

MEETING AGENDA

Valparaiso Board of Zoning Appeals
Wednesday, July 20, 2022, 5:30 PM
Valparaiso City Hall – Council Chambers

1. Pledge of Allegiance
2. Roll Call
3. Adoption of Meeting Minutes – June 15, 2022
4. Old Business
5. New Business

UV22-005 – A petition filed by Robert Dickinson, Kaitlynn Saxe, and Jeff Brieger to request a Use Variance to allow the use of the basement as separate living quarters at 3109 Winter Garden Drive, specifically

- Use Variance from Table 2.201(A) a Single-Family Attached residential use that does not meet the Limited Use Standards of the General Residential (GR) District

UV22-005 will be tabled immediately and placed on the August 17, 2022, 5:30PM agenda.

VAR22-010 – A petition filed by HGValpo1, LLC c/o RQAW (Victoria Templeton) to request Variances from Development Standards in the design of the Linc Apartments proposed for the block at the northwest corner of Lincolnway and Morgan Blvd, specifically:

- 11.601(A)(1) to vary the requirement for a fourth floor step back on all facades
- 11.601(C)(1) to vary the requirement for corner architectural elements on one corner
- 11.605(A) to vary the requirement for 51% transparency between 2-8' to allow a transparency between 36-40% on certain facades

6. Other Business
7. Staff Items
8. Adjournment

Michael Micka, *President – Board of Zoning Appeals*

Beth Shrader, *Planning Director*

Next Meeting: **August 17, 2022**

Interested persons can view the public hearing Live on the City of Valparaiso Website, www.valpo.us or via web conference at bit.ly/3OsKytj (clarification: number three, capital letter O)

****Requests for alternate formats please contact staff at planningdepartment@valpo.us or (219) 462-1161. ****

Our City...Our Values

Honestly Accountable Surprisingly Responsive Boldly Proactive Creatively Frugal Respectfully Compassionate

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 #: UV22-005
Application Type: Use Variance
Application Filing Fee: \$200
Date Filed: 6 / 17 / 22
Meeting: / /

SUBJECT PROPERTY INFORMATION

TYPE OR PRINT IN INK

Property Address:

3109 Winter Garden Drive
Valparaiso IN 46385

Subject property fronts on the East corner of
side between (streets) Winter Garden
& Beauty Creek Ct

Zoning District: GR, General Res

PETITIONER INFORMATION

Applicant Name: Kaitlynn Saxe & Jeff Brieger Address:

Robert Dickinson

Phone:

219-477-7212

Email:

Bobby.dickinson86-50@yahoo.com

3109 Winter Garden Drive
Valparaiso IN 46385

PROPERTY OWNER INFORMATION

Applicant Name:

Kaitlynn Saxe

Phone:

219-386-9167

Email:

Kait.Saxe@gmail.com

Address:

325 N guyer st
Hobart IN 46342

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:

Article: 2 Section: 2.506 Paragraph: 3 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:

Article: Section: Paragraph: Item:

→ Table 2.201A to allow a single-family residential use
that does not meet the limited use
standards of the GR District

AFFIDAVIT OF CONSENT OF PROPERTY OWNER

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

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

1. That Kaitlynn Saxe ("Owner") (is/are) the legal owner(s) of real property that is the subject of a Petition before the BZA.
2. That Owner authorizes Robert Dickinson ("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

6-15-22
Date

[Signature]
Property Owner

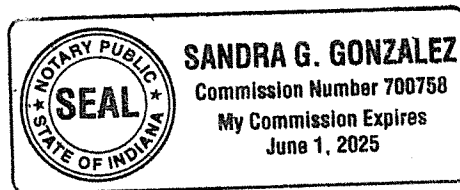
6-15-22
Date

Subscribed and sworn to before me this 15 day of June, 2022.

[Signature]
Notary Public

My Commission:

June 1 2025
Date





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

Beauty Creek Villa Homes Lot 65

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

Approval to use the residence as a duplex so my wife and I can reside at the same address as my elderly mother in law in order to provide any assistance she might require while living out the twilight years of her life. Mom will reside on the main floor and my wife and I in the walk out basement. The basement was built to include a second kitchen and laundry room to provide privacy and convenience while we reside at the same residence. All parking will be either be in the garage or on the driveway and access to the house shall be through the front door of the house. There are no modifications to the exterior of the house nor will it be used as a rental property.

Use Variance
Petitioner's Proposed Findings of Fact
(Please use fillable pdf, print neatly, or attach printed document.)

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:

My wife and I need to reside at the same residence as my elderly mother in law in order to provide care as needed. Mom resides on the main floor my wife and i in the walk out basement. All parking either in garage or driveway with entry to the residence through the front door of the main level.

- 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 neighborhood is zoned for and developed with several duplexes. There will be no changes to the existing structure.

- D. The need for the use variance arises from the following condition peculiar to the property involved, which is:

The house was enitally permitted with half the basement to be unfinished due to lack of funding. Towards the end of construction we had enough funding to complete the basement and so it was completed to enclude a second laundry room and kitchen which was not depicted on the building permit.

- E. 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:

Strict application would mean we would have to constantly share all fascilaties and would not allow either mom or my wife and I the oppertunity for privacy.

