

The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, April 2, 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 6:01 p.m. Ms. Hill led the reciting of the Pledge of Allegiance.

PRESENT

Cynthia Jasso (IP)
Roger Brock (IP)
William Hutton (IP)
Victor Lopez (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 February 27, 2024. Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

OLD BUSINESS

Z-24-01 Petition of Rara Sahib, Inc. for a conditional use regarding T/S 10.11(3) Automobile Fueling Station to allow reconstruction of a 2,800 sq. ft. convenience store as an accessory use and to continue operating an existing combination automobile fueling station in a C-4 General Commercial District located at 7316 Indianapolis Boulevard in the City of Hammond

Chairperson Hill stated this case was tabled from the February 27, 2024 meeting, and asked if notifications were required. Mr. Poland stated "No".

Jeff Brant, 5201 Fountain Drive, Suite A, Crown Point, IN 46307, represented the petitioner. Mr. Brant stated there were a few items changed. The main item changed was the dispensary counter location. The dispensary counter would be located on an island away from the windows. The Knox box location was relocated to the front door of the building. A photometric plan has been provided. There would be four (4) large lights removed from the canopy above the gas pumps. Mr. Brant further stated there were changes made to the entrance to comply with the ADA regulations. There was also an updated emergency response plan provided to Ron Novak, Environmental Management.

An eight foot (8') fence would be installed along the west property line from the corner to the street to help with noise and lighting.

Mr. Poland stated the eight foot (8') fence would be subject to the vision clearance corner. Staff would need to discuss an adjustment of the fence closer to the intersection.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton stated the petitioner did an admiral job on the revisions.

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. There were none.

Chairperson Hill asked for staff to read the staff report recommendations (Z-24-01), however it is included in its entirety.

Zoning Citation

Title X C-4 General Commercial District, Section 10.11(3) Automobile Fueling Station Subject to Title XIX Zoning and Conditional Provisions 19.20 Fueling Stations.

Background

Rara Sahib, Inc, petitioner herein, is a corporation owned by Manpal Singh of Schererville, IN. The petitioner has been operating a combination auto fueling station

and convenience store since 2009 at a station and store built in 1996 under Z-96-17. Subject property is a 110' x 200' (22,000 SF) parcel at the SW corner of 173rd Street, a local arterial, and Indianapolis Blvd, a State route.

At the February 27, 2024 meeting, the BZA tabled Z-24-01 due to outstanding questions. The BZA did approve Z-24-02 for the rear yard setback variance, subject to the approval of Z-24-01.

Petition

The petitioner, Rara Sahib, Inc, is seeking a conditional use permit amending the previous conditional use to modify the existing combination automobile fueling station and convenience store in a C-4 District. The petitioner proposes to demolish the existing convenience store and car wash building and construct a new 50' x 56' / 2,800 SF / 1-story building. The car wash will not be reconstructed. The fueling pumps are not being altered.

At the hearing on Z-24-01, the number of outstanding issues was:

- 1) Provide an updated interior floor plan which addresses blockage of the window panes.
- 2) Adding the location of the Knox Box to the elevation drawings
- 3) Provide a photometric (lighting) plan of entire site to evaluate impact on neighbors
- 4) Provide further info on how the main entrance will meet ADA compliance
- 5) Provide the station's current Emergency Response Plan for HDEM to keep on file

Analysis

- 1) Updated interior floor plan.

Pursuant to 19.20.12, the required windows "shall not be covered or blocked by signage, internal feature, furniture, display units or similar." The floor plan in evidence showed covered or blockage at the NE corner of the new building. A new floor plan has been provided showing that the obstructions are removed by creating an island counter for the beverage dispensers.

Wall mounted shelving underneath the north window will be installed but not in front of glass.

The owners have been advised against obstructing the windows and glass doors with an abundance of signage and limited to 25% of the glass surface. The owners have been advised to not cover the window banks nor faux window bank facing Indianapolis Blvd. with signage.

