



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(October 27, 2015 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-15-20 (David Weinzapfel)
Staff: Melissa Begley
Applicant: David Weinzapfel
Property Size: 20,908 square feet
Current Zoning: RS1 (Residential: Single Family 1)
Location: 2772 Lafayette Ave., in the City of Columbus

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 3.8(C) is for the purpose of building a tool shed 2 feet from the north property line, which is 3 feet closer than the required 5 foot side setback requirement for an accessory structure.

Preliminary Staff Recommendation:

Denial, Criteria #3 has not been met.

Zoning Ordinance Considerations:

District Intent: The intent of the RS1 (Residential: Single Family 1) zoning district is as follows: To provide areas for low density single-family residences in areas with compatible infrastructure and services. Development in this zoning district should generally be served by sewer and water utilities. Such development should also provide residents with convenient access to Collector and Arterial streets, parks and open space, employment, and convenience goods.

Development Standards: Section 3.8(C) Minimum Side Setback: Accessory structures are required to be setback a minimum of 5 feet from the side property line.

Current Property Information:	
Land Use:	Single Family Residential
Site Features:	Single family residence
Flood Hazards:	No flood hazards exist on this property.
Vehicle Access:	Lafayette Avenue (Local, Residential, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RS1 (Residential: Single Family 1)	Single Family Residential
South:	RS1 (Residential: Single Family 1)	Single Family Residential
East:	RS1 (Residential: Single Family 1)	Single Family Residential
West:	RS1 (Residential: Single Family 1)	Single Family Residential

Interdepartmental Review:	
Code Enforcement:	The Indiana Residential Building Code does not require a setback from the property line for what is called “tool and storage sheds”. Approval of this variance (two foot setback) should not create any issues with the construction or maintenance of the structure.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is requesting to construct a 12 ft. by 20 ft. (240 square foot) accessory structure for the purpose of storing tools on the subject property. The tool shed will be approximately 12 feet in height to the peak of the roof and will be a saltbox style building.
2. The applicant has indicated that the structure will be located on the north side of the property, behind the house and will be located approximately 2 feet from the property line. Zoning Ordinance Section 3.8(C) requires that accessory structures be located 5 feet from any rear or side property line.
3. The subject property is almost a half of an acre in size, with approximately a third or 30% (6,000 square feet) of the lot behind the house. There are some planting beds in the back yard and a 7 foot wide easement along the west property line. There is also a large tree located in the center of the back yard.
4. The closest neighboring dwelling to the proposed location of the toolshed is approximately 40 feet to the northeast and the closest neighboring structure to the toolshed is a swimming pool approximately 12 feet to the north.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The location of the structure would not be injurious to the public health, safety, and morals and general welfare of the community because the accessory structure is located outside of public right-of-way and although it is only 2 feet from the adjoining property line, there is space between the fence and the structure to maintain the structure when needed. The building is greater than 40 feet from the nearest structure on the adjoining property. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The structure will not impede the use of the adjacent property. Aesthetically an accessory structure placed at a 2 foot setback will not make an appreciable difference from an accessory structure placed at a 5 foot setback and will not substantially adversely affect the use and value of the surrounding properties. *This criterion has been met.*

