

1 #REZ-2018-0055

2 BILL NO. Z-18-12-11

3
4 ZONING MAP ORDINANCE NO. Z- 1-19

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. W-30 (Sec. 22 of St. Joseph Township)

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. That the area described as follows is hereby designated an R2 (Two
10 Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City
11 of Fort Wayne, Indiana:

12
13 One (1) acre of even width and being 140.5 feet wide off of the South side of the
14 following described tract:

15 The South 326.2 feet of the North 1144.8 feet of the East 310 feet of the West half of
16 the Southeast Quarter of Section 22, Township 31 North, Range 13 East, Allen
17 County, Indiana. According to a survey dated August 20, 1985 by Howard A. Biggs,
18 Registered Land Surveyor, the same being described in Document No. 2016007799
19 in the Allen County Recorder's Office.

20 and the symbols of the City of Fort Wayne Zoning Map No. W-30 (Sec. 22 of St. Joseph
21 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
22 Wayne, Indiana is hereby changed accordingly.

23 SECTION 2. If a written commitment is a condition of the Plan Commission's
24 recommendation for the adoption of the rezoning, or if a written commitment is modified and
25 approved by the Common Council as part of the zone map amendment, that written
26 commitment is hereby approved and is hereby incorporated by reference.
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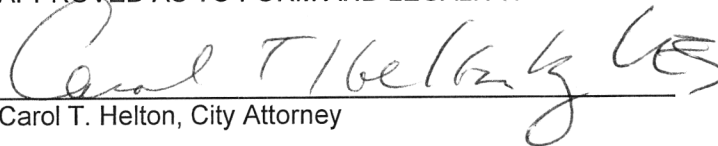
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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Kyle W., Marisa A., Frank P., & Leslie Ciarritano
 Address Kyle & Marisa = 4117 Darby Drive Frank & Leslie = 5801 Montavilla Dr.
 City Fort Wayne State IN Zip 46815
 Telephone 260.466.1361 E-mail marisa.garritano3@gmail.com
 (Kyle cell)

Contact Person
 Contact Person Leslie Ciarritano
 Address 5801 Montavilla Drive
 City Fort Wayne State IN Zip 46815
 Telephone 260.433.3726 E-mail leslie.garritano@gmail.com
 (cell)
All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 4847 Lahmeyer Rd., Fort Wayne, IN 46835
 Present Zoning R1 Proposed Zoning R2 Acreage to be rezoned 1.52 (per listing, survey states 1.0±)
 Proposed density 1 +two-family units per acre
 Township name St. Joseph Township section # 0022
 Purpose of rezoning (attach additional page if necessary) We, Kyle, Marisa, Frank, & Leslie, wanted to build a home together where we could help take care of each other.
 Sewer provider City Water provider City

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- Applicable filing fee
- Applicable number of surveys showing area to be rezoned (plans must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezoning Only

I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

| | | |
|---|---|-----------------------------|
| <u>Kyle W Garritano</u> (printed name of applicant) | <u>[Signature]</u> (signature of applicant) | <u>11/22/2018</u> (date) |
| <u>Marisa A Garritano</u> (printed name of property owner) | <u>[Signature]</u> (signature of property owner) | <u>11-22-18</u> (date) |
| <u>Frank P Garritano</u> (printed name of property owner) | <u>[Signature]</u> (signature of property owner) | <u>11-22-18</u> (date) |
| <u>Leslie L Garritano</u> (printed name of property owner) | <u>[Signature]</u> (signature of property owner) | <u>11-22-18</u> (date) |

| | | | |
|------------------------------|------------------------------|---------------------------------|--------------------------------------|
| Received <u>12-4-2018</u> | Receipt No. <u>129077</u> | Hearing Date <u>1-7-2019</u> | Petition No. <u>BEZ-2018-0055</u> |
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4847 Lahmeyer Road

For the Garritano Family

Purpose of rezoning continued

We are a very close family and our family has recently grown by two newborn babies, Charlie & Bailey, on November 23, 2018. We have had this dream for a very long time. When Marisa became pregnant, finding out that she was pregnant with twins, we all thought the time was right. We currently live five homes from each other and wanted it to be safe for any of the 7 children able to see grandma and grandpa any time they want without the fear of an accident.

