



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(May 29, 2012 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-12-11 (Jim & Barb Newell)
Staff: Derek Naber
Applicant: Jim & Barb Newell
Property Size: 6.34 Acres
Current Zoning: AP (Agriculture: Preferred)
Location: Property along County Road 250 West between Lowell Road and County Road 200 North, in Columbus Township

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 6.1(A) is for the purpose of establishing an accessory structure on a lot prior to the establishment of a primary structure.

Preliminary Staff Recommendation:

Denial, Criterion 3 has not been met.

If the Board of Zoning Appeals should choose to approve the variance, the following condition should be attached: The accessory structure shall be limited to 650 square feet and the structure shall only be used for a restroom and for lawn and maintenance equipment.

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: Zoning Ordinance Section 6.1 (A) states that no accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure.

Current Property Information:	
Land Use:	Farmland, Vacant Land
Site Features:	The subject property is an undeveloped agriculture property with a pond, and gravel drive.
Flood Hazards:	No flood hazards exist at this location.
Vehicle Access:	The property gains access from County Road 250 West (Local, Residential, Rural).

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

Interdepartmental Review:	
County Highway:	No comments received.
Code Enforcement:	No comments received.
Fire Department Inspector	No comments received.

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 use the subject property for camping, gardening and other private social activities with their family. As part of their use of this property, the applicant is proposing to add an accessory structure. The accessory structure would be used for the storage of lawn and maintenance equipment and for a restroom. The applicant has no plans to install a house at the property and would only use it as a private recreational area. The applicant has not provided any information in regards to the size of the structure or where the building would be located.
2. The surrounding property is located in an isolated agricultural area along 250 West. There are relatively few surrounding residential properties. Majority of the surrounding context is used for farmland.
3. Zoning Ordinance Section 3.5 (C) lists that the minimum living area for a single dwelling is 1,000 square feet.

4. According to Zoning Ordinance Section 6.1 (D)(2) buildings used for recreation and/or guest quarters are only permitted in the AP zoning district under a conditional use approval. Such facilities are limited to 1 structure per property with a maximum size of 65% of the total living area of the primary residence (Example: 650 square feet maximum for a 1,000 square foot home).

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 accessory structure will not be located in a restricted area and will meet all the required setbacks. The structure will not cause any visibility issues to this rural area. *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 property is located in a rural area without many other neighboring residential properties. The surrounding area features large agricultural fields and as such would not be out of character compared to this context. *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 applicant is proposing to use the property as a private recreational area because of their desire to have a piece of property for private social activities. There is nothing physically on the subject property which is preventing the installation of a primary structure. *This criterion **has not** 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: _____

Docket No.: _____

Hearing Procedure: ___ Hearing Officer ___ Board of Zoning Appeals

Development Standards Variance Application:

Applicant Information:

Name: Jim and Barb Newell

Address 2623 Wildwood Lane Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 372-1875 Fax No.: _____ E-mail Address: barbnewell@sbcglobal.net

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

Name: applicant

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: Mark Daugherty, Daugherty Design Plus

Address P.O. Box 1373 Nashville IN 47448
(number) (street) (city) (state) (zip)

Phone No.: 812-350-9655 Fax No.: _____ E-mail Address: markd.ddp@gmail.com

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

Property Information:

Address County Road 250 W
(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):

6.34 Acres on County Road 250 W between Lowell Rd. and County Road 200N.

Variance Requested:

I am requesting a variance from Section 6.1 A of the Zoning Ordinance to allow the following:

establishment of an accessory structure before a primary structure.

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.

A septic system per Board of Health requirements will be constructed for the bathroom.

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

The structure will be built to all ordinance requirements of setback, area, etc. The neighborhood is predominantly rural, and outbuildings and barns are common, so this structure should not appear out of place.

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.

It would require the construction of a home, which the owners do not need or want at this time. They wish to simply enjoy the rural location and pond by camping and entertaining family on the property.

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)

4/23/12

(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.

