The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, March 25, 2025 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 6:01 p.m. Ms. Hill led the reciting of the Pledge of Allegiance.

PRESENT	ABSENT	ALSO PRESENT
Roger Brock (IP)	Cynthia Jasso (IP)	Brian L. Poland, AICP
William Hutton (IP)		Director of City Planner
Dan Faulkner (Z) 6:08 p.m.		
Kathleen Hill (IP)		Tom Novak
		Assistant City Planner
		Shannon Morris-Smith
		BZA Recording Secretary

PRESENT: FOUR (4) ABSENT: ONE (1) QUORUM

APPROVAL OF MINUTES

Chairperson Hill called for a motion to approve the minutes for January 28, 2025. Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 3 "Ayes", 0 "Nays", 1 "Abstentions" 1 "Absent". Motion carried.

OLD BUSINESS

There was none.

NEW BUSINESS

Z-25-03(A) Petition of Mickey's Linen & Towel Supply, Inc. for a developmental variance regarding T/S 7.31 for a reduction of the rear yard set back from 22.2 to zero for a two story addition to a building located at 5530 Hohman Avenue in a C-1 Local Commercial District in the City of Hammond

Z-25-03(B) Petition of Mickey's Linen & Towel Supply, Inc., for a developmental variance regarding T/S 22.20 to allow installation of a 6' tall ornamental, retractable fence and gate system to be located in the front yards of Hohman Avenue and Doty

Street to a building located at 5530 Hohman Avenue in a C-1 Local Commercial District in the City of Hammond

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

Scott Yahne, Attorney, 3 Lincoln Highway, Suite 201, Valparaiso, IN 46383, represented the petitioner. Mr. Yahne stated there were two (2) developmental variances before the Board. The petitioner was a tenant of 5530 Hohman LLC, an affiliate of Mickey's Linen & Towel Supply, Inc. This location was the former Franciscan commercial laundry facility Mediclean. Mickey's Linen would continue to offer laundry service to hospitals and doctors offices.

The petitioner was proposing to use the footprint of the existing building in the loading dock area to construct a taller addition to accommodate the front area development. Mr. Yahne reviewed the site elevations and the supporting letter that was submitted to the Board. The addition would go up to the rear lot line the same as the existing building lot line along the alley on the west side of the building. In the case of Z-25-03(A) the petitioner was requesting approval to extend the building on the same lot line to construct an addition to service a new loading area and equipment.

In case Z-25-03 (B), the petitioner was seeking approval to install a six-foot-tall ornamental retractable fence and gate system that would surround the loading area. This would secure the loading area, and prevent pedestrians from entering into the loading area. Mr. Yahne reviewed an abstract of the fence and gate system details and the location in relation to the loading area with the Board. The planter details were reviewed and discussed. There was also a discussion on the truck movements that were presented to Mr. Button, City Engineer for approval onto Doty Street and Hohman Avenue. Mr. Yahne further stated the approval of two-way traffic on Doty and Condit Street to accommodate traffic to the loading area and parking lot was a remaining element that would need to go before the Board of Public Works.

Mr. Yahne concluded his presentation.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton requested the addition to match the existing building. Mr. Yahne stated the restoration would match the original building.

Mr. Poland stated the rear yard set back would change from 22' to zero (O'). This was based on the C-1 Local Commercial District calculation on rear yard set backs. The fence was changing from a 4' allowed to a 6' allowed fence. The planter along Hohman Avenue was approved under the original variance. Those plans took the planter to the corner. The planter would be pulled back to allow vision clearance in this variance. The design of the proposed planter has been more defined.

Mr. Poland further commented that Mr. Faulkner arrived at 6:10 p.m.

Chairperson Hill asked if the proposed set back was even with the current set back. Mr. Yahne stated "Yes". Chairperson Hill asked if the entrance/exit of the truck traffic would be on/off to Doty Street or Hohman Avenue. Mr. Yahne stated "Doty Street". Chairperson Hill asked if the homeowners would be affected by the two-way street traffic. Mr. Poland stated in 2024, one of the original conditions was to change the one-way street to a two-way street so the traffic would not go through the neighborhood. Individuals using the parking lot at 5530 Hohman Avenue would be allowed to return to Hohman Avenue with two-way traffic.

Mr. Yahne discussed that the street signs indicate two-way traffic, but the City Council approval was not found in the Council minutes. An approval to permit two-way traffic on Condit Street to the alleyway in rear of 5530 Hohman Avenue and 5518 Hohman Avenue was needed for the record.

Chairperson Hill asked if there were any comments from the Building Commissioner prior to the meeting. Mr. Novak stated there were not any objections from Mr. Vale.

Chairperson Hill asked if there were any additional 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.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-03A), however it is included in its entirety.

Zoning Citation

Title VII C-1 Local Commercial District,
Section 7.31(C) Rear Yard Setback Regulations
which reads as follows: "**There shall be a rear yard on every lot**, which rear yard shall have a minimum depth of not less than 10 percent of the depth of the lot for a one story building, **which depth shall be increased to 15 percent of the depth of the lot for a 2 story building.** The maximum rear yard is 30 feet (9.14m) in depth. Accessory buildings not more than 15 feet (4.57m) high, may be located in a rear yard provided the accessory buildings occupy not more than 25 percent of the rear yard area. Accessory buildings shall not be used for residential purposes."

Background

On April 2nd, 2024, BZA Case No. Z-24-03 received a favorable recommendation to the City Council. The petition was to modify the conditions of approval in Z-92-08 to remove the condition restricting the central plant facility to be limited to the use by St. Margaret's. The property was rezoned in 2003 from C-4 to C-1.

Subject property is a 148' x 260' (38,456 SF, 0.88 acre) parcel that sits on the west side of Hohman Ave between Condit and Doty Streets. Petitioner also owns 47 Doty St. to the west and 5518 Hohman Ave. to the north for the use as parking lots and are not a part of this petition.

Under the 2003 Zoning Ordinance, the C-1 Local Commercial District runs along Hohman Avenue from Douglas and Ogden Streets to south of Waltham Street, including the south sides of Douglas St. east of Hohman Ave. and Ogden St. west of Hohman Ave. The surrounding Harrison Park neighborhood is zoned R-1U Urban Single Family Residential District.

The building was constructed in 1951 with a zero (0)' rear lot line. Under Zoning Ordinance (T/S 1.50 Definitions: Building, Non-conforming), pre-existing legally constructed buildings that do not meet the current setback requirements are not considered to be legal non-conforming. However, any new addition must meet the current setbacks.

Petition

The petitioner, Mickey's Linen & Towel Supply, Inc, is developing the building as a laundry for medical facilities. They are seeking to construct a 23' x 28' (644 SF), 21' 8" tall addition at the SW corner of the existing building.

Petitioner requests the rear yard minimum setback for 2-story buildings be decreased from 15% of the depth of the lot (22.2') to 0% (0'). This is designed to match the existing setback of the current building.

Analysis

The addition will be constructed to match the masonry exterior and the pre-existing rear lot line setback of 0'of the existing building. The height (21' 8") will match the main portion of the existing building, which is taller than the SW portion of the building it will be directly attached to. Setbacks of 0', whether at the front or rear of property, is common along the Hohman Avenue corridor in the Harrison Park neighborhood.

Discussions between petitioner, their architect and engineer, City Planning Staff, and the City Engineer took care to ensure this addition and the dumpster enclosure adjacent to the south will not impact the vision clearance triangle where the alleyway to the west intersects Doty St. to the south. The south edge of the dumpster enclosure will be set 10' 6" north of the south lot line. An existing NIPSCO gas line and gas meter in the footprint of the addition will be removed and relocated to the SW corner of the addition. To the east of this addition will be a new loading dock accessed via a gate at the south end of the lot.

While not directly applicable to this developmental variance, it should be noted City Staff has worked with petitioner on matters of parking lot layout, truck access, parking lot drainage system, utility relocation, and appropriate new fencing and landscaping on this south end of the parcel where the additions will be constructed. Proposed use of facility has not changed from Z-24-03.

Staff Reviews and Approvals

City Planning Staff has reviewed materials provided by the petitioner.
Comments are pending from the Building Commissioner, Fire Department Chief Inspector, City Engineer, Director of the Hammond Department of Environmental Management (HDEM), and Superintendent of Wastewater Management at the Hammond Sanitary District (HSD).

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 related to the conditional use 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 for the zero-foot (0') rear yard setback should the Board feel the petitioner has met the standards, subject to conditions:

1.) Approval of developmental variance Case No. Z-25-03(B);
2.) Reasonable attempt made to match the masonry façade of the existing building;
3.) Maintaining a vision clearance triangle at the SW corner of the parcel;
4.) Approval by the Hammond Board of Public Works and Safety and the City Council to permit two-way traffic on Doty Street contiguous with the west edge of the property at 47 Doty St, or approximately 105' west of the alleyway; and
5.) Approval by the Hammond Board of Public Works and Safety and the City Council to permit two-way traffic on Condit Street to the alleyway in rear of 5530 Hohman Ave. and 5518 Hohman Ave.

