

MEETING AGENDA

Valparaiso Board of Zoning Appeals
Wednesday, August 17, 2022, 5:30 PM
Valparaiso City Hall – Council Chambers

1. Pledge of Allegiance
2. Roll Call
3. Adoption of Meeting Minutes – July 20, 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

VAR22-012 – A petition filed by Hilltop Neighborhood House to request a Development Standards Variance from 2.402(A)(1)(c) to allow a fence in the front yard (five-foot height) and to allow the street side yard fence to exceed the four-foot allowance (allowing five-foot height on the south side and six-foot height on the west side) surrounding the playground area at 460 S. College Ave. (Residential Transition, RT)

6. Other Business
7. Staff Items
8. Adjournment

Michael Micka, *President – Board of Zoning Appeals*

Beth Shrader, *Planning Director*

Next Meeting: **September 21, 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/ValpoBZA2022*

****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



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:

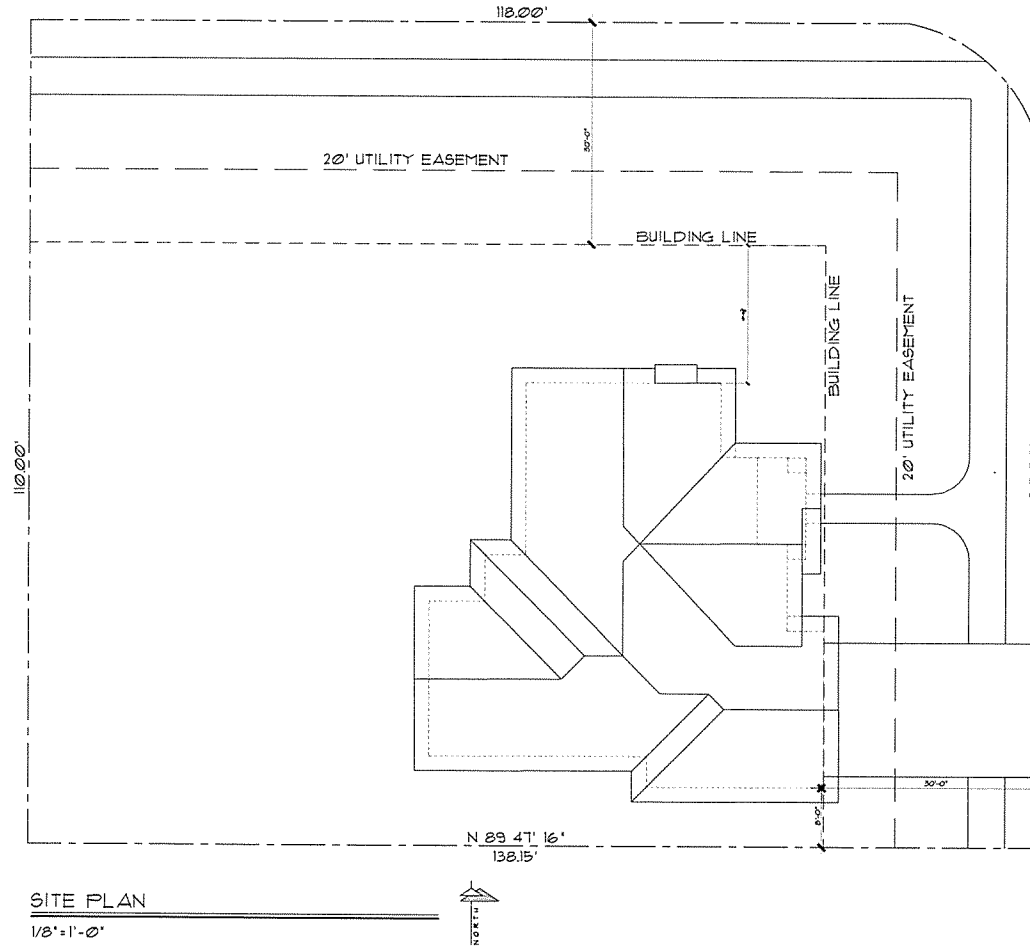
A1

GENERAL NOTES

1. THE ARCHITECT MAKES NO RESPONSIBILITY FOR THE GENERAL CONTRACTOR, SUBCONTRACTORS, OR OTHER PERSONS TO BE EMPLOYED FOR THE PROJECTS AND UNLESS REQUIRED BY THE EXECUTION OF THE WORK, AND SAFETY PROCEDURES AND PRECAUTIONS TAKEN AT THE PROJECT SITE.
2. THE CONTRACTOR SHALL COMPLY WITH THE LATEST OCCUPATIONAL SAFETY HEALTH ACT REQUIREMENTS.
3. ALL CONSTRUCTION SHALL BE PERFORMED IN STRICT CONFORMANCE WITH ALL APPLICABLE STATE AND LOCAL BUILDING CODES.

BEAUTY CREEK COURT

EXISTING SITE INFORMATION
The existing site information indicated on this site plan was taken from an existing site plan of the "Beauty Creek Homes, 2016-01-27" Project by [redacted] and [redacted] and is to be used for general information only.
The Architect makes no warranty or representation with respect to the accuracy and completeness of the existing conditions indicated on the site plan. The Contractor shall verify the location of all existing and proposed structures, utilities, and other building features to the property lines. The Contractor shall obtain the Owner's approval of any site changes prior to doing the work.



SITE PLAN

1/8" = 1'-0"

WINTER GARDEN DRIVE

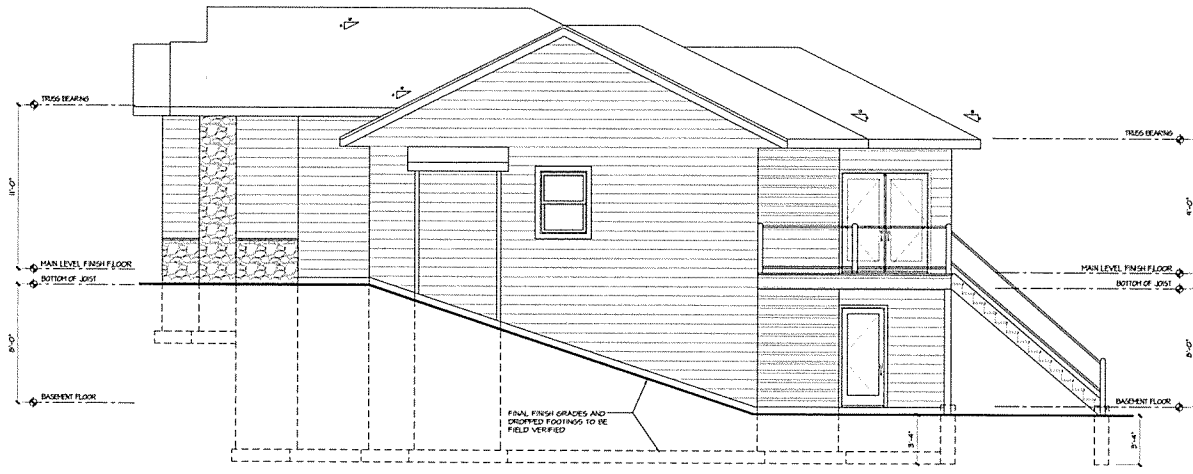
New Residence For
Ms. Judith Harrington
Valparaiso, IN

SITE PLAN

DRAWN BY: AA
ISSUE DATE: 1-3-2017
REVISION: DATE:

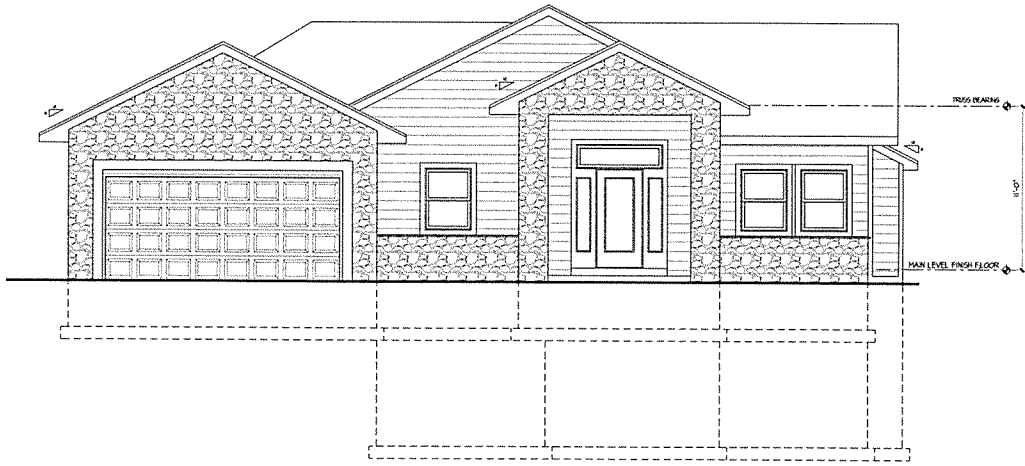
A2

New Residence For
Ms. Judith Harrington
Valparaiso, IN



RIGHT ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

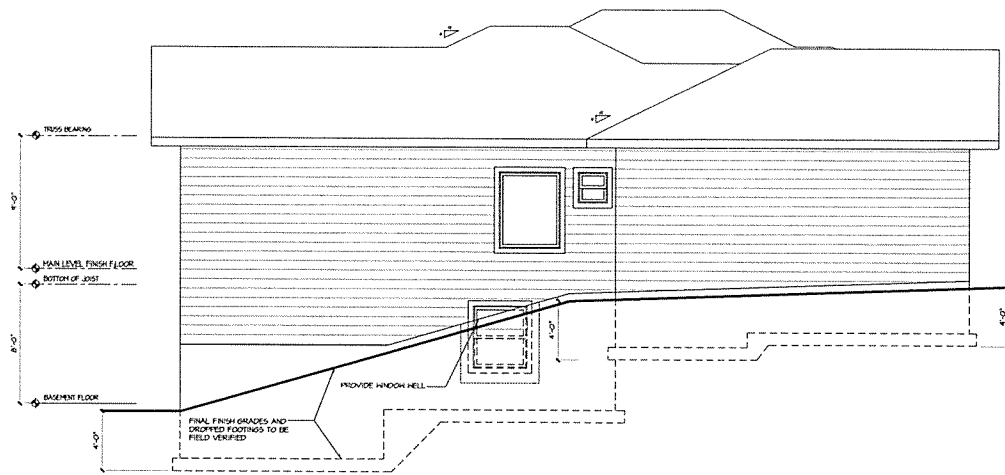
1/4" = 1'-0"

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"

