



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(March 26, 2024 Meeting)**

STAFF REPORT

Docket No. / Project Title: CDS-2024-003 (All Phase)
Staff: Andres M. Nieto
Applicant: All Phase Electric
Property Size: +/- 23,272 square feet
Current Zoning: CC (Commercial: Community)
Location: 231 Vollmer Street, in the City of Columbus.

Background Summary:

The applicant has indicated that the proposed variance is for the purpose of allowing 2 accessory structures (shipping containers used for storage) in a front yard. Section 6.1 (E)(3) of the Zoning Ordinance prohibits accessory structures to be located in front yards.

Preliminary Staff Recommendation:

Denial; Criterial 2 and 3 have not 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 businesses providing 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.

Development Standards: Section 6.1 (E)(3): No accessory structure shall be permitted in any front yard, or within the required side or rear yard setbacks specified by the zoning district in which it is located.

Current Property Information:	
Land Use:	Contractor’s office (All Phase Electrical Supply)
Site Features:	Office building, outdoor storage
Flood Hazards:	500-year Floodplain

Vehicle Access:	2 nd Street (Arterial, Commercial, Urban) 3 rd Street (Arterial, Commercial, Urban) Vollmer Street (Local, Commercial, Urban)
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Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	I2 (Industrial: General)	Cummins Engine Plant
South:	CC (Commercial: Community)	Community Engagement Center
East:	CC (Commercial: Community)	Car Wash (vacant)
West:	CC (Commercial: Community)	Restaurant (Rohde's Family Diner)

Interdepartmental Review:	
City Engineering:	No comments.
Fire Inspector:	I have no concerns.
Technical Code Enforcement:	No issues with this proposal.

History of this Location:

The relevant history of this property includes the following: The subject property received an approved development standards variance from the Columbus Board of Zoning Appeals in 2008 (CDS-08-05). This allowed an iron fence to be used to surround an area of outdoor storage (28 ft. by 32 ft.), instead of an opaque fence. It also approved a landscaping plan including 2 large trees on 2nd Street, 2 large trees on 3rd Street, and 16 shrubs along 2nd Street, instead of the required landscaping consistent with a Buffer Yard Type B per Section 8.2 of the Zoning Ordinance.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. Each of the two shipping containers are 8 feet wide and 40 feet long (320 square feet) and 10 feet tall. These accessory structures are located on the property's 2nd Street frontage. The applicant has specified that these shipping containers are being used for storage. These two shipping containers are already located on the property and have been on-site for some time.
2. The subject property is located in the 500-year floodplain, which means that it is subject to the applicable Flood Hazard Area standards located in Section 4.7(Part 5)(B) of the Zoning Ordinance. These standards include required general anchoring, flood resistance, minimized flood damage, etc. The applicant intends to secure these shipping containers to a permanent foundation.
3. The containers occupy 5 parking spaces. There are 12 usable remaining parking spaces on the property. The property's use (contractor's office/industrial use) requires 1 parking space per employee (Section 7.1(Table 7.2)) which would be 2 parking spaces in this case.

4. Based on the previous approval (CDS-08-05), this property was required 2 trees on each frontage of 2nd Street & 3rd Street, plus 16 shrubs along the 2nd Street frontage. Currently, the subject property only has 1 tree on each frontage of 2nd Street and 3rd Street. This is considered a zoning violation, and can be remedied by adding 1 large tree on each frontage of 2nd Street & 3rd Street.
5. The property's dumpsters are located along the east property boundary. These dumpsters are not enclosed and are considered a zoning violation per Section 6.1(C)(2) of the Zoning Ordinance.
6. The property has stacked wooden pallets in their front yard. This debris needs to be removed or placed in the property's enclosed dumpster area.
7. This property is located on a prominent entrance corridor into downtown Columbus. Accessory structures like these (shipping containers) in front yards are not common in the surrounding area.
8. The applicant has not demonstrated how other options, like a building addition for additional storage, are not viable at this location.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board 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: No other city department/agency, specifically the city engineer and fire inspector, had any concern with the request. This approval 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 location of these two accessory structures are along the 2nd Street frontage of the property, which is a primary corridor in the downtown area. These containers are not only uncommon in the surrounding area, but they are in a highly visible area on the subject property. This variance may affect the overall appeal and character of the area. This criterion has not 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 applicant has not demonstrated how other options not requiring variance approval, like a building addition, would not be a viable option for their growth and storage needs. They have demonstrated no practical difficulties in the use of the property. This criterion has not been met.

Board of Zoning Appeals Options:

In reviewing a request for development standards 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.

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**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):	<u>1/29/2024</u>	by (initials):	<u>MSB</u>
Application Received on (date):	<u>1/31/24</u>	by (initials):	<u>MSB</u>
Jurisdiction:	<input checked="" type="checkbox"/> Columbus	<input type="checkbox"/> Bartholomew County	
Hearing Procedure:	<input checked="" type="checkbox"/> Board of Zoning Appeals	<input type="checkbox"/> Hearing Officer	
Docket No.:	<u>C/PS-2024-003</u>	Zoning District:	<u>CC</u>
Property Owner Name (from GIS):	<u>EDMUNDSON INT.</u>		

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: Kordell Prescott

Representative's Company Name: All-Phase Electric Supply

Mailing Address: 231 Vollmer St. Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-378-4500 E-mail Address: KPrescott@apecolumbus.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 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: All-Phase Electric Supply

Business, Institution, Etc. Contact Person Name: Kordell Prescott

Mailing Address: 231 Vollmer St. Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-378-4500 E-mail Address: KPrescott@apecolumbus.com

Property / Location Information:

Property Address: 231 Vollmer St. Columbus IN
(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: 6.1(E)(3) of the Zoning Ordinance to allow the following:

I would like to keep both of my 40' Conex Shipping Containers to store excess material

Please describe the project for which the variance is sought:

There is no physical work to done. We currently have (2) 40' Conex shipping containers on site to store over stock material.

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.

NO health, safety, or morals of the Public Will be Changed by the Approval of this variances. These Shipping Containers are well out of the Publics way.

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.

The single adjacent Property this variance could affect is our car-wash to the East. That car Wash currently sits for sale. The only reason it could harm my neighbors is if they ever decide to sell the Property

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.

Our current Property is not ideal for a new building and we needed more storage space. Removing the Conex (or not approving the variance) can affect us to properly service our customers.

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: Hordeell Prescott

Address: 231 vollmer st. Columbus IN 47201
(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.

Woodell Prescott
(Representative's Signature)

1/31/2024
(Date)

Woodell Prescott
(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.

Jeremy McDonald
(Property Owner's Signature)

1/31/2024
(Date)

Jeremy McDonald
(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.

Vice President
(Signer's Ownership Role or Representation)

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CDS-2024-003 (All Phase)

