

**MINUTES**  
**BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS**  
**MONDAY, JANUARY 22, 2024, 7:00pm**  
**COUNCIL CHAMBERS, CITY HALL**  
**123 WASHINGTON STREET**  
**COLUMBUS, INDIANA**  
**AND WEBEX**

**Members in Person:** Arnold Haskell, Eric Scheidt, Roger Glick, Michael Speaker, and David Flohr

**Members via Webex:** None

**Members Absent:** Michael Speaker

**Staff in Person:** Melissa Begley, Kyra Behrman, Jim Shoaf Deputy County Attorney and Holly Harris

**Staff via Webex:** None

Mr. Flohr opened the meeting at 7:00pm with a brief explanation of the board and its responsibilities. All available options to participate were gone over and proof of adequate public notice for all cases on the agenda was confirmed.

Mr. Shoaf, County Deputy Attorney, administered an oath to all who were in attendance that would be speaking during the meeting.

**ELECTION OF 2024 OFFICERS:**

**CHAIR:**

**Motion:** Mr. Scheidt made a motion to keep Mr. David Flohr as Chair of the BZA Board. Mr. Haskell seconded the motion. The motion passed with a roll call vote of 3 in favor and 0 opposed.

**VICE CHAIR:**

**Motion:** Mr. Haskell made a motion to keep Mr. Roger Glick as Vice Chair of the BZA Board. Mr. Scheidt seconded the motion. The motion passed with a roll call vote of 3 in favor and 0 opposed.

**SECRETARY:**

**Motion:** Mr. Haskell made a motion to keep Mr. Eric Scheidt as Secretary of the BZA Board. Mr. Glick seconded the motion. The motion passed with a roll call vote of 3 in favor and 0 opposed.

**OLD BUSINESS REQUIRING BOARD ACTION:**

None

**NEW BUSINESS REQUIRING BOARD ACTION:**

**B/CU-2023-014: Thomas & Jacqueline Yeager** – A request by Thomas and Jacqueline Yeager for a conditional use approval to allow an accessory dwelling in the AG (Agriculture: General) zoning district per Zoning Ordinance Section 6.1(D)(1). The property is located at 12404 West 50 South, in Harrison Township.

Thomas and Jacqueline Yeager, 1232 Iroquois Trail Columbus, Indiana, Columbus, Indiana 47203, represented themselves.

Ms. Begley presented for the Planning Department.

Mr. Flohr asked the board if there were any questions.

Mr. Scheidt asked if the current septic to the primary house would be used or if they are planning to install a new. Ms. Behrman stated that she believed that a new septic would be installed.

Mr. Haskell asked the board, staff and attorney on his ability to vote. Mr. Haskell shared that he lives close by and he wanted to make sure that his vote wouldn't be a conflict of interest. There was discussion to this. After the discussion, it was clarified that he could in fact vote due to his home not meeting the requirements of being within 300 feet of the petitioner's property or two properties out.

Mr. Flohr asked the petitioner's if there were additional comments. Ms. Yeager clarified some of the living and storage area space. Ms. Yeager informed the board that the old garage had already been removed, prior to them buying the property. She also clarified that they would be installing a second septic system.

Mr. Flohr asked for any other comments or questions, which no one responded.

Mr. Flohr opened the meeting up to the public.

Mr. Flohr asked if there was anyone that wished to speak on Webex, which there were no participants on Webex.

Mr. Flohr closed the public comment.

Mr. Flohr asked for any other comments or questions, which no one responded.

**Motion:** Mr. Scheidt made a motion to approve the conditional use variance, agreeing with the staff report that all criteria have been met. Mr. Haskell seconded the motion. The motion passed with a roll call vote of 4 in favor and 0 opposed.

**B/CU-2023-016: Megan Dunn** – A request by Megan Dunn for a conditional use approval to allow a home based business (an event venue) in the AG (Agriculture: General) zoning district per Zoning Ordinance Section 6.6(Part 2)(B). The property is located at 14920 South 50 West, in Wayne Township.

Ms. Megan Dunn and Mr. Jerry Dunn, 14920 South 50 West, Columbus, Indiana 47201

Ms. Behrman presented for the Planning Department.

Mr. Flohr asked the board if there were any questions.

Mr. Scheidt asked for clarification on the business area square footage, since they aren't actually building anything. Ms. Behrman explained this.

Mr. Haskell asked for clarification on if parking is included in the square footage and this was explained. Mr. Haskell also asked if in the future if they wanted to build anything else, they would have to come back and repeat the process and this was explained that they would.

Mr. Flohr asked if the petitioner had anything to add. The petitioner clarified that the Health Department came out to the house and the red space that was indicated would not be used due to this being part of their septic. Ms. Dunn shared where they would be creating a new second parking space, which will be south of the gravel driveway and able to accommodate approximately 36 automobiles.

Ms. Behrman gave specifications/sizes of what the minimum parking space size should be.

Mr. Haskell asked how they would maintain the "no alcohol" and there was further discussion to this. The Dunn's shared that each client would be required to sign a waiver stating so and if they violated, they would be asked to leave immediately.

Mr. Haskell asked for clarification on how they plan to keep the trash under control. The Dunn's stated that they have a dumpster that comes every Thursday and they will have trash cans readily available.

Mr. Dunn shared that the tents that they would be using would be put up the day prior to the event and then taken down that evening or the next morning.

Mr. Haskell asked about thoughts of sound system or speakers. It was answered that they would have a small speaker, but no DJ's, multiple speakers, since it would not be needed for the events that they are planning.

