



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

STAFF REPORT

Docket No. / Project Title: CCU-2024-002 (HMGO Duplex)
Staff: Andres Nieto

Applicant: Kellen Otto
Property Size: +/- 4,760 square feet
Current Zoning: RE (Residential: Established)
Location: 1010 California Street, in the City of Columbus.

Background Summary:

The applicant is requesting conditional use approval to construct a new duplex on the subject property. The applicant submitted a similar conditional use request to build a duplex on this property in December of 2023 – this request was denied (CCU-2023-017). The applicant requested the Columbus Board of Zoning Appeals in January 2024 to allow re-docketing of this request after revising the concept plan. The revised request does not include the previously requested variances of side setback and parking requirements.

Preliminary Staff Recommendation:

Approval; all criteria have been met, with the following commitment: The exterior design of the new structure shall be consistent with the Neighborhood Guiding Principles provided in the Downtown Strategic Development Plan element of the Comprehensive Plan, specifically those features listed below:

1. A main entrance to at least one of the units that faces California Street.
2. An 8-foot deep front porch, inclusive of the roof overhang, that extends across 75% of the front (street facing) façade of the structure.
3. A 3-foot minimum crawl space height, establishing the finished floor elevation 3 feet above the adjacent ground level.
4. Clapboard style siding (including wood, composite, and/or vinyl siding).
5. Porch accents, such as ceiling corner brackets or posts with spindle work detailing.
6. Roof overhangs of not less than 1 foot.

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.

Current Property Information:	
Land Use:	Vacant
Site Features:	Undeveloped lot (recently demolished home)
Flood Hazards:	N/A
Vehicle Access:	California Street (Local, Residential, Urban) Alley

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RE (Residential Established)	Single-family residential Two and Multi-family residential (apartment homes)
South:	RE (Residential Established)	Single-family residential Two and Multi-family residential (apartment homes)
East:	RE (Residential Established)	Single-family residential Two and Multi-family residential (apartment homes)
West:	RE (Residential Established)	Single-family residential Two and Multi-family residential (apartment homes)

Interdepartmental Review:	
City Engineering:	No response.
City Utilities:	No response.
Technical Code Enforcement:	Code Enforcement does not have any issues with this proposal as long as they follow the setback guidelines. Will need to have a permit through our office if approved.
Fire Inspector:	The new proposed duplex configuration looks good. The increased side yard setbacks will help prevent fire spread between structures, and provide enough room for emergency responders to access the duplex and the adjoining homes.

History of this Location:

The relevant history of this application includes the following:

1. At its December 13, 2023 meeting, the Board of Zoning Appeals denied a similar conditional use request to build a duplex on the subject property (CCU-2023-017). The application was denied based on a finding that criteria 1 and 2 were not met because the request included a variance request for a decreased (3 foot) side yard setback and a variance request for decreased parking required on-site (CDS-2023-030) – both of which were determined to not meet the intent of the zoning district and posed a concern for access, circulation, and fire safety. These development standards variance requests were withdrawn.
2. At its January 10, 2024 meeting, the Board of Zoning Appeals approved the applicant's request to allow the re-docketing of this request.

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 conditional use approval to build a new two-story duplex (with a 60 foot by 20 foot building footprint) on the subject property. The previous house on this property was determined to be a total loss after a fire. Each unit of the duplex will be +/- 1,100 square feet (3 bedrooms and 2 full bathrooms). The duplex will have an entrance for one unit on the California Street frontage, and the other unit's entrance will be on the rear of the building.
2. There are 55 parcels within 300 feet of the subject property, 17 of which have multiple address points – meaning they have previously and/or currently been used as duplexes or multifamily units.
3. The concept plan submitted as part of this request includes 4 off-street parking spaces, situated at 45 degrees and accessed from the alley. This meets the minimum requirement of parking spaces prescribed in the zoning ordinance.
4. The concept plan shows the height of the proposed two-story structure to be approximately 24 feet. The surrounding homes on the block/in the neighborhood are around 1.5 stories tall (+/- 18 feet), with the exception of a church on this same block exceeding 24 feet in height. The height of this proposed structure is not out of character with the surrounding neighborhood.

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 Columbus Central Neighborhoods character area. The following planning principles for that character area apply to this application:

1. Infill development that complements existing neighborhoods should be encouraged.
2. The city should develop a strategy for encouraging reuse or replacement of empty buildings.

