

AGENDA
ALLEN COUNTY BOARD OF ZONING APPEALS

Board Members: Rick Briley, Connie Haas Zuber, James Hoch, Richard Karcher, Rachel Tobin-Smith

The Board of Zoning Appeals will conduct a public hearing in Room #35, Garden Level, Citizens Square,
200 East Berry Street, Fort Wayne, Indiana on Thursday July 22, 2021 at 5:30 p.m.

OLD BUSINESS

1. Proposal: DSV-2021-0045
Applicant: Matt Fletter
Location: 1240 St. Joe Boulevard
Appeal: An appeal for a development standards variance to reduce the front yard setback from 25 feet to 0 feet to construct a fence in a R3 zoning district. (Continued from May)

2. Proposal: DSV-2021-0057
Applicant: Cammack Estates
Location: 2505 S. Hanna Street
Appeal: An appeal for development standards variances to reduce minimum lot width from 50 feet to 33 feet, minimum lot size from 6,000 square feet to 4950 square feet, and allow more than 1 home on platted lots for the creation of 4 new home sites in an R3 zoning district. (Continued from May)

3. Proposal: DSV-2021-0056
Applicant: Outfront Media
Location: 4403 Coldwater Road
Appeal: An appeal for a development standards variance to reduce lot line setback from 20 feet to 5 feet for a new billboard in a C4 zoning district. (Continued from May)

NEW BUSINESS

1. Proposal: DSV-2021-0100 _____
Applicant: Outfront Media
Location: 4403 Coldwater Road
Appeal: An appeal for development standards variance to reduce the lineal spacing from nearest billboard sign from 500 feet to 400 feet in a C4 zoning district.

2. Proposal: DSV-2021-0099 _____
Applicant: The Community at Triangle Park
Location: 2827 Rupp Drive
Appeal: An appeal for development standards variance to reduce the minimum front yard setback for a through lot from 115 feet from the centerline of Trier Road to 38 feet on the north and from 115 feet from the centerline of East Coliseum Boulevard to 73 feet on the south to construct carports in a R3 zoning district.

3. Proposal: SU-2021-0033 _____
Applicant: University of Saint Francis of Fort Wayne, Indiana, Inc.
Location: 3435 Bass Road
Appeal: A request for a special use to allow an addition to an accessory structure for social events, golf team practices, and other University functions in an R1 zoning district.

4. Proposal: DSV-2021-0101 _____
Applicant: Mark and Kwang Williams
Location: 2334 W. Dupont Road

- Appeal: An appeal for a development standards variance to divide property without public water in an AR zoning district.
5. Proposal: DSV-2021-0102 _____
 Applicant: Hector Zarzosa
 Location: 1115 W. Washington Boulevard
 Appeal: An appeal for a development standards variance to reduce a side yard setback from 5 feet to 4 feet to build a 2nd story addition on top of carport in a R3 zoning district.
6. Proposal: DSV-2021-0103 _____
 Applicant: Hector Zarzosa
 Location: 1115 W. Washington Boulevard
 Appeal: Appeals for development standards variances to allow a second house on a platted lot, to reduce east side yard setback from 5 feet to 2.5 feet, to reduce rear setback from 25 feet to 7 feet, and to reduce living space from 950 square feet to 576 square feet in a R3 zoning district.
7. Proposal: DSV-2021-0110 _____
 Applicant: Greg Roberts PS
 Location: 3116 Maumee Avenue
 Appeal: Appeals of development standards variance to reduce the rear yard setback from the minimum required 25 feet to 10 feet, and to reduce the front yard setback from the minimum required 25 feet to 14 feet to construct a motel building in an I2 zoning district.
8. Proposal: DSV-2021-0111 _____
 Applicant: Greg Roberts PS
 Location: 3116 Maumee Avenue
 Appeal: An appeal for a development standards variance to reduce the minimum required number of parking spaces from 25 (1 per sleeping room) to 24 related to a new motel building in an I2 zoning district.
9. Proposal: DSV-2021-0104 _____
 Applicant: Tun Zayar
 Location: 2111 Seddlemeyer Avenue
 Appeal: An appeal for a development standards variance to permit five (5) single family residential homes on two (2) platted lots in a RP zoning district.
10. Proposal: DSV-2021-0105 _____
 Applicant: Jacqueline Carroll
 Location: 2419 Juliette Avenue
 Appeal: An appeal for a development standards variance to reduce front yard setback from 25 feet to 3 feet for a property split in an R1 zoning district.
11. Proposal: DSV-2021-0106 _____
 Applicant: Jacqueline Carroll
 Location: 2411 Juliette Avenue
 Appeal: An appeal for a development standards variance to reduce rear yard setback from 25 feet to 12 feet for a property split in an R1 zoning district.
12. Proposal: SU-2021-0034 _____
 Applicant: GRNE Solutions, LLC
 Location: 1095 W. Rudisill Boulevard
 Appeal: A request for a special use to install ground mounted solar panels in a R1 zoning district.

