

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
FEBRUARY 2, 2021
7:00 P.M.

WHITLEY COUNTY GOVERNMENT CENTER
MEETING ROOM A/B, LOWER LEVEL

MEMBERS PRESENT

Cathy Gardner
Jon Kissinger, Chairman
Dwayne Knott
Anthony Romano, Vice Chair
(remote, arrived at 7:10 P.M.)
Dennis Warnick

MEMBERS ABSENT

STAFF

Nathan Bilger
Amanda Thompson

ATTORNEY

Dawn Boyd (remote)

AUDIENCE MEMBERS

There were six visitors present at the meeting and no attendees on the webcast. A Guest List is included with the minutes of this meeting.

CALL TO ORDER/ROLL CALL

Mr. Kissinger called the meeting to order at 7:00 P.M.

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

CONSIDERATION OF PREVIOUS MEETING MINUTES

Ms. Gardner made a motion to approve the July 7, 2020, meeting minutes as presented. Mr. Knott gave the second. Motion passed, 4-0. (Mr. Romano had not yet arrived.)

ADMINISTRATION OF THE OATH TO WITNESSES

Ms. Boyd administered the Oath to one visitor.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 21-C-VAR-1

ProFed Federal Credit Union requested a Variance of the Sign Code, including sign standards, in order to permit a second sign on their property at 379 W. Plaza Drive, Columbia City. Mr. Bilger indicated that after the staff report was written, there had been some changes to the proposal with respect to the sign's height, area, and location. He stated the updated information had been emailed to the Board previously and distributed at the meeting. He clarified that two Variances remain for consideration, this being a second sign for the site as well as a second electronic message center (EMC); all other standards are now compliant.

Mr. Bilger noted ProFed's attorney had requested historical information on other signs in the area, and Mr. Bilger listed properties with more than one free-standing sign (excluding any directional signs). He found that most of the signs were legal non-conforming due to their age while others were either permitted or had received a Variance approval. He stated that he found no properties with more than one EMC. Mr. Bilger then discussed the review criteria in his staff report, explaining which statements were relevant to the current design and location. The Board had no questions for Mr. Bilger.

Mr. Kissinger invited the petitioner to speak. Mike Hoffman, attorney, represented ProFed. He compared ProFed's proposal to the other locations with multiple signs and stated that even if the others are legal non-conforming, the proposed sign is similarly suitable to the commercial area, therefore causing no adverse effect. He said that the sign is proposed at the sole entrance of the property and that the first sign (located along US 30) is not visible from the Plaza Drive side of the property, so it will not be injurious to the public safety. Mr. Hoffman added that use of the second EMC will eliminate the need for ProFed to use any temporary signage, allowing for a more professional looking site. He told the Board that drivers anticipate signage at the entrance to a site, and such signage is imperative for sites such as ProFed's where drivers are required to complete several turns from the main road in order to enter the property. Mr. Hoffman also cited wayfinding concerns because the angle of Plaza Drive causes drivers not to see the entrance until they have nearly passed by. He added that the multi-story facility to the east similarly blocks visibility of ProFed's site. Mr. Hoffman said ProFed did consider if on-building signage could eliminate the need for the second sign, but they determined that on-building signage could not conquer the visibility concerns. He described that these practical difficulties cause the need for additional signage, and he reiterated that the proposal creates no detrimental effect, and is instead, complimentary to other signage in the area.

Ms. Gardner inquired about the design of the attached signage and whether it would be on both sides. Mr. Hoffman replied the "ProFed" lettering would be on the northwest and south faces, not visible to westbound traffic on Plaza Drive. Mr. Bilger recalled no signage was proposed on the northeast side due to the location of a teller window/deposit box. At Mr. Hoffman's request, Travis Becker with Michael Kinder & Sons introduced himself to the Board and described the on-building signage as 2'x6', illuminated lettering. Mr. Warnick was concerned that allowing a second EMC for this site would degrade the Ordinance and cause other locations to make similar requests. Mr. Hoffman replied that the nature of this site, due to the location of the entrance, created a unique situation that could justify the approval. Mr. Warnick stated that the nature of this site is no different than any other property on Plaza Drive. Ms. Gardner described that the neighboring property has an effective entrance sign displaying their business name, and she also saw a business center sign on the north side of Plaza Drive that has room where ProFed's name could be listed. She added that the professional appearance of ProFed's building makes it distinguishable in the area. She voiced her agreement with Mr. Warnick's concerns about an approval potentially degrading the Ordinance. She pointed out that ProFed's current location, where they have been for many years, provides next to

no visibility from any direction, but they have done well enough at their current site to justify the cost of a new location and building.

