



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
HEARING OFFICER
(March 12, 2024 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-2024-004 (National Road Plaza)
Staff: Noah Pappas
Hearing Officer: Jeff Bergman
Applicant: Marvin Pavlov
Property Size: 1.24 Acres
Current Zoning: CO (Commercial: Office)
Location: 3142 to 3162 North National Road, in the City of Columbus.

Background Summary:

The applicant has indicated that the proposed variance is for the purpose of waiving Section 8.1(C)(1) of the Zoning Ordinance, the area 1 parking lot public street frontage landscaping requirement, in its entirety.

Preliminary Hearing Officer Decision:

Approval, all criteria have been met.

Zoning Ordinance Considerations:

District Intent: The intent of the CO (Commercial: Office) zoning district is as follows: to establish appropriate locations for professional office centers. Such centers may include both professional offices and complimentary retail uses and support facilities. This district may be used to transition from residential to other, more intense, business or industrial zoning districts.

Development Standards: Section 8.1(C)(1) Area#1 – Parking Lot Public Street Frontage: The required front setback areas for all parking areas, including parking spaces, interior drives, and loading/unloading areas, shall be landscaped. The required front setback area shall be planted with either one or a combination of the following options. Plant material is intended to be distributed across the frontage, but is not required to be installed in 50 foot increments. For the purpose of determining the amount of landscaping required the frontage shall be rounded to the nearest 50 feet.

- a. **Plantings Only:** For every 50 linear feet of frontage a minimum of 1 large tree or 1.25 medium trees (excluding ornamental trees), plus 7.5 ornamental trees or shrubs shall be provided; or
- b. **Berm and Plantings:** A landscaped berm that is a minimum of 3 feet in height shall be provided. A minimum of 1 large tree or 1.25 medium trees (excluding ornamental trees), plus 2.5 ornamental trees or shrubs shall be provided for every 50 linear feet of berm provided. The ornamental trees and/or shrubs shall be located on the berm.

Current Property Information:	
Land Use:	Offices, Retail
Site Features:	4 commercial multi-tenant building and associated parking
Flood Hazards:	None
Vehicle Access:	National Road (Arterial, Commercial, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RS2 (Residential: Single-Family 2)	Single-Family Residential
South:	RM (Residential: Multi-Family)	Multi-Family Residential (Columbus Village Townhomes)
East:	CC (Commercial: Community)	Retail, Restaurant
West:	P (Public / Semi-Public Facilities)	School (Columbus North)

Interdepartmental Review:	
INDOT:	No comments received.
Code Enforcement:	No comments received.

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 seeking to waive the Area #1 landscaping requirement in its entirety due to the presence of underground utility easements and overhead power lines. Instead the applicant is proposing to plant grasses and flowers along the frontage, which would not count toward the minimum point's requirement. The applicant has indicated that they would like to plant native grasses and plants in lieu of trees and shrubs. The native grasses and plants will not need to be planted deeply or could be planted with a seed mixture that will not interfere with the underground utilities and will not grow tall enough to interfere with the overhead utilities.
2. There was a line of mature trees that were present along the frontage of the property until recently. Their removal created a zoning violation on the site. To resolve the violation, the applicant could either plant back the same number of trees that were removed, bringing it back to a legal non-conforming status, or comply with the current landscaping standards.
3. Section 8.1(C)(1) of the zoning ordinance requires the required front setback area for all parking areas, including parking spaces, interior drives, and loading/unloading areas, shall be landscaped. The required front setback area shall be planted with either plantings (shrubs and / or trees) or berm and plantings.

4. Along the entire frontage there is a 15 foot wide Indiana Gas easement and overhead power lines which limits the viability of any landscaping plantings. The overhead power lines limit the ability of trees to be located on the frontage and the Indiana Gas easement limits the ability of any shrubs or trees to be planted. In addition, there is the presence of underground cable fiber optic lines in this area. There is nowhere along the subject property frontage which is not a part of an easement.
5. There is one zoning violation on the subject property. There is presently an unscreened dumpster directly east of the White River Running tenant space. Ordinance Section 6.1(C)(2) requires all dumpsters of aa capacity of 2 cubic yards or greater to be screened from view of all public streets and roads and all adjacent properties. This screening shall include a 6 foot tall, 100% opaque fence of wood, stone, masonry, architectural metal, or other similar construction providing the required opacity.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals Hearing Officer may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Hearing Officer 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: Not planting the required landscaping along the subject property frontage does not cause any injuries to public health or safety as it allows for unrestricted access to the easement and power lines. Further, the applicant is intending to provide grasses and flowers so as to still provide landscaping along the frontage. If the appropriate screening is added to the unscreened dumpster, *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 lack of tree or shrub plantings along the subject property frontage does not inhibit adjacent users in the access and use of their own property in any way as this standard is only applied to the subject property. Whether or not there is landscaping has no impact on area users ability to enjoy their property. *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: The presence of an underground easement and overhead power lines represents a practical difficulty in the use of the property. There is nowhere along the subject property frontage which can accommodate the otherwise required plantings without interfering with either the easement or the power lines. *This criterion has been met.*

Hearing Officer Options:

In reviewing a request for development standards variance the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.

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): _____ by (initials): _____

Jurisdiction: Columbus Bartholomew County Joint District

Hearing Procedure: Board of Zoning Appeals Hearing Officer

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 following:

Please describe the project for which the variance is sought:

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.

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 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.

Application Fee Refund Information:

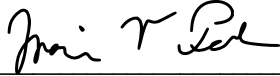
The adopted Planning Department Schedule of Application Fees provides for the refunding of the application fee for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval 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)

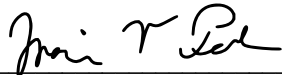
(Date)

(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)



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