



## CITY OF COLUMBUS, INDIANA BOARD OF ZONING APPEALS

### CONDITIONAL USE FINDINGS OF FACT

**Docket Number:** CCU-2023-017  
**Applicant:** HMGO Real Estate  
**Filing Date:** 11/3/2023  
**Hearing Date:** 12/19/2023  
**Property Location:** 1010 California Street, in the City of Columbus.

**Conditional Use Requested:**

A request to allow a duplex in the RE (Residential: Established) zoning district.

**Board Action Taken:**

Request Denied by a Vote of: 4 - 0

The Columbus Board of Zoning Appeals acted under the authority of Indiana law as follows: IC 36-7-4-918.2: a board of zoning appeals shall approve or deny all conditional uses. The board may impose reasonable conditions as a part of its approval.

In its deliberations, the Columbus Board of Zoning Appeals weighed the evidence associated with the following criteria and made the findings listed below. These written findings shall be considered the official findings of the Board and shall supplement any spoken findings offered at the time the Board's decision was made. Any distinctions between these written findings and those that were spoken serve only to clarify any paraphrasing or commonly understood language used in the spoken findings through the use of technical content of identical meaning.

**Criteria #1:** *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(1), the proposal will not be injurious to the public health, safety, and general welfare of the community.*

**Finding:** No other City departments or agencies expressed any concern for the proposed duplex as a use in this zoning district. However, the Columbus Fire Department has indicated a fire-safety and access concern regarding the proposed 3-foot side yard setbacks. This criterion **has not** been met.

**Criteria #2:** *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(2), the development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.*

**Finding:** The property is located in an established downtown neighborhood that includes many duplex/multifamily properties. However, as proposed, the duplex will not meet either the minimum 5-foot side yard setbacks required for such uses and intended to promote adequate maintenance and fire separation or the minimum parking requirement. This criterion **has not** been met.

**Criteria #3:** *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(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.*

**Finding:** The property is located in an established residential area that includes duplex/multifamily properties. However, the Columbus Fire Department has indicated a fire-safety concern regarding the proposed 3-foot side yard setbacks that potentially injures nearby properties. This criterion **has not** been met.

**Criteria #4:** *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(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.*

**Finding:** The applicant's proposal for the duplex use is consistent with the intent of the RE zoning district. It is also consistent with the Comprehensive Plan's goals for encouraging renovation and revitalization of established residential neighborhoods. This criterion has been met.

These findings of fact have been adopted by the Columbus Board of Zoning Appeals on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary