

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**April 27, 2015**

The Warsaw Board of Zoning Appeals met for regular session on Monday, April 27, 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: Tom Allen, Rick Keeven, Jack Wilhite, Ron Shoemaker, Mike Valentine (City Attorney), Jeremy Skinner (City Planner), Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Tammy Dalton

**CALL TO ORDER**

Allen called the meeting to order.

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

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

**Item 2015-04-01- Development Standards- 415 E Winona Ave. – Manchester Rental-**

The petition was tabled until the May meeting due to the legal advertisement having not been published ten days before the meeting.

**2015-04-02- Use Variance-650 E. Winona Ave. – Splendor Boats-**

Allen turned the meeting over to Assistant Planner Dombrosky who gave a brief overview of the request.

The petitioner has requested a Use Variance to permit boat sales. This use is permitted in C-3, C-5, I-1, and I-2 zoning districts. The property was previously used for automobile sales. The requested use will have many of the same characteristics. New commercial construction is required to maintain a 6' high continuous screen next to residential uses. The petitioner has

indicated they could install such a screen and Dombrosky would recommend that it be required. With that, the use and value of the adjacent property would be protected.

**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 Dombrosky recommended the Board approve the Use Variance to permit boat sales in a C-2 zoning district located at 650 E Winona Ave.

Allen opened the meeting to any person wishing to speak in favor or against the petition.

Adam Heckaman was present to speak in favor of the petition. He is the owner of Splendor Boats of Silver Lake. He wishes to open a full service Marina at the location. They will have storage, service, and sales at the Winona Avenue location. He wishes to improve the exterior of the building with paint, landscaping and a new fence. He would like to offer services that aren't available nearby and become a member of this community. Purchase of the building is pending the decision of this meeting.

No other person was present to speak in favor or against the petition. Allen closed the meeting to the public.

Discussion followed among Board Members. Motion was made by Shoemaker to approve Use Variance 2015-04-02. Wilhite seconded the motion. The motion carried unanimously, 4:0.

**2015-04-03- Use Variance-321 S. High St.-Serenity House-**

Allen turned the meeting over to Assistant Planner Dombrosky who gave a brief overview of the request.

The petitioner has requested a Use Variance to permit a boarding house. This use has no permitted zoning districts. 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 not be negatively affected. Any increase in traffic will have relatively little impact, and Winona Ave. and High St. are designed to accommodate high traffic volumes. Parking is provided on site. The density of downtown and the surrounding area matches the proposed use.

The property in question is a large historic single family home that has been converted for commercial use. It is on the corner of a state road and downtown street. It has limited uses. Any use that maintains the character and condition of the house is beneficial. There is a 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 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 Dombrosky recommended the Board approve the Use Variance to permit a boarding house in a C-4 zoning district located at 321 High St.

Allen opened the meeting to any person to speak in opposition of the petition.

Assistant Planner Dombrosky brought to the attention of the Board Members a letter in opposition received by the City Building and Planning Department and supplied to members in their packets. The letter from Steve Frecker stated concern for his rental property at 404 S. High St. He is concerned about the number of individuals living in one house as well as the activity and commotion surrounding the proposed use of the home. He is concerned for his apartment residents and does not wish to lose them as renters.

Bob Lamirand, neighbor, had several questions. Assistant Planner Dombrosky explained he would have the petitioner answer questions of the audience.

Daren Maierle, neighbor, questioned the age of the residents, as he has an issue with large amounts of existing foot traffic near his home. He has concerns about vehicular traffic as well. He questioned the restrictions on the home itself. BZA President Allen reminded him that some of the questions could not be answered in a BZA hearing.

Charlie Smith, City Councilman, brought up numerous concerns. He referred to the existing Serenity House located on Ft. Wayne St. He has concerns about the accountability for the number of individuals living in one house. He opposes a group home in a neighborhood setting and would like the issue to be taken to the Plan Commission to see how it fits within the City. He also questioned the Board of Health requirements for cooking for that many people. He requested the existing Serenity House locations be looked at.

Mike Klondaris, City Councilman, expressed reservations as to the location. He stated there is a Bowen Center facility nearby as well as a preschool. He asked the BZA to table the petition until the City Building and Planning Department can review how to accommodate requests like this. He suggested they should possibly be taken to the Common Council. He stated Serenity House is actually a half-way house, not a boarding house. He does not feel it belongs in a neighborhood. He stated no home has been able to be sold on Ft. Wayne St. since Serenity House located their first house there. He asked the City to develop a protocol and asked if the City had sent notification letters to adjacent property owners. He again asked the BZA to table the petition.

Cindy Dobbins, Councilwoman, concurred with Councilman Smith and Klondaris.

Allen closed the meeting to any person wishing to speak in opposition of the petition.

Allen opened the meeting to any person wishing to speak in favor of the petition.

Jeff Smith "Hoss" of Serenity House spoke in favor of the Serenity House program, being a good neighbor, and he feels Serenity House has increased the value of the neighborhoods where they are located. He stated he was not at the meeting to talk about those issues. Serenity House would like to open another house for sixteen men with two emergency beds at the High St. location. They would move the occupants of the existing Market St. location to High St., enabling them to use the Market St. location for a women's facility, with ten beds. He feels the program has a positive impact on this community as well as a positive impact on the individuals participating in the program. The people enrolled in the program are good people just looking to get their lives on track per Smith.

Rene Osborn, Kosciusko County Probation Officer and Drug Court Probation Officer, spoke in favor of the program offered by Serenity House. She explained the desperate need for a women's house. She works with people in the program everyday through Hoss. She stated his rules are strict and Hoss is with the participants every day, and he knows them well.

Allen closed the meeting to the public as there was no other person to speak in favor of the petition.

Assistant City Planner Dombrosky answered questions from Board Members. City Attorney Valentine read the five criteria, from the Indiana State Statute, the members of the BZA would be basing their vote on. Discussion followed. Each Board Member gave a brief summary of their thoughts on the petition. Shoemaker abstained from commenting.

Motion was made by Keeven to approve Resolution 2015-04-03-Use Variance – 321 S. High St. Allen seconded the motion. Wilhite voted in favor of the petition and Shoemaker voted against it, resulting in a 3:1 vote.

**OTHER MATTERS THAT MAY COME BEFORE THE BOARD**

- Next meeting will be Tuesday, May 26, 2015

Keeven made a motion to adjourn the meeting. Shoemaker seconded the motion. The motion carried unanimously, 4:0.

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Tom Allen, Vice President

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Kim Arnold, Recording Secretary