

**BOARD OF ZONING APPEALS**

**-MINUTES-**

**Thursday, June 9, 2022 - Commenced at 6:00 P.M. & adjourned at 7:05 P.M.  
City Council Chambers – Municipal Building**

**MEMBERS PRESENT**

Doug Mulvaney  
Ron Davis  
Andy Jones

**MEMBERS ABSENT**

Johnny Thomas

**REPRESENTING THE PLANNING DEPARTMENT**

Ryan Smith, Planner

**LEGAL DEPARTMENT**

None

**RECORDING SECRETARY**

Aimee Lattimer

**APPROVAL OF AGENDA**

Davis makes motion to approve; Second by Jones. Voice vote carries.

**APPROVAL OF MINUTES FOR MAY 12**

Davis makes motion to approve; Second by Jones. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Jones makes motion to approve; Second by Davis. Voice vote carries.

**OPENING STATEMENT**

Welcome to the June 9, 2022 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing.

If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. Alternatives: A sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. Forms are provided for this purpose and are available tonight. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.

## OLD BUSINESS

None

## NEW BUSINESS

### 22-UV-10 PETITIONER IS TRUSTEES GRACE ENGLISH LUTHERAN CHURCH PROPERTY IS LOCATED AT 831 W MARION STREET

To vary from Section 8.2, Permitted Uses in the Urban Residential District, to allow for a soup kitchen to operate at an existing church. Soup kitchens are not a permitted use in the R-5 District.

Mulvaney calls petitioner forward.

Eric Trotter appears in person for petitioner and Suzanne's Kitchen. He states that the kitchen has been in operation for 40 years. It was established at Grace United Methodist on Division Street in Elkhart. Approximately 17 years ago they relocated to Central Christian. They were sold last year and the operation was asked to relocate. Knights of Columbus offered their space to the kitchen for a limited amount of time. The kitchen currently is operating on Lexington after a petition to the Board earlier this year. They have reached out to Grace Lutheran asking for a permanent location there. They would be utilizing the larger kitchen in the fellowship hall. He notes that he is operating as both city staff and as a member of the church. Grace has been in the West Marion Street neighborhood for over 100 years and area congregation of service to both the community and surrounding neighborhood. They have a food pantry, clothing room, and Tuesday evening meal for that neighborhood and the clients of the pantry. He states that Suzanne's Kitchen's service at Grace's blends well, many of their clients live in the area and are able to walk to the church, and ask for the variance to operate. The church council and congregation is present to welcome the kitchen.

Jones asks about a grease trap.

Trotter states that he has been to Public Works this week to work through the FOG. They have had inspections from fire, a security consultant, plumbing, electrical, the Health Department. Contractors and parts are inhibiting.

Mulvaney asks for questions from the Board.

Jones states that there were no complaints from anyone in the downtown area despite several letters of concern, and he is in support.

Trotter states that they anticipate at the review next month for Lexington to be asking for more time. They have worked with contractors for 6-8 weeks and they are all saying they are months out. Today is the last legislative hurdle to beginning fundraising and coordinating and scheduling contractors. He states there is some work to be done since the area of the building is 70 years old and needs some upgrades.

Mulvaney states that he is a member of First Congregational Church which hosted Suzanne's Kitchen for 17 years before the sanctuary was sold. He offers to recuse himself if anyone has any objection to him acting on this, but notes he has no bias at this point. He is happy that they are finding a home and in the neighborhood where it started.

Mulvaney opens for public comments to speak in favor.

Mark Wollshlager appears in person. He states that he is a 3<sup>rd</sup> generation member of Grace Lutheran and is on the church council. He says the church has been serving that community since 1864 and service has always been a part of the mission. He reads a scripture from Proverbs 32:9, "The generous will themselves be blessed for they share their food with the poor." He states this is one of the missions of the church and they are excited about the opportunity.

Mulvaney opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

### STAFF ANALYSIS

The petitioner wishes to utilize portions of the church structure as a kitchen offering meals for those who may be food insecure. It is not an uncommon auxiliary use of an urban building whose primary use will remain a house of worship. Petitioner shall ensure that the use does not harm the surrounding properties due to noise or trash.

### STAFF RECOMMENDATION

The Staff recommends approval of the use variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the structure's additional use must comply with all applicable Elkhart County Health Department requirements;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because often places of worship hold gatherings other than regularly scheduled worship services and the building must be properly maintained with trash appropriately placed;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because it would prevent a willing group to provide a needed service to a nearby community members;
5. The special conditions and circumstances **do not** result from an action or inaction by the applicant.

