The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, October 28, 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 6:00 p.m. Ms. Hill led the reciting of the Pledge of Allegiance.

PRESENT	ABSENT	ALSO PRESENT
Roger Brock (IP)		Brian L. Poland, AICP
William Hutton (IP)		Director of City Planner
Cynthia Jasso (IP)		
Dan Faulkner (IP)		Tom Novak
Kathleen Hill (IP)		Assistant City Planner
		Shannon Morris-Smith
		BZA Recording Secretary
		Dave Westland
		BZA Attorney
PRESENT: FIVE (5)	ABSENT: ONE (0)	QUORUM

APPROVAL OF MINUTES

Chairperson Hill called for a motion to table the minutes for August 26, 2025. 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 carried.

Chairperson Hill asked for a motion to table the petition for Z-25-11 until the end of the meeting. Mr. Hutton so moved, seconded by Ms. Jasso. 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 carried.

OLD BUSINESS

Z-25-11 Petition of R2M Property Investment Group, LLC for a developmental variance regarding T/S 3.30 (A) to allow a reduction in the minimum width and lot area requirement to build a single family home located at 4626 Johnson Avenue in an R-1 Single Family Residential District in the City of Hammond

Travante Wallace, R2M Property Investment Group, LLC, 7049 Monroe Avenue, Hammond, IN 46324, represented the petitioner. Mr. Wallace stated the petitioner was requesting an approval to construct a home on a 37' lot.

Mr. Poland stated the 37' foot width of the lot was part of the developmental variance. The lot was less than the 40' width requirement. The minimum requirement of the total lot size was less than the 4800 SQ FT. The total lot size of the property was 4781 SQ FT.

Mr. Novak shared the lot sizes for properties within the neighborhood. There were twenty three (23) out of twenty eight (28) parcels on the block that had similar lot sizes that were insufficient. Twenty one (21) of the twenty eight (28) parcels on the block had similar lot width that was insufficient. Only seven (7) parcels on the block met the minimum lot width. The neighborhood parcels were similar size related to the proposed property. Mr. Wallace agreed with the summary that Mr. Novak presented to the Board.

Chairperson Hill asked if there were any questions from the Board. Chairperson Hill asked if there were two (2) additions. Mr. Novak stated "No". Mr. Poland further stated it was common in this neighborhood to have 37.5' parcels, and a house was formerly on the parcel.

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

Chairperson Hill opened the public hearing. There were none.

Chairperson Hill closed the public hearing.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-16), however it is included in its entirety.

<u>Zoning Citation</u>
Title III R-1U Urban Single Family Residential District,
Section 3.30(A) Area and Width Regulations for Single Family Residential Uses which reads as follows: "Minimum Lot Area of not less than 4,800 square feet." "Minimum Lot Width of not less than 40 feet at the building line."

Background

Subject property is a 37′ 6″ x 127′ 6″ rectangular parcel (4781.25 SF; 0.110-acre). It is a vacant lot at the mid-point of the 4600-block of Johnson Ave, on its west side. Subject property sits 250′ north of the intersection with local arterial road Chicago St. The lot is vacant after a structure was demolished in January 2025.

Subject parcel is zoned R-1U Urban Single Family Residential District and is surrounded by similar R-1U zoning on all sides. This is a residential neighborhood of primarily single family homes, with some two-family homes. The City's 1992 Comprehensive Land Use Plan designates this area for "Low Density Residential" use.

The 1½ lots comprising subject parcel were platted as part of the Resubdivision of the East Part of the North Side Addition to the City of Hammond on June 9th, 1886.

Petitioner R2M Property Investment Group, LLC, of Dyer, IN, received deed ownership of subject parcel on June 27th, 2025.

Petition

The petitioner is seeking a developmental variance from Zoning Ordinance 8514, Title III, Section 3.30(A) to reduce the minimum lot size from 4,800 SF to 4,780 SF and to reduce the minimum lot width from 40′ to 37′ 6″, so they may begin construction on a 29′ x 58′ (1,682 SF footprint), 1-story, 5-bedroom, gable-roofed single family home with full basement. The petitioner is to serve as the site developer.

