

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
JUNE 3, 2025
7:00 P.M.

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

MEMBERS PRESENT

Cathy Gardner
Patricia Hatcher
Jon Kissinger, Chair
Anthony Romano, Vice Chair
Dennis Warnick

MEMBERS ABSENT

STAFF

Nathan Bilger
Amanda Thompson

ATTORNEY

Greg Hockemeyer

Electronic participants, if any, are marked with (E)

AUDIENCE MEMBERS

Eight 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

Four sets of previous meeting minutes were presented for consideration. Mr. Kissinger asked for any comments or a motion on the October 1, 2024, regular meeting minutes. Ms. Gardner said that there was a missing word in the middle of the second page. “Ms. Gardner why the Board” likely was supposed to be “Ms. Gardner asked why the Board”. Having no other comments or corrections, Ms. Gardner made a motion to approve the minutes as presented with the correction; Mr. Romano seconded. Motion passed, 4-0-1, with Ms. Hatcher abstaining since she was not a member at the time.

Mr. Kissinger asked for any comments or a motion on the minutes of the December 3, 2024, regular meeting. Having no comments, Mr. Romano made a motion to approve the minutes as presented; Ms. Gardner seconded. Motion passed, 4-0-1, with Ms. Hatcher abstaining since she was not a member at the time.

Mr. Kissinger asked for any comments or a motion on the minutes of the February 4, 2025, regular meeting. Having no comments, Ms. Hatcher made a motion to approve the minutes as presented; Mr. Romano seconded. Motion passed, 4-0-1, with Ms. Gardner abstaining since she was not able to read the minutes before the meeting.

Mr. Kissinger asked for any comments or a motion on the minutes of the March 4, 2025, regular meeting. Having no comments, Mr. Romano made a motion to approve the minutes as presented;

Ms. Hatcher seconded. Motion passed, 4-0-1, with Ms. Gardner abstaining since she did not attend the meeting.

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

1. 25-C-VAR-6

Sabrina Martinez, owner of the subject property, requested a development standards variance to permit the construction of a tall fence in the front platted setback on their property at 183 N. Ann Marie Lane. The property was located on the northwest corner of Bridget Lane and Ann Marie Lane and is Lot 46 of Irish Glenn (recorded 1997) and was zoned R-1, Single-Family Residential.

Mr. Bilger summarized the staff report. He said the proposal was to install a 6' wood privacy fence that would enclose the western (rear) yard. The proposed setbacks were 11' from the west to avoid a utility easement, 3.5' to the north, and 10' from the Bridget Lane right-of-way. He said that there was a covenant in the subdivision that fences would not encroach past the platted building line without approval by the architectural committee, but he did not believe that was set up. He stated that the zoning code required a maximum height of 4' for fences in front yards. He displayed aerial views, the submitted site plan, and the subdivision plat. Mr. Bilger concluded with comments on the review criteria. He did not have concerns about public health and safety since the 10' setback from the right-of-way would mitigate effects on the street visibility, and the use and value would not likely be affected given the setbacks limiting aesthetic impacts. He said that there were no specific practical difficulties that he could identify since the corner lot was very similar to other corner lots; however, other corner lots in the subdivision did already have similar fences, whether legally installed or not.

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

Sabrina Martinez, petitioner, stated that she was disabled and the fence was needed to keep her service dog at home, as well as keeping other dogs away. She said that she bought the corner lot in 2002 for the extra space and always had the intention to fence in the yard. She said that an in-ground fence would not be sufficient.

Ms. Gardner asked if the requested 10' was measured from the sidewalk. Ms. Martinez said it was. Ms. Gardner said that the distance to the tree on the property was about 15' from the sidewalk; Ms. Martinez affirmed that sounded correct.

