

**MINUTES**  
**BOARD OF ZONING APPEALS**  
January 28, 2013

The Warsaw Board of Zoning Appeals met for regular session on Monday, January 28, 2013 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, Mary Ellen Jordan, Tammy Dalton, Jack Wilhite, Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: Jeremy Skinner (City Planner), Mike Valentine (City Attorney), Elaine Call (Common Council Liaison)

**CALL TO ORDER**

Allen called the meeting to order.

Mayor Thallemer administered the Oath of Office to Mary Ellen Jordan and Jack Wilhite.

The September 24, 2012 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the September 24, 2012 meeting minutes as presented; Dalton seconded the motion. The motion carried unanimously.

Keeven made a motion to approve the 2013 schedule; Jordan seconded the motion. The motion carried unanimously.

**ELECTION OF OFFICERS**

Jordan made a motion to retain the current officers; Dalton seconded the motion. The motion carried unanimously.

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

*Item 2013 – 01-01 – Variance from Development Standards – 3300 E. Old Colony – Aaron Wellington*

*Director's Comments:*

The petitioner has requested a Variance from Development Standards to permit 5 foot variance from the 10 foot front yard setback at the property located at 3300 Old Colony Rd. The property is in the R-3 zoning district

The petitioner operates a mobile home park on the premises. The development is on one legal lot, with multiple addresses. The City does not regulate internal setbacks in manufactured home developments such as this, so the density is higher than average. The streets in this development are also private. This means the homes do not have to follow the standard 10 foot vision setback on street frontages. The property is surrounded by mostly commercial and industrial property which would not be negatively affected by a change in setback.

The requested variance would apply to an internal platted setback. There is a drainage easement on this side, and the variance is needed to help align it properly. There is no development immediately adjacent to this side, and none is anticipated because of access and wetland limitations.

**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 does not arise from some condition peculiar to the property involved.
- The strict application for the terms of the Zoning Ordinance will not constitute an unnecessary hardship in the use of the property.

Based on the information provided and the Findings of Fact, Dombrosky recommended the Board approve the Variance of Development Standards to permit a 5' variance from the 10' front yard setback located at 3300 Old Colony Dr.

Aaron Wellington, was present to answer questions from the board members.

With no one else to speak in favor or against the petition the meeting was closed to the public.

The board members discussed the petition.

Keeven made a motion to **approve *Item 2013 – 01-01 – Variance from Development Standards – 3300 E. Old Colony-Aaron Wellington***; Jordan seconded the motion. The motion carried unanimously.

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

- Next meeting will be Monday, February 25, 2013

Keeven made a motion to adjourn the meeting; Jordan seconded the motion. The motion carried unanimously. Allen adjourned the meeting.

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Tom Allen, President

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Kim Arnold, Recording Secretary