

**MINUTES  
CITY OF COLUMBUS BOARD OF ZONING APPEALS  
TUESDAY, JANUARY 23, 2024 AT 6:30 P.M.  
COUNCIL CHAMBERS, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA  
AND WEBEX**

**Members in Person:** Michael Kinder, Charles “Chuck” Doup, Zack Ellison, Grant Hale, and Charlie Hammon

**Members via WebEx:** None

**Members Absent:** None

**Staff in Person:** Melissa Begley, Kyra Behrman, and Austin Whitted Deputy City Attorney

**Staff via WebEx:** None

Mr. Ellison opened the meeting with a brief explanation of the board and its responsibilities. Proof of adequate public notice for all cases on the agenda was confirmed.

Austin Whitted, City Deputy Attorney, administered an oath to all in attendance who would be speaking.

**ELECTION OF THE 2024 OFFICERS**

**Motion:** Mr. Hale made a motion to elect Mr. Ellison as Chairperson, Mr. Kinder as Vice-Chairperson, and Mr. Doup as Secretary. Mr. Hammon seconded the motion. The motion passed with a voice vote of 5 in favor and 0 opposed.

**OLD BUSINESS REQUIRING BOARD ACTION**

**CDS-2023-028: AAMCO - Circle K** – A request by AAMCO for a development standards variance from Zoning Ordinance Section 10(G)(6) to allow a sign to be located off premises from the business it is serving. The property is located at 3090 National Road, in the City of Columbus.

Ms. Begley presented for the Planning Department.

Mr. Ellison asked if this property had recently been divided from the adjoining property. Ms. Begley confirmed that it had.

Michael House, owner, represented the applicant. Mr. House stated that because of the size of his parcel there was not sufficient area to install a freestanding sign that meets the zoning regulations. He went on to state that adding his sign to the bottom of the Circle K freestanding sign is the most practical option.

Mr. Ellison stated the request is to add the AAMCO sign to Circle K’s freestanding sign that faces National Road. Is it expected that those entering there would be able to get to AAMCO from that entrance.

Mr. House stated there is an access easement there that allows access.

Mr. Ellison stated in the picture of the proposed sign it states entrance is from Doctors Park Drive are customers expected to drive past the first entrance and enter off Doctors Park Drive.

Mr. House stated that there are customers that are doing that now, but it is feasible that they could use the access easement instead.

Mr. Ellison asked if the Circle K sign meets the visibility triangle standards.

Ms. Begley indicated that it would be required to meet those standards.

Mr. House added that the freestanding sign would meet all zoning sign standards including maximum square footage with his sign included.

Mr. Kinder stated was there any location, along the AAMCO property, at Doctors Park Drive that would accommodate a freestanding sign.

Mr. House stated he was unable to locate one.

Ms. Behrman added that there is a platted pedestrian easement along Doctors Park Drive that contributes to the lack of area for a sign.

Mr. Ellison opened the meeting to public comment.

Tom Dell, 416 Washington Street, participating in-person, stated although staff is recommending denial it appears they have provided an option for approval with the commitments shown in the staff report. He encouraged the board to grant the request with the commitments noted in the staff report.

Ms. Begley indicated that no additional members of the public attending via WebEx wished to speak.

Mr. Ellison closed the meeting to public comment.

**Motion:** Mr. Doup made a motion to approve the request with the commitments recommended by staff in the staff report:

**Commitment 1:** Any off-premise sign shall be a component of or take the place of one of the permitted freestanding signs on the property, consistent with this application, and shall in no instance be installed as an additional freestanding sign on the property (in addition to those otherwise allowed for on premise content by the zoning ordinance).

**Commitment 2:** The use of the off-premise sign shall be limited to commercial establishments, products, merchandise, services, or entertainment located on premise on Lot 1A of the Circle K Minor Subdivision (the current AAMCO site), as recorded in Plat Book S, Page 108A in the Bartholomew County Recorder's Office.

