



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
(June 28, 2016 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/DS-16-22 (Erma Wickstrom)  
**Staff:** Allie Keen  
**Applicant:** Erma A. Wickstrom  
**Property Size:** 39.4 Acres  
**Current Zoning:** AP (Agriculture: Preferred)  
**Location:** 1120 and 1080 West 625 South, in Wayne Township

**Background Summary:**

The applicant has indicated that the proposed variances from Zoning Ordinance Section 3.5(D)(2) is for (1) the purpose of allowing 1 more lot to be subdivided from a parcel, 1 more than permitted in the AP (Agricultural: Preferred) zoning district, and (2) to allow the parent tract remainder to be only 33.56 acres in size, 6.44 acres less than the required size for 4 lots in the entire subdivision (10 acres per lot required by Ordinance). Currently, there are 2 homes located on Lot 1A and the applicant would like to separate those onto their own lots, which results in the two variance requests.

**Preliminary Staff Recommendation:**

Variance #1 (Number of Lots): Approval, with the following condition: Right-of-way shall be dedicated along the frontage of Lot 1B consistent with the requirements of the Thoroughfare Plan.  
Variance #2 (Parent Tract Remainder Size): Approval, all criteria have been met.

**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(D)(2) *Subdivision Limitations:* In the City of Columbus jurisdiction, no more than 2 lots shall be subdivided from any parent tract present on September 7, 1999 over any period of time. The remaining tract shall contain at least 10 acres for each lot subdivided.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Single-Family Residential
<b>Site Features:</b>	2 single-family residential homes, accessory structures, and woods.

<b>Flood Hazards:</b>	There are no flood hazards at this location.
<b>Vehicle Access:</b>	This property gains access from County Road 625 South (Minor Arterial, Residential, Rural).

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	AP (Agriculture: Preferred)	Agricultural Field
<b>South:</b>	AP (Agriculture: Preferred)	Agricultural Field
<b>East:</b>	AG (Agriculture: General Rural)	Single-Family Residential
<b>West:</b>	AP (Agriculture: Preferred)	Agricultural Field

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	It would be preferable to have right-of-way also dedicated along the frontage of Lot 1B.
<b>County Highway Department:</b>	It would be ideal if right-of-way was dedicated along the entire frontage of the subject property.
<b>Code Enforcement:</b>	Code Enforcement does not have any issues with this proposal. No building code violations would be created if this is approved.
<b>Health Department:</b>	No comments.
<b>County Fire Inspector:</b>	No comments.

### **History of this Location:**

The relevant history of this property includes the following:

1. On February 7, 2007, the Columbus Plan Commission approved the Erma Wickstrom Minor Subdivision, which was a request to subdivide 5 existing homes onto one 5.84 acre lot from a 40.16 acre parent tract. With the approval of this subdivision, it would only allow 1 additional lot to be created in the future from these properties.
2. Over the past few years, the property owner has been working to further subdivide the original 5.84 acre lot to divide the 5 homes onto separate lots. Currently, there are 3 lots within the subdivision, 2 of which have 2 homes located on them and 1 has 1 home located on it. At this time, the applicant would like to further subdivide Lot 1A, which has 2 homes, into 2 separate lots. The following requests outline the past subdivision of the original 5.84 acre lot:
  - a. On September 9, 2014, the Columbus Board of Zoning Appeals Hearing Officer approved a development standards variance request to allow the creation of 2 new lots, 1 more than permitted, for a total of 3 lots (C/DS-14-26).

- b. On September 8, 2014, a minor subdivision application was filed for the purpose of creating 2 new lots (MP-14-05). The Columbus Plat Committee reviewed the application at its September 18, 2014 meeting for technical comments and forwarded it to the Plan Commission to make the determination on whether sidewalks should be required along the County Road 625 frontage of the new lot. On October 8, 2014, the Plan Commission approved the subdivision without the requirement of sidewalks, subject to the approval of a development standards variance to reduce the required front setback as a result of the required right-of-way dedication.
- c. On October 14, 2014, the Columbus Board of Zoning Appeals Hearing Officer approved a development standards variance request to allow the front setback for two primary structures and an accessory structure to be between 1 foot and 10.8 feet from the right-of-way line, which is less than the 50 foot minimum. The deficient setback was a result dedicating right-of-way required by the minor subdivision process (C/DS-14-33).

