

**CITY OF HOBART BOARD OF ZONING APPEALS
MINUTES OF AUGUST 6, 2020**

Stuart Allen called the meeting to order at 6:00 p.m. with the recitation of the Pledge of Allegiance followed by a moment of silence. Members in attendance: Stuart Allen, John Brezik, Ron Jackson, Jason Spain and Scott Gregory. Also in attendance: Phil Gralik, City Engineer; Sergio Mendoza, City Planner; Ross Pietrzak, Zoning Administrator and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Brezik motioned to approve the minutes of July 2, 2020 as presented seconded by Mr. Gregory. All ayes, motion carried. (5-0)

Communications/Acceptance of Agenda: Mr. Brezik motioned to approve the agenda as presented seconded by Mr. Gregory. All ayes, motion carried. (5-0)

New Business

1. **20-07** Mark Hovanec (Petitioner/Agent) 337 N. Liverpool Rd. located approx. 1,600' south from the SE corner of Liverpool Road & Old Ridge Road, Sec. 154.214 (D), zoned M-1, 19 acres +/-

Request: **Tabled Public Hearing:** Conditional Use

Purpose: To allow to operate a concrete recycling facility

Approved X Denied Deferred Vote 5-0

Speaking on behalf of Mark Hovanec was Steve Hovanec. Mr. Allen opened the public hearing for Petition 20-07. *Chris Wells, councilman for the district, 771-6084 was in favor of the business. He stated that he has worked at the facility and has not experienced it being loud, creating dust or affecting the neighbors. He also stated they allow the public to drop off used concrete for recycling purposes. Dave Scheeringa has used their products and felt it is a good addition to Hobart. Was in favor of the use.* Hearing no further public comments Mr. Allen closed the public hearing. Mr. Mendoza explained that if the board approves the conditional use, it should be based on the Findings of Fact with imposed conditions, if any. It will then be presented to the Plan Commission for their determination as to whether it is compatible with the Comprehensive Plan and will forward a favorable or unfavorable recommendation back to the BZA. He explained that under the Comprehensive Plan for conditional uses it states concrete and cement products, batch plants; should only be located on roads that can handle the weight of the trucks associated with transporting materials to and from the site. Ideally would be located close to primary arterials and highways for this purpose. Concrete plants and the like should not be in areas that are directly adjacent to dense residential development. Mr. Hovanec mentioned the facility has been in operation for at least 20 years. Mr. Mendoza stated that in past years plans and petitions have been presented to the BZA and Plan Commission for rock crushing, a storage facility and slurry plant but not as a use for concrete recycling plant. Also mentioned was that in 2006 the City filed a lawsuit against the Hovanec property which was settled with an extensive list of terms to be met for the property. He stated that due to the City having

received numerous complaints regarding the management of the operation of the facility prompted the Plan Commission to request Mr. Hovanec to return for site plan. It was found that the property owners were in violation of the original site plan. It was also found that they were operating a concrete recycling plant which was only permitted in an M-1 District under a conditional use approval. Mr. Hovanec explained that his brother, Mark, was not involved in the operation of the facility at the time of the lawsuit. Since then Mark has purchased a modern crusher with a dust suppression system. The closest neighbor is 500' away and the noise level for the crusher at 100' is equivalent to a diesel truck. The entrance to the facility is off Liverpool Road which is classified as a minor arterial road and is adequate for the trucks. Mr. Allen inquired as to the Liverpool Road right of way. It was noted there was only 25' and 40' is required. Mr. Spain also inquired as to the hours of operation and if there was state or local standards which needs to be followed with crushed concrete. Mr. Hovanec stated typically the hours of operation were 7:00 a.m. to 4:00 p.m. and IDEM, for the most part, is the regulatory body. Mr. Gralik mentioned it falls under Rule 6. Mr. Spain motioned to Approved Petition 20-07 contingent upon receiving a favorable referral from the Plan Commission, an approved site plan, the stipulations from the 2006 lawsuit, hours of operation from 7:00 a.m. to 5:00 p.m. and to dedicate an additional 15' of right of way along Liverpool Road including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

2. **20-13** Amanda Carroll (Petitioner/Agent) 5112A US Hwy 30 located approx. 0.10 mile east from the NE corner of US Hwy 30 & Clay St., Sec. 154.213, zoned M-1, 3.433 acres

Request: **Public Hearing:** Use Variance

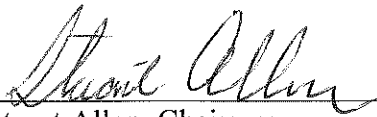
Purpose: To allow a cheerleading/tumbling facility

Favorable Rec. X Unfavorable Rec. Deferred Vote 5-0

Amanda Carroll, 219-765-0432, stated she has outgrown her current facility and is proposing to relocate her classes to a larger facility and is requesting approval. Mr. Allen opened the public hearing for Petition 20-13. *Tara Miller, 219-707-3412 was in favor of the facility. She stated that her daughter has been attending the current facility since it has been open.* Hearing no further public comments Mr. Allen closed the public hearing. Mr. Pietrzak mentioned per a previous site plan approval, the parking lot was to be asphalted and recommended that should the board motion for a favorable recommendation that it be subject to the parking lot be in place. He noted the contractor has filed for a permit but as of yet it has not been approved. Ms. Carroll stated that currently they are not leasing the entire building. The owners are in Florida and are using a portion of the building for storage of personal items. She stated her paving contractor estimated 20 parking spaces based on the portion of space she is leasing. Otherwise if she occupied the entire building, 24 spaces are required. Mr. Pietrzak noted the approval should be for the entire building since they can't expand the use if it is approved for a lesser area. The proposal before the Board is for the entire parcel and the approval will be for the parcel unless stated otherwise. Mr. Brezik mentioned the proposed use is less intrusive than an M-1 use. Mr. Brezik motioned for a Favorable Recommendation to the Common Council for Petition 20-13 with the stipulation the parking lot will be paved and parking spaces marked including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

Staff Consultation/Discussion: None

There being no further comments or discussion Mr. Jackson motioned to adjourn seconded by Mr. Brezik. All ayes, motion carried. (5-0) Meeting adjourned at 6:40 p.m.



Stuart Allen, Chairman



Ron Jackson, Secretary