

A G E N D A
ALLEN COUNTY ZONING HEARING OFFICER

The Zoning Hearing Officer will conduct a public hearing in Room #30, Garden Level, Citizens Square
200 East Berry Street, Fort Wayne, Indiana on Wednesday, February, 8 2012 at 8:30 a.m.

NEW BUSINESS

1. Case No.: RVAR-2012-0001
 Applicant: The Pointe Church, Inc.
 Location: 5335 Bass Road
 Appeal: An appeal to renew use variance 2868/09 to allow a warehouse in a C-1A(P) zoning district.

2. Case No.: DSV-2012-0006
 Applicant: Cortney Schwartz
 Location: 2800-2900 Block Union Chapel Road
 Appeal: An appeal for a variance of development standards to reduce the separation of the near edge of a proposed roadway easement from 125 feet to 70 feet and increase the permitted aggregate easement width from 50 feet to 60 feet in an A-1 zoning district.

Allen County Board of Zoning Appeals Staff Report

Case Number: RVAR-2012-0001

February 8, 2011

Request: An appeal to renew use variance 2868/09 to allow a warehouse in a C-1A(P) zoning district.

Location: 5335 Bass Road



Applicant: The Pointe Church, Inc.

Property Owner: The Pointe Church, Inc.

Legal Description: See File

Size of Property: 11.24 acres

Applicable Ordinance Section(s):

- 3-14-1-2 (a,3)

Township & Section

- Wayne 6

Notified:

- 6 Neighboring Property Owners

Adjacent Land Uses:

North – Residential

South – Vacant

East – Vacant & Residential

West – Agricultural & Residential

B.Z.A. History:

Case Number VAR 1777/90. A request for a variance to allow a recording studio and mail order business. Granted.

Case Number VAR 1886/92. A request to expand an existing recording studio and retail mail order business. Granted.

Case Number VAR 2148/96. A request to expand an existing recording studio and retail mail order business. Granted.

Case Number VAR 2868/09 A use variance to allow a warehouse facility in a C-1A(P) zoning district. Granted

Staff Discussion:

The applicant, The Pointe Church Inc., is requesting to renew a use variance in order to lease a warehouse portion of their property. As commercial/industrial warehousing use is not available as a permitted use in a C-1A(P) Planned Business District zone, a use variance is required to proceed.

The property is the former home of Sweetwater Sound. With the relocation of Sweetwater Sound, the campus has changed hands and is now home to The Pointe Church, Inc. The applicant has adapted most of the original structures to church uses and functions as is permitted by the Zoning Ordinance. However, there is a 16,000 square foot warehouse for which they have no permitted use for at this time. The warehouse is connected to the other structures on the campus was part of an expansion approved in 1996 by the Board. The property was later rezoned from RS-1 to the current C-1A(P) which eliminated the need for the original use variance for Sweetwater.

At the time of the renewal filing, no specifics were given as to whether or not the warehouse has been leased by any tenants. No physical changes to the building have taken place at the time of the staff site tour and there no relevant permits have been issued. The applicant is not asking for any changes to the original approval at this time.

The property is located on the south side of Bass Road. The property is an approximately an 11.24 acre parcel located directly south of the intersection of Bass and Kroemer Roads. The property is currently being used by the applicant for religious/institutional use. The site tour revealed the property in very good condition.

Staff would ask that the applicant provide the Zoning Hearing Officer with additional detail on leases of the warehouse at any point during the three years that it was approved at this location as well as the current volley ball use that is taking place at this location. Staff would also like to make the applicant aware that there are currently three large free-standing signs on the property, two of which are in violation of their conditions of approval and zoning ordinance. Staff has researched the Improvement Location database and no permits have been pulled with the Department of Planning Services for the additional two free-standing signs. The one approved free-standing sign was originally used by its previous owner, Sweetwater Sound, and it appears that the applicant just replaced the panels from the sign for the church. It does state in condition # 9 that, "that signage shall be limited to the existing free-standing sign and an additional wall sign not to exceed 100 square feet." If the applicant would like more signage than what is permitted and has been granted by the Board, the applicant should apply for a development standards variance.

Suggested Conditions of Approval:

Should the Zoning Hearing Officer find that the proposal meets the legal tests for approval; staff would preliminarily recommend the following conditions in addition to those typically applied to such approvals:

- Approval shall run for 1 year, subject to renewal, unless notified by the Zoning Administrator or successor agency of non-compliance status and revoked by the Board after a public hearing.
- Approval shall be terminated and of no further effect in the event the proposed use is discontinued for a period of 12 months. Upon such termination, no reestablishment of the use in any form shall occur without favorable action (including new findings of fact/law and conditions of approval) by the Board/ZHO or any successor agency.
- Approval shall be valid only if the proposed use is established within 12 months of the date of this approval.
- Hours of operation shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Friday.
- There shall be overnight parking of up to 2 trucks and trailers in the loading dock area and no other outside storage.

- To restrict accountability and responsibility for the operation and to make future operations compatible with the surrounding properties, this variance shall run with the applicant and not the real estate.
- Permits and approval from all applicable federal, state, and local agencies shall be required.
- The site shall be kept free of any and all refuse, debris, and junk at all times.
- Signage shall be limited to the existing free-standing sign and an additional wall sign not to exceed 100 square feet.
- Exterior business lighting shall be prohibited.
- Any new dumpsters shall be screened from Bass Road.
- These conditions are enforceable by the Allen County Board of Zoning Appeals or any successor agency to the Board.
- Expansion of the warehouse use beyond 16,000 square feet shall require Board, or successor agency, approval.

