

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

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

Absent: Tom Allen

CALL TO ORDER

Keeven called the meeting to order.

The June 22, 2015 meeting minutes were reviewed and presented for approval. Dalton made a motion to approve the June 22, 2015 meeting minutes. Wilhite seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

Assistant City Planner Dombrosky addressed the use of anchors on accessory structures used as display units for sale. He explained the use of anchors is not necessary for display units because they are temporary.

NEW BUSINESS

Item 2015-07-02- 1202 E Ft. Wayne St. – 10’ variance from 10’ porch setback – Patrick Loeb-

Assistant City Planner Dombrosky gave a brief review of the request. The petitioner has requested a Variance from the development standards relating to the front porch setback.

The lot in question is on the side of the Maple Ave and Fort Wayne St intersection that is not of concern for vision clearance. It is to the east of a one way east street. With this variance, there would still be 10’ of clearance between the porch and the street. There are no safety concerns.

Homes in this area generally do not meet setback requirements, so uniformity is not a goal. Variance from aesthetic requirements will not have a negative effect on nearby properties.

Lots in this neighborhood are generally small and constrained for space, and density is desirable. Additions to homes in this area should be encouraged to maintain value in a competitive market, and the maximization of space should be prioritized over preservation of aesthetics.

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 of 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 from the front porch setback in an R-2 zoning district located at 1202 E Fort Wayne St.

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

Patrick Loeb, the petitioner, was present to explain the request and answer any questions from the Board members. He explained he is planning on building a wrap-around porch for his home, which was built in 1895.

Keeven closed the meeting to the public as no other person was present to speak in favor or against the petition. Discussion followed among Board members. Motion was made by Shoemaker to approve 2015-07-02- 10' variance from 10' porch setback, seconded by Wilhite. The motion carried unanimously.

2015-07-03- 1911 La Vista Dr. – Stone Driveway – Robert Bucher-

Assistant Planner Dombrosky gave an overview of the request. The petitioner has requested a Variance from the development standards requiring hard surfaces for any driveways or parking areas.

This requirement is to reduce the amount of debris that is allowed to collect on our streets and in storm sewers. This debris increases maintenance costs and increases wear. The City also requires hard surface for aesthetic reasons. This is a standard the City would like to uphold.

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 strict application for the terms of the Zoning Ordinance will not constitute an

unnecessary hardship in the use of the property.

Based on the information provided and the Findings of Fact Dombrosky recommended the Board deny the Variance from Development Standards from the non-permitted driveway surface in an R-1 zoning district located at 1911 La Vista Dr.

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

Barry Bucher, father of the petitioner, was present and explained the reason for the request. They wish to install a gravel driveway in order to park a motor home inside a storage building that is separate from the residence. He feels the cost difference between gravel and asphalt is prohibitive and stated it will not be used very often. There are numerous homes in the neighborhood with existing gravel driveways.

Keeven closed the meeting to the public as there was no other person to speak in favor or against the petition. Discussion followed among Board members. Shoemaker made a motion to approve 2015-07-03-1911 La Vista Dr. The motion was seconded by Dalton. The motion carried unanimously.

2015-07-01- 739 E. Winona Ave. – Boarding House in a C-2 – True Purpose

City Assistant Planner gave an overview of the request. The petitioner has requested a Use Variance to permit a boarding house in a C-2. This is a rehabilitation facility to support community members with addiction and substance abuse. The lot in question is an existing single family house in a C-2 on Winona Ave, surrounded on all sides by uses of higher intensity. The request will not have a negative effect on adjacent property.

The current conditions of the lot make it suitable for a semi-commercial use like a boarding house that can make use of the home as well as the parking lot and adjacent non-residential uses.

The Comprehensive Plan recommends this area stay community serving commercial. Dombrosky considers this use to be semi-commercial since it is for pay housing, so he recommends that it is an appropriate fix.

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-2 zoning district located at 739 E Winona Ave.

Keeven opened the meeting to any person wishing to speak in favor of the petition. Jeremy Graham, representing True Purpose gave an explanation for the request and gave an overview of True Purpose Ministry. He explained the organization does not allow violent or sex offenders. Each resident is screened prior to admittance. Each resident pays a fee to live and participate in the program. Each participant stays for a full year, seven days a week, and 24 hours a day. The program is a discipleship program not a mental or medical facility. Participants usually range from age 18 to 30. It is a second chance before the jail system.

