



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(April 26, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-16-11 (Central Avenue Apartments)
Staff: Ashley Klingler & Allie Keen
Applicant: Tim and Connie Medaris
Property Size: 32,741 Square Feet (4 Parcels)
Current Zoning: RS4 (Residential: Single-Family 4)
Proposed Zoning: RM (Residential: Multi-Family)
Location: On the east side of Central Avenue between 12th Street and 13th Street in the City of Columbus.

Background Summary:

The applicant is proposing to develop the subject property as a 12-unit, 2-story apartment complex and is requesting the following 5 development standards variances:

1. A request from Zoning Ordinance Section 7.3(Part 1)(C)(3)(c)(iii) to allow a driveway entrance to a multi-family residential use on 12th Street to be separated 13 feet, 87 feet less than the minimum 100 feet required from the centerline of an alley.
2. A request from Zoning Ordinance Section 8.2(E) to allow a Buffer Yard Type B to be 8 feet wide, 7 feet less than the required 15 foot minimum.
3. A request from Zoning Ordinance Section 3.14(C) to allow a front building setback off 12th Street to be 8 feet, 2 feet less than the 10 foot minimum setback.
4. A request from Zoning Ordinance Section 3.14(C) to allow a front building setback off of 13th Street to be 7.5 foot, 2.5 feet less than the 10 foot minimum setback.
5. A request from Zoning Ordinance Section 3.14(C) to allow a front building setback off of Central Avenue to be 5 feet, 5 feet less than the 10 foot minimum.

The application indicates the requested setback off of 13th Street is 1 foot. Due to some unique characteristics of this street there was some question how to calculate the setback. The 1 foot setback requested by the applicant is actually 7.5 feet. The numbers in this report have been adjusted to reflect that.

Preliminary Staff Recommendation:

Variance #1 (Driveway Separation): Approval, all criteria have been met.
Variance #2 (Buffer Width): Approval, all criteria have been met.
Variance #3 (12th Street Front Setback): Approval, all criteria have been met.
Variance #4 (13th Street Front Setback): Approval, all criteria have been met.
Variance #5 (Central Avenue Front Setback): Approval, all criteria have been met.

Any approval of the requested variances shall be contingent on City Council approval of the rezoning request to the RM (Residential: Multi-Family) zoning district (RZ-16-04).

Zoning Ordinance Considerations:

District Intent: The intent of the RM (Residential: Multi-Family) zoning district is as follows: To provide for a variety of multi-family uses, such as two-family dwellings, apartment homes and complexes, and condominiums in areas with compatible infrastructure and services. Development in this zoning district should be served by sewer and water utilities. This district should be used in limited locations with highly developed infrastructure, immediate access to Arterial and Collector roads, and direct connections to public open space and convenience goods. This district may be used to provide a transition from regional commercial areas to moderate density single-family residences.

Development Standards:

1. Section 7.3(Part 1)(C)(3)(c)(iii) *Separation & Access Requirements:* No two entrances from a public street to a property shall be permitted within 100 feet, measured from the centerline of the drives, on a Local Street.
2. Section 8.2(E) *Buffer Yard Type B:* Buffer Yard Type B shall include a minimum width of 15 feet in addition to the minimum setback otherwise required by the Zoning Ordinance.
3. Section 3.14(C) *Lot Standards:* The minimum front setback from arterial and local streets is 10 feet in the RM zoning district, measured from the planned right-of-way on each street.

