

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
OCTOBER 27, 2015
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Eric Frey Chairperson; Tony London, Wayne Nyffeler and Dave Fisher.

Members absent: Hanna Omar.

Staff Present: Melissa Begley, Emilie Pinkston. Charles Russell
Planning Department; Stephanie Carr and
Aaron Edwards, Deputy City Attorney.

ROLL CALL

PUBLIC MEETING

Eric Frey Chairperson opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. There was an error in the Thompson Furniture case and will automatically forwarded to the November BZA meeting. The petitions and staff comments are a permanent record at the Planning Department.

Aaron Edwards, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

OLD BUSINESS REQUIRING BOARD ACTION

Bartholomew County Highway Department

C/CU-15-11: Bartholomew County Highway Department

A request by the Bartholomew County Highway Department approval per Zoning Ordinance Section 3.20(B) to allow an expansion of a governmental facility (the construction of a salt barn at the County Highway Garage) in a CC (Commercial: Community) zoning district. The property is located at 2452 State Street, the City of Columbus.

C/DS-15-15: Bartholomew County Highway Department

A request by the Bartholomew County Highway Department for a development standards variance to allow an accessory structure (a salt barn) to be 40 feet in height, 15 feet taller than the 25 foot maximum height. The property is located at 2452 State Street, in the City of Columbus.

Danny Hollander and Larry Kleinhentz stated their names for the record.

The meeting had been continued from the September 22, 2015 meeting; therefore there was not a staff presentation.

The meeting was open to the public.

There was no one to speak at the public hearing; therefore the meeting was closed to the public.

Tony London made a motion to approve **C/CU-11** based on the findings of fact as presented by staff.

Wayne Nyffeler seconded the motion. Motion passed by a voice vote of 4-0.

Tony London made a motion to approve **C/DS-15-15** based on the findings of fact as presented by staff.

Wayne Nyffeler seconded the motion. Motion passed by a voice vote of 4-0.

NEW BUSINESS REQUIRING BOARD ACTION

C/DS-15-18: Howard & Tina Burton

A request by Howard and Tina Burton for a development standards variances from (1) Zoning Ordinance Section 7.2(Part 3)(A)(2)(b) to allow a driveway on a single family residential property to be 8 inches from the side property line, 3 feet 4 inches less than the 4 foot required setback and (2) Zoning Ordinance Section 7.3 (Part 1)(D)(2) to allow the access point on a single family residential driveway to be 33 feet in width measured at the right-of way line, 9 feet wider than the 24 foot maximum width. The property is located 3437 Kensington Court, in the City of Columbus.

Howard Burton stated his name and address into the record.

Emilie Pinkston presented the staff presentation.

The meeting was open to the public.

Mike Presveck, 3319 Queensbury Drive was in favor of the variance request.

He stated that Mr. Burton had fixed up the home, which had been abandoning after the flood. Mr. Preveck said the home was unoccupied for 4 years.

He believed that the value of his house had gone up due to the improvements he had made to the home.

Christine Hunkley, 3289 Queensbury was opposed to the petition and said Mr. Burton had encroached on her property. She presented pictures to the staff and said that Mr. Burton was draining water onto her property.

Charles Holm, 3376 Kensington said that Mr. Burton should be granted the variance. She said he had done nothing wrong with his property and that the property looked great.

Mark Hunkley, 3289 Queensbury Drive wrote a letter opposed to the request. He had the same concerns as his wife Christine.

The meeting was closed to the public.

Dave Fisher made a motion to approve **C/DS-15-18** request number 1 based on staff's findings for Criteria #1 and stated that Criteria #2 has been met because the driveway 4 inches from the property line will not be a nuisance to the adjacent property owner. He stated that Criteria #3 has been met because this property is not typical and they will have more cars than the average home.

Wayne Nyffeler seconded the motion. Motion passed by a voice vote of 3-1. Tony London representing the nay vote.

Dave Fisher made a motion to approve **C/DS-15-18** variance request number 2, agreeing with staff's findings for Criteria #2. He stated that Criteria #1 has been met because it has the most level sidewalk in the area and will not injure the public health and safety and that Criteria #3 has been met because this property is not typical and it is better to keep the vehicles off the street.

Wayne Nyffeler seconded the motion. Motion passed by a voice vote of 3-1. Tony London representing the nay vote.

C/DS-15-20: David Weinzapfel

A request by David Weinzapfel for a development standards variance from the Zoning Ordinance Section 3.8(C) to allow an accessory structure to be setback 2 feet from the property line, 3 feet less than the 5 foot minimum side setback requirement. The property is located at 2772 Lafayette Avenue, in the City of Columbus.

David Weinzapfel stated his name and address into the record.