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. There were none.

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 existing building is similarly situated on the rear lot line adjacent to the alley and this addition will not affect the use of the alley right-of-way.

b) The vision clearance triangle at the SW (rear) corner of the parcel has been kept clear and thus will not impede visibility for drivers and pedestrians where the alley meets Doty St.

c) Truck turning radii drawings have been supplied and City Engineer has confirmed the parking lot layout and curb cuts are acceptable for truck turn movements.

d) All photometric plans must demonstrate compliance with T/S 20.32.08 and thus

maintain one (1) footcandle of luminosity or less along the westerly (rear) property line.

e) The building addition must receive a Construction Design Release (CDR) from the State of Indiana and approval by the City Building Commissioner prior to permit release.

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 property has sat vacant since St. Margaret's Hospital closed in 2022 and this proposed addition is a key component of re-occupying the building in a similar use to that allowed here for thirty years prior.

b) The proposes addition is in keeping with the existing building.

c) Two-way traffic on Doty St. will only be permitted to the edge of petitioner's property at 47 Doty St. and on Condit St. to the alleyway in rear to prevent truck and employee traffic from entering the adjacent residential neighborhood to the west.

d) A masonry landscaping planter will provide aesthetically-pleasing green space along the Hohman Ave. corridor that did not exist prior to petitioner's proposal and will provide screening along the streetscape from the loading dock use behind i

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

a) It is not out-of-character for properties in the vicinity of Downtown Hammond and the Harrison Park neighborhood to be situated at the front and/or rear lot lines.

b) The location of the building addition on the rear lot line provides space for additional parking and truck turning space to meet the minimum requirements.

Chairperson Hill asked for a motion to accept the staff report into the record subject to the five (5) conditions as presented by staff and to adopt the Finding of Fact as presented into the record (Z-25-03A). Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-03A), subject to the five (5) conditions. Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

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

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-03B), however it is included in its entirety.

Zoning Citation

Title VII C-1 Local Commercial District,
Section 22.20(1)(2) Front Yard and Side Yard Fence Height Regulations
which reads as follows: "**1. Fences erected in front** of the building line shall be of Class 1,2,3,6 or 7 of the above classifications, and **shall not exceed a height of four feet (4')** (1.22m)."
"**2. Side yard fences** back of the front building line shall be of any class but **shall not exceed four feet (4')** (1.22m)."

Background

On April 2nd, 2024, BZA Case No. Z-24-03 received a favorable recommendation to the City Council. The petition was to modify the conditions of approval in Z-92-08 to remove the condition restricting the central plant facility to be limited to the use by St. Margaret's. The property was rezoned in 2003 from C-4 to C-1.

Subject property is a 148' x 260' (38,456 SF, 0.88 acre) parcel that sits on the west side of Hohman Ave between Condit and Doty Streets. Petitioner also owns 47 Doty St. to the west and 5518 Hohman Ave. to the north for the use as parking lots and are not a part of this petition.

Under the 2003 Zoning Ordinance, the C-1 Local Commercial District runs along Hohman Avenue from Douglas and Ogden Streets to south of Waltham Street,

including the south sides of Douglas St. east of Hohman Ave. and Ogden St. west of Hohman Ave. The surrounding Harrison Park neighborhood is zoned R-1U Urban Single Family Residential District.

The building was constructed in 1951. In 2024, the plans were for expanding the loading dock area of the south side of the building.

Petition

The petitioner, Mickey's Linen & Towel Supply, Inc, is developing the building as a laundry for medical facilities. With the expanded loading dock, the petitioner has expressed security concerns and seeks to enclose the dock area with a fence. In the 2024 approvals, a landscape planter was required to be located along Hohman Avenue to

minimize the view of the dock area from Hohman Avenue. The details of the planter were not completed. The petitioner has developed the plans further, setting the planter back from the intersection to meet the vision clearance requirement, and adding an ornamental black aluminum fence to reach the height of 6'. Petitioner requests the 4' maximum height limit for fences in commercially-zoned front and side yards be increased to 6' tall for the ornamental aluminum fence to be installed along the perimeter of the parking lot at the south end of the site, which includes a sliding gate along Doty St. There will also be a masonry landscaping planter along the front lot line of Hohman Ave. which will include the same style of ornamental aluminum fence on top of it but 3' 4" tall as to not exceed a total height of 6'.

Analysis

Details of fence layout may be found on Sheets C-2.0 and C-3.0, supplied by petitioner. Elevations of the fence and planter may be found on Sheet AS1.1.0, supplied by petitioner.