Analysis

The parcel/lot size of 4626 Johnson Avenue could be considered within normal range when compared to the preponderance of the other twenty-eight (28) parcels on its block:

- Twenty-three (23) of the twenty-eight (28) parcels on the 4600-block of Johnson Ave. have a similar lot size.
- Twenty-one (21) of the twenty-eight (28) parcels on the 4600-block of Johnson Ave. have a similar lot width.
- A majority of parcels (five of the seven) that meet minimum lot width

are across the street in a different subdivision, Hoffman's 3rd Addition.
See attached tables for breakdown of parcel widths and sizes on 4600-block of Johnson Ave.

Subject parcel is one of only three (3) vacant lots on the 4600-block of Johnson Ave. These other vacant lots similarly do not meet the minimum lot area and width to build in a R-1U District.

After discussions, a home design was submitted that sufficiently addresses T/S 3.80 for compatibility of new infill house construction in an existing neighborhood. The front, side and rear yard minimum setbacks will be able to be met by the petitioner. The proposal includes a 2 car alley facing garage. The site plan shows that the existing ribbon driveway will not be used. Any future site plan will address on-site stormwater drainage.

Reviews and Approvals

City Planning Department Staff have reviewed materials, including elevation drawings and floor plans, provided by the petitioner. There were discussions with the Building Commissioner regarding the sump pump discharge and the proximity of the eaves to the property line.

The Building Commissioner, the City Engineer, the Chief Fire Inspector, the Superintendent of Wastewater Treatment and Stormwater Coordinator of the Hammond Sanitary District (HSD), and the Director of the Hammond Department of Environmental Management (HDEM) have no objections.

Standards for Granting a Developmental Variance

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Staff Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the developmental variance should the Board feel the petitioner has met the standards, subject to the following conditions:

1) Technical review and final approval of all building and site plans by City Staff;
2) The removal of the non-necessary curb cut.

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.

FINDINGS OF FACT

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

a. Twenty-three (23) of the twenty-eight (28) parcels on the 4600-block of Johnson Ave. have a similar lot size.

b. Twenty-one (21) of the twenty-eight (28) parcels on the 4600-block of Johnson Ave. have a similar lot width.

c. This is one of only three vacant parcels on the 4600-block of Johnson Ave.

d. The proposal will follow current Zoning requirements for front yard, side yard and rear yard setbacks, as well as other Zoning Ordinance regulations like off-street parking.

e. 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 development of this lot will stabilize and increase the property value of this lot and thus of the neighborhood.

b. A single family home occupied the property for 100 years and similar residential use occupies the neighboring parcels. A new single family home would have no new and no increased impact on the uses and density in the area.

c. In all directions is a similar single family residential use and R-1U zoning designation.

d. The proposed single family dwelling is compatible with nearby houses in context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.

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-1U Urban Single Family District which parcel's size accommodates.

b. The petitioner will comply with all other applicable City regulations in Zoning Ordinance 8514 and its amendments for development in a R-1U Urban Single Family Residential District (Title III), for development of accessory buildings (Titles III & XVIII), for off-street parking (Title XX), and for fences (Title XXII.)

Chairperson Hill asked for a motion to accept the staff report into the record with the 2 conditions and to adopt the Finding of Fact as presented into the record (Z-25-11). Mr. Brock so moved, seconded by Ms. Jasso. 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 carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-11) with the 2 conditions. Mr. Faulkner 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 carried.

NEW BUSINESS

Z-25-16 Petition of CRG Group, LLC. for a developmental variance from zoning ordinance to allow a reduction in minimum lot area (5,000 Sq. Ft.) and minimum lot width (50') in a R-1 single family residential district located at 241-173rd Street within the City of Hammond, Lake County, Indiana

Z-25-17 (A) Petition of CRG Group, LLC. for a developmental variance from zoning ordinance to allow a reduction in minimum front yard setback (25') in a R-1 single family residential district located at 241 173rd Street within the City of Hammond, Lake County, Indiana

Z-25-17 (B) Petition of CRG Group, LLC. for a developmental variance from zoning ordinance to allow a reduction in minimum corner side yard setback (15') in a R-1 single family residential district located at 241 173rd Street within the City of Hammond, Lake County, Indiana

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

Chris Rhodes, Owner, CRG Group, LLC., 1145 Killarney Drive, Dyer, IN 46311, represented the petitioner. The petitioner purchased the property from the Hammond Redevelopment Commission. There was a proposal to construct a two-story house at 241 173rd Street. The former house was demolished. Mr. Rhodes requested a developmental variance because the lot size did not meet the 50' minimum lot size zoning requirement.