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

1. **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.*
2. **POLICY A-2-11:** Encourage all new development to be in scale (height, area, mass, setback, etc.) with its surroundings, determined on a neighborhood-by-neighborhood basis. *New development should be designed in a manner that is sensitive to the surroundings.*
3. **POLICY A-4-2:** Encourage infill development, and/or use of vacant parcels for projects such as parks or other amenities which complement the neighborhoods in which they are located. *Vacant parcels represent lost opportunities, and they can become neighborhood nuisances. These parcels should be used, either for development, or for other neighborhood assets such as parks or community gardens. It is less expensive to develop these parcels than to create new subdivisions.*
4. **GOAL D-1:** Develop new housing where adequate public services can be provided economically.
5. **GOAL D-2:** Encourage development of a sufficient supply of diverse housing types, sizes, and price ranges in the community.

6. **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.*
7. **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.*
8. **POLICY D-2-4:** Explore options for providing incentives for development of affordable housing which is consistent with these policies and conforms to an overall plan for community growth. *The private market produces a housing supply sufficient for those in middle- and upper-income categories, but land and development costs make it difficult for private entrepreneurs to produce houses that can be purchased by those in the lower income brackets. These incentives might include tax abatements and low-interest loans. The incentives would not include lower standards for houses or neighborhoods.*
9. **POLICY D-2-5:** Encourage neighborhoods which contain a diverse socioeconomic mix. *Socioeconomic diversity is beneficial to the community. The city should encourage developments which contain a variety of housing types and prices. The diversity of neighborhoods affects the diversity in public schools, particularly elementary schools. Traditional development, such as in the downtown area, contains a socioeconomic mix of housing types (apartments, single-family houses, duplexes, townhouses) in different price ranges.*
10. **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.*
11. **GOAL D-3:** Provide high-quality residential neighborhood environments.
12. **POLICY D-3-1:** Encourage projects which improve and revitalize neighborhoods. *Strong neighborhoods are the building blocks of strong communities. Projects which enhance neighborhood cohesiveness strengthen the community. Examples include neighborhood watch programs, neighborhood associations, clean-up projects, block parties, and recreation programs.*
13. **POLICY D-3-2:** Encourage renovation or removal of deteriorating housing. *Housing which has deteriorated detracts from neighborhood quality, discourages investment, and is a nuisance, attracting vermin and vandalism. Such housing should be rehabilitated or removed.*
14. **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 just outside of the study area included in Envision Columbus, the Comprehensive Plan's Downtown Strategic Development Plan Element. The residential neighborhood near downtown was found to have opportunities for "individual or developer-led investment in housing that could support greater vibrancy and meet demand for quality housing stock at all price points." Envision Columbus also includes design recommendations for infill housing, including usable front porches, homes facing the adjacent streets, and new buildings complementing the existing residential block.

This property is also adjacent to the study area for the Central Neighborhood Plan Comprehensive Plan Element, which also includes housing-related recommendations, as follows:

1. Rehabilitate or replace substandard housing with housing that is safe, healthy, and affordable.
2. Encourage rehabilitated and replaced homes to be of character consistent with the scale, materials, and details of the surrounding single-family architecture.
3. Support a wider mix of residential types to meet demand and diversify the options. Currently, the Central Neighborhood's residential mix is largely single-family detached homes and apartment buildings. Consider townhouses (single-family attached homes), apartments above commercial, lofts in converted industrial/commercial space, and other similar designs to fill the gap of the "missing middle housing".
4. Support the continued development of rental housing in order to support the needs in the larger Columbus community but balance the demand for affordable housing with market rate residential to avoid the concentration and segregation of poverty.

Provisional Findings of Fact/Decision Criteria:

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals to allow conditional uses that meet the criteria listed below. The Board 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: No other City departments or agencies expressed any concern for the proposed duplex as a use in this zoning district. 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 property is located in an established downtown neighborhood that includes several duplex/multifamily properties. As proposed, the duplex meets other development standards, such as minimum off-street parking and setbacks, that are intended to promote adequate circulation, maintenance, and fire safety. 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: The property is located in an established residential area that includes duplex/multifamily properties. The use is consistent with others in the neighborhood and the structure will meet all applicable development standards. If the duplex includes design details consistent with the surrounding neighborhood, 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 applicant's proposal for the duplex use is consistent with the intent of the RE (Residential: Established) zoning district. It is also consistent with the Comprehensive Plan's goals for encouraging renovation and revitalization of established residential neighborhoods and providing a diversity of housing. The Comprehensive Plan, through the Downtown Plan and Central Neighborhood Plan Elements, also recommends new home construction in character with its surroundings. If the duplex includes design details consistent with the surrounding neighborhood, this criterion has been met.

Board of Zoning Appeals Options:

In reviewing a request for conditional use 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.