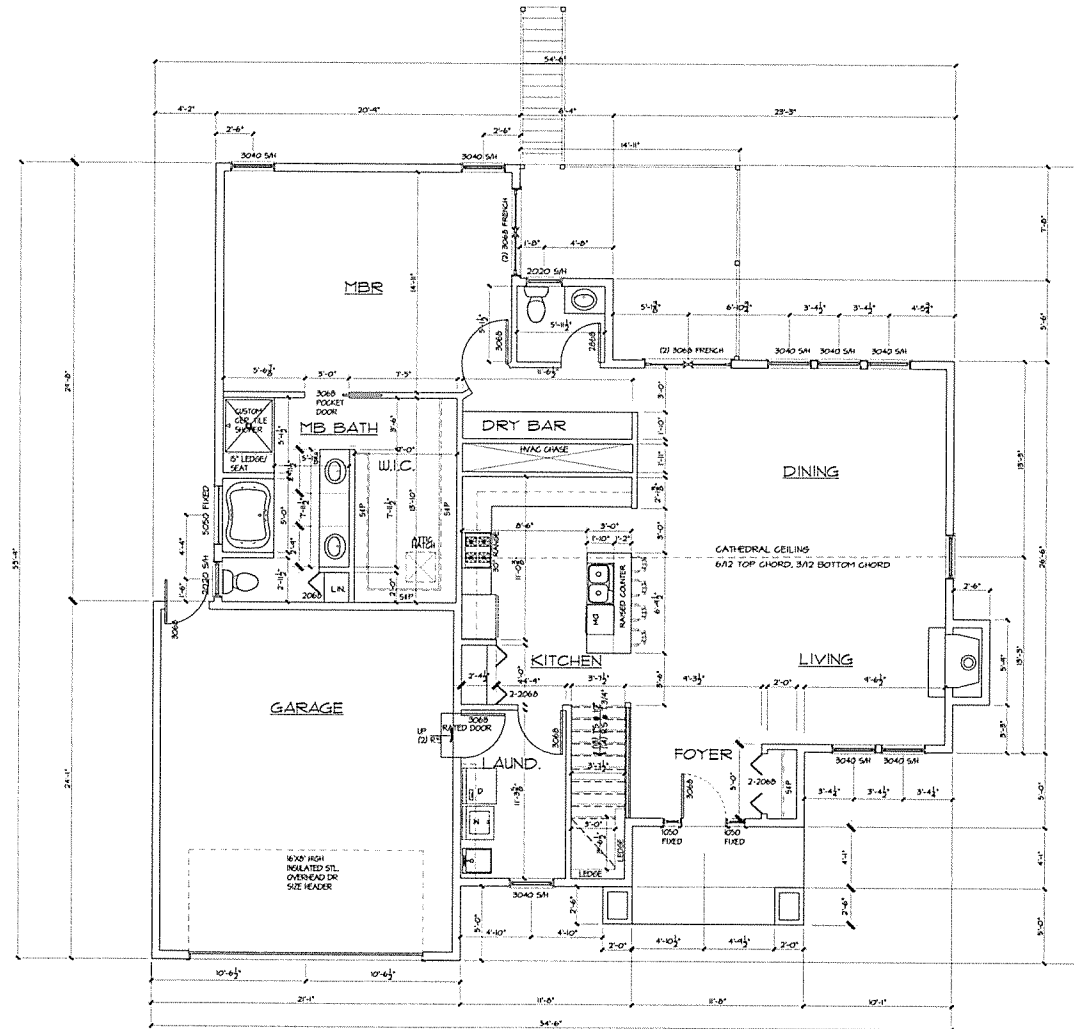
New Residence For
Ms. Judith Harrington
Valparaiso, IN

EXTERIOR ELEVATIONS

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

