

**MINUTES  
COLUMBUS BOARD OF ZONING APPEALS  
NOVEMBER 24, 2015  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** Dave Fisher co-chairperson; Tony London, and Wayne Nyffler.

**Members absent:** Eric Frey and Hanna Omar.

**Staff Present:** Melissa Begley, Emilie Pinkston, Ashley Klingler, Allie Keen, Charles Russell Planning Department; Stephanie Carr, Code Enforcement and Don Edwards (Deputy City Attorney).

**ROLL CALL**

**PUBLIC MEETING**

Dave Fisher co-chairperson opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

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

**OLD BUSINESS REQUIRING BOARD ACTION**

**None**

**NEW BUSINESS REQUIRING BOARD ACTION**

**C/DS-15-23: Thompson Furniture**

A request by Thompson Furniture for development standards variances 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 and (3) Zoning Ordinance 6.1(E)(3) to allow outdoor sales and display to be located within the required setback. The property is located at 2440 Central Avenue, in the City of Columbus.

Charles Russell presented the staff presentation.

Victor Thompson stated his name 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.

Tony London made a motion to approve request number 1 based on the findings of fact as presented by staff with the following conditions:

1. No fencing, display items, or other features will obstruct the required sight visibility areas on the property.

2. A dimensioned site plan, to scale, will be to be submitted to the Planning Department before any work is done.

Wayne Nyffeler seconded the motion. The motion was passed by a voice vote of 3-0.

Tony London made a motion to approve request number 2 based on the findings of fact as presented by staff.

Wayne Nyffeler seconded the motion. The motion passed by a voice vote of 3-0.

Tony London made a motion to approve request number 3 based on the findings of fact as presented by staff.

Wayne Nyffeler seconded the motion. The motion passed by a voice vote of 3-0.

#### **C/CU-15-14: The Ridge**

A request by The Ridge of Columbus has requested a conditional use approval per Zoning Ordinance Section 3.5(B) for an expansion of a worship specifically for a parking lot expansion, in the AP (Agriculture: Preferred) zoning district property is located at 2800 Bonnell Road, in Clay Township

#### **C/DS-15-31: The Ridge**

A request by The Ridge of Columbus has requested a development standards variance from Zoning Ordinance Section 7.3(Part 1)(C)(3)(c)(iii) to allow an entrance to a non-residential use on a collector street (Bonnell Road) to be 181 feet, 19 feet less than the required 200 feet required from the centerline of another drive. The property is located at 2800 Bonnell Road, in Clay Township.

Emily Pinkston presented the staff presentation.

Rick Sanders and Mike Morrow stated their names into the record.

The meeting was open to the public.

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

Wayne Nyffeler made a motion to approve **C/CU-15-14** based on the findings of fact as presented by staff, with the following conditions:

1. The church will meet all development standards specified in the P (Public Semi-Public) zoning district with regard to parking lot design, which includes parking lot paving, curbing, and landscaping.
2. The church will widen and improve their half of Bonnell Road beginning at the existing improvements and going north to a location immediately south of the Bonnell Road culvert located within the tributary of Sloan Branch. The improvements shall include pavement widening, curb and gutter, a sidewalk, and a bike lane consistent with the specifications of the City Engineer and the guidelines of the Columbus Thoroughfare Plan.
3. An administrative subdivision shall be completed to relocate the northern property line to include the entire parking area on the property with the church structure. This subdivision shall also provide the dedication of right-of-way consistent with the Thoroughfare Plan (approximately 32.5 feet) along Bonnell Road to accommodate the road improvements and match the right of way of the existing Church site (Lot 1 of The Ridge Agricultural Subdivision).

Dave Fisher seconded the motion. Motion passed by a voice vote of 3-0.

Tony London made a motion to approve **C/DS-15-31** agreeing with staff's findings for Criteria #1 and #2. Mr. London stated that Criteria #3 has been met because 181 feet is sufficient according to the County Engineer..

Wayne Nyffeler seconded the motion. The motion passed by a voice vote of 3-0.