Current Property Information:	
Land Use:	Vacant/Undeveloped
Site Features:	There are no significant site features at this location.
Flood Hazards:	There are no flood hazards at this location.
Vehicle Access:	This property has frontage on 12 th Street (Local, Urban, Residential), 13 th Street (Local, Urban, Residential) and Central Avenue (Principle Arterial, Urban, Residential).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RS4 (Residential: Single-Family 4)	Single-Family Residential
South:	RS4 (Residential: Single-Family 4)	Single-Family Residential
East:	RS4 (Residential: Single-Family 4)	Single-Family Residential
West:	PUD (Planned Unit Development)	Office (BCSC Administration Building)

Interdepartmental Review:	
City Engineering:	Engineering does not have any issues with this request. The site is small enough where drive separation cannot be met, and no access will be allowed on Central Avenue. Engineering also does not see an issue with not aligning the proposed drives with the existing drives on the opposite sides of the street, the developer could attempt to align one of the driveways but it might not work with the site plan.
City Utilities:	Columbus Utilities does not have any issues with this request.
Code Enforcement:	Code Enforcement does not have any issues with these variance requests. Approval would not create any building code violations.
City Fire Department:	Columbus Fire Department does not have any issues with this request and would prefer the site to have both entrances to allow more emergency access and prevent the applicants from providing a turn-around that would result in less parking on-site.

History of this Location:

The relevant history of this location includes the following:

1. From 1989 to 1991, the four single-family residential properties were acquired by Arvin Industries and the structures were demolished.
2. After the properties were acquired by Curt and Michelle Aton in 2005, they had proposed to rezone (RZ-05-10) the properties from R-4 (Single-Family Residential) to B-1 (Neighborhood Business). On January 17, 2006, the Columbus City Council denied the request due to concerns of negative effects to the surrounding neighborhood.
3. In 2006, the east-west alley was vacated through a portion of the subject property (Ordinance #2006-06).
4. In 2008, the properties were proposed by Joel Spoon to be rezoned (RZ-08-04) from R-4 (Single-Family Residential) to RB (Restricted Buffer) for the purpose of constructing an office building. On March 18, 2008, the Columbus City Council denied the request due to concerns of negative effects to the surrounding neighborhood.
5. In 2012, Curt and Michelle Aton proposed to rezone (RZ-12-06) the property from RS4 (Residential: Single-Family 4) to RM (Residential: Multi-Family) for the purpose of facilitating a future apartment development at this location. On October 16, 2012, the City Council approved the request with the following commitments:
 - a. Prior to development of the property a site plan (including information on building elevations, the number of dwelling units, and access) shall be submitted for the scrutiny and approval of the Plan Commission. The Plan Commission shall have the authority to approve, deny, or require changes to the proposed development and shall specifically review the proposal for conformance with the recommendations of the Columbus Avenue Corridor Plan Comprehensive Plan Element.
 - b. The development on the property shall be limited to a maximum of 2 stories in height.
 - c. The development on the property shall be limited to a maximum of 12 dwelling units.

The applicant failed to record the commitments by the required deadline (January 16, 2013), therefore the approval of the request to rezone the property was void and the property retained the RS4 (Residential: Single-Family 4) zoning designation.
6. In April of 2016, the current applicant, Tim and Connie Medaris, received a favorable recommendation from the Columbus Plan Commission to rezone (RZ-16-04) the subject property to the RM (Residential: Multi-Family) zoning district with the following commitments:

- a. Access for any future development shall be obtained from either 12th Street, 13th Street, or the adjacent alley, and specifically not from Central Avenue.
- b. No parking spaces shall be provided between the building(s) and any adjacent street.
- c. The overall design of the building(s) shall comply with the design principles established by the Central Avenue Corridor Plan as follows:
 - i. Any new building(s) shall be oriented toward all respective public street frontages.
 - ii. Building entries for ground floor dwelling units shall be oriented to a public street frontage.
 - iii. Long, blank building walls shall be prohibited along all public street frontages.
 - iv. Windows, doors, and building wall projections and recesses shall be used to add architectural interest and variety along all of the building(s) public street frontages.
- d. The overall design of any building(s) shall be consistent with the example provided by the applicant. Elevations of any building(s) shall be submitted for review with the site plan during the Zoning Compliance Certificate review process.
- e. The development will have a maximum of 12 units.
- f. Right-of-way meeting the specification of the Columbus Thoroughfare Plan shall be dedicated along the 13th Street and Central Avenue frontages of the property.
- g. The frontage of 12th street shall be widened and curbs shall be installed to match the existing street cross section east of the subject site at the time the property is developed.