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City of Columbus - Bartholomew County Planning Department

Conditional Use 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): n/a by (initials): n/a

Application Received on (date): _____ by (initials): _____

Jurisdiction: Columbus Bartholomew County Joint District

Hearing Procedure: Board of Zoning Appeals Hearing Officer

Docket No.: CCU-2024-002 Zoning District: RE

Property Owner Name (from GIS): Kellen Otto

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: Clayton Miller

Representative's Company Name: HMGO Real Estate LLC

Mailing Address: 1604 Home Avenue Columbus, IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812.343.9664 E-mail Address: clayton@makeover-homes.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 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: Kellen Otto

Business, Institution, Etc. Contact Person Name: Kellen Otto

Mailing Address: 8486 Georgetown Road Columbus, IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 8123442990 E-mail Address: kellen.m.otto@hotmail.com

Property / Location Information:

Property Address: 1010 California St. Columbus, IN 47201
(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 3.12(B) of the Zoning Ordinance to allow the property to be used for the following (as defined by the zoning ordinance):

To be used to build a Duplex or Two-Family home.

Please describe the proposed use further:

We would like to use the property located at 1010 California St. as a building site for a new duplex rather than its current use which is for single family only.

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?

~~Granting us this conditional use will not harm the public in any way shape or form. We are able to meet all of~~
The building requirements set by the city to build a two family home on this lot. We do not need to cause any safety or hazardous issues to do so.

- 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?

We expect the adjacent property values to go up with the building of a brand new home right next door. Building new and renovating in the downtown spaces can help increase the value of the entire neighborhood. Approval will not cause any negative effects to use or value of the property or neighborhood.

- 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 Residential. 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?

~~There is no reason to believe that the conditional use will cause any harm to the community. The main issues~~
on a lot this size in a neighborhood of this size were fire safety and sufficient parking. Our design meets all fire safety codes and allows for ample parking on site to avoid creating additional street back-up.

- 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.

~~There are multiple examples of multifamily properties in and around 1010 California St. so believe the request~~
to build a two-family dwelling fits wells. It also accomplishes the goals of the planning committee which is to increase the amount of affordable housing available to the residents and future residents of Columbus.

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.

Clayton Miller

(Representative's Signature)

1.24.24

(Date)

Clayton Miller

(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.

Kellen Otto

(Property Owner's Signature)

1.24.24

(Date)

Kellen Otto

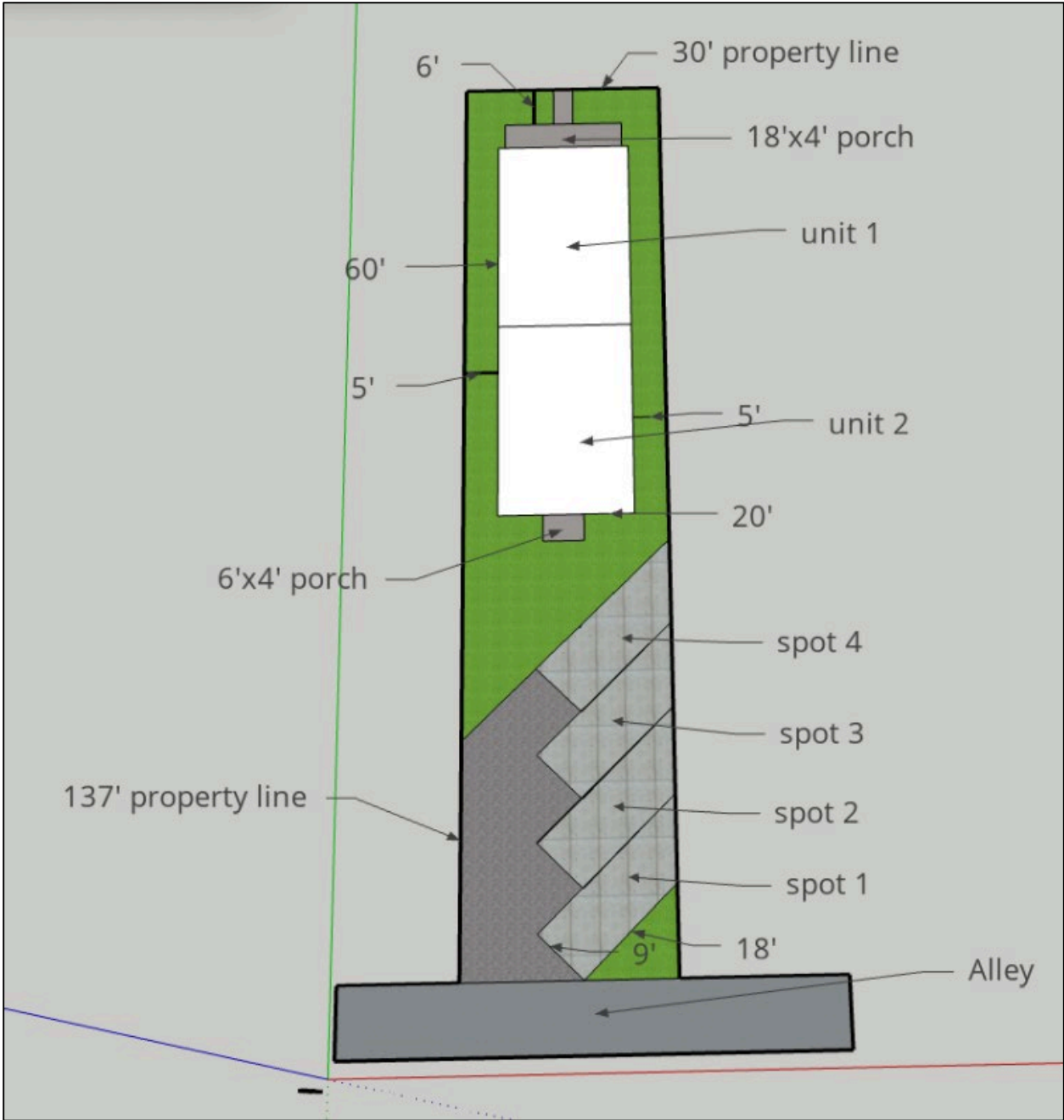
(Property Owner's Printed Name)

