

COUNCIL PENDING ORDINANCE NO.: 2024-08  
AS AMENDED \_\_\_\_\_  
CERTIFICATION DATE \_\_\_\_\_  
CERTIFIED BY \_\_\_\_\_  
FAVORABLY \_\_\_\_\_  
UNFAVORABLY \_\_\_\_\_

**AN ORDINANCE DENYING THE PETITION BY MARY HUBBARD-BOBO  
FOR A USE VARIANCE TO A PARCEL ZONED  
AS RESIDENTIAL AT 1518 E. 35<sup>TH</sup> PL.**

**WHEREAS**, a petitioner, **Mary Hubbard-Bobo and the owner is the same name.** **The affected real estate is 1518 E. 35<sup>th</sup> PL., Gary, IN.** The applicant has requested a use variance for the real estate because the petitioner wishes to establish a commercial day-care that would not also be a residence; and

**WHEREAS**, **1518 E. 35<sup>th</sup> PL., Gary, IN** is zoned as R-2, which subject to the restrictions of Sec. 123-156 of the Gary Municipal Code;

**WHEREAS**, the petitioner complied with all applicable notice requirements under Ind. Code 5-3-1-2 and Ind. Code 5-3-1-4; and

**WHEREAS**, the Board of Zoning Appeals held a public meeting on the petition in accordance with Ind. Code 36-7-4-920 and Gary Municipal Code Sec. 123-109 on February 8, 2024; and

**WHEREAS**, in accordance with Indiana Code § 36-7-4-918.4, the Board of Zoning Appeals has made the following findings pertaining to the petition for a use variance:

- (1) The approval *may* be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The use and value of the area adjacent to the property included in the variance *may* be affected in a substantially adverse manner;
- (3) The need for the variance *does not* arise from some condition peculiar to the property involved;
- (4) The strict application of the terms of the zoning ordinance will *not* constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter.

**WHEREAS**, the Board of Zoning Appeals forwards an **unfavorably recommendation** for the granting of the use variance.

**WHEREAS**, the Common Council concurs with the findings of the Board of Zoning Appeals in the unfavorable recommendations for of the granting of a use variance to the petitioner.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GARY, INDIANA, AS FOLLOWS:**

In accordance with Ind. Code 36-7-4-918.6, the Gary Common Council hereby **denies** of the granting of a use variance to Mary Hubbard-Bobo for 1518 E. 35<sup>th</sup> Pl., Gary, IN, (Parcel No.: 45-08-22-487-008.000-004, Legal Description: SOUTH GARY SUB. L.46 & 47 BL.8,) to use said property as a commercial daycare without use as a residence.

**Adopted this** \_\_\_<sup>th</sup> **day of** \_\_\_\_\_, **2024, by a vote of all members present and voting.**

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Suzette Raggs, City Clerk

Presented by me to the Mayor for his approval and signature this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Suzette Raggs, City Clerk

**APPROVED AND SIGNED** by me this \_\_\_\_\_ day of \_\_\_\_\_ **2024.**

\_\_\_\_\_  
Eddie Melton, Mayor - City of Gary, Indiana

UNFAVORABLY RECOMMENDED BY: THE BOARD OF ZONING APPEALS

PETITIONER: MARY HUBBARD-BOBO  
1518 E. 35<sup>th</sup> Pl.  
GARY, IN

PREPARED BY: RODNEY POL, JR. - THE CITY OF GARY LAW DEPARTMENT

SPONSORED BY: MAYOR EDDIE MELTON

COMMITTEE ASSIGNMENT \_\_\_\_\_ REPORTED-OUT DATE \_\_\_/\_\_\_/\_\_\_

1<sup>ST</sup> READING DATE \_\_\_/\_\_\_/\_\_\_/COMMITTEE HEARING/DAT \_\_\_/\_\_\_/\_\_\_

2<sup>ND</sup> READING DATE \_\_\_/\_\_\_/\_\_\_ PUBLIC HEARING/DATE \_\_\_/\_\_\_/\_\_\_

3<sup>RD</sup> READING/DATE \_\_\_/\_\_\_/\_\_\_ FINAL HEARING/DATE \_\_\_/\_\_\_/\_\_\_

PASSED/DATE

\_\_\_/\_\_\_/\_\_\_ DEFEATED/DATE \_\_\_/\_\_\_/\_\_\_

TABLED/DATE

\_\_\_/\_\_\_/\_\_\_ OVERDUE/DATE \_\_\_/\_\_\_/\_\_\_/ADOPTED/DATE \_\_\_/\_\_\_/\_\_\_