



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
HEARING OFFICER  
(September 13, 2023 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** CCU-2023-014 (Robert & Sarah Schwartzkopf)

**Staff:** Kyra Behrman

**Hearing Officer:** Melissa Begley

**Applicant:** Robert & Sarah Schwartzkopf

**Property Size:** 2,538 square feet

**Zoning:** CD (Commercial Downtown)

**Location:** 432 8<sup>th</sup> Street, in the City of Columbus

**Background Summary:**

The applicant has indicated that the proposed conditional use will allow a single family residence in the CD zoning district. Section 3.16(B) allows a single family dwelling in the CD district with the approval of a conditional use.

**Preliminary Hearing Officer Decision:**

Approval, the request meets all criteria.

**Zoning District Intent:**

The intent of the CD (Commercial Downtown) zoning district is as follows: intended to serve as the primary commercial and activity center, where a complete range of goods, services, and entertainment is located. This district is intended to serve as a focal point, and to be the most intensely developed area in the community. This district is further intended to support the continued use of historic structures, to ensure a pedestrian-focused character, and to enable continued investment.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Worship Facility
<b>Site Features:</b>	Existing structure / Worship facility.
<b>Flood Hazards:</b>	No flood hazards
<b>Vehicle Access:</b>	8 <sup>th</sup> Street (Collector, Commercial, Urban) Alley

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	RE (Residential Established) CD (Commercial Downtown)	Single family dwelling Commercial (German American Bank)
<b>South:</b>	CD (Commercial Downtown)	Commercial (Administrative Resources Association office's parking lot)
<b>East:</b>	CD (Commercial Downtown)	Commercial (Administrative Resources Association office)
<b>West:</b>	CD (Commercial Downtown)	Commercial (Turning Point shelter)

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	They have no parking and no land on their parcel that could be used for parking. They have proposed to cut out a small area for 2 cars to park along 8 <sup>th</sup> Street. BOW approved their request as an encroachment in the R/W and they approved an encroachment agreement.
<b>City Utilities:</b>	No concerns.
<b>Code Enforcement:</b>	Code Enforcement does not have any issues with this request. The applicants have met with our office and explained their plans which we see no problems with.

### **Planning Consideration(s):**

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

1. The subject site has been used as a house of worship since its construction. The structure was built in 1910 and contains approximately 3,500 square feet including the basement area.
2. The applicant is proposing to remodel the structure into a single family dwelling.
3. The subject site has 47 feet of frontage on 8<sup>th</sup> Street and 54 feet along the platted alley. The site does not contain space for parking vehicles. In the CD (Commercial: Downtown) zoning district, required parking is exempt.
4. Currently, Franklin Street allows on-street parking and is located approximately 105 feet to the east and no parking is permitted on 8<sup>th</sup> Street.
5. The applicants received approval from the Board of Works to allow on-street parking on 8<sup>th</sup> Street (encroachment agreement) provided that the parking spaces can be used by the general public and not only for the applicants.
6. The general area contains a mix of uses: single family dwellings, offices (Administrative Resource Association and Turning Point Shelter), and retail (banking). Some of the adjoining commercial uses located within the CD zoning district are housed within former single-family dwellings.

### **Comprehensive Plan Consideration(s):**

The Comprehensive Plan designates the future land use of properties in this area as Residential.

The Comprehensive Plan includes this property in the Downtown Columbus character area. The following planning principles for that character area apply to this application:

1. Residential uses add to the vitality and customer base of downtown, and they should be encouraged where they do not compete for retail space. Appropriate areas include properties north of 14th Street, Franklin Street north of 7th Street, and the upper floors of commercial buildings throughout the downtown.
2. As uses change or expand, the city should ensure that smooth traffic flow will be maintained and that convenient parking is available.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **GOAL A-2:** Preserve & enhance the character of the community.
2. **POLICY A-2-9:** Preserve and enhance the character of neighborhoods. *Older neighborhoods have distinctive characteristics which should be retained. These vary from one neighborhood to another, but they include such things as smaller lots, lesser setbacks, service alleys, and a distinctive architectural style.*
3. **POLICY A-4-1:** Preserve & revitalize older neighborhoods, including buildings, grounds, and infrastructure.
4. **POLICY F-5-2:** Encourage flexibility in meeting parking demand (shared parking, grassed overflow areas for peak demand and similar practices). *The city should explore ways to reduce the amount of land consumed by parking lots. These might include smaller parking spaces for compact cars, shared parking between uses with different hours (such as using church parking lots for businesses during the week), and temporary overflow parking areas*

The Downtown Plan / Envision Columbus includes this area in the “Zipper Zone”. General characteristics for residential land use in established neighborhoods encourages existing architectural typologies be celebrated in rehabilitation and infill efforts. Designs should maintain key architectural scale and styles, and consider opportunities to integrate contemporary typologies.

