

MINUTES
BOARD OF ZONING APPEALS
May 27, 2014

The Warsaw Board of Zoning Appeals met for regular session on Tuesday, May 27, 2014 at 7:00 p.m. in the City Council Chambers, 102 S. Buffalo Street, Warsaw, Indiana. The following members were present or excused:

Present: Rick Keeven, Jack Wilhite, Ron Shoemaker, Tammy Dalton, Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Tom Allen, Mike Valentine (City Attorney)

CALL TO ORDER

Keeven called the meeting to order.

The April 28, 2014 meeting minutes were reviewed and presented for approval. Dalton made a motion to approve the April 28, 2014 meeting minutes as presented; Shoemaker seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2014 – 05 - 01 – Variance from Development Standards- 827 S Union St. - Howard Woodward Jr.

Director's Comments:

The petitioner has requested a variance to permit a second identification sign at their property. The R-3 zoning district allows signs as follows;

Residential and Professional Office District:

A. One monument sign is permitted at each primary entrance to a subdivision, apartment complex, or other residential development.

- a. The sign shall not exceed 16 square feet in area and 4 feet in height.
- b. The sign may be externally lit.
- c. The sign shall incorporate at least one of the following decorative features:
 - i. Landscaping around the base equal $\frac{1}{2}$ the area of the sign face
 - ii. Decorative brick embellishments around two sides of the sign
 - iii. An alternative design feature if approved by the Warsaw Planning Department

B. One sign is permitted per lot. It shall not exceed 16 square feet in area and 6 feet in height. See Table 6 for types of permitted signs.

In order to prevent the sign from interfering visually with vehicular traffic or residential neighbors, it must meet the setbacks in Article 3.5 of the Zoning Ordinance, as follows, "No fence or visual obstruction between three feet and six feet in height shall hereafter be erected within ten feet of the front property line."

The property to the south is another office with one identification sign. The area is surrounded by residential development and office uses. In order to maintain the standard and character of the area, Dombrosky would recommend the second sign be restricted to the size permitted by the zoning ordinance. This approval will have no material effect on the adjacent area.

The property is larger than normal with about 215' of frontage, and two driveway cuts. A second sign would help to clear up confusion. To minimize visual clutter, Dombrosky would recommend a separation distance of at least 50' between the existing sign and the new sign.

Recommendation:

- The request 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 strict application for the terms of the Zoning Ordinance will constitute an unnecessary hardship in the use of the property.

Based on the information provided and the Findings of Fact Dombrosky recommended the Board approve the Variance of Development Standards to permit a second sign in an R-3 zoning district located at 827 S Union Street.

Attachments:

- 1) Findings of Fact
- 2) Aerial photo w/ sign location
- 3) Sign Dimensions and Design
- 4) Photos provided by Applicant

Keeven opened the meeting for any person to speak in favor or against the request for variance from Development Standards.

Bruce Woodward was present to clarify the request. Erich Griffith was also present, as he is purchasing the building and wishes to update the façade and signage. They both spoke in favor of approval of the variance.

The meeting was closed to the public, as there was no one else to speak in favor or against the petition.

Discussion followed between Board members and Woodward. The Board settled on an agreement with Mr. Woodward to allow one sign instead of two. The design of the sign is to match the submitted rendering, which allows for a seven foot height and a total of 34 square feet. There are to be no lights after business hours and they will maintain a 0' setback.

Dalton made a motion to approve *Item 2014 – 05 - 01 – Request for Variance from Development Standards-827 S. Union St.-Howard Woodward Jr.* with the conditions previously listed. Wilhite seconded the motion. The motion passed unanimously.

Item 2014 – 04 - 02 – Use Variance-004-037-102-Wade Frauhiger

Directors Comments:

The petitioner has requested a Use Variance to permit outdoor sales of accessory structures. The zoning ordinance is not clear on this use, but it is Dombrosky's opinion that it should be treated similar to accessory structures. Outdoor storage of retail products will be the primary use of the lot, and the sales will be administered from an office on the adjacent lot to the East. Since the accessory structures will not be incidental to a primary use, the variance is needed.

The height, size, and setback regulations for accessory buildings are the same as for principal buildings, i.e. 15' front yard and 10' rear yard. This will insure that the area adjacent is not affected in an adverse way.

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 arises 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 Use Variance to permit outdoor sales in an C-2 zoning district located at 004-037-102.

Attachments:

- 5) Findings of Fact
- 6) Aerial photo

Keeven opened the meeting to any person wishing to speak in favor or against the petition.

Wade Frauhiger spoke in favor of the petition, as the owner, and stated he would also be selling swing sets. There were no questions for Mr. Frauhiger 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.

Shoemaker made a motion to approve – *Item 2014 – 05 - 02 – Use Variance-004-037-102- Wade Frauhiger* - Dalton seconded the motion. The motion carried unanimously.

Item-2014-05-03- Variance from Development Standards-lot 18-20 North Bay Drive Addition- Harold Schapson

Director's Comments:

The petitioner has requested a variance to permit outdoor sale of accessory structures. The zoning ordinance is not clear on this use, but it is Dombrosky's opinion that outdoor storage and sale of large products is not incidental to retail sales in this district. However, this area is not typical of the C-2 Commercial District. This area is adjacent to Dalton Foundry and other heavy commercial and industrial uses. While the presence of more intense uses nearby does not justify the request, it does make it somewhat of a hardship to use this property as a normal C-2 use.

The City and BZA should carefully monitor requests in the Winona Avenue corridor to gradually raise the standards back to that accepted in a C-2 district.

This use should be treated similar to accessory structures. The height, size, and setback regulations for accessory buildings are the same as for principal buildings, i.e. 15' front yard and 10' rear yard. This will insure that there are no vision issues with traffic, and that the area adjacent is not affected in an adverse way.

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 strict application for the terms of the Zoning Ordinance will constitute an unnecessary hardship in the use of the property.

Based on the information provided and the Findings of Fact Dombrosky recommended the Board approve the Variance of Development Standards to permit outdoor sales in a C-2 zoning district located at 1900 E Winona Ave.

Attachments:

- 7) Findings of Fact
- 8) Aerial photo

Keeven opened the meeting to any person wishing to speak in favor or against the petition.

Harold Schapson was present to speak in favor of the variance as the owner of the business, Sherman and Lin's. Bruce Woodward spoke in favor of the variance, stating the positioning of the buildings slow down traffic flow of individuals driving through the parking lot as a shortcut.

With no other person to speak in favor or against, the public portion of the meeting was closed.

The Board discussed the petition.

Shoemaker made a motion to approve *Item-2014-05-03- Variance from Development Standards -lot 18-20 North Bay Drive Addition-Harold Schapson*. Wilhite seconded the motion. The motion carried unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, June 23, 2014

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

Rick Keeven, Vice President

Kim Arnold, Recording Secretary