MINUTES OF THE PUBLIC MEETING
OF THE CITY OF ANGOLA BOARD OF ZONING APPEALS
HELD ON FEBRUARY 27, 2022

The Board of Zoning Appeals held their regularly scheduled meeting on Monday, February 27, 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 Susan Ralston. Absent Members: Michael Sutter. Also present at the meeting: Director Jennifer Barclay, Planner Brett Steele, and City Attorney Kim Shoup

Phil Roe made a motion to approve minutes for the January 23, 2023 meeting. Susan Ralston seconded the motion. All members present approved, none opposed.

Chairman Moore reviewed the meeting rules and procedures.

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

Member Howard McKeever made a motion to continue 1475 S 150 W – Development Standard Variances to the March 27, 2023 meeting. Member Susan Ralston seconded. All members present were in favor, none opposed.

Staff presented the first case as The Watershed Storage Condos Variances for development standards variances. The applicant/owner is Joe Martin, The Watershed Condos, property owners Clayton and Judy Griffin. The property is located at 3330/3370 N State Rd 127 with the current zoning of C2: Medium to large General Commercial District. The applicant is requesting relief from Section 18.92.040 C2 Development Standards – Minimum Rear Yard Setback: Maximum Number of Primary Structures, Section 18.160.120 Driveway Standards: Residential and Non-residential: Materials and Section 18.172.030 (A)(2) Lot Planting Standards: Quantity: Yard Planting. The hearing date is Monday, February 27, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on February 17, 2023. Ten (10) property owners within 300-ft of the project were sent notice by Certificate of Mailing on February 15, 2023. Applicable code is Title 18: Unified Development Ordinance; Indiana Code: Board of Zoning Appeals 36-7-4-900 Series. The property is not located within a floodplain and staff is recommending conditional approval.

Director Barclay stated the Watershed Storage Condos are a self-storage facility catering to recreational vehicles. The company has other facilities located in LaGrange County. The Plan Commission approved the primary plat in September 2022 with plans to create 7 Tracts. The first phase of development includes the construction of over 162,000-sf of storage space in the form of 75 single-occupant, 8 double-occupant, and 1 triple-occupant buildings for storage on Lot 1. Each of the 75 single-occupant buildings will be owned individually. Watershed Storage Condos will maintain ownership of the double- and triple-occupant buildings, as well as the entire property. The developer is requesting development standards variances from three sections of the Angola UDO.

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The property for which variances are sought is currently zoned C2 and is located in the City's Extra-Territorial Jurisdiction (ETJ). Surrounding property uses are primarily low intensity and include undeveloped land, seasonal ice cream shop, and a golf course. There is a sand and gravel pit east of the site, but it is accessed from a different street. The site gains access from State Road 127, identified as a Major Arterial in Angola's 2022 Comprehensive Plan Update. It is located between the newer commercial areas of Angola along IN 127 and the northern I-69 exit/Pokagon State Park/lake areas. There is also a north/south trail along the west side of IN 127.

Director Barclay reviewed applicable code including:

1. Driveway Surface Materials Variance - The applicant requests "a variance to install gravel driving surfaces for the storage unit area drives. INDOT Drive approach from SR 127 will be paved to INDOT specifications and each building will have a cement approach. All of the remaining driveway surfaces are requested to be gravel."
   The Watershed Storage Condos project proposes two types of drives. The first is a private street which provides access to all tracts of land within the Watershed Storage Condos plat. (See drive highlighted in pink below.) This name Watershed Drive has been proposed for this private street which will be located in a private street easement. Since the property is located within the ETJ, the City of Angola has deferred to Steuben County Highway Department for permitted surfaces for Watershed Drive; and Steuben County Engineer has confirmed a gravel surface is acceptable.
   The second type of drive within this development provides access to individual garage condos. (See drives in purple.) Per the Development Standards, specifically, Section: 18.160.120 Driveway Standards: Residential and Non-Residential, (C)Materials. Driveways shall consist of asphalt, concrete, or other non-porous material approved by the Zoning Administrator. This is a Zoning Development Standard and the BZA has the authority to grant relief from development standards after making required Findings.
2. C2 Development Standards – Minimum Rear Yard Setback Variance - The applicant requests relief from the 20-ft rear yard setback for garage condos #84 and #18 which are located on the east edge of the property. Garage condo #84 is proposed to be 8-ft off the rear property line and garage condo #18 is proposed to be 16-ft off the rear property line.
3. C2 Development Standards – Maximum Number of Primary Structures - The Angola UDO permits up to 6 primary structures per lot. Each garage condo is considered a primary structure. The project proposes 84 primary structures on Lot 1 creating a neighborhood of garage condos.
4. Lot Planting Standards Variance - The applicant requests relief from the quantity of Lot Planting (yard) Standards required. The variance application only specifies a "reduction;" it does not specify a quantity. Forty-two (42) canopy trees are required to be planted on Lot 1 by the Yard Planting Standards.

