

MINUTES
BOARD OF ZONING APPEALS
September 23, 2013

The Warsaw Board of Zoning Appeals met for regular session on Monday, September 23, 2013 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, Tammy Dalton, Jack Wilhite, Ron Shoemaker, Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Rick Keeven, Mike Valentine

CALL TO ORDER

Allen called the meeting to order.

The August 26, 2013 meeting minutes were reviewed and presented for approval. Wilhite made a motion to approve the August 26, 2013 meeting minutes as presented; Shoemaker seconded the motion. The motion carried unanimously, 4:0.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2013 – 09 - 01 – Variance from Development Standards-Bruce Woodward, 1934 E. Center St., to allow a 32 sq. ft. non-lighted sign

Director's Comments:

The petitioner has requested a Variance from Development Standards to increase the size of a sign located at 1934 E. Center St. The property is zoned R-3 which allows 4' tall, 16 sq. ft signs. Any signs in this R-3 zone that exceed that restriction are legal non-conforming signs.

The Center Street Overlay District was created as a result of the Comprehensive Plan's recommendation. It is intended to monitor commercial development on Center St. to ensure that it does not degrade the residential character of the corridor, but still allows commercial activity. This property remains of residential construction and is used for commercial activity, along with most of the properties on this side of the street. The homes on the other side of the street are

homes, along with a lot of the properties in the area. This mix of uses is healthy and works well, and is a result of the Overlay District's guidelines.

The zoning in the District remains patchwork, but the intent of the Overlay District is to encourage a generally unified character while still allowing some flexibility. The C-2 District allows 8' tall, 32 sq. ft. signs, and the C-3 District allows 24' tall, 150 sq. ft. signs. With these districts nearby, it is not unreasonable to allow a 7' tall, 32 sq. ft. sign on this property. This may not be the case farther to the West on Center St., but the character of his area is different and should be treated differently. This approval will not have an adverse effect on the adjacent area.

The patchwork zoning in this district results in different standards being applied to similar properties. This is a good example of a hardship applied by the zoning ordinance. There is no objective reason the properties in this area should encompass 8 different zoning districts. The Center Street Overlay District is an attempt to remedy these problems on a case by case basis.

Recommendation:

- The requested use will not be injurious to the public health, safety, morals, and general welfare of the community.
- The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
- The need for this variance does not arise from some condition peculiar to the property involved.
- The strict application for the terms of the Zoning Ordinance will constitute an unnecessary hardship in the use of the property.
- The approval of this use variance will not interfere substantially with the comprehensive plan.

Based on the information provided and the Findings of Fact, Dombrosky recommended the Board approve the Variance from Development Standards to permit a 32 sq. ft. sign in an R-3 zoning district located at 1934 East Center Street.

Allen opened the meeting to any person wishing to speak in favor or against the Variance from Development Standards.

Bruce Woodward was present to explain the request as well as answer questions from the Board.

With no one else to speak in favor or against the petition the meeting was closed to the public.

The board members discussed the petition.

Dalton made a motion to approve - Item 2013-09-01-Variance from Development Standards – Bruce Woodward-1934 E. Center St. – to allow a 32 sq. ft. non-lighted sign. Shoemaker seconded the motion. The motion carried unanimously, 4:0.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, October 28, 2013

Dalton made a motion to adjourn the meeting; Shoemaker seconded the motion. The motion carried unanimously, 4:0. Allen adjourned the meeting.

Tom Allen, President

Kim Arnold, Recording Secretary