

**MINUTES
BOARD OF ZONING APPEALS
February 22, 2016**

The Warsaw Board of Zoning Appeals met for regular session on Monday, February 22, 2016 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, Jeff Johnson, Dan Smith, Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary), Mike Valentine (City Attorney)

Absent: Tom Allen

CALL TO ORDER

Keeven called the meeting to order.

The January 25, 2016 meeting minutes were reviewed and presented for approval. Johnson made a motion to approve the January 25, 2016 meeting minutes as presented; Dalton seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2016 – 02 - 01 – Special Exception- Home Occupation- Tillie Rich- 1514 E. Center St.-
Keeven turned the meeting over to Assistant Planner Dombrosky. The petitioner has requested a Special Exception to permit a home occupation.

The guidelines for a home occupation are below;

- p. Home occupations shall be permitted in any principal residential building or structure located in R-2 and R-3 zone districts, provided that:
 - 1. No persons other than members of the family residing on the premises shall be engaged or employed in such occupation.
 - 2. The use of a dwelling unit or private garage for a home occupation shall be clearly incidental to its principal use for residential purposes.

3. There shall be no change in the outside appearance of the building or premises or other evidence of such occupation other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the principal building.
4. There shall be no outside storage.
5. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference outside the dwelling unit in amounts greater than present under normal circumstances.
6. No commodity shall be sold on the premises.
7. No mechanical equipment shall be installed except that which is customarily used for purely domestic or household purposes.

The zoning ordinance does not permit anything other than residential uses in R-2 districts, however the Center St corridor has an overlay district that describes restrictions in the physical appearance of home conversions. The intent is clearly that the residences on Center St should be allowed to serve as minimally intensive office and retail if they retain their residential character and do not grow to be more than that.

The neighboring uses are mostly residential with one exception. This use should be carefully monitored to ensure that it retains a low intensity, residential character. There should be minimal change in outside appearance, and traffic demands should be very low.

Small scale office and retail uses can serve residential neighborhood interests by providing services close by and increasing diversity. Dombrosky recommended that if this use meets the special exception conditions, it will serve the public welfare.

The applicant has also requested to replace a freestanding sign that has been removed. The sign was minimally intrusive and not out of character with the signage standards established on E Center St.

Recommendation:

- The special exception is consistent with the spirit, purpose, and intent of the Zoning Ordinance.
- The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
- The requested use will serve the public convenience and welfare.

Based on the information provided and the Findings of Fact Dombrosky recommended the Board approve the Special Exception to permit a home occupation with a 12 square foot freestanding sign in an R-2 zoning district located at 1514 E Center St.

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

Tillie Rich, the petitioner, was present to explain the request and answer any questions. No other person spoke in favor or against the petition.

Keeven closed the meeting to the public.

Discussion followed among Board members. Dalton made a motion to approve 2016-02-01-Special Exception-Tillie Rich-1514 E. Center St. Smith seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, March 28, 2016

Keeven adjourned the meeting.

Rick Keeven, Vice President

Kim Arnold, Recording Secretary