

**CITY OF HOBART BOARD OF ZONING APPEALS
MINUTES OF MAY 6, 2021**

Mr. 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, Ron Jackson, Jason Spain and Scott Gregory. Member absent: John Brezik. Also in attendance: Phil Gralik, City Engineer; Ross Pietrzak, City Planner and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Spain motioned to approve the minutes of April 1, 2021 & the special meeting of April 20, 2021 as presented, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

Communications/Acceptance of Agenda: Mr. Gregory motioned to approve the agenda as presented seconded by Mr. Spain. All ayes, motion carried. (4-0)

New Business

1. **21-08** Alka Properties LLC (Petitioner/Owner) 7305 Grand Blvd. located 1,300' north from the NE corner of Grand Blvd. & 73rd Ave., Sec. 154.422(H)(5), 2 acres
- Request:** Tabled: Developmental Standards Variance
- Purpose:** To allow an existing 6' chain link fence to remain in the front and side yards
- Approved X Denied ____ Deferred ____ Vote 4-0

Petition was heard with 21-08A.

2. **21-08A** Alka Properties LLC (Petitioner/Owner) 7305 Grand Blvd. located 1,300' north from the NE corner of Grand Blvd. & 73rd Ave., Sec. 154.422(H)(5), 2 acres
- Request:** Tabled: Developmental Standards Variance
- Purpose:** To allow an existing 6' non-coated vinyl chain link fence w/slats
- Approved X Denied ____ Deferred ____ Vote 4-0

Petitions 21-08 & 21-08A were heard together. Present was Alex Kutanovski via Zoom. He proposed to keep the existing chain link fencing for security purposes and in place of inserting the slats, to attach wood cedar panels to the face of the chain link fence & poles which will be seen from the street along with installing landscaping. Mr. Pietrzak mentioned he was unclear as to the benefits of a chain link fence over a wood fence in regards to security. He also noted a double fence has not been requested before. Mr. Spain felt the non-coated chain link fence may set precedence but his main concern is concealing the storage area. Mr. Jackson motioned to Approve Petition 21-08 & 21-08A contingent upon the wood panels completely mask the entire front yard chain link fence from the front, including all discussion and Findings of Fact, seconded by Mr. Spain. All ayes, motion carried. (4-0)

3. 21-10 Gregory & Jennifer Kemp (Petitioners/Owners) 310 S. Wabash Street located 100' south from the SW corner of Wabash & 3rd Streets, Sec. 154.006(F)(7), zoned R-1, 0.35 acre

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 864 sq. ft. for accessory structures by 99 sq. ft. for a proposed 12'x24' shed

Approved Denied Deferred Vote 4-0

Present was Gregory and Jennifer Kemp, 219-742-6282. Mr. Kemp requested to construct a 12'x24' shed for the use of personal storage. Mr. Allen opened and closed the public hearing for Petition 21-10 without public comments. Mr. Jackson motioned to Approve Petition 21-10 including all discussion and Findings of Fact, seconded by Mr. Gregory. All ayes, motion carried. (4-0)

4. 21-12 Dean Denisiuk (Petitioner/Owner) 7663 Colorado Street located approx. ¼ mile south from the SE corner of Colorado St & 74th Ave. Sec. 154.006(F)(7), zoned R-2, 0.94 acre.

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 2 accessory structures by 2 structures

Approved Denied Deferred Vote 4-0

Petition was heard with Petitions 21-12A & 21-12B. Mr. Spain motioned to Approve Petition 21-12 contingent upon the proposed building not to be used as a residence, commercial/business use and the 2 existing structures on the northern property to be removed within 6 months after completion of the pole barn including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

5. 21-12A Dean Denisiuk (Petitioner/Owner) 7663 Colorado Street located approx. ¼ mile south from the SE corner of Colorado St & 74th Ave. Sec. 154.006(F)(7), zoned R-2, 0.94 acre.

