

**ORDINANCE NO. 2024-37**

**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 OS-2 & R-2 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 24-29** 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 (Agriculture District) classification to OS-2 (Office Service District) zoning classification:

That part of Lot 1 in Lone Oak Subdivision to the City of Hobart, as per plat thereof, Recorded in Plat Book 113, Page 39, in the Office of the Recorder of Lake County, Indiana, being more particularly described as follows: Beginning at the Northeast corner of Lot 1 in said Lone Oak Subdivision, said point also being the Southeast corner of Lot 1 in Baez Acres to the City of Hobart, as per plat thereof, Recorded in Plat Book 91, Page 30, in the Office of the Recorder of Lake County, Indiana; thence South 00°13'21" East along the East line of Lot 1 in Lone Oak Subdivision, a distance of 575.95 feet to the Southeast corner of said Lot 1; thence North 89°59'24" West along the South line of said Lot 1, a distance of 497.98 feet; thence North 00°13'21" West, parallel with the East line of said Lot 1, a distance of 578.92 feet to the North line of said Lot 1; thence South 89°38'55" East along the North line of said Lot 1, a distance of 498.00 feet to the Point of Beginning. Containing 6.60 acres, more or less.

and

By changing the following described real estate on the zone maps from its established zoning A-1 (Agriculture District) classification to R-2 (Single Family Residential District) zoning classification:

All that part of Lots 1, 2, and 3, in Lone Oak Subdivision to the City of Hobart, as per plat thereof, Recorded in Plat Book 113, Page 39, in the Office of the Recorder of Lake County, Indiana, being more particularly described as follows: Beginning at the Northwest corner of Lot 3 in said Lone Oak Subdivision; thence South 89°39'43" East along the North line of said Lot 3,

a distance of 310.56 feet to the Northeast corner of said Lot 3; thence South 00°13'21" East along the East line of said Lot 3, said line also being the West line of Baez Acres to the City of Hobart, as per plat thereof, Recorded in Plat Book 91, Page 30, in the Office of the Recorder of Lake County, Indiana, a distance of 630.00 feet; thence continuing South 00°13'21" East along the East line of said Lot 3, and said line extended South, a distance of 239.86 feet; thence South 89°46'43" West, a distance of 340.56 feet; thence North 00°13'17" West, a distance of 873.18 feet to the North line of said Lot 2; thence South 89°39'43" East along the North line of said Lot 2, a distance of 30.00 feet to the Point of Beginning. Containing 6.81 acres, 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:

Contingent on staff receiving a revised legal description that shows a 30' southern extension for proposed Lot 9

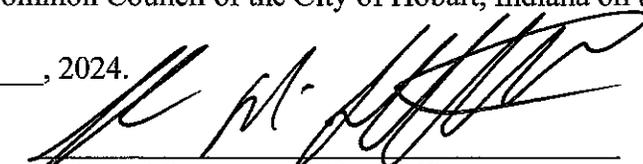
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

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.

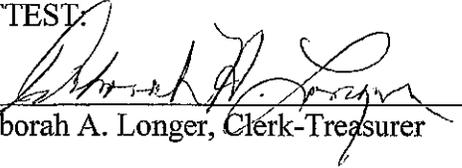
SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise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

PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this

4th day of December, 2024.

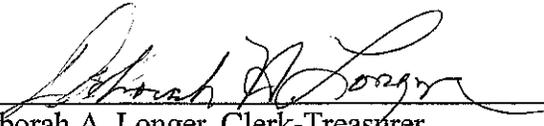
  
\_\_\_\_\_  
Josh Huddlestun, Presiding Officer

ATTEST.

  
Deborah A. Longer, Clerk-Treasurer

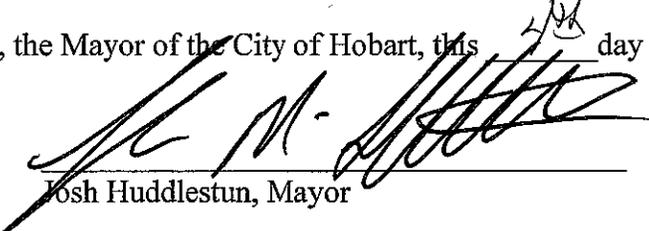
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

4<sup>th</sup> day of December, 2024 at 7 o'clock P M.

