

The regular meeting of the Board of Zoning Appeals of the City of Hammond was held on Tuesday, August 29, 2023 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

Roger Brock (IP)
William Hutton (IP)
Nancy Ragin (IP)
Kathleen Hill (IP)

ABSENT

Dennis Radowski

ALSO PRESENT

Brian L. Poland, AICP
Director of City Planning

Tom Novak
Asst. City Planner

Shannon Morris-Smith
Secretary

Dave Westland
BZA Attorney

PRESENT: FOUR (4)

ABSENT: ONE

QUORUM

APPROVAL OF MINUTES

Chairperson Hill called for a motion to approve the minutes of the April 25, 2023, and May 31, 2023 meetings. Ms. Ragin so moved, seconded by Mr. Brock. Roll call vote. Roger Brock/yes; William Hutton/yes; Nancy Ragin/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions, 1 "Absent". Motion carried.

OLD BUSINESS

Z-19-05 Petition of Swanel Beverage, Inc., for a conditional use permit extension regarding T/S 11.31 (D) Lots Abutting Residential Districts to allow the continued operation of a beverage warehouse located in an I-1 Light Industrial District located at 6044 Erie Avenue in the City of Hammond

Chris Moore, Nies Engineering, Inc., 2421 173rd Street, Hammond, IN 46323, represented the petitioner. Mr. Nies stated in 2019 the petitioner requested a conditional use that was granted. Covid-19 delayed the project from moving forward. The petitioner was

restarting the project and wanted to request an additional extension. Mr. Moore further stated the petitioner was planning to break ground this year.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton asked Mr. Poland if he has seen any updated documents or drawings. Mr. Poland stated he has received a couple versions of the site plan. The petitioner has not completed the final site plan. Mr. Poland further stated the extension from 2019 recently expired and this was the reason for the request to keep the project active. Mr. Hutton asked if Mr. Poland has seen any building drawings. Mr. Poland stated he has seen preliminary drawings and there were a lot of documents that would need to be submitted.

Chairperson Hill asked if the cover letter needed to be corrected in the "Background" section, on the last sentence to read "April 24, 2023". Mr. Poland stated "Yes".

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

Chairperson Hill asked if the staff had any comments or recommendations. Mr. Poland stated the recommendation was for the Board to grant an additional two (2) year extension period to obtain the building or occupancy permit. The new period would expire April 24, 2025.

Chairperson Hill asked for a motion to grant an extension of the conditional use permit to April 24, 2025, Ms. Ragin so moved, seconded by Mr. Brock. Roll call vote. Roger Brock/yes; William Hutton/yes; Nancy Ragin/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions", 1 "Absent". Motion carried.

NEW BUSINESS

Z-23-10 Petition of G-Squared Developers, LLC for a developmental variance regarding T/S 3.30 (B) to reduce the lot size to 6000 SF for the construction of a 2-story, 2-unit residential building located at 948 Summer Street in the City of Hammond

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

Daniel Gil, G-Squared Developers, LLC, 3349 Franklin, Highland, IN 46322, and Lupe Garcia, G-Squared Developers, LLC, 9945 Clark Place, Crown Point, IN, 46307,

represented the petitioner. Mr. Gil stated the petition was to request a variance for a reduction of the lot size from 6000 square feet to 250 square feet to build a two (2) flat residential building. Mr. Gil further stated G-Squared Developers, LLC was a contingent purchaser of the property at 948 Summer Street. A design of an upper and lower unit was still being worked on. There was discussion on removal of the driveway and a curb cut. If there was off street parking it would be at the alley.

Chairperson Hill if there were any questions from the Board. Mr. Hutton asked if there was a parking design. Mr. Poland stated there would be space in the backyard for a parking pad or a garage to be built at a later time.

Chairperson Hill asked if the design would be a duplex type building. Mr. Gil stated it would be a two (2) flat, 2 story, upper and lower separate units. The entrance would be in the front of the residence.

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

Chairperson Hill opened the floor for public comments.

Omar Perez, 949 Summer Street, Hammond, IN 46320

-Wanted to know if residence would be a rental property or if it would be for a homeowner

-He was not in favor of the project. The previous house was demolished because there were a lot of problems.

Omar Perez interpreted questions for Mr. Cruz

Melchor Cruz, 939 Summer Street, Hammond, IN 46320

-Concerned about parking on one side of the street. There were problems in the past with the previous house.

- He was not in favor of the project. The previous house was demolished because there were a lot of problems.

Mr. Gil stated the residence would initially be a rental property. If the opportunity to sell the property arises later that would be an option.

Omar Perez interpreted the answers for Mr. Cruz

Mr. Gil stated a concrete pad would be paved for two (2) cars to park in the backyard.

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-23-10), however it is included in its entirety.

Zoning Citation

Title III, Section 3.30(B), Area and Width Regulations; Permitted/Conditional Use Two-Family Residential uses, Minimum Lot Area of not less than 6250 SF.

Petition

G-Squared Developers, LLC, petitioner is requesting a developmental variance to reduce the minimum lot area for a two-unit residential building from 6250 SF to 6000 SF in an R-1U district. The petitioner intends to construct a 2 unit building with an upper and lower unit configuration. No garage is proposed at this time. A preliminary site plan is provided that the building will meet all of the setback requirements. An existing curb cut that will not be used is to be removed.

Background

The subject property is located in a Central Hammond neighborhood zoned R-1U Urban Single-Family Residential District. R-1U zoning districts primarily consist of single-family homes and two-family homes and new construction of such is allowed as long as certain regulations in Zoning Ord. 8514 are met.

The 900 block of Summer Street is a mix of one- and two-family residential buildings. 953 Summer Street has more than 4 units. The area was platted with 25' wide lots. The lots on the south side of Summer Street have varying lot lengths due to block's trapezoidal shape. There is also a mix of houses developed on one 25' lot, two combined 25' lots, and 1.5 combined 25' lots.