Mr. Poland reviewed information with the petitioner. Z-25-16 was to request a reduction in the minimum square footage. The parcel was less than 50'. Mr. Poland asked what was the width at the widest point. Mr. Novak stated 41' Ft. in the back and 45.32 Ft. in the front. The request was a reduction from 5000 Sq. Ft. reduction to 4750 Sq. Ft.

Mr. Poland reviewed information with the petitioner. Z-25-17 (A) was a developmental variance request for a reduction to the minimum 25' front yard setback. Mr. Rhodes stated the reduction was for a 17' front yard setback. The adjacent homes were 17' setback from the sidewalk.

Mr. Poland reviewed information with the petitioner. Z- 25-17 (B) was a developmental variance request for a reduction to the minimum 15' corner side yard setback. Mr. Rhodes requested a reduction to 1'6". Mr. Poland further stated the front wall of the house needed to match the property line along the street. The narrowness and angle of the property triggered the side yard variance. The 5' side yard setback would be maintained on the east side of the house.

Mr. Rhodes stated he was looking forward to constructing a beautiful home on the property. Mr. Rhodes further stated that his company constructed homes six (6) homes in the Millennium Estates located at Calumet Avenue and Michigan Street. There were other projects being worked on within Hammond.

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

Chairperson Hill asked how many feet was the side yard setback on the east side of the yard. Mr. Rhodes stated 5'. Chairperson Hill asked many feet from the front of the house to the sidewalk. Mr. Rhodes stated 17'.

Ms. Jasso asked if the detached garage would return to the BZA once it has been finalized. Mr. Poland stated that was unknown at this time. A site plan would need to be reviewed in order to make a determination. There was a discussion on the garage and other possibilities.

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. There were none.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-16), however it is included in its entirety.

Zoning Citation
Title II R-1 Single Family Residential District,
Section 2.30(B) Area and Width Regulations – Permitted Exceptions,
which reads as follows: "A lot of record of not less than 5,000 square feet (465 sq. m) and 50 feet (15.24m) in width at the building line may be developed for a single family residential use. The lot of record shall be recorded in the Office of the County Recorder on or before June 19, 1931."

Background
Subject property is a rectangular parcel (4,757 SF; 0.109-acre) with different widths at its south (front – 45.32') and north (rear – 41.12') ends. This causes the west property line to run at a slight diagonal and the parcel to widen from north-to-south. The west/east property lines are 120' 6" long. It is a vacant corner parcel at the west end of its block, at the NE corner of Meadow Lane Ave. & 173rd St. The lot is vacant for the last nine (9) years after a 1.5-story single family home was demolished in Spring 2016.

Subject parcel is zoned R-1 Single Family Residential District and is surrounded by similar R-1 zoning on all sides. This is a residential neighborhood of primarily single family homes, with some two-family homes. Trinity Lutheran Ev. Church's property is 50' to the NW across Meadow Lane Ave. and the rear alleyway. A 3+ acre vacant parcel of undeveloped land neighbors to the north across the rear alleyway. The City's 1992 Comprehensive Land Use Plan designates this area for "Low Density Residential" use.

The lot comprising subject parcel (Lot 09) was platted on October 26th, 1925, as part of Forest View, an 18-lot addition to the City of Hammond. Reviewing the recorded plat on file with Lake County, dimensions of this parcel have not been altered since its platting.

Petitioner CRG Group, LLC, of Dyer, IN, received deed ownership of subject parcel from the Hammond Redevelopment Commission as part of a purchase agreement on July 17th, 2024.

Petition

The petitioner is seeking developmental variances from Zoning Ordinance 8514, Title II, Section 2.30(B) to reduce the minimum lot size from 5,000 SF to 4,757 SF and to reduce the minimum lot width at the front building line from 50' to 44' 5". This will allow construction of a 24' x 41' (984 SF footprint; 1,752.7 SF of habitable space), 2-story, 4-bedroom, gable-roofed single family home on slab foundation. The petitioner is to serve as the site developer and licensed general contractor under his company Equity Solutions Property Development, LLC.