- 2) Adding the location of the Knox Box to the elevation drawings

New drawing shows it mounted on the wall to the west of the main entrance (north door)

3) Provide a photometric (lighting) plan of entire site to evaluate impact on neighbor. A photometric site plan has been provided, both for the new building and for the existing fuel island canopy. Lighting on the top of the canopy that was installed without an electrical permit will be removed and lighting under the canopy will remain the same. Plan was reviewed for compliance with T/S 19.20.12(3)(c) and T/S 20.32.08. The lighting at the west edge of property, which abuts a residential neighborhood, shows footcandle ratings of under 1 footcandle. An existing 6' privacy fence along alley-line is to be extended to the SW corner and raised to a height of 8' per T/S 19.20.12(3)(a). This new fence, which is more effective at blocking light, has been figured into the photometric plan.

4) Provide further info on how the main entrance will meet ADA compliance. More information was provided about the design. Building Commissioner Bob Vale reviewed the new information and had given preliminary approval subject to the receipt of the Construction Design Release (CDR) from the State of Indiana and the State's determination of compliance with the ADA.

5) Provide the station's current Emergency Response Plan for HDEM to keep on file. A 3-page Emergency Response Plan for station spills and of emergency contacts was provided to HDEM and to City Planning. HDEM Director Ron Novak has accepted it as sufficient.

Staff Reviews and Approvals

In reviewing the site plan, the City Planning Department confirmed with the petitioner that an 8' fence will be installed along the alley abutting the residential properties pursuant to T/S 19.20.12 (3)(a). Previous discussions were for the hours of operation. The petitioner received an exception allowing for 24-hour operation. The petitioner must receive an annual renewal. In the absence of the renewal, T/S 19.20.12 (3)(c) provision for hours of operation abutting residential take effect. Modifications to the specified hours in the ordinance provision have been determined to be close between 12:00 a.m. and 4:00 a.m.

Fire Inspector Phil Scheeringa has stated no objections, except that a sprinkler system will not be installed in the new building, and the Hammond Fire Department confirms a sprinkler system is not necessary. A fire alarm system is planned and the system will tie directly into the Fire Department. A Knox Box will be installed on the exterior.

HDEM Director Ron Novak has accepted the Emergency Response Plan. The oil-water separation system was previously reviewed and determined to be acceptable. Building Commissioner Bob Vale has preliminarily approved the ADA entrance subject to State CDR review.

There were no objections from the City Engineer nor Superintendent of Wastewater Management at the Hammond Sanitary District (HSD).

STANDARDS FOR GRANTING A CONDITIONAL USE:

- 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- 2) The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.
- 3) The approval will not have an adverse effect on the density of the adjacent area and the area will not be burdened by an excessive number of similar uses in the area.
- 4) The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.
- 5) The approval will not have an adverse impact on the environment or natural resources.
- 6) The approval will not have an adverse impact on historical, architectural, cultural and archaeological resources.
- 7) The approval does not substantially interfere with the Comprehensive City Zoning Plan.
- 8) The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.
- 9) The approval shall provide for reasonable accommodation pursuant to Section 24.53.

Staff Recommendation

Staff has reviewed the petitioner's request and recommends that the BZA grant the conditional use permit should the Board feel the petitioner has met the standards, subject to conditions:

- 1) Approval of developmental variance Case No. Z-24-02;
- 2) The driveway on 173rd Street must remain at least 30' wide;
- 3) Compliance with a) HDEM approvals of the oil-water separator and Emergency Response Plan; b) the Knox Box installation per the Hammond Fire Department; c) Compliance with ADA requirements including but not limited to the entrance ramp; d) Compliance with the Noise Ordinance;
- 4) Compliance with the photometric footcandle limitations abutting residential property. Exterior light fixtures installed on top of the fuel canopy roof to be removed and no new light fixtures shall be installed on top of the roof or sides of the fuel canopy;
- 5) The installation of an 8' foot tall privacy (100%-obscured) fence along the alley abutting the residential property pursuant to T/S 19.20.12(3)(a) and in compliance with the corner vision obstruction of T/S 18.20;
- 6) No signage is to be posted on the faux windows facing Indianapolis. No signage on other windows or doors shall exceed the 25% maximum coverage restriction for each

individual window pane and exterior glass door, and no shelving, cabinetry, machines, inventory, or other items may obscure any windows or doors.

