

**MINUTES
BOARD OF ZONING APPEALS
JUNE 24, 2019**

The Warsaw Board of Zoning Appeals met for regular session on Monday, June 24, 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, Dan Smith, Tammy Dalton, Jeff Johnson, Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Rick Keeven, Scott Reust (City Attorney)

CALL TO ORDER

Allen called the meeting to order.

The May 28, 2019 meeting minutes were reviewed and presented for approval. Smith made a motion to approve the May 28, 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 2019-06-01 – Special Exception – 702 S. Union St. - Allow a Home Occupation-Catering in an R-2. Allen turned the meeting over to Senior Planner Taylor. The petitioner has requested a variance to permit a Home Occupation in an R-2 Zoning District. The occupation will consist of a catering service operated from a small commissary kitchen retrofitted from a shop that currently exists in the petitioner's garage. The neighborhood immediately surrounding the petitioner is primarily single family residential. There are a few professional uses in the R-1 zoning district along Union Street to the south of the petitioner's location. The catering business is a husband and wife team that does not have additional employees. The petitioner has stated that no clients will be coming to the house and that deliveries will be made with a key drop

system so there will be no exterior evidence that he is operating at this location. The petitioner hopes to grow his business and eventually relocate to a more ideal location.

11.0. - Definitions.

Home occupation. An occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and no sign, other than a nameplate, not exceeding one square foot in area, is displayed, and no change in the external appearance of the building shall be caused thereby, and that no accessory building shall be used for such home occupation.

Based on the information provided, it is the opinion of the Planning Department that this case could be viewed favorably, when measured by the criteria delineated within the Findings of Fact.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Shawn Bianchini, the petitioner, was present to answer any questions and explain the request. He presented a list of questions and answers to the members for review. Allen asked various questions concerning prep, and waste removal. Bianchini explained he is catering at this time using a local restaurant kitchen in their down times and he usually has one event a week or every other week. Discussion followed. He explained it will be in a small area, approximately 10' x 20', of the garage he will convert to a kitchen with household sized equipment, a three bay sink and a grease trap. He will not have a fryer on the premises. His goal is to grow the business and move to another location within a year or two. Any large events he will prepare off-site. He will possibly have delivery of food once a week. The truck is no bigger than a Fed-Ex truck and he determines the rules of the delivery, such as the time and day. There would be no weekend delivery. No other person was present to speak in favor of the request. Allen closed the meeting to in favor of the petition.

Allen opened the meeting to any person wishing to speak against the petition. Amy Thompson, a neighbor at 708 S. Union, came to represent her daughter who presented a letter in opposition to the Planning Department. She restated the contents of the letter which included concerns about parking, safety issues in the garage, among other items. Allen stated the safety concerns would be covered in the permit process through the Building department. Lisa Helser, representative of Bryan Bibler who submitted a letter to the Planning Department, stated concerns for safety of small children. She explained she owns a catering business operated in the county and it generates a lot of waste and smoke as well as delivery vehicles. They cook all hours of the day with their smoker. She verified the members had read the letter by Bibler. Allen closed the meeting to any person wishing to speak in opposition.

Discussion followed between board members and Bianchini. Motion was made by Dalton to deny the request. Smith seconded the motion. The motion passed unanimously.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be July 22, 2019

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

Tom Allen, President

Kim Arnold, Recording Secretary