



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(September 27, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-16-38 (Todd Rawlings)
Staff: Allie Keen
Applicant: Todd Rawlings
Property Size: 1.04 Acres
Current Zoning: AP (Agriculture: Preferred)
Location: 9905 Raintree Drive North, in Harrison Township

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 3.5(C) is for the purpose of allowing a building addition to be located 21 feet from the centerline of Raintree Drive, 14 feet closer than the required 35 foot front setback. The applicant is proposing to construct an addition that will have a 2 car garage and a master bedroom suite on the north side of his home.

Preliminary Staff Recommendation:

Denial, Criteria #2 has not 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 agricultural and non-agricultural property within the community.

Development Standards:

1. Section 3.5(C) ***Minimum Front Setback:*** The minimum front setback along a local street is 10 feet from the planned right-of-way line (35 feet from the centerline of the street) in the AP (Agriculture: Preferred) zoning district.
2. Section 3.3(C)(6) ***Front Setback Measurement:*** Front setback shall be measured as the shortest horizontal distance between the street or road right-of-way specified by the applicable Thoroughfare Plan and the foundation of the nearest structure. Front setback requirements shall also apply to any reserved right-of-way. The specified right-of-way shall be measured with ½ of the required distance on either side of the centerline of the street/road. In locations where the actual right-of-way exceeds the Thoroughfare Plan specified right-of-way, the front yard setback shall be either (1) as specified for each zoning district by this Article and measured as described above, or (2) 5 feet from the actual right-of-way, whichever is less.

Current Property Information:	
Land Use:	Single-Family Residential
Site Features:	Single-family home, detached 2-car garage, driveway, and mature trees.
Flood Hazards:	There are no flood hazards at this location.
Vehicle Access:	This property currently gains access from Shore Drive (Local, Residential, Rural). This property also has frontage on Raintree Drive North (Local, Residential, Rural).

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

Interdepartmental Review:	
County Highway Department:	The requested setback is closer to Raintree Drive than I would prefer, however there are other homes at Harrison Lake that are as close, if not closer.
Code Enforcement:	Code Enforcement does not have any issues with this request. Approval of the variance will not create any building code violations.
County Fire Inspector:	No comments.

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 construct a 20 foot wide by 40 foot long (800 square feet) addition to the north side of his home. The addition will be comprised of a 2 car attached garage and a master bedroom suite. The subject property is a corner lot with 2 street frontages, Raintree Drive and Shore Drive. The proposed addition will encroach 14 feet into the required 35 foot front setback for the Raintree Drive frontage (measured from the centerline of the road).
2. Per Zoning Ordinance Section 3.3(C)(6) the front setback shall be measured as the shortest horizontal distance between the street right-of-way specified by the Thoroughfare Plan and the foundation of the nearest structure. The specified right-of-way shall be measured with ½ of the

required distance on either side of the centerline of the street/road. Raintree Drive is classified by the Thoroughfare Plan as a Local street and the minimum right-of-way width for a Local street is 50 feet. The existing right-of-way is less than 50 feet; therefore, the front setback is measured from the planned right-of-way line. The closest a structure can be to the centerline of Raintree Drive is 35 feet (25 foot ½ planned right-of-way plus 10 foot required setback). The proposed addition will only be setback 21 feet from the centerline of the road, which is 14 feet closer than the minimum. If approved with this setback, the addition will be approximately 12.5 feet from the edge of pavement.

3. The applicant is proposing to encroach into the Raintree Drive front setback. Raintree Drive acts as the primary road that provides circulation around the lake and carries more traffic.
4. The subject property is located in Harrison Lakes. Overall, the lots and homes at Harrison Lakes range in size and shape due to the presence of the lakes. This results in several properties throughout Harrison Lakes with structures that encroach into the required front setbacks. However, when looking along Raintree Drive, between Country Club Road and Shore Drive, the average setback is 60.5 feet. Further south of the subject property, along Raintree Drive there are more homes that sit closer to the road and encroach into the front setback. When looking at the surrounding area along Shore Drive and Ridgeway Court just south of the subject property, the average front setback is 52 feet. Within this area 11 of the 24 structures are currently within the required 35 foot setback. The property with the smallest setback is located approximately 774 feet south of the subject property on Shore Drive. This structure is setback only 8 feet from the centerline of the road.
5. The existing home footprint is approximately 1,200 square feet. The average footprint in the immediate area (along Shore Drive and Ridgeway Court) is approximately 2,489 square feet, with the subject property being the smallest house. The proposed addition is 800 square feet; therefore the increased footprint will still be smaller than the average in the area. However, the proposed addition includes a 2 car garage which would be a total of 4 garage spaces on the property. Within the Shore Drive/Ridgeway Court area there are no homes with 4 car garages. There are 2 homes that have a 3 car garage.
6. The subject property is long and narrow in shape and just over an acre in size. According to the applicant the topography of his property significantly drops behind the home, which limits the expansion possibilities to the southwest. The existing home is also positioned at an angle, which further limits the expansion possibility.
7. There is an existing 2 car detached garage on the property. The applicant has indicated that this garage will be used for the storage of their boats and lawn equipment. The proposed garage addition will be used for the parking of their vehicles. The existing driveway and garage does provide adequate parking for this property.
8. The applicant intends to construct a new driveway to access the addition from Raintree Drive. Zoning Ordinance Section 7.3(Part 1)(C)(3)(b)(iii) permits a second access point to properties with more than one frontage, if the second access is on a local street and has a minimum of 50 feet of separation between the nearest driveways and intersections. The nearest intersection is Shore Drive. Any new driveway will have to be at least 50 feet from this intersection, which can be accommodated.
9. The proposed addition will not be located within the Shore Drive and Raintree Drive sight visibility triangle, as defined by Zoning Ordinance Section 7.3(Part 1)(Table 7.7). Depending on the location of the proposed driveway, if vehicles were to be parked in the driveway, there is a possibility sight visibility could be partially obstructed along Raintree Drive.

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 will not block sight visibility along Raintree Drive or at the Shore Drive intersection. The County Engineer has indicated that the proposed request is

consistent with other homes throughout Harrison Lakes. Approval of this request will not be injurious to the public health, safety, morals, and general welfare of the community. *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 proposed addition will increase the overall home footprint to be more consistent with the surrounding area. However, the proposed setback from Raintree Drive is significantly smaller than the average setback along this area of Raintree Drive (between Country Club Road and Shore Drive). Although there are several homes throughout Harrison Lakes that have smaller setbacks from the road, this ¼ mile portion of Raintree Drive has an average setback of 60.5 feet. *This criterion **has not** 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 existing home footprint is significantly smaller than the footprints of the other homes in the surrounding area. Due to the topography of the southwest portion of the lot and the angled position of the home, it limits the location of a building addition that would meet the required front setback for Raintree Drive. *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.

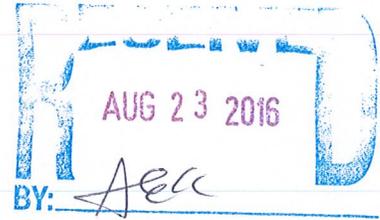
**Columbus – Bartholomew County Planning Department
Development Standards Variance Application**

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: AP
Docket No.: C/D/S-16-36

Hearing Procedure: Board of Zoning Appeals Hearing Officer



Development Standards Variance Application:

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: TODD RAWLINGS
Address: 9905 Raintree Drive N Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-350-6464 Fax No.: _____ E-mail Address: rawlingsins@gmail.com

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

Name: SAME AS ABOVE
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: SAME AS ABOVE
Address: _____
(number) (street) (city) (state) (zip)
Phone No.: _____ Fax No.: _____ E-mail Address: _____

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: 9905 Raintree Dr. N 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 3.5(c) of the Zoning Ordinance to allow the following:

The proposed addition will encroach 14ft into the required 35ft setback from the center line of road. The measurement comes from planned right of way not the existing right of way. New foundation corner will be 21 feet from the center line.

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.

addition will not obstruct visibility on road or the visibility triangle required on the corner. proposed new driveway will meet separation requirements. Improvements to home will bring it more in line with other houses on lake improving property values in the area.

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.

Most houses on lake are larger houses on small lots, this will bring it in line with other houses in area. Houses close to road are very common in this area, and the proposed addition blocks noones view of lake or road.

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.

The topography of my lot along with the angled positioning of my house limit where and what I can add. Due to drainage and slope on the lot behind house along with the issues of tying into existing plumbing, I am restricted to where I can put new garage and bathroom.

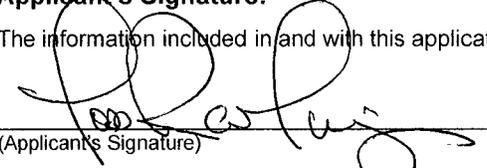
Application Fee Refund Information:

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: TODD RAWLINGS
Address: 9905 Raintree Drive N. Columbus IN 47201
(number) (street) (city) (state) (zip)

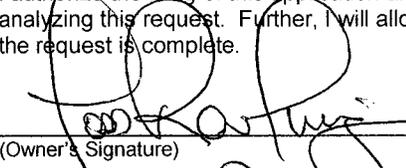
Applicant's Signature:

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

 (Applicant's Signature) 8-22-16 (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.

 (Owner's Signature) 8-22-16 (Date)
TODD RAWLINGS (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.

examples of homes close to road.

