

MINUTES
BOARD OF ZONING APPEALS
May 29, 2018

The Warsaw Board of Zoning Appeals met for regular session on Tuesday, May 29, 2018 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, Tammy Dalton, Jeff Johnson, Mike Valentine (City Attorney), Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: none

CALL TO ORDER

Allen called the meeting to order.

The April 23, 2018 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the April 23, 2018 meeting minutes as presented; Smith seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2018 – 05 -01 –Use Variance – 4 Yarnelle Lane – Allow Multi Family in an R-1 -

Allen turned the meeting over to Assistant Planner Taylor, who gave a brief overview of the request. The petitioner is requesting a Use Variance to allow multi-family residential to be located within an R-1 Zoning District. The property located at 4 Yarnelle Lane currently has two accessory structures in addition to the primary structure (a guesthouse and a boathouse). The guesthouse currently functions as an existing nonconforming rented living space. The petitioner would like to incorporate rentable living space into the boathouse as well.

R-1 Zoning Districts are the most restrictive of the residential districts. Multi-family uses are very rarely approved by this board. Assistant Planner Taylor was only able to locate two cases in the last twenty years, one from 2012 and one from 2006. Both of these cases had extenuating circumstances that impacted the Board's decision. One was a shelter for victims of domestic violence and the other was an existing four unit apartment building.

12.0.1. - RR-1, R-1 residential district.

12.0.1.1. Description of district. This [R-1] district is the most restrictive of the residential districts and includes the low density single-family residential areas of the city and those open areas where similar residential development appears to be likely to occur. The intent of this [R-1] district is to provide for an environment of predominantly low density single-family development with certain additional uses such as schools, parks and other public uses which serve the residents living in the area. 12.0.1.2. Development standards. See Table 3 for the development requirements of this [R-1] district. Also see general provisions for residential districts within this section (see [section] 12.0.4).

Uses	RR-1	R-1	R-2	R-3	C-2	C-3	C-4	C-5	I-1	I-2	I-3	M
Residential multi-family			P	P	SE	SE	P					

Based on the information provided, it is the opinion of the Planning Department that this case should not be viewed favorably because it's potentially detrimental impact on surrounding properties as well as the risk of setting a precedent for this type of variance within R-1 Zoning Districts.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Annelise Galloway, the petitioner, was present to explain the request and answer any questions. They are requesting to create living space for aging family members and friends to stay. They have no definite plans at this time but are exploring options. Allen closed the meeting to any person wishing to speak in favor of the petition.

Allen opened the meeting to any person wishing to speak against the petition. Jim Nichols, a neighbor, expressed concern with the width of the street and the possibility of increased traffic. Julie Rankin, a neighbor, does not have an issue with their current guesthouse being rented out but does not want a precedent being set of allowing another living space on the same property. The properties are all very close in that neighborhood. She also presented a letter written by Chad Lawrence, a neighbor, who opposed the petition. A copy was put in the file. Carly Bannon expressed concern with the narrow street and increased traffic and multiple homes on one lot being rented without the property owner living at the location. Jeff Bannon explained he felt it would be a bad precedent to set. No other person was present to speak against the petition. Allen closed the meeting to the public.

Motion was made by Dalton to deny *Item 2018 – 05 -01 –Use Variance – 4 Yarnelle Lane*. Smith seconded the motion. The motion passed unanimously to deny the request.

Item 2018-05-02 – Variance from Development Standards –702 S Buffalo St. - Allow a Free Standing Sign 72 sq ft. and 20’ Tall in a C-2 - Allen turned the meeting over to Assistant Planner Taylor for a brief explanation of the request. The petitioner is requesting a Variance

from Development Standards to permit a sign that is greater than 32 s.f. in area and that exceeds 8’ in height within a C-2 Zoning District. The existing sign is 20’ tall and has a face of 42 s.f. The proposed sign will maintain the same height but have a 72 s.f. sign face (see attached).

Historically, variances for fueling station signage have been granted in this area along State Road 15. Fueling stations typically use electronic displays to advertise gas prices. This accounts for some of the extra square footage requested. A sign of this scale would not create an aesthetic abnormality or vision and clearance issues because of its ground clearance and its setback from the road.

M-1, C-2	Medical and General Commercial Districts
	A. One sign is permitted per lot. It shall not exceed 8 feet in height and 32 square feet in area.
	B. In addition, temporary signs are permitted, subject to section 13.4.3.1.
	C. In addition, wall signs are permitted up to 1.5 square foot in area per linear foot of road frontage, up to a maximum of 25% coverage.
	D. In addition, window signs are permitted up to 40% coverage of all windows combined.
	E. In addition, one sidewalk sign is permitted for each business.

