

Eddie D. Melton  
Mayor



Marco Molina  
City Attorney

CITY OF GARY BOARD OF ZONING APPEALS PUBLIC MEETING  
Thursday, July 10, 2025 @ 11:00 AM

**TEMPORARY RELOCATION:** Hudson Campbell, 1<sup>st</sup> floor board room, 455 Massachusetts St, Gary, IN

Live viewing of the meeting can be seen here: [www.youtube.com/@GaryTV](http://www.youtube.com/@GaryTV)

AGENDA

1. Meeting Called to order

2. Roll call

TARYL BONDS, Mayoral Appointee - President  
FLORZELL HAWKINS, Mayoral Appointee – Vice President  
REV. CHESTER JONES, Mayoral Appointee – Secretary  
TOM CERA, Plan Commission Appointee  
DAVID FOSSET, Council Appointee

3. Approval of minutes

June 12, 2025

4. Old Business

PETITION	DESCRIPTION	ADDRESS
BZA 2025-24	<b>Special Use</b> to allow a home daycare. <b>Petitioner wishes to withdraw.</b>	722 Mount St.
BZA 2025-27	<b>Special Use</b> to allow for a behavioral health residential center designed to provide assistance to specific behavioral health conditions such as substance abuse, mental health disorders and dual diagnosis.	6525 Birch Place

5. New Business/ Public Hearings

PETITION	DESCRIPTION	ADDRESS
BZA 2025-28	<b>Development Standard Variance</b> to increase the fence height to 8', plus barbed wire.	2601 E. 15 <sup>th</sup> Ave
BZA 2025-29	<b>Development Standard Variance</b> to encroach into the front yard setback by 16'-20' and increase the maximum building coverage from 40% to 44%.	8028 Oak Ave (mailing) 8026 Oak Ave (site)
BZA 2025-30	<b>Development Standard Variance</b> to construct a 396 square foot home	4301 W. 19 <sup>th</sup> Ave

ADJOURNMENT

Eddie D. Melton  
Mayor



Marco Molina  
City Attorney

## CITY OF GARY BOARD OF ZONING APPEALS

**Thursday, June 12, 2025 @ 3:00 PM**

Council Chambers, Gary City Hall, 2<sup>nd</sup> floor,  
401 Broadway Gary, IN 46402

### AGENDA

#### Roll call

TARYL BONDS - **PRESENT**  
FLORZELL HAWKINS – **PRESENT**  
REV. CHESTER JONES – **PRESENT**  
TOM CERA – **ABSENT**  
DAVID FOSSETT – **ABSENT**

#### MINUTE APPROVAL

Motion to approve the minutes from May 8,2025 meeting provided by: Florzell Hawkins

Second by: Rev. Chester Jones

**Motion to approve May 8,2025 meeting minutes passed w/ a 3-0 vote**

Member	President Bonds	Vice President Hawkins	Secretary Jones	Comm. Cera	Comm. Fossett
Vote	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>ABSENT</b>	<b>ABSENT</b>

#### NEW BUSINESS

##### BZA Time Change

There was a general consensus that for the coming meetings will remain on third Thursday, but have a time change from 3PM to 11AM.

##### BZA 2025-24 – Special Use (Home Daycare) 722 Mount St.

- Staff's overview provided by C. Sharp: **Staff recommended deferral.**
- Petitioner:
- Public Comment:
- Questions from the Board:

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**Motion to defer BZA 2025-24:** Rev. Chester Jones  
**Second by:** Florzell Hawkins

**Motion to defer BZA 2025-24 passed w/ a vote of 3-0**

Member	President Bonds	Vice President Hawkins	Secretary Jones	Comm. Cera	Comm. Fossett
Vote	YES	YES	YES	ABSENT	ABSENT

 **BZA 2025-26 – Special Use (Short-Term Rental)**  
1040 N. Union St.

- **Staff's overview provided by C. Sharp:** The petitioner is requesting to operate a Short-Term Rental in a R2 zoning classification and amongst the comprehensive plans. They have satisfied all requirements for the special use variance. Staff provided a favorable recommendation.
- **Petitioner, Jason Platt:** He provided a narrative on the purposes for establishing the Short-Term Rental.
- **Public Comment:** No comment
- **Questions from the board:** No comment

**Motion to approve BZA 2025-26:** Florzell Hawkins  
**Second by:** Rev. Chester Jones

**Motion to approve BZA 2025-26 was passed w/ a vote of 3-0**

Member	President Bonds	Vice President Hawkins	Secretary Jones	Comm. Cera	Comm. Fossett
Vote	YES	YES	YES	ABSENT	ABSENT

 **BZA 2025-27 – Special Use (Group Home)**  
2557 Colfax Street

- **Staff's overview provided by C. Sharp:** The petitioner is requesting to operate a behavioral residential setting within the home. The home is setup with four bedrooms and two bathrooms. They did provide all their public notifications, and the additional information required. Four letters

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were received from at the submission of the packet. Then, an additional four letters were received. There was not enough information given by the petitioner. **Staff provided a recommendation for deferral.**

- **Petitioner:**
- **Public comment was opened:** Sonia Brodie, 6529 Birch Ave., spoke in the opposition of the petitioner. She expressed that neighborhood characteristics offer stability and safety. She continued that the establishment of the business would compromise the characteristics of the neighborhood.
- **Board's questions:** No comment

**Motion to defer with public comment to remain open BZA 2025-22 provided by:** Florzell Hawkins

**Second by:** Rev. Chester Jones



**Motion to defer BZA 2025-27 was passed w/ 3-0**

Member	President Bonds	Vice President Hawkins	Secretary Jones	Comm. Cera	Comm. Fossett
Vote	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>ABSENT</b>	<b>ABSENT</b>

**ADJOURNMENT**

# BOARD OF ZONING APPEALS

## PETITION PACKET 2025-27

<b>BZA PETITION NUMBER</b>	2025-27
<b>BZA PETITION NUMBER</b>	BZA 2025-27
<b>PETITIONER</b>	Binika T. Henderson
<b>REQUEST</b>	Special Use to allow for a behavioral health residential center
<b>SITE ADDRESS</b>	6525 Birch Pl, Gary, IN 46403
<b>PARCEL NUMBER</b>	45-05-32-353-004.000-004
<b>ZONING CLASSIFICATION</b>	Residential – requires Special Use Permit
<b>COMPREHENSIVE PLAN LAND USE</b>	Neighborhood Residential (supports transitional housing)
<b>CITY COUNCIL DISTRICT</b>	District 1
<b>CURRENT ANNUAL PROPERTY TAX</b>	The current annual property tax for 6525 Birch Pl, Gary, IN 46403 (Parcel #45-05-32-353-004.000-004) is \$4,713 based on the 2024 tax assessment, which reflects a 10.1% increase from the previous year.
<b>EXISTING USE / STRUCTURES</b>	Single-family residential structure (former daycare)
<b>PROPOSED USE</b>	Behavioral Health Residential Center
<b>VARIANCE(S) REQUESTED</b>	Special Use Permit
<b>LOT DIMENSIONS</b>	Standard residential lot – exact dimensions TBD via GIS
<b>MINIMUM LOT AREA REQUIRED</b>	6,000–7,500 sq. ft.
<b>ADJACENT ZONING / USES</b>	R2 – Residential (surrounded by single-family homes)
<b>PROOF OF PUBLICATION</b>	Received and complete
<b>HEARING DATE</b>	July 10, 2025, at 11:00 AM
<b>PUBLIC INPUT RECEIVED</b>	9 letters prior to 7/3
<b>RECOMMENDATION</b>	Unfavorable Recommendation
<b>COUNCIL DECISION</b>	
<b>FINAL DECISION DATE</b>	
<b>GIS MAP</b>	 

# BOARD OF ZONING APPEALS

## PETITION PACKET 2025-27

### ***Special Use Permit criteria per section 123-59 (c)***

1. *Will the establishment, maintenance, or operation of the special use be detrimental to or endanger the public health, safety, morals, or general welfare?*
  - *Yes. Per Section 123-59(c)(1) of the Gary Zoning Ordinance and IC 36-7-4-918.2, the proposed use may endanger public welfare due to the absence of a state-licensed operational plan, certified behavioral protocols, or 24-hour staffing assurance. There is no evidence of Indiana Department of Mental Health certification or coordination with local emergency services. Residents have expressed concerns about potential risks to neighborhood safety and the facility's capacity to respond to behavioral crises.*
2. *Will the special use be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted?*
  - *Yes. The proposed behavioral health facility is incompatible with the Glen Park East neighborhood, which consists primarily of single-family homes. This historically residential district has been the focus of stabilization and preservation efforts. Nine formal objections from neighboring residents express concern over diminished enjoyment, increased noise, stigma, and a disruption to the community's quiet character, in violation of IC 36-7-4-801(b).*
3. *Will the establishment of the special use impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district?*
  - *Yes. The site is located in a corridor designated for residential reinvestment under the Gary Comprehensive Plan 2019. The presence of a semi-institutional use may deter future homebuyers and investors seeking stable residential environments. This use introduces uncertainty and could discourage participation in housing rehabilitation programs intended to revitalize the district.*
4. *Are adequate utilities, access roads, drainage, and other necessary facilities available or being provided?*
  - *No. The petitioner did not provide site development plans demonstrating compliance with municipal utility, drainage, or access standards under GMC Title 5. Birch Place is a narrow, dead-end street with limited access, no rear alley, and no public infrastructure upgrades. Drainage adequacy, emergency response clearance, and utility updates remain unverified.*
5. *Have adequate measures been taken or proposed to provide ingress and egress in a manner that minimizes traffic congestion?*
  - *No. There has been no submission of a traffic impact analysis or ingress/egress plan. Birch Place cannot accommodate increased vehicle volume from staff, transportation services, or emergency vehicles. The absence of loading/unloading zones or access management design creates risks of congestion and obstructed emergency response.*

## **BOARD OF ZONING APPEALS**

### **PETITION PACKET 2025-27**

6. *Will the special use be located in a district where such a use is authorized, and will it comply with all applicable requirements?*
  - *No. Although the R2 zone conditionally permits group residential facilities, the petitioner has not demonstrated compliance with the City of Gary's zoning requirements under Section 123-59 or the Indiana Fire and Building Safety Code. There is no proof of occupancy classification, life safety system approval, or ADA-accessible facilities. The application is legally insufficient and incomplete.*
7. *Has the petitioner demonstrated that the proposed special use supports sustainable growth principles and initiatives as approved by the commission?*
  - *No. The application lacks a sustainability strategy or measurable benchmarks for green infrastructure. The petitioner has not demonstrated alignment with the Gary Green Infrastructure Plan or IC 36-7-4-1101. The Glen Park East neighborhood has suffered from decades of disinvestment, elevated crime, and population decline. Introducing a facility without crime mitigation, community reintegration programming, or partnerships with neighborhood organizations may exacerbate these issues, undermining city-led revitalization efforts.*





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Mayor

City of Gary  
Department of Zoning  
401 Broadway, Suite 307  
Gary, Indiana 46402

Marco Molina  
City Attorney  
219-881-1332  
zoning@gary.gov

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## DESCRIBE THE REQUESTED PETITION

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A Behavioral Health Residential Center designed to provide assistance to specific behavioral health conditions such as substance abuse, mental health disorders and dual diagnosis.

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APPLICANT NAME      Binika T. Henderson

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COMPANY OR ORGANIZATION      Heritage Homes of Indiana LLC

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ADDRESS      417 W 81st Ave #317

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CITY/STATE/ZIP      Merrillville, IN 46410

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EMAIL      info@heritagerealestateservices.com

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PHONE      219-6133968

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OWNER OF RECORD (IF DIFFERENT FROM APPLICANT)  
Heritage Homes of Indiana LLC

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*If the applicant is not the recorded property owner, proof of ownership and a notarized statement of consent from the owner of record permitting the applicant to file this petition must be provided.*

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SUBJECT PROPERTY ADDRESS

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6525 Birch Place Gary, IN. 46403

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PARCEL IDENTIFICATION NUMBER(S)

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45-05-32-353-004.000-004

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LEGAL DESCRIPTION

MARQUETTE MANOR LOT 40

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PRIMARY CONTACT PERSON (IF DIFFERENT FROM ABOVE)

NAME/TITLE BINIKA HENDERSON

EMAIL info@heritagerealestateservices.com

PHONE 219-6133968

**SPECIAL USE PERMIT APPLICATION FEE: \$220**

BZA #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Date 04/30/25  
Signature SB  
Receipt # 478293

PAID ☐ CASH  
☒ CHECK 108  
☐ CREDIT



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City of Gary  
Department of Zoning  
401 Broadway, Suite 307  
Gary, Indiana 46402

Marco Molina  
City Attorney  
219-881-1332  
zoning@gary.gov

I, the undersigned, do hereby certify that I am the owner or have written permission from the owner to conduct the business as stated on the petition on the particular property and do hereby certify that the above statements are true and correct to the best of my knowledge.

SIGNATURE BHenders  
ADDRESS 6525 Birch Place  
CITY/STATE/ZIP Gary, IN. 46403

State of Indiana)

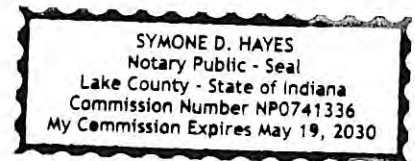
County of Lake}

) ss:

Subscribed and sworn to before me this 28<sup>th</sup> day of April 2025.  
(Notary Public) Symone D. Hayes (Seal)

Resident: Lake County

My Commission Expires: May 19, 2030



**Heritage Homes of Indiana LLC**

417 W 81st Ave #317

Merrillville, IN 46410

info@heritagerealestateservices.com

To Whom It May Concern,

I am writing to advocate for the establishment of a Residential Living Center at 6525 Birch Place, Gary, IN, to provide essential assisted living services for individuals with behavioral health needs. This facility will address a critical gap in care, offering structured support, professional guidance, and a safe environment for long-term stability.

Many individuals with mental health conditions or developmental disabilities struggle with stable housing and consistent care, increasing their risk of homelessness, hospitalization, or legal issues. This center will provide personalized assistance, medication management, therapy coordination, and skill-building programs, fostering independence and community reintegration.

The chosen location is ideal, offering accessibility to essential resources. Establishing this center will strengthen community well-being, alleviate pressure on emergency systems, and promote a more inclusive society.

I respectfully request your support in advancing this initiative. Please feel free to contact me at 2196133968 to discuss further.

