

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
OCTOBER 29, 2013
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Eric Frey, Chairperson, Bryan Schroer, Secretary
Tom Wetherald, Lou Marr and Hanna Omar

Members Absent:

Staff Present: Melissa Begley, Thom Weintraut, Allie Keen and
Leanne Wells, Planning Department; Stephanie Carr, Code
Enforcement and Aaron Edwards, City Attorney

PUBLIC MEETING

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

The petitions and staff comments are a permanent record at the Planning Department.

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

OLD BUSINESS REQUIRING BOARD ACTION

None

Public Hearing

C/CU-13-11: Turnkey Rents 1

A request by Turnkey Rents 1 for conditional use approval to allow a new accessory dwelling above a detached garage, in an RE (Residential: Established) zoning district per zoning district per Zoning Ordinance Section 3.12(B). The property is located at 737 4th Street, in the City of Columbus.

C/DS-13-25: Turnkey Rents 1

A request by Turnkey Rents 1 for Development standards variances from (1) Zoning Ordinance Section 3.12(C) to allow an accessory structure with a garage facing a public street to be located 4 feet from the front setback, 21 feet less than the minimum 25 foot setback, (2) Zoning Ordinance Section 7.1 (Table 7.1) to allow a property with two dwelling units to have 2 parking units to have 2 parking spaces, 2 less than the minimum required and (3) Zoning Ordinance Section 3.2(C) to allow an accessory structure to be 25 feet in height, 6.3 feet taller than permitted. The property is located at 737 4th Street, in the City of Columbus.

Allie Keen presented the background information on the request.

Jeff Rocker and Jeff Finke appeared.

The meeting was opened to the public.

The following people were opposed to the variance request:

Jim Hartsook was opposed to the variance request because of the height of the property It would give them no privacy.

Matt Owens was opposed to the request because of the parking situation.

Kelly Thompson was opposed because the traffic in the area and the school being so close.

Lou Marr made a motion to deny **C/CU-13-11** based on the findings of fact as presented by staff.

Eric Frey seconded the motion.

The motion was denied by a voice vote of 3-2.

Jeff Rocker made a motion to withdraw his petition for **C/DS-13-25** the developmental standards request.

Tom Wetherald mad a motion to accept withdrawal for **C/DS-13-25** seconded by Eric Frey. Motion passed by a voice vote of 5-0.

C/CU-13-15: Albert Nolting

Albert Nolting is requesting a conditional use approval to allow a home-based business (Guitar lessons with regular on-site customers) in an RS2 (Residential: Single Family 2) zoning district per Zoning Ordinance Section 6.6(Part 1) (B). The property is located at 3325 Woodcrest Court, in the City of Columbus.

Allie Keen presented the background information on the request.

Albert Nolting and Jason Guthrie appear.

The meeting was opened to the public.

Mary Rigsby was opposed to the request and said she does not believe there should be any business in the single family neighborhood and the parking and noise would be a problem.

Harold and Teresa Green were in favor of the petition. They didn't see any traffic or noise problem.

Michael Anderson, who has a son that is a student, was in favor of the petition.

Hanna Omar made a motion to approve **C/CU-13-15** based on the findings of fact as presented by staff with the following conditions:

1. The maximum number of lessons shall be limited to 30 per week, with 1 student per lesson.
2. All lessons shall conclude by 8:30 p.m. daily.

Tom Wetherald seconded the motion.

The motion passed by a voice vote of 5-0.

C/CU-13-16: Flintwood Wesleyan Church

A request by Flintwood Wesleyan Church for conditional use approval to allow a freestanding sign with a changeable copy element in the RS4 (Residential: Single-Family 4) zoning district per Zoning Ordinance Section 10 (Table 10.1). The property is located at 5300 25th Street, in the City of Columbus.

C/DS-13-27: Flintwood Wesleyan Church

A request by Flintwood Wesleyan Church for a development standards variance from Zoning Ordinance Section 10(H)(11)(C) to allow the portion of changeable copy as part of a primary freestanding sign to be 30 square feet, 16.27 square feet larger than permitted. The property is located at 5300 25th Street, in the City of Columbus

Thom Weintraut presented the background information on request.

Wesley Jones and Rita Carr appear.

The meeting was opened to the public.

Vandal Pedigo was in favor of the petition.

Todd McKinley was in favor of the request.

Christina Driscoll was in favor but was concerned about LED light

Terry Jones was in favor of the petition.

