

## CITY OF GARY BOARD OF ZONING APPEALS

## Thursday, March 13, 2025 @ 3:00 PM

Council Chambers, Gary City Hall, 2nd floor, 401 Broadway Gary, IN 46402

### AGENDA

#### Roll call

TARYL BONDS - ABSENT FLORZELL HAWKINS - PRESENT REV. CHESTER JONES – PRESENT BILL COOK - PRESENT DAVID FOSSETT - PRESENT

Motion to approve the minutes from February 2025 & August 8 2024 meeting provided by: Rev.

Chester Jones

**Second by:** Bill Cook

Motion to approve January 2025 & August 2024 meeting minutes passed w/ a 4-0 vote

Vote	Absent	Yes	Yes	Yes	Yes
		Hawkins			
	Bonds	President	Jones	Cook	Fossett
Member	President	Vice	Secretary	Comm.	Comm.

### **Old Business**



## BZA 2025-06 – Special Use (Short – Term Rental) 8045 Oak Avenue

- Staff overview provided by C. Sharp: The petition is requesting to conduct a Short-Term Rental on the property. The zoning classification is zoned R2 and the land use within the comprehensive plan is residential. All publications were completed. Staff provided a favorable recommendation.
- Petitioner, Jim Anderson, representative of Scott S.: Jim Andersons, 2318 N Oakley, read a statement given by Scott S. regarding resolving concerns of the community. There have been several steps taken to ensure peace, including a limit of four adults per visit, video and audio devices have been installed for continuous monitoring, quiet hour will be implemented based on local ordinances, and ample parking to minimize congestions.
- **Public Comment:** No comments



Questions from the Board: No questions

Motion to approve BZA 2025-06 provided by: Bill Cook

Second by: Rev. Chester Jones

### Motion to approve BZA 2025-06 passed w/ a 4-0 vote

Member	President	Vice	Secretary	Comm.	Comm.
	Bonds	President	Jones	Cook	Fossett
Vote	Absent	Hawkins <b>Yes</b>	Yes	Yes	Yes

#### **PUBLIC HEARINGS**

♣ BZA 2025-10 – Special Use (Daycare) 1925 Roosevelt Place

- Staff's overview provided by C. Sharp: The petitioner is requesting to operate a home daycare. The special use application was submitted with an outdated format but was accepted. The property is zoned R2 and is residential. The publications required were completed. Staff provided a favorable recommendation.
- Petitioner, Ebony Reed: She provided history of her connection to the neighborhood and home. The purpose of childcare will be to make childcare services accessible to families during evening hours and weekends, which is typically not available. She submitted a schedule of daily operations.
- Public Comment:
- Questions from the Board: age range of adolescents; newborn 13 years old. who will assist daily operations; herself, grandmother, mother-in-law. quantity of adolescents; 16 adolescents. how many rooms; 2 bedrooms, 1 living room, and 1 bathroom. parking on property; a driveway that has ample parking. drop off on property, kids can be drop-offed at the front door and there is room in the front of property, staff will park in back of house. are there already clientele; yes. food availability; food be provided. saturation of daycares in area; none in area.

Motion to approve BZA 2025-10: Bill Cook

**Second by:** David Fossett



### Motion to approve BZA 2025-10 passed w/ a vote of 4-0

Member	President	Vice	Secretary	Comm.	Comm.
	Bonds	President	Jones	Cook	Fossett
		Hawkins			
Vote	Absent	Yes	Yes	Yes	Yes

♣ BZA 2025-11 – Special Use (Auto Dealer) DEFERRED 5800 W. 5<sup>th</sup> Ave.

- Staff's overview provided by C. Sharp:
- Petitioner, Scott, was not present:
- Public Comment:

Motion to defer BZA 2025-11 provided by: David Fossett

**Second by:** Rev. Chester Jones

## Motion to defer BZA 2025-11 was approved w/ a vote of 3-0-1

٧	ote	Absent	Yes	Yes	Abstain	Yes
			Hawkins			
		Bonds	President	Jones	Cook	Fossett
Μ	lember	President	Vice	Secretary	Comm.	Comm.