There are two (2) concurrent BZA developmental variance petitions regarding this property:
Z-25-17(A) regarding front yard setback and Z-25-17(B) regarding corner side yard setback.

Analysis

The parcel/lot size of 241 173rd Street is within normal range when compared to the preponderance of the eighteen (18) lots and seventeen (17) parcels in the Forest View addition:

- Fifteen (15) of the eighteen (18) lots in the Forest View addition have a **smaller** lot width and **smaller** lot size than 241 173rd St.
- Only two (2) of the eighteen (18) lots in the Forest View addition have a **larger** lot width and **larger** lot size than 241 173rd St. that meet the minimums of Zoning Ord.
- These two larger lots are combined as one 16,889 SF corner parcel at the NE corner of Hohman Ave. and 173rd St. Thus, only one (1) of the seventeen (17) parcels meets the minimum lot size and lot width requirements under T/S 2.30(B).
- Thus, including subject parcel, the overwhelming majority of lots and parcels in the Forest View Addition do not meet the minimum lot size and lot width set forth in T/S 2.30(B).

Subject parcel is only vacant lot in the Forest View addition and on the 200-block of 173rd St.

A home design was submitted that sufficiently addresses T/S 3.80 for compatibility of new infill house construction in an existing neighborhood. The home proposed utilizes

the same floor plan as seen at petitioner's new home builds at 5205, 5206, and 5212 Torrence Ave. in the Millennium Manor Addition, with slight alterations to the front elevation. The east side yard and rear yard minimum setbacks and lot coverage limit will be met by the petitioner.

The proposal includes a 2-car alley-facing detached garage but its placement on the site plan has not been finalized yet; petitioner will accommodate the locations of utility poles and their guy wires. Fencing is planned for the parcel. Any future site plan may address on-site stormwater drainage and the location of fencing, the detached garage, and any driveway apron.

Along the entire southern edge of the Forest View addition is a 10' wide strip that traditionally would be considered public right-of-way. It encompasses the public sidewalk and the parkway. Petitioner has been informed this 449.77 SF, 10' strip must be formally dedicated as public ROW. The developmental variance is based on 4,757 SF which excludes the area of requested right-of-way.

Reviews and Approvals

City Planning Department Staff have reviewed materials, including elevation drawings, floor plans, and a preliminary site plan provided by the petitioner.

The Building Commissioner, the City Engineer, the Chief Fire Inspector, the Director of the Hammond Department of Environmental Management (HDEM) and the Superintendent of Wastewater Treatment and Stormwater Coordinator of the Hammond Sanitary District (HSD) have no objections regarding BZA Case No. Z-25-16.

Standards for Granting a Developmental Variance

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Staff Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the developmental variance should the Board feel the petitioner has met the standards, subject to the following conditions:

1) Approval of both concurrent developmental variance petitions under Case Nos. Z-25-17(A) and Z-25-17(B) and all of their conditions;
2) Technical review and final approval of all final building and site plans by City Staff;
3) The preparation and recordation of the public right-of-way dedication for 449.77 SF, 10′ strip along front (south) edge of property.

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.

FINDINGS OF FACT

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

a. Fifteen (15) of the eighteen (18) lots in the Forest View addition have a smaller lot width and smaller lot size than subject parcel 241 173rd St.

b. 241 173rd St. only vacant lot in the Forest View addition and on the 200-block of 173rd St.

c. The proposal follows current Zoning requirements for east side yard and rear yard setbacks, as well as other Zoning Ordinance regulations like maximum allowed lot coverage, while concurrent BZA petitions address front and corner side yard setbacks.

d. 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.

5. 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 development of this lot will stabilize and increase the property value of this lot and thus of the neighborhood.

b. A single family home previously occupied the property; A new single family home would have no new and no increased impact on the uses and density in the area.

c. In all directions is a similar single family residential use and R-1 zoning designation.

d. The dimensions of the 4-sides of the lot/parcel have not changed since their 1925 platting.

e. The proposed single family dwelling is compatible with nearby houses in context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.

6. 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 which parcel's size accommodates.
b. The City's 1992 Comprehensive Land Use Plan designates this area for "Low Density Residential" use.
c. 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 accept the staff report into the record with the 3 conditions and to adopt the Finding of Fact as presented into the record (Z-25-16). Mr. Jasso 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 carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-16) with the 3 conditions. Mr. Faulkner 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 carried.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-17A), however it is included in its entirety.

