

**MINUTES  
BOARD OF ZONING APPEALS  
NOVEMBER 23, 2015**

The Warsaw Board of Zoning Appeals met for regular session on Monday, November 23, 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, Jack Wilhite, Tammy Dalton, Mike Valentine (City Attorney), Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Tom Allen, Ron Shoemaker now on Common Council, replacement to be determined

**CALL TO ORDER**

Keeven called the meeting to order.

The October 26, 2015 meeting minutes were reviewed and presented for approval. Dalton made a motion to approve the October 26, 2015 meeting minutes. Wilhite seconded the motion. The motion carried unanimously.

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

**Item 2015-11-01- Use Variance – 411 W. Center St. – Kelvin Wadkins -Withdrawn by Petitioner**

**Item 2015-11-02- Use Variance – 985 N. Lake St. – Harvey Hayes – Assistant Planner**  
Dombrosky gave a brief explanation of the request. The petitioner has requested a Use Variance to permit auto sales which is permitted only in C-3 and C-5

This large property is vacant, and next door to an existing auto dealer. It is located on a major arterial street and sees moderate to high traffic.

**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 if it is screened are parking needs are met.

- 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 an automobile dealer in a C-2 zoning district located at 985 N Lake St.

Keeven opened the meeting to the public for any person wishing to speak in favor or against the petition. Mr. Hayes was present to explain his request. No other person was present to speak in favor or against the petition.

Keeven closed the meeting to the public. Discussion followed among Board members. The City received nothing in response to the mailings or newspaper advertisement. Motion was made by Wilhite to approve the request. Dalton seconded the motion. The motion passed unanimously.

**2015-11-03 – Use Variance – 506 Alward St. – Carl Bevins** – Assistant Planner Dombrosky gave a brief explanation of the request. The petitioner has requested a Use Variance to permit commercial storage units on Alward St. This use is permitted in C-2, C-3, I-1, I-2, and I-3 and is a special exception in C-5. The corner lot is between residential uses and the railroad tracks. It is located in the west Pike Lake neighborhood in an area of extremely light traffic.

The main concern is the increase in traffic, adding commercial traffic including trucks to an isolated residential area. I am also concerned about protection for residences in the area from adverse effects, including after-hours activity. If it were to be approved, I would recommend that the use be conditional on the hours of operation.

Dombrosky does see a need for special consideration to be given to this property, because it does not have immediate access to sanitary sewer or water. The lot elevation is low and would require significant investment to establish a utility connection. The strict application of the zoning ordinance does constitute a hardship.

In Dombrosky's opinion, this request does conflict with the Comprehensive Plan. The comprehensive plan encourages residential development in buildable areas to increase density, property values, and attractiveness. It recommends that in-fill development match existing characteristics, which this does not.

Mr. Bevins was present to answer questions of the Board and explain his request. He explained the maximum number of units would be 16 or possibly 18 depending on the setback requirements. He is going to have the property surveyed. It will be gated and have no entrance after 6:30 pm. The alley adjacent to the property is not maintained by the City per Assistant Planner Dombrosky. Mr. Bevins mows it. The Board members asked questions of Mr. Bevins.

Keeven opened the meeting to the public for any person wishing to speak in favor or against the petition.

Paul Henning, owner of adjacent property, spoke in favor of the petition. He spoke with Mr. Bevins personally and all concerns he had, have been satisfied.

Residents Gerhard and Sherry Koehlinger, property owners to the North, were present to express opposition to the petition. Residents for 29 years, they would like the area to stay residential. They have concerns of increased traffic, storm drainage, and increased lighting. They feel there is no good access for commercial traffic. The streets are very narrow in that area. Board members asked questions of the Koehlingers.

With no other person to speak in favor or against the petition, the meeting was closed to the public. Discussion followed among Board members. Motion was made by Dalton to deny the request. Wilhite seconded the denial. The motion carried unanimously.

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

- Next meeting will be Monday, December 28, 2015

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

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Rick Keeven, Vice President

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Kim Arnold, Recording Secretary