A7

New Residence For
Ms. Judith Harrington
Valparaiso, IN



MAIN LEVEL PLAN

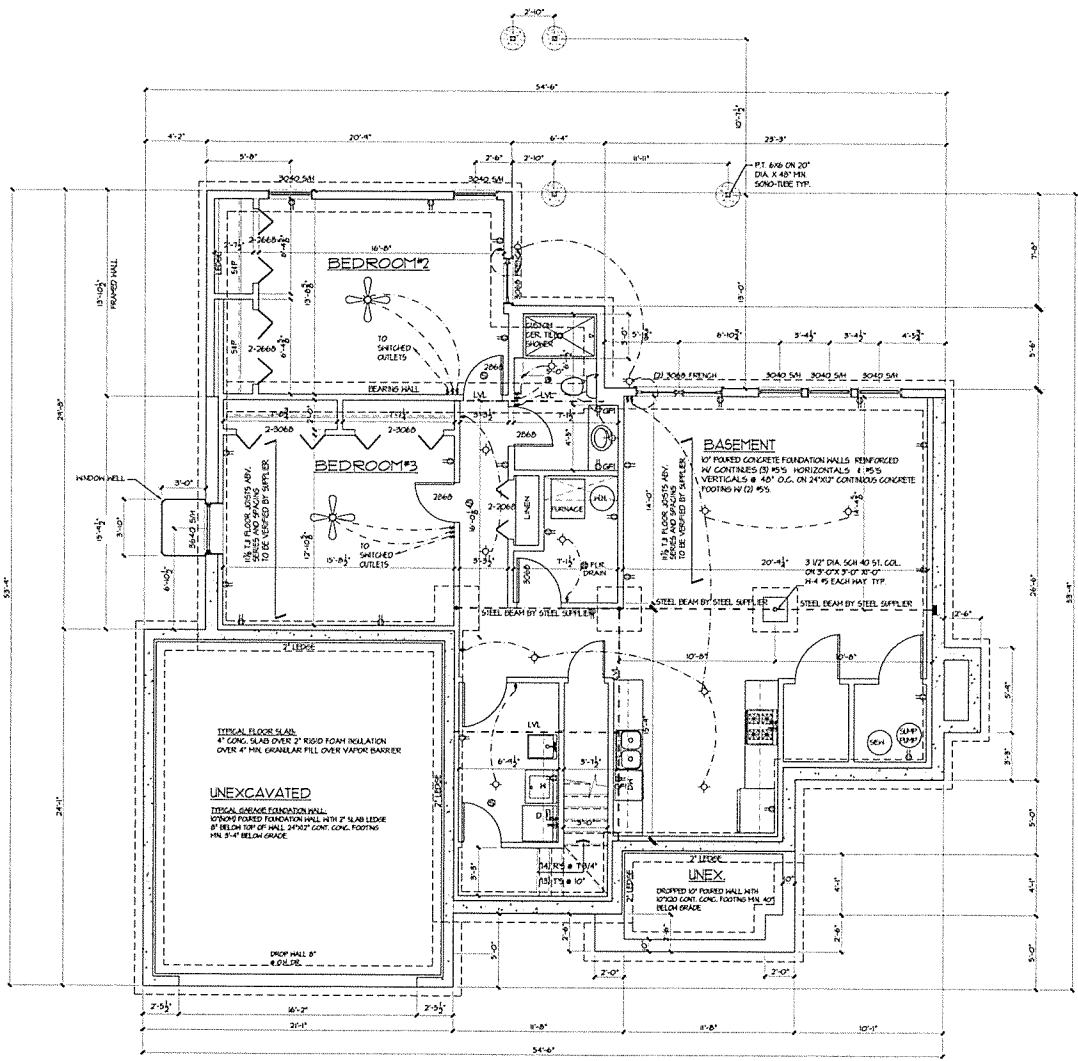
1/4" = 1'-0"



