

166 Lincolnway Valparaiso, IN 46383 (219) 462-1161 Valpo.us

# Valparaiso Board of Zoning Appeals Meeting Agenda

Wednesday, March 15, 2023, 5:30 p.m. City Hall, 166 Lincolnway, Valparaiso, IN 46383 Council Chambers

- 1. Pledge of Allegiance
- 2. Roll Call
- 3. Adoption of Meeting Minutes January 18, 2023
- 4. Old Business
- 5. New Business

#### VAR23-001

A petition filed by Hilltop Neighborhood House Inc. c/o Todd A. Leeth (Hoeppner Wagner & Evans LLP). The property is located at 608 Union Street in a Residential Transition (RT) Zoning District. The petitioner requests the following variance(s):

- Table 3.301B To reduce Landscape Surface ratio from 60% to 52%:
- Table 3.301B To increase maximum FAR (Gross FAR from 0.203 to 0.213; Net FAR from 0.507 to 0.532);
- Table 9.201 To reduce parking count from 8 to 6; and
- Table 3.505 To reduce rear yard setback from 30ft to 27ft.

#### UV23-001 and VAR23-002

A petition filed by Curfin Property Holding Inc. c/o McMAHON Associates Inc. The property is located at 2052 Morthland Drive in a Commercial General (CG) Zoning District; it is also partially within the US 30 (Morthland Drive) Signature Corridor Overlay. The petitioner requests the following variance(s):

- Section 11.305(D) To allow additional outdoor storage of operable vehicles for sale;
- Section 11.305(L) To reduce Landscape Surface Ratio coverage from 25% to 18.1% (per plan); and
- Section 10.301 To reduce required on-lot landscaping for the new project area (per plan) to 0 additional plantings.
- 6. Other Business
- 7. Staff Items
- 8. Adjournment

Kyle Yelton, President – Board of Zoning Appeals Beth Shrader, Planning Director

Next Meeting: April 19, 2023, 5:30 p.m.

Interested persons may attend in person, view the meeting live on the city's website (www.valpo.us), participate via web conference (bit.ly/ValpoBZA2023), or submit written comments (with name, address and telephone number) to the Planning Director prior to the hearing date (planningdepartment@valpo.us or City Hall address provided above).

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:	
This application is being submitted for (Check all that apply)	For Office Use Only:
Use Variance	Petition #: VAR 23-001
Development Standards Variance	Application Type: $05$
Special Exception/Special Use	Application Filing Fee: \$\int 150
Relief to Administrative Decision	Date Filed: 03 / 10 / 33
Conditional Use	Meeting: 03 /15 / 23
Wireless Communication Facility	
SUBJECT PROPERTY INFORMATION	TYPE OR PRINT IN INK
Property Address Subject property front	
side hetween /streets	)College Avenue
Valnaraiso Indiana 46383	
& Greenwich	Street
Zoning District: RT-I	Residential Transition
PETITIONER INFORMATION	
Applicant Name: Address:	
Hilltop Neighborhood House Inc. c/o Todd A. Le	eth ner & Evans LLP
Phone: 103 E. Lincoln	way
	iana 46383
Email:	
tleeth@hwelaw.com	
PROPETY OWNER INFORMATION	
Applicant Name: Address:	
Same as Applicant	
Phone:	
Email:	
SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELI	EF IS SOUGHT: SEE ATTACHED
Article:Section:Paragraph:Item: Article:	Section:Paragraph:Item:
	Section:Paragraph:Item: Section:Paragraph:Item:

Article:\_\_\_

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Article:\_\_\_\_\_Section:\_\_\_\_Paragraph:\_\_

\_\_\_Section:\_\_\_\_\_Paragraph:\_\_\_\_\_Item:\_\_

STATE OF INDIANA	)	BEFORE THE BOARD OF ZONING APPEALS			
COUNTY OF PORTER	)	FOR PORTER COUNTY, INDIANA			
Applicant:					
Hillside Neighborhood House Inc.					

