



**CITY OF COLUMBUS  
 BOARD OF ZONING APPEALS  
 (August 27, 2013 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/DS-13-23 (Scott Elliott)  
**Staff:** Thom Weintraut  
  
**Applicant:** Scott Elliott  
**Property Size:** 39,988 sq. ft. (0.92 acres)  
**Current Zoning:** AP (Agriculture Preferred)  
**Location:** 818 N 650 E, Clay Township

**Background Summary:**

The applicant has indicated that the proposed variance from Zoning Ordinance Section 6.1(F)(2) is for the purpose of allowing an accessory structure to exceed the square footage of the ground floor area of the primary residence. The purpose for the accessory structure is to house and preserve his collection of vehicles.

**Preliminary Staff Recommendation:**

Denial of the request: Criteria 3 has not been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of AP (Agriculture: Preferred) zoning district is as follows: The “AP” Agriculture, Preferred zoning district is intended 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.

**Development Standards:** On any property of less than 2 acres the total lot coverage of accessory structures shall not exceed an amount equal to that of the ground floor area of the primary structure on that property.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Single-family residential
<b>Site Features:</b>	Single-family dwelling, pole barn, shed, pump house, and trees
<b>Flood Hazards:</b>	None.
<b>Vehicle Access:</b>	The property has access to County Road 650 East which is classified as a Collector, Residential, Rural.

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	AP (Agriculture: Preferred)	Single-family residential
<b>South:</b>	AP (Agriculture: Preferred)	Single-family residential
<b>East:</b>	AP (Agriculture: Preferred)	Agriculture
<b>West:</b>	AP (Agriculture: Preferred)	Single-family residential

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	The project will have no impact on drainage or access.
<b>Health Department:</b>	Septic System is located on the north side of the property, however the size and exact location have not been determined

**Planning Consideration(s):**

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

1. The petitioner is requesting to build a 24' x 48' (1152 square foot) garage for the storage of collectible vehicles. The height of the proposed garage will be 13 feet tall. The height and area would be typical of a 4 bay residential garage. In 2005 a building permit was issued for a 30' x 64' (1920 square foot) barn. In addition, there is a 120 square foot pump house and a 254 square foot shed in the location where the proposed garage will be built. The shed will be removed if the garage is built.
2. The ground floor area for the existing single-family dwelling is 1569 square feet. The current square footage of accessory buildings on the property is 2294 square feet which exceeds the ground floor area of the dwelling by 46%. With the addition of the new garage, the total accessory building area will be 3192 square feet which will exceed the ground floor area of the dwelling by just over 100%.
3. The petitioner states the purpose of the garage is to house a vehicle collection. He also states that his ability to collect and preserve cars is being limited by the zoning ordinance, however the petitioner could choose to find a location (a parcel that is greater than 2 acres) where there would be no limit on accessory structure area based upon the primary structure floor area.
4. The subject property is 0.92 acres. The purpose for the limit on accessory structure area for lots of less than two acres, particularly residential lots, is to help insure the scale of development remains in character with the surrounding single-family uses and the residential structure remains the primary structure.
5. The subject property consists of Lots 9 and 10 of the Town of Trinity Major Subdivision which contained 26 lots platted in 1950. In 1997 lots 14 through 26, which were located to the west of this property, were vacated along with Hurley Avenue and small east-west alley. The remaining 11 lots of the Town of Trinity located to the north and south of the subject property have been developed as 7 single-family parcels creating a small residential neighborhood. The property to the west which includes the vacated lots from the Town of Trinity is a 25 acre residential lot. The property across County Road 650 East is approximately 82 acres and is used for agriculture purposes.
6. Of the other 7 single family properties, all less than an acre, 3 currently have accessory structures ranging from 384 square feet to 720 square feet. The petitioner is requesting a total of 3192 square feet of accessory structure area which is more than 4 times greater than that of any of the neighboring properties. However, on July 23, 2009, the Board of Zoning Appeals approved a request

(C/DS-09-18) to allow the permitted lot coverage for accessory structures to exceed the ground floor area of the primary structure on the property adjacent to the south of the subject property.

7. The property involved in C/DS-09-18 contains a residential dwelling with a ground floor area of 2064 square feet and was approved for a total combined accessory structure area of 2516 square feet. The total area for the accessory structures exceeded the permitted floor area by 416 square feet or 22%. The property owner has not constructed the proposed 2100 square foot building, so the current accessory structure area is 416 square feet. The Board found that the petitioner in this case met the criteria as follows:

**Criteria 1:** The request would not be injurious to the public health, safety, morals and general welfare of the community because the building is normal for an agriculture district.

**Criteria 2:** The 30 foot x 70 foot building will not affect any property in an adverse manner. The proposed building will improve the neighborhood.

**Criteria 3:** The building being requested is a standard size and it would be a hindrance to require a different building.

