

Eddie D. Melton
Mayor



Marco Molina
City Attorney

CITY OF GARY BOARD OF ZONING APPEALS PUBLIC MEETING
Thursday, November 13, 2025 @ 11:00 AM

LOCATION: Hudson Campbell, 1st floor board room, 455 Massachusetts St, Gary, IN
Live viewing of the meeting can be seen here: 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

October 9, 2025

4. Old Business

5. New Business/ Public Hearings

PETITION	DESCRIPTION	ADDRESS
BZA 2025-33	Special Use to operate a Daycare	713 Carolina St
BZA 2025-34	Special Use to operate wet processing system	4900 W 15 th Ave

6. Other Business


BZA Calendar	Official dates for the 2026 year
BZA Violation	Unlicensed Business & Land Use Letters Hearing
BZA- UDO	Introduction to the Development Ordinance

7. Directors Comments

ADJOURNMENT

BOARD OF ZONING APPEALS

PETITION PACKET

BZA PETITION NUMBER	B-2025-33
PETITIONER	Christopher Hawkins
REQUEST	Special use to operate a home daycare
SITE ADDRESS	713 CAROLINA ST, GARY, IN 46402
PARCEL NUMBER	45-08-03-379-004.000-004
ZONING CLASSIFICATION	R5 – Residential Multi-Family
COMPREHENSIVE PLAN LAND USE	Flexible Residential
CITY COUNCIL DISTRICT	District 4
CURRENT ANNUAL PROPERTY TAX	Current (based on Lake County records)
EXISTING USE / STRUCTURES	Multi-Family Home
PROPOSED USE	Home Daycare
VARIANCE(S) REQUESTED	Special Use
LOT DIMENSIONS	Approximately 30' x 150'
MINIMUM LOT AREA REQUIRED	4,500 sq ft
ADJACENT ZONING / USES	R5 – Residential homes to north, east, and west
PROOF OF PUBLICATION	Received
HEARING DATE	November 13, 2025
PUBLIC INPUT RECEIVED	No
RECOMMENDATION	Favorable
COUNCIL DECISION	Pending
FINAL DECISION DATE	To be scheduled after Council 3rd reading
GIS MAP	



Eddie D. Melton
Mayor

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

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

Disclosures

- When the applicant is a corporation, the applicant shall include the correct names, addresses and percent interest of all stockholders or shareholders owning interest in excess of 20% of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.
- When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.
- When the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.

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 variance and **post a sign notifying neighbors of the petition** 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 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.



Eddie D. Melton
Mayor

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

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

DESCRIBE THE REQUESTED PETITION

Home Daycare I'm trying to open

APPLICANT NAME

Christopher Hawkins

COMPANY OR ORGANIZATION

ADDRESS

713 Carolina st

CITY/STATE/ZIP

Gary Indiana 46402

EMAIL

Cme2nite50@yahoo.com

PHONE

219-379-7500 - 219-379-7510

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.

SUBJECT PROPERTY ADDRESS

713 Carolina st Gary Indiana 46403

PARCEL IDENTIFICATION NUMBER(S)

45-08-03-379-004.000 - 004



Eddie D. Melton
Mayor

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

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

LEGAL DESCRIPTION

Gary Land Co's 1st Sub ALL 4 BL 43

PRIMARY CONTACT PERSON (IF DIFFERENT FROM ABOVE)

NAME/TITLE _____

EMAIL _____

PHONE _____

SPECIAL USE PERMIT APPLICATION FEE: \$220

BZA #: _____

Date Filed: _____

Date 09/29/25
Signature [Signature]
Receipt # 487405

PAID ☐ CASH
☐ CHECK
☒ CREDIT



Eddie D. Melton
Mayor

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

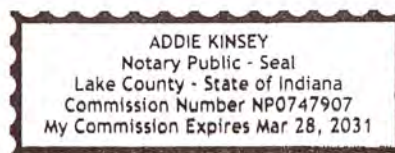
Marco Molina
City Attorney
219-881-1332
zoning@gary.gov

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 Chris He
ADDRESS 713 - Carolina St
CITY/STATE/ZIP Gary IN 46402

State of Indiana)

County of Lake}



) ss:

Subscribed and sworn to before me this 25th day of Sept 2025.
(Notary Public) Addie Kinsey (Seal)

Resident: Lake County

My Commission Expires: Mar 28, 2031



Eddie D. Melton
Mayor

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

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

SPECIAL USE PERMIT APPLICATION CHECKLIST:

- ☐ Application, completed, signed and notarized
- ☐ Narrative Statement addressing the need for the request
- ☐ Findings of Fact Form
- ☐ Computer-drawn, to scale, building floor plan showing the following
 - Work spaces
 - Room walls with dimensions
 - Exit doors and fire extinguisher locations
 - Maximum capacity
 - Drawing scale
- ☐ Existing Plat or computer-drawn, to scale, site plan showing
 - North arrow
 - Drawing scale
 - Building location with dimensions to property lines
 - Property lines with dimensions
 - Site improvement locations with dimensions to property lines (including by not limited to; fence, sheds, driveways, accessory buildings)
- ☐ (For requests in residential zones) Home inspection report from a licensed inspector
- ☐ Proof of ownership or letter from owner granting permission
- ☐ Application fee

(FOR CITY USE ONLY)

Filed with City on: _____, 20____

Scheduled for the Board of Zoning Appeals meeting on _____

Continuation (if any) _____

Notice of hearing published in: _____ on: _____



Consent of Property Owner

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

I (we) A + J Property Solutions LLC
Name(s)

After being first duly sworn, depose and say:

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

713 Carolina St. 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 Lake

Subscribed and sworn to before me this 12th day of October, 2025.

Christian Elmansour, Notary Public

My Commission expires: 5/10/2030 County of Residence: Lake

MAIL TAX BILLS TO:**Name: Christopher Hawkins****Address: 713 Carolina St Gary, IN 46402****TAX KEY NO: 45-08-03-379-004.000-004**

LAND CONTRACT

THIS LAND CONTRACT ("Contract") has been executed this **31st** Day of **March, 2025**, by **A & J Property Solutions LLC, its successors, agents, or assigns**, (Seller), and **Christopher Hawkins** (Purchaser):

WITNESSETH that the parties agree as follows:

Seller hereby sells to Purchaser, and Purchaser hereby purchases from Seller, the following described real estate, together with all improvements thereon or belonging thereto, located in **Lake** County, Indiana, ("Real Estate"), being more particularly described as follows:

Legal Land Description:

LOTS 4, IN BLOCK 43, IN GARY LAND COMPANY'S FIRST SUBDIVISION, IN THE CITY OF GARY, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 6 PAGE 15, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Parcel # 45-08-03-379-004.000-004

More Commonly known as: 713 Carolina St Gary, IN 46402

("the Property")

The above includes all improvements permanently installed and affixed, such as, but not limited to and may not include, electrical and/or gas fixtures, heating equipment and all attachments thereto, central air conditioning, built-in kitchen equipment, hot water equipment, hot water heaters, incinerators, window shades, curtain rods, drapery poles and fixtures, television antennae, lighting fixtures and their shades, Venetian blinds, window screens, screen doors, storm windows, storm doors, linoleum, laundry tubs, well pump, sump pump, pressure tank,

Initials: JH JG

STATE OF INDIANA)
) SS:
 COUNTY OF LAKE)

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared **Joshua Guin, A & J Property Solutions, and Christopher Hawkins, all of whom** acknowledged the execution of the foregoing Land Contract.

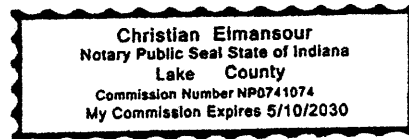
WITNESS my hand and notarial seal this **31st day of March, 2025.**

MY COMMISSION EXPIRES:

5/10/2030

Signature: Christian Elmansour

Notary Public
 A Resident of Lake County



This instrument Prepared By:

Joshua Guin, 1458 E 85th Ave Merrillville IN 46410



Consent of Property Owner

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

I (we) Joshua Gwn
Name(s)

After being first duly sworn, depose and say:
That I/we are the owner(s) of the real estate located at:

713 Carolina St Gary
{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}

Joshua Gwn

STATE OF INDIANA)

)SS:

COUNTY OF Lake

Subscribed and sworn to before me this 12th day of September, 2025.

