

The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Wednesday, May 29, 2024 at 6:00 p.m., Council Chambers, 2nd Floor, Hammond City Hall, 5925 Calumet Avenue, Hammond, IN 46320, and via [www.Zoom.us](https://www.zoom.us)

Kathleen Hill called the meeting to order at 6:01 p.m. Ms. Hill led the reciting of the Pledge of Allegiance.

PRESENT

Cynthia Jasso (IP)
Roger Brock (IP)
William Hutton (IP)
Victor Lopez (IP)
Kathleen Hill (IP)

ABSENT

ALSO PRESENT

Brian L. Poland, AICP
Director of City Planner

Tom Novak
Assistant City Planner

Shannon Morris-Smith
BZA Secretary

Dave Westland
BZA Attorney

PRESENT: FOUR (5)

ABSENT: ZERO (0)

QUORUM

APPROVAL OF MINUTES

Chairperson Hill called for a motion to approve the minutes for February 27, 2024. Mr. Hutton so moved, seconded by Mr. Brock. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/yes, Victor Lopez/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

Chairperson Hill called for a motion to approve the minutes for April 2, 2024. Ms. Jasso so moved, seconded by Mr. Lopez. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/yes, Victor Lopez/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

OLD BUSINESS

There was none.

NEW BUSINESS

Z-24-06 Petition of Pipeline Realty Indiana, LLC for a conditional use from zoning ordinance T/S 12.11(9) to allow outside material storage as a necessary accessory use to a permitted use in an R-1U Urban Single Family Residential District and an I-2 Manufacturing District located at 1424 Field Street in the City of Hammond

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

Mr. Poland advised the Board to keep in mind that the rezone for 1424 Field Street was in the process of being changed to I-2 Manufacturing District.

James Yannakopoulos, Attorney, Koransky, Bouwer, Poracky, PC., 425 Joliet Street, Suite 425, Dyer, IN 46311, represented the petitioner. Mr. Yannakopoulos stated petitioner was a pipe supplier/distributor that had a warehouse located at 1424 Field Street. The petitioner acquired additional vacant property to the north of the warehouse. The purpose of purchasing the property to the north was to use the additional space to store pipes. The zoning ordinance required a conditional use to be approved in order to have outdoor storage. A screened fence would be installed to create an additional buffer to comply with the applicable ordinance. Mr. Yannakopoulos further stated there was an existing 88' landscape buffer, and there would be a minor change to a small piece of property that was currently zoned R-1U.

Chairperson Hill asked if there were any questions from the Board. Chairperson Hill asked how tall was the proposed fence buffer. Mr. Yannakopoulos stated an 8 ft. fence. Mr. Novak further stated 8' Evergreen trees would be planted in the buffer easement. Chairperson Hill asked if the landscape buffer would be outside of the fence. Mr. Yannakopoulos stated the location of the landscape buffer was at the corner of Field Street and Willard Avenue. There was a row of houses on the other side of Willard Avenue that would protect the residents from looking at the pipes.

Mr. Hutton asked what was the landscaping. Mr. Yannakopoulos stated currently there was a 6' chain link fence that the petitioner was requesting to keep in place to keep people from entering onto the property. The new fence would be installed approximately 88' past the boundaries.

Mr. Poland stated the 8' fence would be located around the 88' measurement that corresponds to the landscape easement buffer that was a part of the Plan Commission action for the Plat of Amendment. The landscape buffer was established at the 88' area east Right-of-Way line. Mr. Poland further stated on the other side of that point was an existing parking lot from Hammond Group.

The pipes would be allowed to be stacked up to 14'. Staff factored in the appropriate stacking height to determine the appropriate buffers going towards the residential neighborhood.

There was a discussion on the multiple landscape buffers that would shield the residents from viewing the piping.

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

Chairperson Hill opened the floor for public comments. There were none.

Chairperson Hill closed the floor for public comments.

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

Mr. Poland further discussed that the staff was comfortable with the 8' fence and the stacking up to 14'.

Chairperson Hill asked for staff to read the staff report recommendations (Z-24-06), however it is included in its entirety.

Mr. Poland made a technical correction to the zoning citation. The zoning district was changed from I-1 Light Industrial District to I-2 Manufacturing District. The zoning citation incorrectly had Title XI I-1 Light Industrial District, the correction was Title XII, Section 12.11, Subsection 9. Under "Petition" at the bottom of the staff report, the T/S was incorrect. The T/S 11.11(3) was changed to T/S 12.11(9).

