

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, AUGUST 6, 2019
7:00 P.M.

WHITLEY COUNTY GOVERNMENT CENTER

MEMBERS PRESENT

Dennis Warnick, Chairman
Dwayne Knott, Vice Chairman
Jon Kissinger

MEMBERS ABSENT

Cathy Gardner
Anthony Romano

STAFF

Nathan Bilger

ATTORNEY

(Absent)

VISITORS

Ten visitors signed the guest list at the August 6, 2019, Columbia City Board of Zoning Appeals meeting. A guest list is included with the minutes of this meeting.

CALL TO ORDER

Mr. Warnick called the meeting to order at 7:14 P.M.

ROLL CALL

Mr. Bilger read the roll call with members present and absent listed above.

CONSIDERATION AND ADOPTION OF THE MAY 7, JUNE 4, AND JULY 2, 2019, REGULAR MEETING MINUTES

Mr. Bilger explained that the May and June minutes had not yet been drafted, but the July minutes had been distributed for the members to consider. He suggested tabling the July minutes since one of the three present members was not in attendance at the July meeting and would likely vote to abstain. Mr. Warnick agreed to table the July minutes.

ADMINISTRATION OF THE OATH TO WITNESSES

Mr. Bilger administered the oath to potential witnesses.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 19-C-SE-5

Quimby Properties, LLC, requested a Special Exception approval in order to permit a mental health facility / child care center at 500 N. Oak Street, Columbia City. Mr. Bilger summarized the Staff Report and described the petitioner's request to open a one-on-one therapy center for children with autism. He discussed the Review Criteria and stated that the proposed use and previous use as a church seemed quite similar, and the proposal appeared to be in conformance with the Zoning Ordinance requirements. He added 5 suggested conditions of approval for the Board to consider. There were no questions for Mr. Bilger, and Mr. Warnick invited the petitioner to speak.

Brent Cox of Children's Autism Center and Adam Olsen of Quimby Properties were present. Mr. Olsen explained that Quimby Properties planned to purchase the subject property and lease it to Children's Autism Center. He told the Board that the meeting packet described the project accurately and added that they hope to construct a fenced in playground in the grassy area in the near future. Mr. Warnick asked what changes he might see if he were a neighbor to this property. Mr. Cox listed the playground with children playing and cars in the parking lot during the day. He said wall signs are planned but no free standing signage. Considering traffic flow, Mr. Knott asked if children would be dropped off and picked up in groups. Mr. Cox said there may be a handful arriving at the same time, but it is expected that parents will park their cars and escort their children to and from the building; there should not be a "drop off" or "pick up" line. The Board had no further questions for the petitioners, and Mr. Warnick asked if there was any additional information they wanted to present. Mr. Olsen took the opportunity to tell the Board that one of his children attends the Children's Autism Center in Fort Wayne and it has had a very positive impact on his life. He expressed the importance of having this Center in the community. Mr. Cox added that many of their clients had not received any services until the current Autism Center was opened in Columbia City last year.

With no further questions from the Board, Mr. Warnick asked if anyone else was present who wished to speak. No one was present, and the public portion of the meeting was closed. Mr. Knott made a motion to approve the petition as presented and with the suggested conditions listed in the Staff Report. Mr. Warnick asked what size of freestanding sign would be allowed, based on the suggested conditions, and Mr. Bilger replied a 12' tall sign with an overall total sign face of 50 square feet. Mr. Kissinger gave the second, and the Board voted unanimously to carry the motion.

