

The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, September 24, 2024 at 6:00 p.m., Council Chambers, 2nd 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.

Mr. Poland introduced Dan Faulkner to the Board. Mr. Faulkner replaced Mr. Lopez on the Board. Mr. Faulkner is the son of the former BZA attorney, Attorney Alan Faulkner.

PRESENT

Cynthia Jasso (IP)
Roger Brock (IP)
William Hutton (IP)
Dan Faulkner (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 May 29, 2024. Mr. Hutton so moved, seconded by Mr. Brock. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/yes, Dan Faulkner/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

OLD BUSINESS

There was none.

NEW BUSINESS

Z-24-09 Petition of NH Vegas, LLC for a modification of an existing conditional use (Z-23-04) regarding Title X, Section 10.11 (3) to allow an Automobile Fueling Station in a C-4 General Commercial District, Located at 1051-1053 Indianapolis Boulevard in the City of Hammond

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

Dan Tursman, Director of Development, Luke Family of Brands, 3592 N. Hobart Road, Hobart, IN, 46342, represented the petitioner. Mr. Tursman requested an amendment to the conditional use that was granted at 1051-1053 Indianapolis Boulevard. The original plan was to demolish the existing convenience store/gas station and rebuild a new gas station and an additional multi-tenant retail building. The property was subdivided into two (2) individual parcels to create two (2) businesses, access easements, etc. This project was abandoned due to finances. Mr. Tursman stated the petitioner no longer wanted to pursue the original project and wanted to propose a new gas station.

The site has been redesigned to better utilize the area and to have better ingress/egress, stacking, pump access, stacking, and site circulation. Mr. Tursman stated the process to re-subdivide the property and revert back to a single lot and to vacate easement have been done through the Plan Commission. Mr. Tursman further stated an amendment to the conditional use approval of Z-23-04 be applied to the new legal description with the new approved plat.

Mr. Poland further stated the modification was to change the legal description and also to make sure the new site and development plan was compliant with all other zoning provisions.

Mr. Tursman reviewed the layout and discussed the zoning compliance of the site design. The standards for zoning regarding gas stations, convenience stores, adequate spacing for stacking of cars. The existing gas station had twelve (12) pumps and a large canopy with outdated equipment. The new layout would reduce the number of pumps and canopy. There would be a new building, underground storage tanks with state-of-the-art technology and fuel equipment. The environmental conditions would be improved. The convenience store building would be a standard Luke prototype design with an all masonry structure.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton asked if there would be a drive-thru. Mr. Tursman stated "No". Mr. Hutton asked if the conditional use remained with the property or the owner. Mr. Poland stated the conditional use would remain with the property.

Chairperson Hill asked if there would be improvements to landscaping, underground storage tanks, and dumpsters. Mr. Tursman stated "Yes". There was a discussion on the upgrading of the underground storage tanks. There were not any problems with the current underground storage tanks. The upgrade would be upgrading to newer technology. Mr. Tursman further stated there would be an all masonry enclosure with steel doors on the side rear of the building. The enclosure would match the building.

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. Mr. Hutton requested that the elevations be revised to better identify north, south, east, and west.

Mr. Poland commented that the three (3) parking spaces located along Indianapolis Boulevard were too far from the building to meet the parking requirements. There was a suggestion to relocate to the northerly side of the property to the north of the pump islands, or on the north side of the building directly opposite of the first location by the landscape area.

Mr. Poland further stated the property was located in the Marina Redevelopment District. The property was located on a major street. The elevations on the Indianapolis Boulevard side changes from brick that faces easterly to concrete block. Staff has requested that the brick material on Indianapolis Boulevard be similar to the brick on the east facade side. The zoning provision states that the street facing façade has to have 5% fenestration of the wall surface. Mr. Tursman stated the petitioner would comply to the staff's request.

Chairperson Hill asked for staff to read the staff report recommendations (Z-24-09), however it is included in its entirety.

Zoning Citation

Title X C-4 General Commercial District, Section 10.11 Conditional Uses, Subsection # 3
Automobile Fueling Station

Background

The original conditional use granted in 2023 was for a site of 1.18 acres on Lot 1 of the Resubdivision of Luke's 267 Addition. The petitioner has recently received approval from the Plan Commission to consolidate the two lots in the Resubdivision of Luke's 267 Addition plat into a single lot in the Luke's 267 Station Addition plat. As part of that subdivision approval, the ingress/egress, drainage, and utility easement necessitated by the two lot subdivision are being released and address will be modified to be 1051 Indianapolis Blvd.