Smith states there were 72 letters mailed. One returned in favor with comment: The only concern is about attracting more homeless, and druggies, and otherwise sometimes dangerous individuals to the area than are already there. But, overall, a soup kitchen is a good thing to do to help people and I commend you and pray it will be a good thing.

Mulvaney asks if there are questions from the Board for staff.

Davis makes motion to approve; Second by Jones.

Davis – Yes  
 Jones – Yes  
 Mulvaney – Yes

Motion carries.

**22-BZA-15 PETITIONER IS EOZ BUSINESS LLC  
 PROPERTY IS LOCATED AT 240 E JACKSON BOULEVARD**

To vary from Section 26.10.D.5 Projecting Signs, which limits projecting signs to one per facade two allow for two projecting signs at 240 East Jackson Boulevard, a variance of one (1) sign.

Mulvaney calls petitioner forward.

Todd Lehman for Signtech Sign Services appears in person for the petitioner. He notes that the building will have several tenants and will all need a sign. Bird in Hand, the restaurant, and Lake City Bank will have frontage on Jackson and both need signs.

Mulvaney notes that he expected a projecting sign to be bigger, but these are tasteful and fit the building.

Lehman states that the maximum square footage allowed is exceeded because it encompasses only one sign where they have two.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner seeks permission to allow each of two future businesses at the site to have a small projecting sign on the storefront. The Zoning Ordinance allows one projecting sign per façade at a maximum square footage of six square feet. The size of each proposed sign is 4.7 square feet.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;

3. Granting the variance **would be consistent** with the intent and purpose of this Ordinance because a small measure of relief is warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because possible traffic problems may be avoided by the consumer's ability to quickly identify each business;
5. The strict application of the terms of this Ordinance **will result** in practical difficulties in the use of the property because a business needs to have adequate signage to become successful;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does lie within a designated flood hazard area but the structure was built in compliance with applicable standards.

Smith states there were 12 letters mailed. None returned.

Mulvaney asks if there are questions from the Board for staff.

Mulvaney calls for a motion.

Jones makes motion to approve; Second by Davis.

Davis – Yes

Jones – Yes

Mulvaney – Yes

Motion carries.

**22-BZA-16 PETITIONER IS 3606 COUNTY ROAD 6 EAST – ELKHART LLC  
PROPERTY IS LOCATED AT 2707 DECIO DRIVE**

To vary from Section 26.10.D.4 Freestanding Signs, which permits a fourteen (14)-foot tall freestanding sign at a twenty-one (21)-foot setback, to allow a sixteen (16)- foot eight (8)- inch tall freestanding development sign, a variance of two (2) feet eight (8) inches.

To also vary from Section 26.10.D.4 Freestanding Signs, which permits a freestanding sign to be ninety (90) square feet at a twenty-one (21) foot setback, to allow for a development sign with an area of one-hundred eleven (111) square feet, a variance of twenty-one (21) square feet.

To also vary from Section 26.10.D.4.d Freestanding Signs, which requires freestanding signs to be centered on the property line to allow for the installation of a new freestanding development sign at the northwest corner of the property.

Mulvaney calls petitioner forward.

Todd Lehman for Signtech Sign Services appears in person for the petitioner. He sates they are trying to utilize a landscape area that has been there for a while. It currently has three flagpoles and lights for each flag. Two flagpoles would be eliminated and the sign would be centered on that area to use the current electrical. The primary sign identifies the complex to trucks and customers and the secondary would list the tenants. The tenant signs are about the same size as the ones just approved for Jackson but the proximity is significantly different, so the exposure they will be getting is actually a lot less. They would accommodate up to eight tenants.

Jones asks about the size of the text.

Lehman says the "Six East" is about 18 inches. For the tenant signs, it will depend on what they are saying. They recommend less is best.

Jones asks if people will be reading it from County Road 6 and going 40 or 50 MPH.

Lehman says the goal is for people to turn after they pass the sign when heading east, so they do not have to turn around in a truck.

Mulvaney asks if there is any issue with the staff condition.

(Inaudible conversation.)

(Unknown person) The idea is to have the monument sign and have signs (inaudible). Unless someone made a special request.

Mulvaney notes if petitioner put signs on the sides of the building, they would have to go through Planning Commission.

Smith states that wall signs are allowed and this does not affect wall signs. There is actually a new tenant going in that was just granted a permit. He says it would be a straight permitting process and most likely not require Planning Commission.

Mulvaney asks if the petitioner is not doing any freestanding signs.

