

MINUTES
BOARD OF ZONING APPEALS
October 25, 2021

The Warsaw Board of Zoning Appeals met for regular session on Monday, October 25, 2021 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, Justin Taylor (City Planner), Whitney Shilling (Recording Secretary), Jack Wilhite, Scott Reust (City Attorney)

Absent: Tammy Dalton

CALL TO ORDER

Allen called the meeting to order.

APPROVAL OF MINUTES

The August 23, 2021 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the August 23, 2021 meeting minutes as presented. Smith seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

2021-10-01-850 S. Logan Street- Allen turned the meeting over to the City Planner Justin Taylor for a brief explanation of the explanation of the request. The petitioner is seeking a variance from development standards to allow a portion of their driveway to be gravel. The City's municipal code does not currently allow gravel to be used for travel surfaces or parking surfaces without approval from this Board. The petitioner is in the process of constructing a residence at 850 S. Logan St. The proposed residence will be nestled onto a 4.9-acre parcel. The petitioner has proposed paving the first 60' of the driveway from Logan St in order to mitigate the migration of gravel to the public Right-of-Way. Due to the excessive length of the driveway and the proposal to pave the most visible portion to prevent the spread of gravel to adjacent travel surfaces, the Planning Department recommends that you approve this variance from development standards to allow a gravel driveway after paving the first 60'. Allen opened the meeting to any person wishing to speak in favor or against the petition. Closed to the public.

Allen asked the homeowner how long the driveway was going to be. Homeowner guessed it was about 200 feet. Motion was made by Johnson to approve *2021-10-01- 850 S. Logan- Variance from Development Standards*. Smith seconded the motion. The motion passed unanimously.

2021-10-02- CR 200 N- Allen turned the meeting over to the City Planner Justin Taylor for a brief explanation of the explanation of the request. The petitioner has requested a Use Variance to allow a medical facility within an I-2 zoning district. The proposed facility will be an optometry practice with approximately 100 employees. The hours of operation will be 8:00 am to 5:00 pm Monday – Friday. The practice anticipates seeing around 200 patients per day. The surrounding context of the site includes a parcel owned by Parkview so additional medical uses are likely in this area. Although the Comprehensive Plan recommends light industrial uses in this area, this request should not interfere substantially with its intent. It is the opinion of the Planning Department that this request should 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 the petition. Steve Synder, on behave of the petitioner stated that the parcel is limited because of the wetland. There is about five acres that are useable. Snyder stated that Grossnickle Eye Center is in no hurry to move locations. They are looking towards the future to move locations. Grossnickle just think now is a good time to purchase the property. Currently the property is zoned I-2. Snyder pointed out that the property to the east is owned by Parkview Hospital so it will most likely be medical. Snyder then requested under section 6.7.5 we extend the operating use of this variance beyond the six month timeframe. The ordinance says if you receive a variance and you don't start the project within six months, the variance expires. Snyder stated that Grossnickle has no plans of starting the project within six months, so he is requesting we don't have an expiration date on the variance. Scott Reust recommends to maybe extending the expiration date but not to leave the variance without an expiration date. Taylor asked Snyder if there is a duration that Grossnickle is requesting. Snyder asked for maybe four years because Grossnickles should know what they want to do with the property by then. Taylor noted that the planning department would support the four year expiration date on the variance. Dan Robinson, adjacent property owner stated they don't object to this variance. Johnson questioned Robinson how he feels about the board extending the deadline. Robinson stated he was fine with extending the deadline. He was surprised it was not longer. Allen opened the meeting to any person wishing to speak against the petition. Closed to the public. Discussion continued about the length of time for the expiration of the variance. Motion was made by Smith to approve *2021-10-02- CR 200 N- Variance of Use* with five years expiration. Johnson seconded the motion. The motion passed unanimously.

2021-10-03- 521 Anchorage Road- Allen turned the meeting over to the City Planner Justin Taylor for a brief explanation of the explanation of the request. The petitioner has requested a Use Variance to allow a church within an I-2 zoning district. The proposed site is located at 521 Anchorage Road and is flanked by an R-1 zone to the south, a C-3 district to the east and a continuation of I-2 zoning to the north and west. The petitioner wishes to use the existing building to facilitate various meetings and events related to their church. Exact days and times are not currently known. If approved, the petitioner would be required to get all applicable permits through the city and state regarding change of use to ensure compliance with safety regulations. The context of this site appears to be conducive to the petitioner's request. A church

would create a more desirable buffer between the R-1 zoning district to the south and other industrial uses to the north. It is the opinion of the Planning Department that this request should be viewed favorably when measured by the criteria delineated within the findings of fact. Johnson question what the building was currently being used for. Taylor stated he believes the building is currently vacant. Allen opened the meeting to any person wishing to speak in favor the petition. Marc Transparenti pastor of Calvary Chapel Lake City stated he has be approached by the property owner who has set forth favorable terms for the church to use the space. Transparenti stated the property owner is planning on fixing up the vacant warehouse. Calvary Chapel Lake City is currently using Lakeland Christian Academy for their service on Sunday. Transparenti stated he is not sure this building is big enough to hold church there on Sunday. They were thinking maybe something like midweek service, Wednesday night at 7pm or a Saturday morning Men's breakfast. Dan Robinson, property owner to the west stated he doesn't object to the church. He is concerned that with the upcoming INDOT project on Anchorage; it will take all of his parking. Taylor informed him that is something that they can sit down with Jeremy Skinner and discuss that project. Taylor believes that this variance would have no effect on his parking. Allen opened the meeting to any person wishing to speak against the petition. Closed to the public. Smith asked about the timeline for the church, when they think they will begin using the building. Transparenti stated he is hoping to be using the building by January. Motion was made by Keeven to approve *2021-10-03- 521 Anchorage Road*. Allen seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be September 27, 2021

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

Tom Allen, President

Whitney Shilling, Recording Secretary