We did not think this project was a "two family dwelling" as we are all one family that help each other very much. Unfortunately, we have already closed on the construction loan for the land before we were completely signed off with Granite Ridge Builders. Which, the appraiser and the mortgage company called it single family dwelling and since one sewer tap, one address, etc. when it was discovered after the fact, that our home appears to be a two family dwelling and it is actually zoned R1, for single family dwellings. Unfortunately, the Realtor that sold the land had disclosed that the land was RP and could have a two family dwelling. That paper work is included with this application.

We all have learned much since the day of the closing on November 1, 2018. It is our dream to grow together and keep the family as tight knit as ever so we can help with the babies and the kids can help us as we age – hopefully not need much help for twenty or so years. This has been a bit heart breaking to tell the truth as we did not mean to break any rules, but one is only as good as the representative selling the property discloses. If we cannot get the rezoning, we own a piece of property we will then have to sell and try to find a different plot of ground.

Rezoning Questionnaire

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- 2.) The site of this has a perimeter of 850.8' and is very comparable to the neighboring lots and will be used 100% as a single family home, with the R2 zoning giving Frank and myself our own space when we need down time. The zoning now is R1 which is for single family use. We are indeed a single family, however, the plan of the home has the appearance of a two family home. We will be using this as a single family home having access to both sides from the garage. The family is very large, and one day, as much as we don't like to say it, we, Frank and myself, may not be here anymore, but the space allows room for the older children when in college as well