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 864 sq. ft. for accessory structures by 1,192 sq. ft. for a proposed 30'x40' pole barn

Approved Denied Deferred Vote 4-0

Petition was heard with Petitions 21-12 & 21-12B. Mr. Spain motioned to Approve Petition 21-12 contingent upon the proposed building not to be used as a residence, commercial/business use and the 2 existing structures on the northern property to be removed within 6 months after completion of the pole barn including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

6. **21-12B** Dean Denisiuk (Petitioner/Owner) 7663 Colorado Street located approx. ¼ mile south from the SE corner of Colorado St & 74th Ave. Sec. 154.006(F)(3), zoned R-2, 0.94 acre.

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 15' accessory structure peak height by 4' for a proposed 30'x40' pole.

Approved Denied Deferred Vote 4-0

Present was Dean Denisiuk 219-805-9880 and Dean Denisiuk, Jr. 219-798-5830. Mr. Denisiuk mentioned his son purchased the property after his father's death. He stated once the new pole barn is constructed, the 2 old and unsafe buildings on the northern property will be demolished within 6 months. A small shed and a screened house will remain. There is no intent of operating a business out of the building. Mr. Allen opened and closed the public hearings for Petitions 21-12, 21-12A & 21-12B without public comments. Mr. Denisiuk, Jr. stated he has been cleaning up the property and will store personal items out of the weather in the proposed pole barn. They were informed with past practice, pole barns are only intended for personal use/storage, there is to be no business operating out of the structure and not used for additional residential living. Also if used to store vehicles, other than tractors, etc., an improved surface (driveway) will be required. Mr. Spain motioned to Approve Petition 21-12B contingent upon the proposed building not to be used as a residence, commercial/business use and the 2 existing structures on the northern property will be removed within 6 months after completion of the pole barn including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

7. **21-13** Jennifer McQuade & Lucas Sgouros (Petitioners/Owners) 6731 Grand Blvd. located approx. ½ mile north of the NE corner of Grand Blvd. & Ainsworth Rd. Sec. 154.006(F)(5), zoned R-1, 20 acres

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 1,294 sq. ft. for accessory structures by 434 sq. ft. for a proposed 36'x48' pole barn

Approved Denied Deferred Vote 4-0

Petition was heard with Petition 21-13. Mr. Jackson motioned to Approve Petition 21-13 contingent upon personal use only, no business/commercial or additional residential living including all discussion and Findings of Fact, seconded by Mr. Spain. All ayes, motion carried. (4-0)

8. **21-13A** Jennifer McQuade & Lucas Sgouros (Petitioners/Owners) 6731 Grand Blvd. located approx. ½ mile north of the NE corner of Grand Blvd. & Ainsworth Rd. Sec. 154.006(F)(3), zoned R-1, 20 acres

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 15' accessory structure height by 6" for a proposed 36'x48' pole barn

Approved Denied Deferred Vote 4-0

Present were Jennifer McQuade 219-308-7229 & Lucas Squoros 219-309-6621. Ms. McQuade mentioned they own 20 acres and grow hay to feed her goats and horses and requested approval for the proposed barn to allow her to store the harvested hay and farm equipment. She stated due to the lack of space, they have to sell the excess hay and as a result, pay extra in the winter months. Mr. Allen opened and closed the public hearings for Petition 21-13 & 21-13A without public comments. Mr. Jackson motioned to Approve Petition 21-13A contingent upon personal use only, no business/commercial or additional residential living including all discussion and Findings of Fact, seconded by Mr. Gregory. All ayes, motion carried. (4-0)

9. **21-14** Peter Cortese (Petitioner/Agent) for property at 530 E. 3rd St. located approx. 40' west of the NW corner of 3rd & Center Streets, Sec. 154.379(F)(1) zoned B-2, 0.13 acre

Request: **Public Hearing:** Developmental Standards Variance

Purpose: To exceed the permitted 50 sq. ft. for signage by 1,198 sq. ft. for a proposed 48 sq. ft. sign & 1,200 sq. ft. mural

