

MINUTES OF REGULAR MEETING

BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS

The regular monthly meeting of the Bartholomew County Board of Zoning Appeals was held on April 25, 2016 at 7:00 p.m., on the fourth floor of the Bartholomew County Governmental Office Building, 440 Third Street, Columbus, Indiana.

Members Present: **Chair, Zack Ellison; Vice Chair, Roger Glick, David Flohr and Jason Newton**

Staff Present: **Melissa Begley, Assistant Planning Director, Emilie Pinkston, Sr. Planner, Charles Russell, Associate Planner and Bill Klakamp Asst. Code Enforcement Officer and Nancy Whipker**

**County Plan
Commission
Attorney:** **Cynthia Boll**

The meeting was called to order by Chair Ellison. The Board and Staff introduced themselves.

The oath was administered by Cynthia Boll to all in attendance who would be speaking.

DOCKET NO. B/DS 16-02 ROY ANTHONY FOSTER

This is a request for a development standards variance from Zoning Ordinance Section 3.5(C) to allow an accessory structure to have a front building setback of 25 feet, 25 feet less than the 50 minimum requirement. The property is located at 14756 N State Road 9, in Hawcreek Township.

The foregoing Docket was continued to the May agenda by the Planning Department.

DOCKET NO. B/CU 16-04 B/DS PETRO MACHINE

This is a request for conditional use approval per Zoning Ordinance Section 6.6(B) to allow a home based business, a machine shop, in the AG (Agricultural: General) zoning district. The property is located at 12515 West 700 South, in Jackson Township.

DOCKET NO. B/DS 16-03 PETRO MACHINE

This is a request for conditional use approval per Zoning Ordinance Section 6.6(B) to allow a home based business, a machine shop, in the AG (Agricultural: General) zoning district. The property is located at 12515 West 700 South, in Jackson Township.

Petitioner, Brian Petro attended the meeting.

Charles Russell, Associate Planner presented the Staff report consisting of a preliminary Staff recommendation of approval, Zoning District intent, planning and comprehensive plan considerations and provisional findings of fact. In addition, he gave a power point presentation of the subject property.

Chair Ellison opened the meeting for anyone wishing to speak for or against this request and there being none, he then closed the meeting to the Public.

A motion was made by Roger Glick and seconded by Jason Newton to approve Docket No. B/CU 16-04. 4-0

A motion was made by Jason Newton and seconded by Roger Glick to approve Docket No. B/DS 16-03. 4-0

DOCKET NO. B/CU 16-05 S&JW VENTURES

This is a request for conditional use approval per Zoning Ordinance Section 3.24(B) to allow truck and trailer sales in the I-2 (Industrial: General) zoning district. The property is located at 18375 East 345 South, in Rockcreek Township.

Petitioners, Charles (Shorty) Whittington and Justin Harvey attended the meeting.

The Staff report was given by Melissa Begley, Assistant Planning Director. The report consisted of a background summary, preliminary Staff recommendation of approval, Zoning district intent and planning and comprehensive plan considerations. Ms. Begley also gave a power point presentation of the property.

Mr. Whittington said they are not changing their operation in any way except to add semi-tractor and trailer sales at this location, which requires conditional use approval from the Board. Mr. Whittington indicated that they did not intend to add any more blacktop.

Darryl Swartz who lives in the area expressed concern stating they already have drainage problems and that additional gravel and pavement would only worsen existing problems.

Don Whicker who also lives in the area expressed his concern over safety issues of families with any increased traffic.

Margo Cain questioned the number of trucks that would be on the property at any one time and whether it was stated as 80.

Ms. Begley said yes at any one time.

Chair Ellison read a letter into the record from Terry Griner, who lives one block from the subject property and he stated he had no objection to the granting of this request.

There being no other members of the Public wishing to speak, Chair Ellison closed the meeting to the Public.

A motion was made by Jason Newton and seconded by David Flohr to approve this request with the condition that there shall be no expansion of the existing gravel area for truck and trailer display. The request was approved 4-0.

B/VU 16-01 DRIFTWOOD UTILITIES

This is a request for a use variance per Zoning Ordinance Section 3.20(A) to allow the expansion of a utility storage facility, a proposed 30 foot by 60 foot building, in a CC (Commercial: Community) zoning district. The property is located on the west side of Depot Street, approximately 200 feet north of 650 North, in German Township.

B/DS 16-05 DRIFTWOOD UTILITIES

This is a request for development standards variances from (1) Zoning Ordinance Section 8.2 (Table 8.4) to waive the requirement to install a Buffer Yard Type A along the north and west property lines, (2) Zoning Ordinance Section 7.2Part 4)(A)(1) to waive the requirement to pave parking spaces, access drives and drive aisles, (3) Zoning Ordinance Section 7.3(Part 1)(D)(1) to waive the requirement to install curbing at the entrance to John Drive and (4) Zoning Ordinance Chapter 8.1 to waive the requirement to install all landscaping on the property. The property is located on the west side of Depot Street, approximately 200 feet north of 650 North, in German Township.

Board member, Jason Newton recused himself from the Board in order to represent Driftwood Utilities of which he is a board member also.

Emilie Pinkston explained the following to the Board before giving the Staff report:

“In a late development during the review of B/UV 16-01 (Driftwood Utilities), a use variance request to allow the expansion of a utility storage facility in the CC zoning district, Staff determined that this use could also be classified as a government facility (non-office). A government facility (non-office) is a conditional use in the CC zoning district, thus would offer more favorable decision criteria for the applicant. If the proposed use variance is denied by the Board, the applicant will have the opportunity to return to the Board next month to request conditional use approval to allow the expansion of a government facility (non-office).

The Staff report, given by Emilie Pinkston consisted of background summary, preliminary Staff recommendation, zoning ordinance and comprehensive plan and planning considerations. In addition, she gave a power point presentation of the property.