13. Proposal: DSV-2021-0107 _____
Applicant: 4-Life Investments, Inc. – c/o Jerry Starks
Location: 3109 Oxford Street
Appeal: An appeal for a development standards variance to reduce the east and west side setbacks from the minimum required 5 feet to 2.5 feet to construct a parking lot with public street access in an I2 zoning district.

OTHER BUSINESS

1. Approval of June 2021 Minutes _____

City of Fort Wayne Board of Zoning Appeals Staff Report

Proposal: SU-2021-0034

July 22, 2021

Request: A request for a special use to install ground mounted solar panels in a R1 zoning district.

Location: 1095 W. Rudisill Boulevard



Applicant: GRNE Solutions, LLC

Property Owner: Ambassador Campus Properties, LLC

Size of Property: approximately 2 acres

Applicable Ordinance Section(s):

- 157.206 (C)(34)

Township and Section:

- Wayne 14

Adjacent Zoning & Land Uses to the Campus:

- North – R1/Radio station
- South – R1/parking lot and dormitory
- East– R1/parking lot and campus buildings
- West: R1/Single family residential

Recent BZA History:

- SU-2014-0167: allow a neighborhood facility (Athletes with Purpose): approved with conditions.
- Campus has extensive BZA history

Staff Discussion:

The applicant is requesting to install ground mounted solar panels south of the building. The Zoning Ordinance permits building mounted solar panels and requires freestanding solar panels to receive a Special Use approval.

The site plans submitted on aerial backgrounds show three rows of panels directly south of the building in a grassy area with a paved parking lot south of the proposed panel area. This location is west of a residential neighborhood and east and south are parking lots owned by the same property owner. The panels should be blocked from view on the north as they will be behind the existing building.

The property is located south of West Rudisill Boulevard on the Summit campus. There are property lines now dividing the larger campus with this property as one of those. The property includes the south part of a building (property lines shown in the GIS show the building divided into two properties – BZA approved setback reductions for the split). The site plan shows the panels to be approximately 86 feet from the west property line and approximately 9 feet from the south property line.

The submitted information does not provide the solar panel specifics such as: height, dimensions. Staff suggests that the Board ask for the panel details and include in conditions of approval if the Board approves this request.

Special uses can be approved by the Board if they meet three legal tests set forth in the Fort Wayne Zoning Ordinance in conformance with the State of Indiana Codes. The applicant supplied the following answers to the legal tests:

1) The proposed use will not be unduly detrimental to the use, value, pattern of development, or growth of the surrounding area;

“Existing solar panels will be removed from roof installation and placed on ground mount assembly within the buildable property limits directly to the south of the building.”

2) The location, size, intensity, site design, and operation of the proposed use will be compatible with the immediate area;

“The proposed location for the solar array is on an open area directly to the south of the existing building. The solar will not impact or change the current use of the facility.”