Mr. Flohr shared that there were two letters received from the following:

Ms. Holly Brown, 15471 South 50 West, Columbus, Indiana 47201, representing Mr. & Mrs. Hewitt, 15440 South 50 West, Columbus, Indiana 47201. This letter asks for consideration of denial.

Mr. Marshall Middendorf, 15931 South Jonesville Road, Columbus, Indiana 47201. Mr. Middendorf shared that he had no objection to the proposal as long as the trash was handled correctly.

Mr. Flohr opened the meeting to the public.

Ms. Holly Brown, 15471 South 50 West, Columbus, Indiana 47201, representing Mr. & Mrs. Hewitt, 15440 South 50 West, Columbus, Indiana 47201. Ms. Brown shared that the Hewitt's live three houses south. Ms. Brown shared that they are opposing this event center, sharing she has 11 years of surveying experience and shared some reasons to support the denial. Ms. Brown shared that she has concerns of the road width and showed pictures of her vehicle in relation to the road. Ms. Brown shares major concern of drop-offs along this road, concerns of clients wrecking/rolling over and no painting/traffic lines on this road. She also shared that there were no fire hydrants and has concern for fires. She also questions how will there be accountability on a "dry event." Ms. Brown also asked the board to take into consideration of the possible noise that may occur with DJ's. She questioned how the "Dunn's" had taken their neighbors into consideration, why haven't they reached out to the neighbors?

Mr. Shoaf asked Ms. Brown if she represents Mr. Hewitt only, since she has mentioned several other neighbors. Ms. Brown stated that she did only represent Mr. Hewitt. Mr. Shoaf stated that he just wanted to clarify for the record.

Mr. Haskell asked Ms. Brown how she measured the slope of the drop-offs and what equipment was used. This was explained. Mr. Hewitt also gave some explanation to this.

Mr. Stephen Hewitt, 15440 South 50 West, Columbus, Indiana 47201, shared that he also spoke with his neighbors and shared that he just found out about this hearing a week and a half ago. He stated that the

sign that was placed to announce this hearing, was not in a good spot for all the neighbors that lived before the petitioner's house and doesn't feel this is fair. Mr. Hewitt also shared that the road should be better conditioned to handle the extra traffic for safety. He also questioned the amount of events that was stated to possibly happen.

Mr. Scheidt asked what the distance of this road was. It was answered approximately a half a mile.

Mr. Haskell asked what happens now if there are two cars passing. This was explained, sharing that most of the time neighbors back up into a driveway for one to pass.

Mr. Flohr asked if there were any other comments or questions.

Mr. Flohr asked if there was anyone that wished to speak on Webex, which there were no participants on Webex.

Mr. Flohr closed the meeting for public comment.

The petitioners were asked if they would like to respond and they stated that they did. Ms. Dunn stated that they did not feel it was appropriate to knock on the neighbors doors and that they were not the ones to place the sign. The Dunn's also stated that they realize that the road is smaller, but for the 1.5 years that they have lived there they have not had to back up into a driveway and that there is room to pass another car. She clarified that the events will be hosted, not unattended. She also clarified that she would be willing to remove the DJ as an option. There was some further discussion.

Mr. Haskell asked for further clarification on how they intend to handle the trash situation and it was answered that the clients would be asked to clean up after themselves, but ultimately this would be their responsibility to do so. There was further discussion to this, including insurance coverage.

Mr. Dunn again clarified about the no alcohol and fireworks policy, stating that the clients would immediately be asked to leave. Ms. Dunn shared that they have had several parties/ get-togethers with approximately 40 cars and there were no complaints or issues.

Mr. Scheidt asked for clarification on the number that was placed as the maximum events. Ms. Dunn clarified the reasoning to this, sharing that they anticipated approximately one wedding and one birthday party each weekend during the prime months. Mr. Scheidt asked if there could be clarification to the road narrowing or if it was possible to give a warning to the clients. Ms. Dunn stated that they would add a clause to their contract.

Mr. Flohr asked for any other comments or questions.

Mr. Haskell asked the board about clarification on the width of the road and there was discussion to this.

**Motion:** Mr. Scheidt made a motion to approve the conditional use variance, including the conditions as stated in the staff report. Based on the Petitioner's testimony and agreeing with staff's findings of fact, that all criteria has been met. Mr. Haskell seconded the motion. The motion passed with a roll call vote of 4 in favor and 0 opposed.

#### **ADOPTION OF THE 2024 CALENDAR OF MEETING & FILING DATES:**

**Motion:** Mr. Haskell made a motion to approve the 2024 Calendar of Meeting & Filing dates. Mr. Scheidt seconded the motion. The motion passed with a roll call vote of 4 in favor and 0 opposed.

**FINDINGS OF FACT:**

BUV-2023-026: The Annex

BDS-2023-012: The Annex

Findings were forwarded to the February meeting as there were not enough members that attended the meeting present to vote.

**APPROVAL OF MINUTES:**

Minutes of the October 23, 2023 meeting

**Motion:** Mr. Flohr made a motion to approve the minutes of the October meeting. Mr. Scheidt seconded the motion. The motion passed with a roll call vote of 3 in favor and 0 opposed, with Mr. Glick abstaining due to not being at last meeting and not having read the minutes.

**DISCUSSION:**

Brief discussion in regards to upcoming (larger) meeting that will be at a different time than usual. Ms. Begley thanked the Board for their flexibility.

**ADJOURNMENT: 8:15pm**

**Motion:** Mr. Haskell made a motion to adjourn. Mr. Scheidt seconded the motion. The motion passed with a roll call vote of 4 in favor and 0 opposed.

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David Flohr, Chairperson

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Eric Scheidt, Secretary