

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**April 25, 2016**

The Warsaw Board of Zoning Appeals met for regular session on Monday, April 25, 2016 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, Tammy Dalton, Jeff Johnson, Dan Smith, Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary), Mike Valentine (City Attorney)

Absent: None

**CALL TO ORDER**

Allen called the meeting to order.

The February 22, 2016 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the February 22, 2016 meeting minutes as presented; Dalton seconded the motion. The motion carried unanimously.

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

***Item 2016 – 04 - 01 –Use Variance- Warehousing/Inside Storage- Ashley Finney- lots 45-49 Beyers South Park Addition-*** Allen turned the meeting over to Assistant Planner Dombrosky. The petitioner has requested a Use Variance to permit Warehousing/Inside Storage in an R-2.

The petitioner has requested a Use Variance to permit indoor warehousing at their property on Hillside Dr. The request covers five adjacent lots that total 0.7 acres and sit at the intersection of Pope/Smith St. and Hillside Dr.

The request will not be injurious to the general public. It will be a productive use for vacant land.

The adjacent property will need to be considered carefully. There are multiple single family residences directly to the South and West. These will need to be protected from any substantial negative impact.

The property has somewhat diminished residential value because the frontage on Pope St. faces a relatively high traffic intersection, and is across from a NIPSCO station. This makes it peculiar for residential development.

The strict application of the ordinance has not resulted in the desired development. This is an indicator that there might be a hardship.

The comprehensive plan identifies this area as medium density residential. This doesn't necessarily mean it shouldn't be used for anything else, but that we should be sensitive to any changes and how they affect the rest of the area.

If screening can protect from adjacent residences from negative impacts, Dombrosky recommended approval.

**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 of 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 indoor warehousing in an R-2 zoning district located at the property in question. Questions were asked of Dombrosky from Board members. He referred several questions to Ashley Finney, the petitioner representing Frauhiger Realty.

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

Ashley Finney, the petitioner, was present to explain the request. She answered the questions of board members.

With no other person present to speak in favor or against the petition, Allen closed the meeting to the public.

Discussion followed among board members. Dalton made a motion to approve 2016-04-01- Use Variance-Ashley Finney-lots 45-49 Beyers South Park Addition. Smith seconded the motion. The motion passed unanimously.

***Notification requirement change-*** Assistant Planner Dombrosky requested consideration of a change to our notification policy. He asked members to consider expanding our notification requirement by certified mail to adjacent properties not owned by the petitioner. Currently we notify the adjacent property owners only. Members responded favorably to the idea. Assistant Planner Dombrosky will re-write the policy and bring it to the next meeting to be adopted.

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

- Next meeting will be Monday, May 23, 2016

Keeven made a motion to adjourn the meeting. Dalton seconded the motion. The motion passed unanimously to adjourn the meeting.

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Tom Allen, President

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Kim Arnold, Recording Secretary