

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
MARCH 29th, 2016
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Eric Frey Chairperson; Tony London, Wayne Nyffeler, Hanna Omar and Dave Fisher

Members absent:

Staff Present: Melissa Begley, Ashley Klingler, Allie Keen and Charles Russell
Planning Department; Stephanie Carr, Code Enforcement
And Alex Whitted (Deputy City Attorney)

ROLL CALL

PUBLIC MEETING

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

Alex Whitted swore in Hanna Omar as a Member of the Bartholomew County Board of Zoning Appeals.

OLD BUSINESS REQUIRING BOARD ACTION

None

NEW BUSINESS REQUIRING BOARD ACTION

C/CU-16-01: Flintwood Wesleyan Church

A request by Flintwood Wesleyan Church for conditional use approval per Zoning Ordinance Section 3.11(B) to allow the expansion of a worship facility, specifically for a parking lot expansion, a building addition and the addition of an accessory structure, in the RS4 (Residential: Single Family 4) zoning district. The property is located at 5300 East 25th Street, in the City of Columbus.

C/DS-16-05: Flintwood Wesleyan Church

A request by Flintwood Wesleyan Church for a development standards variance from Zoning Ordinance Section 7.3 (Part 1) (C) (3) © (iii) to allow an entrance to a non-residential use on a local street (Wedgewood Drive) to be 50 feet, 50 feet less than the 100 feet required from the centerline of another drive. The property is located at 5300 East 25th Street, in the City of Columbus.

Charles Russell presented the staff presentation.

Wesley Jones 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.

Dave Fisher made a motion to approve **C/CU-16-01** based on the findings of fact as presented by staff.

Tony London seconded the motion. Motion passed by a voice vote of 5-0.

Tony London made a motion to approve **C/DS-16-05** based on the findings of fact as presented by staff. Wayne Nyffeler seconded the motion. Motion passed by a voice vote of 5-0.

C/DS-16-03: Kroger

A request by Kroger for development standards variances from Zoning Ordinance Section 10(D)(7) to allow signs for the Kroger Gas Station to be located off-premise, one sign on each of the Kroger Marketplace's freestanding signs. The property is located at 3060 National Road, in the City of Columbus.

C/DS-16-04: Jackson County Bank

A request by Jackson County Bank for a development standards variance from Zoning Ordinance Section 10(D)(7) to allow signs for Jackson County Bank to be located off-premise, one sign on each of Kroger Marketplace's 2 freestanding signs. The property is located at 3060 National Road, in the City of Columbus.

Melissa Begley presented the staff presentation.

Paula Gartner and Susan Haskett were present to represent the applicants.

The meeting was open to the public.

Owners of the CIN INC DBA Marathon Gas station located at 3101 N. National Rd objected to the sign request. They stated it would be unfair, and that the sign should be on their own property.

The meeting was closed to the public.

Wayne Nyffeler made a motion to approve **C/DS-16-04** variance r request number #1 (Jackson County Bank-Central Avenue) based on the findings of fact as presented by staff. Hanna Omar seconded the motion. Motion passed by a voice vote of 5-0.

Hanna Omar made a motion to approve **C/DS-16-04** variance number request #2 (Jackson County Bank-National Road sign) based on the findings of fact as presented by staff. Wayne Nyffeler seconded the motion. Motion passed by a voice vote of 5-0.

Tony London made a motion to deny **C/DS-16-03** variance number request #3 (Kroger Gas station-Central Avenue) based on findings of fact as presented by staff. Hanna Omar seconded the motion. Motion carried by a voice vote of 5-0.

Tony London made a motion to deny **C/DS-16-03** variance number request #4 (Kroger Gas station-National Road Sign) based on the findings of fact as presented by staff. Wayne Nyffeler seconded the motion. Motion was denied by a voice vote of 5-0.

C/DS-16-06: Trent & Mandy Miller

A request for Trent & Mandy Miller for development standards variances from Zoning Ordinance Section 6.1(A) to allow an accessory structure (a boat house) to be built before a primary structure and Zoning Ordinance Section 3.5(C) to allow an accessory structure and Zoning Ordinance Section 3.5(C) to allow an accessory structure to be built 4 feet 8 inches from the property line, 4 inches closer than the minimum 5 foot setback. The property is located at 9193 W. Raintree Drive, in Harrison Township.

Charles Russell presented the staff presentation.

Trent Miller stated his name into the record.

The meeting was open to the public.

Horst Kuehner 9219 W. Raintree Dr. stated he was in favor of the variance request.

The meeting was closed to the public.

Hanna Omar made a motion to approve **C-DS-16-06** variance request number #1 based on the findings of fact as presented by staff. Dave Fisher seconded the motion. Motion passed by a voice vote of 5-0.

Dave Fisher made a motion to approve **C/DS-16-06** variance #2, agreeing with staff's findings #1 and #2 and stating that criteria #3 has been met because it is not self-imposed and moving the seawall would present a practical difficulty. Tony London seconded the motion. Motion passed by a voice vote of 5-0.

