

## **DPS/FORT WAYNE HEARING OFFICER**

**Minutes: 12 April 2023**

*(The following reflects a synopsis of action taken by the Fort Wayne Hearing Officer. Actual audio recordings of the proceedings before the Fort Wayne Hearing Officer are available upon request.)*

The Fort Wayne Hearing Officer conducted a public hearing on Wednesday, 8 March 2023, at 8:30 a.m. in Room 30, Citizens Square. Present were Patrick Rew, Hearing Officer, Bryan McMillan, AICP, Senior Land Use Planner, Beth Morales, Associate Land Use Planner, Gabrielle Herin, Associate Land Use Planner and Kim Mack, Assistant Front Office Manager.

Testimony was heard on items advertised per requirements of the Indiana Code. Immediately following the public hearing, the Hearing Officer acted on those items.

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of and no one in opposition to this request.

### **OLD BUSINESS:**

PROPOSAL: DSV-2022-0014  
APPLICANT: Mark Vachon  
REQUEST: A request for a special use to have a personal service transitional use (barber shop) in an R3 zoning district. One-year status report.  
LOCATION: 1530 Spy Run Avenue, at its southeast intersection with Anderson venue (Section 01 of Wayne Township)  
PRESENT ZONING: R3/Multiple Family Residential  
LAND AREA: 0.08 acres

The Fort Wayne Hearing Officer accepted the status report and granted final approval. There was one present in favor of and no one in opposition to this request.

### **NEW BUSINESS:**

PROPOSAL: DSV-2023-0014  
APPLICANT: Jaime Perez Ramirez  
REQUEST: An appeal for a development standards variance to reduce the north side minimum setback from 25 feet to 10 feet for a carport.  
LOCATION: 3502 Robinwood Drive, at the southwest corner of its intersection with Oxford Street (Section 13 of Wayne Township)  
PRESENT ZONING: C2/Limited Commercial  
LAND AREA: 0.09 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of or in opposition to this request.

PROPOSAL: DSV-2023-0015

APPLICANT: Construction & Remodeling Services, LLC  
REQUEST: An appeal for a development standards variance to reduce the east side setback from 5 feet to 0 feet to raise the roof line of an existing house.  
LOCATION: 518 W. Brackenridge Street, 170 feet to the east of Fulton Street (Section 11 of Wayne Township)  
PRESENT ZONING: R3/Multiple Family Residential  
LAND AREA: 0.04 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of or in opposition to this request.

PROPOSAL: DSV-2023-0016  
APPLICANT: Robert Mills  
REQUEST: An appeal for a development standards variance to: 1) reduce the rear setback from 25 feet to 3 feet and 2) reduce the west side setback from 5 feet to 4 feet to attach a garage to a house.  
LOCATION: 8330 Trier Road, 900 feet to the east of Goeglein Road (Section 26 of St. Joseph Township)  
PRESENT ZONING: R1/Single Family Residential  
LAND AREA: 0.75 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of or in opposition to this request.

PROPOSAL: DSV-2023-0017  
APPLICANT: Foellinger Foundation  
REQUEST: An appeal for a development standards variance to increase the maximum permitted information sign height from 2.5 feet to 6 feet and the maximum permitted size from 2 square feet to 20 square feet.  
LOCATION: 520 E. Berry Street at the southeast corner of its intersection with Clay Street (Section 01 of Wayne Township)  
PRESENT ZONING: DE/Downtown Edge  
LAND AREA: 1.71 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of or in opposition to this request.

PROPOSAL: DSV-2023-0018  
APPLICANT: Jon Beasley  
REQUEST: An appeal for a development standards variance to: 1) reduce the front setback from 25 feet to 9 feet, 2) reduce the north and south side setbacks from 5 feet to 2 feet and 3) have two residential buildings on a platted lot for a new house with open front porch.  
LOCATION: 1214 Fairfield Avenue, 400 feet south of W. Jefferson Boulevard (Section 11 of Wayne Township)  
PRESENT ZONING: R3/Multiple Family Residential  
LAND AREA: 0.09 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of or in opposition to this request.

PROPOSAL: DSV-2023-0019  
APPLICANT: Jon Beasley  
REQUEST: An appeal for a development standards variance to reduce the north and south side setbacks from 3 feet to 2 feet for a detached garage.  
LOCATION: 1214 Fairfield Avenue, 400 feet south of W. Jefferson Boulevard (Section 11 of Wayne Township)  
PRESENT ZONING: R3/Multiple Family Residential  
LAND AREA: 0.09 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of or in opposition to this request.

PROPOSAL: DSV-2023-0020  
APPLICANT: Commercial Signs, Inc.  
REQUEST: An appeal for a development standards variance to increase the maximum permitted height of a freestanding sign from 8 feet to 23 feet and size from 80 square feet to 136 square feet.  
LOCATION: 1301 Goshen Avenue, 400 feet northwest of Ethel Avenue (Section 34 of Washington Township)  
PRESENT ZONING: I1/Limited Industrial  
LAND AREA: 2.78 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of or in opposition to this request.

PROPOSAL: DSV-2023-0021  
APPLICANT: Commercial Signs, Inc.  
REQUEST: An appeal for a development standards variance to increase the maximum height for a freestanding sign from 8 feet to 25 feet and increase the maximum square footage from 80 square feet to 148 square feet for a freestanding sign.  
LOCATION: 3802 Illinois Road, 300 feet west of S. Hillegas Road (Section 05 of Wayne Township)  
PRESENT ZONING: C3/General Commercial  
LAND AREA: 9.05 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of or in opposition to this request.

PROPOSAL: SU-2023-0004  
APPLICANT: Kelli Kline  
REQUEST: A request for a special use for a hotel in Airport Overlay District 2.  
LOCATION: 5833 Homewood Avenue, at the southwest corner of its intersection with W. Washington Center Road (Section 23 of Washington Township)  
PRESENT ZONING: I1/Limited Industrial

LAND AREA: 0.33 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor and one in opposition to this request.

PROPOSAL: SU-2023-0005  
APPLICANT: M. Johnston Investments, LLC  
REQUEST: A request for a special use for a recreation area (outdoor volleyball courts, outbuilding, and patio seating).  
LOCATION: 3810 Lake Avenue, 600 feet west of N. Coliseum Boulevard (Section 05 of Adams Township)  
PRESENT ZONING: C2/Limited Commercial  
LAND AREA: 1.34 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. This approval requires a recorded written commitment and is subject to continuous compliance with conditions in the Finding of Fact. There was no one present in favor of or in opposition to this request.

PROPOSAL: DSV-2023-0022  
APPLICANT: Glancy's Popcorn LLC (Perry R. Glancy)  
REQUEST: An appeal for a development standards variance to allow the maximum size of outdoor display area to exceed 10% of the size of the primary structure and allow gravel as a display surface for a storage sheds sales lot.  
LOCATION: 3008 Lower Huntington Road, at the northwest intersection with Beaty Avenue (Section 28 of Wayne Township)  
PRESENT ZONING: C4/Heavy Commercial  
LAND AREA: 0.46 acres

After hearing information on the matter, the Zoning Hearing Officer made certain Findings of Fact/Law and Conditions of Approval a part of these minutes. Because of those findings, the request was approved. There was no one present in favor of or in opposition to this request.

There being no further business, the meeting adjourned at 10:00 a.m.

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Patrick Rew, Deputy Land Use Director  
BZA Hearing Officer