

MINUTES
BOARD OF ZONING APPEALS
May 22, 2017

The Warsaw Board of Zoning Appeals met for regular session on Monday, April 24, 2017 at 7:00 p.m. in the City Council Chambers, 102 S. Buffalo Street, Warsaw, Indiana. The following members were present or excused:

Present: Rick Keeven, Tammy Dalton, Jeff Johnson, Dan Smith, Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary), Mike Valentine (City Attorney)

Absent: Tom Allen

CALL TO ORDER

Keeven called the meeting to order.

The April 24, 2017 meeting minutes were reviewed and presented for approval. Smith made a motion to approve the April 24, 2017 meeting minutes as presented. Johnson seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

2017-05-01-Use Variance – 601 E Smith St. – Assistant City Planner Taylor gave a brief explanation of the request. The petitioner is requesting a Variance of Use to permit a Church in a C-2 Zoning District. Although churches are not permitted in this district, the characteristics of a C-2 zoning district tend to be conducive to this type of use. The petitioner stated that their congregation is relatively small consisting of approximately 30-35 members. The expected number of vehicles at each service is around 15. The petitioner mentioned that this is the first step in the process of relocating their congregation. They intend to make sure that the building complies with the applicable codes for the requested Use including means of egress for fire safety. Based on the information provided and the Findings of Fact it is Taylor's recommendation that the Board could reasonably provide a positive finding of fact to grant approval for the requested Variance of Use.

Keeven opened the meeting to any person wishing to speak in favor of the petition. Joseph Gough, representing Hew Horizon Community Church was present to explain the request and answer questions. No other person was present to speak in favor of the petition. Keeven closed the meeting to any person wishing to speak in favor of the petition.

Keeven opened the meeting to any person wishing to speak in opposition of the petition. No person was present to speak against the petition. Keeven closed the meeting to the public. Discussion followed among Board members.

Smith made a motion to approve 2017-05-01. Johnson seconded the motion. The motion passed unanimously with Dalton abstaining from the vote.

2017-05-02- Variance of Use- 1051 E. Winona Ave.- Assistant Planner Taylor gave a brief explanation of the request. The petitioner is requesting a Variance to allow auto sales in a C-2 Zoning District. Currently automotive sales are only permitted in C-3 and C-5 Zoning Districts. The site located at 1051 E Winona is currently 100% paved so the petitioner would not need to add additional impervious surface to accommodate the requested use. The property has historically been used for auto sales. When the current owners purchased the property in 1995 the property was used for automotive sales. They continued to use the site in this capacity until renting the property and moving their business elsewhere. They now wish to resume using this location for automotive sales. Based on the information provided and the Findings of Fact it is Taylor's recommendation that the Board could reasonably provide a positive finding of fact to grant approval for the requested Variance of Use.

Keeven opened the meeting to any person wishing to speak in favor of the petition. Bev Brown was present to explain the request and answer any questions. No other person was present to speak in favor of the petition. Keeven closed the meeting to any person wishing to speak in favor of the petition.

Keeven opened the meeting to any person wishing to speak in opposition of the petition. No person was present to speak against the petition. Keeven closed the meeting to the public. Discussion followed among Board members.

Smith made a motion to approve 2017-05-02. Dalton seconded the motion. The motion passed unanimously.

2017-05-03-Variance from Development Standards- Rob's Carpet Care- Assistant City Planner Taylor gave a brief explanation of the request. The petitioner is requesting a Variance from Development Standards to allow more than one freestanding sign in a C-3 Zoning District. The lot where the petitioner operates his business is a corner lot so they are permitted to have a sign for every frontage of public road. The reason this case has been brought before the board is because the petitioner wishes to place his sign on the same frontage as the existing sign. The existing freestanding sign is 32 square feet and the sign that the petitioner is requesting is a 7.5 square feet aluminum sign with a steel angle iron frame. The total square footage for both signs would be well within the permitted square footage per the ordinance.

Arterial Commercial District

- A. One sign is permitted for every frontage on a public road. (e.g. interior lot = 1, corner lot = 2)
- a. 150 square feet maximum area per individual sign, 300 total.
 - b. 24 feet maximum height.
- B. In addition, temporary signs are permitted, subject to section 13.4.3.1.
- C. In addition, wall signs are permitted up to 1.5 square feet in area per linear foot of road frontage, up to a maximum of 40% coverage.
- a. For lots with multiple businesses, wall signs are permitted up to 1.5 square feet in area per linear foot of the individual businesses' façade with a maximum of 40% façade coverage.
- D. In addition, window signs are permitted up to 40% coverage of all windows combined.

Taylor noticed a non-permitted banner sign attached to the gate while at the property (See attached image). Taylor would recommend that the Board could reasonably provide a positive finding of fact for this variance but add a stipulation that the petitioner seek a temporary sign permit or remove his nonconforming sign.

Keeven opened the meeting to any person wishing to speak in favor of the petition. Rob Edling of Rob's Carpet Care was present to explain the request and answer any questions. He stated he was not aware of the temporary sign violation and will get it taken care of immediately. No other person was present to speak in favor of the petition. Keeven closed the meeting to any person wishing to speak in favor of the petition.

Keeven opened the meeting to any person wishing to speak against the petition. No person was present to speak against the petition. Keeven closed the meeting to the public. Discussion followed among Board members.

Motion was made by Dalton to approve 2017-05-03. Smith seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, June 26, 2017

Dalton made a motion to adjourn the meeting; Smith seconded the motion. The motion carried unanimously. The meeting was adjourned.

Rick Keeven, Vice President

Kim Arnold, Recording Secretary