### **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 approval will not be injurious to the public health, safety, morals, and general welfare of the community because the structure is; located behind the dwelling away from the public rights-of-way, meets all setback and height standards, and the height and scale are compatible with buildings in a residential 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 use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the structure will be greater than 100 feet from the nearest residential structure. In addition the height of the structure is typical of a residential type of garage and therefore would not impact the overall character of the property or the neighborhood. *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 strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property because the use of the property is used for single-family residential purposes. The property contains a 1920 square foot accessory structure that could be used to house the vehicles. In addition, the petitioner could choose to find a larger parcel that would accommodate his current and future addition to his collection of vehicles. *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: AP

Docket No.: C/D5-13-L3

Hearing Procedure:  Hearing Officer  Board of Zoning Appeals



**Development Standards Variance Application:**

**Applicant Information:**

Name: SCOTT R. ELLIOT

Address: 818 N 650 EAST COLUMBUS IN 47203  
(number) (street) (city) (state) (zip)

Phone No.: 812 350 0729 Fax No.: \_\_\_\_\_ E-mail Address: seturbo33@yahoo.com

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

Name: SAME

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

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: 818 N 650 EAST COLUMBUS IN 47203  
(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(F)(2) of the Zoning Ordinance to allow the following:

the total lot coverage of accessory structures to exceed 100% of  
the ground floor area of the 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.

PROPOSED GARAGE IS REQUESTED TO STORE AND PRESERVE  
COLLECTIBLE VEHICLES. THERE IS NO FORESEEN INJURIOUS  
IMPACT TO PUBLIC HEALTH, SAFETY, MORALES AND GENERAL  
WELFARE OF THE COMMUNITY.

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 ADJACENT PROPERTIES WILL NOT BE AFFECTED IN A  
SUBSTANTIALLY ADVERSE MANNER. ADDITION OF CURRENT  
GARAGE RAISED ASSESSED VALUE OF STRUCTURES BY \$43,200 AND  
OVERALL PROPERTY VALUE FROM \$83,500 TO \$130,600 (\$47,100 INCREASE).

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 APPLICATION OF TERMS OF CURRENT ZONING ORDINANCE IS  
RESTRICTING MY ABILITY TO USE MY PROPERTY TO PURSUE  
MY HOBBY OF CAR COLLECTING AND PRESERVATION.

**Applicant's Signature:**

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

Scott R. Elliott  
(Applicant's Signature)

7/19/2013  
(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.

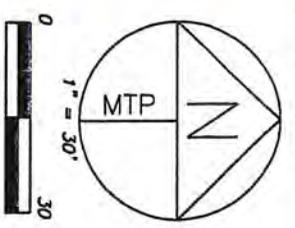
Scott R. Edwards  
(Owner's Signature)

7/19/2013  
(Date)

\_\_\_\_\_  
(Owner's Signature)

\_\_\_\_\_  
(Date)

