

**CITY OF HOBART BOARD OF ZONING APPEALS
MINUTES OF SEPTEMBER 3, 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 2018 & 2019 Annual Reports: Mr. Spain motioned to approve the annual reports as presented, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

Approval of Minutes: Mr. Gregory motioned to approve the minutes of August 6, 2020 as presented, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

Communications/Acceptance of Agenda: Mr. Jackson requested to remove Petition 20-15 from the agenda. Mr. Gregory motioned to approve the agenda as amended, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

New Business

1. **20-14** Roxanne Gutierrez (Petitioner/Owner) 3745 Barnes Street located approx. ½ mile south from the SE corner of Barnes St. & Ridge Rd., Sec. 154.042, zoned R-2, 0.09 acre

Request: Public Hearing: Use Variance

Purpose: To allow a proposed kennel

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

Bruce Young, mentioned that his sister has owned the dogs for several years and is requesting approval to keep the 8 Chihuahuas. Mr. Allen opened the public hearing for Petition 20-14. Mr. Jackson read a letter in opposition.

I, Robert Kennedy, object to a dog kennel at 3745 Barnes Street do to the fact of its close proximity to my property. My complaint toward this proposed kennel is: noise from the dogs would be horrendous, the smell of dog feces would be unpleasant and the size of the house is already too small for the occupants that reside there in which the people and dogs safety would be at risk. In conclusion every time a person walks in the adjacent alley behind me and their house, their dogs constantly bark causing a constant noise issue irritation. Mr. Kennedy 219-973-9119 also added that he owns a 6' privacy fence but does not noise, smell or dust if someone goes down the alley. He stated they are within 25' of each other. He felt they have too many dogs. Debby Reeger stated all dogs bark when someone walks past and that they are only requesting to be able to keep the dogs they have. She stated they are fenced in and are cleaned up after. Josh Gutierrez stated he maintains the property. He agreed they are loud but they are dogs and there are several other dogs in the neighborhood that bark. After hearing no other public comments Mr. Allen closed the public hearing. Ms. Reeger stated one of the dogs is 20 years old and have owned it for 20 years one is 18 years old. They have owned the majority of the dogs for at least 8 years. Mr. Mendoza stated according to code, it is considered a kennel due to exceeding the permitted 3 animals. He also stated as in past practice, kennels have not been approved in residential districts particularly due to the petitioners not being able to meet the Findings of Fact, that the hardships were self-imposed. It was felt that permitting kennels in a residential district will set

precedence. Ms. Reeger reiterated by saying they only want to be able to keep the dogs they have and have no intentions of owning any more as they are considered part of the family. Two of the dogs are female and have been spayed and all the dogs are current on their shots. It was noted that code enforcement had visited the residence for a separate matter when he observed the dogs and informed them to apply for a variance. They stated they were aware of the ordinance. Mr. Spain noted he was not in favor of a kennel but also not in favor of them getting rid of their pets. He felt, as in past practice, to set a time frame to allow them to find homes for some of the dogs. Mr. Jackson motioned for an Unfavorable Recommendation to the Common Council for Petition 20-14 with the stipulation they will be given 6 months to rehome five (5) dogs including all discussion and Findings of Fact, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

2. **20-15** Arthur W. Kraft II (Petitioner/Agent) 603 S. Wisconsin St. located ½ mile south from the SE corner of Wisconsin & 3rd Streets, Sec. 154.042, zoned R-2, 0.248 acre

Request: Public Hearing: Use Variance

Purpose: To permit a bait/tackle shop & boat rental facility

Removed X Favorable Rec. _ Unfavorable Rec. __ Deferred __ Vote __

Removed from the agenda at the acceptance of agenda.

3. **20-16** Ralph & Virginia Freimuth (Petitioner/Owner) 202 S. Delaware St. located on the SW corner of Delaware & 2nd Streets, Sec. 154.006(G)(5)(b), zoned R-2, 0.02 acre

Request: Public Hearing: Developmental Standards Variance

Purpose: To encroach 5' into the required 15' front yard setback for a proposed 10'x30' covered front deck

Approved X Denied __ Deferred __ Vote 5-0

Mr. Freimuth proposed to construct a 10'x30' open covered front porch on his house and encroach into the required 15' front yard setback by 5'. Mr. Allen opened and closed the public hearing for Petition 20-16 without public comments. The proposed porch will be free floating and aesthetically match the house. It was noted that the house is situated on a reverse corner lot and in line with other houses facing 2nd Street. Mr. Gregory motioned to approve Petition 20-16 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 discussion Mr. Gregory motioned to adjourn, seconded by Mr. Jackson. All ayes, motion carried. (5-0) Meeting adjourned at 6:28 p.m.


Stuart Allen, Chairman


Ron Jackson, Secretary