

MINUTES
BOARD OF ZONING APPEALS

November 25, 2013

The Warsaw Board of Zoning Appeals met for regular session on Monday, November 25, 2013 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, Tammy Dalton, Jack Wilhite, Ron Shoemaker, Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary), Adam Turner (City Attorney)

Absent: Rick Keeven

CALL TO ORDER

Allen called the meeting to order.

The October 28, 2013 meeting minutes were reviewed and presented for approval. Shoemaker made a motion to approve the October 28, 2013 meeting minutes as presented; Wilhite seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2013 – 11 - 01 – Variance from Development Standards- Jeffrey Smith “Hoss”, 504 E. Center St., to allow a group home within 3000 feet of an existing group home.

Director’s Comments:

The petitioner has requested a Variance from Development Standards to permit a group home within 3000 feet of an existing group home. Group homes are required by ordinance to be separated by at least 3000 feet. The intent of this requirement is to avoid a concentration of a perceived negative use. This comes from the Indiana State Code 12-28-4-7 which states:

Zoning ordinances; residential facilities for individuals with a mental illness
Sec. 7. (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude

a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws.

(b) A zoning ordinance may exclude a residential facility for individuals with a mental illness from a residential area if the residential facility will be located within three thousand (3,000) feet of another residential facility for individuals with a mental illness, as measured between lot lines.

The requested group home would provide a community service to help with responsible rehabilitation of residents. This service has been shown to be non-detrimental to the community at large and the specific area in which they are located.

A large portion of homes in this immediate area are used as rental properties with multiple residents. This use is not out of character. A change in use to allow a group home would not be detrimental, and the 3000-foot separation does not serve its intended purpose in this case.

There is a concentration of negative property value in this immediate area for a variety of reasons, including the proximity to the railroad tracks. Adding an additional permissible use to this property would increase flexibility and therefore increase value. This would contribute to achieving the property's highest and best use.

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 strict application for the terms of the Zoning Ordinance will constitute an unnecessary hardship in the use of the property.

Based on the information provided and the Findings of Fact, Dombrosky recommended the Board approve the Variance from Development Standards to permit a group home at 504 E Center St. within 3000 feet of an existing group home.

Allen opened the meeting to any person wishing to speak in favor or against the Variance from Development Standards.

Jeffrey Smith "Hoss" was present to explain the need to purchase the home located at 504 E. Center St. for a group home. Smith explained some of the history and the goal of his group. Community betterment was emphasized as the main goal. He explained he runs two homes for Serenity House and this would be the third home under his supervision, even if it weren't operated through Serenity House. He has been turning individuals away with needs because the other two homes are full. He has been supervising individuals in a group home setting since 2006.

Scott Smith was introduced by Jeffrey Smith “Hoss”. Scott Smith came to speak in favor of the program being run by “Hoss”. He feels the program, along with the justice system, gives individuals the tools to break the cycle that many are caught in. He also feels the positive impact of the program affects families and friends of those involved, with the only problem being the lack of space in the existing homes.

With no one else to speak in favor or against the petition the meeting was closed to the public.

The board members discussed the petition.

Shoemaker made a motion to approve - Item 2013-11-01-Variance from Development Standards – Jeffrey Smith “Hoss”-504 E. Center St. – to allow a group home within 3000 feet of a group home. Dalton seconded the motion. The motion carried unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, December 23, 2013

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

Tom Allen, President

Kim Arnold, Recording Secretary