

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 May 29, 2013 at 7:00 p.m., at Street, Columbus, Indiana.

Members Present: DeWayne Hines, Chair; Zack Ellison, Vice Chair; Roger Glick, Jason Newton and Gilbert Palmer

Staff Present: Melissa Begley, Assistant Planning Director, Allie Keen, Associate Planner, and Nancy Whipker, Dept. of Code Enforcement

County Plan Commission Attorney: Cynthia Boll

The meeting was called to order by DeWayne Hines, Chair. The Board and Staff introduced themselves.

Ms. Boll administered the oath to all in attendance who would be speaking.

DOCKET NO. B/CU 13-08: RICHARD & TERESA BARBERCHECK

This is a request for conditional use approval per Zoning Ordinance Section 3.6(B) to allow a shared housing facility, a tourist rental home with a maximum of 8 unrelated guests, in an AG (Agriculture: General) zoning district. The property is located at 10313 West 225 South, in Harrison Township.

Mr. & Mrs. Barbercheck attended the meeting.

Allie Keen gave the Staff Report and a power point presentation of the property. The Staff Report suggested approval with the following conditions: Limiting renter/occupants to 8 persons at any one time; renting the property as a single unit; no hunting or the use of recreation vehicles permitted on the property; and limiting approval to a short term vacation rental and not to include other types of shared housing.

The Staff Report also included background summary, intent of the zoning district, current property information, planning considerations and provisional findings of fact/decision criteria.

Petitioner, Richard Barbercheck stated that they were being relocated because of his employment and felt this request was the best use of the property for their purposes.

Mrs. Barbercheck said they had 5 children and the home is large enough to accommodate the requested 8 renter/occupants which would maximize the use of their investment in said home.

Chair Hines opened the meeting to the public.

Bill Chambers, a neighbor asked if granted, would the conditional use continue with future owners of the property.

Melissa Begley said the use would be discontinued once it was returned to a single family residence as stated in the Zoning Ordinance as follows: "The conditional use shall be invalid if (1) the property conforms with the Ordinance as written, or (2) the conditional use approval is terminated." She interpreted that to mean if the property would be sold to a family who would move in and live there, the conditional use approval would be void. She said however, if they were to sell the property to another investor who would use it as a rental property the conditional use would be able to continue.

The following attended the meeting and objected to the approval of this request:

Jackie and Bill Chambers, 10453W 225S – neighbors who expressed concern with increased traffic on the narrow road by people who are not familiar with the area;

Rachel Morris Clark, 9833W 225S-concern with increased traffic on a very narrow road by guests who are not acquainted with the area;

Nelson Hand, 10229W 225S-concern with increased traffic on the narrow road;

John Anderson, Manager of Grandview Lake, introduced Delores Krome and Arlene Truex, both members of the Board of Directors of Grandview Lake. Ms. Krome said, after careful consideration the Grandview Board would respectfully request that this conditional use be denied. She said they were concerned about liability to Grandview Lake and their insurance rates being higher because there would no longer be permanent residents living in the Barbercheck property. She said this property is right next to the Grandview woods and they were concerned that renters would encroach on said property. She said they have strict rules not allowing Grandview residents to camp, have camping fires and no motorized vehicles. She said they were allowed to hike. She said they do have controlled deer hunts and temporary renters might not be aware of the rules.

Charles Rau, who owns property in the area said even though they only use their property on the weekends he too is concerned about additional traffic and the impact on the narrow road.

Patricia Frensemeier, General Manager of Hills O'Brown Vacation Rental in Brown County, spoke on behalf of petitioners stating that she had attended many meetings, heard these same concerns expressed, but out of the 95 rentals she had managed for 16 years, two of which are in Bartholomew County, she had no complaints or problems except maybe 5 times with noise. She said she gives out her pager number and can be reached any time of the day or night.

Dave Haiderer, a local contractor said he built a tourist home five years ago in Brown County and it has been occupied about 90% of the time, without one complaint or problem in that period of time. He said his property had been managed by Ms. Frensemeier of Hills O'Brown Vacation Rental and they have done an excellent job.

A letter was read into the record by Zack Ellison from Barry and Paul Thomas of 10952 W Grandview Dr. expressing concern that the granting of this request might have a negative impact on the surrounding area.

Chair Hines stated that letters from both Bill and Jackie Chambers would not be read because they had given their testimony in the meeting but would become a part of the permanent record of this request.

The Chair closed the public portion of the meeting.

Petitioner Barbercheck said he appreciated the concerns of the neighbors and their attending the meeting. He said he felt this request would still be a suitable use for the property and would hope that the Board would approve the request for 8 guests. Mrs. Barbercheck said she hoped the Board would grant their request and she felt they had addressed the concerns.

A motion was made by Zack Ellison and seconded by Roger Glick to deny Docket B/CU 13-08 based on Criteria #1. The motion passed 4-1 with DeWayne Hines opposing said motion.

FINDINGS OF FACT

The following Findings of Fact were presented for consideration:

B/DS 13-02 Mark & Beverly Richard

Upon a motion made by Zack Ellison and seconded by Roger Glick, it was voted unanimously accept the findings as presented.

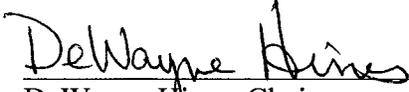
B/DS 13-05 Mark & Beverly Richard

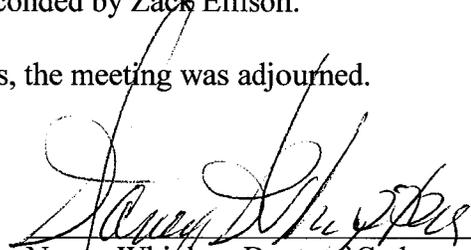
Upon a motion made by Jason Newton and seconded by Gilbert Palmer, it was voted unanimously to accept the findings as presented.

MINUTES

The minutes of the April 22, 2013 meeting, were unanimously approved upon a motion made by Jason Newton and seconded by Zack Ellison.

There being no further business, the meeting was adjourned.


DeWayne Hines, Chair


Nancy Whipker, Dept. of Code
Enforcement