

**MINUTES
BOARD OF ZONING APPEALS**

September 22, 2014

The Warsaw Board of Zoning Appeals met for regular session on Monday, September 22, 2014 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, Jack Wilhite, Ron Shoemaker, Tammy Dalton, Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Mike Valentine (City Attorney)

CALL TO ORDER

Allen called the meeting to order.

The August 25, 2014 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the August 25, 2014 meeting minutes as presented; Dalton seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2014 – 09 - 01 –Variance from Development Standards- . 1909 North Bay Dr. –Tim Polk-

The petitioner Tim Polk, has requested a Variance from Development Standards to permit an oversized accessory building on their property. The zoning ordinance restricts the size of accessory buildings in residential zones based on lot sizes in the following table;

Lot Size	Total Maximum Size of Accessory Building(s)
Under 10,000 square feet	720 square feet
10,001—25,000 square feet	864 square feet

25,001 square feet and over	1,200 square feet
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The property in question is almost an acre in size with three street frontages. The location requested would be on a side street frontage of the property. The building should be setback at least 25' to match the residential setback, and also provide for safe vision and clearance.

The area adjacent to this requested site for the structure is either screened, or commercial in use. The 2,810 square foot home would sit in between the building and the nearby houses to the west and south, with significant mature landscaping lining the property as well. The area to the north is dominated by a 4,000 square foot commercial building, and the area to the east is a major commercial strip center.

The intense commercial activity to the North and East somewhat affects the use and value of this property. A variance for an accessory structure that is larger than normal, yet smaller than the adjacent structures, helps to balance the transition in form from the businesses on Winona Ave to the homes on Winona Lake. Requiring properties in this type of situation to meet the same requirements as properties without this type of limitation is a hardship.

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, Dombosky recommended the Board approve the Variance from Development Standards to permit a 2,400 sq ft accessory building in an R-1 zoning district located at 1909 N Bay Drive.

Attachments:

- 1) Findings of Fact
- 2) Aerial photo
 - a. Plan with approximate size

Assistant City Planner Dombrosky gave a brief overview of the request and explained his recommendation. Allen opened the meeting for any person to speak in favor or against the request for Variance from Development Standards.

Tim Polk was present to explain the request and answer any questions.

Tim and Myrna Eisenbraun, neighboring property owners, expressed concern about losing trees on their property. Discussion followed. Mr. Polk will be building a retaining wall ten feet from the property line and does not plan on causing damage to the trees. A verbal agreement was reached between Mr. Polk and the Eisenbrauns. If any tree is damaged or killed and replacement

is necessary, it will be with pine trees. Both parties were agreeable with the agreement.

The meeting was closed to the public, as there was no one else to speak in favor or against the petition.

Discussion followed between Board members.

Keeven made a motion to approve *Item 2014 – 09 - 01 – Variance from Development Standards-As Noted-* Wilhite seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, October 27, 2014

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

Tom Allen, President

Kim Arnold, Recording Secretary