



**CITY OF COLUMBUS
 BOARD OF ZONING APPEALS
 (January 23, 2024 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-2023-032 (Tijuana Newton)
Staff: Noah Pappas
Applicant: Tijuana Newton
Property Size: 7,290 Square Feet
Current Zoning: RE (Residential: Established)
Location: 1921 Wallace Avenue, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed variance is for the purpose of allowing a 3.5 foot encroachment into the front setback, up to the property line, equaling a 0 foot setback from the property line, for the purpose of building a ramp meant to serve an electric wheelchair.

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: to ensure the continued viability of neighborhoods and developments in existence on the effective date of the zoning ordinance. This district should be used to maintain traditional, contextually appropriate setbacks, uses, and other standards in a manner consistent with the Comprehensive Plan.

Development Standards: Section 3.12(C) Minimum Front Setback: Equal to the smallest setback provided by all other primary structures on the same side of the street on legal lots of record within 300 feet of the subject property.

Current Property Information:	
Land Use:	Single-Family Residential
Site Features:	Single-Family House
Flood Hazards:	None
Vehicle Access:	Wallace Avenue (Local, Urban, Residential)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RE (Residential: Established)	Single-Family Residential
South:	RE (Residential: Established)	Single-Family Residential
East:	RE (Residential: Established)	Single-Family Residential
West:	RE (Residential: Established) CC (Commercial: Community)	Single-Family Residential

Interdepartmental Review:	
City Engineering:	We have no comments at this time.
City Utilities:	I have no concerns.
City Fire:	The fire department does not have any issues with this proposal.
Code Enforcement:	Code Enforcement would not have any issue with this proposal. A building permit will be required if approved.

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 requesting to construct a wheelchair ramp off of the front porch, facing Wallace Avenue, that encroaches 3.5 feet into the current 3.5 foot front setback, and having a new front setback of 0 feet. The overall height of the ramp from grade to porch is 14 inches.
2. Per Section 3.12(C) of the zoning ordinance, the minimum front setback is equal to the smallest setback provided by all other primary structures on the same side of the street on legal lots of record within 300 feet of the subject property. In this case the smallest setback provided by all other primary structures on the same side of the street within 300 feet of the subject property is the subject property itself. Therefore the applicant is encroaching 3.5 feet further into the minimum front setback of 3.5 feet it has established.
3. The addition of the ramp will result in the reduction of neither the eastern nor western side setbacks.
4. The applicant has stated that they cannot put the ramp off of the rear property due to two steps inside the home that are present at the entrance of the kitchen to the back porch, leaving the only other access point as the front porch.
5. A ramp to a front porch providing wheelchair access is not unusual in a residential setting. The neighbor to the east also has a ramp, though it is not known by the Planning Department whether this ramp was properly permitted or not.

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 uncovered ramp will not cause any public health or safety concerns as it is on the subject property. The City Engineering Department has not voiced any concerns regarding visibility or the adjacent Wallace Avenue. *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 ramp lies entirely on the subject property and will not further encroach into either side setback. Adjacent neighbors will not be impacted in their ability to access their property. The character of the ramp is in character with an urban residential setting. *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: Given the presence of the rear interior steps, the only viable location for an accessible ramp is the front porch. The exclusion of a ramp from the required setback area would result in a practical difficulty in the accessibility and use of the home. *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.

**City of Columbus - Bartholomew County Planning Department
Development Standards Variance Application**

Submit applications and materials by e-mail to 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): _____	by (initials): _____
Application Received on (date): <u>12/5/23</u>	by (initials): <u>JAM</u>
Jurisdiction: <input checked="" type="checkbox"/> Columbus	<input type="checkbox"/> Bartholomew County <input type="checkbox"/> Joint District
Hearing Procedure: <input type="checkbox"/> Board of Zoning Appeals	<input type="checkbox"/> Hearing Officer
Docket No.: <u>CDS-2023-032</u>	Zoning District: <u>RE</u>
Property Owner Name (from GIS): <u>Tijuana Lynn Newton</u>	

To be Completed by the Applicants

STOP! All variance 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: Mark Newton

Representative's Company Name: _____

Mailing Address: 1921 Wallace Avenue Columbus Indiana 47201
(number) (street) (city) (state) (zip)

