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CITY OF GARY- BOARD OF ZONING APPEALS MINUTES
Thursday, July 14, 2022
3:00 P.M. CT

Attendees:

BZA members: Rev. Chester Jones, Kevin Brown, Bill Cook
Staff: Eric Boria -Zoning Administrator, Atty. Molina - Law Department, Carla McVea – Zoning Coordinator

Rev. Jones called the meeting to order and conducted roll call, present were Bill Cook, Kevin Brown and Rev. Chester Jones.

Agenda

Motion to approve the BZA Agenda: Member Bill Cook
2nd: Member Kevin Brown
Result of vote: motion carries 3-0

Member	Jones	Brown	Cook
Vote	Yes	Yes	Yes

Minutes

Motion to approve the BZA Minutes: Member Bill Cook
2nd: Member Kevin Brown
Result of vote: motion carries 3-0

Member	Jones	Brown	Cook
Vote	Yes	Yes	Yes

Agenda Items

**1. BZA 2022-07, 2439 – 41 W 15th Avenue
Use Variance**

The petitioner is Shannon Shivers. The property owners are Shannon & LaTasha Shivers. The affected real estate is 2439 -2441 W 15TH AVE GARY IN 46407, parcel 45-08-08-327-001.000-004, legal description Rundell's Rearrangment Lot 59 Ex. E.1f. The zoning district is R2 residential. In accordance with MC Sec. 123-107, the petitioner requests a use variance to operate a business on the property.



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Mr. Shivers provided his address and gave a brief overview of the petition. Mr. Shivers stated that he had communicated with the neighbors and received favorable responses. Mr. Shivers explained that this is the second time coming before the BZA and had received and recorded the property survey as requested.

Meeting was open to the public. Rev. Chester Jones opened and closed the public comment period.

Public Comment

Derrick Williams the neighbor is a supporter of the petition but expressed concern for the fence location. Mr. Boria stated that this is a Use Variance and the concern for the fence could be addressed with developmental standards. Crystal Adams, who previously was not in favor of the petition was on zoom stating the same position. The public comments period was closed. Mr. Boria provided a brief overview of the petition with a favorable recommendation conditioned upon the property meeting development standards consistent with other B1 zoning districts.

Motion to approve BZA 2022-07: Member Cook
2nd: Member Brown
Result of vote: motion carries 3-0

Member	Jones	Brown	Cook
Vote	Yes	Yes	Yes

**2. BZA 2022-10, 1365-69 Burr Street
Use Variance**

The petitioner is Alyssa Stout. The property owner is Jill Stout & Jason Thurman. The affected real estate is 1365 TO 69 BURR ST GARY IN, parcel 45-07-12-255-009.000-004, legal description J.R LANES ADD IVANHOE N. 22 FT LOT 31, ALL LOT 32 W. 11 FT LOT 17 & W. 11 FT OF N. 22 FT LT 18 BL. 15 AND VAC ALLEY ADJ LOTS SUBJ TO 20 FT EASM'T TO CITY OF GARY, zoned R2 residential. In accordance with MC Sec. 123-107, the petitioner requests a Use Variance to operate a business on the property.

Petitioner Alyssa Stout provided her address and a brief overview of her petition. She stated that she previously operated the business in Munster Indiana and that property burned down. Ms. Stout acquired the property on Burr Street as a result of an inheritance. Rev. Jones ask members if they had any questions. Member Brown ask for the hours of operation. Ms. Stout provided the hours of operation as daily 12:00



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noon to 7:00 p.m. The operations will be carry-out, and approximate time to open would be two months.

Meeting was open to the public. Rev. Chester Jones opened and closed the public comment period.

Public Comment

Jill Stout, the mother of Alyssa Stout spoke in favor of the project. No one spoke opposition to the petition. Mr. Boria provided a brief overview of the petition with a favorable recommendation conditioned upon the property meeting development standards consistent with other B1 zoning districts.

