

The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, May 31, 2023 at 6:00 p.m., Council Chambers, 2<sup>nd</sup> Floor, Hammond City Hall, 5925 Calumet Avenue, Hammond, IN 46320, and via www.Zoom.us

Kathleen Hill called the meeting to order at 6:00 p.m. Ms. Hill led the reciting of the Pledge of Allegiance.

PRESENT

Roger Brock (IP)  
William Hutton (IP)  
Nancy Ragin (IP)  
Kathleen Hill (IP)

ABSENT

Dennis Radowski

ALSO PRESENT

Tom Novak  
Assistant City Planner

Shannon Morris-Smith  
BZA Secretary

Dave Westland  
BZA Attorney

PRESENT: FOUR (4)

ABSENT: ONE

QUORUM

APPROVAL OF MINUTES

Chairperson Hill called for a motion to approve the minutes of the January 31, 2023, and February 28, 2023 meetings. Mr. Hutton so moved, seconded by Mr. Brock. Roll call vote. Roger Brock/yes; William Hutton/yes; Nancy Ragin/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions", 1 "Absent". Motion carried.

Chairperson Hill called for a motion to table the minutes of April 25, 2023. Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Roger Brock/yes; William Hutton/yes; Nancy Ragin; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions", 1 "Absent". Motion carried.

OLD BUSINESS

There was none.

NEW BUSINESS

Z-23-09 Petition of Huhtamaki, Inc. for a developmental variance regarding Title XXI, Section 21.24 (A) to allow an increase in gross sign area for an individual sign in an I-2 Manufacturing District, located at 6629 Indianapolis Boulevard in the City of Hammond

Chairperson Hill asked the secretary if the notification requirements had been met. Ms. Morris-Smith stated "Yes".

Todd Leeth, Attorney, Hoepfner, Wagner, and Evans, LLP, 103 E. Lincoln Way, Valparaiso, IN 46383, represented the petitioner. Attorney Leeth stated Richard Blastic, Plant Manager, was also present to answer any questions. The petitioner was requesting a sign variance to allow an increase in the sign size for a new sign to be installed on the west wall that faced Indianapolis Boulevard. This would be for the new addition to the facility. There was currently 300,000 square feet, and an additional 250 square feet was being added onto the facility. Attorney Leeth stated the new section should have signage.

There was 900 lineal feet of frontage on Indianapolis Boulevard. There were two (2) existing signs for the existing building, a sign over the front entrance that faced Indianapolis Boulevard, and a traditional ground sign. These signs were a distance from the new building. The new sign would be on the new addition/new wall, and would be 396 square feet. This calculation exceeded the ordinance allowance. The new wall was 30,631 square feet. The sign would be 1.3% of the wall sign. Attorney Leeth further stated that the request for an oversized sign on an oversized wall would be in keeping with the spirit and purpose of the sign ordinance.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton asked the sign was illuminated. Attorney Leeth stated "Yes". Mr. Hutton asked how far the base of the building was from Indianapolis Boulevard. Mr. Novak stated 295 square feet. Mr. Novak further stated the lights would be directed towards the building.

Chairperson Hill asked if there were anything additional questions from the Board. There were none.

Chairperson Hill opened the floor for public comments.

Amy Dancisak, 6704 Waveland Avenue, Hammond, IN 46324

-The type of lighting

-Will the lighting flow back into the neighborhood

Attorney Leeth stated the purpose of the meeting was for the signage, all other lighting would be consistent with City codes. This was not a variance request for lighting. Attorney Leeth further stated the sign was illuminated with Gooseneck lighting that

would be directed away from Indianapolis Boulevard and external properties. The building was basically a football field away from the property line.

Mr. Novak asked Attorney Leeth for clarity that the sign would be on the west wall and no where near the neighborhood. Mr. Leeth stated "Yes". Mr. Novak further stated a photometric plan was submitted to the Office of City Planning with the site plan for the new addition. Mr. Novak invited Ms. Dancisak to reach out to the office to review the plans if there were any additional questions.

Chairperson Hill closed the floor for public comments.

Chairperson Hill asked if there were any additional questions from the Board members. There were none.

Chairperson Hill asked for staff to read the staff report recommendations (Z-23-09), however it is included in its entirety.

### Zoning Citation

**Title XXI Signs; Section 21.24 (A) Signs in Industrial Districts**, which reads as follows: "An identification sign for each business on site not exceeding one hundred twenty (120) square feet (11.16 square meters) in gross sign area."

### Petition

Petitioner Huhtamaki, Inc, by and through its attorney in these proceedings, Todd A. Leeth, is seeking a developmental variance to grant relief from the zoning standards to allow an increase in the maximum permitted square footage for a single (1) wall sign at this location in an I-2 Manufacturing District from 120 SF to 396 SF.

The request is based on the dimensions 10' 6" tall by 37' 8.75" wide for a total surface area of 396.2 SF. This wall sign is to be composed of two lines of channel letters stud mounted to the building fascia and illuminated by external goose-neck lights. White, light blue, and darker blue colors are utilized. It is to be mounted on the west wall of a new building addition to the Huhtamaki factory and facing towards Indianapolis Blvd. (State Road IN-152.) The main entrance and a new loading dock is similarly on the west side of the building.

### **Background**

The subject property is zoned I-2 Manufacturing District. The 34.39-acre, irregularly-shaped, 7-sided parcel is located at the NE corner of 167<sup>th</sup> St. and Indianapolis Blvd. To the east, beyond a wooded wetland area, is the Tanglewood Apartment Complex, zoned R-4 High Density Residential District. To the south across 167<sup>th</sup> St. is a neighborhood zoned R-1U Urban Single Family Residential District, but a C-4 General Commercial District property does occupy the SE corner of 167<sup>th</sup> St. & Indianapolis Blvd. To the north are restaurants and across 165<sup>th</sup> St. the Radio Center Industrial Park – all zoned C-4 General Commercial District.

