

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
FEBRUARY 4, 2025
7:00 P.M.

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

MEMBERS PRESENT

Cathy Gardner (E) (arr'd 7:14)
Patricia Hatcher
Jon Kissinger, Chair
Anthony Romano, Vice Chair
Dennis Warnick

MEMBERS ABSENT

STAFF

Nathan Bilger
Amanda Thompson

ATTORNEY

Greg Hockemeyer

(E)lectronic participant

AUDIENCE MEMBERS

Two visitors signed the Guest List at the meeting, and 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.

Ms. Hatcher was welcomed as a new member. Mr. Hockemeyer was welcomed as the new legal counsel.

ELECTION OF OFFICERS

Mr. Warnick made a motion to retain the 2024 officers for 2025; Ms. Hatcher seconded. Motion passed 5-0. The 2025 officers are: Jon Kissinger, Chair, and Anthony Romano, Vice Chair.

CONSIDERATION OF PREVIOUS MEETING MINUTES

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

ADMINISTRATION OF OATH

Mr. Hockemeyer administered the Oath to visitors who planned to speak at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

OTHER BUSINESS

1. Interpretation of condition of 23-C-SE-1

Mr. Bilger explained that 23-C-SE-1 was a special exception for the conversion of a former church at 201 and 203 E. Ellsworth Street into apartments. It was approved with conditions on February 7, 2023.

He showed the adopted conditions and highlighted the condition that “Proposed parking area is to be paved within two (2) years of this approval.” He said the intent was to allow the petitioner to complete the building conversion and then pave the parking. The building conversion was still underway. He displayed aerial views and recent photos for references.

Mr. Bilger presented four suggested options for interpretation of the condition. He stated that modification of the condition would require a public hearing, but this was a request for the Board to clarify how the condition should be applied. The options presented were:

- Pavement to be installed by 2/7/25
- Pavement to be installed before issuing final Certificate of Occupancy (standard for commercial projects)
- Pavement to be installed by 2/14/26 (two years from date of building permit issuance)
- Pavement to be installed within two years of the date of Certificate of Occupancy

He suggested that he recalled the fourth option as perhaps being the closest to the intent, but he requested the Board to make the interpretation.

Mr. Kissinger requested the property owner to speak about the project.

Eli Shultz, property owner, gave details on the status of the project. He said his intention was to install asphalt by summer, but paving contractors were noncommittal. He said that the site was already being prepared for paving. He stated that he would prefer the fourth option since it would allow the most flexibility.

Ms. Gardner was able to join the meeting at this point. Mr. Kissinger asked if she had any questions. She said that she felt the property was looking good and understood why pavement could not be put in with the winter weather.

The Board discussed the options suggested. Ms. Gardner said she felt that it was in the interest of Mr. Shultz to install the pavement since he would want to rent the apartments soon.

Mr. Romano said he felt the third option was most appropriate.

Mr. Warnick said that the car dealership was given five years to pave and asked why should these apartments be held to a higher standard than that property.

There was discussion about what constituted the date of Certificate of Occupancy. That could be years out, depending on how long it would take to complete the building permit.

Mr. Kissinger said he would prefer a fixed date; Mr. Romano said that as well.

Ms. Gardner said she preferred the second option.

Mr. Kissinger asked for a motion. Mr. Romano made a motion to clarify the condition to be that the pavement be installed by 2/14/26. Ms. Hatcher seconded the motion. Motion passed, 5-0 by roll call vote.

Mr. Bilger said the file would be updated with the clarified date.

Mr. Shultz asked what would happen if he could not comply with the condition. Mr. Bilger explained the zoning enforcement process. The Board said that if he felt that he could not meet the deadline that he should come back to the Board again.

REPORTS FROM STAFF

Mr. Bilger explained the new meeting agenda format.

ADJOURNMENT

Mr. Romano made a motion to adjourn; seconded by Mr. Warnick. Mr. Kissinger adjourned the meeting at 7:30 P.M.

GUEST LIST

1. Eli Shultz201 E. Ellsworth Street
2. Brook Perry [name was not clear]201 E. Ellsworth Street

GUEST LIST (WEBCAST)

3. No webcast attendees