Dewayne Busz, owner of the rental property, supports the proposed use. He feels the residents will be required to work, be counseled and kept busy.

Ben Irvine, member of the local jail team ministry, participated in a similar program in Indianapolis. He is a volunteer with True Purpose Ministries. He supports this type of program at the local level.

JoRetta Vektor, mother of a 25 year old who still struggles could have used this type of program in the past. She is in complete support of the program.

Keeven asked Graham how many beds the facility would have. Graham, stating he was not familiar with Indiana law, said it would have no more than twelve. Keeven inquired about the square footage of the home. Busz, owner of the home, guessed approximately 1,500 square feet.

Jim Small, President of the Kosciusko County Jail Team spoke in favor of True Purpose after meeting Jeremy Graham on visits at the jail. He spoke of individuals leaving the jail system and forgetting the commitment they had made while inside. They could grow in the environment provided by True Purpose.

Lonny Irvine, father of Ben Irvine, spoke of drug addiction with their son until he participated in the program, similar to True Purpose, in Indianapolis. They have commitments from local contractors to provide jobs for the residents in order to help them achieve success over addiction.

Jeff Short, an addict who has been sober for 21 years, could have benefitted from a program of this type. He feels it will be nothing but a blessing for the area.

With no other person to speak in favor of the petition, the meeting was closed to the public.

Keeven opened the meeting to any person wishing to speak in opposition of the request.

Harold "Butch" Schapson, business owner of three businesses on Winona Ave. spoke of having problems with his businesses after the homeless shelter opened nearby. His employees have had to ask homeless to leave the property of his businesses, there are people walking constantly with no apparent place to go and several homeless were nearby when his store had a fire that was

started on the outside. He has had meetings with the Mayor and City Planner Skinner. He was told the homeless would have programs and feels that has not happened. He does not want Winona Ave. to be a “shelter district”. He referred to the Comprehensive Plan and the positive changes Splendor Boat is bringing to Winona Ave. after purchasing the empty building at 650 E. Winona Ave. He wants the City to do what they said they would do.

Charlie Smith, District 2 Councilman, believes it is the wrong location for such a use. He feels allowing the property to be used by True Purpose would be injurious to others. He feels, though hard to prove, property values would be affected. He does not wish to have felons living at that location. He referenced the number of calls for service to the Warsaw Police Department for the two Serenity House locations in Warsaw. He said he had spoken with Mayor Thallemer and wishes for the approval of such requests to go to the Common Council and/or the Plan Commission. He stated True Purpose never contacted Butch Schapson before the meeting.

Cindy Dobbins, Councilwoman, stated she had concerns with the vague request by True Purpose and would like the City to step back and get more information like the number of beds and the number of occupants.

With no other person to speak in opposition of the request, the meeting was closed to the public.

Discussion followed among BZA members. Adam Turner, City Attorney, reminded the members the decision today was based solely on location only, not beds, square feet and numbers of people.

Keeven asked Graham, of True Purpose, what this program will do. Graham explained they will take the people to work and pick them up. They will never have free time nor is smoking allowed.

Shoemaker feels the location should be left for commercial use.

Wilhite asked questions of Assistant Planner Dombrosky about the Comprehensive Plan and where for pay housing falls into place. Assistant Planner Dombrosky explained it would be permissible in a C-2. Wilhite does not like the location for this use and stated we have no district for boarding houses.

Dalton does not like the location for the use and the fact that there is no green space.

Keeven discussed the number of half way houses within the area and the need for such programs. He feels True Purpose is a top of the line program and is not like the homeless shelter. He feels members of the community need somewhere to go and within the City limits is better than being too far for work and transportation.

Motion was made by Shoemaker to deny 2015-07-01- 739 E. Winona Ave. – Boarding House in a C-2- True Purpose. Dalton seconded the motion. The motion was passed 3 to 1, with Keeven opposed.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, August 24, 2015

With nothing further to come before the Board, Keeven adjourned the meeting.

Rick Keeven, Vice President

Kim Arnold, Recording Secretary