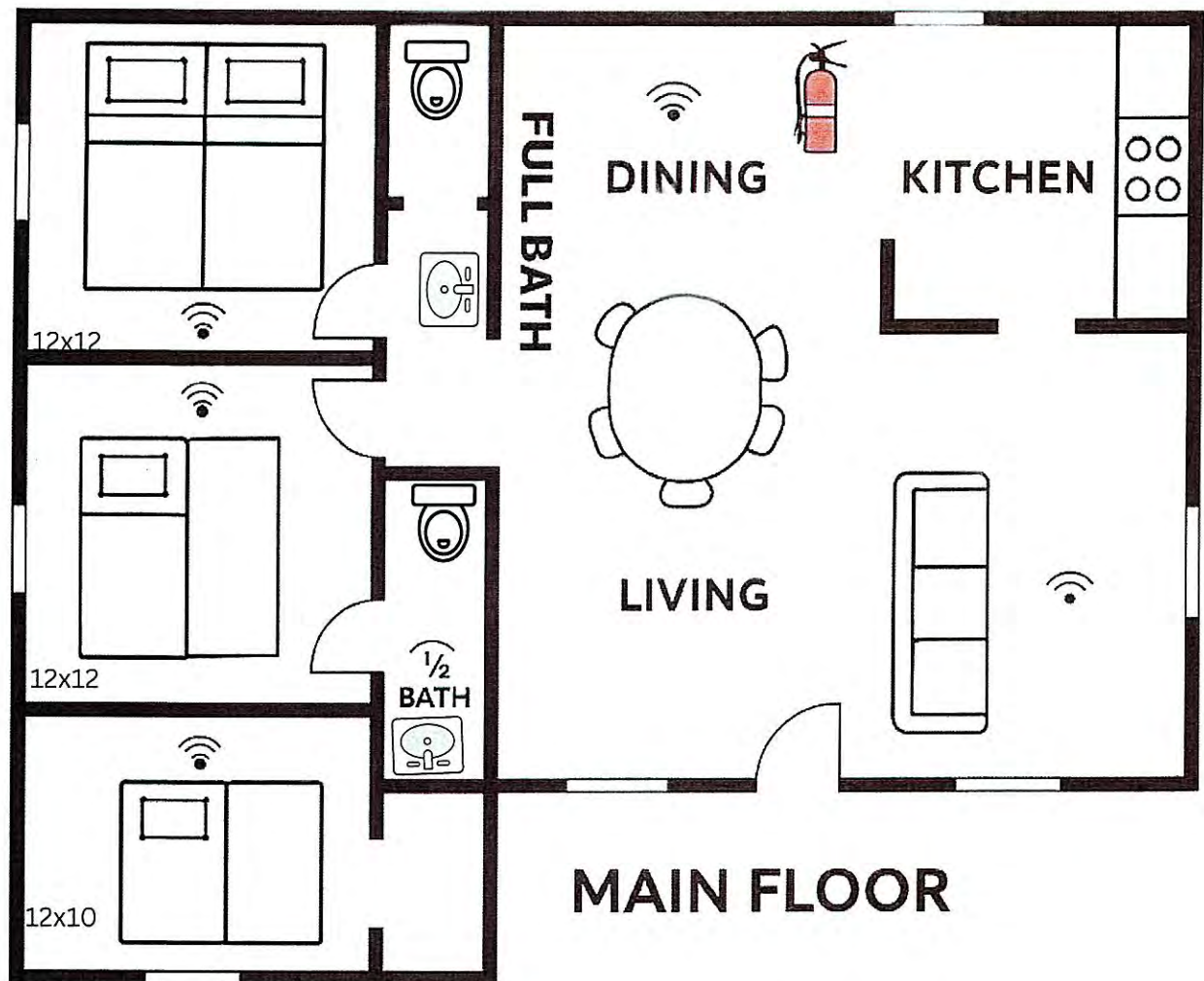
Thank you for your time and consideration.

Best Regards,

Binika Henderson



Heritage Homes of Indiana LLC



-  **SMOKE & CO DETECTOR**
-  **FIRE EXTINGUISHER**

## Special Use Permit Criteria

Petitioner Name: **BINIKA HENDERSON**

Petition number: **BZA 2025-27**

**1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare.**

Response:

The Behavioral Health Residential Center will be a professionally managed, licensed facility with 24/7 trained staff, adhering to all state and local health and safety regulations. Strict intake protocols, background screenings, and individualized treatment plans will ensure residents are appropriate for a community-based setting. The operation will enhance public welfare by offering structured support to individuals in need, thereby reducing community health risks associated with untreated behavioral health conditions.

**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.**

Response:

The center will be housed in a building designed to blend in with surrounding residential or institutional structures, with no exterior signage or activity that distinguishes it from a traditional home or group residence. Residents will follow structured schedules and will not create disruptive noise, traffic, or other nuisances. Landscaping, fencing, and privacy measures will preserve neighbors' enjoyment of their properties. The facility's small capacity ensures a minimal footprint on the neighborhood.

**3. The establishment of the special use will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

Response:

The project will not alter or hinder future development. The property will be improved to meet current building and safety codes, contributing positively to the area's visual and structural quality. Since the use is residential in nature, it fits within the anticipated development patterns for the district. Moreover, the presence of a well-maintained, licensed care facility may attract complementary services, enhancing rather than deterring area development.

**4. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.**



Response:

All essential infrastructure is in place or will be upgraded as part of the renovation process. The site is connected to public water, sewer, electricity, and telecommunications systems. Drainage will be reviewed and brought up to code to prevent runoff or pooling issues. The building permit process will ensure full compliance with all infrastructure requirements before operation begins.

**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.**

Response:

The site includes off-street parking for staff and visitors, and traffic is expected to be minimal given the limited number of residents and no public walk-in services. Transportation for residents will be coordinated by staff using a facility vehicle. Ingress and egress points will meet city code requirements and be located to avoid disruption to existing traffic patterns. Deliveries and service vehicles will be scheduled to avoid peak traffic hours.

**6. The special use will be located in a district where such a use is authorized and all other requirements set forth in this chapter which are applicable to such special use will be met.**

Response:

The proposed location is in a zoning district that conditionally permits residential care and behavioral health facilities through the special use process. All applicable local and state requirements—zoning, building codes, fire safety, and health regulations—will be met or exceeded. Compliance documentation and operational plans will be submitted as part of the permitting process.

**7. The petitioner documents and presents to the commission that proposed special use provides for the implementation of sustainable growth principles and initiatives as approved by the commission.**

Response:

The project supports sustainable growth principles by repurposing an existing structure, minimizing land disturbance, and reducing urban blight. Environmentally friendly materials and energy-efficient systems will be used in any renovations. The center also contributes to social sustainability by addressing the community's mental health needs, promoting equity, and reducing the burden on emergency services and hospitals. The project aligns with the city's broader goals for inclusive, sustainable development.



Sarah L. Dennis  
6512 Birch Place  
Gary, IN 46403  
June 4, 2025

To:  
City of Gary Board of Zoning Appeals  
Heritage Homes Homeowners Association

Subject: Formal Objection to Zoning Variance for 6525 Birch Place

Dear Members of the Zoning Board and Homeowners Association,

I am writing to formally express my opposition to the zoning variance request for the property located at 6525 Birch Place to be used as a Residential Behavioral Health Center. As a homeowner directly adjacent to the proposed site, I have serious concerns regarding the impact this facility will have on our neighborhood and quality of life.

Please consider the following objections:

1. Proximity to Residential Homes:

The proposed center is located in very close proximity to family homes, including mine. This is a peaceful, residential neighborhood that is not suited for the type of facility being proposed.

2. Client Behavior Concerns:

It is my understanding that the clients to be housed at this facility may exhibit erratic or explosive behavior. Such behaviors can be unpredictable and potentially disruptive, which raises safety concerns for surrounding residents. There is a reason why some of these individuals are not housed with their own families.

### 3. Impact on Vulnerable Populations:

This neighborhood includes elderly residents and young children. The behaviors associated with individuals in residential behavioral health centers may not be appropriate or safe to be around these vulnerable populations.

### 4. Increased Safety and Security Risks:

The presence of this center may require residents to be on heightened alert. The peace and quiet we currently enjoy may be compromised, as we would need to constantly monitor for disturbances or unsafe conditions.

### 5. Proximity to Schools and Potential for Loitering:

Birch Place is near an elementary school (Banneker Elementary School). The risk of clients loitering or wandering unsupervised poses additional safety concerns for families and school children.

### 6. Neighborhood Character and Property Values:

Birch Place is a well-maintained and close-knit residential area. The presence of a behavioral health center may negatively impact the character of the neighborhood, property values, and sense of community.

### 7. Lack of Transparency and Notice:

Homeowners were not properly notified that 6525 Birch Place was converted into an Airbnb. The communication regarding this variance has been vague and lacking in essential details, including the types of services to be provided and the population to be served.

In conclusion, I respectfully urge the City of Gary Board of Zoning Appeals to deny the request for a zoning variance at 6525 Birch Place. The potential risks and disruption to the neighborhood far outweigh any proposed benefits.

Thank you for your time and consideration.

Sincerely,

Sarah L. Dennis

Homeowner, 6512 Birch Place

Gary, IN 46403

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**Re: Proposed Est. of a Residential Living Center at 6525 Birch Place**

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**From** Serene Rosenthal <timelyobsession@gmail.com>

**Date** Tue 4/15/2025 12:52 PM

**To** Zoning <zoning@gary.gov>

 1 attachment (153 KB)

BIRCH PLACE CERTIFIED LETTER.jpg;

4/15/25

Serene Rosenthal

6515 Birch Place

Gary, IN 46403

Email: [timelyobsession@gmail.com](mailto:timelyobsession@gmail.com)

To Whom it May Concern,

I was just informed a few days ago by a neighbor (who sent me a copy of a certified letter that I did **NOT** receive) that the house directly (one house north) next door to me is being considered / advocated for, as a residential living center at 6525 Birch Place Gary, IN 46403.

Myself and my neighbors have serious concerns about this.

For one thing, this is a quiet, well established neighborhood in Miller, whom the majority of the families on this block have been here for decades and decades. My parents bought this house in 1965. Many of the residents are the children of the original buyers, as am I.

The owner of 6525 Birch Place previously didn't let anyone know that she was renting it as an Airbnb in previous years.

The owner did not make it easy to find out her plans to make / rent to the state / this into a residential center, except for a very, very small handful of people (maybe 3?) who received a certified letter.

The owner, while mentioning, 'behavioral health needs' does not explain further.

Are these individuals elderly or those with Down Syndrome adults? Are they young drug-seeking or alcohol dependent? Do they have criminal backgrounds that could imperil the residents?

I don't think most would object to the former, but would definitely have grave concerns about our personal safety, properties, and composition of our neighborhood with the later.

I don't believe that this neighborhood and house at 6525 Birch Place should be allowed to be zoned for this purpose.

Please let me know if there will be a meeting regarding this.

Sincerely,

Serene Rosenthal

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**Group Home - 6525 Birch Place, Gary, IN 46403**

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**From** James Birgans <jamesbirgans@aol.com>

**Date** Wed 4/16/2025 5:38 AM

**To** Zoning <zoning@gary.gov>

To Whom It Concerns,

My name is James Thomas Birgans, Jr, and I currently reside at 6710 Birch Place, Gary IN 46403. I am not in favor of this Group Home that is or will be located at 6525 Birch Place, Gary, IN 46403.

Sincerely,

James Thomas Birgans, Jr



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**6525 BIRCH PLACE**

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**From** Aquanette Hudson <ahudson@gary.gov>

**Date** Fri 4/11/2025 4:10 PM

**To** Zoning <zoning@gary.gov>

Good Afternoon COG Zoning Department.

I am a resident of 6700 Birch Place for over 30 years I'm sending this email concerning the possibility of putting

A group home at the 6525 Birch Place address. Myself and everyone of the residents on Birch Place Block Club are **NOT** in favor of

having a group home on our block. I can be reached at 219-545-4911 or the Gary Heath Department

Thank You

*Aquanette Hudson*

*Lost 2 Care DIS 3*

*Gary Health Department*

*1145 West 5th Avenue*

*Office: 219-239-2313 ext, 41117*

*Cell: 219-376-7624*

*Fax: 219-881-1396*

*ahudson@gary.gov*

*"Building a Greater Gary"*



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**6525 Birch Place**

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**From** Janie Cobb <cobb1938@gmail.com>

**Date** Fri 6/6/2025 8:21 PM

**To** Michael Gaines <mgaines@gary.gov>

Mr&Mrs James Cobb

Of 6636 Birch Place are asking you to please not go forward with the request for 6525 Birch place

The Owner has an AirB&B which has been an inconvenience for the residence of Birch Place with Cars parked because this street has no Outlet which we have tolerated

And she doesn't keep her property up like she should it's looking better now because of her request

We feel that she isn't going to be compliance with how this facility is ran and in turn might bring crime on our street we have had a murder in the Miller area

There is a Methadone Clinic in the Area and a home on Ash which when it first opened we had problems with run aways knocking on our door asking to use the phone that finally stopped

We Seniors and Birch Place BlockClub are asking you to please consider us

My husband and I have lived on Birch Place for fifty years without incident and I pray it will remain that way thank you

Sincerely

Mr&Mrs James Cobb

6636 Birch Place

219-938-6077

219-902-1966

Sent from my iPhone Janie

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**Fwd: Proposed Heritage home Birch Place**

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**From** Nina Greer <ngreer219@icloud.com>

**Date** Thu 6/5/2025 7:26 PM

**To** Michael Gaines <mgaines@gary.gov>

Mr. Gaines,

I'm writing you in opposition of the proposed home for individuals with developmental issues being placed at 6525 Birch Place.

We do not want this type of housing in our neighborhood. We do not want transient traffic and neighbors in and out with these needs.

I'm asking that you do not allow this request to pass. Please see my letter below to Heritage Homes. I will also be sending a letter to the Mayor in strong opposition of this housing.

Thank You,  
Jeane Williams  
Birch Place Resident for 50yrs  
Sent from my iPhone

Begin forwarded message:

**From:** Nina Greer <ngreer219@icloud.com>  
**Date:** June 5, 2025 at 7:18:24 PM CDT  
**To:** info@heritagerealestateservice.com  
**Subject: Proposed Heritage home Birch Place**

Ms. Henderson,

I appreciate you reaching out in regard to the proposed housing for individuals with mental and developmental mental challenges on Birch Place. While I agree that housing and resources need to be provided for individuals with these needs, I am NOT in support of this being in the middle of my street or residential areas. This does not contribute to maintaining the value of my property or foster the relationships like the ones I have on this street for last 50 yrs. In addition, I do not want the transient traffic . We want stable neighbors that we know and can build lasting relationships with.

This housing should provided in a business district and include rooms and all support services needed for these individuals. This is not the right spot for this. Nor, does it fully provide for the needs of these residents .

I will be sending a copy of this letter to our city zoning committee and the Mayor in opposition of this request .

Sincerely,  
Jeane Williams  
Birch Place resident  
Sent from my iPhone

06/10/2025

Aquanette Hudson  
6700 Birch Place  
Gary, IN 46403  
aquanettehudson@yahoo.com

Rose Bonner  
6722 Birch Place  
Gary, IN 46403

Dear, City Of Gary Officials:

I am writing this letter on behalf of myself and many longtime residents of the Birch Place neighborhood. We like to express our deep concerns and opposition regarding the proposed establishment of a behavioral group home and drug rehabilitation facility within our residential area. Birch Pl is a quiet, family-oriented neighborhood where many residents have lived for over fifty (50) plus years or they are the children of the original buyers. We take pride in maintaining a safe and stable environment one where my grandchildren and other children regularly play outside and neighbors look out for one another.

The proposed placement of a group home/rehab facility located at 6525 Birch PL, so close to our homes raises seriousness concerns about the potential impact on the safety, well-being, and property values in our community. While we understand and support the need for such services, we strongly disagree with placing this type of facility in a residential neighborhood, particularly one with so many children and elderly residents This is not appreciated!

Group homes and rehab centers can unfortunately attract increased traffic, emergency response activity and risks that can alter the peaceful nature of our street which is a dead end. We respectfully ask: Would you want this type of facility directly across from your home where your children play and your neighbors walk their dogs?

Thank you for your attention to this seriousness matter. We appreciate your dedication to the citizens of Gary and hope you will stand with us to preserve the integrity of our neighborhood.

Sincerely,  
Rose Bonner  
On Behalf of the Residents of Birch Place.

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**Strong Opposition to Proposed Group Home at Birch Place BZA 2025-27**

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**From** Mcdonald Family <themcdonaldthree@icloud.com>

**Date** Thu 6/12/2025 7:29 AM

**To** Zoning <zoning@gary.gov>

City of Gary Indiana  
Board Of Zoning Appeals  
[zoning@gary.gov](mailto:zoning@gary.gov)

Dear Members of the Board of Zoning and Appeals!

We are writing as a concerned residents of Gary to express our strong opposition to the proposed group home at Birch Place which is reportedly being developed by an investor from Merrillville who has no established ties to our city or our neighborhood.

This is not about stigmatizing individuals in recovery or struggling with mental health. We recognize that everyone deserves support and a second chance. But what we cannot accept is the irresponsible placement of such a facility in a residential area where the majority of our residents are elderly, and simply trying to enjoy peace and safety in their later years.

