

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**JULY 25, 2016**

The Warsaw Board of Zoning Appeals met for regular session on Monday, July 25, 2016 at 7:00 p.m. in the City Council Chambers, 102 S. Buffalo Street, Warsaw, Indiana. The following members were present or excused:

Present: Tom Allen, Rick Keeven, Tammy Dalton, Dan Smith, Jeremy Skinner (City Planner), Kim Arnold (Recording Secretary), Mike Valentine (City Attorney)

Absent: Jeff Johnson

**CALL TO ORDER**

Allen called the meeting to order.

The May 23, 2016 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the May 23, 2016 meeting minutes as presented; Smith seconded the motion. The motion carried unanimously.

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

***Item 2016 – 07 - 01 –Variance from Development Standards- Allow a Second Sign-523 S. Buffalo St.*** - City Planner Skinner gave a brief explanation of the request. The petitioner has requested a Variance to permit a second sign at the commercial property listed. The C-2 district only allows one freestanding sign, and a multi-tenant sign already exists for this property.

The request will not be injurious to the public. This sign will not significantly add to the amount of information presented to motorists on the roadway so as to cause a safety risk.

The use and value of the area will not be negatively affected. The nearby properties are all commercial, with similar signage.

The need for this variance does, in my opinion, relate to a peculiar condition. The building has multiple road frontages, entrances, tenant spaces, and parking lots. The second sign will allow for better way-finding and traffic movement in and out of the office complex.

The strict application of the zoning ordinance will result in a hardship. The vast size of the site and multiple road frontages will create a hardship inadequately addressing traffic movement throughout the site.

The variance will not interfere with the comprehensive plan.

**Recommendation:**

- The requested use will not be injurious to the public health, safety, morals, and general welfare of the community.
- The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
- The need for this variance arises from some condition peculiar to the property involved.
- The strict application for the terms of the Zoning Ordinance will constitute an unnecessary hardship in the use of the property.
- The approval of this use variance will not interfere substantially with the comprehensive plan.

Based on the information provided and the Findings of Fact Skinner recommended the Board approve the variance to permit a second sign in a C-2 zoning district located at the property in question, with the following conditions:

- The size and location of the sign are approved by the planning department.

City Planner Skinner answered questions of the Members of the BZA.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Sheila Burner, Wayne Township Trustee, was present to explain the request and answer questions.

Allen closed the meeting to the public as there was no other person present to speak for or against the petition.

Keeven made a motion to approve 2016-07-01 – Variance from Development Standards- allow a second sign – 523 S Buffalo St. Dalton seconded the motion. The motion carried unanimously.

***2016-07-02 – Use Variance – Allow a church in a C-3 – 2626 E Jefferson St.-***

City Planner Skinner gave a brief explanation of the request. The petitioner has requested a Variance to permit a church in a commercial district. Churches are special exceptions in residential districts, and permitted in downtown.

The request will not be injurious to the public.

The use and value of the area will not be substantially negatively affected. The reduction of commercial density could be of concern, but should not be considered substantial.

The need for this variance does relate to the fact that churches are strictly limited in the permitted districts in which they are allowed to operate.

The strict application of the zoning ordinance will not result in a hardship. The property can still be used for commercial business.

The variance will not interfere with the comprehensive plan.

**Recommendation:**

- The requested use will not be injurious to the public health, safety, morals, and general welfare of the community.
- The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
- The need for this variance arises from some condition peculiar to the property involved.
- The strict application for the terms of the Zoning Ordinance will constitute an unnecessary hardship in the use of the property.
- The approval of this use variance will not interfere substantially with the comprehensive plan.

Based on the information provided and the Findings of Fact Skinner recommended the Board approve the Use Variance to permit a church in a C-3 zoning district located at the property in question.

Allen opened the meeting to any person wishing to speak for or against the petition. Aaron Hoak, of Grace Baptist Church, was present to explain the request and answer questions. They will meet on a normal church type schedule. In the future they may have staff offices at the location. They are planning to purchase the building and make no changes to the exterior of the building other than signage. No other person was present to speak for or against the petition. Allen closed the meeting to the public. Motion was made by Smith to approve 2016-07-02 – Use Variance- allow a church in a C-3 – 2626 E Jefferson St. Keeven seconded the motion. The motion carried unanimously.

