

**MINUTES**  
**COLUMBIA CITY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**JUNE 4, 2024**  
**7:00 P.M.**

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

**MEMBERS PRESENT**

Stacey Dumbacher  
Jon Kissinger, Chairman  
Anthony Romano, Vice Chair  
Dennis Warnick

**MEMBERS ABSENT**

Cathy Gardner

**STAFF**

Nathan Bilger  
Amanda Thompson

**ATTORNEY**

Dawn Boyd

(E)lectronic participant

**AUDIENCE MEMBERS**

Five of seven visitors signed the Guest List at the meeting. There was one attendee on the webcast. A Guest List is included with the minutes of this meeting.

**CALL TO ORDER/ROLL CALL/INTRODUCTIONS**

Mr. Kissinger called the meeting to order at 7:00 P.M. Ms. Thompson read the roll with members present and absent listed above.

**CONSIDERATION OF PREVIOUS MEETING MINUTES**

The previous meeting minutes were not yet completed.

**ADMINISTRATION OF OATH**

Ms. Boyd administered the Oath to four visitors.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

**1. 24-C-SE-2**

Legend Recovery Center, LLC, requested approval of a Special Exception for a behavioral health facility as an “Alcohol & Drug Abuse Treatment Center” proposed to be located at 235 Frontage Road. Mr. Bilger summarized the Staff Report, explaining the subject site’s hotel was proposed to be remodeled for use as an addiction treatment center. He clarified that the petitioner described the use as being a “behavioral health facility.” Mr. Bilger explained that the long-term stay caused the use to be more similar to residential, and requiring the Special Exception approval, versus “hospital” where most stays would be short-term. He described the petitioner had stated they would serve up to 100 patients with 25 staff at the

maximum capacity. Mr. Bilger said the amount of existing parking exceeded the Code, but the spaces were too short and, therefore, would need to be lengthened the next time the lot were restriped; the landscaping was grandfathered. He added that the gravel area was legal non-conforming but should be removed since it was not needed. He noted that the western half of the property might be suitable for an additional commercial lot. In conclusion, he suggested six conditions of approval listed in the Staff Report, and he pointed out that Mayor Daniel had submitted a letter to the Board citing questions regarding the proposal and requesting a continuance of the case.

Mr. Bilger clarified for Mr. Kissinger and Mr. Warnick that the suggestion to remove the gravel area did not include the drive, and replacing the area with grass would be sufficient. On the aerial, he indicated the areas recommended for removal by circling a section west of the building and another area along the south property line. There were no further questions for Mr. Bilger, and Mr. Kissinger requested to hear from the petitioner.

Josh Koenig, founder of Legend Recovery Center, described having an inpatient facility in Pennsylvania, another in Ohio, and an outpatient facility in Ohio. He stated that inpatients complete a 37-day program, beginning with detox. In Ohio, they are then transported to the outpatient facility where they are provided with 6 months of all-expenses-paid living and attend off-site group therapy sessions. Mr. Koenig described that the doors are locked in both facilities, and all transportation is via the company vehicle or Uber. He stated that whenever a patient leaves the facility, either by completion of the program or by requesting to end the treatment, they are transported back to their home or other setting, as arranged. *(After the meeting, Mr. Koenig clarified that insurance does not cover out-of-state treatment, so Indiana patients are not expected to be taken to the Ohio outpatient facility, but clients who have completed inpatient treatment may be transported to an Indiana outpatient facility if they choose. He also stated that a patient's case manager must ensure the client will be welcome at home or the next facility, prior to the transport.)* Mr. Koenig described for Mr. Warnick that there would be no residents' vehicles on-site. He said all patients would be brought to the location by Uber/taxi or by the Center's own vehicle, and they would be likewise returned to their home when they leave the facility; patients would not leave the building without facility-arranged transportation. Mr. Koenig described for Ms. Dumbacher that the ideal location for his facility was an area outside of a major city because such areas usually do not have other centers for patients to rotate between and because people want help outside of their home communities.

Mr. Kissinger asked if a remodel was planned for the building. Mr. Koenig confirmed that was the case and described his company offers a "Malibu facility, but for Medicaid, for those who can't afford it," so that people can be helped regardless of their economic status. Mr. Koenig also explained that scholarships are available for Columbia City residents who do not have insurance. He stated for Ms. Dumbacher that roughly 80% of patients complete the 37-day inpatient program; also, patients cannot leave the buildings as the doors are locked, and all patients who leave the facility are transported to their homes, which may be up to 3 hours away.

Mr. Romano referenced the mayor's letter and asked Mr. Koenig if there were any incidents of panhandling, increased police/EMS runs, and patients flushing inappropriate items in the toilets. Mr. Koenig replied that the facility would have approximately the same number of EMS requests as a senior care center, and police always escort the EMS. He said he had

never been made aware of any panhandling, and after receiving the mayor's letter, he had contacted staff at his facilities to confirm this was not occurring. Mr. Koenig described that when clients enter the facilities, they are taken to a private room where their belongings are collected, and they are provided scrubs to wear; no items (including paraphernalia) go with them beyond this point.

Mr. Koenig spoke about the online reviews and stated that the worst review received was from a mother who was upset that they would not accept her son into their program; the son was denied because he did not agree to treatment, and they only accept people who want to be there. Mr. Koenig confirmed for Ms. Dumbacher that clients coming to the facility from jail or corrections were given a choice. He invited the members to visit and walk through the existing facilities.

Mr. Kissinger asked if exterior renovations were planned. Mr. Koenig replied that the building needed updated and repaired inside and cosmetic repairs outside. He stated that landscaping would be added to improve the aesthetic appearance of the property.

