

MINUTES
BOARD OF ZONING APPEALS
March 26, 2018

The Warsaw Board of Zoning Appeals met for regular session on Monday, March 26, 2018 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, Jeff Johnson, Dan Smith, Mike Valentine (City Attorney), Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: None

CALL TO ORDER

Allen called the meeting to order.

The February 26, 2018 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the February 26, 2018 meeting minutes as presented; Smith seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2018 – 03 - 02 –Use Variance – Kevin Carr -904 S. Buffalo St. – Allow an Auto Body Repair in a C-2 Zoning District- Allen turned the meeting over to Assistant City Planner Taylor who gave a brief overview of the request. The petitioner is requesting a Use Variance to allow an auto-body repair shop to be located within a C-2 zoning district. The property is located at 904 S. Buffalo St. The petitioner has been operating his business at this location since December of 2017 but was unaware that his business had a nonconforming use until he applied for a sign permit. The petitioners business shares a building with a landscaping company. This company was also required to obtain a Use Variance to operate at this location.

The petitioner wishes to continue to run his auto-body repair shop at this location. He stated that typically there are 3 or 4 cars located on the property awaiting repairs and customers usually come one or two at a time. The petitioner mentioned that he has spoken with the neighboring property owner to the south to ensure that no parking issues were created. As mentioned above, the petitioner's business has been operating since December 2017. During this time, there have been no reported circulation or traffic issues as a result of the petitioner's business.

12.1.2. - C-2 general business district.

12.1.2.1. Description of district. The C-2 general business district is intended to provide areas to be used for certain types of retailing uses and certain service uses along with wholesale and warehousing uses that are normally associated with commercial uses. 12.1.2.2. Development standards. See Table 5 for the development standards for this [C-2] district. 12.1.2.3. Additional requirements. A development plan [for the C-2 district] shall be submitted to the plan commission for review and approval prior to issuance of any building permit according to the provisions in section 13.6 of this ordinance.

USES	RR-1	R-1	R-2	R-3	C-2	C-3	C-4	C-5	I-1	I-2	I-3	M
Automobile body repair shop										P	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. Kevin Carr, the petitioner, was present to explain the request and answer any questions. He has been operating since 2017 but was not aware of zoning requirements until he came in to the City to apply for a sign permit. He repairs dents with a paint-less method where no dust is generated. He has one employee and is open five days a week during daytime hours. There were no other questions for Mr. Carr. No other person was present to speak in favor or against the petition. Allen closed the meeting to the public.

Motion was made by Smith to approve *Item 2018 – 03 - 02 –Use Variance- Kevin Carr -904 S. Buffalo St.* Dalton seconded the motion. The motion passed unanimously.

Item 2018-03-03 – Special Exception –Jian Zhen – 471-519 S. Circle Dr. - Allow to exceed 65% lot surface coverage - Allen turned the meeting over to Assistant Planner Taylor for a brief explanation of the request. The petitioner is requesting a Special Exception to allow multi-family residential to be located within a C-3 zoning district. The property, located at 471-519 S Circle Dr. is currently a vacant commercial building containing 6 units. The petitioner wishes to convert this building into 6 residential units. The petitioner has owned this property for 11 years and has historically rented to small businesses. Over the past few years the petitioner has had numerous vacancies at this property and has had some trouble finding commercial tenants. The petitioner has recognized that Warsaw has a relatively high demand for housing and wishes to accommodate this need. The proposed residential use complements existing residential uses to the west and south.

Multi-family Residential uses are permitted in C-3 zoning districts through Special Exception per the Municipal Code provided they meet the requirements of section 12.0.3 (R-3 Residential District) and section 12.0.4 (General Provisions).

12.0.3. - R-3 residential district.

12.0.3.1.

Description of district. This [R-3] district provides for high density residential areas within the community. The intent of this district is to create a predominantly residential environment for all types of residential structures, in addition to schools, parks, public facilities and other uses which serve the residents of the [R-3] district. Professional offices and some commercial uses, serving the neighborhood, will be permitted. This [R-3] district should relate to the central business district and to primary thoroughfares providing access to site and to other areas of the community.

12.0.3.2.

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						

Recommendation:

There is currently a shortage of housing in Warsaw, because of this, the development of workforce housing should be encouraged. 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 of the petition. Attorney Richard Helm, of Rockhill Pinnick, was present to represent the owner Jian Zhen. Mr. Helm gave a brief explanation of the request. No other person was present to speak in favor of the petition. Allen closed the meeting to any person wishing to speak in favor of the petition.

Allen opened the meeting to any person wishing to speak against the petition. Don Runyan, a resident of Circle Drive, has concerns of increased traffic 24 hours a day. He also is concerned about tenant screening, as there had been a problem in the past. He presented a petition signed by 17 homeowners requesting denial of the request. The petition was presented to the Board. James Fleming, a resident of Circle Drive has concerns of property maintenance and upkeep. Jeff Salad, a Circle Drive resident, has concerns of increased traffic and traffic flow from US 30. He feels it will be dangerous with no turn lanes. No other person was present to speak against the petition. Allen explained the concerns of the residents could not appropriately be addressed at a BZA meeting.

Attorney Helm responded to the concerns, which are not relevant to zoning. The property is currently zoned commercial and residential traffic will not be an issue compared to possible

commercial opportunities. Allen again explained the Board of Zoning Appeals can ONLY look at zoning. Assistant Planner Taylor explained the Board could require screening, such as a landscape buffer, on the South side of the property. Motion was made by Johnson to approve *Item 2018-03-03 – Special Exception – Jian Zhen – 471-519 S. Circle Dr.* with a three foot landscape buffer. Keeven seconded the motion with a landscape buffer. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, April 23, 2018

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

Tom Allen, President

Kim Arnold, Recording Secretary