

COUNCIL PENDING ORDINANCE NO.: 2024-09
AS AMENDED _____
CERTIFICATION DATE _____
CERTIFIED BY _____
FAVORABLY _____
UNFAVORABLY _____

**AN ORDINANCE DENYING THE PETITION BY SANDRA BRODEN
FOR A USE VARIANCE TO A PARCEL ZONED
AS RESIDENTIAL AT 1927 CENTRAL AVE.**

WHEREAS, a petitioner, **Sandra Broden and the owner is the same name. The affected real estate is 1927 Central Ave., 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, **1927 Central Ave., Gary, IN** is zoned as R-3, which subject to the restrictions of Sec. 123-157 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 December 14, 2023 and 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 Sandra Broden for 1927 Central Ave., Gary, IN, (Parcel No.: 45-08-11-306-022.000-004, Legal Description: CORRECTED PLAT OF MARSHALLTOWN ALL L.15 BL.3) to use said property as a commercial daycare without use as a residence.

Adopted this ___th **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: SANDRA BRODEN
1927 CENTRAL AVE.
GARY, IN

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

SPONSORED BY: MAYOR EDDIE MELTON

COMMITTEE ASSIGNMENT _____ REPORTED-OUT DATE ___/___/___

1ST READING DATE ___/___/___/COMMITTEE HEARING/DATE ___/___/___

2ND READING DATE ___/___/___ PUBLIC HEARING/DATE ___/___/___

3RD READING/DATE ___/___/___ FINAL HEARING/DATE ___/___/___

PASSED/DATE

___/___/___ DEFEATED/DATE ___/___/___

TABLED/DATE

___/___/___ OVERDUE/DATE ___/___/___/ADOPTED/DATE ___/___/___