



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

STAFF REPORT

Docket No. / Project Title: C/DS-16-37 (Jordan Elkins)
Staff: Emilie Pinkston
Applicant: Jordan Elkins
Property Size: 13,940 Square Feet
Current Zoning: RS2 (Residential: Single-Family 2)
Location: 4245 Washington Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 3.9(C) is for the purpose of allowing an 11 foot by 18 foot (198 square foot) accessory structure, a carport, to be located 3.3 feet from the south property line, which is 1.7 feet closer than the minimum allowed 5 foot side setback.

Preliminary Staff Recommendation:

Denial, Criterion 3 has not been met.

Zoning Ordinance Considerations:

District Intent: The intent of the RS2 (Residential: Single-Family 2) district is as follows: This district is intended to provide areas for moderate 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: Zoning Ordinance Section 3.9(C) states that the minimum side setback for accessory structures in the RS2 zoning district is 5 feet.

Current Property Information:	
Land Use:	Single-family residential
Site Features:	Single-family residence, fence, shed, and landscaping
Flood Hazards:	According to Flood Insurance Rate Map (FIRM) 18005C0131E, effective December 9, 2014, the subject property is located in Flood Zone X (Unshaded), which designates areas outside of the mapped floodplain.
Vehicle Access:	The subject property is accessed from Washington Street (Local, Residential, Suburban).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RS2 (Residential: Single-Family 2)	Single-Family Residential
South:	RS2 (Residential: Single-Family 2)	Single-Family Residential
East:	RS2 (Residential: Single-Family 2)	Single-Family Residential
West:	RS2 (Residential: Single-Family 2)	Single-Family Residential

Interdepartmental Review:	
City Engineering:	Engineering has no comments on this variance at this time.
City Utilities:	No comments received.
Columbus Fire Department:	The Columbus Fire Department does not have any issues with this request.
Department of Technical Code Enforcement	Code Enforcement does not have any issues with this proposal. Approval of this variance request will not create any building code violations or permitting issues.

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 has constructed an 11 foot by 18 foot (198 square foot) carport in the side yard of his single-family residential property. The carport is setback 3.3 feet from the south property line, which is 1.7 feet closer to the side property line than permitted by Zoning Ordinance Section 3.9(C). The carport has an overall height of 10.5 feet.
2. The carport was constructed behind an existing privacy fence that encloses the side and rear yards of the subject property. The fence measures approximately 6 feet in height.
3. The petitioner has indicated that the carport was placed in its current location to align with an existing gate opening in the privacy fence and to prevent the removal of landscaping north of the gate opening, which would be necessary if the gate opening is relocated.
4. The subject property has a sizeable rear yard; it encompasses approximately 50% of the total lot area (approximately 6,600 square feet). The rear yard is primarily open space aside from a small shed and a few mature trees.
5. The carport is not located within any easements, it complies with the minimum front yard setback from Washington Street, and it otherwise meets the development standards listed in the Zoning Ordinance.
6. The petitioner has indicated that he intends to install an extension of his existing driveway in order to access the carport. Zoning Ordinance Section 7.2(Part 3)(A)(1) states, "All parking spaces and driveways shall be paved. Paved wheel paths, with grass or suitable groundcover between, shall be permitted." The petitioner intends to install pavers to comply with the paved wheel path alternative.
7. The surrounding neighborhood consists of low-density single-family residential homes. Accessory structures are common in the area; the typical accessory structure is a shed.

8. The Zoning Ordinance regulates the distance between structures and side/rear property lines to allow for adequate drainage and to allow for adequate space to perform lawn maintenance and maintenance of structures.
9. According to Zoning Ordinance Section 6.1(Table 6.2), carports are a permitted accessory structure in the RS2 (Residential: Single-Family 2) zoning district. Therefore, this structure would be permitted if shifted 1.7 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 carport does not pose a safety concern for residents of the neighborhood. The structure meets the minimum front yard setback from Washington Street and it is located behind the front foundation of the residential structure. The carport is also enclosed by an existing privacy fence, which encloses the side and rear yards of the subject 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 Zoning Ordinance regulates the distance between accessory structures and side lot lines to allow for adequate drainage, to allow adequate space to perform maintenance tasks, and to prevent accidental encroachment onto neighboring properties when completing these tasks. Because the carport is located within a privacy fence, it is unlikely that its placement 1.7 feet closer to the side property line than permitted will result in accidental encroachment onto neighboring properties when completing maintenance tasks. Furthermore, the view of the carport, which could impact surrounding neighbors, is unlikely to change by relocating it 1.7 feet to the north. *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 Zoning Ordinance requirement that the carport be located 5 feet from the side property line does not result in practical difficulties in the use of the property as a single-family residence. The subject property is a large lot with a sizeable rear yard; it has ample space to meet the minimum setback requirement. The area on the south side of the residence is large enough to accommodate the carport and the required 5 foot setback. Although the gate opening on the privacy fence will need to be relocated and some landscaping may need to be removed to accommodate the 5 foot setback, this does not present a 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.

