

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING

January 5, 2021

7:00 p.m.

Whitley County Government Center
Meeting Room A/B

MEMBERS PRESENT

Cathy Gardner
Jon Kissinger
Anthony Romano (remote)
Dennis Warnick (remote)

MEMBERS ABSENT

Dwayne Knott

STAFF

Nathan Bilger
Amanda Thompson

ATTORNEY

Dawn Boyd (remote)

AUDIENCE MEMBERS

The lists of attendees who signed in and attendees of the webcast are at the end of these minutes.

CALL TO ORDER/ROLL CALL

Mr. Kissinger called the meeting to order at 7:00 p.m.

Mr. Bilger recognized the reappointments of Mr. Warnick and Mr. Knott to the Board.

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

ELECTION OF 2021 OFFICERS

Mr. Kissinger reminded the Board of the officers serving in 2020 and called for any nominations. Ms. Gardner made a motion to retain the same officers as in 2020; Mr. Warnick seconded. There being no other nominations, Mr. Kissinger called for a roll call vote. Motion passed, 4-0.

The officers and appointments for 2021: Jon Kissinger, Chair; and Anthony Romano, Vice Chair.

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for several previous meetings were discussed. Ms. Thompson stated that those minutes were not completed. Mr. Kissinger stated they would be reviewed at a future meeting.

ADMINISTRATION OF OATH

Mr. Bilger administered the oath to the audience members and stated that any on-line participants affirmed when registering.

OLD BUSINESS

There was no old business.

NEW BUSINESS

21-C-SE-1, Traffic-generating home occupation (retail use), 682 W. Old Trail Rd.

Casey and Kara Filler requested approval of a Special Exception for a traffic-generating home occupation for a retail space. The property was located on the north side of Old Trail Road, approximately 545 feet west of the intersection with Ellsworth Street, with an address of 682 West Old Trail Road. The property was zoned R-3, Multi-family Residential.

Mr. Bilger presented the Staff Report. He stated that the petitioner keeps bees, and they proposed to convert the attached garage to finished space, part of which would be for retail space to sell their bee-related products. The remainder would be for processing area of the bee products, with a small part indicated for wine making. He stated that since agricultural uses, including wineries, are permitted in all residential districts, only the retail component was the subject of the Board's review.

He presented aerial views for reference, and he reviewed the submitted site plan and floor plan. An expanded parking area was proposed, which would be sufficient for the expected number of customers and potential employees. He presented an updated and revised floor plan submitted by the petitioner based on the requirements of the Health Department.

He concluded by stating the Staff's suggested conditions of approval:

1. The special exception is granted as presented. Changes to the floor plan due to Health Department requirements are acceptable.
2. Signage will be in conformance with the provisions of the zoning code.
3. Hours of operation will be 8am to 8pm, or as otherwise determined by the Board.
4. At least 4 parking spaces must be provided on-site; 2 for the residence and 2 for the retail operation. Parking must be paved.

There being no questions for staff, Mr. Kissinger asked for the petitioner to speak.

Kara and Casey Filler, petitioner, reviewed their proposal. Ms. Filler stated that they keep bees and would like to open a small shop to sell their honey and other bee products. Sometime in the future, the winery component would be added.

Mr. Kissinger asked if the area for the operation was in the current garage; Ms. Filler affirmed it was. Mr. Kissinger asked if they would need to expand the beekeeping on the property. Ms. Filler stated that they keep bees on farms elsewhere, so there were no plans for immediate expansion of the hives on the site.

Ms. Gardner asked about the changes on the floor plan from the original, and if the area used for the business would be expanding. Ms. Filler stated that the updated floor plan included about 322 sq. ft. for the retail area. Mr. Romano asked if they had any plans for further expansion. Ms. Filler responded that this arrangement would meet their needs for the next few years based on their business plan. After that, they may consider moving to another property, depending on the strength of business.

Ms. Gardner asked about the days and hours of operation, as the suggested condition was generic. Ms. Filler stated that the current plan would be to open 2-3 days a week, likely Friday-Saturday, becoming 5 days a week as the business grew. Ms. Gardner asked about the specific hours. Ms. Filler said she had submitted 9am to 11pm, based on the idea that later hours may be

needed, but she was not certain at this point. Mr. Warnick and Ms. Gardner expressed concern about the uncertainty of hours since this was a home occupation. Ms. Filler stated that the initial hours would likely be 10am to 6 or 7pm on Fridays and Saturdays, with no plans for Sunday hours.

Ms. Gardner asked about any proposed signage location and type. Ms. Filler stated that was not finalized yet. She was thinking about having a black plastic sign located in between the driveway entrances and would be illuminated only while the business was open.

There being no further questions of the petitioner, Mr. Kissinger opened the public hearing.

Brent Drew stated that he owns and farms the field to the west of the subject property. He stated he was supportive of the proposed use, but he was concerned that if it grew too much, there may be complaints about his farming operations causing dust and noise. He did not want any repercussions on his operations because of this business.

Hearing no one else, Mr. Kissinger closed the public hearing and asked for Board discussion.

Ms. Gardner asked if the revised floor plan would still be under the 20% allowed for the business area. Mr. Bilger stated that the revision would be about 15%.

Mr. Kissinger stated he would like to set specific hours of operation. The Board discussed the hours and how to address changes with any future expansion.

Mr. Warnick made a motion to approve 21-C-SE-1, with the recommended Staff conditions, including a modification to #3 that the hours of operation be 10am to 7pm and any change in the hours would need additional Board review. Ms. Gardner seconded. Mr. Bilger asked Ms. Filler to confirm that the conditions as proposed were acceptable; she affirmed that they were. Motion passed by roll call vote, 4-0.

OTHER BUSINESS

Mr. Bilger mentioned that they were expecting a variance to be filed for the February meeting.

ADJOURNMENT

Being no further business, Ms. Gardner made a motion to adjourn; Mr. Romano seconded. Mr. Kissinger declared the meeting adjourned at 7:37 p.m.

GUEST LIST

1. Brent Drew1460 W. Old Trail Road, Columbia City
2. Tamara Drew (did not sign in)1460 W. Old Trail Road, Columbia City
3. David Gardner (did not sign in)265 N. Columbia Parkway, Columbia City

GUEST LIST (WEBCAST)

4. Kara and Casey Filler.....682 W. Old Trail Rd., Columbia City