BOARD OF ZONING APPEALS
STAFF REPORT

To:	Members of the Board of Zoning Appeals
From:	Tom Vander Woude, Planning Director
Meeting Date:	January 10, 2023
Agenda Item:	BZA Docket No. 22-017
Hearing:	**PRELIMINARY HEARING**
Application Type:	**Developmental Standards Variance**
Summary:	Osceola Properties Inc requesting approval of a variance from *Table 26-6.405.O-1* to allow a reduction in the required parking spaces for a dental office at 8250 Hohman Avenue.

Applicant:	Osceola Properties Inc represented by Scott Yahne of Yahne.Law P.C.
Property Address:	8250 Hohman Avenue
Current Zoning:	CD-4.A General Urban A Character District
Adjacent Zoning:	North: CD-4.A South: CD-4.A East: CD-4.A West: CD-4.A
Action Requested:	Schedule Public Hearing
Additional Actions Required:	Hold Public Hearing Findings of Fact
Staff Recommendation:	**<u>Schedule Public Hearing</u>**
Attachments:	BZA 22-017 variance application excerpt Application letter submitted by Yahne.Law PC dated 12.20.2022 Dental Office Site Plan prepared by Xenos & Associates Ltd. dated 12.12.2022 Dental Office Area Plan prepared by Xenos & Associates Ltd. dated 12.12.2022 ALTA/NSPA Land Title Survey prepared by Torrenga Surveying, LLC dated 03.10.2022

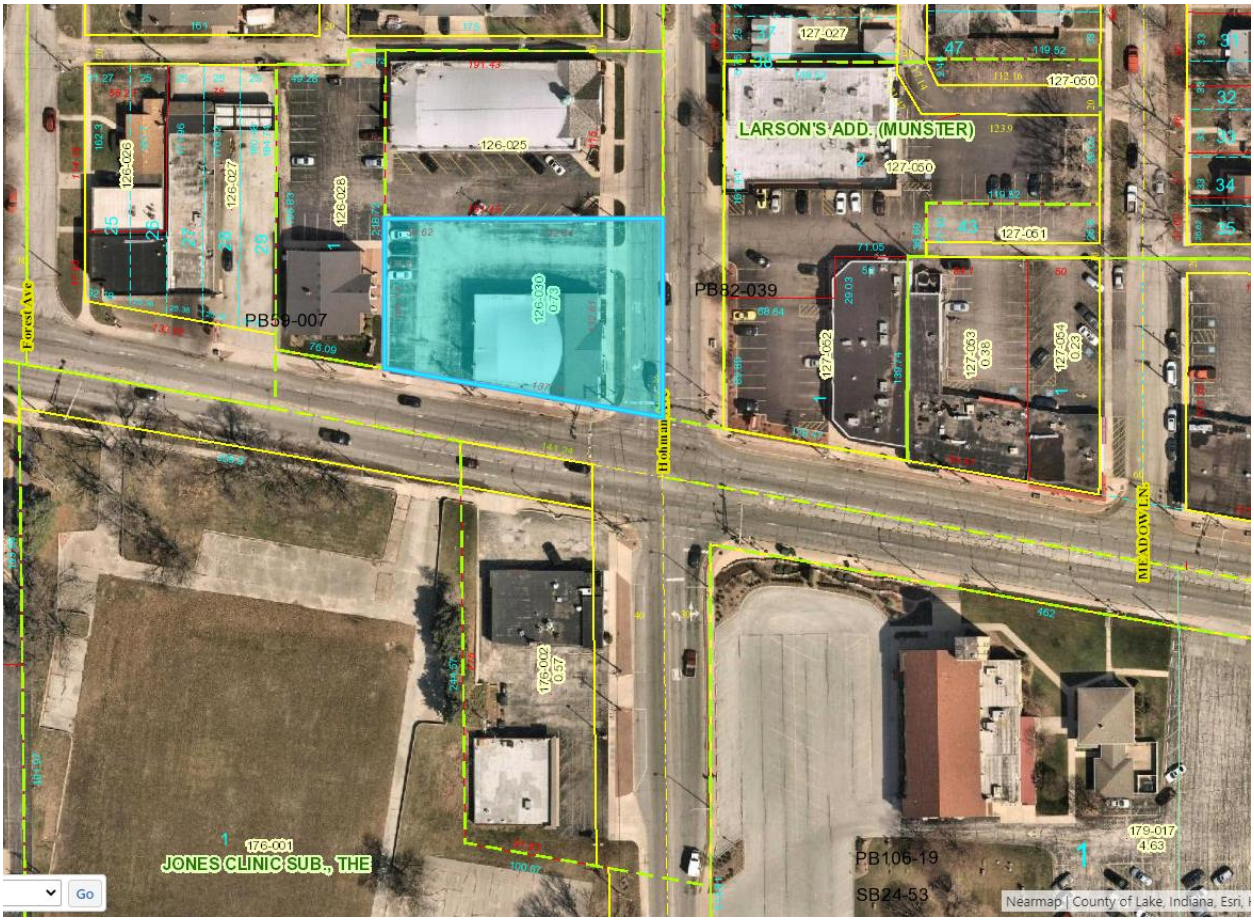


Figure 1: Subject property highlighted in blue.

BACKGROUND

Scott Yahne of Yahne.Law PC on behalf of Osceola Properties Inc. has submitted an application for approval of a variance from Table 26-6.405.O-1 to allow a reduction in the required parking spaces for a dental office at 8250 Hohman Avenue, the Northwest corner of Hohman Avenue and Ridge Road. The applicant is seeking to renovate the existing building which most recently was used as an ophthalmologist office and a general commercial office into a dental office for Family Dental Care. Proposed improvements to the property include an interior remodel, minor exterior modifications involving the relocation of windows and doors, and the reconfiguration of the parking area including additional and enhanced landscaping.

The subject property currently includes a 5,514 square foot building and a parking area with 25 parking spaces. The building and parking lot were constructed in 1975. The previous uses included a business office use which requires fewer parking spaces than a dental office.

The proposed dental office will occupy the entire building. A dental office requires 5.7 parking spaces per 1000 square feet of gross floor area. The required number of parking spaces for the proposed use is 31.

The applicant proposes adding parking spaces by reconfiguring the parking area to include diagonal spaces on the north edge of the property, which would increase the total number of spaces on the lot to 29. Cross-access and shared parking easements between the contiguous parking areas on the properties to the north and west allow for one-way movement within the parking lot drive aisles.

DISCUSSION

The applicant has represented that the proposed dental office does not require the number of spaces required by Town ordinance. The applicant has further stated that the proposed development will improve the property and benefit the community through the addition of 4 parking spaces, new landscaping, and standardized parking stall and drive aisle dimensions. The applicant has provided a detailed letter explaining their request, which is attached to this memo.

The Board of Zoning Appeals has given consideration to alternative parking standards in the past. In 2019, under BZA Docket No. 18-010, the Board of Zoning Appeals granted a parking variance to NP Building Partners, LLC to permit the redevelopment of the property at 9445 Calumet Avenue with the North Point Orthopedics medical office. The applicant had presented a report from the August 2007 ITE (Institute for Transportation Engineers) Journal that recommended a ratio of 4.5 parking spaces/1000 gross square feet for medical office buildings as the evidence in support of the variance request. Under another pending variance application, BZA 22-016, a medical office uses has referenced the ITE 4th edition which shows Medical clinic parking loading at 4.27 spaces per 1,000 sf. Under the more conservative calculation of 4.5 spaces per 1000 square feet, only 24 spaces would be necessary to accommodate the applicant's proposed dental office.

Staff notes that one of the proposed parking spaces is located in the first lot layer (the area between the front façade and the lot line) along the south edge of the parking area and two spaces are located in the second lot layer (the first 20 feet of the side yard) on the east edge of the parking area. The Munster Zoning Ordinance prohibits new parking in the first lot layer and requires that all parking in the second lot layer be screened by an enhanced hedge. Staff recommends eliminating this nonconformity by designating some of the parking spaces for compact cars. Such spaces must be separately signed and marked in distinct, separate areas. Compact car spaces can be reduced in width to 7.5' which will allow space for the additional setback and landscape screening required by the code.