150 Filing Fee

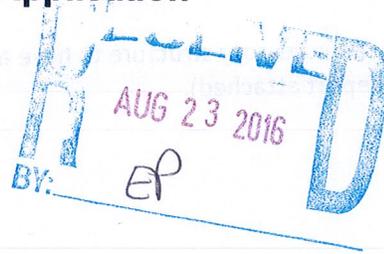
Columbus – Bartholomew County Planning Department Development Standards Variance Application

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: _____
Docket No.: CDS-16-37

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: Jordan Elkins
Address: 4245 Washington Street Columbus Indiana 47203
(number) (street) (city) (state) (zip)
Phone No.: 812-657-1687 Fax No.: _____ E-mail Address: jordan.elkins@cummins.com

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

Name: same
Address: _____
(number) (street) (city) (state) (zip)
Phone No.: _____ Fax No.: _____ E-mail Address: _____

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

Name: same
Address: _____
(number) (street) (city) (state) (zip)
Phone No.: _____ Fax No.: _____ E-mail Address: _____

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: 4245 Washington Street Columbus Indiana 47203
(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):

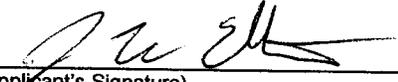
Application Fee Refund Information:

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: Jordan Elkins
Address: 4245 Washington Street Columbus Indiana 47203
(number) (street) (city) (state) (zip)

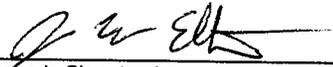
Applicant's Signature:

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

 8-19-16
(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.

 8-19-16
(Owner's Signature) (Date)

Jordan W. Elkins
(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.

