



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
(September 23, 2013 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/DS-13-06 (Craig Sims)
Staff: Melissa Begley
Applicant: Craig Sims
Property Size: 5 Acres
Current Zoning: AP (Agriculture: Preferred)
Location: 15896 East 650 West, in Hawcreek Township

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 6.1(E)(3) is for the purpose of allowing an accessory structure to be located in the front yard.

Preliminary Staff Recommendation:

Approval, all criteria have been met.

Zoning Ordinance Considerations:

District Intent: The intent of the AG (Agriculture: General Rural) zoning district is as follows: To provide areas for a mixture of agricultural and residential land uses. This mixture is intended to support the long-term viability of 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.

Development Standards: Section 6.1(E)(3) Yard Location: No accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks.

Current Property Information:	
Land Use:	Residential
Site Features:	A single family residence, a pole barn, utility shed, woods, streams
Flood Hazards:	The 100-year floodway fringe touches the northwest corner of the property.
Vehicle Access:	650 North (Collector)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Agricultural farm field
South:	AP (Agriculture: Preferred)	Single family residential and agricultural farm field
East:	AP (Agriculture: Preferred)	Single family residential
West:	AP (Agriculture: Preferred)	Agricultural farm field

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 a 40 foot by 40 foot (1600 square foot) accessory structure. The applicant has indicated that the accessory structure will be used to hold a variety of items, including a camper, 4-wheelers, mowing equipment, etc. The proposed accessory structure will be located in the front yard along County Road 650 North. Zoning Ordinance Section 6.1(E)(3) states that "No other accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks". The property also contains a dwelling that is 1896 square feet in size, a 280 square foot utility shed and a 1500 square foot pole barn.
2. The subject property is located just east of the Town of Hope planning jurisdiction. Within the Town of Hope jurisdiction the area along 650 West (South Street) is industrial in nature. Outside of the Hope jurisdiction the surrounding properties quickly become rural in character, including the subject property.
3. The property is 5 acres in size and the existing dwelling sits approximately 145 feet from the front property line. The lot is 327 deep and so the dwelling sits a little less than half way back from the property line. There is a septic system located just west of the dwelling and there is a stream running along the north (rear) property line. Dense woods are located east of the primary structure on about two-thirds of the site.
4. The accessory structure will be setback 85 feet from the edge of the road. There is existing vegetation between the location of the accessory structure and 650 West.
5. A new driveway has been installed to provide access to the accessory structure. The location of the driveway has been approved by the County Highway Department.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the Bartholomew County 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 accessory building will not create any public health or safety issues. The driveway entrance has been approved by the County Highway Department and will not conflict with other driveways or create sight visibility issues. *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 will be setback from the road and will be screened from view by existing vegetation. *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 house is setback 145 feet from the road which limits the placement of an accessory structure from a significant portion of the property. Dense woods on the eastern portion of the property and a stream that runs along the north property line further limits the placement of an accessory structure. The other logical location for the placement of an accessory structure is not possible due to the location of the septic system. *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.



Proposed 40' x 40' Pole Barn

Columbus – Bartholomew County Planning Department Development Standards Variance Application

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: _____
Docket No.: _____

Hearing Procedure: Hearing Officer Board of Zoning Appeals



Development Standards Variance Application:

Applicant Information:

Name: Craig Sims
Address: 15896 E. 650N. Hope IN 47246
(number) (street) (city) (state) (zip)
Phone No.: 812-390-0196 Fax No.: 812-546-0446 E-mail Address: Sims Craig @ sbcglobal.net

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

Name: S/A
Address: _____
(number) (street) (city) (state) (zip)
Phone No.: _____ Fax No.: _____ E-mail Address: _____

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

Name: S/A
Address: _____
(number) (street) (city) (state) (zip)
Phone No.: _____ Fax No.: _____ E-mail Address: _____

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

Property Information:

Address: S/A
(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 G.I(E)(3) of the Zoning Ordinance to allow the following:
To allow 40x40 pole barn to be located in the Front yard. Due to septic system, creek, + elevation this is the only location on the property.

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.

the location of this building will not obstruct any views that would pose a safety issue to pedestrian or road traffic. Or to the general welfare of the community. The Drive was Approved by the Highway Dept.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

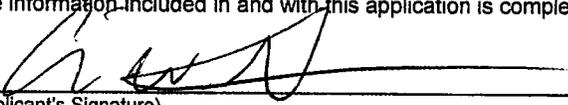
This Building Should increase the value of any neighbors, if anything my neighbors property hurts the value of my property.

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.

This is the only place on the property suitable for the building. Everything to the north of the building falls off into a flood plain.

Applicant's Signature:

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


(Applicant's Signature)

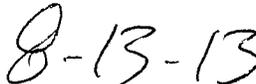
8-13-13
(Date)

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

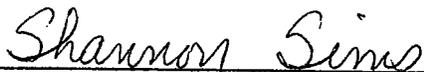
I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.



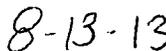
(Owner's Signature)



(Date)



(Owner's Signature)



(Date)

RECEIPT

BARTHOLMEW COUNTY PLAN COMMISSION

No 3506

General FUND

COLUMBUS IN., AUG 13 2013

RECEIVED FROM Craig Sims \$ 50.00

THE SUM OF Fifty DOLLARS

ON ACCOUNT OF Variance

PAYMENT TYPE & AMOUNT 750 cash

CASH CHECK _____ M.O. _____
E.F.T. _____ C.C./B.C. _____ OTHER _____

[Signature]
AUTHORIZED SIGNATURE