



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(June 28, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-16-20 (Chuck Fulford)
Staff: Allie Keen
Applicant: Chuck Fulford
Property Size: 4,688 Square Feet
Current Zoning: CC (Commercial: Community)
Location: 2242 State Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 7.3(Part 1)(C)(3)(c)(i) is for the purpose of allowing an entrance to a non-residential use on an arterial street (State Street) to be separated 80 feet, 320 feet less than the required, from the centerline of another street (Cherry Street). The State Street drive entrance that the variance is being requested for is existing, however at this time the applicant is proposing to redevelop the property which triggers all site features to come into compliance with the Zoning Ordinance, including driveways. The applicant intends to redevelop the property as the site of an ice vending machine with associated parking and landscaping. The walk-up ice machine will operate 24 hours a day.

Preliminary Staff Recommendation:

Denial, Criteria #1 and #3 have not been met.

Zoning Ordinance Considerations:

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.

Development Standards: Section 7.3(Part 1)(C)(3)(c)(i) – Separation & Access Requirements: No two entrances from a public street to a property shall be permitted within 400 feet along an arterial 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 gains access from State Street (Principle Arterial, Commercial, Suburban) and Cherry Street (Local, Commercial, Suburban).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CC (Commercial: Community)	Single-Family Residential
South:	CC (Commercial: Community) I2 (Industrial: General)	Commercial Industrial (Dorel)
East:	CC (Commercial: Community)	Single-Family Residential Commercial (Cork Liquors)
West:	CC (Commercial: Community)	Commercial (Donuts & Coffee)

Interdepartmental Review:	
City Engineering:	The Engineering Department would like the State Street entrance to be closed. This entrance is too close to Cherry Street and is well under the 400 foot separation required by the Zoning Ordinance. With the State Street access closed, the Cherry Street entrance will still provide adequate access to the site.
Code Enforcement:	Code Enforcement does not have any issues with this request.
Fire Department:	The Columbus Fire Department does not have any issues with this request.
INDOT:	It is not ideal to have a drive off of State Street, and we would prefer to see Cherry Street utilized because the State Street entrance is so close to Cherry Street. I would disagree with the applicant's safety assessment, however the traffic for the proposed use (automated ice machine) will be minimal and the drive configuration is consistent with the area. The applicant must contact INDOT for approval to change the access connecting to the State Road or right-of-way.

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 redevelop the subject property as a small-scale retail use (automated ice-machine). The Zoning Ordinance, per Section 11.4(B)(2), states that all non-conforming site features must come into compliance with the current regulations of the Zoning Ordinance when a property is redeveloped. There are currently 2 access points to the site one from Cherry and one from State Street. The Cherry Street drive complies with the Zoning Ordinance and can remain. The

applicant is requesting a variance to allow the State Street entrance to also remain at its current location.

2. State Street is identified by the Thoroughfare Plan as a Principle Arterial street. Per Zoning Ordinance Section 7.3(Part 1)(C)(3)(c)(i), no two entrances from a public street to a property shall be permitted within 400 feet along an arterial street. The existing State Street access is separated only 80 feet from Cherry Street, which is 320 feet less than the 400 foot minimum distance. The applicant has indicated the State Street access in combination with the Cherry Street access will provide better on-site circulation and will reduce conflicts between vehicles and pedestrians visiting the site.
3. State Street is a 4 lane road with a center turn lane at this location. Within the immediate area, there are several driveways along State Street that do not meet the minimum 400 foot separation. The intent of the minimum 400 foot separation distance is to reduce the amount of intersections that could potentially create traffic conflict points for motorists (by limiting the locations of which cars are turning on to or from State Street).
4. The subject property is only 4,688 square feet in size. The applicant proposes to locate an approximately 80 square foot automated ice machine on the property. The machine will be walk-up only and will operate 24 hours a day. The applicant has indicated that they anticipate approximately 20-25 vehicles visiting the site per day, with the traffic amount significantly reducing during the winter. The site will require Zoning Compliance Certificate approval from the Planning Department to ensure that parking, landscaping, and other site features comply with the Zoning Ordinance.
5. The development of this property represents infill development, which is recognized in the Thoroughfare Plan's Policy #3 because it maximizes the value of the existing street system. The plan supports flexibility in addressing access needs and traffic patterns that may result from infill development. Infill Development is characterized as the initial development or re-development at a higher intensity of properties already located within the City of Columbus. New or expanded use of these locations reduces street installation and maintenance cost by making use of existing infrastructure.

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: Although the proposed use will not generate a significant amount of traffic, an entrance at this location off of State Street could be hazardous to the traffic visiting the subject property as well as to motorists traveling on State Street due to its close proximity to Cherry Street. *This criterion **has not** 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: A majority of the driveway entrances along State Street in the immediate area do not meet the required 400 foot separation. A driveway at this location on State Street will not affect the use 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: The subject property is able to gain access from Cherry Street without the need of the variance. According to the Engineering Department there is significant space for vehicles to maneuver onsite without the need for a second access point to the property, therefore there is nothing unique about this property that warrants the approval of the driveway

variance. *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.

