

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS MEETING
AUGUST 28, 2012 AT 6:30 P.M.
CITY COUNCIL CHAMBERS, 123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Eric Frey, Chairperson; Tom Wetherald, Lou Marr and Bryan Schroer (alternate for Dave Bonnell).

Members Absent: Dave Bonnell and Hanna Omar.

Staff Present: Melissa Begley, Thom Weintraut, Sherrie Grable, Trudi Smith, Bill Klakamp (County Code Enforcement) and Alan Whitted (Deputy City Attorney).

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.

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

OLD BUSINESS REQUIRING COMMISSION ACTION

C/CU-12-09: Garden City Iron & Metal – a request by KLM National, LLC for conditional use approval per Zoning Ordinance Section 3.5(B) to allow a waste disposal facility that is a legal nonconforming use to expand in an AP (Agriculture: Preferred) zoning district and 4.3(B)(2)(d) to allow a waste disposal facility to be located in a Wellfield Protection Overlay District. The property is located at 5 Kenmill Street in Columbus Township.

Mrs. Begley presented the background information on the request.

Mr. Jeff Washburn attorney for the Petitioner and Mr. Scott M. Ellegood, Petitioner, appeared.

Mr. Tim Oaks, an attorney for Ice Miller, spoke on behalf of Kroot Industries.

Ms. Rhonda Pedigo appeared in support of the Petitioner.

Mr. Wetherald made a motion to approve the first Conditional Use and to accept the findings of fact with conditions 1-4 and as modified by Mrs. Begley on number 4. Mrs. Marr seconded the motion. The motion carried unanimously with a voice vote of 4-0.

Mr. Wetherald made a motion to approve Conditional Use number 2 and findings of fact. Mrs. Marr seconded the motion and it carried unanimously with a voice vote of 4-0.

NEW BUSINESS REQUIRING BOARD ACTION

C/DS-12-17: Glenn Ferry – a request by Glenn Ferry for a development standards variance from Zoning Ordinance Section 3.10(C) to allow an accessory structure to have a 3 foot side setback, 2 feet less than the 5 foot minimum. The property is located at 913 Lapwing Drive, in the City of Columbus.

Mr. Wetherald made a motion to continue this case to the September Board of Zoning Appeals meeting due to an error in the public notice. Mrs. Marr seconded the motion and it carried unanimously by voice vote 4-0.

C/DS-12-15: Indiana Research Institute - a request by the Chang Group Corporation for a development standards variance from Zoning Ordinance Section 6.1(C)(3)(i)(ii) to eliminate the requirement to install landscaping consistent with a Buffer Yard Type B for outdoor storage in an I-2 (Industrial: General) Zoning District. The property is located 1402 Hutchins Avenue in the City of Columbus.

Mrs. Begley presented the background information on this request.

Mr. Don Pridgen appeared for the Petitioner.

Mrs. Begley stated there is one condition that staff is recommending if this is approved. The condition is that the expanded outdoor storage applies only to the Indiana Research Institute and if Indiana Research moves to another location the wooden fence shall be removed and the expanded outdoor storage will be removed.

Mrs. Marr made a motion to deny and accepts the findings of fact of staff. Mr. Wetherald seconded the motion and it was denied unanimously by a voice vote of 4-0.

C/DS-12-18: Jo E. Watanabe – a request by Jo E. Watanabe for a development standards variance from Zoning Ordinance Section 3.8(C) to allow an accessory structure to have a 5 inches side setback, 4 feet, 7 inches less than the 5 foot minimum. The property is located at 2955 Franklin Drive, in the City of Columbus.

Mr. Weintraut presented the background information on this request.

Mrs. Jo Watanabe and Mr. Alan Watanabe appeared as Petitioners.

Mrs. Erma Wickstrom spoke in favor of the request.

Mr. John Lind spoke in favor of the request.

Mrs. Natalie Olinger-Stein spoke in favor of the request.