Zoning Citation

Title XII I-2 Manufacturing District, Section 12.11 Conditional Uses,

Subsection # 9 "Outside materials storage as a necessary accessory use to a permitted use."

Background

The subject property is a 17.37-acre (756,549 SF), irregularly-shaped, 15-sided parcel. The parcel is as much as 1,275' wide north-to-south and as much as 875' wide east-to-west. The site is located at Field Street's eastern terminus and is accessible to the Columbia Avenue truck route. The Field Street entrance does not allow truck access thus keeping it out of the residential neighborhood. Truck traffic from Columbia is routed via Kenwood Street and the south section of the Willard Avenue to the cul-de-sac.

Pipeline Realty - Indiana, LLC, a subsidiary of Texas Pipe & Supply is a warehousing and distribution operation. They recently acquired additional property to expand their existing outdoor storage capacity.

The subject property and its neighboring parcels to the north, south, and east are zoned I-2 Manufacturing District. To its immediate west is zoned R-1U Urban Single-Family Residential District. This neighborhood was originally constructed by the Steel Car Company for worker housing and is also known as the Pullman-Standard National Register Historic District.

The site features three pre-existing buildings. The largest is a warehouse on the parcel's south end, which includes truck docks for loading and unloading materials. The other two buildings are office/administrative in nature and are currently under-utilized. There is open land at the NW quadrant of subject parcel, west of office buildings.

At the May 20, 2024, Plan Commission favorably recommended for a rezoning to rezone the property to a single I-2 classification and it was forwarded to the Common Council. The rezoning removed the R-1U classification along Willard Avenue. The Plan Commission also recently approved a plat of amendment to the Old Pullman Standard Plant Second Addition to modify the landscape buffer easement boundary which roughly corresponds to the R-1U zoned area.

Petition

The owner, site occupant, and petitioner, Pipeline Realty - Indiana, LLC, is seeking a conditional use, related to T/S 12.11(9), to allow outdoor materials storage of its stock of

“pipes and materials.” This is to be an accessory use to an existing and permitted warehousing and distribution use.

The outdoor storage initially is to be located on the existing paved parking area, east of landscape buffer easement. The request will allow for the expansion of the existing outdoor storage to be up to the landscape buffer easement. The petitioner proposes to store items will be stacked up to 14’.

Analysis

Buffering of outdoor storage area is an important factor in minimizing negative impacts on the residential area. The existing chain-link fence along the east right-of-way line of Willard Avenue will remain. The proposed new 8’ solid fence will be setback 88’ from the east right-of-way line. Additional landscaping within the landscape buffer easement is important to hide from view the outdoor storage area and more importantly the materials that may be stacked up to 14’. The expansion of the outdoor storage area is a change of character of the development from an industrial office facility to a storage area. Appropriate landscaping will also ameliorate any dust, noise, visual impacts, etc. concerns coming from the outdoor storage area. The proximity of the industrial use to a low-mod income, minority residential neighborhood brings up environmental justice concerns.

Trucks delivering or distributing the stored materials will need to continue using the Willard Avenue/Kenwood Street route.

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 Conditional Use

- 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 related to the conditional use will not be affected in a substantially adverse manner.
- 3) The approval will not have an adverse effect on the density of the adjacent area and the area will not be burdened by an excessive number of similar uses in the area.
- 4) The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.

- 5) The approval will not have an adverse impact on the environment or natural resources.
- 6) The approval will not have an adverse impact on historical, architectural, cultural and archaeological resources.
- 7) The approval does not substantially interfere with the comprehensive city zoning plan.
- 8) The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.
- 9) The approval will provide for reasonable accommodation pursuant to Section 24.53.

Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the conditional use permit should the Board feel the petitioner has met the standards, subject to:

- 1.) Approval by the Common Council of the rezoning to a single I-2 classification;
- 2.) Planting of multiple (8-12) large evergreen trees in landscape buffer easement per a landscape plan to be reviewed and approved by City Staff and maintaining landscape buffer easement and preventing any of the materials to be stored within it;
- 3.) Stacked materials shall not exceed fourteen-feet (14') in height;
- 4.) Installation and maintenance of an eight-foot (8') tall, solid (100% obscured) fence to run along the easternmost edge of the landscape buffer easement;
- 5.) Outdoor materials storage and vehicular access to outdoor materials shall comply with all Zoning Ordinance regulations, Hammond Municipal Codes, and Building and Fire Codes; and
- 6.) Compliance with applicable City Code in particular enforcing litter, junk, and the harboring of a public nuisance, as to maintain a sanitary, safe, and aesthetically pleasing property.