Mr. Hoffman proposed removing the EMC component from the US 30 pole sign so that only the Plaza Drive sign would contain an EMC; this would eliminate the need for a Variance for a second EMC on the site. Mr. Bilger confirmed the size would be compliant, and the only Variance left for consideration would be for the existence of a second sign.

There being no further questions for the petitioner, Mr. Kissinger asked if anyone else was present who wished to speak. Hearing none, he closed the public portion of the meeting. Mr. Warnick made a motion to approve 21-C-VAR-1 as presented, with the EMC component being removed from the pole sign design so that only one EMC will exist on the property. Mr. Knott gave the second. The motion carried 5-0, by roll call vote.

OTHER BUSINESS

3. Parking Code interpretation

Mr. Bilger explained that Morsches Lumber, Inc. requested a building permit for a new storage building on the east side of their site, and the business would like to extend their gravel driving/parking area to include the area around the structure. Mr. Bilger stated that the Parking Code requires parking lots and driveways to be paved unless they are legal non-conforming; also, in the past, the Board has ruled that sites with low volume, like storage units, are permitted to have gravel driving/parking areas. He asked if the Board felt comfortable making an interpretation on whether the area in question was similar enough to a storage facility to be exempt from paving or if they felt a Variance request would be appropriate.

Mr. Kissinger asked if other parts of the site were gravel. Mr. Bilger confirmed that only a small area of the site is paved. Chris Peters, from Morsches Lumber, was present and introduced himself to the Board. (Mr. Bilger stated that Mr. Peters did not need sworn in since this was only a discussion item.) Mr. Peters clarified that the intended structure is a storage rack and not a building. He said a large area of surrounding stone is necessary because the structure will store product that is 48' long, so there needs to be ample room to maneuver large trucks; the area will be used to manage the storage of the product, not for customer use. Mr. Peters clarified that the only paved areas on the site are the area in front of the main building and the entrance to Van Buren Street. Mr. Warnick noted that he did not recall the area being dusty. Mr. Peters agreed and stated the additional gravel would not create any more dust than the existing area because the volume of traffic is so low.

Mr. Warnick voiced that site-specific consideration seemed more appropriate than a broad interpretation. Ms. Gardner said she felt the intent of the Ordinance indicated paving would be required, therefore, a Variance request would be applicable. But, she continued, that if the gravel area is specific to the structure, it could be viewed differently. After a brief discussion, it was the consensus of the Board that filing a

Variance petition would be the best course of action for this request. Ms. Gardner added that if the petition is heard, she would like to hear how the additional stone will affect the flow of surface water.

4. Rules of Procedure – points of reference

Mr. Bilger suggested that the Board's Rules of Procedure be amended to provide guidance on electronic meetings when the Executive Order is lifted. He stated the Senate and House both have bills in process that, if passed, will determine what details are needed. Additionally, Mr. Bilger described that the County had amended their Rules of Procedure and modified requirements for public meeting notices. He said the updates have been beneficial to Staff, the petitioners, and the public, and he suggested the Board consider making similar changes. Hearing no opposition, he asked the members to consider what other items they might like to cover in their Rules. He anticipated revisiting the topic around May.

ADJOURNMENT

There being no further business, Mr. Warnick made a motion to adjourn. Ms. Gardner and Mr. Knott simultaneously gave the second, and the meeting was adjourned at 8:08 P.M.

GUEST LIST

1. Travis Becker, Michael Kinder & Sons 5206 Decatur Road, Fort Wayne
2. Nina Baker, ProFed Credit Union 1710 St. Joe River Drive, Fort Wayne
3. Travis Penrod, ProFed Credit Union 1710 St. Joe River Drive, Fort Wayne
4. Michael Hoffman, Beers Mallers, Attorneys At Law
..... 110 W. Berry Street, Suite 1100, Fort Wayne
5. Chris Peters, Morsches Lumber, Inc. 516 E. Van Buren Street, Columbia City
6. David Gardner (did not sign in)

GUEST LIST (WEBCAST)

7. No attendees