- 7) No automatic car wash accessory use may be constructed or operated at the property;
- 8) Fueling station and convenience store business operations are allowed to continue 24-hours but if this exception is ever rescinded by the Board of Public Works and Safety, the hours of operation will default to closing daily from 12:00am-4:00am;

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) The Emergency Response Plan has been updated with HDEM and a new valve shut-off switch will be installed on the interior for easier access by station staff so petroleum product spills can be more quickly contained.

b) The automatic car wash, which has been the source of numerous noise complaints from nearby residents, will not be reconstructed if BZA approves conditional use permit.

c) If rebuilt, the station will feature a new security camera system connected to Hammond

Police Department's FUSUS system and attendant booth will feature bullet proof glass.

d) The business's 24-hours of operation will be reviewed annually by the Hammond Board of Public Works and Safety for continued compliance with ordinances intended to improve public and employee safety at fueling stations overnight.

e) A Knox Box containing keys will be installed on the exterior adjacent to the front entrance to allow emergency responders access to all of the new building and site.

f) Visibility thru all window panes will be kept clear of shelving, etc., and excessive signage.

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 existing use as a combination auto fueling station and convenience store will continue but with facilities which have new safety systems and an improved architectural design.

b) Increased and sufficient off-street parking will be provided.

c) Perimeter landscaping will increase by 1,444 SF and new green space will be created between the proposed building and the residential district to the west.

d) The lighting on-site will be maintained at no more than 1 footcandle on the west edge of property line abutting a residential neighborhood and an 8' tall privacy fence will be installed along that same westerly property line.

3. The approval will not have an adverse effect on the density of the adjacent area and the area will not be burdened by an excessive number of similar uses in the area.

a) Including subject property, there are four (4) combination auto fueling station and convenience stores within a 1.5-mile stretch of Indianapolis Blvd. adjacent to the subject property and north of the I-80/94 interchange.

b) Luke's, the nearest auto fueling station 450' to the southeast, is across Indianapolis Blvd. and thus not as easily accessed by vehicles travelling south by subject property.

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

a) There are no nearby schools. Purdue University Northwest campus to the east on 173rd Street should not be impacted.

b) The three(3) ingress/egress points (one on 173rd Street and two on Indianapolis Blvd.) will not change; the driveway on 173rd Street will remain at least 30' wide.

c) The utility connections will remain the same, though a transformer box will be relocated on-site.

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

a) There are no natural resources nor natural areas to be disturbed by rebuilding of this existing convenience store.

b) Owners are actively working with HDEM Director Ron Novak on complying with all required environmental regulations and will maintain their oil-water separator.

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

a) The property does not appear in the 1996 Interim County Report nor on the National nor State Registers of historic places. The structures on-site are less than 50 years old.

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

a) The 1992 Comprehensive Land Use Plan and the 2003 Zoning Ordinance Map both identify this intersection as wholly commercial.

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

a) The owners are prepared to comply with all of the regulations in Title/Section 19.20 "FUELING STATIONS (Automobile and Truck)" especially for fueling stations adjacent to a residential district as described under T/S 19.20.

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

a) N/A This standard does not apply to this petition involving a commercial property.

Chairperson Hill asked for a motion to adopt the staff report into as presented subject to the eight (8) conditions as presented by staff and to adopt the Finding of Fact into the record (Z-24-01). Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

Chairperson Hill asked for a motion to approve the conditional use subject to the eight (8) conditions as amended in the staff report (Z-24-01). Mr. Brock so moved, seconded by Mr. Lopez. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

NEW BUSINESS

Z-24-03 Petition of Mickey's Linen & Towel Supply, Inc., for a modification of the conditions of approval of the Variance of Use granted under Z-92-8 to extend the previously authorized use to a purchaser of the property located at 5530 Hohman Avenue in the City of Hammond

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

Scott Yahne, Yahne Law, P.C., 3 Lincolnway, Suite 201, Valparaiso, IN 46383, represented the petitioner. Mr. Yahne stated the petitioner was proposing to provide hospital linen service at 5530 Hohman Avenue. The property at 5530 Hohman Avenue was previously owned by St. Margaret's Hospital/Franciscan. Mr. Yahne further stated the petitioner was seeking an amendment of a variance of use approval that was granted back in 1992. One of the conditions was the operation of the commercial laundry use was specific to St. Margaret's. The petitioner would like to continue this use. The proposed location was zoned C-1 Local Commercial District and commercial

laundry facilities are allowed in the Light Industrial District. The use was not applied to all of the lots previously. The current proposal would include the adjacent lots to provide parking and other attributes for this use.