Stephanie Floyd approaches and states that is correct. Other businesses in the County Road 6 area there either have a display on the façade or a small freestanding sign in front of the building. Traffic has an issue finding them. Most of the tenants they have are named with one word and they need attention drawn to them. They all share the same address so it's very hard for people to see where they are located. They are trying to clean up the area and make it look better. Many of the industrial parks there have monument tags and signs.

Jones asks if the conditions are an issue.

Floyd states they are not.

Lehman speaks off-microphone.

Floyd and Lehman converse about signs off-microphone and he asks about additional freestanding signs.

Mulvaney states it would be for new signs.

Floyd clarifies to Lehman that all the current signs would be grandfathered in for all the other businesses who have signs down Decio. She states there will be no other signs down County Road 6 besides this one which is the face of the complex.

Mulvaney states that the concern is for in front of the individual parcels, not County Road 6 specifically.

Floyd states that there are only 3 tenants that currently have signs on Decio Drive and they are not very large.

Smith states those signs are allowed to stay and can be refaced, but should something cause them to need replaced, the signs would have to meet the new standard.

Floyd states that for Section 26.10.D.4.d the sign is listed at the Northwest corner of the property, but it is actually Northeast.

Smith and Floyd converse about the location of the sign off-microphone and confirm that the sign is for the Northwest corner.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

#### **STAFF ANALYSIS**

The petitioner owns a complex of seven parcels with eight buildings in an industrial development adjacent to County Road 6 and Decio Drive. He wishes to install a development sign for the whole complex on their County Road 6 frontage. The size of the sign is 16 feet eight inches tall (measured from the ground), and ninety square feet per side.

Staff recognizes the utility of a development sign. It may be better located closer to the entrance, and the presence of such a substantial sign limits the need for individual tenants to also have freestanding sign. Staff recommends that, if the board approves the variance, additional freestanding signs for individual tenants should be limited to a single sign the size of directional signs, up to three feet in height and four feet in area.

**STAFF RECOMMENDATION**

The Staff makes **no recommendation** on the developmental variance.

**CONDITIONS**

If the Board chooses to approve the requested variance, staff recommends that the following condition be placed upon the approval:

1. Additional freestanding signs shall be limited to one per parcel, up to three feet in height and four square feet in area.

Smith states there were 4 letters mailed. None returned.

Mulvaney asks if there are questions from the Board for staff.

Davis makes motion to approve with conditions; Second by Jones.

Davis – Yes

Jones – Yes

Mulvaney – Yes

Motion carries.

**22-BZA-17 PETITIONER IS ROGER L & HATTIE M REDMOND  
PROPERTY IS LOCATED AT 611 CHRISTIAN AVENUE**

To vary from Section 26.3.B.9 Obstructions Permitted in Front Yards, which allows “open porches... projecting six (6) feet or less into front yard,” to allow for an open porch that projects eight (8) feet into the front yard, a variance of two (2) feet.

Mulvaney calls petitioner forward.

William Anksorus with The Handyman LLC appears in person for petitioners. He states the Redmond’s have requested a porch for the front of the house instead of a rear deck because there is nothing in the back yard but fences. The roof line will come off the house and over the porch and blend in with the house itself. Hey have a granddaughter who visits often and is in a wheelchair. They feel that they need the additional feet for access and space for her as well.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioners own a well kept single family residence on Christian Avenue. It is their wish to have a covered porch constructed that would extend eight (8) feet from the front of the house. The couple’s granddaughter uses a wheelchair and it has been determined that the two extra feet of porch would better accommodate the construction of a necessary ramp. Additionally, when the relative is not visiting, the couple can enjoy spending time on the porch.

Staff notes that it is likely the property owners must sign a waiver to allow for the future construction of the desired ramp. This process is necessary to comply with the expectations of the Americans With Disabilities Act.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because this small request will not harm surrounding properties;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because the existing porch may not sufficiently accommodate the future ramp;
5. The strict application of the terms of this Ordinance **will result** in practical difficulties in the use of the property because the family might be prevented from enjoying visits with the relative;

6. The special conditions and circumstances do not result from an action or inaction by the applicant because the current porch is a long standing element at the site;
7. This property does not lie within a designated flood hazard area.

Smith states there were 43 letters mailed. Four returned in favor with no comment.

Mulvaney asks if there are questions from the Board for staff.

Jones makes motion to approve; Second by Davis.

Davis – Yes  
Jones – Yes  
Mulvaney – Yes

Motion carries.