Christian Elmansour, Notary Public

My Commission expires: 5/10/2030 County of Residence: Lake

**Christopher Hawkins
Carolina St.**

713

Gary In 46402.

To whom it may concern.

I am writing

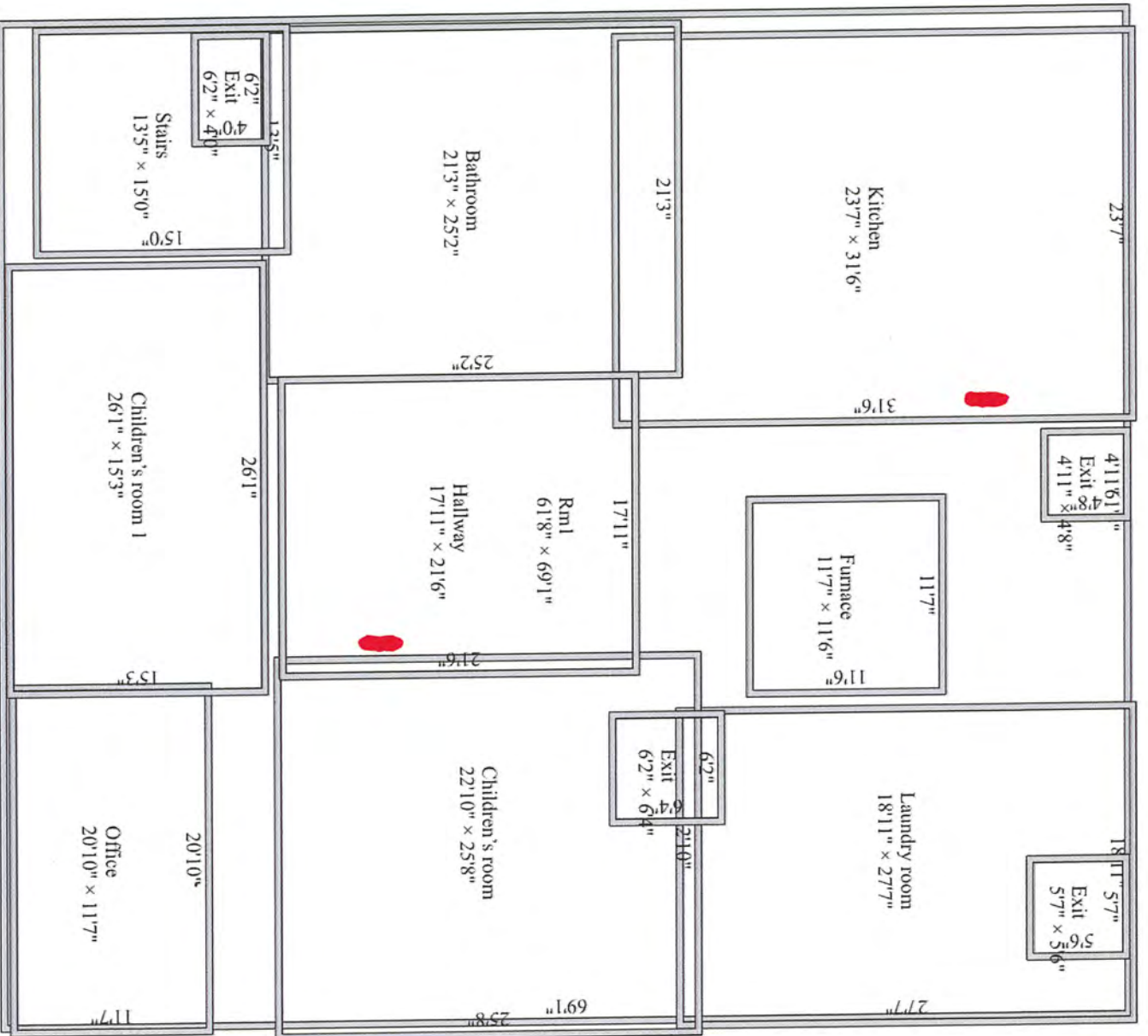
this to express my sincere interest in opening a childcare center, Brightday In the Gary community. My passion for and educating young children is the driving force behind this goal.

From a young age, I have always enjoyed working with children and supporting their growth. Over the years, I have gained experience through volunteering, teaching and babysitting and parenting. These opportunities have deepened my understanding of the importance of providing a safe nurturing and educational environment where children can thrive. My vision for the Daycare is to create a welcoming space that not only provides quality care but also supports early learning and development. Want families in our community to feel confident that their children are in a safe, secure loving environment that encourages curiosity, Creativity and social skills parents and guardians to build a strong healthy partnership in each child's learning journey.

Christopher Hawkins
Chris Hawkins

713 Carolina St Gary

Maximum Capacity
14

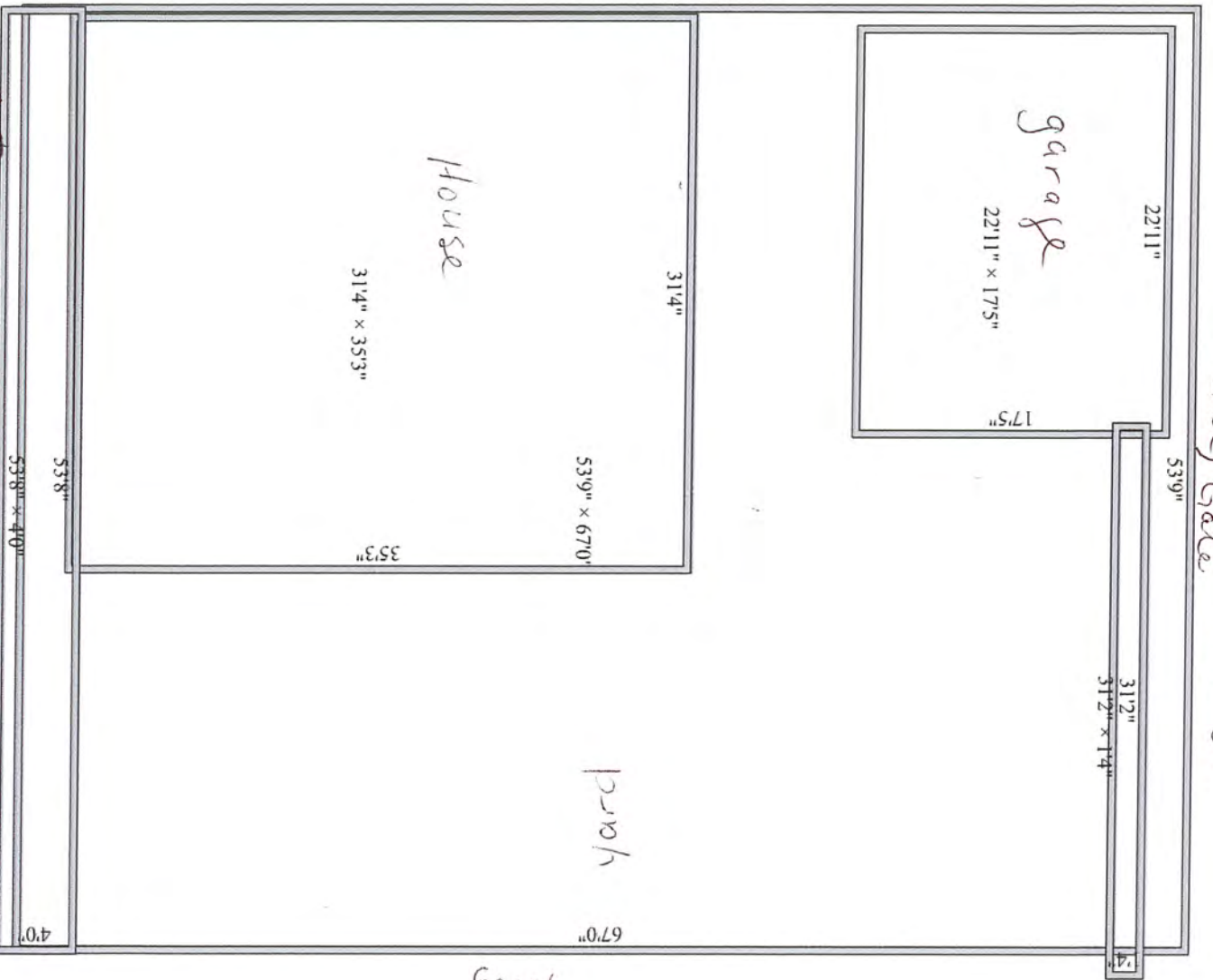


Fire Extinguisher

713 Carolina St Gary

Fence Gate

Georgia



7th Ave



8th Ave

Special Use Permit Criteria

The petitioner is responsible for writing a response for how their petition will address each of the following criteria. The Board of Zoning Appeals uses these criteria to make a determination.