Ms. Dumbacher asked if residents would have access to an outdoor area. Mr. Koenig described that there would be an area, possibly on the west side of the building, where a patio could be fenced off. He stated that they would use an  $\pm 8'$  fence with no gate; clients would not have any method of leaving the area except to go back into the building, and staff would always be with them. Mr. Koenig clarified that the number of staff members expected at maximum capacity could be closer to 50, and he stated that it would likely take a year or more for the number of residents to reach maximum capacity. He confirmed for Ms. Dumbacher that the existing parking would be adequate, as the residents do not have vehicles, and the number of staff may not reach 50.

Mr. Koenig clarified for Mr. Romano that the doors of the facility are locked in order to keep visitors from entering freely, and he said that clients are not held against their will; if someone desires to leave, their request is documented, and transportation is arranged. There were no further questions for Mr. Koenig, and Mr. Kissinger asked if anyone else wished to speak.

Nicole Anderson, a neighboring business owner, asked how the facility handled certain situations, and Mr. Koenig answered her questions. She stated that she knew someone who had entered a treatment center and was helped, and she voiced support for the petition. Ms. Anderson asked how Legend Recovery compared to the Bowen Center. Mr. Koenig was unfamiliar with the Bowen Center, and Mr. Kissinger replied that the latter was short-term care. Mr. Koenig referenced Mission 25 and stated that it seemed more designed for "after care" housing and support whereas Legend Recovery assisted people with current addictions and had a more medical-related focus.

There were no further questions, and no one else wished to speak, so Mr. Kissinger closed the public hearing. The Board considered the concerns in the mayor's letter and felt the questions had been answered. Mr. Warnick made a motion to table the discussion, to provide time for the petitioner and mayor to convene, as the mayor had requested. The Board considered Mr. Warnick's motion.

Ms. Dumbacher and Mr. Romano requested to know what hardship might befall the petitioner if the case were continued. Mr. Koenig replied that with a delay, there could be a risk that the property would be sold to a different buyer. Also, he was unsure of how the

property owner would respond to a continuance. Mr. Kissinger expressed concern that delay would cause the deal to fall through and the property would continue to decline. He felt the petitioner had adequately responded to the concerns the mayor listed. Mr. Kissinger reminded the Board that there was a motion on the table, and Mr. Romano gave the second. Mr. Bilger noted that the Board could add or modify conditions. Mr. Romano asked for guidance on a condition that would address the mayor's concerns. Ms. Dumbacher considered the size of the building and said EMS runs would probably be likely, regardless of who would occupy the building. Mr. Kissinger asked the Board what items could be flushed. Mr. Romano and Ms. Dumbacher suspected drugs, which could enter the water system. The Board considered that drugs could be flushed anywhere, not just at this facility. Mr. Kissinger requested a vote, at Mr. Romano's request. The motion was 2-2, with Ms. Dumbacher and Mr. Kissinger voting against. Ms. Dumbacher stated she felt the issues listed in the mayor's letter had been considered and addressed by the petitioner. Mr. Bilger said sometimes there is a condition of approval contingent upon the approval of another entity. Mr. Koenig confirmed for Mr. Romano that he would be willing to speak with the mayor and actually had reached out to the mayor's assistant earlier that afternoon.

Ms. Dumbacher contemplated a time frame for the condition, considering that 3 weeks seemed too much of an inconvenience to the petitioner but less than 2 weeks too restrictive for the mayor's schedule. Ms. Dumbacher and Mr. Warnick discussed adding a condition for landscaping. Mr. Romano asked Mr. Koenig if he would be interested in subdividing the property and selling the west half. Mr. Koenig replied that he would, as his business had no use for that area. Ms. Dumbacher discussed approving the request with the conditions listed in the Staff Report, modifying #5 to add "and landscaped with trees and flowers within one year." After some discussion and assistance from Ms. Boyd, Ms. Dumbacher also suggested adding a condition to state:

7. The petitioner shall meet with Mayor Daniel, to address his concerns, within the next two weeks.

Mr. Warnick asked if the additional condition could instead be that the petitioner meet with the mayor and then come back to the Board during a Special Meeting. Ms. Dumbacher voiced no opposition to the idea but stated she would be unavailable during the suggested meeting time frame. Mr. Kissinger studied the mayor's letter and said the mayor didn't seem opposed to the proposal; he felt the mayor's concerns would be quickly alleviated after speaking with Mr. Koenig.

Then, Mr. Romano made a motion to approve the petition with the conditions listed in the Staff Report, modifying #5 to add "and landscaped with trees and/or flowers within one year," and adding a condition to state:

7. The petitioner shall meet with Mayor Daniel, to address his concerns, within the next two weeks.

Ms. Dumbacher gave the second. The motion passed 3-1, with Mr. Warnick voting against.

## **OTHER BUSINESS**

Mr. Bilger reminded the Board of the upcoming Training Session scheduled for the end of July.

## **ADJOURNMENT**

Mr. Romano made a motion to adjourn. Mr. Kissinger gave the second, and the meeting was adjourned at 7:54 P.M.

## **GUEST LIST**

1. Joshua Koenig ..... Not provided on the Guest List
2. Mike Driver ..... Not provided
3. Callie Conrad ..... Not provided
4. Nicole Anderson ..... 3088 S. 500 West, South Whitley
5. Ben Anderson ..... 3088 S. 500 West, South Whitley
6. *(Did not sign in) John Marty*
7. *(Did not sign in) Tom Behm*

## **GUEST LIST (WEBCAST)**

8. Ryan Daniel ..... 112 S. Chauncey Street, Columbia City