Approved Denied Deferred Vote 4-0

Petition heard with Petition 21-14A. Mr. Jackson motioned to Approve Petition 21-14 contingent upon the Historical Preservation's approval of the mural content including all discussion and Findings of Fact, seconded by Mr. Gregory. All ayes, motion carried. (4-0)

10. **21-14A** Peter Cortese (Petitioner/Agent) for property at 530 E. 3rd St. located approx. 40' west of the NW corner of 3rd & Center Streets, Sec. 154.379(F)(2) zoned B-2, 0.13 acre

Request: **Public Hearing:** Developmental Standards Variance

Purpose: To allow signage on the side of the building

Approved Denied Deferred Vote 4-0

Present was Pete Cortese, 219-805-9259. Mr. Allen opened the public hearing for Petitions 21-14 & 21-14A. Mr. Pietrzak read a letter from Brad Miller, Historic Preservation Consultant: *Mr. Pete Cortese attended the April 20 meeting of the Historic Preservation Commission to informally present his proposed mural and receive feedback from the Commission. The proposed mural was welcomed by many members of the Commission, but most of the discussion revolved around how murals and public art in general would be reviewed within the Lake George Commercial Historic District. As of now, the design guidelines established for the district do not directly address murals or public art, but do provide guidance on the treatment of historic surfaces, historically appropriate paint palettes, and to avoid obscuring or damaging architecturally significant details. While the Commission welcomes and encourages a larger discussion about the planning and review of public art in downtown Hobart, they will continue to review proposals for public art on a case-*

by-case basis and weighing what is most appropriate according to the existing design guidelines. For example, in the case of painted murals, the guidelines suggest they should not be applied to historic materials or obscure architectural elements, preferably located on rear or secondary elevations, and should use color palettes that are complimentary to the existing buildings in the district. From Mr. Cortese's presentation, the proposed mural would be applied to modern, already painted concrete block that comprises the side wall of a building. The Commission was not presented with a color palette so they could not comment on its appropriateness. If a variance is approved, the final design of the mural would still need to seek a Certificate of Appropriateness from the Historic Preservation Commission. The Commission also expressed concern over the long term sustainability of public art and the need to identify up front whether or not the artist or property owner is responsible for the upkeep of the art or if there would be a set timeline for its display. This is not to dissuade property owners or artists, but rather to set expectations that can be carried across all public art projects in downtown Hobart. Hearing no further public comments Mr. Allen closed the public hearings for Petitions 21-14 & 21-14A. Mr. Pietrzak mentioned that although the Board may approve the requests, ideally the City prefers a building be reconstructed on the vacant lot and should this occur, the mural and signage will be covered up. He reiterated that comment to Mr. Cortese and the property owner. Mr. Spain motioned to Approve Petition 21-14A contingent upon the Historical Preservation's approval of the mural content including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

11. 21-15 Area Sheet Metal/Dave Leonard (Petitioner/Owner) 400 S. Sullivan St. located 800' north from the NW corner of Sullivan St. & St. Rd. 130, Sec. 154.224 zoned M-1, approx. 4 acres +/-

Request: Public Hearing: Developmental Standards Variance

Purpose: To encroach 16' into the minimum 40' front yard setback for a proposed north building addition

Approved X Denied Deferred Vote 4-0

Petition was heard with Petition 21-15A & 21-15B. Mr. Gregory motioned to Approve Petition 21-15 including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

12. 21-15A Area Sheet Metal/Dave Leonard (Petitioner/Owner) 400 S. Sullivan St. located 800' north from the NW corner of Sullivan St. & St. Rd. 130, Sec. 154.225 zoned M-1, approx. 4 acres +/-

Request: Public Hearing: Developmental Standards Variance

Purpose: To encroach 10' into the minimum 40' side yard setback for a proposed north building addition