Variance request supporting photos – 4245 Washington Street

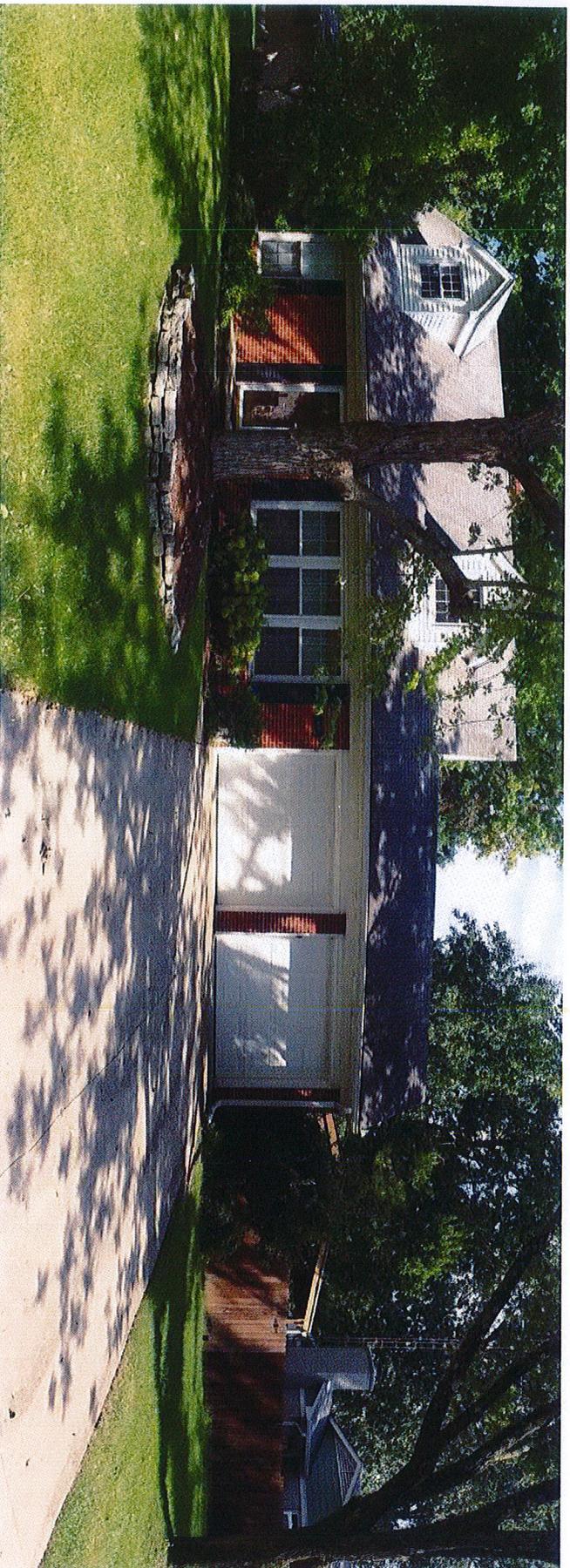


Photo 1 (above): Street view shows the structure located on the right hand side behind the privacy fence and existing landscaping.

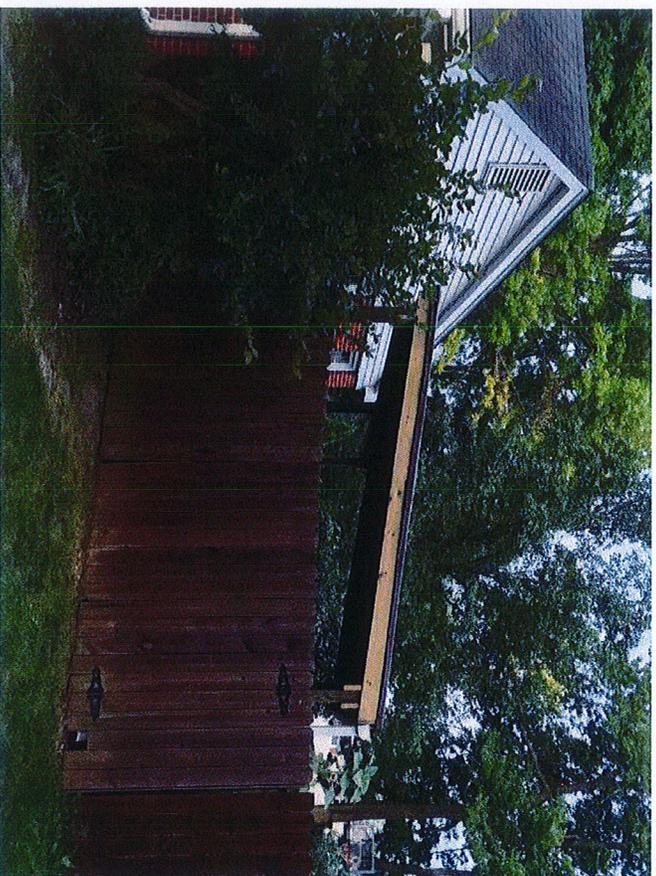


Photo 2 (above left) & 3 (above right): Close-up views show the structure was located to align with the existing gate opening and to maintain the existing landscaping.

Statement of Support

On Saturday and Sunday, July 16th-17th 2016, a carport was constructed at 4245 Washington St. Columbus, IN 47203. Construction was completed by Jordan Elkins, the property homeowner. The carport is located in the fenced side yard on the homeowner's property.

The photo below shows the property and the approximate location of the carport (cross-hatched rectangle in blue).



The carport has the following approximate dimensions Length: 18ft, Width: 11ft, Height: 8-10.5ft

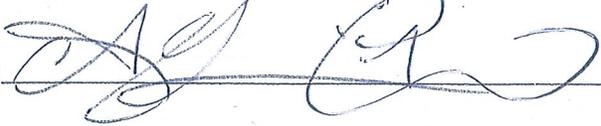


Photos from left to right: view from front yard, view from back yard, view from neighbor's front yard

