

ORDINANCE NO. 2020-19

**AN ORDINANCE OF THE CITY OF HOBART, INDIANA  
PROVIDING THAT THE ZONING ORDINANCE OF THE CITY OF HOBART,  
LAKE COUNTY, INDIANA BE AMENDED BY RE-INSTATING A PREVIOUSLY  
APPROVED PUD ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 20-19** be adopted and that the Council amend Ordinance 2004-01, to include additional uses.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart, Indiana:

SECTION 1. That, the City Zoning Ordinance No. 93-59 as amended and readopted as amended under Ordinance No. 2001-41 and entitled "Zoning Ordinance of the City of Hobart, Indiana", and particularly the zone maps which are made a part of said Ordinance No. 93-59, be and the same is hereby amended by making certain changes as follows:

Exhibit A: The Code of By-Laws dated February 7, 1994 to "The Islands of Barrington Ridge Townhomes Association, Inc." for the Barrington Ridge Subdivision, Unit 3, Article IV, Section 4.01, paragraph S: "Plantings"

Exhibit B: An easement for the installation and maintenance of landscaping along the Easterly four (4) feet of the property a distance of four hundred twenty-five feet (425) South from the Northeast corner of the property, including ingress and egress for maintenance purposes.

SECTION 2. The City Council now finds that the above amendment to the PUD will not be injurious to the public health, safety, morals and general welfare of the community and the use or value of the area adjacent to the property included in this Ordinance will not be affected in a substantially adverse manner and the need for the change in zoning herein arises from a condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood. The Council further finds that the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property herein if this rezoning were not granted and this rezoning does not interfere substantially with the comprehensive plan.

SECTION 3. The Common Council of the City of Hobart finds the zone change will take effect upon the following conditions being fulfilled by the owner:

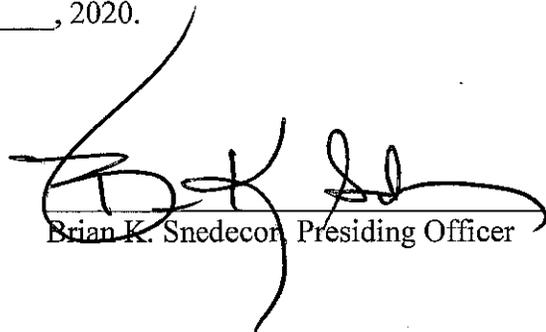
Conditions imposed by Plan Commission: Contingent upon installing a turnaround at the end of Lake Street between Lots 14 & 15 and to work with staff to encroach into the 14<sup>th</sup> Street right of way.

All buildings or uses permitted and placed upon said described real estate shall fully conform with all the provisions of the zoning ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

SECTION 4. That the City Engineer and/or Zoning Administrator is hereby authorized and directed upon the enactment and approval of this Ordinance, to cause a change to be made on the zone maps, to make certain notations in ink thereof and to record the date of passage of this Ordinance.

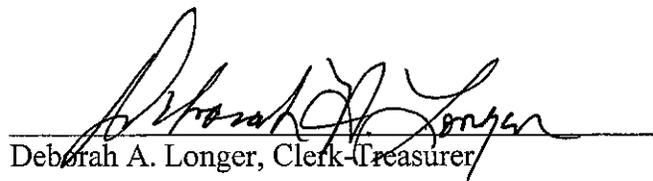
SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise provided for by law.

PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 2<sup>nd</sup> day of September, 2020.

  
\_\_\_\_\_  
Brian K. Snedecor, Presiding Officer

ATTEST:  
  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

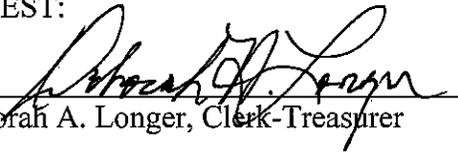
Presented by me to the Mayor of the City of Hobart, Indiana, for her approval and signature this 2<sup>nd</sup> day of September, 2020 at 6:35 o'clock P. M.

  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 2<sup>nd</sup> day of September, 2020.

  
\_\_\_\_\_  
Brian K. Snedecor, Mayor

ATTEST:

  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

EHX A

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2014 074296

2014 NOV 21 AM 8:57

AMENDMENT  
MICHAEL S. BROWN  
RECORDER

The following sections to the CODE OF BY-LAWS dated February 7, 1994 to "The Islands of Barrington Ridge Townhomes Association, Inc." are hereby amended as follows:

Article IV, Section 4.01, paragraph S: "Plantings" (Some species removed, some added, sentence added.)

