

**MINUTES
BOARD OF ZONING APPEALS
SEPTEMBER 23, 2019**

The Warsaw Board of Zoning Appeals met for regular session on Monday, September 23, 2019 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, Dan Smith, Tammy Dalton, Scott Reust (City Attorney), Justin Taylor (Senior Planner), Kim Arnold (Recording Secretary)

Absent: Rick Keeven, Jeff Johnson

CALL TO ORDER

Allen called the meeting to order.

The August 26, 2019 meeting minutes were reviewed and presented for approval. Dalton made a motion to approve the August 26, 2019 meeting minutes as presented. Smith seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

2019-09-01- 903 Glee Miner Dr. – Variance from Development Standards – Jay Widman- Allow a Detached Garage in the Front Yard - Allen turned the meeting over to Senior Planner Taylor. The petitioner is seeking a variance to allow a detached garage in the front yard of a residence within an R-2 zoning district. The current zoning regulations do not allow accessory structures to be located in front of the principal structure on a residential lot. The petitioner's property is located on Winona Lake. Warsaw's municipal code treats both the street side and lake side as a front yard so it is often difficult to place detached garages on these lots.

12.0.2. - R-2 residential district.

12.0.2.1. Description of district. This [R-2] district consists of certain medium-density residential area representing a compatible commingling of single-family, two-family, garden apartments and multifamily dwellings. It includes existing areas of the city and other areas where similar residential development appear likely to occur.

The intent of this [R-2] district is to provide for an environment of medium density dwellings with related uses and certain public uses which serve the residents living in the district. Apartment complexes, with corresponding proportions of open space, may be developed in this [R-2] district under the prescribed standards of density and open space.

The proposed garage will be approximately 95-feet from the road and will not negatively impact the visibility of traffic entering and exiting adjacent properties. 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 effect on the value of adjacent property.

Based on the information provided and the findings of fact, 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 of the petition. Jay Widman, of Widman Builders, was present to represent the property owners and explain the request and answer any questions. The homeowners were present. He stated the garage would be 24'x 24' on the driveway side of the house where the turn-around currently exists. No other person was present to speak for the petition. Allen closed the meeting to in favor and opened it to any person wishing to speak against the petition. Attorney Steve Snyder, representing David Holsclaw, adjacent property owner stated the Holsclaw residence is set back 165' and a detached garage is out of character for the neighborhood. The character of the neighborhood is unique and the request will ruin the character. It will change the lawn between the home and the road and he suggested it could diminish property values because of the roadside view. He stated it will result in a hardship for his client. He stated no site plan had been provided and no use of the structure was provided. He feels it does not create a hardship for the petitioner. Discussion among members followed. Dalton stated it will not cause property value problems. Allen asked Widman if he had drawings of the intended structure. Widman did not have a detailed building plan. He stated there used to be a detached garage in that location. Widman also stated the Kerlin property nearby does have a detached garage. Snyder stated the petitioner tore the detached garage down themselves when they built the house. He also stated the Planning Department did not release the plans or the petition to his associate when he requested them in person at the Building and Planning office. Discussion followed.

Motion was made by Dalton to table *2019-09-01- 903 Glee Miner Dr. – Variance from Development Standards*. Smith seconded the motion. The motion passed unanimously.

2019-09-02- McClellan Street (004-077-016)-Use Variance-Tim Merchant/Skyline Builders-Allow Indoor Storage in an R-2- Allen turned the meeting over to Senior Planner Taylor. The petitioner is requesting a Use Variance to allow an indoor storage facility within an R-2 zoning district. The property, located at the corner of McClellan Street and Hackleman Street is a vacant tract of land flanked by single family residential uses to the east and a mix of commercial and residential uses to the west.

The petitioner would like to build two indoor storage facilities spanning six residential lots. The storage garages will house up to eight RV's at a time. No RV's will be stored outside of the

garages. The submitted plan does not include the layout of the access drives that will be used to access the buildings.

12.0.2. - R-2 residential district.

12.0.2.1. Description of district. This [R-2] district consists of certain medium-density residential area representing a compatible commingling of single-family, two-family, garden apartments and multifamily dwellings. It includes existing areas of the city and other areas where similar residential development appear likely to occur.

The intent of this [R-2] district is to provide for an environment of medium density dwellings with related uses and certain public uses which serve the residents living in the district.

Apartment complexes, with corresponding proportions of open space, may be developed in this [R-2] district under the prescribed standards of density and open space.

Based on the information provided, it is the opinion of the Planning Department the storage buildings will not have a substantially negative impact on the adjacent property values because they will serve as a transitional space between commercial and residential uses, however, the highest and best use for this property would be medium density residential units. There are no apparent prohibitive factors that impede residential development on these lots.

Allen opened the meeting to any person wishing to speak in favor of the petition. Tim Merchant of Skyline Builders was present to explain the request and answer any questions. Misty Silveus, who recently purchased the property, was also present to answer questions. Merchant explained the storage building would be used for the property owners and friends only. Silveus stated they were looking for nice storage for themselves and their employees and they would not scrimp on the building. She stated it would look better than the surrounding area. She provided photos of examples of different storage buildings they may choose to construct. Discussion followed between members. Dalton asked Silveus about signage and lights. She stated they would meet the regulations required and any necessary changes to the access would be done if required. Allen closed the meeting to any person in favor and opened it to any person wishing to speak in opposition. Attorney Steve Snyder, representing adjacent property owner David Holsclaw, stated the sketch/drawing did not contain a site plan with dimensions. He stated a steel sided building will be the view for the neighbors and it is not appropriate for an R-2. He asked the members to consider the elements. It will be a residential neighborhood with a commercial use building. He asked if it would increase congestion. He stated an RV is a Greyhound Bus. He is concerned if there will be enough turn-around space. He feels a 60'x100' building will block out the sun of the adjacent residences. He stated there is no hardship to this property and a residential neighborhood is not the place for the structure. Michael Matero of 702 McClellan Street was present to express concerns about drainage. He is speaking on behalf of Reed Electric as well. He stated there is an existing water problem when it rains. It does become flooded and he is concerned more hard surface will make the problem worse. He is also worried about access from McClellan Street. He stated there is a lot of traffic in the morning and the late afternoon. No other person was present to speak for or against the petition. Allen closed the meeting to the public. Discussion between members followed. Motion to deny *2019-09-02- McClellan Street (004-077-016)-Use Variance* was made by Dalton. Smith seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be October 28, 2019

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

Tom Allen, President

Kim Arnold, Recording Secretary