

**MINUTES
BOARD OF ZONING APPEALS**

March 24, 2014

The Warsaw Board of Zoning Appeals met for regular session on Monday, March 24, 2014 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, Jack Wilhite, Ron Shoemaker, Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Tammy Dalton, Mike Valentine

CALL TO ORDER

Allen called the meeting to order.

The February 24, 2014 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the February 24, 2014 meeting minutes as presented; Wilhite seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Dombrosky introduced three separate requests for variance exceptions at the Northwest corner of Sheldon and Heron Blvd by Real America. The second and third requests are contingent upon the approval of the first request.

***Item 2014 – 03 - 01 – Request for Special Exception- to allow multi-family-
Real America Development-Northwest Corner Sheldon and Heron Blvd.***

Director's Comments:

The petitioner has requested a Special Exception to permit multi-family development in a C-3 District.

Multi-Family Residential is identified as a special exception in commercial districts with no specific conditions to be met. This means it's an appropriate use in most situations as it's a less

intense use. It will only have a detrimental effect in situations where it's taking land use opportunity from less intense uses (single family residential, etc.) or comes into conflict with a substantially more intense use (heavy industrial, railroad, etc.)

The neighboring uses in this case are either other multi-family developments, or regional commercial which is an appropriate buffering use. This approval will have a positive effect on neighboring property.

This request is a result of development pressure in a growing area with existing utilities. This area was zoned commercial in anticipation of Sheldon Street becoming a secondary commercial street. This pattern has not materialized and development has been exclusively residential. The area is a buffer area between regional commercial to the East and Wetlands to the West. Residential is a perfect transitional fit for this buffer. This development pattern is healthy and established and is of benefit to the community.

Recommendation:

- 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.

Based on the information provided and the Findings of Fact, Dombrosky recommended the Board approve the Special Exception to permit multi-family in a C-3 zoning district located at Parcel Number 028-115-083.

Item 2014 – 03 - 02 – Variance from Development Standards-Variance from the Minimum 78 Spaces- Real America Development-Northwest Corner Sheldon and Heron Blvd.

The petitioner has requested a Variance from development standards to provide less parking than is required.

The parking requirements in the zoning code are a baseline for consideration. They are based on dated general formulas and do not apply to every situation. We rely on developers to inform us of how their site will be used and provide estimates for parking needs.

Fewer parking spaces means less hard surface which results in less storm water runoff that the City has to manage. This parking reduction is an economic and health benefit to the community.

The neighboring uses in this case are either other multi-family developments, or regional commercial. They will be positively impacted by more dense development with many more residents in the area.

A denser development is a better investment for the developer and the community. Requiring more space for parking than is needed is a detriment and a burden on the property.

Recommendation:

- The approval 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 included in the variance will not be affected in a substantially adverse manner.
- The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Based on the information provided and the Findings of Fact, Dombrosky recommended the Board approve the Variance from Development Standards of the minimum 78 parking spaces located at Parcel Number 028-115-083.

Item 2014 – 03 - 03 – Variance from Development Standards-Variance from Maximum Height-Real America Development-Northwest Corner Sheldon and Heron Blvd.

The petitioner has requested a 5' variance from the height limit of 35'.

In general, hard minimums or maximums are general standards and require deviations to fit into context. As a City, we are implementing scaling standards to be more context sensitive. This provides more flexibility and lets developers have more freedom to provide appropriate development patterns. The increase in height in this case fits the development pattern of the area and has no negative effect on the community.

The neighboring uses in this case are either other multi-family developments, or regional commercial. The height of this development will not be out of context with the surrounding uses.

Our job as a city is to facilitate the responsible development of our community. Enforcing the arbitrary height limit in this case will result in an unnecessary limit in the use of property.

Recommendation:

- The approval 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 included in the variance will not be affected in a substantially adverse manner.

- The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Based on the information provided and the Findings of Fact, Dombrosky recommended the Board approve the Variance from Development Standards located at Parcel Number 028-115-083.

Allen opened the meeting to any person wishing to speak in favor or against the three combined requests. Jeff Ryan of Real America was present to explain the three variances presented. Real America wishes to build up-scale residential rental accommodations with short term leases due to demand exceeding availability. He answered questions from the Board.

With no one else to speak in favor or against the petition the meeting was closed to the public.

The board members discussed the petition.

Keeven made a motion to approve – *Item 2014 – 03 - 01 – Request for Special Exception- to allow multi-family-Real America Development-Northwest Corner Sheldon and Heron Blvd.* Shoemaker seconded the motion. The motion carried unanimously.

Shoemaker made a motion to approve -*Item 2014 – 03 - 02 – Variance from Development Standards-Variance from the Minimum 78 Spaces- Real America Development-Northwest Corner Sheldon and Heron Blvd.* Wilhite seconded the motion. The motion carried unanimously.

Keeven made a motion to approve -*Item 2014 – 03 - 03 – Variance from Development Standards-Variance from Maximum Height-Real America Development-Northwest Corner Sheldon and Heron Blvd.* Wilhite seconded the motion. The motion carried unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, April 28, 2014

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

Tom Allen, President

Kim Arnold, Recording Secretary