**Columbus – Bartholomew County Planning Department
Development Standards Variance Application**

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: CC
Docket No.: CDS-16-20

Hearing Procedure: Board of Zoning Appeals Hearing Officer



#250 fee
15 copies

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: Charles "Chuck" Fulford
Address: 4540 Post Horn Ct. Columbus IN 47203
(number) (street) (city) (state) (zip)
Phone No.: 812-343-8759 Fax No.: _____ E-mail Address: whosyouriceman@yahoo.com

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

Name: Nora Jean Platt
Address: 1043 Goldfinch Rd. Columbus IN 47203
(number) (street) (city) (state) (zip)
Phone No.: 812-372-2431 Fax No.: _____ E-mail Address: jeanniepiatt52@gmail.com

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

Name: Charles "Chuck" Fulford
Address: 4540 Post Horn Ct. Columbus IN 47203
(number) (street) (city) (state) (zip)
Phone No.: 812-343-8766 Fax No.: _____ E-mail Address: whosyouriceman

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. E-mail Fax Mail

Property Information:

Address: 2242 State St. Columbus IN
(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):

Variance Requested:

I am requesting a variance from Section 7.3 Part 1(c)(3)(c)(i) of the Zoning Ordinance to allow the following:

a drive along State Street to be 80' in separation from
320' closer than the permitted 400' separation distance.

Cherry
St.

CR
5-20-16

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each 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 ice house produces a high standard of ice and
water. It is considered a green operation. It is
totally automated & untouched by human hands
prior to purchase.

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 ice house has a nice appearance & with
landscaping should have a neat, clean
appearance to the area.

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.

Eliminating State St access will add congestion
for cars entering & exiting as well as the safety of people
walking between cars to ice house. There is also the
safety of public using sidewalk, you are requesting
we install, along Cherry St.

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: Charles Fulford
Address: 4540 Post Horn Ct. Columbus IN 47203
(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.

Charles Fulford 5/20/16
(Applicant's Signature) (Date)

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

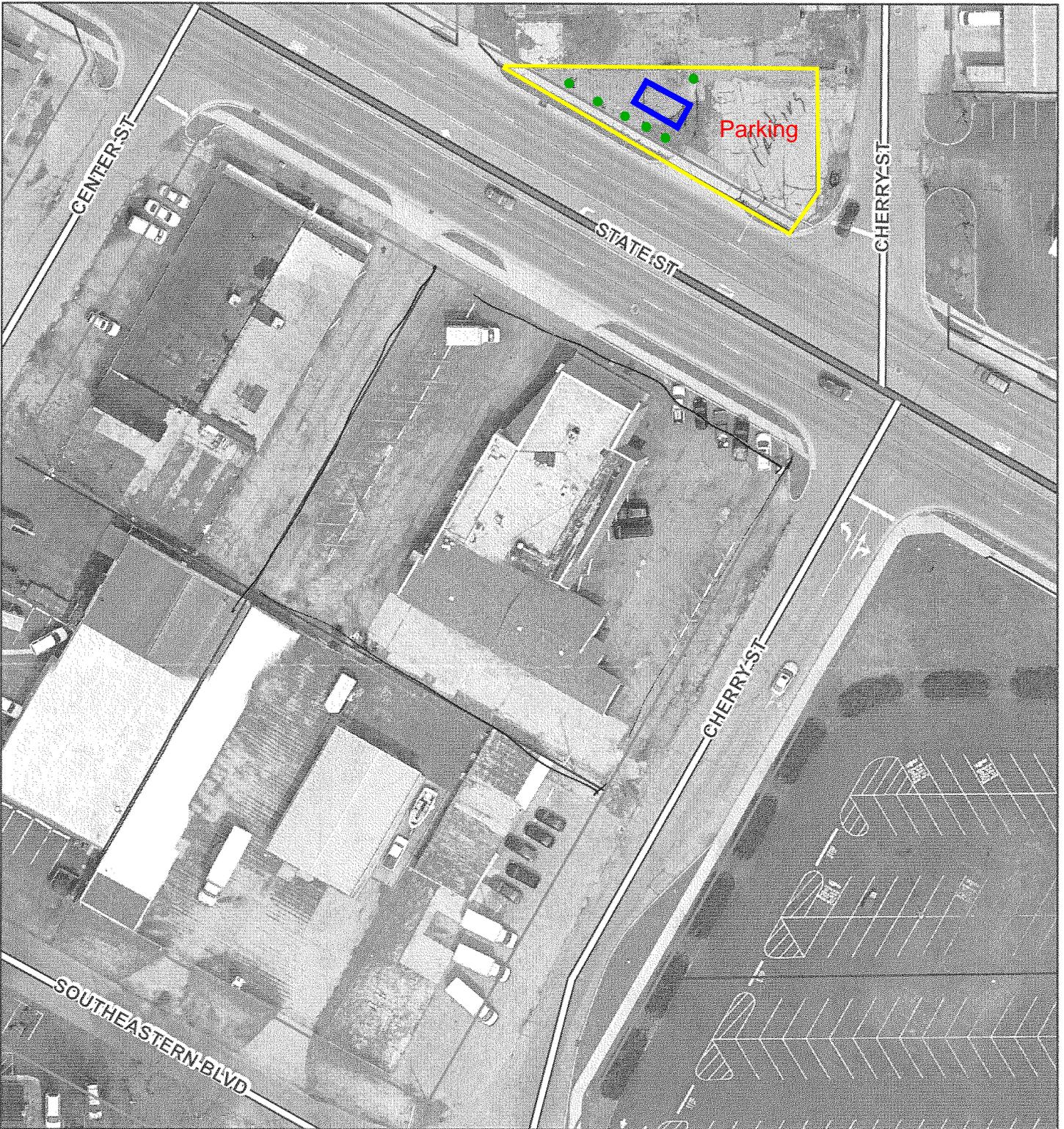
I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Nora Jean Piatt 5-19-16
(Owner's Signature) (Date)

