

MINUTES
CHURUBUSCO BOARD OF ZONING APPEALS
REGULAR MEETING
JANUARY 18, 2024
7:30 P.M.

CHURUBUSCO BOY SCOUT BUILDING

MEMBERS PRESENT

Brandon Johnson
Alan Malcolm
Brenda Saggars, Vice Chair

MEMBERS ABSENT

Jason Bartl, Chairman
Miles Wilson

STAFF

Nathan Bilger

ATTORNEY

absent

AUDIENCE MEMBERS

Sixteen visitors signed the Guest List at the meeting. The Guest List is included with the minutes of this meeting.

CALL TO ORDER/ROLL CALL/INTRODUCTIONS

Ms. Saggars called the meeting to order at 7:30 P.M. Mr. Bilger read the roll with members present and absent listed above.

ELECTION OF OFFICERS

Mr. Malcolm made a motion to retain the 2023 officers for 2024. Mr. Johnson gave the second; motion passed 3-0. The 2024 officers are Jason Bartl, Chairman and Brenda Saggars, Vice Chairman.

CONSIDERATION OF PREVIOUS MEETING MINUTES

Mr. Johnson made a motion to approve the October 19, 2023, meeting minutes, as presented. Mr. Malcolm gave the second; motion passed 3-0.

ADMINISTRATION OF OATH

Mr. Bilger administered the Oath to visitors planning to speak at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 24-CH-VAR-1

Busco Beans, LLC, requested approval of a Variance of the Parking Code for a drive-through restaurant proposed to be located at 209 S. Main Street. Mr. Bilger summarized the Staff Report and explained that the Code had different parking requirements for restaurants with a drive-through and those without. Mr. Bilger clarified that adding the drive-through would require 25 parking spaces whereas the existing 16 spaces were otherwise compliant; the

petitioner requested a Variance as no additional parking spaces were proposed. Mr. Bilger referenced the site plan and described the traffic flow proposed for the drive-through. He pointed out that access from Mill Street to the subject property was by way of an existing easement “of some sort,” through the property to the south, and he said that any rights of cross access would be a matter of discussion between the property owners. He stated that the Code required 10 on-site stacking spaces for this site; the petitioner only had room for six on-site, so a Variance was requested. Mr. Bilger noted that the proposal would have met the requirement if spaces between the subject property and Mill Street were permitted in the count. He referenced a similar business in Columbia City and another in South Whitley and stated that each of those businesses sometimes utilized 3-4 stacking spaces but more commonly just 1-2. Mr. Bilger summarized the Review Criteria and said he felt the Variance for the number of parking spaces was likely supportable due to the technicality of the Code. He said six on-site stacking spaces also seemed supportable, considering the nature of the use. Mr. Bilger pointed out that the use and value of the area adjacent to the property could be affected, especially that of the property to the south, if traveling through that property was necessary, but he stressed that the Board should consider the affect of the use only and not the terms of the off-site use between the property owners. In conclusion, he said there did seem to be practical difficulties that limited the petitioner’s ability to comply with the Parking Code, and the Board might consider that the low intensity of the use may support an approval. There were no questions for Mr. Bilger, and Ms. Saggars requested to hear from the petitioner.

Tony Pollick, owner of Busco Beans, was present and indicated that Mr. Bilger accurately described his proposal. There were no questions for Mr. Pollick, and Ms. Saggars invited others to speak.

Scott Royer introduced himself as a representative of the American Legion Post. He stated that small changes downtown have a large impact on traffic in the area. As an example, he referenced that when a neighboring property installed internal traffic blocks, traffic through the area changed, and the Legion and Post Office had to work together to redesign traffic flow through their sites. Mr. Royer asked if there were plans to improve the drive off Mill Street. He indicated that the drive was in poor condition and serviced a lot of traffic. Mr. Royer wondered if the Town would assist with the repairs or if the neighboring properties would need to work together for improvements. He stated that the Legion had extra traffic blocks and would be happy to work with Busco Beans on this matter. Mr. Bilger clarified that maintenance of the area would be a topic for the neighbors to discuss; they could ask if the Town would want to assist with the improvements, but the Town would not be obligated to contribute.