- F. Approval of the proposed use variance does not interfere substantially with the comprehensive plan adopted by the City of Valparaiso because:

The neighborhood is already zoned for duplexes. Referring to sec. 2.506 Single-Family Attached.

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

New Residence For:

Owner: Ms. Judith Harrington

3109 Winter Garden Drive

Valparaiso, IN 46385

SHEET INDEX

ARCHITECTURAL:

A1 COVER SHEET/ SHEET INDEX & VICINITY MAP

A2 SITE PLAN

A3 MAIN LEVEL PLAN

~~A4 MAIN LEVEL ELECTRICAL PLAN~~

A5 BASEMENT/ FOUNDATION PLAN

A6 EXTERIOR ELEVATIONS

A7 EXTERIOR ELEVATIONS

~~A8 WALL SECTION~~

~~A9 ROOF PLAN~~

PROJECT LOCATION



VICINITY MAP

N.T.S.



New Residence For
Ms. Judith Harrington
Valparaiso, IN

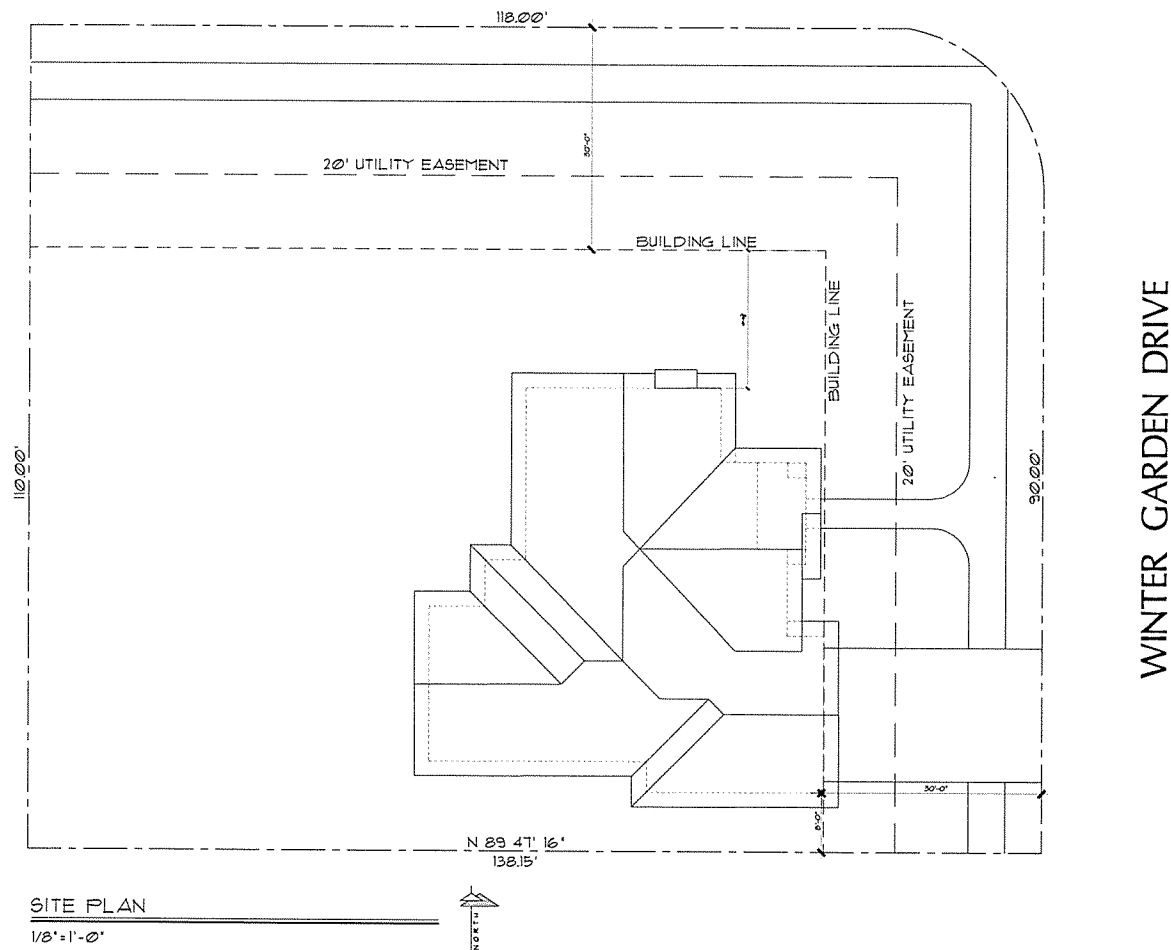
COVER SHEET
SHEET INDEX
VICINITY MAP

DRAWN BY: AA
ISSUE DATE: 4-3-2011
REVISION: DATE:

A1

1. THE ARCHITECT MAINTAINS NO RESPONSIBILITY FOR THE GENERAL CONTRACTOR, SUBCONTRACTORS, OR THOSE PERSONS IN SUCH CAPACITIES, FOR THE METHODS, MEANS, OR LACK THEREOF, IN THE EXECUTION OF THE WORK AND SAFETY PROCEDURES AND PRECAUTIONS TAKEN AT THE PROJECT SITE.
2. THE GENERAL CONTRACTOR SHALL COMPLY WITH THE LATEST OCCUPATIONAL SAFETY HEALTH ACT REQUIREMENTS.
3. ALL CONSTRUCTION SHALL BE PERFORMED IN STRICT COMPLIANCE WITH ALL APPLICABLE STATE AND LOCAL BUILDING CODES.

