

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
NOVEMBER 6, 2024
7:00 P.M.

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

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Nathan Bilger
Amanda Thompson

ATTORNEY

Dawn Boyd

(E)lectronic participant

AUDIENCE MEMBERS

Two visitors signed the Guest List at the meeting. There were no attendees 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

Previous meeting minutes had not been completed, so this item was deferred.

ADMINISTRATION OF OATH

Ms. Boyd administered the Oath to two audience members who planned to speak at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 24-C-VAR-5

Brenda Selking requested a variance of the side yard setback requirement for the construction of a carport at 443 Arrowhead Court. The property was zoned R-2, Two-Family Residential District and located on the east side of Arrowhead Court, 190 feet north of Hanna Street.

Mr. Bilger summarized the staff report. He stated that the request was to permit an already-constructed carport located on the south side of the residence. The carport encroached in the required 8' side setback and onto the neighboring property. He stated that the neighbor had provided consent for the encroachment onto their property. He also stated that the existing

gravel driveway, which was legal nonconforming, was extended. He felt that the extension would be still be legal nonconforming, but the Board may wish to consider that as well. He provided aerial views of the property and the survey for reference. He discussed the review criteria, with few concerns noted. He asked for any questions.

Mr. Romano asked if the carport was all metal; Mr. Bilger replied that he believed it was. Mr. Romano also asked how long the petitioner had lived there; Mr. Bilger deferred to the petitioner. Ms. Dumbacher asked about the staff comment about the comparability of the carport to other structures in the neighborhood, as most houses had garages not carports. Mr. Bilger replied that the comment was referring primarily to the prevalence of gravel driveways. Ms. Gardner asked for clarification about the variance since the structure crossed the property line and had concern about the Board granting a variance beyond the property line. Ms. Boyd replied that the adjacent property owner would need to consent to the encroachment, which they had given. The Board had authority only on the setback. Mr. Bilger suggested that an easement could be obtained on the adjacent property as a condition of an approval, but that seemed to be too complicated for the structure in question. Having no further questions for staff, Mr. Kissinger asked for the petitioner to speak.

Butch Sterner, the petitioner's contractor, gave details about the gravel driveway as installed. He stated that the carport was about 3.5" over the property line, which could be moved to be compliant by moving the metal supports.

Mr. Romano asked when the carport was installed. Mr. Sterner replied that it had been installed the previous December; it had been moved from another location along Line Street. Ms. Gardner stated that she had noticed it was not new. Mr. Sterner said their intend was to paint it, but did not want to do that investment until the variance was decided. Ms. Gardner asked how the variance was originated. Mr. Sterner said he did not realize the carport needed a variance since it was an assembled metal structure. She asked the same of staff; Ms. Thompson replied that she was not sure, but it was either noticed by an inspector or was a pending permit that was discovered to be completed. Ms. Gardner asked how the carport was attached; Mr. Sterner replied that it was bolted to the house and lag bolted to the ground. Mr. Warnick asked if the carport was large enough to park a car in. Mr. Sterner replied that the petitioner's Cruze would fit, but a larger truck would not. Ms. Gardner asked if moving the support to be entirely on the property would cause issue for parking. Mr. Sterner replied that moving it 3.6" would not be an issue.

Ms. Gardner stated that she had no issue with the driveway material. She felt that the carport was also ok, but it had to be on the petitioner's property. Ms. Dumbacher asked to confirm that the carport would be painted; Mr. Sterner affirmed it would be. There was a discussion about the potential runoff from the carport roof onto the adjacent property.

Mr. Kissinger asked for any audience members to speak for or against the petition. Having no one speak, he closed the public hearing and asked for any further Board discussion. Mr. Romano stated he was fine with the requested variance but was not so comfortable with the encroachment onto the neighbor. Mr. Kissinger asked if the carport had not been built whether he would be okay with the request; Mr. Romano replied he probably would not. Mr. Kissinger expressed concern about water running off onto the neighbor. There was a discussion about the possible impacts on the adjacent property.

Mr. Romano made a motion to approve the requested variance, with the condition to moving the supports onto the petitioner's property; Ms. Gardner seconded. Motion passed, 4-1, with Mr. Kissinger voting against the motion.

Ms. Thompson gave Mr. Sterner guidance on obtaining the permit.

OTHER BUSINESS

Ms. Thompson stated that she expected at least one hearing for December. Mr. Bilger stated that nearly every board had cases filed in November.

ADJOURNMENT

Ms. Dumbacher made a motion to adjourn; seconded by Ms. Gardner. The motion passed 5-0, and the meeting was adjourned at 7:28 P.M.

GUEST LIST

1. Butch Sterner 9975 W. 300 South, South Whitley, IN
2. Brenda Selking 443 Arrowhead Court, Columbia City, IN

GUEST LIST (WEBCAST)

3. None