### **Provisional Findings of Fact/Decision Criteria:**

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer may impose reasonable conditions as part of an approval.

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

*Provisional Findings: Renovating this site from a former worship facility to a residential use would not be injurious to the general welfare of the community. The site will be served by all public utilities. No significant increase in traffic is expected with the proposed residential use. The applicants have been granted approval to construct parking spaces within the right-of-way on 8<sup>th</sup> Street and a formal Encroachment Agreement has been signed by the applicants and the City. This criterion has been met.*

#### **2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

*Provisional Findings: The site has been developed for many years and is considered to be legal non-conforming. The ordinance allows single-family dwellings as a conditional use in the CD Zoning District. The exterior changes will be aesthetic and not structural; therefore, no changes will be made to the building footprint. The applicants have addressed the parking requirements through the Board of Works. This criterion has been met.*

#### **3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

*Provisional Findings: This general area is somewhat a transition between the downtown commercial and public uses and the long established residential uses; it contains a mix of uses. Some nearby dwellings are used residentially, while other dwellings are used as offices (ARA) and institutional purposes (Turning*

*Point). Additionally, traditional retail / commercial exists in this general area. Allowing a residential use in the former worship facility would not appear to negatively affect the property value or use. This criterion has been met.*

**4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

*Provisional Findings: The Comprehensive Plan includes policies regarding the protection of the dominant spires in the downtown skyline, as well as preservation of the character of neighborhoods. The subject site is within an older neighborhood with distinctive characteristics such as smaller lots, lesser setbacks, service alleys and a distinct architectural type, which according to the Comprehensive Plan should be retained. This criterion has been met.*

**Hearing Officer Options:**

In reviewing a request for conditional use 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.

## City of Columbus - Bartholomew County Planning Department

### Conditional Use Application

Submit applications and materials by e-mail to [planning@columbus.in.gov](mailto:planning@columbus.in.gov). If questions, please call: 812.376.2550.  
 Submittal instructions available at <https://www.columbus.in.gov/planning/applications-forms/>.

#### To be Completed by the Planning Department

Pre-submittal Meeting on (date): 8/4/23 by (Initials): MB & KB

Application Received on (date): 8/15/23 by (Initials): JAM

Jurisdiction: ☒ Columbus ☐ Bartholomew County ☐ Joint District

Hearing Procedure: ☐ Board of Zoning Appeals ☐ Hearing Officer

Docket No.: CCU-2023-014 Zoning District: CD

Property Owner Name (from GIS): God's House Missionary Baptist Church Of Columbus

#### To be Completed by the Applicants

**STOP! All conditional use applicants must meet with a Planning Department staff member before completing this application. Please contact the Department at 812.376.2550 at least 1 week prior to the applicable Board of Zoning Appeals application deadline to schedule a review meeting. The Department cannot guarantee a timely review meeting if contacted less than 1 week prior to the deadline and is not responsible for any missed deadline that may result.**

#### Representative / Notification Information:

*The contractor, surveyor, attorney, or other person authorized to act on behalf of the project owner (or the project owner if no other representative will be used) and to whom all correspondence regarding this application should be directed.*

Representative Person's Name: Robert and Sarah Schwartzkopf

Representative's Company Name: NA

Mailing Address: 9383 West Reeves Drive Columbus Indiana 47201  
(number) (street) (city) (state) (zip)

Phone No.: 812-371-6114 E-mail Address: baschwartzkopf@sbcglobal.net

**All correspondence will be by e-mail unless another method has been agreed upon by the Planning Department.**

#### Project Information:

*The home owner, business, institution, etc. that is making the request – NOT the contractor, surveyor, or other representative (see above). If the project owner will be representing themselves, their information should be entered above and "same as above" may be entered below.*

Home Owner, Business, Institution, Etc. Name: same as above

Business, Institution, Etc. Contact Person Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(number) (street) (city) (state) (zip)

Phone No.: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

#### Property / Location Information:

Property Address: 423 8th Street Columbus  
(number) (street) (city)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, etc.): \_\_\_\_\_

## Conditional Use Requested:

I am requesting a conditional use per Section 3.16 (B) \_\_\_\_\_ of the Zoning Ordinance to allow the property to be used for the following (as defined by the zoning ordinance):

Residential Use \_\_\_\_\_

Please describe the proposed use further:

We would like to turn the church building into our permanent residence. We will be making some modifications to the interior (adding full bathrooms). We will be restoring the exterior with little alteration.