EXISTING SITE INFORMATION
The existing site information included on the Architectural Site Plan was taken from the existing site plan titled "Beauty Green Homes, 2016-01-21" provided by the owner.
Only the existing site information from the Survey is indicated on the Architectural Site Plan and is to be used for general reference only.
The Architect makes the warranty of representation with reference to the accuracy and completeness of the existing conditions as shown or not indicated on the Architectural Site Plan. The Contractor shall verify the location of all services and utilities including but not limited to, water, sewer, gas, and electric. The property line is shown on the Survey and is to be used for general reference only. The Contractor shall verify the Owner's survey is as represented prior to starting work.



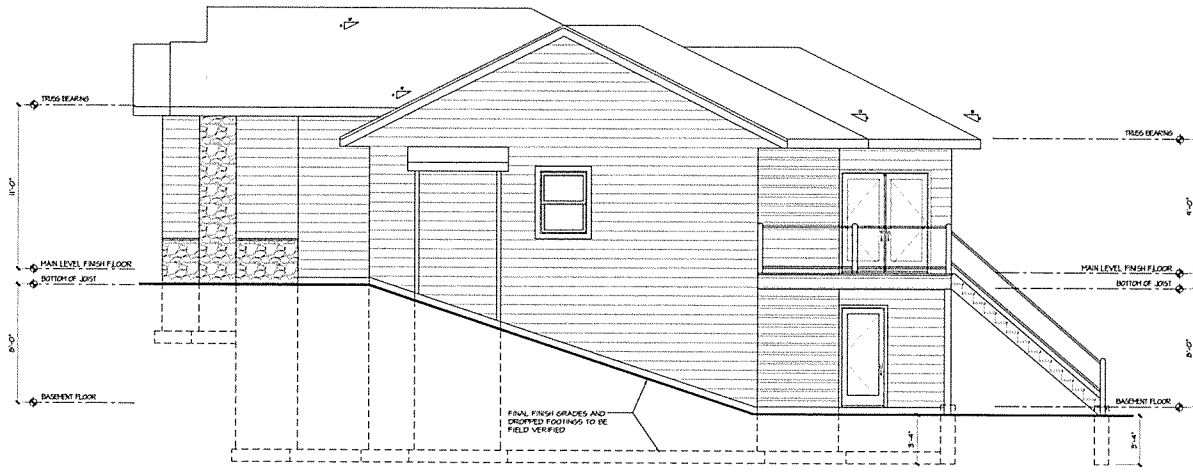
New Residence For Ms. Judith Harrington Valparaiso, IN