Zoning Citation
Title II R-1 Single Family Residential District,
Section 2.31(A) Front Yard Setback Regulations
which reads as follows: "There shall be a front yard between the building line and the front property line of 25 feet (7.62 m)."

Background
Subject property is a rectangular parcel (4,757 SF; 0.109-acre) with different widths at its south (front – 45.32') and north (rear – 41.12') ends. The north/south property lines are 120' 6" long. It is a vacant corner parcel at the west end of its block, at the NE corner of Meadow Lane Ave. & 173rd St. The previous 1.5-story single family home here was demolished in Spring 2016.

Subject parcel is zoned R-1 Single Family Residential District and is surrounded by similar R-1 zoning on all sides. This is a residential neighborhood of primarily single family homes.

The lot comprising subject parcel (Lot 09) was platted on October 26th, 1925, as part of Forest View, an 18-lot addition to the City of Hammond. Reviewing the recorded plat on file with Lake County, dimensions of this parcel have not been altered since its platting. The plat features a "35' front building line," but that has not been completely followed. The platted lots encompass the public sidewalk and part of the parkway.

Petitioner CRG Group, LLC, of Dyer, IN, received deed ownership of subject parcel from the Hammond Redevelopment Commission as part of a purchase agreement on July 17th, 2024.

Petition

The petitioner is seeking a developmental variance from Zoning Ordinance 8514, Title II, Section 2.31(A) to reduce the minimum setback from the front property line for primary structures in a R-1 District from 25' to 17'. Along the entire southern edge of the Forest View Addition, there is a 10' wide strip measured from the inside of the public sidewalk that traditionally would be considered public right-of-way. The required 25' setback and the requested 17' setback are being measured from the inside of the public sidewalk. The structure proposed is a 2-story single family home.

There are two concurrent BZA developmental variance petitions regarding this property: Z-25-16 regarding minimum lot size and width & Z-25-17(B) regarding minimum corner side yard setback.

Analysis

- Nearly all homes on this block of the northside of 173rd St. are set back less than 25' from the effective 173rd St. right-of-way. There appears to be only two (2) on this block between Meadow Lane Ave. and Lyman Ave. that are set back at 25'. The homes at 249, 251, and 255 173rd St. to the east were measured to be setback from the front public sidewalk between 17' and 17' 5".

Primary in consideration of matching existing housing should be the front yard building setback, as it decides important aspects of a development, such as line-of-sight from one's front door, aesthetic symmetry, etc. This is the purpose of established building lines on plats to create consistency of the location of buildings.

Uncovered landings, platforms, etc. protruding into the 17' setback are governed by T/S 18.11(A). The platted setback line or building line also impacts the ability of encroachments into the setback area.

The proposal includes a 2-car alley-facing detached garage but its placement on the site plan has not been finalized yet; petitioner will accommodate the locations of utility poles and their guy wires. Its location and orientation will be reviewed and approved by City Staff. However, reducing the depth of the front yard maximizes the space in the rear yard accommodating the placement of an alley-accessed detached garage.

Reviews and Approvals

City Planning Department Staff have reviewed materials, including elevation drawings, floor plans, and a preliminary site plan provided by the petitioner.

The Building Commissioner, the City Engineer, the Chief Fire Inspector, the Director of the Hammond Department of Environmental Management (HDEM) and the Superintendent of Wastewater Treatment and Stormwater Coordinator of the Hammond Sanitary District (HSD) have no objections regarding BZA Case No. Z-25-17(A).

Standards for Granting a Developmental Variance

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Staff Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the developmental variance should the Board feel the petitioner has met the standards, subject to the following conditions:

1) Approval of both concurrent developmental variance petitions under Case Nos. Z-25-16 and
   Z-25-17(B) and all of their conditions.
2) The preparation and recordation of the public right-of-way dedication for 449.77 SF, 10' strip along front (south) edge of property.

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.