Signer's Ownership Role or Representation:

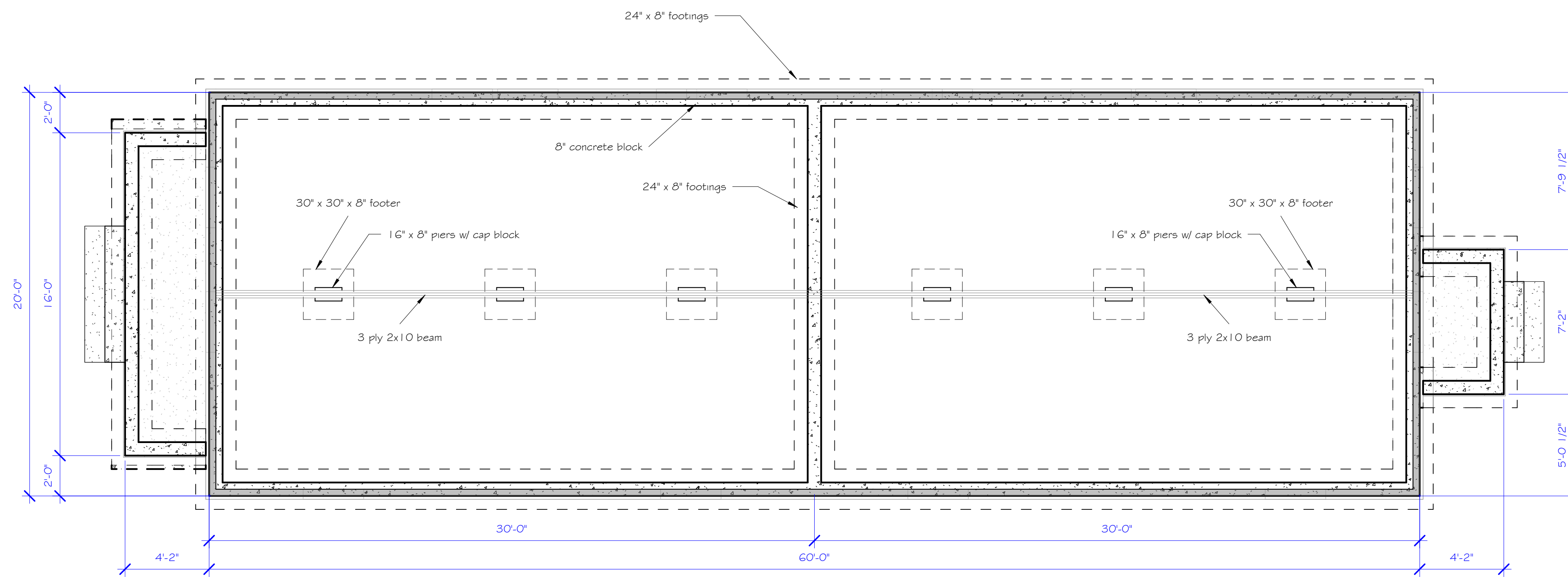
If the person signing as the property owner is not specifically listed as such in the records of Bartholomew County, please indicate their relationship to that officially listed person, role in that corporation or entity, etc. below.

