

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 August 24, 2015 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, Jason Newton and Gilbert Palmer**

Staff Present: **Melissa Begley, Assistant Planning Director, Ashley Klingler, Associate Planner, 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.

Ms. Boll administered the oath to those in attendance who wanted to speak.

DOCKET NO. B/CU Horvath Towers (175East)

This is a continued request by Horvath Towers for conditional use approval per Zoning Ordinance Section 6.8 (Table 6.5) to allow a new telecommunications tower to be located in the AP (Agriculture: Preferred) zoning district. The property is located at the northwest corner of 400 South and 175 East, in Sandcreek Township.

Davis Coots of the law firm of Coots, Henke & Wheeler, Carmel, Indiana attended the meeting to represent petitioner.

Melissa Begley gave the Staff Report consisting of preliminary staff recommendation of approval, zoning district intent, zoning and planning considerations and provisional findings of fact/decision criteria. Ms. Begley provided a power point presentation of the subject property.

Mr. Coots made reference to a drawing showing existing Verizon sites, proposed sites and recently approved Verizon sites. The proposed site is needed to offload capacity from existing sites and the map reflected the predicted coverage area that would be offloaded from existing sites and transferred to the proposed site.

Under section 8 of the Verizon report, it was stated that the cell site had been designed and would be constructed and operated in a manner that would satisfy regulations and requirements of all applicable governmental agencies that have been charged with regulating tower specifications, operation, construction and placement, including the FAA and FCC.

Chair Ellison asked at what point Bartholomew County would reach their limit on towers.

Mr. Coots indicated that those sites depicted should fill out the service needed for this area.

Chair Ellison asked if there would be a light on the tower.

Mr. Coots said there would be no light.

Chair Ellison noted that the document by Verizon which Mr. Coots submitted is confidential and not for distribution to the general public.

Chair Ellison opened up the meeting to the Public.

Mac McCauley, 5890 S 175E, a neighboring property owner to the proposed site, attended the meeting. He said he was not opposed to cell towers, development or Mr. Middendorf's use of his property but would ask the Board to consider shifting the tower location, so as to not obstruct the view from his home.

Mr. Coots said he had discussed with both Horvath and Verizon Mr. McCauley's proposal for the tower's location to be shifted and he said it would be too costly, at this point in the process. Mr. Coots said the proposed location also would not interfere as much with Mr. Middendorf's farming operation as a re-location would.

Chair then closed the meeting to the Public.

Upon a motion made by Roger Glick and seconded by David Flohr this request was approved 5-0.

DOCKET NO. B/DS 15-10 Jerry Larrison

This is a request for development standards variances from (1) Zoning Ordinance Section 6.1(E)(3) to allow an accessory structure (a carport) to be located in a front yard and (2) Zoning Ordinance Section 3.12(C) to allow an accessory structure (a carport) to be located on the property line, 25 less than the required 25ft. setback for a structure with a garage vehicle entrance facing a public street. The property is located at 9731 5th Street (Taylorsville), in German Township.

The subject of the variance is a partially constructed carport placed between the applicant's house and 5th Street in the front yard.

Jerry and Mary Larrison, petitioners, attended the meeting.

The Staff Report which included preliminary recommendation of denial stating criteria #1, #2 and #3 had not been met, was given by Ashley Klingler. The said report also consisted of Zoning and Planning considerations as well as Provisional Findings of Fact/Decision criteria. Ms. Klingler gave a power point presentation of the subject property.

Mr. Larrison apologized for starting construction before he checked everything out and said he didn't understand how setbacks were determined.

A petition signed by neighbors to permit this variance request was read into the record as follows:

Nathan & Keisha Keen, 9721 5th St, Taylorsville, Indiana 47280

James & Tracie Albright, 9732 5th St, Taylorsville, Indiana 47280

Brian K. Brown, 9741 5th St, Taylorsville Indiana, 47280

Chair Ellison opened the meeting to the public and there being no one present he then closed the meeting to the public.