Planning Consideration(s):

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

1. The applicants are proposing to develop the entire subject property with a 9,120 square foot 2-story apartment complex with 12 units. They are also proposing to construct a parking lot with 18 parking spaces.
2. The proposed development represents infill development. Infill development is beneficial to the community because it makes use of vacant or underutilized lots within the center city, strengthens the real estate market and property values in the area, and utilizes existing infrastructure. Additionally, these properties have been identified in the Planning Department's Infill Site Profiles, with having one of the most suitable landuses being multi-family residential. Meeting all of the development standards of the Zoning Ordinance can be difficult on infill lots. It can be challenging to create a design that is consistent with the Comprehensive Plan and the existing neighborhood that also meets all requirements of the Zoning Ordinance. Due to these challenges the applicants have requested 5 development standards variances related to drive separation, buffering, and front setbacks.
3. The applicants are proposing to provide access to the subject property from 2 new driveways off of 12th and 13th Streets. Per Zoning Ordinance Section 7.3(Part 1)(C)(3)(iii) no two entrances from a public street to a property shall be permitted within 100 feet (measured from the centerline of the drives) on a Local Street. The configuration of the subject property and the location of existing driveways in the surrounding area do not allow for a driveway to the subject property that would meet the required 100 foot separation. Section 7.3(Part 1)(C)(3)(d) states that any legal lot established prior to the effective date of the Zoning Ordinance that cannot meet the required separation, may obtain 1 access point from the lowest Thoroughfare Plan classification in the least hazardous location. Because this exemption only allows for 1 permitted access point, the applicants are requesting a variance to allow the second access point from 12th Street. According to the applicant, the second access point will allow for safe on-site circulation and facilitate the needs of emergency and trash vehicles.
4. The Zoning Ordinance requires a Type B Landscape Buffer to be installed along the eastern property line between the adjacent single-family residential properties, per Zoning Ordinance Section 8.2(Table 8.3). A Type B Landscape Buffer is required to be a minimum of 15 feet in width in addition to any required setback. The applicant is proposing the Type B Buffer to be a total of 8 feet in width in order to maximize the building setback from Central Avenue. The narrower buffer yard allows the building to have a larger setback from Central Avenue that is more consistent with the surrounding neighborhood context. Although the buffer yard will be only 8 feet in width, the applicant has indicated that the required plant material for a Type B Buffer will be planted within that space. The Zoning

Ordinance would require a minimum of 65 landscape points (approximately 3 trees and 9 shrubs) provided within every 50 feet of buffer yard required.

5. There is an approximately 10 foot wide alley that runs along the eastern property line. Per Zoning Ordinance Section 8.2(A)(3), a buffer yard is required to be installed despite the presence of an alley. Although the alley does not waive the buffer requirement, it does provide some additional separation from the neighboring residential properties and the proposed development. In addition to the alley, the Zoning Ordinance requires a 5 foot setback for parking lots from a side property line in addition to the buffer yard. Taken together, there will be a total of 23 feet between the apartment and parking and the neighboring properties.
6. The subject property has 3 public street frontages, Central Avenue, 12th Street, and 13th Street. Per Zoning Ordinance Section 3.3(C)(6), the front setback is measured from the planned right-of-way width specified in the Thoroughfare Plan based on the street classification. The applicant is requesting 3 variances (one for each street frontage) to reduce the setback requirement from each of these streets. The following table describes the setback requirements of the Zoning Ordinance with the proposed setbacks.

