123 Washington Street Columbus, Indiana 47201 Phone: (812) 376-2550 Fax: (812) 376-2643





CITY OF COLUMBUS BOARD OF ZONING APPEALS HEARING OFFICER (January 14, 2025 Meeting)

STAFF REPORT

Docket No. / Project Title: CCU-2024-025 (Virginia Whipple)

Staff: Noah Pappas
Hearing Officer: Melissa Begley

Applicant: Virginia Whipple
Property Size: 6534 square feet

Zoning: RS4 (Residential: Single-Family 4)

Location: 2230 Union Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed conditional use will allow an existing upstairs portion of a detached garage to be converted into an accessory dwelling.

Preliminary Hearing Officer Decision:

Approval, all criteria have been met.

Zoning District Intent:

The intent of the RS4 (Residential: Single-Family 4) zoning district is as follows: To provide areas for high density single-family residences in areas with compatible infrastructure and services. Development in this zoning district should be served by sewer and water utilities. Such development should also provide residents with convenient access to Collector and Arterial roads, parks and open space, employment, and convenience goods.

| Current Property Information: | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|
| Land Use: | Single-Family Residential | | | | | | |
| Site Features: | House and existing garage | | | | | | |
| Flood Hazards: | None | | | | | | |
| Street/Road Frontage: | 23 rd Street (Local, Urban, Residential) Union Street (Local, Urban, Residential) | | | | | | |

| Surrounding Zoning and Land Use: | | | | | | | | | | |
|----------------------------------|--|--|--|--|--|--|--|--|--|--|
| | Zoning: | Land Use: | | | | | | | | |
| North: | RS4 (Residential: Single Family 4) CN (Commercial: Neighborhood) | Single-Family Residential Honeymoon Haulers | | | | | | | | |
| South: | RS4 (Residential: Single Family 4) | Single-Family Residential | | | | | | | | |
| East: | RS4 (Residential: Single Family 4) CN (Commercial: Neighborhood) | Single-Family Residential Retail | | | | | | | | |
| West: | CN (Commercial: Neighborhood) | Single-Family Residential Used Furniture Store | | | | | | | | |

| Interdepartmental Review: | | | | | | | | |
|--------------------------------|---|--|--|--|--|--|--|--|
| City Engineering: No concerns. | | | | | | | | |
| City Utilities: | No concerns. | | | | | | | |
| City Fire: | With the addition of an ADU at this location the applicant will need to make sure that the address for the new unit is easily visible for emergency services and the premise notes are updated at Central Dispatch. | | | | | | | |
| Code Enforcement: | No response. | | | | | | | |

Planning Consideration(s):

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

- 1. The proposal is to convert an existing 2nd story of a garage into a 646 square foot (34 feet by 19 feet) accessory dwelling unit. It will be utilizing an existing standalone structure, located on the subject property 15 feet behind the house, accessed off of the Alley via an external staircase.
- 2. Zoning Ordinance Section 6.1(D)(1) permits accessory dwellings by conditional use and includes additional development standards as follows:
 - a. Location on the Property: The accessory dwelling may be (i) attached to, and designed and constructed as part of the primary structure, (ii) attached to or included within a detached garage or other accessory structure, or (iii) a separate and distinct accessory structure on the property. The proposed accessory dwelling would be a part of an existing detached garage.
 - b. Primary Use of the Property: An accessory dwelling may only be established on a property on which the primary use and structure is a single-family dwelling (or where a single farm dwelling is present). There is an existing single-family residence on the property.
 - c. Living Area: In residential zoning districts, the living area of any accessory dwelling shall not exceed 1,000 square feet or an amount equal to 65% of the primary residence on the property, whichever is less. Further, no accessory dwelling shall be less than 400 square feet in living area. The primary structure is 1536 square feet per the Bartholomew County GIS, with 65% being 998.4 square feet. The applicant's proposed size of 646 square feet would be compliant with this standard.

- d. Maximum Number of Units: A maximum of 1 accessory dwelling may be permitted on any property. The applicant is only requesting the 1 accessory dwelling as part of this application. There are no other accessory dwellings on site.
- e. Driveway Access: The accessory dwelling shall not require the establishment of an additional driveway. *The applicant is not proposing any new drive access points.*
- f. Parking Requirements: In instances where on-street parking is allowed on either side of a street in a block where the subject property has frontage, no off-street parking for the accessory dwelling shall be required. Where the on-street parking described above is not available, one off- street parking space, in addition to those required for the primary residence by Chapter 7.1 of (the Zoning) Ordinance, shall be provided for the accessory dwelling. All off-street parking spaces provided shall meet all applicable design and circulation standards for the zoning district in which the property is located by Article 7 of (the Zoning) Ordinance. Parking for the primary dwelling is provided through an existing 2-car garage detached from the primary dwelling. Street parking is available at this location, removing the requirement to provide any additional off-street parking. Adequate parking is being provided.
- g. Waste Disposal: Both the primary residence and the accessory dwelling shall either (i) be served by a public sewer system or (ii) be served by one shared or two individual septic systems approved by the Bartholomew County Health Department. The waste disposal method shall also comply with the Utility Requirements established for each zoning district by Article 3 of (the Zoning) Ordinance. This location is served by City Sewer and the Accessory Dwelling Unit would be as well.
- h. Architectural Design: The accessory dwelling unit should make use of exterior materials consistent with or complimentary to the primary residence on the property. The applicant is utilizing an existing detached garage which is complimentary to the primary dwelling
- 3. The area is made up of predominantly single-family residential homes on small lots. There is adjacent commercial in the area as well as some apartment homes.
- 4. Per Zoning Ordinance Section 3.11(C) accessory structures must maintain a minimum side/rear setback of 5 feet from the property boundary, and minimum front setback of 35 feet from the centerline of the road. Currently the garage meets the minimum 5 foot setback off of the alley. However it has an approximate 0 foot side setback to the 2228 Union Street lot and a 32.5 foot setback from the centerline of 23rd Street which would fall short of the setback requirements for new construction. The construction of this garage predates the current ordinance and is therefore considered to be a legal non-conforming structure.

Comprehensive Plan Consideration(s):

The Comprehensive Plan designates the future land use of properties in this area as Residential.

The Comprehensive Plan includes this property in the <u>Columbus Central Neighborhoods</u> character area. The following planning principles for that character area apply to this application: Infill development that complements existing neighborhoods should be encouraged.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

- 1. Policy A-10: Keep residential neighborhoods at a "human" scale, preventing high-rise or massive buildings.
 - The character of a neighborhood can be destroyed by introducing a building that doesn't fit, such as a five-story apartment building in a neighborhood of one-story, single-family houses.
- 2. Policy A-2-11: Encourage all new development to be in scale (height, area, mass, setback, etc.) with its surroundings, determined on a neighborhood by neighborhood basis.

 New development should be designed in a manner that is sensitive to the surroundings.
- 3. Goal D-1: Develop new housing where adequate public services can be provided economically.
- 4. Policy D-1: Promote orderly housing expansion in locations where the city's infrastructure and services have the capacity to accommodate the growth.

 New neighborhoods should have adequate infrastructure and services. Road networks should be safe, there should be adequate sewage disposal and a safe drinking water supply, and there should

- be adequate police and fire protection and trash pick-up. The city should guide new development to areas where these services will be available at reasonable cost.
- 5. Goal D-2: Encourage development of a sufficient supply of diverse housing types, sizes and price ranges in the community.
- 6. Policy D-2-1: Encourage housing which is affordable to those whose incomes are below the median particularly those significantly below the median.

 A thriving community needs socio-economic diversity which in turn requires a range of housing prices. The city should encourage the development of housing in a variety of price ranges so that all citizens will have decent, safe, and sanitary housing at prices they can afford.
- 7. Policy D-2-2: Allow for various housing types A diverse population needs diverse housing. The city should encourage a variety of housing types including single-family detached houses, townhouses, and apartments.

Provisional Findings of Fact/Decision Criteria:

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer may impose reasonable conditions as part of an approval.

1. The proposal will not be injurious to the public health, safety, and general welfare of the community.

Provisional Findings: The City Fire, Engineering, and Utility departments have indicated no concerns with the proposal. Therefore, it does not represent a hazard to public health, safety, or general welfare. *This criterion has been met.*

2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

Provisional Findings: The proposed accessory dwelling will be compliant with all development standards that are applicable. *This criterion has been met.*

3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

Provisional Findings: The accessory dwelling will not pose any risk to nearby property or uses. The existing garage is not changing in size or appearance, and in addition will provide adequate parking through a mix of street and on-site parking. The addition of the accessory dwelling will not inhibit neighbors in the area from access to and enjoyment of their property. *This criterion has been met.*

4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

Provisional Findings: The primary use of this property is and remains residential. With the building of an accessory dwelling unit the use will continue to be residential. Adding the accessory dwelling unit, while not common in the area, is not uncommon in a residential setting. It is consistent with the current use and will not alter the character of the area. Further, the Comprehensive Plan recommends various types of housing, including accessory dwellings. *This criterion has been met*.

Hearing Officer Options:

In reviewing a request for <u>conditional use</u> 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

Conditional Use 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): 12/12/24 by (initials): NP & AN |
| Application Received on (date): 12/17/24 by (initials): JAM |
| |
| Jurisdiction: Columbus Bartholomew County Joint District Procedure: Board of Zoning Appeals Hearing Officer |
| Case Reference No.: CCU-2024-025 Zoning District: RS4 |
| Property Owner Name (from GIS): Virginia Whipple |
| |
| To be Completed by the Applicant |
| STOP! All 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 Board of Zoning Appeals application deadline to schedule a meeting. |
| |
| Representative Information (if other than the applicant): |
| Complete this section if a contractor, surveyor, attorney, or other person will act on behalf of the applicant and all correspondence regarding the application should be directed to them (if not, please indicate "none" for the Representative Person's Name below). |
| Representative Person's Name: Virtinia R Whipple |
| Representative Person's Name V R G V/ 14 |
| Representative's Company Name: |
| Mailing Address: 2230 Union St Columbus IN 47201 (number) (street) (city) (state) (zip) Phone No.: 812-593-5308 E-mail Address: Ginny whiple 3152@ gmail. Com |
| (number) (street) (city) (state) (zip) |
| Phone No.: 812-593-5308 E-mail Address: ginny whiple 31520 gmail. Com |
| All correspondance will be by e-mail unless another method has been agreed upon by the Planning Department. |
| |
| Applicant Information: |
| Please identify the property owner, business, institution, or other entity that is making the request. Do <u>NOT</u> list here a contractor, surveyor, attorney, or other representative (see Representative Information section above). |
| Applicant Name: VIRGINIA R Whipple |
| Applicant Name: VICE IN CA CONCIPIE |
| Applicant Type: ☑ Individual(s) ☐ Partnership ☐ Corporation ☐ LLC ☐ Estate ☐ Trust ☐ Other |
| Applicant Contact Person Name: Ginny Whipple |
| Please include a contact person name if the applicant is a land development company, institution, business, or other type of entity. |
| |
| Mailing Address: 2230 Union St Columbus IN 47201 (number) (street) (city) (state) (zip) Phone No.: 812-593-5308 E-mail Address: giniy whipple 31520 ginail. Com |
| Dhono No. 812-592-5308 E mail Address: Quant Lish 1006-3152 @ ginail (Cara |
| All correspondance will be by e-mail unless another method has been agreed upon by the Planning Department. |
| 7 in correspondence with 20 27 c main amost another method has been agreed upon by the r lamming Department. |
| Conditional Use Requested: |
| |
| I am requesting a conditional use per Section of the Zoning Ordinance to allow the property to be used for the following: |
| toller the Carlol waling of the late to be a little |
| 104110W The tinished upstairs portion of the detached garage to be |
| To Allow the finished upstairs portion of the detached garage to be converted to an accessory dwelling unit for rental income. |