Analysis

The request is to reduce the minimum lot size by 250 square feet or 4%. For the 5 two-unit buildings on the south side of Summer Street, the lot size ranges from 3920 SF to 7840 SF. The subject property is trapezoidal in shape. The average length of the lot is 120 feet $[(121.58+118.40)/2=119.99]$ If it was rectilinear with a depth of 125', it would meet the minimum lot size of 6250SF.

With the removal of the curb cut, off-street parking can be provided in the rear yard access by the alley in a garage or appropriate parking pad. The removal of the curb cut will open up provide more on-street parking.

Reviews and Approvals

No objections were received from the departments.

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 removal of the existing curb cut and replacement of sidewalk and standard street curb in accordance with City standards.

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.

FINDINGS OF FACT

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**
 - a. Five existing two-family residential units exist on the south side of the 900 block of Summer Street that have similar square footage lots.
 - b. The proposed reduction is 4% on the lot size or 250 SF. It is within the range of developed properties on the south side of the 900 block of Summer Street.
- 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 petitioner's proposed use is similar to what exists on the block.
 - b. Removal of the curb cut opens up on-street parking and brings back the pedestrian walkability of the neighborhood.
- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.**
 - a. The trapezoidal shape of the block and the set depth of lots per the plat are limiting factors in meeting the minimum lot size.

- b. The proposed development brings back a house on a vacant lot and a two-unit building will not overburden the neighborhood.
- c. The requested variance for 250 SF which is 4% is within the range of the existing two-unit properties.

Chairperson Hill asked for a motion to adopt the staff report as presented by staff and to adopt the Finding of Fact into the record (Z-23-10). Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Nancy Ragin/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-23-10) subject to the removal of the existing curb cut and replacement of the sidewalk and standard street curb in accordance with City standards. Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Nancy Ragin/yes; Roger Brock/yes; William Hutton/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions, 1 "Absent". Motion carried.

Z-23-11 Petition of Latrice Riggins for a conditional use permit regarding T/S 7.11(12) to allow a restaurant/cafe' in a C-1 Local Commercial District located at 6257 Hohman Avenue in the City of Hammond

Z-23-12 Petition of Latrice Riggins for a developmental variance regarding T/S 1.50 Definitions "Restaurant, Cafe'" to allow a restaurant, cafe' with no more than twenty customer seats in a C-1 Local Commercial District located at 6257 Hohman Avenue in the City of Hammond

Mr. Poland stated 6257 Hohman Avenue was the property address and 6255 Hohman Avenue was the address of the restaurant located in the building

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

Latrice Riggins, 7412 Monroe Avenue, Hammond, IN 46324, represented the petitioner. Ms. Riggins stated she entered into a lease for the storefront at 6255 Hohman Avenue. The property was zoned C-1 Local Commercial District. There were two (2) commercial units in the front on the first floor, and there were two (2) residential units on the second floor. Ms. Riggins requested a conditional use permit for a small cafe' to serve cold food, smoothies, and juices. There would not be any deep frying or heavy cooking.

The developmental variance would be to increase the occupancy limit. The current limit was nine (9) seats and the request was to increase the seat to sixteen (16) seats. There have been inspections from the Fire Department, and the Lake County Health Department that were approved.

Chairperson Hill asked if there were any questions from the Board. Mr. Hutton asked how many parking spaces were required for sixteen (16) seats. Mr. Novak stated five (5) spaces for sixteen (16) seats, and seven (7) spaces for twenty (20) seats. Mr. Hutton asked if the parking lot was shared by everyone that used the property. Mr Poland stated "Yes".

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

Mr. Poland stated the request was for sixteen (16) seats and the application was written to anticipate the addition of another table in the future. This would eliminate Ms. Riggins from returning to the Board for one (1) table. If there were sixteen (16) seats fifteen spaces were required and twenty (20) seats would require seventeen (17) spaces. The current design that was provided only had fourteen (14) spaces. Mr. Poland stated that an opportunity for two (2) more spaces on the property with a better design. Mr. Poland further stated the approach was to allow the petitioner to have seats dependent on the number of parking spaces provided and a better site plan design.

Chairperson Hill asked if the tenant would be responsible for the parking lot or would the property owner be responsible. Mr. Poland stated this was something that needed to be addressed in the staff recommendations.

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

Chairperson Hill opened the floor for public comments.

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 requested Mr. Novak to summarize the letter and concerns from Ron Novak, Director, Hammond Department of Environmental Management regarding the surface and particles from the parking lot. Mr. Poland asked Ms. Riggins if there has been any discussion with the property owner about the parking lot. Ms. Riggins stated "No". The property owner was responsible for all structural maintenance. Mr. Poland further discussed the paving, drainage, stripping, etc.

There was a discussion on the site plan and the known parking spaces and future parking spaces to accommodate an additional table in the future. There was a further discussion on notification to the property owner regarding the conditions.

Chairperson Hill asked for staff to read the staff report recommendations (Z-23-11), however it is included in its entirety.

Zoning Citation

Title VII C-1 Local Commercial District

Section 7.11 Conditional Uses (12) Restaurants (Café)

Background

Latrice Riggins, petitioner herein, entered into a lease with the property owner in Summer 2023 for a storefront unit at 6255 Hohman Ave. on the property (parcel) known as 6257 Hohman Ave. The property is zoned C-1 Local Commercial District, as is common on Hohman Ave. There are two commercial units in the front of the 1st floor, and there are two residential units (registered rentals) split across the 2nd floor and rear of the 1st floor.

Petitioner's business is known as Life's Café. Life's Café occupies the 1-story north commercial unit in front and utilizes the common address 6255 Hohman Ave. The commercial unit to the south is host to Restaurant Tarascos and utilizes 6257 Hohman Ave. as their common address.

Petitioner's commercial unit has sat vacant for an unverified amount of time. Verona's Pizza did occupy the south unit for decades but had vacated by no later than 2013.

The building was constructed circa 1923. There have been numerous additions to the original building, including a 2-story rear enclosed porch and the 1-story north commercial unit that is the subject of this BZA case. A commercial storefront use has always been a part of this corner's character.

To the north is similarly zoned C-1 Local Commercial District, including an attorney's office next door. To the south is the Oak Hill Cemetery, zoned S-1 Open Space and Recreational District. To the west, across Hohman Ave, is the R-1 Single Family Residential neighborhood of Kenwood. To the east is an 18-unit apartment complex constructed circa 1971 and with parking in front and rear. It is zoned R-3 Medium Density Residential District.

The café maintains its main entrance adjacent to the front public sidewalk at the NW corner of the building. When work is done to pave parking lot, work should also be done in order to make main entrance ADA compliant. Grade of door frame does not match ground outside.

Petition

The Petitioner seeks this approval of a conditional use permit for their café because this parcel is located in a C-1 Local Commercial District. Restaurant cafés are limited to 9 seats and must receive conditional use approval by the Board of Zoning Appeals. (See T/S 7.11(14))

Hours of operation would be 10am-6pm and closed on Sundays. There are no more than two (2) employees on shift at one time. Intended final occupancy is for a set-up of six (6) tables with sixteen (16) seats for customers. The majority of customers will be carry-out and many will order quickly-served drinks to-go. Carry-out restaurants are permitted uses in the C-1 district.

The café will sell smoothies, fresh pressed juices, salads, freshly made sandwiches, and fruits. Besides for pressing toasted paninis, Life's Café will carry cold foods. There will be no heavy cooking nor deep frying in the café. Thus, there is no need for a hood system, kitchen fire suppression system, nor grease trap. It is not a commercial kitchen.

Analysis

Hohman Ave. is designated a local arterial in the City's road classification map. This is a highly visible corner location with two (2) points of ingress/egress (Hohman Ave. north of building and Kenwood St. in rear.) During the summer of 2023, restriping was undertaken to reduce the four (4) vehicle lanes to two (2), with parallel cycling outer lanes and on-street parallel parking. One of the goals of this infrastructure change is to attract potential customers to visit businesses along the Hohman Ave. corridor leading into Hammond's downtown. A quick-service café with a focus on health food and overall wellness could be a compatible fit for a well-traveled road that is adjacent to residential areas and plenty of commuters.

The commercial unit to the south at 6257 Hohman Avenue, Restaurant Tarascos, serves full meals of hot food on a mostly take-out basis from 9:00am-8:00pm but closes

Mondays. Even more so, the majority of customers at Life's Café will be carry-out and many will order only quickly-served drinks to-go. The menus are sufficiently differing to avoid an adverse affect on density of restaurants nor a problematic crossover of potential customers. The limited seating and free Wi-Fi offer customers the option to sit down to study and work, akin to an Internet or computer café.

Currently, the majority of the parcel's open surface is not paved nor drained and is covered by aggregate/gravel. This pervious surface is not in compliance with the Zoning Ordinance nor Hammond Municipal Code. Those off-street parking spaces and drive aisles will only be viable once the surfaces required are paved, drained, and striped. New sections of landscaping that include parking islands with vegetation are planned. Negotiations must continue with the property owner regarding an acceptable timetable for work to be completed. Amended and sufficient plans shall be resubmitted for City Staff to review, including but not limited to City Engineering Staff.

Review and Approvals

City Planning Staff has reviewed materials provided by the Petitioner.

Any changes to the proposed parking lot site plan must be reviewed and approved by the City Engineer and Director of City Planning. A finalized site plan is forthcoming.

There were no objections from the Building Commissioner, Chief Fire Inspector, Superintendent of Wastewater Management, nor Director of the Hammond Department of Environmental Management. However, if any concerns or objections by City Staff are discovered and submitted to City Planning Staff prior to the Board hearing, they will be included in an amended staff report and distributed to the Board.

This commercial unit was inspected by the Hammond Fire Dept. and Hammond Code Enforcement on Tuesday, June 27, 2023, and the Hammond Fire Dept. signed off on Life's Café city business license application at that time. The owner did pass a background check conducted by the Hammond Police Dept. in June 2023.

On Tuesday, May 23, 2023, the Lake County Health Dept. granted Food Service Permit No. 538121-23 to Life's Café, which is valid through March 1, 2024.

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 will provide for reasonable accommodation pursuant to Section 24.53.

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 by the Advisory Board of Zoning Appeals of the developmental variance case known as Z-23-12, and compliance with all of that case's conditions;
- 2) Property owner or otherwise responsible party must, in a timely manner, complete improvements necessary for the main entrance to comply with ADA guidelines.

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

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

FINDINGS OF FACT

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**
 - a. A vacant storefront along a local arterial will now be occupied and serve the local residents;
 - b. There will be no open flames nor deep fryers in the kitchen and thus risk of fire emergencies and change of unit's character lessened;

- c. The proposed café has been inspected by the Hammond Fire Dept. on 6/27/23 and HFD signed off on the business license application;
 - d. On 5/23/23, the Lake County Health Dept. granted Food Service Permit No. 538121-23 to Life's Café;
- 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 reuse of a vacant storefront will help stabilize the property values in the area and improve property value outlooks;
 - b. As Verona's Pizza occupied this building for decades and then Restaurant Tarascos, use as a restaurant with limited seating will not substantially affect existing character of adjacent neighborhood;
 - c. The vehicular ingress/egress points to property, off of both Hohman Ave. and Kenwood St, will remain the same.
- 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. The proposed café is a mix of take-out and limited seating;
 - b. The proposed café has a limited menu and is not a full-service restaurant with a commercial kitchen;
 - c. Maximum employees on shift will be no more than two (2);
- 4. The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.**
- a. Hohman Ave. is a local arterial road and its recent redesign increases on-street public parking and the lane restriping lends itself to slowed-down traffic visiting local business as well as to cyclist traffic;
 - b. Existing utilities will be utilized and thus no need to upgrade the service line connections;
 - c. There is no impact on the nearby Kenwood Elementary School.
- 5. The approval will not have an adverse impact on the environment or natural resources.**
- a. The site is in a developed urban setting and not adjacent to any natural or sensitive areas;
 - b. Upon completion of the paved parking lot, stormwater management will be in compliance with applicable regulations;
 - c. A parking lot in compliance with landscaping reduces amount of hard surface on the site.

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

- a. The property is not identified on the 1996 Lake County Interim Report;
- b. The property is not listed in the State Register of Historic Places;
- c. The property is not listed in the National Register of Historic Places;
- d. The property is not a locally designated landmark by the City of Hammond;
- e. There are no known historical nor archaeological resources on-site.

7. The approval does not substantially interfere with the comprehensive city zoning plan.

- a. "Restaurant/Café" is an allowed conditional use in a C-1 Local Commercial District when approved by the Hammond Advisory Board of Zoning Appeals.
- b. The conditional use permit will be subject to approval of the developmental variance in BZA Case No. Z-23-12 regarding maximum number of customer seats;
- c. Commercial structures along a local arterial and on the periphery of a residential area is common in the older parts of Hammond and would not interfere with the intent of the comprehensive city zoning plan;
- d. The 1992 Comprehensive Land Use Plan's designation of "Office" to the east side of the 5900 thru 6200-blks of Hohman Ave. is a type of commercial use and not in conflict with the proposed commercial use of a storefront unit.

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

- a. The petitioner and business tenant will be able to comply with all other applicable Zoning sections, paying special attention to Titles I, VII, XVIII, XIX, XX, XXI, and XXII.
- b. The petitioner will work with the property owner in improving the parking lot in accordance with Zoning Ordinance provisions.

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

- a. This standard is not applicable to this commercial/food service use.

Chairperson Hill asked for a motion to adopt the staff report as presented by staff and to adopt the Finding of Fact into the record (Z-23-11). Ms. Ragin so moved, seconded by Mr. Brock. Roll call vote. Nancy Ragin/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 conditional use (Z-23-11) subject to 1) Approval by the Advisory Board of Zoning Appeals of the developmental variance case known as Z-23-12, and compliance with all of that case's conditions;

2) Property owner or otherwise responsible party must, in a timely manner, complete improvements necessary for the main entrance to comply with ADA guidelines. Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Nancy Ragin/yes; Roger Brock/yes; William Hutton/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions", 1 "Absent". Motion carried.

Chairperson Hill asked for staff to read the staff report recommendations (Z-23-12), however it is included in its entirety.

Background

Latrice Riggins, petitioner herein, entered into a lease with the property owner in Summer 2023 for a storefront unit at 6255 Hohman Ave. on the property (parcel) known as 6257 Hohman Ave. The property is zoned C-1 Local Commercial District, as is common on Hohman Ave. There are two commercial units in the front of the 1st floor, and there are two residential units (registered rentals) split across the 2nd floor and rear of the 1st floor.

Petitioner's business is known as Life's Café. Life's Café occupies the 1-story north commercial unit in front and utilizes the common address 6255 Hohman Ave. The commercial unit to the south is host to Restaurant Tarascos and utilizes 6257 Hohman Ave. as their common address.

To the north is similarly zoned C-1 Local Commercial District, including an attorney's office next door. To the south is the Oak Hill Cemetery, zoned S-1 Open Space and Recreational District. To the west, across Hohman Ave, is the R-1 Single Family Residential neighborhood of Kenwood. To the east is an 18-unit apartment complex constructed circa 1971 and with parking in front and rear. It is zoned R-3 Medium Density Residential District.

The café maintains its main entrance adjacent to the front public sidewalk and to a proposed row of six (6) off-street parking spaces. A site plan submitted by the owner in recent years shows room for at least fourteen (14) off-street parking spaces in vicinity of the building. A recent restriping of Hohman Ave. has added new on-street parking, including in front of the café. Though it cannot be confirmed at this time, perhaps as many as nine (9) new on-street parking spaces in front have been created. This on-street parking cannot be counted in the final parking space count but are worth noting here.

Petition

A restaurant café (See T/S 1.50) is defined as being a restaurant with a maximum of 9 seats. The petitioner seeks this developmental variance to increase the number of seats above what is allowed for a restaurant café. The petitioner is requesting a seating capacity for a maximum of twenty (20) seats. Petitioner is currently seeking a conditional use permit for a restaurant café use in a C-1 District via BZA Case No. Z-23-11.

The petitioner is providing only a maximum of 6 tables with 16 chairs, but is requesting up to 20 seats to allow for future expansion should the need arise. Hours of operation would be 10am-6pm and closed on Sundays. No more than two (2) employees on shift at one time. It is expected that the majority of customers will be carry-out and many will order only quickly-served drinks to-go.

Analysis

The primary concern of City Staff in this case is the off-street parking situation. The current understanding of the property – one restaurant café, a pre-existing restaurant that does meet the definition of restaurant café but not formally approved, and two residential rental units – lends itself to the following breakdown of required off-street parking spaces –

The number of proposed seats at Life's Cafe (north unit) is 16; consisting of 4 tables with 2 chairs and 2 tables with 4 chairs. Future expansion would be to add 4 more seats (up to 20).

The number of seats at Restaurant Tarascos (south unit) is 8; consisting 2 booths of 4 chairs each.

Parking requirements for cafés per 20.44.14 – One space for every 3 seats.

-20 seats / 3 = 6.67 = 7 spaces (Life's Café)

-8 seats / 3 = 2.67 = 3 spaces (Restaurant Tarascos)

-2 residential units x 1.5 = 3 spaces (Residents)

-2 employees in each restaurant = 4 spaces

TOTAL: 17 (seventeen) off-street parking spaces required

With 16 seats for Life's Café is 5.33 = 5 spaces.

TOTAL: 15 (fifteen) off-street parking spaces required.

The proposed parking lot striping plan shows fourteen (14) off-street parking spaces, including the ADA van accessible space. To the west of the detached garage on north

end of parcel, an additional two (2) parking spaces are possible but not currently shown on the proposed parking plan which would result in probable 16 spaces.

