



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(April 23, 2024 Meeting)**

STAFF REPORT

Docket No. / Project Title: CDS-2024-007 (Randy Lapidus)
Staff: Andres M. Nieto
Applicant: Randy Lapidus
Property Size: +/- 7,500 square feet
Current Zoning: RE (Residential: Established)
Location: 1444 Sycamore Street, in the City of Columbus.

Background Summary:

The applicant has indicated that the proposed variance is for the purpose of allowing driveway access to the property from 15th Street despite alley access being available.

Preliminary Staff Recommendation:

Denial; Criteria 2 & 3 have not been met.

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 this Ordinance.

This district should be used to maintain traditional, contextually appropriate setbacks, uses, and other standards in a manner consistent with the Comprehensive Plan.

Development Standards:

Section 7.3(C)(3)(b): Drive Access – Unless access is available from an alley, all properties occupied by a single- or two-family residential use shall be permitted one access point from any Local or Collector Street (where alley access is available for a single or two-family residential use, access to all streets shall be prohibited).

Current Property Information:	
Land Use:	Single-Family Residential
Site Features:	Single-Family Home
Flood Hazards:	N/A
Vehicle Access:	Alley (West side)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RE (Residential: Established)	Single-Family Residential
South:	RE (Residential: Established)	Single-Family Residential
East:	RE (Residential: Established)	Single-Family Residential Two-Family Residential
West:	RE (Residential: Established)	Single-Family Residential Multi-Family Residential

Interdepartmental Review:	
City Engineering:	We do not have any issues with the variance request. If approved they will need an improvement in the right of way permit before work can start.
City Utilities:	No comments.
Technical Code Enforcement:	No comments.
Fire Inspector:	No comments.

Planning Consideration(s):

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

1. The subject property is located on a corner lot on the southwest side of 15th Street and Sycamore Street. This property has access to an alley along the rear (west) property line.
2. The applicant is requesting a variance in order to construct a separate driveway on the 15th Street (north) frontage of the property in order to park personal vehicles/business vehicles. The proposed driveway would be 28 feet east of the existing alley (measured centerline to centerline). The driveway would be 12 feet wide.
3. The applicant has indicated that his future plans include building a 30-foot by 30-foot garage on the back side of the property. Since this property is a corner lot and has two front yards, this future garage will not be able to be built in the 15th Street front yard per Section 6.1 of the Zoning Ordinance.
4. Most of the properties in this area of the neighborhood with alley access do not have driveways on their street frontage. They all receive their access from the alley network or use street parking. Access points from the alley network do not have any separation requirements from each other or nearby alley intersections.
5. Although most of the properties in this area of the neighborhood do not have separate driveway accesses, there are also very few properties that seem to use their alley access for vehicle parking. This contributes to the neighborhood's reliance on availability of street parking.

6. The two-family corner-lot property across the street (east) has a similar separate driveway along their 15th Street frontage even though there is alley access.
7. This standard that requires alley access when available, and prohibiting additional drives along the street, is intended to preserve the pedestrian infrastructure/experience in established neighborhoods while minimizing vehicle conflict points.
8. The applicant has specified that an existing utility pole in the alley, as well as an exposed concrete foundation on the neighboring property across the alley are encumbrances to using the alley for vehicle access. Despite the presence of the utility pole, the applicant has +/- 37 feet of unobstructed frontage along the alley, which is generally plenty of space for a driveway/vehicle access.

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 City department/agency has expressed any concern about this request. It 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 subject property, being a corner lot, has two street frontages where street parking is available. Building this separate driveway along the 15th Street frontage would decrease the available street parking spaces for the neighborhood, and increase vehicle conflict points along the sidewalk network. 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 alley behind the property has the obstruction of an existing utility pole, but this obstruction still leaves +/- 37 feet along the alley to accommodate a driveway/vehicle parking. The applicant has not demonstrated a practical difficulty in the use of his property resulting from the alley access requirement. 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): 3/14/24 by (initials): AN & KB
Application Received on (date): 3/19/24 by (initials): JAM
Jurisdiction: Columbus Bartholomew County Joint District
Hearing Procedure: Board of Zoning Appeals Hearing Officer
Docket No.: CDS-2024-007 Zoning District: RE
Property Owner Name (from GIS): Randy Lapidus

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: Randy Lapidus

Representative's Company Name: _____

Mailing Address: 1444 Sycamore St. Columbus In. 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-374-8590 E-mail Address: Lapidus2007@gmail.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: Randy Lapidus

Business, Institution, Etc. Contact Person Name: _____

Mailing Address: 1444 Sycamore St. Columbus In. 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-374-8590 E-mail Address: Lapidus2007@gmail.com

Property / Location Information:

Property Address: 1444 Sycamore St Columbus
(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 7.3(C)(3)(6) of the Zoning Ordinance to allow the following:

A drive on 15th St - 28' off the Alley

Please describe the project for which the variance is sought:

Construct Drive off of 15th Street 28' off the Alley
For 1444 Sycamore St.

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.

There will be no public safety issues. Nothing
will be blocked and no visibility issues.

- 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.

There will be no impact to neighbors or value
of 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.

There are numerous reasons for the variance.
See attached.


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: Randy Lapidus
Address: 1444 Sycamore 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.



(Representative's Signature)

3/19/24

(Date)


Randy Lapidus

(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)

3/19/24

(Date)

Randy G. Lapidus

(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)

Variance to Add Driveway Access on 15th Street Between Sycamore Street and the Alleyway
between Pearl Street and Sycamore Street

Randy Lapidus

1444 Sycamore Street

Columbus, In. 47201

Due to multiple obstacles in our way we are asking for a variance to add a driveway on 15th Street. This drive would be 28' east of the alley between Pearl Street and Sycamore Street.