### **AMENDMENT**

### TO APPLICATION FOR

## DEVELOPMENT STANDARDS VARIANCES

Comes now, Hilltop Neighborhood House Inc. (the "Applicant"), by counsel, Todd A. Leeth of Hoeppner Wagner & Evans LLP, and does hereby amend that certain Application for Development Standards Variances filed by the Applicant on February 10, 2023, (the "Application") in the following respects:

- 1. The Applicant does hereby restate and amend the Application for Development Standards Variances by substituting the Site Plan & Geometry drawing prepared by McAlpine Consulting LLC (attached as Exhibit "A" hereto) for the plan originally included in the Application.
- 2. The Applicant does further amend the Application by restating the Development Standards Variances sought by Applicant are to the following requirements:

DEVELOPMENT STANDARDS VARIANCES					
Minimum Landscap	Minimum Landscaped Surface Ratio				
Code:	0.60				
Proposed:	0.52				
Maximum Floor Ar	ea Ratio	)		§3.301 Table 3.301B	
Gross		Ne	ţ		
Code: 0.2	203	Code:	0.507		
Proposed: 0.	213	Proposed	d: 0.532		
Minimum Parking				Table 9.201	
Code:	8				
Proposed:	6				
Minimum Rear Ya Non-residential Bu		irements		Table 3.505	
Code:	30°				
Proposed:	27' (ar	nd 62')			

3. Applicant does hereby amend the legal description as follows:

Lot 2 and 3 in Block 2, in Smith's Addition to the Town, now City, of Valparaiso as shown on Plat in Miscellaneous Record "A", page 193, in the Recorder's Office, in Porter County, Indiana, excepting the following part thereof; commencing at the Southeast corner of said Lot 2 and running thence North 35 feet; thence West 31.9 feet;

thence South 35 feet; thence East on the South line of said lot to the place of beginning.

4. Applicant does hereby amend the Description of the Project as follows:

Petitioner has filed a separate petition with the Porter County Assessor to combine the parcel commonly known as 608 Union Street with the developed parcel also owned by Petitioner and commonly known as 606 Union Street. Petitioner must complete a Form 136 and file with the Assessor to treat both parcels as tax exempt after which the parcels will be combined.

Petitioner owns and operates a food pantry on the subject parcel (606 Union St.) and seeks to erect a soup kitchen on the parcel (608 Union St.) consistent with the Site Plan & Geometry Plan which requires a Development Standards Variance to allow for a reduction in the Landscape Surface Ratio.

5. The Applicant does further amend the Application by substituting the Petitioner's Proposed Findings of Fact attached hereto as Exhibit "B" which are incorporated herein for the same originally included in the Application.

This Amendment to Application for Development Standards Variances is made this 26 day of February, 2023.

