

**MINUTES  
COLUMBUS BOARD OF ZONING APPEALS  
MAY 24, 2016  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** Dave Fisher, Co- Chairperson; Tony London and Wayne Nyffeler

**Members absent:** Eric Frey, Hanna Omar

**Staff Present:** Melissa Begley, Ashley Klingler, Planning Department;  
Stephanie Carr, Code Enforcement  
And Alex Whitted, (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.

Alex Whitted, administered the oath to all in attendance that would be speaking.

**OLD BUSINESS REQUIRING BOARD ACTION**

**None**

**NEW BUSINESS REQUIRING BOARD ACTION**

**C/DS-16-12: Ricker's Gas Station**

A request by Ricker's Gas Station for development standards variances from 1) Zoning Ordinance Section 6.1 (C)(2) to allow a dumpster to be located in a front yard, 2) Zoning Ordinance Section 7.3(C) (3)(c)(iii) to allow an entrance to be non-residential use on a local street (24<sup>th</sup> St.) to be 86 feet, 14 feet less than the required 100 feet from the centerline of another street, 3) Zoning Ordinance Section 10 (Table 10.1) to allow a freestanding sign to be 29 feet in height, 9 feet taller than the 20 foot maximum height, 4) Zoning Ordinance Section 9.2 (C)(2) to allow a fence that is 6 feet in height to be located in the 12<sup>th</sup> Street front yard, 30 inches taller than the 42 inch maximum height, and 5) Zoning Ordinance Section 7.2(B)(2) to allow a parking lot setback to be zero, 5 feet less than the 5 foot minimum side yard setback. The property is located at 1616 10<sup>th</sup> Street, in the City of Columbus.

Melissa Begley presented the staff presentation.

Travis Smith and Brad Schoeff stated their names for the record.

The meeting was open to the public.

Paul Arp 1605 25<sup>th</sup> Street was opposed to the request and said he did not like the sign that is there now and he had concerns with the traffic.

Anita Bailey 2404 N. Cherry Street said the traffic was already bad in the neighborhood and was also opposed of the 24<sup>th</sup> Street entrance.

James Lazzell 2335 Elm Street was opposed of the Ricker's Station being put on that property because it was around residential homes, and did not feel it was a good place to have the store.

Cindy Hashman 2409 Elm Street said she does not approve of the variance request and said she believed all the Provisional Findings of Fact/ Decision Criteria had not been met.

She said she thought the traffic and noise would cause a lot of problems in the neighborhood.

The meeting was closed to the public.

Wayne Nyffeler made a motion to approve **C/DS-16-12** variance #1 –Dumpster: based on the findings of fact as presented by staff.

Dave Fisher seconded the motion. The motion did not pass due to a 2-1 vote. Tony London voted against the motion. He did not feel like criteria number 1 had not been met. Due to the 2-1 vote, the case will automatically be continued until the next month's hearing.

Tony London made a motion to deny **C/DS-16-12** variance #2-Driveway Separation: based on the findings of fact as presented by staff. He did not believe criteria 3 had been met. The motion died to lack of second.

Dave Fisher made a motion to approve **C/DS-16-12** based on the findings of fact #1 and #2 as presented by staff and stated that Criteria #3 has been met because the 24<sup>th</sup> Street entrance will be used primarily by the trash and delivery trucks, minimizing the use on the entrances on the other entrances. This will mitigate congestion. Not having the drive on 24<sup>th</sup> Street will create a practical difficulty in the use of the site.

Wayne Nyffeler seconded the motion to approve **C/DS-16-12**. The motion did not pass due to a 2-1 vote. The case will automatically be continued until the next month's hearing.

Tony London made a motion to approve **C/DS-16-12** variance #3-Sign Height based on the findings of fact #1 and #2 as presented by staff, and stated that Criteria #3 has been met because using the existing sign is not self-imposed and is not a financial decision because they will have to spend money to refurbish the sign or spend money to construct a new sign. The motion included with the following condition: No more than 2 freestanding signs shall be permitted on this property.

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

Tony London made a motion to approve **C/DS-16-12** variance #4-Sign area, based on the findings of fact #1 and #2 as presented by staff, and stated that Criteria #3 has been met because using the existing sign is not self-imposed and is not a financial decision because they will have to spend money to refurbish the sign or spend money to construct a new sign.

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

Tony London made a motion to approve **C/DS-16-12** variance #5-Sign Elements Separation based on the findings of fact #1 and #2 as presented by staff, and stated that Criteria #3 has been met because using the existing sign is not self-imposed and is not a financial decision because they will have to spend money to refurbish the sign or spend money to construct a new sign.

