

# City of Fort Wayne Common Council

## DIGEST SHEET

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### 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

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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

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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

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Related Petitions: none

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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.

**#REZ-2018-0055**

**BILL NO. Z-18-12-11**

**ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_**

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

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

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

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

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

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

SECTION 2. If a written commitment is a condition of the Plan Commission's  
recommendation for the adoption of the rezoning, or if a written commitment is modified and  
approved by the Common Council as part of the zone map amendment, that written  
commitment is hereby approved and is hereby incorporated by reference.

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 Kyle W., Marisa A., Frank P., & Leslie L. 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 Leslie Garritano  
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 1.32 (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.

Kyle W. Garritano Kyle W. Garritano 11/22/2018  
(printed name of applicant) (signature of applicant) (date)  
Marisa A. Garritano Marisa A. Garritano 11-22-18  
(printed name of property owner) (signature of property owner) (date)  
Frank P. Garritano Frank P. Garritano 11-22-18  
(printed name of property owner) (signature of property owner) (date)  
Leslie L. Garritano Leslie L. Garritano 11-22-18  
(printed name of property owner) (signature of property owner) (date)

| Received  | Receipt No. | Hearing Date | Petition No.  |
|-----------|-------------|--------------|---------------|
| 12-4-2018 | 129077      | 1-7-2019     | BEZ-2018-0055 |

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

- 1.) With regards to the Allen County Comprehensive Plan "adjacent growth/infill growth" goals, we feel this project actually fits accordingly. The piece of land that we purchased was split from a 2.32 parcel of ground. Making room for yet another residence from a previously vacant spot along the Lahmeyer Road, in which the ground was previously not being used and will be used within the existing neighborhoods of Imperial Gardens, Imperial Gardens Extended, and East Gate. We plan to raise the children and have plenty of room for everyone for many years to come as well as provide jobs with our building project.
- 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

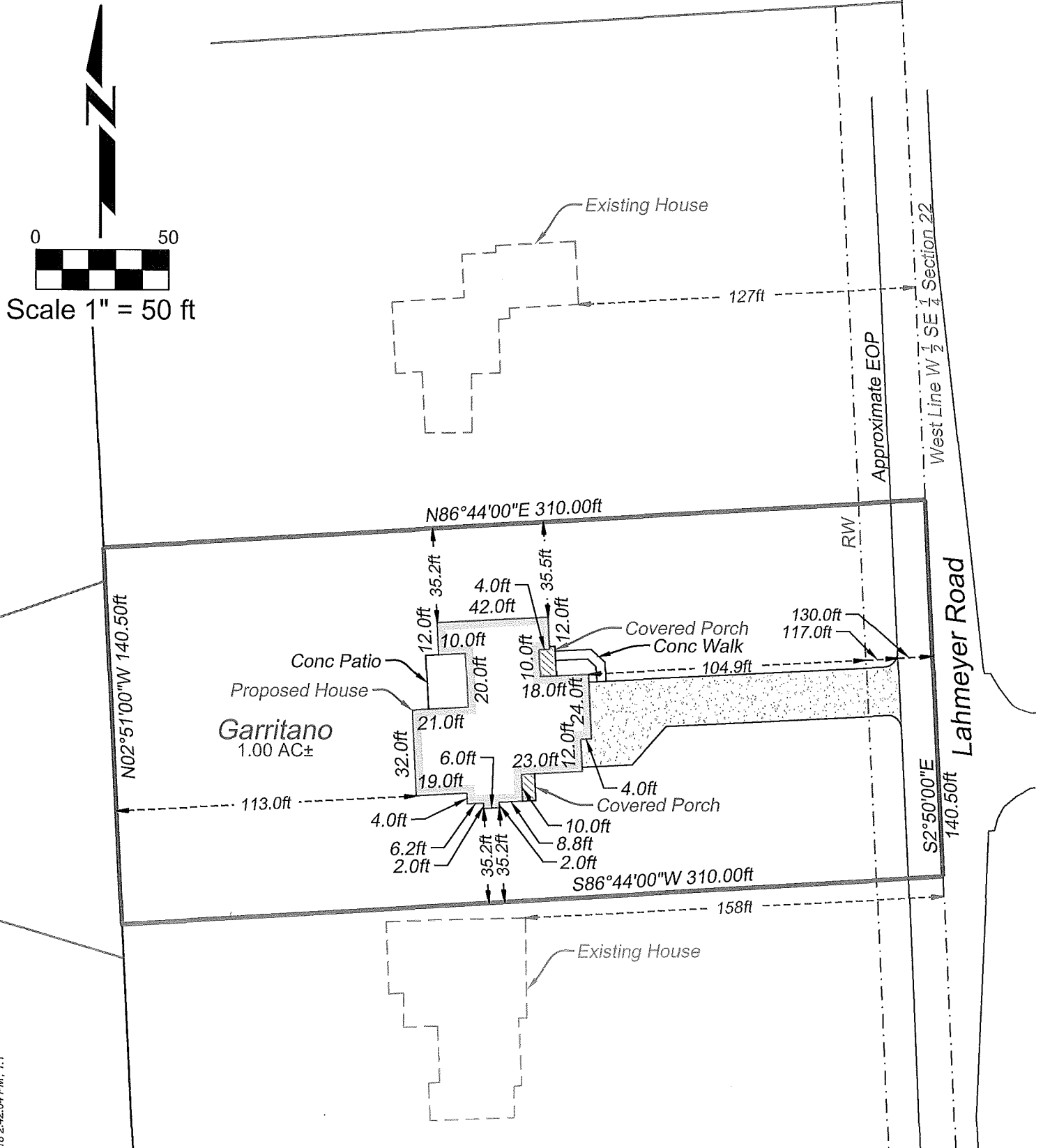
as our children's children to enjoy at holiday time etc. This proposed project is a new home and should bring value to the surrounding homes, new property tax for the city, as well as provide jobs for the folks working on the project. If in the future, the home is to be sold, could be used either as a single family or a two family home.

