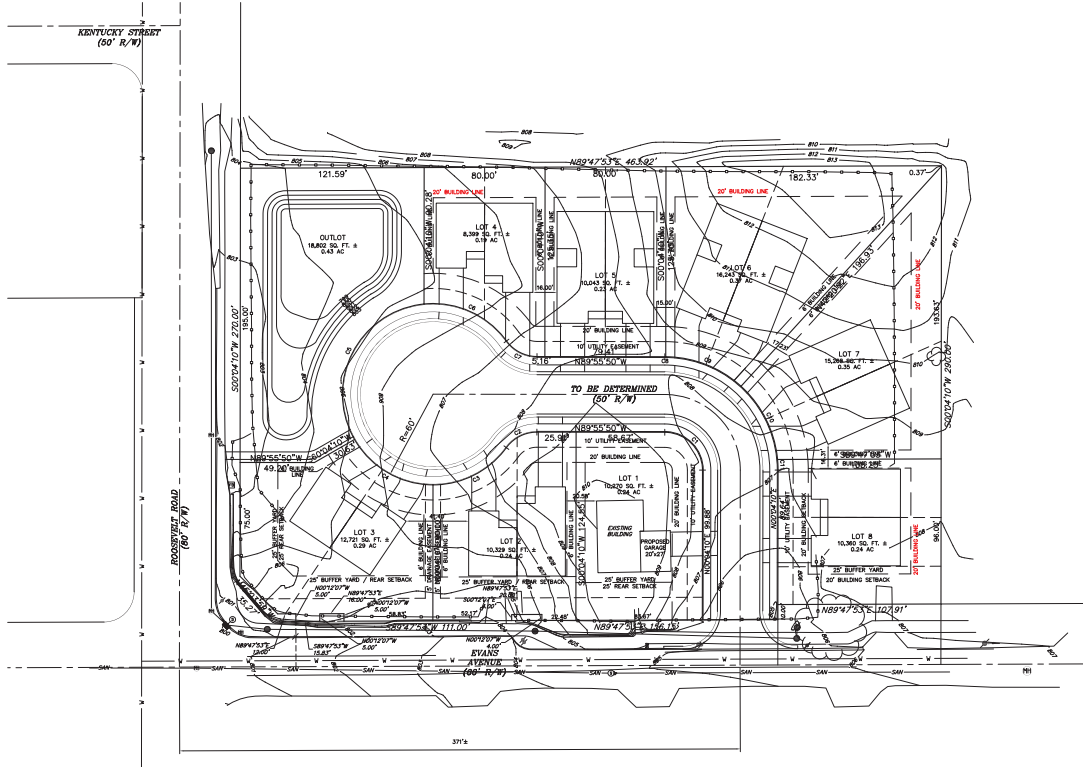
Legend

-  Parcels
-  Street Names

Parcel ID	641018351025000004	Alternate ID	n/a	Owner Address	n/a
Sec/Twp/Rng	n/a	Class	n/a		
Property Address		Acreage	n/a		
District	n/a				
Brief Tax Description	n/a				
(Note: Not to be used on legal documents)					

Date created: 6/17/2021
Last Data Uploaded: 6/17/2021 5:38:04 PM

Developed by  **Schneider**
GEOSPATIAL



EXISTING CONDITIONS LEGEND

- EXISTING FENCE
- EXISTING MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING DRAINAGE MANHOLE
- EXISTING YARD INLET
- EXISTING CURB INLET
- EXISTING FIBER OPTIC PEDESTAL
- EXISTING POWER POLE
- EXISTING GUY ANCHOR
- EXISTING WATER LINE
- EXISTING SANITARY LINE

PROPOSED CONDITIONS LEGEND

- PROPOSED YARD INLET
- PROPOSED DRAINAGE MANHOLE
- PROPOSED SANITARY MANHOLE
- PROPOSED FIBER OPTIC PEDESTAL
- PROPOSED WATER LINE
- PROPOSED DRAINAGE FLOW