Currently, the majority of the parcel's surface is unpaved and covered by aggregate/gravel and is not in compliance with the Zoning Ordinance. Negotiations will continue with the property owner regarding an acceptable timetable for work to be completed and for plans to be finalized for a viable paved, drained, striped and landscaped parking lot. Plans must be submitted and approved by City Staff including the City Engineer.

It must be noted that currently there are large commercial trucks being stored on-site illegally on gravel surface. A banner sign illegally installed on a fence on east end of property advertises "Outdoor Parking Space Available." This must be addressed by owner and such a use and such signage must be brought into compliance.

While the petitioner does not expect full occupancy of all interior seating by customers, she still proposes sixteen (16) seats to give patrons space to spread out and groups the opportunity to sit together. This request is with the understanding full occupancy is not the daily goal, but rather a comfortable environment for customers is petitioner's goal.

A quick-service café with a focus on hand-held foods and drinks served "to go" lends itself to a quick turnover of patrons. Thus, both seating and parking should become available as quickly as needed. The limited seating and free Wi-Fi do offer customers the option to sit down to study and work, akin to an Internet or computer café, but surpassing customer capacity is not a concern of the petitioner excepting for rare special events which petitioner will have prepared for beforehand. Petitioner wishes to have sufficient seating for any such rare special events, such as presentations on diabetes prevention, if they do occur.

Hohman Ave. is designated a local arterial in the City's road classification map. This is a highly visible corner location with a large parking lot and two points of ingress/egress (on Hohman Ave. north of building and the other on Kenwood St. in rear.) During the summer of 2023, restriping was undertaken to shrink the four (4) vehicle lanes to two (2), with parallel cycling outer lanes and on-street parallel parking. One of the goals of this infrastructure change is to offer more convenient and free parking for patrons of Hohman Ave. businesses.

Review and Approvals

City Planning staff has reviewed materials provided by the petitioner.

Any future changes to the proposed parking lot site plan must be reviewed and approved by the City Engineer and City Planning staff. A finalized site plan is forthcoming.

Ron Novak, the Director of the Hammond Department of Environmental Management (HDEM), wrote a memo on August 28, 2023, making his argument for the necessity of a paved parking lot and stormwater drainage on-site and for it to be installed as soon as possible.

There were no objections from the Building Commissioner, Chief Fire Inspector, nor Superintendent of Wastewater Management.

This commercial unit was inspected by the Hammond Fire Dept. and Hammond Code Enforcement on Tuesday, June 27, 2023, and the Hammond Fire Dept. signed off on Life's Café city business license application at that time. The owner did pass a background check conducted by the Hammond Police Dept. in June 2023.

On Tuesday, May 23, 2023, the Lake County Health Dept. granted Food Service Permit No. 538121-23 to Life's Café, which is valid through March 1, 2024.

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.

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 by the Advisory Board of Zoning Appeals of the conditional use permit case known as Z-23-11;
- 2) Property owner or otherwise responsible party must, in a timely manner, complete improvements to the parking lot, including but not limited to additional

- landscaping, paving, drainage, and restriping of spaces in accordance with Zoning Ordinance and ADA guidelines;
- 3) No storage of any vehicles nor leasing parking spaces to non-owners or non-tenants if such storage utilizes parking spaces intended for business tenant employees and customers or for residential tenants of the primary building;
 - 4) No storage of junk vehicles on-site;
 - 5) Indoor seating for customers limited to no more than sixteen (16) seats with an allowance for up to twenty (20) seats once a parking lot design is prepared and installed to accommodate both twenty (20) seats and all other uses 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.

FINDINGS OF FACT

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - a. The storefront is large enough to accommodate up to twenty (20) seats. Usually only one or two (1-2) employees will be on duty, and petitioner does not expect full occupancy by customers save for exceptional special occasions;
 - b. The proposed use is to reoccupy a vacant storefront.
 - c. The restaurant café has received its approval from the Lake County Health Department and the Hammond Fire Department.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - a. A properly paved, drained, and striped parking lot will not be a burden on the adjacent uses.
 - b. There is no residential street parking adjacent to business;
 - c. The café with enough seating to serve the community adds to property values and property value outlooks;
 - d. The vehicular ingress/egress points to property, off of both Hohman Ave. and Kenwood St, will remain the same.
3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.
 - a. The definition of café as a restaurant with no more than nine (9) interior seats. An allowance for additional seats can be provided if the parking lot is paved, drained, and striped for the required number to allow for twenty (20) seats.

Chairperson Hill asked for a motion to adopt the staff report as presented by staff and to adopt the Finding of Fact into the record (Z-23-12). Mr. Brock so moved, seconded by Ms. Ragin. Roll call vote. Nancy Ragin/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-23-12) subject to the 5 conditions. Mr. Brock so moved, seconded by Ms. Ragin. Roll call vote. Nancy Ragin/yes; Roger Brock/yes; William Hutton/yes; Kathleen Hill/yes. 4 "Ayes", 0 "Nays", 0 "Abstentions, 1 "Absent". Motion carried.

Z-23-13 Petition of Evelyn Reynolds for a conditional use regarding T/S 7.11 to allow a place of assembly not to exceed 50 persons AKA a combination event space and dance studio in a C-1 Local Commercial District located at 2732-38 165th Street in the City of Hammond

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

Evelyn Reynolds, and Jessie Williams, 338 Bensley Avenue, Calumet City, IL, 60409 represented the petitioner. Ms. Reynolds stated she was proposing to open a dance studio and event center. The petitioner stated she has been doing events for ten (10) years and running a dance studio for kids for fifteen (15) years. The event space would accommodate a maximum of fifty (50) people. The ages would be thirty (30) and over (no teenagers) parties. The event space would service repast, baby showers, birthday parties, and baby showers. The dance studio would accommodate a maximum of twenty-five (25) students ages five (5) to seventeen (17).

Jessie Williams, 338 Bensley Avenue, Calumet City, IL 60409, stated the dance studio trains kids for parades, and was a place to keep kids from off the streets.