The subject property as combined in the new 1 lot subdivision is 2.01 acres. It is located on US 12/20/41. It is located at the traffic signal-controlled intersection with Casino Center Drive. It has been the location of a fueling station for more than 35 years with the existing building being constructed in circa 1998. It was rezoned to C-4 General Commercial in 2022.

The 1998 site design consisted of a fuel canopy sheltering twelve (12) double-sided fuel pumping islands and a 2,388 SF convenience store. This retail operation is an accessory use.

Under Z-23-04, the BZA approved a fueling station design for 8 double sided pump islands, a canopy, and a convenience store of 3960 square feet. The overall development project included the construction of a multi-tenant retail building on Lot 2 of the Resubdivision of Luke's 267 Addition. As the project did not proceed as planned, the developer has modified the development by eliminating the multi-tenant retail building.

Petition

Firstly, the petitioner seeks to modify the conditional use of Z-23-04 to amend the legal description and to incorporate the larger area of the two lots of the previous subdivision plat which is now being combined into a single lot of the new Luke's 267 Station Addition.

Secondly, the design of the station is being modified to better utilize the larger property (as well as remove the previously proposed multi-tenant building). The new design of

the station will keep the reduction of the number of pumps to eight and reduce the canopy from the currently sized 135'x95' to 110'x50'. The convenience store associated with the fueling operation will be the same 3960SF as previously proposed and will be designed in accordance with the Luke's prototype design.

Analysis

The new site plan will not change any of the curb cuts and traffic signal entrance. The utility easement along Indianapolis Blvd. is unchanged. The site plan meets the applicable requirements. The site plan also meets the parking requirements. However, three of the spaces are too far away from the convenience store. These can be relocated to either: 1) 3 parallel spaces along the proposed northly curb line adjacent to the canopy, or 2) 3 spaces opposite the three spaces at the northerly side of the convenience store to extend into the landscape area. The 11' requirement for the van accessible space is not met.

The project is located in the Marina Redevelopment Area. This new site plan re-orientes the building to face easterly. The southerly façade uses a secondary masonry material that is now prominently viewed from Indianapolis Blvd. Under T/S 19.20.12 (1), the street facing façade shall have a minimum of 5% of the façade comprised of windows or equivalent fenestration. Said windows/fenestration shall not be covered or blocked by signage, internal feature, furniture, display units, or similar. In a recent case for a similar situation with a fueling station, the fenestration requirement was met with the use of a faux window and frame feature. The change of wall material and faux window will bring the development into compliance with the Ordinance.

In the original Z-23-04, HDEM had been supplied with information regarding the oil-water separator and an updated emergency response plan. Plans call for installation of three (3) new fiberglass underground storage tanks, new updated dispensing and monitoring equipment, and new underground fuel lines with containment systems. The commercial kitchen will feature a grease trap. Confirmation of compliance with HDEM requirements will be required.

Reviews and Approvals

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 modification of conditional use should the Board feel the petitioner has met the standards, subject to:

- 1.) Finalization and Recording of the new subdivision plat.
- 2.) Technical review and final approval of site and building plans by City Staff, including, but not limited to the ADA spaces and compliance with ADA guidelines, relocation of the 3 spaces, and façade fenestration/materials;
- 3.) Submittal and final approval of a photometric plan;
- 4.) Confirmatory review by HDEM for oil-water separator and emergency response plan;
- 5.) No outdoor displays of tires nor any other wares to be allowed and the spandrel glass not used for signage;

- 6.) Compliance with Hammond City Code Chapters 94, 97, 98, 101, 132, 150, and 160, and in particular sections enforcing litter, junk, trash receptacles, snow removal, 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. Rebuilding site allows the installation of three (3) new fiberglass underground storage tanks, new updated dispensing and monitoring equipment, and new underground fuel lines with containment systems.
- b. Helps minimize the risk to drivers and pedestrians by narrowing ingress/egress curb cut and installing a porkchop island center median to enforce "right in, right out" only access.
- c. The property will utilize trash receptacles with lids, enclosure of the dumpster, and compliance with other sections of Hammond City Code related to safety, sanitation, and aesthetics.

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.

