

**BORAD OF ZONING APPEALS
MINUTES
NOVEMBER 24,2025**

I. CALL TO ORDER

PRESENT: Tammy Dalton, Zach Tucker, Rick Keeven, Duane Huffer, Leah Parker (Assistant City Planner), Scott Reust (city attorney) and Amber Utter (recording secretary)

ABSENT: Dave Baumgartner

CALL TO ORDER

Dalton calls meeting to order

II. APPROVAL OF MINUTES

1. Approval of Minutes for October 27, 2025

Dalton motions for approval of Minutes

Tucker 2nd the motion
Minutes were approved.

III. UNFINISHED BUSINESS

1. 2025-11-01 - 985 N Lake St. - Development Standard

Petitioner, Harvey Hayes takes the stand and is wanting to do Duraberm in the parking lot instead of concrete or pavement.

Keeven inquires about the minimum concrete apron size. Parker and Reust discuss the ordinance does not specify due to the ordinance requiring concrete/asphalt in the code, therefore would not specify the use of an apron as an alternative.

Petitioner discusses financial hardship with Keeven and Dalton as the reason for the variance.

Huffer states unusual financial hardship is not an acceptable excuse for variance.

Tuker questions the physical qualities of the land such as drainage.

Huffer questions the consistency of granting variances and the physical conditions of the land has not been proven as a reason for the variance.

Reust ; no precedence is being set by one decision. It's all an individual case by case decision.

Dalton states that the petitioner currently has a gravel lot; trying to make improvements along with the drainage, Duraberm would be an improvement.

Reust goes over the rules and regulations with the board and their responsibilities to making rulings and what those requirements are.

Keeven recites historical reviews and we have discretion and we should use it.

Dalton agrees with Keeven and she thinks they are improving property.

Keeven agrees to property improvements and drainage.
Zach states aesthetics and functionality is a better situation
Huffer opposes again stating that financial hardship is not a valid reason for granting variance.
Keeven moves to approve motion with a 20' apron
Zach 2nd.
Huffer opposes
Motion carries 3 to 1

IV. NEW BUSINESS

1. 2025-11-02 - 119 Center St. Suite B - Use Variance

Tattoo parlor:

Nathan Underneath. Takes the stand. Mr. Underneath states he is seeking a variance to relocate his tattoo parlor. Mr. Underneath explains his history of operating a tattoo parlor and his contributions in the community. Mr. Underneath describes the forced relocation due to the previous owner's plans and his commitment to the downtown area. Keeven asks about the specific location, and petitioner confirms it is an empty space in the Financial Services Building.

Dalton opens the floor for any objections or in favor?

None stated. Dalton closed to public

Dalton motions to approve.

Zach 2nd

Motion carries unanimous approval.

2. 2025-11-03 - 216 S Scott St - Development Standard

Parking driveway- allowing gravel lot

Petitioner, Laurie Johnson takes the stand. Requesting variance for a gravel driveway at the residence. Johnson states all other areas in close proximity are gravel. Johnson explains that the property has no parking area currently and will need to put gravel in even if they pave with concrete eventually.

Keeven asks for dimensions of driveway. Petitioner states will need approximately 28' long and 20' wide.

Keeven asks about apron size. The recommendation is for the petitioner to have a 5' apron of concrete from the street to the driveway.

Keeven asks about the desire to build a garage?

Petitioner states they are not planning on building a garage; there is not enough room. Have made improvements on property and would like to make it a little better than mud and grass.

Dalton opens the floor to any objections or in favor? None stated.

Dalton Closed to the public.

What kind of apron do we want? Keeven would recommend a 5' apron and use of gravel of remaining 23'

Huffer is 2nd.

Motion carried unanimously.

3. 2025-11-04 - 004-039-027 - Special Exception

Petitioner, Carl Rivir, engineer, with Akzo Nobel Coatings requests utility substation on vacant lot. Needs to supply more energy for the new addition. Petitioner states will be fenced and have a concrete approach as required by the ordinance. There will be a 7' tall fence with concrete around the substation. Petitioner states they will be adding 75% to 80% more manufacturing. Hiring 30 to 40 more people and will be making additional remodeling in the current building. Dalton opens the floor for objections or support. None stated.

Closed to the public

Motion carried unanimously to approve variance.

V. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

1. Reust addresses the BZA members about the meeting's temporary displacement; upgrading our HVAC at City Hall. The meetings will be held at the Warsaw Police Department training room, which has adequate space and facilities. The first meeting to be held at the WPD is scheduled for December 22, 2025. Reust reassures that the meetings will be recorded and streamed as usual per ordinance.

Keeven recommends using big red letters that will remind everyone where we will be having it.

2. Approve 2026 Calendar

Keeven motions to approve 2026 Calendar; everything appears to be correct; Dalton 2nds motion.

ADJOURNMENT

Keeven Motions to adjourn the meeting.

Dalton 2nd the motion

Meeting adjourned; next meeting will be held on December 22, 2025

(Chair)

(Recording Secretary)