- 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

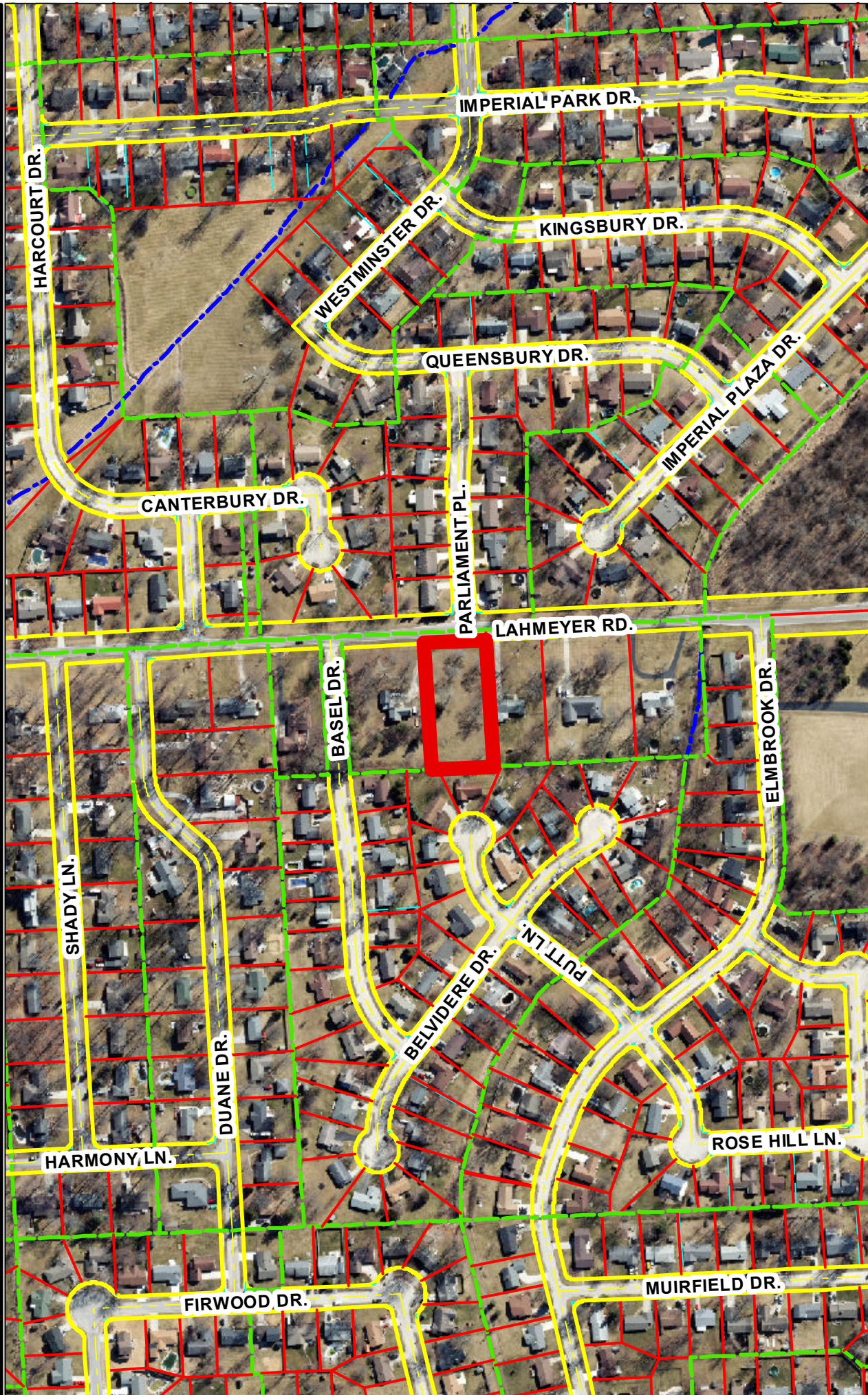
## Garritano 4847 Lahmeyer Road

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:

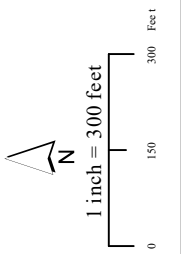
LEGEND:

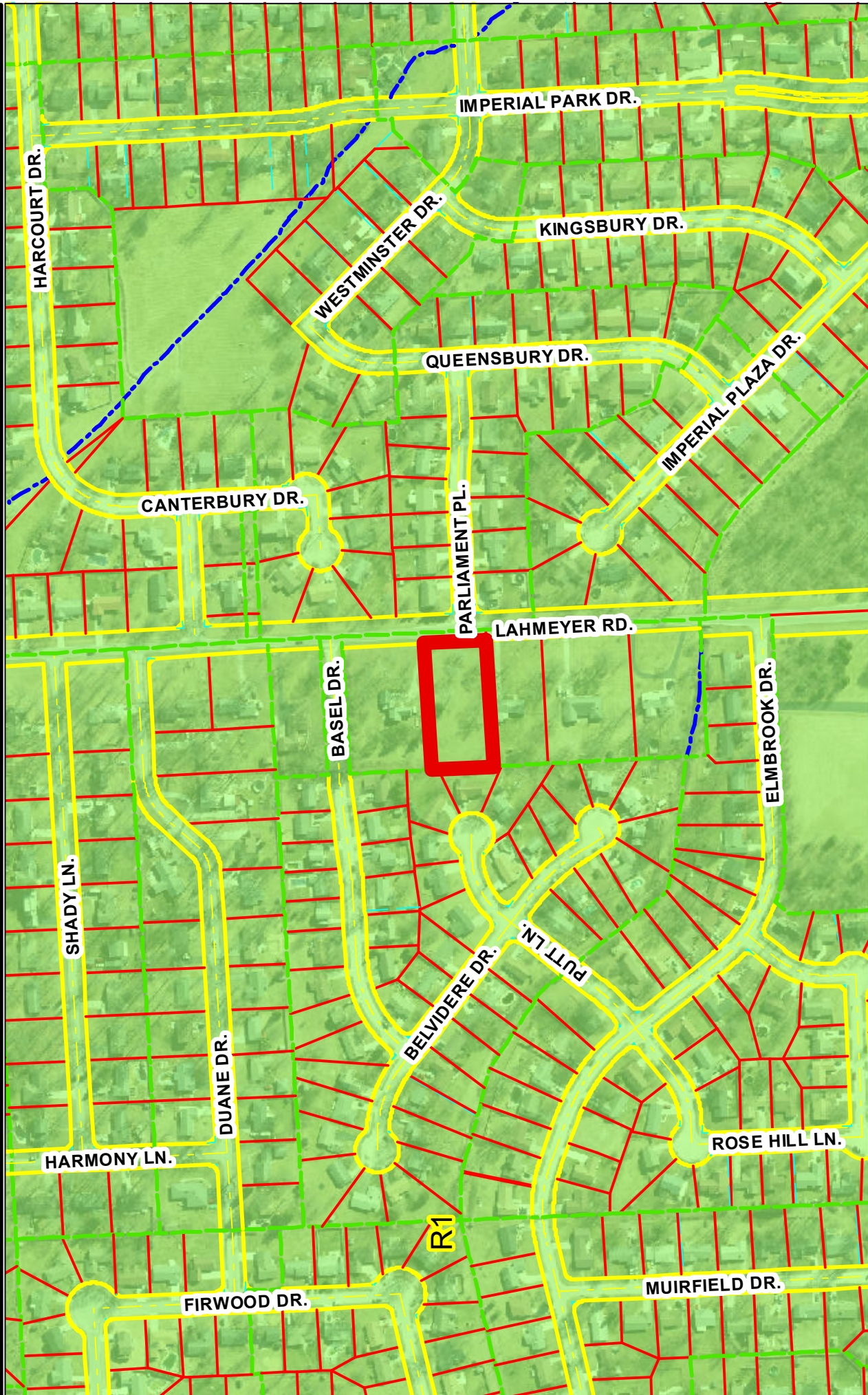


**Project Boundaries Represented with Bold Lines are for Representational Purposes Only**

Although strict accuracy 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  
Photos and Contours: Spring 2009  
Date: 1/25/2018





**Project Boundaries Represented with Bold Lines are for Representational Purposes Only**

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 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Photos and Contours: Spring 2009  
 Date: 1/25/2018

FINAL  
PRINT



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 DIMENSIONAL ROOF SHINGLES
