



CITY OF GARY
EDDIE D. MELTON
MAYOR

DEPARTMENT OF
PLANNING & ZONING

SPECIAL USE VARIANCE APPLICATION

APPLICATION

DESCRIBE THE REQUESTED VARIANCE

APPLICANT NAME

COMPANY OR ORGANIZATION

ADDRESS

CITY/STATE/ZIP

EMAIL

PHONE

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

PARCEL IDENTIFICATION NUMBER(S)

LEGAL DESCRIPTION

PRIMARY CONTACT PERSON (IF DIFFERENT FROM ABOVE)

NAME/TITLE

EMAIL

PHONE

SPECIAL USE PERMIT APPLICATION FEE: \$220

BZA #: _____

Date Filed: _____

**CITY
HALL**

401 Broadway, 3rd Floor, Gary, IN 46402 | P: (219) 881-1332 | E: zoning@gary.gov

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NOTARIZATION

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 _____

ADDRESS _____

CITY/STATE/ZIP _____

State of Indiana)

County of Lake}

) ss:

Subscribed and sworn to before me this _____ day of _____ 20____.

(Notary Public) _____

(Seal)

Resident: _____ County: _____

My Commission Expires: _____



SPECIAL USE APPLICATION CHECKLIST

- Application, completed, signed, and notarized
- Narrative Statement addressing the need for the request
- Finding of Fact Form
- Computer-drawn, to scale, building floor plan showing the following:
 - Workspaces
 - 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, but not limited to, fence, sheds, driveways, accessory buildings)
- (For requests in residential zones) Home inspection report from a licensed inspector
- Proof of ownership or a letter from the 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: _____

Scheduled for the Common Council (1st reading) meeting on _____

Scheduled for the Plan Commission (2nd reading) meeting on _____

Scheduled for the Common Council (3rd reading) meeting on _____



Before you apply, review the City of Gary Municipal Code Sec. 123-284 and/or Sec. 123-107 (<https://library.municode.com/in/gary/>) and present your proposed use and ownership/lease documents for the property to the Zoning Administrator.

THE APPLICATION PROCESS

Upon receipt of a complete application, the city will prepare public notice materials for the required public hearings on behalf of the applicant, and provide the applicant with instructions on how to properly distribute the certified mailing, legal ad, and post the sign. You are encouraged to bring people who support your application to the public hearings and may be represented by legal counsel or other consultants at these public hearings.

- 1) *Submit the application with supporting documents*
- 2) *Mail certified letters to neighbors*
- 3) *Publish legal ad*
- 4) *Post sign notifying neighbors of the petition*
- 5) *Present your petition to the Board of Zoning Appeals (attendance is required)*
- 6) Once the application is filed with the city, a public hearing will be scheduled with the Board of Zoning Appeals (BZA). The BZA will convene a public hearing where residents can voice comments in support or opposition to the proposed variance being reviewed.
- 7) *Common Council 1st reading (attendance is recommended but not required)*
- 8) After its receipt of the BZA's recommendation, the council will enter the petition into the public record and assign it to committee.
- 9) *Common Council 2nd reading (attendance is required)*
- 10) Petitions will be heard by the Plan Commission of the Common Council. Petitioners are expected to present their case during this meeting.
- 11) *Common Council 3rd reading (attendance is required)*
- 12) Petitions that received a favorable review by the Plan Commission will be sent back to a third and final reading at the next meeting of the Common Council. Petitioners are expected to present their case during this meeting. The Common Council makes the final ruling to approve or deny the petition during this meeting.
- 13) Approved petitions then move on to next step (i.e. Apply for a business license)



SUPPORTING DOCUMENTS

More information on the Zoning FAQ page: <https://www.gary.gov/zoning>

Use narrative. Prepare a narrative on the nature of your proposed variance and identify hardships that make the permit necessary.

Findings of Fact. Every application filed pursuant to Section 123-284 of the Zoning Ordinance must, in addition to the information required above, provide a statement of how the variance petition satisfies the standards set forth under the municipal code. The staff, Board of Zoning Appeals, and Council will use these standards in deciding whether the proposed text amendment is appropriate.

According to the municipal code, no special use permit 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.
- (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 outlined in this chapter that are applicable to such special use will be met.
- (7) The petitioner documents and presents to the commission that the proposed special use provides for the implementation of sustainable growth principles and initiatives as approved by the commission.

Note: A special use permit applies to the specific combination of petitioner name, business entity (EIN), and location (parcel). If any of these three changes occur, the special use permit ceases. The petitioner would then need to reapply for a special use permit that includes the change.



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 once in a local newspaper** at least 10 days before the BZA's public hearing. A zoning official 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 at least two weeks before the BZA's public hearing. A zoning official 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 ensure that all information submitted is accurate, as it will be used for the 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 needed, but please make sure to reference the information provided on any additional sheets.