Based on the information provided, it is the opinion of the Planning Department that this case could 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 or against the petition. Ron Mitchel, of Creative Sign Resources and Jon Lassus, the property owner were present to answer any questions or explain the request. They wish to re-use the existing pole but the branding has changed. They wish to make the new sign consistent with the other locations owned by Lassus Bros. Oil. No other person was present to speak for or against the petition. Allen closed the meeting to the public. Keeven made a motion to approve *Item 2018-05-02 – Variance from Development Standards –702 S Buffalo St.* Johnson seconded the motion. The motion passed unanimously.

2018-05-03-Use Variance-502 S Buffalo St.-Allow Institutional Uses in a C-2- Allen turned the meeting over to Assistant Planner Taylor for a brief overview of the request. The petitioner is requesting a Use Variance to allow an institutional use that involves light manufacturing to be located within a C-2 zoning district. The property located at 502 S Buffalo St. is the former location of Marsh Supermarket and is currently vacant. The petitioner is hoping to use this site to house light manufacturing. They would like to place 2 trailers at the site as well. The petitioner stated that they will not store materials outside of the building long term. Approximately 100

employees with varying developmental abilities will work at this facility. The hours of operation are 8:00 AM to 5:00 PM Monday through Friday with a small crew of 10 working a second shift until 8:30 PM.

12.1.2. - C-2 general business district.

12.1.2.1. Description of district. The C-2 general business district is intended to provide areas to be used for certain types of retailing uses and certain service uses along with wholesale and warehousing uses that are normally associated with commercial uses. 12.1.2.2. Development standards. See Table 5 for the development standards for this [C-2] district. 12.1.2.3. Additional requirements. A development plan [for the C-2 district] shall be submitted to the plan commission for review and approval prior to issuance of any building permit according to the provisions in section 13.6 of this ordinance.

USES	RR-1	R-1	R-2	R-3	C-2	C-3	C-4	C-5	I-1	I-2	I-3	M
Institutions/sanitariums				SE								

There is no question Cardinal Services is doing vital work in this community and is held in high regard. The Planning Department must evaluate its recommendations based on quality of life and economic opportunities between many different groups. The closure of Marsh has limited the commercial opportunities for residents in this area. It is the recommendation of the Planning Department that this property continue to be subject to the guidelines of its zoning district to maintain the availability of commercial space in this section of the City. The Planning Department does not believe that the application of the zoning ordinance creates an unnecessary hardship in the case of this property for general business purposes.

Allen opened the meeting to any person wishing to speak in favor of the request. Steve Snyder, attorney representing Cardinal Services was present to explain the request and answer any questions. Allen asked Snyder if there was a purchase agreement. Snyder replied it was in process. Joel Wihebrink, Cardinal Board Member, explained the purpose of Cardinal Services, and gave budget figures for the organization. Mike Bergen, Cardinal Board Member, explained details of the need and current search for an improved facility. Nick Deeter, Cardinal Board Member, summarized the benefit of relocating to the old Marsh facility. Caleb France, representing his wife Courtney who is a Cardinal Board Member, reiterated the need for an improved facility. Randy Hall, CEO of Cardinal Services, gave detailed plans of what would be located at the 502 S Buffalo St. location. They would renovate in the spring of 2019. Bruce Woodward, property owner, feels it would increase property value around the location and boost business in the downtown. Allen closed the meeting to anyone wishing to speak in favor and opened it to any person wishing to speak against the petition. Tina Minnix, business owner, would like to see the location stay retail and feels the property value would actually decrease for her business. Allen closed the meeting to any person wishing to speak against the petition.

Steve Snyder summarized the request. Keeven asked Snyder if the property had been listed for sale or if anybody knew it was available to be purchased, not just leased. Snyder explained Cardinal Services nor did anyone else know it could be purchased until the Leasing Company contacted Cardinal Services about a purchase. Various other questions were discussed, such as nighttime activity, façade plans, what type of product do they make, etc. Discussion followed among Board members. Keeven made a motion to approve 2018-05-03-Use Variance-502 S Buffalo St.-Allow Institutional Uses in a C-2. Dalton seconded the motion. The motion passed three to one with Allen, Keeven and Dalton voting for, Johnson voting against and Smith abstaining from the vote.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be June 25, 2018

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

Tom Allen, President

Kim Arnold, Recording Secretary