

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**November 23, 2020**

The Warsaw Board of Zoning Appeals met for regular session on Monday, November 23, 2020 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, Jeff Johnson, Tammy Dalton, Justin Taylor (Senior Planner), Johnny Latsko (Assistant Planner), Scott Reust (City Attorney), Kim Arnold (Recording Secretary)

Absent: None

**CALL TO ORDER**

Allen called the meeting to order.

**APPROVAL OF MINUTES**

The October 26, 2020 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the October 26, 2020 meeting minutes as presented. Dalton seconded the motion. The motion carried unanimously.

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

***2020-11-01 — Use Variance -1531 W. Lake St. - Allow Auto Repair in a C-2*** - Allen turned the meeting over to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a use variance to allow auto repair in a C-2.

The location is currently used as a commercial garage. Many sites along the corridor are automobile-oriented, including a gas station on the west end of the block, and existing auto service and detailing businesses on the east end of the block

The corridor is Zoned C-2 – a general business district. This district is intended to provide space for retail as well as certain services, wholesale, and warehousing uses that are not typically associated with commercial use.

The comprehensive plan identifies the area for community vitality. The plan notes that designs should be aware of traffic circulation, lighting, loading areas, dumpster locations, and signs to be sensitive to adjacent single-family residential areas.

The north side of the road is not within city limits. It is zoned by Kosciusko County as residential. The land use is low density residential.

The parcel to the south is used for commercial 20-39 unit family apartments.

The petitioner intends to improve the current parking lot and bring it up to code, as well as make aesthetic enhancements to the exterior of the building.

Due to the existing automobile-oriented uses, as well as the existing use of the site, it is the opinion of the Planning Department that the variance could be viewed favorably.

Allen opened the meeting to any person wishing to speak for or against the petition. Dale Long, neighboring business owner on Lake Street, was present to speak in favor of the petition. He feels it will be an asset to the area. The petitioner, Julie Tuinstra of Boggs Automotive, was present virtually to answer any questions and explain the request. Latsko presented a phone number in order for the public to comment by text or phone. No input was received in the two minutes provided. No other person was present to speak for or against the petition. Allen closed the meeting to the public. Discussion between members followed. Motion was made by Dalton to approve *2020-11-01 — Use Variance -1531 W. Lake St. - Allow Auto Repair in a C-2*. Smith seconded the motion. The motion passed unanimously by roll call vote.

***2020-11-02-Variance From Development Standards – 1195 Polk Dr.-Allow a Sign Within 10' of Public Right of Way*** - Allen turned the meeting to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a variance from development standards to allow a sign to be placed within 10' of the public right of way. The proposed sign would be 5' from the property line.

The 10' clearance requirement exists primarily to maintain ample visibility for road users and vehicles entering the roadway.

The distance between the property line and the actual travel surface of the road is greater than 16'. The total distance of the sign from the travel surface would be greater than 20'.

The City currently does not have any plans to expand the travel surface. The right-of-way between the road and the parcel is predominantly used for utilities.

The petitioner has requested this variance because 10' into the property, where the sign would be placed if in conformance with our code, is a lower grade. Placing the sign within this ditch would make it difficult for the sign to meet other regulations such as height and visual elements. (see attachment 4)

Due to the lack of plans for roadway expansion and the grade conditions of the sign, it is the opinion of the Planning Department that the variance should be granted.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Jake Weber, of Bright Signs Marketing, was present virtually to explain the request and answer any questions. No other person was present to speak for or against the petition. Latsko presented the phone number to call or text comments. No response was received by phone. Allen closed the meeting to the public. Motion was made by Smith to approve *2020-11-02-Variance From Development Standards – 1195 Polk Dr.-Allow a Sign Within 10’ of Public Right of Way*. Johnson seconded the motion. The motion passed unanimously by roll call vote.

*2020-11-03 – Withdrawn*

*2020-11-04 – Withdrawn*

*2020-11-05 - Withdrawn*

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

- Next meeting will be December 28, 2020

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

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Tom Allen, President

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Kim Arnold, Recording Secretary