

**MINUTES
BOARD OF ZONING APPEALS
SEPTEMBER 23, 2024**

The Warsaw Board of Zoning Appeals met for regular session on Monday, September 23, 2024, at 7:00 p.m. in the City Council Chambers, 102 S. Buffalo Street, Warsaw, Indiana. The following members were present or excused:

Present: Tammy Dalton, Rick Keeven, Dave Baumgartner, Jeff Johnson, Dan Smith, Jackson Longenbaugh (Assistant City Planner), Shawn Holder (Recording Secretary)

Absent:

CALL TO ORDER

Dalton called the meeting to order.

OATH OF OFFICE:

David Baumgartner was sworn in by Mayor Jeff Grose.

APPROVAL OF MINUTES

July 22, 2024, meeting minutes were reviewed and presented for approval. Keeven made a motion to approve meeting minutes. Johnson seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

2024-09-01– Development Standards – 3015 Hemlock Ln - Allow a 5’x7’ Sign in a R-1 Zoning District
– Motion was made to table variance application to October 16, 2024, BZA meeting, proof of certified mail had not been returned to petitioner by date of September 23, 2024, meeting. Keeven moved, Smith seconded, motion carried.

2024-09-02 – Development Standards – 1638 Armstrong Rd - Purity Cylinder Gases - To Allow a Smaller Than Required Green Space in an I-2 Zoning District – Dalton turned the meeting to Assistant City Planner Longenbaugh for a brief explanation of the request and recommended that the board approve. The petition has requested a variance from development standards to allow a smaller than required green space in a I-2 zoning district.

Aaron Carl, Engineer from TE Inc. 8620 Bluffton Rd, Fort Wayne IN- shared that they were adding a drainage solution to compensate for the smaller percentage of green space, this is going to make sure the disturbance of erosion will be less than it needs to be. Keeven asked about the view, trees and the berm. The berm will be removed and replaced with a privacy fence. Smith asked if the trees will be moved. Carl stated, if the existing trees can't be moved the trees will be replaced and will grow rather quickly. Longenbaugh informed Smith the question will be addressed in another case that will be presented later in the meeting. Longenbaugh reiterated this case is for green space only.

Longenbaugh reiterated this proposed plan is going to reduce the green space to add space for the new loading dock in the rear and new parking in the front of the property. Keeven asked if a substantial portion would still be gravel, Carl shared that it will be in the back. Keeven wanted to make sure the city has reviewed plans. Baumgartner wanted to make sure that the rear would not be a storage area for gases or cylinders, Carl confirmed it would not be. Carl stated that all the loading docks in the front will be removed and be relocated to the back. The board was good with these answers. Dalton asked if there was anyone who wanted to speak for this request, no other statements were noted. Dalton asked if there was anyone that was here in opposition of the request.

Cindy Holler, 1611 Dot Street, Warsaw IN- a resident directly behind Purity Gases shared her biggest concern was the shrubbery, the view, noise and traffic. Holler inquired about the privacy fence and how high it will be, they currently see 2 ft. of the top of the building. Holler was told that there would be a new drive at the northern end of the property and expressed concerns about noise, dust, and the traffic being closer to the property line. Longenbaugh stated that there are no changes in the drive. Holler also expressed concerns of lower property values due to these changes and Purity Gases being located right behind all of these homes. Dalton assured Holler that her concerns would be addressed in the next case. Dalton closed comments from the audience. Keeven asked if everything has gone through engineering and if it's good to go. Longenbaugh confirmed that it is good and went through the vetting process. Dalton asked for a motion to approve.

Johnson made a motion to approve, Baumgartner second, motion carried.

2024-09-03 – Development Standards – 1638 Armstrong Rd - Purity Cylinder Gases – To Allow a Smaller Than Permitted Landscape Buffer in an I-2 Zoning District – Dalton turned the meeting to Assistant City Planner Longenbaugh for a brief explanation of the request. The petition has requested a variance from development standards to allow a smaller than permitted landscape buffer in an I-2 zoning district. Longenbaugh recommended the board approve with the stipulation that there be an 8ft continuous hedge to continue the current standard of privacy for the neighbors. Dalton requested clarification on the buffer, Longenbaugh would like the trees to be right up against the fence to continue the privacy. Keeven inquired about the height of the fence, per Longenbaugh, it is a 6ft. fence.

Keeven asked about the height of the existing berm with the trees and asked if there would be a new berm and the height of the proposed trees. Eli Wise from Purity Cylinder Gases- 1638 Armstrong Road, Warsaw, stated the berm is roughly 25 ft from the bottom to the top of the trees, the berm alone is roughly 5-6 ft. Dalton opened the discussion to the petitioners. Carl stated that they plan on using the same vegetation as they are now, which shouldn't change anything since the trees will be closer to the property

line. If a tree ends up not growing in the new location, they will bring in new trees of the same variety that will be 6-8 feet tall and should be the correct height within 3-4 years. They will try to relocate as many trees as possible and will be adding additional trees that are 6-8 feet tall that will fill the gaps that are there now.

Dalton opened the meeting to anyone in opposition of the request. Holler stated that her house is at a higher elevation and is concerned about seeing activity and wants to make sure the trees will be maintained. Chris Stout, Corporate Manager from Purity Cylinder Gases, Grand Rapids MI. Reassured Holler that Purity Gases will maintain a good relationship with the neighbors and the privacy for the neighboring property will continue to be maintained. If trees don't make it, they will absolutely be replaced.

Eli Wise- Purity Gases, explained the expected truck traffic and schedule. He shared that they will be using the new loading dock in the rear and traffic will mostly use the west exit. He shared that the hours of operation will be 7am to 5pm, there will be 3 route trucks leaving in the morning and coming back later in the day, and approximately 9 truck visits a day. Dalton closed comments to the public.

Dalton asked for a motion to approve the request with the stipulation of a 6' privacy fence and 6-8' continuous hedge along the fence, Keeven made the motion to approve, Johnson seconded with the condition of the continuous line of 6-8' hedge along the property line or the most that they can do without blocking the line of sight for vehicles when coming out of the property. Motion carried.

2024-09-04 – Development Standards – 1638 Armstrong Rd - Purity Cylinder Gases – To Allow Gravel as a Paving Material in an I-2 Zoning District- Dalton turned the meeting to Assistant City Planner Longenbaugh for a brief explanation of the request. The petition has requested a variance from development standards to allow gravel as a paving material in an I-2 zoning district. Longenbaugh would like to recommend with the condition of a 20' concrete apron at the west entrance to keep the gravel off the public street.

Carl shared that the proposed plan included gravel because of easier maintenance due to the truck traffic. He stated that concrete would be harder to maintain, but the 20' concrete apron would be a feasible option.

Dalton closed comments to the public.

Smith made a motion to approve, Keeven seconded. Motion carried.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be October 28, 2024

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

Tammy Dalton, President

Shawn Holder, Recording Secretary