

**MINUTES
BOARD OF ZONING APPEALS
March 25, 2019**

The Warsaw Board of Zoning Appeals met for regular session on Monday, March 25, 2019 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, Dan Smith, Tammy Dalton, Jeff Johnson, Scott Reust (City Attorney), Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: none

CALL TO ORDER

Allen called the meeting to order.

The February 25, 2019 meeting minutes were reviewed and presented for approval. Smith made a motion to approve the February 25, 2019 meeting minutes as presented; Johnson seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2019-03-01 – Variance from Development Standards – 831 E. Center St. - Allow a Duplex with Smaller than Permitted Lot Size – Steven Conrad – Allen turned the meeting over to Senior Planner Taylor. The petitioner is requesting a variance from development standards to permit a duplex with a smaller than permitted lot size. The development of a duplex is permitted within R-2 zoning districts provided that it meets the criteria listed in the development standards. The petitioner's lot is approximately 6,500 s.f. which is 2,000 s.f. less than the minimum required lot size for a duplex in an R-2 zoning district.

The municipal code requires a minimum of 2 parking spaces per dwelling unit. The petitioner has submitted a photo showing 5 cars parked in the rear of the house. This property has adequate parking per the municipal code for a duplex.

12.0.2. - R-2 residential district.

12.0.2.1. Description of district. This [R-2] district consists of certain medium-density residential area representing a compatible commingling of single-family, two-family, garden apartments and

multifamily dwellings. It includes existing areas of the city and other areas where similar residential developments appear likely to occur.

Zoning District R-2

Minimum lot area

Two-family dwelling:

with sewers 8,500

without sewers 17,000

More than 2 units per building + 2,500 unit each additional

Maximum height of buildings 35

Minimum front yard 25

Minimum rear yard 25

Maximum lot coverage 50 percent

Minimum open space 50 percent

The Planning Department is aware of how essential affordable workforce housing options are in the City, however, there is also need to protect adjacent properties from the potentially detrimental impacts of proposed developments. It is the recommendation of the Planning Department to heavily consider the adjacent property owner's comments. If this variance from development standards is approved, the applicant will still be required to meet all state and local building codes regarding this use.

Allen opened the meeting to any person wishing to speak in favor of the petition. Steven Conrad, the property owner, was present to explain the request and answer any questions. He stated he is renting five rooms out and uses one for himself occasionally. He stated he has five parking spaces outside and two within an existing garage. Allen asked how many people are staying at the residence. Conrad stated six people are occupying it. Conrad stated he had a copy of an email of support from the neighbor to the North, Oscar Fullmer. He submitted a copy of the email to the members. Allen closed the meeting to any person wishing to speak in favor of the petition and opened it to any person wishing to speak against it. Regina Ferguson, resident of 837 E. Center St. was present to speak against the petition. She stated the request is to allow a duplex on the lot. He has already broken the zoning rules so far. There are cars parked on Zoe St. and the side streets are crowded sometimes. She feels he should not be rewarded with a variance for a lot that is too small. Duane Huffer, resident of 911 E. Main St. stated the house in question was previously owned by his in-laws and cousin after that date. He feels the house is not suitable for a duplex. He feels the area is a single family area and should stay single family homes. Parking is an issue. He asked Senior Planner Taylor how many spaces would be required per unit for a boarding house. Two spaces per unit is the requirement. Allen closed the meeting to the public.

Discussion followed among Board members. They agreed the comments from the neighbors weighed heavily on their decision. Motion was made to deny *Item 2019-03-01 – Variance from Development Standards – 831 E. Center St. - Allow a Duplex with Smaller than Permitted Lot Size – Steven Conrad* by Keeven. Smith seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be April 22, 2019

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

Tom Allen, President

Kim Arnold, Recording Secretary