SITE PLAN

DRAWN BY: AA
ISSUE DATE: 4-3-2017
REVISION: **DATE:**

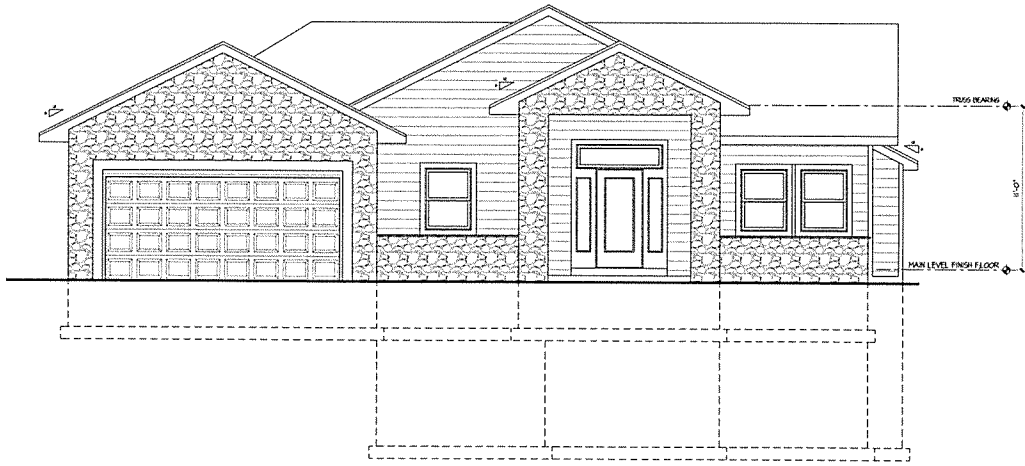
A2

New Residence For
Ms. Judith Harrington
Valparaiso, IN



RIGHT ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

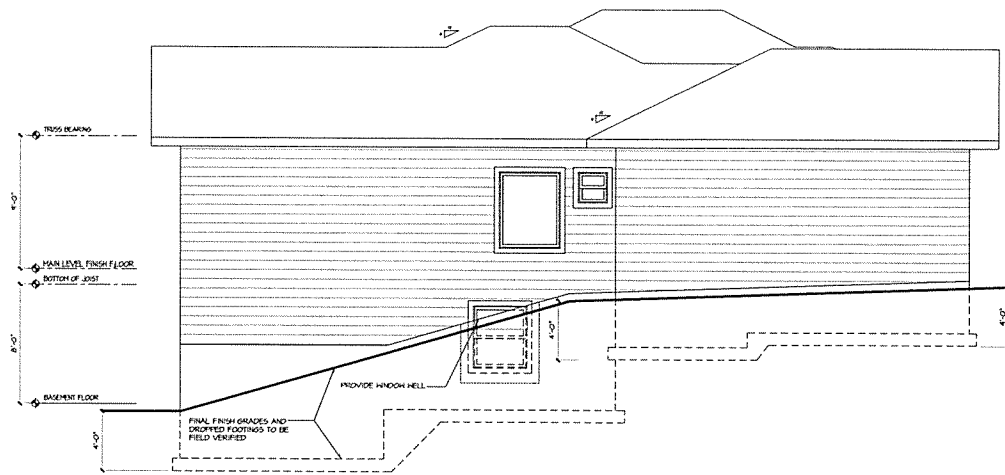
1/4" = 1'-0"

FINISH MATERIALS SUMMARY:
• TOTAL FRONT ELEVATION AREA = 35 SF
• 60 % MIN. REQUIRED = 21 SF
• PROPOSED STONE AREA = 26 SF = 8%

EXTERIOR
ELEVATIONS

DRAWN BY: AA
ISSUE DATE: 4-3-2011
REVISION: DATE:

A6



LEFT ELEVATION

1/4" = 1'-0"



REAR ELEVATION

1/4" = 1'-0"

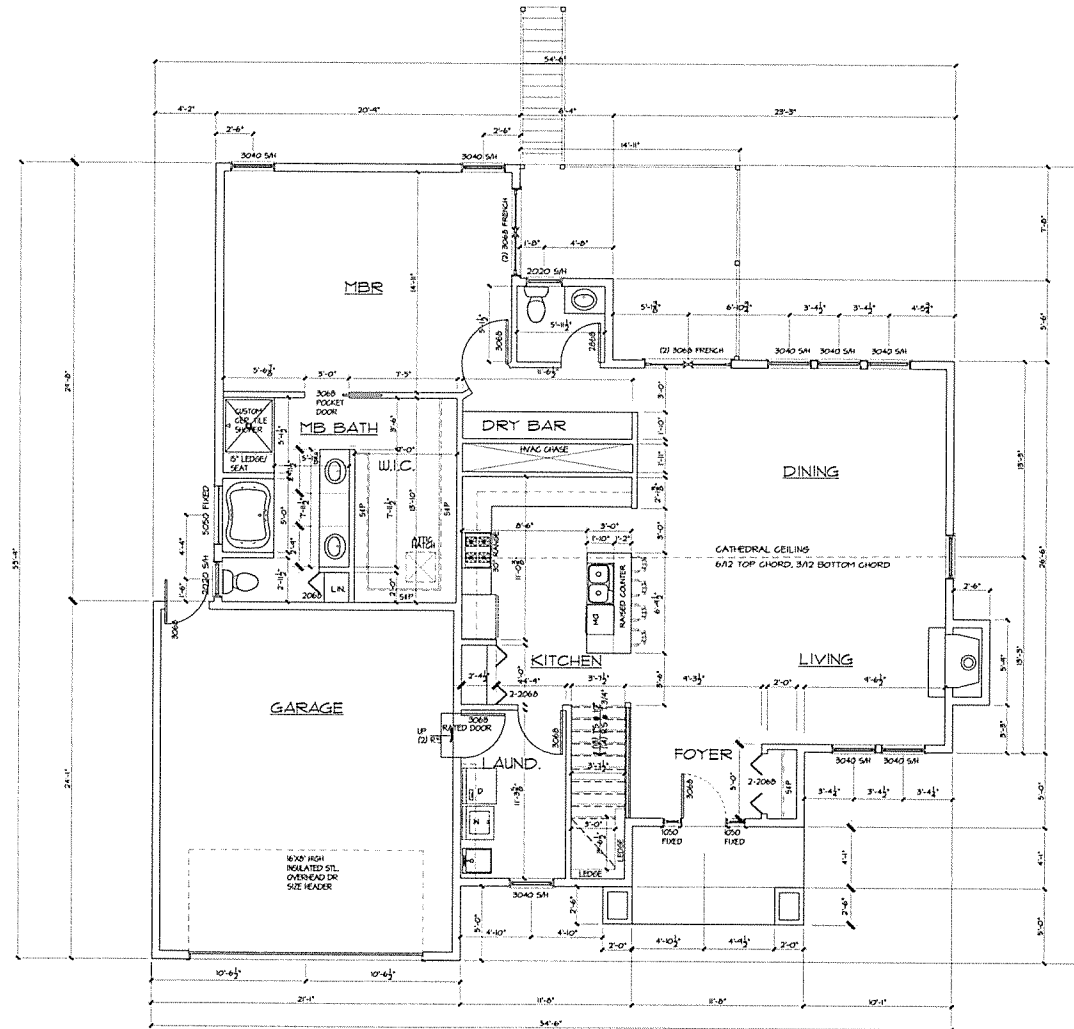
New Residence For
Ms. Judith Harrington
Valparaiso, IN