Director Barclay continued with comprehensive plan. The Future Land Use Map in the City of Angola's 2022 Comprehensive Plan identifies the project site as "General Agricultural".

Principle 1 – Manage Community Form and Growth

- Objective 1.3: Update Angola's Unified Development Ordinance to promote the aesthetic quality of future development through design standards, minimization of land use conflicts, and to encourage an appropriate mix of uses corresponding to the Land Classification Plan.

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- Objective 1.11: Work collaboratively with Steuben County to efficiently manage growth and development in extra territorial jurisdictional areas around the city, including voluntary annexation efforts, especially on the eastern and northeastern boundaries of the city.
- Benefits: Increase quality of development; Provide predictability and property value security; Protect environmentally sensitive areas.
- Principle 2 – Inspire Community Image
- Objective 2.9: Enhance the "city entrances" and "arrival corridors" with a large unique physical or landscape feature, thus establishing a gateway. Prioritize gateway enhancements along the US 20/I69 Corridors.
- Foundation: Urban planners and economic development professionals believe that first impressions, especially gateway corridors and downtowns, are critical in spurring growth and investment.

Director Barclay stated no input resulted from the public notices.

Director Barclay stated in conclusion, Driveway Surface Materials Variance: Staff researched general trip generation for storage facilities to gauge how much traffic this facility might experience. This analysis based on the Institute of Transportation Engineers (ITE) rates for a self-storage facility estimate an average of 17.96 one-way trips per day per 100 storage spaces. (Figures are not available for boat/rv storage facility). The Watershed Storage Condo facility proposes 96 total storage condos in Phase I. There is room to add over 100 more storage condos.

The City of Angola has deferred to Steuben County for the surface materials of the private street accessing all lots in the subdivision. Steuben County has agreed that a gravel private street is acceptable. Given the private street accessing the development will be gravel, Staff believes requiring paved driveways from gravel streets would require less traveled drives to be a more permanent surface than the more highly traveled private street. This simply, does not make sense. As a result, Staff recommends approval of the Driveway Surface materials Variance as proposed.

C2 Development Standards – Minimum Rear Yard Setback Variance: The property is zoned C2 (Medium to Large General Commercial) which permits a variety of commercial uses that range in size. While there are no immediate plans to develop the remaining tracts of land, it is likely the remaining lots will be used for additional storage since they are part of the "Watershed Storage Condos Subdivision." Because of the significant setback from IN-127; the lack of paved street access; lack of utilities on the remaining undeveloped tracts; and the small scale of each building (compared to other C2-zoned properties), Staff supports approval of the minimum rear yard variance for buildings #18 and #84.

C2 Development Standards – Maximum Number of Primary Structures: The development is focused entirely on storage in a garage condo format; thus Staff recommends approval of the variance for the maximum number of primary structures as requested.

Lot Planting Standards Variance: This property has many existing trees and vegetation. Per Section 8.20.040 of the Angola City Code, the Landscape Plan shall show how the developer intends to work with the natural features of the property, with special concern being given to the preservation of mature trees. The Landscape Plan shall include the number, species, and general location of all non-exempt trees of eight-inch DBH or greater to be removed.

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The Landscape Plan for this project identifies 3 trees near the IN-127 entrance that will be preserved. No other trees are identified as being preserved; no other trees are identified as being removed. As proposed, the project complies with the Street Tree Planting Standards and Buffer Yard Planting Standards. Because the proposed detention basin is a dry detention basin, Pond Plantings are not required. The applicant has communicated that elevation changes on the property make it challenging to find locations to plant trees. The contours show the elevation change from IN-127 to the east property line is approximately 25-ft.