Motion to approve BZA 2022-10: Member Cook
2nd: Member Brown
Result of vote: motion carries 3-0

Member	Jones	Brown	Cook
Vote	Yes	Yes	Yes

**3. BZA 2022-11, 7400 Ash Place
Special Use Permit**

The petitioner and property owner is Donald R. Campbell. The affected real estate is 7400 ASH PL GARY IN 46403, parcel, 45-05-32-451-025.000-004, legal description ROBERT BARTLETT'S MARQUETTE PARK ESTATES 2ND ADD. L.432, zoning district R1a, residential. In accordance with MC Sec. 123-59, the petitioner requests a Special Use Permit from MC Sec. 123-155(c) to use the property as an open space for the construction and operation of a greenhouse.

Mr. Campbell provided a brief overview of the request to enclose his garden with a hoop house. Member Cook asked the size of the structure, which Mr. Campbell provided, 30' wide, 50' long and 12' high. Member Cook asked if there was any opposition from the neighbors, and Mr. Campbell mentioned one neighbor was who was not in favor of, nor against.

Member Brown, wanted clarification regarding the time period that he had the garden and Mr. Campbell stated two years. Mr. Campbell stated that he purchased the material and built 80% of the hoop house.



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Meeting was open to the public. Rev. Chester Jones opened and closed the public comment period.

Public Comment

Oppose the petition - 2

Ms. Phyllis Smith provided her address and stated that she opposes the petition. She believes that this petition may be to operate a business. She states that she has not seen a garden there in the last 2 years. Ms. Smith believes that her property value may decrease.

Mr. Donald Smith provided his address and stated that he was opposed to having this structure behind his house. Mr. Smith is concerned that a business would negatively impact the residential character of the area. Henry Mosely provided his address and stated that he lives down the street from Mr. Campbell.

Mr. Campbell has stated that he will not be operating a business but will donate the produce to those in need. Mr. Campbell received a grant to subsidize the hoop house and would not be required to pay back the grant. BZA members asked for the hour of operation. Mr. Campbell stated that the growing season would be February to December.

Mr. Eric provided staff favorable recommendation. Member Brown made a motion for conditional favorable that Mr. Campbell would not operate a business. Member Cook wanted to know if anything could be done that would accommodate the neighbors concern regarding a negative impact to their property value. Mr. Campbell owns the majority of the property. The favorable recommendation was withdrawn by the BZA Members and replaced with a motion to defer to the August meeting.

Motion to defer to BZA 2022-11 to August 11, 2022 BZA meeting: Member Cook
2nd: Member Brown
Result of vote: motion carries 3-0

Member	Jones	Brown	Cook
Vote	Yes	Yes	Yes



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**4. BZA 2022-12, 3600 Grant
Developmental Standards Variance**

The petitioner and property owner is McDonalds Corp. The affected real estate is 3600 GRANT ST GARY IN 46408, parcel 45-08-20-476-003.000-003, legal description S.274FT. OF N.512.6FT. OF E.171FT. OF SE SE S.20 T.36 R.8 1736AC. TAXABLE SUBJ. TO EASM'T .340AC, NON-TAXABLE, zoning district B5-1, business. In accordance with MC 123-107, the petitioner requests a Developmental Standards Variance from Sec. 117-2 and Sec. 117-9 of the City of Gary Sign Ordinance for an LED illuminated sign board with illusionary motion.

Jon A. Schmaltz and Akisha Moore introduced themselves and spoke regarding the petition. Ms. Moore, area supervisor for McDonalds provided details to the members. Ms. Moore discussed the renovation project for McDonalds; which included the illuminated sign and an investment of three million dollars. This renovation is scheduled to begin at the end of August 2022.

Bill Cook asked how long this project will take and if the restaurant would be open during the renovation. Ms. Moore stated that the restaurant would be closed due to the extensive nature of the project. The improvement will benefit the community.

Meeting was open to the public. Rev. Chester Jones opened and closed the public comment period.

Public Comment

There were no public comments.

Eric Boria provided a brief overview of the petition with a partial favorable recommendation with conditions of no flashing signage and no video.

Ms. Moore spoke to the condition and stated that the signage would be rolling messages. The lighting brightness is adjustable.