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

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

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

FINDINGS OF FACT

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

- a.) The development will comply with all applicable fire and building code regulations, and location of vestibule required for ADA compliance, subject to final review by the City Building and Fire Departments and by the State via a Construction Design Release.
- b.) Emergency access to all building and entrances and exits are not impeded nor is traffic flow for customers, employees, and vendors.
- c.) The only encroachment into the standard front yard setback is a vestibule; the vestibule's east wall accounts for 146.67 SF, or 5.94%, of the total 2,470 SF of façade comprising the east wall to which the vestibule is attached.
- d.) The petitioner will comply with all other applicable provisions in Zoning Ordinance, including applicable provisions of Title X C-4 General Commercial District, Title XXI Signs, and Title XXII Fences and Landscaping.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

- a.) Major Commonwealth Edison and NIPSCO utility easements cover the westernmost 120' of the property, preventing further building setback into the
- b.) parking lot to the west of the proposed hotel; full access to easements preserved by proposed site plan.
- c.) Access to adjacent properties and traffic flow on Marina Drive will not be impeded.
- d.) The property has sat vacated with a shuttered commercial building on it for 3 years and fronts along a relatively new commercial/shopping center development, thus carefully planned development of this unused land would increase its property tax valuation and the aesthetics of the overall Marina District development.

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' wide utility easements on the west end of site pose practical difficulties in constructing a building set over west enough on-site to comply with the 25' setback.

Chairperson Hill asked for a motion to adopt the staff report as amended and to adopt the Finding of Fact into the record (Z-24-06). Mr. Brock so moved, seconded by Mr. Lopez. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

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

Chairperson Hill asked for a motion to approve the conditional use subject to the six (6) conditions in the staff report (Z-24-06). Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

Z-24-07A Petition of Awesome Homes and Capital, LLC for a developmental variance from zoning ordinance 2.30 (A) to allow a reduction in the minimum lot area requirement to build a single family home in an R-1 Single Family Residential District located at 7815 Chestnut Avenue in the City of Hammond

Z-24-07B Petition of Awesome Homes and Capital, LLC for a developmental variance from zoning ordinance 2.30 (A) to allow a reduction in the minimum lot width requirement to build a single family home in an R-1 Single Family Residential District located at 7815 Chestnut Avenue within the City of Hammond

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

Randall Ridderhoff, Awesome Homes and Capital, LLC, 14808 South Woodcrest Avenue, Homer Glen, IL 60491-8322, represented the petitioner. Mr Ridderhoff stated he has worked with the City of Hammond staff for over four (4) years purchasing distressed single family homes and restoring them to current City codes. The petitioner purchased an empty lot at 7815 Chestnut Avenue to construct a single family home that would compliment the adjacent homes on Chestnut Avenue. The lot was located on Chestnut Avenue between I-80 and the Munster town limits. Mr. Ridderhoff further stated the lot was non conforming in regards to the area and width and was zoned R-1 Single Family Residential District. The petitioner was requesting a reduction in the minimum lot area from 7500 sq. ft. to 6018 sq. ft, and a reduction in the minimum lot width from 60 ft. to 59 ft.

The proposed construction site was a vacant rectangular lot in south Hammond. There were 25 lots on the east side of the street and 23 lots the same size as 7815 Chestnut Avenue, and the end lots were slightly larger. The lot at 7815 originally had a four-room frame house that fell to disrepair and was demolished in 2016. In 2020, the lot was sold for delinquent taxes.

Mr. Ridderhoff discussed changes that were made to the original plans that were provided to the Board. The petitioner met with the adjacent neighbors and changed the

driveway to the northside to align with the original curb cut from the south side of the house. The footprint was changed to rotate the house to better compliment the homes on Chestnut Avenue. If approved a one (1) story, three (3) bedroom, two (2) bathroom home would be constructed.