The IN-127 corridor is a main entrance into the City of Angola, connecting the community to Pokagon State Park, lake property to the north, and I-69. The Lot Planting Standards exist and support the Principles in the Angola Comprehensive Plan by promoting aesthetic qualities, managing growth, and inspiring community image. As a result, Staff believes the required Lot Plantings are of great value to the community. Staff recommends the Lot Planting Standards be reduced by 40% (to require the planting of 25 canopy trees) with the condition that those trees be planted along the perimeter of Lot 1 and be in addition to the Perimeter Landscaping required by the Subdivision. As the project begins to develop, Staff encourages the Plan Commission and Park Superintendent to be attentive in making sure the Landscape Plan is an accurate representation showing existing trees that will be removed and preserved.

Director Barclay inquired to the board if they had any questions for staff. Chairman Moore stated he was confused; with driveway standards, planting, and setbacks; Chairman Moore asked if staff only had two sets of finding of facts? Director Barclay followed up with advising three finding of facts, Chairman Moore eventually found missing documents. Board members had no further questions.

With no questions for staff, Chairman Moore opened the floor to the petitioner starting with the driveway. Mr. Wayne Richardson, Bertsch-Frank & Associates, Fort Wayne, IN spoke on behalf of the petitions. In reference to the driveway, private drives not accessed very often to all private 96 units. Mr. Richardson foresees units being more of winter storage for boats and RV's, maybe travel activity higher on weekends for lake use. Refence was made on county engineer not opposed to installing private street as gravel. Mr. Richardson advised gravel will reduce the amount of storm water run-off absorbing into the ground. He advised that as mentioned by staff, it didn't make sense for gravel to transition into asphalt. It was noted that each unit will have a concrete apron in front of each unit. Comment was made that future plan of storm water involved all drive being impervious, just not at this time.

Chairman Moore asked members if any had questions about the driveway. Member McKeever questioned the gravel private drive from IN-127 being gravel and heavy traffic putting loose material on the roadway, would like to see that intersection being impervious. Mr. Richardson advised that the drive within the right-of-way would be paved; approximately 40-ft will be paved before transitioning to gravel. Director Barclay reemphasized Steuben County approved main drive. Mr. Richardson advised future might involve paving further back to 400-ft at request of tract 3. Member Roe inquired what concrete pad size would be, Mr. Richardson advised they would be the width of the garage door and out 8-ft from each door, transition to gravel drive. Member Ralston asked who would be in charge of maintaining the gravel drives and Mr. Richardson advised whoever develops tract 1 plus the association of Watershed condos will do all maintenance.

Chairman Moore stated next would be the side yard setbacks. Mr. Richardson advised that with future planning of next tract with grading and layout, each unit was specifically placed. Buildings #18 and #84

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so happened to fall within the setback. With neighboring property to the east set to be continuation of storage units in the future, Mr. Richardson doesn't feel there is an issue with the 8-ft setback request.

Chairman Moore opened members up for questions, Member McKeever asked if they owned the land immediately to the east. Mr. Richardson confirm that it was owned. No further questions on setbacks.

Mr. Richardson continued to the number of buildings increasing from 6 to 84. With the amount of grade change from east to west and north to south, it made sense to construct as individual units rather than combined to eliminate steps in the roof line. It was notated that it is more desirable to owners and renters that prefer separate units. No questions for representative on number of buildings.

Chairman Moore moved direction to planting. Mr. Richardson advised it is difficult to produces healthy trees with elevation change. He advised they look to maintain the appeal to IN-127 and most of the complex is not immediately along the roadway. They are looking for any type of reduction, staff recommending 40%, Chairman Moore asked what Watershed was after. Director Barclay assisted with discussing the buffering taking place on the property. Member McKeever asked about the circles representing the 40% reduction, Richardson as no. Mr. Richardson stated they were only asked for reduction of trees around the perimeter. No further questions by members.

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 **Driveway Surface Materials Variance**.

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because Steuben County has determined that gravel is an acceptable surface material for the Private Street which provides access to the entire subdivision. The condo access drives will be subordinate to the Private Street and experience less traffic. Additionally, gravel is a pervious surface reducing the impact on surface drainage. All members present were in favor, none opposed.
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 surface material of the drives will not impact adjacent uses. Each adjacent use will continue as it exists regardless of the surface material of the drives. Additionally, the surface of the driveways is an irrelevant factor in the value of adjacent properties. All members present were in favor, none opposed.
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because with Steuben County approving a gravel surface for the private street, it does not make sense that the lesser traveled driveways from the gravel street be a paved surface. Additionally, gravel driveways will reduce the amount of surface drainage on the property. All members present were in favor, none opposed.

