

COUNCIL PENDING ORDINANCE NO. 2024-63
ORDINANCE NO. _____
AS AMENDED _____
CERTIFICATION DATE _____
CERTIFIED BY _____
FAVORABLY _____
UNFAVORABLY _____

**AN ORDINANCE REVIEWING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT
2939 W 10TH AVE GARY IN TO BE USED AS A HOME DAYCARE
BY PETITIONER BETTY COLE CUMMINGS**

WHEREAS, zoning regulations for the City of Gary under Chapter 123 of the Zoning Code requires a Special Use Permit for the use of a home daycare in a residential district (R-4); and

WHEREAS, Petitioner BETTY COLE CUMMINGS has submitted an application and presented plans and specifications to the Board of Zoning Appeals on September 12, 2024 to operate a residential home daycare located at 2939 W. 10th Avenue, Gary, IN, within the aforementioned zoning districts in accordance with Sec. 123-158; and

WHEREAS, the Board of Zoning Appeals held a public hearing on SEPTEMBER 12, 2024, and by a unanimous vote unfavorably recommended the Special Use Permit, adopting the recommendation of the Zoning Administrator that:

1. The establishment, maintenance, or operation of the special use will be detrimental to or endanger the public health, safety, morals, or general welfare as the location is not located in an area that is safe and suitable for this type of business.
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.
3. The establishment of the special use would impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district, as a special use may impact development of potential investment of in-fill single family housing of two lots in the vicinity that are currently vacant. .
4. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
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.
6. The special use will be located in a district where such a use is authorized only by special use, but other requirements set forth in this chapter which are applicable to such special use have not been met.
7. The petitioner did not document and present to the board that proposed special use provides for the implementation of sustainable growth principles and initiatives as approved by the board; and

WHEREAS, the granting of this Special Use Permit requires that for a home occupation, that there is proof that the building is also used as a residence in-part to be eligible for a Special Use Permit which the Zoning Administrator recommends is reported every year when the general business license is renewed; and

WHEREAS, the granting of this Special Use Permit requires approval by the Gary Common Council; and

WHEREAS, having reviewed the plans for the proposed development as submitted and the recommendation of Board of Zoning Appeals, the Gary Common Council deems it is NOT IN the best interest of the health, safety and welfare of the city that the Special Use Permit be granted.

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

SECTION 1. The Special Use Permit for the use of a residential home daycare facility for the property described as to-wit:

Address:
2939 W 10TH AVENUE, GARY, IN

Parcel No.:
45-08-08-105-016.000-004

Legal Description:
HUSAK'S ADD. L.41 & 42 BL.3

The Petition is forwarded with an UNFAVORABLE recommendation by the Gary Board of Zoning Appeals at its meeting held on July 11, 2024.

SECTION 2. That the Special Use permit for the above is hereby denied.

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

UNFAVORABLY RECOMMENDED BY: THE BOARD OF ZONING APPEALS

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

PETITIONER: BETTY COLE CUMMINGS
2939 W 10TH AVE.
GARY, IN 46404

PREPARED BY: MARCO A. MOLINA - THE CITY OF GARY LAW DEPARTMENT

SPONSORED BY: MAYOR EDDIE MELTON

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

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

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

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

PASSED/DATE

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

TABLED/DATE

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