

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
AUGUST 27, 2013
MEETING HALL, 1ST FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

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

Members Absent: Tom Wetherald.

Staff Present: Jeff Bergman, Melissa Begley, Thom Weintraut,
Rae-Leigh Stark and Allie Keen (Planning Department)
Stephanie Carr and Bill Klakamp (Code Enforcement)
Aaron Edwards and Don Edwards, (Deputy City Attorneys)

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

OLD BUSINESS REQUIRING BOARD ACTION

Public Hearing

C/DS-11-13: Milo & Diane Smith

A request by Milo and Diane Smith for a development standards variance from Zoning Ordinance Section 3.5(D) (2) to create 1 new lot with a parent tract remainder that is less than the required 10 acres. The property is located at 9815 West Raintree North Drive, in Harrison Township.

Milo Smith appeared.

Mr. Smith stated his attorney had not arrived and he requested to either continue the hearing to the next meeting or that his case be put at the end of the agenda or until his attorney arrived.

Mr. Frey agreed to wait until the next case was heard to give Mr. Smith's attorney time to arrive.

NEW BUSINESS REQUIRING BOARD ACTION

C/DS-13-22: Jean Helena Lawson

A request by Jean Helena Lawson for a development standards variance from Zoning Ordinance Section 3.5(D) (2) to create 1 new lot with a parent tract remainder that is less than the required 10 acres. The property is located at 7952 South 400 West, in Ohio Township.

Allie Keen presented the background information on the request.

Jean Helena Lawson appeared.

The meeting was open to the public.

There was no public comment.

The meeting was closed to the public.

Lou Marr made a motion to approve **C/DS-13-22**. She agreed with staff findings for criteria 1 and stated that the criteria 2 has been met because that the new lot will continue to be used as residential and is similar to the adjacent lots in that they are very long and narrow. She stated that criteria 3 has also been met and that the lot is long and narrow and not viable for agriculture uses.

Hanna Omar seconded the motion, and a voice vote was taken.

Motion passed by a vote of 4-0.

RETURN TO OLD BUSINESS

Mr. Mike Carmin, Milo Smith's attorney arrived.

C/DS-11-13: Milo and Diane Smith

A request by Milo and Diane Smith for development standards variance from Zoning Ordinance Section 3.5 (D) (2) to create 1 new lot with a parent tract remainder being less than the 10- acres required.

Rae-Leigh Stark presented the background information on the request.

Milo Smith and Attorney Mike Carmin appeared.

The meeting was opened to the public.

Richard Eynon spoke on behalf of Harrison Lake residents opposed to the variance request.

Andy Pajakowski, President of Harrison Lake Association, who was opposed to the variance request, addressed criteria number 1.

He said the strict application of the terms of zoning ordinance will not result in practical difficulties in the use of the property.

Mr. Pajakowski said sub-dividing this lot would mean they would need to seek approval for another septic system.

He said a septic system this close to the lake would negatively impact water quality for the lake.

Barbara Wigh spoke and re-submitted the names of the people who were opposed to the variance request. She said the approval of the proposed subdivision would also set a precedent that could potentially adversely affect the value of other lots and homes within the community.

Richard Wigh was opposed to the variance request and had several comments to make in regards to the criterion and preliminary findings of fact included in the staff report. He said there is no need for development at Harrison Lake.

Stephanie Pierret was opposed and addressed criteria number 3.

She said the staff report says the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Ms. Pierret said she disagreed.

She said Mr. Smith can build a house on this property, there is no practical difficulty.

The meeting was closed to the public.

Mr. Carmin addressed the public comments.

Eric Frey made a motion to deny **C/DS-11-13**.

The motion died for lack of a second.

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

Bryan Schroyer seconded the motion and a voice vote was taken, which passed 3-1.

NEW BUSINESS REQUIRING BOARD ACTION

C/DS-13-23: Scott Elliott

A request by Scott Elliott for a development standards variance from Zoning Ordinance Section 6.1(F) (2) to allow an accessory structure to exceed the square footage of the ground floor area of the primary structure. The property is located at 818 North 650 East, in Clay Township.

Thom Weintraut presented the background information on the request.

Scott Elliott appeared.

There was no public comment

Hanna Omar made a motion to approve **C/DS-13-23** agreeing with staffs findings of fact for Criteria #1 and #2 and stating that Criteria #3 had been met because with the 2008 change in the Zoning Ordinance the accessory structure floor area for the AG Zoning District crated a situation that reduced the area accessory structure lot coverage that therefore creates a practical difficulty.

Lou Marr seconded the motion and a voice vote was taken.

Motion was approved by a vote of 4-0

FINDINGS OF FACT

C/DS-13-20: Northern Village

Lou Marr made a motion to approve the findings of fact seconded by Bryan Schroer. The motion carried by a voice vote of 4-0.

C/DS-13-21: Pacheco Winery

Lou Marr made a motion to approve the findings of fact seconded by Bryan Schroer. The motion carried by a voice vote of 4-0

APPROVAL OF MINUTES

Upon the motion made by Lou Marr and seconded by Bryan Schroer, the minutes of July 23, 2013 meeting were approved by a vote of 4-0.

DISCUSSION

There being no further business the meeting was adjourned.



Eric Frey, Chair



Bryan Schroer, secretary

