

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
DECEMBER 5, 2023
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

ATTORNEY

Dawn Boyd

(E)lectronic participant

AUDIENCE MEMBERS

Seven visitors signed the Guest List at the meeting; however, most left prior to the start of the meeting. There were no attendees on the webcast. A Guest List is included with these minutes.

CALL TO ORDER/ROLL CALL/INTRODUCTIONS

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

CONSIDERATION OF PREVIOUS MEETING MINUTES

The September minutes were presented for consideration. Mr. Bilger distributed an amended page 8, making corrections noted by Ms. Gardner. Mr. Kissinger asked for any other comments or a motion. Ms. Gardner made a motion to approve the September minutes as corrected; Mr. Warnick seconded. Motion passed, 3-0-2, with Mr. Romano and Ms. Dumbacher abstaining due to not being present at the meeting.

ADMINISTRATION OF OATH

Ms. Boyd administered the Oath to one visitor planning to speak at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Bilger announced that the second item on the agenda, 23-C-VAR-9, was being continued to the January 2nd meeting due to lack of newspaper publication.

1. 23-C-VAR-8

Joshua Odum requested approval of a variance to allow for the construction of a fence at 749 N. Long Ridge Road. The subject property, Lot 59 of Chesapeake Landing, Section II, was

zoned R-3, Multi-Family Residential District, and located on the southwest corner of Long Ridge Road and Cambridge Drive.

Mr. Bilger summarized the Staff Report and described the proposal for a 6' tall wood privacy fence located in the back and side yards, with a setback of about 3' from the right-of-way of Cambridge Drive. The fence was already installed and had Homeowners Association Approval. The zoning code permitted a maximum height of 3' for non-chain link fences in front yards. He displayed aerial photos, plot plan, and site plan and explained the 25' front setbacks and easements on the property. He clarified that for corner lots, the zoning code considered the long frontage side as a "side yard" with a front setback for buildings, but as a fence, it was exempt from the setbacks. If it were not for the platted front setback, the code could allow for the taller fence. He discussed the review criteria, stating that the aesthetics of a tall fence along a right-of-way could have impact on general welfare and public safety would not likely be impacted given the distance from the corner. He concluded by stating that there was nothing that was especially unique with this property as a practical difficulty; however, since the HOA approved the proposal, the dual oversight may have caused some difficulty. Mr. Bilger stated that there were other similar fences in the neighborhood, some approved by variance.

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

Joshua Odum, petitioner, stated that the fence was needed since his family does dog rescues. He clarified that after the site plan was submitted, he determined that the actual distance from the sidewalk was 10', making it 6' more than shown on the plan. He said that he had obtained the HOA approval himself, but he relied on the fence contractor to obtain a building permit, which they failed to do. He kindly asked the Board for their approval.

Mr. Kissinger opened the public hearing; there was no public comment. He closed the hearing.

Ms. Gardner asked for confirmation of the distance from the sidewalk. Mr. Odum stated it was actually 10'. Ms. Gardner said that she would have preferred to have the fence lined up with the side of the house, but she noted that there were a lot of privacy fences already in the neighborhood. Mr. Odum agreed that there were, and the HOA could not control all of them. He added that he placed the fence to avoid being an obstruction at the intersection.

Mr. Warnick asked if most of the fences in the neighborhood were for pets. Mr. Odum responded that he was not sure, but he felt that many were for pets and some for children.

Having no further discussion, Mr. Kissinger asked for a motion. Mr. Romano made a motion to approve as presented; Ms. Dumbacher seconded. Motion passed, 5-0. Mr. Warnick expressed appreciation for Mr. Odum taking the time to file for the variance.

OTHER BUSINESS

Happy holiday wishes were shared.

ADJOURNMENT

There being no further business, Mr. Romano made a motion to adjourn. Ms. Gardner gave the second, and the meeting was adjourned at 7:17 P.M.

GUEST LIST

1. Darrin Daniel 1021 W. Lincolnway, Columbia City
2. Jill Daniel 1021 W. Lincolnway, Columbia City
3. Russell Moore 127 N. Wildthorne Court, Columbia City
4. Kristine Flores 136 N. Wildthorne Court, Columbia City
5. Joe Flores 136 N. Wildthorne Court, Columbia City
6. Josh Odum 749 N. Long Ridge Road, Columbia City
7. Keller Odum 749 N. Long Ridge Road, Columbia City

GUEST LIST (WEBCAST)

8. None.