

The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, October 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

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

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 table the minutes for September 24, 2024. Mr. Brock so moved, seconded by Mr. Hutton. 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

Chairperson Hill asked for a motion to have Z-24-12 on the agenda to be heard first. 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-24-12 Petition of Rafael Hermosillo for a Variance of Use from Zoning Ordinance Title VII 8.11 (6) to Allow an Event Space General Facility in a C-1 Local Commercial District to Title VII 7.10 Permitted uses Located at 3534-36 165th Street with the City of Hammond, Lake County, Indiana

Chairperson Hill asked if the notification requirements had been met. Mr. Poland stated "Yes".

Chris Moore, NIES Engineering, 2421 173rd Street, Hammond, IN 46323, and Rafael Hermosillo, 1107 Hoffman Street, Hammond, IN 46320, represented the petitioner. Mr. Moore stated the petitioner was in the process of completing a variance of use petition for an event space located at 3534-36 165th Street. There was an inspection done by the Fire and Building departments. The results of the inspection identified some things that needed attention and additional information for the petition application. Therefore, the petitioner requested to table the petition to the January 28, 2025 meeting.

Attorney Westland confirmed that a public hearing was not needed because the petitioner had not given a presentation.

Chairperson Hill asked for a motion to table Z-24-12 to the January 28, 2025 meeting. 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.

Chairperson Hill asked for a motion to return to the agenda order. 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-24-11A Petition of Reliable Properties and Development, LLC for a developmental variance from zoning ordinance 2.30 (A) to allow a reduction in the minimum lot area requirements to build a single family home in an R-1 Single Family Residential District Located at 7809 Beech Avenue in the City of Hammond

Z-24-11B Petition of Reliable Properties and Development, 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 7809 Beech Avenue within the City of Hammond

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

Jezreel Rodriguez, Reliable Properties and Development, LLC., 6824 Calumet Avenue, Hammond, IN 46324, represented the petitioner. The petitioner was proposing to build a single-family ranch style home. The property was a rectangle lot that measured 59' wide x 102' deep with a total area of 6018 sq. ft. The minimum lot size requirement was 7500 sq. ft. The majority of the lots in the neighborhood were the same size as the proposed lot.

Chairperson Hill asked if there were any questions from the Board. 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 asked if the lot size was typical for this area. Mr. Novak stated "Yes". Mr. Novak further stated there was previously a home on this lot that was demolished.

Chairperson Hill asked for staff to read the staff report recommendations (Z-24-11A), however it is included in its entirety.

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 Beech 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 1-story, wood-frame single family home here, which was demolished in March 2013. 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. Three blocks west is the S-2 Institutional District-zoned Optimist Club Youth Baseball Fields Complex.

Petition

The petitioner, Reliable Properties and Development, LLC. of Hammond, IN, 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 30' x 40' (1,200 SF), 1-story single family slab home.

The parcel is 59' wide and thus there is a BZA petition (Z-24-11(B)) regarding minimum lot width (under 60') brought forth concurrently.

Reliable Properties and Development, LLC, is registered under Jezreel Rodriguez, a landlord, property manager and general contractor licensed with the City of Hammond. Mr. Rodriguez had petitioned the BZA in 2023 to construct a single family home on a R-1 zoned lot at 3905 Oak Crest Lane, which they have since constructed. The company is under contract to purchase the subject property from Natoyah Grinnon.

If this variance and the companion variance are granted, Mr. Rodriguez is to serve as the general contractor of the home's construction.

Analysis

The lot size of 7809 Beech Avenue could be considered within normal range when compared to the other 101 lots in its Addition given:

- All interior lots (93 lots) of Beverly 7th Addition are identical to 7809 Beech 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 is the only vacant lot on its street (7700-7900 blocks) and in the Beverly 7th Addition.

The proposed model of home is the same model as what was proposed to the BZA under Case Nos. Z-24-07(A) and (B) in May 2024 for 7815 Chestnut Ave, a lot of the same size as subject property one block to the west. Petitioner Reliable Properties and Development, LLC, has recently begun construction of that 1-story single family slab home. During discussions in May 2024, the site plan for 7815 Chestnut Ave. was revised to better meet T/S 2.80 for compatibility of new infill house construction in an existing neighborhood. At the time, the roofline and façade orientation were changed to be more similar to the existing houses and the driveway was relocated to the left (north) side of the lot/house to match the existing houses. These same changes are carried over to the current proposal.

The front, side and rear yard minimum setbacks are met by the petitioner. The drainage plan utilizes a rain garden adjacent to the existing 7'-wide easement in the rear of the lot.

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 City Engineer, the Superintendent of Wastewater Management, & the Director of the Hammond Department of Environmental Management have no objections. The City Engineer has reviewed the drainage plan.

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) Following Best Management Practices to maintain the drainage swales;
- 2) Installation of driveway apron in accordance 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; and
- 4) Approval of BZA developmental variance Z-24-11(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 Beech Ave. and 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 7'-wide easement in the 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 eleven (11) 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 for a motion to adopt the staff report and to adopt the Finding of Fact into the record (Z-24-11A). 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 developmental variance subject to the four (4) conditions in the staff report (Z-24-11A). 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.

Chairperson Hill asked for staff to read the staff report recommendations (Z-24-11B), however it is included in its entirety.

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-24-11(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. In all directions, the subject property is surrounded by similarly zoned R-1 Single

Family Residential District lots. 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.

Petition

The petitioner, Reliable Properties and Development, LLC. of Hammond, IN, 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 30' x 40' (1,200 SF), 1-story single family slab home.

Analysis

The 59' lot width of 7809 Beech Avenue could be considered normal when compared to the other 101 lots in its Addition given:

- All interior lots (93 lots) of Beverly 7th Addition are identical to 7809 Beech 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 is the only vacant lot on its street (7700-7900 blocks) and in the Beverly 7th Addition.

As established in Z-24-11(A), the site plan has been revised to better meet T/S 2.80 for compatibility of 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. The City Engineer has reviewed the drainage plan.

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 condition:

1) Approval of BZA developmental variance Z-24-11(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.

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 Beech Ave. and 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 7'-wide easement in the 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 eleven (11) 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 for a motion to adopt the staff report and to adopt the Finding of Fact into the record (Z-24-11B). 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.

Chairperson Hill asked for a motion to approve the developmental variance subject to the one (1) condition in the staff report (Z-24-11B). 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.

COMMISSIONER COMMENTS

There were none.

STAFF COMMENTS

Mr. Poland reminded the Board that Z-24-12 was tabled to the January 28, 2025 meeting. Mr. Poland discussed there were possible cases for the December 3, 2024 meeting. There was a discussion on the newly adopted event space ordinance.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

Chairperson Hill called for a motion to adjourn. Mr. Brock so moved, seconded by Mr. Faulkner. The meeting was adjourned at 6:28 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