

**MINUTES
BOARD OF ZONING APPEALS
OCTOBER 26, 2015**

The Warsaw Board of Zoning Appeals met for regular session on Monday, October 26, 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, Tammy Dalton, Ron Shoemaker, Mike Valentine (City Attorney), Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: None

CALL TO ORDER

Allen called the meeting to order.

The September 28, 2015 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the September 28, 2015 meeting minutes. Dalton seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2015-10-01- 765 W. Market St. – Use Variance – Tom Diecks –

Assistant City Planner Dombrosky gave a brief review of the request.

The petitioner has requested a Use Variance to permit a church to operate in the existing building at 765 W Market. The building was previously constructed and used by Baker Youth Club as an indoor recreation center.

The property is zoned I-2 and has access to Market St. It has adequate off street parking behind the building, and a commercial cut to the street. There should be no adverse effects to the neighborhood from vehicles.

The building is existing and was constructed for the youth club which means it has constraints in the use and layout of its rooms. This makes it difficult to reuse. A church would make good reuse of the building and be similar in intensity to the Youth Club.

The reuse of this property under the industrial requirements would be difficult, and actually be less desirable as it is directly adjacent to residences. In Dombrosky's opinion, this is a near ideal use for this property.

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 church in an I-2 zoning district located at 765 W Market St.

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

Tom Diecks, the petitioner, was present to explain the request and answer questions of the Board members.

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

Discussion followed among the Board members. Motion was made by Dalton to approve Resolution 2015-10-01. Shoemaker seconded the motion. The motion carried unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, November 23, 2015

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

Tom Allen, President

Kim Arnold, Recording Secretary