**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, Lot 1A of the Erma Wickstrom Minor Subdivision Replat, is currently 2.11 acres in size and has 2 existing single-family residences located on it. The applicant is proposing to subdivide the subject property in order for each home to be located on its own lot. This results in a total of 4 lots within the Erma Wickstrom Minor Subdivision.
2. Per Section 3.5(D)(2) of the Zoning Ordinance, within the City of Columbus jurisdiction, no more than 2 lots shall be subdivided from an parent tract present on September 7, 1999 over any period of time. After the subject property was originally subdivided creating 1 new lot in 2007, only 1 additional lot could be created. In 2014, the applicant received variance approval (C/DS-14-26) to allow the property to be subdivided further to create 2 new lots, resulting in 3 total lots, 1 more than permitted. The current request is to create 1 additional lot, which would result in 4 total lots in the subdivision.
3. Currently, there are 2 homes located on the subject property. Zoning Ordinance Section 3.5(C) only permits 1 dwelling unit per lot, therefore the current lot is considered to be legal-nonconforming. In order for the lot to be in full conformity, there would need to be a total of 2 lots, one for each existing home. Although the applicant is requesting an additional lot, the proposed subdivision removes this non-conformity.
4. The proposed subdivision will result in a 33.56 acre parent tract remainder (the amount of ground that remains after the lots have been subdivided). Per Zoning Ordinance Section 3.5(D)(2), within the City of Columbus jurisdiction, a remaining parent tract shall include a minimum of 10 acres for each new lot created from it. In order to comply with the Ordinance the parent tract remainder would need to be a minimum of 40 acres, which is 6.44 acres more than what exists. This 10 acre minimum is intended to discourage remainders that would be too small for agricultural uses and too large to be a manageable home site. Additionally, these larger tracts in the agricultural zoning district allow for the orderly growth of the City at the appropriate times. The standard prevents high residential densities in areas of the community that are not incorporated into the City limits, where appropriate City services cannot be provided. The subject property presents a unique situation where originally there were a total of 5 homes located on 1 lot. Over the past few years the applicant has worked towards subdividing this property in order for these homes to be on their own lots, which has resulted in the reduced parent tract size variance.
5. As a part of the minor subdivision process, Subdivision Control Ordinance Section 16.24.010(B)(1) requires right-of-way to be dedicated along the frontages of all new lots. The applicant has indicated that Lot 4 is the “new” lot in the subdivision; therefore they are only proposing to dedicate right-of-way along that lot’s frontage. With the request to increase the number of lots, it may be warranted to require right-of-way dedication consistent with the Thoroughfare Plan along the frontage of Lot 1B as a condition of approval. If right-of-way is required along the front of Lot 1B, then the appropriate right-of-way will be dedicated along the entire frontage of all lots within the Erma Wickstrom Minor Subdivision.
6. The Health Department has verified that each home/lot will have an appropriate septic system.

**Provisional Findings of Fact/Decision Criteria (Variance #1 – Number of Lots):**

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 request for the additional lot will not increase the density or create a safety issue for the area, because the physical property will stay the same and the number of dwellings will not increase. *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 will still be used the same as it is currently. There will be no physical changes to the property, and although there will be an additional lot the number of residences would not be increased, therefore approval of this request will not negatively affect the surrounding area. *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:* The subject property currently has 2 single-family residences located on it, which is 1 more than permitted by the Zoning Ordinance. The proposed subdivision will remove this non-conformity by putting each home on its own lot. *This criterion has been met.*

**Provisional Findings of Fact/Decision Criteria (Variance #2 – Parent Tract Remainder Size):**

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 reduced parent tract size will not be injurious to the public health and safety because there will not be any additional residences constructed on the parent tract of any other lot within the subdivision. *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 will still be used the same as it is currently. There will be no physical changes to the property, and although the parent tract remainder will be smaller than required the number of residences will not increase on the property. *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:* The subject property presents a unique situation because in the past there were several single-family homes located on 1 lot. The Zoning Ordinance currently only permits

1 residence per lot; therefore the proposed subdivision with the reduced parent tract remainder size will put this property closer to compliance with the Zoning Ordinance. *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.: C/DS-16-22

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: ERMA A. WICKSTROM  
Address: 2975 FRANKLIN DRIVE COLUMBUS IN 47201  
(number) (street) (city) (state) (zip)  
Phone No.: 812-350-2354 Fax No.: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

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

Name: ERMA A. WICKSTROM  
Address: 2975 FRANKLIN DRIVE COLUMBUS IN 47201  
(number) (street) (city) (state) (zip)  
Phone No.: 812-350-2354 Fax No.: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

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

Name: TIM ALLEN - INDEPENDENT LAND SURVEYING, INC.  
Address: 3640 COMMERCE DRIVE COLUMBUS IN 47201  
(number) (street) (city) (state) (zip)  
Phone No.: 812-372-0996 Fax No.: 812-372-0996 E-mail Address: tallen@ilsurveying.com

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

**Property Information:**

Address \_\_\_\_\_  
(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):

LOT 1A OF 'ERMA WICKSTROM MINOR SUBDIVISION REPLAT" AS RECORDED IN PLAT BOOK "R", PAGE332B

**Variance Requested:**

I am requesting a variance from Section 3.5(D)(2) of the Zoning Ordinance to allow the following:

The parent lot has already been subdivided three times which created the subject parcel. I am requesting a variance from 3.5(D) to allow the subject parcel to be subdivided into one more lot as shown on attached exhibit.

**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.**

Allowing these variances will make a non-conforming situation better by insuring one residence per lot.

**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 value of the adjacent properties will not be affected as the subject land will not be physically changed in any way.

**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.**

Strict application of the terms of the Zoning Ordinance will result in the inability to lessen the non-conformity of this property.

**Variance Requested:**

I am requesting a variance from Section 3.5(D)(2) of the Zoning Ordinance to allow the following:

I am requesting a variance from 3.5(D)(2) to allow a 4<sup>th</sup> lot to be subdivided without the required 40 acre parent tract remainder.

**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.**

Allowing these variances will make a non-conforming situation better by insuring one residences per lot.

**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 value of the adjacent properties will not be affected as the subject land will not be physically changed in any way.

**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.**

Strict application of the terms of the Zoning Ordinance will result in the inability to lessen the non-conformity of this property.

**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: INDEPENDENT LAND SURVEYING, INC.

Address 3640 COMMERCE DRIVE 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.

*Emma A. Wickstrom* 5-23-16  
(Applicant's Signature) (Date)

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

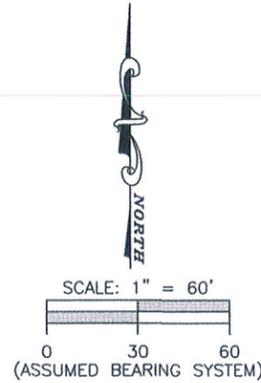
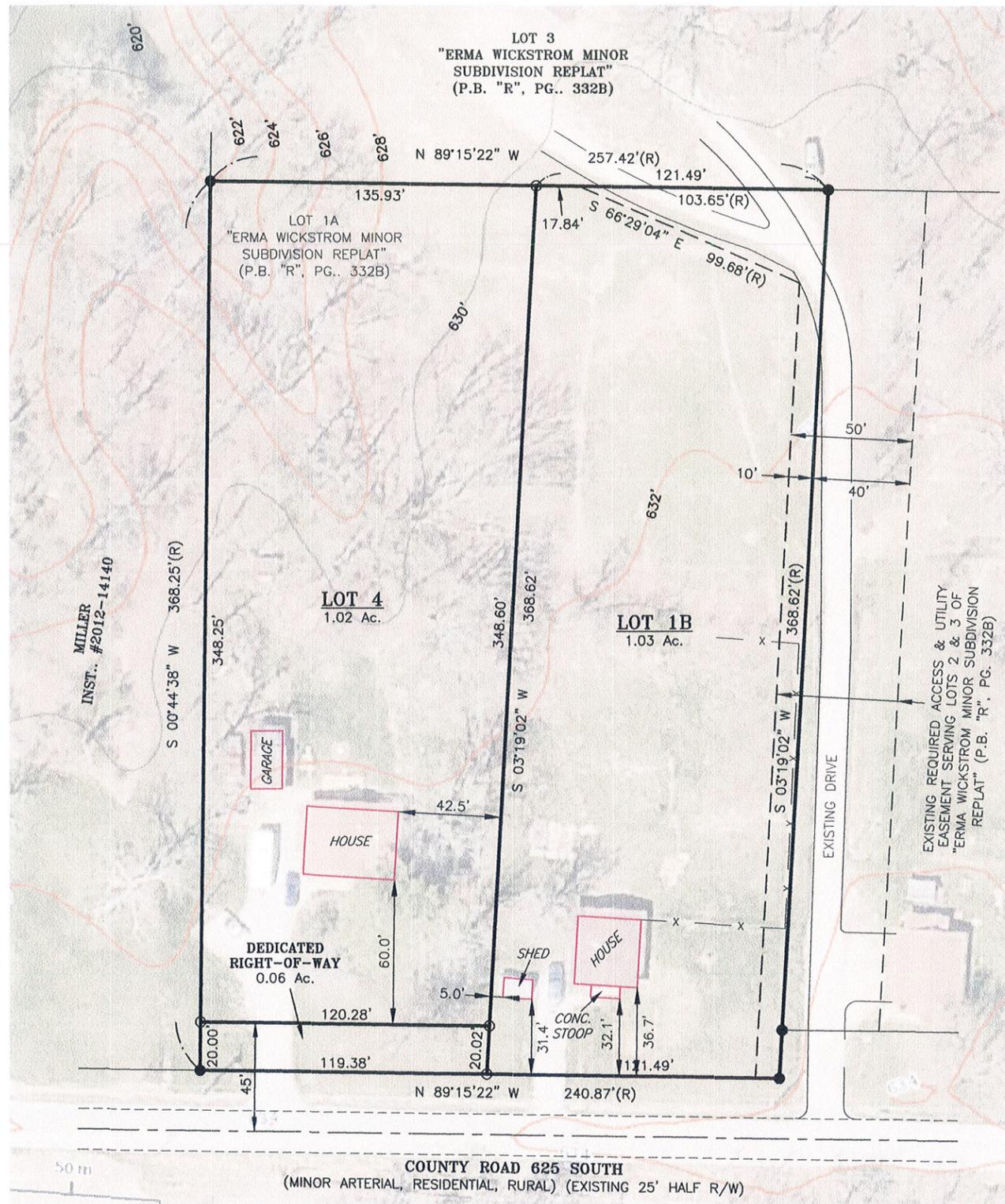
I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

*Emma A. Wickstrom* 5-23-16  
(Owner's Signature) (Date)

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

# ERMA WICKSTROM MINOR SUBDIVISION 2ND REPLAT

## EXISTING CONDITIONS



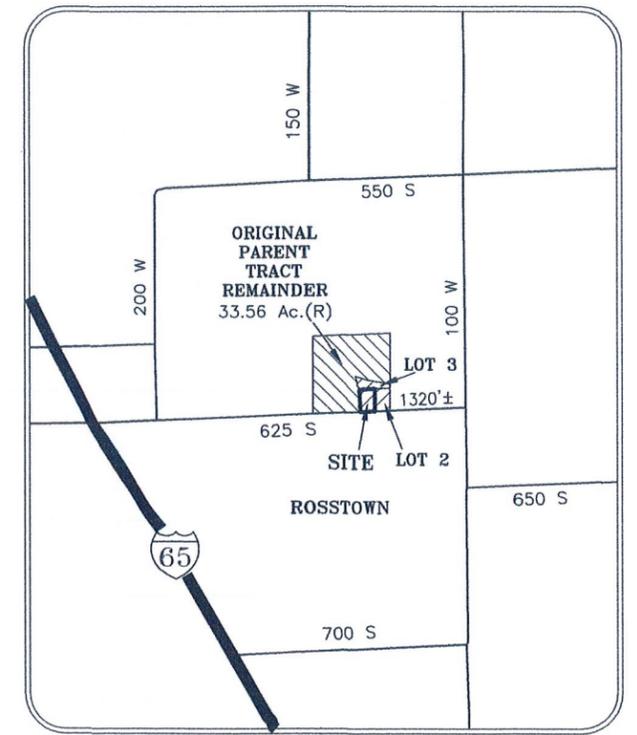
**PROPERTY DESCRIPTION:**  
LOT 1A OF "ERMA WICKSTROM MINOR SUBDIVISION REPLAT" AS RECORDED IN PLAT BOOK "R", PAGE 332B IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA.

**PROPERTY OWNER**  
ERMA A. WICKSTROM  
(AUDIT. MAP #03-85-26-000-001.501-020)

- LEGEND**
- SET 5/8"x30" CAPPED REBAR
  - FOUND 5/8" REBAR
  - (R) RECORD PLAT DIMENSION

**ACREAGE TABLE**

LOT 1B	1.03 Ac.
LOT 4	1.02 Ac.
DEDICATED RIGHT-OF-WAY	0.06 Ac.
<b>TOTAL</b>	<b>2.11 Ac.(R)</b>



**SURVEYOR'S CERTIFICATE**  
I, TIM M. ALLEN, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT, TO THE BEST OF MY KNOWLEDGE, THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME IN MAY 2016; THAT ANY CHANGES FROM THE DESCRIPTION APPEARING ON THE LAST RECORD OF TRANSFER OF THE LAND CONTAINED IN THE FINAL PLAT ARE SO INDICATED; THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST OR WILL BE INSTALLED. FURTHERMORE, I AFFIRM UNDER PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



TIM M. ALLEN, LS-20700102 \_\_\_\_\_ DATE \_\_\_\_\_

JOB #14165

<b>ERMA WICKSTROM MINOR SUBDIVISION 2ND REPLAT</b> SEC. 26, T-8-N, R-5-E BARTHOLOMEW COUNTY, INDIANA		<b>Independent Land Surveying</b> www.ilsurveying.com 414 South Main Street Brownstown, Indiana 47220 Phone: 812-358-2882 Fax: 812-358-2605
SHEET: 1/1 DRAWN BY: B. STRINGER DWG DATE: 5/6/16 DWG NAME: 14165 WICKSTROM MINOR SUB 2ND REPLAT.dwg	SCALE: 1" = 60' DWG REVISION DATES 5/20/16 - - 3640 Commerce Drive Columbus, Indiana 47201 Phone: 812-372-0996 Fax: 812-372-0996	