EXTERIOR ELEVATIONS

DRAWN BY: AA
ISSUE DATE: 4-9-2011
REVISION: DATE:

A7

New Residence For
Ms. Judith Harrington
Valparaiso, IN



MAIN LEVEL PLAN

1/4" = 1'-0"



MAIN LEVEL PLAN

DRAWN BY: AA
DATE: 8-3-2017
REVISION: DATE:

A3

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 #: VAR 22-010Application Type: DSVApplication Filing Fee: \$150Date Filed: 6 / 17 / 22Meeting: 7 / 20 / 22**SUBJECT PROPERTY INFORMATION****TYPE OR PRINT IN INK**

Property Address:

170 Lincolnway, Valparaiso, IN 46383
 217 Lincolnway, Valparaiso, IN 46383
 206 Jefferson St., Valparaiso, IN 46383
 208 Jefferson St., Valparaiso, IN 46383

Subject property fronts on the all streets listed belowside between (streets) Michigan and Morgan& Lincolnway and JeffersonZoning District: Central Business District**PETITIONER INFORMATION**

Applicant Name:

HG Valpo I, LLC

Phone:

317-315-4621

Email:

vtempleton@rqaw.com

Address:

c/o Victoria Templeton, RQAW
 8770 North St.
 Fishers, IN 46038

PROPERTY OWNER INFORMATION

Applicant Name:

HG Valpo I, LLC and City of Valparaiso

Phone:

317-514-1720

Email:

tom.dickey@hagemangroup.com

Address:

HG Valpo I, LLC
 12821 E New Market St., Suite 200
 Carmel, IN 46032

City of Valparaiso
 166 Lincolnway
 Valparaiso, IN 46383

SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:

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

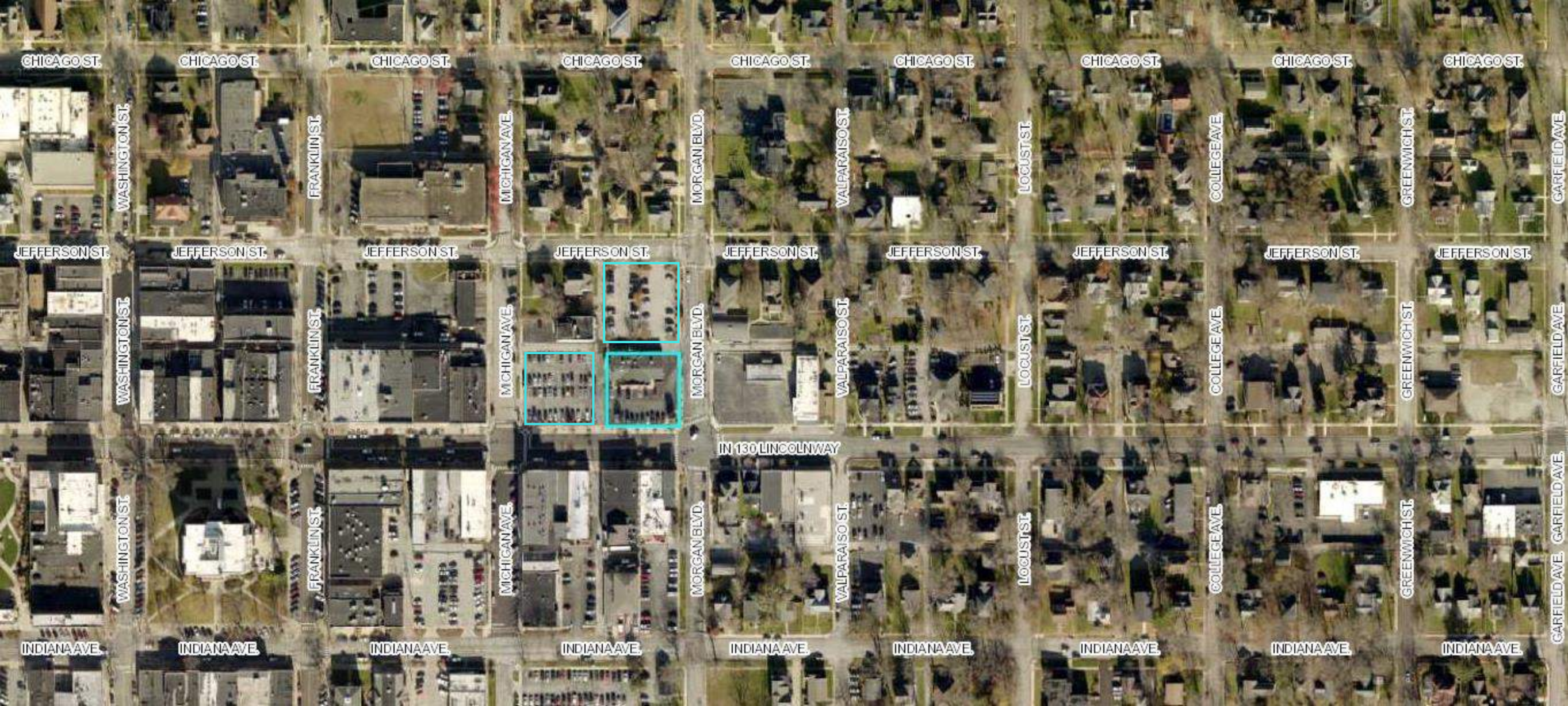
Article: _____ Section: _____ Paragraph: _____ Item: _____