"...and must be of the following types:

- a. Bradford Pear
- b. Sugar Maple
- c. Sunburst Locust
- d. Shademaster Locust
- e. Red Sunset Maple
- f. Arborvitae
- g. Red Spire Pear
- h. Spruce

**FILED**  
NOV 20 2014  
PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

Installation, removal, or significant modification to all plantings requires the prior written approval of the Board."

Article IV, section 4.01, paragraph Y: "Area, Width and Yard Regulations", subparagraph 1: "Front Yard" (Replaced in its entirety.)

"1. **Front Yard.** All setbacks shall per the filed plat of survey filed November 15, 1993 and filed as plat book 075, page 63. The unbuilt lots 11, 12, 13, 14, 15 and 20 setbacks shall additionally comply with the drawing from Torrenga Engineering titled "Unit 3 Barrington Ridge, Development in the City of Hobart, Lake County, Indiana Proposed Setback Lots 11, 12, 13, 14, 15 and 20" and dated September 5, 2014, attached hereto."

Approved by HOA Members on October 2, 2014.

Approved Assessor's Office

Paul Payne, President

Denise Payne, Vice-President

Matt Holtman, Treasurer

State of Indiana  
County of Lake  
Before me, a Notary Public,  
personally appeared, Paul Payne  
Denise Payne, and Matthew  
Holtman, and I acknowledged  
the execution of this  
document this 10th day of  
November, 2014.

Jennifer L. Connell  
my commission expires 1-13-2019

016445

State of Indiana )  
 ) SS;  
County of Lake )

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Jeffrey Greiner, MANAGER of Pavilion Group LLC, and acknowledged the execution of this instrument this 8<sup>th</sup> day of October, 2014.

Bonnie Greiner  
Notary Public

State of Indiana )  
 ) SS;  
County of Lake )

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Paul Payne, President of Barrington Islands Townhome Association, Inc., and acknowledged the execution of this instrument this 10<sup>th</sup> day of ~~October~~ <sup>November</sup>, 2014.

Jennifer L. Connell  
Notary Public  
Commission expires 1-13-19

State of Indiana )  
 ) SS;  
County of Lake )

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Denise E Payne, Vice President of Barrington Islands Townhome Association, Inc., and acknowledged the execution of this instrument this 10<sup>th</sup> day of ~~October~~ <sup>November</sup>, 2014.

Jennifer L. Connell  
Notary Public  
Commission expires 1-13-19

State of Indiana )  
 ) SS;  
County of Lake )

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Elaine Chan, Secretary of Barrington Islands Townhome Association, Inc., and acknowledged the execution of this instrument this 10<sup>th</sup> day of ~~October~~ <sup>November</sup>, 2014.

Jennifer L. Connell  
Notary Public  
Commission expires 1-13-19

State of Indiana )  
 ) SS;  
County of Lake )

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Matthew Hoffman, Treasurer of Barrington Islands Townhome Association, Inc., and acknowledged the execution of this instrument this 10<sup>th</sup> day of ~~October~~ <sup>November</sup>, 2014.

Jennifer L. Connell  
Notary Public  
Commission expires 1-13-19

2014 074295

EASEMENT AM 8:57

THIS AGREEMENT made this 8 day of October, 2014, by and between Pavilion Group LLC (hereinafter "Grantor") and Barrington Islands Townhome Association, Inc. (hereinafter "Grantee").

WHEREAS, Grantor represents and warrants that he owns and has fee simple title to a certain parcel of real estate located in Lake County, Indiana, described as follows:

Lot 1 in Pavilion Addition recorded in Plat Book 103 Page 18 in the Office of the Recorder of Lake County, Indiana.

WHEREAS, the Grantee owns real estate located adjacent to the Grantor's real estate described above, and the Grantee desires to obtain an easement for the installation and maintenance of a landscape screening along the Eastern border of the Grantor's property.

NOW, THEREFORE, in consideration of ten dollars (\$10.00) paid to the Grantor by Grantee and other good and valuable consideration, the Grantor does hereby grant to Grantee, its heirs, successors, tenants, and assigns, an easement across his property described as follows:

An easement for the installation and maintenance of landscaping along the Easterly four feet of the property a distance of four hundred twenty-five feet (425) South from the Northeast corner of the property, including ingress and egress for maintenance purposes..

