



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(February 27, 2024 Meeting)**

STAFF REPORT

Docket No. / Project Title: CUV-2024-003 (Cherry Street Boarding House)

Staff: Andres M. Nieto

Applicant: LARC Properties LLC

Property Size: +/- 0.39 Acres

Current Zoning: CC (Commercial: Community)

Location: 522 South Cherry Street, in the City of Columbus.

Background Summary:

The applicant has indicated that the proposed use variance is for the purpose of allowing a boarding house to be located in the CC (Commercial: Community) zoning district. This building has been operating as a boarding house since 2008 (prior to the applicant's ownership) without approval.

Preliminary Staff Recommendation:

Approval; All criteria have been met.

Zoning Ordinance Considerations:

District Intent: The intent of the CC (Commercial: Community) zoning district is as follows: To establish appropriate locations for a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.

Permitted Uses: The following uses are permitted in the CC (Commercial: Community) zoning district.

1. Communications / Utilities Uses
 - a. Communication service exchange
 - b. Utility substation
 - c. Water tower
2. Public / Semi-Public Uses
 - a. Clinic
 - b. Community Center
 - c. Day-care center (adult or child)
 - d. Funeral home
 - e. Government office
 - f. Police, fire, or rescue station
 - g. Post office
 - h. Trade or business school
 - i. Worship facility
3. Park Uses

- a. Nature preserve / conservation area
- b. Park / playground
- 4. Commercial Uses
 - a. Auto-oriented uses (small scale)
 - b. Auto-oriented uses (medium scale)
 - c. Auto-oriented uses (large scale)
 - d. Auto rental (includes truck, RV, etc.)
 - e. Builders supply store
 - f. Equipment rental
 - g. Health spa
 - h. Hotel / motel
 - i. Instructional center
 - j. Liquor store
 - k. Microbrewery / artisan distillery
 - l. Office uses
 - m. Personal service uses
 - n. Recreational uses (small scale)
 - o. Recreational uses (medium scale)
 - p. Restaurant
 - q. Retail uses (small scale)
 - r. Retail uses (medium scale)
 - s. Retail uses (large scale)

Permitted Locations: The proposed use is permitted in the following zoning districts:
None.

Conditional Use Locations: The proposed use is a conditional use in the following zoning districts:

- AV (Agriculture: Voluntary Protection)
- AP (Agriculture: Preferred)
- AG (Agriculture: General Rural)
- RR (Residential: Rural)
- RS1 (Residential: Single-family 1)
- RS2 (Residential: Single-family 2)
- RS3 (Residential: Single-family 3)
- RS4 (Residential: Single-family 4)
- RE (Residential: Established)
- RT (Residential: Two-family)
- RM (Residential: Multi-family)
- RMH (Residential: Manufactured Home Park)
- CD (Commercial: Downtown Center)
- CDS (Commercial: Downtown Support)

Current Property Information:	
Land Use:	Boarding House
Site Features:	Boarding house, parking lot
Flood Hazards:	N/A
Vehicle Access:	Cherry Street (Local, Residential, Urban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CC (Commercial: Community)	Auto repair
South:	CC (Commercial: Community)	Single-family residential
East:	I2 (Industrial: General)	Dorel (manufacturing)
West:	CC (Commercial: Community)	Auto repair

Interdepartmental Review:	
City Engineering:	No comments.
City Utilities:	No concerns.
Technical Code Enforcement:	Code Enforcement does not have an issue with proposal. As discussed in meeting, they will have to get a change of use permit with the State and will need to schedule an inspection with state fire marshal. They will also need to get a permit with this office. No inspections have been done with our office nor any permits for all the remodels done.
Fire Department:	The Columbus Fire Department does not have any objection to a use variance being issued for this property. As Ron Cram mentioned in the application, this building has been operating as a boarding house for several years.

History of this Location:

The relevant history of this property includes the following:

1. In 2007, the Planning Department approved a Zoning Compliance Certificate (C/ZC-07-212) to allow the operation of a 16-room hotel on this property.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Industrial.

