

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**March 27, 2017**

The Warsaw Board of Zoning Appeals met for regular session on Monday, March 27, 2017 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, Jeff Johnson, Dan Smith, Jeremy Skinner (City Planner), Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary), Mike Valentine (City Attorney)

Absent: Tammy Dalton

**CALL TO ORDER**

Allen called the meeting to order.

The January 23, 2017 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the January 23, 2017 meeting minutes as presented; Johnson seconded the motion. The motion carried unanimously.

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

***2017-03-01-Use Variance-Lake City Properties- 3755 Lake City Highway-*** Assistant Planner Taylor gave a brief explanation of the request. The petitioner is requesting a Use Variance to allow medical and professional offices to be located within an I-2 Zoning District. The proposed multi-tenant facility would provide office space for uses including but not limited to physicians, surgeons, dentist, optometrists attorneys, accountants etc.

The property located along US 30 has historically been used in a similar capacity i.e. multi-tenant office. The petitioner has indicated that the expected volume of traffic for the new facility will most likely be less than it was for the previous facility because of the prospective tenants. This means that the impact to traffic patterns will not be drastically affected due to proposed variance.

The adjacent properties in this area have similar uses to what has been requested by the petitioner. Therefore, this use variance would not negatively impact the operations of the surrounding businesses.

## **Zoning District**

### **12.2.2. – I-2 light industrial district.**

#### **12.2.2.1.**

*Description of district.* The I-2 light industrial district is intended to provide lands for development by most general types of industrial firms. The regulations are designed to permit operations in a clear and quiet manner and to protect adjacent district uses and industries within the [I-2] district. Residential uses are prohibited in this district to conserve and protect the supply of industrial land for industrial use.

Based on the information provided and the Findings of Fact, Taylor recommended that the Board could reasonably provide a positive finding of fact in order to grant approval for the requested Use Variance.

Allen opened the meeting to any person wishing to speak in favor of the petition. Kevin Runkle, representing Lake City Properties, was present to answer any questions and explain the request. Discussion followed. No other person was present to speak in favor of the request.

Allen opened the meeting to any person wishing to speak in opposition of the petition. Steven Lavergne, property owner at 231 S 250 E., wished to express concern with increased water-run off in the last five years. Attorney Valentine reminded the Board that the issue is not something that BZA addresses. City Planner Skinner explained the City Ordinances are in place for such matters. City Engineer Emans has also spoken with Mr. Lavergne. Mr. Lavergne expressed wanting the concern to be on record. Allen closed the meeting to the public as there was no other person to speak in opposition of the petition.

Keeven made a motion to approve 2017-03-01. Smith seconded the motion. The motion passed unanimously.

### ***2017-03-02-Variance from Development Standards- Shana Thomas- 707 W. Center St. -***

Assistant Planner Taylor gave a brief explanation of the request. The petitioner is requesting a Variance from Development Standards to allow for a 10-foot variance from the 20-foot front setback.

Homes in this area generally do not meet setback requirements, so uniformity is not a goal. From the information provided the indication is that a variance from aesthetic requirements will not have a negative effect on nearby properties.

Lots in this neighborhood generally small and constrained for space, and density is desirable. Additions to homes in this area should be encouraged to maintain value in a competitive market, and the maximization of space should be prioritized over preservation of aesthetics.

Based on the information provided and the Findings of Fact Taylor recommended that the Board could reasonably provide a positive finding of fact in order to grant approval for the requested variance from development standards.

Allen opened the meeting to any person wishing to speak in favor of the petition. Shana Thomas, the petitioner, was present to answer questions and explain the request. Discussion followed. No other person was present to speak in favor of the petition. Allen closed the meeting to the public as there was no other person wishing to speak in favor of the petition.

Allen opened the meeting to any person wishing to speak in opposition of the request. No other person was present to speak in opposition of the request. Allen closed the meeting to the public.

Motion was made by Smith to approve 2017-03-02. Keeven seconded the motion. The motion passed unanimously.

***2017-03-03-Variance from Development Standards- Keith Barker- 575 Webber St.*** - Assistant Planner Taylor gave a brief explanation of the request. The petitioner is seeking a 6' variance from a 20' rear yard setback. The petitioner wishes to construct an attached garage on the west side of the existing residence. The proposed location of the attached garage adheres to the rules regarding vision and clearance per section 3.5. of the city ordinance where the alley abuts Webber St.

Because of the unique configuration of corner lots there occasionally is a need to evaluate setbacks based on the owners needs. The petitioner, in this case, seems to be taking a proactive approach to screen views of his car restoration hobby. The adjacent land use to the west, where the garage will be most visible, is a church so the visual impact on surrounding residence would be minimal.

The comprehensive plan designates this neighborhood as "urban residential" Lots in this neighborhood generally small and constrained for space, and density is desirable. Additions to homes in this area should be encouraged to maintain value in a competitive market, and the maximization of space should be prioritized over preservation of aesthetics.

The homeowner seems to be making a proactive effort to screen views which some might consider undesirable. They understand that further clarification will be required regarding the foundations / footings and the construction methods employed to attach the proposed structure to the residence if their variance request is approved. Based on the information provided and the Findings of Fact Taylor recommended that the Board could reasonably provide a positive finding of fact in order to grant approval for the requested variance from development standards.

Allen opened the meeting to any person wishing to speak in favor of the petition. Keith Barker, the petitioner, was present to explain the request and answer any questions. Discussion followed. Allen closed the meeting to any person wishing to speak in favor of the petition.

Allen opened the meeting to any person wishing to speak against the petition. No person was present to speak against the petition. Allen closed the meeting to the public. Johnson made a motion to approve 2017-03-03. Smith seconded the motion. The motion carried unanimously.

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

- Next meeting will be Monday, April 24, 2017

Keeven made a motion to adjourn the meeting; Smith seconded the motion. The motion carried unanimously. The meeting was adjourned.

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Tom Allen, President

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Kim Arnold, Recording Secretary