

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**December 28, 2020**

The Warsaw Board of Zoning Appeals met for regular session on Monday, December 28, 2020 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, Dan Smith, Jeff Johnson, Justin Taylor (Senior Planner), Johnny Latsko (Assistant Planner), Scott Reust (City Attorney), Kim Arnold (Recording Secretary)

Absent: Tammy Dalton

**CALL TO ORDER**

Allen called the meeting to order.

**APPROVAL OF MINUTES**

The November 09, 2020 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the November 09, 2020 meeting minutes as presented. Johnson seconded the motion. The motion carried unanimously.

**ORAL OR WRITTEN COMMENTS OR REPORTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

*2021 Schedule was unanimously acknowledged*

**2020-12-01 — Use Variance -802 S. Buffalo St. - Allow A Campground in a C-2 and R-1-**  
Allen turned the meeting over to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a Use Variance to allow for a Campground in a C-2. The lot is currently used as a commercial garage, and the adjoining lot is vacant/unused.

Campgrounds are not listed in the Table of Permitted uses; therefore, its status shall be determined by the Board of Zoning Appeals as outlined in the Municipal Code. The only existing campground in the City is Pike Lake Campground.

The petitioner plans to create a campground that would have 13 camp sites, laundry facilities, shower facilities, and an office. In order to be permitted, the campground would need to be in line with all State of Indiana codes including ADA compliance, electrical and plumbing, and any relevant State releases.

The preliminary plan for the campground as provided by the petitioner is attached.

The neighborhood is an area characterized by the transition between residential and commercial uses. To the south and west is predominantly residential, and to the north and east is predominantly commercial. The lot is visible from both residential and commercial uses.

The comprehensive plan shows the area for community vitality. The purpose the community vitality land classification is “to establish areas for mixed-use, community-serving, commercial development. Appropriate land uses include retail, service, office, entertainment, restaurant, institutional, and top floor residential.

One letter has been received from a concerned neighbor. The neighbor lives near the property and expressed concerns that the proposed lot is not large enough to support a campground, the impact seasonal patrons would have on the area, and the noise, garbage, and campfire smoke potentially generated by a campground.

Due to the concerns raised by neighbors, conflict with the Comprehensive Plan, and potential land use nuisances, the Planning Department does not recommend the Board look favorably upon this request.

Allen opened the meeting to any person wishing to speak in favor of the petition. Alan Hoyt, the petitioner, was present to explain the request and answer any questions. Hoyt explained he plans on using a portion of his property to create a state of the art campground. He stated people already hang around and walk through the property. He intends to provide all of the conveniences of a campground and provide quiet time. He will meet any state rules, requirements and regulations. It will be designed by an architect. He plans on creating a retaining barrier all around with cages full of river rock. He stated campfire smoke will not be an issue due to the lay of the land. He stated one neighbor did come to him to speak about the request. Hoyt stated tourism is important. Assistant Planner Latsko presented the telephone number for public comment. A two minute waiting period was observed. No other person called, texted or was present to speak in favor of the petition. Allen closed the meeting to any person wishing to speak in favor of the petition.

Allen opened the meeting to any person wishing to speak against the petition. Nicholas Prater, adjoining property owner, stated he has lived there ten years. He stated he has a young daughter. He has watched a nice wooded lot change to a desolate lot with dirt piles, construction trash on the West side of the lot, and abandoned cars in the woods. He feels if this condition is how Hoyt maintains the property presently, how he will maintain a campground. He stated a concrete slab already exists with a camper and a sewer pipe with no indication of a proper installation on the property. He stated Hoyt put it in without concern of the rules or the neighbors. Prater is concerned about sewage, where it is going and the neighboring groundwater safety. He stated it

is a small lot, probably less than half an acre, too small for a campground and he feels it is an attempt by Hoyt to get around the rules. Mary Gearheart, adjoining property owner, voiced many of the same concerns as Prater. She stated Hoyt's lot is visible from her back yard. She stated it is in bad shape with an RV parked on it and piles of dirt full of trash present now. She stated it is not pretty now and if a campground were to be allowed it would have to be regulated. She does not wish to look at a campground out of her back window. No other person was present to speak against the petition and no other person communicated by phone. Allen closed the meeting to the public.