Garry Prather was in favor of the lighting.

The meeting was closed to public.

Lou Marr mad a motion to deny **C/CU-13-16** based on the finding of fact as presented by staff.

Bryan Schroer seconded the motion.

Motion fails.

Eric Frey made a motion to approve (C/CU-13-16) conditional use request to install a freestanding sign in a R24 single family residential zoning district. As part of this request, and to approve a development standards variance (C-DS-13-27) to allow area of changeable copy signage to exceed the area of the non-changeable copy portion. The approval was for a LED changeable copy are up to 33' x 9'9" as shown on the exhibit dated September 12, 2013 provided to the planning Department on September 16, 2013. The combined area of both signs shall not exceed 50 square feet in area.

As part of the approval, the Board placed the condition that church work with the surrounding property owners to insure the nighttime luminance of the sign does not

impact the neighboring properties and that the sign be programmed to reduce the luminance at night automatically.

Tom Wetherald seconded the motion.

Motion was approved by a voice vote of 3-2.

C/UV-13-03: Kris Withers

Kris Withers is requesting a use variance from Zoning Ordinance Section 3.25(A) to allow an indoor dirt track for remote control vehicles (medium scale recreational use) to be located in an 1-3 (Industrial: Heavy) zoning district. The property is located at 1285 Indianapolis Road, in the City of Columbus.

Allie Keen presented the background information on the request.

Kris Withers and Rebecca Eckelman appear.

The meeting was opened to the public.

There was no one to speak at the public meeting.

Hanna Omar made a motion to approve **C/UV-13-03**, agreeing with staff findings number 1, 2 and 5 and stated that number 3 had been met due to the fact that the property's location in the floodway makes it less desirable for the businesses that would be permitted in the zoning district and that number 4 had been met based the property not being viable for many of the permitted uses due to the property's location in the floodway.

Tom Wetherald seconded the motion.

Motion was approved by a voice vote of 5-0.

C/DS-13-28: Matthew Battin

Mathew Battin is requesting for a development standards variance from Zoning Ordinance Section 3.2(C) to allow an accessory structure to have a 0 foot side setback, 3 feet less than the minimum 3 foot side setback. The property is located at 738 Lafayette Avenue, in the City of Columbus.

Thom Weintraut presented the background and staff presentation.

Matthew Battin appears.

The meeting was opened the public.

There was no one to speak at the public hearing.

Lou Marr made a motion for deny **C/DS-13-28** based on the findings of fact as presented by staff.

Bryan Schroer seconded the motion.

Motion was denied by a voice vote of 5-0.

C/DS-13-30: First Assembly of God

The First Assembly of God is request for a development standards variance from Zoning Ordinance Section 10(H)(11)(C) to allow the portion of changeable copy as part of a freestanding sign to be 37.32 Square feet, 28.92 square feet larger than permitted. The property is located at 2100 10th Street, in the City of Columbus.

Thom Weintraut presented the background information on the request.

Ted Darnell and Rick Glowaki appeared.

Stephanie Carr, of the Code Enforcement office stated that she had issued the sign permit without the Zoning Compliance certificate from the City Planning Department.

There was no one to speak at the public hearing.

Lou Marr made a motion to approve **C/DS-13-30** Variance number 1 based on the findings of fact as presented by staff.

Tom Weatherald seconded the motion.

The motion passed by a voice vote of 5-0.

Eric Frey made a motion to approve variance number 2 stating that criteria #1 had been met because there are no residential uses within 100 feet of the sign and would not impact the neighboring properties. Criteria #2 had been met because the changeable copy is only located on the east face of the sign and that criteria #3 had been met because the utility poles and other obstructions along the street result in visibility issues.

Bryan Schroer seconded the motion.

Motion passed by a voice vote of 4-1.

FINDINGS OF FACT-

None

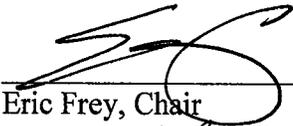
Approval of Minutes

Upon the motion made by Tom Wetherald and seconded by Hanna Omar the revised minutes of August 27, 2013 were approved by a voice vote of 5-0.

Upon the motion made by Bryan Schroer and seconded by Hanna Omar the minutes of September 24, 2013 meeting were approved by a voice vote of 5-0.

DISCUSSION-

None


Eric Frey, Chair


Bryan Schroer, Secretary