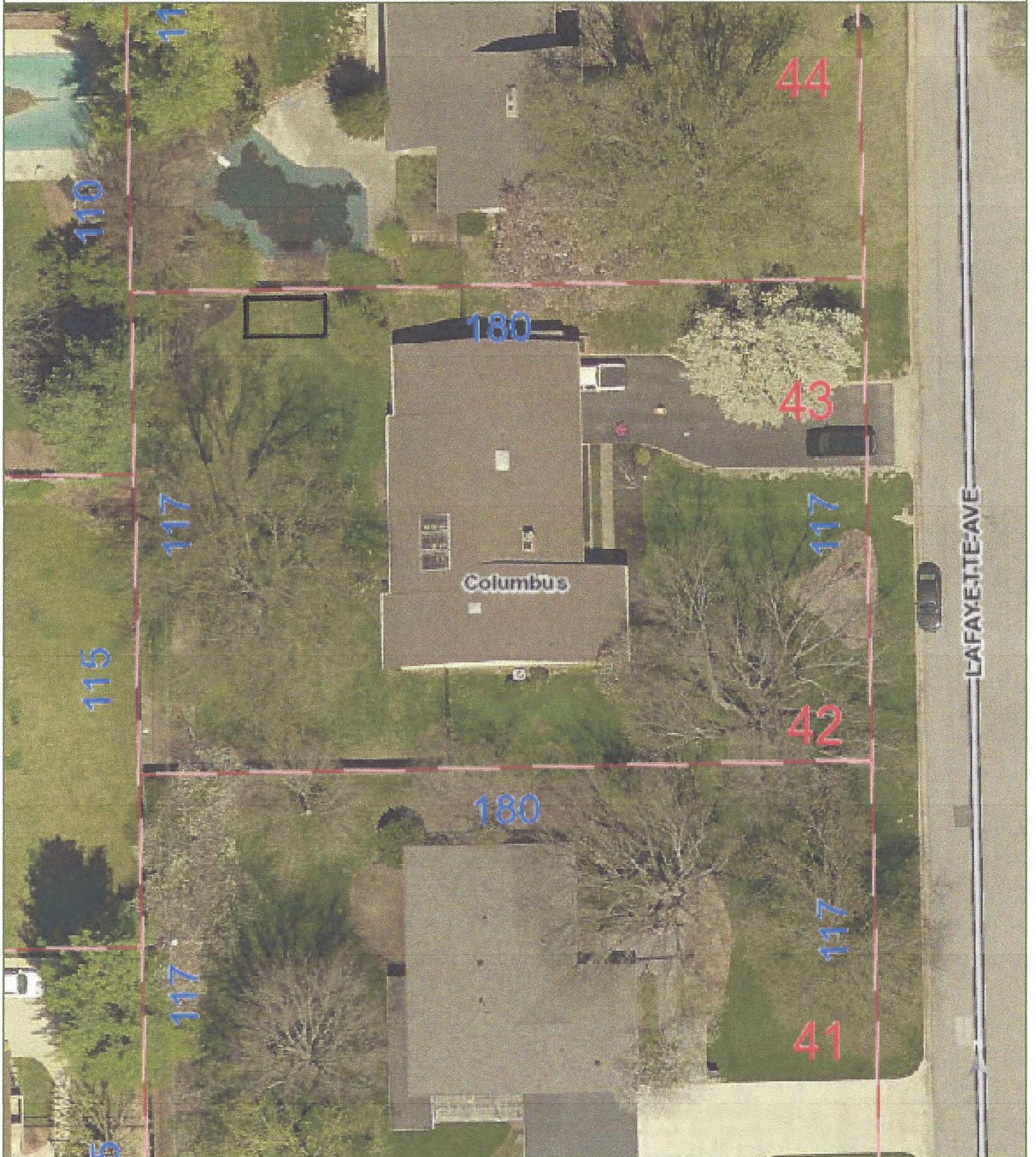
3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: There is over 6,000 square feet of area in the back yard that could accommodate the accessory structure. Other than a large tree in the center of the back yard, there are no other significant obstructions that would require the accessory structure to be placed 2 feet from the property line and therefore there is no practical difficulty in the use of the property. *This criterion **has not** been met.*

Board of Zoning Appeals Options:

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Bartholomew County, IN



Variance Requested:

I am requesting a variance from Section 3.8 - C of the Zoning Ordinance to allow the following:

The construction of a tool shed on the north side of our property at 2772 Lafayette Ave. We are requesting an encroachment into the required 5 foot side set back by 3 feet to allow the accessory structure to be located 2 feet from the existing privacy fence.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Since the structure will be outside of the public right of way, 2 feet from the existing property line/privacy fence as well as more than 25 feet from the nearest structure on the adjoining property, the location of the shed will not be injurious to the public health, safety, morals, and general welfare of the community.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The tool shed will be constructed with high quality materials with a long lifespan that will not require frequent maintenance and therefore encroachment on the adjacent property for maintenance will not pose a problem. The structure will also be 2 feet from the property line which will leave plenty of space for maintaining the existing privacy fence. The tool shed will be screened from the view of neighboring properties by the existing mature landscaping.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

The garage and service side of our lot is on the north side of the property. Locating the shed on the south side of the property would interrupt the existing mature trees, landscape, irrigation system as well as buried electrical lines running to the southwest corner of the property. Locating the tool shed 3 feet closer to the property line/privacy fence would also ensure that the structure would be clear of the existing buried power lines running to the northwest corner of the property from the back of the garage. The west side of the property has a drainage and utility easment.

Application Fee Refund Information:

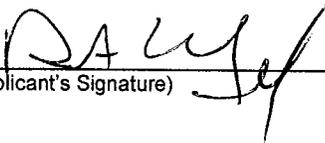
The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: David A. Weinzapfel

Address 2772 Lafayette Ave Columbus IN 47201
(number) (street) (city) (state) (zip)

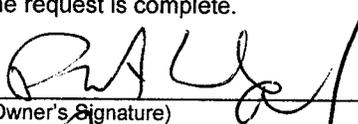
Applicant's Signature:

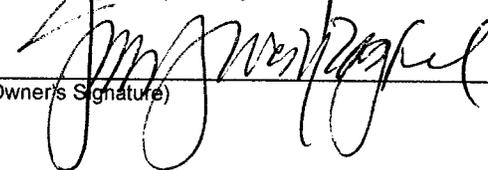
The information included in and with this application is completely true and correct to the best of my knowledge and belief.


(Applicant's Signature) 9-15-15
(Date)

Owner's Signature (the "owner" does not include tenants or contract buyers):

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.


(Owner's Signature) 9-15-15
(Date)


(Owner's Signature) 9-15-15
(Date)