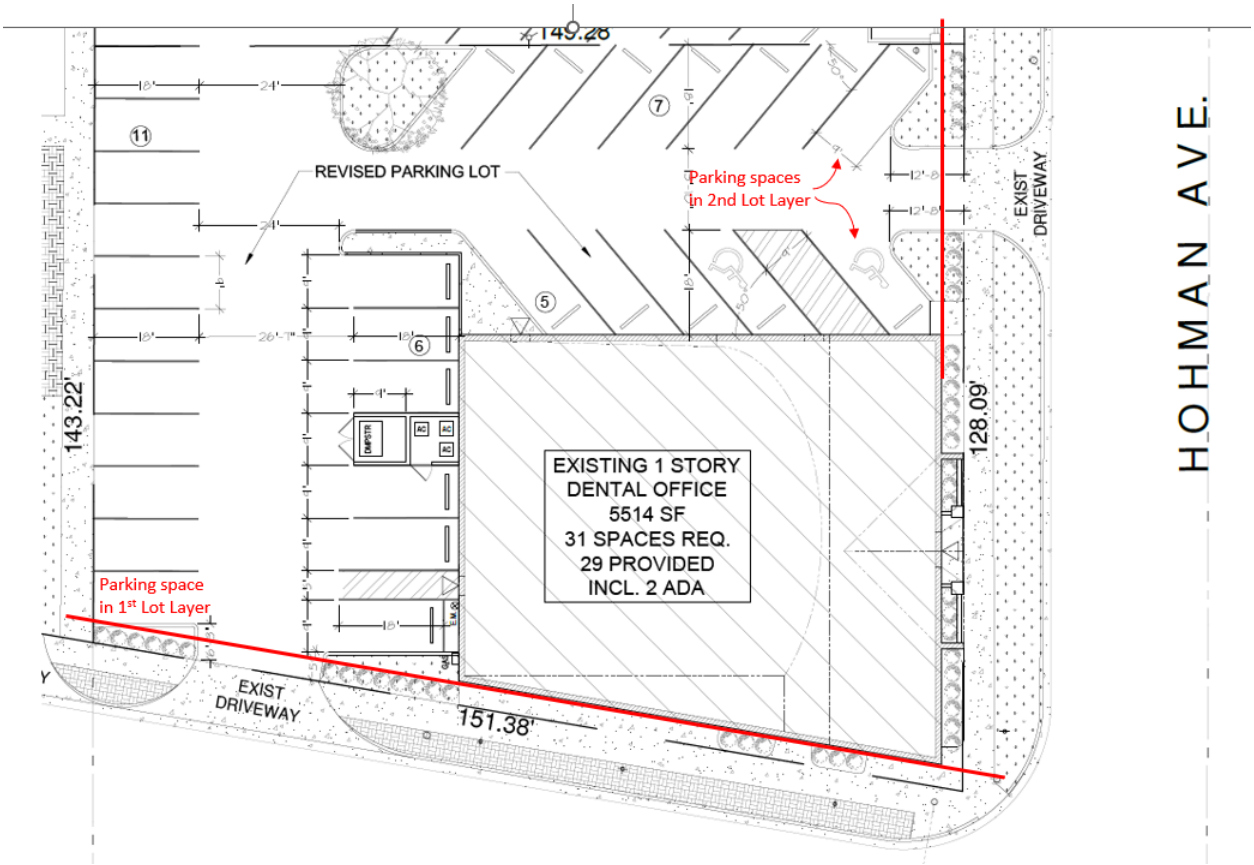


Figure 2 Parking spaces in 1st lot layer is prohibited and spaces in 2nd lot layer must be screened by a 7' landscape area.

VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Sec. 26-6.804.I of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;

ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;

iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and
iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances:
A Variance from Development Standards may be approved or approved with conditions only if:

i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

The applicant has addressed these criteria in the attached application.

RECOMMENDATION

The Board of Zoning Appeals may wish to consider the following motion:

Motion to schedule a public hearing for BZA Docket No. 22-017.

Petition BZA _____-_____
Date: December 20, 2022
Application Fee: $_____
Sign Fee: $_____

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

Osceola Properties Inc.
Name of Owner

708 807-5526
Phone Number

12151 S. 73rd Avenue, Palos Heights, IL 60483
Street address, City, ST, ZIP Code

peteralemis@gmail.com
Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

Osceola Properties Inc. c/o Yahne.Law P.C.
Name of Applicant/Petitioner

219 513-9892
Phone Number

9301 Calumet Avenue, Su. 2F, Munster, IN 46321
Street address, City, ST, ZIP Code

scott@yahnelaw.com
Email address

PROPERTY INFORMATION:

Family Dental Care
Business or Development Name (if applicable)

8250 Hohman Avenue, Munster, IN 46321
Address of Property or Legal Description

CD-4A
Current Zoning

APPLICATION INFORMATION:

Please select what this Application is for:

■ **Variance** If yes, select one of the following: ☐ **Use** ■ **Developmental Standards**

☐ **Conditional Use**

☐ **Administrative Appeal**

Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):

Petitioner seeks a variance from 26-6.402(O)(1)(a) of the Munster Zoning Code, which provides for a minimum of 31 parking spaces for a Dental Office-Clinic. As described within the attached supporting letter, Petitioner proposes 29 parking spaces, which Petitioner respectfully asserts is supported by the exigent circumstances.

Dennis Xenos, D. Xenos & Associates, Ltd c/o Bob Xenos
Name of Registered Engineer, Architect or Land Surveyor

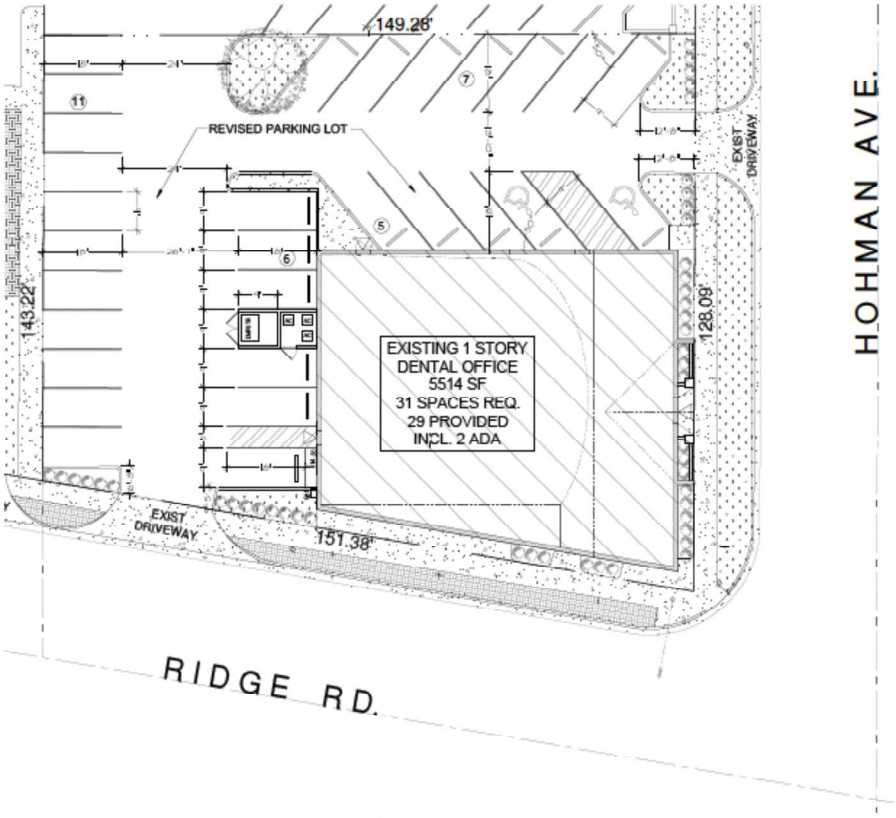
312-421-1200
Phone Number

2045 W. Grand Suite 200, Chicago, IL 60612
Street address, City, ST, ZIP Code

bx@sonexproperties.com
Email address

Exhibit A
Site Plan

SITE DATA	
TOTAL LOT SQ.FT.	17,162 S.F.
TOTAL BUILDING SQ.FT.	5,514 S.F.
TOTAL PARKING SPACES	29 SPOTS



1 SITE PLAN
SCALE: 3/32" = 1'-0"

DENOS & ASSOCIATES LTD
DESIGN - BUILD CONCEPT

PROJECT
REMODELING OF EXISTING MEDICAL OFFICE FOR EXPANSION OF EXISTING:

DENTAL OFFICE

8252 HOHMAN
MUNSTER, IN.

NOTES

REVISIONS

No.	Date	Description	Initials

SITE PLAN

Drawn	Checked	Approved
AK	DK	DK
Date	Project Number	
12/12/2022		

SHEET NO.
T-1.1
2 OF 8

Exhibit B
Current ALTA Survey

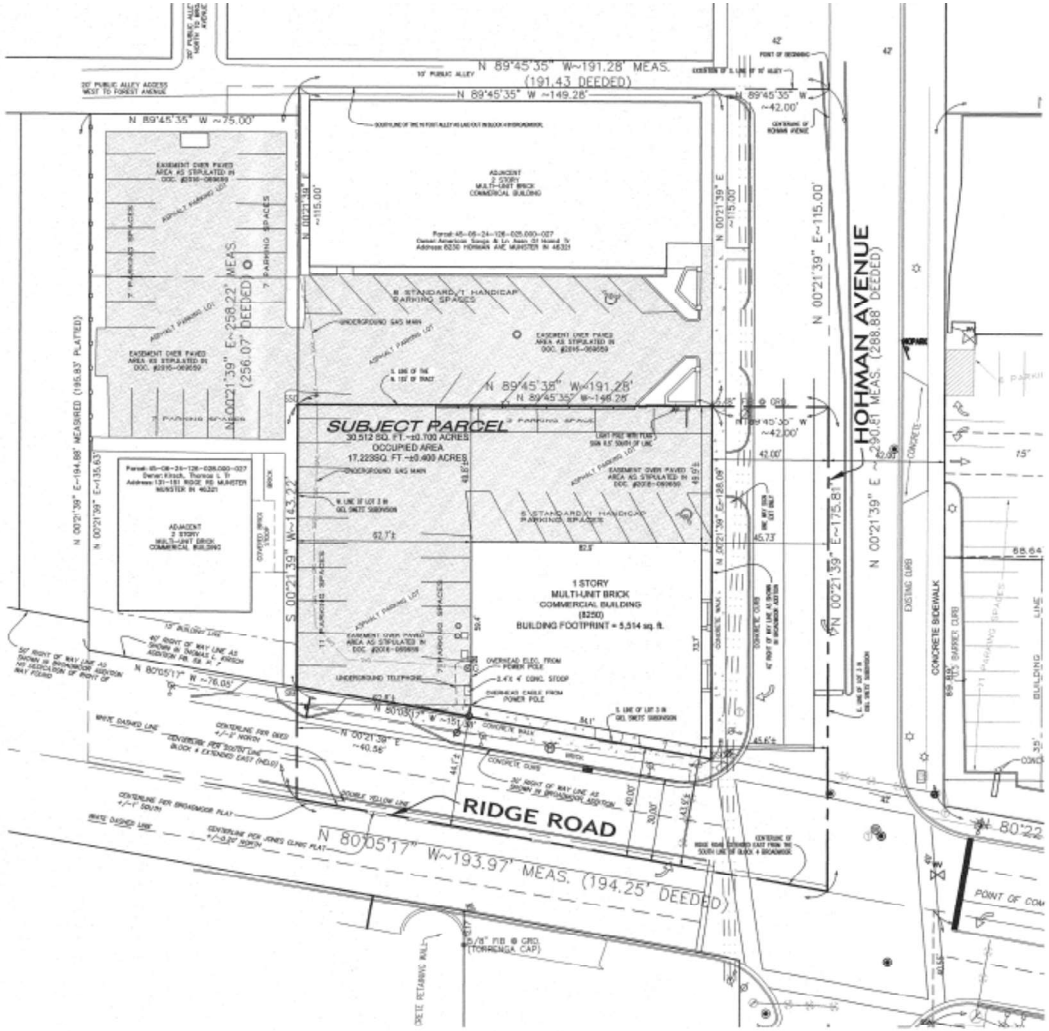


Exhibit C
PROPERTY OWNERSHIP

Hyperlinks

Parcel Assessment Details

Details

Parcel Number
45-06-24-126-030.000-027

Owner
Osceola Properties Inc

Mailing Address
12151 S 73rd AVE Palos Heights IL 60463

Site Address
8250 HOHMAN AVE MUNSTER IN 46321

Tax Code
027

Tax Description
Munster

Legal Description
Part of NE1/4 NW1/4 S.24 T.36 R.10 Ly'g at the NW corner of Ridge and Hohman 0.731 Ac

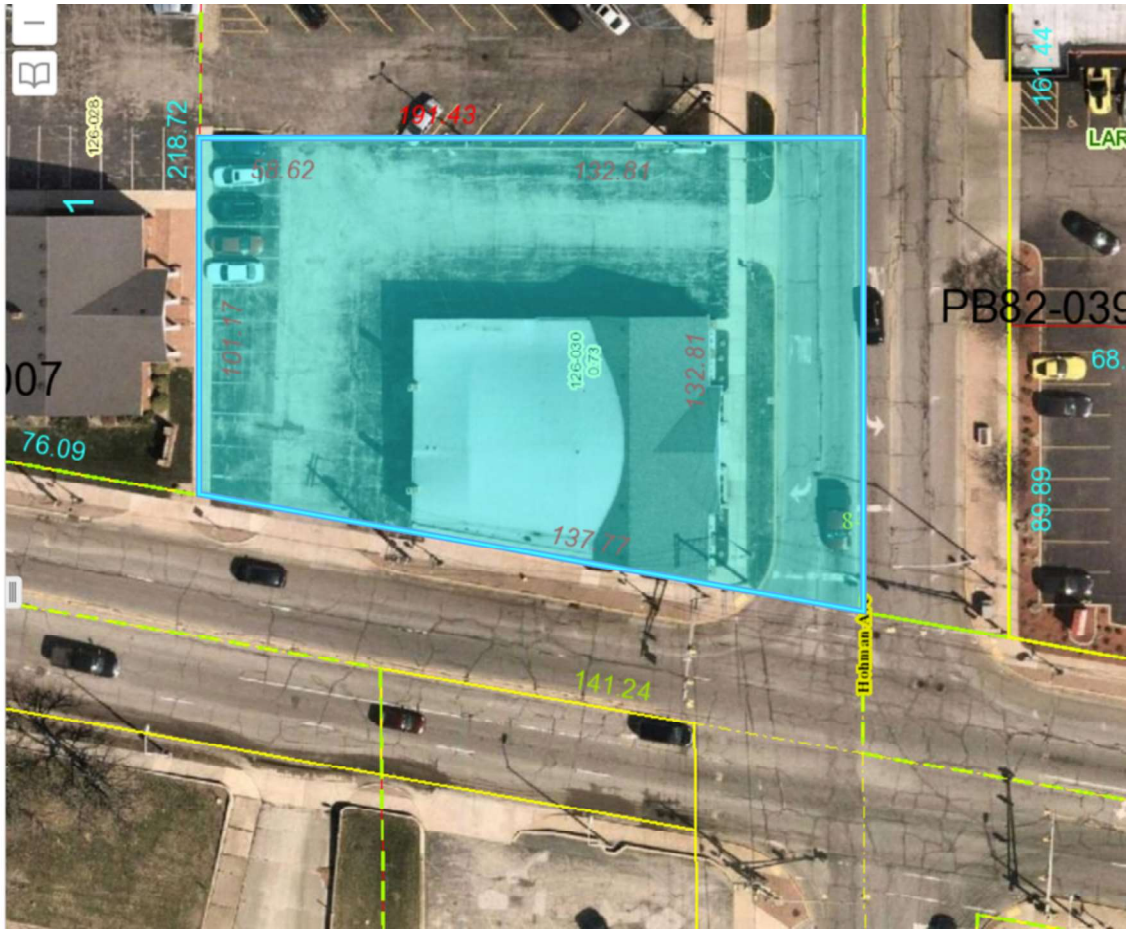
Net Acreage
0.731

Sec Twp Rng
24 36 10

Property Class
Office bldg. 1 or 2 story

Zoning Code
0

Use Code
0



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December 20, 2022

Munster Board of Zoning Appeals
c/o Thomas Vander Woude
Building Commissioner / Zoning Administrator
Town of Munster

Re: BZA Developmental Variance Approval
Osceola Properties Inc.
8250 Hohman Avenue, Munster

Dear Board Members:

On behalf of Osceola Properties Inc. (hereinafter collectively referred to as "Petitioner"), the owner of the real estate located at 8250 Hohman Avenue, Munster, Indiana 46321 ("Property"), this correspondence supplements Petitioner's filed Petition Application seeking this Board's approval of a variance from applicable developmental standards required to develop and enhance Petitioner's recently acquired property to support Petitioner's affiliated dental practice, Family Dental Care, which will occupy the Property. Specifically, after enhancing the current parking surface to remove parallel parking spaces, add enhanced ADA spaces, improve traffic flow on site and add landscape buffering along Hohman Avenue and Ridge Road, Petitioner can accommodate no more than 29 parking spaces, which is a deviation from the required 31 parking spaces. The current parking configuration accommodates 28 spaces.

Petitioner respectfully contends that the requested variance is reasonably required to add vibrancy and a productive use to an important visible corner in the Town. Accordingly, Petitioner asks this Board to find that Petitioner demonstrates good and sufficient cause to be relieved from the standards described and set forth within Munster Municipal Code Sec. 26-132 and grant Petitioner a variance therefrom.

219.513.9892
9301 Calumet Avenue | Suite 2F | Munster, IN 46321
3 Lincolnway | Suite 201 | Valparaiso, IN 46383

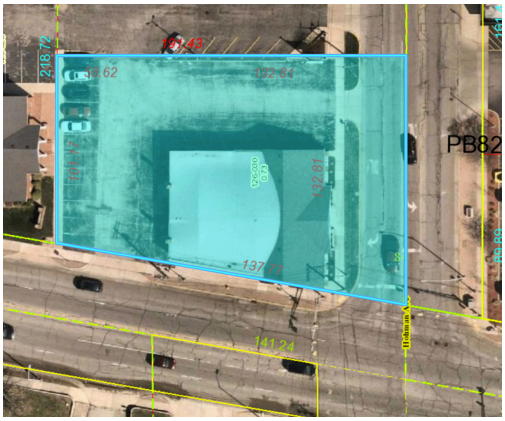
Petitioner seeks approval for these developmental variances upon the following described real estate (hereinafter referred to as the "Property"):

Legal Description attached as Exhibit D to Petition.

