

ORDINANCE NO. 2021- 06

**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 R-2 ZONE TO B-2 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 21-08** 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 R-2 (Single Family Residential District) classification to B-2 (Central Business District) zoning classification:

Lots 1 to 4 in Block 28 of Earle & Davis' Addition to Hobart and part of the North 1/2 of Section 32, Township 36 North, Range 7 West of the 2nd Principal Meridian, in the City of Hobart, Lake County, Indiana."

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 21st day of APRIL, 2021.

Matthew Clausse
~~Brian K. Snedecor~~, Presiding Officer
Matthew CLAUSSE

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 22nd day of April, 2021 at 4 o'clock P.M.

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

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 3rd day of May, 2021.

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: April 5, 2021

PETITIONER: Michael Stanczak
Motion, Inc.
238 S. Main Street
Crown Point, IN 46307

REQUEST: Change zone from R-2 (Single Family Residential District)
classification to B-2 (Central Business District)

PROPOSED USE: Gastropub

GENERAL LOCATION: approximately 300' north from the NW corner of Linda & 3rd
Streets

LEGAL DESCRIPTION Lots 1 to 4 in Block 28 of Earle & Davis' Addition to Hobart and
part of the North 1/2 of Section 32, Township 36 North, Range 7
West of the 2nd Principal Meridian, in the City of Hobart, Lake
County, Indiana."

PLAN COMMISSION PETITION NO.: 21-08

DATE OF PLAN COMMISSION ACTION: April 1, 2021

DEADLINE FOR CITY COUNCIL ACTION: June 30, 2021

CERTIFICATION:

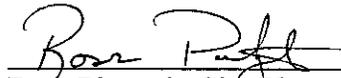
ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: None

VOTE: 5-0

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

 4/5/21

Ross Pietrzak, City Planner
City of Hobart

REZONE
208 S. LINDA ST. AMERICAN LEGION

PC 21-08

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.

To use as a restaurant and pub which is current use supported by comprehensive plan (being surrounding zoning is currently B2. The Pub/restaurant is the best use of the property being that it's currently used as the same since the 1963

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:
calls for general business in the area

✓(c) the land involved is suitable for the proposed land change because:
same use as curruy in the property

✓(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: using all existing building and utilities

✓(e) the property value of adjacent property would not be decreased because:
A family establishment doing/hosting community and charity events

Signature of Petitioner/Agent

Date

2/09/2021

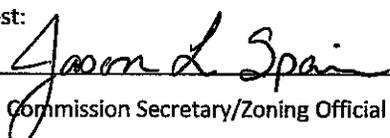
Decision:

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 19th day of April, 2021 by a majority vote of the Hobart Advisory Plan Commission.


Plan Commission President

Attest:


Plan Commission Secretary/Zoning Official

MEMORANDUM

DATE: APRIL 5, 2021

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 21-08

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 21-08, a petition request to rezone from R-2 (Single Family Residential District) to B-2 (Central Business District) for a proposed restaurant/pub at 208 S. Linda Street located approximately 300' north from the NW corner of Linda & 3rd Streets zoned R-2, 1 acre +/-

PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF MARCH 4, 2021: Petition was tabled. Did not complete the public hearing requirements.

DRAFT TABLED PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF APRIL 1, 2021: Present were Michael Stancyak & David Hill and are requesting to rezone the property from R-2 to B-2. Mr. Stancyak mentioned he is proposing to purchase the former American Legion and convert it into a gastropub. He stated they will offer elevated food with wine, whiskey and craft beer tasting. Mr. Vinzant opened and closed the public hearing for Petition 21-08 without public comments. Mr. Chhutani motioned for a Favorable Recommendation to the Common Council for Petition 21-08 including all discussion and Findings of Fact, seconded by Mr. Lain. All ayes, motion carried. (5-0)