Petitioner name: Christopher Hawkins

Petition number:

According to the municipal code, no special use variance shall be granted unless the following qualifications are met:

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.

I Agree The facility will follow all local health and safety codes maintain proper sanitation, and ensure fire and emergency exits are in place and unobscured

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.

I Agree The day care use is consistent with the character of the area. outdoor activities will be limited to designated times and areas to minimize noise

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.

I Agree. The proposed day care will be located on a properly zoned site and will not prevent surrounding properties from being developed for residential or commercial purposes in accordance with city plans

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

The property has access to all necessary utilities, including water, sewer, electricity and waste disposal in compliance with city requirements

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. *I Agree the site has*

clearly designated entry and exit points designed to allow smooth traffic flow and safe access for vehicles and pedestrians

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. *I Agree the site has*

the proposed day care will be located in a zoning district where such use is expressly authorized as a special use

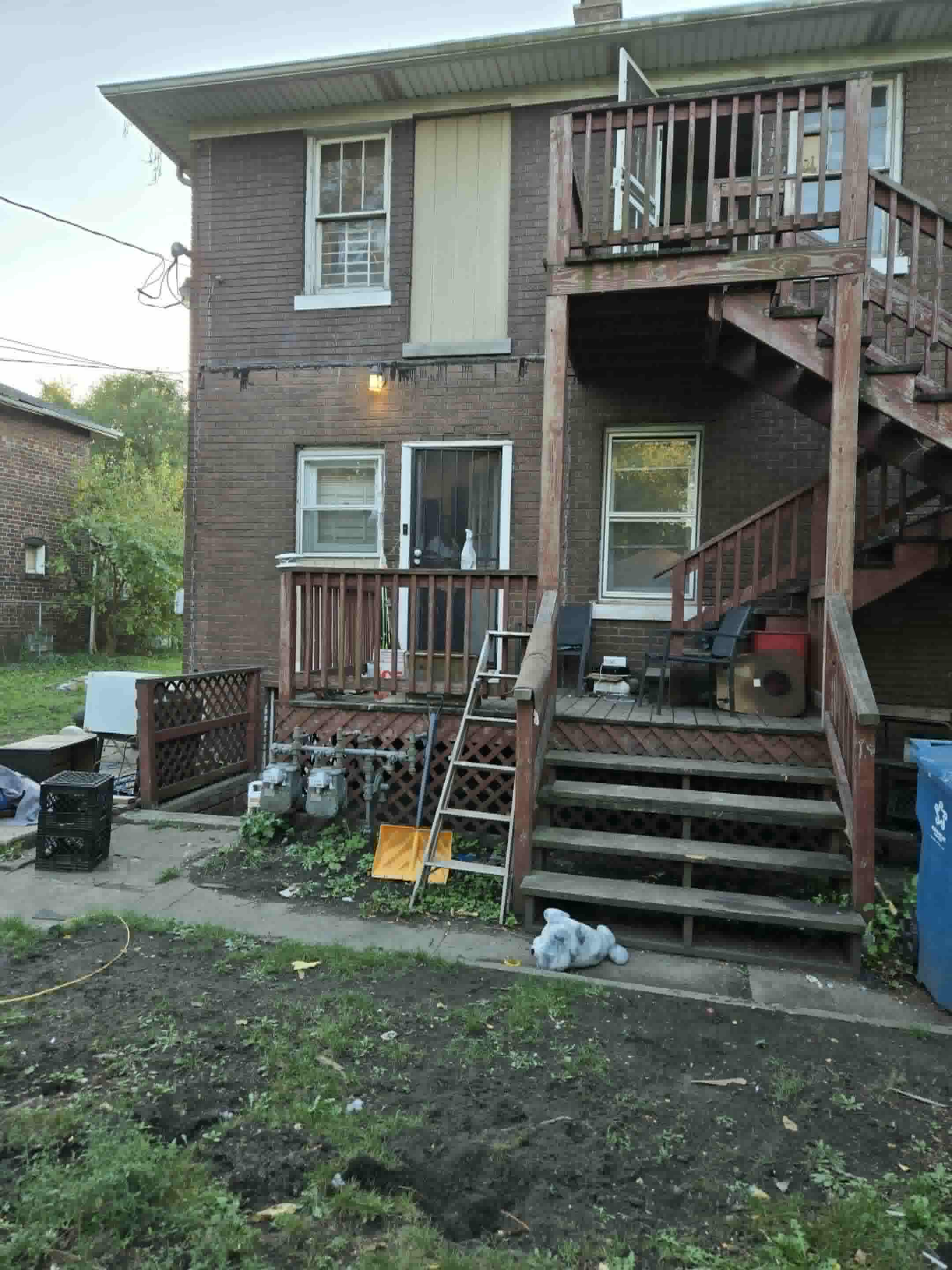
7. The petitioner documents and presents to the commission that proposed special use provides for the implementation of sustainable growth principles and initiatives as approved by the commission. *Yes I Agree*

The proposed day care directly supports sustainable growth by meeting an identified community need for quality childcare within an established residential and community setting.









Findings of Fact and Staff Recommendation

Petition Number: BZA 2025-33

Petitioner: Mr. Christopher Hawkins

Request: Special Use Permit for a Home Daycare

Site Address: 713 Carolina Street, Gary, IN 46402

Zoning: R5 – Residential Multi-Family

Hearing Date: October 13, 2025

Staff Recommendation: Favorable with Conditions

Mr. Christopher Hawkins has petitioned the Board of Zoning Appeals for a Special Use Permit to operate a licensed home daycare within his single-family residence located at 713 Carolina Street. The subject property is zoned R5 – Residential Multi-Family, where home daycare operations are conditionally permitted with approval of a Special Use.

Upon review of the application and supporting materials, staff finds that the request meets all seven criteria outlined in Section 123-59(c) of the City of Gary Zoning Ordinance. Specifically, the proposed use will not be detrimental to public health or safety, nor will it negatively impact the use or enjoyment of adjacent properties. The daycare is appropriately scaled for its residential setting and does not conflict with the ongoing development or improvement of neighboring lots.

All necessary infrastructure, including utilities and access, is already in place and sufficient to support this use. Adequate ingress and egress will be maintained through existing driveways, minimizing any traffic congestion or safety risks. The proposed use is allowed within the R5 zoning district, and no variances from development standards are required. Finally, the proposed home daycare aligns with the City's goals of promoting sustainable, neighborhood-based services and enhancing access to early childhood care.

In light of these findings, staff recommends a **favorable recommendation** for the Special Use Permit, subject to the following **conditions of approval**:

Conditions of Approval

1. The petitioner must obtain and maintain all required licenses from the **State of Indiana Family and Social Services Administration (FSSA)** for home daycare operations.
2. The maximum number of children enrolled shall not exceed the capacity allowed by **state licensing standards** for a home daycare in a residential zoning district.
3. All **exterior signage** must comply with residential zoning standards and may not include any commercial branding or illumination.
4. No **structural modifications** shall be made to the home that would alter its residential character without prior Planning Department review and approval.
5. The petitioner must comply with all applicable **local codes**, including building safety, noise, sanitation, and fire protection regulations.
6. The Special Use Permit may be **revoked** if the use is found to be a nuisance or if the petitioner fails to comply with any condition of approval.

