

**MINUTES
BOARD OF ZONING APPEALS
JULY 23, 2018**

The Warsaw Board of Zoning Appeals met for regular session on Monday, July 23 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, Dan Smith, Tammy Dalton, Jeff Johnson, Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Mike Valentine (City Attorney)

CALL TO ORDER

Allen called the meeting to order.

The June 25, 2018 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the June 25, 2018 meeting minutes as presented; Johnson seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2018-07-01 – Special Exception –1934 E. Center St. - Allow a Beauty Shop in an R-3 Zoning District - 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 a beauty shop to be located within an R-3 zoning district. The property, located at 1934 E Center St., is within the Center St. overlay district corridor. The intent of the overlay district is to encourage professional uses while retaining the residential characteristics of this area. This property has historically functioned as a commercial space. The site has an existing parking lot and as well as signage which will accommodate the petitioner's desired use.

Beauty shop uses are permitted in R-3 zoning districts through Special Exception per the Municipal Code provided they meet the requirements of section F of 12.4 (R-3 Residential District) and section 12.0.4 (General Provisions).

f. Beauty shops shall be permitted in the R-3 zone district provided that:

1. The expressed written consent of all property owners within 300 feet of the property line of such a use is obtained and a copy presented to the city plan commission for inspection.
2. Buildings or structures shall be located a minimum of 50 feet from adjacent structures of buildings when located adjacent to a residential district.
3. Parking requirements as set forth in Table 1 are strictly adhered to.

Beauty shops	1 per 2 employees; plus 3 per operator's station.
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The petitioner plans to have 5 stations and there are currently 2 employees. This would make the parking requirement 16 spaces for this use. The property has a total of 11 spaces. The petitioner has stated that they rarely have more than 2 patrons come to the shop at the same time.

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.

Even though this property does not meet the minimum parking requirement the Planning Department feels this case should be viewed favorably because the strict application of this requirement would constitute an unnecessary hardship in this case.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Nicole Moorehouse, the petitioner, was present to explain the request and answer any questions. No other person was present to speak for or against the petition. Allen closed the meeting to the public. Johnson made a motion to approve *Item 2018-07-01 – Special Exception –1934 E. Center Street-* Dalton seconded the motion. The motion passed unanimously.

Item 2018-07-02-Use Variance-802 S Buffalo St.-Allow Auto Repair in a C-2- Allen turned the meeting over to Assistant Planner Taylor for a brief overview of the request. The petitioner is requesting a Use Variance to permit an auto repair shop in a C-2 Zoning District. The property located at 802 S Buffalo Street has historically been used in the same capacity as the requested variance. The existing nonconforming auto repair shop has been at this location for the past 23 years and is a valued asset to the community. The City became aware of the nonconforming use because of an addition planned for the building. The architecture of the building is conducive to the requested use.

The petitioner was unaware that he had a nonconforming use and has been proactive in resolving the issue. This property has been used for auto repairs since the mid 1900’s. The continued use of this property for auto repairs will not have a detrimental impact on adjacent property values or

public safety. The strict application of the zoning ordinance in this case would constitute an unnecessary hardship for this property.

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.

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 repair service						P		P	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. Alan Hoyt, the property owner, and Carl Hostetler, of Ideal Construction were present to explain the request and answer any questions. No other person spoke for or against the petition. Allen closed the meeting to the public. Motion was made by Keeven to approve *Item 2018-07-02-Use Variance-802 S Buffalo St.* Smith seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be August 27, 2018

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

Tom Allen, President

Kim Arnold, Recording Secretary