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

1. **GOAL A-1:** Maintain the small-city atmosphere as the community grows.
2. **POLICY A-1-1:** Encourage mix of housing prices in all geographic areas of the city. *This policy is intended to provide choice of housing locations; it does not mean that houses of greatly differing price will be mixed in the same neighborhood.*
3. **GOAL D-2:** Encourage development of a sufficient supply of diverse housing types, sizes, and price ranges in the community.
4. **POLICY D-2-1:** Encourage housing which is affordable to those whose incomes are below the median, particularly those significant below the median. *A thriving community needs socio-economic diversity which in turns requires a range of housing prices. The city should encourage the development of housing in a variety of price ranges so that all citizens will have decent, safe, and sanitary housing at prices they can afford.*

5. **POLICY D-2-2:** Allow for various housing types. *A diverse population needs diverse housing. The city should encourage a variety of housing types, including single-family detached houses, townhouses, and apartments.*
6. **POLICY D-2-6:** Encourage development of a sufficient supply of housing in all price ranges so that all citizens of the community can enjoy decent, safe, and sanitary housing in desirable neighborhood settings. *A diversity of housing prices and types accommodates a diverse population and differing preferences.*
7. **POLICY D-3-3:** Require proper construction standards for new and rehabilitated housing. *Houses which are properly constructed will need less maintenance and will retain their value better than those which do not comply with accepted construction practices. The city should ensure that standards are adopted and enforced.*

This property is located in the East Columbus Character Area. The following Planning Principle(s) apply to this application:

1. Encourage new housing development.
2. Encourage property rehabilitation.
3. Encourage reuse of empty buildings for neighborhood commercial purposes.

The subject property is included in the “Zone of Influence” described in the State Street Corridor Plan Comprehensive Plan Element, but was not included in the primary study area of this plan.

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 a use variance to allow a boarding house to be located in the CC (Commercial: Community) zoning district.
2. The boarding house consists of 24 total rooms, all of which are single bedrooms. One room (the “manager” quarters) has a private half bath. There are two communal full baths with showers for the other rooms.
3. The building on the subject property was built in the 1970’s.
4. Between the front parking lot and the rear (west side) of the building, the property has space for +/- 20 parking spaces. Of those spaces, 15 are located in the front along Cherry Street and 5 are located behind the building. The applicant has specified that, at any given time, generally half of the parking spaces are filled due to the fact that most occupants don’t have cars.
5. The parking area behind the building is accessed by what appears on-site to be an alley. However, no platted alley is present and this rear access may or may not be legal access across the adjoining properties. This means that technically, the subject property only has vehicle access from Cherry Street, and that emergency services, if needed, could have to access the units on the rear side of the building from the front. It also means that any parking located at the rear of the building may become unavailable if the adjacent property owners disallow use of the rear “alley”. The boarding house building is approximately 10 feet from the south property line, with that side yard having a stone surface and serving as a possible, marginally usable drive between the front and rear of the building.
6. The properties immediately surrounding the subject property are a mix of residential, commercial, and light industrial, giving this property a unique context. Dorel’s manufacturing facility is located directly across the street, creating a hard boundary for residential/commercial uses and east-west streets terminating at Cherry Street from the west.
7. The nearest residentially zoned area is several blocks away to the west. This is also the nearest fully residential neighborhood to the subject property.
8. Typically, an increase in residential density is best considered with an understanding of the availability of goods and services, especially if the residents could possibly have mobility limitations. The nearest commercial area with groceries is the Dollar General approximately half a mile away on the corner of Mapleton and State Streets. The nearest ColumBus route stop is a quarter mile away on the corner of Cherry Street and State Street. Currently, the neighborhood is not served by sidewalks, paths, or other bicycle/pedestrian infrastructure. The Bicycle & Pedestrian Plan indicates a future shared-use path and cycle track along State Street, which would connect this area with Downtown Columbus and the greater city bicycle / pedestrian network.

Provisional Findings of Fact / Decision Criteria

The Board may approve a variance of use from the provisions of the zoning ordinance upon finding that each of the following is true.

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

Provisional Findings: None of the City departments/agencies expressed any concerns with the requested use variance. This request will 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 property is located in a largely commercial area. While there are some remaining residential properties in the immediate vicinity, adjacent auto-oriented uses are the predominant uses in this immediate area and are not adversely affected by the boarding house, which has limited demand for parking. *This criterion has been met.*

3. The need for the variance arises from some condition peculiar to the property involved:

Provisional Findings: The building on the subject property was built in the 1970's and was used for light-industrial purposes historically. It is located in a mixed-use neighborhood, surrounded by a variety of residential, light industrial, and primarily auto-related commercial uses. The property's initial, legal conversion from light-industrial use to a hotel creates the possibility for further modification to a more specialized residential use, specifically the proposed boarding house. This use and its contribution to diverse housing in Columbus is supported generally by the Comprehensive Plan. The unique history of the property, combined with its unique mixed-use context, creates a peculiar condition that is addressed thorough the proposed boarding house. The property's options for commercial use consistent with its zoning are limited by the small area customer base and its distance from a high-volume street. *This criterion has been met.*