(Signer's Ownership Role or Representation)

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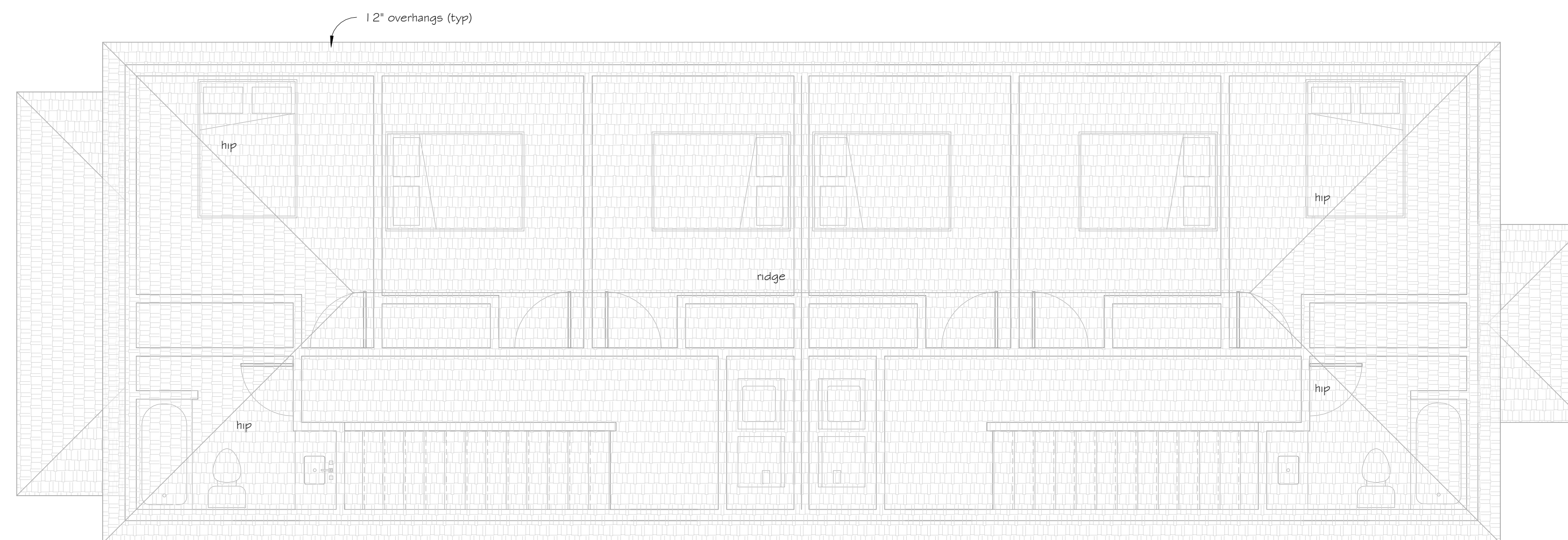


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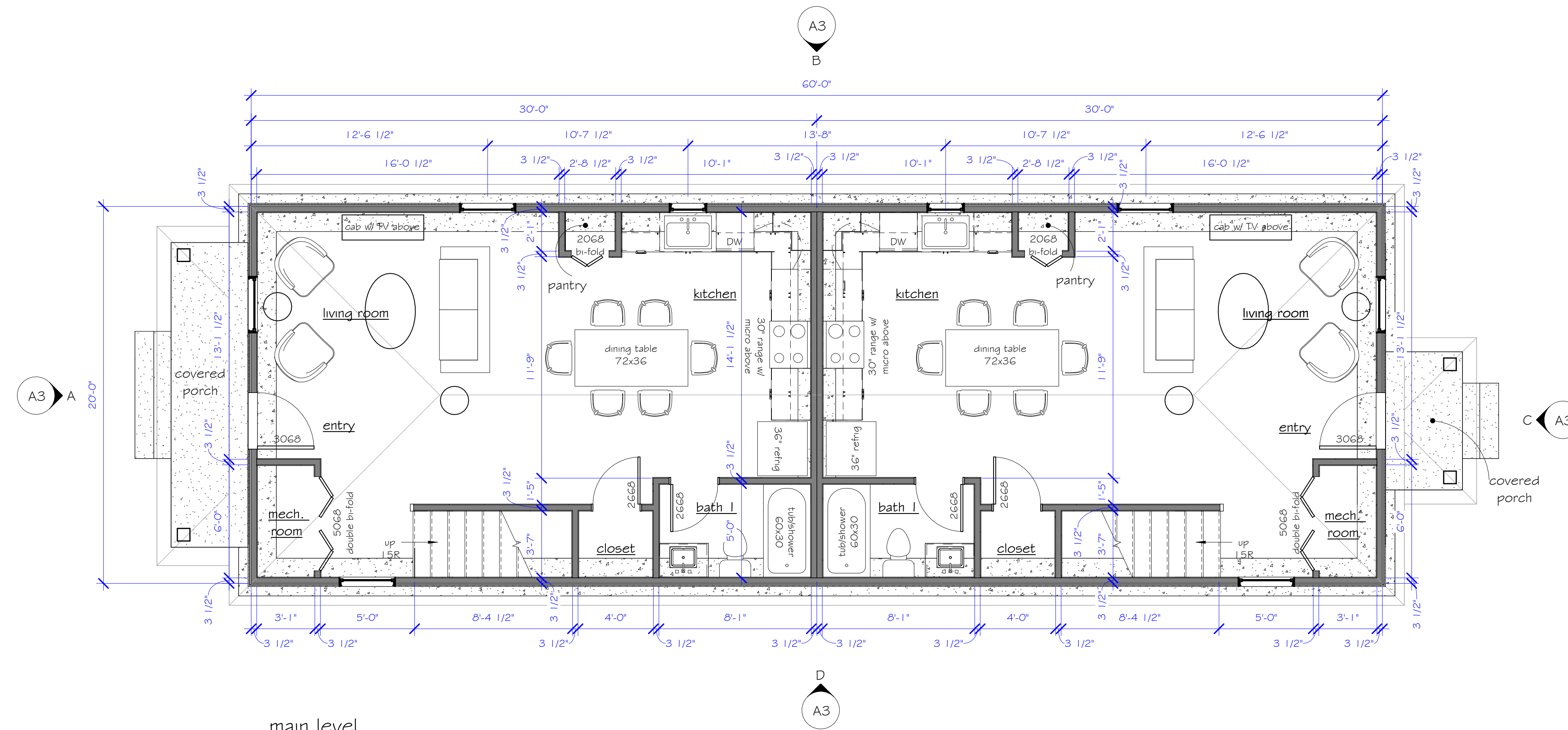
foundation plan

