



CITY OF COLUMBUS, INDIANA BOARD OF ZONING APPEALS

DEVELOPMENT STANDARDS VARIANCE FINDINGS OF FACT

Docket Number: C/DS-2023-032
Applicant: Tijuana Newton
Filing Date: December 5, 2023
Hearing Date: January 23, 2024
Property Location: 1921 Wallace Avenue in the City of Columbus

Variance(s) Requested:

A Variance from Zoning Ordinance Section 3.12(C) to allow a 3.5 foot encroachment into the front setback in a RE (Residential: Established) zoning district.

Board Action Taken:

Request Approved by a Vote of: 5 to 0.

The Columbus Board of Zoning Appeals acted under the authority of Indiana law as follows: IC 36-7-4-918.5: a board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance.

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 12.3(D)(1)(a), the approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Finding: 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.*

Criteria #2: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(1)(b), the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

Finding: 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.*

Criteria #3: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(1)(c), 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.*

Finding: 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.*

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

Chairperson

Secretary