The facility in question is intended to house individuals with a combination of high-need challenges, including substance abuse recovery, mental health issues, behavioral problems, and criminal histories. While we support rehabilitation, this plan is deeply flawed in both execution and intent.

We are also alarmed by the lack of community engagement and transparency. There has been no clear communication, no input from residents, and no evidence of proper planning for supervision, professional staffing, or integration into supportive services.

We ask that the City Council reject this proposal and advocate for more appropriate, community-sensitive development.

Our neighborhood should not carry the burden of poor planning and outside interests. We urge you to listen to the voices of the people who live here and protect the integrity of our community.

Thank you for your time!

Sincerely,  
G. McDonald



JUNE 9, 2025

TO: GARY BOARD OF ZONING APPEALS

ATTENTION ZONING ADMINISTRATOR

FROM: WILLIE & CHARLOTTE CARTER  
6524 BIRCH PL., GARY, IN 46403

ON FRIDAY, JUNE 6, 2025 WE RECEIVED  
A NOTICE (MAILED LETTER) FROM THE  
ZONING DEPARTMENT INFORMING US  
THAT HERITAGE HOMES OF INDIANA LLC  
HAS FILED A PETITION TO ALLOW  
BINIKA HENDERSON TO USE THE  
PROPERTY AT 6525 BIRCH PL. AS A  
BEHAVIORAL HEALTH RESIDENTIAL CENTER.  
OUR FAMILY HAS LIVED DIRECTLY  
ACROSS THE STREET FROM THIS RESIDENCE  
FOR 52 YEARS. AS SENIOR CITIZENS,  
WE FEEL THAT OUR CONCERNS

Should be CONSIDERED. We have  
discussed this AND concluded that  
such a FACILITY should NOT be Allowed  
IN this RESIDENTIAL community.

We PRAY FOR the Well-being OF those  
NEEDING SPECIAL TREATMENT. However  
We MUST CONSIDER the SAFETY OF  
OUR SENIOR CITIZENS, CHILDREN, AND  
GRANDCHILDREN. Please DON'T  
COMPROMISE OUR SAFETY.

Sincerely

THE CARTER FAMILY

6524 BIRCH PL, CARY, IN 46403



# BOARD OF ZONING APPEALS

## PETITION PACKET

<b>BZA PETITION NUMBER</b>	BZA 2025-28
<b>PETITIONER</b>	Benjamin Ayala on behalf of Wabash Parts Chicago Holding Co, LLC
<b>REQUEST</b>	<b>Development Standard Variance</b> to increase fence height to 8 ft with barbed wire
<b>ADDRESS</b>	2601 E 15th Ave, Gary, IN 46402
<b>PACEL NUMBER</b>	45-08-11-476-001.000-004
<b>ZONING CLASSIFICATION</b>	M1-2
<b>CURRENT ANNUAL PROPERTY TAX</b>	Current
<b>COMPREHENSIVE PLAN LAND USE</b>	Light Industrial/Employment Flex
<b>PROOF OF PUBLICATION</b>	Not Receive As of 6/30
<b>PUBLIC INPUT RECEIVED</b>	Not Receive As of 6/30
<b>RECOMMENDATION</b>	Approve, BZA is final decision
<b>GIS MAP</b>	 

### Development Variance Standard criteria per section 123-107

1. The particular physical surroundings shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
2. The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.
3. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
4. The granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
5. The proposed variation is within the purposes of this chapter (section 123-2) and but more specifically, but not limited to the following: will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, substantially diminish or impair property values within the neighborhood; improves access management; or will not negatively impact or effect ecologically/scientifically significant natural areas, fish and wildlife habitat areas, or identified natural features or mitigate any negative impacts.



Eddie D. Melton  
Mayor  
City of Gary

Department of Zoning  
401 Broadway, Suite 303  
Gary, IN 46402  
www.gary.gov/zoning

Rodney Pol, Jr.  
City Attorney  
219-881-1332  
zoning@gary.gov

SUBJECT PROPERTY ADDRESS 2601 E. 15Th Avenue, Gary, IN 46402

PARCEL IDENTIFICATION NUMBER(S)  
Permanent Parcel Numbers: 45-08-11-451-004.000-004 and 45-08-11-476-001.000-004

LEGAL DESCRIPTION  
See Exhibit "A" Description of Premises

**PRIMARY CONTACT PERSON (IF DIFFERENT FROM ABOVE)**

NAME/TITLE \_\_\_\_\_  
EMAIL \_\_\_\_\_  
PHONE \_\_\_\_\_

**DEVELOPMENT STANDARDS VARIANCE APPLICATION FEE: \$200**

BZA #: \_\_\_\_\_  
Date Filed: \_\_\_\_\_

I, the undersigned, do hereby certify that I am the owner, or contract purchaser (Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.) and do hereby certify that the above statements are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR CONTRACT PURCHASER

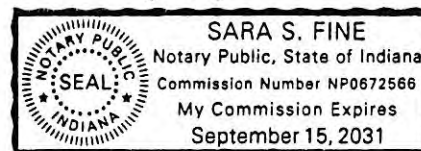
ADDRESS 3900 McCarty Ln.  
CITY/STATE/ZIP LaFayette, IN 47905

Subscribed and sworn to before me this 9 day of June 2025.

(Notary Public)

Sara S Fine

(Seal)



Date 06/18/25  
Signature SB  
Receipt # 483772  
483775

☐ CASH  
☒ CHECK 313818.71 \$150.00  
☒ CREDIT \$50.00





Eddie D. Melton  
Mayor  
City of Gary

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#### Public notice

Public notice must be **published one time in one local newspapers** at least 10 days prior to the BZA's public hearing. The City will prepare the notice and provide instructions; the applicant is responsible for ensuring the notice is properly published, and for all associated publishing costs. Proof of the newspaper notice must be delivered to the Department of Planning and Zoning.

Public notice must be **mailed to every property owner within 100 feet** of the location of the proposed use variance at least two weeks prior to the BZA's public hearing. The City will prepare the notice and provide instructions; the applicant is responsible for ensuring the notice is properly delivered, and for all associated mailing costs. A copy of the mailing certification and receipt must be delivered to the Department of Planning and Zoning.

*Note: It is solely the responsibility of the applicant to make sure that all information submitted is accurate as the information will be used for publication of the legal notice required by statute and ordinance. The City of Gary disclaims all responsibility if any of the information submitted by the applicants is inaccurate or in error.*

*Please type or print. You may use and attach additional sheets of paper as necessary, but please make sure to reference what information is provided on any additional sheets.*

#### DESCRIBE THE REQUESTED DEVELOPMENT STANDARDS VARIANCE

Wabash would like to replace the existing 7' fence (which is in poor condition and has missing sections) with an 8' fence (topped with barbed wire) to protect against theft of high value inventory such as vehicle catalytic converters.

Reference: ARTICLE IV. - SUPPLEMENTAL REGULATIONS, Sec. 123-333. - Bulk regulations, (e) Permitted obstructions in required yards, (1) In all yards, c. In all business districts, fences and walls located in the front yard shall not exceed 42 inches in height above the finished ground level. Fences having a height of more than 42 inches may be used in business districts where authorized by the board of zoning appeals in accordance with the provisions of this chapter.

#### APPLICANT NAME

Benjamin P Ayala on behalf of Wabash Parts Chicago Holding Co LLC

#### COMPANY OR ORGANIZATION

Wabash Parts Chicago Holding Co LLC

ADDRESS 3900 McCarty Lane

CITY/STATE/ZIP Lafayette, IN 47905

EMAIL Benjamin.ayala@onewabash.com

PHONE 765-237-1410

#### OWNER OF RECORD (IF DIFFERENT FROM APPLICANT)

Indiana Land Trust Company, Trustee of Trust No. 120581, 4900 Northcott Ave. Downers Grove, IL 60515,

Attn: Mr. Ben Cremer

*If the applicant is not the recorded property owner, proof of ownership and a notarized statement of consent from the owner of record permitting the applicant to file this petition must be provided.*

## Exhibit "A"

### Depiction of Premises

Part of the East Half of the Southeast Quarter of Section 11, Township 36 North, Range 8 West of the Second Principal Meridian, in Lake County, Indiana, more particularly described as follows: Beginning at a point on the South line of said Section 11, a distance of 448.95 feet East of the Southwest corner of the East half of the Southeast Quarter of said Section 11; thence North 89 degrees 19 minutes 53 seconds West, along the South line of said Section 11, a distance of 29.42 feet to a point of intersection of the aforesaid South line and the Northerly right-of-way line of the Michigan Central Railroad; thence North 61 degrees 16 minutes 23 seconds West, along the aforesaid Northerly right-of-way line, a distance of 481.28 feet to a point of intersection of the aforesaid right-of-way line and the West line of the East half of the Southeast Quarter of said Section 11; thence North 0 degrees 38 minutes 38 seconds West, along the aforesaid West line a distance of 1003.61 feet; thence South 55 degrees 20 minutes 53 seconds East, a distance of 549.92 feet; thence South 0 degrees 38 minutes 38 seconds East, along a line parallel to the West line of the East half of the Southeast Quarter, a distance of 922.59 feet to the point of beginning.

Part of the West half of the Southeast Quarter of Section 11, Township 36 North, Range 8 West of the 2nd Principal Meridian, more particularly described as follows: Commencing at the intersection of the West line of the Southeast Quarter of said Section 11 with the Northerly line of the Michigan Central Railroad; thence South 60 degrees 58 minutes 37 seconds East along the said Northerly right-of-way line a distance of 1059.23 feet to the Point of Beginning of this described parcel; thence continuing South 60 degrees 58 minutes 37 seconds East, 478.19 feet, more or less of the East line of the West half of the Southeast Quarter of said Section 11; thence North 00 degrees 42 minutes 15 seconds West along the East line of said West half of the Southeast Quarter a distance of 1017.79 feet more or less to the Southerly 1-65 right-of-way line; thence North 71 degrees 04 minutes 33 seconds West, 102.99 feet; thence North 58 degrees 02 minutes 36 seconds West, 96.55 feet; thence North 46 degrees 26 minutes 12 seconds West 126.96 feet; thence Northwesterly 193.92 feet along an arc to the right and having a radius of 751.20 feet subtended by a long chord having a bearing of North 50 degrees 36 minutes 36 seconds West and a length of 193.38 feet; thence South 00 degrees 44 minutes 45 seconds East 1088.14 feet more or less to the Point of Beginning, in Lake County, Indiana.





## **Narrative Describing the Proposed Use**

The Petitioner will be re-purposing an existing building for significant use in the automotive industry.

The Petitioner is known in the industry as an Original Equipment Manufacturer of semi-trailers and truck bodies.

The primary operation will be the mounting of bodies (flatbeds, service bodies, and truck bodies) onto chassis manufactured by the likes of Ford, GM, Isuzu, Freightliner, etc. Also, The Petitioner is a manufacturer of semi-trailers at its facility in Lafayette, IN and truck bodies at its facility in Goshen, IN and this is an expansion of its service operations business.

The expansion of the service operations business will also include diesel repair work, which is the same operations that a former building tenant also performed for more than 30 years.





Existing Fence

# ALTA/NSPS LAND TITLE SURVEY



VICINITY MAP  
SEC. 11 - 36 - 8

PROPERTY ADDRESS: 1850 FLORIDA STREET GARY, IN 46405

#### LEGAL DESCRIPTION:

Part of the West Half of the Southeast Quarter of Section 11, Township 36 North, Range 8 West of the 2nd Principal Meridian, more particularly described as follows: Commencing at the intersection of the West line of the Southeast Quarter of said Section 11 with the Northern line of the Michigan Central Railroad; thence South 60 degrees 58 minutes 37 seconds East along the said Northern right-of-way line a distance of 1059.23 feet to the Point of Beginning of this described parcel; thence continuing South 60 degrees 58 minutes 37 seconds East 478.19 feet, more or less to the East line of the West Half of the Southeast Quarter of said Section 11; thence North 00 degrees 42 minutes 15 seconds West along the East line of said West Half of the Southeast Quarter a distance of 1017.79 feet more or less to the Southern 1-65 right-of-way line; thence North 71 degrees 04 minutes 33 seconds West, 102.29 feet; thence North 58 degrees 02 minutes 36 seconds West, 96.55 feet; thence North 46 degrees 26 minutes 12 seconds West 126.96 feet; thence Northwesterly 193.92 feet along an arc to the right and having a radius of 751.20 feet subtended by a long chord having a bearing of North 50 degrees 36 minutes 36 seconds West and a length of 193.38 feet; thence South 00 degrees 44 minutes 45 seconds East 1088.14 feet more or less to the Point of Beginning, in Lake County, Indiana.

PARCEL NO.: 45-08-11-451-004-000-004

#### PARCEL INFORMATION:

PARCEL TAX NO.: 45-08-11-451-004-000-004  
DJ3LAND15THLLC, LLC  
TAX DEED  
DOC. NO.: 2015-002299  
RECORDED JAN. 15, 2015

#### NOTES CORRESPONDING TO SCHEDULE "B" SECTION II:

- Chicago Title Insurance Company.  
Order Number: CTNY 1807692 Date: August 22, 2018.  
This Survey does not constitute a Title Search by the Surveyor. All information regarding record encumbrances and other documents which might affect the quality of Title to the Parcel shown herein was gained from the Title Insurance captioned above.
- Item 13. Rights of the public, the State of Indiana and or the municipality, and others entitled therein, in and to that part of the land taken or used for road purposes. Parcel is described to the right-of-way of 1-65. No part of the parcel used for additional road purposes.
- Item 14. Right of way for drainage ditches, ditches, feeders and laterals, if any.  
None observed or documented in title search.
- Item 15. Railroad right of way, switches and spur tracks, if any and all rights therein.  
No railroad observed adjacent to railroad for this parcel. No railroad tracks on parcel observed.
- Item 16. Limited access to and from the open public road known as Interstate 65 adjoining on the North, a limited access facility. The portion of Interstate 65 adjacent on the North of the parcel is a Frontage Road providing unrestricted access to the parcel.
- Item 17. The paved frontage road runs along the North side of the parcel and continues past to next properties.

#### SURVEYOR REPORT:

This is a Re-encumbrance Survey of the above captioned parcel requested by buyer.

#### REFERENCES:

1. ALTA/NSPS SURVEY parcel adjacent to East by DVG Team Inc. dated July 20, 2018
2. Sidewalk GIS Map Lake County
3. Section corner cards with coordinates Lake County Surveyors Office.

#### MONUMENT AVAILABILITY:

Measurements found were in good condition and shown.

#### THEORY OF LOCATION:

The monuments and improvements were located utilizing RTK GPS equipment. State Plane coordinates were utilized as published on witness cards Lake County Surveyors Office to establish the boundary of Section 11.

#### OBSERVED OCCUPATION OR POSSESSION:

There is 6' chain link fencing along the West line, North line and East line of the parcel as indicated on the plat. The fencing on the West is off line the entire length to the railroad. The fence on the East is encroaching onto the parcel as shown on the plat.

#### DESCRIPTIONS:

Upon examination of the Vesting Deed, Deed on Title Report and adjoining Deeds to East and West, a discrepancy was found. The distance given on the East line of parcel in Vesting deed is 1017.79 feet. The distance given for East line in Title Description is 1017.79 feet. When the distances and bearings are computed there is a 5 foot plus minus error in closure on West line. The Deed descriptions for the parcel adjacent to the West is shown as 2 parcels and they add up to 1080.14'. It was determined that a scrivener error in typing may have occurred, (1088.14 feet should be 1080.14 feet). Also, an error must have occurred in vesting deed on the 1017.79 to 1017.79 distance. The adjoining's Deed to the East cites a North South distance along the line as 1003.61' and the Deed for the survey parcel is 1017.79' which results in North South uncertainty of 14.18' along that line.

The Survey performed meets the requirements of an Urban Survey per 865 IAC 1-12-7.  
The acceptable relative positional accuracy of an Urban Survey is 0.07 feet plus 30 parts per million.

