

COUNCIL PENDING ORDINANCE NO.: 2024-20  
AS AMENDED 5/8/24  
CERTIFICATION DATE \_\_\_\_\_  
CERTIFIED BY \_\_\_\_\_  
FAVORABLY \_\_\_\_\_  
UNFAVORABLY \_\_\_\_\_

**AN ORDINANCE REVIEWING THE PETITION BY JAMAL RODGERS  
FOR A USE VARIANCE FOR A PARCEL TO BE USED AS A TOW YARD AT  
1325-27 E. 37<sup>TH</sup> AVE.**

**WHEREAS**, a petitioner, **Jamal Rodgers and the owner is the same name. The affected real estate is 1325-27 E. 37<sup>th</sup> Ave., Gary, IN.** The applicant has requested a use variance for the real estate because the petitioner wishes to establish a tow yard that would not also be a residence; and

**WHEREAS**, **1325-27 E. 37<sup>th</sup> Ave., Gary, IN** is zoned as R2, 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 March 14, 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 will not 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 will not be affected in a substantially adverse manner;
- (3) The need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought (the property had previously been a legal non-conforming tow yard and is surrounded by automotive related businesses); 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 **favorably recommendation** for the granting of the use variance to operate as a tow yard.

**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:**

**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 use of a towing company / tow yard for the property described as to-wit:

**Address:**  
**1325-27 E. 37<sup>th</sup> Ave., GARY, IN**

**Parcel No.:**  
**45-08-27-227-005.000-004**

**Legal Description:**  
**Great Gary Realty Cos 1st Add Blk 14 Lots 1,2,3,4,5**

The Petition is forwarded with a favorable recommendation by the Gary Board of Zoning Appeals at its meeting held on March 14, 2024.

**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.

**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

FAVORABLY RECOMMENDED BY: THE BOARD OF ZONING APPEALS

PETITIONER: JAMAL RODGERS  
1325-37 E. 37<sup>th</sup> Ave.  
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/DATE \_\_\_/\_\_\_/\_\_\_

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 \_\_\_/\_\_\_/\_\_\_