2. 19-C-VAR-6

Robert Myers requested a Variance of the minimum allowable floor area for a dwelling at 927 N. State Road 109, Columbia City. Mr. Bilger gave a summary of the Staff Report. He explained the petitioner's plan to construct an addition on the existing pole building, consisting of 880 square feet of living area and an open porch. Mr. Bilger explained that the petitioner had secured consent for permanent structure from the Drainage Board for a portion

of the addition to encroach into the legal drain easement. Two septic locations have been approved by the Health Department, as required. Mr. Warnick asked for clarification on the location of the building. Mr. Bilger confirmed that the Drainage Board approved the addition to encroach 25 feet into the legal drain easement. Mr. Warnick asked if the structure encroached into the northern utility and drainage easement. Mr. Bilger stated that the building was misdrawn on the paperwork. However, the site plan provided by the petitioner clearly described the structure angling to the north on the west side and encroaching into the easement. The proposed addition would not encroach, so a setback variance was not requested.

Mr. Bilger noted that based on the Board's ruling on a previous case, the proposed addition should be considered as a single-family dwelling, versus an apartment, because it will be occupied by only one family. He discussed that the apartment floor area was lower than the 950 sq. ft. required for a single-family dwelling, and the public health and safety and general welfare impacts. He then discussed the property's practical difficulties including drainage easements, setbacks, remaining buildable area after the construction of the pole building, and he reminded the Board that practical difficulties are not to be self-imposed. He offered different viewpoints for considering whether or not the hardships on the property were self-imposed but otherwise had no recommendation for the Board. He then called the Board's attention to the last page of the Staff Report where he had drawn an extra table to record the vote, anticipating that the Board might vote on the findings of fact separate from their motion for the petition. The Board had no questions for Mr. Bilger.

Mr. Warnick invited the petitioner to speak. Robert Myers was present and introduced himself to the Board. Mr. Kissinger asked for the location of the septic sites. Mr. Myers said the system was already installed and is east of the structure, along the driveway; the second site is straight to the west. The Board and Mr. Myers discussed the location of the building and the floor plan for the addition. When there were no further questions for Mr. Myers, Mr. Warnick asked if anyone else was present who wished to speak with regard to the petition. No one was present. The public portion of the meeting was closed for Board discussion.

Mr. Warnick asked if the findings of fact could be approved as part of the motion. Mr. Bilger agreed that they could. Mr. Kissinger made a motion to accept 19-C-VAR-6 as presented and with the three findings of fact stated in the Staff Report. Mr. Knott gave the second. The members voted unanimously to approve the motion.

OTHER BUSINESS

There was no other business. Mr. Kissinger inquired about the status of the parking lot for the new Performance Rental building. Mr. Bilger explained that with the wet spring and summer, the paving contractor was behind in his contracts and also the ground became too soft to finish the process just yet. Several Board members wondered if the sign at the bowling alley was compliant with the Code's size requirements. Mr. Bilger guessed the sign may appear large because of its location. He added that he wasn't sure the display followed the rules for screen transitions, and he would investigate further if complaints were received or if the Board felt he should. The Board gave no direction. They discussed the section of the code regarding fences and considered how the code might be more specific with regard to construction and height. Mr. Warnick asked

if the school corporation had obtained a permit for their newly proposed sign. Mr. Bilger replied that they had not. He anticipated they may wait until the spring to begin construction of the sign.

ADJOURNMENT

There being no further discussion, Mr. Knott made a motion to close the meeting. Mr. Kissinger gave the second, and the meeting was adjourned at 7:57 P.M.

GUEST LIST

1. Jill Forte ----- 10580 S. Vinewood Road, Roanoke
2. Adam Olsen ----- 113 E. Shoaff Road, Huntertown
3. Jessica Ross ----- 8130 S. Meridian Road, Columbia City
4. Brent Cox ----- 1187 Stone Ridge Drive, Columbia City
5. Wayne Kreiger ----- 3361 E. 300 South, Columbia City
6. Tami Plew ----- 3275 W. North Shore Drive -57, Columbia City
7. Robert Myers ----- 927 N. State Road 109, Columbia City
8. Lauren Parzianello ----- 711 Southside Drive, Warsaw
9. Emily Wyss ----- 6928 Desdemona Crossing, Fort Wayne
10. Rachel Beery ----- 5229 Goldfinch Lane, Fort Wayne