MINUTES OF THE PUBLIC MEETING
OF THE CITY OF ANGOLA BOARD OF ZONING APPEALS
HELD ON JANUARY 23, 2022

The Board of Zoning Appeals held their regularly scheduled meeting on Monday, January 23, 2023 at 5:00 p.m., The minutes are recorded and prepared by the Department of Economic Development and Planning staff.

Chairman Brant Moore called the public meeting to order at 5:00 p.m. in the Angola Council Chambers at City Hall.

The following members were present: Brant Moore, Howard McKeever, Phil Roe and Mike Sutter. Absent Members: Susan Ralston(ETJ Member). Also present at the meeting: Director Jennifer Barclay, Planner Brett Steele, Permitting Coordinator Retha Hicks and City Attorney Kim Shoup

Member McKeever made a motion to approve minutes for the January 04, 2023 meeting. Member Roe seconded the motion. All members present approved, none opposed.

Chairman Moore opened the floor for Officer nominations:

Member McKeever nominated Brant Moore for Chairman. Member Sutter seconded the nomination, and all members present were in favor, none opposed. Member Moore accepted the position.

Member Roe nominated Howard McKeever for Vice Chair. Member Sutter seconded the nomination and all members present were in favor, none opposed. Member McKeever accepted the position.

Member Roe nominated Jennifer Barclay for secretary. Member Sutter seconded that nomination. Director Barclay accepted the position.

Chairman Moore reviewed the meeting rules and procedures.

Member Sutter made a motion to continue 1475 S 150 W – Land Use Variance request to the February 27, 2023 meeting. Member McKeever seconded. All members present were in favor, none opposed.

Member McKeever made a motion to continue 3330-3370 N SR 127 – Development Standard Variances to the February 27, 2023 meeting. Member Sutter seconded. All member present were in favor, none opposed.

Staff presented the first case as West Commons Variances for Unit Size and Parking Space Quantity. The request is for development standards variances. The applicant and owner is West Commons, LLC. The property is located at 125 McKinely Street with the current zoning of UV: University District. The applicant is requesting relief from Section 18.72.040 UV Development Standards – Minimum Dwelling Unit Size and Section 18.176.080 Nonresidential Parking Standards. The hearing date is Monday, January 23, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on January 13, 2023. Twenty-five (25) property owners within 300-ft of the project were sent notice by Certificate of Mailing on January 11, 2023. Applicable code is Title 18: Unified Development Ordinance. The property is not located within a floodplain and staff is recommending approval.

Director Barclay summarized West Commons, LLC is seeking two development standards variances for unit size and parking space quantity at 125 McKinely Street for a new multi-family housing development. The development will replace the former University Inn, Smith Enterprise, and S&T Auto Body Shop. A rezoning request from C2 to UV was approved June 2022. The development will be three-stories

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including a total of 90 dwelling units consisting of 17 studios, 44 one-bedroom units, and 29 two-bedroom units. Dwelling unit sizes range from 458-sf to 1,035-sf measured as HUD Net Area. Market Net Area equates to 498-sf. to 1,096-sf respectively. Both the studio and one-bedroom apartments are proposed to be less than the dwelling unit minimum size in the UV: University District. The first floor will also include amenity areas of a leasing office, a fitness room, community space, bike storage, and covered porch.

Staff display the site plan while Director Barclay continued with, originally the project was proposing a total of 113 parking spaces. However, first revision drawings show a proposal of 126 standard parking spaces and 6 ADA parking spaces for a total of 132 parking spaces. The parking lot is planned to have access from McKinley Street. The project still needs to be approved by the Plan Commission for both a primary/secondary plat and development plan. Both projects have been submitted for review as of January 16, 2023.