MAIN LEVEL PLAN

DRAWN BY: AA
DATE: 1-3-2017
REVISION: DATE:

A3



BASEMENT/ FOUNDATION PLAN
1/4" = 1'-0"



- GENERAL NOTES:**
- JOIST SUPPLIER TO VERIFY ALL HEADER SIZES, FLOOR JOISTS SERIES AND SPACING
 - STEEL BEAM SIZES TO BE SIZED AND CONFIRMED BY SUPPLIER.
 - PREFABRICATED HOOD TRUSSES TO BE COORDINATE WITH HOSS SUPPLIER.
 - ELECTRICAL SERVICE LOCATION TO BE COORDINATE WITH OWNER.
 - ALL MECHANICAL LOCATIONS AND SIZES TO BE COORDINATE WITH OWNER.
 - CONTRACTOR TO VERIFY FOOTING SIZE PER SOIL CONDITION AND LOAD.
 - CONTRACTOR TO VERIFY EXPOSED BASEMENT AREA WITH FINISH GRADE CONDITIONS.
 - CONTRACTOR TO VERIFY LOCATION OF SUMP PUMP, FURNACE, WATER HEATER.
 - SCUTTLE LOCATION TO BE COORDINATE WITH OWNER AND INSULATION CONTRACTOR
 - ALL EXTERIOR WALLS HIGHER THAN 10'-1 1/8" TO BE TIMBERS/STRAND
 - INSULATE AND DRYHALL GARAGE.
 - STEEL BEAMS TO SIZED AND VERIFIED BY STEEL SUPPLIER.
 - HOOD HEADERS TO BE SIZED AND VERIFIED BY TIEPER SUPPLIER.