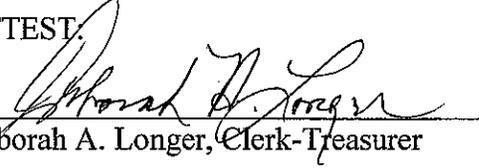
  
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 4<sup>th</sup> day of

December, 2024.

  
Josh Huddleston, Mayor

ATTEST.

  
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: Steve McDermott, City Planner

RE: Change to be made on the zoning map.

DATE: November 12, 2024

PETITIONER: Samuel E. Tipton  
4433 E. 83<sup>rd</sup> Avenue  
Merrillville, IN 46410

REQUEST: Change zone from A-1 (Agriculture District) classification to OS-2 (Office Service District) & R-2 (Single Family Residence District)

PROPOSED USE: A proposed 10-lot subdivision for residential & office service use

GENERAL LOCATION: Located approx. 0.11 mile west & 0.11 mile south from the SW corner of 83<sup>rd</sup> Ave. & Clay St.

**LEGAL DESCRIPTION** That part of Lot 1 in Lone Oak Subdivision to the City of Hobart, as per plat thereof, Recorded in Plat Book 113, Page 39, in the Office of the Recorder of Lake County, Indiana, being more particularly described as follows: Beginning at the Northeast corner of Lot 1 in said Lone Oak Subdivision, said point also being the Southeast corner of Lot 1 in Baez Acres to the City of Hobart, as per plat thereof, Recorded in Plat Book 91, Page 30, in the Office of the Recorder of Lake County, Indiana; thence South 00°13'21" East along the East line of Lot 1 in Lone Oak Subdivision, a distance of 575.95 feet to the Southeast corner of said Lot 1; thence North 89°59'24" West along the South line of said Lot 1, a distance of 497.98 feet; thence North 00°13'21" West, parallel with the East line of said Lot 1, a distance of 578.92 feet to the North line of said Lot 1; thence South 89°38'55" East along the North line of said Lot 1, a distance of 498.00 feet to the Point of Beginning. Containing 6.60 acres, more or less.

&

All that part of Lots 1, 2, and 3, in Lone Oak Subdivision to the City of Hobart, as per plat thereof, Recorded in Plat Book 113, Page 39, in the Office of the Recorder of Lake County, Indiana, being more particularly described as follows: Beginning at the Northwest corner of Lot 3 in said Lone Oak Subdivision; thence South 89°39'43" East along the North line of said Lot 3, a distance of 310.56 feet to the Northeast corner of said Lot 3; thence South 00°13'21" East along the East line of said Lot 3, said line also being the West line of Baez Acres to the City of Hobart, as per plat thereof, Recorded in Plat Book 91, Page 30, in the Office of the Recorder of Lake County, Indiana, a distance of 630.00 feet; thence continuing South 00°13'21" East along the East line of said Lot 3, and said line extended South, a distance of 239.86 feet; thence South 89°46'43" West, a distance of 340.56 feet; thence North 00°13'17" West, a distance of 873.18

feet to the North line of said Lot 2; thence South 89°39'43" East along the North line of said Lot 2, a distance of 30.00 feet to the Point of Beginning. Containing 6.81 acres, more or less.

PLAN COMMISSION PETITION NO.: 24-29

DATE OF PLAN COMMISSION ACTION: November 7, 2024

DEADLINE FOR CITY COUNCIL ACTION: February 10, 2025

CERTIFICATION:

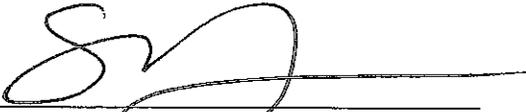
ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: Contingent on staff receiving a revised legal description that shows a 30' southern extension for proposed Lot 9

VOTE: 8-0

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



\_\_\_\_\_  
Steve McDermott, City Planner  
City of Hobart

REZONE  
PETITION

PC 24-29

**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;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The proposed plan is to develop a residential subdivision and an office light industrial business on multiple acres of land. The land is currently being used for residential and agricultural purposes. There are no physical structures that would interfere with the proposed plan. The proposed plan is intended for long-term use and to foster economic growth and restore the land to a natural prairie condition.

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:  
This project does not contradict with the city's comprehensive plan.