3) Adequate storm drainage, water, sanitary disposal, other utility, and transportation infrastructure either currently exists or will be provided to serve the proposed use; and

“The solar panels will not affect storm drainage, water, sanitary disposal or transportation infrastructure is currently in place, no additional infrastructure required.”

The Board may wish to question the applicant about the height, dimensions of the three rows of panels, materials, and decision to move from the building roof to the ground.

Staff Recommendation:

Approval with the appropriate conditions. The property had solar panels on the building roof. The plan replaces them with ground mounted solar panels. If screened there appears to be limited impact to adjacent properties. The Board may wish to require buffering from the residences to the west beyond that suggested depending upon community interest as a condition of approval. The Board may wish to ask the applicant about how this will work with the panels if the Board is considering this condition.

Suggested Conditions of Approval:

Should the Board find that the proposal meets the legal tests for approval; staff would preliminarily recommend the following conditions of approvals:

- The property owner shall execute and record a written commitment concerning the use and development of the operation. The terms and conditions of the written commitment shall include the following

conditions of approval in conformance with Board’s Rules of Procedure. The approval shall not be effective unless and until the applicant has recorded, executed and delivered the recorded written commitment to the Zoning Administrator within 60 days of the decision and prior to issuance of any new permits.

- Approval is limited to the proposed ground mounted solar array as generally shown in the submitted site plan and the information provided at the public hearing with the maximum dimensions of _____ for all solar panels.
- Approval is granted to the property.
- Installation height is limited to ____ feet from existing grade.
- Installation shall include a code A-6 buffer on the west side only (Continuous 6 foot high solid fence, either on the property line or immediately around the activity area; or a continuous non-solid fence, with additional evergreen tree and/or large shrub buffering).
- The screening/buffering elements shall be installed prior to the solar panels and shall be maintained in good condition.
- Installation requires a commercial SITE permit.
- Approval shall be terminated and of no further effect in the event the ground mounted solar panels are not installed within 12 months.
- The Board hereby grants the Zoning Administrator or her/his designated staff authority upon written request to consider an extension of any Board approved condition for a period not to exceed six months.
- These conditions are enforceable by the Allen County Board of Zoning Appeals or any successor agency to the Board.

Notes:





Site Overview



Site Boundary and Legal Description

Lots 39 thru 43 & Pt Lots 15 Thru 18 Wiebkes Homestead Addition
 Sec A & Pt Vac Beaver & Boeger Ave

The Summit - Ground Mounted Solar Array

1095 W Rudisill Blvd, Fort Wayne, IN
 (41.048691, -85.152305)

Modules: (322) Yingli Solar, YL320P-35b- 320 Watt Modules
 Racking: Unirac GFT
 Inverters: (6) SolarEdge SE14.4K-US -14.4 kW Inverters
 DC Nameplate Rating: 103.04 kW
 AC Nameplate Rating: 86.4 kW
 AC/DC Ratio: 1.193