#### CERTIFICATION:

TO:  
Gary Frontage LLC  
Chicago Title Insurance Company

This is to certify that this map or plat and the survey which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 8, 11, 13 of Table A thereof.  
The fieldwork was completed on October 19, 2018 in accordance with the guidelines set in Title 865 IAC 1-12 (Rule 12).

This 27th day of July, 2018.

Glenn H. Kracht  
Professional Land Surveyor  
Indiana Registration Number: LS 29400001



PARCEL NO.: 45-08-11-451-004-000-004  
SPECIAL WARRANTY DEED  
DOC. NO. 2015-002299  
RECORDED JUNE 27, 2016

PARCEL NO.: 45-08-11-451-004-000-004  
PERSONAL REPRESENTATIVE'S DEED  
DOC. NO. 2005-000015  
RECORDED FEB. 13, 2005

WEST LINE OF EAST 1/2 OF SE 1/4 SEC. 11-36-8  
N 00°42'15" W 1017.79'  
N 00°42'15" W 1003.61' DEED 1003.17' M  
N 00°42'15" W 1003.61'

POINTED BOW  
FPL, FURNACE  
#4, NORTH &  
1/4 WEST

GENERAL NOTES:  
1. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, IF ANY, OF ITEMS THAT WOULD REQUIRE AN INTERPRETATION BY THE SURVEYOR. (I.E. COMPLIANCE WITH ALL ZONING REQUIREMENTS)  
2. EXISTENCE OF ITEMS BEYOND THE QUALIFICATION OF SURVEYOR (I.E. WETLANDS, HAZARDOUS MATERIAL) AND ITEMS NOT READILY VISIBLE DURING A REASONABLE INSPECTION OF SITE (PAST CEMETERIES, LANDFILLS, AND MINERAL RIGHTS).  
3. BASIS OF BEARINGS: PER SUBJECT PARCEL DESCRIPTIONS.

FLOOD ZONE NOTE:  
According to the National Flood Insurance Rate Maps.  
Parcel Number 18089 C 0158 E, effective date 9/18/2012.  
The parcel by scale location, is located in ZONE "X"

SCALE: 1" = 50'



DATE: OCT. 27, 2018	OWNER: DJ3 LAND 15TH LLC, LLC
JOB NO.: 184212	BUYER: GARY FRONTAGE, LLC
SHEET 1 of 1	

A.L.T.A. / N.S.P.S.  
LAND TITLE SURVEY  
1850 FLORIDA STREET GARY, IN 46405

**GKA** GLENN KRACHT  
ASSOCIATES  
314 FAIRFIELD DRIVE CROWN POINT, IN 46307 PHONE: 219-663-8633  
FAX: 219-663-8945  
gkracht@comcast.net



# Proposed Fencing Changes

## ALTA/NSPS LAND TITLE SURVEY

### PARCEL DESCRIPTION PER EXHIBIT "A" IN TITLE COMMITMENT REFERENCED HEREON

PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 11, A DISTANCE OF 444.95 FEET EAST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 11, THENCE NORTH 89 DEGREES 18 MINUTES 13 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 11, A DISTANCE OF 24.15 FEET TO A POINT OF INTERSECTION OF THE AFORESAID SOUTH LINE AND THE NORTHEAST CORNER OF THE AFORESAID QUARTER, THENCE NORTH 89 DEGREES 18 MINUTES 13 SECONDS WEST, ALONG THE AFORESAID NORTH LINE, A DISTANCE OF 444.95 FEET TO A POINT OF INTERSECTION OF THE AFORESAID NORTH LINE AND THE WEST LINE OF THE AFORESAID QUARTER, THENCE NORTH 89 DEGREES 18 MINUTES 13 SECONDS WEST, ALONG THE AFORESAID WEST LINE, A DISTANCE OF 444.95 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 11, THENCE SOUTH 89 DEGREES 18 MINUTES 13 SECONDS EAST, ALONG THE SOUTHWEST CORNER OF SAID SECTION 11, A DISTANCE OF 444.95 FEET TO THE POINT OF BEGINNING.



### PARCEL INFORMATION

PARCEL 2A NO. 45-08-11-474-001-000-004  
 INDIANA PARCEL IDENTIFICATION SYSTEM (IPIDS)  
 PERSONAL REPRESENTATIVE'S DEED  
 NO. 2003-01015  
 REC. FEBRUARY 3, 2003

### PARCEL AREA

433,800 SQ. FT.  
 10.00 ACRES

### ALTA/NSPS OPTIONAL TABLE "A" SURVEY RESPONSIBILITY SPECIFICATIONS ITEM NOTES

ITEM 1. MONUMENTS SET OR FOUND ARE SHOWN HEREON.

ITEM 2. ADDRESS SHOWN HEREON WAS PROVIDED FROM AUDITOR RECORDS AND OBSERVED ON THE BUILDING.

ITEM 3. FLOOD ZONE DESIGNATION: THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS MAP IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE FLOOD INSURANCE RATE MAP (FIRM). THE SUBJECT PARCEL DESCRIBED IN THE PARCEL DESCRIPTION SHOWN HEREON APPEARS TO BE WITHIN THAT FLOOD HAZARD ZONE "V" AREA DETERMINED TO BE OUTSIDE OF THE 2% ANNUAL CHANCE FLOODPLAIN AS SAID SURVEY PARCEL PLOTS BY SCALE ON FLOOD INSURANCE RATE FOR THE CITY OF LAKE COUNTY, INDIANA, COMMUNITY NUMBER 18012, MAP PANEL NUMBER 200301015, MAP EFFECTIVE DATE JANUARY 18, 2012.

ITEM 4. LAND AREA SHOWN HEREON

ITEM 5. PER ZONING LETTER FROM BOB FLOOD, PRINCIPAL OF FOUNDERS 3 REAL ESTATE SERVICES ON JUNE 25, 2018, PROVIDED BY THE CLIENT, THE ZONING OF THE SUBJECT PROPERTY IS SHOWN AS "M1" (M1) LIMITED MANUFACTURING. THE SETBACK RESTRICTIONS ARE LISTED AS:  
 MINIMUM FRONT YARD - 25 FEET  
 MINIMUM SIDE YARD - 25% OF LOT WIDTH, BUT NOT EXCEED 10 FEET IN WIDTH  
 MINIMUM REAR YARD - FOR COMMERCIAL USE: NO REQUIREMENTS; FOR RESIDENTIAL USE: NO INTERPRETATIONS ON HOW THESE RESTRICTIONS APPLY TO THE SUBJECT PARCEL, CONTACT THE CITY OF LAKE COUNTY, INDIANA, COMMUNITY NUMBER 18012, MAP PANEL NUMBER 200301015, MAP EFFECTIVE DATE JANUARY 18, 2012.

ITEM 6. THOSE BUILDING SETBACK REQUIREMENTS SET FORTH IN A ZONING LETTER FROM BOB FLOOD, PRINCIPAL OF FOUNDERS 3 REAL ESTATE SERVICES ON JUNE 25, 2018, PROVIDED TO THE SURVEYOR BY THE CLIENT THAT DO NOT REQUIRE AN INTERPRETATION ARE SHOWN HEREON.

ITEM 7. EXTERIOR DIMENSIONS OF ALL BUILDINGS AT GROUND LEVEL ARE SHOWN HEREON.

ITEM 8. SUBSTANTIAL VISIBLE FEATURES SUCH AS PARKING LOTS, BALCONIES, SIGNS, SURROUNDING POOLS, LANDSCAPED AREAS, AND SUBSTANTIAL AREAS OF REFUSE OR ANY ARE SHOWN HEREON.

ITEM 9. STOPPING OF CLEARLY IDENTIFIABLE PARKING SPACES ON SURFACE PARKING AREAS AND DRIVEWAYS NOT OBSERVED, THEREFORE, PARKING TYPES, AND THE NUMBER OF SPACES ARE NOT SHOWN HEREON.

ITEM 10. LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY WAS DETERMINED BY OBSERVED EVIDENCE, LACKING EVIDENCE, THE EXACT LOCATION OF UNDERGROUND UTILITIES CANNOT BE ACCURATELY COMPLETED, AND RELIANT DUCTED LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM VISIBLE LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED AND EXCAVATIONS OR PROBLEMS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES, SUGGEST THAT UNDERGROUND UTILITIES, FEEDERS OR LATERALS, NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN DATA CONCERNING SIZE, DEPTH, CONDITION, CAPACITY OF ANY UTILITIES LOCATED WITHIN THE SITE SURVEYED OR SERVING THE SITE, UNLESS SHOWN HEREON. BURIED UTILITIES ARE SHOWN IF MARKED BY THE UTILITY COMPANIES AT THE TIME OF THIS SURVEY (INDIANA 811 TICKET NO. 20121206). SURVEYOR INCURRING NO LIABILITY IN NOT ALL UTILITIES ARE MARKED. IF ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, EXCAVATION AND/OR A PRIVATE UTILITY LOCATOR REQUEST BY CLIENT/OWNER MAY BE NECESSARY.

ITEM 11. NAMES OF ADJOINING OWNERS ACCORDING TO PUBLIC RECORDS ARE SHOWN HEREON. PARCELS IDENTIFIED BY TITLE DESCRIPTION OR RECORD REFERENCES AS PER 855 IAC 1-12-13-111 ARE OBTAINED FROM COUNTY AUDITOR'S OFFICE AND OR RECORDS OFFICE AND ARE NOT CERTIFIED. THE INFORMATION MAY OR MAY NOT REFLECT THE MOST CURRENT DEED OF RECORD OR THE MOST CURRENT STATUS OR TITLE FOR THAT PARCEL.

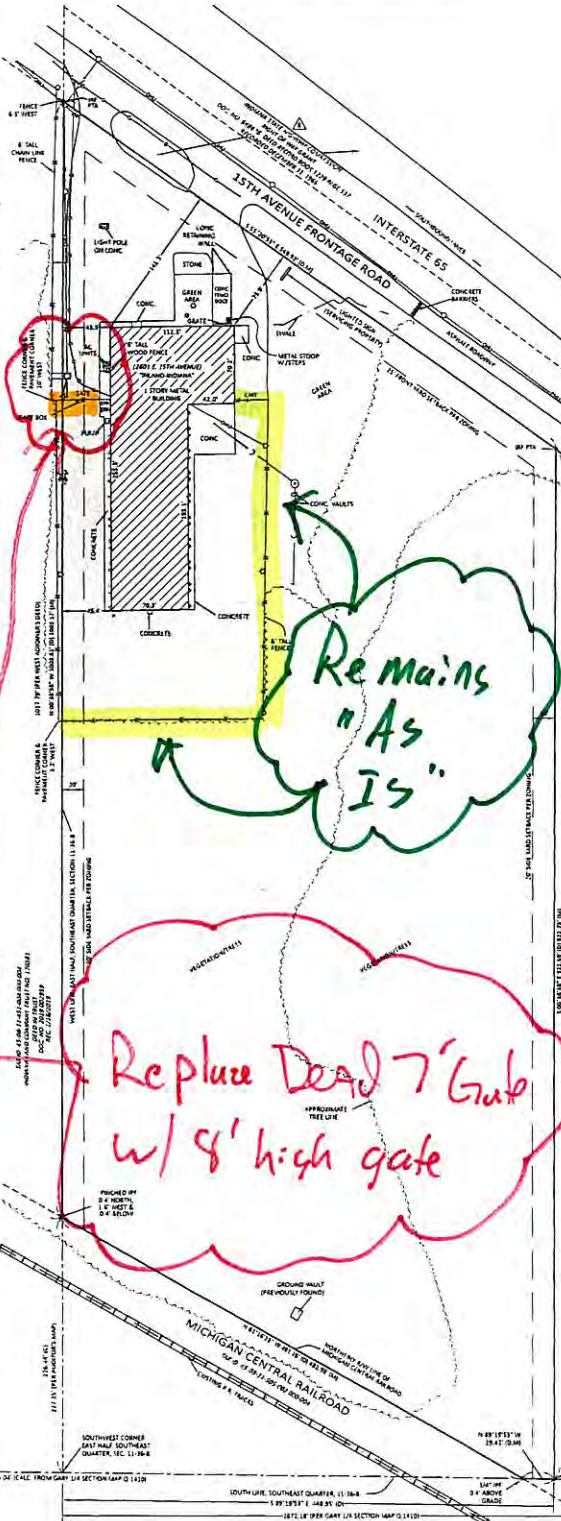
ITEM 12. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE SITE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

### GENERAL NOTES

1. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, IF ANY, OF ITEMS THAT WOULD REQUIRE AN INTERPRETATION BY THE SURVEYOR, I.E. COMPLIANCE WITH ALL ZONING REQUIREMENTS (EVIDENCE OF ITEMS BEYOND THE QUALIFICATION OF SURVEYOR I.E. WETLANDS, HAZARDOUS MATERIALS) AND ITEMS NOT READILY VISIBLE DURING A REASONABLE INSPECTION OF SITE (FAST CEMENTS, LANDFILLS AND MINERAL RIGHTS).
2. BASIS OF BEARING: PER SURVEY PARCEL DESCRIPTION AS SHOWN IN DOCUMENT NUMBER 2003-01015, REC. 2/3/03.

### SURVEY REFERENCES

1. RECORD DEEDS REFERENCED HEREON.
2. ALTA/NSPS LAND TITLE SURVEY OF SUBJECT PARCEL BY DVG TEAM, INC. ON MAY 20, 2018, JOB NO. 118-904.
3. ALTA/NSPS LAND TITLE SURVEY OF SUBJECT PARCEL, BY PLUMBA TUCKETT AND ASSOCIATES ON JANUARY 10, 2003, JOB NO. 50223.
4. CITY OF GARY QUARTER SECTION MAP 1410 PUBLISHED BY THE CITY OF GARY'S ENGINEERING OFFICE.



Remains "As Is"

Replace Dead 7' Gate w/ 8' high gate

### TITLE COMMITMENT NOTES

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS AND OTHER DOCUMENTS WHICH MIGHT AFFECT THE QUALITY OF TITLE TO PARCELS SHOWN HEREON WAS OBTAINED FROM A TITLE INSURANCE COMMITMENT NUMBER 92119-21188 ISSUED BY TITELINK TITLE GUARANTEE COMPANY ON DECEMBER 22, 2021. THE FOLLOWING COMMITMENTS CORRESPOND TO THE ITEMS NUMBERED IN SCHEDULE B, PART 2, EXCEPTIONS IN SAID COMMITMENT.

- ITEM 8. RIGHT OF WAY GRANT IN FAVOR OF THE STATE OF INDIANA, REC. 1/2/1955, INSTRUMENT NO. 64476, AFFECTS PARCEL SHOWN HEREON.
- ITEM 9. PERMANENT RIGHT OF WAY EASEMENT IN FAVOR OF THE STATE OF INDIANA, REC. 1/2/1955, BOOK 815, PAGE 311, DOES NOT AFFECT PARCEL. EASEMENT LIES IN THE QUARTER OF THE S.E. QUARTER OF SECTION 23, 36-4, NOT PLOTTABLE.
- ITEM 10. PERMANENT RIGHT OF WAY EASEMENT IN FAVOR OF THE STATE OF INDIANA, REC. 1/2/1955, BOOK 815, PAGE 311, DOES NOT AFFECT PARCEL. NOT PLOTTABLE.
- ITEM 11. PERMANENT RIGHT OF WAY EASEMENT IN FAVOR OF THE STATE OF INDIANA, REC. 2/7/1955, BOOK 815, PAGE 311, DOES NOT AFFECT PARCEL. NOT PLOTTABLE.
- ITEM 12. RESOLUTION NUMBER 1754 BY BOARD OF PUBLIC WORKS, REC. 8/31/1971, MISCELLANEOUS BOOK 81, PAGE 230, DOES NOT AFFECT PARCEL. NOT PLOTTABLE.
- ITEM 13. ENVIRONMENTAL RESTRICTIVE COVENANT BY BOHANA PROPERTIES, LLC, NEGOTIATED MARCH 17, 2011 AS 051919, AFFECTS SUBJECT PARCEL, REC. 3/17/2011, DOES NOT AFFECT PARCEL. NOT PLOTTABLE.

### SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 85, ARTICLE 1.0, CHAPTER 13 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE WORKS UNDERTAKEN IN THE LOCATION OF THE LINES AND CORNERS ESTABLISHED OR REESTABLISHED ON THIS SURVEY.

THIS PLAN REPRESENTS A RETRACEMENT SURVEY OF THE SUBJECT PARCEL PREVIOUSLY SURVEYED BY DVG TEAM, INC. SHOWN ON A PLAN OF AN ALTA/NSPS LAND TITLE SURVEY, JOB NO. 118-904, DATED MAY 20, 2018. THAT SURVEY WAS BASED ON A RETRACEMENT SURVEY OF THE SUBJECT PARCEL, BY PLUMBA TUCKETT AND ASSOCIATES, INC. DVG TEAM, INC. WAS FORMERLY DOING BUSINESS AS PLUMBA, TUCKETT AND ASSOCIATES, INC. SHOWN ON A PLAN OF AN ALTA/NSPS LAND TITLE SURVEY, JOB NO. 50223, DATED JANUARY 10, 2003. THEORY OF LOCATION: LAND FROM SURVEY UTILIZED SECTION MEASUREMENT, THE EXISTING RAILROAD TRAIL FOR THE MICHAEL CENTRAL RAILROAD, AND DIMENSIONS SHOWN ON A GARY QUARTER SECTION MAP TO RETRACE THE LINES OF THE SUBJECT PARCEL ALONG WITH FOUND IRON PIPES ALONG THE SOUTH LINE OF THE SUBJECT PARCEL AND SOUTH LINE OF THE SUBJECT SECTION. MONUMENTS WERE FOUND AND MEASURED THIS SURVEY AT ALL SURVEY PARCEL CORNERS AND ARE BELIEVED TO BE THE SAME AS THOSE SET AND FOUND BY SAID PRIOR SURVEYS.

A. CONDITION OF REFERENCE MONUMENTS: UNLESS OTHERWISE STATED ON THIS PLAN, MONUMENTS WERE FOUND UNDISTURBED, AT OR NEAR GRADE AND OF UNKNOWN ORIGIN, UNLESS NOTED IN LOCATION OF FOUND MONUMENTATION OR MEASURED 0.5 FOOT NORTH-SOUTH AND 0.5 FEET EAST-WEST.

B. NO APPARENT UNCERTAINTIES DUE TO SUBSTANTIAL OBSERVED OCCUPATION OR POSSESSION EXCEPT FOR AS FOLLOWS: FENCING AND ASPHALT PAVEMENT WERE LOCATED UP TO 10 FEET WEST OF THE WEST LINE OF THE SUBJECT PARCEL AND SHOWN HEREON.

C. NO APPARENT UNCERTAINTIES DUE TO RECORD DESCRIPTIONS EXCEPT FOR AS FOLLOWS: THE WEST ADJOINER'S DESCRIPTION CITES A NORTH-SOUTH DISTANCE OF 1017.78 FEET TO THE SOUTH LINE ON 445 FOR THE EAST LINE OF THE WEST ADJOINER WHICH IS THE WEST LINE OF THE SUBJECT PARCEL. THE SUBJECT PARCEL DESCRIPTION CITES A NORTH-SOUTH DISTANCE OF 2003.81 FEET FOR THE SAME LINE WITH NO CALL TO THE SOUTH RIGHT OF WAY LINE OF 445. THIS RESULTS IN A NORTH-SOUTH UNCERTAINTY OF UP TO 14.8 FEET.

D. THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENTS) FOR THIS SURVEY BASED ON EQUIPMENT AND PROCEDURES USED, WAS WITHIN THE ALLOWABLE 10.27 FEET PLUS 10 PARTS PER MILLION FOR AN URBAN SURVEY PER 855 IAC 12-7.

TO: INLAND INDIANA PROPERTIES, LLC  
 FOUNDATION EQUITABLE, LLC  
 AND STEWART GUARANTY TITLE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

DATE OF PLAN: JANUARY 18, 2022

SIGNED: GLEN E. BOWEN  
 INDIANA REGISTRATION NUMBER: 123000008  
 gbowen@dvgteam.com



PROFESSIONAL LAND SURVEYOR: GLEN E. BOWEN  
 INDIANA REGISTRATION NUMBER: 123000008  
 gbowen@dvgteam.com

DATE	FILE NO.
01/18/22	17206
DATE BY	DATE
GAH	1/26/22
SECTION	COUNTY
11-36-8	LAKE, IN
PROJECT NO.	
522-27	

INLAND INDIANA PROPERTIES, LLC



ALTA/NSPS LAND TITLE SURVEY  
 2601 E. 15TH AVENUE  
 CARY, INDIANA 46402  
 PT. OF THE E. 1/2 OF THE SE. 1/4 OF 11-36-8

DATE	REVISIONS AND NOTES

DVG TEAM, INC.  
 1155 Trousdale Road  
 Crown Point, IN 46037  
 P: (219) 662-7710  
 F: (219) 662-2740  
 www.dvgteam.com





# Proposed Fencing Changes

## ALTA/NSPS LAND TITLE SURVEY



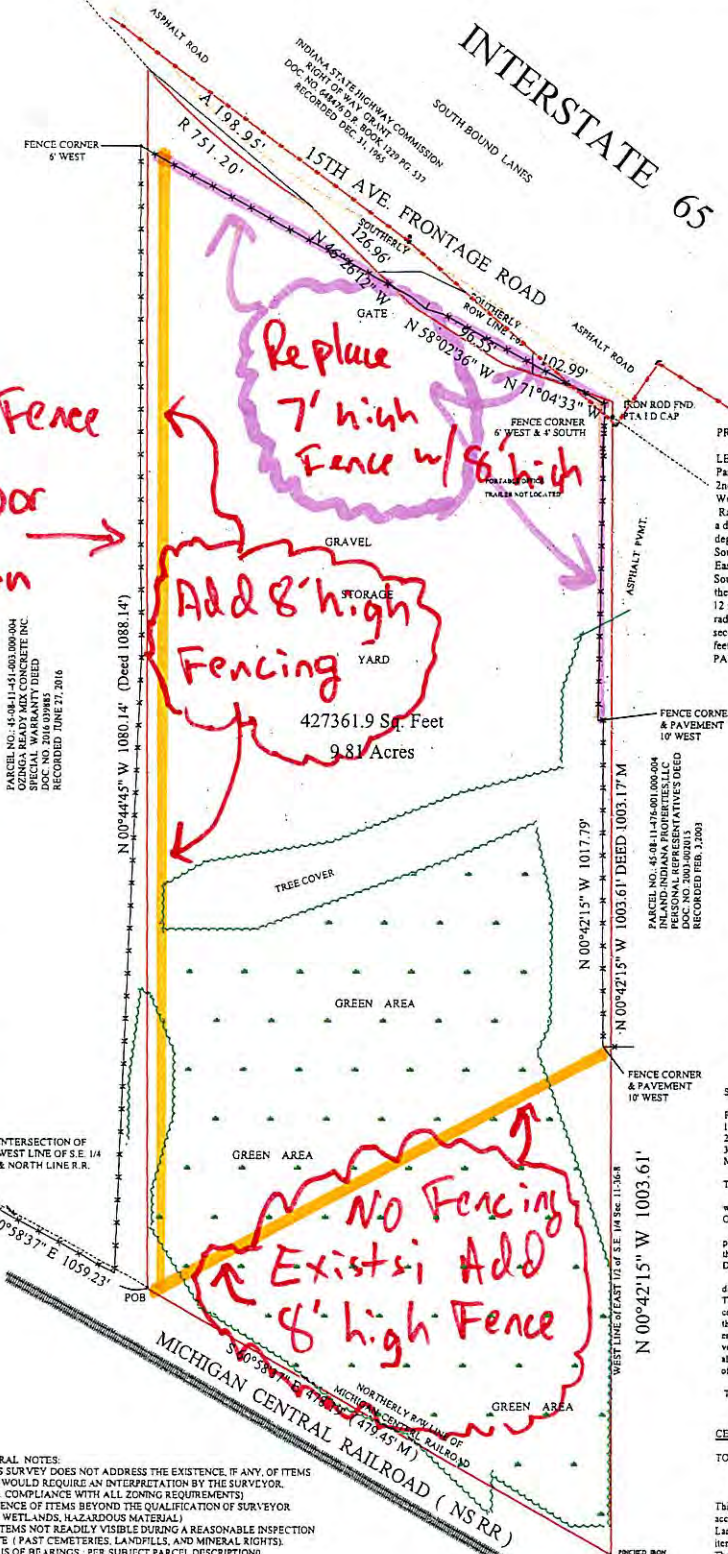
VICINITY MAP  
SEC. 11 - 36 - 8

Ozinga Fence  
is in poor  
condition

Replace  
7' high  
Fence w/ 8' high

Add 8' high  
Fencing

No Fencing  
Exists; Add  
8' high Fence



PROPERTY ADDRESS: 1850 FLORIDA STREET GARY, IN 46405

**LEGAL DESCRIPTION:**  
Part of the West Half of the Southeast Quarter of Section 11, Township 36 North, Range 8 West of the 2nd Principal Meridian, more particularly described as follows: Commencing at the intersection of the West line of the Southeast Quarter of said Section 11 with the Northernly line of the Michigan Central Railroad; thence South 60 degrees 58 minutes 37 seconds East along the said Northernly right-of-way line a distance of 1059.23 feet to the Point of Beginning of this described parcel; thence containing South 60 degrees 58 minutes 37 seconds East 478.19 feet, more or less to the East line of the West Half of the Southeast Quarter of said Section 11; thence North 00 degrees 42 minutes 15 seconds West along the East line of said West Half of the Southeast Quarter a distance of 1017.79 feet more or less to the Southernly right-of-way line; thence North 71 degrees 04 minutes 33 seconds West, 102.29 feet, thence North 58 degrees 02 minutes 36 seconds West, 96.55 feet, thence North 46 degrees 26 minutes 12 seconds West 126.96 feet; thence Northwesterly 193.92 feet along an arc to the right and having a radius of 751.20 feet subtended by a long chord having a bearing of North 50 degrees 36 minutes 36 seconds West and a length of 193.38 feet; thence South 00 degrees 44 minutes 45 seconds East 1088.14 feet more or less to the Point of Beginning, in Lake County, Indiana.  
PARCEL NO.: 45-08-11-451-004-000-004

### PARCEL INFORMATION:

PARCEL TAX NO.: 45-08-11-451-004-000-004  
DJ3LAND15THLLC, LLC  
TAX DEED  
DOC. NO.: 2015-002299  
RECORDED JAN. 15, 2015

### NOTES CORRESPONDING TO SCHEDULE "B" SECTION II:

- Chicago Title Insurance Company  
Order Number: CTNW 1807692 Date: August 22, 2018.  
This Survey does not constitute a Title Search by the Surveyor. All information regarding record encumbrances and other documents which might affect the quality of Title to the Parcel shown herein was gained from the Title Insurance captioned above.
- Item 13. Rights of the public, the State of Indiana and of the municipality, and others vested therein, in and to that part of the land taken or used for road purposes. Parcel is described to the right-of-way of I-65. No part of the parcel used for additional road purposes.
  - Item 14. Rights of way for drainage ditches, ditches, feeders and laterals, if any.
  - Item 15. Railroad right of way, switches and spur tracks, if any and all rights therein.
  - Item 16. Limited access to and from the open public road known as Interstate 65 adjoining on the North, a limited access facility. The portion of Interstate 65 adjoining on the North of the parcel is a Frontage Road providing unrestricted access to the parcel.
  - Item 17. The paved frontage road runs along the North side of the parcel and continues past to next properties.

### SURVEYOR REPORT:

This is a Re-survey of the above captioned parcel requested by buyer.  
**REFERENCES:**  
1. ALTA/NSPS SURVEY parcel adjacent to East by DVG Team Inc. dated July 20, 2018  
2. Surveyed GIS Map Lake County  
3. Section corner cards with coordinates Lake County Surveyors Office  
**MONUMENT AVAILABILITY:**  
Monuments found were in good condition and shown.  
**THEORY OF LOCATION:**  
The monuments and improvements were located utilizing RTK GPS equipment. State Plane coordinates were utilized as published on witness cards Lake County Surveyors Office to establish the boundary of Section 11.  
**OBSERVED OCCUPATION OR POSSESSION:**  
There is 6' chain-link fencing along the West line, North line and East line of the parcel as indicated on the plat. The fencing on the West is off line the entire length to the railroad. The fence on the East is encroaching onto the parcel as shown on the plat.  
**DESCRIPTIONS:**  
Upon examination of the Vesting Deed, Deed on Title Report and adjoining Deeds to East and West, a discrepancy was found. The distance given on the East line of parcel in Vesting deed is 1011.79 feet. The distance given for East line in Title Description is 1017.79 feet. When the distances and bearings are computed there is a 6 foot plus minus error in closure on West line. The Deed description for the parcel adjacent to the West is shown as 2 parcels and they add up to 1080.14' (it was determined that a scrivener error in typing may have occurred. (1088.14 feet should be 1080.14 feet.) Also, an error must have occurred in vesting deed on the 1011.79 vs 1017.79 distance. The adjoining's Deed to the East cites a North South distance along the line as 1003.61' and the Deed for the survey parcel is 1017.79' which results in North South uncertainty of 14.18' along that line.  
The Survey performed meets the requirements of an Urban Survey per 865 IAC 1-12-7.  
The acceptable relative positional accuracy of an Urban Survey is 0.07 feet plus 30 parts per million.

### CERTIFICATION:

TO:  
Gary Frontage LLC  
Chicago Title Insurance Company

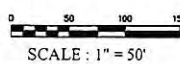
This is to certify that this map or plat and the survey which it is based were made to accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1.2.3.4.8.11.13 of Table A thereof.  
The fieldwork was completed on October 19, 2018 in accordance with the guidelines set in Title 865 IAC 1-12 (Rule 12).

This 27th day of July, 2018.

*Glenn H. Kracht*  
Glenn H. Kracht  
Professional Land Surveyor  
Indiana Registration Number: LS 29400001



**GENERAL NOTES:**  
1. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, IF ANY, OF ITEMS THAT WOULD REQUIRE AN INTERPRETATION BY THE SURVEYOR. (I.E. COMPLIANCE WITH ALL ZONING REQUIREMENTS)  
2. EXISTENCE OF ITEMS BEYOND THE QUALIFICATION OF SURVEYOR (I.E. WETLANDS, HAZARDOUS MATERIAL) AND ITEMS NOT READILY VISIBLE DURING A REASONABLE INSPECTION OF SITE (PAST CEMETERIES, LANDFILLS, AND MINERAL RIGHTS).  
3. BASIS OF BEARINGS: PER SUBJECT PARCEL DESCRIPTION.



**FLOOD ZONE NOTE:**  
According to the National Flood Insurance Rate Maps, Parcel Number 1019 C 018 E, effective date 01/18/2012, The parcel by scale location, is located in "ZONE" X".

DATE: OCT. 27, 2018	OWNER: DJ3 LAND 15TH LLC, LLC
JOB NO.: 184212	BUYER: GARY FRONTAGE, LLC
SHEET 1 of 1	

**A.L.T.A. / N.S.P.S.**  
**LAND TITLE SURVEY**  
1850 FLORIDA STREET GARY, IN 46405

**GKA** GLENN KRACHT  
ASSOCIATES  
314 FAIRFIELD DRIVE CROWN POINT, IN 46307 PHONE: 219-663-8623  
glkracht@comcast.net FAX: 219-663-3945





## Consent of Property Owner

*Property owner needs to sign and complete this form only if different from applicant*

I (we) Benjamin Premier of Gary Frontage LLC (Indiana Land Trust #120581)  
Name(s)

After being first duly sworn, depose and say:

That I/we are the owner(s) of the real estate located at:

2601 E. 15<sup>th</sup> Ave, Gary, IN  
{Address}

- That I/we have read and examined the application and comprehended its contents.
- That I/we have no objection to, and consent to such request as set forth in the application.
- That such request being made by the applicant {        is } { ✓ is not } a condition to the sale or lease of the above referenced property.