Ms. Klingler read the following statement from Code Enforcement:

"Approval of this request would not create any building code violations if the structure remains unenclosed as an open carport. Enclosing the structure, which could happen at a later date without Code Enforcement knowledge and approval would not only create possible building code violations but also block visibility causing a safety issue."

Upon a motion made by Jason Newton and seconded by Gil Palmer the request to allow an accessory structure (carport) to be located in a front yard. Mr. Newton agreed with staff's finding #1 and stated that criteria #2 has been met because this carport is consistent with the adjoining neighborhood and there are other accessory structures and carports in the area. Criteria #3 has been met because the converted garage will be more difficult to convert back to a garage than to build a new carport. This results in a practical difficulty in the use of the property. The request was approved 5-0.

A motion was then made by Jason Newton and seconded by David Flohr to allow an accessory structure (a carport) to be located on the property line, less than the required 25 ft. setback for a structure with a garage vehicle entrance facing a public street. Mr. Newton added the following conditions:

1. Move the existing carport back 5 feet. The final location is to be 30 feet from the center line of the road.
2. The approval is contingent on private utilities granting approval for the carport in the utility easement
3. The structure must remain a carport. It is not to be converted to a garage. No sides are to be added.

Mr. Newton stated that criteria #1 has been met because there are no sidewalks, or drainage culverts next to this property, so there are no concerns for cars to be blocking a sidewalk or culvert. The cars will not block traffic and therefore will not create any safety concerns. The applicant will use all of the drive they have whether there is a carport or not. Criteria #2 has been met because this carport is consistent with the adjoining neighborhood and there are other accessory structures and carports in the area and that criteria #3 has been met because the converted garage will be more difficult to convert back to a garage than to build a new carport. This results in a practical difficulty in the use of the property.

The motion passed 4-1, with Roger Glick opposing said motion.

DOCKET NO. B/UV 15-02 Lakeview Ministries

This a request by South Central Lutheran Camp Association for a use variance from zoning Ordinance Section 6.8 (Table 6.5) to allow a new telecommunications tower to be located in the AG (Agriculture: General) zoning district. The property is located at 13500 W. Lake Road, in Jackson Township.

Dave Vandercar and Keith Miller attended the meeting.

Melissa Begley gave the Staff Report consisting of Preliminary recommendation of approval, stating all criteria had been met. She also reviewed Zoning and Planning considerations as well as Provisional Findings of Fact/Decision criteria. She gave a power point presentation of the subject property.

Mr. Vandercar said the only internet the camp has at present is satellite internet. He said they have identified two separate locations for the proposed tower, one being off Lake Road and the other is north of Lake Rd, east of the entrance driveway. It was noted that a number of residents of the Lutheran Lake community have supported this project with donations towards the purchase of a tower as well as several outside the Lake area, which will provide a great service to which they currently have no access.

Chair opened the meeting to the public and there being no one present to speak, he then closed the public portion of the meeting.

Upon a motion made by Jason Newton and seconded by Roger Glick this request was approved contingent upon tower location #1 and not to exceed 180 ft. Vote 5-0.

FINDINGS OF FACT

The following findings were submitted for consideration:

B/UV 15-02 Horvath Towers (SR 7)

A motion was made by Jason Newton and seconded by Gil Palmer to accept the findings as submitted. 5-0

B/DS 15-09 Ben J. Stallings

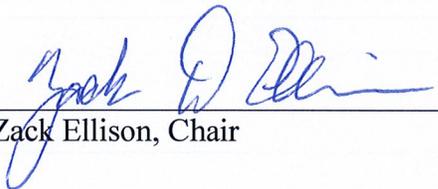
A motion was made by Roger Glick and seconded by David Flohr to accept the findings as submitted. 5-0

MINUTES

Upon a motion made by Roger Glick and seconded by Jason Newton the minutes of the July 27, 2015 meeting were approved 5-0.

Ms. Begley, introduced Charles Russell, from the audience as a new member of the Planning Department Staff.

There being no further business, the meeting was adjourned at 8:45p.m..


Zack Ellison, Chair


Bill Klakamp, Asst. Code
Enforcement Officer