NOTES:
1. THESE PLANS ARE NOT TO BE CONSIDERED AS A SUBSTITUTE FOR A SURVEYOR'S LOCATION REPORT.
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NO.	DATE	BY	REVISION
1	08/30/2007	AM	DESIGNED
2	08/30/2007	AM	APPROVED
3	08/30/2007	AM	REVISION
4	08/30/2007	AM	REVISION
5	08/30/2007	AM	REVISION
6	08/30/2007	AM	REVISION
7	08/30/2007	AM	REVISION
8	08/30/2007	AM	REVISION
9	08/30/2007	AM	REVISION
10	08/30/2007	AM	REVISION
11	08/30/2007	AM	REVISION
12	08/30/2007	AM	REVISION
13	08/30/2007	AM	REVISION
14	08/30/2007	AM	REVISION
15	08/30/2007	AM	REVISION
16	08/30/2007	AM	REVISION
17	08/30/2007	AM	REVISION
18	08/30/2007	AM	REVISION
19	08/30/2007	AM	REVISION
20	08/30/2007	AM	REVISION

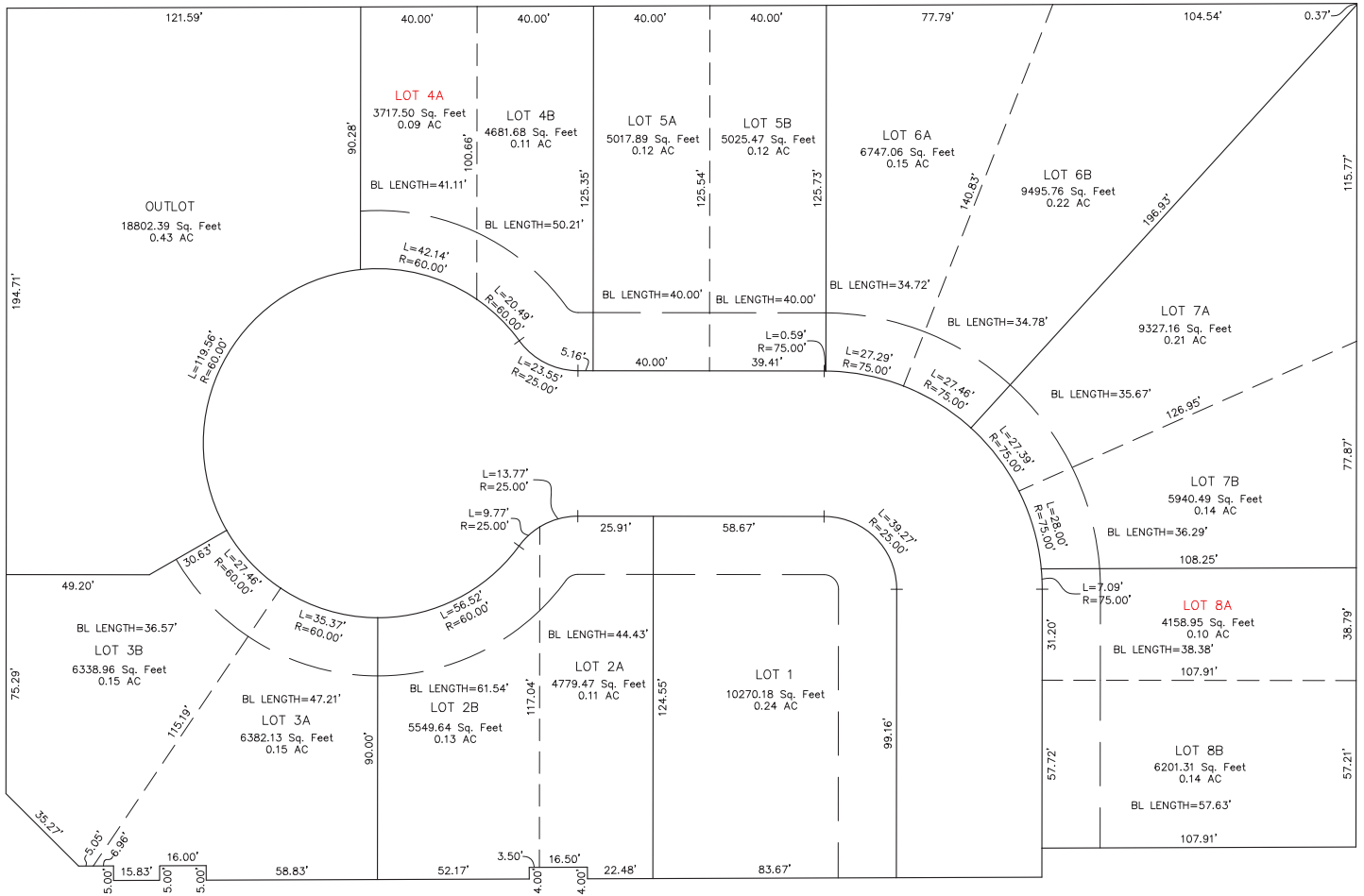


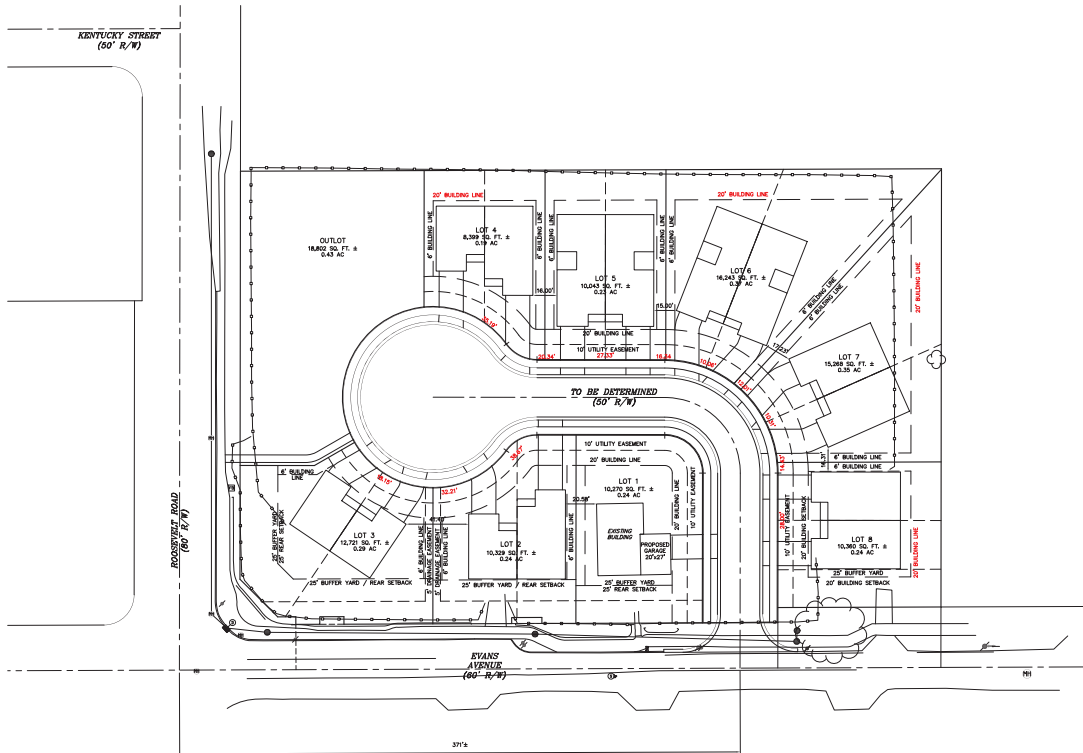
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19	08/30/2007	AM	REVISION
20	08/30/2007	AM	REVISION

VALPARAISO	INDIANA	SHEET 2
JACKSON CORNER SUBDIVISION		PROJECT 3014
PRIMARY PLAT		DRAWING NUMBER 3014-02





PROPOSED SITE IMPERVIOUS AREA:		PROPOSED BUILDING COVERAGE:	
LOT 1 = 2,275/10,270 = 22% ±		LOT 1 = 1,938/10,270 = 19% ±	
LOT 2 = 4,132/10,326 = 40% ±		LOT 2 = 3,120/10,326 = 30% ±	