Ms. Reynolds stated the Hammond Fire Department inspected the property and exit signs were the only things needed. The exit signs have already been put up. The inspector also advised her the fire occupancy was fifty (50) people.

Mr. Poland asked for the operating hours. Ms. Reynolds stated the hours were Monday-Thursday 12 p.m.-9 p.m., and Friday-Sunday 7 p.m.-12 a.m. The dance studio would be open on Monday and Thursday from 6 p.m.-8 p.m. Mr. Poland asked if repast and baby showers were during the day. Ms. Reynolds stated "Yes".

Chairperson Hill asked if food and alcoholic beverages would be served. Ms. Reynolds stated "No". The renter would bring in their own food and no alcohol would be served. Mr. Novak further stated that a licensed caterer would be hired to bring in food.

Mr. Hutton asked if alcohol would be served and food preparation. Ms. Reynold stated there would not be alcohol served or food prepared.

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

Chairperson Hill opened the floor for public comments.

Jim Cameron, Owner, Freddie's Steakhouse, 6442 Kennedy Avenue, Hammond, IN 46323

- Big building with no parking. Does not want their people to use his parking lot.
- His business is open Friday-Sunday and does not want a conflict with people, or people scaring away his customers.
- There was a party the previous Sunday with cars parked all over.
- There was a "We do catering sign" on the door.
- Why are kids at the building at 11p.m.-12 a.m.
- Does not believe the building was right for them. If the whole building is used will there be 100-200 people present. Are there enough bathrooms for 50, 100, 200 people. Where will they park.
- Worried about alcohol, will there be alcohol,
- A lot of pop up places
- Why do they have to be open at 11-12 a.m.
- His people might be scared to come out if there are cars all over and don't want to fight over parking. An additional parking lot would be needed.

Ms. Reynolds stated the other half of the building was storage used by the owner. There was additional parking on the side of the building. The dance team practiced after school from 6-8 p.m. There were not any late practices. Ms. Reynolds further stated there were not any parties after 12 a.m.

Mr. Poland stated there was a concern that alcohol was being brought into the venue and not having a license to bring liquor into the venue would become a problem. Mr. Poland further stated to Ms. Reynolds that all appropriate efforts to prevent alcohol from being brought into the venue should be done by her. Mr. Poland stated a

recommendation would be added to establish a formal policy of no alcohol at events. Ms. Reynolds further stated there was security at all events.

Rakesh Kumar, Owner of venue, 10244 Apple Court, Munster, IN 46321. Mr. Kumar stated Freddie's Steakhouse was not adjacent to the property and he did not believe people would come across the street to park.

Chairperson Hill asked if the venue was currently operating. Ms. Reynolds stated "Yes". Chairperson Hill asked how many people have been in attendance previously.

Ms. Reynolds stated there have not been more than fifty (50) people in attendance. The maximum for dance has been twenty-five (25). Chairperson Hill asked if the restrooms facilities were ok. Ms. Reynolds stated the fire inspector stated it was good. Mr. Poland asked if the Building Department has been out to inspect. Ms. Reynolds stated "No". Mr. Poland further advised Ms. Reynolds that the Building Department was the appropriate department to make this determination. Mr. Poland further stated that an inspection by the Building Department would be added to the conditions.

Mr. Poland addressed the parking lot designs. The window company used the parkway off of the side street for parking spaces, but this could not technically be counted because they were in the public right of way. Typically, it's not allowed to back into a street. Parallel spaces would be typically be found on a public street.

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-23-14), however it is included in its entirety.

Zoning Citation

• **Case No. Z-23-13: Title VII C-1 Local Commercial District, Section 7.11** Conditional Uses, **Subsection # 6** Places of worship, places of assembly, not to exceed 100 persons.

Background

The subject property, commonly known as 2732-38 165th St, is a 0.33-acre, rectangular-shaped parcel located on the south side of 165th Street. The site hosts a vacant

commercial building of 7658 SF which was a former retail showroom that features an open floor plan. This was previously Jack's Wholesale Windows & Design. The paved rear yard, which needs repair and restriping work, does feature a central drainage structure and measures 58' x 114' (6,612 SF).

165th Street is designated a local arterial in the City's road classification map. The site sits on 165th St. between Marshall Ave. and a Marathon gas station. Marshall Ave. is a local one-way north bound residential street except that two-way traffic is permitted along the west side of the subject property. This provides access to the private parking lot and the public alleyway in the rear. The site sits one block west of a traffic signal-controlled intersection with Kennedy Ave, another local arterial.

To the west, north, and east of the subject parcel are commercially-zoned properties. West of the subject site is the Village Discount Outlet Store and parking lot zoned C-1 Local Commercial District. To the north, it is zoned C-4 General Commercial District and is the location of a used automobile sales lot. To the east, also zoned C-4, is a gas station/convenience store. To the northwest are two multi-building apartment complexes zoned R-3 Medium Density Residential District. To the south and southwest is a R-1U Urban Single-Family Residential District.

The subject property sits on the border of "commercial" and "low density residential" land use designations in the 1992 City of Hammond Comprehensive Land Use Plan. In the 2001 Hessville Neighborhood Plan, this stretch of 165th St. is a part of the area highlighted for "Kennedy Avenue commercial corridor revitalization."

The closest "event space" venue is 63 Social (former union hall) at 6333 Kennedy Ave and is 775' distant. Galaxy Hall sits about 1,400' away from subject parcel. Both of these businesses offer a space fairly larger than petitioner's business will offer. There are a couple of smaller event spaces on Kennedy Ave. but are farther away from subject parcel than the aforementioned two.

Petition

The petitioner, Evelyn Reynolds, is the sole business tenant at 2732-38 165th St. She plans to open The Celebration Center. This is a place of assembly and will function as an event space that hosts both family events such as funeral lunches and graduation parties, and entrepreneurial events such as local business networking lunches/dinners. Twice a week, the petitioner will host practice sessions for youth dance ensembles/teams.

Analysis

Two preliminary parking lot striping plans are included with petitioner’s submission. These are not to scale. To-scale and engineered drawings are required.