Prepared by:

Sylvia L. Martin

Zoning Administrator

City of Gary – Department of Planning & Zoning

BOARD OF ZONING APPEALS

PETITION PACKET

BZA PETITION NUMBER	B-2025-34
PETITIONER	Scott E. Yahne, Atty., on behalf of Reconstruct Aggregates, Inc.
REQUEST	Special use to operate a wet processing system
SITE ADDRESS	4900-5200 E. 15 TH APPR., GARY, IN 46403
PARCEL NUMBER	45-09-07-154-001.000-004
ZONING CLASSIFICATION	M1 – Limited Manufacturing
COMPREHENSIVE PLAN LAND USE	Light Industrial
CITY COUNCIL DISTRICT	District 1
CURRENT ANNUAL PROPERTY TAX	Current (based on Lake County records)
EXISTING USE / STRUCTURES	Manufacturing
PROPOSED USE	Wet processing system
VARIANCE(S) REQUESTED	Special Use
LOT DIMENSIONS	Approximately 413.52' x 961.68'
MINIMUM LOT AREA REQUIRED	475,727 sq ft
ADJACENT ZONING / USES	M1 – Manufacturing to north, east, and west
PROOF OF PUBLICATION	Received
HEARING DATE	November 13, 2025
PUBLIC INPUT RECEIVED	No
RECOMMENDATION	Favorable
COUNCIL DECISION	Pending
FINAL DECISION DATE	To be scheduled after Council 3rd reading
GIS MAP	



Eddie D. Melton
Mayor

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

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

DESCRIBE THE REQUESTED PETITION

Petitioner wishes to develop, construct and operate a wet processing system for the natural resource and waste recycling sectors. This includes cleaning, sorting and processing of sand for use in concrete, asphalt, and other building materials. The use of water significantly reduces airborne silica dust, improving air quality for workers and surrounding communities. Petitioner's operation diverts tons of material from landfill, protecting sands in areas where natural reserves are in decline and enabling production to happen closer to markets.

APPLICANT NAME Scott E. Yahne, Attorney, on behalf of Reconstruct Aggregates Inc.

COMPANY OR ORGANIZATION Reconstruct Aggregates Inc.

ADDRESS 35 Mullaghboy Glen

CITY/STATE/ZIP Magherafelt, Northern Ireland

EMAIL deastwood@cdegroupp.com

PHONE 1 984-439-9025

OWNER OF RECORD (IF DIFFERENT FROM APPLICANT)

Indiana Land Trust Company 120525 through its Beneficiary, Benjamin 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.

SUBJECT PROPERTY ADDRESS

4900-5200 EAST 15TH AVENUE, GARY, INDIANA

PARCEL IDENTIFICATION NUMBER(S)

45-09-07-154-001.000-004



Eddie D. Melton
Mayor

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

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

LEGAL DESCRIPTION

See Exhibit A-Legal Description attached hereto.

PRIMARY CONTACT PERSON (IF DIFFERENT FROM ABOVE)

NAME/TITLE Scott E. Yahne, Attorney, Yahne.Law, P.C.

EMAIL scott@yahnelaw.com

PHONE 219 513-9892

SPECIAL USE PERMIT APPLICATION FEE: \$220

BZA #: _____

Date Filed: _____

PAID
☐ CASH
☒ CHECK
☐ CREDIT

CK # 2903
\$220

Receipt #

Signature

Date

487963

[Signature]
10/15/25



Eddie D. Melton
Mayor

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

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

SPECIAL USE PERMIT APPLICATION CHECKLIST:

- ☐ Application, completed, signed and notarized
- ☐ Narrative Statement addressing the need for the request
- ☐ Findings of Fact Form
- ☐ Computer-drawn, to scale, building floor plan showing the following
 - Work spaces
 - Room walls with dimensions
 - Exit doors and fire extinguisher locations
 - Maximum capacity
 - Drawing scale
- ☐ Existing Plat or computer-drawn, to scale, site plan showing
 - North arrow
 - Drawing scale
 - Building location with dimensions to property lines
 - Property lines with dimensions
 - Site improvement locations with dimensions to property lines (including by not limited to; fence, sheds, driveways, accessory buildings)
- ☐ (For requests in residential zones) Home inspection report from a licensed inspector
- ☐ Proof of ownership or letter from owner granting permission
- ☐ **Application fee**

(FOR CITY USE ONLY)

Filed with City on: _____, 20____

Scheduled for the Board of Zoning Appeals meeting on _____

Continuation (if any) _____

Notice of hearing published in: _____ on: _____

Exhibit A

Legal Description

PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 36 NORTH. RANGE 7 WEST OF THE SECOND PRINCIPLE MERIDIAN, IN THE CITY OF CARY, LAKE COUNTY, INDIANA. MORE PARTICULARLY DESCRIBED AS THAT PART OF AETNA MANOR FIFTH SUBDIVISION, AS SHOWN IN PLAT BOOK 30. PAGE 5 {NOW VACATED), WHICH LIES SOUTH OF THE SOUTH RIGHT OF WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD, AS DEEDED TO THE INDIANA TOLL ROAD COMMISSION BY WARRANTY DEED DATED JUNE 14, 1955 AND RECORDED JUNE 16, 1955 IN DEED RECORD 1001. PAGE 244 DOCUMENT NO. B49615, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

BEING THE SAME PROPERTY CONVEYED TO LAKE COUNTY TRUST #5B99 BY DEED DATED MARCH 2. 2012. AND RECORDED MAY 1B. 2012 AS INSTRUMENT NUMBER 2012-088906 OF THE LAKE COUNTY, INDIANA RECORDER'S OFFICE. AS AFFIRMED BY ORDER QUIETING TITLE RECORDED JULY 8, 2018 AS INSTRUMENT NUMBER 2018-049255 OF THE LAKE COUNTY. INDIANA RECORDER'S OFFICE. SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF SECTION 7, TOWNSHIP 86 NORTH. RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN. BEING ALSO THE SOUTHWEST CORNER OF SAID AETNA MANOR FIFTH SUBDIVISION; THENCE NORTH 00 DEGREES 17 MINUTES 06 SECONDS WEST ALONG THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 412.B9 FEET TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD; THENCE NORTHEASTERLY ALONG A NONTANCENT CURVE TO THE RIGHT HAVING A RADIUS OF 11,309.19 FEET AND A CHORD BEARING OF NORTH 81 DEGREES

46 MINUTES 40 SECONDS EAST AN ARC DISTANCE OF 293.70 FEET TO A POINT OF TANGENCY ON SAID SOUTH RIGHT OF WAY LINE; THENCE CONTINUING NORTH B1 DEGREES 37 MINUTES 4B SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 679.27 FEET TO A POINT IN THE EAST LINE OF SAID AETNA MANOR FIFTH SUBDIVISION; THENCE SOUTH 00 DEGREES 31 MINUTES 51 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 576.76 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH BB DEGREES 38 MINUTES 18 SECONDS WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 966.28 FEET TO THE POINT OF BEGINNING.

LAND TOTAL AREA: 477.322.11 SQ.FT. = 10.9578 ACRES.

Commonly known as: 4900-5200 East 15TH Avenue, Gary, Indiana

Parcel No. 45-09-07-154-001.000-004



Eddie D. Melton
Mayor

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.

Darren Eastwood, Authorized Agent for Reconstruct Aggregates Inc.

SIGNATURE [Signature]
ADDRESS 35 Mullaghboy Glen
CITY/STATE/ZIP Magherafelt, Northern Ireland

~~State of Indiana)~~
STATE OF INDIANA
~~County of Lake}~~
COUNTY OF PORTER
) ss:

Subscribed and sworn to before me this 30th day of October 2025.
(Notary Public) [Signature] (Seal)

SCOTT E. YAHNE
Notary Public
Porter County - State of Indiana
Commission Number NP0696922
My Commission Expires Mar 10, 2033

Resident: PORTER County
My Commission Expires: MARCH 10, 2033



Consent of Property Owner

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

I (we) Benjamin Cremer
Name(s)

After being first duly sworn, depose and say:
That I/we are the owner(s) of the real estate located at:

4900-5200 E. 15th Ave, Gary IN 46
{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}

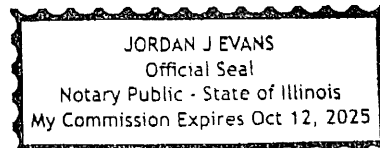
[Signature]
STATE OF ~~INDIANA~~
Illinois

SS:

COUNTY OF DuPage

Subscribed and sworn to before me this 24th day of September, 2025.