Chairperson Hill asked if there were any questions from the Board. Chairperson Hill asked if this would be a rental home. Mr. Ridderhoff stated "Yes".

Mr. Poland reminded the Board that the two (2) petitions were specific to the zoning provisions, not the site plan. This was not a site plan review process.

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

Chairperson Hill opened the floor for public comments.

Saul M. Garza III, 7743 Chestnut Avenue, Hammond, IN 46324

- Property owner of the adjacent lot at 7811 Chestnut Avenue
- Requested conditions to be placed on the variance prior to approval to include that the site plan location to the house, the drainage, and the curb cut/driveway conform to the existing development.
- The site plan be reviewed by Zoning prior to allowing the petitioner to continue with the project.

Mr. Ridderhoff stated Mr. Garza was one of the neighbors that he had met with and agreed with everything that Mr. Garza stated. Mr. Ridderhoff also met with Mr. Poland. Mr. Ridderhoff learned more about curb cuts from Mr. Poland and decided to change the plans to comply with the existing curb cut. The position of the house was a direct change for the neighbor on the south. The site plan was in the process of being redone by Torrenge. The changes were consistent with the comments that were presented.

Chairperson Hill closed the floor for public comments.

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

Mr. Poland stated that it was a normal process for site plans to be reviewed by various departments. Due to the lateness of the revised site plan this was not able to occur prior to the meeting. The reviews would take place when the revised site plan has been submitted.

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-24-07A), however it is included in its entirety.

Mr. Novak stated there was a technical correction on the first page of both staff reports under the "Petition" section. The measurements of 26 x 44 1144 sq. ft. should be changed to 30 x 40 sq. ft. based on the new site plan.

Zoning Citation

Title II R-1 Single Family Residential District,

Section 2.30(A) Are and Width Regulations

which reads as follows: "Minimum Lot Area of not less than 7,500 square feet."

Background

Subject property is located in the Schleicher neighborhood along the southern edge of Hammond, adjacent to the Woodmar area. Schleicher is bounded by the Columbia Ave. viaduct to its west, by Northcote Ave. & the Cabela-Woodmar Shopping Center to its east, by 177th St. and the I-80/94 elevated freeway to its north, and by River Road and the Little Calumet River/city limits to its south. The Little Calumet River Trail and the levee run parallel to the river south of River Rd.

The subject property is located slightly south of the midpoint of the block, on the east side of the 7800-block of Chestnut Ave. The lot is rectangular and measures 59' wide x 102' deep, for a total area of 6,018 SF (0.138 acres.)

The lot was platted as part of the Beverly 7th Addition on April 9, 1953. There once was a 4-room, 1-story, wood-frame single family home built here in 1953, which was demolished in October 2016. The Beverly Additions were developed with similarly-sized 1-story single family homes on slabs all within the same early-to-mid-1950s time-frame.

In all directions, the subject property is surrounded by similarly zoned R-1 Single Family Residential District lots. Two blocks west is the S-2 Institutional District-zoned Optimist Club Youth Baseball Fields Complex.

Petition

The petitioner, Awesome Homes and Capital, LLC. of Homer Glen, IL, is seeking a developmental variance from Zoning Ordinance 8514, Title II, Section 2.30(A) to reduce the minimum lot size from 7,500 SF to 6,018 SF, so they may begin construction on a 26' x 44' (1,144 SF), 1-story single family slab home.

The parcel is 59' wide and thus there is a BZA petition (Z-24-07(B)) regarding minimum lot width (under 60') brought forth concurrently.

Awesome Homes and Capital, LLC, is registered under Randall L. Ridderhoff, a resident of the Village of Homer Glen, Will County, IL. The company received deed ownership of subject parcel on March 28th, 2024.

If this variance and the companion variance are granted, Mr. Ridderhoff is to serve as the general contractor and will maintain ownership of the property as a landlord. Mr. Ridderhoff is currently landlord of a few Hammond homes and has rehabilitated some homes in Hammond, including corner property 7913 Chestnut Ave. Subject property is to be the site of his first new home construction project in Hammond.

Analysis

The lot size of 7815 Chestnut Avenue could be considered within normal range when compared to the other 101 lots in its Addition given:

- All interior lots (93 lots) are identical to 7815 Chestnut Avenue. 59' wide x 102' deep and 6,018 SF.
- The only lots larger than subject parcel in Addition are the eight (8) corner lots. Only two (2) of these eight (8) corner lots on the south edge exceed 7,500 SF.

