



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
HEARING OFFICER  
(October 8, 2013 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/CU-13-17 (Summer's Heating & Cooling)  
**Staff:** Melissa Begley  
**Hearing Officer:** Melissa Begley  
  
**Applicant:** Summer's Heating & Cooling  
**Property Size:** 1.88 Acres  
**Zoning:** CC (Commercial: Community)  
**Location:** 4161 N 150 W, in the City of Columbus

**Background Summary:**

The applicant has indicated that the proposed conditional use will allow a contractor's workshop to be located in the CC (Community: Commercial) zoning district.

**Preliminary Hearing Officer Decision:**

Approval, all criteria have been met. Approval is contingent upon the following:

1. Obtaining the property owner's signature on the application.
2. Adequate parking being provided.
3. No outside storage of materials or equipment.
4. Removal of illegal signs in the right-of-way.

**Zoning District Intent:**

The intent of the CC (Commercial: Community) zoning district is as follows: to establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community- wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Victory Gymnastics, Leap Frog Gymnastics, Team One Transport
<b>Site Features:</b>	Two multi-tenant commercial buildings, parking lot
<b>Flood Hazards:</b>	The 100-year floodway fringe is located on a significant portion of the property.

Bartholomew County, IN



Summers  
15 COPIES  
\$150  
Sept 17th  
→ meeting  
Oct 29th  
3:30 pm

Columbus – Bartholomew County Planning Department  
Conditional Use Application

RECEIVED  
SEP 17 2013  
BY: ASK

Planning Department Use Only:

Jurisdiction:  Columbus  Bartholomew County  
Zoning:  
Docket No.: C/CU-13-17  
Hearing Procedure:  Hearing Officer  Board of Zoning Appeals

Conditional Use Application:

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: Summers Heating and Cooling  
Address: 4161 N 150W #B Columbus IN 47201  
(number) (street) (city) (state) (zip)  
Phone No.: (812) 390-7926 Fax No.: \_\_\_\_\_ E-mail Address: jay.bernd@summersphc.com

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: TRISH Meier & Shane Meier  
Address: 1503 N. Meadows Ct. Columbus IN 47203  
(number) (street) (city) (state) (zip)  
Phone No.: 812-343-0873 Fax No.: \_\_\_\_\_ E-mail Address: trishmeier0329@yahoo.com

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: Trish or Shane Meier  
Address: 1503 N Meadows Ct. Columbus IN 47203  
(number) (street) (city) (state) (zip)  
Phone No.: 812-343-0873 Fax No.: \_\_\_\_\_ E-mail Address: trishmeier0329@yahoo.com

How would you prefer to receive information (please check one):  E-mail  Phone  Fax  Mail

Property Information:

Address: 4161 N 150W #B Columbus IN 47201  
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

**Conditional Use Requested:**

I am requesting a conditional use as listed by Section 3.20(B) of the Zoning Ordinance to allow the following:

TO ALLOW A CONTRACTOR'S OFFICE IN A CC ZONING  
DISTRICT.

**Conditional Use Criteria:**

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that each must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria.

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

No - Summers is locally owned + supports others in  
the community. The business is low key, service  
oriented + keeps area clean + tidy.

**The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

Yes - They have some retail business

**Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

No - The Summers group is a good group to have at  
Victory Circle.

**The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

Yes.

**Applicant's Signature:**

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

Say Beal  
(Applicant's Signature)

9-17-13  
(Date)

**Property 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.

Trish Meier  
(Owner's Signature)

9/17/13  
(Date)

Jane Meier  
(Owner's Signature)

9/17/13  
(Date)

<b>Vehicle Access:</b>	150 West (Local, Commercial, Suburban)
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<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	CC (Commercial: Community)	Victoria's Glitz Glamor & More
<b>South:</b>	I-2 (Industrial: General)	Storage Express Self-Storage
<b>East:</b>	I-2 (Industrial: General) I-3 (Industrial: Heavy)	Vacant Industrial Property, Self Storage Industrial Use Buildings
<b>West:</b>	RM (Residential: Multi-Family) RS2 (Residential: Single Family 2)	The Arbors at Waters Edge (Apartments) Lakeview Church of Christ

<b>Interdepartmental Review:</b>	
<b>County Highway:</b>	Highway has no objections.

**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 proposing to locate a contractor's office for Summer's Heating and Cooling at 4161 N 150 W. The building is a multi-tenant building and the applicant would be located in one of the tenant spaces. The business employs 9 people and would require 9 parking spaces. There currently are 27 marked parking spaces on site, in which 24 are dedicated to Victory Gymnastics, leaving 3 available spaces. There is space available on the site for more parking spaces to be striped.
2. The Zoning Ordinance defines a contractor's office as a facility where a contractor maintains an office, a workshop, and/or facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor. The storage of construction and equipment for the business sets this use apart from a typical office use. The applicant has indicated that a portion of the space will be used for offices and there is a warehouse area where materials will be stored. There is also a lobby area, where customers can purchase materials on-site. The applicant has further indicated that there will not be any outdoor storage of materials or equipment. Contractor's Offices/workshops are permitted in I-2 (Industrial: General), I-3 (Industrial: Heavy) zoning districts and are permitted by Conditional Use approval in CC (Commercial: Community) and CR (Commercial: Regional) zoning districts.
3. Much of the area to the south and west is industrial in nature with multi-family residential directly to the east of the subject property.

**Comprehensive Plan Consideration(s):**

The Comprehensive Plan designates the future land use of properties in this area as Residential.

The Comprehensive Plan includes this property in the US 31/Indianapolis Road character area. The following planning principles for that character area apply to this application: None

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. POLICY E-3-1: Allow the free market and private investment decisions to govern the quantity of each type of business and the variety of goods and services available, within the framework of an overall land use plan.
2. POLICY J-10-1: Create a positive business climate characterized by flexibility.

**Provisional Findings of Fact/Decision Criteria:**

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer may impose reasonable conditions as part of an approval.

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

*Provisional Findings:* The applicant has indicated that the proposed contractor's office will not store any hazardous materials or have any dangerous operations on site and will not be injurious to the public health, safety of the community. *This criterion has been met.*

2. **The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

*Provisional Findings:* Conditions of approval recommended by the Planning Department bring the site into compliance with the parking requirements and will otherwise comply with the development standards of the Zoning Ordinance. *This criterion has been met.*

3. **Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

*Provisional Findings:* The applicant has indicated that all materials and equipment will be stored within the warehouse area. The appearance of the property will be consistent with other commercial businesses. They will not be making any permanent alterations to the site and will not injure other property or uses in the vicinity. *This criterion has been met.*

4. **The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

*Provisional Findings:* The business provides a service to a community wide area and is consistent with the zoning district. The Comprehensive Plan promotes creating a positive business climate characterized by flexibility. *This criterion has been met.*

**Hearing Officer Options:**

In reviewing a request for conditional use the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.