



**BARTHOLOMEW COUNTY  
 BOARD OF ZONING APPEALS  
 (June 27, 2016 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** B/DS-16-07 (Greg Lovins)  
**Staff:** Melissa Begley  
  
**Applicant:** Greg Lovins  
**Property Size:** 1.28 Acres  
**Current Zoning:** AP (Agriculture: Preferred)  
**Location:** 14065 South 375 East, in Sandcreek Township

**Background Summary:**

The applicant has indicated they would like to build an addition to their exiting accessory structure (garage) on the property. The addition will result in a garage that is 1,537 square feet larger than their primary structure (house). Zoning Ordinance Section 6.1(F)(2) states that the total size of accessory structures on lots less than 2 acres in size shall not exceed an amount equal to that of the ground floor area of the primary structure on the same property.

**Preliminary Staff Recommendation:**

Denial, Criteria #3 has not been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the AP (Agriculture: Preferred) zoning district is as follows: This district is intended to provide an area suitable for agriculture-related uses. It is further intended to preserve the viability of agricultural operations, and limit non-agricultural development in areas with minimal, incompatible infrastructure.

**Development Standards:** Section 6.1 (F)(2): On any property of less than 2 acres the total lot coverage of accessory structures shall not exceed an amount equal to that of the ground floor area of the primary structure on that property.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Single Family Residential
<b>Site Features:</b>	Single family dwelling, accessory structure
<b>Flood Hazards:</b>	No flood hazards exist on the property.
<b>Vehicle Access:</b>	375 East (Local)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	AP (Agriculture: Preferred)	Agricultural fields
<b>South:</b>	AP (Agriculture: Preferred)	Large lot single family residential
<b>East:</b>	AP (Agriculture: Preferred)	Large lot single family residential
<b>West:</b>	AP (Agriculture: Preferred)	Agricultural fields

<b>Interdepartmental Review:</b>	
<b>Code Enforcement:</b>	Code Enforcement does not have any issues with this variance request if the building is used for residential storage only.

**Planning Consideration(s):**

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

1. The applicants would like to build a 1,200 square foot building addition to an existing 1,500 square foot accessory structure. Zoning Ordinance Section 6.1(F)(2) states that the total lot coverage of accessory structures on lots less than 2 acres in size shall not exceed the amount equal to that of the ground floor area of a primary structure on the same property. The single family dwelling is a total of 2,183 square feet in size. The ground floor of the dwelling is 1,163 square feet; therefore the accessory structure with the proposed addition will be 1,537 square feet larger than the ground floor of the primary structure.
2. The addition will be located on the eastern side of the existing accessory structure towards the rear of the lot. The applicants have indicated the addition is to store a camper, boat and utility trailer under roof and remove these items from the driveway.
3. The property contains a single family dwelling that is a typical size for a single family residence with a 2 car attached garage and the existing accessory structure. This property is located in a primarily agricultural area with large barns and farm fields and scattered single family residential properties. Many of the residential properties have multiple accessory structures.
4. The purpose for the limit on accessory structure area for lots of less than two acres, particularly residential lots, is to help insure the scale of development remains in character with the surrounding single-family uses and the residential structure remains the primary structure.

**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 proposed addition to the accessory structure will meet the required setbacks and will not be located in any sight visibility triangle. *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 accessory structure is consistent with the character of the surrounding properties which is largely made up of large agricultural fields and scattered single family residential properties that contain multiple accessory structures. Building a 1,200 square foot building addition will not impact the adjacent property in a substantially 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:* The applicant has stated the purpose of the addition is to store a camper, boat and utility trailer and other personal property to improve the look of the property by keeping the items stored within a building. This however does not create a practical difficulty in the use of the property. There are no physical limitations or other characteristics of the lot that would prevent typical single-family residential use. *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.

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

**Planning Department Use Only:**

Jurisdiction:  Columbus  Bartholomew County

Zoning: AP  
Docket No.: B/DS-16-07

Hearing Procedure:  Board of Zoning Appeals  Hearing Officer



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**Development Standards Variance Application:**

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Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.

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

Name: Gregory Lovins  
Address: 14065 S. 375 E. Elizabethtown IN 47232  
(number) (street) (city) (state) (zip)  
Phone No.: 812.314.5184 Fax No.: \_\_\_\_\_ E-mail Address: gllovins@gmail.com

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

Name: Gregory Lovins  
Address: 14065 S. 375 E. Elizabethtown IN 47232  
(number) (street) (city) (state) (zip)  
Phone No.: 812.314.5184 Fax No.: \_\_\_\_\_ E-mail Address: gllovins@gmail.com

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

Name: Gregory Lovins  
Address: 14065 S. 375 E. Elizabethtown IN 47232  
(number) (street) (city) (state) (zip)  
Phone No.: 812.314.5184 Fax No.: \_\_\_\_\_ E-mail Address: gllovins@gmail.com

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used.  E-mail  Fax  Mail

**Property Information:**

Address: 14065 S. 375 E. Elizabethtown IN 47232  
(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 0.1(F)(2) of the Zoning Ordinance to allow the following:

to allow an accessory structure expansion that results in the accessory structure having a larger square footage than the ground floor area of the home, on a property less than 2 acres.

**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 development standards 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.

The expansion, to the existing structure, will not be injurious to public health, safety, morals, or general welfare of the community. This expansion is in the rear of said property. Therefore it does not provide any type of hazard for the public, being that it will not impede the vision of neighbors nor passing motorists.

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.

By adding this professionally built expansion, onto existing structure, will not affect adjacent property in an adverse manner. Furthermore: I would tend to believe that this structure would add value to property. Will also allow to have items removed from driveway and side yard to keep property looking uncluttered.

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.

I currently do not have the space to park (2) recreational vehicles under roof. I am forced to leave in driveway and/or yard. Making it impossible to use driveway to park vehicles in existing structure. This also makes the property look cluttered. By having the new expansion will afford me to utilize my drive, garage, and yard as intended, All while having a well kept 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: Gregory Lovins  
Address: 14065 S. 375 E. Elizabethtown IN 47223  
(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.

Gregory Lovins (Applicant's Signature) 05/04/16 (Date)

**Property 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.

Gregory Lovins (Owner's Signature) 05/04/16 (Date)

Gregory Lovins  
(Owner's Printed Name)

If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.



175E

Gravel removed from this area, it is now grass

Septic system and fingers

Proposed Expansion

393

371

1:28

AC

150

68

443

DATE: 2/27/2018  
SCALE: AS SHOWN  
DRAWING NO.:  
SHEET NO.:

1 of 1