Mrs. Lori Heathfield spoke in favor of the request.

Mr. Frey read letters from other neighbors supporting the request for the record.

Motion was made by Mr. Frey to approve this request and findings of fact. Mr. Wetherald seconded the motion, a voice vote was taken and it carried unanimously 4-0.

C/CU-12-11: Jason Michael – a request by Jason Michael for conditional use approval per Zoning Ordinance Section 6.6(Part 2)(B) to allow the outdoor sales of bulk mulch as a home based business, including a permanent wall sign, in an AP (Agriculture: Preferred) zoning district. The property is located 2335 Tellman Road in Columbus Township.

Mr. Weintraut presented the background information on this request.

Mr. Jason Michael and Mr. Dennis Michael appeared as Petitioners.

Mrs. Marr made a motion to approve accepting the findings of fact of staff and also with conditions 1, 2 and 3. Mr. Wetherald seconded the motion, a voice vote was taken and it carried unanimously 4-0.

C/DS-12-19: Jack in the Box – a request by Jack in the Box, Inc. for development standards variances from (1) Zoning Ordinance Section 7.3(C)(4)(c)(iii), to allow an entrance to a non-residential use on a local street to be less than the minimum 100 feet required from the centerline of another street, (2) Zoning Ordinance Section 7.3(C)(4)(c)(iii), to allow two entrances to a non-residential use on a local street to be less than the minimum 100 feet required, (3) Zoning Ordinance Section 8.2(B), to allow a buffer yard to overlap a utility easement, and (4) Zoning Ordinance Section 8.2(D), to allow a Buffer Yard Type A to be less than the required 25 foot setback minimum. The property is located at 2020 National Road, 2040 National Road and 3116 20th Street, in the City of Columbus.

Mrs. Begley presented the background information on the request.

Brock Voet and Lance Mclroy, Petitioners and Tim Coriden, attorney for Petitioners appeared.

Mr. Paul Bissey spoke against the request.

Mr. Schorer made a motion to approve variance request 1 along with the findings of fact listed. Mrs. Marr seconded the motion and a voice vote was taken and variance request 1 passed unanimously 4-0.

Mr. Schorer made a motion to approve variance request 2 along with the findings of fact listed. Mr. Wetherald seconded the motion and a voice vote was taken which passed unanimously 4-0.

Mrs. Marr made a motion to approve variance request 3 along with the findings of fact listed. Mr. Wetherald seconded the motion and a voice vote was taken which passed unanimously 4-0.

Mr. Schorer made a motion to approve variance request 4 along with the findings of fact listed. Mr. Wetherald seconded the motion and a voice vote was taken which passed unanimously 4-0.

FINDINGS OF FACT

C/CU-12-08: Danny & Velda Johnson

Mrs. Marr made a motion to approve the findings of fact and it was seconded by Mr. Wetherald.
Motion carried by a voice vote of 4-0.

C/DS-12-12: Danny & Velda Johnson

Mrs. Marr made a motion to approve the findings of fact and it was seconded by Mr. Wetherald.
Motion carried by a voice vote of 4-0.

C/DS-12-08: Richards Grain Elevator Expansion

Mr. Wetherald made a motion to approve the findings of fact and it was seconded by Mr. Schorer.
Motion carried by a voice vote of 4-0.

C/UV-12-04: Dog World

Mrs. Marr made a motion to approve the findings of fact and it was seconded by Mr. Wetherald.
Motion carried by a voice vote of 4-0.


APPROVAL OF MINUTES

Mrs. Marr made a motion to approve the minutes of July 24, 2012 and it was seconded by Mr. Wetherald. Motion carried by a voice vote of 4-0.

DISCUSSION ITEMS

None

The meeting was adjourned at 9:03 p.m.


Eric Frey, Chairperson

A handwritten signature in black ink, appearing to read 'Dave Bonnell', written over a horizontal line.

Dave Bonnell, Secretary

