

MINUTES
BOARD OF ZONING APPEALS
June 25, 2018

The Warsaw Board of Zoning Appeals met for regular session on Monday, June 25, 2018 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, Dan Smith, Tammy Dalton, Jeff Johnson, Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Tom Allen, Mike Valentine (City Attorney)

CALL TO ORDER

Keeven called the meeting to order.

The May 29, 2018 meeting minutes were reviewed and presented for approval. Johnson made a motion to approve the May 29, 2018 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 2018 – 06 -01 – Variance from Development Standards – 626 Ellsworth – Allow Variance From Minimum Lot Size In An R-2 Zoning District - Keeven turned the meeting over to Assistant Planner Taylor, who gave a brief overview of the request. The petitioner is requesting a Variance from Development Standards to permit the subdivision of Lot 24 of Lightfoot & Musselmans Addition. The subdivision would create two equal lots, 4,349 sq. ft., that currently have existing residential structures and parking on the proposed lots. There are equal or comparable older lots within the area and City that are currently less than the 7,200 sq. ft. minimum lot size for an R-2 zoning district.

R-2 Zoning District requirements are as follows:

Minimum Lot size: 7,200 sq. ft.

Minimum Lot width: 60 ft.

Maximum Lot Coverage: 45%

The proposed subdivision will meet all of the additional lot requirements and not have an adverse affect on the surrounding neighborhood. Each lot will have adequate access to the various utilities, safe ingress and egress, and meet all the additional lot development standards. Based on the information provided, it is the opinion of the Planning Department that this case could be viewed favorably, when measured by the criteria delineated within the Findings of Fact. Keeven opened the meeting to any person wishing to speak in favor or against the petition. Cathy Barth, the petitioner, was present to explain the request and answer any questions. They are requesting to create two lots because there are currently two houses on the existing lot. They may wish to sell one home or both in the future. No other person was present to speak for or against the petition. Keeven closed the meeting to the public. Motion was made by Dalton to approve *Item 2018 – 06 -01 – Variance from Development Standards – 626 Ellsworth*. Smith seconded the motion. The motion passed unanimously.

Item 2018-06-02 – Variance from Development Standards –1160 Executive Drive - Allow a Free Standing Sign 72 sq ft. and 20’ Tall in a C-2 - Keeven turned the meeting over to Assistant Planner Taylor for a brief explanation of the request. The petitioner is requesting a Variance from Development Standards to permit the construction of two freestanding signs each exceeding the maximum freestanding sign height requirement in an I-2 zoning District. The first sign will have a maximum height of 26-feet and the second sign will have a maximum height of 27-feet. The property borders U.S. 30, along which the second sign will be placed, and CR 150 West, the location along which the fist sign will be placed. The development standards for an I-2 zoning district are as follows;

I-2 Zoning District:

- 1 sign per interior lot, 2 signs per corner lot
- 12-foot maximum height
- 120 sq.ft. per sign – 200 sq.ft per lot

The surrounding properties have signs that exceed the current height limit requirement on freestanding signs. This includes multiple existing billboards, the Medtronic sign along U.S. 30, and additional signs in close proximity along U.S. 30. It would seem practical to grant a variance for height along U.S. 30. It would suggest the possibility to increase the height along U.S. 30 to a maximum of 24-foot, and the additional sign along CR 150 W to 20-foot. The proposed signs comply with all of the other development requirements for an I-2 zoning district. Based on the information provided, it is the opinion of the Planning Department that this case could be viewed favorably, when measured by the criteria delineated within the Findings of Fact. Keeven opened the meeting to any person wishing to speak in favor or against the petition. Greg Cobb, of Freedom Oil, the property owner was present to answer any questions or explain the request. No other person was present to speak for or against the petition. Keeven closed the meeting to the public. Discussion followed among Board members. Smith made a motion to approve 27’ for the US 30 Sign if comparable to the Meijer gas station sign and 20’ high for the CR 150 West sign on *Item 2018-06-02 – Variance from Development Standards –1160 Executive Dr.* Johnson seconded the motion. The motion passed unanimously.

2018-06-03-Variance from Development Standards - 509 Columbia St.-Allow 21' High Accessory Structure in an R-3-

Keeven turned the meeting over to Assistant Planner Taylor for a brief overview of the request. The petitioner is requesting a Variance from Development Standards to permit a 21-foot high accessory structure within an R-3 zoning district.

This property is designated as high density residential per the comprehensive plan. Additions to homes in this area should be encouraged to maintain value in a competitive market. The proposed height variance would be significantly less intrusive than a multi-family development with a maximum height of 35-feet. However, any variance granted shouldn't be higher than the existing principal structure, as stated in the ordinance below.