- a. This combination automobile fueling station use has existed here since the 1990s.
- b. Intensity of use for the automobile fueling station will decrease due to a redesign featuring four (4) less fuel pump islands than existing and a smaller fuel canopy than existing.
- c. The proposed improvements to the paving, landscaping, and dumpster enclosure should improve values.
- d. The parking requirements are met subject to the ADA dimensional correction and relocation of 3 spaces.

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.

- a. This is a high traffic volume street with commercial traffic from Illinois and Hammond.

b. This is an existing fuel-station-convenience store location. There are 3 other combination fuel station-convenience store businesses between the subject property and State Line.

c. The closest fuel station southbound on Indianapolis Blvd. is over one-half (½) mile from the site,

4. The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.

a. Traffic flow and ingress/egress curb cut has been reviewed by the City Engineer.

b. Adequate utilities already exist in area.

c. No impact on educational facilities, and no educational facilities nearby.

5. The approval will not have an adverse impact on the environment or natural resources.

a. The demolition of the existing structures will be in accordance with IDEM and HDEM requirements.

b. HDEM will confirm compliance with the oil-water separator and an updated emergency response plan.

c. Rebuilding this site allows for the installation of three (3) new fiberglass underground storage tanks, new updated dispensing and monitoring equipment, and new underground fuel lines with containment systems.

d. There are no natural areas being affected as site is already developed.

6. The approval will not have an adverse impact on historical, architectural, cultural and archaeological resources.

a. The property is not identified on the 1996 Lake County Interim Report.

b. The property is not listed in the National Register of Historic Places.

c. There are no known historical nor archaeological resources on-site.

7. The approval does not substantially interfere with the comprehensive city zoning plan.

a. The type of use of property will not change and the conditional use petition is in keeping with the requirements of the C-4 zoning district.

b. Care has been taken by the petitioner to propose site and building plans that keep the nearby Marina District PUD in mind and aim to match its quality of aesthetics.

c. The site existed as an automobile fueling station with convenience store accessory use since 1998, and this petition is asking to continue that same use with improvements to site and structures.

8. The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.

a. The petitioner will be able to comply with all other applicable Zoning sections and City codes.

- b. This site redesign will allow property to meet minimum landscaping requirements.
- c. The site redesign will feature a dumpster enclosure, which current site does not have.

9. The approval will provide for reasonable accommodation pursuant to Section 24.53.

- a. This standard is not applicable to this commercial development.

Chairperson Hill asked for a motion to adopt the staff report as amended and to adopt the Finding of Fact into the record (Z-24-09). Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/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-24-09). Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/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 Z-24-09 to modify the conditional use for Z-23-04 subject to the conditions in the staff report (Z-24-09). Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

Z-24-10 Petition of the Gatehouse Hammond, LLC. for a conditional use regarding Title III, Section 3.11 (1) via Title II, Section 2.11 (5) to allow a Community Residence in an R-1U Urban Single Family Residential District, located at 6923-6931 Marshall Avenue in the City of Hammond

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

Dan Kozlowski, 8721 Shetland Lane, Indianapolis, IN 46278, and Leslie McCormick, Co-Founder/Director, Gatehouse Hammond, LLC., 1215 N. Cline Avenue, Griffith, IN 47468, represented the petitioner. Mr. Kozlowski stated the petitioner was requesting a

conditional use for a community residence. This would be a conversion of a church to a community residence. The church has been abandoned for fifteen (15) or more years.

The community residence would be used to house up to twenty-four (24) women that would be recovering from addiction. Mr. Kozlowski further stated that the majority of the conversion design would be interior work. There would be very little exterior conversion design. This would include ADA accessibility.

There was a discussion on the petitioner agreeing with the staff report. Mr. Kozlowski reviewed the parking conditions and discussed that very few of the twenty-four (24) residents rarely have vehicles and are housed for a short period of time. The petitioner's policy was to have no more than six vehicles. The parking lot would be configured to have twenty-two (22) parking spaces and there would be adequate parking to meet the parking requirements.

The landscaping requirements would be met. There was a fence and overgrown weeds and vegetation would be repaired.

Ms. McCormick gave the Board an overview of the organization's services and vision. There would be recovery services for women exiting incarceration, recovery works, and do not have any place to go to continue their recovery. Life skills are learned and practiced, drug test, employment services, and support to work at retaining their children are offered. There was a discussion on the future goal to have a space for pregnant women to give birth and have a place to live and stay clean. The residents are expected to become self-supporting while staying at the residence.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton asked what the ages were of the women that would participate in the program. Ms. McCormick stated the typical ages were mid 30's to early 50's. The average age was 35 years old. There has been a women as young as 19 years old.