♣ BZA 2025-12 – Special Use (Auto Dealer) DEFERRED 2762 W 18<sup>th</sup> Avenue & 1502-16 Marshall Street

- Staff's overview provided by C. Sharp:
- Petitioner Greg L., DVG representative:
- Public comment was opened:
- Board's questions:

Motion to defer BZA 2025-12 provided by: David Fossett

**Second by:** Rev. Chester Jones

### Motion to defer BZA 2025-12 was passed w/ 3-0-1

Member	President	Vice	Secretary	Comm.	Comm.
	Bonds	President	Jones	Cook	Fossett
		Hawkins			
Vote	Absent	Yes	Yes	Abstain	Yes



## BZA 2025-13 - Developmental Standards Variance 8401 Lake Shore Drive

- **Staff's overview provided by C. Sharp:** The petitioner is requesting developmental standards variance to build an upper walkway along their property line. The property is zoned R2. Publications were complete. Thomas and Theresa Cera, 8829 Lake Shore Drive, sent a letter of support. Sander Finnegan, 8417 Lake Shore Drive, sent a letter of support. Paul Osmulski sent a packet of opposition. The project is already in construction and was stopped after seeing the encroachment into the side yard. A building permit was already issued, B-24-1189. A review was conducted with the project drawings provided in the permit. Staff initially provided a favorable recommendation with the understanding that the stairs would be complaint with the front yard setbacks whereas stairs up to four feet in height are compliant. However, an updated site plan was provided where property lines, existing house, the garage, replaced porch and deck, the location of walkway, and a 25-foot setback line which shows the improvements extend further than the compliant setback. Staff gave multiple options regarding placement of the stairs where they can stay in the same position facing the lake, or the stairs change direction, or provide a ladder type system. They are requesting an encroachment to build the walkway. Staff's provided a favorable recommendation with the presented site plan, but would leave it open based on encroachment of walkway.
- Petitioner, Dea & John Bejster: She stated that the stairs are partially built and were inspected. She provided clarity to the site plan submitted depicting the existing foot print continuing to the additions that are being requested. They intend to build the walkway to create an exit from second floor. They are requesting for the 18 inch on the east side. She addressed the concerns in opposition for the project stating that it would not have any safety or drainage issues. John provided photos that showed the before and after of the view of the stairs in perspective to the neighbor's property.
- Public comment: Paul Osmulski stated his concerns and attempted to resolve the issue with the petitioner prior to the meetings. He read his opposition letter. The variance request does not accurately reflect the project whereas the petitioner is requesting to build a skywalk beyond the easement. It extends the build line by 16 feet. It comes with negative financial hardships. There was an additional level incorporated into the build that goes beyond 60 feet in height above the build line. Jim Martin,



8307 Lake Shore Drive, provided background on the house. He reviewed the site plans, but it is not exceeding the existing foot print. He supported the petition. Carolinda Camisa, 7055 N Shelby Street, supported the petition. Sarah Lowther, 8418 Pine Avenue, supported the petition. John Bejster displayed photos of the property to provide a visual of the project. Paul Osmulski stated that the height of the stairs would encroach on the front yard setbacks. Following, Ms. Sharp highlighted that the petition was for the encroachment of the side yard setback of the original foot print. Atty. Molina suggested that both the side yard variance and a front yard variance should be decided at the same time because it was cause conflict to approve one and deny the other. He proceeded to state the standards for an eligible developmental standard variance and informed the petitioners they would need another variance for the encroachment of the front yard. The petitioners decided to proceed for the current variance and return for the additional variance.

Questions by the Board: Did the Building Department review plan; yes, but
at the time of the permit issuance the right of way was not considered in
approving it. What would happen if the stairs were reoriented west; it
would create a nuisance, obstructing their view as well and would be in
conflict with a door on the first floor. With the tree intact, would privacy be
restored, yes. Are the stairs accessible to both rooms on the second floor,
it is a landing

Motion to approve BZA 2025-13: Bill Cook

**Second by:** David Fossett

### Motion to approve BZA 2025-13 was passed w/ 2-1-1

Vote	Absent	No	Abstain	Yes	Yes
	Bonds	President Hawkins	Jones	Cook	Fossett
Member	President	Vice	Secretary	Comm.	Comm.

♣ BZA 2025-14 - Special Use (Short-Term Rental) 1924 Hovey Place

• Staff's overview provided by C. Sharp: Petitioner, Wayne Young is requesting to operate as a Short-Term Rental. The property is zoned R2 and in the comprehensive plan as flexible residential. Publication were completed. Edward McClain sent a letter of support. Staff provided a favorable recommendation.



- **Petitioner, Wayne Young:** Steve Kendrick, 4127 W. 11<sup>th</sup> Ave will be the representative for Mr. Young
- Public comment:
- **Board's questions:** Who will the property be maintained and monitored; he is the on-call representative and/or a maintenance man to fix the issue, does he have keys to property; no and the maintenance man have access to keys. Marco Molina mentioned that Short-Term Rental are required to have in-town managers of the property.