Street Frontage	Thoroughfare Plan Classification	Planned ½ ROW Width	Required Setback	Proposed Setback	Proposed Distance from Edge of Pavement
12 th Street	Local	25 feet	10 feet	8 feet	23.5 feet
13 th Street	Local	25 feet	10 feet	7.5 foot	13.5 feet
Central Avenue	Principle Arterial	45 feet	10 feet	5 feet	25 feet

According to the applicant, the layout of the building was chosen to balance the setback from all property lines and to be as consistent with the surrounding residential neighborhood as possible, while still providing the required amount of parking and a buffer yard between neighboring residential properties to the east. The following table compares the average setbacks of surrounding properties with the proposed setbacks:

Street Frontage	Proposed Setback	Average Setback	Setback Range	Opposite Corner / Across the Street
12 th Street	8 feet	15.9 feet	12 feet	4 feet
13 th Street	7.5 feet	4.5 feet	17 feet	8 feet
Central Avenue	5 feet	8.9 feet	18 feet	N/A

7. The subject property is identified in the Comprehensive Plan's Central Avenue Corridor Plan as a critical property because of its prominence along the corridor and its ability to create meaningful connections between Central Avenue and adjacent uses. The Central Avenue Corridor Plan provides visions and strategies in relation to the design and architectural features of buildings in order to encourage development which would be appropriate in an urban/neighborhood context and pedestrian friendly. The proposed concept plan provided by the applicant is consistent with the desired design standards specified in the Central Avenue Corridor Plan, which includes the building oriented towards Central Avenue with the parking located behind the building and building elevations with various building materials, colors, and building projections and recesses.
8. The Comprehensive Plan has several goals and policies which aim to provide a diversity of housing options within the City of Columbus. The intent of these goals and policies is to ensure that the city has a sufficient variety of housing types so as to provide Columbus' economic and socially diverse population with different options based on preference or income. The Comprehensive Plan also

encourages infill development and acknowledges that there may need to be flexibility in developing infill sites.

Provisional Findings of Fact/Decision Criteria (Variance #1 - Driveway Separation):

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 subject property is only permitted one access point to the property by the Zoning Ordinance. The second access point is necessary in order to facilitate safe on-site circulation and to address the needs of emergency and trash vehicles. *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 second access point to the subject property will help to balance the amount of traffic generated from the proposed development on both 12th and 13th Street. The traffic generated from the proposed use will also not significantly impact the surrounding neighborhood. An alternative to the proposed driveways would be for the apartments to use the adjacent alley for access. This option would, however, place this added traffic close to the nearby homes and reduce the buffering that is otherwise provided for the homes. *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: Due to the unique circumstances of this infill site, the zoning-compliant placement of a second driveway on the subject property is not possible. This creates a practical difficulty in accessing the site and therefore the use of the site. The second access point is necessary for adequate circulation of all vehicles, including emergency vehicles, on the property and the even distribution of traffic on to adjacent streets. *This criterion has been met.*

Provisional Findings of Fact/Decision Criteria (Variance #2 – Buffer Width):

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 decreased width of the Landscape Type B Buffer Yard will not be injurious to the public health and safety. Landscaping meeting the specifications of the Ordinance will be provided and the additional separation will be provided by the adjacent alley. *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: Although the buffer yard will be less than 15 feet in width, landscaping

meeting the specifications of the Zoning Ordinance will be provided and the presence of the adjacent alley will also provide additional separation from the residential properties to the east. *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: The subject property is an infill site that presents unique obstacles for redevelopment. In order to provide the maximum setback from Central Avenue and the required amount of parking meeting the standards of the Zoning Ordinance, a narrower buffer yard is necessary. *This criterion has been met.*

Provisional Findings of Fact/Decision Criteria (Variance #3 – 12th Street Front Setback):

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: Although the building will be within the required front setback along 12th Street, it will not be injurious to the public health or safety because it will not create any sight visibility issues on 12th Street or at the intersection of 12th Street and Central Avenue. *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 proposed building will not impede the use of the adjacent properties. Aesthetically, the building placed at an 8 foot setback will not make an appreciable difference from a building setback at a 10 foot setback and will not substantially adversely affect the use and value of the surrounding properties. The proposed setback is not out of context with the other properties along 12th Street. *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: The subject property is an infill site that presents unique obstacles for development. In order to develop an economically viable apartment project the reduced setback from 12th Street is necessary. Considering the context of the area is urban in nature with higher density and smaller lot sizes, the proposed smaller setback is not out of context with the area. *This criterion has been met.*