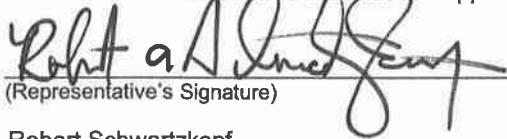
## Conditional Use Criteria:

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that each must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria.

1. **The approval of the conditional use will not be injurious to the public health, safety, and general welfare of the community.** For example: What harm could come from approving the conditional use? Would it create any public safety issues? Why or why not?  
See attached page
  
2. **The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.** For example: Will the conditional use be able to meet minimum building setbacks, parking standards, and other requirements? If not, are variances being sought to address those items?  
See attached page
  
3. **Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.** For example: The property is zoned \_\_\_\_\_. Are there risks that the conditional use will cause harm to the neighbors ability to use and enjoy their property? Is there reason to believe that the conditional use will cause harm to neighboring property values?  
See attached page
  
4. **The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.** Will the conditional use change the character of the area? Will it involve a building, operation, or features that are significantly different than what is common to the zoning district? If the property is located in the jurisdiction of the City of Columbus visit <https://www.columbus.in.gov/planning/comprehensive-plans/>. If the property is in the jurisdiction of Bartholomew County visit <https://www.columbus.in.gov/planning/comprehensive-plans/comprehensive-county-plans/>. Include statements or concepts that support the request.  
See attached page

### Representative's Signature / Acknowledgement:

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



(Representative's Signature)

Robert Schwartzkopf

(Representative's Printed Name)

August 6, 2023

(Date)

### Property Owner's Signature:

The owner DOES NOT include a tenant or contract buyer. Applications submitted without the property owner's signature will not be processed.

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. I understand that a public notice sign may be placed and remain on the property until the processing of the request is complete.



dotloop verified  
08/10/23 3:47 PM CDT  
BBWR-B1GB-KDJM-JGOZ

(Property Owner's Signature)

Janeice Millon

(Property Owner's Printed Name)

08/10/2023

(Date)

### Signer's Ownership Role or Representation:

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

Representative of Board of Trustees

(Signer's Ownership Role or Representation)

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

In our opinion converting the property from commercial to residential would not create any public safety issues.

- Less people will be occupying the building as a residence than in the building's previous use as a church. Therefore, fewer cars will be populating the area around the building and in the surrounding neighborhood. We have asked the city to provide additional parking in front of the building for general use.
- With our ownership we plan on installing security equipment and adding exterior motion sensor lights which could help in deterring crime attempts in the area.
- In restoring the exterior of the building, we will be painting and following lead based paint remediation protocol.
- We will be installing up to date smoke detectors.
- We plan on adding a safety iron gate to the top of the back exterior stair.

**2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

The building has zero lot lines, so no opportunity for off street parking, but meets the exempted requirements of the CD District for parking. We have however asked the city for the addition of street parking in front of the building.

In addition, our plan to maintain the historic nature of the building is consistent with the ordinance's intent to "support the continued use of historic structures".

**3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

In our opinion granting the change from commercial to residential will not injure the property in question or other properties in the vicinity. It is our goal to merely return the building to its former beautiful exterior. We hope it will be a source of pride for the surrounding neighborhood and will not adversely deflate property values. Improvements we will be making include:

- Repairing and painting the exterior
- Removal of ADA ramp
- Improve exterior lighting and add security measures
- Upgrade electrical to code
- New air conditioning
- New fence and gate at exterior stair to lower level
- Landscape upgrades around the building and on the street
- Clean up front stairs and add handrails



- Ease the need for parking in the neighborhood that was required by the church.
- Add exterior plaque noting previous congregations in the building since 1876

**4. The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

We feel the building is architecturally and historically significant to Columbus. Built in 1876 it is our understanding that it was one of the first churches built in town. It is a fine example of Craftsman Gothic architecture. We lived at 9th and Franklin until 16 years ago. We have admired the building for many years and always thought what a wonderful residence it could be if ever it were no longer a church.

We are also concerned for the future of the building. The property lines are the footprint of the building itself with no opportunity to add off street parking. We feel that without the possibility of adding parking, it would be difficult to turn it into an office or other commercial building. It only worked recently as a church because the neighbors were kind enough to let parishioners park in their spaces on the weekend. Our fear is that if the building is not repurposed and cared for it will turn to ruin and eventually need to be demolished. A significant building could be sadly lost. If torn down, the only probable use would be a parking lot which would jeopardize the charm of the neighborhood. This would also be contradictory to the goals of Envision Columbus development plan which is in part to eliminate surface parking and encourage residential opportunities.

This church was one of the first buildings in the neighborhood in the late 1800's. We feel that our conditional use of turning it into a residence, while keeping the original exterior church aesthetic, will enhance the character of the neighborhood.