



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
(November 29, 2016 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/DS-16-48 (Mike Elwood)  
**Staff:** Melissa Begley  
**Applicant:** Mike Elwood  
**Property Size:** 26,571 square feet  
**Current Zoning:** RS2 (Residential: Single Family 2)  
**Location:** 3555 Woodside Drive, in the City of Columbus

**Background Summary:**

The applicant has indicated that the proposed variance from Zoning Ordinance Section 9.3(C)(2) is for the purpose of constructing a new fence that is located in the front yard that encloses a new pool and pool house. The applicants are requesting the fence to be 48 inches in height, which is 6 inches taller than the 42 inch maximum height.

**Preliminary Staff Recommendation:**

Denial, Criteria #3 has not been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the RS2 (Residential: Single Family 2) zoning district is as follows: To provide areas for moderate density single-family residences in areas with compatible infrastructure and services. Development in this zoning district should generally be served by sewer and water utilities. Such development should also provide residents with convenient access to Collector and Arterial streets, parks and open space, employment, and convenience goods.

**Development Standards:** Zoning Ordinance Section 9.3(D)(2): No fence or wall shall exceed a height of 42 inches in any front yard.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Single family residential
<b>Site Features:</b>	A single family residence, a driveway and a yard with landscaping, a pool and pool house are currently under construction.
<b>Flood Hazards:</b>	No flood hazards exist on the property.
<b>Vehicle Access:</b>	Woodside Drive (Local, Residential, Suburban)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	RS2 (Residential Single Family 2)	Single family residential
<b>South:</b>	RS2 (Residential Single Family 2)	Single family residential
<b>East:</b>	RS2 (Residential Single Family 2)	Single family residential
<b>West:</b>	RS2 (Residential Single Family 2)	Single family residential

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	No comments received
<b>Code Enforcement:</b>	The Indiana Residential Swimming Pool Code requires a minimum 48" fence/wall as a safety barrier for the pool. The pool will fail inspection without this minimum height barrier unless a power safety cover (which would also comply with the code as a safety barrier, but not preferred) is installed in place of the 48" safety barrier.

**Planning Consideration(s):**

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

1. The applicant is in the process on constructing a new pool and 990 square foot pool house at their residence. The applicant is requesting to construct a new four foot tall iron fence with stone columns and walls.
2. The fence will be located adjacent to the residence along Woodside Drive and encroaches approximately 23 feet into the front yard, approximately 11 feet from the property line and approximately 19 feet from the street. The applicants have indicated the proposed location will allow a green space and yard to be included in the outdoor living area and is also aesthetically pleasing and functional.
3. The Zoning Ordinance defines the front yard as the horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot and measured from the shortest distance from that foundation to the front lot line. The Zoning Ordinance further states that fences located in the front yard shall be no taller than 42 inches in height. Fences that are located in a side or rear yard may be up to a maximum of 8 feet in height.
4. The lot is wider than it is in depth and therefore the pool and pool house are located adjacent to the house, along Woodside Drive rather than behind the house.
5. Code Enforcement has indicated that Indiana Residential Swimming Pool Code requires a minimum 48 inch fence as a safety barrier to be installed around a swimming pool.
6. The subject property is over a half an acre in size and is not considered unusually small or oddly shaped. The house is set to the north side of the lot, but is not setback abnormally far from the street, creating a large front yard.

**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:* The fence will not be located in a sight visibility triangle or in the public right-of-way. Therefore visibility for drivers near the subject property will not be obstructed by the placement or height of the fence. *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.**

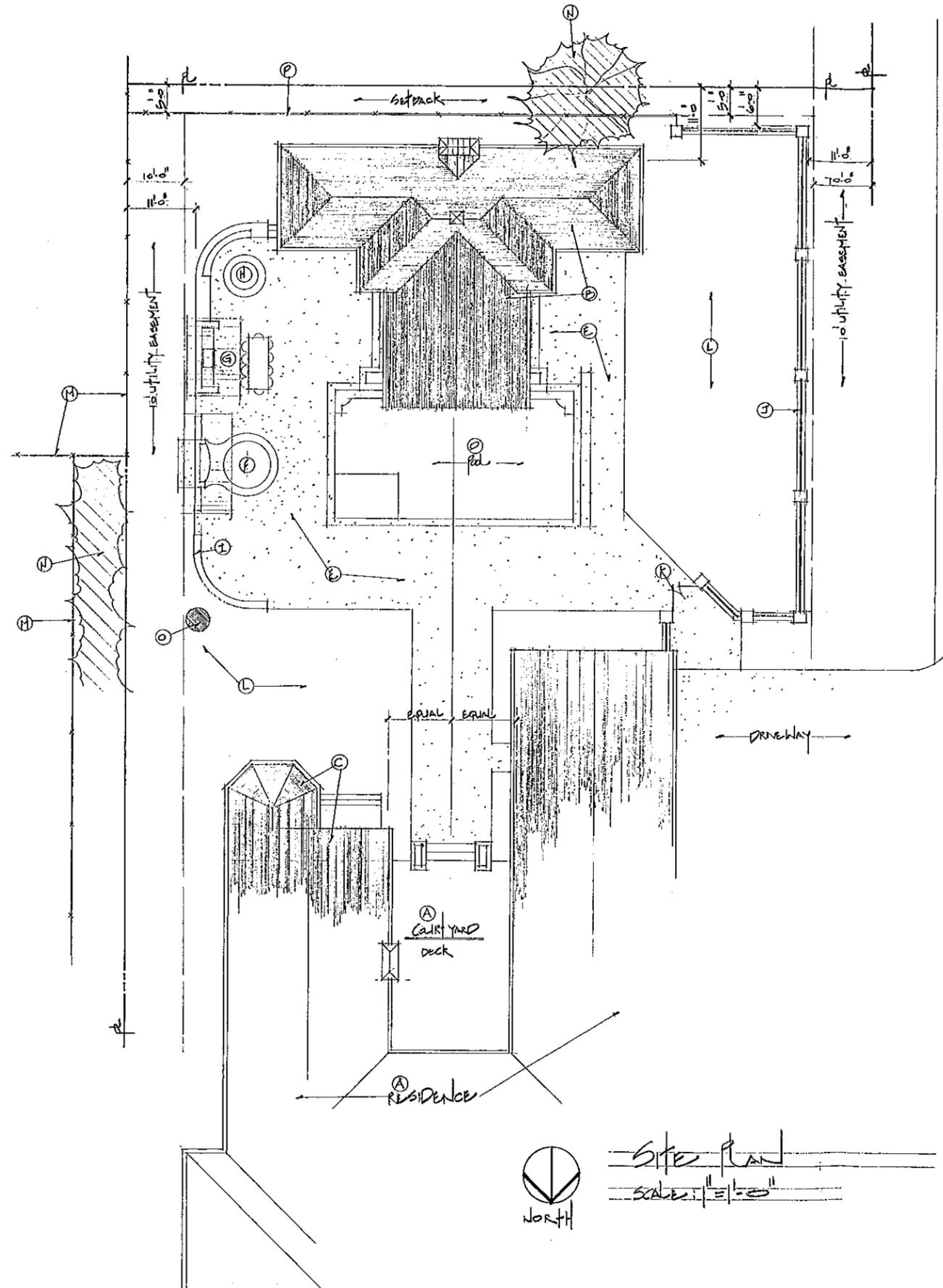
*Provisional Findings:* The installation of a fence that is 6 inches taller than otherwise permitted, will not affect the residential use of the surrounding properties, nor is it expected to affect property values. Aesthetically, the fence will be well-constructed and visually appealing. Further, it will not be a solid wall, but will only be partially opaque with the alternating stone columns and iron fencing. *This criterion has 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:* Although the applicant has indicated the preference to include an area of greenspace inside the fenced area, there is adequate space on the property to place the fence in-line with the house at the needed height to meet the building code. The property can continue to be used residentially. *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.



Proposed Expansion For:

# MIKE and CHRISTINE ELWOOD

3555 Woodside Drive - Columbus, Indiana 47203

Date: August 10, 2016

Designer:

## TAN TRAN DESIGNS

7595 S. Sprague Rd. - Columbus, Indiana 47201 - 812-390-6729



NORTH

### SITE PLAN

SCALE: 1" = 10'-0"

#### CONTENT:

SHEETS:

- 1. of 7. SITE PLAN.
- 2A. of 7. MAIN FLOOR PLAN.
- 2. of 7. MAIN FLOOR PLAN C-D.
- 3. of 7. FOUNDATION PLAN.
- 4. of 7. MASTER SUITE RENOVATION-FLOOR PLANS and ELEVATIONS.
- 5. of 7. ELEVATIONS - POOL HOUSE.
- 6. of 7. ELEVATIONS - HARDSCAPE and DETAILS.
- 7. of 7. DETAILS.

- A. Existing Residence and Courtyard.
- B. Proposed Pool House.
- C. Proposed Master Suite Extension.
- D. Proposed Swimming Pool.
- E. Bomanite Concrete Pool deck and walkway.
- F. Spa and Trellis.
- G. Grill Center and Trellis.
- H. Firepit and Limestone Bench.
- I. Limestone cap and Stone wall.
- J. Iron Fence with Stone Columns and Walls.
- K. Wood Gate.
- L. Green Space.
- M. Existing Neighbor's Fence lines.
- N. Existing Neighbor's tree lines.
- O. catch basin.
- P. proposed chain link fence and gate.

Site Plan  
SCALE: 1" = 10'-0"



NORTH

DATE: AUG. 10, 2016  
SCALE: 1" = 10'-0"  
REV: 5/15/16

TAN TRAN DESIGNS  
1995 S. SPRAGUE RD.  
COLUMBUS, INDIANA 47201  
812-390-6729

SITE PLAN  
PROPOSED EXPANSION FOR  
MIKE AND CHRISTINE ELWOOD  
3555 WOODSIDE DRIVE

SHEET  
OF 7

**Columbus – Bartholomew County Planning Department  
Development Standards Variance Application**



**Planning Department Use Only:**

Jurisdiction:  Columbus  Bartholomew County

Zoning:  
Docket No.: C125-16-48

Hearing Procedure:  Hearing Officer  Board of Zoning Appeals

---

**Development Standards Variance Application:**

---

**Applicant Information:**

Name: Mike Elwood  
Address: 3555 Woodside Dr Columbus TN 47203  
(number) (street) (city) (state) (zip)  
Phone No.: 812 Fax No.: \_\_\_\_\_ E-mail Address: mike.elwood@  
350.4227 elwoodstaffing.com

**Property Owner Information (the "owner" does not include tenants or contract buyers):**

Name: Mike Elwood  
Address: 3555 Woodside Dr Columbus TN 47203  
(number) (street) (city) (state) (zip)  
Phone No.: 812 Fax No.: \_\_\_\_\_ E-mail Address: mike.elwood@  
350.4227 elwoodstaffing.com

**Notification Information (list the person to whom all correspondence regarding this application should be directed):**

Name: Tim Kitzer - Builder  
Address: 4410 SRd 135 South Nashville TN 47448  
(number) (street) (city) (state) (zip)  
Phone No.: 812-320-7840 Fax No.: \_\_\_\_\_ E-mail Address: kitzerbuilders@hotmail.com

How would you prefer to receive information (please check one):  E-mail  Phone  Fax  Mail

**Property Information:**

Address: 3555 Woodside Dr Columbus TN 47203  
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):  
\_\_\_\_\_

**Variance Requested:**

I am requesting a variance from Section 9.3(C)(2) of the Zoning Ordinance to allow the following:

We are installing a new pool which requires a fence. The city ordinance is 42" for street side fences, and the national ordinance is 48" for safety related to an uncovered pool. Our request is a 6" variance (42" to 48") so that we can comply with the safety ordinance.

**Variance Request Justification:**

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

**The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

We are requesting a variance to increase the height of our street side fence from 42" to 48". The 6" increase is to comply with the pool safety code 48", as we are installing a pool and do not have an automatic cover.

**The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

The fence for which we are asking a variance will serve two purposes: 1) safety around the pool; and 2) aesthetic or beauty to the neighborhood. The fence will be tastefully installed and we hope add beauty to the entire street.

**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.**

There is a conflict between the city ordinance for fence height of 42" and the national ordinance of 48". We can't comply with both simultaneously, and felt it more important to err toward the taller safety ordinance of 48".

**Applicant's Signature:**

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

Michael D Shurvell  
(Applicant's Signature)

Oct 21, 2016  
(Date)

**Owner's Signature** (the "owner" does not include tenants or contract buyers):

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. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

*Michael D. Dwyer*

\_\_\_\_\_  
(Owner's Signature)

*Oct 21, 2016*

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Owner's Signature)

\_\_\_\_\_  
(Date)