

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
DECEMBER 3, 2024
7:00 P.M.

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

MEMBERS PRESENT

Stacey Dumbacher
Cathy Gardner
Jon Kissinger, Chairman
Dennis Warnick

MEMBERS ABSENT

Anthony Romano, Vice Chair

STAFF

Nathan Bilger
Amanda Thompson

ATTORNEY

Dawn Boyd

(E)lectronic participant

AUDIENCE MEMBERS

Six visitors signed the Guest List at the meeting. There were no attendees on the webcast. A Guest List is included below.

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

There were no minutes completed for the Board's consideration, so this item was deferred.

ADMINISTRATION OF OATH

Ms. Boyd administered the Oath to those visitors who planned to speak at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 24-C-VAR-6

Paul and Dianna Sobel requested a variance of the height requirement for a fence at 1277 E. Pebble Creek Run. The property was zoned R-2, Two-Family Residential District and located on the northwest corner of Pebble Creek Run and Valley River Drive.

Mr. Bilger provided a summary of the staff report. He stated that the request was to construct a 6' tall wood or vinyl privacy fence that would enclose the north and east yards of the property. It would be located about 1' from the north property line in a platted easement, and the Board of Works had already approved that encroachment. It would also be 10' from the

Valley River Drive right-of-way within the platted front yard. Placement of a 6' fence in the platted front yard would require a variance. He continued by displaying aerial views, the subdivision plat, and the submitted site plan for reference. He pointed out that the platted building line was 35', although the R-2 zoning district only required 30'. He concluded by summarizing his comments regarding the zoning criteria. He pointed out that this lot was not particularly different from other corner lots in the same and other recent subdivisions, and that there was a somewhat similar request approved for another corner lot nearby.

Mr. Kissinger asked if 10 feet would be the back of sidewalk measured from the curb. Mr. Bilger confirmed that it was. Mr. Kissinger asked if the house to the north had a 30' setback; Mr. Bilger replied that the house actually was 30 feet or so from the right-of-way and 45 feet or so from the curb.

Ms. Dumbacher asked about the variance granted for 656 Redstone Court. Mr. Bilger stated that it was similar in that it was a request for a privacy fence on the secondary frontage of a corner lot. He displayed the aerial of the property for reference.

Having no further questions for staff, Mr. Kissinger asked for the petitioner to speak.

Paul and Dianna Sobel, petitioners, stated that they had two dogs and wanted to get more usable yard area. Unlike the other variance that was up to the sidewalk, this request would be 10 feet from the sidewalk.

Ms. Gardner asked if the fence would be wood as shown in the submitted photo; Mr. Sobel confirmed that it would be. Ms. Gardner said that she felt they had a nice yard but had concern about being so close to Valley River since it was a through street. She was concerned about creating a wall effect along the street. She expressed concern about the utility easement and building line encroachment since those were part of the recorded plat.

Ms. Gardner asked if a 4' fence would be sufficient. Mr. Sobel said that they needed a 6' height to keep the dogs from jumping the fence. Ms. Sobel said that her therapy dog needed to be secured and to keep other dogs away. Mr. Sobel said the location avoided an existing flowerbed.

Mr. Kissinger felt comfortable about the distance from the intersection but was concerned about the impact on the property to the north. He wondered if a 15' setback would be acceptable; Mr. Warnick suggested that would put it in the flowerbed they were trying to avoid. There was discussion about the visibility from the adjacent driveway. Mr. Bilger showed that a 15' setback would be at the edge of the flowerbed.

Having no more questions for the petitioner, Mr. Kissinger asked for public comment.

Hearing no comments from the audience, Mr. Kissinger asked for Board discussion or a motion. Ms. Dumbacher said she would feel more comfortable with a 15' setback. There was general discussion about the requested setback and its impacts.

Mr. Warnick made a motion to approve 24-C-VAR-6 as presented. Mr. Kissinger asked if there was a second. Having none, the motion died.

Mr. Kissinger asked the petitioner if they had priced a vinyl fence; they did, and it was not affordable. He asked if they planned to paint or stain the fence; they replied that they would.

Ms. Garnder said that the previous approval on Redstone did not encroach into their easement, which meant that they needed more room from the front setback. In this case, she felt that the encroachment into the utility easement gave them more room and the requested setback encroachment was too much. Ms. Dumbacher expressed concern about visibility.

Mr. Kissinger asked if moving the fence in 5 feet would be adequate. Ms. Gardner said that she was thinking 10 feet but she would be ok with an additional 5 feet.