LOT 3 = 3,359/12,721 = 26% ±		LOT 3 = 2,608/12,721 = 21% ±	
LOT 4 = 4,129/8,399 = 41% ±		LOT 4 = 3,120/8,399 = 37% ±	
LOT 5 = 5,372/10,043 = 53% ±		LOT 5 = 4,688/10,043 = 46% ±	
LOT 6 = 5,655/16,243 = 35% ±		LOT 6 = 4,688/16,243 = 29% ±	
LOT 7 = 4,715/15,268 = 31% ±		LOT 7 = 3,632/15,268 = 24% ±	
LOT 8 = 4,336/10,360 = 42% ±		LOT 8 = 3,632/10,360 = 35% ±	
LOT 2A = 2,396/4,779 = 50% ±		LOT 2A = 1,816/4,779 = 38% ±	
LOT 2B = 1,737/5,550 = 31% ±		LOT 2B = 1,304/5,550 = 23% ±	
LOT 3A = 1,684/6,339 = 26% ±		LOT 3A = 1,304/6,339 = 21% ±	
LOT 3B = 1,875/6,339 = 30% ±		LOT 3B = 1,304/6,339 = 21% ±	
LOT 4A = 1,701/3,718 = 45% ±		LOT 4A = 1,304/3,718 = 35% ±	
LOT 4B = 2,427/4,682 = 52% ±		LOT 4B = 1,816/4,682 = 39% ±	
LOT 5A = 2,686/5,018 = 54% ±		LOT 5A = 2,334/5,018 = 47% ±	
LOT 5B = 2,686/5,025 = 53% ±		LOT 5B = 2,334/5,025 = 46% ±	
LOT 6A = 2,828/6,747 = 42% ±		LOT 6A = 2,334/6,747 = 35% ±	
LOT 6B = 2,827/9,496 = 30% ±		LOT 6B = 2,334/9,496 = 25% ±	
LOT 7A = 2,368/6,327 = 38% ±		LOT 7A = 1,816/6,327 = 29% ±	
LOT 7B = 2,347/5,940 = 40% ±		LOT 7B = 1,816/5,940 = 31% ±	
LOT 8A = 2,168/4,159 = 52% ±		LOT 8A = 1,816/4,159 = 44% ±	
LOT 8B = 2,168/6,201 = 35% ±		LOT 8B = 1,816/6,201 = 29% ±	