**Commitment 3:** If any commercial establishments, products, merchandise, services, or entertainment located on premise on Lot 1A (identified above) make use of an off-premise sign on the subject property (Lot 2 of the Circle K Minor Subdivision), no freestanding sign shall be placed, remain, or otherwise be present on Lot 1A.

Mr. Doup stated that the property details present difficulty in installation of a free-standing sign with the commitments and therefore all criteria have been met.

Mr. Hale seconded the motion. The motion passed with a voice vote of 4 in favor and 1 opposed. Mr. Kinder opposed.

## **NEW BUSINESS REQUIRING BOARD ACTION**

**CCU-2023-019: J&D Services** – A request by J&D Services for conditional use approval to allow a contractor's office in the CC (Commercial: Community) zoning district per Zoning Ordinance Section 3.20(B). The property is located at 1371 South 525 West, in Harrison Township.

Ms. Behrman presented for the Planning Department.

Mr. Ellison stated would it be in the board's jurisdiction to request that the site be paved especially in the areas that are currently all gravel in the front of the building.

Ms. Begley stated that the site is legal non-conforming at this time but it is within the boards prevue to add a commitment of approval that the site be paved.

Mark Daugherty, Jeremy Pittman, and Devin Cross represented the applicant.

Mr. Daugherty stated that the McIntyre's have no plans or desire to do any improvements or development of the site other than what they have already done. He added that the intention is to have only one business on the site at any given time and not install a commercial septic system.

Mr. Kinder asked if the applicant had reviewed the recommended conditions of approval suggested by staff in the staff report.

Mr. Daugherty stated that they have.

Mr. Ellison opened the meeting to public comment.

No one from the public attending in person requested to speak.

Ms. Begley indicated that no additional members of the public attending via WebEx wished to speak.

Mr. Ellison read a letter, that was submitted prior to the meeting, from Vanessa Gutierrez, 1491 South 525 West, stated she was concerned with what type of commercial business would be using the property. She wanted to know if the business would be required to maintain the privacy fence along the property line and maintain an opaque barrier from any outdoor storage items. She was also concerned with the tents that can currently be seen from her property above the current 6-foot privacy fence. Would it be possible to require a taller fence to hide those from the surrounding single-family properties.

Mr. Ellison closed the meeting to public comment.

Mr. Daugherty stated that one of the commitments of approval is that the privacy fence be updated and maintained so yes the applicant will maintain the fence. The applicant would prefer to keep the fence at the standard 6-foot even though an 8-foot fence is allowed in the Commercial: Community (CC) zoning district. Mr. Daugherty added that a 6-foot fence is easier to maintain than an 8-foot fence. The storage tents are a requirement of the Environmental Protection Agency (EPA) for protection of the rock salt. Mr. Daugherty stated that, as for the type of business, any use that is allowed under the CC zoning district or an approved conditional use could be on the property. He added that the state would also be monitoring the site based on the limitations of the current septic system.

Mr. Kinder stated that if the property is ever expanded would that trigger a site plan review that would require the legal non-conforming items be brought up to regulations.

Ms. Begley indicated that a new building on the site would have to be built to regulations or any outdoor storage bins for expansion, but the current legal non-conforming structures would not have to come into compliance. The expansion of a conditional use would also be required to come back to the BZA for approval. The only action that would require the entire site to come into compliance is if the current building is demolished.

**Motion:** Mr. Kinder made a motion to approve the request including the following conditions, which shall be satisfied prior to the occupancy of the property for the contractor's office:

1. Vehicle access to the property shall be limited to a single drive on Goeller Road and a single drive on 525 West, with both meeting the width requirements of the Zoning Ordinance. The driveways shall be no closer to the Goeller Road/525 West intersection than 100 feet along 525 West and 50 feet along Goeller Road, both measured from the centerlines of the roads. Existing stone areas in the right-of-way no longer used as driveways shall be removed and replaced with grass.
2. The necessary approvals from the Indiana Department of Health for the commercial septic system shall be obtained.
3. The fence enclosing the outdoor storage area shall be repaired to be structurally sound and provide a 100% opaque screen to a height of 6 feet from ground level.

