

COUNCIL PENDING ORDINANCE NO. 2022-132
ORDINANCE NO. _____
AS AMENDED _____
CERTIFICATION DATE _____
CERTIFIED BY _____
FAVORABLY _____
UNFAVORABLY _____

**AN ORDINANCE APPROVING A USE VARIANCE FOR PROPERTY LOCATED AT
7301 E 1st AVE FOR PETITIONER JACQUELINE B. HARRIS**

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 Use Variance for the property described as to-wit:

**7301 E 1st Ave
ROBERT BARTLETT'S MARQUETTE PARK ESTATES 2ND ADD. L.518**

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: Jacqueline B. Harris

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 _____

Board of Zoning Appeals - Executive Summary

2022

Petition # BZA 2022-19

Meeting Date:

13-Oct-22

Variance: Use Variance

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.**
- 3) The need for the variance arises from some condition peculiar to the property involved.
 - * **The lot is single-family and common to the neighborhood character.**
- 4) The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought.
 - * **The strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought.**
- 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.**

Variance Request: **To build a 3-car garage**
Municipal Code required
 No accessory bldg without principal

Petitioner: Harris Joint Revoc Trust (Jacqueline B Harris & John D Harris R/L)
 Address: 7301 E 1ST AVE GARY IN 46403
 Parcel #: 45-05-32-453-004.000-004
 Zoning: R1A
 Municipal Code: Sec. 123-155. R1 and R1A One-Family Dwelling Districts

- (a) The following land uses are authorized as permitted uses:
 - (1) Residential uses, as follows: single-family detached dwellings.
 - Sec. 123-332. - Principal and accessory buildings
 - (b) "No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory....."

Comprehensive Plan: Aetna-Miller and Glen Ryan

- Residential The City will continue to maintain services and provide targeted investments in stable residential areas, and along the thriving retail corridors.

Neighbor Notification: No. sent: 8
 Responses received: None at the time of the meeting.