Motion to approve BZA 2025-14: Bill Cook

**Second by:** Rev. Chester Jones

Motion to approve BZA 2025-14 was passed w/ 4-0

Member	President	Vice	Secretary	Comm.	Comm.
	Bonds	President	Jones	Cook	Fossett
Vote	Absent	Hawkins <b>Yes</b>	Yes	Yes	Yes

# ♣ BZA 2025-15- Special Use (Short-Term Rental) 1175 Shelby Street

- Staff's overview provided by C. Sharp: Petitioner is seeking to operate a Short-Term Rental. The property is zoned R2 and residential by comprehensive plan. Publications were completed. A letter of opposition was received from Lela and Zygmunt Dyrkacz, 1176 N Shelby Street. A letter of support from Sandra Gross, 1160 N Shelby Street. Staff provided a favorable recommendation.
- **Petitioner, Margaret Spaan:** She stated that there has been rules and procedures implemented to mitigate any concerns within the community.
- **Public comment:** Sarah Lowther provided a packet prior to speaking. She stated her concern was safety regarding the intersection. She presented information regarding the building safety, but not special use variance.
- Board's questions:

Motion to approve BZA 2025-15: Bill Cook

**Second by:** Rev. Chester Jones

#### Motion to approve BZA 2025-15 was passed w/ 4-0

Member   President   Vice   Secretary   Comm.	Comm.



	Bonds	President	Jones	Cook	Fossett
		Hawkins			
Vote	Absent	Yes	Yes	Yes	Yes

## ♣ BZA 2025-16 - Special Use (Short-Term Rental) 917 Vermillion Street

- Staff's overview provided by C. Sharp: Petitioner is seeking to operate a Short-Term Rental. The property is zoned R2 and residential by comprehensive plan. Publications were completed. Additional photos were added of the property. A letter of opposition was received from Andy and Heather Garrett. Staff provided a favorable recommendation.
- **Petitioner**, **Margaret Spaan**: The house was a foreclosure that has been rehabilitated to raise the property value. There was a previous incident where conflict arose, but was resolved.
- **Public comment:** Robert L. Brown, 911 Vermillion, questioned how the special use would affect his property. Ms. Sharp stated that his property would remain in the residential tax bracket.
- Board's questions:

Motion to approve BZA 2025-16: Bill Cook

**Second by:** Rev. Chester Jones

#### Motion to approve BZA 2025-16 was passed w/ 4-0

	President Bonds	Vice President Hawkins	Secretary Jones	Comm. Cook	Comm. Fossett
Vote	Absent	Yes	Yes	Yes	Yes

## ♣ BZA 2025-17 - Special Use (Short-Term Rental) 7300 Locust Street

- Staff's overview provided by C. Sharp: Petitioner is seeking to operate a Short-Term Rental. The property is zoned R2 and residential by comprehensive plan. Publications were completed. Staff provided a favorable recommendation.
- Petitioner, Margaret Spaan:
- Public comment:
- Board's questions:



Motion to approve BZA 2025-17: Bill Cook

**Second by:** David Fossett

Motion to approve BZA 2025-17 was passed w/ 4-0

Member	President Bonds	Vice President Hawkins	Secretary Jones	Comm. Cook	Comm. Fossett
Vote	Absent	Yes	Yes	Yes	Yes

# ♣ BZA 2025-18 - Special Use (Short-Term Rental) 1101 St. Joseph Street

- **Staff's overview provided by C. Sharp:** Publication was complete. There was a letter of concern. **Staff provided a favorable recommendation.**
- **Petitioner, John Sarwark:** He provided an overview of his intent for the property, reading his narrative statement. He using the property for personal use, but wants to offset house expenditures by hosting as a Airbnb. There is not an encouragement of parties and there have been rules and procedures implemented to ensure safety for community.
- Public comment:
- Board's questions: how will property be managed; a camera is on property, a keypad on door and live an hour away, why the name party porch; the yard is festive and vibrant, how often is it rented; during the summers.

Motion to approve BZA 2025-18: Rev. Chester Jones

**Second by: Rev.** David Fossett

## Motion to approve BZA 2025-18 was passed w/ 4-0

Vote	Absent	Yes	Yes	Yes	Yes
	DONGS	Hawkins	101163	COOK	1033611
	Bonds	President	Jones	Cook	Fossett
Member	President	Vice	Secretary	Comm.	Comm.

#### **ADJOURNMENT**