

MINUTES
BOARD OF ZONING APPEALS
October 26, 2020

The Warsaw Board of Zoning Appeals met for regular session on Monday, October 26, 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, Rick Keeven, Dan Smith, Jeff Johnson, Tammy Dalton, Justin Taylor (Senior Planner), Johnny Latsko (Assistant Planner), Kim Arnold (Recording Secretary)

Absent: Scott Reust (City Attorney)

CALL TO ORDER

Allen called the meeting to order.

APPROVAL OF MINUTES

The September 28, 2020 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the September 28, 2020 meeting minutes as presented. Smith seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

2020-10-01—Variance From Development Standards-513 N Ellsworth St.- Allow 3' Setback From Property Line in an R-2- Allen turned the meeting over to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a Variance from Development Standards to allow a three foot setback as opposed to the required six foot. The setback would be for the northern property line. The building would be an addition to the existing home. See Attachment 1 for the plans provided by the petitioner.

The neighboring parcel is a parking lot owned by Zimmer Inc. The houses in the neighborhood have a variety of setbacks, with some below the minimum six foot listed in the ordinance.

Three foot setbacks allow for the total six foot fire separations required by the building code if the northern lot is ever built upon.

This variance would not conflict with the Comprehensive Plan nor impede on the ability for future building in the neighborhood. It is the opinion of the Planning Department that this case could be viewed favorably.

Allen opened the meeting to any person wishing to speak for or against the petition. Gloria Saldivar, the petitioner, was present to explain the request and answer any questions. The addition will be used for living area for their large family. No other person was present to speak for or against the petition. Allen closed the meeting to the public. Discussion followed. Smith stated he did not like it that close to the property line but he may not vote against it. Dalton made a motion to approve *2020-10-01—Variance from Development Standards-513 N Ellsworth St.* Johnson seconded the motion. The motion passed unanimously.

2020-10-02-Variance From Development Standards- 2850 Frontier Dr.-Allow Deviation From Façade Requirements In A Commercial District- Allen turned the meeting to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a Variance from Development Standards to deviate from the façade requirements for an addition. Facades greater than 100 ft are required to incorporate recesses and projections of a minimum of 4 feet in depth and minimum of 20 contiguous feet within each 100 feet of façade length. These requirements exist to create more visually appealing commercial districts that encourage greater economic development.

The petitioner's addition is planned to have a 225 feet facade, with architectural panels matching the existing building. Other appearance-focused design elements such as accent colors at the corners of the addition would be used. The addition would be used as a warehouse. (*See attached plans*)

Over-all the addition would be aesthetically cohesive with the existing building and would not conflict visually with the neighboring buildings across Route 15. (*See Attachment 3*)

Due to the context of the site and its neighboring proximity to an I-2 district, it is the opinion of the Planning Department that the board could view this variance favorably.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Greg Dewese of Felderman DB, representing the petitioner, was present to explain the request and answer any questions. He brought photos to enable the members to visualize the view of the proposed structure from Detroit Street. He also provided a photo of the proposed horizontal ribbed siding. He explained the structure is to be used as a warehouse. The petitioner desires straight, space efficient walls. They do not want to lose square footage. No other person was present to speak for or against the petition. Allen closed the meeting to the public. Motion was made by Smith to approve *2020-10-02-Variance from Development Standards- 2850 Frontier Dr.* Johnson seconded the motion. The motion passed unanimously.

2020-10-03/04/05-Variance From Development Standards-3501 Lake City Highway-Allow 5' Setback From Required 25'/Allow 3' Setback From Required 10' Landscape Buffer/Allow 1' Setback From Required 10' Landscape- Allen turned the meeting to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a set of Variances from Development Standards in order to build a restaurant with drive through accommodations. The 3 requested are as follows:

1. Allow for a 5' setback as opposed to the required 25' Front Setback
2. Allow a 3' setback from the Required 10' Landscape Buffer
3. Allow a 1' setback from the Required 10' Landscape Buffer

C-3 Zoning Districts are intended to be arterial commercial districts, meaning they accommodate businesses that require large spaces and extend beyond local uses as well as providing service for traffic passing through the city. The code states "This [C-3] district should be located along major arterials where adequately sized parcels of land allow for greater setbacks and clear vision which provide safe ingress and egress."

Landscaping standards exist to aid in ecological balance, mitigation of excess noise, glare, heat, and dust, delineation of space and uses, and beautification.

The previous land-use, a restaurant, did not conform to these development standards. The requested variance and proposed site plan are similar to the existing site. *See Attachments 1 and 3.*

The parcel is a triangle shape that presents unique difficulties for developing within the landscaping and set back requirements set by the ordinance.

Due to the unique conditions of this location, as well as the intent of the C-3 Zoning District, it is the opinion of the Planning Department that the Board could look favorably upon this request.

Allen opened the meeting to any person wishing to speak in favor or against the petitions. Ryan Swanson, the petitioner, was present to explain the requests and answer questions. He explained this will be one of 15 Popeye's stores in the franchise. Discussion followed. Several questions were answered concerning various concerns of Board members. Swanson stated it has been a bit difficult dealing with the shape of the lot and the landscape requirements. They wish to use the existing entrance. They will be using a double drive thru for efficiency and plan to meet the parking requirements. Allen closed the meeting to the public as there was no other person to speak for or against the petition. Johnson made a motion to approve 2020-10-03. Dalton seconded the motion. Motion was made by Johnson to approve 2020-10-04. Dalton seconded the motion. Johnson made a motion to approve 2020-10-05. Dalton seconded the motion. All three petitions passed unanimously.

2020-10-06 – 2104 Biomet Drive – Allow a Wireless Communication Facility in an I-2- Allen turned the meeting to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a set of Variances from Development Standards in order to build a restaurant with drive through accommodations. The 3 requested are as follows:

1. Allow for a 5' setback as opposed to the required 25' Front Setback

2. Allow a 3' setback from the Required 10' Landscape Buffer
3. Allow a 1' Setback from the Required 10' Landscape Buffer

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The previous land-use, a restaurant, did not conform to these development standards. The requested variance and proposed site plan are similar to the existing site. *See Attachments 1 and 3.*

The parcel is a triangle shape that presents unique difficulties for developing within the landscaping and set back requirements set by the ordinance.

Due to the unique conditions of this location, as well as the intent of the C-3 Zoning district, it is the opinion of the Planning Department that the Board could look favorably upon this request.

Allen opened the meeting to any person wishing to speak for or against the petition. Derek McGrew for Verizon Wireless was present virtually to explain the request and answer any questions. No other person was present to speak for or against the petition. Allen closed the meeting to the public. Discussion followed. Motion was made by Dalton to approve *2020-10-06-2104 Biomet Drive – Allow a Wireless Communication Facility in an I-2*. Smith seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be November 23, 2020

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

Tom Allen, President

Kim Arnold, Recording Secretary