****By signing this Statement of Support I am agreeing that I do not take issue with this structure.**

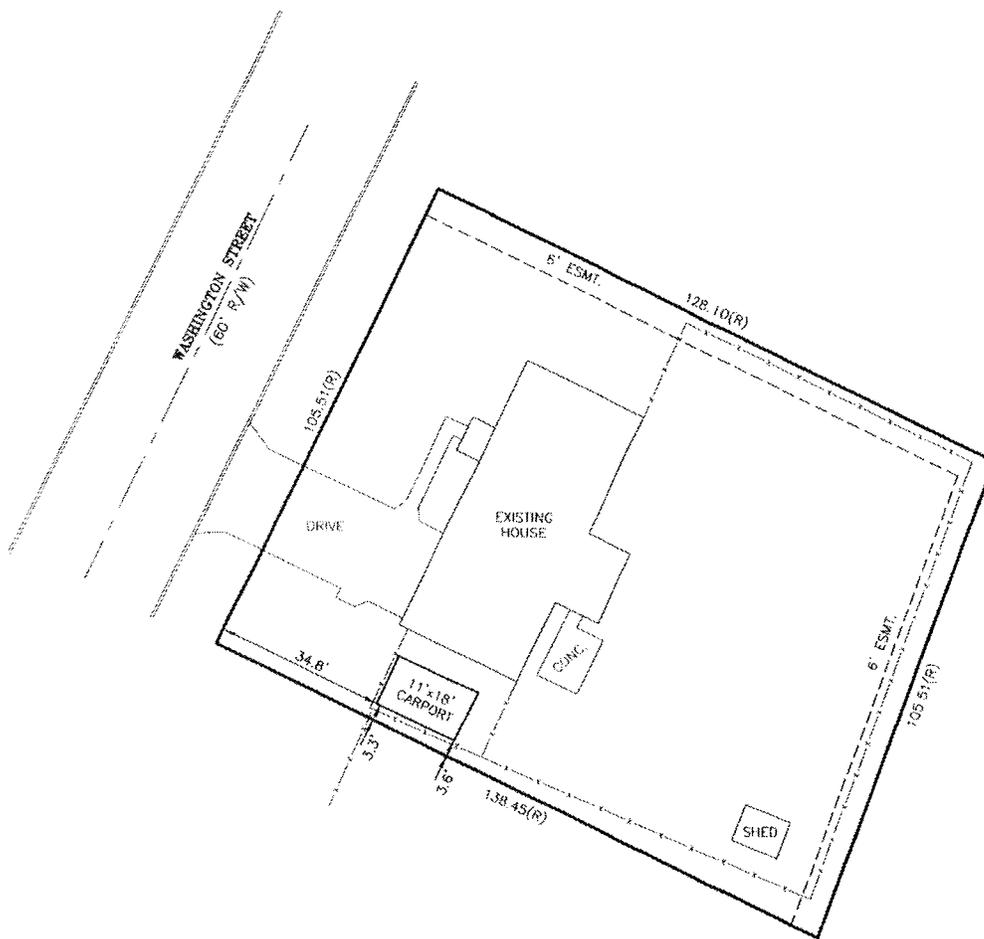
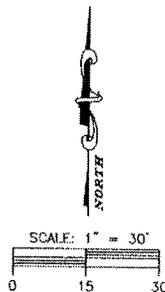
Name:  Amy E.C. Libnermann *Sin Libnermann*

Address: 4235 Washington Street Columbus, IN 47203

Signature:  Date: 7/28/16

CONSTRUCTION STAKE OUT DRAWING

LOT "75" IN "RIVERVIEW ACRES SECOND SECTION" AS RECORDED IN PLAT BOOK "E", PAGE 144 IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA.



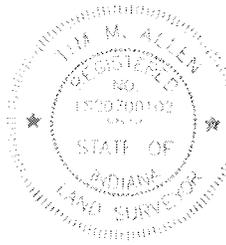
LEGEND

(R) PER RECORD DESCRIPTION OR PLAT

I, TIM M. ALLEN, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED IN ACCORDANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THE HEREON DRAWING WAS PREPARED UNDER MY SUPERVISION FROM THE NOTES OF A FIELD SURVEY. ZONING/COVENANT COMPLIANCE IS NOT IMPLIED, WARRANTED, OR GUARANTEED BY THIS DRAWING.

[Signature]
TIM M. ALLEN, PLS LS20700102

8/16/16
DATE



VOID AFTER 60 DAYS FROM DATE OF CERTIFICATION

LOT 75 RIVERVIEW ACRES 2ND SECTION BARTHOLOMEW COUNTY, INDIANA		Independent Land Surveying www.itsurveying.com 3640 Cornerstone Drive Columbus, Indiana 47201 Phone: 812-372-0966 Fax: 812-372-0596 414 South Main Street Brownstown, Indiana 47222 Phone: 812-398-2862 Fax: 812-398-2835
SHEET: 1 OF 1 SCALE: 1" = 30' DRAWN BY: TMA DWG DATE: 8/16/16 DWG NAME: 16183 ELKINS - 050.dwg	JOB #16183 DWG REVISION DATES	