Mr. Newton explained to the Board that Driftwood Utilities had purchased this building for storage down the road. It is used for back-up pumps and is never used for a shop or storage. The proposed building is intended to provide indoor storage for a work vehicle and various other supplies. He also stated that because it is located in a high crime area, extensive landscaping could just encourage breaking and entering.

Following a lengthy discussion a motion was made as follows:

Upon a motion made by David Flohr and seconded by Roger Glick B/UV 16-01 and B/DS 16-05 were approved as follows: A use variance request to allow the expansion of a utility storage facility to include a 1,800 square foot storage building in the CC (Commercial: Community Center) zoning district based on staff's findings of fact #1,2, and 4 and that criteria #3 has been met because the uses permitted in the CC (Commercial: Community Center) zoning district are not likely to occur on this property; therefore, a request to use the subject property for a use not permitted by the Zoning Ordinance is necessary. Criteria #4 has also been met because Driftwood Utilities already owns and operates on this property. Prohibiting the expansion of this existing operation creates an unnecessary hardship because Driftwood Utilities would have to relocate to another property.

The Board approved a development standards variance request from Zoning Ordinance Section 8.2(Table 8.4) to waive the requirement to install a Landscape Buffer Type A along the north and west property lines of the subject property, stating criteria #1 has been met because the installation of the Landscape Buffer Type A would be detrimental to the safety of the neighborhood due to currently occurring suspicious activity on and near the subject property. The buffer would provide a hidden area for this suspicious activity to occur. Therefore, to promote safety the buffer should not be installed. Criteria #2 has been met because the installation of the Landscape Buffer Type A would negatively affect the value and use of adjacent property by closing in the properties and eliminating clear views. Furthermore, the installation of the buffer would result in unsafe conditions because it would provide a hidden location for suspicious activity to occur and criteria #3 has been met because the requirement to install a Landscape Buffer Type A on this property creates a safety hazard by providing a hidden location for suspicious activity to occur. Suspicious activity is currently occurring on and

near the site; therefore, the installation of an opaque buffer could exacerbate safety concerns.

The Board approved a development standards variance from Zoning Ordinance Section 7.2(Part 4)(A)(1) to waive the requirement to pave access drives, drive aisles, and parking spaces stating that criteria #1 has been met because additional paving on the subject property will cause drainage problems on site and on adjacent properties. Therefore, waiving the requirement for paving will be in the best interest of the surrounding neighborhood and that criteria #2 has been met because the dust generated from the proposed gravel parking area should be minimal given the applicant's anticipated traffic volume. Adjoining property owners should not be negatively affected by the gravel parking area and should not experience a change in the use of their properties and criteria #3 has been met because additional paving on the subject property will cause drainage problems on site and on adjacent properties. Therefore, the requirement to pave all access drives, drive aisles, and parking spaces results in a practical difficulty in the use of the subject property.

The Board approved a variance from Zoning Ordinance Section 7.3(Part 1)(D)(1) to waive the requirement to install curbing at the driveway entrance to John Street stating that criteria #1 has been met because a Landscape Buffer Type A will not be installed near the entrance to this property, there is no landscaping for the curbing to protect. Furthermore, curbing is largely absent in Taylorsville. Therefore, waiving the requirement to install curbing at the entrance to John Street will not be a detriment to the surrounding neighborhood. Criteria #2 has been met because curbing is largely absent at commercial developments in the Taylorsville area. The lack of curbing is not expected to affect how neighboring property owners currently use their properties. Furthermore, the value of adjacent properties should not be affected by a lack of curbing and Criteria #3 has been met because the installation of curbing at the entrance to John Street would create water problems on the subject property. Therefore, the requirement to curb this entrance creates a practical difficulty in the use of the property. The motion passed 3-0

It is noted that the original request for a fourth development standards variance from Zoning Ordinance Chapter 8.1 to waive the requirement to install all landscaping on the subject property was withdrawn. 3-0.

FINDINGS OF FACT

The following findings were submitted for consideration:

B/DS 16-01 APPLEBEE'S

Upon a motion made by David Flohr and seconded by Roger Glick the findings were approved as submitted. 4-0

B/CU16-01 VIRGINIA GLUNT

Upon a motion made by Jason Newton and seconded by David Flohr the findings were approved as submitted. 4-0

B/CU 16-02 J&A ASSET MANAGEMENT

Upon a motion made by David Flohr and seconded by Roger Glick the findings were approved as submitted.

B/CU 16-03 WHITE DIAMOND FARMS

Upon a motion made by Jason Newton and seconded by David Flohr the findings were approved as submitted.

MINUTES

Upon a motion made by Roger Glick and seconded by Jason Newton, the minutes of the March 28, 2016 meeting were unanimously approved.

HEARING OFFICER APPROVALS

C/DS 16-10 FAURECIA

This was a request for developmental standards variances from (1) Zoning Ordinance Section 3.25(C) to construct a covered walkway structure between 2 properties and have a zero setback from each side property line, 20 feet less than the 20 foot required side setback and (2) Zoning Ordinance Section 9.3(D)(2) to allow a fence be 6 feet in height, 2.5 feet taller than permitted in a front yard. The properties are located at 830 West 450 South, in the City of Columbus.

C/CU 16-04 NEW HOPE CHRISTIAN CHURCH

This was a request for conditional use approval per Zoning Ordinance Section 3.5(B) for the expansion of a worship facility) a 30 ft. c 30 ft. pole barn) in the AP (Agricultural: Preferred) zoning district. The property is located at 1361 West 400 North, in the City of Columbus.

There being no further business, the meeting was adjourned.



Zack Ellison, Chair



Bill Klakamp, Asst. Code
Enforcement Officer