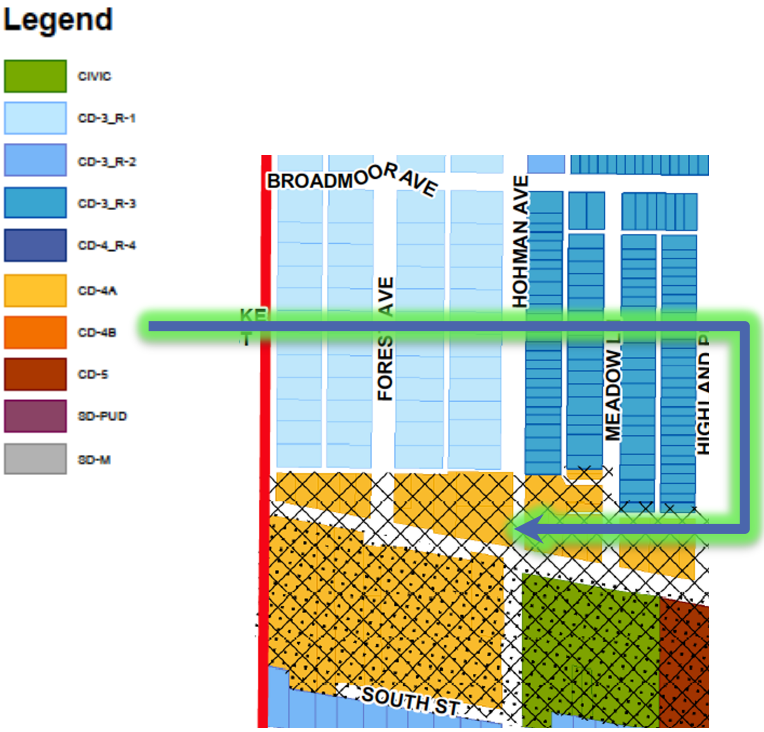
Parcel No. 45-06-24-126-030.000-027

Commonly known as:

8250 Hohman Avenue, Munster, Indiana 46321

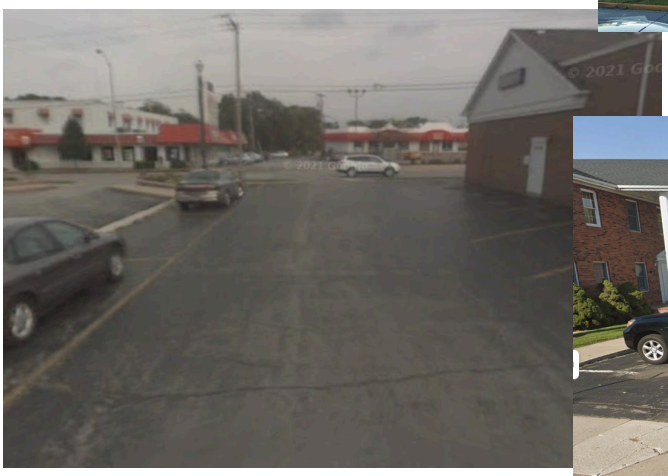


The Property is located at the corner of Hohman Avenue and Ridge Road and is designated as a CD-4A General Urban-A District.



Current Condition & Prior Uses

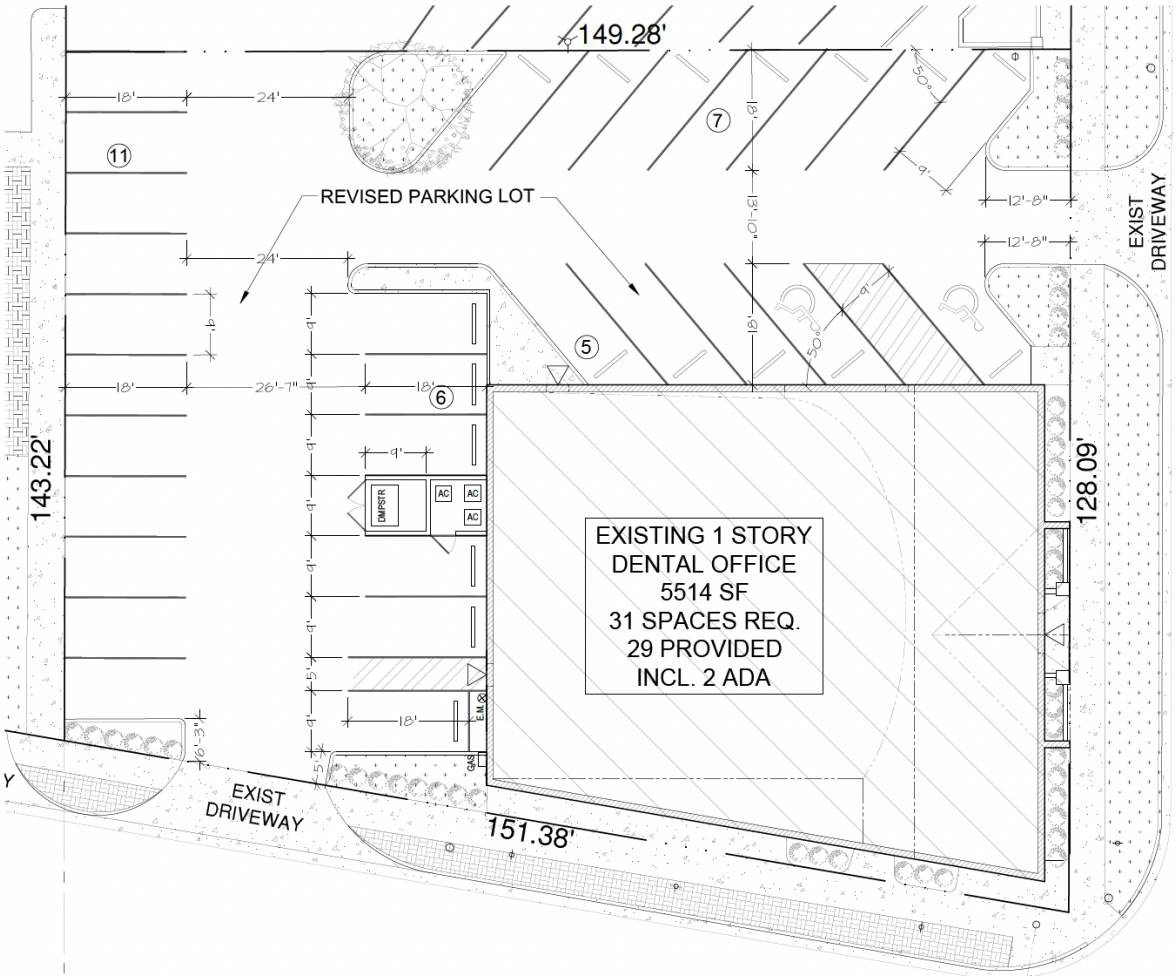
Most recently, the building situated upon the Property was utilized as a medical office-clinic for an ophthalmologist and as general business offices for a company, which provided POS hardware, service and support. As depicted by the below photos, the Property has fallen into less than an optimal state in recent years, such that an update is needed.



The existing configuration of the parking surface does not comply with the requirements of the Munster Zoning Code, which was adopted long after this parking surface was approved and, as we know, much has changed during the intervening years. Of particular note, there are parallel parking spaces on the northern border and spaces are aligned throughout the deteriorated parking surface, which are not optimal to the safe and efficient flow of traffic.

Proposed Improvements

Petitioner engaged Bob Xenos of Sonex Properties to build out and construct a dental office to be situated upon the Property and also engaged Dennis Xenos of DXenos & Associates Ltd. to design the project. In working closely with Tom VanderWoude, Bob and Dennis designed the parking surface ("Petitioner's Parking Plan") to accommodate and meet the parking requirements of the Munster Zoning Code. As illustrated below, Petitioner's Parking Plan contemplates a total of 29 spaces, including 2 spaces, which are fully ADA compliant. Petitioner's Parking Plan also provides for an enclosure for the dumpster and AC units, which is not currently provided, and additional landscape buffering that also does not currently exist.



Applicable Zoning Code Provisions

As described above, the Property is generally situated within a CD-4A General Urban-A District and Petitioner's proposed use of the Property as a Dental Office and Clinic is a fully permitted use for the Property. Section 26-6.402(O) of the Munster Zoning Code establishes the requirements for vehicular parking in a CD-4A General Urban-A District. Specifically, as described and set out by the below table from 26-6.402(O)(1)(a), a Medical or Dental Office must provide 5.7 spaces per 1,000 square feet of floor area.

OFFICE USES CATEGORY	
Business / Governmental / Non-Profit / Professional Office	3.3 spaces per 1,000 square feet of floor area
Counseling Service	3.3 spaces per 1,000 square feet of floor area
Crisis Counseling Center	5.7 spaces per 1,000 square feet of floor area
Medical Lab / Dental Lab / Research Lab	5.7 spaces per 1,000 square feet of floor area
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	5.7 spaces per 1,000 square feet of floor area

The existing building situated on the Property is 5,514 Square Feet, which yields a product of (5,514 x 5.7=) 31 Spaces. As illustrated upon Petitioner's Parking Plan, Petitioner proposes 29 Spaces.

