

**MINUTES
BOARD OF ZONING APPEALS
SEPTEMBER 28, 2015**

The Warsaw Board of Zoning Appeals met for regular session on Monday, September 28, 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: Tom Allen, Rick Keeven, Jack Wilhite, Tammy Dalton, Ron Shoemaker, Mike Valentine (City Attorney), Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: None

CALL TO ORDER

Allen called the meeting to order.

The August 24, 2015 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the August 24, 2015 meeting minutes. Wilhite seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2015-09-01- 1326 E. Main St. – Special Exception Home Based Business – Susan Wihebrink –

Assistant City Planner Dombrosky gave a brief review of the request.

The petitioner has requested a special exception to permit a dog grooming business at their home. The R-2 zoning district allows home based businesses as special exceptions with the following conditions;

Home occupations shall be permitted in any principal residential building or structure located in R-2 and R-3 zone districts, provided that:

- 1. No persons other than members of the family residing on the premises shall be engaged or employed in such occupation.*
- 2. The use of a dwelling unit or private garage for a home occupation shall be clearly incidental to its principal use for residential purposes.*
- 3. There shall be no change in the outside appearance of the building or premises or other evidence of such occupation other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the principal building.*
- 4. There shall be no outside storage.*
- 5. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference outside the dwelling unit in amounts greater than present under normal circumstances.*
- 6. No commodity shall be sold on the premises.*
- 7. No mechanical equipment shall be installed except that which is customarily used for purely domestic or household purposes.*

With no employees outside of the property owner, no outside storage, no large equipment, and no significant parking needs, Dombrosky recommended that the requested use would meet the conditions for approval.

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 a home occupation in an R-2 zoning district located at 1326 E Main St.

Allen opened the meeting to any person wishing to speak in favor or against the petition.

Susan Wihebrink was present to explain the request and answer questions of the Board members. She wishes to enclose her porch and have a small dog grooming business. She anticipates grooming two or three dogs a day for a semi-retirement income. No employees will work for her. She is aware of signage restrictions and the hours allowed for operation. She has discussed her plans with each of her neighbors personally, as well as met our notification requirements. She plans on opening sometime between December of this year and next March. Discussion followed.

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

Discussion followed among the Board members. Motion was made by Keeven to approve Resolution 2015-09-01 with restrictions of approved signage, current property owner only and no additional employees. Dalton seconded the motion. The motion carried unanimously.

2015-09-02- 827 S. Union St. – Variance from Development Standards – Bruce Woodward-

Assistant Planner Dombrosky gave an overview of the request.

The petitioner has requested a Variance from Development Standards to permit a second identification sign facing Union St. A previous variance for an increased sign size was granted but not acted on.

The property is larger than normal with about 215' of frontage, and two driveway cuts. A second sign would help to clear up confusion and provide better direction to drivers. To minimize visual clutter, Dombrosky would recommend a separation distance of at least 50' between the existing sign and the new sign.

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 strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship 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 to permit a second identification sign in an R-3 zoning district located at 827 S Union St.

Allen opened the meeting to any person wishing to speak in favor or against the petition.

Bruce Woodward was present to explain the request and answer questions of the Board members. Discussion followed.

Allen closed the meeting to the public as no other person was present to speak for or against the petition.

Discussion followed among Board members. Motion was made by Shoemaker to approve Resolution 2015-09-02. Wilhite seconded the motion. The motion carried unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be Monday, October 26, 2015

With nothing further to come before the Board, motion was made by Shoemaker to adjourn the meeting. Wilhite seconded the motion. The motion passed unanimously.

Tom Allen, President

Kim Arnold, Recording Secretary