



CITY OF COLUMBUS, INDIANA BOARD OF ZONING APPEALS

USE VARIANCE FINDINGS OF FACT

Docket Number: CUV-2024-003

Applicant: LARC Properties LLC

Filing Date: 1/23/2024

Hearing Date: 2/27/2024

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

Variance(s) Requested:

A Variance from Zoning Ordinance Section 3.20 (A) to allow a boarding house to be located in a CC (Commercial: Community) zoning district.

Board Action Taken:

Request Approved by a Vote of: 4 - 0

The Columbus Board of Zoning Appeals acted under the authority of Indiana law as follows: IC 36-7-4-918.4: a board of zoning appeals shall approve or deny variances of use from the terms of the zoning ordinance. 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 12.3(D)(2)(a), the approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Finding: 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.*

Criteria #2: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(2)(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 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.*

Criteria #3: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(2)(c), the need for the variance arises from some condition peculiar to the property involved.*

Finding: 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.*

Criteria #4: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(2)(d), 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.*

Finding: 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.*

Criteria #5: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(2)(e), the granting of the variance does not interfere substantially with the Comprehensive Plan.*

Finding: 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.*

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

Chairperson

Secretary