Phone No.: 8126031781 E-mail Address: mnewton@outlook.com

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 requesting the variance – 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: Tijuana Newton

Business, Institution, Etc. Contact Person Name: _____

Mailing Address: 1921 Wallace Avenue Columbus Indiana 47201
(number) (street) (city) (state) (zip)

Phone No.: 8123447952 E-mail Address: jaybear200025@yahoo.com

Property / Location Information:

Property Address: 1921 Wallace Avenue Columbus
(number) (street) (city)

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

Variance Requested:

I am requesting a variance from Section 3.12C of the Zoning Ordinance to allow the following:

encroach 3.5 feet in the front set back

Please describe the project for which the variance is sought:

Installation of handicap ramp for electric wheelchair. The ramp will extend 3.5 ft past the front porch

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.** For example: What harm could come from approving the variance? Would it create any public safety issues? Why or why not.

See attached

- 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.** For example: What impacts can the neighbors realistically expect to the use of their property and to their property values? Will approval of the variance cause any negative impacts to the neighbors? Why or why not.

see attached

- 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.** For example: Is there a reason the property cannot be used without the variance? If so, what is that reason (does a stream, existing building, well, or septic system limit options for new construction)? Explain the reason.

see attached

Application Fee Refund Information:

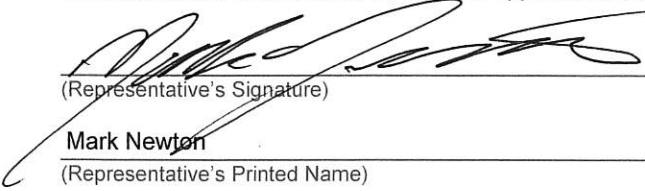
The adopted Planning Department Schedule of Application Fees provides for the refunding of the application fee for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom any refund should be provided:

Name: Mark Newtoin

Address: 1921 Wallace Avenue Columbus Indiana 47201
(number) (street) (city) (state) (zip)

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)

Mark Newton

(Representative's Printed Name)


12/04/23

(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.



(Property Owner's Signature)

Tijuana L. Newton

(Property Owner's Printed Name)

12/04/23

(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.

(Signer's Ownership Role or Representation)

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. For example: What harm could come from approving the variance? Would it create any public safety issues? Why or why not.