Nora Jean Piatt
(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.

Bartholomew County, IN



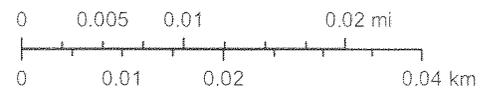
May 12, 2016

1:750

— Road Right Of Way

▭ Parcels

Aerials_2014_9in



Road Names

Aerials_2014_4in

RGB

Roads

RGB

Red: Band_1

Functional Class

Red: Band_1

Green: Band_2

— Major Roads

Green: Band_2

Blue: Band_3

— Minor Roads

Blue: Band_3

CC

Ice Vending Hut

Specifications

Physical

Dimensions H (152 3/8 in.) x W (80 in.) x D (153 in.)

400SM Ice Maker

Power

Requirement 69A @ 208-240/60/3
Consumption 100 KWH per 2000 lbs. ¹

Water

Consumption 240 Gal. per 2000 lbs. ¹

Capacity

Ice Storage 100-16lb. bags
Ice Production ² 125-16lb. bags ¹

¹ 100° air / 70° water
² 24 hours

5200SM Ice Maker

Power

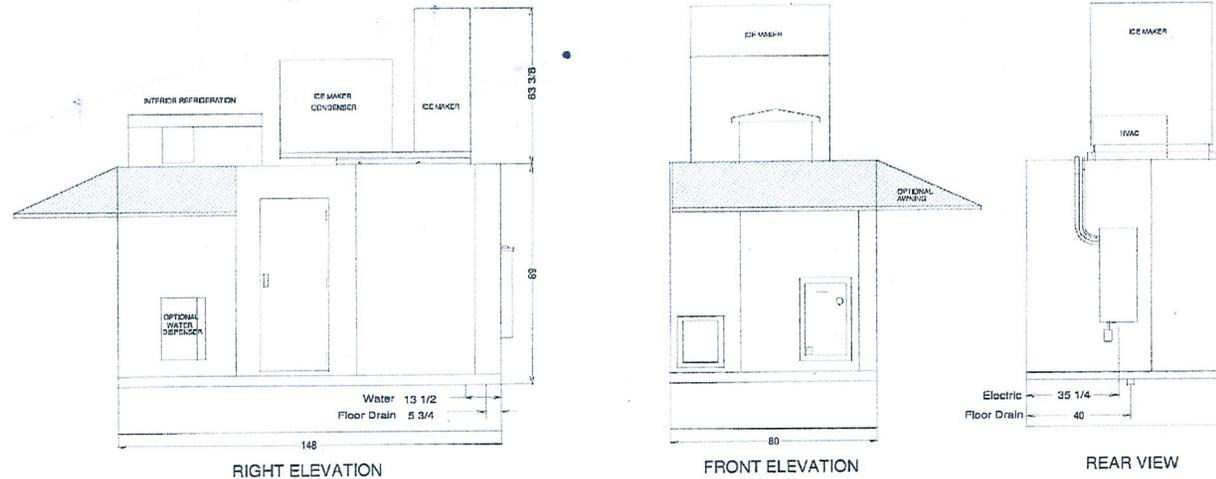
Requirement 78A @ 208-240/60/3
Consumption 216 KWH per 4500 lbs. ¹

Water

Consumption 542 Gal. per 4500 lbs. ¹

Capacity

Ice Storage 100-16lb. bags
Ice Production ² 280-16lb. bags ¹



ICE HOUSE AMERICA

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6 1/2 w
12' 3" long