Mr. Yahne gave an overview of the petitioner's company. Mickey's Linen & Towel Supply, Inc., was a fourth-generation family owned and operated linen and uniform rental company dating back to the 1930's. They employ around three hundred forty (340) team members/employees. There are approximately five thousand (5000) customers, and they service four (4) Midwest states. Mr. Yahne further stated the company's Med-Clean division would be provided at the proposed location. The company's investment into this location would be five to seven million dollars (\$5-7,000,000), and the creation of forty-five (45) new jobs.

There was discussion on the analysis of the types of deliveries and delivery vehicles. The traffic flow was discussed. Mr. Yahne stated the proposal of two (2) way traffic on Doty Street that would be contiguous with the property and terminate at the western property line. This would allow traffic on Doty to enter into the parking lot. The one-way traffic going west would return just past the parking lot. On Condit Street, there would be two (2) way parking contiguous with the property and terminating at the alley. This traffic flow would allow vehicles to utilize the alley around the building.

Mr. Yahne further stated the number of loading docks, the location, turning configurations, and traffic flow for entering Doty and exiting on Hohman Avenue were discussed extensively with Dean Button/City Engineer, and Brian Poland/Director of City Planning.

There was a brief discussion regarding the historic status of the proposed building. There was a discussion on the donation of a bench on Hohman Avenue proposed by the petitioner. Mr. Yahne discussed the need for the modification of the condition from 1992. Mr. Yahne further discussed the prior analysis of the current infrastructure.

Mr. Yahne discussed the use was in line with the Comprehensive Plan, and specific to the Jeff Speck plan for the downtown area. A memo from Juan Moreno, Economic Development Department was reviewed.

Mr. Yahne concluded his presentation.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton asked what would be in the addition to the building. Mr. Yahne stated it was an extension to the loading area. Mr. Hutton asked what equipment would go in the loading area. Mr. Yahne stated the equipment would help with managing the loading/unloading.

Chairperson Hill asked if the addition would be connected to the historic building. Mr. Yahne stated "Yes". Mr. Poland clarified that the current building was no longer in a historic district. Mr. Poland further clarified that the modification of the condition of the variance of use approval for St. Margaret's Hospital was before the Commissioners.

Chairperson Hill asked what would be the height of the planters. Mr. Yahne stated the planters would cover the loading area and would be 3' 6" tall, 57' in length, and 5' in width. Mr. Yahne further stated staff would receive a development plan that would include the landscaping at a later time.

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. There were none.

Mr. Poland clarified that the action before the Board was to act upon whether or not the original conditions of approval for the variance of use can be modified. There were some developmental issues that have been referenced in the presentation and addressed in the report. This was the addition and the parking lot to look at the development in a comprehensive manner to make sure all of the aspects of the project have been addressed. Mr. Poland further stated the 1992 file had documentation from the Sanitary District and the Water Department that confirmed the infrastructure was adequate. There would be a determination at a later time if any updates on the infrastructure would be needed.

Chairperson Hill asked sewage and other utilities would be looked at as well. Mr. Poland stated "Yes".

Chairperson Hill asked for staff to read the staff report recommendations (Z-24-03), however it is included in its entirety.