Chairperson Hill asked if there was staff present overnight. Ms. McCormick stated there was a senior resident and other residents that have remained on property that assist with the operations of the residence. Ms. McCormick further stated that she and her partner Denise visit the residence every day. Chairperson Hill asked if there were ever more than twenty-four (24) residents. Ms. McCormick stated "No". Chairperson Hill asked how the organization's services were advertised. Ms. McCormick stated there

was a working relationship with Regional Mental Health, Kimbrough Work Release, and Lake County Jail.

Mr. Faulkner asked if this was short term residency. Ms. McCormick stated six (6) months was the minimum requirement. The residents are allowed to stay a maximum of two (2) years if they have met additional requirements. Mr. Faulkner asked if there was a network of support resources available for the residents. Ms. McCormick stated "No".

Chairperson Hill asked Ms. McCormick how long she has been providing this service. Ms. McCormick stated six (6) years.

Mr. Poland asked for clarity of the record to provide the age of the residents. Mr. Kozlowski stated the program was for adults only. The exception would be an adult pregnant resident that gives birth while going through the program. There was only one (1) room available for this purpose. Mr. Poland further asked if there were other options for minors with addictions. Ms. McCormick stated parents can send them to facilities that assist minors with addictions.

Chairperson Hill asked if anyone could reach out to the organization for their services. Ms. McCormick stated the person would be referred to Franciscan Dyer for detox. After they have gone through detox, Franciscan Dyer would send the person to Regional Mental Health. A clear decision could be made on participating in the sober living program after a person has gone through detox. Ms. McCormick further stated they were not a facility to detox. They were a sober living facility.

Mr. Hutton commented that he has been involved with a projects such as this one and it was very important. This kind of project takes big people with big hearts. Mr. Hutton asked if this project would be submitted to the State Department of Homeland Security for design release, and to the State Board of Health for their review and release. Mr. Poland stated that was normal procedure and this would go through the Inspections Department. Mr. Kozlowski further stated their designer was in compliance with this requirement.

Chairperson Hill asked if the property was being purchased. Mr. Kozlowski stated they were a contingent purchase under contract that was pending the approval of the proper zoning. Mr. Poland stated authorization and contingent purchaser agreement was provided to staff.

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

Chairperson Hill opened the floor for public comments.

Ken Bastasich, Sr., 6922 Marshall Avenue, Hammond, IN 46323

-Lived at this address for 33 years

-Happy that something is happening with the church. There have been numerous code violations for many years

-How can the property be tax exempt over the years as an abandoned church

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. Kozlowski stated the organization sent out an unofficial notice to the neighbors in addition to the official notice of the property owners within three hundred (300 ft). Mr. Kozlowski confirmed there was a response from Mr. Bastasich.

Mr. Poland further stated the Office of City Planning received two (2) calls from the certified mailing that were documented in the file. Mr. Novak discussed the concerns of one of the neighbors related to traffic, tenant conduct, density concerns, and whether or not the project would be able to be completed. The neighbor also reviewed the plans.

Mr. Kozlowski stated the property would go through a title company at closing. If there were any tax liens they would have to be paid off. The organization would not purchase the property without a clean title.

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-24-10), however it is included in its entirety.

Mr. Poland stated there was a technical correction on staff report related to the number of parking spaces. There would be twenty-two (22) parking spaces instead of nineteen (19).

Zoning Citation

T/S 3.11(1) Conditional Uses allowed in R-1 Section 2.11 via T/S 2.11(5) "Community Residences", in accordance with provisions in Title XIX Zoning and Conditional Provisions.

Background

The Gatehouse Hammond, LLC, petitioner, is a 501(c)(3) non-profit organization. Their mission is to provide women who are struggling with alcohol and substance abuse a safe, supportive living situation with the structure needed to maintain their sobriety. Their residents are only adult females. No male residents are allowed at their sober-living facilities and there are no plans to include male residents in the future. Residents are found through a variety of voluntary application, local "rehab" and mental health clinics, and Lake County Superior Courts.

The subject parcel is approximately 135' x 158' (21,299 SF) and rectangular shaped. The property is zoned R-1U Urban Single Family Residential District. To the west and south, it is a mostly single family residential neighborhood zoned R-1U. To the north and east it is zoned C-4 General Commercial District. To the north across an alley is a Chase Bank and to its east across an alley is the commercial area of Kennedy Ave. The subject parcel is in a transitional location between the residential and commercial areas.