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

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

Article: 11 Section: 11.601 Paragraph: A Item: 1Article: 11 Section: 11.601 Paragraph: C Item: 1Article: 11 Section: 11.605 Paragraph: A Item: 1

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



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

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

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:

- 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 practical 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.

Variance for Development Standards Petitioner's Proposed Findings of Facts

With respect to each Variance, Petitioner submits that:

1. 11.601.A.1 Upper floors shall be stepped back...

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

Downtown zoning allows for a 4th floor. The standard at issue is intended to make buildings with a 4th floor appear consistent in scale and architectural profile with existing downtown buildings from the viewpoint of a pedestrian or person in a vehicle.

The Linc building provides the following architectural elements to meet the intent of this standard:

- Balconies that are inset into the building façade that gives significant relief to the 4th floor building mass along the street.
- 2nd and 3rd floor balconies that extend two feet past the façade of the building, while leaving the 4th floor balconies flush with the building façade, providing further visual relief to the 4th floor.
- Except on prominent corners, lowering the cornice of the building from the 4th floor to the 3rd floor consistent with the architectural style of the Porter County courthouse.
- Provide a change of material in key locations to de-emphasize the 4th floor.
- At high points on the site, the buildings are sunk below grade anywhere from 2 to 6 feet to make the buildings appear lower in height.

A variance of this standard in no way impacts the public health, safety, moral, and general welfare of the community.

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

The architectural elements summarized above accomplish the intent of this standard. From a pure scale perspective, for example, at the intersection of the Lincolnway and Michigan, The Linc building will be just 8 feet higher than the neighboring building to the west across Michigan; and at the intersection of Morgan and Jefferson, The Linc building will be just 3 feet higher than the new townhomes under construction on the northeast corner of this intersection. In addition, the Petitioner's changes to the building architectural to de-emphasize the fourth floor will accomplish the goal of the standard.

Thus, the use and value of the area adjacent to the project site will not be affected in a

substantially adverse manner.

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 strict application of this standard would result in the elimination of approximately one-half of the 4th floor residential units from the project and add significant costs. The elimination of the residential units is inconsistent with City's stated goal of increasing downtown residential density. Equally important, the elimination of downtown living units would be inconsistent with project details that were reviewed and approved by (i) the Indiana Economic Development Corporation when granting state redevelopment tax credits for the project, and (ii) the City RDC when entering into the project Economic Development Agreement with Petitioner.

Petitioner has made changes to the architecture of the buildings to meet the intent of this standard. As such, the strict application would also result in a building that looks only slightly different than the building as currently shown in this application.

2. 11.601.C.1 Within 15 feet of a property line at the intersection of streets, new buildings shall incorporate... a corner entrance to a store, courtyard, building lobby, atrium, pedestrian pathway, or pedestrian-oriented space.

Note, this variance only applies to Building C. Buildings A and B comply.

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

Building C is all residential and faces Jefferson and Morgan. Building C is intentionally designed to blend with residential forms and uses in the area along Jefferson and Morgan. The building does not have exterior entrances. Whether Building C has a corner entrance into an apartment on the first floor will have no impact on public health, safety, moral, and general welfare of the community.

Building C will comply with the second subsection of 11.601.C2.

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

The fact that Building C does not have exterior entrances on the corner of the buildings will not affect the use and value of the area adjacent to the property in a substantially adverse manner.

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:

With respect to Building C, the strict application of this standard would require that Building C be designed differently and function differently than Buildings A and B. First floor units in Building C would have to have direct front door access to the public sidewalk. This would negatively affect the public sidewalk around parts of Building C because Building C is sunken 2 to 3 feet below grade causing ramps, steps and retaining walls to be constructed in the public right of way. It would introduce practical difficulties in building construction, building security, and would negatively impact the overall long-term success of the project, as most tenants prefer the security of an internal front door entrance.

3. 11.605.A.1 Within 20 feet of the edge of the sidewalk along a street, not less than 51% of the area between two and eight feet above ground level shall be transparent.

Note, this variance only applies to the following facades: Building A along Michigan; Building C along Morgan; and Building C along Jefferson. The facades of both buildings along Lincolnway comply and the façade of Building B along Morgan complies.

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

The intent of a transparency requirement is to add the visual diversity of glass. When used on the first floor of a walkable area like the downtown, it is to provide visual interest to the pedestrian and allow them to see in restaurants, shops and offices. Transparency can make areas feel more active and livelier. This is why the facades along Lincolnway, as well as the façade that will face the new City parking garage along Morgan are compliant. The facades where The Linc is not compliant with this standard are either all residential or are primarily residential. Introducing the level of transparency required by this standard to a residential first floor façades does not accomplish the goal of visual interest for pedestrians. In fact, it almost always results in the occupants keeping their blinds closed for privacy as they do not want passersby looking into their home.

