

**CITY OF HOBART BOARD OF ZONING APPEALS
MINUTES OF JUNE 4, 2020**

Stuart Allen called the meeting to order at 6:00 p.m. with the recitation of the Pledge of Allegiance. Attorney Heather McCarthy provided instructions pertaining to the procedure for processing public phone calls that may be received during the meeting and asked if callers would mute their phones until called on to speak. She also asked if petitioners would wait to speak until they are called on by the members of the board. There have been problems in the past with being able to hear and wanted to make sure everyone is audible since the meeting is being recorded. Members in attendance: Stuart Allen, John Brezik, Ron Jackson, Jason Spain and Scott Gregory. Also in attendance: Attorney Heather McCarthy, Phil Gralik, City Engineer; Sergio Mendoza, City Planner; Ross Pietrzak, Zoning Administrator and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Gregory motioned to approve the minutes of May 7, 2020 zoom meeting as presented, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

Communications/Acceptance of Agenda: Mr. Allen requested to table Petition 20-07. Mr. Brezik motioned to table Petition 20-07, seconded by Mr. Jackson. All ayes, motion carried. (5-0) Mr. Brezik motioned to approve the agenda as amended, seconded by Mr. Gregory. All ayes, motion carried. (5-0)

New Business

1. **20-06** Hobart Assembly of God, Inc./Pastor Ryan McDowell (Petitioner/Agent) 7545 E. Ridge Road located 0.27 miles west from the SW corner of Ridge Road & State Road 51, Sec. 154.173, zoned R-2, 9.177 acres +/-

Request: Public Hearing: Conditional Use

Purpose: To allow to operate a church in a proposed B-3

Approved X Denied Deferred Vote 5-0

Speaking on behalf of Pastor McDowell was Attorney Nancy Townsend, Krieg/Devault. Ms. Townsend stated they are proposing to expand the existing church and parking lot. In B-3, B-2, & B-1 districts, churches are allowed as a conditional use upon receiving a positive referral from the Plan Commission that the use has no impact to the Master Plan. She mentioned they will be appearing at the following Plan Commission meeting to request to rezone a parcel from R-2 to B-3, to receive Plan Commission's determination for the conditional use and to combine their three (3) parcels into a 1 lot subdivision. She preceded to review the Findings of Fact and based on the Findings of Fact and contingent upon the rezone approval, she requested approval for the conditional use. Mr. Allen opened and closed the public hearing for Petition 20-06 without public comments. Mr. Brezik motioned to Approve Petition 20-06 contingent upon a favorable recommendation from the Plan Commission including all discussion, seconded by Mr. Spain. All ayes, motion carried. (5-0)

2. 20-07 Mark Hovanec (Petitioner/Agent) 337 N. Liverpool Rd. located approx. 1,600' south from the SE corner of Liverpool Road & Old Ridge Road, Sec. 154.214 (D), zoned M-1, 19 acres +/-

Request: Public Hearing: Conditional Use

Purpose: To allow to operate a concrete recycling facility

Approved ___ Denied ___ Deferred X Vote ___

Tabled at acceptance of agenda.

3. 20-08 D&S Property Management LLC (Petitioner/Agent) 201 East Street located to the NE of 2nd & East Streets, Sec. 154.152, zoned B-2, 0.96 acre

Request: Public Hearing: Use Variance

Purpose: To allow a proposed 2-unit dwelling

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

Representing the owner D&S Property Management was Attorney Michael Kvachkoff, 219-661-9500. He requested a use variance to allow a 2-unit dwelling unit as it is currently designed. He stated that the property was purchased as an existing 2 unit with interior dividing doors and separate entrances. Although it is zoned as a B-2, it will not change the Comprehensive Plan for the area as the surrounding properties are used as single family residences and multi-family units. Mr. Allen opened and closed the public hearing for Petition 20-08 without public comments. Mr. Mendoza stated they meet the zoning ordinance requirements for 2 off street parking spaces; 2 in the garage and 2 on the driveway. Also noted was an asphalted area for an additional vehicle between the detached garage and the principal dwelling. Mr. Mendoza also noted that should the board send a favorable recommendation to the Common Council, it would be with the condition that the building commissioner complete an inspection of the structure to ensure it is in compliance with that type of use. It was also noted that although the residence was not approved as a 2-unit dwelling, several permits were issued in the 1980s and may have been converted at that time. Mr. Pietrzak mentioned a Surveyor Location Report was included with the variance application and it appears the existing fence encroaches on the northern neighbor's property. If it is actually on the neighbor's property, it will be required to be removed and relocated on their own property. Mr. Spain motioned for a Favorable Recommendation to the Common Council for Petition 20-08 contingent upon the building department complete an inspection on the dwelling and to provide a Rule 12 Boundary Survey including all discussion and Findings of Fact, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

4. 20-09 Rod & Sheila Gonzalez (Petitioner/Owner) 320 Driftwood Dr. located on the SW corner of Driftwood Dr. & 3rd Pl. Sec. 154.006(F)(7), zoned R-1, 0.482 acre

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 864 sq. ft. for accessory structures by 608 sq. ft. for a proposed 30'x30' detached garage

Approved X Denied Deferred Vote 5-0

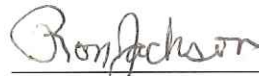
Rod Gonzalez, 219-808-4709 requested to build a 24'x30' detached garage. Mr. Allen opened and closed the public hearing for Petition 20-09 without public comments. Mr. Pietrzak mentioned during the Site Review meeting there were some concerns expressed regarding a structure of this size in a neighborhood and requested it aesthetically match the house. Prior to relating those comments to the petitioner, Mr. Gonzalez amended his petition from a 30'x30' pole barn to a 24'x30' stick built garage which will aesthetically match his house. The variance decreased from the exceeded 608 sq. ft. to 428 sq. ft. over the permitted 864 sq. ft. Mr. Jackson motioned to Approve Petition 20-09 as amended contingent upon the garage aesthetically match the house including all discussion and Findings of Fact, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

Staff Consultation/Discussion: None

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



Stuart Allen, Chairman



Ron Jackson, Secretary