

3

93045704

Beckman, Kelly & Smith
5900 Hohman Avenue
Hammond 46320
7

**FINDINGS OF FACT AND DECISION
REGARDING PETITION FOR VARIANCES**

REGARDING: Hammond Board of Zoning Appeals
Case Number Z-92-18

PETITIONER: Beckman, Kelly & Smith
5900 Hohman Avenue
Hammond, IN 46320

OWNER: Beckman, Kelly & Smith
5900 Hohman Avenue
Hammond, IN 46320

FILED

JUL 9 1993

JUL 15 8 51 AM '93
STATE OF INDIANA / S.S.N.C.
LAKE COUNTY
FILED FOR REC'D

**Document is
NOT OFFICIAL!**

This Document is the property of
the Lake County Recorder!

Application has been made to the Board of Zoning Appeals of the City of Hammond for variances from the set-back requirements and for utilization of a specific parking facility for construction of a building addition under Title V, Section 4, and Title XVI, Section 4(H). Petitioner appears by its duly authorized representatives and Andrew J. Fetsch, Attorney for Petitioner, for public hearing held on the 2nd day of December, 1992.

The matter having come for public hearing, the notice requirements are examined for sufficiency. The certified list of adjoining property owners is in proper order. Certified mail, return receipt requested, notices to adjoining property owners are in proper order. Publication in two newspapers of general circulation has been made pursuant to statute and the proofs of publication regarding the same are admitted into evidence. Public hearing on said matter was held on December 2, 1992.

The Petitioner presents evidence, documentation and information regarding its application for variances regarding the real estate located at 5900 Hohman Avenue, Hammond, Indiana. The proposed building addition will not comply with the City's Zoning Ordinance requirements in Title V and XVI, requiring a 25-foot rear and side set-back. The proposed site plan of Petitioner provides for a building addition to be erected within 12 feet of the property lines on rear (west) and on the north property line, respectively and the parking facility appears to be within 300 feet as required. The property in question is zoned R-4. Personal and oral remonstrances and statements of support are made. Based on the representations, evidence, documentation and

1000
OK

recommendations of the staff and City Engineer and other information presented by Petitioner, as well as remonstrators, if any, the Board of Zoning Appeals now establishes a factual basis as follows:

1. The area to be affected is legally described as follows:

Lots 1, 2, 3 and 4, Block 5, Homewood Addition to Hammond, Lake County, Indiana.

Commonly known as: 5900 Hohman Avenue
Hammond, IN 46320

2. The present zoning classification of the above-described property is R-4.

3. That the Petitioner is seeking variances from Title V, Section 4, and Title XVI, Section 4(H), in order to construct a building addition within the 25 foot rear and side set-back and the 300 foot parking requirements of the City's Ordinance.

4. That the Board finds that the variances being applied for by the Petitioner are justified and should be granted in each and every respect with the conditions hereinafter stated.

NOW, THEREFORE, BE IT ORDAINED AND DECIDED BY THE BOARD OF ZONING APPEALS OF THE CITY OF HAMMOND AS FOLLOWS:

That the Petition for Variances under Board of Zoning Appeals for providing installation of a building addition within 25 foot set-back line and utilization of specific parking facility as indicated on the plot plan of Fred Collins, Architect, SP-1 dated November 6, 1992, which is attached hereto and incorporated herein by reference, should be approved on the following grounds:

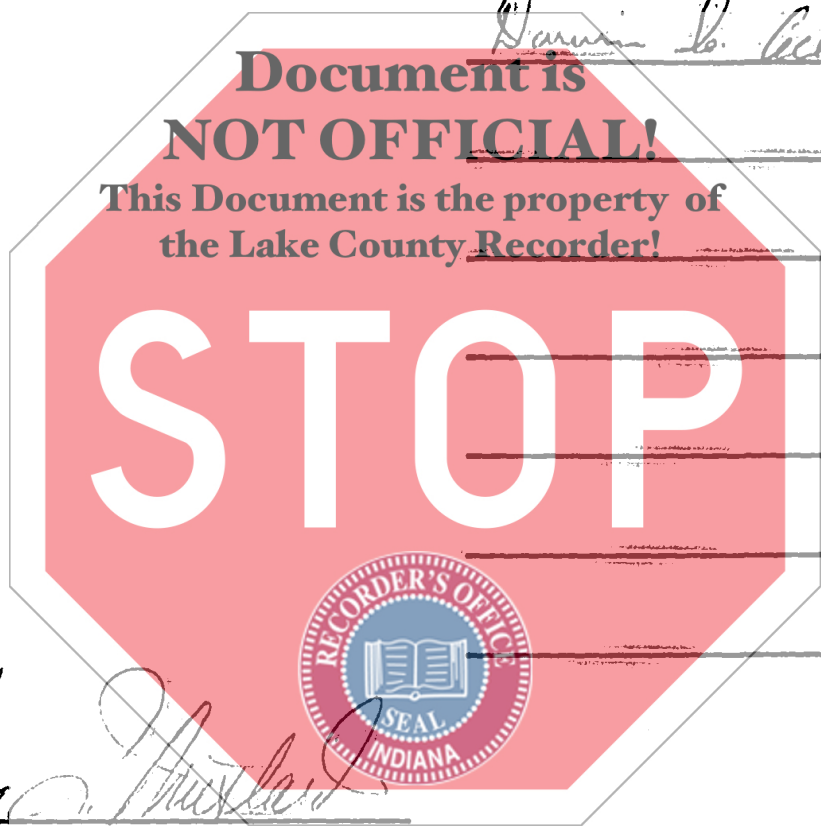
1. The approval will not be injurious to the public health, safety, morals and general welfare of the community or contrary to the public interest;
2. The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property and owing to special conditions a literal enforcement of the zoning ordinance will result in unnecessary hardship.

That after due consideration, the Board of Zoning Appeals of the City of Hammond does hereby grant the Petitioner's Application for Variances on the terms and conditions stated hereinabove.

DULY ENTERED this 19 day of April, 1993.

CITY OF HAMMOND, LAKE COUNTY,
INDIANA, BOARD OF ZONING
APPEALS

Darwin B. Adams *Chairman*



ATTEST: [Signature]
Recording Secretary