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

Director Barclay presented the Findings of Fact for **rear yard setback and maximum number of primary structures.**

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1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because garage condo buildings are small in scale, compared to other general commercial buildings and the setbacks proposed by the applicant provide adequate separation for the circumstances. All members present were in favor, none opposed.
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 property to the east will most likely be developed in a similar fashion with additional storage facilities, and other adjacent properties will still function as they do today. All members present were in favor, none opposed.
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because the ordinance does not take into account that the property adjacent to the east will have no public street frontage, no access to public utilities, and will be used for additional storage facilities. All members present were in favor, none opposed.

Chairman Moore asked for a motion. **Member Roe made a motion to accept the request for Rear Yard Setback and Maximum Number of Primary Structures Variance as presented. Member McKeever seconded the motion. All members present were in favor, none opposed.**

Member McKeever asked to have a question answered before moving into the last finding of facts. Members McKeever was curious to the landscape along the IN-127. Director Barclay advised the reduction was assisted by the topography of the land being a natural buffer. No further questions by members.

Director Barclay presented the Findings of Fact for **Lot Planting Standards Variance**.

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because some of the existing, mature trees are proposed to be kept while additional landscape is proposed around the perimeter of the development. All members present were in favor, none opposed.
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 development will include a reduced number of canopy trees around the perimeter of the development creating a softened view from the adjacent properties. The adjacent properties will continue to be used as they currently are with no impact. All members present were in favor, none opposed.
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because the elevation changes on the property make it difficult to plant all the required tree plantings. A reduction in the tree plantings accommodates the site better, but still upholds the public interest in screening the development. All members present were in favor, none opposed.

Chairman Moore asked for a motion. **Member Ralston made a motion to accept with conditions that lot planting (Yard) standards shall be reduced to 25 canopy trees with these plantings along the perimeter of lot 1, and in addition to the perimeter landscaping required by the subdivision of land for the request for Lot Planting Standards Variance as presented. Member Roe seconded the motion. All members present were in favor, none opposed.**

Staff presented the second case as Fox View Subdivision for special exception and development standards variances. The applicant and property owner is Matt Wells. The property is located at 100

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Block of Fox Lake Rd with the current zoning of R4: Multiple-Family Residential District. The applicant is requesting relief from Special Exception Section 18.52.030(B)2 Dwelling, Single-family Detached along with Development Standard Variances of Section 18.52.040(B) Minimum Lot Width and Section 18.52.040(F) Minimum Side Yard Setback. The hearing date is Monday, February 27, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on February 17, 2023. Eighteen (18) property owners within 300-ft of the project were sent notice by Certificate of Mailing on February 14, 2023. The property is not located within a floodplain and staff is recommending approval.

Planner Brett Steele stated that the petitioner plans to develop a vacant lot in the 100 block of Fox Lake Road. The property is currently 1.63 acres. The applicant is also working to subdivide the property into 5 lots. The primary/secondary subdivision will appear before Plan Commission on March 13. The petitioner plans to construct at a steady pass beginning as early as April 2023.

Special Exception - Lot 1 is the furthest west lot and the largest of the five lots. It will have a large utility easement along the proposed east property line to accommodate several utilities as well as drainage. The special exception request is to permit a dwelling, single-family detached since building a duplex would be unreasonable given the large easement.
Development Standard Variances - The petitioner intends to develop the remaining properties with Dwelling, two-family(duplex). In order for each unit to be sold independently the following variances are needed:

- Reduction to the side yard setbacks and minimum lot width:
  - Reduce side yard setbacks from 15-ft to 8-ft on all lots.
  - Between lots 2-3 and 4-5 the petitioner is requesting 0-ft setback.
- Reduction in minimum lot width:
  - Lots 2 – 5 the minimum lot width will be reduced from 60-ft to 37.5-ft.

Surrounding properties, as stated, currently property is zoned R4. Immediate surrounding uses include:

- North: Detached, single-family dwellings; Pleasant View Church
- South: Steuben REMC; Offices
- East: Dwelling, two-family (duplex)
- West: Lakeland Apartments

The Angola Comprehensive Plan speaks to several objectives in support of a project like this.

- 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 the workforce in Angola and Steuben County.

Steuben County completed a housing study in 2020. The study reports potentially over 2,000 households of all income levels have the potential to move into Steuben County each year. 31% are younger singles or couples; 24% are empty nesters & retirees with 36% housing preference of rental

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units. The annual absorption rate for Angola alone is 26 to 33 rental units each year and 88 to 110 units county wide.

