



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(April 26, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-16-09 (Richard Tucker)
Staff: Allie Keen
Applicant: Richard Tucker
Property Size: 15.09 Acres
Current Zoning: AP (Agriculture: Preferred)
Location: 10055 North 50 West, in German Township

Background Summary:

The applicant is requesting to separate the existing home from the agricultural field. Due to the placement of the new interior lot lines, both the existing barn and garage will not meet the required side setbacks in the Zoning Ordinance for the AP (Agriculture: Preferred) zoning district.

The applicant has indicated that the proposed variance from Zoning Ordinance Section 3.5(C) is for the purpose of allowing (1) a side setback of an existing agricultural structure (a barn) to be 5.5 feet, 24.5 feet less than the 30 foot minimum setback and (2) a side setback from an existing accessory structure (a detached garage) to be 11.7 feet, 3.3 feet less than the 15 foot minimum setback in the AP (Agriculture: Preferred) zoning district.

Preliminary Staff Recommendation:

Variance #1 (Side Setback for Agricultural Structure): Approval, all criteria have been met.
Variance #2 (Side Setback for Accessory Structure): Approval, all criteria have been met.

Approval of these variances shall be contingent on the applicant including a notation on the associated subdivision plat (MP-16-02) referencing the variance approvals.

Zoning Ordinance Considerations:

District Intent: The intent of the AP (Agriculture: Preferred) zoning district is as follows: To provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit non-agricultural development in areas with minimal, incompatible infrastructure. Residential development in this zoning district is intended to be limited. In no instance shall this zoning district be considered a large-lot residential zone. This district is further intended to protect the use and value of both agriculture and non-agricultural property within the community.

Development Standards: Section 3.5(C) *Minimum Side Setback:* The minimum side setback for agricultural structure is 30 feet and the minimum side setback for accessory structures is 15 feet in the AP (Agriculture: Preferred) zoning district.

Current Property Information:	
Land Use:	Single-Family Residential and Agriculture
Site Features:	Single-Family Residence, barns, weigh station, and grain bins.
Flood Hazards:	There is both 100-year and 500-year floodway fringe present along the southern property line of the subject property.
Vehicle Access:	This property gains access from County Road 50 West (Collector, Residential, Rural).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Single-Family Residential (Oakcrest Subdivision)
South:	AP (Agriculture: Preferred)	Agriculture Field
East:	AP (Agriculture: Preferred)	Agriculture Field
West:	AP (Agriculture: Preferred)	Agriculture Field

Interdepartmental Review:	
Code Enforcement:	Approval of these variances will not create any building code violations.
County Fire Inspector:	No comments.

History of this Location:

The relevant history of this location includes the following: On April 13, 2016, the Columbus Plan Commission approved the Tucker Hill Minor Subdivision (MP-16-02) to create 1 new lot from the subject property. The Plan Commission's approval was contingent on obtaining development standards variance approvals for the side setbacks of an existing barn and detached garage.

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 create a new lot to separate the existing single-family home from the agriculture field and related structures through the minor subdivision process. The existing structures will be located on a parent tract remainder. Due to the placement of the new lot lines, an existing barn and detached garage will not meet the required side setbacks.
2. Both the existing barn and garage will be located on the parent tract remainder where the agricultural operation is located and they are used in conjunction with this operation. Zoning Ordinance Section 3.5(C) states that the minimum side setback for an agricultural structure is 30 feet and the minimum side setback for an accessory structure is 15 feet. The existing agricultural structure (barn) will be

setback 5.5 feet and the accessory structure (garage) will be setback 11.7 feet from the location of the new lot line. The applicant has indicated that the location of the new lot line allows the maximum separation from the existing home and septic field from these two structures.

3. A majority of the surrounding area, with exception to the Oakcrest residential subdivision to the north, is very rural with large agricultural fields, with the applicant owning approximately 320 acres of farm ground adjacent to the subject property.
4. It is typical for property owners that have single-family residences located on larger agricultural properties to separate the home from the farm operation. This is primarily due to requirements of the banking industry and the need to mortgage the home separately and without the agricultural operation. It is also typical in this process, for property owners to keep the associated agricultural structures on the same parcels as the agricultural operation.
5. Zoning Ordinance Section 6.1(B) provides a farm exemption for accessory structures. This provision allows structures on properties on which a farm is the primary use to not be considered as having "primary" or "accessory" structures. This allows the parent tract remainder with the existing barn and garage to remain without a primary structure (such as a house).

Provisional Findings of Fact/Decision Criteria (Variance #1 – Side Setback Agricultural Structure):

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 barn is an existing structure at this location and the proposed new lot line with reduced setbacks will not create any sort of sight visibility issues. Additionally, the location of the new lots line will not create any future maintenance issues for the structure and will not be injurious to the public health and safety. *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 use and overall appearance of the property will remain the same. The reduced setback for the existing barn will have little to no effect on the use of the adjacent properties or impact the adjacent properties in an adverse manner. *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: It is common practice for property owners to separate agricultural fields and operations and their associated structures from single-family residential structures. The proposed lot line is located in the best possible location in order to separate the existing barn from the single-family residence and existing septic field. It is not possible to otherwise position the lot line to meet the required 30 foot setback set in the Zoning Ordinance. *This criterion has been met.*

Provisional Findings of Fact/Decision Criteria (Variance #2 – Side Setback Accessory Structure):

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 garage is an existing structure at this location and the proposed new lot line with reduced setbacks will not create any sort of sight visibility issues. Additionally, the location of the lot line will not create any future maintenance issues for the structure and will not be injurious to the public health and safety. *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 use and overall appearance of the property will remain the same. The reduced setback for the existing garage will have little to no effect of the use of the adjacent properties or impact the adjacent properties in an adverse manner. *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: It is common practice for property owners to separate agricultural fields and operations and their associated structures from single-family residential structures. The garage is used in association with the agricultural operation and will be located on the same parcel as the field. The proposed lot line is located to maximize the separation of the existing home and septic field from the garage. *This criterion has 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.

Columbus – Bartholomew County Planning Department Development Standards Variance Application

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: AP
Docket No.: 1105-16-09

Hearing Procedure: Hearing Officer Board of Zoning Appeals



Development Standards Variance Application:

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: RICHARD S. TUCKER
Address 10055 N 50 W COLUMBUS IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-343-2934 Fax No.: _____ E-mail Address: _____

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

Name: RICHARD S. TUCKER
Address 10055 N 50 W COLUMBUS IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-343-2934 Fax No.: _____ E-mail Address: _____

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

Name: TED DARNALL - CROWDER & DARNALL
Address 826 THIRD ST. COLUMBUS IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-376-3391 Fax No.: 812-376-9190 E-mail Address: ted@crowderanddarnall.com

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

Property Information:

Address 10055 N 50 W COLUMBUS IN 47201
(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 3.5C (side setback) of the Zoning Ordinance to allow the following:

For an existing barn to remain as is with a setback of 5.5 feet, which is 24.5 feet less than the 30 feet required.

This will allow for the subdivision of the existing house from the parent tract. This proposed lot line is being placed in this location in order to maximize the setback distance to the existing house and septic field.

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.

All of the improvements already exist, and are located at the end of a private lane, which connects to County Road 50 W. No new buildings or drives are planned. With no new improvements there will be no additional burden on the public infrastructure, and therefore will not have a negative impact on the general welfare of the community.

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 use of both of the properties will remain as is, so adjoining properties will not be affected.

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.

The configuration of the existing barn, house, and septic field make it difficult to meet all of the setback requirements. This is a "best fit" solution to placing this line between these existing structures.

Application Fee Refund Information:

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees 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 the refund should be provided:

Name: CROWDER & DARNALL LAND SURVEYING

Address 826 THIRD STREET COLUMBUS IN 47201
(number) (street) (city) (state) (zip)

Applicant's Signature:

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

Richard S. Tuck
(Applicant's Signature)

3-10-16
(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.

Richard S. Tuck
(Owner's Signature)

3-10-16
(Date)

(Owner's Signature)

(Date)

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Development Standards Variance Application**

Planning Department Use Only:

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Phone No.: 812-376-3391 Fax No.: 812-376-9190 E-mail Address: ted@crowderanddarnall.com

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

Property Information:

Address 10055 N 50 W (garage) COLUMBUS IN 47201
(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 3.5C (side setback for garage) of the Zoning Ordinance to allow the following:

For an existing garage to remain as is with a setback of 11.7 feet, which is 3.3 feet less than the 15 feet required.

This will allow for the subdivision of the existing house from the parent tract. This proposed lot line is being placed in this location in order to maximize the setback distance to the existing house and septic field.

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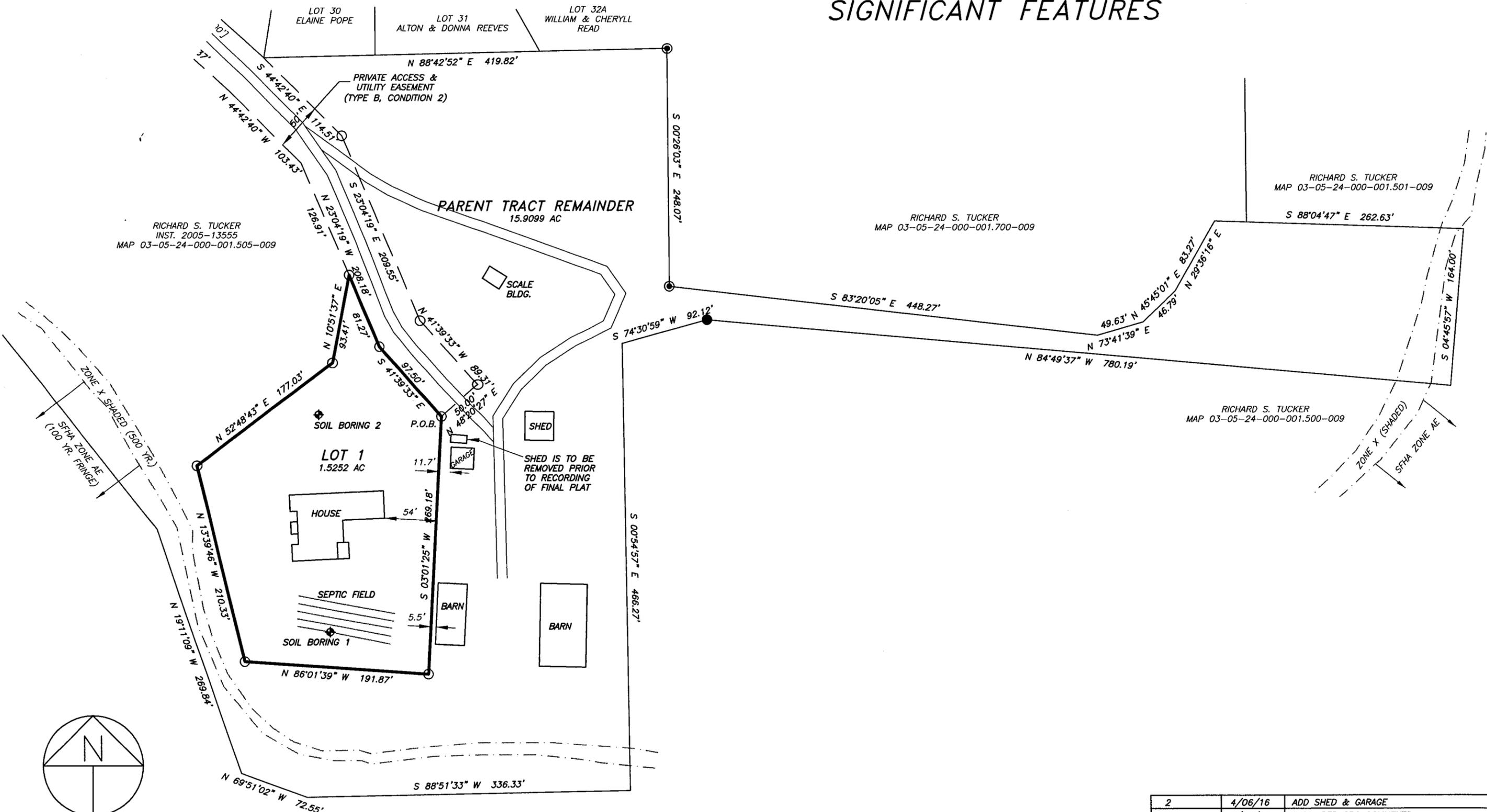
Richard S. Turk
(Owner's Signature)

3-10-16
(Date)

(Owner's Signature)

(Date)

SIGNIFICANT FEATURES



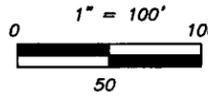
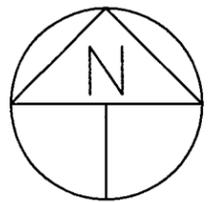
RICHARD S. TUCKER
INST. 2005-13555
MAP 03-05-24-000-001.505-009

RICHARD S. TUCKER
MAP 03-05-24-000-001.500-009

RICHARD S. TUCKER
MAP 03-05-24-000-001.700-009

RICHARD S. TUCKER
MAP 03-05-24-000-001.501-009

RICHARD S. TUCKER
MAP 03-05-24-000-001.500-009



2	4/06/16	ADD SHED & GARAGE	TPD
1	3/25/16	MISC. PER SRC COMMENTS	TPD
REV.NO.	DATE	DESCRIPTION	BY:

CROWDER AND DARNALL INC.
LAND SURVEYING
826 3RD STREET COLUMBUS INDIANA 47201
(812) 376-3391

TUCKER HILL SIGNIFICANT FEATURES
E/2 SEC. 24 T10N R5E
JOB NO: 14014U.DWG SHEET: 1 OF 1
FILE NAME: Q:\2014\14014U\14014U.DWG