The 3-level brick church building was constructed circa 1919. The building has been under the ownership of Catch the Fire Fellowship in Christ since 1988 and has been mostly vacant for fifteen years or more. The interior of the church building will require substantial renovations. There is a paved parking lot on the south side of the property.

The City of Hammond's 1992 Comprehensive Land Use Plan designates this stretch of Marshall Ave. for Low Density Residential Use. The Plan does designate Commercial Use to the east and north along local arterial roads Kennedy Ave. and 169th St.

Petition

The petitioner requests a conditional use permit for a community residence per T/S 3.11(1) Conditional Uses allowed in R-1 Section 2.11 via T/S 2.11(5) "Community Residences", in accordance with provisions in Title XIX Zoning and Conditional Provisions.

Petitioner currently operates three single family homes within Hammond city limits, with the intention to condense these operations solely to the subject parcel if given BZA approval.

The petitioner intends to renovate the building to provide fourteen bedrooms, a living room, a den/study, kitchen, pantry, dining room, laundry facilities, and appropriate restroom/shower facilities. The maximum capacity of the facility is intended to be up to 24 residents. "Senior Residents" will oversee day-to-day operations and resolve conflicts between tenants. Unresolved issues are handled by directors of Gatehouse Hammond LLC. No staff will remain overnight.

The parking lot to the south will be improved for 22 parking spaces, included two van accessible spaces. A "driving, parking and personal vehicle policy" has been included with the BZA submission. It states only up to six residents will be allowed to park "based on seniority and driving record." No more than two staff members should be on-site at any given time. Up to three vans may be maintained on-site at any given time by Senior Residents for transport of the other tenants.

Analysis

A community residence is, in essence, a large group home. A group home is defined as 8 or less residents. A community residence is defined as 9 or more residents. A group home is a permitted use in most residential districts. A community residence is a conditional use. A group home and a community residence are defined as residential uses. The Fair Housing laws are important in reviewing these facilities.

The site's location approximately 250' northeast of the former Morton Elementary School site is of less impact now that the school has been closed by the School City of Hammond, although some pre-school and child care operations may continue at that site.

The petitioner has experience in operating similar facilities. They intend to consolidate their existing three smaller facilities in Hammond to this location. By consolidating these operations into one larger location, their intention is to increase the security and efficiency of their operations. As the property borders commercial uses on two sides and is adjacent to local arterial roads, impact to residential neighborhoods are hoped to be kept to a minimum. Operationally, all residents must attend daily 12-step meetings, submit to random drug tests, and are given a handbook of conduct, which includes a

10:00PM curfew. Chronic/repeat abuse of the rules will result in immediate eviction. Daily chore lists are provided to residents, which include landscaping maintenance.

On August 19, 2024, the Plan Commission made a determination on the appropriate parking requirements for group homes and community residences. The parking requirements are determined by "one parking space per resident plus employee parking." At full capacity, the number of parking spaces would be 26. The determination also provides criteria that administratively can be applied to reduce the number of parking spaces. At least two or more criteria must be met to reduce the number of parking spaces. The petitioner has provided sufficient information to meet at least two of the criteria: 1) provider policy restrictions limiting privately owned vehicles, and 2) provider provided transportation services. Therefore, the 22 spaces provided on site are adequate and no further action of the Board of Zoning Appeals is required.

On August 16th, 2024, information packets were hand-delivered to owner occupied homes and mailed to the other owners of properties within 300' of the site. The packets invited owners to reach out to Gatehouse with concerns. Petitioner claims no one had reached out as of September 4th, 2024. As of September 19, 2024, City Planning Staff has received two phone calls.

Reviews and Approvals

City Planning Staff and City Building/Inspections Staff have reviewed materials provided by the petitioner, including preliminary interior floor plans and a site/parking plan.

There were no objections from the Building Commissioner, Chief Fire Inspector, City Engineer, Director of the Hammond Department of Environmental Management (HDEM), Superintendent of Wastewater Management at the Hammond Sanitary District (HSD), nor the Director of the Department of Community Development.

If the conditional use is approved, all site, civil, floor, and life safety plans included with the building permit application(s) will be submitted to the Fire Prevention Bureau of the Hammond Fire Department for their formal review. A State-issued Construction Design Release (CDR) must be applied for and issued for a change of use from Assembly Group A-3 to Group R-4. Petitioner will pursue if approved by BZA.