[Signature], Notary Public



My Commission expires: Oct. 12, 2025 County of Residence: DuPage

October 14, 2025

Board of Zoning Appeals
City of Gary
5925 Calumet Avenue
Gary, Indiana 46320

Re: BZA Special Use Petition
Reconstruct Aggregates Inc.
4900-5200 East 15th Avenue, Gary, Indiana



Dear Board Members:

On behalf of Reconstruct Aggregates Inc. ("Petitioner"), the lessee (with the consent of the owner) of the real estate located at 4900-5200 East 15th Avenue, Gary, Indiana, enclosed is the Petitioner's Petition for Approval of Special Use under Section 123-30(g) and Section 123-59(c) of the City of Gary Zoning Ordinance No. 8307 (the "Zoning Ordinance"), which provide as follows:

Sec. 123-30. Board of zoning appeals (BZA).

- (g) The board of zoning appeals shall have the powers and duties as set forth in IC 36-7-4-918.1 et seq., and as follows:
- (1) Hear and determine appeals from and review any order, requirement, decision, or determination made by the director of the department of development and planning under this chapter, and as set forth under IC 36-7-4-918.1.
 - (2) Hear and pass upon applications for variations from the district regulations provided in this chapter, and as set forth under IC 36-7-4-918.3.

Sec. 123-59. Special uses.

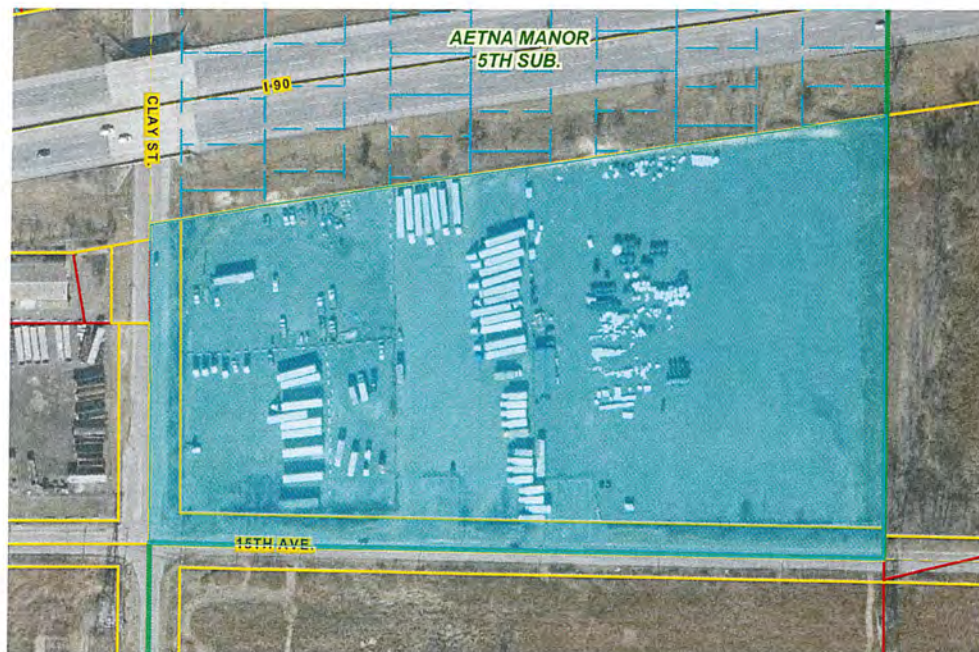
- (c) Special uses shall be authorized by the board of zoning appeals. No special use shall be granted by the board of zoning appeals unless the special use meets the following:
- (1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare.
 - (2) The special use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted.
 - (3) The establishment of the special use will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.

- (4) Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
- (5) Adequate measures have been or will be taken to provide for access management, ingress and egress so designed as to minimize traffic congestion on the public roads.
- (6) The special use will be located in a district where such a use is authorized and all other requirements set forth in this chapter which are applicable to such special use will be met.
- (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.

Petitioner respectfully contends that approval is in the best interests of the City as Petitioner hopes will be concluded by the Board upon consideration of Petitioner's application and other factors, some of which will be addressed herein.

The Property

The real estate Petitioner seeks to rezone is described and illustrated as follows (the "Property"):

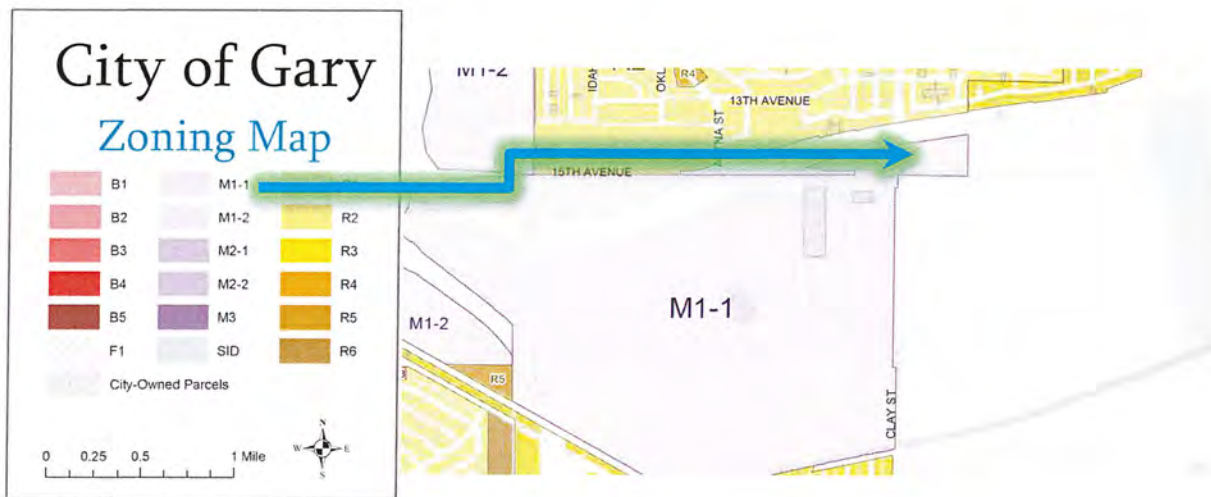


See Exhibit A-Legal Description attached hereto

Commonly Known as: 4900-5200 East 15th Avenue, Gary, Indiana

Parcel Nos.: 45-09-07-154-001.000-004

Petitioner's Property is located in M1-1 Limited Manufacturing Zoning District as depicted in the below Zoning Map illustration.



As depicted within the below images, the Property has been utilized for industrial purposes, most recently as a tank depot, and is situated at the eastern boundary of the City's corporate limits. The Property is situated between the Indiana Toll Road, which serves as a significant northern border, and the Republic Services Waste Transfer Station to the south. The Property



is situated within an area of industrial uses consistent with M1-1 Zoning, including equipment fabrication, testing, and support-activities that are consistent with the intent and permitted uses in the M1-1 Limited Manufacturing (Light Industrial) zoning district.

Applicable Zoning Ordinance Provisions

Petitioner wishes to develop, construct and operate a wet processing system for the natural resource and waste recycling sectors. This includes cleaning, sorting and processing of sand for use in concrete, asphalt, and other building materials. The use of water significantly reduces airborne silica dust, improving air quality for workers and surrounding communities. Petitioner's operation diverts tons of material from landfill, protecting sands in areas where natural reserves are in decline and enabling production to happen closer to markets. Petitioner's activities fall under light industrial uses, which are generally permitted by right in M-1 zoning, but the use activity must be specifically authorized in Section 123-217 M1 Limited Manufacturing Districts (b)(2)(a-III) (the "Specifically Permitted M1 Uses"). Although there are uses similar to Petitioner's proposed use within the Specifically Permitted M1 Uses, cleaning of sand is not an identified use. Therefore, Petition is seeking this Board's approval of a Special Use, as authorized by Section 123-217 M1 Limited Manufacturing Districts (b)(7), which provides the special uses may be allowed a for establishments engaged in the "production, processing, cleaning, testing, or repair other than those listed as permitted in the M1 districts".

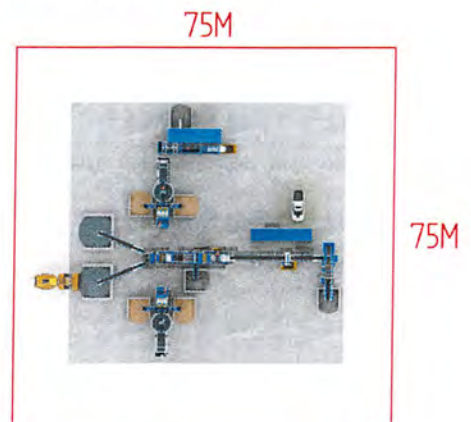
Project Description

Petitioner's Project will receive clean soils from urban construction projects around Chicagoland and Northwest Indiana. The facility Petitioner seeks to develop will present an alternative to dumping these soils in remote landfills, reducing the total truck miles required to handle this material. The facility will recycle these soils for a range of urban construction uses, also reducing the burden on quarries and the truck traffic needed to bring these materials from rural quarries to the urban locations where they're needed.



The facility will receive inbound track traffic where each vehicle will be weighed and ticketed before being allowed to enter the facility. Once in the facility, trucks will follow a strict one-way system, where they will either offload inbound materials (soil), or receive outbound materials (construction sand and aggregates), or both. The design of the facility will not require drivers to leave trucks. Once finished they will be weighed and checked out of the site before being allowed to leave.

The recycling facility features wet processing which removes any dust emissions. Although the facility requires water, the impact on the sewer system is minimal because the facility doesn't discharge any water from the process. Finally, the facility's noise profile won't be noticeable because the noise impact will be lower than the noise emitted from nearby traffic.



Analysis of Sec. 123-59 Special Use Criteria

To assist the Board in its consideration of this request, Petitioner submits the following proposed findings for each of the criteria set forth above. Petitioner respectfully contends that approval is in the best interests of the City as will be demonstrated upon consideration of application of the following discussed criteria.

(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.

The establishment, maintenance and operation of special use request will not be detrimental to or endanger the public health, safety, morals and general welfare of the community. The facility's visitors will be subject well-defined safety regulations and, as a result of the facility's design, prohibited from movement or activity that could be at all injurious. As evident from the photo illustrations above, ingress and egress is well-marked and affords ample room for maneuvering vehicles to and from the site.

Further, any parking demand and associated vehicular visits will be considerably lower than the demands associated for the use for which the Property was initially developed. Additionally, the facility is a light touch with its environment – dust, noise, water discharge are not impactful to the environment or the surrounding areas.

If permitted to proceed, Petitioner will submit proposed developmental floor plans, architectural drawings, engineering drawings and other detailed information relating to building improvements to Building Commissioner Florzell Hawkins and will also submit plans to the State of Indiana to ensure compliance with any and all applicable state and local code requirements. Petitioner assures the Board that any required build out work will be completed by appropriately licensed contractors.

(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.

The use and enjoyment of the other properties in the immediate vicinity of the Premises will not be affected in an injurious manner through approval of the Special Use. To the contrary, the use and enjoyment of the adjacent properties will be enhanced.

The current truck and trailer parking use will be removed in favor of an much more economically beneficial use. If approved, Petitioner's project is expected to result in the creation of approximately 10-15 new jobs. Additionally, access to the site will be tightly controlled such that no public access will be allowed beyond the front office.

(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.

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. The Property has been utilized for industrial purposes, most recently as a tank depot, and is situated between the Indiana Toll Road, which serves as a significant northern border, and the Republic Services Waste Transfer Station to the south. The Property is situated within an area of industrial uses consistent with M1-1 Zoning, including equipment fabrication, testing, and support-activities that are consistent with the intent and permitted uses in the M1-1 Limited Manufacturing (Light Industrial) zoning district.

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

Adequate utilities, access roads, drain and other necessary facilities to serve the Special Use have been or are being provided. Storm water and rainfall will be fully retained and managed on site

(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.

Adequate measures to provide for access management, ingress and egress designed to minimize traffic congestion have been or are being provided. Trucks will be able to queue within the facility so there will be no requirement to queue on public roads. Ticketing and processing of inbound vehicles is electronic and often automated, to minimize waiting time of vehicles.

(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.

Other than approval of the specific nature of the Special Use request, namely for the cleaning, sorting and processing of sand meets all other requirements of the Zoning Ordinance within the applicable chapter.

(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.

Petitioner's proposed development in furtherance of the Special Use request provides for implementation of sustainable growth principles and other City of Gary initiatives. As related above, Petitioner's project, if approved, will result in the creation of 10-15 jobs. Finally, there will be cost savings for the local construction industry by reducing soil disposal costs and distances travelled with the added benefit of construction materials being made available locally.

Required Disclosures

- When the applicant is a corporation, the applicant shall include the correct names, addresses and percent interest of all stockholders or shareholders owning interest in excess of 20% of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.
 - Tony Convery – 20%
 - Marc Jennings – 20%
 - Colin Trainor – 20%
 - Darren Eastwood – 20%
 - Adrian Convery – 20%

Closing Request

In summary, Petitioner respectfully seeks approval of a Special Use under Section 123-30(g) and Section 123-59(c) of the City of Gary Zoning Ordinance. Petitioner looks to be a valuable asset to the community and appreciates the guidance offered to present this Petition to the Board. In consideration of the foregoing, Petitioner respectfully requests a favorable and positive decision from the Board in response to the relief requested above.

Very truly yours,

YAHNE.LAW, P.C.

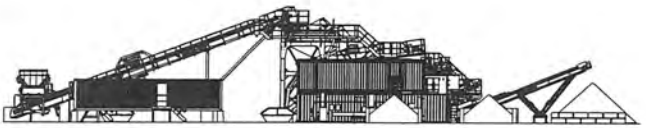
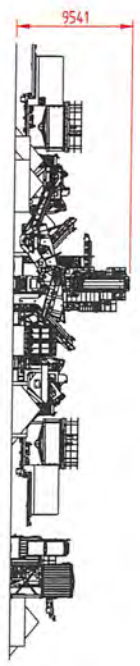
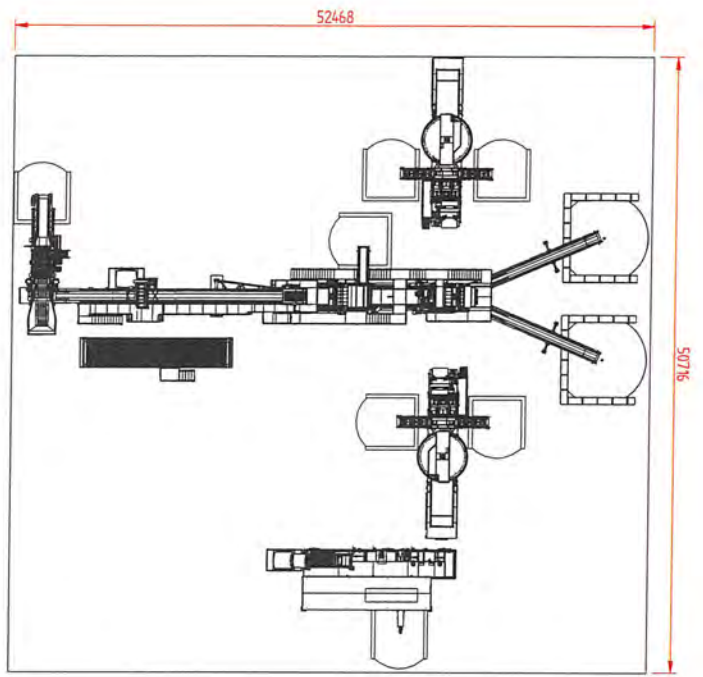


SCOTT E. YAHNE

scott@yahnelaw.com

SEY/es
Enclosures

1. THIS DRAWING IS THE PROPERTY OF GDE. IT IS TO BE USED FOR THE PROJECT ONLY AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GDE.



REV.	DESCRIPTION	DATE
1		
2		
3		
4		

GDE
 Geotechnical Design & Engineering
 10000 10th Avenue, Suite 100
 Houston, Texas 77036
 Tel: (281) 415-1000
 Fax: (281) 415-1001
 Email: info@gde.com
 Website: www.gde.com

Project: **XXZB - (50736)**
 Sheet: **1000**
 Date: **09/10/2023**
 Scale: **1/8" = 1'**
 Title: **Site Plan**

This drawing is the property of GDE. It is to be used for the project only and not to be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the written permission of GDE.