Notes:

**Allen County Zoning Hearing Officer
Staff Report**

Case Number: DSV-2012-0006

February 8, 2012

Request: An appeal for a variance of development standards to reduce the separation of the near edge of a proposed roadway easement from 125 feet to 70 feet and increase the permitted aggregate easement width from 50 feet to 60 feet in an A-1 zoning district.

Location: 2800-2900 Block Union Chapel Road



Applicant: Cortney Schwartz

Property Owners: Cortney Schwartz &
Richard Hanauer

Legal Description: See File

Size of Property: 4.64 acres

Applicable Ordinance Section(s):

- ACC 3-9-4-3 (d & e)

Township & Section:

- Perry 26

Notified:

- 13 Neighboring Property Owners

Adjacent Land Uses:

North – A-1/Agricultural/Residential
South – A-1/Residential
East – RSP-1 & A-1/Residential
West – A-1/Residential

B.Z.A. History:

None prior to this request.

Staff Discussion:

The applicant, Cortney Schwartz, is requesting a development standards variance to reduce the separation of the near edge of a proposed roadway easement from 125 feet to 70 feet and increase the aggregate easement width from the permitted 50 feet to 60 feet. This request is to allow access to four residential properties from a new location along Union Chapel Road.

The applicant would like the ability to establish two new access easements for four developed parcels. There is an existing driveway and easement serving the properties; however, INDOT has acquired 60 feet of new right of way along Union Chapel Road which has made relocation of the easements necessary. This new access easements will overlay the parcel that will serve all four parcels located at 2831, 2833, 2835 Union Chapel Road and the undeveloped parcel that is also owned by the applicant which does not have a specific address at this time. The access point is being relocated to western edge of the property, 70 feet from an existing neighboring residential driveway.

There are several nearby residential driveways to the east, west and south and a service drive for a golf course. The three residential parcels to the east have recently been purchased by the State of Indiana for the Union Chapel Road/Interstate-69 interchange project and will be used for the construction process.

According to the applicant, the applicant has worked with INDOT to provide access for the residents that use the current access off of Union Chapel Road and INDOT has not presented the home owners any other possible options than the one that is being presented with this application. The applicant should be prepared to explain the need for the increase in total easement width from 50 to 60 feet at the public hearing.

Notes if approved:

Should the Hearing Officer find that the proposal meets the legal tests for approval; staff would note that construction would be subject to the following requirements:

- The two access easements will only serve four parcels and may be no more than 60 feet wide total.
- The western edge of the easements shall be no closer than 70 feet to the driveway to the eastern edge of the driveway to the west.
- The easements will need to be processed through the roadway easement process to be fully executed.

Notes:

Exhibit
Drive Easements

Schwartz, Cortney
Doc#2009030002

$L = 225.55ft$
 $R = 50.00ft$
 $D = 258^{\circ}27'47''$
 $CH = N52^{\circ}32'07''W$
 $CL = 77.46$

Hanauer, Richard
Doc#201057251

$S1^{\circ}46'00''E$ 47.89ft

$N89^{\circ}17'16''E$ 25.00ft

$S89^{\circ}17'16''W$
35.01ft

South & East Portion - 1.0868AC±
North & West Portion - 0.7243AC±

Schwartz, Cortney
Doc#2009030002

McKinney, T William & Betty
Doc#204004907



$N01^{\circ}46'00''W$ 730.37ft

$S01^{\circ}46'00''E$ 722.49ft

$N01^{\circ}46'00''W$ 747.49ft

Murphy, Mark & Janine R
Doc# 204085216
Doc#200931528

Schwartz, Cortney
Doc#2009030002

South & East Portion - 1.0868AC±
North & West Portion - 0.7243AC±

State of Indiana
Doc#2011054340

$N43^{\circ}45'38''E$ 21.02ft

$N89^{\circ}17'16''E$ 474.87ft

$S89^{\circ}17'16''W$ 490.33ft

$N00^{\circ}42'44''W$ 70.00ft

$S89^{\circ}17'16''W$ 25.00ft

$N89^{\circ}17'16''E$ 25.00ft

$N89^{\circ}17'16''E$ 485.80ft

$N44^{\circ}17'16''E$ 21.21ft 55' R/W

$N00^{\circ}42'44''W$ 5.00ft

$S00^{\circ}42'44''E$ 45.00ft

Chapel Lane - Doc#91-13254

$N1^{\circ}46'00''W$
75.01ft
661.50ft

$S89^{\circ}17'16''W$ 50.00ft

$N89^{\circ}17'16''E$ 2645.27ft

Union Chapel Road

SW Cor NW Qtr
Sec 26, T32N, R12E
Iron Rod

SE Cor NW Qtr
Sec 26, T32N, R12E
Brass Plaque
(Brown RLS S0337)



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Job No: 1107-06-001

This drawing is not intended to be represented as a
Retracement or Original Boundary Survey, a Route Survey,
or a Surveyor Location Report as defined in 865 IAC 1-12.

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50	01/06/2012	AS/KCH/D	REVISIONS

Schwartz
 Adjoiners & Drive Easement Exhibit
 Union Chapel Road
 City of Fort Wayne
 Allen County Indiana

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