The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, April 29, 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)	Dan Faulkner	Brian L. Poland, AICP Director of City Planner
William Hutton (IP)		
Cynthia Jasso (IP)		
Kathleen Hill (IP)		Tom Novak Assistant City Planner
		Shannon Morris-Smith BZA Recording Secretary
		Dave Westland BZA Attorney

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

APPROVAL OF MINUTES

Chairperson Hill called for a motion to approve the minutes for March 25, 2025. Mr. Hutton so moved, seconded by Ms. Jasso. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/Yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

OLD BUSINESS

There was none.

NEW BUSINESS

Z-25-04 Petition of Roza Group, Inc. for a developmental variance regarding T/S 18.6(C) to allow an accessory building of 23'-6 ½", 8'-6 ½"greater than the allowed 15' located at 844 – 169th Street 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".

Chris Moore, NIES Engineering, 2421 173rd Street, Hammond, IN 46323, represented the petitioner. The petitioner requested to construct an accessory building in the parking lot of the existing facility located at 844 169th Street. The accessory building would be a pre-engineered metal building. The purpose of the building would be to contain a vehicle for geoengineering investigating. Soil borings and soil investigation for construction requires equipment that utilizes a track mounted drill rig. Mr. Moore further stated the equipment was large and could not be left outside in the weather.

The garage door would be 14', which was in excess of the residential garage. The setback requirements have been met. The rear yard setback was 73' from the front property line and 40' from the property line from the side yard to the east. The existing fence was around the property to the east. Trucks would enter and exit from the east side of the property. There was another driveway that was constructed that goes out to 169th Street and out to the north. The truck traffic would go west to Calumet Avenue. There would be minimal truck traffic that would go to the east.

Mr. Moore concluded his presentation.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton asked if the building was habitable. Mr. Moore stated "Yes". The building was still under construction. Mr. Hutton asked if the parking requirements had been met. Mr. Poland stated "Yes". Mr. Hutton asked if a landscape buffer was required. Mr. Moore stated there would be landscaping that would be done, but it was not a requirement.

Chairperson Hill asked if the equipment was presently on the property. Mr. Moore stated it was in the fenced in area.

Mr. Hutton asked if the building was a pole barn. Mr. Moore stated it was a pre-engineered metal building.

Mr. Moore further stated the garage exterior material would replicate the existing building. There was an 8' brick wing scoting that would match the front of the existing building, the windows, color and style. The vertical siding resembles the existing building.

Mr. Hutton asked what was supporting the masonry. Mr. Moore stated that would be handled by the architect.

Chairperson Hill asked would the equipment be stationed on a concrete floor. Mr. Moore stated "Yes".

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-25-04), however it is included in its entirety.

Zoning Citation
Title XVIII Special Provisions
Section 18.60(C) Accessory Buildings
which reads as follows: "Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations: An accessory building may not exceed 1 story or 15 feet (4.57m) in height."

Background
The petitioner, Akhtar Zaman, chairman of ROZA Group LLC, operating as Advanced Engineering Services, Inc. (AES) is a professional engineering services company for geotechnical and soil testing services. Their testing labs and offices are in the brick building (former Comcast Cable) on the west end of the parcel. The employee and visitor paved parking lot is immediately adjacent to the east and is partially enclosed with a 6 foot chain-link fence.

The subject property is zoned C-1 Local Commercial District, as are the other 169th St. properties to its west, north, and east. One block to the west is local arterial Calumet Ave, zoned C-4 General Commercial District. Beyond the C-1 Local Commercial District to the north, south, and east is zoned R-1 Single Family Residential District and R-1U Urban Single Family Residential District. These are neighborhoods of primarily single family homes. Parcels immediately to the west and east are residential dwellings. Directly across 169th St. is Flights Tavern and doctor offices.

Petition

The petitioner seeks a developmental variance from T/S 18.60(C) to allow for a 23'6" height for a new 36' x 60' (2,160 SF) accessory building (detached garage) on the east end of the parcel straddling the existing chain-link fenced area. The proposed peak height is 8' 6" higher than the allowed 15' maximum height limit for an accessory structure. The request for the taller structure is to provide an enclosed building in order to park a rig vehicle and accessory equipment and supplies used for off-site investigations.