{AFFIANT}

[Signature]

STATE OF INDIANA)

)SS:

COUNTY OF Dupage

Subscribed and sworn to before me this 8<sup>th</sup> day of April, 2025.

Laura G. Miran, Notary Public



My Commission expires: July 25, 2026 County of Residence: Dupage

## LEASE AGREEMENT

This Lease Agreement (this "**Lease**"), is dated as of this 25th day of September, 2024 (the "**Effective Date**"), by and between Indiana Land Trust Company, Trustee of Trust No. 120581 ("**Landlord**"), and Wabash National Trailer Centers, Inc., a Delaware corporation ("**Tenant**").

1. Basic Terms. Each reference in this Lease to any of the basic terms (the "**Basic Terms**") contained in this Section 1, shall be construed to incorporate into such reference, all of the definitions contained in this Section 1.

1.1 Address of Landlord. Indiana Land Trust Company, Trustee of Trust No. 120581  
4900 Northcott Ave.  
Downers Grove, IL 60515  
Attn: Mr. Ben Cremer

With copy to: Law Office of Michael P. Bradt  
549 S. Washington St.  
Naperville, IL 60540  
Attn: Michael P. Bradt

1.2 Address of Tenant. Wabash National Trailer Centers, Inc.  
3900 McCarty Lane, Lafayette  
Lafayette, Indiana 47905  
Attn: Office of General Counsel and Treasury

With copy to: Walter | Haverfield LLP  
1500 West Third Street  
Suite 300  
Cleveland, Ohio 44113-1467  
Attn: Tyler S. Bobes, Esq.

- 1.3 Premises. A space consisting of those certain parcels of real property, located in the City of Gary, County of Lake and State of Indiana, having a street address of 2601 E. 15<sup>th</sup> Avenue, known as Permanent Parcel Numbers 45-08-11-451-004.000-004 and 45-08-11-476-001.000-004 and which is comprised of approximately 19.8 acres of land (the "**Land**") with a building containing approximately twenty-one thousand four hundred eighty-one (21,481) square feet (the "**Building**"), and together with the Land, the "**Premises**"). The Premises is depicted on Exhibit "A", attached to, and made a part of, this Lease.

- 1.4 Intentionally Deleted.

- 1.5 Lease Term.

- 1.5.1 Initial Term. The term of this Lease shall be for a period of five (5) Lease Years (hereinafter defined) (the "**Initial Term**"). The Initial Term shall commence on the

Landlord has caused this Lease to be signed and witnessed as of the date and year first-above written.

Landlord:

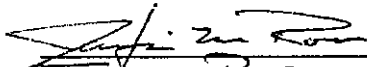
By:   
Indiana Land Trust Company, Trustee of Trust No. 120581



Tenant has caused this Lease to be signed and witnessed as of the date and year first-above written.

TENANT:

Wabash National Trailer Centers, Inc.  
a Delaware corporation

By:   
Name: Justin Ross  
Its: VP - Tax + Treasurer

## Benjamin Ayala

---

**From:** Ben Cremer <ben@industrialserviceproperties.com>  
**Sent:** Friday, June 13, 2025 3:27 PM  
**To:** Benjamin Ayala  
**Subject:** Re: 2601 E 15th fencing proposal

All work is approved. Please try to retain maximum usage of parking area where possible. Every foot of interior isle maneuvering matters in the long run.

I might suggest adding the air compressor room to the painters list since it hasn't been done and is the only old greasy room left. Also Brian would be able to remove the dyno and fill the floor in with concrete to make that room usable also.

Ben

**Benjamin J Cremer**  
Founder | Managing Principal

**INDUSTRIAL SERVICE PROPERTIES**  
Acquisition | Investment | Development

Direct 630 640 2338  
[ben@industrialserviceproperties.com](mailto:ben@industrialserviceproperties.com)  
[www.industrialserviceproperties.com](http://www.industrialserviceproperties.com)

On Jun 13, 2025, at 2:01 PM, Benjamin Ayala <benjamin.ayala@onewabash.com> wrote:

Ben,

This mail is to confirm the details of our conversation this afternoon and your approval on the following:

1. Proposed fencing plan – please see attached
2. Painting the exterior of the building Charcoal gray (4 exterior panels need replaced ahead of time)
3. Replacing the fire detection / burglar alarm system with a Johnson Controls system (Johnson Controls purchased the company that installed the current system).

We had a good Common Council meeting this past Tuesday – they seemed very interested and receptive to our proposal. We are on the agenda for a final vote next week on Tuesday, June 17.

Best regards,

Ben Ayala  
Project Manager II, Parts & Services Operations

**Wabash**

PO Box 6129  
Lafayette, IN 47903

M: 765-237-1410  
[benjamin.ayala@onewabash.com](mailto:benjamin.ayala@onewabash.com)  
[onewabash.com](http://onewabash.com)



<image001.png>

Wabash Email Confidentiality Disclaimer and Notice: [Wabash|Email Disclaimer \(onewabash.com\)](#)

<Gary Fence Project.pptx>

# BOARD OF ZONING APPEALS

## PETITION PACKET 2025-29

<b>BZA PETITION NUMBER</b>	2025-29
<b>PETITIONER</b>	Derrick Taylor
<b>REQUEST</b>	Development Standard Variance to build a garage encroaching 16'–20' into the front setback and increase maximum lot coverage from 40% to 44%
<b>ADDRESS</b>	4301 W 19th Ave, Gary, IN 46404
<b>PACEL NUMBER</b>	45-08-07-352-012.000-004
<b>ZONING CLASSIFICATION</b>	R2 – Residential District
<b>COMPREHENSIVE PLAN LAND USE</b>	Neighborhood Residential – promotes reinvestment, infill housing, and neighborhood stabilization
<b>CITY COUNCIL DISTRICT</b>	District 1
<b>PROPERTY TAXES CURRENT</b>	Current
<b>PROOF OF PUBLICATION</b>	Received and Complete
<b>PUBLIC INPUT RECEIVED</b>	None received prior to 7/3
<b>BUILDING PERMIT</b>	B-24-1189
<b>HEARING DATE</b>	July 10, 2025 at 11:00 a.m.
<b>STAFF RECOMMENDATION</b>	Approval with the commitment to remove shed from public alley.
<b>RECOMMENDATION</b>	Pending Meeting 7/11/2025
<b>FINAL DECISION</b>	This is a final decision at BZA.
<b>GIS MAP</b>	 

# BOARD OF ZONING APPEALS

## PETITION PACKET 2025-29

### **Development Variance Standard criteria per section 123-107**

1. *The particular physical surroundings shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*
2. *The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*
3. *The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*
4. *The granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
5. *The proposed variation is within the purposes of this chapter (section 123-2) and but more specifically, but not limited to the following: will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, substantially diminish or impair property values within the neighborhood; improves access management; or will not negatively impact or effect ecologically/scientifically significant natural areas, fish and wildlife habitat areas, or identified natural features or mitigate any negative impacts.*





Eddie D. Melton  
Mayor  
City of Gary

Department of Zoning  
401 Broadway, Suite 303  
Gary, IN 46402  
www.gary.gov/zoning

Rodney Pol, Jr.  
City Attorney  
219-881-1332  
zoning@gary.gov

SUBJECT PROPERTY ADDRESS

8028 OAK Ave Gary, IN 46403

PARCEL IDENTIFICATION NUMBER(S)

45-05-33-102-017.000-004

LEGAL DESCRIPTION

Lake SIDE ADD. L. 16 BL. 3

PRIMARY CONTACT PERSON (IF DIFFERENT FROM ABOVE)

NAME/TITLE Derrick Taylor / Contract Purchaser

EMAIL dtaylor@majesticbuilders-llc.com

PHONE 219-577-4285

DEVELOPMENT STANDARDS VARIANCE APPLICATION FEE: \$200

BZA #:

Date Filed:

Date 06/23/25

Signature

Receipt #

06/23/25

JB

483863

CASH

CHECK

6352

I, the undersigned, do hereby certify that I am the owner, or contract purchaser (Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.) and do hereby certify that the above statements are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR CONTRACT PURCHASER

*Derrick Taylor*

ADDRESS 7390 Broadway

CITY/STATE/ZIP Meeville, IN 46410

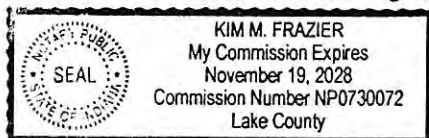
Subscribed and sworn to before me this 10<sup>th</sup> day of June

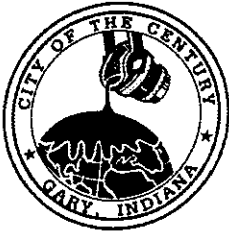
20<sup>25</sup> Kim Frazier

(Notary Public) *Kim M. Frazier*  
State of Indiana

(Seal)

*Kim M. Frazier*





Eddie D. Melton  
Mayor  
City of Gary

Department of Zoning  
401 Broadway, Suite 303  
Gary, In 46402  
[www.gary.gov/zoning](http://www.gary.gov/zoning)

Rodney Pol, Jr.  
City Attorney  
219-881-1332  
[zoning@gary.gov](mailto:zoning@gary.gov)

Public notice

Public notice must be **published one time in one local newspapers** at least 10 days prior to the BZA's public hearing. The City will prepare the notice and provide instructions; the applicant is responsible for ensuring the notice is properly published, and for all associated publishing costs. Proof of the newspaper notice must be delivered to the Department of Planning and Zoning.

Public notice must be **mailed to every property owner within 100 feet** of the location of the proposed use variance at least two weeks prior to the BZA's public hearing. The City will prepare the notice and provide instructions; the applicant is responsible for ensuring the notice is properly delivered, and for all associated mailing costs. A copy of the mailing certification and receipt must be delivered to the Department of Planning and Zoning.

*Note: It is solely the responsibility of the applicant to make sure that all information submitted is accurate as the information will be used for publication of the legal notice required by statute and ordinance. The City of Gary disclaims all responsibility if any of the information submitted by the applicants is inaccurate or in error.*

*Please type or print. You may use and attach additional sheets of paper as necessary, but please make sure to reference what information is provided on any additional sheets.*

DESCRIBE THE REQUESTED DEVELOPMENT STANDARDS VARIANCE

Current setback is 5 feet on Northside of property -  
Requesting a 2 foot variance on Northside of property

APPLICANT NAME

Derrick Taylor

COMPANY OR ORGANIZATION

Majestic Builders LLC

ADDRESS

7340 Broadway

CITY/STATE/ZIP

Merrillville, IN 46410

EMAIL

d.taylor@majesticbuilders-llc.com

PHONE

219-577-4285

OWNER OF RECORD (IF DIFFERENT FROM APPLICANT)

Michael + Kristina Faust

708-790-0474

*If the applicant is not the recorded property owner, proof of ownership and a notarized statement of consent from the owner of record permitting the applicant to file this petition must be provided.*



June 23, 2025

Department of Zoning  
401 Broadway  
Gary, In 46402

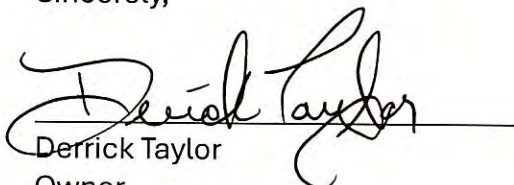
Subject: Narrative describing the proposed use of the site at 8028 Oak Ave, Gary IN, 46403

To Whom It May Concern,

Regarding the completion of the Variance Application: The proposed use of the site will be to construct a 3-car garage upon the premises in accordance with the attached plans and specifications.

If you have any questions or concerns let me know. Please and thank you.

Sincerely,

  
Derrick Taylor  
Owner



6/20/2025

Department of Zoning  
401 Broadway, STE 303, Gary, IN 46402

Subject: Letter of Consent for Setback Variance at 8028 Oak Ave, Gary IN, 46403

To Whom It May Concern,

This letter serves as a formal declaration that I, Michael Faust, residing at 8028 Oak Ave, Gary IN, 46403, consent to the request for a variance submitted by Derrick Taylor / Majestic Builders, for the property located at 8028 Oak Ave, Gary IN, 46403.

The variance seeks a 2-foot reduction in the north property line setback to build a garage at 8028 Oak Ave. Due to the lot orientation on Oak Ave, the property depth the east side of the lot is constrained to 30'. The variance is needed to fit the proposed garage within the available space while maintaining access and appropriate setback from Oak Ave.

Signing this letter acknowledges that full consent is granted to the proposed variance, without any restrictions, conditions, or stipulations beyond those separately agreed upon by the relevant parties.

It is affirmed that this consent is freely given and that the implications of this action are understood.

Thank you for your time and consideration.

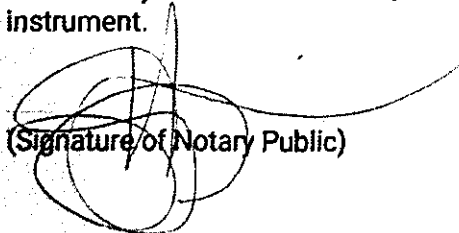
Sincerely,

Michael Faust



Notary Public Section:  
State of Indiana  
County of Lake

On this 20<sup>th</sup> day of June, 2025, before me, a Notary Public in and for said County and State, personally appeared Michael Faust, whose identity was proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument.



(Signature of Notary Public)

(Printed Name of Notary Public)

My commission expires: April 4<sup>th</sup> 2031  
(Seal)





PLAT OF SURVEY / SITE PLAN

PARCEL ADDRESS:

8028 OAK AVENUE, GARY, IN 46403

LEGAL DESCRIPTION: (PER WARRANTY DEED DOC. NO. 2013-058835)

LOT NUMBERED 16 IN BLOCK 3 IN LAKE SIDE ADDITION, IN THE CITY OF GARY, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGE 25 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

SURVEYORS REPORT:

THIS PLAT REPRESENTS A RETRACEMENT OF PARCEL DESCRIBED IN A WARRANTY DEED RECORDED ON AUGUST 9, 2013 AS DOCUMENT NUMBER 2013-058835.

THEORY OF LOCATION: THIS SURVEY IS BASED ON THE FOLLOWING:

- REFERENCE MONUMENTS FOUND IN THE LOCATIONS AS SHOWN
- REFERENCE MONUMENTS USED FOR THIS SURVEY ARE SHOWN AS HELD.
- CONDITION OF REFERENCE MONUMENTS: UNLESS OTHERWISE STATED ON THIS PLAT, MONUMENTS WERE FOUND AT OR NEAR GRADE, IN GOOD CONDITION OF THAT PART VISIBLE AND OF UNKNOWN ORIGIN. UNCERTAINTY IN LOCATION OF FOUND MONUMENTS MEASURED 0.29 FEET NORTH-SOUTH AND 2.44 FEET EAST-WEST.
- UNCERTAINTY DUE TO SUBSTANTIAL OBSERVED OCCUPATION OR POSSESSION. NUMEROUS IMPROVEMENTS INCLUDING CONCRETE RETAINING WALLS, GRAVEL PARKING AND DRIVEWAY, FENCES OVERHEAD UTILITIES, FRAME STEPS, SHED, ETC... WERE LOCATED AT NEAR OR ALONG LOT LINES AS SHOWN.
- THERE ARE NO APPARENT UNCERTAINTIES DUE TO RECORD DESCRIPTIONS.
- THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENTS FOR THIS SURVEY, BASED ON EQUIPMENT AND PROCEDURES USED WAS WITHIN THE ALLOWABLE 0.13 FEET PLUS 100 PARTS PER MILLION) FOR A SUBURBAN SURVEY, PER 865-IAC 1-12-7.