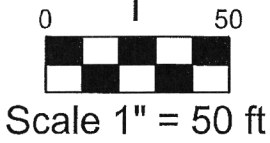
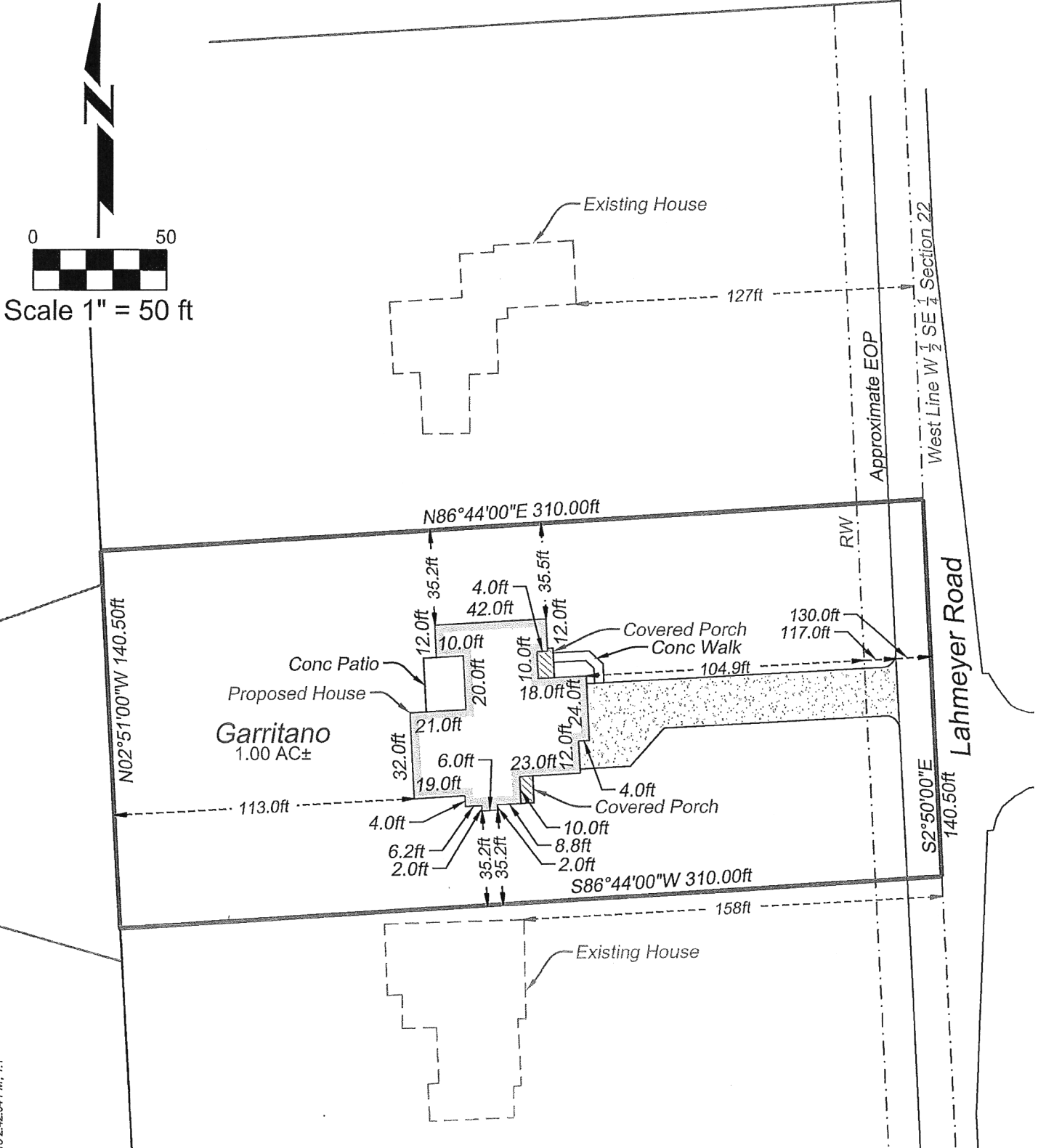
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- 3.) The approval of this rezoning will not only allow for us to help take care of one another, it will also add to the neighborhood in a positive way as the plan is a good looking home and we intend to keep improving. We have already taken down trees that were unsightly and hope that this will encourage someone to buy the home next door to renovate it.
- 4.) Following, please find a print out from the City of Fort Wayne GIS map showing that the water main, sanitary sewer, and storm water is readily accessible. According to Google Maps, Arlington Elementary School is 3.8 miles away, St Joseph Central Elementary is 4.8 miles, and Croninger Elementary School is 4 miles. Northrop High School is 2.9 miles away – which is where the kids will ultimately end up going to High School. The St. Joseph Twp. Fire Dept is 3 miles away. The best part, we are within 5 miles for Frank's doctors as well.
- 5.) The house is a very pretty home and we intend to have wonderful curb appeal and landscaping. We have already taken down the dead trees and stumps of other trees that had been previously cut down. This home will not deter from any other of the homes around the area.
- 6.) This home should not have a negative impact on the roadways. Just one more driveway, with a place to turn around so that we don't have to try to back out onto Lahmeyer Road.
- 7.) This is not near any agricultural plots that produce a high yield harvest. This should not impact prime agricultural land in any way.
- 8.) Rezoning of this property is still residential and matches what is in the surrounding area. Not far from Lahmeyer, there are duplex type homes on Stellhorn Road. There is nothing out of the ordinary that will make this home stand out any differently than anything around.
- 9.) We don't have any other reason to think that the market of this neighborhood NEEDS this house, however, we believe it will dress up the neighborhood nicely. There hasn't been any new construction in this area for some time. It does help the city from a property tax point of view.
- 10.) Highest and best use was disclosed by the listing agent selling the plat of ground could be single family or two family home. Unfortunately, it was disclosed incorrectly. This is a residence for a multi-generational family. This may have the components of a "duplex", in all reality, it is a single family home. This is a residential area and the home is being used as a residence, so we feel this is the highest and best use for this piece of ground.