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

**C/DS-16-15: Ashford Park Apartments**

A request by Herman Kittle Properties for development standards variances from 1) Zoning Ordinance Section 7.3(C)(3)(c)(1) to allow an entrance to a non-residential use on a minor arterial street (10<sup>th</sup> St.) to be 42 feet, 358 feet less than the required 400 feet from the centerline of another street, 2) Zoning Ordinance Section 6.1(E)(3) to allow an accessory structure (a garage) to be located in the 12<sup>th</sup> Street front yard, 4) Zoning Ordinance Section 9.3(C)(2) to allow fence that is 6 feet in height to be located in the 12<sup>th</sup> Street front yard, 30 inches taller than the 42 inch maximum height, and 6) Zoning Ordinance Section 7.2(B)(2) to allow a parking lot setback to be zero, 5 feet less than the 5 foot minimum side yard setback. The property is located at 1616 10<sup>th</sup> Street, in the City of Columbus.

Ashely Klingler presented the staff presentation.

The meeting was open to the public.

Rick Gardner, who represents the Gateway apartments next door, had a few question for the petitioner about their setbacks.

The meeting was closed to the public.

Tony London made a motion to approve C/DS-16-15 Ashford Park Apartments based on the findings of fact as presented by staff, with the following commitments:

1. Pedestrian connections shall be provided from 12<sup>th</sup> Street and 10<sup>th</sup> Street to the primary structures, consistent with the provided site plan.
2. The building shall be oriented toward 10<sup>th</sup> Street consistent with the layout on the provided site plan.
3. The parking lot frontage landscaping along 10<sup>th</sup> Street will consist primarily of trees, approved as street trees, which are evenly spaced across the frontage in a single row.

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

**C/DS-16-17: Eastbrook Plaza**

A request by Kamin Realty Co. for development standards variances from 1) Zoning Ordinance Section 10 (Table 10.1) to allow a freestanding sign (25<sup>th</sup> Street) to have three secondary elements that are 58.33 square feet, 33.33 square feet larger than the maximum 25 square feet and 2) Zoning Ordinance Section 10 (Table 10.1) to allow a freestanding sign (National Road) to have three elements that are 58.33 square feet, 33.33 square feet larger than the maximum 25 square feet. The property is located at 2510-2650 Eastbrook Plaza, in the City of Columbus.

Mark Daugherty stated his name for the record.

Ashley Klingler presented the staff presentation.

The meeting was open to the public.

The meeting was closed to the public.

Tony London made a motion to deny C/DS-16-17 Variance #1 based on the findings of fact as presented by staff.

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

Tony London made a motion to deny C/DS-16-17 Variance #2 based on the findings of fact as presented by staff.

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

## **FINDINGS OF FACT**

### **C/DS-16-09: Richard Tucker**

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/UV-16-02: Cummins Community Garden**

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-16-11: Central Avenue Apartments**

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**

The April 26, 2016 meeting minutes were not complete at the time of the BZA Agenda packets were being prepared. The April minutes will therefore be carried over to the June BZA meeting agenda.

## **DISCUSSION**

None

## **HEARING OFFICER APPROVALS**

### **D/DS-16-04: Ronald & Ellen Jackson**

A request by Ronald & Eileen Jackson for a development standards variance from Zoning Ordinance Section 6.1(E)(3) to allow a 24 foot by 32 foot (768 square foot) accessory structure (a detached garage) in the front yard. The property at 4851 S. Poplar Drive, in Ohio Township.

### **C/DS-16-16: Todd Burbrink:**

A request by Todd Burbrink for a development standards variance from Zoning Ordinance Section 6.1(E)(3) to allow a 48 foot by 47 foot (2,256 square foot) building addition on an existing accessory structure (a detached garage) located in the front yard. The property is located at 5841 East 150 South, in Columbus Township.

### **C/DS-16-13 Robert McGuire**

A request by Robert McGuire for a development standards variance from Zoning Ordinance Section 6.1 (E) (3) to allow a 60 by 36 foot (2,160 square foot) accessory structure (a detached garage) located in the front yard. The property is located at 7620 South 150 West, in Columbus, Township.

**C/DS-16-14: Culp Ventures**

A request by Culp Ventures for a development standards variance from Zoning Ordinance Section 7.2( Part 4)(B)(i) to allow one new parking space in an existing parking lot to be 0 feet, 10 feet less than the 10 minimum setback requirement. The property is located at 1585 and 1565 North National Road, in the City of Columbus.

**C/DS-16-18: Cummins CMEP**

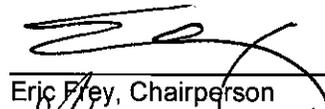
A request by Cummins for a development standards variance from Zoning Ordinance Section 6.1 (E) (3) to allow 3 accessory structures (a pump house and cooling towers) to be located in the front yard. The property is located at 2725 West 450 South, the City of Columbus.

**DISCUSSION**

None

**ADJOURNMENT**

There being no other business the meeting was adjourned at 8:35.



Eric Frey, Chairperson



Wayne Nyffeler, Secretary

