

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**August 27, 2018**

The Warsaw Board of Zoning Appeals met for regular session on Monday, August 27, 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: Tom Allen, Rick Keeven, Dan Smith, Tammy Dalton, Jeff Johnson, Mike Valentine (City Attorney), Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: None

**CALL TO ORDER**

Allen called the meeting to order.

The July 23, 2018 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the July 23, 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 2018-08-01 – Variance from Development Standards –504 E. Center St. - Allow More Than Two Accessory Structures in an R-1 Zoning District – Brandon Schmitt* - Allen 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 more than two accessory structures within an R-1 zoning district. The petitioner owns approximately 39 acres of land, which allows for a large land buffer between nearby residents. Trucks, trailers, and business related equipment will be stored inside the proposed accessory structure. The addition of an additional accessory building will not have a negative impact on adjacent property values because of the size of the property

This property is designated as medium density residential per the comprehensive plan. If this variance is approved as requested, the petitioner will need to adhere to the other rules regarding accessory structures per section 12.0.4.1 of the City ordinance.

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 square feet

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.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Brandon Schmitt, the petitioner was present to explain the request and answer any questions. No other person was present to speak for or against the petition. Allen closed the meeting to the public.

Motion was made by Keeven to approve *Item 2018-08-01 – Variance from Development Standards –504 E. Center St. - Allow More Than Two Accessory Structures in an R-1 Zoning District*. Dalton seconded the motion. The motion passed unanimously.

***Item 2018-09-02-Special Exception-4015 Corridor Dr.- Allow Outside Warehousing in an I-2 Zoning District-*** Allen turned the meeting over to Assistant Planner Taylor for a brief overview of the request. The petitioner is requesting a Special Exception to allow an outdoor storage area to be located within an I-2 zoning district. The property, located at 4015 Corridor Dr. is currently used to house supplies. If this variance is approved, the petitioner will use a portion of the property to store boating equipment, boats, and RVs. Up to 50 items may be stored on the property at a time.

Outdoor warehousing uses are permitted in I-2 zoning districts through Special Exception per the Municipal Code provided they meet the requirements of section nn of Section 12.2 (I-2 Industrial District) and section 13.6(Development Plan).

#### 12.2. - Industrial districts.

The industrial district regulations are intended to govern the location, intensity and method of development of the industrial areas in the City of Warsaw. The regulations are designed to provide for the grouping together of industries that are compatible to the community as a whole.

The regulations preserve lands for industrial and allied uses and prohibit the intrusion of residential and other non compatible, uses into the industrial area. All industrial uses are contained in the following districts.

nn. Warehousing (outside storage) of materials, equipment or products shall be permitted in the I-2 and I-3 zone districts, provided that:

0. Lot coverage, including building coverage and storage areas shall not exceed 75 percent of the gross site area.

1. Outside storage areas shall be completely enclosed by a solid fence not less than eight feet in height and which shall bear no advertising, other than the name of the premises, as in accordance with [section] [13.3](#).

2. Outside storage of flammable, explosive or radioactive materials or products, or of dangerous gases shall not be permitted.

USES	RR-1	R-1	R-2	R-3	C-2	C-3	C-4	C-5	I-1	I-2	I-3	M
Warehousing ...outside storage										SE	SE	

**12.2.2. - I-2 light industrial district.**

12.4.5.

List of special exceptions. Buildings or premises may be used and buildings may be erected or structurally altered only for the purpose set forth in the following list of special exceptions only within those districts specified and subject to the additional conditions as specified:

*Description of district.* The I-2 light industrial district is intended to provide lands for development by most general types of industrial firms. The regulations are designed to permit operations in a clear and quiet manner and to protect adjacent district uses and industries within the [I-2] district. Residential uses are prohibited in this district to conserve and protect the supply of industrial land for industrial use.

12.0.3.2.

The potential of having exterior storage is not necessarily a concern because this is an industrial area. Genesis Properties will still be required to screen the area with an opaque fence and adhere to the other rules for a Special Exception if this variance is approved. 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.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Michael Trier, the petitioner, was present to explain the request or answer any questions. He answered questions of the Board Members. Ken May, property owner on Corridor Drive, stated he had concerns that the view will not be blocked from his location depending on the type of fence and the height. He also stated concerns about occasional flooding of the property and the effects of parking in the grassy area. Discussion followed. Trier explained the access will be gated and patrolled. Allen closed the meeting to the public as there was no other person to speak for or against the petition.

Dalton made a motion to approve *Item 2018-09-02-Special Exception-4015 Corridor Dr.-Allow Outside Warehousing in an I-2 Zoning District*. Smith seconded the motion. The motion carried unanimously.

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

- Next meeting will be September 24, 2018

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