



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
(August 26, 2013 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/CU-13-06 (Colleen Duncan)
Staff: Melissa Begley
Applicant: Colleen Duncan
Property Size: 2.11 Acres
Zoning: AG (Agricultural: General)
Location: 8620 S. 875 West, in Ohio Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow a kennel in an AG (Agricultural: General) zoning district.

Preliminary Staff Recommendation:

Approval, with the following commitment: If the property owner begins keeping animals for pay, as in a commercial operation, the property owner will return to the Board of Zoning Appeals for approval.

Zoning District Intent:

The intent of the AG (Agricultural: General) zoning district is as follows: This district is intended to provide areas for a mixture of agricultural and residential land uses. This mixture is intended to support the long-term viability of agricultural operations, while also allowing increased non-agricultural development in areas adjacent to developed infrastructure. This district should be used to provide unique, rural housing options and the future ability to extend urban infrastructure.

Current Property Information:	
Land Use:	Single Family Residential
Site Features:	Single family dwelling, pole barn, woods, stream and an access easement
Flood Hazards:	The southeastern corner of the property is within the 100 year floodway fringe
Vehicle Access:	875 West (local)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AG (Agriculture: General)	woods
South:	AG (Agriculture: General)	Woods, single family residence
East:	AG (Agriculture: General)	field
West:	AG (Agriculture: General)	woods

Interdepartmental Review:	
County Highway:	The petition does not adversely affect the roads and there are no issues.
Code Enforcement:	No comments.
Animal Control:	Animal Control has evaluated the site and there are no issues.

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 has indicated they own 17 small dogs and they are personal pets. The dogs are contained in a fenced in yard and an attached 4 car garage.
2. The Zoning Ordinance defines a kennel as “Any property where 5 or more dogs, cats, or other similar animals over the age of 4 months are kept, raised, cared for, trained, sold, bred, boarded, treated, or groomed either for commercial or non-commercial purposes”.
3. The subject property is located in a rural area. The property to the west is wooded and does not contain a residence. The property to the north is wooded and does not contain a residence. The property to the south is also wooded and does contain a residence approximately 380 feet from the applicant’s property line. The property directly adjacent to the east, across 875 West is a field and just north east of the subject is a single family residence that is located approximately 180 feet from the applicant’s property line.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as general rural district.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application: None

Provisional Findings of Fact/Decision Criteria

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals to allow conditional uses that meet the criteria listed below. The Board may impose reasonable conditions as part of an approval.

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

Provisional Findings: The subject property is located in a rural area of the county and there are no single family residences in close proximity to the site. Animal control has visited the site and has no issues, therefore the proposal will not be injurious to the public health, safety and general

welfare of the community. *This criterion has been met.*

2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

Provisional Findings: Although the conditional use is to allow for a kennel, the animals are personal pets and the property will still be used as a single family residence. As is, the property is consistent with the development standards established by the Zoning Ordinance. *This criterion has been met.*

3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

Provisional Findings: The dogs are personal pets the applicant is not taking in additional animals for pay. No additional traffic will be generated on 875 West and there will be no physical structures on site that would differentiate it from a single family residence. *This criterion has been met.*

4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

Provisional Findings: The site will maintain a single family residential appearance and will be consistent with the AG zoning district which is intended to provide a mixture of agricultural and residential land uses. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for conditional use 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
Conditional Use Application**

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: AG
Docket No.: _____

Hearing Procedure: Hearing Officer Board of Zoning Appeals

JUL 19 2013
BY: MB

Conditional Use Application:

Applicant Information:

Name: Colleen J. Duncan
Address: 8620 S. 875 West Columbus Ind. 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-342-4810 Fax No.: _____ E-mail Address: Kimcco@yahoo.com

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

Name: Colleen J. Duncan
Address: 8620 S. 875 West Columbus Ind. 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-342-4810 Fax No.: _____ E-mail Address: Kimcco@yahoo.com

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

Name: Colleen J. Duncan
Address: 8620 S. 875 West Columbus Ind. 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-342-4810 Fax No.: _____ E-mail Address: Kimcco@yahoo.com

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

Property Information:

Address: 8620 S. 875 West Columbus Ind. 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):

Conditional Use Requested:

I am requesting a conditional use as listed by Section 3.6 B of the Zoning Ordinance to allow the following:

Kennel

Conditional Use Criteria:

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria.

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

My dogs are contained in a fenced in yard & an attached 4 car garage.

The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

yes - There are no structural or landscaping changes needed for my pets

Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

No - my dogs are my personal pets.

The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

yes - it is zone AG.

Applicant's Signature:

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

Colleen J. Duncan
(Applicant's Signature)

7/19/13
(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.

Colleen J. Duncan
(Owner's Signature)

7/19/13
(Date)

(Owner's Signature)

(Date)