scale: 1/4" = 1'-0"



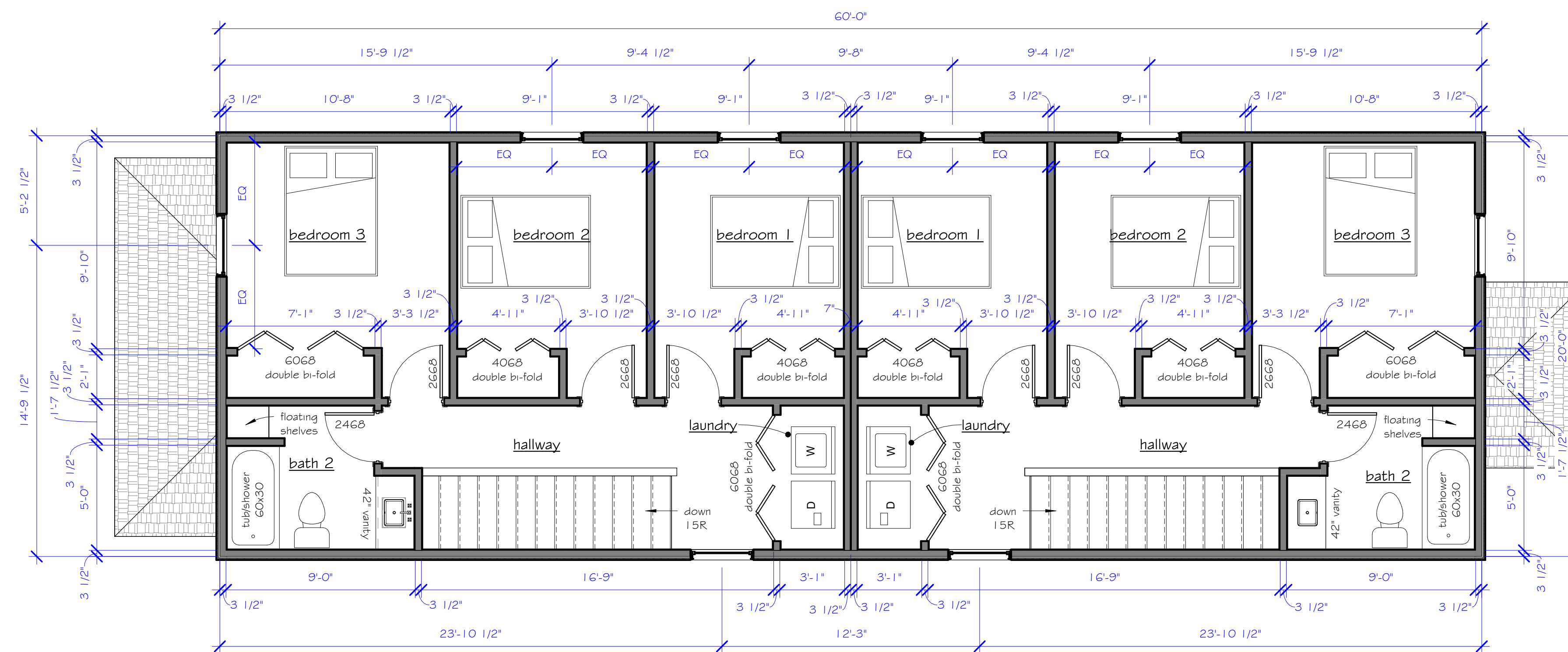
roof

scale: 1/4" = 1'-0"



main level

scale: 1/4" = 1'-0"



upper level

scale: 1/4" = 1'-0"