In addition to the above conditions of approval for the use, the following items also need to be completed with regard to the rezoning of the property:

4. Provide a copy of the recorded commitment to the Planning Department.

Submit and record an administrative plat combining the four parcels into one.

Mr. Kinder agreed with the findings of fact as outlined in the staff report and all criteria will be met. Mr. Doup seconded the motion. The motion passed with a voice vote of 5 in favor and 0 opposed.

**CDS-2023-032: TiaJuana Newton** – A request by TiaJuana Newton for a development standards variance from Zoning Ordinance Section 3.12(C) to allow a handicap accessible ramp to be setback 0 feet, 3.5 feet less than the 3.5 front setback. The property is located at 1921 Wallace Avenue, in the City of Columbus.

Ms. Begley presented for the Planning Department.

TiaJuana Newton represented herself. Ms. Newton stated that her husband is disabled and being able to have this ramp will greatly increase his ease of mobility by being able to use his electric scooter. She added that she herself has health issues that prevent her from bringing the scooter and her husband up and down stairs.

Mr. Ellison opened the meeting to public comment.

No one from the public attending in person requested to speak.

Ms. Begley indicated that no additional members of the public attending via WebEx wished to speak.

Mr. Ellison closed the meeting to public comment.

**Motion:** Mr. Doup made a motion to approve the request agreeing with the findings of fact as stated in the staff report that all criteria have been met. Mr. Hammon seconded the motion. The motion passed with a voice vote of 5 in favor and 0 opposed.

#### **HMGO Real Estate Conditional Use (CCU-2023-017) Re-docketing Request.**

Mr. Kinder stated for procedural purposes if the board would approve the request to re-docket would that mean there would be new public notice submitted prior to the next meeting this case would appear on. Ms. Begley stated that was correct it would be a brand new filing.

Michael Hooker, 1052 S 525 W, Columbus, represented the applicant.

Mr. Ellison stated that the submitted requested did show enough change to allow for re-docketing of the conditional use request.

**Motion:** Mr. Ellison made a motion to approve the request. Mr. Doup seconded the motion. The motion passed with a voice vote of 5 in favor and 0 opposed.

#### **Adoption of the 2024 Calendar of Meeting & Filing Dates**

**Motion:** Mr. Kinder made a motion to approve the 2024 Calendar. Mr. Hammon seconded the motion. The motion passed with a voice vote of 5 in favor and 0 opposed.

#### **FINDINGS OF FACT**

CCU-2023-017: HMGO Real Estate

**Motion:** Mr. Doup made a motion to adopt the findings. Mr. Hammon seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

## **APPROVAL OF MINUTES**

Minutes of the December 19, 2023 meeting.

**Motion:** Mr. Doup made a motion to approve the findings. Mr. Hammon seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

## **DISCUSSION**

### **Commercial Solar conditional use request for the February BZA.**

Ms. Begley and the board members discussed times for the February meeting to accommodate all of the docket items and still have a coordinated time for the solar request with the County BZA. After much discussion, it was decided to have the solar discussion start at 7:30 p.m. with the other docket items starting at 4:00 p.m. and to also include a 3-minute time limit on public speaking for all requests with the option of 1 speaker per group having an additional time allowance in lieu of the other members speaking.

Mr. Whitted distributed a Uniformed Conflict of Interest form to each board member.

## **HEARING OFFICER REPORT**

None

**ADJOURNMENT:** 7:51 p.m.

**Motion:** Mr. Doup made a motion to adjourn. Mr. Hale seconded the motion. The motion passed with a voice vote of 5 in favor and 0 opposed.

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Zack Ellison, Chairperson

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Charles Doup, Secretary