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 shall 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 should the Board feel the petitioner has met the standards, subject to conditions:

- 1) The facility will be limited to 24 residents;
- 2) Submittal, technical review, and final approval of project's site and civil plans by City Staff prior to issuance of permits, and petitioner shall make any changes requested thereof;
- 3) Receipt of the State Construction Design Release (CDR and IN Dept. of Health approval;
- 4) Repair or replacement of the existing 6' tall fencing along and near perimeter of property;
- 5) Compliance with City of Hammond Municipal Code Chapter 97, which is in regards to the City of Hammond's noise ordinance;
- 6) Compliance with Hammond City Code Chapters 94, 98, 101, 132, 150, and 160, and in particular sections enforcing litter, junk, trash receptacles, snow removal, 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. Mr. Hutton asked recommendation #3 could be revised to include the Indiana Department of Health. Mr. Poland agreed to make Mr. Hutton's revision to the staff report.

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) All site, civil, floor, and life safety plans included with building permit application(s) for new construction will be submitted to the Fire Prevention Bureau of the Hammond Fire Department for their formal review.
- b) Receipt of the State Construction Design Release (CDR) and code compliance of the change in occupancy

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.

- a) The proposed use is converting an assembly use to a residential use.
- b) The proposed use will utilize a building that was been vacant for over 15 years.
- c) Off-street parking lot will be provided to meet demand of residents and employees.
- d) The exterior appearance and the footprint/size of existing building will not change.

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.

- a) There are no other known group homes or community residences in the neighborhood.
- b) Twenty-four tenants will be the maximum allowed,
- c) Parking for nineteen vehicles is provided on-site.
- d) Per the facility's vehicle policy, up to six tenants will be allowed to drive and store their own personal vehicles at the facility and up to three vans for transport of the other tenants will be provided.
- e) No overnight staff nor overnight visitors.

4. The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.

- a) The site is accessible to two arterial streets-169th Street and Kennedy Avenue
- b) The utility connections exist and will not require upgrades.
- c) No increase in pavement proposed, so no increase in demand on storm sewers.

- d) Only adult tenants, no children, will be allowed, so no impact to school enrollment.
- e) Traffic should be relatively light as traffic will be primarily residents by the limited number of individual cars and by vans provided by the operators.

5. The approval will not have an adverse impact on the environment or natural resources.

- a) No ground disturbance is expected during renovations.
- b) No natural resources should not be affected by occupancy.

6. The approval will not have an adverse impact on historical, architectural, cultural and archaeological resources.

- a) The former church is not listed in the 1996 Lake County Interim Report. However, it could be rated as a contributing resource.
- b) There are no changes proposed for the exterior of the building.
- c) There are no known archaeological resources.

7. The approval does not substantially interfere with the Comprehensive City Zoning Plan.

- a) The 1992 Comprehensive Land Use Plan designates this site and the land along Marshall Ave. for Low Density Residential Use, and it is bordered by the Commercial Use designation to the east and north along local arterial roads 169th St. and Kennedy Ave.
- b) The conditional use for a “community residence” is allowable in a R-1U: Urban Single Family Residential District if Board of Zoning Appeals’ approval is granted.

8. The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.

- a) The project is in compliance with the applicable provisions of the Zoning Ordinance subject to final technical review.

9. The approval shall provide for reasonable accommodation pursuant to Section 24.53.

- a) Persons in recovery for substance abuse are covered under the ADA.
- b) Persons covered under the ADA have protections under the Fair Housing Laws.
- c) The parking plan meets the ADA requirements.

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-24-10). Mr. Brock so moved, seconded by Mr. Faulkner. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/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 conditional use subject to the six (6) conditions in the staff report (Z-24-10). Mr. Faulkner so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

COMMISSIONER COMMENTS

Chairperson Hill welcomed Mr. Faulkner to the board.

STAFF COMMENTS

Mr. Novak stated there were possible petitions for the October 29, 2024 meeting.

Mr. Poland reminded Mr. Faulkner there was a combined November/December meeting on the first Tuesday in December. Mr. Poland further stated he would set up a meeting with Mr. Faulkner and Ms. Jasso to go over BZA training.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

Chairperson Hill called for a motion to adjourn. Mr. Hutton so moved, seconded by Mr. Brock. The meeting was adjourned at 7:10 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: 1/28/25