

**MINUTES
BOARD OF ZONING APPEALS
JUNE 22, 2015**

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

Absent: Mike Valentine (City Attorney)

CALL TO ORDER

Allen called the meeting to order.

The May 26, 2015 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the May 26, 2015 meeting minutes. Wilhite seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2015-06-01-Use Variance- 127 S. Lincoln St.-Chris McCrea-
Assistant City Planner Dombrosky gave a brief review of the request.

The petitioner has requested a Use Variance to permit a professional office in an R-2 district. The existing structure is currently being used as a church. The property received a special exception for a day care, and a parking lot has been installed.

The requested use will be beneficial to the neighborhood and the community. Supporting the successful uses in this area is important to maintain property values. A transitional use like a professional office is a preferred buffer between the more intense commercial uses to the West and the homes to the East. The use will have minimal traffic, maintain residential architecture, and have daytime operating hours.

The need for the variance arises because the property is built for a non-residential use. The parking lot is not conducive to a single family home, and the adjacent uses are detrimental to a pure residential use. A transitional use is a good way to maximize and maintain property values.

The Comprehensive Plan outlines this area as a neighborhood stabilization area. The page describing this plan is attached. Specifically it says, *“Utilize zoning regulations to assure that businesses within the yellow areas along Center Street are limited to low intensity uses and structures maintain residential character and scale.”* And *“Generally all structures should be limited to two stories. Buffering and architectural design should be used to minimize commercial and industrial impacts to adjacent residential uses.*

The structural mass of commercial architecture should be reasonably in proportion to residential properties. Pitch roofs should be strongly encouraged.” All of these criteria are met with this property. Specifically I would recommend that the existing landscape buffer between this property and the home to the east be maintained.

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 professional office at 127 S. Lincoln St.

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

Allen closed the meeting to the public as no person was present to speak in favor or against the petition. Discussion followed among Board members. Motion was made by Keeven to approve 2015-06-01- Use Variance- 127 S. Lincoln St., with restrictions, seconded by Dalton. The motion passed unanimously with the restrictions of only being used as an office for a Land Surveyor. The existing sign will be allowed to remain, but if they should change it in the future, or make structural changes to the building, they would have to conform to the requirements of the Center Street Overlay District, R-2.

Warsaw Party Rental Discussion- Questions about the placement of the sheds for sale, approved last month at BZA, were brought to Assistant Planner Dombrosky. The members were wondering if it was specified in the meeting last month as to where they were to be placed on the property and if they were to be set on hard surface. They are in the grass at this time. The members were also wondering if they should be anchored. They wish the question of anchoring

storage buildings for sale, within the City, be addressed at the next meeting. Discussion followed.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, July 27, 2015

With nothing further to come before the Board, motion was made by Keeven to adjourn the meeting. Shoemaker seconded the motion. The motion carried unanimously

Tom Allen, President

Kim Arnold, Recording Secretary