**22-UV-11 PETITIONER IS R B REALTY LLC**  
**PROPERTY IS LOCATED AT 3112 LEXINGTON PARK DRIVE**

To vary from Section 11.2, Permitted Uses in the B-1 District, to allow for an eyeglass lens production laboratory in an existing building. Eyeglass lens production laboratories are not a permitted use in the B-1 District

Mulvaney calls petitioner forward.

Crystal Welsh with Abonmarche appears in person for the petitioner. She states the intention of the building is an eyeglass lens laboratory. The building was originally an office space, but lens production is considered kind of high-tech manufacturing, so the building will be a specialty hybrid. They have worked with staff to try to find the best route and believe this to be it. There will not be customers coming to pick up lenses. Those will be shipped to the eyeglass facility. The traffic here will be for workers or people coming in for meetings.

Mulvaney asks for questions from the Board.

Jones asks if the process requires the use of any chemicals or if they would need a permit from Public Works for anything going down the drain.

Kurt Weimer appears on Webex. He says there is a drainage manhole that has been installed. There are a couple of light chemicals in use that are recycled, so there is a reclamation system that will continuously filter out plastics particles. There are some items that are contained in a bucket and left to evaporate, then the solids are recycled.

Welsh states that the project has been approved through the City's Technical Review already.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner owns an existing 6,400 square foot building on a 1.2-acre lot that is being converted into a lens lab. They are renovating the interior and adding on to the parking lot to accommodate the new use. The property is located in a B-1 District, which is the most restrictive business district. The property's context is mixed, with industrial, commercial, and residential uses located at close proximities.

The building is intended to be used as an eyeglass lens lab, which is an industrial use, and associated office space. The building will be predominantly office space, with the lab area taking up a small section, approximately 1,000 square feet, of the first floor. Business and professional offices are permitted by right in both B-1 and M zones; the lens lab is an M use. However, given that it is less than 20% of the total area of the interior building, and is going to be a distance from adjacent properties, it is unlikely that there will be any adverse effects on neighbors.

**STAFF RECOMMENDATION**

The Staff recommends approval of the use variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the lab use is a small part of the overall building and will be located at a distance from adjacent properties;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the only exterior changes to the property are additional parking and landscaping;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property;
5. The special conditions and circumstances **do not** result from an action or inaction by the applicant.

Smith states there were 15 letters mailed. None returned.

Mulvaney asks if there are questions from the Board for staff.

Davis makes motion to approve; Second by Jones.

Davis – Yes  
 Jones – Yes  
 Mulvaney – Yes

Motion carries.

**22-BZA-18 PETITIONER IS MARINE REALTY LLC  
 PROPERTY IS LOCATED AT 2800 MARINA DRIVE**

To vary from Section 26.5.D, Major Thoroughfare Setback, which requires that “no principal building... shall be placed within one hundred twenty (120) feet of the center line of the right-of-way of any street designated as a major thoroughfare,” to allow for a primary building one hundred seventeen (117) feet from the centerline of County Road 6, a variance of three (3) feet.

To also vary from Section 26.7.C.2.a Number of Off-Street Parking Spaces, which requires the property to provide six hundred seventy four (674) parking spaces, to allow for the provision of six hundred sixty eight (668) parking spaces, a variance of six (6) spaces.

Mulvaney calls petitioner forward.

Debra Hughes with Surveying and Mapping appears in person for the petitioner. She states the property is operated by Bennington Marine which makes pontoon boats at the facility. They have a project to expand their office building, including a projection that would encroach into the setback. They also want to expand the parking lot, as they are short on parking, and this would gain them an additional 14 spaces, minus the one required for handicap. With a number of the employees carpooling and absentees, there will be more than enough parking on any given day.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner owns a property comprising approximately 34 acres at the northeast corner of County Road 6 East and Marina Drive containing several buildings and extending out to County Road 113. The property and surrounding properties are all industrial, and its facilities are used for boat manufacture.

They wish to construct a building and parking lot addition on the south part of the property fronting C.R. 6 and Marina Drive. Since C.R. 6 is a major thoroughfare, there is a required setback in addition to the standard setbacks for the zoning district. They are 55' from the centerline of the road for parking lots and 120' from the centerline of the road for buildings.

The proposed design encroaches slightly into both setbacks, by five (5) feet for the parking lot and three (3) feet for the building. Staff believes that these minor variance requests will pose no difficulties to surrounding properties.



Additionally, the petitioner is asking for relief from parking standards. Recent expansions have brought to light that the site has fewer spaces than what is required by the Zoning Ordinance. While this project will result in an expansion of the parking lot, they come up short six parking spaces out of the required 684 spaces. The project will bring them closer to the required total, and only be short less than 1% of the requirement.

