

**CITY OF HOBART BOARD OF ZONING APPEALS
MINUTES OF MAY 4, 2023**

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; Heather McCarthy, City Attorney; Connor Miller, Zoning Administrator and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Brezik motioned to approve the April 6, 2023 minutes 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. Spain. All ayes, motion carried. (5-0)

Old Business

1. **23-04** Alexandru Popov (Petitioner/Agent) 669 Lake Street located 130' north from the NE corner of Lake & 7th Street, Sec. 154.042(A), zoned R-2, 0.14 acre

Request: Tabled: Use Variance

Purpose: To address the legal non-conforming status of a multi-unit dwelling

Favorable Rec. ___ Unfavorable Rec. _ Deferred ___ Removed X Vote 5-0

There has been no communication from the petitioner. Mr. Jackson motioned to Remove Petition 23-04 for want of prosecution including all discussion, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

New Business

2. **23-06** James Gerodemos/Chris Gerodemos (Petitioners/Owners) for property located at 3800 W. Lincoln Highway located 180' east from the NE corner of Lincoln Hwy. & Utah St. Sec. 154.172, zoned B-3, 2.8 acres

Request: Public Hearing: Use Variance

Purpose: To allow the operation of a proposed retail fireworks facility

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

Present were James Gerodemos and Attorney Sam Berkman. Attorney Berkman stated James and Chris Gerodemos purchased the property and proposes to operate as a retail firework facility. The facility had been in operation as a retail firework business for 25 years prior to closing approximately a year ago. Mr. Allen opened and closed the public hearing for Petition 23-06 without public comment. Mr. Brezik motioned for a Favorable Recommendation to the Common Council for Petition 23-06 including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

3. 23-07 Joe Morin (Petitioner/Owner) 915 W. 38th Place located 500' west from the SW corner of 38th Pl. & Wisconsin St., Sec. 154.006(G)(5)(a), zoned R-2, 0.2 acre

Request: Public Hearing: Developmental Standards Variance

Purpose: To permit a proposed 5' chain link fence in front yard

Approved X Denied Deferred Vote 5-0

Present was Mr. Morin and stated that he will be removing the overgrown hedges in his front yard which currently serves as a privacy barrier and install a proposed 5' chain link fence. He stated they have several plantings in the front yard and felt the fence would protect the plantings from children and animals running through the yard and to also provide security for him and his wife. Initially the variance was to surround his entire front yard and a gate across his driveway. He revised his variance to install the proposed fence parallel to the east side of the driveway, eliminating the gate across the driveway. Mr. Allen opened and closed the public hearing for Petition 23-07 without public comments. Mr. Morin also mentioned that his neighbor has a dog and was uncomfortable when he was outside. The Board felt to allow a chain link fence in a front yard would set precedence and inquired if he was open to a different style of fence. Mr. Gregory motioned to Table Petition 23-07 including all discussion, seconded by Mr. Jackson. Discussion continued regarding a 4' tall picket fence in which Mr. Morin was agreeable to installing a decorative style fence. Mr. Gregory amended his motion to Approve Petition 23-07 contingent on the petitioner working with staff for fence style and setback of fence including all discussion, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

4. 23-08 Gerra Puentes (Petitioner/Owner) 2440 E. Home Avenue located on the NW corner of Home Ave. & Hillcrest Ave., Sec. 154.006(G)(7), zoned R-2, 0.26 acre

Request: Public Hearing: Developmental Standards Variance

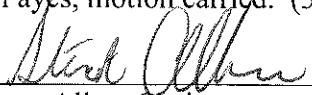
Purpose: To exceed the permitted 864sf for accessory structures by 160sf for a proposed 24'x36' detached garage

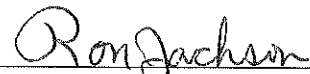
Approved X Denied Deferred Vote 5-0

Present were Michael & Gerra Puentes requesting to construct a proposed 24'x24' detached garage with a 12'x12' roofed over patio. Mr. Puentes stated the proposed garage will be used for personal use and storage. Mr. Allen opened and closed the public hearing for Petition 23-08 without public comments. Mr. Spain motioned to Approve Petition 23-08 with the stipulation only for personal use and not for additional residential living or business use and including all discussion, seconded by Mr. Gregory. All ayes, motion carried. (5-0)

Consultation/Discussion: *Approval of the 2020, 2021 & 2022 Annual Reports:* Mr. Brezik motioned to Approve the annual reports, seconded by Mr. Gregory. All ayes, motion carried. (5-0)

There being no further comments or discussion, Mr. Gregory motioned to adjourn, seconded by Mr. Spain. All ayes, motion carried. (5-0) Meeting adjourned at 6:28 p.m.


Stuart Allen, Chairman


Ron Jackson, Secretary