

**CITY OF HOBART BOARD OF ZONING APPEALS
MINUTES OF JULY 7, 2022**

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; Ross Pietrzak, City Planner and Joy Respecke, Recording Secretary.

Approval of Minutes: Mr. Jackson motioned to approve the minutes of May 5, 2022 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. **22-07** Joseph Jabkowski (Petitioner/Owner) 7212 Colorado St. located 0.15 miles north from the NW corner of Colorado St. & 73rd Ave., Sec. 154.006(F)(7), zoned R-2, 0.9 acre

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 864 sf for accessory structures by 180 sf for a proposed 24'x26' pole barn

Approved X Denied Deferred Vote 5-0

Mr. Jabkowski was present and requested approval to construct a proposed 24'x26' pole barn in the rear yard to be used for personal storage. Mr. Pietrzak noted the petitioner proposes to convert the attached garage into living space but until such time, the square footage of the existing attached garage and proposed pole barn will exceed the permitted 864 sq. ft. Mr. Allen opened and closed the public hearing for Petition 22-07. Mr. Gregory motioned to reopen the public hearing for Petition 22-07, seconded by Mr. Brezik. All ayes, motion carried. (5-0) Mr. Allen reopened the public hearing for Petition 22-07. Patricia Corey, 7203 Colorado St. inquired if he intended to use it for personal storage or to operate a business. Hearing no further public comments Mr. Allen closed the public hearing. Mr. Jabkowski confirmed the pole barn will be used for his personal storage. Mr. Gregory motioned to Approve Petition 22-07 with the stipulation the structure will not be used for a business or additional living space including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

2. **22-08** Lineage Logistics, LLC/Robert Sangdahl (Petitioner/Agent) located approx. 1,000' east of North Wind Parkway, Sec. 154.228(B), zoned PUD & R-3, 46.87 acres

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the 50' height allowance by 90' for a proposed 171,000 sf cold storage addition to existing building

Approved X Denied _____ Deferred ___ Vote 5-0

Mr. Sangdahl, Lineage Logistics, provided a presentation for their cold storage facilities. He noted the site is the former Hanson Cold Storage which they recently purchased and are involved in moving food from growers to customers and everything in-between. He stated their facilities are energy efficient and rated in the top five in the world as it relates to solar capacity. They also joined the Climate Pledge in the attempt to be carbon neutral and have partnered with Feeding America as well as other organizations. Also present was their architect, Richard Desmeule who explained that the proposed 140' tall 171,000 sq. ft. building expansion will be 100% sprinkled and constructed out of racking to hold the pallets and the exterior will be clad with lightweight insulated fire resistant architectural panels. The freezer area is an automated facility with employees working in the dock area and small office space. Mr. Allen opened the public hearing for Petition 22-08. Mark Hovanec, 2711 W. Old Ridge Rd. inquired about the lighting at night. Hearing no further public comments Mr. Allen closed the public hearing. Mr. Spain inquired if the City was capable of addressing a building of this height in case of an emergency. Mr. Pietrzak mentioned he received comments from the Fire Department stating they are not equipped to handle a building of this height and would need to contact Crown Point for assistance. Lighting will be designed to be compliant with the site plan regulations. Also noted that typically if there is an airport nearby, they will reach out to the FAA for a Determination of Hazard and provide the elevation of the four corners of the roof, as well as the cranes during construction. Mr. Spain motioned to Approve Petition 22-08 including all discussion and Findings of Fact, seconded by Mr. Brezik. Mr. Spain amended his motion to Approve Petition 22-08 contingent on the rezone approval including all discussion and Findings of Fact, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

3. **22-09** Millie Hovanec/Mark Hovanec (Petitioners/Owners) at 337 N. Liverpool Rd.
Comp. PC 22-28 located 0.36 miles south from the SE corner of Liverpool & Old Ridge Rd., Sec.
 154.214(D), zoned M-1, 18.5 acres