This section of Chestnut Ave. (7700-7900 blocks) is a part of the Beverly 7th and 8th Additions. The 8th Addition was platted March 23, 1955. These 6,200 SF lots likewise do not meet the lot minimum area build requirement of 7,500 SF in R-1 Districts. This is the only vacant lot on its street and one of two vacant lots in Beverly 7th Addition.

After discussions, the site plan has been revised to better meet T/S 2.80 for compatibility of new infill house construction in an existing neighborhood. The roofline and façade orientation were changed to be more similar to the existing houses. The driveway was relocated to the left side of the lot/house to be similar to the existing houses. The front,

side and rear yard minimum setbacks are met by the petitioner. The drainage uses the existing utility easements.

Reviews and Approvals

City Planning staff has reviewed materials provided by the petitioner regarding the proposed construction of a single-family residence on a lot smaller than 7,500 SF.

The Building Commissioner, the Chief Fire Inspector, the Superintendent of Wastewater Management, & the Director of the Hammond Department of Environmental Management have no objections. The City Engineer has not reviewed the drainage plan, but had no other objections.

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.

Staff 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, subject to the following conditions:

- 1) Approval of the drainage plan by the City Engineer and follow Best Management Practices to maintain the drainage swales.
- 2) Installation of driveway apron in according with the City Engineer's standards.
- 3) Compliance with T/S 18.11 regarding projections into the required yards that do not permit an enclosed porch in the front yard.
- 4) Approval of BZA developmental variances Z-24-07(B) and compliance with its conditions.

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.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

FINDINGS OF FACT

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

- a. Only two (2) corner lots of the 101 residential lots in the Beverly 7th Addition meet the minimum lot area size of 7,500 SF.
- b. All interior lots are same dimensions and size as subject parcel: 59' x 102', 6,018 SF.
- c. None of the homes in Beverly 3rd-9th Additions sit on more than one lot or one parcel.
- d. This is the only lot not developed with single family housing on the 7700-7900-blocks of Chestnut Ave and one of two vacant lots in the Beverly 7th Addition.
- e. The proposal will follow current Zoning requirements for front yard, side yard and rear yard setbacks and follow requirements of 5'-wide utility easement in rear of lot.
- f. The petitioner will comply with the City of Hammond Municipal Code, the International Residential Code and its Indiana amendments, the National Fire Protection Association (NFPA) Code, and applicable Indiana State Statutes.

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. The proposed single family dwelling is compatible with nearby houses in context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.
- b. Property has sat vacant for seven (7) years. The development of this lot will stabilize and increase the property value of this lot and thus of the neighborhood.
- c. In all directions is a similar single family residential use.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

- a. The lot can only be redeveloped as a single family home, as this particular use is the only permitted use in a R-1 Single Family District.
- b. The petitioner will comply with all other applicable City regulations in Zoning Ordinance 8514 and its amendments for development in a R-1 Single Family Residential District (Title II), for development of accessory buildings (Titles II & XVIII), for off street parking (Title XX), and for fences (Title XXII.)

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

Chairperson Hill asked for a motion to adopt the staff report as amended and to adopt the Finding of Fact into the record (Z-24-07A). Mr. Brock so moved, seconded by Mr. Lopez. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William

Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

Chairperson Hill asked for a motion to approve the developmental variance subject to the four (4) conditions in the staff report (Z-24-07A). Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

Chairperson Hill asked for staff to read the staff report recommendations (Z-24-07B), however it is included in its entirety.

Mr. Novak stated there was a technical correction on the first page of the staff report under the "Petition" section. The measurements of 26 x 44 1144 sq. ft. should be changed to 30 x 40 sq. ft. based on the new site plan.

Zoning Citation

Title II R-1 Single Family Residential District,

Section 2.30(A) Are and Width Regulations

which reads as follows: "Minimum Lot Width of not less than 60' feet at the building line."

Background

As established in Z-24-07(A), the subject property is located in the Schleicher neighborhood along the southern edge of Hammond, adjacent to the Woodmar area. Schleicher is bounded by the Columbia Ave. viaduct to its west, by Northcote Ave. & the Cabela-Woodmar Shopping Center to its east, by 177th St. and the I-80/94 elevated freeway to its north, and by River Road and the Little Calumet River/city limits to its south. The Little Calumet River Trail and the levee run parallel to the river south of River Rd.

Petition

The petitioner, Awesome Homes and Capital, LLC. of Homer Glen, IL, is seeking a developmental variance from Zoning Ordinance 8514, Title II, Section 2.30(A) to reduce the minimum lot width from 60' to 59', so they may begin construction on a 26' x 44' (1,144 SF), 1-story single family slab home.

Analysis

The 59' lot width of 7815 Chestnut Avenue could be considered normal when compared to the other 101 lots in its Addition given:

- All interior lots (93 lots) are identical to 7815 Chestnut Avenue.

59' wide x 102' deep and 6,018 SF.

- The only lots larger than subject parcel in Addition are the eight (8) corner lots. All of these eight (8) corner lots meet the 60' minimum width requirement.

This section of Chestnut Ave. (7700-7900 blocks) is a part of the Beverly 7th and 8th Additions. The 8th Addition was platted march 23, 1955. The lots within Beverly 8th Addition are 62' wide and 100' deep. While these west-side homes meet the 60' lot width requirement, they fall short of the minimum lot area in R-1 Districts.

This is the only vacant lot on its street and one of two vacant lots in Beverly 7th Addition.

As established in Z-24-07(A), the site plan has been revised to better meet T/S 2.80 for compatibility of the new infill house construction in an existing neighborhood.

Reviews and Approvals

City Planning staff has reviewed materials provided by the petitioner regarding the proposed construction of a single family residence on a lot narrower than 60'.

The Building Commissioner, the Chief Fire Inspector, the City Engineer, the Superintendent of Wastewater Management, & the Director of the Hammond Department of Environmental Management have no objections.

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.

Staff 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, subject to the following conditions:

- 1) Approval of BZA developmental variances Z-24-07(A) and compliance with its conditions.

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.

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

FINDINGS OF FACT

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

- a. Only the eight (8) corner lots of the 101 residential lots in the Beverly 7th Addition meet the minimum lot width of 60'.
- b. All interior lots are same dimensions and size as subject parcel: 59' x 102', 6,018 SF.
- c. None of the homes in Beverly 3rd-9th Additions sit on more than one lot or one parcel.
- d. This is the only lot not developed with single family housing on the 7700-7900-blocks of Chestnut Ave and one of two vacant lots in the Beverly 7th Addition.
- e. The proposal will follow current Zoning requirements for front yard, side yard and rear yard setbacks and follow requirements of 5'-wide utility easement in rear of lot.
- f. The petitioner will comply with the City of Hammond Municipal Code, the International Residential Code and its Indiana amendments, the National Fire Protection Association (NFPA) Code, and applicable Indiana State Statutes.

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. The proposed single family dwelling is compatible with nearby houses in context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.
- b. Property has sat vacant for seven (7) years. The development of this lot will stabilize and increase the property value of this lot and thus of the neighborhood.
- c. In all directions is a similar single family residential use.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

- a. The lot can only be redeveloped as a single family home, as this particular use is the only permitted use in a R-1 Single Family District.
- b. The petitioner will comply with all other applicable City regulations in Zoning Ordinance 8514 and its amendments for development in a R-1 Single Family Residential District (Title II), for development of accessory buildings (Titles II & XVIII), for off street parking (Title XX), and for fences (Title XXII.)

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

Chairperson Hill asked for a motion to adopt the staff report as amended and to adopt the Finding of Fact into the record (Z-24-07B). Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

Chairperson Hill asked for a motion to approve the developmental variance subject to the one (1) condition in the staff report (Z-24-07B). Mr. Brock so moved, seconded by Mr. Lopez. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

COMMISSIONER COMMENTS

There were none.

STAFF COMMENTS

Mr. Poland stated there were no petitions for the June 25, 2024 meeting

PUBLIC COMMENTS

There were none.

ADJOURNMENT

Chairperson Hill called for a motion to adjourn. Mr. Brock so moved, seconded by Ms. Jasso. The meeting was adjourned at 6:48 p.m.

PREPARED BY:

Shannon Morris-Smith
Shannon Morris-Smith
Secretary to the Board of Zoning Appeals

APPROVED BY THE BOARD OF ZONING APPEALS:

Kathleen Hill
Kathleen Hill
Chairperson

Date Approved: 9/24/24