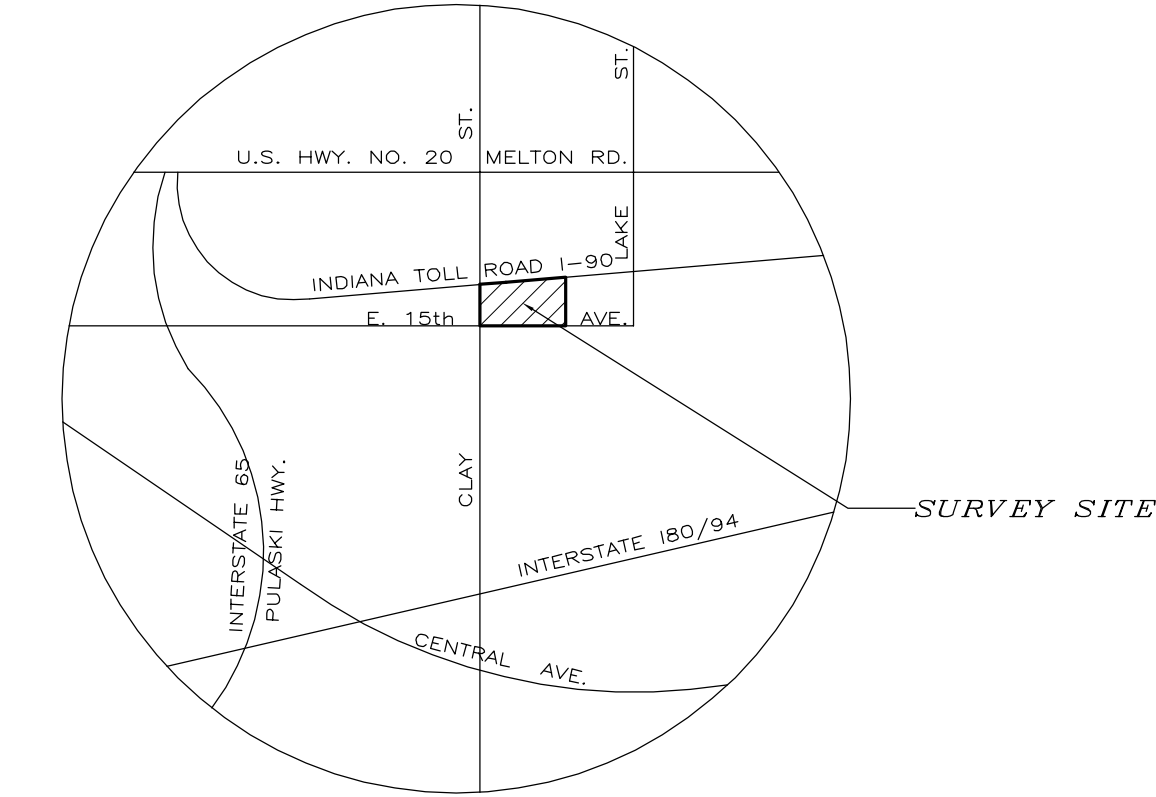
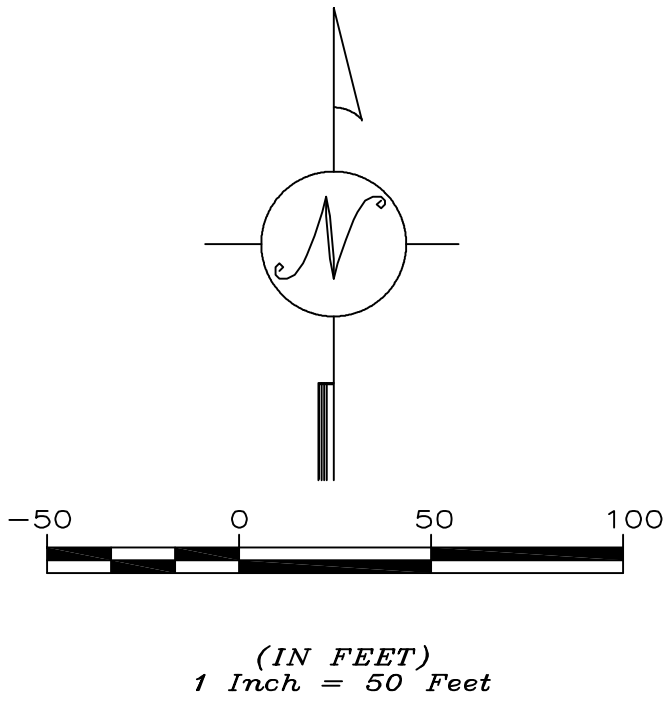
ALTA/NSPS LAND TITLE SURVEY

OF

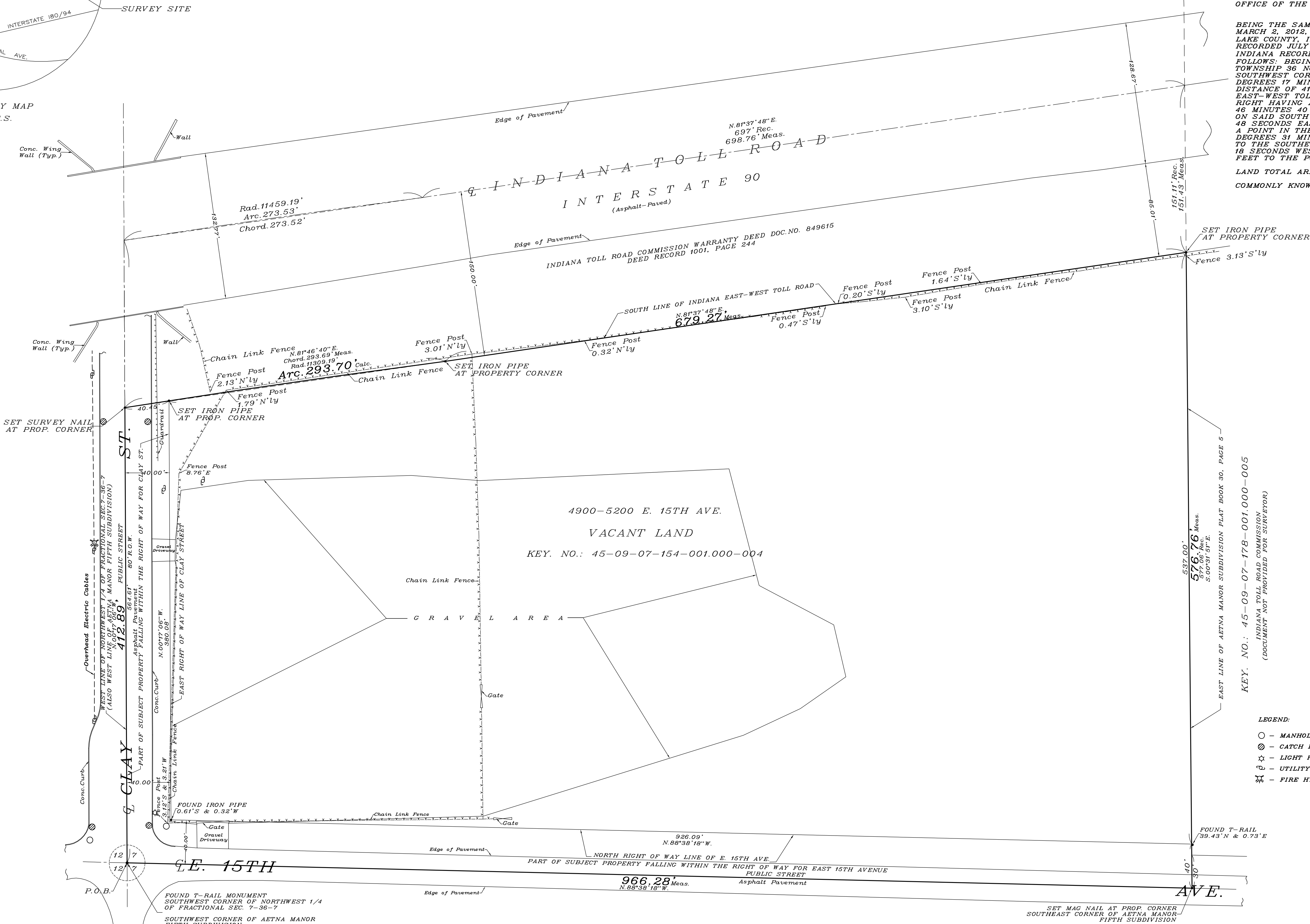
PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 7 WEST OF THE SECOND PRINCIPLE MERIDIAN, IN THE CITY OF GARY, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS THAT PART OF AETNA MANOR FIFTH SUBDIVISION, AS SHOWN IN PLAT BOOK 30, PAGE 5 (NOW VACATED), WHICH LIES SOUTH OF THE SOUTH RIGHT OF WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD, AS DEEDED TO THE INDIANA TOLL ROAD COMMISSION BY WARRANTY DEED DATED JUNE 14, 1965 AND RECORDED JUNE 16, 1955 IN DEED RECORD 1001, PAGE 244 DOCUMENT NO. 849615, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