Melissa Begley presented the staff report.

The meeting was open to the public.

Lori Ellen Phillips was opposed to the petition stating she didn't want the view obstructed. She said he should have to meet the setbacks.

Erma Wickstrom was opposed to the petition. She said they already had one home in the neighborhood that didn't meet the setbacks and she believed that there should not be another home that didn't meet the setbacks.

The meeting was closed to the public.

Wayne Nyffeler made a motion to deny **C/DS-15-20** based on the findings of fact as presented by staff.

Tony London seconded the motion. Motion was denied 4-0.

C//DS-15-21: Keller Development

A request by Keller Development for a development standards variance from Zoning Ordinance Section 7.1(Part 1)(A)(2) to allow required parking spaces for a multi-family development to not be located on the same property with the multi-family use. The properties are located at the northwest and northeast corners of 22nd Street and Cottage Avenue, in the City of Columbus.

Melissa Begley presented the staff presentation

Thomas Niezer, Danelle Biberstine and Doug McComb stated their names for the record.

The meeting was open to the public.

There was no one to speak at the public hearing; therefore the meeting was closed to the public.

Dave Fisher made a motion to approve C/DS-15-21 based on the findings of fact as presented by staff.

Tony London seconded the motion. Motion passed by a voice vote of 4-0.

C/DS-15-23: Thompson Furniture

A request by Thompson Furniture for development standards variance from (1) Zoning Ordinance Section 6.1(C) (3) (g) (iii) to waive the requirement for permanent outdoor sales and display to be enclosed on 3 sides by an opaque fence or wall, (2) Zoning Ordinance Section 6.1(E) (3) to allow an accessory structure (a pavilion) to be located in the front yard. The property is located at 2440 Central Avenue, in the City of Columbus.

Thompson Furniture was automatically continued until next month's meeting due to due to incorrect advertising.

C/UV-15-05: Kenan Al-Husseini

Kenan Al-Husseini is requesting a use variance from Zoning Ordinance Section 3.1(A) to allow a contractor's office in the RS4 (Residential: Single Family 4) zoning district. The property is located at 2202 Cherry Street, in the City of Columbus.

Kenan Al-Husseini stated his name for the record.

Charles Russell presented the staff presentation.

The meeting was open to the public.

There was no one to speak at the public hearing; therefore the meeting was closed to the public.

Wayne Nyffeler made a motion to approve **C/UV-15-05** based on the findings of fact as presented by staff.

Dave Fisher seconded the motion. The motion passed by a voice vote of 4-0.

FINDINGS OF FACT

C/CU-15-12: Daily Feed & Grain

Wayne Nyffeler made a motion to accept the findings of fact, which was seconded by Dave Fisher. Motion carried by voice vote of 4-0.

C/DS-15-15-16: Daily Feed & Grain

Wayne Nyffeler made a motion to accept the findings of fact, which was seconded by Dave Fisher. Motion carried by a voice vote of 4-0.

C/DS-15-17 Real World Testing

Dave Fisher made a motion to accept the findings of fact, which was seconded by Wayne Nyffeler. Motion carried by a voice vote of 4-0.

C/CU-15-13 Freeman Development Corporation

Wayne Nyffeler made a motion to accept the findings of fact, which was seconded by Dave Fisher. Motion carried by a voice vote of 3-0.

C/DS-15-19: Freeman Development Corporation

Dave Fisher made a motion accept the findings of fact, which was seconded by Wayne Nyffeler. Motion passed by a voice vote of 3-0.

APPROVAL OF MINUTES

Dave Fisher made a motion to approve the minutes of the September 22, 2015 meeting.

Wayne Nyffeler seconded the motion. Motion was approved by a voice vote of 3-0.

DISCUSSION

None

HEARING OFFICER APPROVALS

C/DS-15-22: The Eye Place

A request by the Eye Place for a development standards variance from Zoning Ordinance Section 7.3 (Part 1)(C)(l) to allow an entrance to a non-residential use on a minor arterial street (Washington Street) to be 50 feet, 350 feet, 350 feet less than required 400 feet, from the centerline of another drive. The properties are located at 1202 and 1120 Washington Street, in the City of Columbus.

B/CU-15-06: Rockcreek Elementary

A request by Bartholomew Consolidated School Corporation for conditional use approval per Zoning Ordinance Section 3.12(B) to allow the expansion of a worship facility (a 16 ft. by 32 ft. picnic shelter) in a RE (Residential: Established) zoning district. The property is located at 9686 S. Wayne Street, in Wayne Township.

ADJOURNMENT

There being no other business the meeting was adjourned.

ACTING



Eric Frey, Chairperson



Hanna Omar, Secretary