Respectfully submitted,

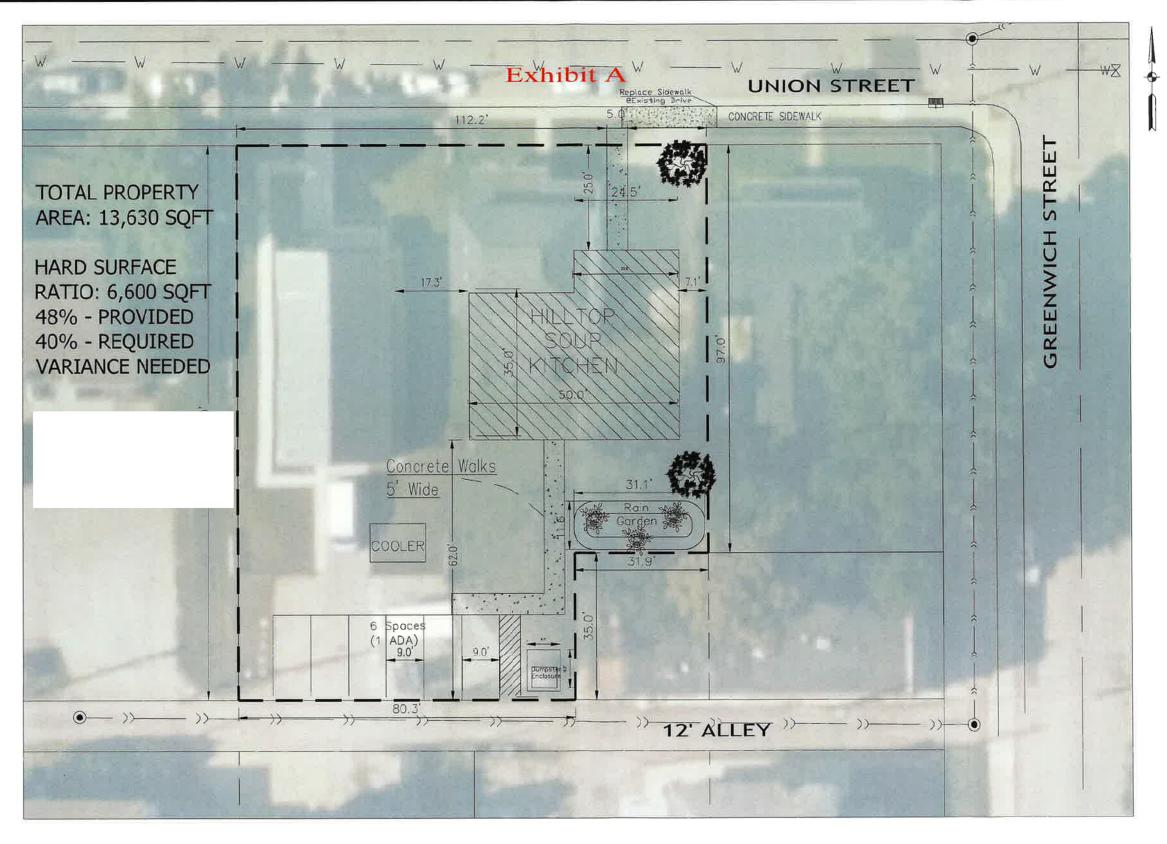
Todd A. Leeth

HOEPPNER WAGNER & EVANS LLP

103 E. Lincolnway

Valparaiso, Indiana 46383

Attorneys for Hilltop Neighborhood House Inc.







			REVISIONS	
	No.	Date	Description	Approved by
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@yshoc.com				

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01.20.23

Hilltop Mission Kitchen
608 Union St
Valparasio, IN

22-710

SITE PLAN & GEOMETRY

Sheet Of 8

1:10

### Exhibit B

# CITY OF VALPARAISO BOARD OF ZONING APPEALS

#### PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: Hilltop Neighborhood House, Inc.

Legal Description: Lot 2 and Lot 3 in Block 2, in Smith's Addition to the Town, now

City, of Valparaiso as shown on Plat in Miscellaneous Record "A", page 193, in the Recorder's Office, in Porter County, Indiana, excepting the following part thereof; commencing at the Southeast corner of said Lot 2 and running thence North 35 feet; thence West 31.9 feet; thence South 35 feet; thence East on the South line of said

lot to the place of beginning.

Parcel Number: 64-09-25-203-003.000-004

Location: 606 Union Street and 608 Union Street, Valparaiso, Indiana 46383

Current Zoning: Residential Transition (RT) District

Petition: Development Standards Variance:

1. Minimum Landscaped Surface Ratio §3.301

Table 3.301B

Code: 0.60 Proposed: 0.52

2. Maximum Floor Area Ratio §3.301

Table 3.301B

Gross Net

Code: 0.203 Code: 0.507

Proposed: 0.213 Proposed: 0.532

3. Minimum Parking

Table 9.201

Code:

7

Proposed:

6

4. Minimum Rear Yard Non-residential Bulk Requirements Table 3.505

Code:

30'

Proposed:

27' (and 62')

Hilltop Neighborhood House, Inc, 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 reduction in the minimum landscaped surface ratio, increase in maximum floor area ratio, parking requirements, and the minimum rear yard setback for non-residential bulk requirements in the Residential Transition (RT) District in accordance with general plans filed with the City pursuant to the provisions set forth above and found in the UDO. After conducting a public hearing pursuant to I.C. 37-7-4-920 *et seq.* and the UDO, 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 City of Valparaiso Board of Zoning Appeals now finds:

#### FINDINGS:

- 1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
  - a. The subject property is located in an older part of the City with smaller lots and constrained lot issues.
  - b. The grant will not alter the essential character of the Petitioner's property or the neighboring multi-family community.
  - c. Access to and enjoyment of all abutting property is not made difficult or frustrated by the granting of the variance.

- 2. The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because:
  - a. The granting of the variances will not abrogate the intent of the Residential Transition (RT) as a residential and small-scale commercial environment where, in some cases, non-residential use as small offices or restaurants are in keeping with the character of the District.
  - b. The granting of the variances are consistent with the general intent of the RT District to provide an environment around Valparaiso University that supports the University's need for housing and limited, small-scale commercial uses; and to other areas where residential neighborhoods are transitioning to nonresidential uses.
  - c. The development standards varied will not create greater safety risks to pedestrians or vehicular traffic.
- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
  - a. Petitioner's property is unique in that it is currently used as a food pantry and in close proximity to other owned property where Petitioner operates Hilltop Neighborhood House childcare and early childhood learning which promotes and allows for advantageous management and operational savings to Petitioner to provide for the needed service to the community and clients in need on the same parcel.
  - b. Granting the variances allows for a needed essential service by feeding the hungry in the soup kitchen without detrimentally affecting safety or aesthetics of the community.

c. The circumstances and conditions existing on or about Petitioner's property which prevent conformance with the Unified Development Ordinance and requiring the variances are not self-created.

Respectfully Submitted,

Ekstanic Szczius

Todd A. Leeth

By:

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



https://hwelaw.sharepoint.com/sites/Clients/Shared Documents/Hilltop Neighborhood House, Inc 19403/608 Union - Soup Kitchen - 4/Documents/FOF Development Standards Variances.docx

PETITION TO VALPARAISO BOARD OF ZONING APPEALS:	For Office Use Only:			
This application is being submitted for (Check all that appl	y): Petition #: 11-23-001 VAP 3-002			
Use Variance	Application Type://			
Development Standards Variance				
Special Exception/Special Use Relief to Administrative Decision	Application Filing Fee 2023			
Conditional Use	Date Filed: 21 Le 123			
Wireless Communications Facility	Meeting WWAWLOV			
,				
	Clerk-Treasurer			
SUBJECT PROPERTY INFORMATION	TYPE OR PRINT IN INK			
Property Address:	Subject property fronts on the frontage road (West Street)			
2052 Morthland Drive Valparaiso, Indiana 46385	side between (streets) Hayes-Leonard Road			
Valparaiso, mulana 40303	& Marsh Street			
	Zoning District: Commercial, General (CG)			
PETITIONER INFORMATION				
Applicant Name:	Address:			
McMAHON Associates, Inc.	952 S. State Road 2			
Phono	Valparaiso, Indiana 46385			
Phone:				
(219) 462-7743				
Email:				
kmcoros@mcmgrp-in.com				
PROPERTY OWNER INFORMATION				
Applicant Name:	Address:			
Curfin Property Holding Inc.	8401 Roosevelt Road			
Phone:	Forest Park, Illinois 60130			
(219) 464-3523				
(210) 101 0020				
Email:				
ebuffen@curriemotors.com				
SECTIONS OF UDO FROM WHICH A VARIANCE, SPECIAL EXCEPTION OR ADMIN RELIEF IS SOUGHT:				
Article: 10 Section: 301 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)
A parcel of land located partly in the Northwest Quarter of Section 26, Township 35 North, Range 6 West and partly in the Northeast Quarter of Section 27, Township 35 North, Range 6 West, Porter County, Indiana, commencing at the Northwest corner of said Section 26, thence along the North line of said Northwest Quarter North 89 degrees 57 minutes 32 seconds East 511.95 feet; thence South 00 degrees 17 minutes 28 seconds East 808.06 feet to a point on the Northerly right-of-way of U.S. Highway Number 30, said point being on a curve to the left having a radius of 8695.00 feet and a chord bearing North 83 degrees 24 minutes 58 seconds West and a chord length of 702.70 feet, to the East line of the West 283.50 feet of the East 28.25 rods (proportional rods) of the Northeast Quarter of said Section 27; thence along said East line North 00 degrees 11 minutes 47 seconds West 727.24 feet to the North line of the Northeast Quarter of said Section 27; thence along said North line South 89 degrees 57 minutes 47 seconds East 184.50 feet to the point of commencement. Excepting therefrom: A parcel of land in the Northwest Quarter of Section 26, Township 35 North, Range 6 West, Porter County, Indiana, bounded and described as follows: Commencing at a point on the North line of said Northwest Quarter which is 317.09 feet East of the Northwest corner of said Northwest Quarter; thence North 89 degrees 57 minutes 32 seconds East along said North line 394.86 feet; thence South 00 degrees 17 minutes 28 seconds East 801.27 feet to the Northerly right-of-way line of a 40.00 foot frontage road adjacent to U.S. Highway No. 30, said right-of-way line being on a curve to the left having a radius of 8735.00 feet; thence along said curve an arc ength of 400.00 feet and a chord length of 399.97 feet which has a bearing of North 81 degrees 07 minutes 24 seconds West; thence North 00 degrees 17 minutes 28 seconds West 739.26 feet to the point of commencement.
DESCRIPTION OF PROPOSED PROJECT: (OR EXHIBIT NO)
Currie Motors Ford of Valparaiso is extending it's vehicle inventory and needs additional outdoor storage areas to keep the vehicles. The property is located within the US 30 (Morthland Drive) Signature Corridor Overlay District and does not meet standards for outdoor storage and landscape ratio due to existing use and proposed improvements.

