



**CITY OF COLUMBUS  
 BOARD OF ZONING APPEALS  
 (September 27, 2016 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/DS-16-34 (Jackie Combest)  
**Staff:** Charles Russell  
**Applicant:** Jackie Combest  
**Property Size:** 7,500 square feet  
**Current Zoning:** RE (Residential: Established)  
**Location:** Lot directly east of 1219 8<sup>th</sup> Street, in the City of Columbus

**Background Summary:**

The applicant is requesting approval to build a 24 foot x 24 covered patio that is attached to his existing garage. The garage currently sits on a lot without a primary structure or house, and is used by the applicant who lives in a home across the alley.

**Preliminary Staff Recommendation:**

Approval – All criteria have been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the RE (Residential: Established) zoning district is as follows: This district is intended to ensure the continued viability of neighborhoods and development in existence on the effective date of the ordinance.

**Development Standards:** Section 6.1 (A): Order of Establishment: No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Garage for adjacent house
<b>Site Features:</b>	The only structure located on the site is a 24 foot x 24 foot garage accessed from the alley, and used by an adjacent home.
<b>Flood Hazards:</b>	No mapped flood hazard.
<b>Vehicle Access:</b>	8 <sup>th</sup> Street (Local, Urban, Residential)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	RE (Residential: Established)	Single-family residential
<b>South:</b>	CC (Commercial: Community Center)	Parking lot
<b>East:</b>	RE (Residential: Established)	Single-family residential
<b>West:</b>	RE (Residential: Established)	Single-family residential

<b>Interdepartmental Review:</b>	
<b>Code Enforcement:</b>	No issues with request.
<b>City Fire Dept:</b>	No issues with request.

**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 lives at 1219 8<sup>th</sup> Street, and owns the subject property, located directly east of his house. The house is located on a 2,700 square foot lot, with the house taking up the majority of the lot. In 1994, according to the Property Record Card, the applicant built a 24 foot x 24 foot detached garage on the subject property to serve as his parking area, as parking is not available on his home lot.
2. The subject property was previously zoned I-2 Medium Industrial. At the time the garage was built it was likely permitted as a storage facility in this district. After the 2008 Zoning Ordinance update was adopted the zoning was changed to RE (Residential: Established) to reflect the residential use of the property. After this update the existing garage became a legal nonconforming structure, as it does not meet the Order of Establishment provision in Section 6.1 (A). Under the current ordinance accessory structures are not permitted prior to the establishment of a primary use or structure.
3. The applicant is now requesting to add a 24 foot x 24 foot covered patio to his existing garage. The applicant indicated it is not feasible to add a patio to his existing house on the adjacent lot, and it would be difficult for any addition to his house to meet the required 5 foot setbacks. This covered patio addition is considered an expansion of an accessory structure before a primary use or structure has been established, and therefore the variance is required.
4. The area to the north, east, and west is residential. It is not uncommon for residences in this area to have an accessory structure for parking or storage also on the property. A number of the surrounding accessory structures are similar in size to the existing garage.
5. The area to the south of the subject property is a parking lot zoned CC (Commercial: Community Center)
6. Taking into consideration the required setbacks and other lot requirements there is approximately 2,100 square feet of buildable area on the property, making it viable for a single-family dwelling.

**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 proposed covered patio does not obstruct visibility for people using the adjacent alleys, and meets the required setbacks for accessory structures. Approval of this variance would not be injurious to public health or safety. *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 addition would be consistent with the residential character of the area, and would not negatively affect the use or value of nearby properties. The addition would be consistent with the lot coverage of other nearby 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 situation on this property was not self-imposed, as the existing garage was legally established prior to the current Zoning Ordinance. This property serves as the site for customary accessory uses for an adjacent lot that is unusually small. This accessory use will not change in the foreseeable future and minor expansions, such as the proposed patio, are consistent with the neighborhood and expected. The strict application of the Zoning Ordinance, which would prevent reasonable expansions, will result in practical difficulties in the use of the property. *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.



**Variance Requested:**

I am requesting a variance from Section 6.1 (A) of the Zoning Ordinance to allow the following:

To allow an accessory structure before a primary on a residential lot.  
I would like to add a 24' x 24' patio to the south side of the existing garage.  
The existing garage is legal non-conforming as it was added before the 2008 zoning update.  
The garage & proposed patio would be for personal use (cookouts, hobbies, playing acoustic music)  
The adjacent lot where the house is located does not have sufficient space for a covered patio/gathering space.

**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 addition will be built to current building code, and it would not obstruct the site visibility of the vehicles using the adjacent alley.

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.

Detached garages are not out of character for the area, and covered patios are appropriate in residential areas.

Approval of this request would not negatively affect the use of adjacent right-of-ways or other nearby properties, as it meets all required setbacks.