Provisional Findings of Fact/Decision Criteria (Variance #4 – 13th Street Front Setback):

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: Although the building will be within the required front setback along 13th Street, it will not be injurious to the public health or safety because it will not create any sight visibility issues on 13th Street or at the intersection of 13th Street and Central Avenue. *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 proposed building will not impede the use of the adjacent properties and the reduced setback is not out of context with existing residential properties along 13th Street. *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: The subject property is an infill site that presents unique obstacles for development. In order to develop an economically viable apartment project the reduced setback from 13th Street is necessary. Considering the context of the area is urban in nature with higher density and smaller lot sizes, the proposed smaller setback is not out of context with the area. *This criterion has been met.*

Provisional Findings of Fact/Decision Criteria (Variance #5 – Central Avenue Front Setback):

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: Although the building will be within the required front setback along Central Avenue, it will not be injurious to the public health or safety because it will not create any sight visibility issues on Central Avenue or at the intersections with 12th or 13th Streets. *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 proposed building will not impede the use of the adjacent properties and the reduced setback is not out of context with existing residential properties along Central Avenue. The setback will not negatively impact the adjacent 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: The subject property is an infill site that presents unique obstacles for redevelopment. In order to provide the required parking and a buffer yard between neighboring single-family residential properties and to develop an economically viable apartment project the reduced setback from Central Avenue is necessary. Although the setback is less than required by the Zoning Ordinance it will not be out of context of surrounding properties along Central Avenue. *This criterion has 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.

Columbus – Bartholomew County Planning Department
Development Standards Variance Application

RECEIVED
APR 11 2016
BY: ASK

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: PSA (Proposed: RM - R2-16-04)

Docket No.: CDS-16-11

Hearing Procedure: Board of Zoning Appeals Hearing Officer

Development Standards Variance Application:

Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.

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

Name: Tim and Connie Medaris (Central Ave. Apartments #14116)

Address 5550 W. Lowell Road Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-447-0122 Fax No.: _____ E-mail Address: eeyore55@hotmail.com

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

Name: Charles and Diana Ifeachor

Address P.O. Box 2552 Columbus IN 47202
(number) (street) (city) (state) (zip)

Phone No.: 812-552-9448 Fax No.: _____ E-mail Address: idowucn@gmail.com

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

Name: Mark Daugherty Daugherty Design Plus

Address P.O. Box 1373 Nashville IN 47448
(number) (street) (city) (state) (zip)

Phone No.: 812-350-9655 Fax No.: _____ E-mail Address: markd.ddp@gmail.com

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used.

Email Fax Mail

Property Information:

Address _____
(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):

East side of Central Avenue between 12th and 13th Streets; city of Columbus

Variance Requested:

I am requesting a variance from Section 3.14c of the Zoning Ordinance to allow the following:

A 50' setback from the centerline of Central Avenue rather than the 55' required.

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.

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

The requested setback is similar to that of the adjacent homes along Central Avenue.

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.**

Adjacent homes in the neighborhood have a similar setback.

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.**

We are attempting to balance all requirements in development of this site. The front setback is reduced but still in line with neighboring properties along Central Avenue.

Variance Requested:

I am requesting a variance from Section 3.14c of the Zoning Ordinance to allow the following:

A 26' setback from the centerline of 13th street rather than the 35 required.

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.

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

13th Street appears to have 16' right-of-way from the centerline in this area. We are requesting a 10' front setback from that line. 13th Street is a local street that is three blocks long in this neighborhood, ending at the park. It is low traffic and fully developed.

- 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.**

We will have the same front setback as other structures on the street from the property line. The property line is consistent along the block.