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

Provisional Findings: The zoning ordinance permits a myriad of permitted commercial uses on this property, zoned CC (Commercial: Community). Many of these uses are not viable given this property's location at the far end of Cherry Street far away from the nearest residential neighborhood or high-volume street. The area functions as a mixed-use district of residential, light-industrial, and primarily auto-related commercial uses, some of which are legal-nonconforming in this CC (Community Commercial) zoning district. The proposed use is consistent with the mixed-use history and current characteristics of the area. The location would place occupants in close proximity to bus transportation and a variety of employment opportunities. Limiting the property to strictly commercial use would represent an unnecessary hardship. *This criterion has been met.*

5. The approval does not interfere substantially with the comprehensive plan:

Provisional Findings: The Comprehensive Plan encourages unique housing options at a variety of price points where possible. The ability to provide this type of housing in this unique, mixed-use neighborhood demonstrates alignment with the Comprehensive Plan. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for a use 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

Use 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): _____ by (initials): _____

Jurisdiction: Columbus Bartholomew County Joint District

Hearing Procedure: Board of Zoning Appeals Hearing Officer (see IC 36-7-923(a)(3) for use variance eligibility)

Docket No.: _____ Zoning District: _____

Property Owner Name (from GIS): _____

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: _____

Representative's Company Name: _____

Mailing Address: _____
(number) (street) (city) (state) (zip)

Phone No.: _____ E-mail Address: _____

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: _____

Business, Institution, Etc. Contact Person Name: _____

Mailing Address: _____
(number) (street) (city) (state) (zip)

Phone No.: _____ E-mail Address: _____

Property / Location Information:

Property Address: _____
(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 _____ of the Zoning Ordinance to allow the property to be used for the following (as defined by the zoning ordinance):

Please describe the proposed use further:

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 use 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?

- 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?

- 3. **The need for the variance arises from some condition peculiar to the property involved.** For example: Is there some unique problem with the site that limits how it can be used? If so, what is that problem (size or configuration of the site, layout, topography, availability or location of utilities, etc.)?

- 4. **The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.** For example: the property is zoned _____. What are the reasons the property cannot be used as it is currently zoned? What would prohibit the property from being the location of any of the permitted or conditional uses (existing structure is not usable for permitted uses, size or configuration of the lot, etc.)?

Continued on next page.

5. **The granting of the variance does not interfere substantially with the Comprehensive Plan.** 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.

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: _____

Address: _____
(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) (Date)

(Representative's Printed Name)

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) (Date)

(Property Owner's Printed Name)

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)

LARC Properties, LLC additional information:

5. The granting of the variance does not interfere substantially with the Comprehensive Plan. 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.

The LARC application does not interfere with the Comprehensive Plan and is, in fact, supported by the following policies:

POLICY A-1-1: Encourage mixing of housing prices in all geographic areas of the city. This policy is intended to provide choice of housing locations; it does not mean that houses of greatly differing price will be mixed in the same neighborhood.

POLICY D-2-1: Encourage housing which is affordable to those whose incomes are below the median, particularly those significantly below the median. A thriving community needs socio-economic diversity which in turn requires a range of housing prices. The city should encourage the development of housing in a variety of price ranges so that all citizens will have decent, safe, and sanitary housing at prices they can afford.

POLICY D-2-2: Allow for various housing types. A diverse population needs diverse housing. The city should encourage a variety of housing types, including single-family detached houses, townhouses, and apartments.

This property provides a low-income housing option greatly needed in the community and in order to continue to do so must strive to become compliant.

POLICY A-2-12: Encourage maintenance of buildings and grounds. Proper maintenance improves and stabilizes property values, while deteriorating buildings, peeling paint, sagging porches, accumulation of trash, and unkempt yards do the opposite.

This property is being updated to become compliant with state and local building and fire codes but must be a permitted use in order to do so.

POLICY J-10-1: Create a positive business climate characterized by flexibility. The needs of businesses are continuously changing, and the city needs to have sufficient flexibility in its regulatory system to respond to these changes and to encourage and nurture new businesses.

This building was used in a similar manner back for many years prior to this owner. The existing conditions are long term and require a substantial investment of time and resources in order to bring this building into compliance but given the location and design of the building, it is not suitable for the approved uses in the zone, nor would those approved uses support the goals of the comprehensive plan.