

BOARD OF ZONING APPEALS
MINUTES
March 23, 2026

The Warsaw Board of Zoning Appeals met for a regular session on Monday, March 23, 2026 at 7:00 p.m. at the Warsaw Police Training Garage located at 2225 E Ft. Wayne St., Warsaw, Indiana. The following members were present or excused:

PRESENT: Leah Parker (Assistant City Planner) Rick Keeven, Duane Huffer, Scott Reust, Zach Tucker, Tammy Dalton, Max Maile, Amber Utter (Recording Secretary).

ABSENT: Max Maile

CALL TO ORDER: Dalton called the meeting to order.

APPROVAL OF MINUTES

The minutes of the regular session held on February 23, 2026 , were presented for approval. A motion was made by Huffer, seconded by Keeven, the minutes were approved unanimously.

ORAL OR WRITTEN COMMENT OR REPORTS

NONE

UNFINISHED BUSINESS

1804 E. Center St.- Was tabled last month due to the petitioner not sure if she wanted to move forward with the petition. Petitioner has not expressed any interest in moving forward with her petition for zoning variance.

Dalton stated we would like to make a motion to take that off the docket.

Motion was made by Tucker and seconded by Huffer. Motion approved to take this petition off the docket.

2026-02-02- 820 S. Union St. - Use Variance- Presley Smith - This was tabled last month due to incorrect publication.

TO ALLOW A BUSINESS IN AN R-1 ZONE

The petitioner is seeking permission to allow a beauty shop in an R-1 zoning district. This will be an esthetician business wherein she will provide skincare services and provide products to her clientele. She will only schedule one client at a time and parking

is available in her driveway. I ask the Board to consider this information contemporaneously with the criteria for a use variance below. It is the opinion of the Planning Department that the Board grant this use variance for 820 S. Union St.

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 for 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.

Discussion took place among members with Parker about whether or not the petitioner wanted any signage. Parker stated the petitioner does not want signage at this point. Parker stated if she changes her mind, we can revisit that later.

Dalton invited the petitioner to take the podium. Presley Smith took the podium and explained to the board her plans for the business in her home consisting of doing facials as a one on one basis. Dalton asked if the board had any questions. None were noted.

Dalton opened the meeting to anyone in the public to speak in favor or against the petition. None were noted.

Dalton asked the board if there were any questions. None were noted. Tucker motioned for approval, Keeven seconded motion.

Motion carried. Board of Zoning Appeals approved request for 820 S. Union St. - Use Variance- Presley Smith.

NEW BUSINESS

2026-03-01 219 S. Zimmer Road - Use Variance- Darien Rodriguez

TO ALLOW A VETERINARY CLINIC IN AN I-2 ZONING DISTRICT

The petitioner is seeking a special exception to allow a veterinary clinic in an I-2 zoning district. The property is 29,000 square feet. The petitioner does not plan to have any outdoor pens or runs. The petitioner will not be keeping any pets overnight. The Planning Department would like to note that the building on the property is preexisting and adheres to the I-2 setback requirement of 25 ft. but does not meet the conditions laid out in the special exceptions for an animal hospital. The petitioner does have long-term plans to install a parking lot of either asphalt or concrete as seen in the potential parking lot site plan below. This will help control traffic and provide an access point to the property and safe ingress and egress. As such, the Planning Department asks that the Board consider the applicable criteria below and note that the Planning Department does not foresee any issues with the intended use for this variance request. Applicable Criteria:

§b. Animal hospitals and veterinary clinics shall be permitted in the C-2 and I-1, I-2 zone districts, provided that:

1. Such facilities shall be located on sites having a minimum of 20,000 square feet in area;
2. Such facilities shall have no outside pens or runs. Any such facilities with outside pens or runs shall be classified as a kennel and shall meet the conditions set forth for such use;
3. Buildings or structures shall be located a minimum of 50 feet from adjacent property lines, provided that where such uses are located adjacent to a residential district the side and rear yard requirements shall be increased to 100 feet.

The Board discussed how the building has been empty quite awhile. With no further questions, Dalton asked the petitioner to take the podium.

Darian Rodriguez took the podium. She stated she would like to start up an emergency care facility for animals, which she sees a need for in our community. She would be open from Friday evenings to Monday Evenings.

Keeven asked what kind of shape the building was in. Rodriguez seemed to think it was in pretty good shape and had good bones. Mostly cosmetic issues at this time.

The Board had no other questions for Rodriguez at this time.

Dalton opened the meeting to anyone in the public to speak in favor or against the petition. None noted.

Huffer moved that we allow this special exception on condition that the parking lot be installed before the business opens.

Keeven seconded the motion.

Motion carries. The Board of Zoning Appeals approved the 219 S. Zimmer Road - Use Variance- Darien Rodriguez.

2026-03-02 - 2500 Walton Blvd. - Variance from Development Standards - Chris Harty

TO ALLOW A 5-FT SETBACK IN A C-5 ZONE WHERE A 15-FT SETBACK IS REQUIRED

The petitioner has filed for a variance from development standards to reduce a 15-foot rear building setback to five (5) feet to accommodate the construction of a new 1,400 square foot convenience store. As seen in the site plan below, the proposed convenience store will not obstruct or cause danger to the flow of traffic.

Recommendation: Based on the Findings of Fact, it is the opinion of the Planning Department that this Board allow the reduction of a 15 foot setback to 5 feet.

The Board discusses the location and the setbacks. Taylor stated that this project would need to go through tech review.

Dalton opens up for Bassam Ziada to speak on behalf of Murphy Oil. Ziada joined the meeting via live stream. The board verified the location of the build and the setbacks. Ziada noted that the site will have a specific entry and exit to help with the traffic flow. Discussion followed as to how the site will be laid out.

Dalton expressed concern about the traffic, however Taylor spoke up and reiterated that this would have to go through tech review to take a look at the traffic issues.

With no further questions raised, Dalton closed to the petitioner.

Dalton asked if anyone present was opposed or in favor of the petition. None noted.

Dalton then closed the meeting to the floor.

No further questions were raised from the Board. Huffer made a motion to approve.

Tucker seconded the motion. Motion carried. The Board of Zoning Appeals approved the 2500 Walton Blvd. - Variance from Development Standards - Chris Harty.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

The next regularly scheduled meeting will be April 27, 2026 at 7:00 p.m. at the Warsaw City Police Department Training Garage located at 2225 E Ft. Wayne St., Warsaw, Indiana 46580

ADJOURN

No further business came before the Board of Zoning Appeals, Huffer made a motion for the adjournment of the meeting and Tucker seconded the motion. The motion passed unanimously. The meeting was adjourned.



Tammy Dalton, Chair



Amber Utter, Recording Secretary