Accordingly, as described above, Petitioner is seeking relief from the standards described and set forth within Munster Municipal Code Sec. 26-132 and asking this Board to grant Petitioner a variance from the standards set forth therein. Petitioner respectfully contends that good and sufficient cause exists such that this Board should approve a Developmental Variance from the developmental standards described in Munster Municipal Code Sec. 26-132 and will so demonstrate by addressing the standards described in Section 26-6.804(I)(1)(h) of the Munster Zoning Code.

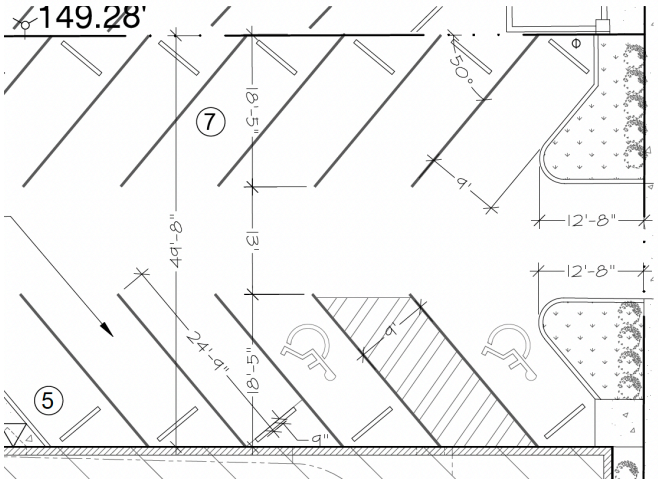
Pursuant to applicable Indiana statutory law and the Munster Zoning Code, a board of zoning appeals shall approve or deny variances from developmental standards described within the applicable zoning ordinance. As described in Section 26-6.804(I)(1)(h) (Variances from development standards), in making its determination to grant or deny a request for a variance from developmental standards, the Board of Zoning Appeals shall take into consideration all of the following factors:

i. It will not be injurious to the public health, safety, morals and general welfare of the community;
ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and,
iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

To assist the Board in its consideration of this request for Developmental Variances, Petitioner submits the following for consideration when reviewing Petitioner's request for Developmental Variances in light of the above criteria. Petitioner respectfully contends that approval is in the best interests of the Town, as will be demonstrated upon consideration of application of the following discussed criteria.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The approval of Petitioner's Developmental Variance request will not be injurious to the public health, safety, morals and general welfare of the community. Fundamentally, Petitioner must demonstrate, to this Board's satisfaction, that permitting 29 spaces rather than requiring 31 spaces will not create a safety issue. To the contrary, Petitioner contends Petitioner's Parking Plan will enhance the ability of vehicles to safely and efficiently enter, exit and navigate upon the parking surface with clearly delineated ingress and egress lanes. In working with Mr. VanderWoude, Petitioner's representatives decided to reduce the number of spaces to allow for larger spaces to permit visitors ample room to exit their vehicles and improve traffic flow on site. Additionally, in response to Mr. VanderWoude's inquiry, Petitioner confirmed that the spaces will be sufficient depth and width (9') to fully comply with the Munster Zoning Code (see adjacent illustration). Also, the drive aisles are of sufficient width and the parking spaces are aligned at the correct angle in conformance with the requirements set out in the Munster Zoning Code.



2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

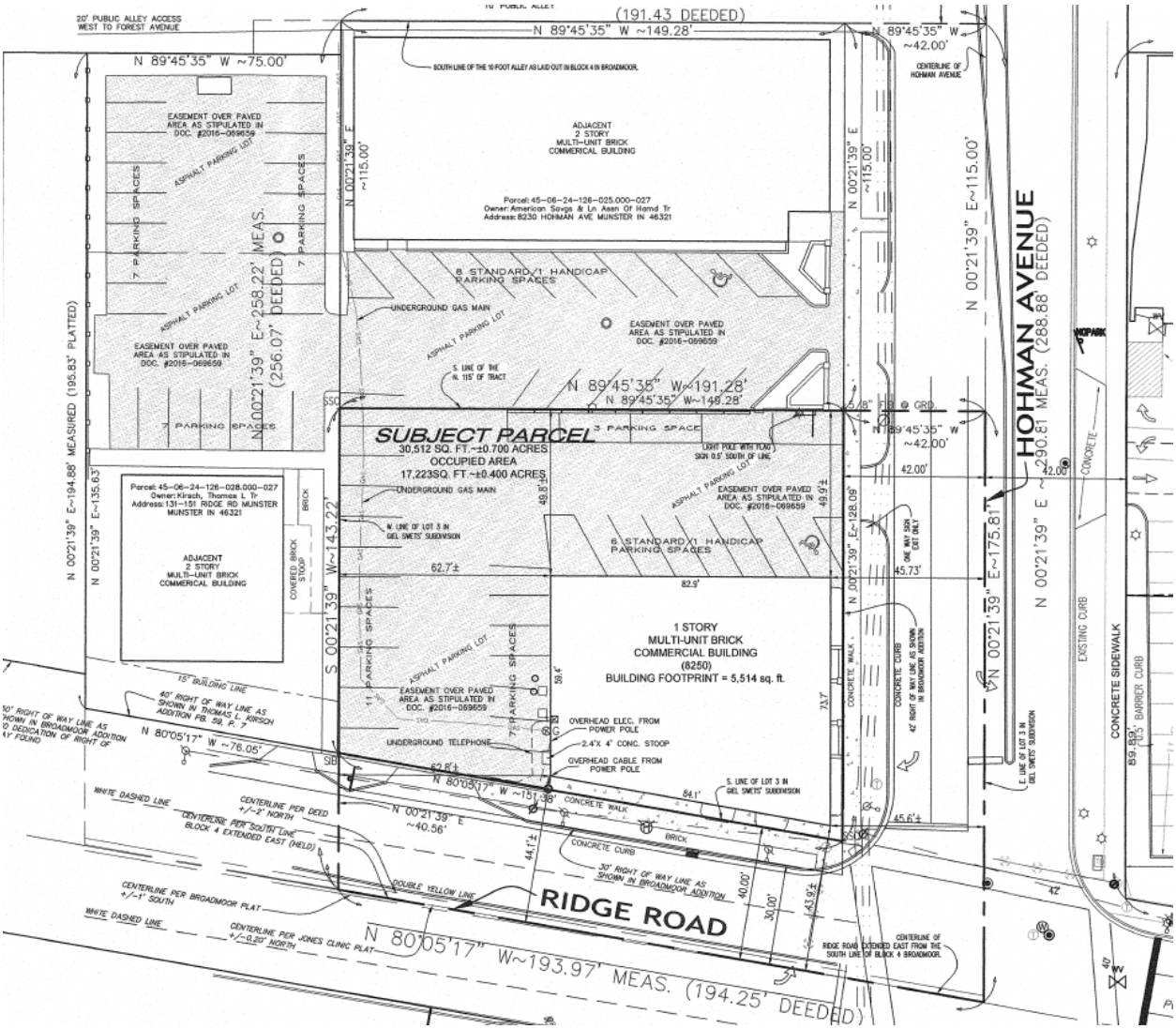
The use and value of the area adjacent to Petitioner's Property will not be affected in a substantially adverse manner. To the contrary, the use and value of the adjacent properties will be enhanced. Adding a compatible use to the area will only increase the value of surrounding property and also the existing tax base. The existing parking surface, which is shared with the adjacent property owners, has greatly deteriorated over time and will remain in a dilapidated state if Petitioner's proposed development is not approved. Further, as demonstrated by Petitioner's Parking Plan, which includes plantings around the perimeter of the parking area, Petitioner will substantially enhance the appearance of the Property benefitting surrounding property owners.

As referenced above, the adjacent property owners have shared access rights to the parking area located on Petitioner's property. Likewise, Petitioner has access rights to utilize the parking areas, which surround Petitioner's Property. American Community Bank, which is to the north of Petitioner's Property and the Tom L. Kirsch Trust, which holds property to the west of Petitioner's Property, and Petitioner are subject to the terms and conditions of an Agreement Creating Easement (the "Easement Agreement"). The Easement Agreement, which was entered and recorded in June of 1983 conveys certain ingress, egress and parking easements, which run with the land, for the benefit of the landowners holding land described in the Easement Agreement. The following terms from the Easement Agreement describe those rights:

(1) RIGHT OF WAY EASEMENT. Each party shall have full and free right to said party, its tenants, servants, visitors and licensees, at all times hereafter, with or without vehicles, for all purposes connected with the use and enjoyment of the said lands to pass on, along, or over the paved portion of the properties, not occupied by buildings or other structures, and in such manner as not to interfere with the areas used for parking, for the purposes of ingress, egress, and access to Hohman Avenue, Ridge Road, and the public alley immediately north of the subject properties.