Hooker - 2-story duplex

scale: 1/4" = 1'-0"

Columbus, IN 47201

main level & upper level
proposed floor plans

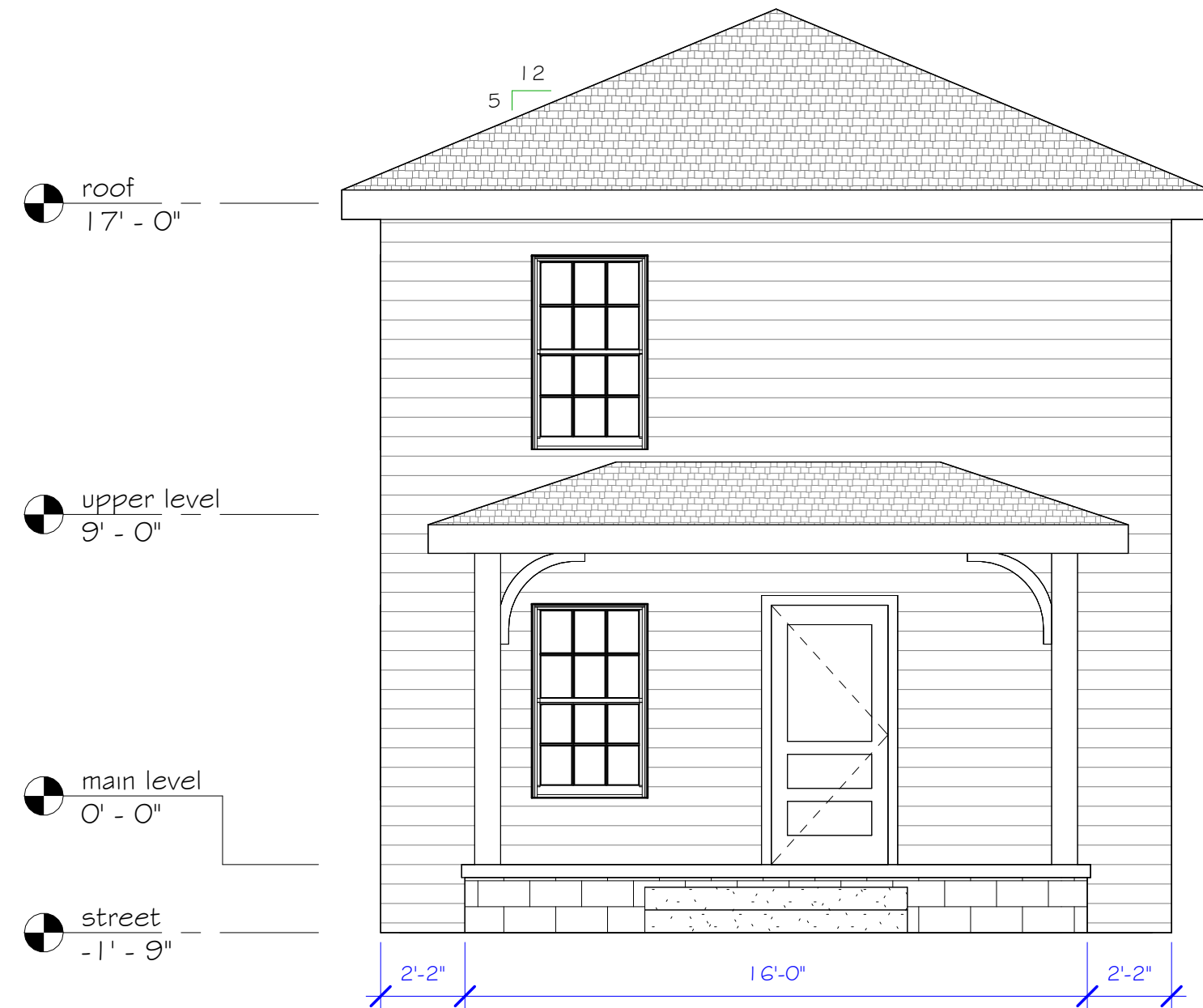
date:
02.14.2024

revised:

sheet no.

