

**CITY OF HOBART BOARD OF ZONING APPEALS
MINUTES OF SEPTEMBER 2, 2021**

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, Attorney McCarthy and Joy Respecke, Recording Secretary

Approval of Minutes: Mr. Brezik motioned to approve the minutes of August 5, 2021 as presented, seconded by Mr. Spain. All ayes, motion carried. (5-0)

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

New Business

1. **21-25** Kristy Galinsky (Petitioner/Agent) 232 Ellendale St. located on the NW corner of Ellendale & Court Streets, Sec. 154.006(F)(3), zoned R-2, 0.1349 acre

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 15' peak height by 5' for a proposed 25'x34.5' detached garage

Approved X Denied Deferred Vote 5-0

Present were Mr. & Mrs. Galinsky. Mr. Galinsky proposed to demolish the existing 20'x22' detached garage and construct a 25'x34.5' one and half story garage to allow for personal storage. The proposed garage will match the brick and siding on the house with the exception of the north side having all vinyl siding. Mr. Allen opened the public hearing for Petition 21-25. *Mike Burlingham, 228 Ellendale Street spoke in favor of the proposed garage.* Mr. Pietrzak mentioned we received correspondence from Jessica O'Brien, 105 Ellendale Street which is in favor of the request. Hearing no further public comments Mr. Allen closed the public hearing. Mr. Spain motioned to Approve Petition 21-25 contingent on cannot be used for business or residential living including all discussion and Findings of Fact, seconded by Mr. Jackson. All ayes, motion carried. (5-0)

2. **21-26** Corey & Helen Smith (Petitioners/Owners) 8304 Clay Street located on the SW corner of Clay St. & 83rd Ave. Sec. 154.006(F)(5) zoned R-1, 3.93 acres

Request: Public Hearing: Developmental Standards Variance

Purpose: To exceed the permitted 3,123 sq. ft. for accessory structures by 1,695 sq. ft. for a proposed 8.5'x48.5' addition to existing pole barn

Approved X Denied Deferred Vote 5-0

Mrs. Smith requested the additional square footage to be able to install a hot water heater and furnace for their personal gym. Mr. Allen opened and closed the public hearing for Petition 21-26 without public comments. Mr. Pietrzak mentioned that upon receiving approval for the construction for the 2 pole barns, they were on a smaller parcel of property and have since incorporated both of their lots to create a 1-lot subdivision thus increasing their permitted overall square footage for accessory structures. Mr. Spain motioned to Approve Petition 21-26 contingent on not allowing residential living or a business to operate out of the pole barn structure including all discussion and Findings of Fact, seconded by Mr. Brezik. All ayes, motion carried. (5-0)

3. 21-27 Samantha & Timothy Hoogland (Petitions/Owners) 840 S. Lake Park Ave. located 375' south from the SW corner of Lake Park Ave. & 8th St. Sec. 154.042, R-2, 2.08 acres

Request: Public Hearing: Use Variance

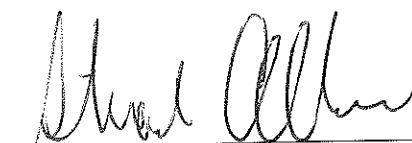
Purpose: To operate a proposed on-line retail business out of their accessory structure

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

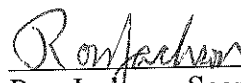
Present were Tim & Samantha Hoogland requesting approval to continue their on-line 3D printer business out of their detached garage. Sonja Somerville, 848 S. Lake Park Ave. a neighbor; Shaun Sokolowski, 219-323-9885 & Danielle Patton, 219-433-3650 employees and all are in favor of the variance. Hearing no further public comments Mr. Allen closed the public hearing. Mrs. Hoogland noted high school kids interested in 3D printers have also come in to help. Mr. Pietrzak mentioned that in the past, the Board has typically required that accessory structures not be used for commercial businesses and that this use cannot qualify as a home occupation since there are employees on site and does not operate out of home. He noted that the 2 prior agenda items were for accessory structures and approved contingent on they not be used for commercial business, so should the Board give a Favorable Recommendation to the Common Council, it needs justification as to why. Mr. Hoogland stated they do not use chemicals or loud machinery and all the manufacturing is done off-site. When asked if they considered operating out of a retail space, Mr. Hoogland explained that due to the cost and the COVID-19 situation if they had a retail space, they would not be able to survive due to their competitors being out of China. The Board felt this was a unique situation due to the location and size of the property. Mr. Gregory motioned for a Favorable Recommendation to the Common Council for Petition 21-27 contingent on no more than 3 employees, the structure cannot be enlarged or expanded, no signage permitted and no customers allowed on the site including all discussion and Findings of Fact, seconded by Mr. Jackson. Motion carried. (4-1) Roll Call: Mr. Allen, aye; Mr. Brezik, nay; Mr. Jackson, aye; Mr. Spain, aye and Mr. Gregory, aye.

Staff Consultation/Discussion: None

There being no further comments or discussion Mr. Gregory motioned to adjourn, seconded by Mr. Jackson. All ayes, motion carried. (5-0) Meeting adjourned at 6:30 p.m.



Stuart Allen, Chairman



Ron Jackson, Secretary