- 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.**

The right-of-way was assigned long ago. It is doubtful that additional right-of-way would be needed as this street dead-ends into the park three blocks to the east. We request that the two adjoining local streets to the project have the same front setback.

Variance Requested:

I am requesting a variance from Section 8.2 E of the Zoning Ordinance to allow the following:

A Type B buffer yard of 8 feet instead of 15.

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.

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

Landscaping per ordinance requirements will be installed and maintained. It also allows 20' of open space (rather than 13') on the Central Avenue side, which may soften the impact of a multifamily building in the neighborhood.

- 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.**

The required amount of landscaping will be installed. The width of the alley provides some additional distance between this use and the adjacent homes. Ordinance allows the required landscaping to be anywhere within the buffer or setback, so we will put the landscaping in the 8' closest to the neighbors for screening and buffering purposes.

- 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.**

It would require the building to be located closer to Central Avenue. We are trying to balance the amount of green space around the building, and setting the front setback at 20' results in the buffer needing to be decreased. The alley provides some additional buffer space between this project and adjacent properties to the east.

Variance Requested:

I am requesting a variance from Section 3.14c of the Zoning Ordinance to allow the following:

a setback of 33' from the centerline of 12th Street, where 35' is required.

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.

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

We maintained 10' between the property line and the building, consistent with our requested setback on 13th street. The street is narrow and lightly traveled. All regulations regarding safety will be 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.**

The house across 12th Street appears to be located close to the property line with no setback, other homes along the street are closer or further from the centerline than our requested 33'. A 2' variation should not much affect neighboring property enjoyment.

- 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.**

We designed the development to present a balanced footprint related to the property lines. Those are most visible to the neighborhood as the existing sidewalks. This property has three "front" setbacks so has many challenges to development.

Variance Requested:

I am requesting a variance from Section 7.3 Part 1 C 3c.iii of the Zoning Ordinance to allow the following:

Drive separation of 13'-7" on 12th street.

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.

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

The drive is located directly across the parking lot from the one on 13th street, allowing "drive-through" access to the property from 12th and 13th streets. This should be a improve accessibilty for fire protection and trash pickup, which are benefits to the general safety and welfare of the community.i

- 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.**

Two entrances should reduce the trips per day for each of the streets as opposed to having only one entrance, which may be a benefit to the neighborhood. Having a straight drive across the property maximizes the buffering and green space that can be provided toward the east.

- 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.**

Strict application would require moving the drive to the east to line up with the drive on the south side. That puts it very close to the buffer and to the alley. Green space would be reduced and an extra "bend" (left and right turn) would be necessary for drivers turning into and going through the lot, as well as hampering maneuvering for fire protection and larger vehicles

Application Fee Refund Information:

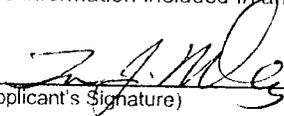
The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval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

Name: Tim Medaris

Address 5550 W. Lowell Road Columbus IN 47201
(number) (street) (city) (state) (zip)

Applicant's Signature:

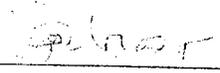
The information included in and with this application is completely true and correct to the best of my knowledge and belief.


(Applicant's Signature)

3-27-2016
(Date)