This easement is given for the sole purpose of the installation and maintenance of landscaping along the Eastern border of the property, and it is agreed and understood that it is not to be construed as an easement given to the exclusion of the Grantor, his heirs and assigns, or to others granted a similar right.

The Grantee hereby acknowledges that it shall be solely responsible for the purchase, installation and maintenance of all landscaping in the Easement.

This easement is perpetual and is granted to the Grantee, his heirs, tenants, successors and assigns, forever.

IN WITNESS WHEREOF, the parties hereto having duly signed this agreement.

PAVILION GROUP LLC

BARRINGTON ISLANDS TOWNHOME ASSOCIATION, INC.

By: Jeffrey Greiner

By: Robert Payne, Title

Owner / Manager  
Title

By: Denise E. Payne, Title  
vice president

016444

By: Elaine Chenin, Title  
Secretary

By: Math Hult, Title  
Treasurer

FILED  
NOV 20 2014  
PEGGY HOLINA-KATONA  
LAKE CO. INDIANA  
AUDITOR

NO SALES DISCLOSURE NEEDED

Approved Association Office

By: B

**CERTIFICATION AND REPORT TO  
COMMON COUNCIL OF THE CITY OF HOBART ON  
AMENDMENT TO THE COVENANTS**

CERTIFICATION TO: Common Council of the City of Hobart

FROM: Sergio Mendoza., City Planner

RE: Reinstate PUD for Barrington Ridge, Unit 3, Lots 11-thru 15 & Lot 20 and maintenance agreement

DATE: August 11, 2020

PETITIONER: Craig Van Prooyen  
P.O. Box 120  
Crown Point, IN 46308

REQUEST: Reinstate Barrington Ridge Subdivision, Unit 3, The Islands of Barrington Ridge Townhomes Association, Inc. Covenants regarding the setbacks, landscaping and maintenance agreement

PROPOSED USE: For the construction of additional townhomes

GENERAL LOCATION: Barrington Ridge, Unit 3, Lots 11 thru 15 & Lot 20 located south of 14<sup>th</sup> Street, west of State Street, north of Bracken Parkway and east of Lake Park Ave., zoned PUD, 2 acres +/-

LEGAL: Lots 11 thru 15 & Lot 20, Barrington Ridge, Unit 3

PLAN COMMISSION PETITION NO: 20-19

DATE OF PLAN COMMISSION ACTION: August 6, 2020

DEADLINE FOR COMMON COUNCIL ACTION: November 4, 2020

**CERTIFICATION**

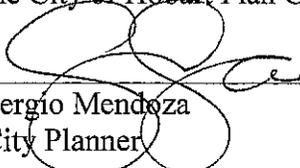
**ACTION TAKEN BY PLAN COMMISSION:**

Recommendation to the Common Council to Approve the change as requested  
( Favorable Recommendation)

CONDITIONS: Contingent upon installing a turnaround at the end of Lake Street between Lots 14 & 15 and to work with staff to encroach into the 14<sup>th</sup> Street right of way

VOTE: 6-0 (All Aye)

I certify that the foregoing information accurately represents the action taken on this matter by the City of Hobart Plan Commission.



---

Sergio Mendoza  
City Planner

REIN STATE  
PUD BARRINGTON Redge UNIT 3

PC 20-19

**Findings of Fact**

In the following space please provide the reason and concept of why you propose to amend the zoning map and provide justification. Consider the following in your response;

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The existing PUD is old, outdated, and expired. Use is unchanged except Petitioner proposes to build out 23 remaining units that will be larger with up to date style and amenities. Homes will be sold at a considerably higher sales price than the existing homes in the Island of Barrington.

The rezone should/should not be granted because; (Must meet all the following requirements.)

\_\_\_(a) the petition is not "spot zoning" which will confer a special benefit to the petitioner on a small tract of land with no commensurate benefit to the community.

\_\_\_(b) the comprehensive plan will not be disrupted or destroyed because:  
continuation of existing plan

\_\_\_(c) the land involved is suitable for the proposed land change because:  
continuation of existing plan

\_\_\_(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: same as above

\_\_\_(e) the property value of adjacent property would not be decreased because:  
larger and more expensive units proposed

Signature of Petitioner/Agent

Date

7-7-2020

Decision:

After public hearing and review by the Hobart Advisory Plan Commission for the recommendation to rezone, the Plan Commission now finds that the Petition to Rezone **Does or Does Not** comply with the standards in the zoning ordinance.