Director Barclay reviewed applicable code including:

- Section 18.72.040 – University (UV) District – Development Standards.
  (K) Minimum dwelling unit size: 800-sf
  The applicant is requesting a minimum dwelling size of 458-sf HUD Net, or 498-sf Market Net.
- Section 18.176.080 – Parking Standards – Nonresidential.
  (A) Quantity. (1) Minimum Number.
  (a) Off-street parking shall be required for all uses as shown in Table 18.176.080, Minimum Number of Parking Spaces per Use. The land use is listed in the left column. The minimum number of parking spaces for employees or tenants is in the middle column, and the minimum number of parking spaces for visitors, clients, and customers is in the right column. The minimum number of parking spaces shall be the sum of all three columns. The numbers do not guarantee the quantity needed per use; only minimums are expressed.
  (c) If a use is not clearly noted in Table 18.176.080, the Zoning Administrator shall determine a use with similar employment and customer characteristics, therefore determining the minimum number of parking spaces required.
- Table 18.176.080 Minimum Number of Parking Spaces per Use, Residential Uses
  Dwelling, upper floors in DC or NC: 1 space per unit plus 1 visitor space per 15 children
  The UDO gives Staff discretion as “dwelling, multiple-family (9+ units)” is not specifically called out in Table 18.176.080. Staff did reference the most similar use listed in the table. Due to the scale of the development, Staff believed it was best if the BZA have final say after a public hearing.

Staff displayed zoning map while Director Barclay explained, the property for which variance is sought is zoned UV. Immediate properties are zoned MH: Manufactured Home Residential to the north; R2: Medium Density Single-Family Residential to the northeast; C1: Small to Medium General Commercial to the east and west; and C2: Medium to Large General Commercial to the south. Adjacent land uses consist of commercial retail spaces, single-family residential, manufactured home dwellings, restaurant, and construction trade office with gravel mining.

Director Barclay continued with displaying the future land use map and explaining this area as a mix of General Commercial and High Density Residential.

- Objective 1.1: Strongly promote compact form throughout the city.

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- Objective 1.5: Strongly encourage redevelopment of under-utilized, vacant, or abandoned structures and lots.
- Objective 1.7: Encourage infill development to direct commercial and residential growth inside the corporate limits when under-utilized sites are redeveloped.
- Objective 1.10: Encourage a broader range of housing types and mixed densities to better meet the needs of older residents and to appeal to younger families and workforce in Angola and Steuben County.
- Objective 1.16a: Promote housing growth to attract and support the regional workforce and creative class populations.
- Objective 1.16b: Encourage low-maintenance, affordable housing options that support mid to high-density development patterns.

Director Barclay continued with Steuben County completed a housing study in 2020. The study reports over 2,000 households of all income levels have the potential to move into Steuben County each year. Thirty-one percent (31%) are younger singles or couples; 24% are empty nesters & retirees with 36% housing preference of rental units. The annual absorption rate for Angola alone is 26 to 33 rental units each year and 88 to 110 units county wide.

Director Barclay stated no input has resulted from the public notices.

Director Barclay stated in conclusion, staff is supportive of this project and is looking forward to the redevelopment of these sites. Staff recommends the following for the Development Standards Variance requests:
Unit Size - The studio apartments are proposed to be 458-sf using HUD's net area thresholds which measures the living area inside the finished surface of the exterior wall and to the inside surface of walls separating living units from common area. The market net area of the studio apartment is 498-sf. Staff believes the studio apartment is an appropriate size given the context of the development.

The market net area of the one-bedroom units is proposed to be 579-sf and 738-sf. The market net area of the two-bedroom units will be 1,096-sf and 950-sf.

Given the current housing market, the potential demand identified in the Steuben County Housing Study, and the provisions in the Comprehensive Plan, Staff recommends approval of this request.

Parking Quantity- As stated earlier, the UDO gives Staff discretion when it comes to multiple-family dwelling developments in a non-residential zoning district. However, due to the scale and nature of the development and the lack of comparable use in Table 18.176.080, Staff felt the BZA should be the deciding body. The applicant agreed.