| Pr | operty / Location Information: |
|-------------|---|
| Pro | perty Address (if an address has been assigned): 2235 Union St Columbus (city) |
| <u>or</u> F | Parcel Number(s): 03-95-13-410-004,700-005 |
| | General Location:(a street corner, subdivision lot number(s), etc.) |
| Co | onditional Use Criteria: |
| The cor | e Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that each must be met in order for a nditional use to be approved. Describe how the conditional use requested meets each of the following criteria. |
| 1. | The approval of the conditional use will not be injurious to the public health, safety, and general welfare of the community. For example: What harm could come from approving the conditional use? Would it create any public safety issues? Why or why not? Sec Attachment - Conditional Use |
| | |
| 2. | The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses. For example: Will the conditional use be able to meet minimum building setbacks, parking standards, and other requirements? If not, are variances being sought to address those items? See Attachment - Conditional USe |
| 3. | Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity. For example: The property is zoned |
| 4. | The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan. Will the conditional use change the character of the area? Will it involve a building, operation, or features that are significantly different than what is common to the zoning district? If the property is located in the jurisdiction of the City of Columbus visit https://www.columbus.in.gov/planning/comprehensive-plans/ . If the property is in the jurisdiction of Bartholomew County visit https://www.columbus.in.gov/planning/comprehensive-plans/ . Include statements or concepts that support the request. See Attach with the character of the zoning district in which it is located and the recommendations of the City of the property is located in the jurisdiction of Bartholomew County visit https://www.columbus.in.gov/planning/comprehensive-plans/ . Include statements or concepts that support the request. See Attach with the character of the zoning district in which it is located and the recommendation of the character of the area? Will it involve a building of the zoning district in which it is located and the recommendation of the zoning district in which it is located and the recommendation of the zoning district in which it is located and the recommendation of the zoning district in which it is located and the recommendation of the zoning district in which it is located and the recommendation of the zoning district in which it is located and the recommendation of the zoning district in which it is located and the recommendation of the zoning district in which it is located and the recommendation of the zoning district in which it is located and the recommendation of the zoning district in which it is located and the recommendatio |

Representative or Applicant Signature / Acknowledgement:

If a representative has been designated on page 1, that representative must sign below. If no representative is designated, the applicant, as indicated on page 1, must sign below. Acceptable signatures include traditional "wet" by hand signatures, electronically verified signatures, or digital signatures using a script font or signature stamp.

The undersigned acknowledges that the information included in and with this application is completely true and correct to the best of his/her knowledge and belief. (Representative or Applicant Signature) VIRGINIA R. Whipple (Representative or Applicant Printed Name) (Title / Position, if Applicable) Property Owner Signature(s): Applications submitted without all property owner(s) or their legally authorized representative(s) signatures will NOT be processed. Acceptable signatures include traditional "wet" by hand signatures, electronically verified signatures, or digital signatures using a script font or signature stamp. The property owner does NOT include a tenant or contract buyer. The Planning Department is NOT responsible for verifying the authenticity of signatures, confirming the signer's authority, or for any misrepresentation by those signing. Those who have signed below acknowledge that the information included in and with this application is completely true and correct to the best of his/her knowledge and belief. The undersigned authorize(s) the filing of this application and allows the Planning Department staff to enter this property to analyze this request. Further, the undersigned understand that a public notice sign may be placed and remain on the property until the processing of the request is complete. For Property Owned by an Individual or Individuals: If the property is titled/owned individually or jointly held by multiple individuals (such as a married couple, tenants-in-common, or jointly with rights of survivorship, for example), each living individual must sign below. Those signing below due to power of attorney for an owner must attach documentation of that power of attorney. VIRGINIA R Whiple (Printed Name) (Property Owner #2 Signature) (Printed Name) (Date) (Property Owner #3 Signature) (Printed Name) (Date) (Printed Name) (Property Owner #4 Signature) (Date) For Property Owned by a Partnership, Corporation, LLC, Estate, Trust, or other Entity: If the property is titled/owned by a trust, corporation, estate, institution, business, or other entity, an appropriate representative of that entity must sign below and indicate his/her title, position, role, or other legally authorized capacity in which they are signing on behalf of that entity, Description of Signer's Ownership Role or Representation:

(Printed Name)

(Date)

(Signature)

Conditional Use Application Attachment

Additional Information

Page 2 Conditional Use Criteria:

- Adding an apartment to the neighborhood will not disrupt the area by adding more traffic or congesting the parking in the area. There is a two-car garage plus ample street parking, which meet the City Standards. The goal is to have a single individual or at most a couple lease the space.
- 2. This accessory dwelling unit is going into an existing building so set back standards and building issues do not become a problem.
- 3. This property is zoned RS 4 and backs up to property zoned CN which is commercial neighborhood. Adding a rental to the neighborhood would be consistent with the current use as 11 of the 18 surrounding properties are rental properties
- 4. The renter will have access to a utility building to store bicycles or other large items so they will not be visible to neighbors. The existing garage looks like the house. There will be no change to the exterior. The steps to the second level are within a fenced back yard. I do not believe the neighbors will see any difference to the neighborhood.

Appraiser 08/06/2021

Marsha

Total Value

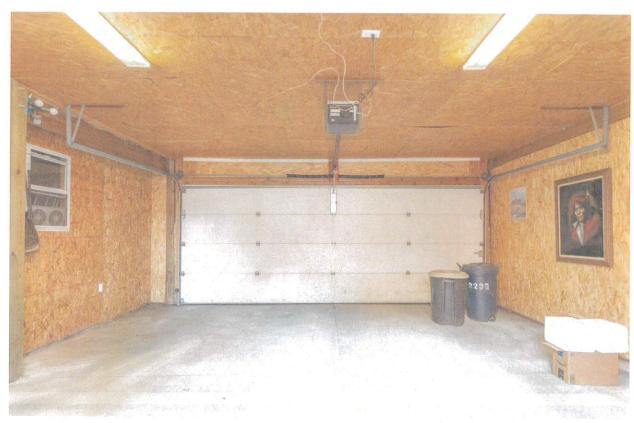
\$34,800

Review Group 2021

Data Source Aerial

Collector

| Description | Story Height | Constr Type | Grade | Year Built | Eff Year | Eff Co Age nd | Base Rate | LCM | Adj Rate | Size | RCN | Norm Dep | Remain. Value | Abn Obs | PC | Nbhd | Mrkt | Cap 1 | Cap 2 | Сар 3 | Improv Valu |
|-------------------------|-----------------|----------------|-------|---------------|-------------|------------------|--------------|------|-------------|------------|-----------|-------------|------------------|------------|------|--------|-------|--------|-------|-------|-------------|
| 1: Single-Family R 01 | 1 | Wood Fr | С | 1930 | 2015 | 10 A | | 0.94 | | 1,536 sqft | \$123,328 | 9% | \$112,230 | 0% | 100% | 1.1800 | 1.000 | 100.00 | 0.00 | 0.00 | \$132,400 |
| 2: Detached Garage R 01 | 1 | Wood Fr | С | 2011 | 2011 | 14 A | \$29.88 | 0.94 | \$32.75 | 20'x35' | \$22,925 | 13% | \$19,940 | 0% | 100% | 1.0000 | 1.000 | 100.00 | 0.00 | 0.00 | \$19,900 |
| 3: Utility Shed | 1 | sv | D | 2000 | 2000 | 25 A | | 0.94 | | 8'x10' | | 55% | | 0% | 100% | 1.0000 | 1.000 | 100.00 | 0.00 | 0.00 | \$300 |
| 4: Utility Shed R 01 | 1 | sv | С | 1900 | 1900 | 125 A | | 0.94 | | 6'x8' | | 65% | | 0% | 100% | 1.0000 | 1.000 | 100.00 | 0.00 | 0.00 | \$300 |





view of stairs to upper Level of garage Interior view of garage







aerial views