  - 12" OVER HANG ON FRONT, SIDE & REAR GABLE ENDS
  - 12" OVER HANG ON ALL HORIZ. SOFFITS
  - CONTINUOUS RIDGE VENT WHERE POSSIBLE
  - APPROX. HOUSE HT.= 30'-0"

| REVISIONS: | BY: |
|------------|-----|
|            |     |
|            |     |
|            |     |
|            |     |

BLUEPRINT APPROVED

GR.B.:  
H.O.:  
DATE: 10/23/18  
DRAWN BY: J. GARRITANO  
CHECKED BY: J. GARRITANO  
IN CHARGE OF 200 FOR 2018  
REVISIONS: 1

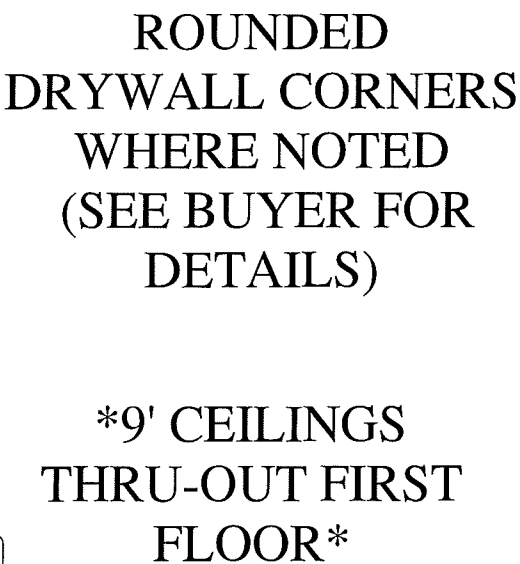
**Granite Ridge Builders**  
Building a SOLID Investment.  
1020 Woodland Place Plm, Fort Wayne, IN 46825  
304-900-1117 Fax 304-997-6377