Across Indianapolis Blvd, to the west, is the Hammond Sports Facilities PUD zoning district, which is in the direction the proposed wall sign will face. The Hammond Sportsplex makes up the south half of this PUD, while the north half (which lines up with the sign) is currently vacant but groundbreaking for a 2-story “destination” YMCA very recently.

The property was developed in 1948 by Key-Fibre as a paper products factory. In recent decades, the Finnish-based company Huhtamaki has taken over operations. However, the wall sign is to hang on an under-construction addition to the north and west of the existing factory.

### **Analysis**

This addition is 2-stories and 63’ tall at its peak. The sign will sit quite close to the 63’ high roof line and will sit opposite from a well-lit sports facility complex.

The Zoning Ordinance provides for instructions in Title XXI that “sign shall be legible and shall meet the requirements of the Uniform Traffic Control Devices” and that “no sign shall obstruct any ... free passage over any public right of way or create a traffic hazard.” This wall sign is illuminated only by exterior lights directed towards it, is colored white and blue, and set about 295’ east from the Indianapolis Blvd. ROW, and thus it does not create any issues regarding these traffic-related items.

The request to go from 120 SF to 396 SF is a little larger than a 3x increase. This petition applies to only one (1) exterior wall sign. This wall sign covers only 1.3% of its 30,631 SF, 63’ tall, and approx. 470’ long exterior wall. Parcel frontage along Indianapolis Blvd. is 900’ in length.

Nearly one-third (1/3rd) of this 1.3% is empty space between the two components of the sign. The 396.2 sq. ft. figure given for the sign’s size is from drawing a 10’ 6” tall and 37’

8.75" wide rectangular box around both lines of channel letters. When breaking the sign down into its separate components, the square footage is 226.4 SF for the top line and 45.9 SF for the shorter and narrower bottom line, for a total of 272.3 SF.

Any sign identifying the location of this business must be visible and legible from 295' or more away for truckers on Indianapolis Blvd. The sign does not face residences to the south nor east.

### **Reviews and Approvals**

City Planning staff has reviewed materials provided by the petitioner.

There were no objections from the Building Commissioner, Chief Fire Inspector, City Engineer, Superintendent of Wastewater Management, nor Director of the Hammond Department of Environmental Management.

### **Standards for Granting a Developmental Variance**

- 1.) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- 2.) The use and the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- 3.) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

### **Recommendation**

Staff has reviewed the petitioner's request and recommends that the BZA grant the developmental variance should the Board feel the petitioner has met the standards.

Mr. Novak concluded the reading of the recommendation section of the staff report.

Chairperson Hill asked if there were any questions from the Board members.

### **FINDINGS OF FACT**

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**
  - a. Sign is static, not internally illuminated, and does not contain any moving or flashing parts, therefore limiting its distractibility for drivers and pedestrians.
  - b. Sign is legible and meets the requirements of the FHWA's Manual on Uniform Traffic Control Devices for Streets and Highways.

- c. Sign does not obstruct free passage over a public right-of-way nor create a traffic hazard.
  - d. The new sign is over three times (3x) larger than the maximum size allowed, but it will only account for 1.3 percent of the total wall space on which it is mounted.
  - e. This sign will not affect the type and intensity of use of the property, nor the site plan of the property, nor the layout of the parking lot, which has already been approved.
- 2. The use and the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**
- a. Sign will help visitors, truck drivers, and vendors more easily and quickly identify the property, which has drastically changed in appearance from the street due to additions.
  - b. Property is located on a heavily-travelled State road that features a variety of commercial, institutional, and industrial uses in close proximity, which uses of should not be affected.
  - c. The sign is not backlit and is illuminated by gooseneck lights directed at the wall, which faces west towards Indianapolis Blvd. Residences to the south and east and drivers will not be affected by overly bright nor misdirected lights.
  - d. Use of property will not change and still in line with the Comprehensive Land Use Plan's "Industrial" designation and the Hammond Central Redevelopment Area Plan.
- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.**
- a. The 120 SF limitation is not compatible with the 900' parcel frontage nor with exterior wall, which measures 30,631 SF and 63' tall. A smaller sign would look out-of-place.

Chairperson Hill asked for a motion to adopt the staff report as presented by staff and to adopt the Finding of Fact into the record (Z-23-09). Mr. Brock so moved, seconded by Ms. Ragin. Roll call vote. Nancy Ragin/yes; Roger Brock/yes; William Hutton/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions, 1 "Absent". Motion carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-23-09). Mr. Brock so moved, seconded by Ms. Ragin. Roll call vote. Nancy Ragin/yes; Roger Brock/yes; William Hutton/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions, 1 "Absent". Motion carried.

#### COMMISSIONER COMMENTS

There were none.

STAFF COMMENTS

There were none.


PUBLIC COMMENTS

There were none.

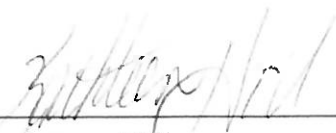
ADJOURNMENT

Chairperson Hill motioned to adjourn the meeting. Ms. Ragin so moved, seconded by Mr. Brock. The meeting was adjourned at 6:16 p.m.

PREPARED BY:

  
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Shannon Morris-Smith  
Secretary to the Board of Zoning Appeals

APPROVED BY THE BOARD OF ZONING APPEALS:

  
\_\_\_\_\_  
Kathleen Hill  
Chairperson

Date Approved: 8/29/23