Keeven asked Hoyt if children would be allowed in the campsites. Hoyt responded it would be a family campground. Keeven asked if anything was planned for kids to do on such a small lot. Keeven stated thirteen camp-spots was a large number for the size of the tract of land. Keeven stated Pike Lake Campground has activities and entertainment nearby. Hoyt responded that there is potential to do something with the size of the camp-spots. He may purchase an additional tract of land behind his property and add other things, like a playground. Keeven asked Hoyt about the planned river rock barrier. He asked how high it would be and the line of sight would be from adjoining properties. Hoyt stated the barrier will go toward Wildman's property. Dan Smith asked Hoyt if he had spoken with Wildman. Hoyt answered that he had and they had no concerns. Discussion followed. Motion was made by Johnson to deny the request, *2020-12-01- Use Variance -802 S. Buffalo St. - Allow A Campground in a C-2 and R-1*. Smith seconded the motion. The motion passed unanimously by roll call vote.

***2020-12-02-Variance from Development Standards – 415 N. Washington St. – Allow for Additional Lot Coverage*** - Allen turned the meeting to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a Variance from Development Standards to allow for additional lot coverage beyond what is allowed in the zoning code. R-3's allow maximum impervious lot coverage of 65%. Proposed additions would take the lot coverage to somewhere between 70 and 75%.

In order to meet parking minimums the petitioner intends to pave a portion of the side and rear yard. The parking plan is included in the attachments.

The purpose of the land coverage requirement is to manage storm water runoff, as well as maintain the character of the neighborhood. The City Engineer has indicated that granting of this variance would not negatively affect storm water runoff in the area.

The adjacent northern property is a wholesale business with significant lot coverage.

The purpose of this variance request is twofold:

1. Currently residents are parking in front of the house in an unpaved front yard. This yard is within the Public Right of Way and should not count towards the total number of spaces available per unit.
2. If the next case is granted, which I believe would be beneficial to consider and discuss before granting this case, additional parking spaces will be required for the proposed additional unit.

Refer to the Findings in case # 2020-12-03 for further details on the second proposal requested to be passed at the same time as this one.

As the increased coverage of this lot would result in removing non-conforming parking from the right-of-way, it is the opinion of the Planning Department that the board could look favorably upon this request.

***2020-12-03-Variance From Development Standards – 415 N. Washington St. – Allow for a Higher Density of Units in an R-3-*** Allen turned the meeting to Assistant Planner Latsko for a brief explanation of the request. The petitioner has requested a Variance from Development Standards to allow for a higher density of units than currently allowed. The petitioner would like to convert an existing garage into a 4<sup>th</sup> dwelling unit.

R-3 Regulations require 8,500 sq ft of lot for the first 2 units in a home, followed by an additional 1,500 sq ft per unit. 4 units would require an 11,500 square foot lot. The lot is 8,734 square feet.

There would be no additional lot coverage, aside from the paving requested in case number 2020-12-02.

The purpose of an R-3 district is to provide high density residential areas within the community. The neighborhood is characterized primarily by single- and two-family homes. The existing two and three family homes in the area exceed the density requirements.

It is important the Board consider the purpose of the density ordinance, as well as the context of the site. The living unit density requested would be a significant increase; however no additional building footprint would be added. This fact, combined with the existing traffic generated from the neighboring commercial property, leads the Planning Department to believe granting of this variance would not negatively impact the surrounding neighborhood. It is the opinion of the Planning Department that the board could view this request favorably.

Assistant Planner Latsko presented both cases because they are the same property but they need to be voted on separately.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Margaret Hockett, the property owner, was present virtually to answer questions and explain the request. She stated the current parking situation needed to be addressed. The current garage is very close to the edge of the property. It could be made into a large apartment with a two car garage. She stated she has looked around the area and there are not a lot of rentals available in the radius she searched. She stated it will fill a need for housing. No other person was present. Latsko presented the phone number to the public in order for anybody to text or call in comments in favor or against. No person called or texted. Allen closed the meeting to the public.

Motion was made by Keeven to approve *2020-12-02-Variance from Development Standards – 415 N. Washington St. – Allow for Additional Lot Coverage*. Johnson seconded the motion.

Smith voted against *2020-12-02-Variance from Development Standards – 415 N. Washington St. – Allow for Additional Lot Coverage*. The motion passed with 3 ayes and 1 nay.

Allen opened the meeting to any person wishing to speak in favor or against *2020-12-03*. Hockett explained there is an existing structure, the garage, which she would like to improve the interior of. She would like to make an apartment with a two car garage out of it. She stated she purchased the property a year ago and they have brought it up to code and updated it. No other person was present to speak for or against the petition. No texts or calls were received. Motion was made by Keeven to approve *415 N. Washington St. – Allow for a Higher Density of Units in an R-3*. Johnson seconded the motion. The motion passed unanimously.

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

- Next meeting will be January 25, 2021

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

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Tom Allen, President

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Kim Arnold, Recording Secretary