**C/DS-15-24: Jackson County Bank**

Jackson County Bank is requesting a development standards variance from Zoning Ordinance Section 7.3 (Part 1)(C)(3)(c)(i) to allow an entrance to a non-residential use on an arterial street (Central Avenue) to be 123 feet, 277 feet less than the required 400 feet required from the centerline of another drive. The property is located on Central Avenue, approximately 440 feet south of National Road, in the City of Columbus.

Allie Keen presented the staff presentation.

Susan Haskett and Paula Gardner stated their names for the record.

The meeting was open to the public.

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

Wayne Nyffeler made a motion to approve **C/DS-15-24** based on the findings of fact as presented by staff and including the condition that the proposed drive access to Central Avenue shall be right/in-right/out only with a raised pork chop median with the final design subject to approval by the City Engineering Department during the site plan review of the subject property.

Tony London seconded the motion. The motion passed by a voice vote of 3-0.

**C/DS-15-25 VU National Investments**

VU National Investments are requesting a development standards variance from Zoning Ordinance Section 10 (Table 10.1) to allow a freestanding sign for a multiple use lot to have 4 secondary sign elements, 1 more than the maximum 3 sign elements. The property is located at 1455 National Road, in the City of Columbus.

Charles Russell presented the staff presentation.

Jeff Rocker and Jeff Mobley stated their names into the record.

The meeting was open to the public.

Christian Norman had questions about the sign ordinance.

Jeff Marshall was in favor of the petition.

The meeting was closed to the public.

London made a motion to approve **C/DS-15-25** based on the findings of fact as presented by staff.

Wayne Nyffeler seconded the motion. The motion did not carry due to an indecisive by a vote of 2-1.

Upon a vote of 2-1 the case was automatically continued until the December 15<sup>th</sup> meeting.

**C/DS-15-26: Chick –fil-A**

Chick-fil-A is requesting a development standards variances from (1) Zoning Ordinance Section 10(H)(3)(C) to allow 2 off-premise signs on shared freestanding signs, one more than permitted, (2) Zoning Ordinance Section 10 (Table 10.1) to allow a secondary sign element located on the multi-tenant freestanding sign located on National Road to be 83 square feet, 589 square feet larger than the 25 square foot maximum, and (3) Zoning Ordinance Section 10 (Table 10.1) to allow a secondary sign element located on the multi-tenant freestanding sign located on 10<sup>th</sup> Street to be 83 square feet, 58 square feet larger than the 25 square foot maximum. The properties are located at 3500 10<sup>th</sup> Street and 1390 National Road, in the City of Columbus.

Ashley Klingler presented the staff presentation.

Ben Holliday stated his name for the record.

The meeting was open to the public.

Jeff Marshall was in favor of the petition.

The meeting was closed to the public.

Dave Fisher made a motion to approve request number **C/DS-15-26** Variance number 1, agreeing with staff's findings for criteria #1. Mr. Fisher stated that Criteria #2 has been met because the neighboring tenants chose to have their signage and does not create a disadvantage and will not affect them in an adverse manner. Criteria #3 has been met because the old sign was never intended to be completely removed and the intent was to use the old Golden Coral sign for Chick-Fil-A. The approval included the following conditions:

1. The owner's signature must be provided for the National road sign for the applications to be complete.
2. The property owner on the applications needs to be changed to have the correct owner of the subject property (the locations of the signs) not the Chick-fil-A property. The applications need to be separated based on the sign location. One for the National Road Sign size (with the appropriate property owner). And a second for the 10<sup>th</sup> Street sign and size (with the appropriate property owner).

Tony London seconded the motion. The motion passed by a voice vote of 3-0.

Dave Fisher made a motion to approve **C/DS-15-26** Variance request number 3, agreeing with staff's findings for criteria #1. Mr. Fisher stated that Criteria #2 has been met because the neighboring tenants chose to have their signage and does not create a disadvantage and will not affect them in an adverse manner. Criteria #3 has been met because the old sign was never intended to be completely removed and the intent was to use the old Golden Coral sign for Chick-Fil-A.

