

MINUTES
BOARD OF ZONING APPEALS
March 28, 2022

The Warsaw Board of Zoning Appeals met for regular session on Monday, March 28, 2022 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, Tammy Dalton, Dan Smith, Jack Wilhite, Bekah Schrag (Assistant City Planner), Whitney Shilling (Recording Secretary), Scott Reust (City Attorney),

Absent: Jeff Johnson

CALL TO ORDER

Allen called the meeting to order.

APPROVAL OF MINUTES

The February 28, 2022 meeting minutes were reviewed and presented for approval. Smith made a motion to approve the February 28, 2022 meeting minutes as presented. Dalton seconded the motion. The motion carried unanimously.

OLD BUSINESS

None

NEW BUSINESS

2022-03-01- 125 N Harrison Street- Variance from Development Standards- Allow an Increase in Sign Height and Sign Display Area with Internal Illumination- Allen turned the meeting over to the Assistant City Planner, Bekah Schrag for a brief explanation of the request. The petitioner has requested a variance from development standards for an increase in sign height and display area with an electronic messaging center. The proposed sign will be 14 feet 7 inches tall, and approximately 55 square feet in area. The messaging center will consist of about 38 feet of the sign and will have a light sensor for dimming at night. The sign will be placed on the southern section of the parcel along Center Street, which is zoned in the R-3 residential district and will identify the Sacred Heart Church and School. This parcel is unique in that it has split zoning with R-3 residential zoning facing Center Street, where an existing nonconforming freestanding sign exists standing at 8 feet tall. The north side of the property is zoned R-1 residential and contains a sign standing at 7 feet tall with a display area of 32 square feet that was approved by this board in 2006.

The surrounding context includes signs up to 20 feet tall in the C-2 and C-3 commercial district. Due to the unique nature of this parcel and its location to other districts, it is the opinion of the Planning Department that the board views this request favorably when delineated with the findings of facts. Allen questioned what type of illumination they are planning to use. Schrag stated it will be LED and automatically dim at night. The sign will comply with the standards on flashing so it cannot change more than every three seconds. Allen opened the meeting to any person wishing to speak in favor of the petition. Brad Durcholz, Sacred Heart Parish stated that they are excited to finally have a nice sign that will support and promote the school. Lorenzo Lopez, also from Sacred Heart wanted to echo what Durcholz stated. He thinks this is a great opportunity for advertisement and promotion of the school. Allen opened the meeting to any person wishing to speak in against the petition. Since no one came forward Allen closed to the meeting to the public. Motion was made by Keeven to approve *2022-03-01 -123 N Harrison Street- variance from development standards- allow an increase in sign height and sign display area with internal illumination.* Smith seconded the motion. The motion passed unanimously.

2022-03-02- 328 N Park Ave- Special Exception- Allow a Daycare Center in R-2- Allen turned the meeting over to the Assistant City Planner Bekah Schrag for a brief explanation of the request. The petitioner is requesting a special exception to allow a daycare center in a R-2 residential district. The property, which is located at 328 N. Park Ave, was constructed as a single-family home and has historically been used in that capacity. The parcel is surrounded by R-2 residential housing and there exists a printing company within the zoning district one block away. The petitioner wishes to convert the property into a daycare center which will operate at the earliest from 5:30am to 5:30 pm Monday through Friday. The facility is planning to care for eight to ten children for the first year with possibly more in the future. The parcel meets the special exception requirements for a daycare center as described in 12.4.n in the city zoning ordinance. The parcel contains a 1,476 square feet house on a 0.22-acre lot and has ample indoor and outdoor space for a daycare center. The petitioner plans to expand the parking on site to comply with parking requirements for daycare centers by adding 6 to 7 new parking spaces. There is a great need for childcare for working families in our community, and we believe this location would provide relief for the workforce. It is the opinion of the Planning Department that the board could look favorably on this request when delineated with the findings of facts. Allen opened the meeting to any person wishing to speak in favor of the petition. Miriel McFarlan, stated that the property is in a R-2 zoning district. They would provide child care for eight to ten children in the beginning. She stated they will comply with the city standards for a child care. They are looking at two different parking lot options but they have not picked a final plan yet. Allen asked for clarification on how many children would be attending. McFarland stated with the state code in a class one they could have up to twelve children and with a class two they could have up to sixteen. Allen opened the meeting to any person wishing to speak against the petition. As there were no comments, Allen closed the meeting to the public. Motion was made by Dalton to approve *2022-03-02- 328 N Park Ave.-special exception- allow a daycare center in R-2.* Smith seconded the motion. The motion passed unanimously.

2022-03-03- East of 1540 Provident Drive- Variance from Development Standards- Allow an Increase in Sign Height and Sign Display Area- Allen turned the meeting over to the Assistant City Planner Bekah Schrag for a brief explanation of the request.

The petitioner has requested a variance from development standards for an increase in sign height and display area. The parcel is located at the intersection of Springhill Drive and US30, and the sign will be placed directly east from 1540 Provident Drive. The proposed sign is 31 feet tall and has 532 square feet of display area, 392 of which is comprised by an electronic messaging center. Currently, the property contains a billboard that would be removed. If this request is approved, the petitioner will have to comply with the current sign ordinance that prohibits flashing as defined as a situation created in which artificial light is not maintained stationary or constant in intensity for intervals of at least three seconds at a time. The parcel is located along the US 30 corridor and larger and taller signs are typical along the corridor. The surrounding context includes the sign shared between the YMCA and Parkview which totals 468s.f and stands 36' tall. The electronic sign consistently displays 324 square feet worth of Parkview signage, and 144 square feet of YMCA signage. Based on the Findings of Facts and information provided, the Planning Department suggests that the board could view this request favorably if the sign is reduced in size to match Parkview's section of the Parkview and YMCA sign. This would allow for 324 square feet worth of sign display area. Allen opened the meeting to any person wishing to speak in favor of the petition. Tom Trent, Rothberg Law Firm from Fort Wayne stated he understands the recommendation from the city. Trent believes that Warsaw Health System LLC should be able to have the same size sign as Parkview Hospital, given that they are competing hospitals. He went on to point out how large the downward slope is on the property. Allen opened the meeting to any person wishing to speak against the petition. As there were no comments, Allen closed the meeting to the public. Motion was made by Dalton to approve *2022-03-03- East of 1540 Provident Drive- variance from development standards- allow an increase in sign height and sign display area*. Smith seconded the motion. The motion carried unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be May 23, 2022

Keeven made a motion to adjourn the meeting. Smith seconded the motion. The motion carried unanimously. The meeting was adjourned at 7:29 p.m.

Tom Allen, President

Whitney Shilling, Recording Secretary