FINDINGS OF FACT

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

a. The proposal follows similar side yard setbacks as existing housing stock by setting home closer to east than west property line and attempts to more closely match the average front yard setback of existing homes on this block.

b. This is a prominent corner parcel in South Hammond area and as such, it is not unreasonable to place home on a prominent footprint not further back than most homes.

c. The proposal follows current Zoning requirements for east side yard and rear yard setbacks, as well as other Zoning Ordinance regulations like maximum allowed lot coverage, while a concurrent BZA petition addresses the corner (west) side yard setback.

d. 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. Since new home will be set back 17', the choice to encroach into the corner side yard rather than the east side yard and to place the open-walled front porch at the SE corner of home help mitigate impacts to line-of-sight or shadow issues for neighbor next door.

b. The development of this lot will stabilize and increase the property value of this lot and thus of the neighborhood; this is the only vacant lot on the 200-block of 173rd St.

c. A single family home previously occupied the property; A new single family home would have no new and no increased impact on the uses and density in the area.

d. In all directions is a similar single family residential use and R-1 zoning designation, and many of the nearby homes also encroach into front yard setbacks.

e. The proposed single family dwelling is compatible with nearby houses in context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.

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

a. The setback variance for the front is reasonable in the context of the neighboring houses.

b. A 17' front yard setback rather than a 25' setback maximizes size of rear yard.

c. 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.

Chairperson Hill asked for a motion to accept the staff report into the record with the 2 conditions and to adopt the Finding of Fact as presented into the record (Z-25-17A). Mr. Brock so moved, seconded by Mr. Faulkner. 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 carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-17A) with the 2 conditions. Mr. Faulkner so moved, seconded by Ms. Jasso. 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 carried.

Chairperson Hill asked for staff to read the staff report recommendations (Z-25-17B), however it is included in its entirety.

Zoning Citation
Title II R-1 Single Family Residential District,
Section 2.31**(D)** Corner Side Yard Setback Regulations
which reads as follows: "On each corner lot there shall be a corner side yard of 15 feet (4.57m) or 10% of the lot width, whichever is greater…"

Background
Subject property is a rectangular parcel (4,757 SF; 0.109-acre) with different widths at its south (front – 45.32') and north (rear – 41.12') ends. The north/south property lines are 120' 6" long. It is a vacant corner parcel at the west end of its block, at the NE corner of Meadow Lane Ave. & 173rd St. The previous 1.5-story single family home here was demolished in Spring 2016.

Subject parcel is zoned R-1 Single Family Residential District and is surrounded by similar R-1 zoning on all sides. This is a residential neighborhood of primarily single family homes.

Petitioner CRG Group, LLC, of Dyer, IN, received deed ownership of subject parcel from the Hammond Redevelopment Commission as part of a purchase agreement on July 17th, 2024.

Petition

The petitioner is seeking a developmental variance from Zoning Ordinance 8514, Title II, Section 2.31(D) to reduce the minimum setback from the corner side property line for primary structures in a R-1 District from 15′ to 13′ 6″. The structure proposed is a 2-story single family home. In this case, the encroachment is at its greatest, 1′ 6″, at the NW (rear) corner of the dwelling.

There are two concurrent BZA developmental variance petitions regarding this property: Z-25-16 regarding minimum lot size and width and Z-25-17(A) regarding minimum front yard setback.

Analysis

The encroachment at the NW (rear) corner of the dwelling by 1′ 6″ into the corner side yard setback area is a result of the slanted west property line. The site plan shows that the SW (front) corner of the dwelling is setback 15′ 5″. That is a difference between the home's two westside corner setbacks of 1′ 11″. Since the front building line of home is parallel with the front property line at 173rd St. that runs straight east-west, the slant of the west property line as the property narrows creates an encroachment for a little over half of the west side of the home. This encroachment is minimized by setting the SE (front) corner of the home so abutting the 5′ east side yard setback line and the proposed 17′ front yard setback line.

The previous home on subject parcel encroached into the corner side yard with a setback approximated as less than 10′ to the Meadow Lane Ave. ROW. The corner home at 233 173rd St. directly across Meadow Lane Ave. encroaches into its corner side yard setback by a substantially greater amount than proposed at subject parcel. As measured, the home is 12′ 8″ from the curb on Meadow Lane Ave, which means a corner side yard setback of approximately 3′ to the ROW.

The choice to have the home encroach into the larger west (corner) side yard rather than the smaller 5′ wide east side yard maximizes space between the proposed home and the existing home at 245 173rd St. Greater space between dwellings is a more desirable trade-off when concerned with fire safety, privacy, and general well-being of residents.