The location of the gate on 15th Street will only have an 11" elevation from the street.

These obstacles we are talking about (Labeled on attached picture) include:

1. There is a 23" elevation on the West side of the property from the corner of the property going 28' South. The whole corner is elevated.
2. Cement blocks and foundation on the West side of the alley will make turning into a drive off the alley very difficult. Plus, there is a good chance we will have to access that property to turn into the drive.
3. After the 23" elevation on the West side of the property, there is only 10' of clearance before the electric pole. That would make it difficult to make the turn into the driveway.

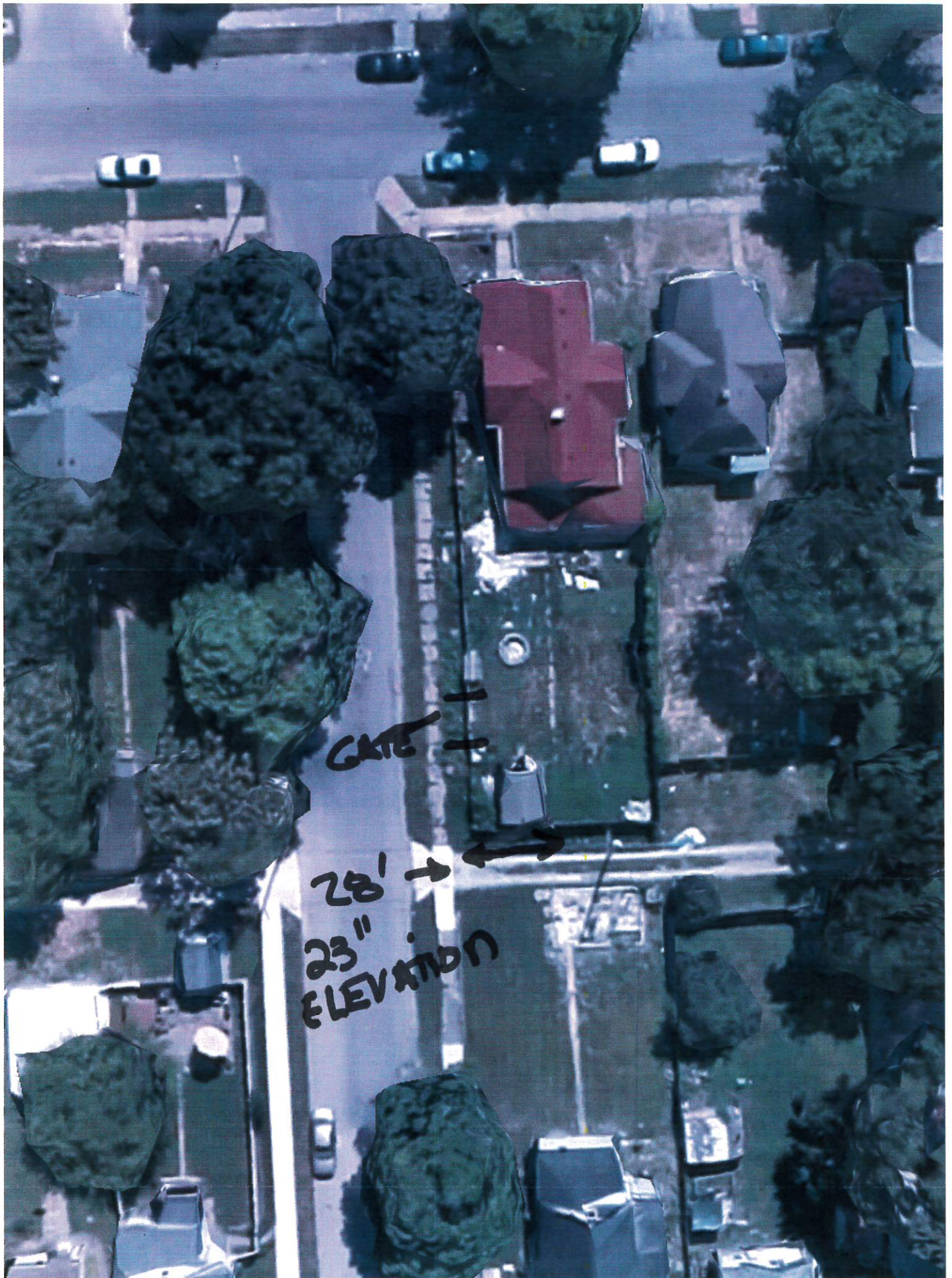
Because of these reasons we would like to ask permission for a variance to put in our drive on 15th street. This will not affect any neighbors or create any type of safety hazard.

Our goal is to put in a cement driveway and a garage to get vehicles off the street

Thank you for your consideration

GATE

28' →
23" ELEVATION





30'
30'
علاوة



GATE 18' GATE



11' ELEVATION

23" ELEVATION

GARAGE REMAINS





28'
10'
23"
ELEVATION
ELECTRIC
POLE

Questions:

① Driveway will be 12' wide

② [Ⓐ] Fence is 6' tall

③ [Ⓑ] Fence will stay.

When garage is built Fence will butt up to garage.

③ Dimensions of garage would be 30' x 30' located on 15th street side of 1444 Sycamore Street towards the alley side of property.

④

Diagram and Picture attached