C/DS-16-07: Dan Bates

A request by Dan Bates for a development standards for development standards variances from Zoning Ordinance Section 6.1(E) (3) to allow an accessory structure to be located in a front yard and Zoning Ordinance Section 3.9(C) to allow an accessory structure to be 10 feet from the property line, 5 feet closer than the 15 foot minimum front setback for an accessory structure. The property is located at 4365 Washington Street, in the City of Columbus.

Allie Keen presented the staff presentation.

Dan Bates stated his name for the record.

The meeting was open to the public.

Tom Szarvas-4321 River Road was opposed to the variance request. Mr. Szarvas said the garage would be too big and that it would be bad for the property value in the neighborhood.

Dana Carson the realtor was in favor of the request.

The meeting was closed to the public.

Tony London made a motion to approve **C/DS-16-07** variance request #1 to allow an accessory structure in the front yard, agreeing with staff's findings of fact #1 and #2. Mr. London stated that criteria #3 has been met because due to the orientation of the house, layout of the property, and the presence of the privacy fence, the River Road front yard of the subject property acts more as a back yard.

Wayne Nyffeler seconded the motion. Motion passed by a voice vote of 5-0.

Tony London made a motion to deny **C/DS-16-07** variance request number #2 to allow an accessory structure to be 10 feet from the property line, agreeing with staff's findings of fact.

Hanna Omar seconded the motion. Motion was denied by a voice vote of 5-0.

C/CU-16-02 Harrison Lake Country Club

A request by Harrison Lake Country Club for conditional use approval per Zoning Ordinance Section 3.5(B) to allow the expansion for golf course (an expansion of the clubhouse) in the AP (Agriculture: Preferred) zoning district. The property is located at 588 S. Country Club Road, in Harrison Township.

C/CU-16-03 Harrison Lake Country Club

A request by Harrison Lake Country Club for a development standard variance from Zoning Ordinance Section 3.5(C) to allow a building addition to encroach 13 feet into the required 30 foot front setback. The property is located at 588 S. Country Club Road, in Harrison Township.

Ashley Klingler presented the staff presentation.

Bob Haddad stated his name into the record.

The meeting was open for the public hearing.

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

Dave Fisher made a motion to approve **C/CU-16-02** based on the findings of fact as presented by staff. Wayne Nyffeler seconded the motion. Motion passed by a voice vote of 5-0.

Hanna Omar made a motion to approve **C/DS-16-08** based on the findings of fact as presented by staff. Dave Fisher seconded the motion. Motion passed by a voice vote of 5-0.

C/CU-16-03: Ben Yeh

A request by Ben Yeh for conditional use approval per Zoning Ordinance Section 6.6(B) to allow a home based business (piano lessons) in an RS2 (Residential; Single Family 2) zoning district. The property is located at 3804 Greenbriar Drive, in the City of Columbus.

Ashley Klingler presented the staff presentation.

Ben Yeh and Aubrey Yeh stated their names for the record.

The meeting was open to the public.

Dana Carson was the realtor for Ben Yeh and she was in favor of the petition.

Jean Doncia was in favor of the request and said there were other people in that neighborhood who have a business in their homes.

The meeting was closed to the public.

Tony London made a motion to approve **C/CU-16-03** based on the findings of fact along with the following condition:

The structure housing of the business will have siding, windows, doors, roofing and other exterior features consistent in color, material and all other respects with the home on the property.

Dave Fisher seconded the motion. Motion passed by a voice vote of 5-0.

FINDINGS OF FACT

C/CU-15-16: Harrison Lake Country Club

Wayne Nyffeler made a motion to accept the findings of fact, which was seconded by Dave Fisher.
Motion carried by a voice vote of 4-0.

C/DS-15-32: Harrison Lake Country Club

Dave Fisher made a motion to accept the findings of fact, which was seconded by Wayne Nyffeler.
Motion carried by a voice vote of 4-0.

C/CU-15-18: Sycamore Apartments

Tony London made a motion to accept the findings of fact, which was seconded by Dave Fisher.
Motion carried by a voice vote of 4-0.

C/DS-16-01: Sycamore Apartments

Tony London made a motion to accept the findings of fact which was seconded by Wayne Nyffeler.
Motion carried by a voice vote of 4-0.

C/CU-15-09: Terrace Lake Community Church

Dave Fisher made a motion to accept the findings of fact which was seconded by Tony London.
Motion carried by a voice vote of 4-0.

APPROVAL OF MINUTES

Dave Fisher made a motion to approve minutes of the January 26, 2016 meeting. Wayne Nyffeler seconded the motion. Motion carried by a voice vote of 4-0.

DISCUSSION

None

HEARING OFFICER APPROVALS

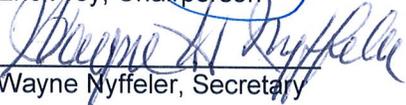
C/DS-16-02: Columbus Board of Aviation Commissioners

A request by the Columbus Board of Aviation Commissioners for a development standards variance from the Columbus Airpark PUD Section V(G)(Table 4) to allow the maximum depth of a lot to be approximately 406 feet, 156 feet deeper than the 250 foot maximum depth from Vickers Drive. The property is located on the west side of Vickers Drive, North of Whitney Court, and the City of Columbus.

ADJOURNMENT

There being no other business the meeting was adjourned at 8:15.


Eric Frey, Chairperson


Wayne Nyffeler, Secretary