***2016-07-03- Use Variance- Allow Professional Office in an R-2- 1611 E Center St.-***

City Planner Skinner gave a brief explanation of the request. The petitioner has requested a Variance to permit a business in a residential district. R-2 residential only allows for residential uses and select related uses, however this particular property is located in the Center Street Overlay District.

The request will not be injurious to the public. The business would use the existing alley for access, although traffic would probably slightly increase at that entrance.

The use and value of the area may be substantially negatively affected. The property is bordered to the east by a commercial use, and has been used as a home based office in the past. There is also professional office space south of the petitioner's property.

The need for this variance does relate to any peculiar condition of the property. The proposed property is in the City's overlay district based on the traffic volume along Center Street, which creates a commercial appeal to the properties fronting certain areas along the corridor.

The strict application of the zoning ordinance will not result in a hardship. The property is located next to a commercial use, located within close proximity to a commercial district, and fronts Center Street, all of which can create a hardship.

The comprehensive plan calls for a mixture of urban residential and neighborhood commercial (low volume commercial or professional services).

**Recommendation:**

- The requested use will not be injurious to the public health, safety, morals, and general welfare of the community.
- The use and value of the area adjacent to the property will be affected in a substantially adverse manner.
- The need for this variance does not arise from some condition peculiar to the property involved.
- The strict application for the terms of the Zoning Ordinance will not constitute an unnecessary hardship in the use of the property.
- The approval of this use variance will interfere substantially with the comprehensive plan.

Based on the information provided and the Findings of Fact Skinner recommended the Board approve the Use Variance to permit professional office uses in an R-2 zoning district located at the property in question.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Dale Miller, the property owner, was present to explain the request and answer any questions.

Allen closed the meeting to the public as no other person was present to speak in favor or against the petition.

Motion was made by Dalton to approve 2016-07-03-Use Variance-Allow a professional office in an R-2-1611 E Center St. Smith seconded the motion. The motion carried unanimously.

***2016-07-04 – Variance from Development Standards – allow a sign in an R-2 – 1611 E Center St.-***

City Planner Skinner gave a brief explanation of the request. The petitioner has requested a Variance to permit a sign within an R-2 zoning district, also part of the City's overlay district. The R-2 district does not allow signs, but the overlay district has historically allowed professional/retail uses a maximum 16 sq.ft. sign if approved for a use variance.

The request will not be injurious to the public. This sign will not significantly add to the amount of information presented to motorists on the roadway so as to cause a safety risk.

The use and value of the area will not be negatively affected. There are existing signs for professional/retail uses adjoining the petitioner's property.

The need for this variance does, in my opinion, relate to a peculiar condition. There are a few adjoining properties that are used for professional services, and the property has been used for a home based business in the past.

The strict application of the zoning ordinance will result in a hardship. If the property is approved for a use variance, then the subject property would be eligible for the same sign request as other businesses within the overlay district.

The variance will not interfere with the comprehensive plan.

**Recommendation:**

- The requested use will not be injurious to the public health, safety, morals, and general welfare of the community.
- The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
- The need for this variance arises from some condition peculiar to the property involved.
- The strict application for the terms of the Zoning Ordinance will constitute an unnecessary hardship in the use of the property.
- The approval of this use variance will not interfere substantially with the comprehensive plan.

Based on the information provided and the Findings of Fact Skinner recommended the Board approve the variance to permit a sign in a R-2 zoning district located at the property in question, with the following conditions:

- The size of the sign is no larger than 16 square feet.
- The sign meets all other applicable zoning codes.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Dale Miller was present to explain the request as well as answer any questions.

Allen closed the meeting to the public as no other person was present to speak in favor or against the petition.

Keeven made a motion to approve 2016-07-04-Variance from Development Standards-Monument sign in an R-2 District-1611 E Center St. subject to the restrictions of the overlay district and obtaining a sign permit. Smith seconded the motion. The motion carried unanimously.

**OTHER MATTERS THAT MAY COME BEFORE THE BOARD**

- Next meeting will be Monday, August 22, 2016

Keeven made a motion to adjourn the meeting. Smith seconded the motion. The motion carried unanimously.

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Tom Allen, President

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Kim Arnold, Recording Secretary