

**CITY OF HOBART BOARD OF ZONING APPEALS
MINUTES OF JANUARY 7, 2021**

Stuart Allen called the meeting to order at 6:00 p.m. with the recitation of the Pledge of Allegiance. Members in attendance: Stuart Allen, John Brezik, Ron Jackson, Jason Spain and Scott Gregory. Also in attendance: Ross Pietrzak, City Planner, Phil Gralik, City Engineer (remotely) and Joy Respecke, Recording Secretary.

Election of Officers: Mr. Jackson motioned to retain Mr. Allen as Chairman; Mr. Brezik as Vice-Chairman and Mr. Jackson as Secretary, seconded by Mr. Gregory. All ayes, motion carried. (5-0)

Approval of Minutes: Mr. Gregory motioned to approve the minutes of December 3, 2020 as presented, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

Communications/Acceptance of Agenda: Mr. Spain motioned to approve the agenda as presented, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

New Business

1. **20-18** William Kaminski (Petitioner/Owner) 6787 E. 83rd Avenue located 0.19 mile east from the SE corner of 83rd Ave. & Grand Blvd., Sec. 154.051(C), zoned R-1, 3 acres

Request: **Tabled: Public Hearing** Developmental Standards Variance

Purpose: To encroach 10' into the front yard for a proposed 34'x40' pole barn

Approved ____ Denied ____ Deferred ____ Removed X Vote 5-0

Petitions 20-18 & 20-18A were discussed together. Petitioner was not present. Mr. Gregory motioned to move petitions to the end of the agenda, seconded by Mr. Brezik. All ayes, motion carried. (5-0) Mr. Pietrzak noted that although the petitioner submitted his applications, there were discrepancies with his application and did not sign off on them and that the petitioner has not been responsive with his applications. Mr. Brezik motioned to Remove Petition 20-18 from the agenda, seconded by Mr. Gregory. All ayes, motion carried. (5-0)

2. **20-18A** William Kaminski (Petitioner/Owner) 6787 E. 83rd Avenue located 0.19 mile east from the SE corner of 83rd Ave. & Grand Blvd., Sec. 154.006(F)(3), zoned R-1, 3 acres

Request: **Tabled: Public Hearing** Developmental Standards Variance

Purpose: To exceed the permitted 15' peak height by 5' for a proposed 34'x40' pole barn

Approved ____ Denied ____ Deferred ____ Removed X Vote 5-0

Mr. Brezik motioned to Remove Petition 20-18A from the agenda, seconded by Mr. Gregory. All ayes, motion carried. (5-0)

3. **21-01** Crashco Collision Centers, Inc/Kevin Mehok (Petitioner/Agent) 4550 E. 81st Ave. located 670' west from the NW corner of 81st Ave. & Clay St. Section 154.172, zoned B-3, 9 acres +/-

Request: Public Hearing: Use Variance

Purpose: To continue to operate as a vehicle collision repair facility

Favorable Rec. X Unfavorable Rec. ___ Deferred ___ Vote 5-0

Kevin Mehok, Crashco Collision Center, was present telephonically. He stated they have been in operation since 2010 and was recently approached by another company interested in purchasing their building. Mr. Pietrzak explained that a letter was prepared by a previous employee in September 2014 informing them their occupancy was issued in error and could continue to operate but that if another business would occupy the property, they would be required to obtain a use variance. The property is zoned B-3 which permits vehicle repairs as a use associated with vehicle sales. Prior to Crashco the business was a car dealership. Mr. Allen opened the public hearing for Petition 21-01. Councilman Mark Kopil, 7739 Dakota Street stated they have been good neighbors to the community and was in favor of the variance. Hearing no further public comments Mr. Allen closed the public hearing. Mr. Brezik motioned for a Favorable Recommendation to the Common Council for Petition 21-01 including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

4. **21-02** Anthony Evans (Petitioner/Owner) 4515 W. 49th Ave. located 0.69 miles west from the SW corner of 49th Ave. & Liverpool Rd. Sec. 154.029, zoned A-1, 19.086 acres

Request: Public Hearing: Developmental Standards Variance

Purpose: To encroach into the required 331' rear yard by 101' for a proposed 72'x80' pole barn

Approved X Denied ___ Deferred ___ Vote 5-0

Petitions 21-02 & 21-02A were discussed together. Mr. Evans was present telephonically. He stated he received a previous approval for a 60'x120' pole barn but the approval has expired. He is now proposing a 72'x80' pole barn located further back on his property and exceeding the 15' height peak by 12'. Mr. Allen opened and closed the public hearings for Petitions 21-02 & 21-02A without public comments. Mr. Gregory motioned to Approve Petition 21-02 including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

5. **21-02A** Anthony Evans (Petitioner/Owner) 4515 W. 49th Ave. located 0.69 miles west from the SW corner of 49th Ave. & Liverpool Rd. Sec. 154.006(F)(3), zoned A-1, 19.086 acres

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 15' peak height for accessory structures by 12' for a proposed 72'x80' pole barn

Approved X Denied ___ Deferred ___ Vote 5-0

Mr. Gregory motioned to Approve Petition 21-02A including all discussion and Findings of Fact, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

6. 21-03 Precision Cartridge, Inc/Dennis Fossey (Petitioner/Owner) 940 Georgiana St. located approx. 160' east from the NE corner of Georgiana St. & Illinois St. (St. Rd. 51) Sec. 154.213, Zoned M-1, 0.3355 acre

Request: Public Hearing: Use Variance

Purpose: For a proposed Federal Type I license as a dealer in firearms/gunsmithing

Favorable Rec. X Unfavorable Rec. ___ Deferred ___ Vote 5-0

Present were Attorney James Oates and Dennis Fossey. Attorney Oates explained that Mr. Fossey has been in business for 30 years in manufacturing ammunition and is required to obtain both Class 1 and Class 3 Federal licenses and that the state and local agencies have to be notified prior to the issuance of the licenses. In order to reapply for and obtain his Class 3 license he is now required to obtain the Class 1 license; one cannot be obtained without the other. He has in the past, however, held both licenses but was informed he no longer was required to have the Class 1 license and let it expire. Attorney Oates stated Mr. Fossey will not be doing any gunsmithing or gun sales permitted under the Class 1 license but due to having testing platforms he is required to have the license. Mr. Allen opened and closed the public hearing for Petition 21-03 without public comments. Mr. Pietrzak noted that should the Board recommend approval it would be with the conditions that there will be no gun sales or gunsmithing, which is not a permitted use in M-1, but to allow the continued testing platforms. Mr. Brezik motioned for a Favorable Recommendation to the Common Council for Petition 21-03 with the stipulations there will be no gunsmithing or gun sales and only to store the testing platforms including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

Staff Consultation/Discussion: Mr. Pietrzak mentioned Letters of Determination will be prepared with a short synopsis informing the petitioners of the Board's ruling and, if necessary, any future steps.

There being no further comments or discussion Mr. Gregory motioned to adjourn, seconded by Mr. Jackson. All ayes, motion carried. (5-0)


Stuart Allen, Chairman


Ron Jackson, Secretary