New Residence For
Ms. Judith Harrington
Valparaiso, IN

**BASEMENT/
FOUNDATION
PLAN**

DRAWN BY: AA
ISSUE DATE: 11-5-2011
REVISION: 1 DATE: 3-11-2012

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

FILED

JUL 15 2022

Debra Taylor

For Office Use Only:

Petition #: YAK 22-012

Application Type: _____

Application Filing Fee: \$150.00Date Filed: 07 / 15 / 2022Meeting: 08 / 17 / 2022

CK# 4443

SUBJECT PROPERTY INFORMATION

Clerk-Treasurer

TYPE OR PRINT IN INK

Property Address:

460 S. College Ave.
Valparaiso, IN 46383Subject property fronts on the Westside between (streets) Freeman& UnionZoning District: Residential Transition**PETITIONER INFORMATION**

Applicant Name:

Amy Osburn

Phone:

219-477-4222 X250

Email:

aosburn@hilltophouse.org

Address:

460 S. College Ave.
Valparaiso, IN 46383**PROPERTY OWNER INFORMATION**

Applicant Name:

Hilltop Neighborhood House

Phone:

219-477-4222

Email:

jwright@hilltophouse.org

Address:

460 S. College Ave.
Valparaiso, IN 46383**SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:**Article: 2 Section: 2.302 Paragraph: A Item: 2Article: 2 Section: 2.402 Paragraph: A Item: 1c

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. _____)

SMITH ADD LOTS 9 & 10 BLK 3 DR472 P464

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

Removal of current 4' chain link fence surrounding the children's playground.

Install a 5', black aluminum fence on East and South side of playground, and 6' black aluminum fence on West side of playground.

This project is for the safety and security of our children. We have heavy foot traffic in front of the playground daily, and have had individuals hop the fence on more than one occasion.

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:

Hilltop Neighborhood House currently provides services for this neighborhood, including but not limited to, a food pantry, community garden, and a low income childcare center. This fence is for the safety and security of those who attend the program, many of which live in the neighborhood.

The City of Valparaiso is aware that affordable access to quality childcare is in short supply. We also happen to be in a governor opportunity zone, with the highest rate of crime in Porter County.

The City of Valparaiso just provided us with a \$100,000 to upgrade our facility because of ARPA. This fence, however, will be paid for through a grant by the Porter County Community Foundation, who also supports the services we provide and wants to ensure our children are safe on our playground.

- 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:

This is a safety and security fence for children who utilize an already existing playground. The new fence will be in the same exact location as the current fence, but will be of a higher quality. There are no direct adjacent properties on the East or South side of the fence. The use and value of the adjacent property on the West side will not be affected by a 5' or 6' fence in any adverse manner because it will not be blocking any views or alter access to any nearby locations. If anything, it will add to the aesthetics of the property.

- 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:

Hilltop is located in a high foot traffic and high crime area. We have had multiple issues where suspects have hopped our fence running from the police, as well as instances of individuals trying to interact with our small children over a 4' fence. The neighborhood continues to be plagued with crime, mental health, and drug abuse issues. A taller fence is one of the many steps taken to ensure our children are kept safe.

This fence will add to the aesthetic of the neighborhood. It is an extremely nice looking fence, and of a higher quality than the existing fence. A 5' fence will prevent individuals from reaching and interacting over the fence on the East and South sides of the playground. A 6' fence on the West side is needed to achieve the same goal. However, the ground level is about 5 inches lower on this side of the playground, therefore a taller fence is needed. This West side of the playground is also the only side that is adjacent to a very small alleyway, which divides Hilltop and the adjacent apartment complex. This alleyway is where individuals have hopped our fence while running from police on more than one occasion. There have also been multiple arrests and police activity at this neighboring apartment complex. Hilltop has added security camera's to this alleyway, however a 6' fence is needed here as an additional precaution to keep our kids safe while on the playground.

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.



West fence



West fence

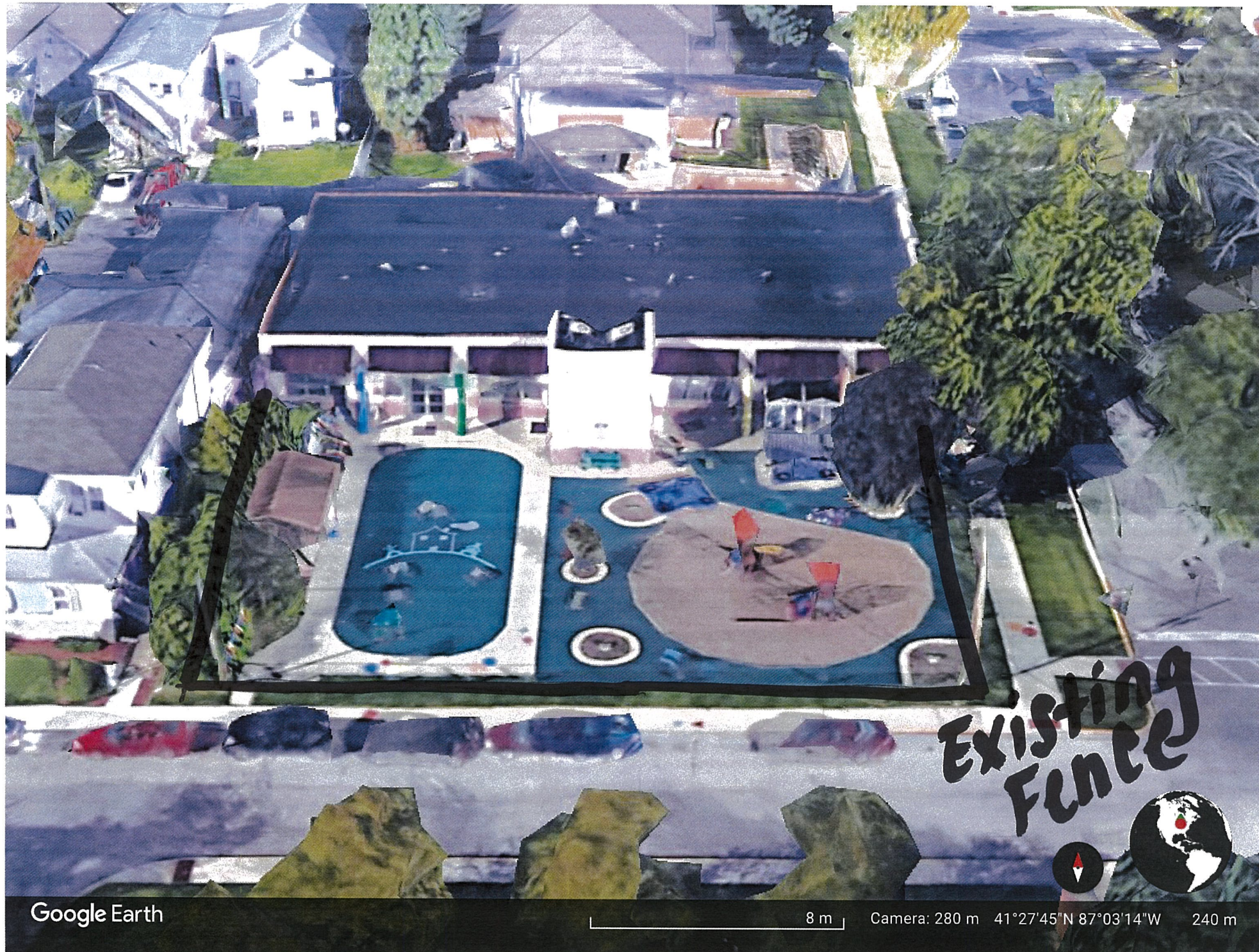


South fence



East fence





Existing
Fence

Google Earth

8 m

Camera: 280 m

41°27'45"N 87°03'14"W

240 m

West U.S. 130
1758 West Lincolnway
Valparaiso, IN 46385
Ph: (219) 464-4207
Fax: (219) 465-1747

e-mail: AOSBURN@HILLTOPHOUSE.ORG

Balance due within 10 days of completion. Any variance will incur a MONTHLY 1.5% finance charge. Any lawyer and court fees incurred trying to collect an outstanding debt, will be at buyers expense.

1. Verify property lines and acquire necessary permits. Fees to be added if we are required to obtain permit.
2. Locate and clear fence lines.
3. Locate and mark PRIVATE utilities and sprinkler lines. Not liable for damages to unmarked utilities and lines.
4. Dirt removal. For an additional fee of \$ 25.00 per hole, we can provide this service.

These responsibilities have been fully explained to me and I accept them.