Motion to approve BZA 2022-12: Member Cook

2nd: Member Brown

Result of vote: motion carries 3-0

Member	Jones	Brown	Cook
Vote	Yes	Yes	Yes



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**5. BZA 2022-13, 7200 E. Melton Rd.
Use Variance**

The petitioner and property owner is CSODT Holdings, Inc. (Charter School of the Dunes). The affected real estate is 7200 E MELTON RD GARY IN 46403, parcel 45-09-05-451-001.000-004, legal description PT. SW SE N. OF US.HWY 20, S'LY & W'LY OF HOBART RD. S.5 T.36 R.7 2.931AC., zoning district Light Industrial. In accordance with MC Sec. 123-107, the petitioner requests a Use Variance to construct a school and amenities for school-related uses.

Mr. Chris Bryant, architect with Wightman and Associates, introduced himself and the design team Kris Garritee of PSI. Also present was Justin Stoke, superintendent Charter School of the Dunes. Mr. Bryant provided a brief overview of the project and stated that the current school has too many students and need additional classrooms.

Meeting was open to the public. Rev. Chester Jones opened and closed the public comment period.

Public Comment

Jim Nowacki, of 860 Broadway stated that he owns the property adjacent to the West of the property seeking the variance. Mr. Nowacki spoke regarding projects in residential areas that are in conflict with commercial or industrial developments. Mr. Norwacki stated that the property he owns would be located in two special use light industrial and special use school or residential. He would not oppose the special use for the school, but wants the same consideration for his property. The statement was made to be on record. In favor of the project as noted.

Eric Boria provided a brief overview of the petition with a conditional favorable recommendation with conditions 1. R5 neighborhood commercial, 2. Design standards to protect pedestrians/students at the crosswalks. Member Brown asked if there would be chaperons to accompany the children who need to cross the street to the new building. BZA Members asked about the safety of the children crossing the street to the new building. Representatives from CSODT Holding Inc. stated that two school resource officers will be available and construction of the new school will reduce the number of students who need to cross.



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Motion to approve BZA 2022-13: Member Cook

2nd: Member Brown

Result of vote: motion carries 3-0

Member	Jones	Brown	Cook
Vote	Yes	Yes	Yes

**6. BZA 2022-14, 1401 W. 26th Ave. and 2604-06 Lincoln St.
Special Use Permit**

The petitioner and property owner is T’Niya Dix. The affected real estate are 1401 W 26TH AVE GARY IN 46407, parcel 45-08-16-306-015.000-004, legal description LINCOLN PARK ADD. L.84 BL.2, and 2604-06 LINCOLN ST, parcel 45-08-16-306-016.000-004, legal description LINCOLN PARK L.83 BL.2; Both parcels are zoning district R3, residential. In accordance with MC Sec. 123-59, the petitioner requests a special use permit to operate a child care business on the property.

Ms. T’Nyia Dix of 1401 W. 26th Avenue provided an overview of the petition. Ms. Dix states that she has operated a childcare business for six years. She moved back to Gary from Indianapolis. Ms. Dix is the owner of the property requesting the permit.

Public Comment

Meeting was open to the public. Chester Jones opened and closed the public comment period.

Support - 1

Mary Hubbard BoBo, resides in Hobart. She supports her niece. Ms. BoBo stated her niece successfully operated three childcare homes in Indianapolis. The daycare location was owed by her grandmother.

Member Cook asked who lives in the home. Ms. Dix stated that she and her two children reside in the home. Upstairs is for the daycare and downstairs her and the children. Ms. Dix stated that she wants to have the downstairs turned into a daycare in the future. This is the reason for the two addresses.

There was discussion related to the two petitions. Ms. Dix explained her case and stated that she would only request one daycare, if there was a problem with the two. Ms. Dix stated that she has 4 or 5 clients at present and that would be sufficient to



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sustain her business. Currently she believes that only one daycare is operating in the vicinity of her location.

Mr. Boria explained the petition and discussed number of clients and drop off information. Staff recommendation is a conditional favorable upon providing a parking plan.

Ms. Dix stated that she did not have any neighbors and the street is a dead end street.

Motion to approve BZA 2022-14: Member Cook

2nd: Member Brown

Result of vote: motion carries 3-0

Member	Jones	Brown	Cook
Vote	Yes	Yes	Yes

Motion to adjourn: Commissioner Cook

2nd: Commissioner Brown

Result of vote: motion carries 3-0

Member	Jones	Brown	Cook
Vote	Yes	Yes	Yes