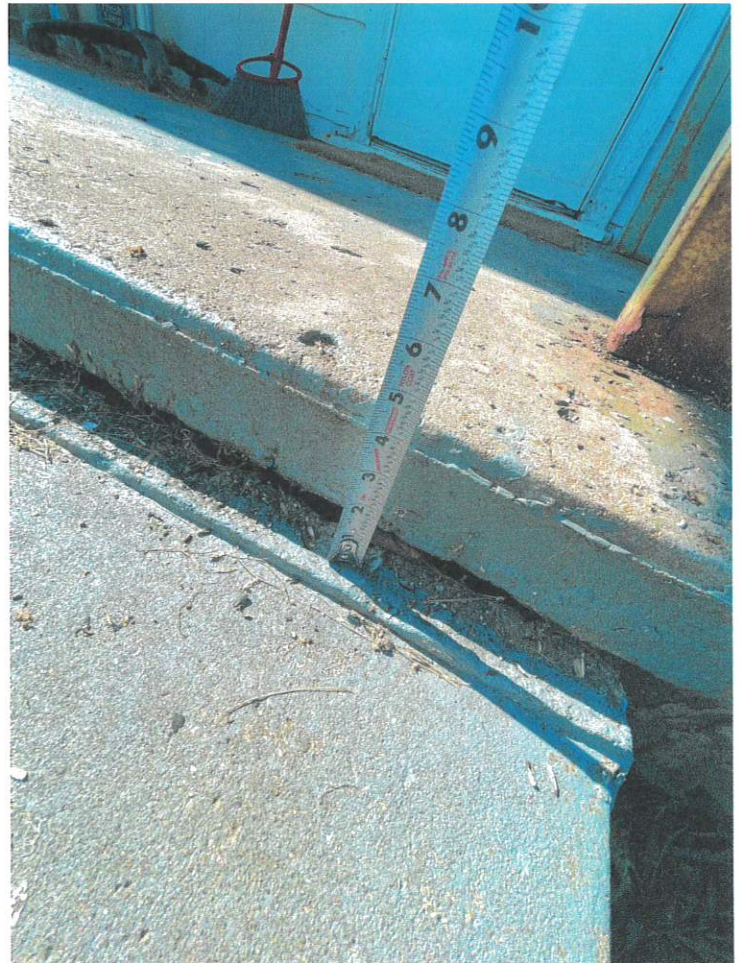
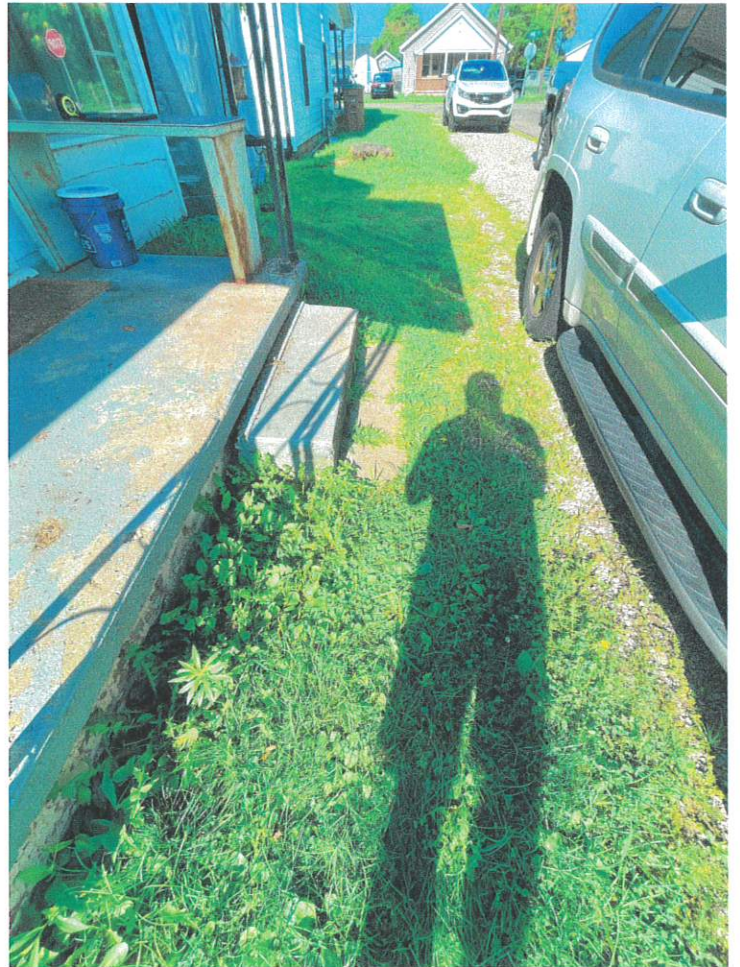
This uncovered ramp will not cause any harm to public health, safety, morals, and general welfare of the community. This ramp will allow access to my home with my electric wheelchair. There would not be any public safety issues as the ramp will not interfere with parking in front of my property or the neighbors.

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. For example: What impacts can the neighbors realistically expect to the use of their property and to their property values? Will approval of the variance cause any negative impacts to the neighbors? Why or why no