Required parking is based on 30% of the occupancy plus employees. The Table provides the range of off-street parking spaces versus the maximum occupancy limit for the place of assembly.

# of Required Parking Spaces	Max Occupancy for Patrons	Final Max Occupancy (+ 3 employees)
17	47	50
16	44	47
15	41	44
14	38	41
13	34	37
12	31	34
11	28	31

The two preliminary parking lot striping patterns show possible number of spaces of 16 to 17. This would allow for a maximum occupancy between 44 and 47, plus 3 employees. Upon final to scale and engineered drawings, the number of parking spaces may change. The final design is subject to regrading, location of a dumpster, and other technical factors. The photos shown the deteriorated condition of the parking lot including a degraded surface with multiple potholes, faded striping pattern, evidence of poor drainage/pooling, and missing landscaping. The location of the van accessible space is dependent upon ADA regulations for the surface area not having a slope greater than 2% as well as being on the shortest path of travel to the main entrance.

Petitioner did seek approval to use the adjacent Village Discount Outlet. The Outlet would not enter into a formal lease agreement. Staff is concerned that the residential neighborhood that is negatively impacted by patrons parking on the residential streets.

The owner and petitioner/tenant understand this this way of limiting max occupancy to a number under fifty (50) based on the unverified number of spaces. Petitioner is prepared to operate in accordance with the limit the Board sets out in the conditions.

Petitioner has proposed three (3) ADA van accessible space options:

- 1.) NW corner, with a minimum 72' travel distance. This is currently not an option as-is and may not be possible given the regrading and final slope of the NW corner. A retaining wall could necessitate moving access aisle to opposite side of space, thus increase minimum travel distance by 31' 10" to 103' 10" total.
- 2.) SW corner, with a minimum 109' 2" travel distance. The SW corner slope's much less steep than the NW corner and increases travel distance only by the width of the drive aisle – 16' 4".
- 3.) First space to the west of the staircase and near middle of the north row, with a minimum travel distance of 138' 3". Necessitates 45'+ of extra travel distance while inside a drive aisle.

Given that potential regrading designs may eliminate options, and placing value on minimal increase in travel distance and paths which do not require travelling parallel with a vehicle drive aisle, the City Planning Staff are prepared for an ADA space at the SW corner proposal.

The 2001 Hessville Neighborhood Plan states a goal of: "Vibrant, attractive commercial areas that provide residents with convenient, comparative options for good and services and invite visitors to shop, dine, and enjoy." Commercial Area Objective #6 states, "Target opportunities for redevelopment of marginal, obsolete and vacant commercial properties" and Objective #13 states, "Minimize the negative impact of commercial activities on neighboring land uses." These two objectives summarize the opportunity and conflict found in this conditional use request.

Consideration needs to be given towards the hours of operation, noise, liquor, food service/catering regulations, property maintenance, event security, lighting, and privacy/buffering (landscaping, fencing, etc.) towards the neighborhood.

Reviews and Approvals

City Engineer has reviewed and offered preliminary feedback on parking lot striping patterns proposed by petitioner, but City Engineer has significant concerns regarding grading that must be addressed with engineered drawings before any conclusions can be offered.

The Fire Department Chief Fire Inspector found the open concept floor plan acceptable as an event space. He confirmed the backdoor exit “panic bar” allows it to function as a secondary emergency exit. He requested miscellaneous items to be addressed prior to occupancy. Some have already been corrected. The Fire Department will conduct additional inspections as necessary for the business license application and occupancy permit.

There are tentatively no objections from the Building Commissioner, Chief Fire Inspector, Superintendent of Wastewater Management, nor Director of the Hammond Department of Environmental Management.

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 will 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 the following ten (10) conditions:

- 1.) Submittal, technical review, and final approval of engineered drawings for the parking lot, including grading, and of the parking lot striping plan by City Staff;
- 2.) That until such drawings and plans are approved by City Staff and the necessary work to parking lot is completed by a licensed contractor, the maximum occupancy of the building shall remain in accordance with that prescribed under Zoning

Ordinance T/S 20.42.01(F), which dictates the minimum number of off-street parking spaces available must equal three (3) spaces more than 30% of the maximum occupancy limit of building and that max occupancy shall be a number less than fifty (50) persons;

- 3.) That the necessary work to the parking lot be completed by a licensed contractor and the work be inspected and passed by the City of Hammond Inspections Dept. no later than by Friday, December 1, 2023;
- 4.) An appropriate 6' tall barrier (privacy fence or approved alternative) is erected between the south row of parking and the alleyway in rear of property;
- 5.) Food service and/or catering is subject to the Lake County Health Department provisions; No offering or selling any alcoholic beverages on-site unless through a licensed catering service and no unlicensed "B.Y.O.B." policy for patrons allowed;
- 6.) Hours of Operation are limited to 11 PM Sunday to Thursday, 12 AM Friday and Saturday. Ceasing amplified music by 30 minutes before the specified closing times, except for allowing 1:00 AM being open on New Year's Day and amplified music ceasing by 12:45 AM.
- 7.) Compliance with City of Hammond Municipal Code Chapter 97, which is in regards to the City of Hammond's noise ordinance;
- 8.) Compliance with Hammond City Code Chapters 94, 98, 101, 132, 150, and 160, and in particular sections enforcing litter, junk, trash receptacles, snow removal, and the harboring of a public nuisance, as to maintain a sanitary, safe, and aesthetically pleasing property;
- 9.) Compliance with public restroom requirements per the International Building Code (IBC) and as deemed necessary by the City Building Commissioner.

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

Mr. Kumar stated he had plans to regrade the parking lot and accommodate ADA space on the southwest corner. The property was vacant for a long time there has been deterioration because there had not been any upkeep.

Mr. Poland stated an engineered site plan that would address the slope and grade changes, and drainage was needed. Mr. Poland further stated a requirement that the parking lot would need to be properly engineered and approved before any further activities take place in the building.

