

ORDINANCE NO. 2022-13

**AN ORDINANCE OF THE CITY OF HOBART, INDIANA
PROVIDING THAT THE ZONING ORDINANCE OF THE CITY OF HOBART,
LAKE COUNTY, INDIANA BE AMENDED BY CHANGING AN
ESTABLISHED A-1 ZONE TO R-1 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 22-14** be adopted and that the Council rezone this property.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart, Indiana:

SECTION 1. That, the City Zoning Ordinance No. 93-59 as amended and readopted as amended under Ordinance No. 2001-41 and entitled "Zoning Ordinance of the City of Hobart, Indiana", and particularly the zone maps which are made a part of said Ordinance No. 93-59, be and the same is hereby amended by making certain changes as follows:

By changing the following described real estate on the zone maps from its established zoning A-1 (Agricultural District) classification to R-1 (Single Family Residential District) zoning classification:

The North 235.46 feet of the East 185 feet of the West 1239.92 feet of the SE1/4, Section 5, Township 35 North, Range 7 West of the 2nd P.M., containing 1 acre more or less.

SECTION 2. The City Council now finds that the above zone change will not be injurious to the public health, safety, morals and general welfare of the community and the use or value of the area adjacent to the property included in this Ordinance will not be affected in a substantially adverse manner and the need for the change in zoning herein arises from a condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood. The Council further finds that the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property herein if this rezoning were not granted and this rezoning does not interfere substantially with the comprehensive plan.

SECTION 3. The Common Council of the City of Hobart finds the zone change will take effect upon the following conditions being fulfilled by the owner:

All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

SECTION 4. That the City Engineer and/or Zoning Administrator is hereby authorized and directed upon the enactment and approval of this Ordinance, to cause a change to be made on the zone maps, to make certain notations in ink thereof and to record the date of passage of this Ordinance.

SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise provided for by law.

PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 15th day of JUNE, 2022.

Maail Clo
Brian K. Snedecor, Presiding Officer
Matthew Crossen,

ATTEST:
Deborah A. Longer
Deborah A. Longer, Clerk-Treasurer

Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this 15th day of JUNE, 2022 at 7:30 o'clock 7. M.

Deborah A. Longer
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 6th day of JUNE, 2022.

Brian K. Snedecor
Brian K. Snedecor, Mayor

ATTEST:
Deborah A. Longer
Deborah A. Longer, Clerk-Treasurer

**CERTIFICATION AND REPORT TO
COMMON COUNCIL OF THE CITY OF HOBART ON
ZONE MAP CHANGE**

CERTIFICATION TO: Common Council of the City of Hobart

FROM: Ross Pietrzak, City Planner

RE: Change to be made on the zone map.

DATE: May 9, 2022

PETITIONER: Joe & Kim Kenjic
1123 E. 14th Street
Hobart, IN 46342

REQUEST: Proposed rezone from A-1 (Agricultural District) to R-1 (Single Family Residential District)

PROPOSED USE: Existing single family residential

GENERAL LOCATION: Located on the SW corner of 14th & Joliet Streets

LEGAL DESCRIPTION: The North 235.46 feet of the East 185 feet of the West 1239.92 feet of the SE1/4, Section 5, Township 35 North, Range 7 West of the 2nd P.M., containing 1 acre more or less.

PLAN COMMISSION PETITION NO.: 22-14

DATE OF PLAN COMMISSION ACTION: May 5, 2022

DEADLINE FOR CITY COUNCIL ACTION: August 7, 2022

CERTIFICATION:

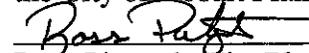
ACTION TAKEN BY PLAN COMMISSION:

Recommendation to the Common Council to **Approve** the change of zone requested
(Favorable recommendation)

CONDITIONS: None

VOTE: 8-0

I certify that the foregoing information accurately represents the action taken on this matter by the City of Hobart Plan Commission

 5/9/22

Ross Pietrzak, City Planner
City of Hobart

14th Rezone
Kedjia

PC 22-14

Findings of Fact

In the following space please provide the reason and concept of why you propose to amend the zoning map and provide justification. Consider the following in your response;

- (1) the comprehensive plan; Single Family
- (2) current conditions and the character of current structures and uses in each district; Matching Zone to Usage.
- (3) the most desirable use for which the land in each district is adapted; Currently a Single Family Home
- (4) the conservation of property values throughout the jurisdiction; and Not changing property Value
- (5) responsible development and growth.

We are adding on living space and need to rezone to do so. We have lived here for 22 years and are trying to improve the property.

The rezone should/should not be granted because; (Must meet all the following requirements.)

(a) the petition is not "spot zoning" which will confer a special benefit to the petitioner on a small tract of land with no commensurate benefit to the community.

(b) the comprehensive plan will not be disrupted or destroyed because: The area is identified As Residential.

(c) the land involved is suitable for the proposed land change because: Has been Single Family Residence for Since 1971

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: Already Structures on Sight

(e) the property value of adjacent property would not be decreased because: We are what our neighbors currently are - R-1

Kevin Kayer Jacques 4/11/22
Signature of Petitioner/Agent Date

Decision: After public hearing and review by the Hobart Advisory Plan Commission for the recommendation to rezone, the Plan Commission now finds that the Petition to Rezone Does or Does Not comply with the standards in the zoning ordinance.

All of which this 5th day of MAY, 2022 by a majority vote of the Hobart Advisory Plan Commission.
Marie Gallo
Plan Commission President

Attest: Jason L. Spain
Plan Commission Secretary/Zoning Official

MEMORANDUM

DATE: MAY 9, 2022

TO: HOBART COMMON COUNCIL MEMBERS
MAYOR BRIAN K. SNEDECOR
CITY ATTORNEY HEATHER McCARTHY

FROM: ROSS PIETRZAK, CITY PLANNER

RE: PETITION TO REZONE PROPERTY
PLAN COMMISSION PETITION 22-14

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 22-14, a petition request to rezone from A-1 (Agricultural District) to R-1 (Single Family Residential District) zoned A-1, 0.837 acre

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF MAY 5, 2022: Present were Joe & Kim Kenjic. Ms. Kenjic mentioned they have lived in their home for 23 years and were unaware they were zoned agriculture until they applied for a building permit to add on to their house and was temporarily denied. Ms. Galka opened and closed the public hearing for PC 22-14 without public comments. Mr. Pietrzak mentioned homes are not allowed on agricultural zoned lots less than 5 acres and to move forward with the addition, would cause them to file for variances. He noted they were doing the City a service by providing housecleaning and requesting to rezone to residential. Mr. Allen motioned for a Favorable recommendation to the Common Council for Petition 22-14 including all discussion and Findings & Fact, seconded by Mr. Chhutani. All ayes, motion carried. (8-0)