Wayne Nyffeler seconded the motion. The motion passed by a voice vote of 3-0.

Dave Fisher made a motion to approve **C/DS-15-26** request number 3 based on the findings of fact as presented by staff.

Tony London seconded the motion. The motion passed by a voice vote of 3-0.

**C/DS-15-27: Phillip Burton** – A request by Phillip Burton for development standards variance from Zoning Ordinance Section 3.5(C) to allow an agricultural structure to be setback 5 feet from the property

line, 25 feet less than the 30 foot minimum side setback requirement. The property is located on County Road 50 North, approximately 2,250 feet west of County Road 580 West, in Harrison Township.

Mr. Burton requested a continuance to the December 2015 meeting.

Mr. London made a motion to continue this request to the December 2015 meeting. Mr. Nyffler seconded the motion and it carried with a vote of 3-0.

**C/CU-15-15: St. Bartholomew Apartments**— A request by the Woda Group for conditional use approval per Zoning Ordinance Section 3.12(B) to allow multi-family dwellings in the RE (Residential: Established) zoning district. The properties are located at 845 8<sup>th</sup> Street and 745 Sycamore Street, in the City of Columbus.

**C/DS-15-28: St. Bartholomew Apartments** – A request by the Woda Group for development standards variances from (1) Zoning Ordinance Section 3.12(C) to allow a primary structure to be setback 1.5 feet from the property line along 8<sup>th</sup> Street, 6.5 feet less than the 8 foot minimum setback and (2) Zoning Ordinance Section 7.1 (Table 7.1) to allow 35 on-site parking spaces, 15 less than the 50 space requirement and (3) Zoning Ordinance Section 7.2(Part 4)(B)(2) to allow a side setback for a parking lot to be 0 feet, 4 feet less than the minimum setback requirement. The properties are located at 845 8<sup>th</sup> Street and 745 Sycamore Street, in the City of Columbus.

The petitioner requested a continuance to the December BZA 2015 meeting.

Mr. London made a motion to continue **C/CU-15-15** and **C/DS-15-28** to the December BZA 2015 meeting. Mr. Nyffler seconded the motion and it carried with a vote of 3-0.

#### **C/UV-15-06 Columbus Power Elite All-Stars**

Columbus Power Elite All-Stars is requesting a use variance from Zoning Ordinance Section 3.24(A) is for the purpose of allowing an instructional center (cheerleading training facility) in the 1-2 (industrial: General) zoning district.

Allie Keen presented the staff presentation.

Jeff Marshall and Krea Hill stated their names for the record.

The meeting was open to the public.

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

Tony London made a motion to approve **C/UV-15-06** based on the findings of fact #1 and #2 as presented by staff. Criteria #3 has been met because the property lacks the amenities, such as loading docks for industrial uses creating a hardship to the property. Criteria #4 has been met because the Comprehensive Plan encourages a positive business environment that characterizes flexibility and that the Plan also acknowledges that there is commercial development in the East Columbus character area. The approval includes a condition that all applicable building and fire codes shall be met.

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

#### **FINDINGS OF FACT**

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

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

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

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

**C/DS-15-18: Howard Burton**

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

**C/DS-15-20: David Weinzapfel**

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

**C/DS-15-21: Keller Development**

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

**APPROVAL OF MINUTES**

Tony London made a motion to approve the minutes of the October 27, 2015.

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

**DISCUSSION**

None

**HEARING OFFICER APPROVAL**

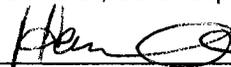
**C/DS-15-29: Gerald Caffee**

A request by Gerald Caffee for a development standards variance Zoning Ordinance Section 7.3 (Part 1) (C) (3) (b) (iii) to allow a second driveway access from a second street frontage to a residential use that (1) would be to a collector Street and (2) does not meet the minimum separation of 50 feet between driveways. The property is located at 2291 Indiana Avenue, in the City of Columbus.

There being no other business the meeting was adjourned.



Dave Fisher, Co-chairperson



Hanná Omar, Secretary