

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
JUNE 1, 2021
7:00 P.M.

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

MEMBERS PRESENT

Cathy Gardner
Jon Kissinger, Chairman
Dwayne Knott
Dennis Warnick

MEMBERS ABSENT

Anthony Romano, Vice Chair

STAFF

Nathan Bilger

ATTORNEY

Dawn Boyd (remote)

AUDIENCE MEMBERS

There were two 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

Mr. Knott made a motion to approve the meeting minutes from September 1st, October 6th, and May 4th, as presented. Ms. Gardner gave the second. The motion passed 4-0 for the October and May minutes and 3-0-1 (with Mr. Warnick in abstention) for the September minutes.

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-5

Elizabeth Harkins requested a Variance of the side yard setback for a hot tub and for a pergola at 734 Burke Street, Columbia City. Mr. Bilger described the property location in Heritage Place subdivision and noted that this subdivision was approved with a “zero-lot line” standard. He explained that although the home on the subject property was constructed with this in mind, the house to the north was not, and so, the area between the two properties did not contain a maintenance easement. Mr. Bilger described the petitioner’s request to install a pergola and a hot tub on the existing patio on the north side of the home. He estimated the resulting setbacks would be 4.4’ for the pergola and

5.9' for the hot tub (if it is centered on the patio); the Zoning Ordinance requires a 5' setback for a pergola (as an accessory structure) and 10' for a hot tub. Mr. Bilger discussed the review criteria from the Staff Report. There were no questions for Mr. Bilger, so Mr. Kissinger invited the petitioner to speak.

Elizabeth Harkins was present and described her intention to install a pergola for shade and a hot tub for medicinal purposes. She stated that both structures would be located on the patio; she had already obtained a permit for a fence to enclose the patio. Ms. Gardner asked if the provided site plan depicted accurate locations for the structures. Ms. Harkins stated the hot tub would be placed a bit farther east and the pergola would be centered in front of the patio doors. Ms. Gardner noted that the hot tub appears to have already been placed. Ms. Harkins confirmed it had been delivered and set but was empty and not connected, pending the Board's decision. Ms. Gardner asked if the pergola would ever be enclosed. Ms. Harkins replied that it would not be enclosed but that she did have fabric to drape over it for additional shade. Ms. Gardner requested to know where the fence would be located. Ms. Harkins explained that she intends for the fence to be as close to the patio as possible, with access gates on the east and west ends of the patio. There were no further questions for Ms. Harkins.

Mr. Kissinger asked if anyone else was present who wished to speak. Hearing none, he closed the public portion of the meeting for the Board's discussion. Mr. Warnick made a motion to approve 21-C-VAR-5 as presented. Ms. Gardner requested a condition that the pergola not be enclosed. The Board discussed briefly. Ms. Harkins stated the pergola is a pre-fab, cedar structure and would only ever be enclosed in the winter, when she would wrap it in plastic to shield the patio doors from wind. Mr. Warnick amended his motion to include the condition that the pergola not be permanently enclosed. Mr. Knott gave the second. Motion passed, 4-0.

OTHER BUSINESS

Mr. Bilger informed the Board that the Oak Street project was likely being redesigned to the extent that the Board's approval of 21-C-VAR-3, for 5' side yard setbacks, would be nullified.

Mr. Bilger requested the Board's opinion on a request from Giving Gardens for an "honor system," roadside stand and refrigerator. He suggested consideration of a Special Exception for their educational use could include the roadside concept. He felt confident that their overall plan would require a Special Exception approval, but he was not sure at what stage the Board would want to conduct the review. The Board asked how parking is managed and what structures were planned. Mr. Bilger was able to provide limited information and stated that a permanent structure was planned for the future. Several members wondered if the property should be rezoned to commercial with the construction of the next permanent structure. Mr. Bilger felt the current residential zoning was appropriate to cover the present use while allowing Special Exception consideration for the planned educational use. He added that a Rezoning could be considered, but that may allow other uses which may not be appropriate with the adjacent residential areas. Mr. Bilger concluded that the Board would like to review the Special Exception request prior to the construction of the roadside stand and refrigerator area.

ADJOURNMENT

Ms. Gardner made a motion to adjourn. Mr. Knott gave the second, and the members voted 4-0 to adjourn the meeting at 7:28 P.M.

GUEST LIST

1. Elizabeth Harkins 734 Burke Street, Columbia City
2. Dave Gardner 265 N. Columbia Parkway, Columbia City

GUEST LIST (WEBCAST)

3. No attendees