

MINUTES OF REGULAR MEETING

BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS

The regular monthly meeting of the Bartholomew County Board of Zoning Appeals was held on July 27, 2015 at 7:00 p.m., on the fourth floor of the Bartholomew County Governmental Office Building, 440 Third Street, Columbus, Indiana.

Members Present: **Chair, Zack Ellison; Vice Chair, Roger Glick, David Flohr and Jason Newton**

Staff Present: **Melissa Begley, Assistant Planning Director, Bill Klakamp, Asst. Code Enforcement Officer and Nancy Whipker**

County Plan Commission Attorney: **Kathryn Molewyk**

The meeting was called to order by Chair Ellison. The Board and Staff introduced themselves.

Ms. Molewyk administered the oath to those in attendance who wanted to speak.

DOCKET NO. B/UV 15-01 Horvath Towers (State Road 7)

This is a continued request for a use variance from Zoning Ordinance Section 6.8 (Table 6.5) to allow a telecommunications tower to be located in the AG (Agriculture: General) zoning district. The property is located at 11401 East State Raod7, in Rockcreek Township.

The meeting was attended by Dan Coots, Attorney at Law, representing the Petitioner.

Melissa Begley gave the Staff Report consisting of preliminary staff recommendation of denial, stating criteria 2, 3 and 4 had not been met. The report also contained zoning, comprehensive and planning considerations, as well as provisional findings. She gave a power point presentation of the subject property showing the proposed location of the tower.

John Marceletti, Dan Coots and Dave Coots were in attendance to represent the applicant.

Mr. Coots said the tower would be a monopole design and materials used would meet all safety State and Federal regulations. He said the tower would not have a negative effect on the area as there are similar towers (water, etc.) in the general community. He stated the tower would be located as the Ordinance requires by conditional use on an available site in an agriculture zoned district. He also said the tower would not substantially interfere with the Comprehensive Plan and the said installation would make no change to the curb cut. Additionally, he said traffic for service would only occur on a monthly basis and the tower would be 60 ft. from State Road Highway 7. He noted that a light would not be required for the tower.

DeWayne Hines attended the meeting, representing his in-laws who own the property adjacent to the Church and expressed concern that criteria 2, 3 and 4 had not been met. He also stated there were other locations, probably within a quarter mile better suited for a tower.

Chair Ellison opened up the meeting to the public.

Don Meier, 12231 E 400 S, Elizabethtown attended the meeting expressing concern with any damage being done to drainage tile on ground he farms in the area by the tower installation.

Mike Harris, Pastor of the Faith Hope Love Church of Christ, which occupies subject property, was sworn in by Ms. Molewyk. Pastor Harris said the church has had no drainage problems during the 5 years they have been at their location.

Attorney Coots stated petitioner would be glad to make repairs to any damaged drainage tile a condition of approval by the Board.

A motion to approve this request was made by Roger Glick, agreeing with staff's findings of fact #1 and #5, criteria #2 has been met because the tower will not be detrimental to the surrounding property, criteria #3 has been met because with the presence of the church, the site will not be used as a single family residence. Criteria #4 has been met because the tower is not changing or limiting the use of the property and it will create a financial hardship for the church if the variance is denied. The motion was seconded by Jason Newton.

The motion passed 4-0.

DOCKET NO. B/DS 15-09 Ben J. Stallings

This is a request for development standards variances from (1) Zoning Ordinance Section 3.5(C) to allow a side setback for an agriculture structure (a barn) to be 10.8 feet, 19.2 feet less than the 30 foot minimum setback and (2) Zoning Ordinance Section 3.5(C) to allow a side setback for an accessory structure to be 10.6 feet, 4.4 feet less than the 15 foot minimum setback. The property is located at 4870 North 900 East, in Clifty Township.

Rik Sanders of ER Gray and Associates attended the meeting with petitioner, Ben Stallings. Mr. Sanders stated the proposed division of the property is the best option even though it requires a variance.

Ms. Begley gave the Staff Report, consisting of preliminary Hearing Officer Approval, zoning and planning considerations and provisional findings. A power point presentation was shown of the subject property. Ms. Begley noted that this item was originally scheduled for the Hearing Officer meeting, but was forwarded to the full board because the day of the meeting, City Hall was closed because the power was out.

Chair Ellison opened the meeting for public comment, there being none, he then closed the public portion of the meeting.

Upon a motion made by Jason Newton, agreeing with staff's findings of fact, seconded by Roger Glick approval of this request was granted 4-0.

DOCKET NO. B/CU 15-05 Horvath Towers (175 East)

A request for conditional use approval per Zoning Ordinance Section 6.8 (Table 6.5) to allow a new telecommunications tower to be located in the AP (Agriculture: Preferred) zoning district. The property is located at the northwest corner of 400 South and 175 East, in Sandcreek Township.

Chair Ellison said a request for continuance had been received from the Petitioner for the above Docket. A motion was made by Roger Glick and seconded by David Flohr to grant the continuance which passed 4-0.

FINDINGS OF FACT

The following findings were submitted for consideration:

B/DS 15-06 Tania & Klint Works

A motion was made by Jason Newton and seconded by David Flohr to accept the findings as submitted.

B/DS 15-08 Nathan West

A motion was made by David Flohr and seconded by Jason Newton to accept the finding as submitted.

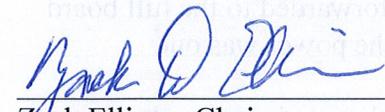
B/FPV15-01 Jackie Sanders

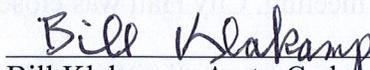
A motion was made by Roger Glick and seconded by David Flohr to accept the findings as submitted.

MINUTES

Upon a motion made by Jason Newton and seconded by Roger Glick, the minutes of the June 22, 2015 meeting were approved 4-0.

There being no further business, the meeting was adjourned at 8:15 p.m..


Zack Ellison, Chair


Bill Klakamp, Asst. Code
Enforcement Officer