T/S 22.20 does not allow fences taller than 4' in the area between the rear wall of the building and the front property line. Hohman Avenue and Doty Street are considered as front yards. With the existing building and the proposed addition under Z-25-03(A) at a zero lot line, there is no rear yard for an allowed 6' fence to be constructed.

Care has been taken to design the perimeter fence and planter bed along the south and east (front) lot lines so they stay out of the vision clearance triangles at the SW and SE corners of parcel. The fence will run diagonally to points set 15' west of and north of the SE (front) corner of parcel. The fence along the south lot line will stop and turn when 23' east of the rear lot line so it runs 10' 6" north to meet the planned dumpster

enclosure. That way, neither the fence nor the dumpster enclosure will encroach on the 10' vision clearance triangle where the alleyway meets Doty St. The nature of the metal picket-style fence means the fence will be see-thru.

While not directly applicable to this developmental variance, it should be noted City Staff has worked with petitioner on matters of parking lot layout, truck access, curb

cuts, parking lot drainage system, utility relocation, and appropriate landscaping on this south end of the parcel where the additions will be constructed. Proposed use of facility has not changed from Z-24-03.

Staff Reviews and Approvals

City Planning Staff has reviewed materials provided by the petitioner. The location of the operable gate has been reviewed and the truck turning radii meet the requirements.

Comments are pending from the Building Commissioner, Fire Department Chief Inspector, City Engineer, Director of the Hammond Department of Environmental Management (HDEM), and Superintendent of Wastewater Management at the Hammond Sanitary District (HSD).

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 related to the conditional use 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 for the 6' tall fence should the Board feel the petitioner has met the standards, subject to conditions:

1.) Approval of developmental variance Case No. Z-25-03(A);

2.) No installation of barbed or razor wire on the top of the fence nor any trellis or other installation which causes the fence to exceed its 6' peak height;

3.) Installation of masonry-walled and limestone-capped landscaping bed as proposed at front property line along Hohman Avenue; and

4.) Maintaining a vision clearance triangle at both the SE and SW corners of the parcel.

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

Mr. Poland stated Mr. Novak made a verbal correction was made to the staff report. The amendment refers to the staff recommendation to grant developmental variance for the "6 foot peak height (6')", and not the "zero foot (0) rear yard setback" as written in the staff report. Staff recommendation #1, corrected the Case No. to Z-25-03A.

Chairperson Hill asked if there were any questions from the Board members. 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 vision clearance triangles at the SW (rear) and SE (front) corners of the parcel have been kept clear and thus will not impede visibility for drivers and pedestrians where the alleyway intersects Doty St. or where Doty St. and Hohman Ave. intersect.

b) The fence proposed is picket-style and thus is non-opaque but still obscures.

c) The location and height of the fence will not alter use of the adjacent rights-of-way.

d) Truck turning radii drawings have been supplied and City Engineer has confirmed the placement of the sliding gate along Doty St. is acceptable for truck turn movements.

e) The use of a 6' tall fence will provide security for a major access point to the building.

f) The use of a 6' tall fence will prevent pedestrians from entering the loading dock and truck parking area.

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) A masonry landscaping planter topped by an ornamental picket-style metal fence will provide aesthetically-pleasing green space along the Hohman Ave. corridor that did not exist prior to petitioner's proposal and will provide screening along the streetscape from the loading dock use behind it.

b) Masking the loading dock to the extent possible from the Hohman Avenue street view will enhance the corridor as an entry to the downtown.

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

a) The property occupies an entire block and the building is situated at the front and rear lot lines and thus the only location for loading docks which must be secured is in this double front yard/corner side yard to south of building.

b) The intention of T/S 22.20 is being observed by the type and location of fence proposed.

Chairperson Hill asked for a motion to accept the staff report as amended into the record subject to the four (4) conditions as presented by staff and to adopt the Finding of Fact as presented into the record (Z-25-03B). Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

Chairperson Hill asked if the secretary noted that Mr. Faulkner joined the meeting via Zoom at 6:10 p.m. Ms. Morris-Smith stated Mr. Faulkner's arrival was noted for the record at 6:08 p.m.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-03B), subject to the four (4) conditions. Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Dan Faulkner/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

COMMISSIONER COMMENTS
There were none.

STAFF COMMENTS
Mr. Poland advised the Board there would be an April BZA meeting.

PUBLIC COMMENTS
There were none.

ADJOURNMENT
Chairperson Hill adjourned the meeting at 6:35 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: 4/29/25