All of which this 7<sup>th</sup> day of August, 2020 by a majority vote of the Hobart Advisory

Plan Commission.

Plan Commission President, *Acting*

Attest:

Plan Commission Secretary/Zoning Official

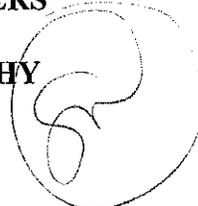
MEMORANDUM

**DATE:** August 11, 2020

**TO:** HOBART COMMON COUNCIL MEMBERS  
MAYOR BRIAN K. SNEDECOR  
CITY ATTORNEY HEATHER McCARTHY

**FROM:** SERGIO MENDOZA, CITY PLANNER

**RE:** A petition request to reinstate the PUD for Barrington Ridge, Unit 3, Lots 11 thru 15 & Lot 20 located south of 14<sup>th</sup> Street, west of State Street, north of Bracken Parkway and east of Lake Park Avenue, zoned PUD, 2 acres +/-.



Below please find the minutes of the Plan Commission meetings regarding the amendment to Barrington Ridge Subdivision, Unit 3, The Code of By-Laws to The Islands of Barrington Ridge Townhomes Association, Inc. for setbacks, landscaping and maintenance agreement

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION FOR THE AUGUST 6, 2020 MEETING FOR PETITION 20-19: Craig Van Prooyen, 746-6710, requested to reinstate the expired 2014 amended PUD and covenants that were approved by the HOA and Plan Commission. He is only proposing to change the design of the existing townhomes and increase the square footage. He noted that the fire department requested a turnaround for the fire trucks on the northern dead end of Lake Street but based on the aerial view there is a ditch located in the easement for 14<sup>th</sup> Street. Mr. Gralik mentioned that hammerheads or T turnarounds were included in the City Standards for dead end streets to allow a vehicle to turn around. Discussion ensued pertaining to the location of the proposed turnaround. Mr. Van Prooyen was reluctant to create the turnaround at the end of Lake Street stating he would lose lots for construction and would be very costly to him. He also stated 12' south from the north end of Lake Street is existing off-street parking where a fire truck would be able to back up and turn around. It was felt if the turnaround was installed in the city right of way at the end of Lake Street it would be in the front yards of the end 2 lots. Mr. Gralik mentioned that 14<sup>th</sup> Street is included in the Thoroughfare Plan and since the city has most of the right of way, it would be the most reasonable candidate to be installed that would run parallel to 10<sup>th</sup> Street from Lake Park Avenue to Hobart Road. Even though Mr. Spain mentioned a turnaround was originally platted for Unit 3 at the Lake Street dead end, they felt that the 14<sup>th</sup> Street right of way location would be more suitable due to the proposed extension of 14<sup>th</sup> Street. Mr. Gralik opened the public hearing for Petition 20-19. *Paul Payne, 219-916-0704:* Mr. Payne mentioned he was the president and his wife was an officer of the HOA at the time the PUD was amended and did not recall the discussion of the turnaround. He was in favor of the proposal. *Brad Gomez, 219-765-3729:* He mentioned he felt the increase in the number of bedrooms and square footage of the townhomes supersedes the 10% change in a PUD. He was not in favor of 2,200 sq. ft. 5 bedroom

---

*townhomes where the existing townhomes are 1,700 sq. ft. with 2 bedrooms. Lynette Sylvain Jones, 219-940-9787: Ms. Jones was in favor of the construction of the townhomes but not the size increase. Her concern was with the noise of the construction when more people are working from home and children are home with e-learning.* Hearing no further public comments, Mr. Gralik closed the public hearing. Mr. Van Prooyen addressed the public's concerns: construction hours typically are 7:00 a.m. to 4:30 p.m. Monday through Friday. No weekends. The square footage includes an unfinished bonus (storage) room over the garage. He stated he's proposing upscale townhomes with a base price of \$245,000/\$250,000. Mr. Pietrzak mentioned he found no stipulations pertaining to the number of bedrooms or square footage, only the number of units specific to single family. Mr. Van Prooyen stated he will replicate the same exterior features and look of the existing townhouses. Mr. Spain motioned for a Favorable Recommendation to the Common Council for Petition 20-19 contingent upon installing a turnaround at the end of Lake Street between Lots 14 & 15 and to work with staff to encroach into the 14<sup>th</sup> Street right of way including all discussion and Findings of Fact, seconded by Mr. Chhutani. All ayes, motion carried. (6-0)