

**MINUTES  
BOARD OF ZONING APPEALS  
NOVEMBER 25, 2019**

The Warsaw Board of Zoning Appeals met for regular session on Monday, November 25, 2019 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, Scott Reust (City Attorney), Justin Taylor (Senior Planner), Kim Arnold (Recording Secretary)

Absent: None

**CALL TO ORDER**

Allen called the meeting to order.

The September 23, 2019 meeting minutes were reviewed and presented for approval. Smith made a motion to approve the September 23, 2019 meeting minutes as presented. Dalton seconded the motion. The motion carried unanimously.

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

***2019-09-01- 903 Glee Miner Dr. – Variance from Development Standards – Jay Widman- Allow a Detached Garage in the Front Yard*** - Allen turned the meeting over to Senior Planner Taylor. The petitioner is seeking a variance to allow a detached garage in the front yard of a residence within an R-2 zoning district. The current zoning regulations do not allow accessory structures to be located in front of the principal structure on a residential lot. The petitioner's property is located on Winona Lake. Warsaw's municipal code treats both the street side and lake side as a front yard so it is often difficult to place detached garages on these lots.

12.0.2. - R-2 residential district.

12.0.2.1. Description of district. This [R-2] district consists of certain medium-density residential area representing a compatible commingling of single-family, two-family, garden apartments and multifamily dwellings. It includes existing areas of the city and other areas where similar residential development appear likely to occur.

The intent of this [R-2] district is to provide for an environment of medium density dwellings with related uses and certain public uses which serve the residents living in the district.

Apartment complexes, with corresponding proportions of open space, may be developed in this [R-2] district under the prescribed standards of density and open space.

The proposed garage will be approximately 95-feet from the road and will not negatively impact the visibility of traffic entering and exiting adjacent properties. Given the size of the petitioner's lot, the location of the detached garage, and the surrounding neighborhood, the proposed garage will not be injurious to the public or have an adverse effect on the value of adjacent property.

Based on the information provided and the findings of fact, 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 of the request. Josh Salsgiver, of Widman Construction was present to explain the request and answer questions. The garage will be for private residential use and will not deviate from the characteristics of the neighborhood. It will look similar to an attached garage. The required setbacks will be followed. The property is not in the flood plain and the addition will not diminish the value of the property. The garage will match the aesthetics of the current residence and will fit in nicely. It will be the proper scale for a residential garage. It will not be a barn style and it will not increase street congestion. The property does not have a real back yard as it is on the lakefront. It is not possible to put the garage on the lakeside of the property as no access for vehicles would be available. Jay Widman, Widman Construction and Salsgiver explained the location of the well for the home added to the need to place the structure where requested. They showed the members and Snyder the location of the well on a handout provided.

Steve Snyder, Attorney representing neighbor David Holsclaw, stated his client does not wish to have the garage block his view and he feels it won't look good. The construction will change the large open roadside areas and change the characteristics of the neighborhood. Snyder stated the petitioner property is not unique and there is no hardship created. Snyder stated there is no basis for approval of the request. He also stated it will create a negative impact on the value of the nearby homes. He stated the petitioner should make another plan. Allen asked Snyder the distance from the street and the distance from the house. Keeven had more questions of Salsgiver. Discussion followed. City Attorney Reust reminded members of the criteria to be considered. Allen closed the meeting to the public. Discussion followed between the members. Keeven made a motion to approve 2019-09-01- 903 Glee Miner Dr. – Variance from Development Standards. Smith seconded the motion. Dalton voted yea and Johnson and Allen voted nay. The petition passed three to two in favor.

## **NEW BUSINESS**

***2019-10-01-1318 E. Center St.-Variance from Development Standards- Allow Internal Lit Sign in an R-2- Warsaw First Brethren Church.*** Allen turned the meeting over to Senior Planner Taylor for a brief explanation of the request. The petitioner has requested a Variance from Development Standards to permit an internally illuminated sign within an R-2 zoning district. The existing sign already contains the necessary wiring however this feature has not been used since the installation of the sign. The petitioners would like to increase the visibility of their sign by having it illuminated until 11:00 PM or 12:00 AM each night. The existing monument sign is within the Center Street overlay district. The overlay district is designated to

encourage professional uses while retaining some of the residential characteristics in this area. The petitioners request to have an internally lit sign along this corridor would not be out of character with the adjacent properties. In addition, the potential light pollution created by the illumination of this sign will be negligible when compared to the traffic signal to the north east of the property.

### **Existing R-1 Sign Ordinance**

#### **RR-1, R-1, R-2 Residential Districts**

- 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 of the sign equal to ½ 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

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 of the petition. Pastor Howard Immel was present to explain the request and answer any questions. He explained the existing sign has been there for three years. An internally lit sign was originally there but when it was replaced it was not equipped with internal lights. The light from in the cabinet would not spill to neighboring properties. Discussion followed. Taylor stated the traffic lights near the area are brighter than the sign will be. No other person was present to speak in favor or against the petition. Allen closed the meeting to the public. Motion was made by Dalton to approve 2019-10-01-1318 E. Center St.-Variance from Development Standards. Smith seconded the motion. The motion passed unanimously.

### **OTHER MATTERS THAT MAY COME BEFORE THE BOARD**

- Next meeting will be December 23, 2019

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

---

Tom Allen, President

---

Kim Arnold, Recording Secretary