Analysis

AES owns a drill rig which cannot be stored outside long term. When mounted on the flatbed truck which transports the drill rig, the height of this equipment reaches 13' 6". This requires an overhead garage door with a minimum of 14' clearance. To construct a garage with the appropriate roof slope over a 14' tall overhead door would require exceeding the 15' maximum peak height set for accessory buildings in a C-1 District.

The site plan places the building along the alley line to facilitate the traffic flow and turning radius of the vehicle. The overhead doors are located on the east and west ends of the new structure. A new driveway apron and sliding gate was installed on 169th Street that coordinates with the internal traffic flow. Six (6) new 10' x 20' parking spaces will be created within this fenced-in area.

The garage allows for the drill rig to be stored indoors and removes it from public view in the primarily residential neighborhood it inhabits. New infill construction in an existing neighborhood should be compatible with adjacent structures. The design of the accessory building takes cues from primary structure: brown brick, brown window trim, light colored vertical siding, etc. The design includes an 8' tall masonry wainscot on the street facing façade, and a series of 2' x 4' 4" brown trimmed windows set 2' below the eaves have been proposed. The structure will feature a gable roof, much like nearby residential structures, but the roof ridge is to run east-west.

The accessory building exceeds all setback requirements. There is a 40' setback from the residence to the east's parcel. There is a 15' 6" setback from the 17' 6"-wide alley ROW to the south that is shared with a residential neighborhood. There is a substantial 73' 6" setback from the front property line (169th St. ROW), or more than half the 125' 3" length of the lot.

Along the alley-line in the space between the proposed garage and the rear property

line, asphalt will be removed, 4" of topsoil installed, and grass seed planted to create a 15'-wide green open space buffering with the residences to the south. The 6' tall chain-link fence with slats will remain along the alley-line and east property line, causing further screening with adjacent residences.

The employee and visitor parking lot will be re-striped with a new parking plan which complies with Zoning Ordinance and ADA-regulations. Ten (10) spaces will be provided, including one van accessible ADA space closest to the building's main entrance. Including the six (6) new spaces created in the fenced-in area around the proposed garage, there will be a total of sixteen (16) off-street parking spaces.

Staff Reviews and Approvals
City Planning Staff has reviewed materials provided by the petitioner.

There are no objections from the Building Commissioner, the City Engineer, the Fire Department Chief Inspector, the Director of the Hammond Department of Environmental Management (HDEM), nor the 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 23'6" peak height should the Board feel the petitioner has met the standards, subject to conditions:
1.) Final technical review of the construction drawings, civil drawings, and site plan;
2.) Final approved design for accessory structure which satisfies City Planning concerns in regards to infill construction being compatible with the existing neighborhood.

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 garage will be substantially setback from the street by 73' 6" and 40' from the east property line, allowing for safe and legal truck movements into and out of building without cause for back-up into right-of-way.

b) Providing indoor storage for the company's equipment provides for appropriate security.

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 design of the building will ensure it reasonably blends-in with surrounding residential property while maintaining its utilitarian use.

b) The height of the accessory building will allow the company's vehicles to be stored out-of-sight of the neighborhood, increase aesthetics.

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

a) The height variance and the design criteria make a balance between the needs of the petitioner and the needs of the neighborhood.

Chairperson Hill asked for a motion to accept the staff report into the record subject to the two (2) conditions as presented by staff and to adopt the Finding of Fact as presented into the record (Z-25-04). Mr. Hutton so moved, seconded by Ms. Jasso. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/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-25-04), subject to the two (2) conditions. Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

COMMISSIONER COMMENTS
There were none.

STAFF COMMENTS
Mr. Poland discussed making a change to the May 28, 2025 meeting date. The Board decided to reschedule the BZA meeting to June 3, 2025, at 6 p.m. Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Roger Brock/yes, William Hutton/yes, Cynthia Jasso/yes, Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions" 1 "Absent". Motion carried.

PUBLIC COMMENTS
There were none.

ADJOURNMENT
Chairperson Hill called for a motion to adjourn the meeting at 6:55 p.m. Mr. Hutton so moved, seconded by Ms. Jasso.

PREPARED BY:

Shannon Morris-Smith
Secretary to the Board of Zoning Appeals

APPROVED BY THE BOARD OF ZONING APPEALS:

Kathleen Hill
Chairperson

Date Approved: 6/3/25