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

Having no comments from the audience, Mr. Kissinger closed the public hearing and asked for Board discussion or a motion. Ms. Gardner said that she was normally not a proponent of fences in front yards, but she felt the location was appropriate for this property. She said that she would like a condition that the fence be a minimum of 10 feet from the sidewalk. There

being no other Board discussion, Ms. Gardner made a motion to approve 25-C-VAR-6 with the condition that the fence be at least 10' from the sidewalk. Mr. Romano seconded. Motion passed, 5-0.

2. 25-C-VAR-7

Jeffrey Lupke, owner of the subject property, requested a development standards variance to permit the construction of a tall fence in his rear yard. The property was located at 839 South Redstone Court and is comprised of Lot 17 of Seeks Village, recorded in 1998, and was zoned R-2, Two-family Residential.

Mr. Bilger summarized the staff report. Proposed was to add two feet of height to the eastern and part of the south and north sides of the existing 6' wood privacy fence to make a maximum 8' fence. He said that there was no homeowners' association established nor were there fence standards in the covenants. The fence code required a maximum height of 6' for residential fences. He then displayed aerial views for reference, including one showing the topography and pointed out that east property line was 2.5' to 3' lower than the house elevation. He then showed the proposed site plan, submitted photos of the existing yard, and a street view, and discussed the effect of the lower elevation on the visibility in the yard. He concluded with the review criteria, commenting that the substantial drop in elevation was a practical difficulty for the height of the fence. Public safety or health would not be affected since the increased height was only a part of the fence, the increased height would improve the usability of the surrounding area by improving the effectiveness of the privacy fence, and the value would not likely be affected. He said that in his recent fence code research, he found some communities had provisions for averaging fence heights due to grades to address cases like this.

Having no questions from the Board, Mr. Kissinger asked the petitioner to speak.

Jeffrey Lupke, petitioner, said that he was retired and enjoyed being outside a lot, in his yard, patio, and three seasons room. He enjoyed watching Cubs baseball games on his TV from the three seasons room and patio. He said he desired to use his space without disturbing the neighborhood. He described numerous things he had already done to limit the disturbance from the TV, among which included lowering the TV and using headphones. Increasing the fence height would handle wind better than vegetation. He said he was trying to make things better for everyone.

Mr. Warnick asked if the fence would be added onto or rebuilt. Mr. Lupke said that the fence contractor planned to remove the existing east side of fence since larger fenceposts would be needed to accommodate the 8' height. He said that the entire east side and one panel on the southeast would be 8', with the south panel being stepped down to match the existing 6'. The northeast corner would also be stepped down but it would be a steeper angle since the shed blocked the view in that corner.

Having no more questions, Mr. Kissinger thanked Mr. Lupke and asked for any public comment. Having no comments from the audience, Mr. Kissinger closed the public hearing and asked for discussion or a motion.

Mr. Warnick made a motion to approve 25-C-VAR-7; Mr. Romano seconded. Motion passed, 4-1, with Ms. Gardner voting against. She stated that she had previously voted against a similar fence height request and wanted to be consistent.

OTHER BUSINESS

There was no other business.

REPORTS FROM STAFF AND MEMBERS

Mr. Bilger said that Cohen Reimers would be taking over as the Board's legal counsel as of July. He had been the Plan Commission counsel since January.

Mr. Bilger also reminded the Board of the upcoming Fifth Monday training session to be held on June 30. The tentative topic was to be ethics and conflicts of interest.

ADJOURNMENT

Mr. Romano made a motion to adjourn; seconded by Mr. Warnick. The motion passed 5-0, and the meeting was adjourned at 7:35 P.M.

GUEST LIST

1. Sabrina Martinez183 Ann Marie Lane
2. Mary Martinez4285 E. State Road 205
3. Christie Hazen.....211 Ann Marie Lane
4. Heather Hazen.....197 Ann Marie Lane
5. Bonnie Hazen.....No address given
6. Jeff Lupke839 Redstone Court
7. Sam McMillen1436 E. Bridget Lane
8. Cohen Reimers.....116 N. Chauncey Street

GUEST LIST (WEBCAST)

9. No attendees on the webcast