\_\_\_(c) the land involved is suitable for the proposed land change because:  
The land is situated in an area with an increasing rate of residential development.

\_\_\_(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: The parcel of land is relatively flat and slopes to the south.

\_\_\_(e) the property value of adjacent property would not be decreased because:  
The proposed plan includes development that will increase property value and intends to restore the parcel's soil to support natural regeneration and enhance the area's ecological health.

[Signature]  
Signature of Petitioner/Agent

9.30.24  
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: 7th day of November, 2024 by a majority vote of the Hobart Advisory Plan Commission.

[Signature]  
Plan Commission President

Attest:  
[Signature]  
Plan Commission Secretary/Zoning Official

## MEMORANDUM

**DATE:** NOVEMBER 12, 2024

**TO:** HOBART COMMON COUNCIL MEMBERS  
MAYOR JOSH HUDDLESTUN  
CITY ATTORNEY HEATHER McCARTHY

**FROM:** STEVE McDERMOTT, CITY PLANNER

**RE:** PETITION TO REZONE PROPERTY  
PLAN COMMISSION PETITION 24-29

Attached please find a Certification and Proposed Ordinance for your consideration regarding a request for a Rezone from A-1 (Agricultural District) to OS-2 (Office Service District) & R-2 (Single Family Residential District) located approx. 0.11 mile west & approx. 0.11 mile south from the SW corner of 83<sup>rd</sup> Ave. & Clay St., zoned A-1, 27.18 acres

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF NOVEMBER 7, 2024: Petitions 24-29 & 24-29A were heard together. Present were Adam McAlpine, 398 E 400 N Valparaiso and Samuel E. Tipton, 4433 E 83<sup>rd</sup> Ave., Merrillville. Mr. Tipton proposed to create 7 lots on his property to incorporate 6 residential parcels for his family off 83<sup>rd</sup> Avenue and a lot to construct a building for his office and shop along Clay Street. His current office/shop be will relocated to the new location. A proposed 10-lot subdivision was also discussed but tabled due to several discrepancies. Mr. Allen requested to adjust the scale of the buildings line for the residential lots, 15' drainage/utility easement around the residential property lines, 20' drainage/utility easement for the proposed Lot 10, expand the total right of way for the private road to 35' on each side of the centerline and a maintenance agreement for the private road. Ms. Galka opened the public hearing for Petition 24-29. *Attorney Richard Anderson, 9211 Broadway. He was present to inform the petitioner that he is representing Merrillville Solar Land Holdings, LLC, for a proposed battery storage facility located on the east side of Clay Street across from the proposed OS-2 lot.* Hearing no further public comments, Ms. Galka closed the public hearing. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 24-29 to rezone proposed Lots 3 thru 9 to R-2 and proposed Lot 10 to OS-2 including all discussion and Findings of Fact, seconded by Mr. Homoky. All ayes, motion carried. (8-0) Mr. Allen amended his motion for a Favorable Recommendation to the Common Council for Petition 24-29 contingent on staff receiving a revised legal description that indicates a 30' southern extension for Lot 9, including all discussion and Findings of Fact, seconded by Mr. Homoky. All ayes, motion carried. (8-0)

Regular meetings are held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month in the Council Chambers, 2<sup>nd</sup> floor, Hobart City Hall

**CITY OF HOBART**  
**AGENDA ITEM REQUEST FORM**

(PLEASE PRINT)

ORD 2024-07

MEETING DATE: NOVEMBER 20, 2024

     BOARD OF PUBLIC WORKS (3:30 p.m.)

X COMMON COUNCIL (6:00 p.m.)

ITEM TO BE ADDED TO AGENDA PETITION 24-29      4433 E 83rd AVENUE  
PROPOSED REZONE FROM A-1 TO R-2 (RESIDENTIAL LOTS) & FROM A-1 TO OS-2 (OFFICE BUSINESS)

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SUPPORTING DOCUMENTATION ATTACHED MEMO/MINUTES, ORDINANCE,  
CERTIFICATION & REPORT, FINDINGS OF FACT

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REQUEST SUBMITTED BY JOY  
ADDRESS (DEPARTMENT) PLANNING/ZONING  
PHONE NUMBER (EXT) \_\_\_\_\_

DATE SUBMITTED NOVEMBER 12, 2024