(2) PARKING EASEMENT. The parties grant to each other non-exclusive easements for the purpose of parking vehicles of the party; the tenants, concessionaires, or owners of any portion of the party's property; and the customers, licensees, employees, and invitees of the party and the tenants, concessionaires, or sublessees; limited, however, for purposes connected with or incidental to any use being made of any portion of the party's property.

Accordingly, based on the Easement Agreement, the three landowners each hold parking, ingress and egress rights to utilize the property held by the respective landowners. Please see below ALTA Survey extract displaying current conditions and shaded parking surface.



Based upon the Easement Agreement, if Petitioner's request for a developmental variance is approved, there will be a total of 68 spaces for the three (3) landowners to utilize. Currently, there are 67 spaces, so there will be a net gain of 1 space in addition to the various improvements to be made to the parking area and to the perimeter of the parking surface.

3. Strict application of the Development standards will result in practical difficulties in the use of the property.

Strict application of the terms of the Munster Zoning Code will result in practical difficulties in the use of the Property and will likely make this site incapable of being developed. The lot size and configuration of the lot surrounding Petitioner's building is constrained and will prevent development of this site if relief is not granted. The parking requirements of the current Munster Zoning Code were quite different than the regimen of parking requirements that were in place when Petitioner's Property and the surrounding properties were developed. Unfortunately, there is simply not ample room on the available footprint to accommodate more parking spaces. Accordingly, the development standards, as applied to the Property, impose an unnecessary hardship in that the dimensions and location of this site do not otherwise permit development.

Closing Request

In summary, Petitioner has worked closely with Mr. Vander Woude regarding in hopes of gathering necessary input and direction and has incorporated Mr. Vander Woude's suggestions into this request. In consideration of the foregoing, Petitioner respectfully requests a favorable and positive decision from the Board in response to this developmental variance request at the Board's public meeting scheduled to convene on February 14, 2023 at 6:00 pm.

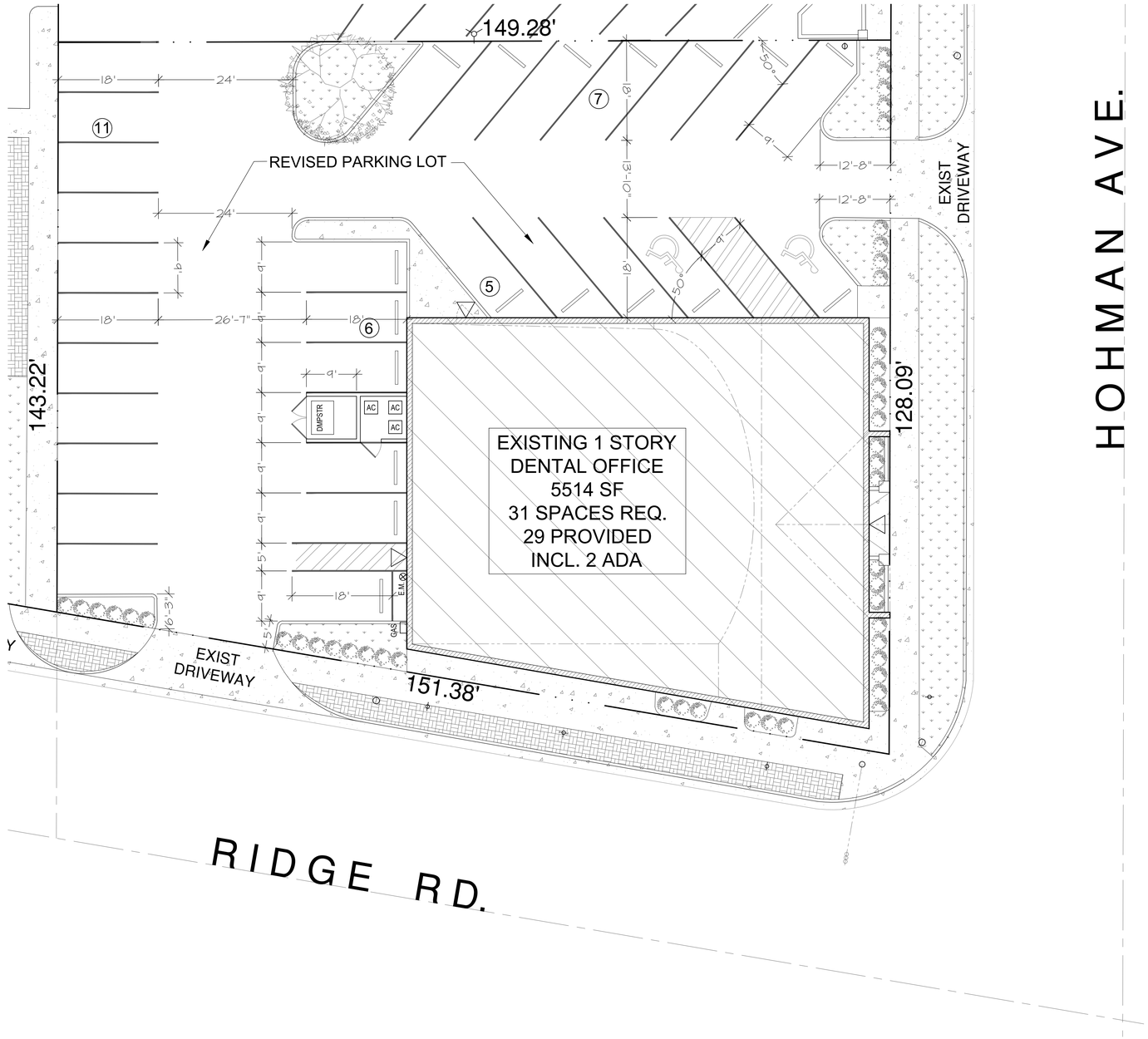
Very truly yours,

Yahne Law, P.C.

Scott E. Yahne
scott@yahnelaw.com

SEY/es

SITE DATA	
TOTAL LOT SQ.FT.	17,162 S.F.
TOTAL BUILDING SQ.FT.	5,514 S.F.
TOTAL PARKING SPACES	29 SPOTS



1 SITE PLAN
SCALE: 3/32" = 1'-0"

DENOS & ASSOCIATES LTD
DESIGN – BUILD CONCEPT
2045 W. GRAND AVE. CHICAGO, ILLINOIS 60612
Tel (312) 421 1200 FAX (312) 421 7407
E-mail xenositd@ix.netcom.com

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PROJECT

REMODELING OF EXISTING MEDICAL OFFICE FOR EXPANSION OF EXISTING:

DENTAL OFFICE

8252 HOHMAN
MUNSTER, IN.

NOTES

REVISIONS

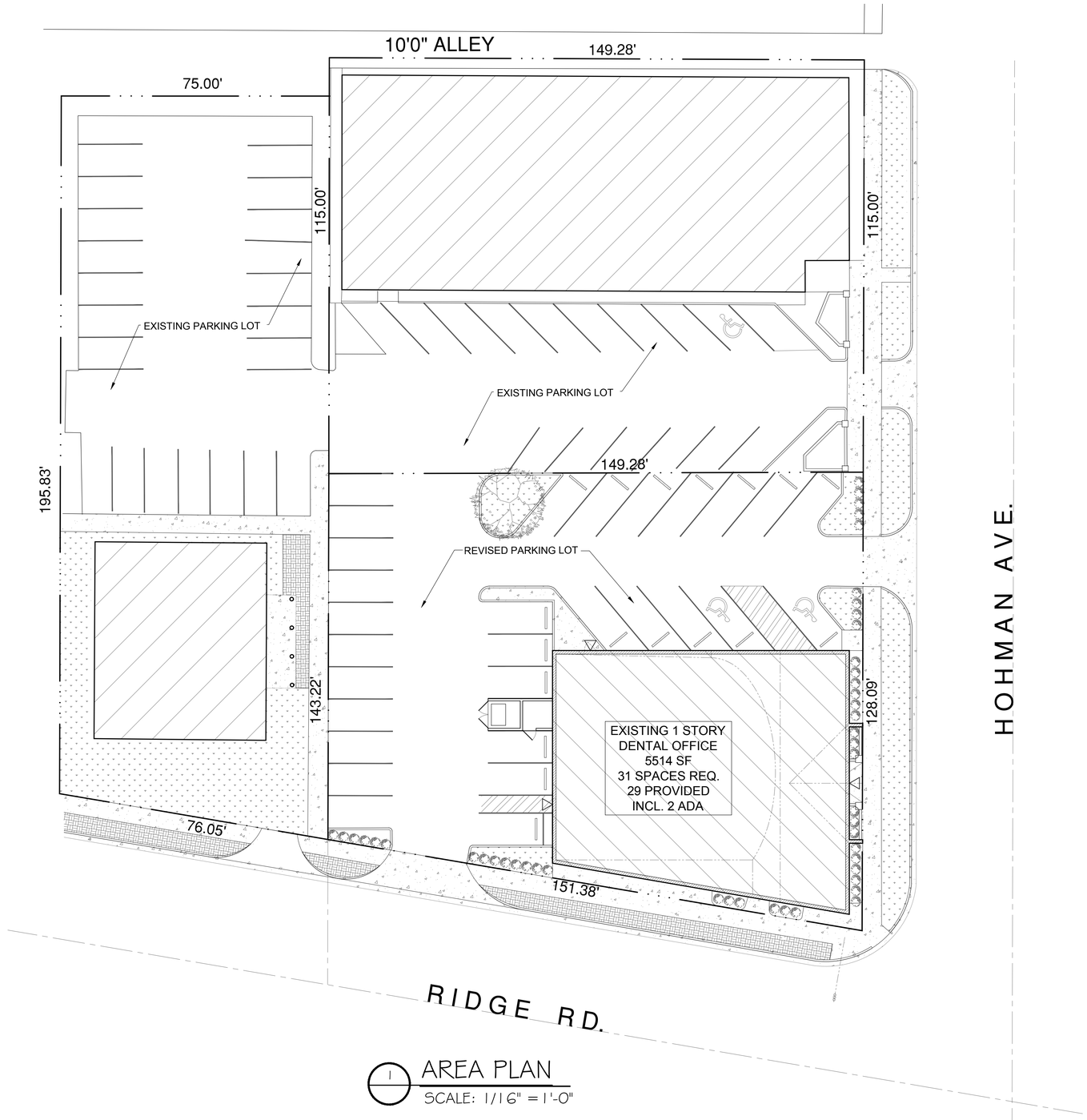
No.	Date	Description	Authority

SITE PLAN

Drawn:	Checked:	Approved:
A.V.	D.X.	D.X.
Date:	Project Number	
12/12/2022		

SHEET NO.

T-1.1



1 AREA PLAN
SCALE: 1/16" = 1'-0"

DX XENOS
& ASSOCIATES LTD
DESIGN - BUILD CONCEPT
2045 W. GRAND AVE. CHICAGO, ILLINOIS 60612
Tel (312) 421 1200 FAX (312) 421 7407
E-mail xenositd@ix.netcom.com

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PROJECT

REMODELING OF EXISTING MEDICAL OFFICE FOR EXPANSION OF EXISTING:

DENTAL OFFICE

8252 HOHMAN
MUNSTER, IN.

NOTES

REVISIONS

No.	Date	Description	Authority

AREA PLAN

Drawn:	Checked:	Approved:
A.V.	D.X.	D.X.
Date:	Project Number	
12/12/2022		

SHEET NO.

T-1.0

ALTA/NSPS LAND TITLE SURVEY

LEGAL DESCRIPTION (AS PER NORTH AMERICAN TITLE INSURANCE COMPANY COMMITMENT FILE NO. 15703-22-02298-IN DATED DECEMBER 30, 2021)

PART OF LOT 3, GIEL SWETS' SUBDIVISION IN THE TOWN OF MUNSTER, AS SHOWN IN DEED RECORD 54, PAGES 18 TO 25, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, WHICH IS PART OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 10 WEST OF THE 2ND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF HOHMAN AVENUE WHICH POINT IS ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE 10 FOOT ALLEY AS LAID OUT IN BLOCK 4 IN BROADMOOR, IN THE TOWN OF MUNSTER, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 18, PAGE 3, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; THENCE SOUTH ALONG THE CENTER LINE OF HOHMAN AVENUE A DISTANCE OF 288.88 FEET TO THE POINT OF INTERSECTION OF THE CENTER LINE OF HOHMAN AVENUE AND THE CENTER LINE OF RIDGE ROAD; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF RIDGE ROAD 194.25 FEET TO A POINT ON THE WEST LINE OF LOT 3 IN GIEL SWETS' SUBDIVISION; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 256.07 FEET TO A POINT ON THE SOUTH LINE OF THE 10 FOOT ALLEY AFORESAID; THENCE EAST ALONG THE SOUTH LINE OF SAID ALLEY A DISTANCE OF 191.43 FEET TO THE PLACE OF BEGINNING, EXCEPT THE NORTH 115 FEET THEREOF.

File Number: 15703-22-02298-IN
Effective Date: December 30, 2021

SCHEDULE B, PART II (AS PER NORTH AMERICAN TITLE INSURANCE COMPANY COMMITMENT FILE NO. 15703-22-02298-IN DATED DECEMBER 30, 2021)

10. Terms and provisions contained in easement established by Agreement Creating Easement in favor of American Savings & Loan Association recorded June 22, 1983 as Document No. 713746 and Amendment to Agreement Creating Easement recorded April 12, 1985 in Document No. 799278 and Second Amendment to Agreement Creating Easement recorded October 17, 2016 as Document No. 2016069659.

SURVEYOR'S REPORT:

This retracement survey is based on the following legal description taken from a Warranty Deed dated 10-18-2016 and recorded 10-21-2016 as document number 2016-070847:

PART OF LOT 3, GIEL SWETS' SUBDIVISION IN THE TOWN OF MUNSTER, AS SHOWN IN DEED RECORD 54, PAGES 18 TO 24, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, WHICH IS PART OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 10 WEST OF THE 2ND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF HOHMAN AVENUE WHICH POINT IS ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE 10 FOOT ALLEY AS LAID OUT IN BLOCK 4 IN BROADMOOR, IN THE TOWN OF MUNSTER, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 18, PAGE 3, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; THENCE SOUTH ALONG THE CENTER LINE OF HOHMAN AVENUE A DISTANCE OF 288.88 FEET TO THE POINT OF INTERSECTION OF THE CENTER LINE OF HOHMAN AVENUE AND THE CENTER LINE OF RIDGE ROAD; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF RIDGE ROAD 194.25 FEET TO A POINT ON THE WEST LINE OF LOT 3 IN GIEL SWETS' SUBDIVISION; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 256.07 FEET TO A POINT ON THE SOUTH LINE OF THE 10 FOOT ALLEY AFORESAID; THENCE EAST ALONG THE SOUTH LINE OF SAID ALLEY A DISTANCE OF 191.43 FEET TO THE PLACE OF BEGINNING, EXCEPT THE NORTH 115 FEET THEREOF.

THEORY OF LOCATION:

This Survey is based on the locations of called-for and uncalled-for monuments found at or near the corners of the surveyed parcel, and at or near the corners of adjacent parcels as shown herein.
Reference was made to the following documents:
1. Broadmoor Addition, to the Town of Munster, Lake County, Indiana, as shown in Plat Book 18, Page 3, in Lake County, Indiana.
2. Giel Swets Subdivision in Lake County, Indiana as shown in Deed Record Book 54, Page 24, in the Office of the Recorder, Lake County, Indiana, dated 7-3-1890 and recorded 10-3-1890.
3. Thomas L. Kirsch Addition to the Town of Munster, Lake County, Indiana, as shown in Plat Book 59, Page 7, in Lake County, Indiana.

The purpose of this ALTA/NSPS Land Title Survey is to perform a retracement survey of the Parcel described above A search was performed throughout the surveyed parcel and adjoining parcels for monuments and the results of said search are shown hereon. The held basis of bearings of this survey was local and held the centerline of Hohman Avenue as North 00 degrees 21 minutes 39 seconds East. We established boundary lines from found existing monumnetation from the two surrounding subdivision plats as shown on this survey. I believe the Iron Pipes we found at the Northeast and Northwest corners of Lot 1 Block 4 in Reference Doc. 1 were original and held them to establish the North Line from Platted Dimensions. two other monuments found South were held to establish the centerline of Hohman Avenue. when extended South this measured very closely with the Establish centerline of Jone Clinic Addition to the Town of Munster as shown on this plat.

A.) AVAILABILITY OF MONUMENTS:

Uncertainties in Monument locations are noted. Unless otherwise stated, found monuments were undisturbed, in good condition, of unknown origin, and at or near grade.
Uncertainties in the location of found monumentation was 0.22' in a North-South direction and .056' in the East- West direction.

