



CITY OF COLUMBUS, INDIANA BOARD OF ZONING APPEALS

DEVELOPMENT STANDARDS VARIANCE FINDINGS OF FACT

Docket Number: CDS-2024-004
Applicant: Marvin Pavlov
Filing Date: February 15, 2024
Hearing Date: March 26, 2024
Property Location: 3142 to 3162 North National Road

Variance(s) Requested:

A Variance from Zoning Ordinance Section 8.1(C)(1) to allow the waiving of the Area 1 Parking Lot Public Street Frontage Landscaping Requirement in a CO (Commercial: Office) zoning district.

Board Action Taken:

Approved by a Vote of: 4 to 0

The Columbus Board of Zoning Appeals acted under the authority of Indiana law as follows: IC 36-7-4-918.5: a board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance.

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)(1)(a), the approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Finding: 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 utility easement and power lines. *This criterion has been met.*

Criteria #2: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(1)(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 use and value of neighboring properties will not be substantially impacted. Requiring the planting of the shrubs is impractical given the difficulty presented by the easements along the front of the property. This criterion has been met.

Criteria #3: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(1)(c), 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.*

Finding: Unreasonable to ask to comply given the presence of the various easements on the property. We do not know all of the utilities on site who have easements, and requiring the applicant to contact utilities to get written confirmation would be burdensome. Due to the difficulties presented by the overhead power lines and underground easements, 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