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

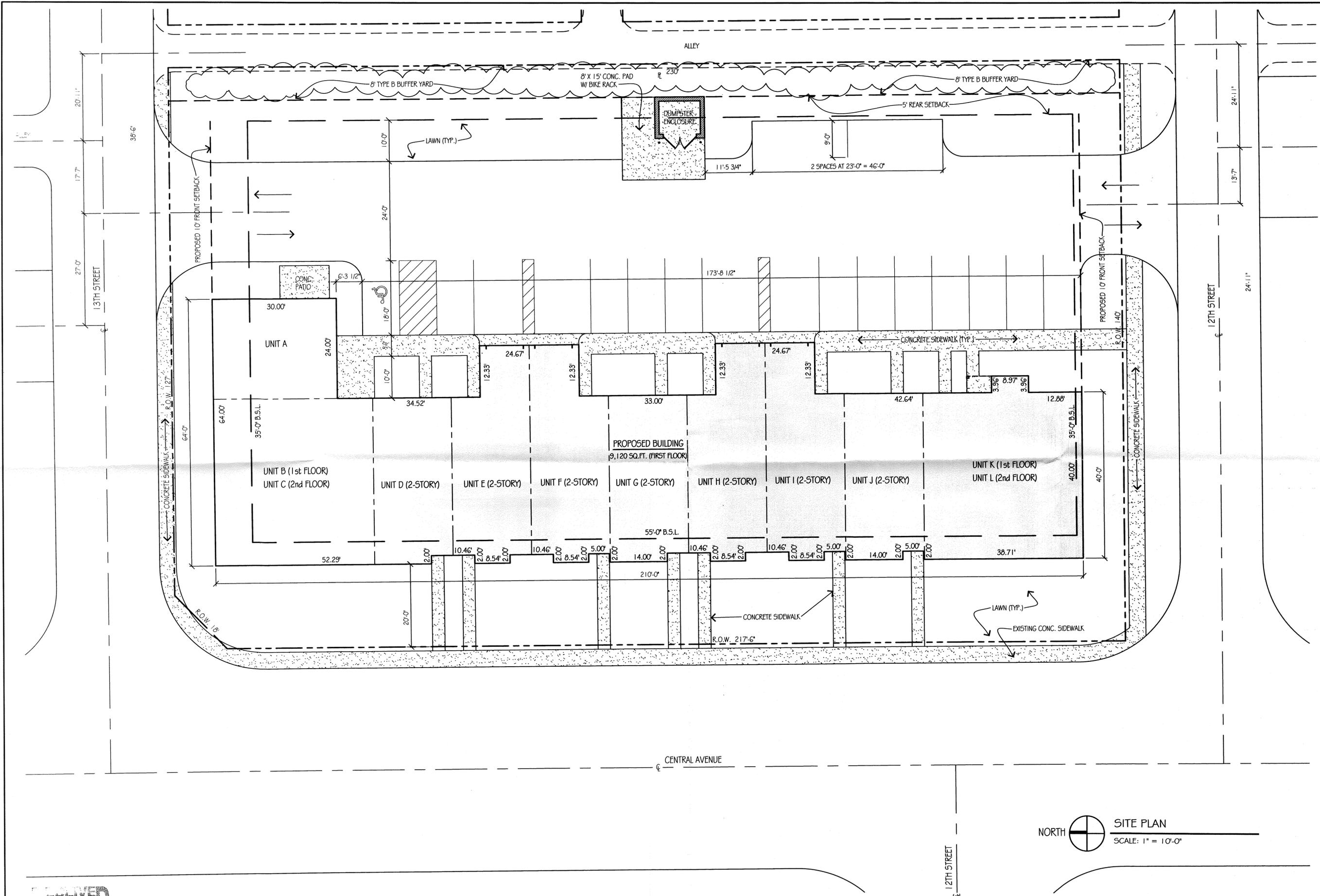
I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.


(Owner's Signature)

3/21/16
(Date)

Diana Hecker
(Owner's Printed Name)

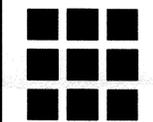
If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.



REVISIONS:



DAUGHERTY DESIGN PLUS
 812-200-3333 / 812-350-9655
 147 E. Main St., Suite B
 Nashville, Indiana 47448
 mark.d.doherty@gmail.com



PROPOSED BUILDING FOR:
TIMCO LEASING: CENTRAL AVE. APARTMENTS
 CENTRAL AVENUE
 COLUMBUS, INDIANA

DATE: 04.08.16
 ISSUE: REZONING
 PRINT SIZE: 36" X 24"
 SHEET: SITE PLAN

S101

APR 11 2016

NORTH SITE PLAN
 SCALE: 1" = 10'-0"