



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
HEARING OFFICER
(September 11, 2012 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-12-20 (Quad Properties)
Staff: Thom Weintraut
Hearing Officer: Melissa Begley

Applicant: Quad Properties, LLC
Property Size: 3.18 Acres
Current Zoning: CR (Commercial: Regional)
Location: 2335 Jonathan Moore Pike, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 10(H)(7) is for the purpose of allowing an Interstate Oriented Sign to be located outside of a rear yard.

Preliminary Hearing Officer Decision:

Approval, subject to the following condition: The petitioner shall provide an updated site plan showing the relocation of the lot lines.

Zoning Ordinance Considerations:

District Intent: The intent of the CR (Commercial: Regional) zoning district is as follows: The CR zoning district is intended to establish appropriate locations for a variety of businesses that either (1) serve a regional market or (2) require convenient access to high volume transportation routes. The district should be limited to areas with infrastructure that is compatible with the needs of regional-serving businesses and facilities. The district should be focused at key intersections rather than extending along corridors.

Development Standards: Zoning Ordinance Section 10 (H)(7) states that an interstate-oriented sign shall be located in the rear yard, with the base behind the actual structure of the principal building. For lots without a rear yard, the rear yard shall be the yard opposite the yard adjacent to the street or road with the highest classification according to the Thoroughfare Plan.

Current Property Information:	
Land Use:	Hotel
Site Features:	The site contains a building, parking and a large detention pond
Flood Hazards:	The property is located in the 100-year flood fringe.

Vehicle Access:	The property gains access from Johnson Boulevard (Local, Commercial, Suburban street).
------------------------	--

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CR (Commercial: Regional)	Restaurant (Starbucks, Lincoln Square, McDonald's)
South:	PUD (Planned Unit Development)	Undeveloped (Columbus Crossing PUD)
East:	CR (Commercial: Regional)	Motel (Super 8) Office (Centra Mortgage)
West:	CR (Commercial: Regional)	Restaurant (IHOP, Culver's) Convenience Store (Circle K)

Interdepartmental Review:	
City Engineering:	None.
City Utilities:	None.

Planning Consideration(s):

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

1. There is a retention pond located directly south of the structure. The pond occupies almost the entire rear yard of the structure.
2. The portion of the rear yard immediately behind the building is narrow and because of the slope of the retention pond, there is not adequate room to allow the placement of a sign or access for equipment needed for the placement of a sign to the rear of the property.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals Hearing Officer may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Hearing Officer 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 placement of the sign is south of the rear plane of the building and less than 10 feet from the rear yard. The sign does not encroach into any setbacks and therefore should not be injurious to the public health, safety, morals, and general welfare of the community. *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 use and value of the adjacent areas should not be affected in a substantially adverse manner because the sign is outside of the required setbacks and meet all other development standards. In addition properties in the area are used for regional commercial types of uses. *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 strict application of the term of the zoning ordinance will result in practical difficulties in the use of the property because the close proximity of the retention pond to the rear of the building and the that fact the pond extends almost the entire width of the rear yard does not allow adequate area to allow equipment to access the rear yard and to place a sign. *This criterion has been met.*

Hearing Officer Options:

In reviewing a request for development standards variance 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.

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

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: _____

Docket No.: _____

Hearing Procedure: Hearing Officer Board of Zoning Appeals

Development Standards Variance Application:

Applicant Information:

Name: Quad Properties, LLC

Address: 2335 Jonathan Moore Pike, Columbus, IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812/372-7200 Fax No.: 812/372-8829 E-mail Address: _____

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

Name: Quad Properties, LLC

Address: 2335 Jonathan Moore Pike, Columbus, IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812/372-7200 Fax No.: 812/372-8819 E-mail Address: _____

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

Name: Robert L. Dalmbert

Address: P. O. Box 664, Columbus, IN 47202-0664
(number) (street) (city) (state) (zip)

Phone No.: 812/372-7200 Fax No.: 812/372-8829 E-mail Address: _____

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

Property Information:

Address: 2335 Jonathan Moore Pike, 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):

Legal Description is attached.

Variance Requested:

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

Maintenance of an Interstate sign for the Sleep Inn Hotel installed behind
the building, but extends approximately six feet to the west of the building.

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.

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

When the Contractor was ready to commence construction of the sign, he realized
that placing directly behind the building would disrupt underground utilities and
the drainage from the building. Therefore, he moved the sign approximately six feet
to the west. Also, to place the sign completely behind the building would have resulted
in substantial fill being required.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

This is true.

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.

To erect the sign totally behind the building would have disrupted
underground utilities and affected drainage.