REFERENCES:

- DEEDS AND RECORDS
- SURVEY CORNER RECORDS
- PLAT OF LAKE SIDE ADDITION, PLAT BOOK 14, PAGE 25
- LAKE COUNTY, INDIANA GIS WEBSITE

GENERAL NOTES:

- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:  
A) EASEMENTS, OTHER THAN THE POSSIBILITY OF EASEMENTS WHICH WERE VISIBLE BY PHYSICAL EVIDENCE AT THE TIME OF THIS SURVEY OR SHOWN BY DOCUMENT PROVIDED AND RECORDED PLAT.  
B) BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, OTHER THAN THAT SHOWN ON THE RECORD PLAT.  
C) OWNERSHIP OR TITLE.
- THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, IF ANY, OF ITEMS THAT WOULD REQUIRE AN INTERPRETATION BY THE SURVEYOR, (I.E. COMPLIANCE WITH ALL ZONING REQUIREMENTS) EXISTENCE OF ITEMS BEYOND THE QUALIFICATIONS OF SURVEY (I.E. WETLANDS, HAZARDOUS MATERIAL) AND ITEMS NOT READILY VISIBLE DURING A REASONABLE INSPECTION OF SITE (PAST CEMETERIES, LANDFILLS, AND MINERAL RIGHTS).
- PARCELS IDENTIFIED BY TITLE DESCRIPTION OR RECORD REFERENCES AS PER 865 IAC 1-12-13 (11) ARE OBTAINED FROM COUNTY AUDITOR'S OFFICE AND OR RECORDER'S OFFICE AND ARE NOT CERTIFIED. THE INFORMATION MAY OR MAY NOT REFERENCE THE MOST CURRENT DEED OF RECORD OR THE MOST CURRENT STATUS OR TITLE FOR THAT PARCEL.
- NO ATTEMPT HAS BEEN MADE AT A PART OF THIS SURVEY TO OBTAIN DATA CONCERNING LOCATION OF UNDERGROUND UTILITIES AND/OR SIZE, DEPTH, CONDITION, CAPACITY OF ANY UTILITY LOCATED WITHIN THE PARCEL SURVEYED OR SERVING THE PARCEL, OTHER THAN WHAT INFORMATION THAT MAY BE SHOWN. NO LOCATE SERVICES WERE CONTACTED. ONLY SUBSTANTIAL ABOVE GROUND VISIBLE UTILITIES WERE LOCATED AND SHOWN. BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED, NO EXCAVATIONS OR PROBINGS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.
- THIS SURVEY MAY NOT REFLECT ALL UTILITIES OR IMPROVEMENTS IF SUCH ITEMS ARE HIDDEN BY LANDSCAPING OR ARE OBSCURED BY SUCH ITEMS AS DUMPSTERS, TRAILERS, CARS, DIRT, PAVING OR SNOW. AT THE TIME OF THIS SURVEY, NO SNOW COVERED THE SITE. LAWN SPRINKLER SYSTEMS, IF ANY, ARE NOT SHOWN ON THIS SURVEY.
- THE FIELD WORK FOR THIS PROJECT WAS PERFORMED ON MARCH 10, 2025.
- BASIS OF BEARING: INDIANA WEST STATE PLANE COORDINATES.

LAND SURVEYOR'S CERTIFICATE:

STATE OF INDIANA

COUNTY OF LAKE

S.S. \_\_\_\_\_

THIS IS TO STATE THAT I HAVE SUPERVISED A SURVEY OF THE DESCRIBED PROPERTY IN ACCORDANCE WITH THE GUIDELINES SET IN TITLE 865 IAC 1-12 (RULE 12), AND THE PLAT HEREON DRAWN, TO THE BEST OF MY KNOWLEDGE, CORRECTLY REPRESENTS SAID SURVEY.

DATE: 04/01/2025  
REV1: 05/22/2025  
REV2: 05/27/2025

PROFESSIONAL SURVEYOR: KENNETH D. GEMBALA  
REGISTRATION NUMBER: S0568  
kgembala@abonmarche.com  
STATE OF INDIANA



I AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

NO. 2 REVISION DESCRIPTION: PER COMMENTS FROM CITY OF GARY  
NO. 1 REVISION DESCRIPTION: PER COMMENTS FROM CITY OF GARY

BY: RM DATE: 5/27/25  
BY: RM DATE: 5/27/25

KRULL & ABONMARCHÉ

1111 E. 3rd Street  
Hobart, IN 46342  
Phone: (219) 947-4888  
Fax: (219) 947-4889  
krull@abonmarche.com  
abonmarche.com

Engineering - Architecture - Land Surveying

8028 OAK AVENUE  
GARY, IN 46403  
LAKE COUNTY, INDIANA

PLAT OF SURVEY / SITE PLAN  
CLIENT: MAJESTIC BUILDERS  
SECTION 33-137N-R7W

SHEET TITLE  
DRAWN BY: RAM  
FIELDBOOK:  
IN REVIEW: MJR  
QA/QC REVIEW: KDG  
DATE: 04/01/2025  
SCALE: 1" = 10'  
ACI JOB # 25-0266  
SHEET NO. 1 of 1

LOT 23

LOT 24

LOT 14

LOT 15

LOT 16

OAK AVENUE (PLATED AS 3RD STREET)  
(88' PLATED 6' W)

SYMBOL LEGEND:

- FCI = FOUND CAPPED IRON ROD
- SC = SET CAPPED IRON (5/8" REBAR W/ABONMARCHÉ CAP)
- EM = ELECTRIC METER
- PP = POWER POLE
- (M) = MEASURED DISTANCE
- (P) = RECORD PLAT DISTANCE
- KXXX.X = EXISTING ELEVATION
- XXXX.X = PROPOSED ELEVATION

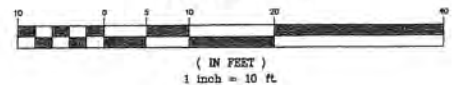
LINE TYPE & HATCH LEGEND:

- XX-- = 1 FT. VERTICAL CONTOUR LINES
- OHU = OHU = OVERHEAD UTILITY
- SF = SF = SALT FENCE
- ASPHALT
- CONCRETE
- GRAVEL

FLOOD STATEMENT:

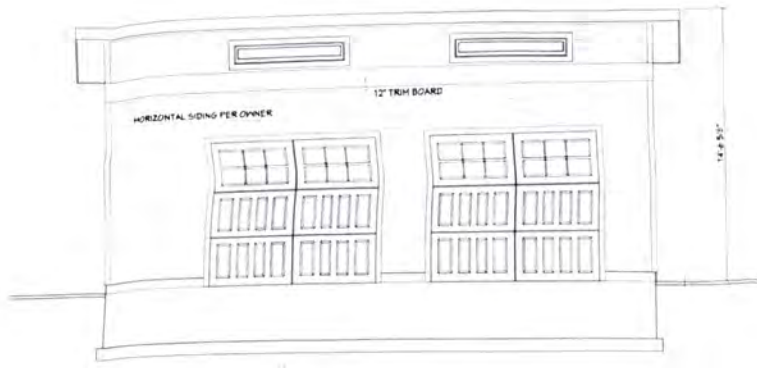
THIS PARCEL IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP #18089C0176F, EFFECTIVE 01/26/2023.

GRAPHIC SCALE



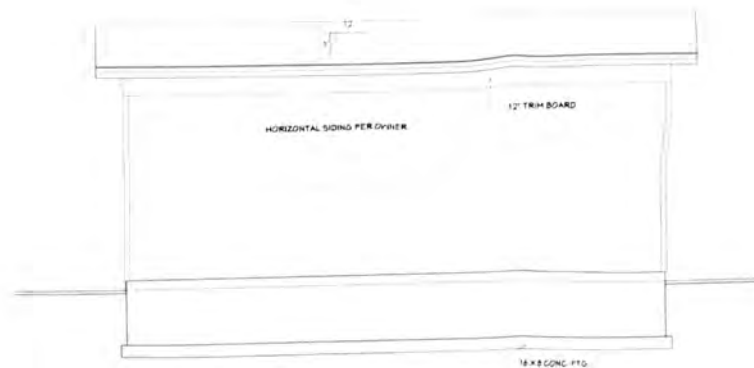
O:\PROJECTS\2025\25-0266 MAJESTIC BUILDERS - 8028 OAK - 103-38N-10 SURVEY\18 CAD\BASE\25-0266 PDS.DWG Layout1.dwg PLOT DATE: 5/27/2025 9:24 AM





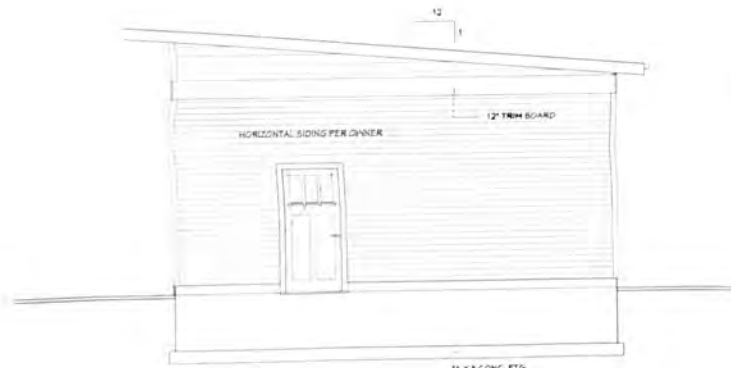
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



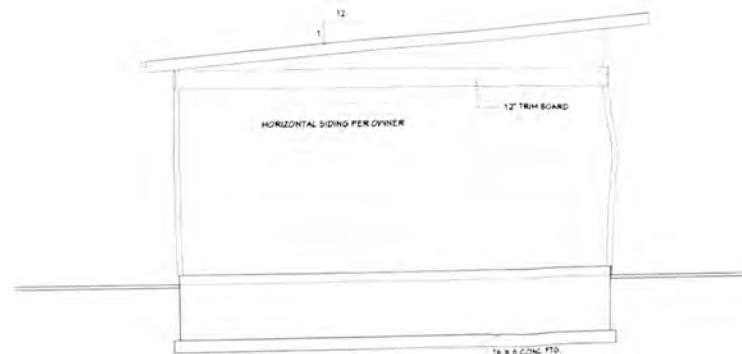
REAR ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"



PREPARED FOR:  
MR. FAUST

PREPARED BY:  
LFA MATT

DATE:

10-29-24

SCALE:

SHOWN

JOB NO:

05224



SHEET:

A-1



# BOARD OF ZONING APPEALS

## PETITION PACKET 2025-30

<b>BZA PETITION NUMBER</b>	2025-30
<b>PETITIONER</b>	Erica Lindsay
<b>REQUEST</b>	The petitioner seeks a Development Standard Variance to construct a 396 square foot home.
<b>ADDRESS</b>	4301 W 19TH AVE, GARY, IN 46404
<b>PACEL NUMBER</b>	45-08-07-352-012.000-004
<b>ZONING CLASSIFICATION</b>	R2 – Residential District
<b>COMPREHENSIVE PLAN LAND USE</b>	Neighborhood Residential: Designated traditional residential areas focused on reinvestment, infill housing, and neighborhood stability. Supports low-density housing and compact development that aligns with existing character.
<b>PROOF OF PUBLICATION</b>	Received and complete
<b>PUBLIC INPUT RECEIVED</b>	None received as of 7/3
<b>CITY COUNCIL DISTRICT</b>	DISTRICT 4
<b>CURRENT ANNUAL PROPERTY TAX</b>	Current.
<b>BUILDING PERMIT</b>	n/a
<b>HEARING DATE</b>	July 10, 2025 at 11:00 a.m.
<b>STAFF RECOMMENDATION</b>	<b>Unfavorable</b>
<b>FINAL DECISION</b>	To be determined by BZA
<b>GIS MAP</b>	 

# BOARD OF ZONING APPEALS

## PETITION PACKET 2025-30

### Development Variance Standard criteria per section 123-107

1. *The particular physical surroundings shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*
  - a. Hardships to construct a smaller home have not been expressed. This is a corner lot with ample room to build a home that meets the regulations of the zoning code.
2. *The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*
  - a. True. Tiny homes are not a characteristic of this neighborhood or a corner lot.
3. *The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*
  - a. Hardships have not been expressed.
4. *The granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
  - a. Granting the variance will negatively impact neighbors by having a market value incongruent with the neighbors.
5. *The proposed variation is within the purposes of this chapter (section 123-2) and but more specifically, but not limited to the following: will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, substantially diminish or impair property values within the neighborhood; improves access management; or will not negatively impact or effect ecologically/scientifically significant natural areas, fish and wildlife habitat areas, or identified natural features or mitigate any negative impacts.*
  - a. The variance request will substantially diminish or impair property values within the neighborhood.



Eddie D. Melton  
Mayor  
City of Gary

Department of Zoning  
401 Broadway, Suite 303  
Gary, In 46402  
[www.gary.gov/zoning](http://www.gary.gov/zoning)

Rodney Pol, Jr.  
City Attorney  
219-881-1332  
[zoning@gary.gov](mailto:zoning@gary.gov)

#### Public notice

Public notice must be **published one time in one local newspapers** at least 10 days prior to the BZA's public hearing. The City will prepare the notice and provide instructions; the applicant is responsible for ensuring the notice is properly published, and for all associated publishing costs. Proof of the newspaper notice must be delivered to the Department of Planning and Zoning.

Public notice must be **mailed to every property owner within 100 feet** of the location of the proposed use variance at least two weeks prior to the BZA's public hearing. The City will prepare the notice and provide instructions; the applicant is responsible for ensuring the notice is properly delivered, and for all associated mailing costs. A copy of the mailing certification and receipt must be delivered to the Department of Planning and Zoning.

*Note: It is solely the responsibility of the applicant to make sure that all information submitted is accurate as the information will be used for publication of the legal notice required by statute and ordinance. The City of Gary disclaims all responsibility if any of the information submitted by the applicants is inaccurate or in error.*

*Please type or print. You may use and attach additional sheets of paper as necessary, but please make sure to reference what information is provided on any additional sheets.*

DESCRIBE THE REQUESTED DEVELOPMENT STANDARDS VARIANCE  
396 sqft home on lot in Gary Indiana 46404 to live in.

APPLICANT NAME  
Erica Lindsay

COMPANY OR ORGANIZATION

ADDRESS PO Box 14212

CITY/STATE/ZIP Merrillville, IN 46411

EMAIL erica.lindsay1@gmail.com

PHONE 312-380-1618

OWNER OF RECORD (IF DIFFERENT FROM APPLICANT)

*If the applicant is not the recorded property owner, proof of ownership and a notarized statement of consent from the owner of record permitting the applicant to file this petition must be provided.*





Eddie D. Melton  
Mayor  
City of Gary

Department of Zoning  
401 Broadway, Suite 303  
Gary, In 46402  
www.gary.gov/zoning

Rodney Pol, Jr.  
City Attorney  
219-881-1332  
zoning@gary.gov

SUBJECT PROPERTY ADDRESS

4301 W 19th Avenue Gary, IN 46404

PARCEL IDENTIFICATION NUMBER(S)

45-08-07-352-012.000-004

LEGAL DESCRIPTION

TARRYTOWN FIRST SUBDIVISION ALL L.12 BL.3

PRIMARY CONTACT PERSON (IF DIFFERENT FROM ABOVE)

NAME/TITLE

EMAIL

PHONE

DEVELOPMENT STANDARDS VARIANCE APPLICATION FEE: \$200

BZA #:

Date Filed:

Date 05/09/25

Signature JB

Receipt # 478545, 478546

☒ CASH \$50 money order  
☐ CHECK  
☒ CREDIT \$150.00

I, the undersigned, do hereby certify that I am the owner, or contract purchaser (Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.) and do hereby certify that the above statements are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR CONTRACT PURCHASER

ADDRESS PO Box 14212

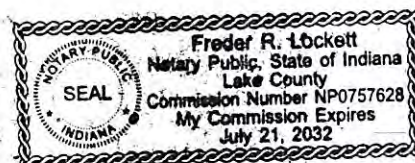
CITY/STATE/ZIP Gary, IN 46411

Subscribed and sworn to before me this 9th day of May 2025.