Denise Geiger explained that she lived on the corner of Main Street and Mill Street, and the drive from Mill Street was privately owned, with no stop sign. She testified that she had regularly seen traffic from the driveway pulling out in front of Mill Street traffic.

Chris Warner, property owner to the north, told the Board he had no concerns with the petitioner’s drive through window, but he was worried about what would happen if the southern property would build a new building, seeing as the only access to his property is through the drive, which is marked with a “private drive” sign.

Mr. Pollick added that there are utilities located on the drive, and he wondered if there was a utility easement. Mr. Royer said he had recently learned that there was a “city access” easement, so permanent blocking of the drive was prohibited. Mr. Warner also referenced a manhole on his property and said the drive would be the only way to access it. Ms. Saggars stated that she owns property east of Mr. Warner and said she was told that the properties Mr. Warner now owns were unbuildable because of the location of the storm sewer there. She expressed concern regarding flooding in the area if the storm sewer were unable to be maintained but said she would not be affected by the petitioner’s proposed plans.

Amber Rutsey described that she lives near the property and drives past regularly. She voiced that when businesses do well, it has a positive impact on the town. She encouraged the Board not to base their votes on matters that could be resolved between the property owners and the Town, because those matters should not hinder a potentially successful business. Ms. Rutsey pointed out that Churubusco does not have any other drive-through coffee shops, so people, such as herself, interested in picking up coffee are going to other communities. She added that the traffic at intersection was already something the area residents have to plan around, so the drive-through would not stand out as an inconvenience. She stressed that supporting the proposed business was an opportunity to benefit the community.

There were no further comments, and Ms. Saggars closed the public hearing. Mr. Bilger stated for the record that the Board did receive copies of a letter submitted by the owners of Thornhill, a neighboring property owner. Mr. Bilger confirmed for Mr. Malcolm that parking number and on-site stacking were the only subjects before the Board. Mr. Malcolm made a motion to approve 24-CH-VAR-1, as presented. Mr. Johnson gave the second; motion passed 3-0.

OTHER BUSINESS

Mr. Bilger reminded the members of the upcoming training session on January 29th. He encouraged them to submit any planning/zoning/building/government/etc. related questions to be considered at the meeting. Mr. Malcolm offered a question: What is the process to change the Parking Code? Mr. Bilger replied that the Plan Commission and then Council would review the proposed changes. He said he was working through updating the Columbia City Parking Code and would use it as a model for Churubusco’s proposal.

ADJOURNMENT

There being no further business, Mr. Malcolm made a motion to adjourn. Mr. Johnson gave the second, and by unanimous vote, the meeting was adjourned at 7:50 P.M.

GUEST LIST

1. Denise Geiger 301 S. Main Street, Churubusco
2. Tony Pollick 6147 N. 550 East, Churubusco
3. Cathy Pollick 6147 N. 550 East, Churubusco
4. Tylar Pierson 19101 McDuffee Road, Churubusco
5. Dustin Degler 19101 McDuffee Road, Churubusco
6. Jeff Degler 18901 McDuffee Road, Churubusco
7. Cheryl Degler 18901 McDuffee Road, Churubusco
8. Doug Thompson 4150 N. Sheldon Road, Churubusco
9. Cindy Thompson 4150 N. Sheldon Road, Churubusco
10. Scott Royer American Legion, Post 157
11. Tamra Phend Wilma’s Health Care
12. Tiffany Phend Wilma’s Health Care
13. Nate Van Horn 426 N. Mulberry Street, Churubusco
14. Amanda Van Horn 426 N. Mulberry Street, Churubusco
15. Jess Miller 5401 E. Burd Road, Columbia City
16. Amber Rutsey 12411 Brandon Road, Churubusco