

**MINUTES
BOARD OF ZONING APPEALS
JANUARY 27, 2020**

The Warsaw Board of Zoning Appeals met for regular session on Monday, January 27, 2020 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, Dan Smith, Tammy Dalton, Jeff Johnson, Scott Reust (City Attorney), Justin Taylor (Senior Planner), Kim Arnold (Recording Secretary)

Absent: Rick Keeven

CALL TO ORDER

Allen called the meeting to order.

ELECTION OF OFFICERS

Motion was made by Dalton to retain the same officers as 2019, Tom Allen as President and Rick Keeven as Vice President. Smith seconded the motion. The motion passed unanimously.

2020 SCHEDULE

Motion was made by Dalton to approve the 2020 Schedule. Johnson seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES

The November 19, 2019 meeting minutes were reviewed and presented for approval. Smith made a motion to approve the November 19, 2019 meeting minutes as presented. Johnson seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

2020-01-01-511/513 W. Market St.-Variance from Development Standards- Allow an Accessory Structure Without A Primary Structure in an R-3- Allen turned the meeting over to

Senior Planner Taylor for a brief explanation of the request. The petitioner has requested a variance to allow an accessory structure to be located within an R-3 zoning district without a primary structure. The proposed structure would be a pole barn style building for personal storage on a parcel that has been vacant for a number of years. The petitioner currently owns the parcel to the east of the proposed site as well; however, the lots cannot be combined because they are bisected with an alley. If approved, the petitioner’s structure would be restricted to a maximum height of (18) feet.

“12.0.4.1.a. Accessory buildings, defined as a structure at least six feet in height and 30 square feet in area:

- 1. Shall be incidental to, subordinate to, and commonly associated with the operation of the principal use of the lot**
- 2. Shall be operated and maintained under the same ownership and on the same lot, or adjoining lots, as the principal use. If the accessory building is on an adjoining lot, the owner shall provide a restrictive covenant, which stipulates that the adjoining lots will not be sold separately from each other. The restrictive covenant shall be recorded at the Kosciusko County Recorder's Office. A copy of the recorded document must be provided to the plan director before the issuance of an improvement location permit.**
3. Shall meet the following height, size, and setback regulations:
 - (i) Residential districts:
 - 1) The height of the structure shall be limited to 18 feet; however, no structure shall be taller than the principal building.
 - 2) The total size of all permitted structures shall be no larger than 7% of the lot size. Also, structures shall not be limited to less than 720 square feet.

Lot Size	Permitted Size
<10,285 sq ft	720 sq ft
More than 10,286 sq ft	7% of lot size

- 3) A detached accessory building shall not be located closer to the front property line than the principle structure or nearest adjacent principle structure.
- 4) Setbacks from property line as follows;

Setbacks		Side		
		Front	Side	Rear
Adjacent to	Street	N/A	10'	10'
	Alley	3'	3'	3'
	Lot	3'	3'	3'

- 5) The accessory building shall be used for the storage of personal property only and shall not be used for any commercial or industrial purpose.**
- 6) No more than two freestanding accessory buildings shall be permitted per zone lot.
- (ii) Commercial and industrial districts:
 - 1) The height, size, and setback regulations for accessory buildings are the same as for principal buildings. Refer to Table 5 of this appendix.
- 4. Shall not be permitted before the erection and operation of the principal use, except as a temporary use as permitted in section 4.4.”**

with sewers	8,500	None	None	None	17,000	5,000	5,000	5,000
Maximum height of buildings	N/A	36	60	N/A	60	25	35	45
Minimum front yard	15	15	25	0	25	15	15	15
Minimum side yard:	5	0	0	0	0	10	10	0
adjoining residential district	10	10	20	0	0	20	20	40
Minimum rear yard	10	10	20	15	15	25	25	25
Maximum lot coverage	75 percent	75 percent	N/A	N/A	N/A	75 percent	75 percent	75 percent

It is the opinion of the Planning department that this variance should be approved as presented. This site has challenges related to floodplains and wetlands that make additional development difficult. There are 4 other zoning districts with rear setbacks of 15 feet or less. Although there are good reasons to maintain the setbacks as outlined in the ordinance a 10-foot deviation from the standard rear setback, in this case, will not have a detrimental impact on the character, value or use of the adjacent properties.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Tyler Miller of Timber Rock was present to explain the request and answer any questions. Taylor presented a letter received from Dustin Manns, adjacent property owner. The letter stated he has no issue with the plan presented but wanted it stipulated the change in setback refers to the North building only. He would not want the two buildings to the South to be allowed to have a reduced setback. No other person was present to speak in favor or against the petition. Allen closed the meeting to the public.

City Attorney reminded the members of the four criteria used to consider the decision. Discussion followed. Smith made a motion to approve 2020-01-02 - 2271 N. Detroit St. – Variance from Development Standards- Allow 15’ Rear Setback – as presented. Dalton seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be February 24, 2020

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

Tom Allen, President

Kim Arnold, Recording Secretary