OPEN SPACE RATIO:
18,802/137,438 = 0.14

FLOOR AREA RATIO:
LOT 1 = 2,890/10,270 = 0.28
LOT 2 = 3,779/10,326 = 0.37
LOT 3 = 3,682/12,721 = 0.29
LOT 4 = 3,779/8,399 = 0.45
LOT 5 = 3,352/10,043 = 0.33
LOT 6 = 3,352/16,243 = 0.21
LOT 7 = 3,876/15,268 = 0.25
LOT 8 = 3,876/10,360 = 0.37

NET = 25,586/137,438 = 0.186

GROSS DENSITY CALCULATION:
TOTAL LAND AREA: 137,438 SQ. FT.
RIGHT-OF-WAY DEDICATION: 25,038 SQ. FT.
BASE SITE AREA: 137,438 - 25,038 = 112,400 SQ. FT.
BASE SITE AREA (ACRES): 2.58 ACRES
OF UNITS: 15
GROSS DENSITY: 15 / 2.58 = 5.81

NET DENSITY CALCULATION:
BASE SITE AREA: 112,400 SQ. FT.
OPEN SPACE: 18,802 SQ. FT.
BUILDABLE AREA: 112,400 - 18,802 = 93,598 SQ. FT.
OF UNITS: 15
GROSS DENSITY: 15 / 2.15 = 6.98

DISCLAIMER:
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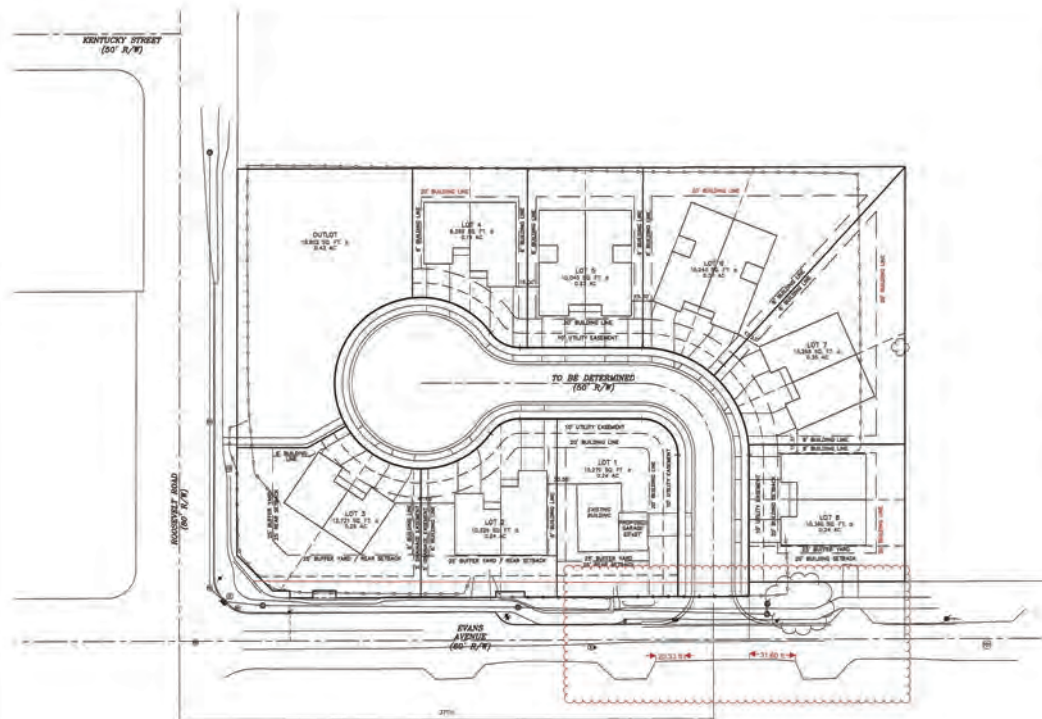
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E-MAIL: info@dunelandgroup.com



