



JEROME A. PRINCE
Mayor
CITY OF GARY

Carla McVea
Interim Zoning Administrator
(219) 881-1332
zoning@gary.gov

Zoning Department
City of Gary
401 Broadway, Ste 303
Gary, Indiana 46402

CITY OF GARY- BOARD OF ZONING APPEALS MINUTES
Thursday, October 13, 2022
3:00 P.M. CT

Attendees:

BZA members: Rev. Chester Jones, Kevin Brown, Bill Cook
Staff: Carla McVea – Interim Zoning Administrator, Atty. Steve Jenkins - Law Department, Atty. Heather McCarthy, Paula Meeks, Redevelopment Department

Member Chester Jones called the meeting to order and conducted roll call, present were:

Member Rev. Chester Jones
Member Bill Cook
Member Kevin Brown

Absent

Member Taryl Bonds
Member Cliff Caldwell

Agenda

Motion to approve the BZA Agenda: Member Cook
2nd: Member Brown
Result of vote: motion carries

Member	Rev. Jones	Brown	Cook
Vote	Yes	Yes	Yes

Minutes

Motion to approve the BZA Minutes August 11, 2022: Member Cook
2nd: Member Brown
Result of vote: motion carries

Member	Rev. Jones	Brown	Cook
Vote	Yes	Yes	Yes



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Agenda Items

BZA 2022-15 - 5334 W RIDGE RD GARY IN 46408

The petitioner is Satwinder Singh. The property owner is Sahib Isher LLC (re-recorded). The affected real estate is **5334 W RIDGE RD GARY IN 46408**, parcel 45-07-25-201-009.000-003, legal description PT. W2 NW NE S.25 T.36 R.9 (178.01X178.41X178.43X164.69) Ex. W.30ft & Ex. S.40ft in R/W 0.443Ac The zoning district is **B3-1**, residential. In accordance with MC Sec. 123-194., the petitioner requests a **DEVELOPMENTAL STANDARDS VARIANCE** to construct an automotive dependent and related retail and services establishment/gas station and convenience store.

Rev. Chester Jones read the above statement and asked if the petitioner was there to speak. Carl McVea, Interim Zoning Administrator asked to speak regarding to this petition. It was explained that advertisement and the Agenda for this petition was completed prior to receiving additional information related to the denied Special Use Variance from the Board of Zoning Appeals and the Common Council in 2021. Documents were just submitted shortly before this meeting that a Special Use Variance was approved in 2022 by the Council.

Nine letters were mailed with one response being received. Staff recommendation was to defer this petition until the next meeting, allowing staff to review the document passed in January 2022.

Motion to defer BZA 2022-15 - 5334 W RIDGE RD GARY IN 46408: Member Cook
 2nd: Member Brown
 Result of vote: motion passes 3-0

Member	Rev. Jones	Brown	Cook
Vote	Yes	Yes	Yes

1. BZA 2022-18, 709 Van Buren St. Special Use Variance

The petitioner is Mary Burnett. The property owner is Cynthia T Evans. The affected real estate is 709 VAN BUREN ST GARY IN 46402, legal description, GARY LAND CO'S. 1ST SUB. ALL L.3 BL.29, zoning district **R6**. In accordance with MC **Sec. 123-160**. the petitioner requests a **SPECIAL USE VARIANCE** for the operation of a daycare.

Rev. Chester Jones read the above statement and asked if the petitioner was there to speak. The petitioner provided a brief overview of the petition and stated her 6 years of experience and love of teaching.



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

No comments from the public.

Staff overview

Mrs. Carla McVea provided a brief overview that included the zoning requirements and the number of letters that were mailed to the required residents. The staff recommendation is conditional favorable, based on the following:

1. Limit the number of children served for this location to eight.
2. Traffic and parking will be staggered for parent drop off and pick up during the hours of operation.

Commissioner Cook asked if there were any other daycares in the area. Ms. Burnett said not that she is aware of. Member Cook asked the location of the daycare that she previously worked at. The location is 853 E. 35th Court. Asked Ms. Burnett if she was interested in taking over that location, since the owner became ill. He response was no, that he suddenly became ill and has been in a comer for a year. Suggested staff look into seeing if this location was still operation.

Mr. Cook asked how many clients she has, the hours of operation, parking. Ms. Burnett stated that she has 8 children, her hours of operations are 6 a.m. to 6 p.m., Monday thru Friday. Parking would be for staggered drop off and pick up times

Her ratio of children allows her to operate the daycare alone up to 12 children.

Atty.'s Steve Jenkins and Heather McCarthy discussed the parking and state requirements related to the number of children who could potentially be located at the site, if the business was to grow. The result of this engagement lead to a staff recommendation change as follows:

Conditional favorable limiting the number of children at this daycare location to eight.

Motion to approve BZA 2022-18 Member Cook

2nd: Member Brown

Result of vote: motion passes 3-0

Member	Rev. Jones	Brown	Cook
Vote	Yes	Yes	Yes



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2. **BZA 2022-19 – 7301 E. 1ST Avenue** **Use Variance**

The owner and petitioner is Harris Joint Revoc Trust (Jacqueline B Harris & John D Harris R/L). The affected real estate is 7301 E 1ST AVE GARY IN 46403, legal description, ROBERT BARTLETT'S MARQUETTE PARK ESTATES 2ND ADD. L.518, zoning district **R1A**. In accordance with MC **Sec. 123-155**, the petitioner requests a **USE VARIANCE** to build a 3-car garage.

Atty. Mark Anderson of Anderson and Anderson provided a brief overview of the request. Plans were presented to build the garage prior to the homes being built.

Commissioner Cook asked what would be the timeline for building the house and what would be the purpose of building the garage without a house? Atty. Anderson stated that the timeline to build the house would be one year and the purpose of the garage was to store materials that was purchased. A permit was approved to build the garage, but was stopped by code enforcement.

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

Staff Recommendation

Mrs. Carla McVea provided a brief overview that included the zoning requirements. Eight letters were mailed to the required residents. Staff recommendation is unfavorable based on criteria:

1. The granting will not be injurious to the public health, safety, morals and general welfare of the community. [The property is located in a stable residential area. As stated in the comprehensive plan the city supports and encourages maintaining these areas and improvements.](#)
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. [An accessory building without a principal building \(single-family detached dwelling\) located in a stable residential neighborhood would be affected in a substantially adverse manner. The property values would be negatively impacted.](#)
5. The granting does not interfere substantially with the city of Gary comprehensive plan. [Granting the variance would not be in keeping with the comprehensive plan for residential development.](#)

Motion to accepts staff's unfavorable recommendation for BZA 2022-19:
Member Brown



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2nd: Member Cook

Result of vote: motion passes 3-0

Member	Rev. Jones	Brown	Cook
Vote	Yes	Yes	Yes

Motion to adjourn: Member: Cook

2nd: Member Brown

Member	Rev. Jones	Brown	Cook
Vote	Yes	Yes	Yes

Result of vote: 3-0