

MINUTES
BOARD OF ZONING APPEALS
February 25, 2013

The Warsaw Board of Zoning Appeals met for regular session on Monday, February 25, 2013 at 7:00 p.m. in the City Council Chambers, 102 South Buffalo Street, Warsaw, Indiana. The following members were present or excused:

Present: Tom Allen, Rick Keeven, Mary Ellen Jordan, Tammy Dalton, Jack Wilhite, Mike Valentine (City Attorney), Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Jeremy Skinner (City Planner), Elaine Call (Common Council Liaison),

CALL TO ORDER

Allen called the meeting to order.

The January 28, 2013 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the January 28, 2013 meeting minutes as presented; Jordan seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

Item 2013- 02-01 – Variance of Use –3800 N SR 15 Warsaw, IN – Eric Ewert

Analysis:

The petitioner has requested a Use Variance to allow a veterinary clinic and kennel at property located at 3800 N SR 15.

The property was annexed in 2010 from Kosciusko County where it was zoned Residential. At the time it was a home occupation and continues in that use. When property is annexed, its zone must be determined by the closest City zoning designation. In this case that was R-1. This can result in property with zoning that doesn't fit its function, and is a result of peculiar circumstances.

As major thoroughfares develop, property along them becomes more valuable because of access and visibility. The property location adjacent to industrial and commercial

zones on a State Highway make it a target for more intense uses than residential. It is identified in the Comprehensive Plan for commercial use because of these factors.

If the property remains residential, it will suffer from high traffic volumes, commercial and industrial neighbors, and a lot with commercial character. This constitutes a hardship in the use of the property.

In the zoning ordinance, additional setbacks are recommended for outdoor kennels when they are adjacent to residential districts. Property to the West is zoned R-3. The property to the north is a residential district in Kosciusko County and is somewhat restricted by 100' in width of floodplain. Because of this, I would recommend a 100' setback to from the north and West property line for the kennel. Absent any protest from property owners to the south, I would not recommend any additional setbacks.

If sign is requested, I recommend it be approved with regulations for C-2 Commercial (attached)

I would also recommend approval be contingent on cut approval from INDOT.

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 I recommend the Board approve the Use Variance to allow a veterinary clinic and kennel in an R-1 zoning district located at 3800 N SR 15, subject to the conditions stated.

Attachments:

- 1) Findings of Fact
- 2) Aerial photo
- 3) Sign Regulations

With no one to speak against the petition the meeting was closed to the public.

The board members discussed the petition, along with concerns of signage, which was addressed in the recommendation.

Jordan made a motion to approve *Item 2013-02-01 – Variance of Use –3800 N SR 15, Warsaw, IN – Eric Ewert*. Keeven seconded the motion. The motion carried unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, March 25, 2013

Wilhite made a motion to adjourn the meeting; Dalton seconded the motion. The motion carried unanimously. Allen adjourned the meeting.

Tom Allen, President

Kim Arnold, Recording Secretary