Zoning Citation:

Original Petition

TO: Ordinance 4683 Title IX C-4 General Commercial District,
Section 2.A Permitted Uses

FROM: Title X Light Industrial District Section 2 (A)(1) Cleaners and Laundries

Comparable citation

TO: Ordinance 8514 Title X C-4 General Commercial Section 10.10 Permitted Uses

FROM: Title XI Light Industrial District Section 11.10 Permitted Uses (4) Central Plant facilities for dry cleaners and laundries

Reconfirming to Ordinance 8514 Title VII C-1 Local Commercial District Section 7.10 Permitted Uses

Background:

In 1992, the BZA recommended favorably to the City Council to approve a variance of use to maintain and operate a hospital laundry at 5530 Hohman Avenue. The recommendation was based on 3 conditions:

1. Comply with conditions of the Historic Preservation Commission recommendations in a Certificate of Appropriateness.
2. Construct exterior improvements as proposed on the submitted plan.
3. The facility be used exclusively as an accessory use to the hospital and not be available to outside concerns.

The Council subsequently approved the variance of use with the conditions.

St. Margaret's Hospital/Franciscans operated the hospital/medical laundry until the closing of the hospital in 2022. St. Margaret's complied with Conditions 1 and 2 prior to the opening of the facility circa 1992/1993. St. Margaret's complied with Condition 3 during thirty years of operation.

In the 2003 Zoning Ordinance, the property was rezoned to C-1 Local Commercial. A variance of use runs with the property regardless of a change in a zoning classification. The C-1 District runs along Hohman Avenue from Douglas and Ogden Streets to south of Waltham Street, including the south sides of Douglas East of Hohman and Ogden, West of Hohman. The surrounding neighborhoods of Harrison Park are zoned R-1U Urban Single Family Residential.

Petition

The petitioner, Mickey's Linen & Towel Supply, Inc. dba MedClean, is a contingent purchaser to reopen the laundry and expand the building. The intended customers for

the hospital laundry service would be to accept laundry from medical users other than St. Margaret's/Franciscans. In order to open up the customer base, the petitioner seeks to modify Condition 3 of the original approval to remove the facility being restricted to being used exclusively by St. Margaret's/Franciscans.

Analysis:

The proposed use is similar to what was approved originally in 1992. The only difference is who the customers are.

The petitioner intends to employ 23 individuals initially with expansion up to 46 by the third year of operation. It is projected to have 4-7 delivery trucks.

The petitioner intends to construct an approximate 40'x126' 2-Story addition with 6 loading docks, thus increasing the size of the building from what exists at the time of the original variance of use. The addition otherwise meets the developmental provisions. Parking will be provided in two locations: 47 Doty Street and 5518 Hohman Avenue. The two lots have a combined total of 46 parking spaces. Concerns were expressed by the visibility of the loading docks from Hohman Avenue. The site plan shows concrete planters that will provide some blocking of the view.

The parking lot at 47 Doty Street was subject to approval by the BZA on Z-83-01 when the property was under the ownership of the Car Dealer that operated in 5530 Hohman Avenue. No files were found for 5518 Hohman Avenue. However, it has operated as an allowed parking lot under the previous C-4 zoning and can continue as a parking lot primary use as a legal non-conforming use under the current C-1 Local Commercial zoning.

Traffic concerns were expressed due to the one-way streets: west bound Doty Street, east bound Condit Street. The proposed resolution is to re-designate to two-way traffic the portion of Doty from Hohman Avenue to the west drive of the parking lot at 47 Doty Street and the portion of Condit Street from the Hohman west to the alley. This would allow the majority of the traffic to flow to and from Hohman Avenue, and minimize traffic into the neighborhood

Reviews and Approvals:

The parking lot layout for Doty Street and Hohman Avenue has been reviewed. The Hohman Avenue parking lot has an outstanding design issue regarding the accessibility between the corner plaza space and the parking lot surface. The Doty Street parking lot has an outstanding design issue where the photometric drawing is not in compliance with the light restriction on the adjacent residential property. The loading dock area on

5530 Hohman Avenue has an outstanding design issue where the photometric drawing is not in compliance with the light restriction on the Doty Street side of the dock area.

City Engineer has reviewed the traffic and has no objections and concurs with the two-way traffic re-designation.

The Sanitary District will review the final wastewater calculations when provided. HDEM will review the safety of the chemicals being used when provided. The Building Commissioner will review the construction details of the addition when provided.

STANDARDS FOR GRANTING A VARIANCE OF USE:

- 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- 2) The use and the value of the area adjacent to the property related to the variance of use will not be affected in a substantially adverse manner.
- 3) The need for the variance arises from some conditions peculiar to the property involved.
- 4) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
- 5) Approval of the variance does not substantially interfere with the comprehensive city zoning plan.