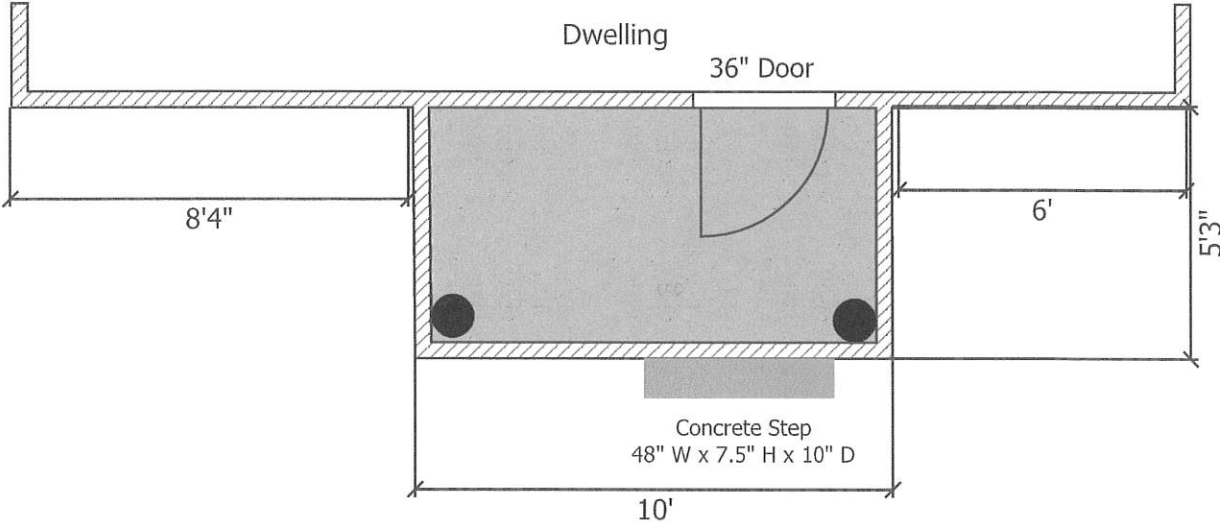
The use of this ramp will not cause any adverse effects for the property or the neighbors. It will be an uncovered ramp and therefore will not obstruct the view from the neighbor's property. It will not cause any issues with property values to the neighbors.

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. For example: Is there a reason the property cannot be used without the variance? If so, what is that reason (does a stream, existing building, well, or septic system limit options for new construction)? Explain the reason.

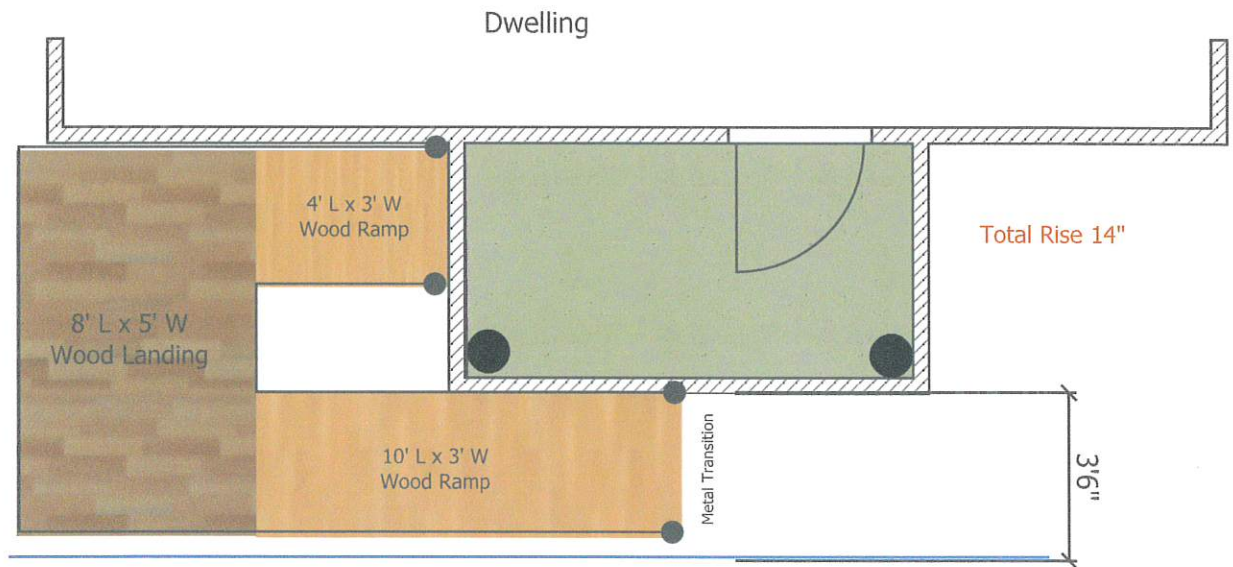
The ramp cannot be installed without the approval of the variance due to living on a disability income and this ramp is being installed and paid for by a non-0profit agency, who would pay to remove the existing porch. It cannot be built at the back door of the property due to 2 steps at the entrance of the kitchen to the back porch and no access in the back yard. Driveway, etc.



Newton Present Porch



Newton Recommended Ramp



County code does not allow the ramp to be 3'6" past edge of porch.
Client has filled out a variance for project.