12.0.4.1. Accessory structures. Accessory structures may be allowed in all districts in accordance with this section. a. Accessory buildings, defined as a structure at least six feet in height and 30 square feet in area:

1. Shall be incidental to, subordinate to, and commonly associated with the operation of the principal use of the lot.
2. Shall be operated and maintained under the same ownership and on the same lot, or adjoining lots, as the principal use. If the accessory building is on an adjoining lot, the owner shall provide a restrictive covenant, which stipulates that the adjoining lots will not be sold separately from each other. The restrictive covenant shall be recorded at the Kosciusko County Recorder's Office. A copy of the recorded document must be provided to the plan director before the issuance of an improvement location permit.
3. Shall meet the following height, size, and setback regulations:
 - (i) Residential districts:
 - 1) The height of the structure shall be limited to 18 feet; however, no such structure shall be taller than the principal building.
 - 2) The total size of all permitted structures shall be no larger than 7% of the lot size. Also, structures shall not be limited to less than 720 sf

Based on the information provided, it is the opinion of the Planning Department that this case could be viewed favorably, when measured by the criteria delineated within the Findings of Fact. Keeven opened the meeting to any person wishing to speak in favor or against the request. Robert McGuire, father in law of the petitioner, was present to answer questions and explain the request. The petitioner was not able to be at the meeting. The petitioner does not wish to build the new structure any higher than the existing house. Mr. McGuire said the house is 21' high. Discussion followed among Board members. Dalton made a motion to approve *2018-06-03-Variance from Development Standards - 509 Columbia St.* Smith seconded the motion. The motion passed unanimously.

Item 2018 – 06 -04 – Variance from Development Standards – 555 Ross Avenue – Allow Detached Garage in the Front Yard -

Keeven turned the meeting over to Assistant Planner Taylor. The petitioner is seeking a variance to allow a detached garage, accessory structure, in the front yard. The current zoning regulations do not allow accessory structures to be located in front of the principal structure on a residential lot within Warsaw. The petitioner's property is located on Pike Lake, which per Warsaw's code treats both the street side and lake side as front

yards. This can potentially create a hardship when locating a detached garage or other accessory structure. Given the size of the petitioner's lot, the location of the detached garage, and the surrounding neighborhood, the proposed garage will not be injurious to the public or have an adverse affect on the value of adjacent property. The proposed garage sits approximately 65-feet from the road and will not negatively impact the visibility of traffic entering and exiting adjacent properties. This property is also located within a flood hazard area, floodplain, and the garages location is restricted by that zone to a section of property between the house and the existing road. In considering this variance it is reasonable for the BZA to consider, the difficulty in building in a flood hazard area, as well as the lack of impact the detached garage will have on the surrounding neighborhood. 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 in order to grant approval for the requested variance from development standards. Keeven opened the meeting to any person wishing to speak in favor or against the petition. Renea Salyer, the petitioner, was present to explain the request and answer any questions. She explained the need for increased storage of outside type items. No other person was present to speak for or against the petition. Keeven closed the meeting to the public. Smith made a motion to approve *2018 – 06 -04 – Variance from Development Standards – 555 Ross Avenue*. Johnson seconded the motion. The motion passed unanimously.

Item 2018 – 06 -05 – Variance from Development Standards – 1119 Lakeshore Drive –Allow 3’ Variance from the 25’ Front Setback - Keeven turned the meeting over to Assistant Planner Taylor. The petitioner is seeking a 3’ variance from a 25’ front yard setback. The petitioner wishes to construct an attached garage on to the new house. The proposed location of the new house and attached garage adheres to the rules regarding vision and clearance per section 3.5. of the City Ordinance. The majority of the homes within the immediate area meet the required setbacks, with just one additional home in the block at or around the 25-foot or less setback standard. While the proposed variance would not hinder or devalue the adjacent properties, it would not be consistent with the setbacks of the surrounding block. This proposed property and adjacent properties are located within the floodplain, which can create a hardship when locating structures and building on the property. In considering this variance it is reasonable for the BZA to consider, the difficulty in building in a flood hazard area, as well as the lack of impact the additional 3-feet will have on the surrounding neighborhood. 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 in order to grant approval for the requested variance from development standards. Keeven opened the meeting to any person wishing to speak for or against the petition. Tyler Miller of Timber Rock Construction, was present to represent the property owner and answer any questions and explain the request. They are requesting a third bay for the garage of the new construction. No other person was present to speak for or against the petition. Discussion followed among Board members. Johnson made a motion to approve *Item 2018 – 06 -05 – Variance from Development Standards – 1119 Lakeshore Drive*. Dalton seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be July 23, 2018

Keeven adjourned the meeting.

Rick Keeven, Vice President

Kim Arnold, Recording Secretary