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 lot was previously zoned industrial. The garage was built legally for the house located on the adjacent lot. After the 2008 zoning update the lot became zoned residential, and the existing garage legal non-conforming. This situation was not self-imposed, but rather brought on by the city's zoning ordinance change. There are no plans at this time to build a house on the property, but there will still be sufficient space for a house if this were approved.

application filled out by Charles Russell on behalf of the applicant according to conversations at the site

**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:

CR  
8-16-16

Name: Jackie Combest  
Address: 1219 8<sup>th</sup> Street 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.

Jackie Combest 8-16-16  
(Applicant's Signature) (Date)

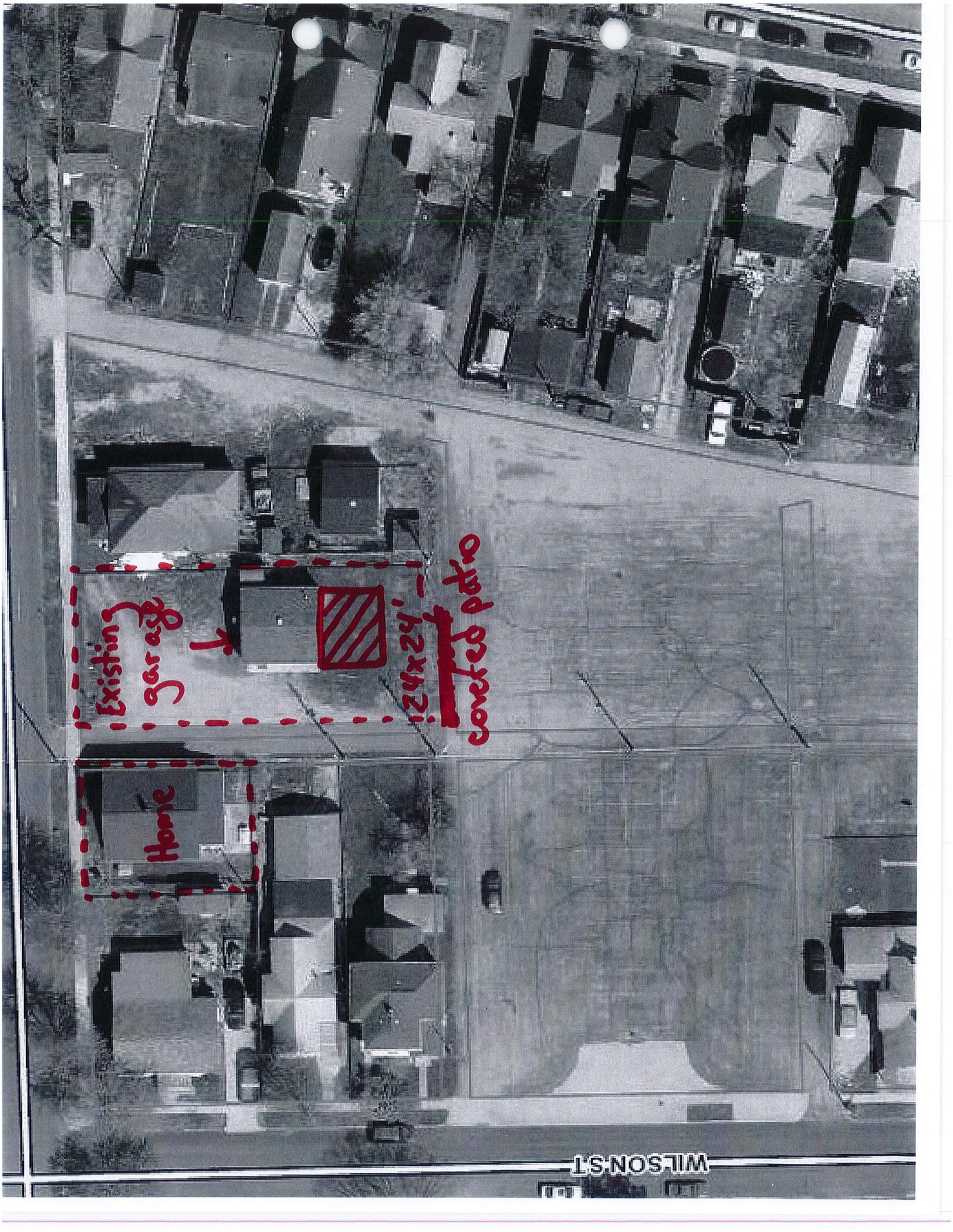
**Property Owner's Signature (the "owner" does not include tenants or contract buyers):**

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.

Jackie Combest 8-16-16  
(Owner's Signature) (Date)

\_\_\_\_\_  
(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.



Existing garage



124x24' - covered patio

Home

WILSON ST