

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**January 26, 2015**

The Warsaw Board of Zoning Appeals met for regular session on Monday, January 26, 2015 at 7:00 p.m. in the City Council Chambers, 102 S. Buffalo Street, Warsaw, Indiana. The following members were present or excused:

Present: Rick Keeven, Tammy Dalton, Jack Wilhite, Ron Shoemaker, Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary), Mike Valentine (City Attorney)

Absent: Tom Allen

**CALL TO ORDER**

Keeven called the meeting to order.

Mayor Thallemer presented the Oath of Office to Tammy Dalton.

The October 27, 2014 meeting minutes were reviewed and presented for approval. Shoemaker made a motion to approve the October 27, 2014 meeting minutes as presented; Wilhite seconded the motion. The motion carried unanimously.

Motion was made by Dalton to approve the 2015 meeting schedule for BZA. Wilhite seconded the motion. The motion carried unanimously.

No election of Officers took place due to Allen being absent.

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

***Item 2015 – 01 - 01 – Variance from Development Standards- Alvarado-Beauty Shop in an R-2 District-***

***Director's Comments:***

The petitioner has requested permission to operate a beauty shop at their rental property located on Fort Wayne St. The R-2 zoning district does not allow any type of business.

The use of neighboring properties could be negatively affected because this property has no off street parking. The residents currently use on street parking and commercial activity would increase the parking needs and traffic generation.

The property is on a regular city lot in a healthy residential neighborhood with no distinct constraints. There are no peculiar conditions or hardships in the continued use of the property.

The Comprehensive Plan identifies this area as urban residential with no commercial activity for multiple reasons including those stated above, as well as the fact that the City has a shortage of residential property and a surplus of commercial. Allowing more residential areas to convert into commercial hampers the growth of our commercial centers and contributes to the decline of core residential neighborhoods.

**Recommendation:**

- The requested use will 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 be affected in a substantially adverse manner.
- The need for this variance does not arise from some condition peculiar to the property involved.
- The strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship in the use of the property.
- The approval of this use variance will interfere substantially with the comprehensive plan.

Based on the information provided and the Findings of Fact Dombrosky recommends the Board deny the Use Variance to permit a beauty shop in an R-2 zoning district located at 805 E Fort Wayne St.

Keeven opened the meeting to the public. Hector and Laura Alvarado were present to explain the requested use. They plan on putting a parking area in the rear of the property, which will have to comply with lot coverage restrictions. Keeven explained to the owners that a 1'x1' sign is what is allowed in a residential neighborhood and the sign will have to be placed in the window. Dalton asked how many employees would be working at the shop. Laura Alvarado will be the only employee when she completes Beauty College. They do not live at the address. The other half of the home will be rented as a residential dwelling. Dalton expressed concern with street parking becoming a problem. Clients will have to be encouraged to park in the rear and not on the street. The rear parking area will be required to be concrete per the ordinance. Keeven closed the meeting to the public. No other person was present to speak in favor or against the petition. The Board discussed the petition.

Motion was made to approve 2015-01-01-Use Variance-with restrictions of one employee/chair and if the business would close or the property be sold, it will revert back to strictly residential. This variance will not follow the property. A 1'x1' sign will be allowed in the window per the ordinance. Wilhite seconded the motion with restrictions. The motion passed unanimously.

***Item 2015-01-02-Use Variance-Henning-Private Garage with no Principle Building***

The petitioner has requested a permission to build a garage for personal use on this lot. The lot would contain no other buildings, and the City does not permit garages on lots not associated with a principle structure. This is to prevent delinquent property owners from neglecting lots that they do not live or rent on. It is my opinion that because of the size and location of the lot, as well as the fact that this will be a personal garage, this will not be a problem. The City should be able to protect the neighborhood from a neglected property whether the owner lives there or not.

The property in question is a city lot in a healthy neighborhood next to active wetlands. It has been vacant for its lifetime and is below the base flood elevation. It is also surrounded by unimproved City Right of Way. The constraints on the lot have made it unattractive for a home builder, so a residential garage would make a good interim use. The approval would not restrict a home from being built on the lot at a later time.

The comprehensive plan encourages residential development in buildable areas of central Warsaw to increase density, property values, and attractiveness.

**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 Dombrosky recommended the Board approve the Use Variance to permit a garage with no principle structure in an R-1 zoning district located on parcel 004-041-107 on Gilliam Ave.

Keeven opened the meeting to the public. Paul Henning was present to explain the request for a private 28'x40' garage. He lives nearby and will be maintaining the lot. It will have no sewage just gas and electric. He plans on using residential type building materials and designing the structure to blend in with the residences nearby.

Keeven closed the meeting to the public as there was no other person present to speak in favor or against the petition.

A motion was made by Shoemaker to approve 2015-01-02-Use Variance. The motion was seconded by Dalton. The motion passed unanimously.

**OTHER MATTERS THAT MAY COME BEFORE THE BOARD**

- Next meeting will be Monday, February 23, 2015

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