Plot Plan

Garritano 4847 Lahmeyer Road

Referencing Maxwell Surveying & Engineering Survey Job Number 1804-004 Dated May 21, 2018
Located in the Southeast Quarter of Section 22, Township 31 North, Range 13 East.
Allen County, Indiana

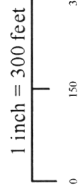


NOTES:

LEGEND:



Rezoning Petition REZ-2018-0055 (4847 Lahmeyer Rd)



Project Boundaries Represented with Bold Lines are for Representational Purposes Only

Although street agency standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photo and Graphics: Spring 2009
 Date: 12/2/2018



Rezoning Petition REZ-2018-0055 (4847 Lahmeyer Rd)



1 inch = 300 feet
0 150 300 Feet

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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 12/25/2018

FACT SHEET

| | |
|---|--|
| Case #REZ-2018-0055 Bill # Z-18-12-11 Project Start: 11 December 2018 | |
| APPLICANT: | Kyle, Marisa, Frank, and Leslie Garritano |
| REQUEST: | To rezone property from R1/Single Family Residential to R2/Two Family Residential to permit the construction of a two family residential dwelling. |
| LOCATION: | The real estate is located on the west side of the 4800 block of Lahmeyer Road, approximately 200 feet south of Basel Drive (Section 22 of St. Joseph Township). |
| LAND AREA: | Approximately 1 acre |
| PRESENT ZONING: | R1/Single Family Residential |
| PROPOSED ZONING: | R2/Two Family Residential |
| COUNCIL DISTRICT: | 1-Paul Ensley |
| ASSOCIATED PROJECTS: | None |
| SPONSOR: | City of Fort Wayne Plan Commission |

7 January 2019 Public Hearing

- No one spoke at the hearing in support or opposition.
- Justin Shurley and a Council representative were absent.

14 January 2019 – Business Meeting

Plan Commission Recommendation: DO PASS

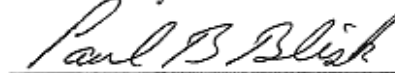
A motion was made by Judi Wire and seconded by Don Schmidt to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

8-0 MOTION PASSED

- Justin Shurley was absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
16 January 2019

Reviewed by:



Paul Blisk, AICP
Deputy Land Use Director

PROJECT SUMMARY

The petitioners, Kyle, Marisa, Frank, and Leslie Garritano, purchased this land to build a residence that would accommodate the extended family. Because of the interior rooms, the proposed home is considered two-family, which requires R2/Two-Family Residential zoning, at a minimum. The application stated that their realtor disclosed this property as having an RP/Planned Residential classification, which also would have allowed a two family dwelling, so the family closed on the construction loan before finding out the desired home is not permitted.

The property is set between other large-lot metes-and-bounds residential properties along Lahmeyer Road. To the east and west are single family subdivisions. The proposed home is designed to look like a single family structure, with a three-car garage on one end with a single driveway, and a traditional front porch/entry. The secondary entrance will be set back on the other end of the garage. The footprint is similar in size to the adjacent structures. The proposal to develop this vacant lot by constructing a single two-family home can be considered in compliance with the following goals of strategies of the Comprehensive Plan:

LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

LU6.C Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.

LU6.D Support carefully planned, coordinated, compatible mixed-use development.

LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

PUBLIC HEARING SUMMARY:

Presenter: Leslie Garritano, applicant, presented the proposal to the Plan Commission, as outlined above. Detailed elevations and floor plans were shared with the Plan Commission for their consideration.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT


Rezoning Petition REZ-2018-0055

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LAND AREA: Approximately 1 acre
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: R2/Two Family Residential

The Plan Commission recommends that Rezoning Petition REZ-2018-0055 be returned to Council with a "Do Pass" recommendation after considering the following:

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area surrounding the site is used for residential purposes. The proposed development will allow a family to stay in the neighborhood as their housing needs change.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow the construction of a home of a value consistent with adjacent properties.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is not proposing extension of infrastructure. Public right-of-way with an improved street and public utilities are presently adjacent to the site.

These findings approved by the Fort Wayne Plan Commission on January 14, 2019.



Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Kyle W., Marisa A., Frank P., & Leslie. Garritano
 Address Kyle & Marisa = 4117 Darby Drive Frank & Leslie = 5801 Montavilla Dr.
 City Fort Wayne State IN Zip 46815
 Telephone 260-466-1361 E-mail marisa.garritano3@gmail.com
 (Kyle cell)

Contact Person
 Contact Person Leslie Garritano
 Address 5801 Montavilla Drive
 City Fort Wayne State IN Zip 46815
 Telephone 260-433-3724 E-mail leslie.garritano@gmail.com
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4847 Lahmeyer Road

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Purpose of rezoning continued

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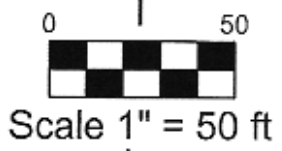
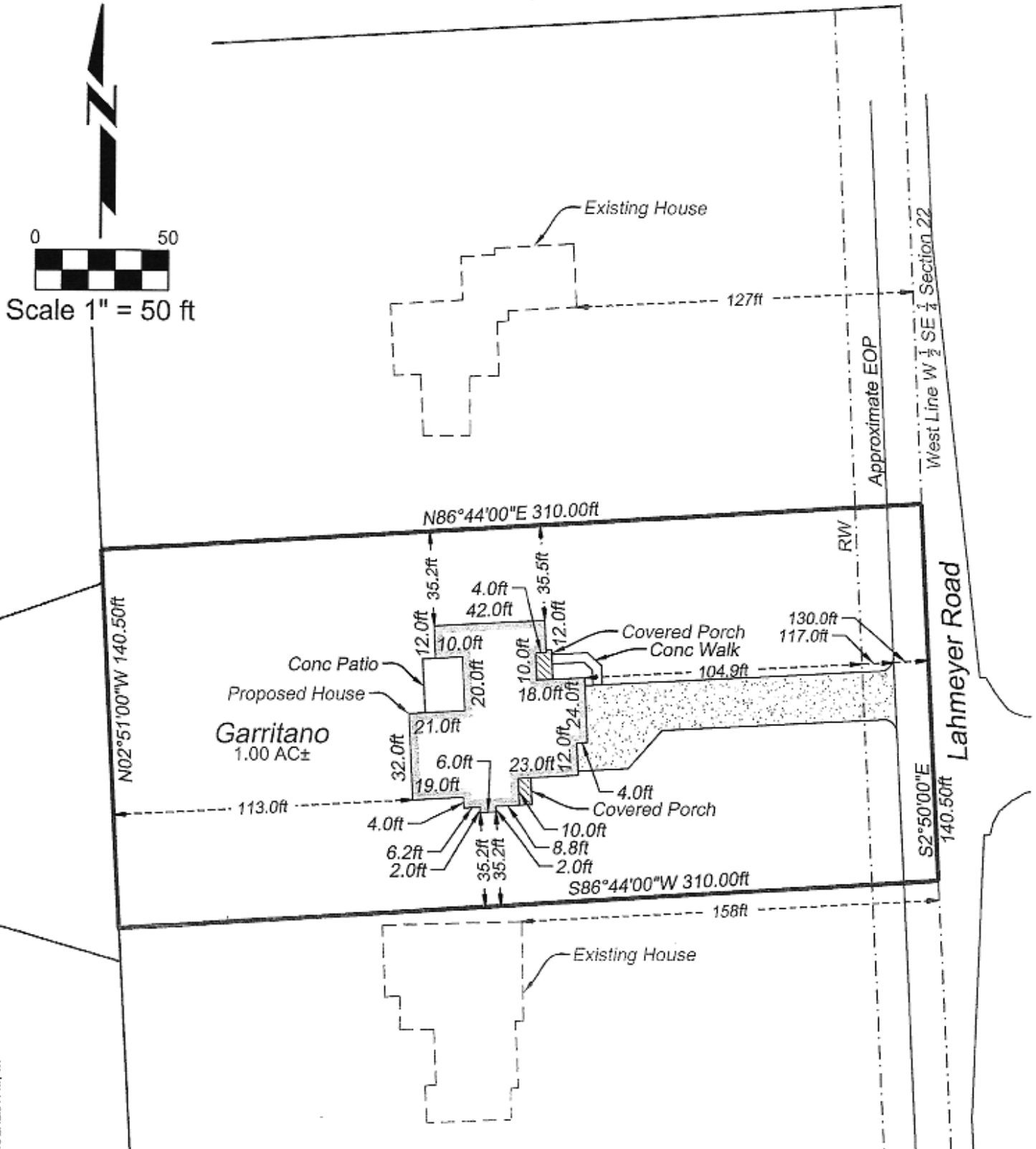
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Plot Plan

Garritano
4847 Lahmeyer Road

Referencing Maxwell Surveying & Engineering Survey Job Number 1804-004 Dated May 21, 2018
Located in the Southeast Quarter of Section 22, Township 31 North, Range 13 East.
Allen County, Indiana



NOTES:

LEGEND:

PL 1082019 2:42:04 PM, 1:1

FINAL
PRINT

NO. _____
REVISED: _____

Approved
GEOLOGICAL ENGINEERING
GEOLOGICAL ENGINEERING
GEOLOGICAL ENGINEERING

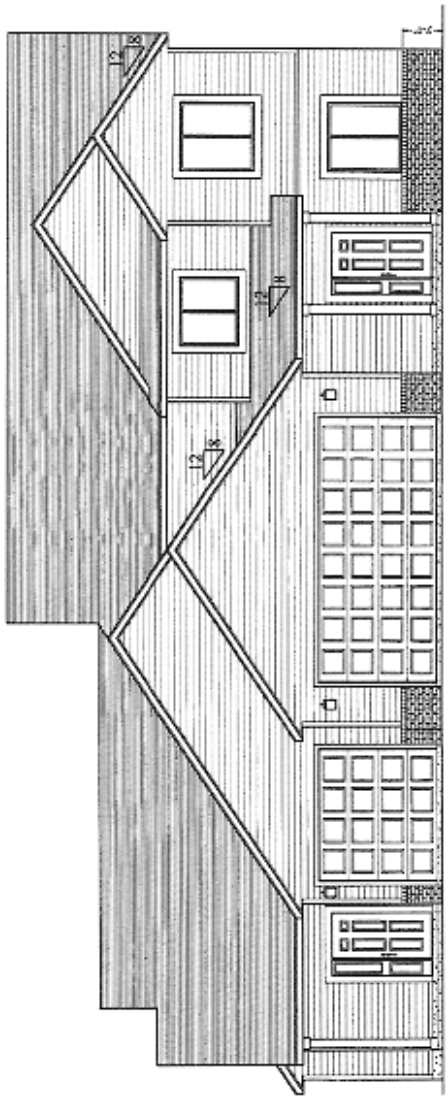


GARRITANO
1. ANDREWER RD, FORT WAYNE

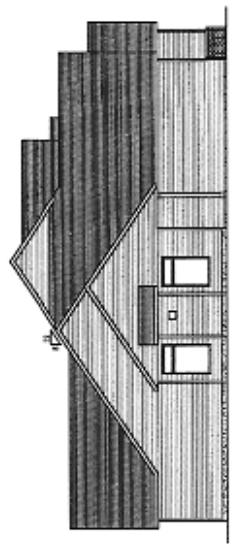
CUSTOM 2-STORY
ELEVATIONS

| DESCRIPTION | QUANTITY | UNIT | PRICE | TOTAL |
|-------------|----------|------------|-------|-------|
| AREA | 3.14 | SQ. FT. | | |
| PERIMETER | 2.58 | LINEAL FT. | | |
| VOLUME | 1.08 | CUBIC YD. | | |
| WEIGHT | 1.08 | TONS | | |
| GRADE | 0.00 | FEET | | |

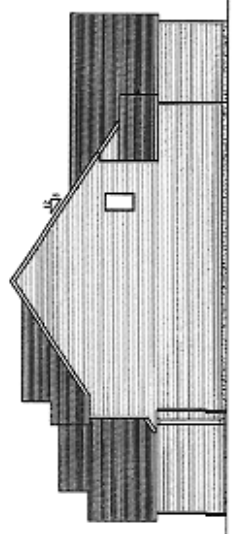
A1.1



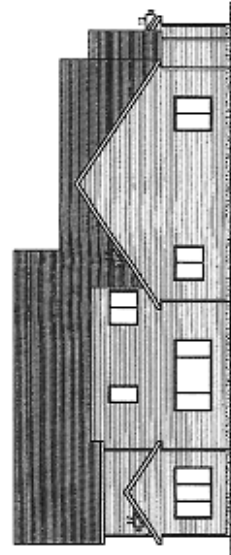
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