Providing less transparency on residential first floor facades than required by this standard will not be injurious to the public health, safety, moral, and general welfare of the community.

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

The first-floor façade of Building A along Michigan is 40 %, of Building C along Morgan is 36 %, and of Building C along Jefferson is 39 %. There are numerous buildings in the downtown where there is no transparency on the side of a building, like the Papa John's building across Morgan from the Linc. If the Linc facades were to be blank with no windows, we would find that the use

and value of area adjacent to The Linc would be substantially adversely affected. Given the facades in question are not retail uses and the proposed design includes a significant number of residential style windows that are appropriate in scale and number for the overall building design, the fact that these facades do not meet the 51% transparency standard will not affect the use and value of the area adjacent to the property in a substantially adverse manner.

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 strict application of this standard would require store front or store front-like windows along the facades of a building with residential uses. The other sides of our buildings front two roads and provide mixed-use on the first floor. Larger windows looking into first floor residential units could confuse passersby as to whether the use is commercial or residential and could cause safety and privacy concerns.

In addition, the site topography slopes in several directions which creates a hardship for The Linc in that a portion of each building facade is at grade while another portion is below grade and another portion above grade, limiting our ability to measure transparency.

Finally, as mentioned above, the downtown standards are generally written for narrower buildings. The narrower walls can use their long side walls for shear. Due to our L-shape we will need structural shear wall locations along all building frontages, which limits our ability to introduce transparency on building facades.

BZA SUBMITTAL

LINC APARTMENTS

LINCOLNWAY AND MORGAN BLVD

#	Revision	Date
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Project #: 22-700-096-2

Designed By: CJR

Drawn By: CJR

Checked By: CJR

Date: 6/16/2022

NOT FOR CONSTRUCTION

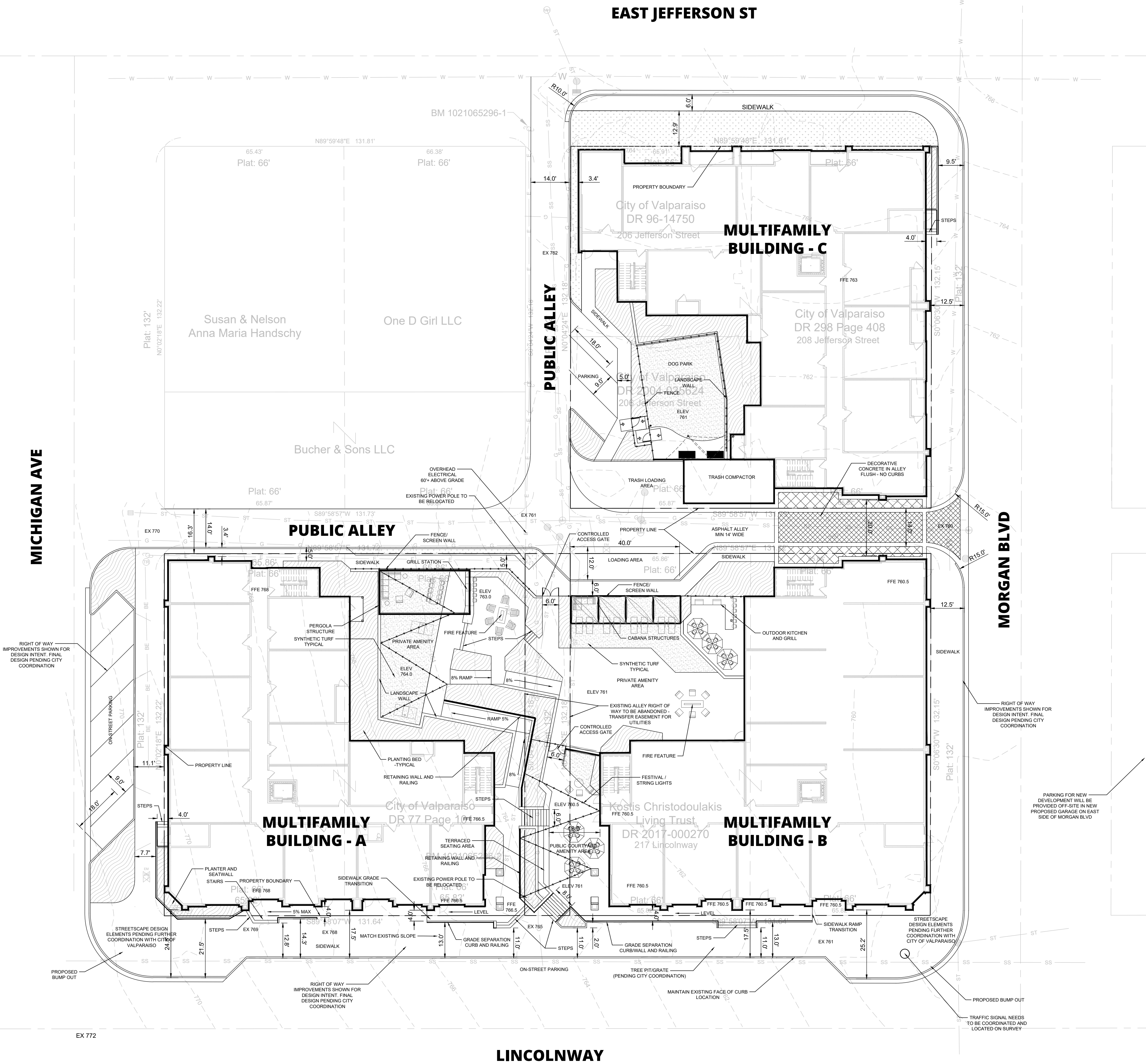


SITE PLAN

C200



Know what's below.
Call before you dig.