Request: Public Hearing: Conditional Use

Purpose: To allow a mobile concrete crushing facility

Approved 30 days only Denied _____ Deferred ___ Vote 3-2


Present were Mark Hovanec, 2711 W. Old Ridge Rd. and Randy Goldschmidt, 1370 S. County Line Rd. Mr. Hovanec requested approval to allow continuing his concrete crushing operation facility. Currently, a cease and desist order is posted on the property. Mr. Goldschmidt requested temporary approval for 60 or 90 days to allow the facility to continue to operate while their engineer is preparing the site plan. Mr. Allen opened the public hearing for Petition 22-09. Eric Nunley, 2507 Kieffer Ct., Valparaiso: *Mr. Nunley provided a written objection. After reviewing petition #BZA 22-09, a request from Mark and Millie Hovanec, to allow a conditional use variance for a Mobile Concrete Crushing Facility at 337 N. Liverpool road, I object to their petition. My concerns are based upon the proximity of my property and its future use, and how the noise, particulate emissions from the concrete crushing facility and the potential violation of Indiana Environmental Agency's Opacity emission laws would affect my health and safety and that of my neighbors that live at locations next to my parcel. I would be directly affected as my parcel at 4300 Liverpool road is located adjacent to the proposed concrete crushing facility. Again, I object to a variance that would allow this encroachment on my rights as a property owner to breathe clean air and have to listen to constant noise from this proposed facility.* IN FAVOR: Alan Price, 307 N. Liverpool Rd. *stated he has lived at his residence for 54 years and has not had any complaints. The facility is quiet, no problems with dust, on well & septic with no issues.* Dante Colza, 2702 W. Old Ridge Rd. *stated he has lived across the street for 24 years and have had no issues with noise or dust.* Mr. & Mrs. Mark Perko, 2605 W. Old Ridge Rd. *stated they live directly to the east and has no issues.* John Cunnings, 2648 W. Old Ridge Rd. *stated no*

issues. Mark Dano, 672 Firespring, Valparaiso stated he is a personal friend and they try to please the neighbors and community and was in favor. Tony Puentes, 295 N. Liverpool Rd. stated no issues with the property or the noise. Dan Silich, 330 N. Liverpool Rd. agreed with the previous comments. Chris Wells, Councilman for the District, 2925 W. 38th Pl. has no issues and they do a lot for the community. Jeremy Allen/TOV Custom Concrete, 1110 W. 72nd Circle, Merrillville stated he likes that there is a close facility where they recycle concrete and it doesn't end up in a landfill. Eric Nunley, 2507 Kieffer Ct., Valparaiso: felt his property was affected more than the individuals that spoke in favor of the facility. Millie Hovanec, 1953 E. 69th Ave., Merrillville: felt the city was in favor of a recycling facility and did not feel all properties were treated equal. Hearing no further public comments, Mr. Allen closed the public hearing. Mr. Goldschmidt explained the operations of the facility. Mr. Spain felt the use of the facility is not the issue and actually supported it, but is with the site plan and bringing the property up to the standard of an M-1 property. He acknowledged Mr. Hovanec working with the Plan Commission in regards to the berms but concerns were discussed early on regarding materials other than concrete that were stored on the property and for a general site plan addressing runoff water, etc. Mr. Pietrzak reminded the Board that, should they approve the request, their prior approval was contingent on an approved site plan and has taken over two years and has still not been resolved. The conditional use has since expired due to the site plan having never been approved. He strongly felt the site plan needs to be resolved before the use can be approved, otherwise, another two years could pass without having an approved site plan. He mentioned one of the requirements of the Zoning Ordinance is that the Board of Zoning Appeals may approve a conditional use in a district if, after a hearing under Sec. 154.511, it makes a finding of fact in writing that the requirement and development standards of the district in which the requested conditional use is proposed to be located will be met. He stated a site plan has not been provided to confirm that those requirements are going to be met and that the site plan before the Plan Commission tonight is the same one that was denied at the February 3, 2022 meeting. The site plan must be resolved and the best possible way of accomplishing this is to confirm that the standards are going to be met. Otherwise the conditional use should not be approved tonight. Also mentioned was the legal aspect pertaining to the existing cease and desist order if a temporary conditional use was approved. Mr. Hovanec mentioned they have been cleaning up the property and Mr. Pietrzak agreed, but the issue is not the cleanliness of the site, but that nothing has been submitted for review in regards to the drainage and having the compliance that is needed to the site plan. He recommended focusing their efforts on getting their engineer to provide an appropriate site plan. He informed the Board that they make their decision with contingencies but further stressed the frustration with the past two years after the first conditional use was approved, only to receive a site plan that was denied. Mr. Goldschmidt stated he will be working with the Hovanecs to insure the site plan moves forward but was under the impression that the site plan had been updated. Mr. Pietrzak recommended to table the conditional use until next month with hopes a site plan will be provided and can be approved and then at the next meeting it can be approved with any conditions that may be imposed. Mr. Brezik motioned to allow the conditional use for 30 days from today for Petition 22-09 contingent on a favorable recommendation from the Plan Commission including all discussion and Findings of Fact, seconded by Mr. Jackson. Motion carried. (3-2) Mr. Spain, nay; Mr. Gregory, nay

Consultation/Discussion: None

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 7:30 p.m.


Stuart Allen, Chairman


Ron Jackson, Secretary