# Use Variance Petitioner's Proposed Findings of Fact

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

A. The proposed use variance will not be injurious to the public health, safety, morals, and general welfare of

#### Petitioner Submits that:

	the community because:
	The allowance of outdoor storage will not negatively affect the community and is commensurate with the current and adjoining use of land.
В.	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 allowance of outdoor storage is commensurate with the current and adjoining use of land. The northern portion of the property which adjoins the residential neighborhood is not affected by the Overlay District.
D.	The need for the use variance arises from the following condition peculiar to the property involved, which is:
	The property being an auto dealership.
Ε.	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 is an auto dealership. As a dealership, outdoor parking is a necessity, which the strict application of the zoning ordinance would prohibit.
F.	Approval of the proposed use variance does not interfere substantially with the comprehensive plan adopted by the City of Valparaiso because:
	The district in which the property lies has already been utilized as a dealership.
Th	e petitioner carries the burden of proving to the Board of Zoning Appeals the existence of each element list

above.

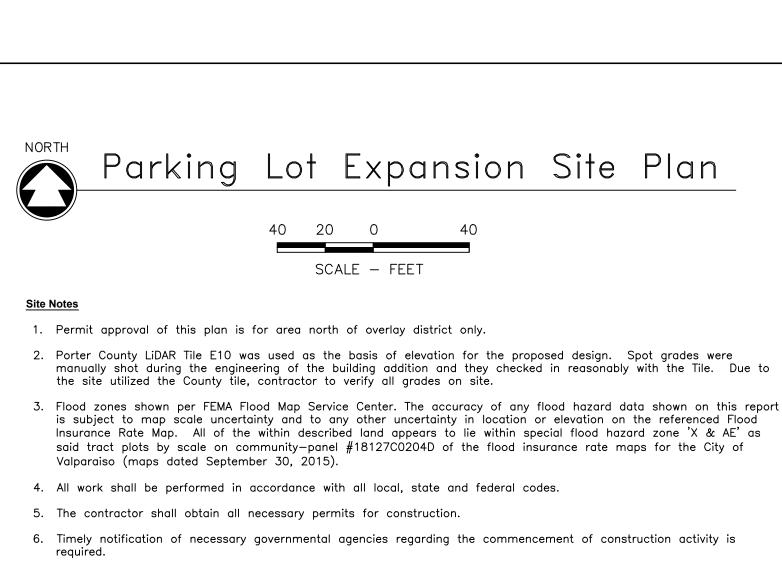
## Variance from Development Standards Petitioner's Proposed Findings of Fact

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

#### Petitioner submits that:

۷.	The proposed variance from the Development Standards will not be injurious to the public health, safety morals, and general welfare of the community because:
	The variance from landscape ratio and landscape plantings will not negatively affect the community and is commensurate with other nearby commercial properties.
В.	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 variance from landscape ratio and landscape plantings will not negatively affect the community and is commensurate with other nearby commercial properties. The northern portion of the property which adjoins the residential neighborhood is not affected by the Overlay District and is being landscaped in accordance with the UDO.
С.	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 required landscape ratio will prevent the needed additional pavement for the extended vehicle inventory.  The required landscape plantings will hinder vehicle exposure to the public, reducing potential sales.
_ 	e netitioner carries the hurden of proving to the Board of Zoning Appeals the evistence of each and every

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.



6. Timely notification of necessary governmental agencies regarding the commencement of construction activity is

7. All work performed on the site shall conform to the site construction plans and specifications.

8. The contractor shall be responsible for maintaining safe traffic control on the site and adjacent public streets, as related to both physical site improvements and the movement of construction traffic.

9. All necessary inspections and certifications, as required by ordinance, code, utility companies or government agencies shall be completed before the final connection of services.

10. Site Areas: Existing Site Area: Overlay Area: 6.20 Acres 1.12± Acres (18.1%±) (25% Min Required) Green Area: Impervious Area: 5.08± Acres (81.9%±) General Zoning Area: 2.45 Acres 0.65± Acres (26.7%±) (15% Min Required) Green Area:

1.80± Acres (73.3%±) Impervious Area: New Asphalt Parking Lot: 12814± sq.yd. New Grading for N. Swale: 256 cu.yd. New Grading for E. Swale: 122 cu.yd.

11. Bufferyard Landscape Requirements (Class 'C')

Large Trees Required:  $5/200 \text{ LF} \rightarrow (5/200)*185 \text{ LF} = 4.625 = 5 \text{ Trees}$  $5/100 \text{ LF} \rightarrow (5/100)*185 \text{ LF} = 9.25 = 10 \text{ Trees}$ Small Trees Required:  $45/100 \text{ LF} \rightarrow (45/100)*185 \text{ LF} = 83.25 = 84 \text{ shrubs}$ Shrubs Required:

12. BZA Variance Requests: Article 10, Section 301:

Allowance of outdoor storage of new and used operable motor vehicles for sale Article 11, Section 305(D): LSR reduction (25% minimum required) (18.1% provided - 0.43 acres to be removed to meet the 25%)

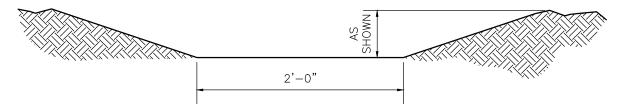
Article 11, Section 305(L): Landscape Plantings (0.83 Acres of new asphalt = 8 large trees, 16 small trees, & 42 shrubs)

Plant Schedule							
Key	Quantity	Scientific Name	Common Name	Size	Comment		
ASC	2	Acer Saccharum 'Commemoration'	Commemoration Sugar Maple	2.0" Cal.	B.B		
Hq	28	Hydrangea quercifolia	Oak Leaf Hydrangea	2 Gal.	_		
GTS	2	Gleditisia T.I. 'Skyline'	Skyline Honeylocust	2.0" Cal.	B.B.		
PA	5	Picea Abies	Norway Spruce	6'-8'	B.B.		
Sp	28	Syringa pubescens	Miss Kim Lilac	2 Gal.	_		
TD	1	Taxodium Distichum	Common Bald Cypress	6'-8'	B.B.		
Vo	28	Viburnum opulus var 'Nanum'	Compact European Cranberry Bush	2 Gal.	_		

SHRUBS TO BE A MIX OF Ea (28), Sp (28), and Vo (28)

NOTE THAT THE PLANT SCHEDULE FOR TREES WAS IN KIND TO PREVIOUS LANDSCAPE PLANS SUBMITTED BY OTHERS

LARGE TREES TO BE A MIX OF ASC (2), GTS (2), AND TD (1); SMALL TREES TO BE PA (5)



CONTRACTOR TO UTILIZE EROSION BLANKETS FOR AREAS WHERE A MAXIMUM OF 3:1 SLOPE CANNOT BE ACHIEVED

# Drainage Swale

2'-0"

1. CONTRACTOR TO ENSURE GRADING DOES NOT ENCROACH ON NEIGHBORING PROPERTY

# East Parking Lot Swale

2. SELECT FILL OR WELL-DRAINED SUB GRADE (IN-SITU SOILS) TO COMPACTED TO 98% MODIFIED PROCTOR (MINIMUM). Pavement Cross-Section

PE60910357 STATE OF - 1-1/2" WEARING SURFACE OVER TACK COAT — 3" BINDER COARSE BASE COURSE INDOT #53 (SLAG IS ALLOWED) 1. CONTRACTOR TO FIELD VERIFY EXISTING STONE DEPTH OF PARKING AREA TO ENSURE THAT A MINIMUM 8" BASE IS ACHIEVED

MARSHALL DRIVE

MOTORS

Vicinity Map

Not to Scale

Dougles & Homery