LEFT ELEVATION
SCALE: 1/16" = 1'-0"



RIGHT ELEVATION
SCALE: 1/16" = 1'-0"

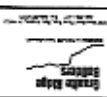


REAR ELEVATION
SCALE: 1/16" = 1'-0"

NOTES:
-UPGRADE INSULATION, ROOF SHINGLES
-1" OVER HANG OUTSPOUT, SID & BLAC UNBLE ENDS
-COMBINATION ROOF VENT WITH 2x8x4
-APPROX. HOUSE HT. - 30'-0"

| | | | |
|------------|-----|------|-------------|
| REVISIONS: | NO. | DATE | DESCRIPTION |
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APPROVED
 [Signature]
 ARCHITECT



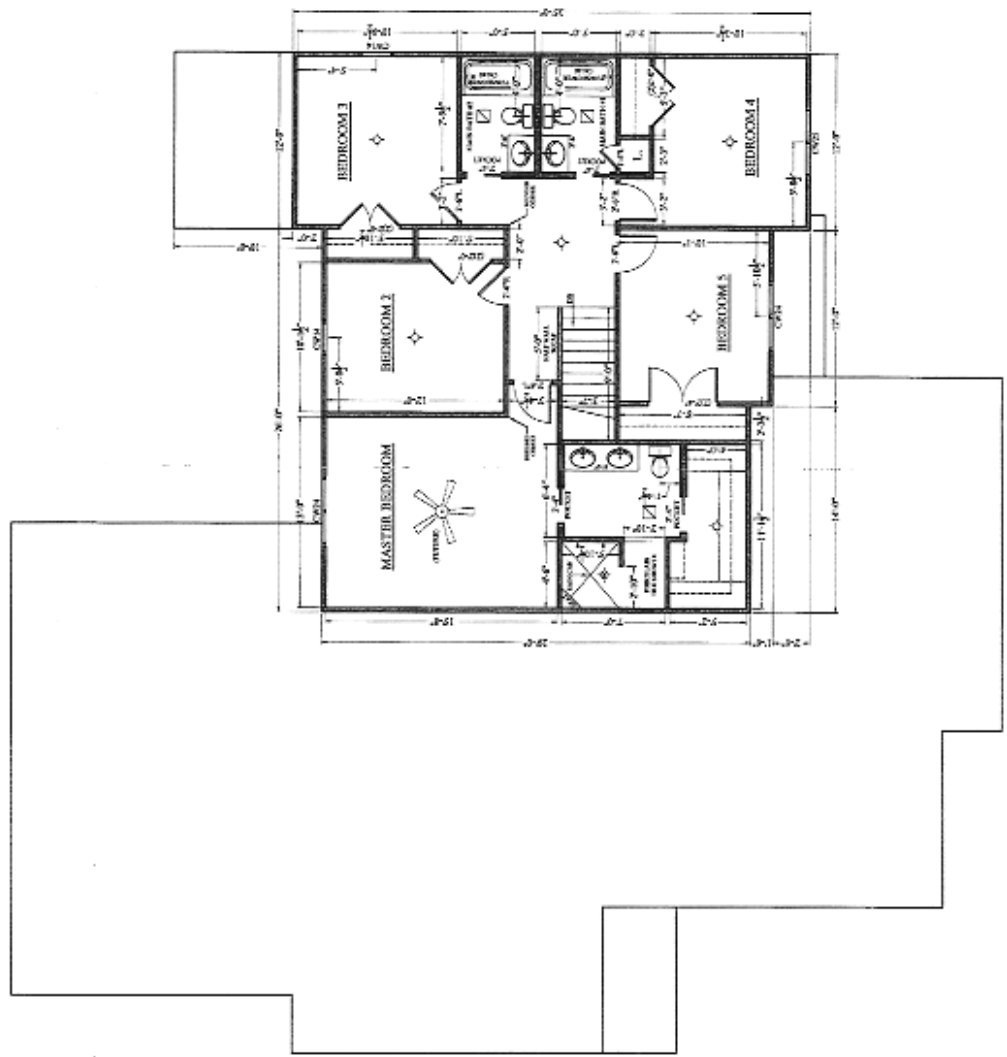
GARRITANO
 LANSFORD RD., FORT WAYNE, IN

CUSTOM 2-STORY
 SECOND FLOOR PLAN

| | | | |
|--------------|-----------|-------|------|
| CONTRACT NO. | DATE | SCALE | DATE |
| | | | |
| AREA | PERIMETER | TABLE | DATE |
| | | | |
| DATE | BY | DATE | BY |
| | | | |