J. Newell
(Owner's Signature)

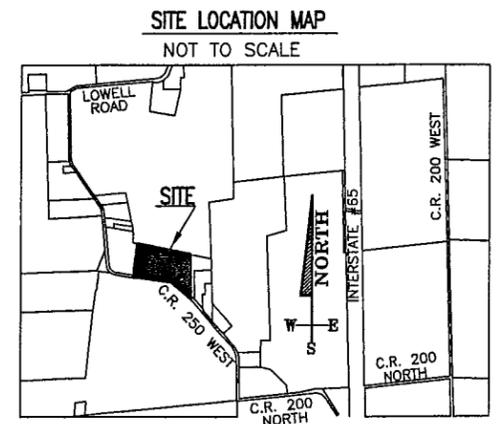
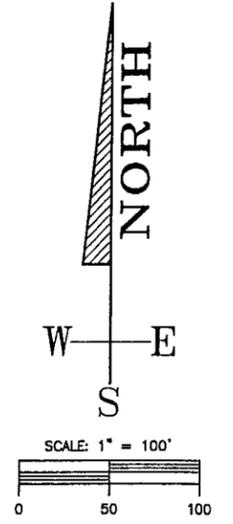
4/23/12
(Date)

(Owner's Signature)

(Date)

Location Survey

A PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 5 EAST
SITUATED IN COLUMBUS TOWNSHIP, BARTHOLOMEW COUNTY, INDIANA.
PAGE ONE OF ONE



*** THE GAS TRANSMISSION LINE AS SHOWN ON THIS DRAWING IS BASED UPON FOUND GAS SIGN MARKERS NEAR THE NORTH AND SOUTH LINES OF SUBJECT REAL ESTATE. NO DOCUMENT WAS PROVIDED FOR ANY EASEMENT DIMENSIONS. IT IS RECOMMENDED TO CONTACT THE OWNER OF THE UNDERGROUND UTILITIES FOR AN ACCURATE LOCATION OF THE TRANSMISSION LINE(S).

PROPERTY DESCRIPTION

PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 5 EAST, LOCATED IN BARTHOLOMEW COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING STONE MARKING THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH ALONG THE EAST LINE OF SAID QUARTER SECTION 1400.66 FEET; THENCE TO THE RIGHT, MAKING AN ANGLE OF 90°00'00" TO THE LAST DESCRIBED LINE EXTENDED, 548.95 FEET TO AN IRON PIN LOCATED IN THE CENTERLINE OF LOWELL ROAD, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING, SAID IRON PIN ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DEEDED TO ROBERT D. AND EVELYN BIDDINGER AS RECORDED IN DEED RECORD 206, PAGE 586 IN THE BARTHOLOMEW COUNTY RECORDER'S OFFICE, SAID TRACT HEREINAFTER REFERRED TO AS TRACT 1; THENCE TO THE RIGHT, MAKING AN ANGLE OF 41°27'57" TO THE LAST DESCRIBED LINE EXTENDED, 311.45 FEET ALONG THE CENTERLINE OF LOWELL ROAD TO AN IRON PIN; THENCE TO THE LEFT, MAKING AN ANGLE OF 32°10'55" TO THE LAST DESCRIBED LINE EXTENDED, 469.96 FEET ALONG SAID CENTERLINE TO AN IRON PIN; THENCE TO THE RIGHT, MAKING AN ANGLE OF 90°00'00" TO THE LAST DESCRIBED LINE EXTENDED, 399.93 FEET TO AN IRON PIN LOCATED IN A FENCE LINE; THENCE TO THE RIGHT, MAKING AN ANGLE OF 93°27'26" TO THE LAST DESCRIBED LINE EXTENDED, 648.65 FEET ALONG SAID FENCE LINE TO AN IRON PIN MARKING THE NORTHWEST CORNER OF SAID TRACT 1; THENCE TO THE RIGHT, MAKING AN ANGLE OF 77°15'32" TO THE LAST DESCRIBED LINE EXTENDED 533.69 FEET ALONG THE WEST LINE OF TRACT 1 TO THE POINT OF BEGINNING, CONTAINING 6.35 ACRES, MORE OR LESS, SUBJECT TO THE EASEMENT GRANTED TO TEXAS GAS TRANSMISSION CORPORATION. BEING AND INTENDED TO BE PART OF THE SAME LANDS CONVEYED TO EMIL AND MAXINE SCHULZE AS SHOWN IN DEED RECORD 184, PAGE 221 AND A CORRECTED DEED RECORDED IN DEED RECORD 202, PAGE 692 AS RECORDED IN THE BARTHOLOMEW COUNTY RECORDER'S OFFICE.
(TAKEN VERBATIM FROM DEED RECORD BOOK 220, PAGE 525)

NOTE:
THIS DRAWING REPRESENTS EXISTING FEATURES LOCATED AS REQUESTED BY THE CLIENT; AND, IS BASED UPON A BOUNDARY SURVEY DATED NOVEMBER 01, 2011 AND RECORDED AS INSTRUMENT #2011-10872 IN THE OFFICE OF THE BARTHOLOMEW COUNTY RECORDER.

JOB #12163

E.R. GRAY & ASSOCIATES
PROFESSIONAL LAND SURVEYING AND CONSULTING

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PRESIDENT

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