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) Robert L. Dalmbert

7/30/12
(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) Robert L. Dalmbert, Manager

7/30/12

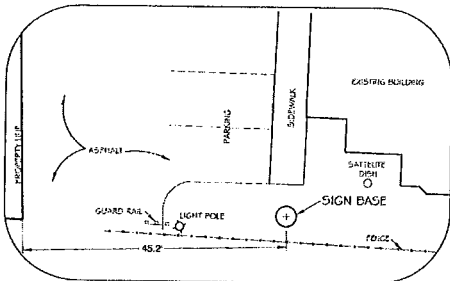
(Date)

(Owner's Signature)

(Date)

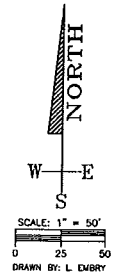
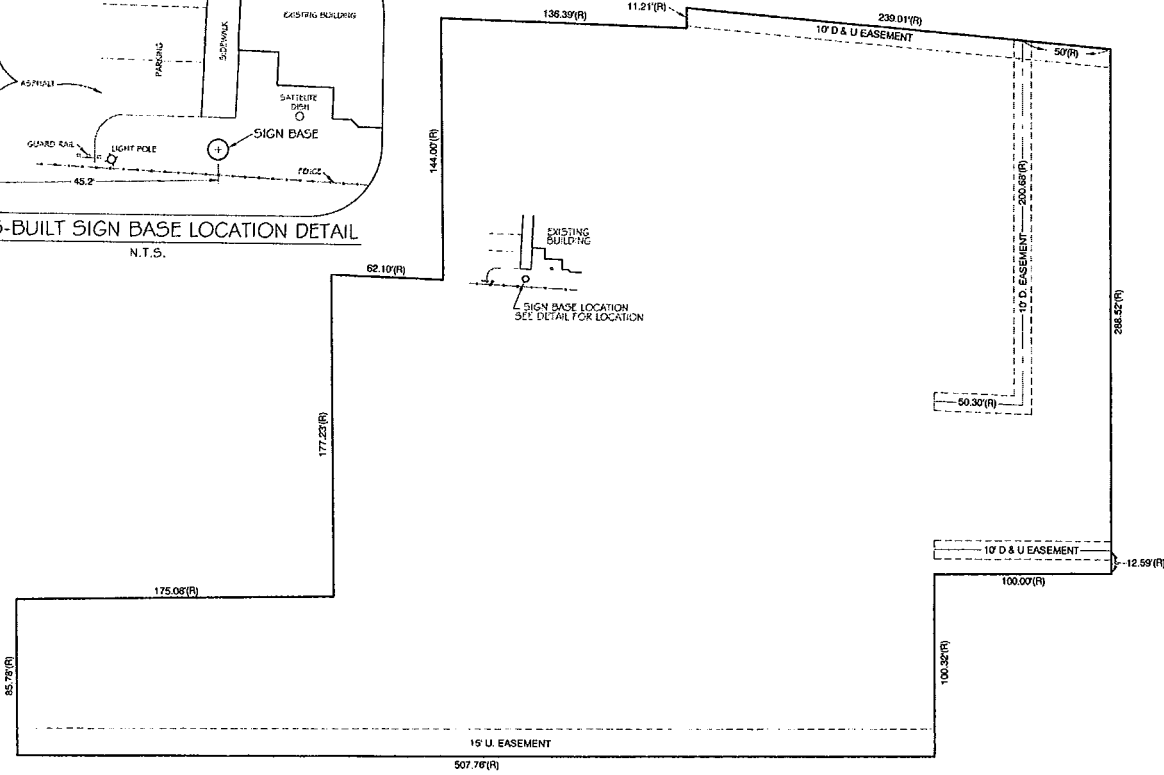


PROPERTY DESCRIPTION
 LOT 4D IN 'REPLAT OF LOTS 4C & D-4-B3 IN BREXPARK' AS RECORDED IN PLAT BOOK 'R',
 PAGE 267C IN THE OFFICE OF THE BARTHOLOMEW COUNTY RECORDER.



AS-BUILT SIGN BASE LOCATION DETAIL

N.T.S.



THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS
 A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A
 ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.

REVISED 9-10-12
 REVISED 9-26-11
 JOB #11563
 E.R. GRAY
 AS 3526 LICENSE
 PROFESSIONAL LAND SURVEYING
 AND CONSULTING
 E.R. GRAY III, L.S.
 (RESIDENT)
 P.O. BOX 107
 CHARLOTTE, NORTH CAROLINA
 N.C. 28212-0107 FAX 704-392-2145