Approved X Denied Deferred Vote 4-0

Petition was heard with Petition 21-15 & 21-15B. Mr. Gregory motioned to Approve Petition 21-15A including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

13. 21-15B Area Sheet Metal/Dave Leonard (Petitioner/Owner) 400 S. Sullivan St. located 800' north from the NW corner of Sullivan St. & St. Rd. 130, Sec. 154.226 zoned M-1, approx. 4 acres +/-

Request: Public Hearing: Developmental Standards Variance

Purpose: To encroach 28' into the minimum 50' rear yard setback for a proposed north building addition

Approved X Denied Deferred Vote 4-0

Present were Dave Leonard, 856 Main St., 942-7270 & Dave Leonard, Jr., 712-8349. Mr. Leonard proposed an addition to the northern portion of the business that will house a plasma cutter and an overhead crane. Mr. Allen opened and closed the public hearings for Petitions 21-15, 21-15A & 21-15B without public comments. Mr. Pietrzak mentioned the Fire Department noted that although it would difficult for them to provide adequate fire service to the building, due to the size and Building & Fire Codes requirements they were comfortable with the project. Mr. Gregory motioned to Approve Petition 21-15B including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

14. 21-16 William Kaminski (Petitioner/Owner) 6787 E. 83rd Ave. located 0.18 miles east From the SE corner of Grand Blvd. & 83rd Ave. Sec. 154.006(F)(3) zoned R-1, 3.11 acres

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 15' peak height for accessory structures by 4' for a proposed 30'x40' pole barn

Approved Denied Deferred X Vote 4-0

Petition was heard with Petition 21-16A. Mr. Gregory motioned to Table Petition 21-16 to allow the petitioner to provide a revised aesthetics of the structure with landscaping including all discussion, seconded by Mr. Spain. All ayes, motion carried. (4-0)

15. 21-16A William Kaminski (Petitioner/Owner) 6787 E. 83rd Ave. located 0.18 miles east From the SE corner of Grand Blvd. & 83rd Ave. Sec. 154.051(c) zoned R-1, 3.11 acres

Request: Public Hearing: Developmental Standards Variance

Purpose: To encroach 20' into the front yard for a proposed 30'x40' pole barn

Approved Denied Deferred X Vote 4-0

Present was William Kaminski, 847-269-8486. Mr. Kaminski mentioned the use will be for his own personal storage and no business will operate from the proposed structure. He noted the 3 acre +/- parcel to the east is also owned by him. Mr. Allen opened the public hearings for Petition 21-16 & 21-16A. Randy Vanek, 219-746-8511 questioned the need for an additional 4' in height (20') if the proposed structure was only being

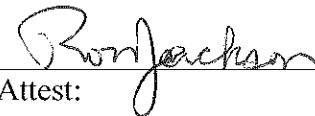
used for the storage of vehicles and personal items. He also inquired as to aesthetics of the structure since it will clearly be seen from the road. Allen Billich, 6650 E. 83rd Ave. 942-0706 stated he lives across the street and although he's not opposed to the pole barn but the proposed location. He questioned why, living on over 3 acres, he couldn't place it behind his house. Hearing no further public comments Mr. Allen closed the public hearings for Petitions 21-16 & 21-16A. Mr. Gregory also questioned the reason for placing the structure in that location noting his concern for setting precedence by allowing a front yard pole barn. Mr. Kaminski stated he would need to move his septic field and not being able to access from the rear of his property off 84th Ave. Mr. Gregory motioned to Table Petition 21-16A to allow the petitioner to provide a revised aesthetics of the structure with landscaping including all discussion, seconded by Mr. Jackson. All ayes, motion carried. (4-0)

Staff Consultation/Discussion: None

There being no further comments or discussion Mr. Gregory motioned to adjourn seconded by Mr. Spain. All ayes, motion carried. (4-0) Meeting adjourned at 7:07 p.m.



Stuart Allen, Chairman



Attest: