



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(August 29, 2023 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/UV-2023-008 (Opossum Court Townhomes)
Staff: Noah Pappas
Applicant: Benchmark Investment Group LLC
Property Size: 23,522 Square Feet
Current Zoning: RS2 (Residential: Single-Family 2)
Location: 2885 South 150 West, in the City of Columbus.

Background Summary:

The applicant has indicated that the proposed use variance is for the purpose of allowing one triplex of 3 attached townhomes in the RS2 (Residential: Single-Family 2) zoning district.

Preliminary Staff Recommendation:

Continuance, to allow the applicant additional time to provide a more specific site design that addresses driveway, parking, and dumpster location concerns.

Any approval should include a condition that appropriate right-of-way, per the subdivision control ordinance recommendations for 150 West, is dedicated prior to issuance of any Zoning Compliance Certificate for the project.

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.

Permitted Uses: The following uses are permitted in the RS2 (Residential: Single-Family 2) zoning district.

1. Dwelling, single family
2. Nature preserve / conservation area

Permitted Locations: The proposed use is permitted in the following zoning districts: RM (Residential: Multi-Family) and CDS (Commercial: Downtown Support). The proposed use is a conditional primary use in the following zoning districts: RE (Residential: Established), RT (Residential: Two-Family), CD (Commercial: Downtown), CC (Commercial: Community), and CR (Commercial: Regional).

Current Property Information:	
Land Use:	Vacant
Site Features:	Existing Shed (to be removed)
Flood Hazards:	Zone AE 100-year floodway fringe
Vehicle Access:	150 West (Minor Arterial, Residential, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RS2 (Residential: Single-Family 2)	Single-Family Residential, Proposed Event Space
South:	RS2 (Residential: Single-Family 2)	Single-Family Residential
East:	RS2 (Residential: Single-Family 2)	Single-Family Residential
West:	RS2 (Residential: Single-Family 2)	Agriculture

Interdepartmental Review:	
City Engineering:	No comments
City Utilities:	No concerns.
City Fire:	No concerns.
Code Enforcement:	No comments.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Residential.

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

1. **Goal A-2:** Preserve & enhance the character of the community.
2. **Policy A-2-10:** 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.
3. **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.

4. **Goal A-4:** Promote wise and efficient use of limited resources and nonrenewable resources, including but not limited to capital and land.
5. **Policy A-4-2:** Encourage infill development, and/or use of vacant parcels for projects such as parks or other amenities which complement the neighborhoods in which they are located.
Vacant parcels represent lost opportunities, and they can become neighborhood nuisances. These parcels should be used, either for development, or for other neighborhood assets such as parks or community gardens. It is less expensive to develop these parcels than to create new subdivisions.
6. **Goal D-1:** Develop new housing where adequate public services can be provided economically.
7. **Policy D-1-1:** Promote orderly housing expansion in locations where the city's infrastructure and services have the capacity to accommodate 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.
8. **Policy D-1-3:** Encourage development adjacent to already developed areas.
Compact development contiguous to already developed areas is the most economical and convenient urban form, and the city should encourage that type of development.
9. **Goal D-2:** Encourage development of a sufficient supply of diverse housing types, sizes and price ranges in the community.
10. **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, townhomes, and apartments.
11. **Goal F-5:** Provide adequate, attractive, and safe parking facilities.

This property is located in the State Road 11 South character area. The following Planning Principle(s) apply to this application:

1. New development should be limited in this area until traffic and flooding problems are resolved.
2. Residential development should be encouraged only on land not subject to flooding and only where it is demonstrated that traffic can be accommodated safely.
3. New development on arterial and collector streets should be permitted only where common access points can be provided; the strip development pattern should not be continued.

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 proposing to build one triplex of two story, 3 bedroom, 1,464 square foot (each) attached townhomes on an RS2 (Residential: Single-Family 2) zoned property.
2. If this was being proposed in the RM (Residential: Multi-Family) zoning district, in which triplexes like this are considered a permitted use, a Buffer Yard Type B would be required for all the adjacent properties. A Buffer Yard Type B consists of a minimum width of 15 feet in addition to the to the minimum required setback and approximately 5 medium sized trees or 3 large trees or 2 large trees and 1 medium to be provided every 50 feet.
3. The entirety of the property is located in the Zone AE 100 Year Floodplain, meaning any building would need to be elevated to Flood Protection Grade. Current Approximate Ground Elevation is 610.6 feet. Base Flood Elevation is 616 feet. In order to meet Flood Protection Grade a building must be elevated 2 feet above Base Flood Elevation. This means that any potential development at this location needs to be elevated to 618 feet.
4. The applicant also mentioned that there are high costs to bring utilities to the property. Since the property is in the city jurisdiction it cannot be developed without making that utility connection.
5. In multi-family developments, the amount of parking required is 1.5 per dwelling unit. Since the applicant is providing 3 units, 5 parking spaces are required. There is plenty of space at this site for the applicant to accomplish this.
6. The only uses that are listed as "Permitted Uses" in the RS2 (Residential: Single-Family 2) zoning district are single-family dwellings and nature preserve / conservation area.
7. There is an existing shed on the property that is to be removed per the applicant.

8. On Arterial streets where the use of the subject property is Multi-Family the required drive separation between drives is 400 feet. There is nowhere on the subject property that a drive entrance can be installed that will provide adequate separation. However, per Zoning Ordinance Section 7.3(C)(3)(d), any lot that was lawfully established prior to the effective date of the Ordinance and for which compliant access cannot be provided may obtain access from the frontage with the lowest Thoroughfare Plan classification. This one allowed drive must be in a location that best serves the access and circulation priorities of the Thoroughfare Plan.
9. The area is made up of primarily single family residential homes. However, other nearby uses include Southside Elementary School, Bartholomew County Fairgrounds, and Dunn Stadium county park.
10. The Neighborhood Commercial Access & Design Study, completed by the Planning Department in 2017, shows that this property is 3.6 miles from necessity goods, 3.1 miles from small scale specialty goods, 3.0 miles from restaurants, 3.1 miles from personal service uses. For distances over 0.5 miles people often choose to drive instead of walking. There is presently no convenient access to the nearest convenience goods and shopping.
11. 150 West is underserved by pedestrian infrastructure. There are no pedestrian facilities at this location until the shared use path at 200 South, 500 feet away. The Bicycle & Pedestrian Plan shows that a future Cycle Track and a separate future Shared Use Path are both planned along 150 West. Due to the currently limited right-of-way width on 150 West, there is not an opportunity for a sidewalk connection between this property and the 200 South shared use path.
12. The nearest open space is the Southside Elementary School playground, which is 0.3 miles away. Other open space in the area includes the fairgrounds (0.3 miles away) and the county park (0.8 miles away). The park is not currently accessible via any kind of pedestrian facility due to the gap in coverage from the subject property to 200 South. The shared use path along 200 South runs from the Bartholomew County Fairgrounds to Terrace Lake Community Church. It does not connect to the existing people trail network. Due to the existing gap between 200 South and the subject property, there is not an easy to provide pedestrian connection to this shared use path.
13. County road 150 West is considered a minor arterial street. Per the Subdivision Control Ordinance, the half planned right-of-way, as measured from the center of the road, is 45 feet. This property currently has a half right-of-way of 22.5 feet. Right-of-way dedication may be the best option for this development to contribute proportionally to long-term sidewalk network development.
14. The applicants have provided a conceptual site plan that, while demonstrating that adequate parking can be provided, includes a considerable amount of parking and driveway space, as well as a dumpster area, in close proximity to the adjoining home to the south. The applicants have indicated that they would consider other site designs. Finalizing a site design in association with the conditional use is the best method for ensuring that the project does not have a negative impact on adjoining homes. The Planning Department would not have the discretion needed to scrutinize these site features following a conditional use approval.

Provisional Findings of Fact / Decision Criteria

The Board may approve a variance of use from the provisions of the zoning ordinance upon finding that each of the following is true.

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

Provisional Findings: Adequate parking can be provided on site. 150 West is classified as a Minor Arterial Street intended to accommodate comparatively larger volumes of traffic. No contacted departments, including City Engineering, Fire, and Utilities, as well as County Code Enforcement, expressed any concerns about the proposed project. *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 design of the site, specifically the location of parking, driveway, and trash areas, can have a significant impact on neighboring properties. As currently proposed, the site design for the project would likely have a negative impact on the neighboring home to the south. Until a final site design is provided that addresses the concerns, *this criterion **has not** been met.*

3. The need for the variance arises from some condition peculiar to the property involved:

Provisional Findings: The combination of the floodplain on the property and the need to extend water and sewer services can make single-family home construction on this property cost prohibitive. *This criterion has been met.*

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

Provisional Findings: The combination of the floodplain on the property and the need to extend water and sewer services can make single-family home construction on this property cost prohibitive. *This criterion has been met.*

5. The approval does not interfere substantially with the comprehensive plan:

Provisional Findings: While the area is predominantly single family residential, and while the addition of one triplex will constitute a density increase for the area, the development will not alter the character of the area and will fit in with the community in which it is located. The comprehensive plan also encourages allowing a variety of housing types and developing next to already developed areas so as to reduce sprawl. Further, the open space in the area and growing bicycle and pedestrian network can support more medium density development. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for a use 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.

**City of Columbus - Bartholomew County Planning Department
Use 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): _____ by (initials): _____

Application Received on (date): _____ by (initials): _____

Jurisdiction: Columbus Bartholomew County Joint District

Hearing Procedure: Board of Zoning Appeals Hearing Officer (see IC 36-7-923(a)(3) for use variance eligibility)

Docket No.: _____ Zoning District: _____

Property Owner Name (from GIS): _____

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: Nicholaus D. Eddy

Representative's Company Name: Sharpnack Bigley Stroh & Washburn LLP

Mailing Address: 330 Franklin St. Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-372-1553 E-mail Address: nickeddy@sbswlaw.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: Benchmark Investment Group LLC

Business, Institution, Etc. Contact Person Name: Phil Ehrman IV, Member

Mailing Address: 3030 State Street Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-344-5706 E-mail Address: phil.ehrmaniv@gmail.com

Property / Location Information:

Property Address: 2885 S. 150 W. Columbus, IN 47201
(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 3.9 of the Zoning Ordinance to allow the property to be used for the following (as defined by the zoning ordinance):

Residential: Multi-Family

Please describe the proposed use further:

Three Unit Multi-family residence/townhomes. Illustrations attached.

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 use 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?

The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The approval would not create any public safety issues. The surrounding properties are residential and already used for housing.

- 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 use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The proposed property to be constructed on the site will be a new and attractive property in the area. With allowing only two additional units the area will not see significantly increased traffic or congestion.

- 3. **The need for the variance arises from some condition peculiar to the property involved.** For example: Is there some unique problem with the site that limits how it can be used? If so, what is that problem (size or configuration of the site, layout, topography, availability or location of utilities, etc.)?

The property is currently a vacant lot and has multiple unique and peculiar characteristics which make it unlikely to be developed into single family housing. The property is in a flood plain, which would require the lot to be built up to raise any structures out of the flood zone. The property also does not have city sewer or utilities on site. The cost to raise the lot and bring city utilities to the property is prohibitively expensive for development for single family home use.

- 4. **The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.** For example: the property is zoned RS2. What are the reasons the property cannot be used as it is currently zoned? What would prohibit the property from being the location of any of the permitted or conditional uses (existing structure is not usable for permitted uses, size or configuration of the lot, etc.)?

By limiting the property only to single-family use the property is unlikely to be developed into housing due to the high costs associated with bring the property out of the floodplain and bringing utilities to the property. By granting the variance to allow two more additional units to be built on the property the applicant is able to justify those development costs and add much needed quality housing to the community.

Continued on next page.

5. **The granting of the variance does not interfere substantially with the Comprehensive Plan.** 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/comprehensive-county-plans/>. Include statements or concepts that support the request.

The granting of the variance is consistent with the goals of the Comprehensive Plan. GOAL D-2; Policy D-2-2 of the Plan states "A diverse population needs diverse housing. The city should encourage a variety of housing types, including single-family detached houses, townhouses, and apartments."

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: Sharpnack Bigley Stroh & Washburn LLP

Address: 330 Franklin 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)

8-11-2023
(Date)

Nicholaus D. Eddy
(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)

08/11/2023
(Date)

Phil Ehrman IV
(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.

Member, Benchmark Investment Group LLC
(Signer's Ownership Role or Representation)

OPOSSUM COURT TOWNHOMES

150 West

Columbus, Indiana 42701

Proposal



03-85-02-120-.000.200-005

Benchmark Investment Group

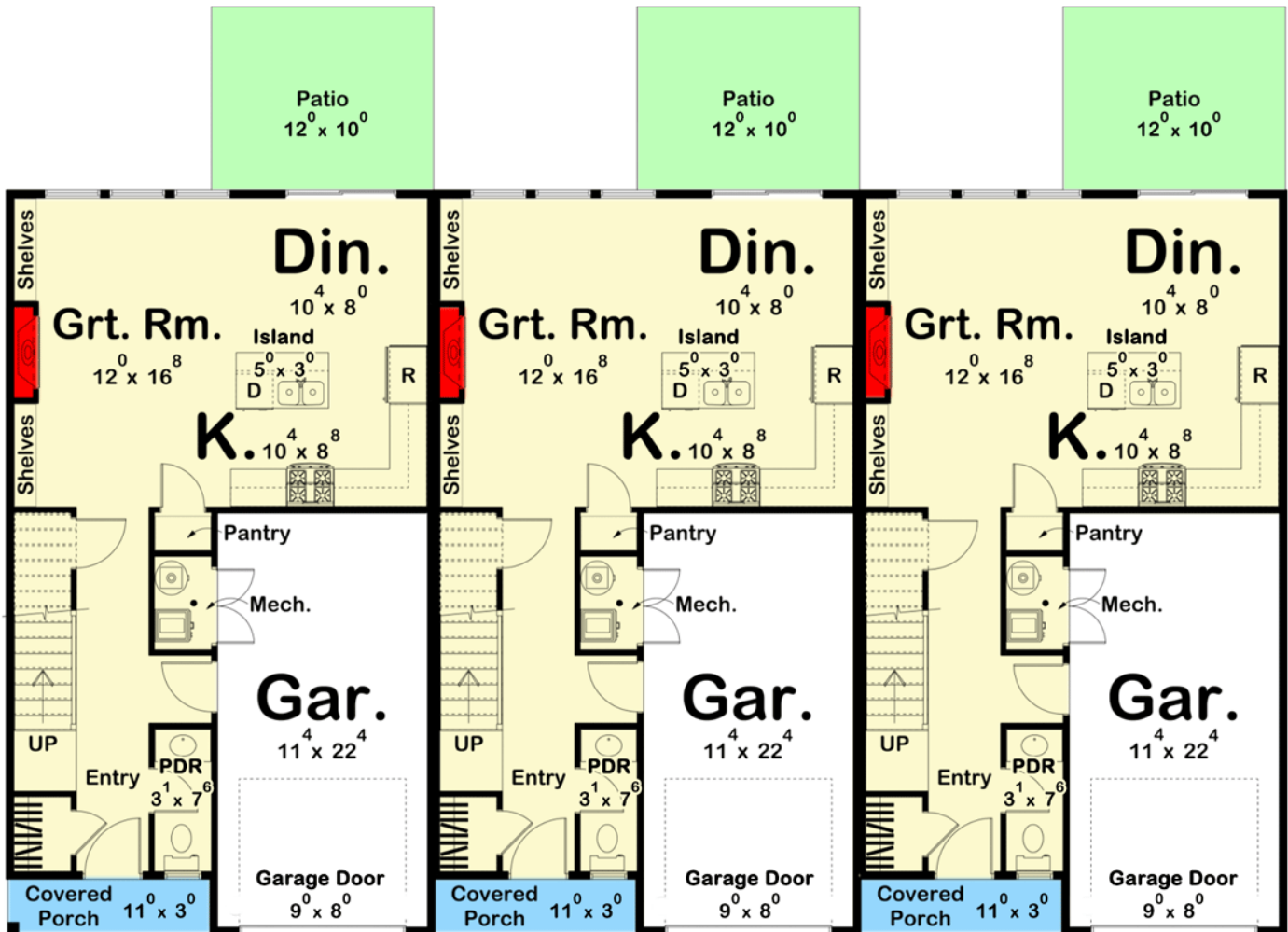
Philip J. Ehrman, IV

812-344-5706





FIRST LEVEL



4,392
Heated S.F.

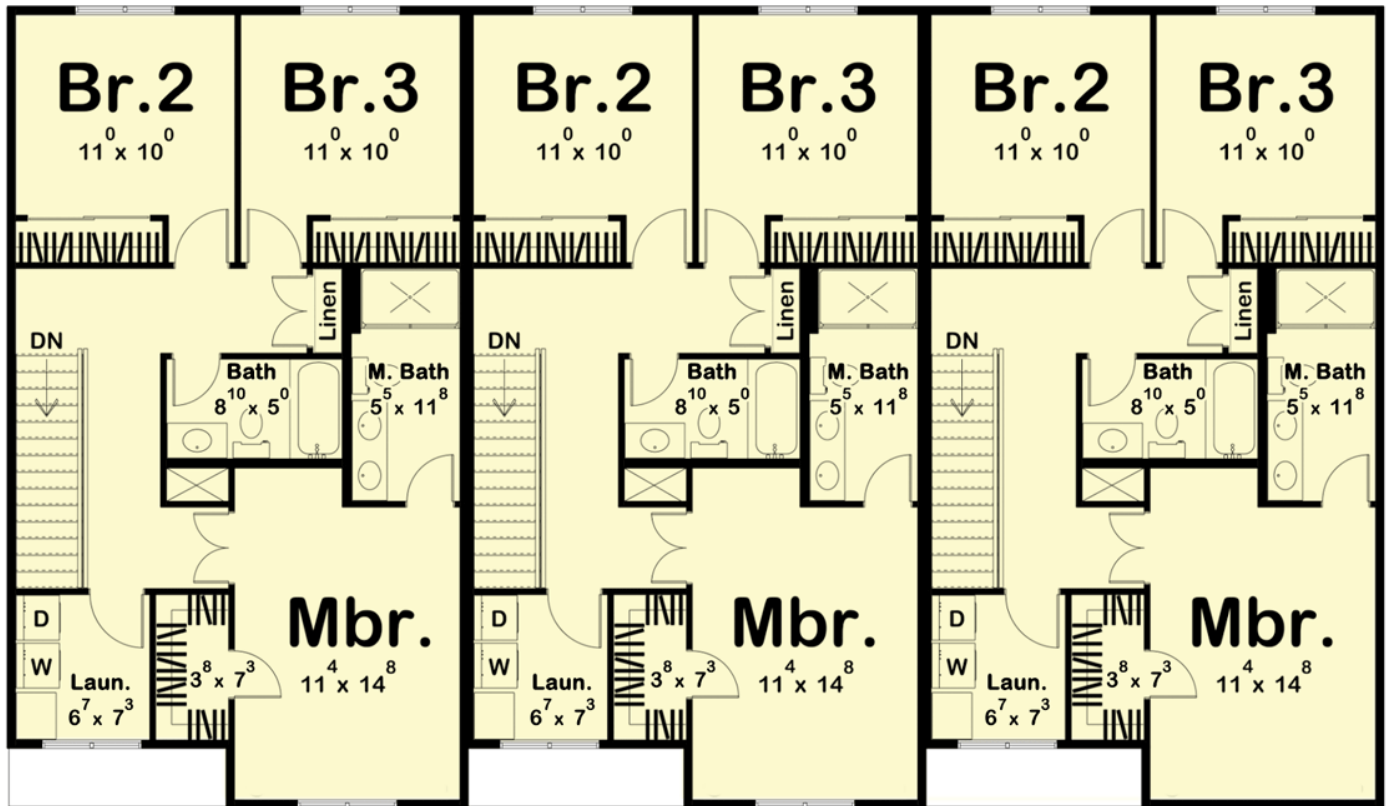
3
Units

71'-0"
Width

40'-0"
Depth

- This 3-family house plan features mixed exterior finishes and a covered porch.
- Each unit gives you 1,464 square feet of heated living space (622 square feet on the main floor; 842 square feet on the second floor), 3 beds, 2.5 baths, and a 264 square foot 1-car garage.
- The great room, kitchen, and dining room flow seamlessly in an open layout. A sliding glass door leads to the rear patio from the dining room.

SECOND LEVEL



Upstairs, you'll find 3 bedrooms. The master suite includes a bathroom with dual vanities and a walk-in shower. Bedrooms 2 and 3 share a centrally located hall bathroom. A laundry room on this level offers added convenience.

PLAN DETAILS

Square Footage Breakdown

- **Total Heated Area: 4,392 sq. ft.**
- **1st Floor: 1,866 sq. ft.**
- **2nd Floor: 2,526 sq. ft.**
- **Porch, Front: 99 sq. ft.**

Beds/Baths

- **Bedrooms: 9**
- **Full Bathrooms: 6**
- **Half Bathrooms: 3**

Foundation Type

- **Standard Foundation: Slab**

Exterior Walls

- **Standard Type(s): 2x4**

Dimensions

- **Width: 71' 0"**
- **Depth: 40' 0"**
- **Max Ridge Height: 30' 0"**

Garage

- **Type: Attached**
- **Area: 264 sq. ft.**
- **Count: 3 cars**
- **Entry Location: Front**

Ceiling Heights

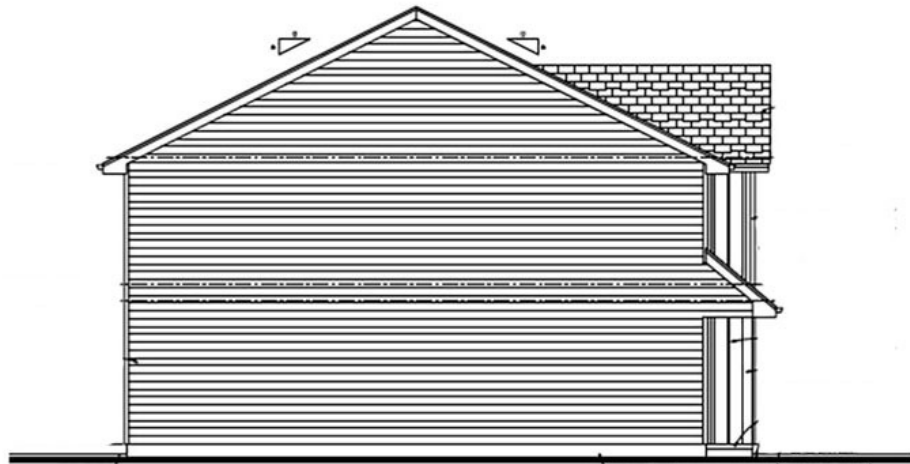
- **Floor / Height: First Floor / 9' 0" Second Floor / 8' 0"**

Roof Details

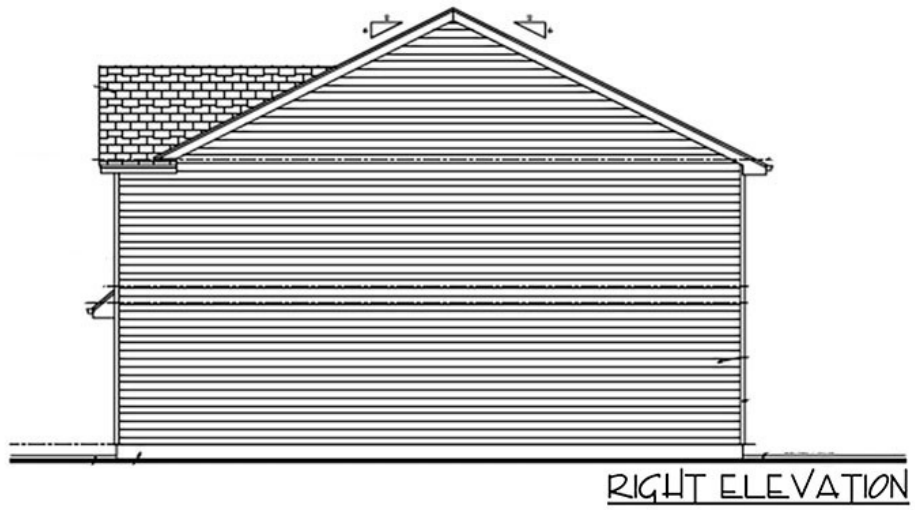
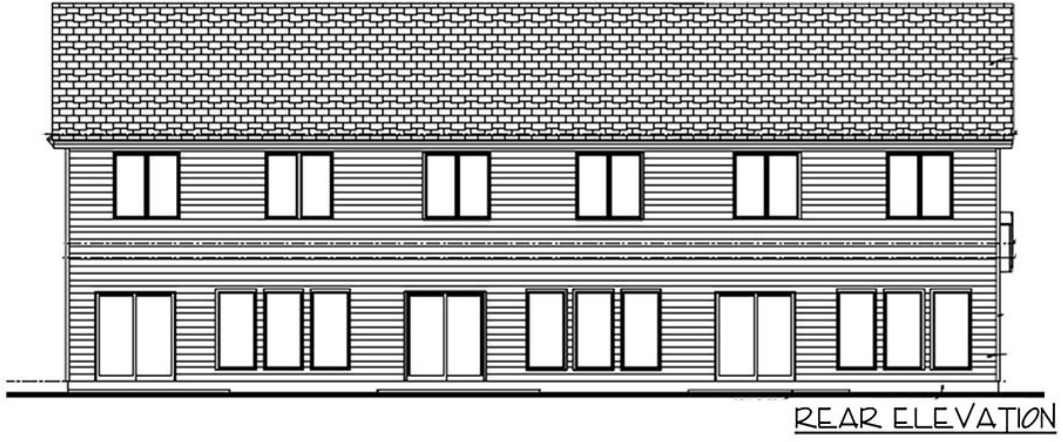
- **Primary Pitch: 6 on 12**
- **Secondary Pitch: 10 on 12**
- **Framing Type: Stick-built**



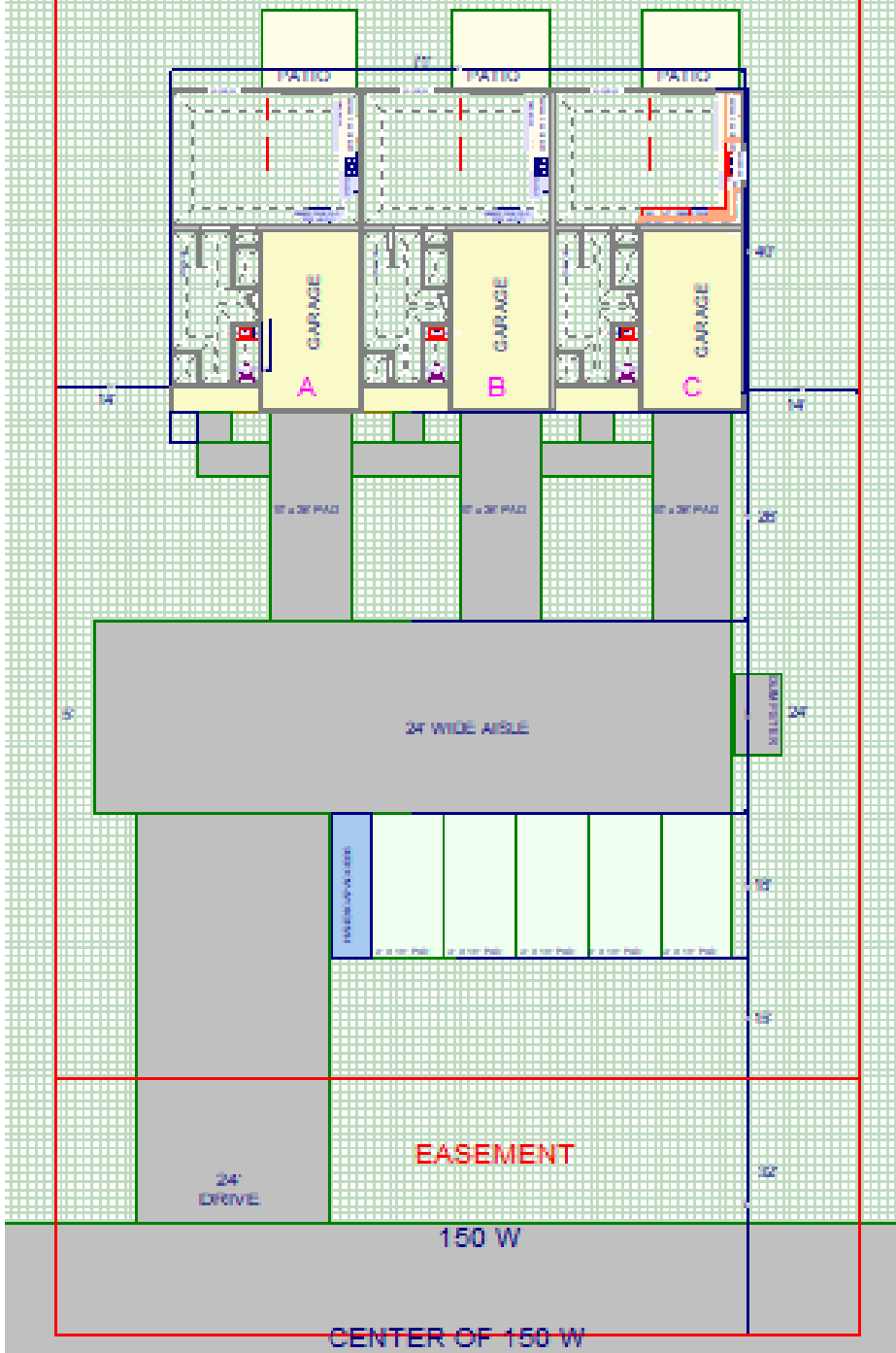
FRONT ELEVATION



LEFT ELEVATION



150 WEST
03-85-02-120-000.200-005



Site:
150 West
Columbus, IN 47201

03-85-02-120-000.200-005