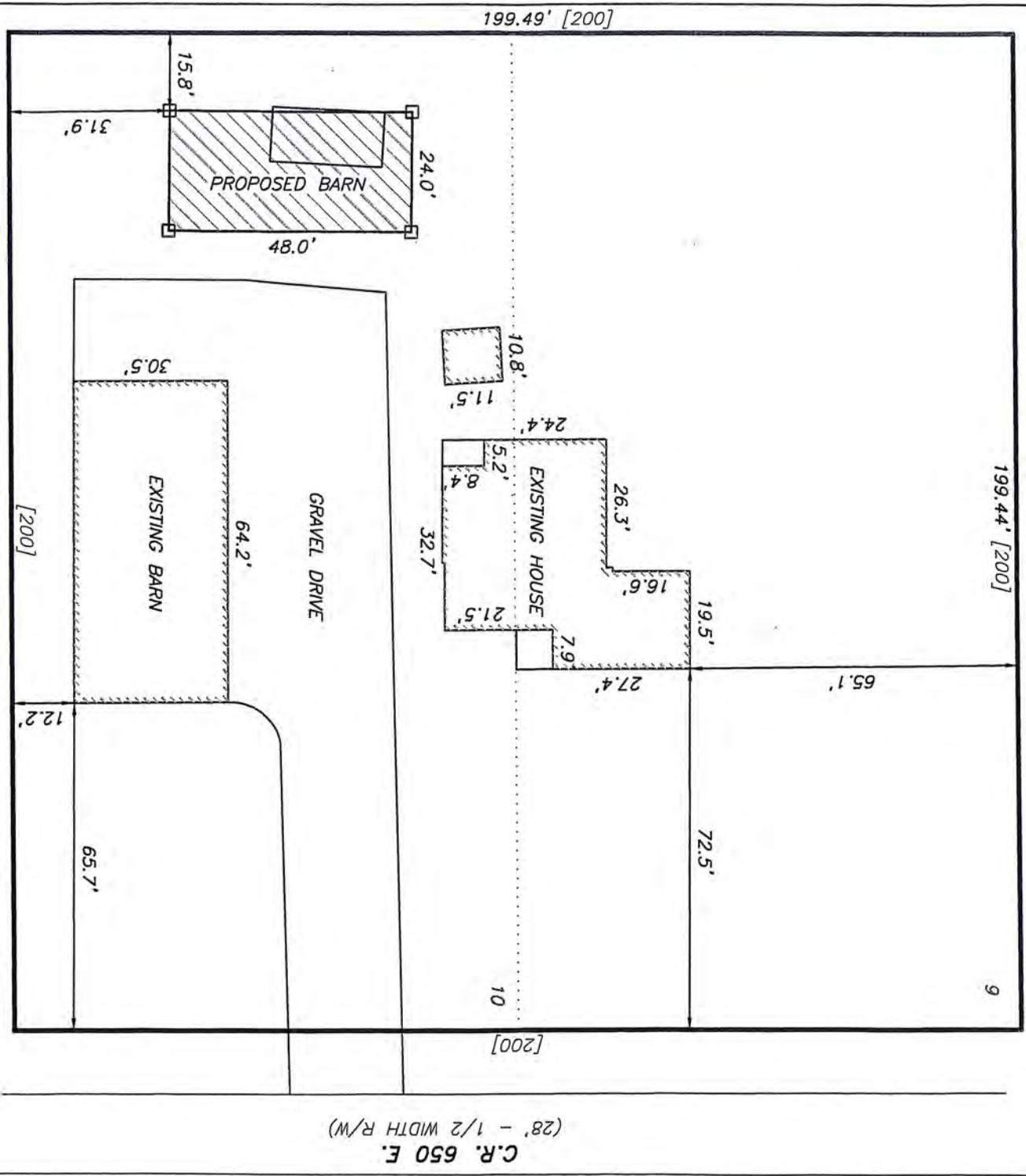
**SITE PLAN**



PREPARED FOR: SCOTT ELLIOT  
 ADDRESS: 818 N. 650 E. COLUMBUS, IN 47203  
 DESCRIPTION: LOT 9 & 10 IN THE ORIGINAL PLAT OF THE TOWN OF TRINITY

**NOTES**

1. THIS PLAN SHOULD NOT BE CONSTRUED AS A BUILDING PLAN. SEE THE BUILDING/ARCHITECTURAL PLANS AND SPECIFICATIONS FOR COMPLETE INFORMATION ON THE STRUCTURE. ALL DIMENSIONS SHOULD BE FIELD VERIFIED BY THE CONTRACTOR, AND ANY DISCREPANCIES REPORTED TO THE ARCHITECT/DESIGNER PRIOR TO CONSTRUCTION. ALL DISTANCES OF, AND MEASURED TO, THE BUILDING ARE MEASURED TO THE FOUNDATION, AND DO NOT INCLUDE OVERHANGS.
2. THIS PLAN DOES NOT CONSTITUTE A BOUNDARY SURVEY. LOT DIMENSIONS SHOWN HEREON WERE TAKEN FROM RECORD AND OTHER SOURCES. FOR ADDITIONAL LOT INFORMATION SEE P.B. "D", PAGE 130. THIS PLAN SHOULD NOT BE USED FOR DETERMINATION OF BOUNDARY LINES, OR CONSTRUCTION OF FUTURE IMPROVEMENTS SUCH AS FENCES OR BUILDINGS.
3. THIS PLAN DOES NOT IMPLY SUITABILITY OF THIS SITE FOR THE CONSTRUCTION OF A BASEMENT.
4. UNDERGROUND UTILITIES/STRUCTURES WERE NOT LOCATED AS A PART OF THIS PLAN, BUT MAY EXIST ON THIS SITE. BEFORE GROUND DISTURBING ACTIVITIES ARE BEGUN, LOCATIONS OF UTILITIES SHOULD BE OBTAINED BY THE APPROPRIATE AGENCIES BY CONTACTING INDIANA 811.



**LEGEND**

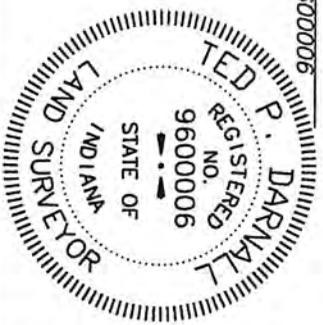
- - HUB & TACK SET
- - STAKE SET
- D. - DRAINAGE
- U. - UTILITY
- E. - EASEMENT

**CERTIFICATE**

I HEREBY CERTIFY THAT THIS DRAWING AND THE FIELD WORK ON WHICH IT IS BASED WAS PREPARED UNDER MY DIRECT SUPERVISION.

*Handwritten signature*

TED P. DARNALL PLS 9600006  
 JULY 2, 2013



REV. NO.	DATE	DESCRIPTION	BY:
<b>CROWDER AND DARNALL INC.</b>			
<b>LAND SURVEYING</b>			
COLUMBUS (812) 376-3391 INDIANA			
SITE PLAN FOR SCOTT ELLIOT			
LOT 9 & 10 IN THE ORIGINAL PLAT TOWN OF TRINITY			
JOB NO:	13013N	SHEET:	1 OF 1
FILE NAME:	Q:\2013\13013N\13013N.DWG		