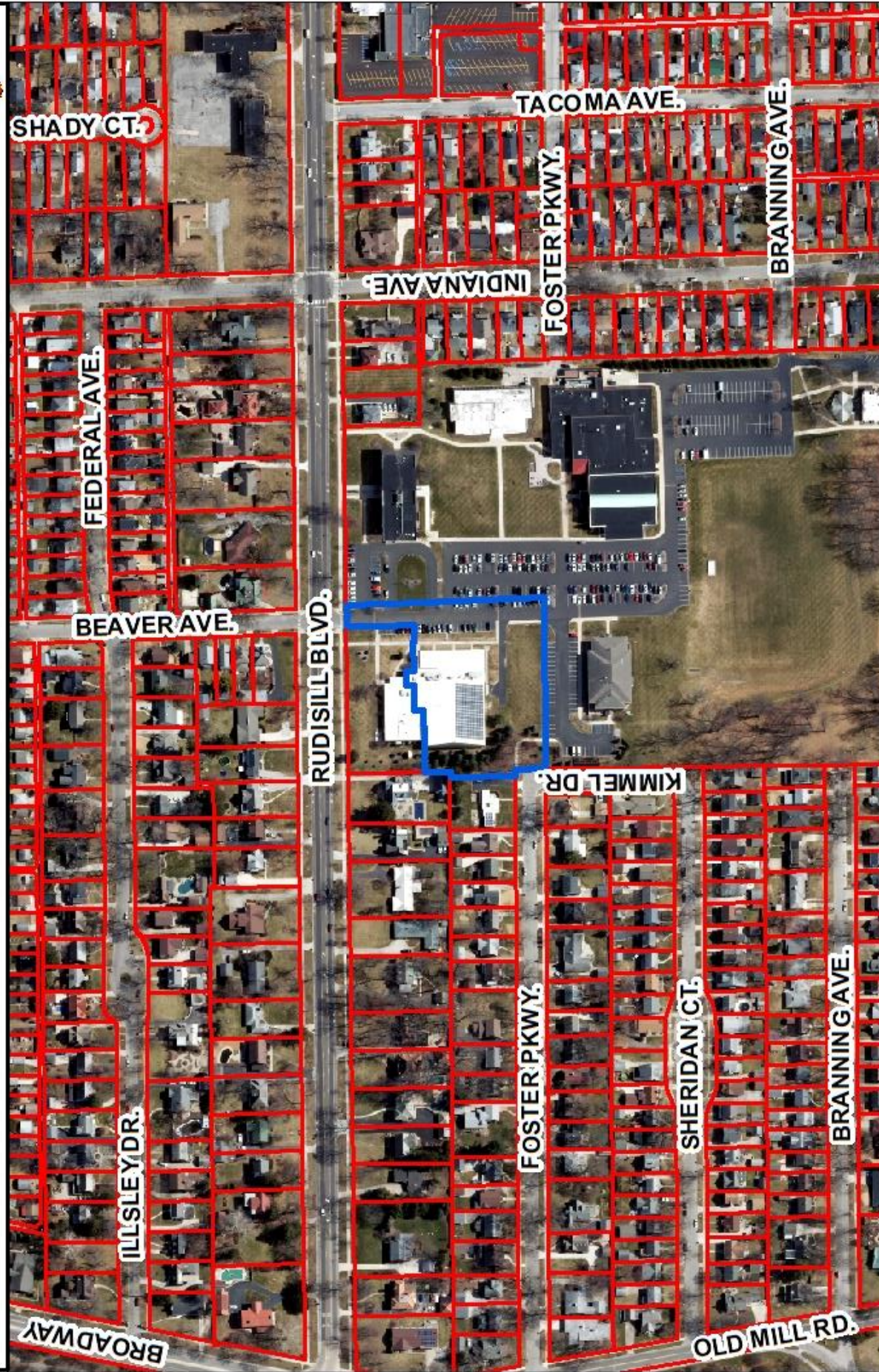
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/20/2023
2	REVISIONS	

GRNE SOLAR
 7718 N Michigan Rd,
 Indianapolis, IN 46268
 (317) 662-0013

CERTIFIED
 100% SOLAR
 100% GREEN

The Summit - Ft. Wayne, IN
 1095 W Rudisill Blvd, Fort Wayne, IN
 Project Name
 D: 10/20/2023
 Project Group/Author/Rev/Date
 10/20/2023