Steele covered site photos of the location. Started with the image taken from northeast corner of property looking towards the southwest, top of lot 5. The next image was taken from the corner of lot 1, northwest corner facing southeast. The final image was taken from the middle of the lots on north side facing the south.

The project was sent for plan review the end of January. City departments reviewed the project and provided the comments found below.

Engineering Department - Approved

1. Applicant should consider construction timing and build each out singularly to avoid needing IDEM's Construction General Permit.
2. Fire hydrant may conflict with proposed driveway. Coordination with water utility will be required to complete relocation of hydrant if required.

Steuben County Surveyor – Approved

1. Drainage board approved a variance for construction within the drain right-of-way on 08.01.2022.

Planner Steele stated no input has resulted from the public notices.

Planner Steele stated that in conclusion, staff is encouraged to see infill development and is supportive of the request. Given the 2020 housing study there is no question more housing is needed within Steuben County. Infill on existing lots with multi-family dwellings is a simple and cost-effective way to increase density and allows more housing options within existing developed areas. The setback and lot width variance requests are needed to sell each unit of the dwelling, two-family (duplex) in the future. Due to existing infrastructure a large easement is needed on the property, given the remainder of land left between easement and west property line it appears to only be conducive for dwelling, single-family detached.

Chairman Moore opened the floor to the petitioner Matt Wells, owner and contractor of the project. Mr. Wells asked which topics would like to be discussed first. Chairman Moore inquired to what was in the easement. Mr. Wells advised city and county storm drain meaning they have to stay 25-ft away. Chairman Moore asked if any member had further questions, Member McKeever asked about spacing between each duplex if it was total of 16-ft between them. Mr. Wells advised that was correct. No further questions from staff and no correspondences from mail.

With no comments from the public, Chairman Moore closed the public hearing. Planner Steele presented the Findings of Fact for **Special Exception, dwelling single-family detached**.

1. The approval of the special exception will not be injurious to the public health, safety, morals and general welfare of the community because a dwelling, single-family detached will have adequate utilities, drainage and installation of sidewalks. All members present were in favor, none opposed.

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2. The special exception will not alter the character of the district because the dwelling, single-family detached is consistent with surrounding properties and character of the area, given its proximity to exact same land use. All members present were in favor, none opposed.

3. The special exception is consistent with the purpose of the zoning district and Angola Comprehensive plan because objectives 1.5, 1.7, and 1.10 is in support of this type of development. Additionally, the R4 District Intent states "Allow special exception use only when it clearly complements the residential nature of the district." All members present were in favor, none opposed.

4. The special exception is in harmony with the adjacent land uses because dwelling, single-family detached is an adjacent land use. Additionally, the architecture and finish materials will be similar to the surrounding structures. All members present were in favor, none opposed.

5. The special exception will not substantially impact property value in the adverse manner because the properties will be developed in a manner consistent with adjacent properties. All members present were in favor, none opposed.

Chairman Moore asked for a motion. **Member McKeever made a motion to accept the request for a Special Exception, Dwelling Single-family detached Variance as presented. Member Roe seconded the motion. All members present were in favor, none opposed.**

Planner Steele presented the Findings of Fact for **Side yard setbacks and lot width**.

1. The variances will not be injurious to public health, safety, morals and general welfare because the property will have adequate utilities, drainage and installation of sidewalks. Additionally the reduction of the side yard setback and lot width will mirror petitioner's previous builds on adjoining properties (to the east), as well as similar building materials used. All members present were in favor, none opposed.
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the development complements neighboring properties in use and finished materials. The setbacks and lot widths will practically be identical to petitioner's previous builds on his properties to the east. All members present were in favor, none opposed.
3. The strict application of the terms of the ordinance will result in practical difficulties in use of the property because the large easement and setback to the stormwater drainage demands unique placement of structures on the property in order to still complement surrounding character. Additionally, the dwelling, two-family (duplex's) may be sold independently of each other further supporting affordable housing needed in community as demonstrated in the 2020 housing study. All members present were in favor, none opposed.

Chairman Moore asked for a motion. **Member Roe made a motion to accept the request for Development Standards Variances, Side Yard Setback and Lot Width as presented. Member Ralston seconded the motion. All members present were in favor, none opposed.**

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With no other business Chairman Moore asked for a motion to adjourn the February 27, 2023 meeting. Member McKeever made a motion to adjourn. Member Ralston seconded the motion. The motion carried unanimously. Meeting adjourned at 5:50 p.m.

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Brant Moore, *Chairman* Date

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Brett Steele, *Secretary* Date

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