DRAWN:	CHK'D:	NO.	REVISION	BY	DATE	STATUS
DESIGNED: <i>AM</i>	APPROVED:					
DATE: <i>11/26/2009</i>						
HORIZ. SCALE: <i>1"=30'</i>						
VERT. SCALE: <i>N/A</i>						
PROJECT STATUS:						
PRELIMINARY						

VALPARAISO	INDIANA	SHEET <i>X</i>
JACKSON CORNER SUBDIVISION		PROJECT NUMBER
LAYOUT		3014
		DRAWING NUMBER
		3014-X

08-10-2021



GROSS DENSITY CALCULATION:
TOTAL LAND AREA: 137,438 SQ. FT.
RIGHT-OF-WAY DEDICATION: 23,038 SQ. FT.
BASE SITE AREA: $137,438 - 23,038 = 112,400$ SQ. FT.
BASE SITE AREA (ACRES): 2.58 ACRES
OF UNITS: 15
GROSS DENSITY: $15 / 2.58 = 5.81$

PROPOSED SILL IMPERVIOUS AREA

LOT 1 =	2,275/10,270 =	22% ±
LOT 2 =	4,132/10,326 =	40% ±
LOT 3 =	3,359/12,721 =	26% ±
LOT 4 =	4,129/8,369 =	41% ±
LOT 5 =	5,372/10,043 =	53% ±
LOT 6 =	5,655/16,243 =	35% ±
LOT 7 =	4,715/15,268 =	31% ±
LOT 8 =	4,336/10,360 =	42% ±

OPEN SPACE RATIO:
27,035/137,438 = 0,20

FLOOR AREA RATIO:
 LOT 1 = 2,890/10,270 = 0.28
 LOT 2 = 3,778/10,326 = 0.37
 LOT 3 = 3,682/12,721 = 0.29
 LOT 4 = 3,779/8,399 = 0.45
 LOT 5 = 3,352/10,043 = 0.33
 LOT 6 = 3,352/16,243 = 0.21
 LOT 7 = 3,876/15,268 = 0.25
 LOT 8 = 3,876/10,360 = 0.37

$$\text{NET} = 25,585 / 137,438 = 0.186$$

GROSS DENSITY CALCULATION:
TOTAL LAND AREA: 137,436 SQ. FT.
RIGHT-OF-WAY DEDICATION: 25,036 SQ. FT.
BASE SITE AREA: 137,436 - 25,036 =
112,400 SQ. FT.
BASE SITE AREA (ACRES): 2.58 ACRES
OF UNITS: 15
GROSS DENSITY: 15 / 2.58 = 5.81

DISCLAIMER:
SURVEILANCE MAKES NO REPRESENTATIONS CONCERNING THE
ACCURACY OF THE SURVEILANCE. SURVEILANCE IS NOT RESPONSIBLE FOR ANY LIABILITY
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SURVEILANCE OF SUB-SURFACE SOIL TEST OR GENERAL SOIL TESTING.

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OR A SUPERIOR LOCATION REPORT.

 DUNELAND GROUP ENGINEERING & SURVEYING 1498 POPE COURT CHESTERTON, INDIANA 46304 219-926-1007 fax 219-926-1544 E-MAIL: sg@dunelandgroup.com	 Indiana SURVEYORS Call before you dig	DRAWING NO.: 0102 DESIGNED AND DRAWN BY:	NO. OF SHEETS: 20 DATE: 08/15/2009 HOME SCALE: 1"=80' VERT. SCALE: 8"=1' PROJECT STATUS: PRELIMINARY	BY: JMS DATE: 08/15/2009 CHECKED BY: JMS DATE: 08/15/2009	SHEET NO.: 1 OF 20	PROJECT NO.: 0102 SHEET NO.: 1 OF 20	PROJECT NAME: JACKSON CORNER SUBDIVISION LAYOUT	PROJECT NUMBER: 3014 DRAWING NUMBER: 3014-16