#### **STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because they would limit its use;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

Smith states there were 10 letters mailed. Two returned in favor with no comment.

Mulvaney asks if there are questions from the Board for staff.

Jones makes motion to approve; Second by Davis.

Davis – Yes  
Jones – Yes  
Mulvaney – Yes

Motion carries.

#### **22-UV-12 PETITIONER IS CITY OF ELKHART DEPARTMENT OF REDEVELOPMENT PROPERTY IS LOCATED AT VACANT LOT 1700 BLOCK OF STERLING AVENUE**

To vary from Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District, to allow for the construction of a single family residence. Single family residences are not a permitted use in the M-1 District.

Mulvaney calls petitioner forward.

Chaise Cope appears in person as Assistant Director of Redevelopment. She states the hope is to bring residences back to the neighborhood and reduce manufacturing use. There is a developer who intends to put a single family home on the site. She states the property was taken from tax sale in 2014 and the title has just transferred from Public Works.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls staff forward.

#### **STAFF ANALYSIS**

Owner of this site is City of Elkhart Department of Redevelopment. They seek to utilize the property as a single family dwelling which would be in compliance with the Comprehensive Plan. The size of the lot would prohibit any other use normally found in an M-1 district. Affordable housing in an established residential neighborhood is a reasonable use of land. The size of the home and the setbacks meet the standards that would be required in an existing "R" residential district.

**STAFF RECOMMENDATION**

The Staff recommends **approval** of the developmental variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the proposed structure will be in a neighborhood with single family residences as a primary land use;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because adjacent land uses are residential;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the site because typical "M" Manufacturing uses cannot be accommodated on the property;
5. The special conditions and circumstances **do not** result from an action or inaction by the applicant.

Smith states there were 28 letters mailed. None returned.

Mulvaney asks if there are questions from the Board for staff.

Davis makes motion to approve; Second by Jones.

- Davis – Yes
- Jones – Yes
- Mulvaney – Yes

Motion carries.

**STAFF ITEMS**

**20-UV-07U PETITIONER IS HOLY TEMPLE INC  
PROPERTY IS LOCATED AT 1313 W LUSHER AVENUE**

Staff and BZA review of Use Variance 20-BZA-07, which allowed for an existing commercial building to be used as transitional housing (halfway house).

Smith notes that the correct address should be 1333 for the record.

**STAFF ANALYSIS**

On June 11, 2020, a variance was granted to allow an existing commercial building to be used as transitional housing (halfway house) for formerly incarcerated persons, on a four to one vote. At the time, the following conditions were attached to the approval:

1. The petitioner must obtain clearance from the Building and Fire Departments to use the building as a residential halfway house.
2. A six-foot privacy fence shall be installed along the southern and eastern property edges as permitted by ordinance to buffer the property from adjacent residences.
3. The Planning staff will review this action as a staff item 24 months from the date of this letter.

The first two were at the suggestion of staff, the third was added by the BZA.

The subject of establishing a transitional housing operation in a new neighborhood was controversial at the time. The primary concern voiced by neighbors and community leaders had to do with safety and property values. Property values are not known to have diminished; assessed values for properties on the same block have increased in the past two years.

Staff also requested a record of police calls to the property in the last two years. There were several calls for a resident's missing car which was found within a few days, and one for a power outage. There have been no calls to this property for any complaints of violence, and staff has not received any further complaints.

The property has been approved by the building and fire departments. The fence has not been installed but the applicant has stated one will be installed in the coming weeks. The applicant also states they have a maximum of seven residents although one bed is reserved in case of COVID protocols. As of 5/10/2022 there were four residents with ten pending applications.

**STAFF RECOMMENDATION**

Staff recommends that the variance for this property remain in effect for an additional two (2) years, and that it shall be reviewed as a staff item by the Board of Zoning Appeals by June 13, 2024.

Smith states that the Board should have received a number of letters in support and notes that Mr. Derrick Matthews from Project Scope is in attendance.

Davis asks if they have agreed to install the fence.

Smith states that they have the permit and materials, but it is not yet installed.


Jones makes motion to approve; Second by Davis.

Davis – Yes  
Jones – Yes  
Mulvaney – Yes

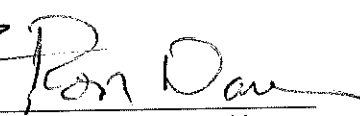
Motion carries.

**ADJOURNMENT**

Davis makes motion to adjourn; Second by Jones. All are in favor and meeting is adjourned.



Doug Mulvaney, President



Ron Davis, Vice-President