Mr. Hutton stated proper lighting was a concern with the building being open until midnight. Mr. Poland stated lighting was directed away from residential property and

there was discussion about a fence being installed around the property. Mr. Hutton asked who determines the occupancy of the building. Mr. Poland stated the Fire and Building Department determine the building occupancy. The Zoning Ordinance has a parking ratio that was based on the physical number of spaces that can be accommodated on the property and applying the zoning ratio determines the number of parking spaces based on zoning. This was the determinant of the fifty (50) occupancy. Mr. Hutton asked how would the parking across the street be handled. Mr. Poland stated consideration of patrons going into the neighborhood was looked at. Marshall Street was a one way street that would help to prevent this. The petitioner had a discussion with the Village Outlet. The business was not able to make a formal agreement due to liability issues.

Mr. Poland further stated there were spaces that could not be technically counted but exist.

Chairperson Hill asked if the petitioner was able to operate with the parking lot not finished. Mr. Poland stated this was the same concern as the previous case. The petitioner should not operate until the parking lot was addressed. The owner was present and the owner was aware that the parking lot needed to be addressed. This was a significant difference from the previous case with the property owner being absent.

Mr. Hutton asked if there was a time frame for the parking lot to be completed. Mr. Poland stated this could be addressed as a condition. Mr. Novak asked the owner have a time frame in which he could complete the parking lot. Mr. Kumar stated a couple of month and requested to allow the space to be utilized in the meantime with his guarantee of addressing the issues. There was discussion on an interim parking design.

Mr. Hutton asked if someone is parked on someone else's property who addresses this concern. Mr. Poland stated with proper notification he believed this would become a police matter.

Chairperson Hill asked if the staff had a completion date in mind. Mr. Novak stated the staff report recommended December 31, 2023. There was further discussion on the recommendations. There was an additional discussion on licensed caterers with alcohol licenses.

Mr. Novak stated the business license process was still in progress and an inspection would be done by the Building Department. Mr. Poland further stated that if the

petitioner was operating without a business license and without a conditional use permit by the BZA the petitioner was operating in violation of two (2) city codes.

Mr. Hutton asked if the building was being used for functions without a license presently. Mr. Poland stated based on the current information "Yes".

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

FINDINGS OF FACT

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - a. The petitioner proposes to operate a place of assembly to host private events of no more than 50 persons at any one time (Subject to approved parking plan);
 - b. The petitioner will comply with the specified conditions;
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 petitioner will comply with the specified conditions;
 - b. The use is located on an arterial street at the periphery of a residential neighborhood.
 - c. Existing on-site rear parking lot will be utilized;
 - d. One-way northbound traffic on Marshall Ave. to the south of subject parcel means patrons will have a harder time entering and parking in the residential neighborhood;
 - e. Occupying a vacant storefront will improve property's value and adjacent property values.
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. The closest comparable event space is the event space and event venue Social 63 at 6333 Kennedy Ave, which is 775' away from subject parcel and Galaxy Hall at 6723
 - b. Kennedy Ave. is about 1,400' away from subject parcel. Both offer a space larger than the petitioner's;
 - c. The maximum occupancy will be restricted based on the number of parking spaces and the ratio of 30% of occupancy [T/S 20.31.01(F)]not to exceed fifty(50).
4. The approval will not have an adverse impact on the transportation network, public utilities and educational facilities.
 - a. No change to ingress/egress curb cuts on Marshall Ave. and on rear alleyway;

- b. 165th St. and Kennedy Ave. are both local arterial roads that provide east-west and north-south access to the entire width and length of the south end of City of Hammond;
 - c. No impact on educational facilities, and no educational facilities nearby.
5. The approval will not have an adverse impact on the environment or natural resources.
- a. The site is in a developed urban setting and not adjacent to any natural or sensitive areas.
6. The approval will not have an adverse impact on historical, architectural, cultural and archaeological resources.
- a. The property is not identified on the 1996 Lake County Interim Report;
 - b. The property is not listed in the State Register of Historic Places;
 - c. The property is not listed in the National Register of Historic Places;
 - d. The property is not a locally designated landmark by the City of Hammond;
 - e. There are no known historical nor archaeological resources on-site.
7. The approval does not substantially interfere with the comprehensive city zoning plan.
- a. The subject property sits on the border of "commercial" and "low density residential" land use designations in the 1992 City of Hammond Comprehensive Land Use Plan;
 - b. In the Hessville Neighborhood Plan, Commercial Area Objective #6 states, "Target opportunities for redevelopment of marginal, obsolete and vacant commercial properties."
8. The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.
- a. The petitioner and business tenant will comply with all other applicable Zoning sections, paying special attention to Titles I, VII, XVIII, XIX, XX, XXI, and XXII;
 - b. The petitioner will work with the property owner in improving the parking lot in accordance with Zoning Ordinance provisions.
9. The approval will provide for reasonable accommodation pursuant to Section 24.53.
- a. This standard is not applicable to this commercial use.

Chairperson Hill asked for a motion to adopt the staff report as amended by staff and to adopt the Finding of Fact into the record (Z-23-13). Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Nancy Ragin/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 conditional use (Z-23-13) subject to the 10 conditions. Mr. Brock so moved, seconded by Mr. Hutton. Roll call vote. Nancy Ragin/no; Roger Brock/yes; William Hutton/yes; Kathleen Hill/yes. 3 "Ayes", 1 "Nays", 0 "Abstentions, 1 "Absent". Motion carried.

COMMISSIONER COMMENTS

There were none.

STAFF COMMENTS

Mr. Poland stated there would be a September 26, 2023 meeting. The U-Haul petition that was tabled in January 2023 would be on the agenda. Chairperson Hill asked if the previous packet would be needed. Mr. Poland stated "No".

Chairperson Hill requested that the October 31st meeting be looked at for a date change. Mr. Poland asked the Board if they wanted to make a change to the meeting date. There was no conclusion and no change to the meeting date.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

Chairperson Hill motioned to adjourn the meeting. "Ayes" all. The meeting was adjourned at 7:43 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: 9/26/23