Mr. Warnick made a motion to approve 24-C-VAR-6 with the condition that the east fence line be set back 5 feet further from the requested setback, which would make a 15' setback. Ms. Dumbacher seconded. Motion passed, 4-0.

2. 24-C-VAR-7

Midwest America Federal Credit Union requested variances of the sign code for an electronic message center (EMC) proposed to be located at 393 W. Plaza Drive. The property was located on the south side of Plaza Drive, south of Walton Drive.

Mr. Bilger summarized the staff report. He explained that the proposal was to add signage to an existing identification sign on the property. The proposed sign area would be 264 sq. ft., with a 60 sq. ft. EMC. Doing so would exceed the maximum 144 sq. ft. sign area permitted as based on the building width. The EMC sign area by itself was within the 85 sq. ft. permitted. The sign height would remain at 25'. He gave a history of the sign and explained how it came to be currently legal nonconforming.

He then presented aerial views and the development plan. He stated that the petitioner had considered a second identification sign along Plaza Drive but had opted to only use the existing pole sign along US 30. He showed the submitted sign elevation rendering and photos of the prior signs.

He concluded with highlights from the review criteria. He suggested that there could be practical difficulties due to the sliding scale of the sign area based on the building width and the frontage on US 30, where having a larger sign was more necessary than at locations like downtown.

Mr. Kissinger asked how big the Methodist Church electronic sign was. Mr. Bilger said he would find the answer.

Having no further questions for staff, Mr. Kissinger asked the petitioner to speak.

Bryan McMillan, Graycraft Signs of Warsaw, said that he felt the request met the variance criteria and explained the design of the sign. The EMC part of the sign would match the width of the existing sign cabinet and closing the gap between them.

Having no questions for the petitioner, Mr. Kissinger asked for public comment.

Todd Roach, representative of ProFed Federal Credit Union, said that when they built the adjacent building, they designed their sign along US 30 to avoid impacting visibility along US 30. He said that the requested sign would impede visibility of ProFed's sign.

Mr. Kissinger asked for a Google street view of the properties from US 30 for reference. Mr. Bilger presented the street views of the ProFed sign and existing Midwest America sign. It was apparent that the signs had existing conflicting lines of sight. Mr. Warnick suggested the trees on the north side of the highway had a bigger impact because they blocked the sign

and the building too. Ms. Dumbacher asked if the ProFed sign could be seen in the gap between the previous EMC and static sign. Mr. Roach said that there was some visibility through the gap.

Ms. Gardner said she felt the proposed sign would have a nice appearance; Ms. Dumbacher agreed.

Mr. Kissinger asked for any additional public comment. Hearing none, he asked for Board discussion or a motion. Mr. Warnick made a motion to approve 24-C-VAR-7; Ms. Gardner seconded. Motion passed, 4-0.

Mr. Kissinger thanked those present for their comments.

OTHER BUSINESS

Mr. Bilger presented information about the monetary and time costs of producing and mailing hard copy meeting packets. He gave information on migrating the packets to an electronic dropbox starting in 2025. Mr. Kissinger mentioned that it would be easier to research older cases if they were always available as electronic documents. There was some discussion about details.

Mr. Bilger recognized Ms. Dumbacher's service as she was stepping down at the end of the year due to changes in her life situation. She expressed appreciation in being part of the Board for eighteen or so months. There was not yet a replacement appointed.

Mr. Bilger also recognized Dawn Boyd as she was retiring as the Board counsel after 20 years of service. She had started in January 2005. He said that Greg Hockemeyer would be taking over as the BZA legal counsel in 2025. Mr. Bilger mentioned that the Mayor had planned a recognition at an upcoming City Council meeting as well. Statements of appreciation were expressed all around.

Ms. Gardner said that she would again be going to the Gulf for the upcoming winter months and asked for clarification on the Rules of Procedure on remote participation. Mr. Bilger clarified what would qualify as exceptions to the limitation on remote participation. There was discussion about the upcoming January meeting and potential filings.

ADJOURNMENT

Mr. Warnick made a motion to adjourn; seconded by Ms. Gardner. The motion passed 4-0, and the meeting was adjourned at 8:02 P.M.

GUEST LIST

1. Dianna Sobel1277 Pebble Creek Run
2. Paul Sobel1277 Pebble Creek Run
3. Scott Gray3304 Lake City Highway, Warsaw
4. Bryan McMillan.....3304 Lake City Highway, Warsaw
5. Todd Roach.....12403 Shearwater Run, Fort Wayne
6. Greg Hockemeyer116 N. Chauncey Street

GUEST LIST (WEBCAST)

7. No webcast attendees