A2

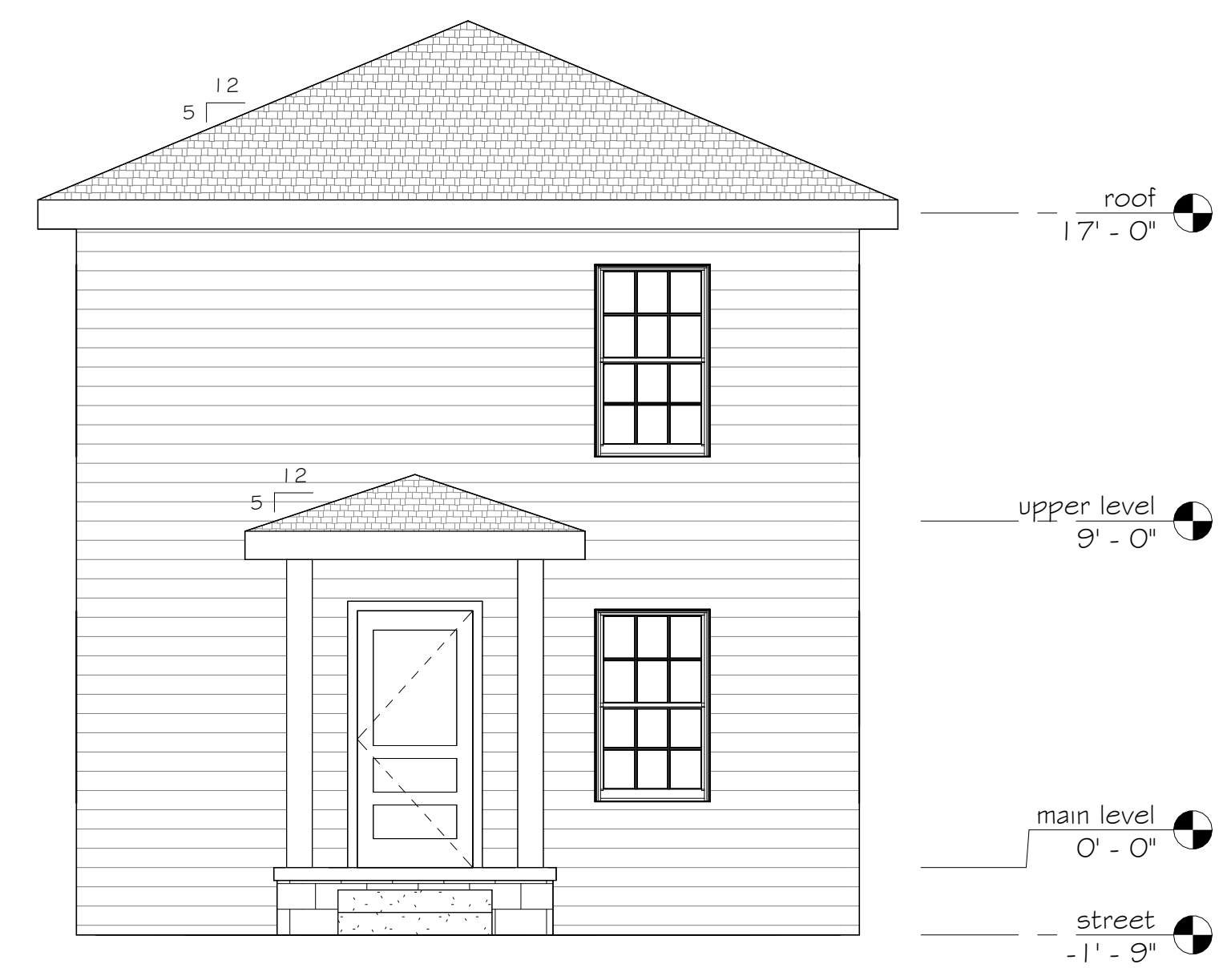
of 3



(A) front elevation
scale: 1/4" = 1'-0"



(B) left side elevation
scale: 1/4" = 1'-0"



(C) rear elevation
scale: 1/4" = 1'-0"



(D) right side elevation
scale: 1/4" = 1'-0"

Hooker - 2-story duplex

Columbus, IN 47201

exterior elevations
A thru D

scale: 1/4" = 1'-0"

date:
02.14.2024

revised:

sheet no.
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From: [Don Fye](#)
To: [Nieto, Andres](#)
Subject: External Message: Re: Ccu-2024-002
Date: Tuesday, February 20, 2024 6:49:43 PM

***** ATTENTION *** This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.**

Warning: Replies to this message will go to dfye55@sbcglobal.net. If you are unsure this is correct please contact the helpdesk.

First, your email address was not shown on letter as stated, just fyi.

I support the duplex approval if it meets current zoning rules. I do not see any reason to vary from existing rules. The rules are there for just reasons, follow them.

Don Fye
Owner 1027 California
812-343-4804

[Sent from AT&T Yahoo Mail on Android](#)