123 Washington Street Columbus, Indiana 47201 Phone: (812) 376-2550 Fax: (812) 376-2643





BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS (February 25, 2013 Meeting)

STAFF REPORT

Docket No. / Project Title: B/CU-13-01 (Howard & Elizabeth Downey)

Staff: Melissa Begley

Applicant: Howard & Elizabeth Downey

Property Size: 1.13 Acres

Zoning: AG (Agriculture: General)

Location: 5095 N. State Road 9, in Clifty Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow an apartment above a detached garage.

Preliminary Staff Recommendation:

Approval, all criteria have been met.

Zoning District Intent:

The intent of the AG (Agriculture: General) 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 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: | The site contains a single family dwelling and a detached garage. | |
| Flood Hazards: | There are no flood hazards on the property. | |
| Vehicle Access: | The property gains access by State Road 9 (Arterial) | |

| Surrounding Zoning and Land Use: | | | | |
|----------------------------------|-----------------------------|--|--|--|
| | Zoning: | Land Use: | | |
| North: | AG (Agriculture: General) | Large lot single family residence | | |
| South: | AG (Agriculture: General) | Single family residence, former Elsbury Plant Nursery and Garden Center | | |
| East: | AG (Agriculture: General) | Former Elsbury Plant Nursery and Garden Center | | |
| West: | AP (Agriculture: Preferred) | Single family residence, farm fields | | |

Planning Consideration(s):

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

- 1. The Zoning Ordinance defines accessory dwellings as single-family dwellings constructed and used as accessories to the primary dwelling on the property (otherwise commonly known as "mother-in-laws quarters" or "granny flats"). They shall be either (a) attached to, and designed and constructed as part of the primary structure or (b) located above a detached garage or workshop. An accessory dwelling must meet the following requirements:
 - a. The living area of any accessory dwelling shall not exceed 800 square feet or an amount equal to 65% of the primary residence, whichever is less. Except, however, that no accessory dwelling shall be less than 500 square feet in living area
 - b. A maximum of 1 accessory dwelling may be permitted on each property.
 - c. The accessory dwelling shall not require the establishment of an additional driveway.
 - d. The accessory dwelling shall be considered a separate dwelling for the purpose of calculating required off-street parking spaces consistent with Article 7.
 - e. Both the primary residence and the accessory dwelling shall either (i) be served by a public sewer system or (ii.) be served jointly by a single septic system approved by the Bartholomew County Health Department.
- 2. The site will be incompliance with the zoning standards for accessory dwellings. There will only be one accessory dwelling on the site and will be 625 square feet in size, falling within the parameters of the size requirement. The unit will utilize the existing driveway and will not require an additional driveway. The property will have adequate parking for both the apartment and the existing single family residence and the site will be served by a single septic system approved by the Bartholomew County Health Department.
- 3. The subject property gains access to State Road 9 from an access drive that is shared with the former Elsbury Garden Center and another single family dwelling to the south of the subject property.
- 4. The applicants intend to live in the single family residence. They have also purchased the former Elsbury Gardens and intend to bring it back into operation.
- 5. The subject property is located in the General Rural District of the Land Use Element of the Bartholomew County Comprehensive Plan. The General Rural District is viewed as less restrictive as the Preferred or Natural Resource districts. Intensive development is discouraged. Appropriate uses include: farmland, woodlands, residential, some institutional and limited commercial.

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: **POLICY 3-GF**: Encourage mixed housing types and prices in all geographic areas of the County.

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 new accessory dwelling will not add any significant traffic onto State Road 9 and will not create safety issues. The accessory dwelling will blend seamlessly with the existing single family residence and will not injure the public health, safety or 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: The new accessory dwelling will meet the all the development standards for accessory dwellings. There will only be one accessory dwelling on the site and will be 625 square feet in size, falling within the parameters of the size requirement. The unit will utilize the existing driveway and will not require an additional driveway. The property will have adequate parking for both the apartment and the existing single family residence and the site will be served by a single septic system approved by the Bartholomew County Health Department. 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 entrance to the property off of State Road 9 was built to accommodate a significant volume of traffic due primarily to the former Elsbury Nursery. The accessory dwelling will only add one additional vehicle to traffic on State Road 9 and therefore will not injure other property in the vicinity. Additionally the rental unit will be created above an existing detached garage and will not change the appearance of the property. *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 rental unit above the detached garage provides a unique housing option that will not impact agricultural operations. It will be integrated into an existing single family residence which furthers the intent of the AG zoning district by allowing mixture of agricultural and residential land uses. *This criterion has been met*.

Board of Zoning Appeals Options:

In reviewing a request for <u>conditional use</u> 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.

CURRENT OWNERS OF RECORD: MILLER/ELSBURY MINOR SUBDIVISION ROSALYN NOLTING NORMAN MAP #02-97-05.00-400 D' LORES SCHURMAN - INSTR #2000-6002 INSTR #91-2971 11.25 ACRES MAP #02-97-05.00-300 & 301 A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER, ALL IN SECTION 5, TOWNSHIP 9 NORTH, RANGE 7 EAST LYING IN HAWCREEK TOWNSHIP, BARTHOLOMEW COUNTY, INDIANA CORDON R & JANCY D. ELSBURY DRB 264, PAGE 394 PAGE 1 OF 2 WEST A DISTANCE OF 128.03 FEET; THENCE SOUTH 15°44'23" EAST A DISTANCE OF 82.39 N89°50'05"W 950.00'(R) PROPERTY DESCRIPTION FEET; THENCE SOUTH -56°36'58" EAST A DISTANCE OF 28.24 FEET; THENCE SOUTH 89°44'09" LOT NUMBERED 1 AND 2 OF "ELSBURY MINOR PLAT" CONTAINING 8.99 ACRES AND RECORDED 800.00'(R) LOT 2 WEST A DISTANCE OF 1569.57 FEET TO A 5/8" #30" REBAR WITH "ERG" CAP SET; THENCE IN PLAT BOOK "N". PAGE 7 IN THE OFFICE OF THE RECORDER OF BARTHOLOMEN COUNTY. POINT OF BEGINNING FOUND BCS CONC MON NW CORNER OF SE 1/4 SEC.5, T9N, R7E SOUTH OO'DIS'SI" EAST A DISTANCE OF 50.00 FEET TO A 5/8" #30" REBAR WITH "ERG" CAP ALSO: SET; THENCE NORTH 89°44'09" EAST A DISTANCE OF 1187.49 FEET TO A 5/8"x30" REBAR '33"E 5'(R) A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 9 WITH "ERG" CAP SET; THENCE SOUTH 00"15"51" EAST A DISTANCE OF 821.59 FEET TO A LOT 1 AND LOT 2 OF "ELSBURY N00°01'33"W NORTH, RANGE 7 EAST LYING IN CLIFTY TOWNSHIP, BARTHOLOMEW COUNTY, INDIANA AND 5/8"x30" REBAR WITH "ERG" CAP SET ON THE SOUTH LINE OF THE NORTH HALF OF SAID R S00°01' 328.1 MINOR PLAT" ARE HEREBY DELETED. DESCRIBED AS FOLLOWS: SOUTHEAST QUARTER; THENCE NORTH 89°42'52" WEST ALONG SAID SOUTH LINE A DISTANCE 328.65 50, BEGINNING AT A FOUND BCS MONUMENT MARKING THE NORTHWEST CORNER OF THE OF 1233.21 FEET TO THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE NORTH 00°01'06" WEST ALONG THE WEST LINE OF SAID NORTH HALF A DISTANCE OF 1335.28 FEET TO THE SOUTHEAST QUARTER OF SAID SECTION 5: THENCE SOUTH 90°00'00" EAST (BEARING 3 ASSUMED) ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1593.85 POINT OF BEGINNING CONTAINING 40.33 ACRES, MORE OR LESS AND SUBJECT TO ALL LEGAL 41 50001 FEET TO THE CENTER OF DUCK CREEK; THENCE SOUTH 16°43'59" EAST A DISTANCE OF 133.21 EASEMENTS AND RIGHTS OF WAY OF RECORD, AND CONTAINING IN ALL 49.32 ACRES. VACATE DEED AND LOT LINE S89°58'27"W FEET; THENCE SOUTH 29°02'04" WEST A DISTANCE OF 134.56 FEET; THENCE SOUTH 00°30'48" 150.00'(R) LEONARD R & MARTHA J. DECLUE DRB 252, PAGE 166 DRB 257, PAGE 166 97.07 ACRES OT 2A S90°00'00"E 1694.34 REBAR SEE INSET S90°00'00"Ê 21.64 ACRES , v 1278.91 275.00 12. 6° 42. \$90°00'00"E 1593.85 TRANSFER DESCRIPTION 474.05 INSET 5.00, S90'00'00"E 2684.34' 3.65° FOUND BCS CONC. MON (ASSUMED BEARING) LOT NE CORNER, SE 1/4 275. SEC.5,T9N,R7E COMMON ACCESS 1.74 ACRES TRANSFER PARCEL = 13.78 ACRES C/L DUCK CREEK EASEMENT FOR ROW LOT 2 (ELSBURY M. P.) = 7.86 ACRES ,50° [5] LOTS 1A, 2A, & 1 N90°00'00"W S15°44'23" 82.39 LOT 1A .30'45"W 128.03 275.00 TOTAL LOT 2A = 21.64 ACRES LOT 2A N0015 50' STATE F 05 50' ACCESS AND 50 LOT 2 83.85'(R) UTILITY EASEMENT 99 52, 200 NORTH 1.26 ACRES CONDITION 3. TYPE "B' M 50' .58.24. S89°44'09"W 1294.57 ñ SS6*36'58" 50' 275.00 LOT 1 HALF ROW S89°44'09"W 1569.57 ີດ N89°44'09"E 1187.49' 30' RE C/L SR#9 S90°00'00"E 39.93 REBAR 437.49 375.00 375.00 N00°01°06"W 1335.28° 55. S0015'51"E ACREAGE TABLE SCALE: 1" = 200" S00.04'44"E 50.00 1348.66 1.31 Ac. ROW 65 313.65 1.13 Ac. LOT 1A 100 200 LOT 3 LOT 2A 7.86 Ac. М, DRAWN BY: R.L.SANDERS +13.78 Ac. 21.64 Ac. LOT 4 3.15 ACRES LOT 5 TOTAL LOT 2A RNOR. 1.74 Ac. 7.03 ACRES LOT 7.06 ACRES 1,25 Ac. 4.40 LOT 2 LOT 3 3.15 Ac. S89°44'09"W 437,49 $^{k_{C}}$. 7.03 Ac. IF ANY LOT OR THE AGRICULTURAL REMAINDER IS FURTHER SUBDIVIDED, AN INTERIOR CIRCULATION PATTERN MUST BE SUBMITTED AND APPROVED BY PLAN COMMISSION ADDRESSING LOT " 81 S00" LOT 5 7.06 Ac. N0015'51"W 5.00 Ac. LCT 817.99 AG. SMDR. 42.39 Ac. THE CIRCULATION OF TRAFFIC ON THIS SITE. \$21.59 \$21.59 TOTAL 91.71 Ac. 51"W LEGEND 88.99 Ac.(CR) SE 0 5/8"x30" REBAR AND CAP N0015 MONUMENT SET-COR., NW 1/4, 2.5.T9N,R7E SET THIS SURVEY 500. FOUND 5/8° REBAR SET 5/8"x30" REBAR 9 SECTION CORNER AS LABELED LOT 6 WITH "ERG" CAP FLOOD ZONE "A"-FOUND WOOD CORNER POST SE COR., NE 1/4, SE 1/4 5.00 ACRES AS SCALED FROM FIRM RECORD DIMENSION SEC.5,T9N,R7E FIELD MEASUREMENT "180006-005("-B" S89°42'52"E С CALCULATED 108 /231 NO NO SW C NO ACCESS 45.66 E.R. GRAY & ASSOCIATES
PROFESSIONAL LAND SURVEYING 437.51 375.02 375.02 1452.60 AND CONSULTING N89'42'52"W 1233.21 30.04.44" 1348.66 ER GRAY III, LS. MARCARET L. DOWNEY PRESIDENT N89°42′52"W 2885.81 00'01' 1335.: 5/8" REBAR IBCS BRASS TABLET P.O. BOX 1357 SW COR., NW 1/4, SE 1/4 COLUMEUS, INDIANA +7202 SE CORNER, SE 1/4



Columbus – Bartholomew County Planning Department Conditional Use Application

| Planning Department Use Only: | | | | |
|---|--|--|--|--|
| Jurisdiction: Columbus Bartholomew County | | | | |
| Zoning: B/CV-13-0 | | | | |
| Hearing Procedure: Hearing Officer Board of Zoning Appeals | | | | |
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| Conditional Use Application: | | | | |
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| Applicant Information: | | | | |
| Name: Howard + Elizabeth Downey | | | | |
| Name: Howard + Elizabeth Downey Address: 803 Harrison St Hope IN 47246 (number) (street) (city) (state) | | | | |
| Phone No.: 812-546-5753 Fax No.: E-mail Address: he downey@ comcast. ne | | | | |
| Property Owner Information (the "owner" does not include tenants or contract buyers): | | | | |
| Name: Howard + Elizabeth Downey | | | | |
| Name: Howard + Elizabeth Downey Address: 803 Harrison St. Hope TN 4724(p, (city) (state) (zip) | | | | |
| Phone No.: 812-546-5753 Fax No.: E-mail Address: Medowney a Comcast, net. | | | | |
| Notification Information (list the person to whom all correspondence regarding this application should be directed): | | | | |
| | | | | |
| Name: Howard + Elizabeth Downey Address: 803 Hawison St. Hope In 47241 (number) (street) (city) (state) (zip) | | | | |
| Phone No.: 812544-5753 Fax No.: E-mail Address: Woowney@ comcast, net | | | | |
| How would you prefer to receive information (please check one): E-mail Phone Fax Mail | | | | |
| | | | | |
| Property Information: | | | | |
| Address: 5095 N: State Rd 9 Hope IN 47246. | | | | |
| or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description): | | | | |
| | | | | |

| Conditional Use Requested: (TABLE 6.1) |
|--|
| I am requesting a conditional use as listed by Section 6 / (D) of the Zoning Ordinance to allow the following: |
| Bental of apartment located on the 2nd floor |
| of the existing agrage |
| 3000 |
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| |
| |
| 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. |
| No changes in outward appearence of property |
| Parking over is adaquate for an additional questo. |
| The street of the control of the con |
| The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses. Property 15 zoned agricultural, Renting of Second Plant acricultural apartment will not interfere with agricultural 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. |
| Apartment does not affect the property of any |
| of the surrording properties: |
| 7 |
| 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. Detached gavage IS next to the Vesidonce on the Droperty. Will not effect use of the remaining |
| property |
| |

Applicant's Signature:

| The information included in and with this application is completely tr | ue and correct to the best of my knowledge and belier. |
|---|---|
| Elizabeth Downey (Applicant's Signature) | (Date) |
| Owner's Signature (the "owner" does not include tenants or contra | act buyers): |
| I authorize the filing of this application and will allow the Planning De analyzing this request. Further, I will allow a public notice sign to be the request is complete. | epartment staff to enter this property for the purpose of eplaced and remain on the property until the processing o |
| Elizabeth Downey | //21/13 (Date) |
| (Owner's Signature) Howard Downey | 1/21/13 |
| (Owner's Signature) | (Date) |

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22-141 50 SHEETS 22-142 100 SHEETS 22-144 200 SHEETS



36" Door

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