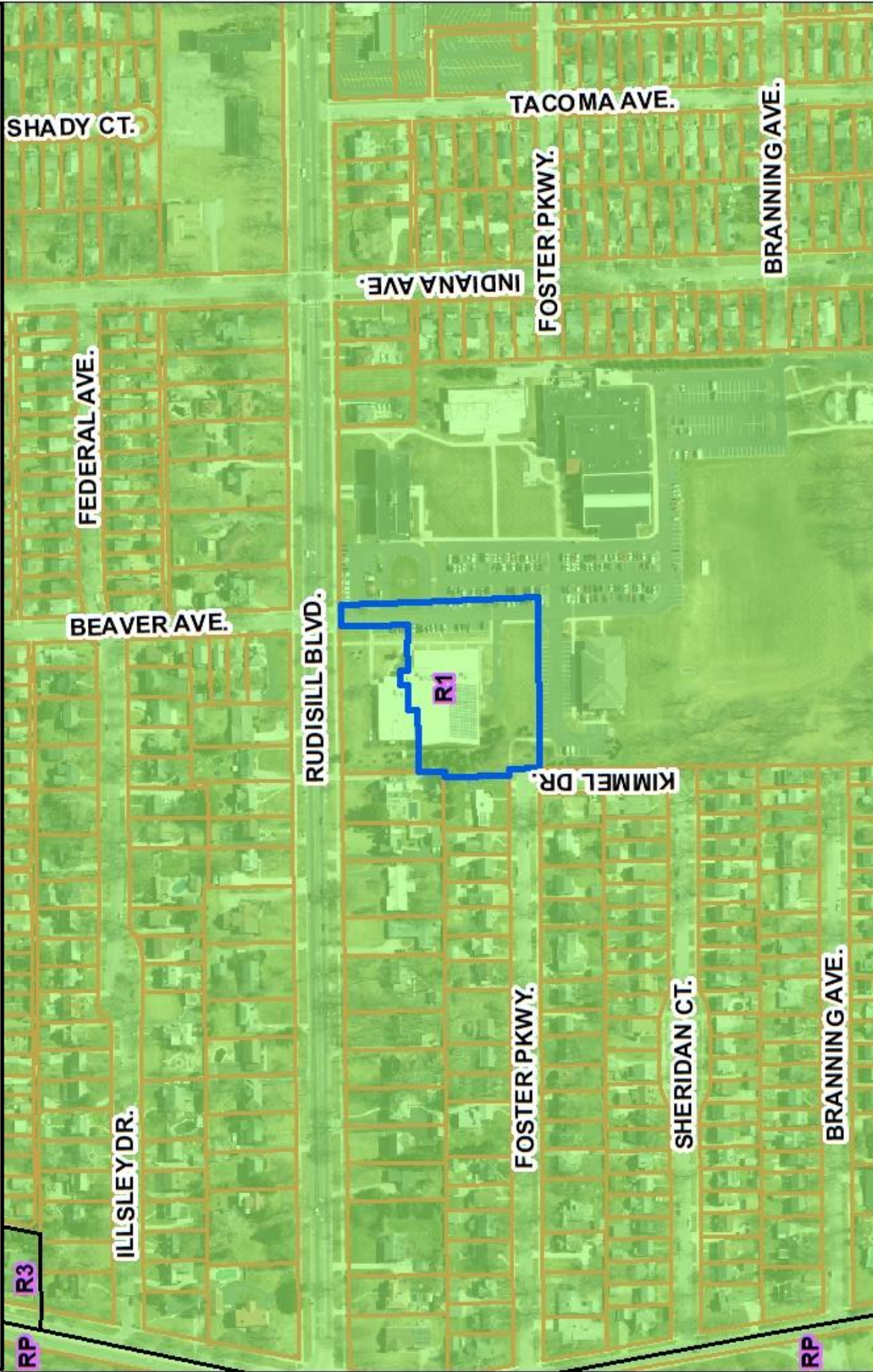
SU-2021-0034



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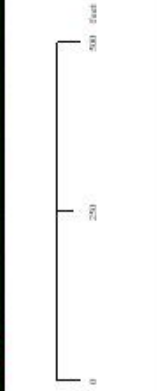
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 State Plane, Central State System, Indiana East
 Projection and Contour: Spring 2019
 Date: 5/8/2021

SU-2021-0034



Although vertical accuracy standards have been employed in the compilation of this map, Aton County does not warrant or guarantee the accuracy, completeness, or reliability of this data and all liability resulting from any errors or omissions in this map.

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 State Plane, Coordinate System, Indiana East
 Datum: NAD 83
 Date: 7/8/2021



1 inch = 250 feet