BEING THE SAME PROPERTY CONVEYED TO LAKE COUNTY TRUST #5899 BY DEED DATED MARCH 2, 2012, AND RECORDED MAY 18, 2012 AS INSTRUMENT NUMBER 2012-033906 OF THE LAKE COUNTY, INDIANA RECORDER'S OFFICE, AS AFFIRMED BY ORDER QUIETING TITLE RECORDED JULY 8, 2013 AS INSTRUMENT NUMBER 2013-049255 OF THE LAKE COUNTY, INDIANA RECORDER'S OFFICE. SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 7 WEST OF THE SECOND PRINCIPLE MERIDIAN, BEING ALSO THE SOUTHWEST CORNER OF SAID AETNA MANOR FIFTH SUBDIVISION; THENCE NORTH 00 DEGREES 17 MINUTES 06 SECONDS WEST ALONG THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 412.89 FEET TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD; THENCE NORTHEASTERLY ALONG A NONTANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 11,309.19 FEET AND A CHORD BEARING OF NORTH 81 DEGREES 46 MINUTES 40 SECONDS EAST AN ARC DISTANCE OF 293.70 FEET TO A POINT OF TANGENCY ON SAID SOUTH RIGHT OF WAY LINE; THENCE CONTINUING NORTH 81 DEGREES 37 MINUTES 48 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 679.27 FEET TO A POINT IN THE EAST LINE OF SAID AETNA MANOR FIFTH SUBDIVISION; THENCE SOUTH 00 DEGREES 31 MINUTES 51 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 576.76 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 88 DEGREES 38 MINUTES 18 SECONDS WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 966.28 FEET TO THE POINT OF BEGINNING.

LAND TOTAL AREA: 477,322.11 SQ. FT. = 10.9578 ACRES.
COMMONLY KNOWN AS: 4900-5200 EAST 15TH AVENUE, GARY, INDIANA.



VICINITY MAP
N.T.S.



LEGEND:
○ - MANHOLE
⊗ - CATCH BASIN
☆ - LIGHT POLE
⌘ - UTILITY POLE
⌘ - FIRE HYDRANT

1.00: PER ITEM 8 OF SCHEDULE B PART I OF STEWART TITLE GUARANTY COMPANY COMMITMENT FOR TITLE INSURANCE, FILE NO.238686, WITH AN EFFECTIVE DATE OF JUNE 13, 2018, "DUE TO INCONSISTENCIES AND AMBIGUITIES IN THE RECORD LEGAL DESCRIPTION, THE COMPANY MUST BE FURNISHED WITH AN ACCEPTABLE SURVEY AND LEGAL DESCRIPTION, AND UPON RECEIPT OF THE SAME, ADDITIONAL REQUIREMENTS MAY BE MADE"

THIS SURVEYOR FOUND NO AMBIGUITY OR INCONSISTENCY IN THE RECORD LEGAL DESCRIPTION AND HAS PROVIDED A NEW METES AND BOUNDS DESCRIPTION OF THE SUBJECT PROPERTY AS SHOWN HEREON.

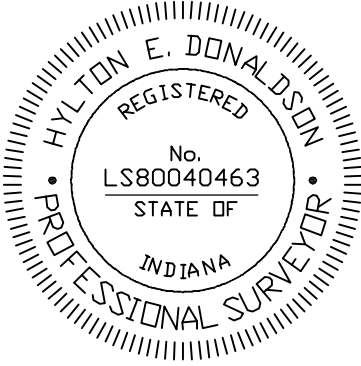
2.00: PER ITEM 8 OF SCHEDULE B PART II EXCEPTIONS "ALL MATTERS SHOWN ON THE PLAT OF AETNA MANOR FIFTH SUBDIVISION RECORDED IN PLAT BOOK 30, PAGE 5 OF THE LAKE COUNTY, INDIANA RECORDER'S OFFICE AS AFFECTED BY DECREE FILED APRIL 26, 1957 IN CAUSE NO. C57-343 OF THE LAKE COUNTY, INDIANA CIRCUIT COURT"
[NO DOCUMENT PROVIDED FOR SURVEYOR]

CERTIFY TO:
- LAKE COUNTY TRUST #5899
- LAKE COUNTY TRUST NUMBER 120525
- TBK BANK, SSB, ITS SUCCESSORS AND/OR ASSIGNS
- LAND LEND LLC
- STEWART TITLE GUARANTY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON 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, 7(a), 8, AND 14 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JULY 26, 2018.

DATE OF PLAT OR MAP: JULY 28, 2018.

Hylton E. Donaldson
Hylton E. Donaldson, Registered Land
Surveyor No. S0463, State of Indiana.



BASIS:
STEWART TITLE GUARANTY COMPANY,
COMMITMENT NO.: 238686
COMMITMENT DATE: JUNE 13, 2018

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

Order No. 2016-2876

Scale: 1 inch = 50 feet.

Date: July 14, 2018

Ordered by: NORM MANTHE

FLOOD CERTIFICATE:
ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
FLOOD INSURANCE RATE MAP OF CITY OF GARY INDIANA DATED
JANUARY 18, 2012, COMMUNITY PANEL NUMBER 180132 OT159 E.
THIS PROPERTY IS LOCATED IN ZONE "X", AN AREA DETERMINED TO BE
OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
NO FIELD SURVEYING WAS PERFORMED BY UNDERSIGNED SURVEYOR TO
DETERMINE THIS ZONE.

BZA Special Use Petition
Reconstruct Aggregates Inc.
4900-5200 East 15th Avenue, Gary, Indiana





Findings of Fact and Staff Recommendation

Petition Number: BZA 2025-34

Petitioner: Reconstruct Aggregates, Inc. (Scott E. Yahne, Attorney)

Request: Special Use Permit – Wet Processing System

Site Address: 4900–5200 E. 15th Avenue, Gary, IN 46403

Zoning: M1 – Limited Manufacturing

Hearing Date: October 13, 2025

Staff Recommendation: Favorable with Conditions

Reconstruct Aggregates, Inc. has petitioned the Board of Zoning Appeals for a Special Use Permit to operate a wet processing system on an industrial property located at 4900–5200 E. 15th Avenue. The subject property is zoned M1 – Limited Manufacturing, where wet processing operations are conditionally permitted with approval of a Special Use.

Upon review of the application and supporting documentation, staff finds that the request satisfies the required criteria for Special Use approval under Section 123-59(c) of the City of Gary Zoning Ordinance. The proposed use will not be detrimental to public health, safety, or general welfare, and it is compatible with the industrial character of the area. The surrounding properties are zoned M1 and are similarly used for industrial activities.

The site has adequate infrastructure, access, and buffering to accommodate the proposed use. No variances from development standards are required. The petitioner has provided evidence of compliance with environmental regulations and intends to implement additional screening and stormwater controls. Public notice requirements have been met, and no objections have been filed.

In light of these findings, staff recommends a **favorable recommendation** for the Special Use Permit, subject to the following conditions of approval:

Conditions of Approval

1. The petitioner must comply with all applicable **state and federal environmental regulations**, including those related to water discharge, sediment control, and noise/dust mitigation.
2. **Fencing and visual screening** must be maintained around the perimeter of the site to buffer operations from public view and neighboring properties.
3. **Hours of operation** shall be limited to **6:00 AM – 6:00 PM, Monday through Saturday**, unless a modification is reviewed and approved by the Planning Department.
4. A **drainage and runoff control plan** must be submitted and approved by the City Engineer prior to the commencement of operations.
5. The use shall be subject to **annual compliance review** or review upon complaint, to ensure conformity with all approved conditions.

Prepared by:

Sylvia L. Martin

Zoning Administrator

City of Gary – Department of Planning & Zoning