Recommendation

Staff has reviewed the petitioner's proposal and recommends that the Board make a favorable recommendation to the City Council reconfirming the original variance of use for the laundry facility pursuant to Ord. 8514 C-1 district and allowing for the intensification resulting from the addition, eliminating Z-92-08 Conditions of Approval 1 and 2, and modifying the Condition of Approval 3 removing the restriction of the sole use of the facility by St. Margaret's/Franciscans, should the Board feel the petitioner has met the standards, subject to the following four (4) conditions:

- 1.) Final approval by City Planning staff of the site plan and photometrics;
- 2.) Final approval by HDEM, Sanitary District, Fire, and Building Commissioner of development plans pursuant to their respective jurisdictions;

- 3.) Approval by the City Council to change the identified segments of Doty Street and Condit Street to two-way traffic;
- 4.) Installation of the concrete planters to block the view of the loading docks from Hohman Avenue with Staff approval of plantings to block the view to the extent possible.

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

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

Chairperson Hill asked if there were any other additions or amendments to the findings of facts. There were none.

FINDINGS OF FACT

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**
 - a. The intended use of the property is essentially the same as what was originally approved as a variance of use in 1992.
 - b. HDEM, Sanitary District, Water Department, and Building Commissioner had no objections in the original approval of the variance of use in 1992.
- 2. The use and the value of the area adjacent to the property related to the variance of use will not be affected in a substantially adverse manner.**
 - a. There is no evidence that the 30 years of operation by St. Margaret's laundry facility had any negative impact on the adjacent residential areas.
 - b. Traffic flow will be directed to and from Hohman Avenue and minimized in the residential neighborhoods by the establishment of two-way traffic on the specified portions of Doty and Condit Streets.
 - c. Concrete planters will block the view of the loading docks from Hohman Avenue.
- 3. The need for the variance arises from some conditions peculiar to the property involved.**
 - a. This is a modification of one of the conditions of approval for a previously granted variance of use.
 - b. This is confirming the variance of use for the C-1 zoning district.
- 4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.**
 - a. The modification of the condition allows for a new user to conduct a similar business and opening it up to a wider range of customers.

b. The reconfirming of the variance of use for the zoning classification that was changed in 2003 is a technical correction.

5. Approval of the variance of use does not substantially interfere with the comprehensive city zoning plan.

a. This reconfirms from 1992 that the project does not substantially interfere with the 1992 Comprehensive Land Use Plan.

Chairperson Hill asked for a motion to adopt the staff report as amended subject to the four (4) conditions as presented by staff and to adopt the Finding of Fact into the record

(Z-24-03). Mr. Brock so moved, seconded by Ms. Jasso. Roll call vote. Cynthia Jasso/yes, Victor Lopez/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 recommend that the Board make a favorable recommendation to the City Council subject to the four (4) conditions as amended in the staff report (Z-24-03). Mr. Brock so moved, seconded by Mr. Lopez. Roll call vote. Cynthia Jasso/yes, Victor Lopez/yes, Roger Brock/yes, William Hutton/yes, Kathleen Hill/yes. 5 "Ayes", 0 "Nays", 0 "Abstentions", 0 "Absent". Motion passed.

Z-24-04 Petition of Mickey's Linen & Towel Supply, Inc., for a developmental variance to reduce the rear yard setback required under T/S 7.31 (C) in a C-1 Local Commercial District for property located at 5530 Hohman Avenue in the City of Hammond

Mr. Yahne withdrew the petition for Z-24-04 as it was determined to be unnecessary.

COMMISSIONER COMMENTS

There were none.

STAFF COMMENTS

There were none

PUBLIC COMMENTS

There were none.

ADJOURNMENT

Chairperson Hill adjourned the meeting at 7:00 p.m.

PREPARED BY:

Shannon Morris-Smith
Secretary to the Board of Zoning Appeals

APPROVED BY THE BOARD OF ZONING APPEALS:

Kathleen Hill
Chairperson

Date Approved: 4/30/24