

COUNCIL PENDING ORDINANCE NO. 2022- 130
ORDINANCE NO. _____
AS AMENDED _____
CERTIFICATION DATE _____
CERTIFIED BY _____
FAVORABLY _____
UNFAVORABLY _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT
709 VAN BUREN ST FOR PETITIONER**

BE IT ORDAINED by the Common Council of the City of Gary, Indiana as follows:

SECTION 1. Chapter 123 entitled "Zoning Ordinance" of the Code of Ordinances of the City of Gary, Indiana, 1982, and particularly the Zoning Maps, which are made a part thereof, be, and the same as hereby amended as follow: By Establishing a Special Use Permit for the property described as to-wit:

**709 Van Buren St.
GARY LAND CO'S. 1ST SUB. ALL L.3 BL.29**

The Petition is forwarded with a favorable recommendation by the Gary Board of Zoning Appeals at its meeting held on October 13, 2022.

SECTION 2. That the Zoning Administrator is hereby authorized and directed, upon enactment and Approval of this Ordinance, to cause a change to be made on the Zoning Map Sheet by making certain notations in ink thereon and to record the date of this Amendatory Ordinance.

SECTION 3. This Ordinance shall be in full force and effect from and after the date of passage and publication according to law.

PASSED by the Common Council of the City of Gary, Indiana, this _____ day of _____ 2022.

PRESIDING OFFICER

ATTEST:

CITY CLERK

Presented by me to the Mayor for approval and signature this ____ day of _____, 2022.

CITY CLERK

APPROVED and **SIGNED** by me this ____ day of _____, 2022.

MAYOR, CITY OF GARY, INDIANA

PETITIONER: Mary Burnett

PREPARED BY: Angela Lockett, Corporation Counsel
SPONSORED BY: Carla McVea, Department of Zoning

COMMITTEE ASSIGNMENT _____	Reported-out/Date _____	
1st Reading/Date _____	Committee Hearing/Date _____	
2nd Reading/Date _____	Public Hearing/Date _____	
3rd Reading/Date _____	Final Reading/Date _____	
Passed/Date _____	Defeated/Date _____	Deferred/Date _____
Tabled/Date _____	Override/Date _____	Adopted/Date _____
Publication/Date _____	Community Hearing/Date _____	
Veto _____	Pocket Veto _____	Adopted _____

Petition # BZA 2022-18

Meeting Date:

13-Oct-22

Variance:

Special Use

Criteria:

***Staff Recommendation details**

1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare.

* **Section Sec. 123-155. - R1 and R1A One-Family Dwelling Districts under (c) (11) allows for day care as a special use. I am not aware of any daycare centers in the general area.**

2) The special use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted.

* **The daycare center will need to limit the number of clients.**

3) The establishment of the special use will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.

* **There are currently no redevelopment plans as it relates to infill housing or other developments that would be impacted by the special use variance.**

4) Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

* **There are currently no redevelopment plans as it relates to infill housing or other developments that would be impacted by the special use variance.**

5) Adequate measures have been or will be taken to provide for access management, ingress and egress so designed as to minimize traffic congestion on the public roads.

* **A parking plan should be provided that will address any need for additional parking based on number of clients and related service providers.**

6) The special use will be located in a district where such a use is authorized and all other requirements set forth in this chapter which are applicable to such special use will be met.

Requirements are addressed in the application.

7) The petitioner documents and presents to the commission that proposed special use provides for the implementation of sustainable growth principles and initiatives as approved by the commission.

* **The daycare center in the residential area should not impact the environment related to sustainable growth.**

Variance Request: *Operation of a daycare
Municipal Code required*

Board of Zoning Appeals - Executive Summary

2022

Petition # BZA 2022-18

Meeting Date:

13-Oct-22

Variance:

Special Use

Petitioner:

Mary Burnett. The property owner is Cynthia T Evans

Address:

709 VAN BUREN ST GARY IN 46402

Parcel #:

45-08-04-452-002.000-004

Zoning:

R6

Municipal Code:

Sec. 123-160 - Multiple-Family Dwelling Districts

- (a) The following land uses are authorized as permitted uses: any use permitted in an R5 district as set forth in section 123-159 (a)

Sec. 123-160 - MFD units (speaks to R5 Sec. 123-159)

Sec. 123-159 - R5 Multiple-Family Dwelling Districts

Sec. 123-155. - R1 and R1A One-Family Dwelling Districts

- c The following land uses may be allowed as special uses by approval of the board of zoning appeals of the city in accordance with this chapter:

(11) Nursery schools and day care.

Comprehensive Plan:

Ambridge-Mann-and Horace Mann

- Residential "continue to provide services and targeted investments in stable residential areas, particularly around active schools and parks, and other key neighborhood anchors. "

Neighbor Notification:

No. sent:

12

Responses received:

None at the time of this meeting.