

**MINUTES
BOARD OF ZONING APPEALS
OCTOBER 23, 2017**

The Warsaw Board of Zoning Appeals met for regular session on Monday, October 23, 2017 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, Jeff Johnson, Tammy Dalton, Mike Valentine (City Attorney), Jeremy Skinner (City Planner), Kim Arnold (Recording Secretary),

Absent: Dan Smith, Justin Taylor (Assistant City Planner)

CALL TO ORDER

Allen called the meeting to order.

The September 25, 2017 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the September 25, 2017 meeting minutes as presented. Johnson seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

2017-10-01-Variance from Development Standards – 1102 Ranch Rd. – Alpheus & Lynae Eherenman- City Planner Skinner gave a brief explanation of the request. The petitioner is requesting a Variance from Development Standards to allow an accessory structure greater than 18’ tall in an R-1 Zoning District. The proposed accessory structure is a historic barn that the petitioner wishes to relocate onto his property. The height of the barn is approximately 28’ which will not exceed the height of the petitioner’s primary structure. The petitioner has a relatively large property (3 lots Approx 1.6 acres), so the height of the proposed accessory structure should not look out of place. The location of the proposed structure will conform to the setback requirements for this zoning district.

Applicable Ordinance:

12.0.4. - General provisions.

(i) Residential districts:

- 1) The height of the structure shall be limited to 18 feet; however, no such structure shall be taller than the principal building.

Based on the information provided, it is the opinion of the Planning Department that this case could be viewed favorably, when measured by the criteria delineated within the Findings of Fact.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Alpheus and Lynae Eherenman, the petitioners, were present to answer any questions and explain the request. No other person was present to speak for or against the petition. Allen closed the meeting to the public. Discussion followed among members. Motion was made by Johnson to approve *2017-10-01-Variance from Development Standards – 1102 Ranch Rd. – Alpheus & Lynae Eherenman*. Dalton seconded the motion. The motion passed unanimously.

2017-10-02-Use Variance -1202 E. Winona Ave.-Vanessa Sparks- City Planner Skinner gave a brief explanation of the request. The petitioner is requesting a Use Variance to allow a Church to be located within a C-2 Zoning District. The property located at 1202 E. Winona Avenue was historically used as a service station; however, it has been used as a church by this congregation for three years. This property is designated as institutional per the comprehensive plan (*see attached*). This designation means that the requested variance would not conflict with the land classification plan.

The petitioner noted that this is a transitional space for them and that they are in the process of looking for a new location to better accommodate their needs. They hope to find a new location by May 2018.

The church has a congregation that varies from 15 to 50 members and they typically have services on Sunday and Wednesday. The property has a relatively small parking lot that can accommodate approximately 15-20 cars. The petitioner has stated that they have an understanding with the surrounding property owners to permit overflow parking in their lots as needed.

Based on the information provided, it is the opinion of the Planning Department that this case could be viewed favorably, when measured by the criteria delineated within the Findings of Fact.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Bev Brown, the property owner, was present to explain the request and answer questions. No other person was present to speak in favor or against the petition. Allen closed the meeting to the public. Discussion followed among the members. Motion was made by Keeven to approve *2017-10-02-Use Variance -1202 E. Winona Ave.-Vanessa Sparks*. Johnson seconded the motion. The motion passed unanimously.

2017-10-03 – Special Exception – Allow Multi Family Development in a C-3 District – Prosperity Drive – Redwood Acquisitions LLC. – City Planner Skinner gave a brief explanation of the request. The petitioner has requested a Special Exception to permit a multi-family residential development in a C-3 district on Prosperity Drive. Multi-family residential

development is permitted as a Special Exception in C-3 Zoning Districts with no specific criteria. It still must meet the state requirements for special exceptions as follows:

The special exception is consistent with the spirit, purpose and intent of the Warsaw Zoning Ordinance. The special exception will not substantially and permanently injure the appropriate use of neighboring property. The special exception will substantially serve the public convenience and welfare.

The petitioner is a builder of multi-family residential development in the region. They are exploring an area for development within Warsaw. The property in question is in an area near the outer limits of the City. It benefits the City to encourage a mix of housing options to accommodate the diverse needs of Warsaw’s population.

The zoning ordinance is intended to protect citizen’s property rights. It also allows for special exceptions to allow appropriate development when it fits with this intention. There are existing residential uses to the east and north of the proposed development.

USES	RR-1	R-1	R-2	R-3	C-2	C-3	C-4	C-5	I-1	I-2	I-3	M
Residential multi-family			P	P	SE	SE	P					

Based on the information provided, it is the opinion of the Planning Department that this case could be viewed favorably, when measured by the criteria delineated within the Findings of Fact.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Joshua Cribelar, of American Structurepoint, representing the petitioner, was present to explain the request and answer any questions. Marcia Anderson, a resident of Buck Trail and representing several residents of Buck Trail asked various development questions. Allen explained the questions being asked were not able to be answered by the BZA but would be addressed with the Development Plan and the building process. No other person was present to speak in favor or against the petition. Allen closed the meeting to the public. Discussion followed among the members. Dalton made a motion to approve *2017-10-03 – Special Exception – Allow Multi Family Development in a C-3 District – Prosperity Drive – Redwood Acquisitions LLC*. Johnson seconded the motion. The motion passed unanimously.

2017-10-04-10-04-Variance from Development Standards-Allow 3’ Front Setback-420 W. Pike St.-David Barfell- City Planner Skinner gave a brief explanation of the request. The petitioner is requesting a Variance from Development Standards to allow a 3’ front setback in an R-3 Zoning district. The property is in an older part of town characterized by lake cottages, many of which are non-conforming with existing setback regulations. Within the petitioner’s neighborhood there are a wide range of front setbacks from 0’ to 30’. The petitioner’s request would bring the façade of his property in line with 412 W Pike St. (2 lots to the east see attached aerial)

Density is desirable in this area and additions to homes should be encouraged to maintain value in a competitive market. The maximization of space should be prioritized over preservation of aesthetics. Since homes in this area generally do not meet setback requirements, uniformity is not a goal. Variance from aesthetic requirements will not have a negative effect on nearby properties.

Applicable Ordinance:

12.0. - Residential districts.

Table 3. Residential Uses and Requirements - One Family Dwelling

Zoning District	RR-1	R-1	R-2	R-3
Minimum Front Yard	35'	25' (2)	25' (2)	20' (2)

2 - If the front setback has not been established on a recorded subdivision plat and where 25 percent or more of the lots in a block are occupied by structures, the front setback will be determined by the average setback of such structures; however the setback need not exceed the minimum for the existing zoning district.

Based on the information provided, it is the opinion of the Planning Department that this case could be viewed favorably, when measured by the criteria delineated within the Findings of Fact.

Allen opened the meeting to any person wishing to speak in favor or against the petition. David Barfell, the petitioner, was present to explain the request and answer any questions. No other person was present to speak in favor or against the petition. Allen closed the meeting to the public. Discussion among the members followed. Motion was made by Keeven to approve *2017-10-04-10-04-Variance from Development Standards-Allow 3' Front Setback-420 W. Pike St.-David Barfell*. Johnson seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, November 27, 2017

Keeven made a motion to adjourn the meeting; Dalton seconded the motion. The motion carried unanimously. The meeting was adjourned.

Tom Allen, President

Kim Arnold, Recording Secretary

