

MINUTES
BOARD OF ZONING APPEALS

April 22, 2013

The Warsaw Board of Zoning Appeals met for regular session on Monday, April 22, 2013 at 7:00 p.m. in the City Council Chambers, 102 South Buffalo Street, Warsaw, Indiana. The following members were present or excused:

Present: Tom Allen, Rick Keeven, Mary Ellen Jordan, Tammy Dalton, Jack Wilhite, Elaine Call (Common Council Liaison), Mike Valentine (City Attorney), Jeremy Skinner (City Planner), Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: none

CALL TO ORDER

Allen called the meeting to order.

The February 25, 2013 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the February 25, 2013 meeting minutes as presented; Jordan seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

Item 2013- 04-01 – Variance of Use –1520 E. Winona Ave., Warsaw, IN – Fellowship Missions

Analysis:

The petitioner has requested a Use Variance to allow a Homeless Shelter within a C-2 Zoning District. Homeless residents are currently being underserved in inadequate facilities. A new facility will better house those in need.

The adjacent properties are mostly commercial in nature, but the neighborhood has a healthy mix of uses and incomes, including some multifamily housing, service organizations, and a significant industrial presence. The diversity of this neighborhood means it is resilient to property value changes.

This request is unique because it is a residential use that requires a more commercial type structure. There is a need for more parking, more rooms, a reception area, and a

strict separation of spaces. This is a use that will not fit perfectly into any homogenous zoning district, but fits well in a diverse district.

No strong argument can be made for or against any unnecessary hardship in the use of the property. There may be commercial demand for the property, but the zoning cannot perfectly predict the future market demand. The zoning was created in a patchwork to fit the condition of the area that historically has seen a diverse mix of uses.

The comprehensive plan has no recommendations for this area.

Any additional concerns about the operation of the shelter should be addressed.

Recommendation:

- The requested use will not be injurious to the public health, safety, morals, and general welfare of the community.
- The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
- The need for this variance arises from some condition peculiar to the property involved.
- The strict application for the terms of the Zoning Ordinance will constitute an unnecessary hardship in the use of the property.
- The approval of this use variance will not interfere substantially with the comprehensive plan.

Based on the information provided and the Findings of Fact I recommend the Board approve the Use Variance to allow a Homeless Shelter in a C-2 zoning district located at 1520 E. Winona Avenue.

Attachments:

- 1) Findings of Fact
- 2) Aerial photo
- 3) **BUILDING PLAN**

Allen asked if there was anyone to speak in favor of the petition.

Eric Lane presented an explanation of needs for the program, their current programs and long-term goals if approved.

Terry Walls spoke in favor of the shelter, as a recipient of assistance from Fellowship Missions.

Julie Eckel spoke in favor of the shelter, noting the rules are enforced and it is a safe environment.

Cora Horne volunteered and is now a house manager for Fellowship Missions and is in favor of one facility.

Allen asked if there was anyone to speak in opposition of the petition.

Allen acknowledged the receipt of two letters from residents opposed to that location for the shelter.

Jerry Opperud spoke, not opposing help for the homeless, but asking for the best interest, long term, of both parties, the City and Fellowship Missions, be considered.

Allen closed the public portion of the hearing.

Mary Ellen Jordan abstained from discussing or voting, as she has been asked to prepare drawings for the shelter.

The board members discussed the petition. Questions were answered by Eric Lane.

Dalton made a motion to approve *Item 2013-04-01 – Variance of Use –1520 E. Winona Ave., Warsaw, IN – Fellowship Missions*. Keeven seconded the motion. The motion carried 4-0.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, May 28, 2013

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

Tom Allen, President

Kim Arnold, Recording Secretary