A3.1

*8' CEILINGS
 THRU-OUT SECOND
 FLOOR*



City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2018-0055
Bill Number: Z-18-12-55
Council District: 1-Paul Ensley

Introduction Date: December 11, 2018

Plan Commission
Public Hearing Date: January 7, 2019 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: To rezone approximately 1.0 acre of property from R1/Single Family
Residential to R2/Two Family Residential

Location: 4847 Lahmeyer Road

Reason for Request: To allow the construction of one home with two internal dwelling units, to
house two related families.

Applicant: Leslie Garritano

Property Owner: Kyle, Leslie, Frank, and Marisa Garritano

Related Petitions: none

Effect of Passage: Property will be rezoned to the R2/Two Family Residential district which
will allow a two-family home to be constructed.

Effect of Non-Passage: The property will remain zoned R1/Single Family Residential and may
develop with single-family uses.

DO PASS

BILL NO. Z-18-12-11

REPORT OF COMMITTEE ON REGULATIONS

January 8, 2019

Michael Barranda Chair

Tom Freistroffer Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. W-30 (Sec. 22 of St. Joseph Township)

To rezone approximately 1.0 acre of property from R1/Single Family Residential to R2/Two Family Residential at 4847 Lahmeyer Road


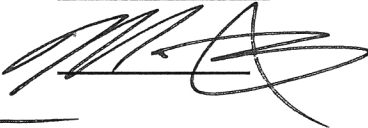



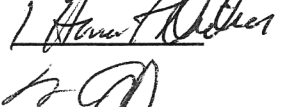
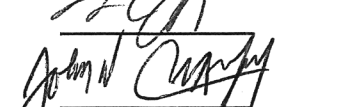
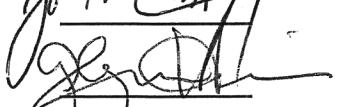
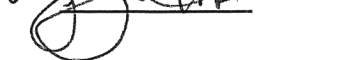
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

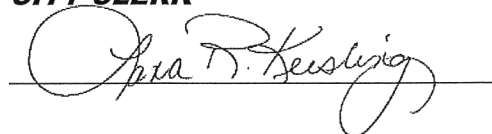
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Ensley.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Barranda, placed on passage by the following vote:

| <u>TOTAL VOTES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|--------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| ARP | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| BARRANDA | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CRAWFORD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DIDIER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ENSLEY | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| FREISTROFFER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| HINES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| JEHL | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PADDOCK | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

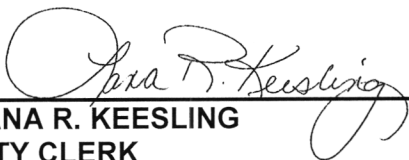
DATED: January 22, 2019



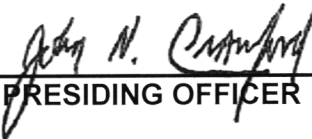
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Zoning Ordinance No. Z-18-12-11 on the 22nd day of January, 2019



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of January 2019, at the hour of 9:00 o'clock A.M. E.S.T.

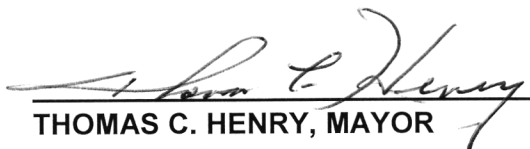


 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 23RD day of JANUARY

2019, at the hour of 1:00 o'clock PM E.S.T.

FORWARDED TO:
RECEIVED
 JAN 23 2019
 LANA R. KEESLING
 CITY CLERK



 THOMAS C. HENRY, MAYOR