The proposal includes a total of 132 parking spaces for a development that consists of 90 units with 119 bedrooms/studio apartments. Staff believes the proposed 132 parking spaces adequately accommodates for the quantity of units given their location close to Trine University and Downtown Angola. Between the 7-minute walk to Trine University campus, 18-minute walk to Downtown Angola, and less than 5-minute walk to retail commercial spaces, most needs can be reached on foot. Therefore, Staff recommends approval of this request for 132 parking spaces consisting of 126 standard spaces and 6 ADA spaces.

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With no questions for staff, Chairman Moore opened the floor the petitioner. Mr. Nathan Sommers, TRG Development, Muncie, In. spoke on behalf of the petitions. In reference to the size of the units, Mr. Sommers noted that they have used this model in previous complexes and the smaller units are the highest in demand. He also noted that the studio apartments have a "barn door" that encloses the sleeping area to feel more like a bedroom. Mr. Sommers also stated that there is adequate living space specifically designed outside of the units to promote more social activities.

Regarding the petition for the parking space variance, Mr. Sommers stated they have used this same model for their units in Lafayette and it has worked out well. There is one parking spot per bed, and one visitor spot for every 10 units.

Member McKeever asked about the traffic flow and wondered if it would all be coming from McKinley St. Mr. Sommers noted the residents and visitors to the complex will enter and exit off of McKinley St. Member McKeever went on to question the access for Emergency Services. It was noted that from the parking spaces to the building in 24 feet. It was also noted that even if the lot is full, there will be enough space to maneuver emergency vehicles.

Member Sutter asked if the parking spots are assigned for residents and/or visitors. Mr. Sommers noted that they will probably issue parking passes per unit/bed. There is 24-hour guest parking and without a pass after that, the car could be towed. They are expecting issues but may have to push enforcement more if there are issues.

With no more questions from the Commission Members, Chairman Moore opened up the floor for public comment.

With no comments from the public, Chairman Moore closed the public hearing. Director Barclay presented the Findings of Fact for Unit Size Development Standard Variance.

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because 458-sf is an acceptable size for a studio unit given the context of the development. All members present agreed.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties will continue to function as they currently do regardless of the size of the dwelling units within the development. Additionally, the value of adjacent property will not be substantially impacted because of the size of the dwelling units within the development. All members present agreed.
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because a minimum dwelling unit size of 800-sf would not accommodate a high-density development for this size of lot, therefore driving up the rental rates. All members present agreed.

Chairman Moore asked for a motion. **Member McKeever made a motion to accept the request for a Unit Size Development Standard Variance as presented. Member Roe seconded the motion. All members present were in favor, none opposed.**

Director Barclay presented the Findings of Fact for Parking Space Quantity Development Standard Variance.

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because the development will have an appropriate amount of

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on-site parking to accommodate residents and visitors. Additionally, the development is a 7-minute walk to Trine University campus, 18-minute walk to Downtown Angola, and less than 5-minute walk to retail commercial spaces. All members present agreed.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties will continue to function as they currently do, and the necessary amount of parking for residents and visitors will be met within the boundaries of the site. All members present agreed.
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because the ordinance is not clear as to the required amount of parking in this situation. The closest listed use is not a one-to-one comparison, does not take into account the location of the development within walking distance of a college campus, Downtown Angola, and nearby retail, and the proposed development accommodates the parking demand created by the project. All members present agreed.

Chairman Moore asked for a motion. **Member Roe made a motion to accept the request for Parking Space Quantity Development Standard Variance as presented. Member Sutter seconded the motion. All members present were in favor, none opposed.**

With no other business Chairman Moore asked for a motion to adjourn the January 23, 2023 meeting. Member Sutter made a motion to adjourn. Member McKeever seconded the motion. The motion carried unanimously. Meeting adjourned at 5:25 p.m.

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Brant Moore, Chairman Date

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Jennifer Barclay, Secretary Date

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