



**BARTHOLOMEW COUNTY
 BOARD OF ZONING APPEALS
 (April 25, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/CU-16-04 & B/DS-16-03 (Petro Machine LLC)
Staff: Ashley Klinger & Charles Russell

Applicant: Petro Machine LLC
Property Size: 20 Acres
Zoning: AG (Agriculture: General)
Location: 12515 West 700 South, in Jackson Township

Background Summary:

The applicant currently operates a homebased business (machine shop) at 12670 West 700 South, just 1,000 feet (driveway to driveway) from the subject property. The applicant would like to move the business to the subject property, and is requesting that his business be allowed to operate from a new structure to be built in the front yard. There is an existing garage and house currently on-site, with the garage located in front of the house. The applicant indicated they intend to demolish these when a new barn and house are constructed. The new barn will be located in the front of the new house. The new barn will be 50 feet by 72 feet (3600 square feet), and will be located 300 feet from 700 South.

Preliminary Staff Recommendation:

Conditional Use - **Approval** – All criteria have been met.
 Variance – **Approval** – All criteria have been met.

Zoning District Intent:

The intent of the AG (Agriculture: General) zoning district is as follows: The intent of this zoning district is to provide areas for a mixture of agricultural and residential land uses. It is intended to provide for the long-term viability of agricultural operations while providing opportunities for unique rural housing options.

Current Property Information:	
Land Use:	Single-Family House/Agriculture
Site Features:	The property is mostly used for agriculture except for the south end which is wooded with a stream running through it. The land located behind the existing house slopes down at a rate of 8 percent.
Flood Hazards:	The majority of the southern half of the property is located in the Zone A 100 year floodplain. The existing house is located 175 feet from the floodplain.

Vehicle Access:	700 South
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Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AG (Agriculture: General)	Single-Family House
South:	AG (Agriculture: General)	Agriculture
East:	AG (Agriculture: General)	Single-Family House
West:	AG (Agriculture: General)	Single-Family House

Interdepartmental Review:	
County Engineer:	I understand this business has been operating for some time and is just moving down the road, I have had no complaints about the existing business and they aren't causing any road or traffic issues. I wasn't even aware that it was there. The fact they are moving closer to the state road is better. I have no objections.
Code Enforcement:	Code Enforcement does not have any issues with these proposals. A building permit and inspections are required. If any plumbing fixtures are to be installed approval will be required from the Bartholomew County Health Dept. Also, Fire Inspector Gene Weaver will need to give his approval before the business starts operating.

Planning Consideration(s):

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

1. The proposed accessory building will be a 50 feet x 72 feet (3600 square feet, and 22 feet tall) pole barn that will house a machine shop. The shop will fabricate machine parts through the process of CNC mills and manual machines. Work is picked up and dropped off by Petro Machine as needed, and the shop is not open to the public. The applicant stated the business does not require signs or advertising on the property.
2. The applicant currently operates the business at a property approximately 1,000 feet (driveway to driveway) west from the subject property. The applicant indicated that no noise, vibration, smoke, fumes, odors, or electrical interference is currently detectable at the existing business, and expects the new location to operate in a similar fashion.
3. The property the business currently operates at received conditional use approval in 2005 (B/CU-05-03) by a vote of 4-0 with the condition that no signage be permitted for the use.
4. Section 6.6 Part 2 (B) outlines standards for establishing a homebased business. The applicant meets all but 1 of the 9 standards. The standard not met is related to business area and states the home-based business "shall not exceed a total area equal to 500 square feet or 20% of the total floor area of the dwelling, whichever is less. No specialized structure shall be constructed for the purpose of housing the home-based business." The applicant is constructing the pole barn for the purpose of operating the machine shop, and the pole barn will be 3,600 square feet, 3,300 square feet larger than what the standard would allow.

5. There is an existing house and garage on the subject property. The applicant has indicated that they will be constructing a new house behind the existing one, and after it is constructed they will demolish the existing house and garage, leaving the new house and pole barn.
6. The existing garage is located in the front yard, and the applicant has indicated the new pole barn will be located in this same area but 300 feet from 700 South, 140 feet farther than the existing garage. The proposed pole barn meets all required setback standards. The new pole barn would use the existing drive from the road.

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:

- **Goal 18:** Promote economic growth in the county by encouraging the location and expansion of businesses and industries that are compatible with their surroundings and provided with adequate services.
- **Policy 18-H:** Encourage commercial and industrial operations to locate on land other than timberland, productive farmland, or land subject to flooding.

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 business will be using the existing drive on 700 South, which will only be used as necessary to pick up and drop off work. Further, there should not be any increase in traffic as the business is not open to the public. *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: The proposed size and location of the pole barn would not be out of character for similar uses in other parts of the county, and because of nearby agricultural operations the proposed barn would be similar in size to other buildings in the area. *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 applicant has indicated that the business will operate with no noise, odor, etc. detectable from the property. Further, the east and west property lines have an existing natural buffer/screening, and the new building would be located 300 feet from 700 South. *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 Bartholomew County Comprehensive Plan recommends commercial development when compatible with surrounding uses. The surrounding area is primarily used for agriculture with some single-family houses scattered throughout. A business contained in a single pole barn with minimal related traffic would be compatible with the intensity of nearby agricultural operations and residential 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.

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 proposed pole barn will use the existing drive for access to 700 South, and will have minimal traffic to and from the business. The barn will be set back 300 feet from the road. *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 pole barn meets all required setbacks and is screened on the east and west property lines by an existing natural buffer. *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 area available to build the barn at this property is limited by active agricultural operations, the existing septic field, and the floodplain. These factors along with existing drive access in front of the existing house make the proposed location the most viable option, so that the barn does not encroach into agricultural operations, stays away from the septic field, and is an adequate distance from the floodplain. *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
Conditional Use Application**

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: AC
Docket No.: B/CU-16-04

Hearing Procedure: Hearing Officer Board of Zoning Appeals

MAY 21 2016
BY: SB+EP

Conditional Use Application:

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

Name: Petro Machine LLC
Address: 12515 W 7005 Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-342-8948 Fax No.: _____ E-mail Address: depmdp@hughes.net

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

Name: Brian Petro
Address: 12515 W 7005 Columbus IN 47201
(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: Brian Petro
Address: 12515 W 7005 Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-603-0649 Fax No.: _____ E-mail Address: depmdp@hughes.net

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

Property Information:

Address: 12515 W 7005 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):

Conditional Use Requested:

I am requesting a conditional use as listed by Section 6.6(B)(9) of the Zoning Ordinance to allow the following:

Operate a Machine Shop to fabricate machine parts. Through the process of CNC ~~machines~~ and manual machines. Work will be picked up and dropped off by Petro Machine as needed.

Conditional Use Criteria:

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that each 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.

Day to Day operations will be contained in building. Will not be injurious to public health or safety. There will not be any signs or advertisements of sight. Operations will not be open to general public.

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

Currently operating 1/4 mile down road from sight ~~in~~ request since 2006 on Conditional Use.

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.

Will operate by guide lines in standards for Agricultural Area home Based Business.

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.

The building will be consistent to any farm or ag buildings.

Applicant's Signature:

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

Brian Petto
(Applicant's Signature)

3/14/2016
(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.

Brian Petto
(Owner's Signature)

3/14/2016
(Date)

(Owner's Signature)

(Date)



RECEIPT

BARTHOLMEW COUNTY PLAN COMMISSION

No 3776

General FUND

COLUMBUS IN., March 21 2011

RECEIVED FROM Brian and Michelle Petro \$ 175.00

THE SUM OF One hundred and seventy-five and 00/100 DOLLARS

ON ACCOUNT OF Conditional Use (home-based bus.) + devel. stand. Variance

PAYMENT TYPE & AMOUNT

CASH _____ CHECK 12/11 M.O. _____

E.F.T. _____ C.C./B.C. _____ OTHER _____

Michelle Petro
AUTHORIZED SIGNATURE

Columbus – Bartholomew County Planning Department
Development Standards Variance Application



Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: AG
Docket No.: BIDS - 16-03

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: Brian Petro Petro Machine LLC AKC 3.23.16
Address: 12515 W 7005 Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-342-8948 Fax No.: _____ E-mail Address: bepmdp@hughes.net

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

Name: Brian Petro
Address: 12515 W 7005 Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No. 812-342-8948 Fax No.: _____ E-mail Address: bepmdp@hughes.net

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

Name: Brian Petro
Address: 12515 W 7005 Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-603-0649 Fax No.: _____ E-mail Address: bepmdp@hughes.net

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

Property Information:

Address: 12515 W 7005 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 6.1(E)(3) of the Zoning Ordinance to allow the following:

To construct building forward of existing dwelling.

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.

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

Construction will follow building codes and proper lot lines set backs. Will be consistent to any Ag use buildings. 25 feet min. to lot lines.

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

There are trees and natural screening from adjacent property. Will not change use or value of adjacent 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.

Due to topography of property this will be the best site. Don't want building blocking view to or from road.

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: Brian Petro
Address: 12515 W 700 S 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.

Brian Petro 3/18/2016
(Applicant's Signature) (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.

Brian Petro 3/18/2016
(Owner's Signature) (Date)

(Owner's Signature) (Date)



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PAYMENT TYPE & AMOUNT

CASH _____ CHECK 12112 M.O. _____
E.F.T. _____ C.C./B.C. _____ OTHER _____

Michelle Anklston
AUTHORIZED SIGNATURE

