

**BOARD OF ZONING APPEALS
MINUTES
JULY 28 , 2025**

The Warsaw Board of Zoning Appeals met for a regular session on Monday, July 28, 2025, at 7:00 p.m. in the City Council Chambers, 102 S. Buffalo Street, Warsaw, Indiana. The following members were present or excused:

PRESENT: Tammy Dalton, Rick Keeven, Dave Baumgartner, Zach Tucker, Duane Huffer, Justin Taylor (City Planner), Shawn Holder (Recording Secretary)

ABSENT: Scott Reust (City Attorney)

CALL TO ORDER

Dalton called the meeting to order.

APPROVAL OF MINUTES

The minutes of the regular session held on May 27, 2025, were presented for approval. A motion was made by Baumgartner, seconded by Huffer, the minutes were approved unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

2025-07-01– Development Standards – 1621 W Lake St - To allow 12' Freestanding Sign Within a C-2 Zoning District

Dalton invited City Planner Taylor, who provided a concise overview of the request. The petitioner seeks a development standards variance to allow a 12" freestanding sign in a c-2 zoning district. The petitioner has submitted a request for a variance from development standards to allow a 12-foot-tall freestanding sign within a C-2 zoning district. Freestanding signs are limited to 8 feet in height in C-2 zoning districts per section 13.4.3.3 of the city's municipal code. The proposed location of the sign is 1621 W Lake St. in a commercial district along the south side of Old 30. A review of this area conducted by the Planning Department showed 4 other signs within 1,000 feet of the petitioner's property that had freestanding signs that did not conform to the 8' height limit.

Because of the surrounding context, the petitioner's request would not create a deviation in the aesthetic character of this corridor.

- **The approval will not be injurious to public health, safety, morals, and general welfare of the community.**
- **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**
- **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.**

The Planning Department believes this request will not negatively impact adjacent properties or pose a safety risk to the community.

If the petitioner can demonstrate practical difficulties warranting this variance, it should be approved by the board.

Dalton asked the board if there were any questions for Taylor, there were questions regarding the larger than allowed signs in the area that might have been there before the ordinances came into effect.

Curtis and Andrea Stavedahl presented their request for the proposed sign stating that an 8ft sign would not be sufficient, you would not be able to see it clearly from the road since the office sits back from the road. Huffer inquired about the tenants- current tenants are Tranquil Spa, Banner Tax Service, Diligent Wealth Management and Westside Tactical. Dalton asked if this was going to be a lighted sign, per Stavedahl it would not be, at some point in the future we would like to have the parking lot lights for safety reasons and the lights will be completely run on solar power.

Dalton invited any person to come forward to speak for or against the petition. No others were present. Dalton closed the meeting to the public. With no other questions from the board, Baumgartner commented that it was very well presented. Huffer made a motion to approve the petition Tucker second, motion carried unanimously.

2025-07-02 - Development Standards – 913 N Park Ave – To allow a third accessory structure in an R-2 zoning district.

Dalton invited City Planner Taylor, who provided an overview of the request. The petitioner has submitted a request for a variance from development standards to allow a third accessory structure within an R-2 zoning district. Section 12.0.4.1 of the city's municipal code states that only two freestanding accessory buildings shall be permitted per lot. The location is 913 N Park Ave, a residential development to the west of Lucerne Park. The proposed accessory structure is

a 10'x16' shed to be placed in the rear of the property in the northwest corner. Two existing sheds are located to the south of the residence and are visible from the road. (See attached photo)

Recommendation:

- **The approval will not be injurious to public health, safety, morals, and general welfare of the community.**
- **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**
- **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.**

Because of its placement at the rear of the property, the accessory structure will not be visible from the road. Therefore, the Planning Department concludes that this request should not adversely affect neighboring properties or welfare of the community.

If the petitioner can demonstrate practical difficulties warranting the necessity of this variance, it should be approved by the board.

Dalton asked the board if there were any questions for Taylor, Huffer asked about lot size and the lot coverage with the 2 sheds that are already in place and the pool. The lot size at this time was inconclusive. Taylor advised that lot coverage would not be an issue with this petition. There is a significant amount of green space left. Baumgartner asked if this was to be used as a storage shed but the Petitioner was not present to confirm usage of the structure. Taylor added that the slope of the property may be the reason the Petitioner wants a third shed. Baumgartner asked if any complaints had been made about the idea of adding a third structure to which Taylor confirmed there had not been.

Dalton invited the public to speak in favor of or against this petition. No one came forward. Dalton closed it to the audience. Dalton sought a motion. Huffer abstained from voting. Baumgartner made a motion to approve the petition, Keeven seconded the motion, motion carried unanimously.

2025-07-03 – Development Standards – 730 Biscayne Ave. – To allow a 20' setback on the waterfront property line

Dalton invited the City Planner to present an overview of the petition which proceeded as follows: The petitioner has submitted a request for a variance from development standards to allow a 20' setback on the waterfront property line.

Article 12 of the city's municipal code places the building setback at 25 feet where the yard adjoins a lake or waterway.

The location of this request is 730 Biscayne Ave, a residence situated on a peninsula within Little Pike Lake.

The need for the encroachment is due to a renovation which encloses the existing deck and adds a new deck onto the rear of the house.

Satellite imagery dating back to 2011 appears to show little to no change to the shoreline over the past 15 years however it is possible that some erosion has occurred based on the apparent location of the property on city and county GIS data.

Potential shoreline erosion may be a contributing factor in the need for this variance request. (Four attachments were provided).

Recommendation:

- **The approval will not be injurious to public health, safety, morals, and general welfare of the community.**

- **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

- **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.**

Due to the relatively minimal impact this encroachment will have and the unique conditions of this parcel, it is the opinion of the Planning Department that this variance should be viewed favorably.

Dalton confirmed mailings went out to interested parties and no negative responses were given. Dalton asked the Board if they had any questions, Baumgartner asked what the Petitioner was asking to do. Taylor clarified that the Petitioner is asking to allow a 20ft setback from the shoreline rather than the standard 25ft setback. Dalton asked the Board if they had any additional questions before opening it up to the Petitioner, there were none.

Glen Hostettler from Millenium Construction represented petitioner, Michael Goff, and stated he is asking for variance from the development standard to build the deck 20ft from the shoreline rather than 25.

Dalton asked the public if there was anyone in favor of or in opposition to the petition. There were none. Dalton asked the Board if they had any additional questions. There were none. Keevan made a motion to approve, Huffer seconded, the motion carried unanimously.

OTHER MATTERS

The next regular meeting of the Board of Zoning Appeals is scheduled for Monday August 25, 2025.

ADJOURNMENT

Keeven moved to adjourn the meeting, seconded by Baumgartner, the meeting was adjourned unanimously.

Tammy Dalton, Chair



Rick Keeven, Vice Chairman



Leah Parker, Recording Secretary