It should also be noted that there is still a 10′ wide public right-of-way on Meadow Lane Ave. running parallel with the west property line of subject parcel. Currently is open green space.

The existence of a 315' x 400' parcel of vacant open space across the alley to the north along Meadow Lane Ave. helps minimize the impact encroaching into the corner side yard setback could have on neighboring homes or people as far as line-of-sight aesthetics. That aside, the encroachment being 1' 6" at most and gradually shrinking to no encroachment as one approaches the south end of proposed home is a rather minimal encroachment.

The proposal includes a 2-car alley-facing detached garage, but its placement on the site plan has not been finalized yet. The decision to make the garage detached, not attached, and to orient it facing the alley is to avoid conflict with the 20' corner side yard setback minimum specifically for side-loading garages. If the garage had to meet that requirement, it would likely either need to be smaller than a 2-car garage or would encroach in the 5' east side yard setback.

Reviews and Approvals
City Planning Department Staff have reviewed materials, including elevation drawings, floor plans, and a preliminary site plan provided by the petitioner.

The Building Commissioner, the City Engineer, the Chief Fire Inspector, the Director of the Hammond Department of Environmental Management (HDEM) and the Superintendent of Wastewater Treatment and Stormwater Coordinator of the Hammond Sanitary District (HSD) have no objections regarding BZA Case No. Z-25-17(B). City Engineer states side yard setback appears sufficient for line-of-sight distance.

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 the BZA grant the developmental variance should the Board feel petitioner has met the standards, subject to the following condition:

1) Approval of both concurrent developmental variance petitions under Case Nos. Z-25-16 and Z-25-17(A) and all of their 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. 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 proposal follows similar side yard setbacks as existing housing stock by setting home closer to east than west property line; respecting the 5' east side yard setback offers better fire safety, privacy, and general well-being for the neighbor at 245 173rd St.
b. The proposal follows current Zoning requirements for east side yard and rear yard setbacks, as well as other Zoning Ordinance regulations like maximum allowed lot coverage, while a concurrent BZA petition addresses the front yard setback.
c. 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 previous home on subject parcel and the existing corner home directly across Meadow Lane Ave. at 233 173rd St. both encroached into the 15' corner side yard setback; this would be a less intense encroachment than the home previously at 241 173rd St.
b. A side yard setback of 13' 6" to 15' 5" along west side of home should not create usage problems or devalue neighboring properties.
c. The choice to encroach into the corner side yard rather than the east side yard and to place the open-walled front porch at the SE corner of home helps mitigate impacts to line-of-sight or shadow issues for neighbor next door.
d. The development of this lot will stabilize and increase the property value of this lot and thus of the neighborhood; this is the only vacant lot on the 200-block of 173rd St.
e. A single family home previously occupied the property; A new single family home would have no new and no increased impact on the uses and density in the area.
f. In all directions is a similar single family residential use and R-1 zoning designation, and many of the corner homes on surrounding blocks also encroach into corner side yards.
g. The dimensions of the 4-sides of the lot/parcel have not changed since their 1925 platting.

h. The proposed single family dwelling is compatible with nearby houses in context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.

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

a. The setback variance for the side is reasonable in the context of the neighboring houses.

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.

Chairperson Hill asked for a motion to accept the staff report into the record with the 1 condition and to adopt the Finding of Fact as presented into the record (Z-25-17B). Mr. Brock so moved, seconded by Ms. Jasso. 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 carried.

Chairperson Hill asked for a motion to approve the developmental variance (Z-25-17B) with the 1 condition. Mr. Faulkner so moved, seconded by Ms. Jasso. 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 carried.

COMMISSIONER COMMENTS

There were none.

STAFF COMMENTS

Mr. Poland reminded the Board that the next meeting was December 2, 2025. The Board was advised that there would be twelve (12) cases on the December agenda.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

Chairperson Hill called for a motion to adjourn the meeting at 6:41 p.m. Mr. Brock so moved. "Ayes" all.

PREPARED BY:

Shannon Morris-Smith

Shannon Morris-Smith
Secretary to the Board of Zoning Appeals

APPROVED BY THE BOARD OF ZONING APPEALS:

Kathleen Hill
Chairperson

Date Approved: 8/25/26