**GARRITANO**  
LAHMEYER RD., FORT WAYNE

CUSTOM 2-STORY  
ELEVATIONS

|            |               |
|------------|---------------|
| CONTRACT   | DATE: 9/14/18 |
| SCALE:     | AS NOTED      |
| DRAWN BY:  | NA            |
| AREA       | S.F.          |
| BASEMENT   | NA            |
| 1ST FLR    | 2,326         |
| 2ND FLR    | 1,192         |
| TOTAL LIV. | 3,518         |
| GARAGE     | 936           |

SHEET NUMBER:  
**A1.1**



**NOTES:**

- SUMMIT SERIES
- ANDERSEN HIGH PERFORMANCE CASEMENT WINDOWS UNLESS NOTED OTHERWISE
- 200 AMP SERVICE
- GAS LINE TO RANGE & DRYER (BOTH KITCHENS & LAUNDRY ROOMS)
- 2-ZONE HVAC SYSTEM
- ALL ELECTRICAL OUTLET & LIGHT LOCATIONS MAY VARY @ ELECTRICIAN'S DISCRETION
- SMOKE/CARBON MONOXIDE DETECTOR LOCATIONS TO BE DETERMINED BY ELECTRICIAN
- ALL ROOM SIZES ARE APPROX. NOMINAL DIMENSIONS
- UPPER CABINET DEPTH TO BE DETERMINED BY CABINET COMPANY
- 12" STRUCTURAL INSULATED HEADERS ARE TO BE USED ONLY FOR EXTERIOR OPENINGS UP TO 6'
- USE A 2X8 SOLID-PLY HEADER FOR ANY INTERIOR OPENING THAT RUNS PERPENDICULAR TO THE JOISTS ABOVE
- ANY OPENING THAT RUNS PARALLEL TO THE JOIST ABOVE DOES NOT REQUIRE A HEADER. THESE OPENINGS CAN BE FRAMED IN WITH 2x4's
- IF YOU EVER HAVE A QUESTION, CHECK WITH THE SUPERINTENDENT OR CALL MEL KLEIN AT HOME LUMBER (260-493-4436)

| REVISIONS:                                     |  | BY:                                            |  |
|------------------------------------------------|--|------------------------------------------------|--|
|                                                |  |                                                |  |
|                                                |  |                                                |  |
|                                                |  |                                                |  |
| BLUEPRINT APPROVED                             |  | DATE: 10/25/2017                               |  |
| G.R.B.:                                        |  | H.O.:                                          |  |
| DATE: 10/25/2017                               |  | DATE: 10/25/2017                               |  |
| Building a SOLID Investment                    |  | Building a SOLID Investment                    |  |
| Granite Ridge Builders                         |  | Granite Ridge Builders                         |  |
| 1025 Woodland Park Blvd, New Waverly, TX 77647 |  | 1025 Woodland Park Blvd, New Waverly, TX 77647 |  |
| 204-495-2417                                   |  | 204-495-2417                                   |  |
| FOR THE DIRECTOR OF THE CHANGING OF THE GUARD  |  | FOR THE DIRECTOR OF THE CHANGING OF THE GUARD  |  |
| CUSTOM 2-STORY FIRST FLOOR PLAN                |  |                                                |  |
| CONTRACT DATE:                                 |  | 9/14/18                                        |  |
| SCALE:                                         |  | 1/8"=1'-0"                                     |  |
| DRAWN BY:                                      |  | NA                                             |  |
| AREA                                           |  | S.F.                                           |  |
| BASEMENT                                       |  | NA                                             |  |
| 1ST FLR                                        |  | 2,326                                          |  |
| 2ND FLR                                        |  | 1,192                                          |  |
| TOTAL LIV.                                     |  | 3,518                                          |  |
| GARAGE                                         |  | 936                                            |  |
| SHEET NUMBER:                                  |  |                                                |  |
| A2.1                                           |  |                                                |  |



A3.1