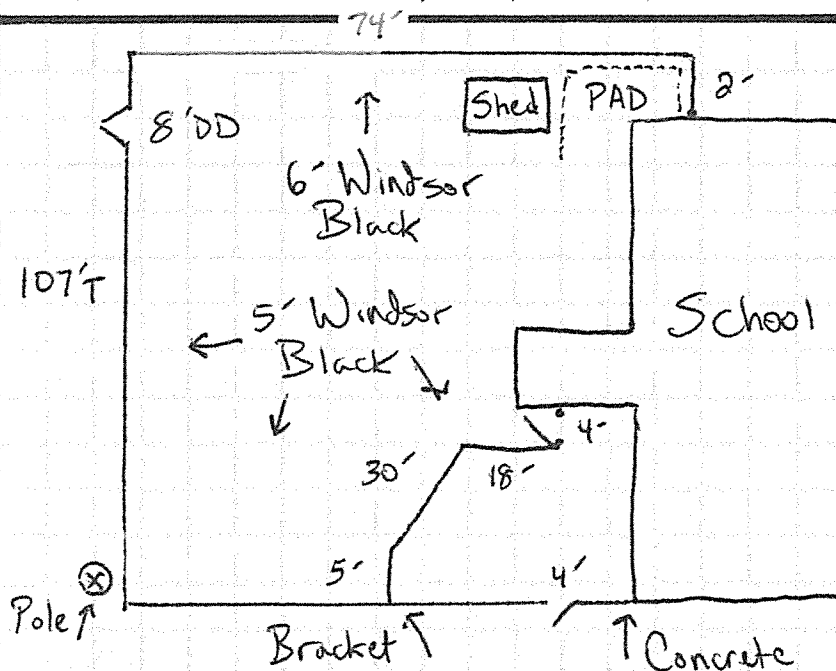
Signature: _____

The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. I understand that I have three(3) working day to cancel. After that 10% of the TOTAL contract amount will be retained as a cancellation fee. Special order materials are non-refundable.

Signature _____

Signature _____

Date _____



More or less material other than amount contracted for will be debited or credited at current rate.

This proposal becomes a contract when accepted by both parties:

Authorized Signature Rob Mahoney

Proposal may be withdrawn after 30 days if not accepted.



America's Fencing Choice™

ASSA ABLOY

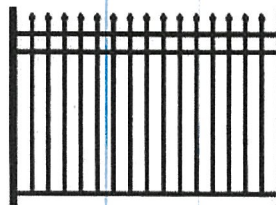
Regency – Our Premium Residential Fence

Jerith's prestigious Regency Aluminum Fences satisfy a growing demand for stronger residential fences that don't look like industrial products. Our Regency Fences use slightly larger components to create a 6' long section that is nearly 50% stronger than our standard Residential Fences for just a little more money. These noble fences seamlessly blend into any yard or pool area without appearing to be out of place.

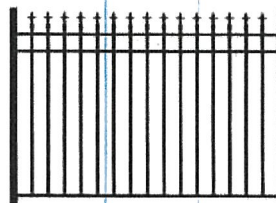
The basic Regency Fence styles are Buckingham, Kensington and Windsor. In these classic designs, the pickets do not extend beyond the bottom rail to give a smooth, clean look. To create a truly "regal" appearance, these styles can also have decorative rings attached between the top two rails.

Everything you would expect in a Jerith fence is found in a Regency Fence. Our exclusive HS-35™ Alloy is used in every rail and post. The standard FencCoat™ finishes are available for every style. And, of course, every fence is guaranteed for as long as you own it!

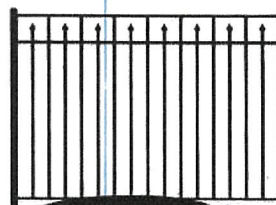
If you want a stronger, more impressive fence for your home without having an industrial look, then a Jerith Regency Fence is perfect for you. Whether you choose our standard posts or the sturdier 2-1/2" square posts, a Regency Fence will surely make your home a stately manor!



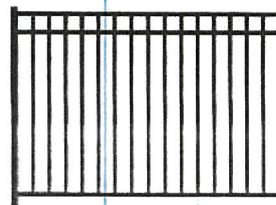
EP-5 / Buckingham



EP-6 / Kensington with Majestic finials



CP-5 / Canterbury



CP-4 / Windsor