B.) OCCUPATION AND POSSESSION:

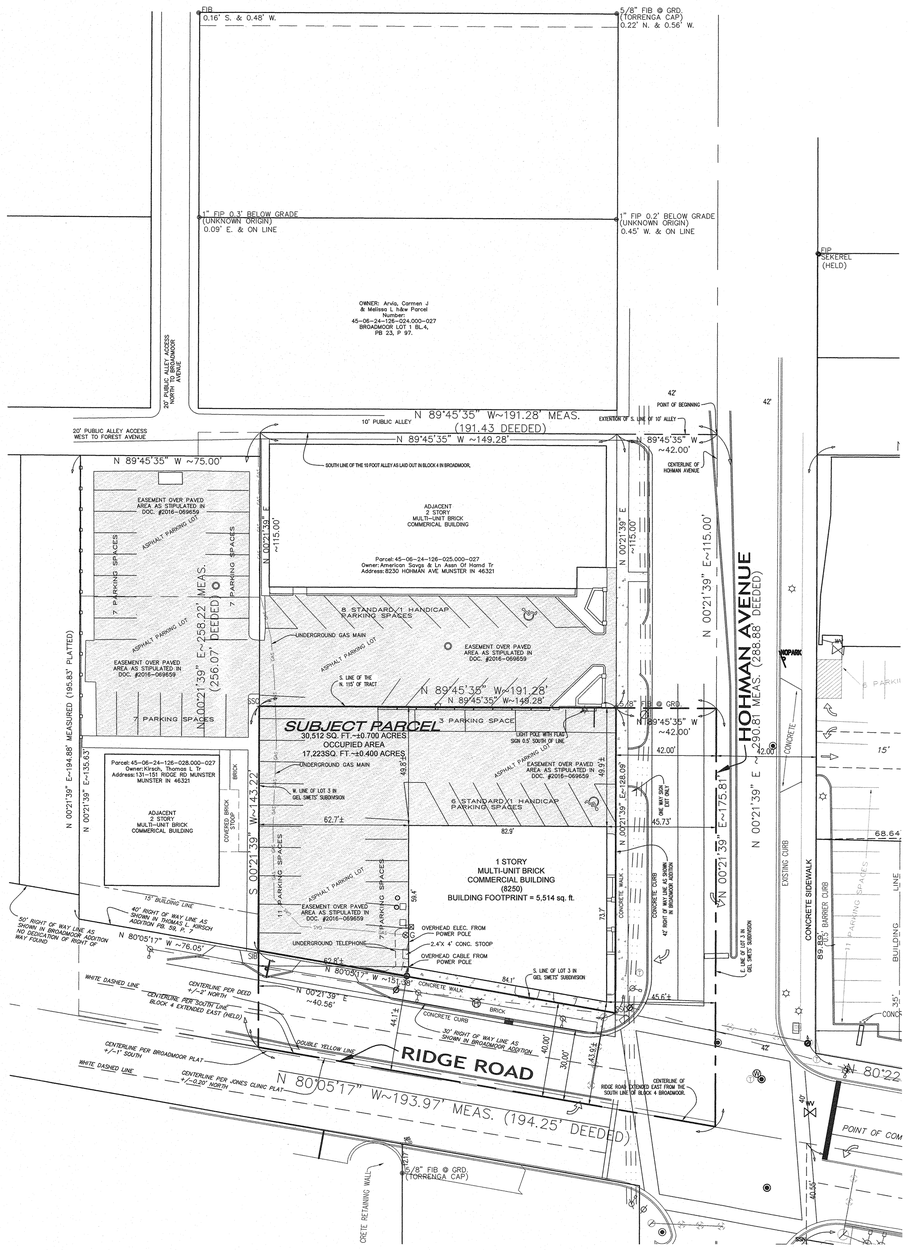
No apparent uncertainties resulted due to occupation or possession lines, unless specifically shown on the plat.

C.) CLARITY OR AMBIGUITY OF RECORD DESCRIPTIONS:

Deeded vs measured differences were as follows: North line Measured 0.15 feet short, South line Measured 0.28 feet short, East line measured 1.93 feet long and the West line measured 2.15 feet long. Looking at the original plat of Giels Sweets Subdivision the platted measurement shown was 194' which is 2.72 feet wider them what was measured on the survey. The description in the vesting deed should state deed record 54, pages 18 to 24.

D.) RELATIVE POSITIONAL ACCURACY (due to random errors in measurements):

The survey performed met the requirements of a URBAN SURVEY according to title 865 IAC 1.1 - 12 et seq. The allowable relative positional accuracy is not less than 0.07 feet (21 millimeters) plus 50 parts per million for set monuments.



ADDITIONAL SURVEY RELATED NOTES.

1) AS IT PERTAINS TO ITEM 16 OF THE TABLE A FOR ALTA/NSPS LAND TITLE SURVEY OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS, THERE WAS NO OBSERVED EVIDENCE OF ANY EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS AT THE TIME THE SURVEY WAS BEING CONDUCTED.

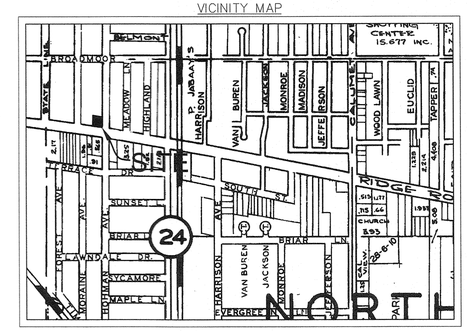
2) AS IT PERTAINS TO ITEM 17 OF THE TABLE A FOR ALTA/NSPS LAND TITLE SURVEY OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS, THERE WAS NO EVIDENCE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, NOR WAS THERE ANY OBSERVED EVIDENCE OF ANY RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS AT THE TIME THE SURVEY WAS BEING CONDUCTED.

3) THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, IF ANY, OF ITEMS THAT WOULD REQUIRE AN INTERPRETATION BY THE SURVEYOR, (I.E. COMPLIANCE WITH ALL ZONING REQUIREMENTS) EXISTENCE OF ITEMS BEYOND THE QUALIFICATION OF SURVEYOR (I.E. WETLANDS, HAZARDOUS MATERIAL) AND ITEMS NOT READILY VISIBLE DURING A REASONABLE INSPECTION OF SITE (PAST CEMETERIES, LANDFILLS, AND MINERAL RIGHTS).

4) NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN DATA CONCERNING SIZE, DEPTH, CONDITION, CAPACITY OF ANY UTILITIES LOCATED WITHIN THE SURVEYED PARCELS OR SERVING THE PARCELS, UNLESS SHOWN HEREON. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITES/STRUCTURES.

5) PARCELS IDENTIFIED BY TITLE DESCRIPTION OR RECORD REFERENCES AS PER 865 IAC 1-12-13-(11) ARE OBTAINED FROM COUNTY AUDITOR'S OFFICE AND/OR RECORDER'S OFFICE AND ARE NOT CERTIFIED. THE INFORMATION MAY OR MAY NOT REFERENCE THE MOST CURRENT DEED OF RECORD OR THE MOST CURRENT STATUS OR TITLE FOR THAT PARCEL.

VICINITY MAP



THIS PROPERTY IS LOCATED IN FLOOD ZONE(S) X (UNSHADED) AS DETERMINED BY USING SCALE MEASUREMENT FOR LOCATION UPON THE APPLICABLE FLOOD INSURANCE RATE MAP FOR THE TOWN OF MUNSTER , LAKE COUNTY, INDIANA AS SHOWN IN COMMUNITY PANEL(S) 18089C0117C EFFECTIVE JANUARY 18, 2012 .

LEGEND:

- CATCH BASIN/INLET
- POWER POLE
- POWER POLE w/ LIGHT
- LIGHT POLE
- FIRE HYDRANT
- WATER VALVE
- CURB DRAIN
- TRAFFIC CONTROL BOX
- TRAFFIC MANHOLE
- TRAFFIC LT. SUPPORT POLE
- TRAFFIC LIGHT
- STEEL BOLLARD
- MANHOLE
- SIGN or BILLBOARD
- B-BOX
- TELEPHONE PEDESTAL
- GAS METER
- FPK FOUND PK NAIL
- FIP FOUND IRON PIPE
- FIB FOUND IRON BAR
- SIB SET 5/8" REBAR W/ALLEN CAP
- SMN SET MAG NAIL W/ALLEN TAG
- SSC SET SCRIBED CROSS
- OVERHEAD LINES
- EXISTING GAS MAIN
- TELEPHONE

NORTH

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 INCH = 30 FT.

CERTIFY TO:

Osceola Properties Inc., a Florida corporation
NORTH AMERICAN TITLE INSURANCE COMPANY
Stotis & Baird Chartered

STATE OF INDIANA } §
COUNTY OF LAKE }

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 9, 13, 14, 16, 17, 18 and 19 of Table A thereof. The field work was completed on February 25, 2022 and I, John Stuart Allen, a Registered Land Surveyor in the State of Indiana, License #29900011, further certify that the above described survey was prepared wholly by me or under my direct supervision in accordance with Rule 12 of Title 865, Article 1 of the Indiana Administrative Code for Boundary/Retracement Surveys.

DATE: March 10, 2022

TORRENGA SURVEYING, LLC.

JOHN STUART ALLEN - Registered Land Surveyor No. LS29900011

JOHN STUART ALLEN REGISTERED No. LS29900011 STATE OF INDIANA LAND SURVEYOR

TORRENGA SURVEYING, LLC
PROFESSIONAL LAND SURVEYORS
907 RIDGE ROAD, MUNSTER, INDIANA 46321
TEL. No.: (219) 836-8918 WEBSITE: WWW.TORRENGA.COM

ALTA/NSPA Land Title Survey
8250 HOHMAN AVENUE
PART OF THE NE 1/4 OF THE NW 1/4 OF SEC. 24, T36N, R10W
TOWN OF MUNSTER
LAKE COUNTY, INDIANA

DATE: March 10, 2022

CLIENT: Osceola Properties Inc.
JOB NO: 2022-0078
DRAWN: JSA
SCALE: 1"=30'

SHEET 1 OF 1