(Notary Public)

(Seal)

Freder R. Lockett





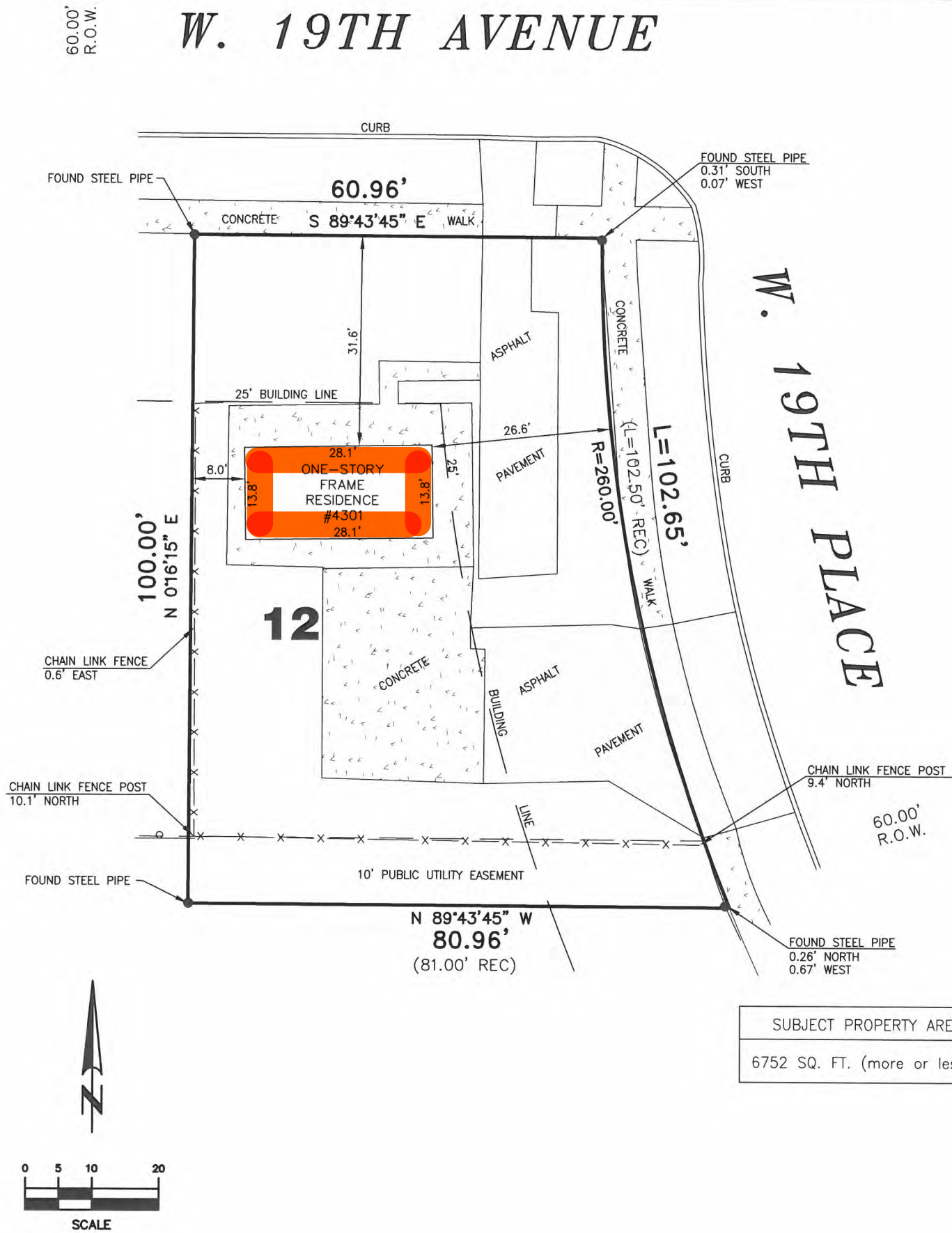
SURVEYOR LOCATION REPORT

PROPERTY LEGAL DESCRIPTION

LOT 12 IN TARRYTOWN FIRST SUBDIVISION, BEING A SUBDIVISION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN IN THE CITY OF GARY, LAKE COUNTY INDIANA.

PROPERTY ADDRESS:  
4301 W 19TH AVENUE  
GARY, INDIANA

THIS PROPERTY IS WITHIN UNSHADED FLOOD ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN, AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON THE FLOOD INSURANCE RATE MAP PANEL 18089C0134E, HAVING AN EFFECTIVE DATE OF JANUARY 18, 2012.



SUBJECT PROPERTY AREA  
6752 SQ. FT. (more or less)

PREPARED FOR:  
REAL ESTATE 4 LINDSAY

**LANDMARK**  
ENGINEERING LLC  
DESIGN FIRM REGISTRATION NO. 184-005577-0010  
7808 W. 103RD STREET  
PALOS HILLS, ILLINOIS 60465-1529  
Phone (708) 599-3737

NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS REPORT ALONE AND NO DIMENSIONS, LENGTHS OR WIDTHS SHOULD BE ASSUMED FROM SCALING. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

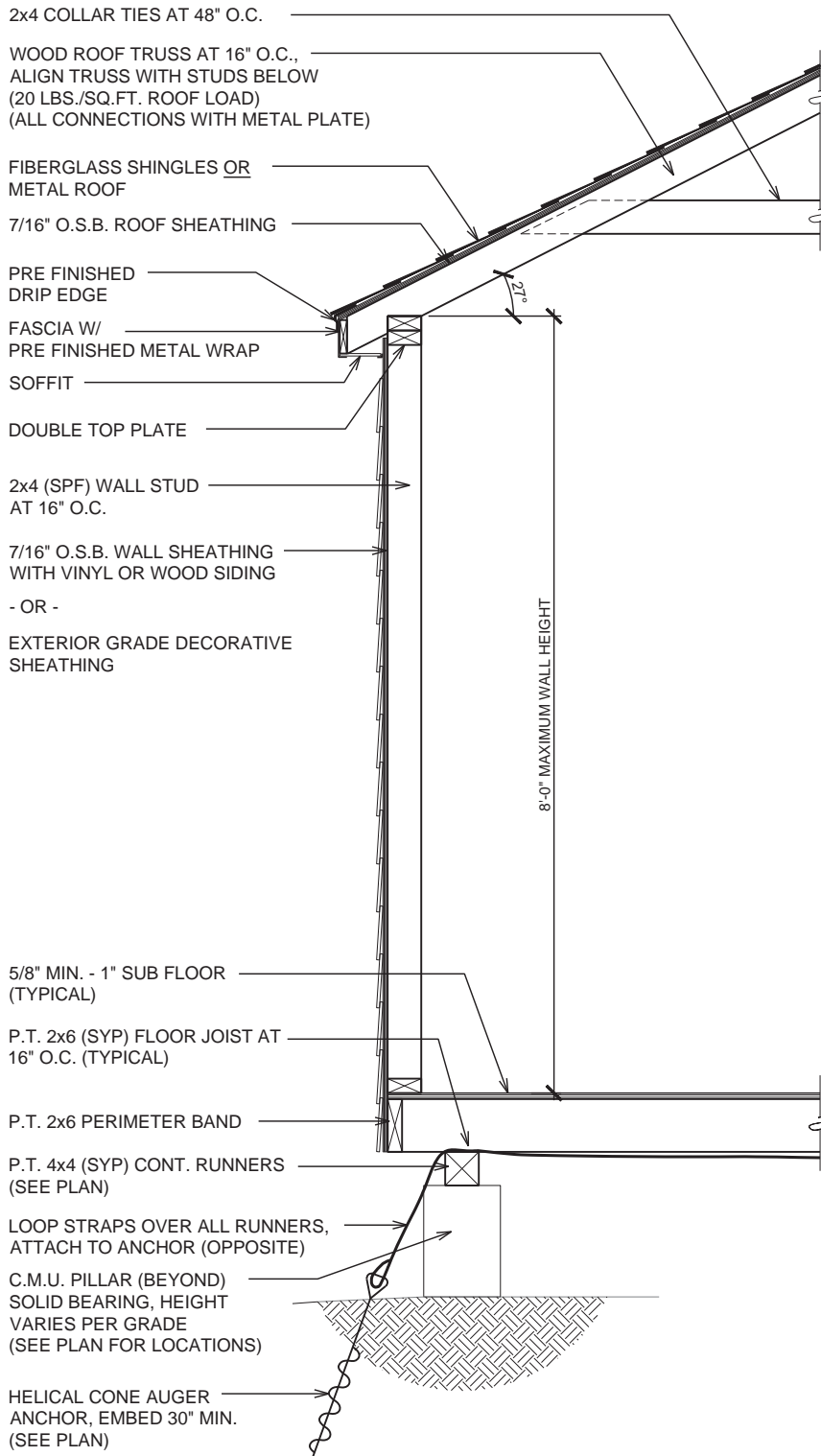
FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO DEEDS, ABSTRACTS, TITLE POLICIES, SEARCHES OR COMMITMENTS, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

I HEREBY CERTIFY TO ERICA LINDSAY THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF THE FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

*[Signature]*  
MARK H. LANDSTROM  
I.P.L.S. No. 29500004



FIELDWORK DATE: JUNE 5, 2025  
CERTIFICATION DATE: JUNE 13, 2025  
REPORT JOB NUMBER: 25-05-058



## STRUCTURAL NOTES:

1. STRUCTURE IS DESIGNED FOR A MAXIMUM DESIGN FLOOR LOAD OF 40 POUNDS PER SQUARE FOOT (PSF) LIVE LOAD AND 10 POUNDS PER SQUARE FOOT (PSF) DEAD LOAD
2. ANCHOR STRAP MATERIAL SHALL BE 1 1/4" WIDE AND 0.035 INCHES THICK AND SHALL CONSIST OF TYPE 1, FINISH B, GRADE 1 STEEL CONFORMING TO ASTM D 3953-97.
3. THIS DESIGN MEETS INTERNATIONAL CODE COUNCIL REQUIREMENTS FOR 115 MPH WIND SPEED (MAXIMUM) AND SEISMIC ZONE D.



BUILDING SERIES:  
**VINYL DELUXE, PAINTED DELUXE**

SHEET NAME:  
**TYPICAL WALL SECTION**

**P.E. ROBBINS, P.E.**

1777 STATE ROUTE 167  
VICTORIA, IL 61485

PER192264

SIZE:  
SEE PLAN

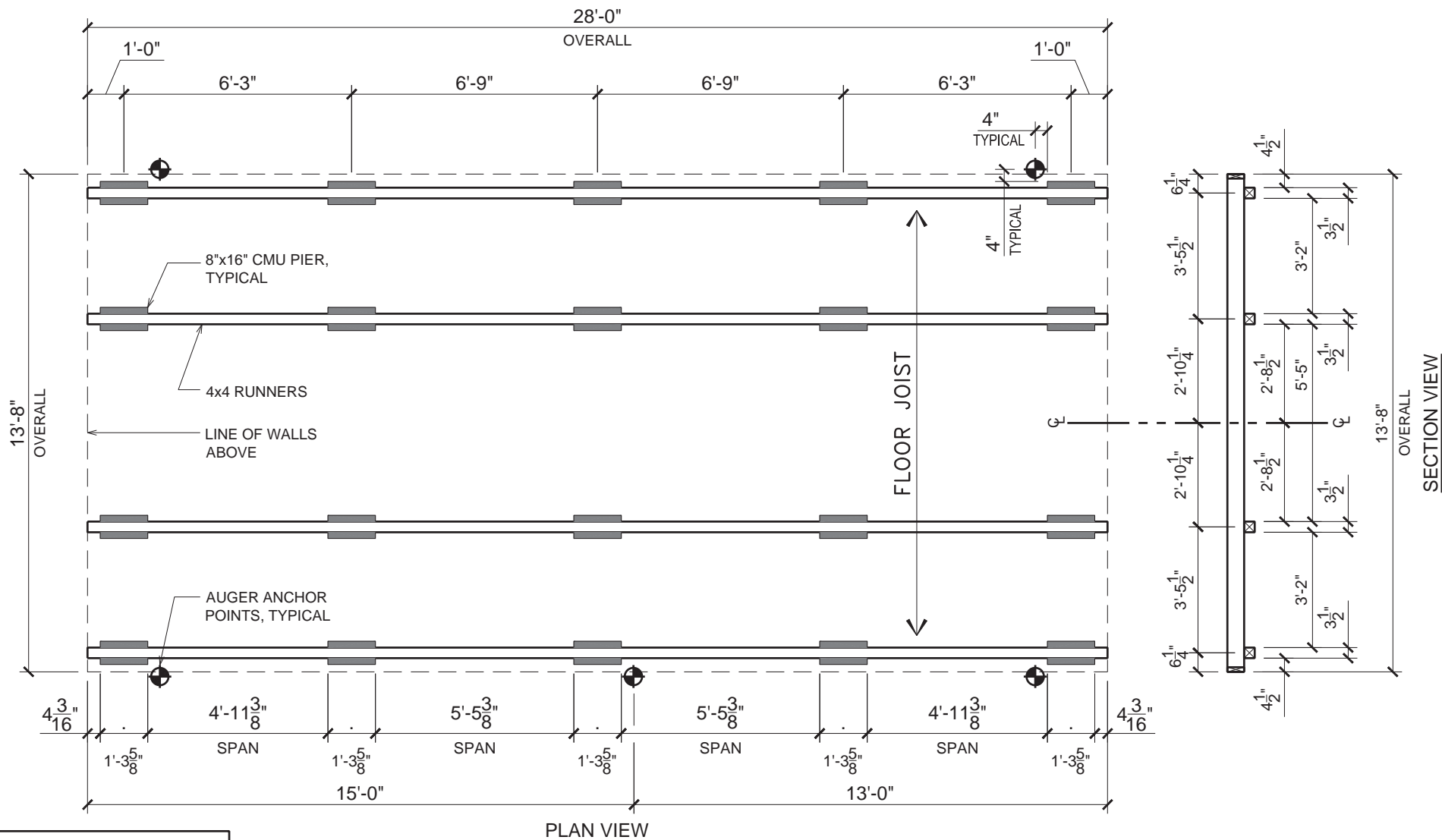
SCALE:  
5/8" = 1'-0"

DRAWN BY:  
DOUG GAITHER

DATE DRAWN:  
08.05.19



11/04/2019  
Page 2 of 4



## NOTES:

THIS DESIGN MEETS  
INTERNATIONAL CODE COUNCIL  
REQUIREMENTS FOR 115 MPH  
WIND SPEED (MAXIMUM) AND  
SEISMIC ZONE D.



BUILDING SERIES:  
**SEE TYPICAL WALL SECTION**

SHEET NAME:  
**FOUNDATION AND ANCHORING LAYOUT**

**P.E. ROBBINS, P.E.**

1777 STATE ROUTE 167  
VICTORIA, IL 61485

SIZE:  
**14X28**

SCALE:  
1/4" = 1'-0"

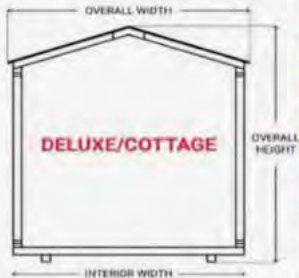
DRAWN BY:  
DOUG GAITHER

DATE DRAWN:  
08.05.19

PER 192264



11/04/2019  
Page 16 of 25



WIDTH OF BUILDING	INTERIOR WIDTH	OVERALL HEIGHT	OVERALL WIDTH
10 FEET	109"	125"	132"
12 FEET	133"	130"	157"
14 FEET	157"	140"	182"

**\*\*Cottage interior width -2" with interior paneling and trim**