

MINUTES
BOARD OF ZONING APPEALS
March 23, 2015

The Warsaw Board of Zoning Appeals met for regular session on Monday, March 23, 2015 at 7:00 p.m. in the City Council Chambers, 102 S. Buffalo Street, Warsaw, Indiana. The following members were present or excused:

Present: Rick Keeven, Tammy Dalton, Jack Wilhite, Ron Shoemaker, Adam Turner (City Attorney), Jeremy Skinner (City Planner), Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Tom Allen

CALL TO ORDER

Keeven called the meeting to order.

The February 23, 2015 meeting minutes were reviewed and presented for approval. Wilhite made a motion to approve the February 23, 2015 meeting minutes. Shoemaker seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2015-03-01- Use Variance- 604 E Ft. Wayne St. - John Kidd-

The petitioner has requested a Use Variance to permit a boarding house at a property located at 604 E Fort Wayne St, which is not permitted in an R-2 zoning district. The petitioner represents Serenity House which operates for- pay housing for recovering substance abusers.

The requested use will be beneficial to the community, and Serenity House in particular, has proven to be a good community member.

The use and value of the area will be negatively affected. There will be increased traffic and parking needs, which Fort Wayne St is not designed to accommodate. There will also be a significant increase in density that is not compatible with the neighborhood. The single family homes nearby could see a noticeable decrease in property value.

The property in question is a typical large historic single family home on a small lot. There are no peculiar conditions which necessitate a variance. There is also no hardship in the continued use of the property as it is zoned.

The Comprehensive Plan identifies this area as an urban residential neighborhood. This use has residential aspects, but also has commercial qualities that conflict with the goals of the area.

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 be affected in a substantially adverse manner.
- The need for this variance does not arise from some condition peculiar to the property involved.
- The strict application of the terms of the Zoning Ordinance will not 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 Dombrosky recommended the Board deny the Use Variance to permit a Boarding House in an R-2 zoning district located at 604 E Fort Wayne St.

Assistant Planner Dombrosky gave a brief overview of the request.

Keeven opened the meeting to the public for any person wishing to speak in favor of the petition.

Mary Jo Bronco, homeowner of 604 E. Ft. Wayne St., explained her desire to sell the home to Serenity House. They had submitted an acceptable offer and she felt they would be a good neighbor, as they have been in the existing Serenity House at 622 E. Ft. Wayne St. She stated the home will be vacant by August if it should not sell, as she is moving at that time.

John Kidd, Board Member of Serenity House pointed out that the neighbors in the area know what kind of neighbor Serenity House has been. They pride themselves in property maintenance and being a good neighbor.

Hoss Smith, Manager of Serenity House, explained a brief history of Serenity House in Warsaw. He explained the expectations of the individuals living at each house. He is requesting another house for the needs of women in the community. Currently there is no place for women to stay who are dealing with addiction issues. He promotes being a good neighbor and teaches individuals how to live within a community, be a good neighbor, and help them get back on their feet.

The requested house at 604 E. Ft. Wayne St. would house men, with approximately sixteen beds.

Duane Huffer, retired Kosciusko County Judge, spoke of positive experiences with Serenity House and Hoss when working with the Courts. He also spoke of the need for a women's house and the location needing to be in close proximity of employment opportunities. He fears for the future of the actual house if Serenity House does not move in, with the possibility of it not being maintained properly or made into a multi-family dwelling.

Keeven closed the meeting to comments in favor of the petition and opened the meeting to those in opposition.

Kolin Young, neighbor, is currently renting out his home because he could not sell it. He spoke of Serenity House being a good neighbor but does not wish two Serenity House facilities in one neighborhood.

Bob Raver, neighbor, presented a petition of approximately 35 names, signed by individuals from the neighborhood. He feels Serenity House with the number of beds and parking requested does not meet the criteria of the City to pass BZA. He does not feel the allowance of this petition fits in with the current Comprehensive Plan. He asked members of the BZA to honor the recommendation of the City and vote against the petition.

Jennifer King, home owner of two properties on Main St., one of which is directly behind 604 E. Ft. Wayne St., is concerned about construction of a parking lot, causing her property to possibly flood. She credited Hoss for doing a great job but is concerned about the few individuals who could create problems no matter the efforts by anyone. She is also concerned about sewage issues which, she stated, were problematic already. She fears the increase of people in one house could create more of an issue.

Mark Meerzo, resident of Main St. for 29 years, feels it would cause a negative impact with extra traffic in the neighborhood and in the alleys. He explained traffic already increases for visitors to Serenity House on the weekends and a second house will make it even worse. He feels a second house will not make a positive impact on the neighborhood and he would like Serenity House to look into building a facility.

Ed Jarrett, neighbor, is concerned about the added number of people on one lot. He lived there when Serenity House moved in and explained the neighborhood had to stretch in order to live together with the increase in traffic and pedestrian traffic, especially on weekends and the holidays. He does not feel the neighborhood is going to be able to stretch enough for a second home. He stated Serenity House is a quality organization but it is unfair to ask residents to allow another house in the same neighborhood.

Scott Kessler, neighbor is concerned about flooding. He has nothing negative to say about Serenity House. He feels all of the neighbors will feel the impact of the increase in water run-off from a parking area.

Kevin Lancaster, neighbor, chose to live on Main St. because it has less traffic than some of the two way streets in Warsaw. He is concerned for the safety of his children who play in the back yard. He stated the alley behind his home becomes a racetrack on weekends and other times due

to Serenity House visitors.

Rick Sahagun, neighbor, is concerned about the increase on the existing sewer system and wanted to know why there had been no meeting before Serenity House moved in at 622 E. Ft. Wayne St.

Vicki Adams, resident of Ft. Wayne St., has had problems getting to her home using Tamarack St. She stated the problems are worse in the summer months with motorcycles and large amounts of visitors going to and from Serenity House.

Keeven closed the meeting to the public.

Discussion followed among the Board Members, City Attorney Adam Turner, City Planner Skinner and Assistant City Planner Tim Dombrosky.

Jeff Grose, resident of Clark St. and City Councilman, asked Assistant Planner Dombrosky about the criteria the City had approved. Two of the five requirements were met for the petition to be granted a favorable recommendation to the BZA by the Planning Department.

Each Board Member verbally summarized their opinions and thoughts. Each Board Member voiced praise for Serenity House and the work they do, but felt the need to listen to the neighbors and the recommendation by the Planning Department as to the three criteria that were not met. Motion was made by Shoemaker to deny Resolution 2015-03-01. Dalton seconded the motion. The motion was denied unanimously.

2015-03-02- Variance from Development Standards-604 E. Ft. Wayne St. - John Kidd-

The petition was withdrawn based on the vote of the previous petition.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, April 27, 2015

Keeven adjourned the meeting.

Rick Keeven, Vice President

Kim Arnold, Recording Secretary