#	Revision	Date
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Project #: 22-700-096-1

Designed By: TCH

Drawn By: TCH

Checked By: VT

Date: 06.16.2022

NOT FOR CONSTRUCTION

BLDG A - ELEVATIONS

A-201



4 BUILDING A - EAST ELEVATION - ALLEYWAY
1/8" = 1'-0"



2 BUILDING A - WEST ELEVATION - MICHIGAN AVE.
1/8" = 1'-0"



3 BUILDING A - NORTH ELEVATION - ALLEYWAY
1/8" = 1'-0"



1 BUILDING A - SOUTH ELEVATION - LINCOLNWAY
1/8" = 1'-0"

5.4.200 - ELEVATION NOTES

Key	Note
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BZA APPLICATION

HAGEMAN GROUP

LINC APARTMENTS

INTERSECTION OF MORGAN BLVD AND LINCOLNWAY,
VALPARAISO, INDIANA

#	Revision	Date
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Project #: 22-700-096-1

Designed By: Designer

Drawn By: Author

Checked By: Checker

Date: 06.16.2022

NOT FOR CONSTRUCTION

BLDG B - ELEVATIONS

A-203



4 BUILDING B - WEST ELEVATION - ALLEYWAY
1/8" = 1'-0"



3 BUILDING B - NORTH ELEVATION - ALLEYWAY
1/8" = 1'-0"



2 BUILDING B - EAST ELEVATION - MORGAN BLVD
1/8" = 1'-0"



1 BUILDING B - SOUTH ELEVATION - LINCOLNWAY
1/8" = 1'-0"



BZA APPLICATION
HAGEMAN GROUP
LINC APARTMENTS
INTERSECTION OF MORGAN BLVD AND LINCOLNWAY,
VALPARAISO, INDIANA

#	Revision	Date

Project #: 22-700-096-1
Designed By: Designer
Drawn By: Author
Checked By: Checker
Date: 06.16.2022

NOT FOR CONSTRUCTION
BLDG C - ELEVATIONS



Pedestrian Oriented Facade:

- Wider Sidewalks Along Lincolnway
- Street Trees and Seat Walls
- Retail Along Lincolnway
- First Floor Material Finish
- Recessed Retail Storefronts
- Various Columns and Pilasters Creating Building Modulation
- Historic Components Provided Include: (Base, Large Display Windows, Storefront Cornice, Awnings, Gooseneck Lighting)
- Pedestrian Scale Building Details
- Seasonal Planters/Landscaping



Linc Apartments
Overall Street Elevation - Neighboring Context - Lincolnway - West
06.17.2022

RQAW
ARCHITECTURE



Pedestrian Oriented Facade:

- Wider Sidewalks Along Lincolnway
- Street Trees and Seat Walls
- Retail Along Lincolnway
- First Floor Material Finish
- Recessed Retail Storefronts
- Various Columns and Pilasters Creating Building Modulation
- Historic Components Provided Include: (Base, Large Display Windows, Storefront Cornice, Awnings, Gooseneck Lighting)
- Pedestrian Scale Building Details
- Seasonal Planters/Landscaping



Linc Apartments

Overall Street Elevation - Neighboring Context - Morgan Blvd - South

06.17.2022

RQAW
ARCHITECTURE



Pedestrian Oriented Facade:

- Wider Sidewalks Along Lincolnway
- Street Trees and Seat Walls
- Retail Along Lincolnway
- First Floor Material Finish
- Recessed Retail Storefronts
- Various Columns and Pilasters Creating Building Modulation
- Historic Components Provided Include: (Base, Large Display Windows, Storefront Cornice, Awnings, Gooseneck Lighting)
- Pedestrian Scale Building Details
- Seasonal Planters/Landscaping



Linc Apartments
 Overall Street Elevation - Neighboring Context - Morgan Blvd - North
 06.17.2022



Pedestrian Oriented Facade:

- Wider Sidewalks Along Lincolnway
- Street Trees and Seat Walls
- Retail Along Lincolnway
- First Floor Material Finish
- Recessed Retail Storefronts
- Various Columns and Pilasters Creating Building Modulation
- Historic Components Provided Include: (Base, Large Display Windows, Storefront Cornice, Awnings, Gooseneck Lighting)
- Pedestrian Scale Building Details
- Seasonal Planters/Landscaping



Linc Apartments
 Overall Street Elevation - Neighboring Context - Lincolnway - East
 06.17.2022