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





BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS (September 25, 2023 Meeting)

STAFF REPORT

Docket No. / Project Title: BCU-2023-011 (Lavender Lane)

Staff: Kyra Behrman

Applicant: Max & Danetta Mensendieck

Property Size: 2.09 Acres

Zoning: AG (Agriculture: General)

Location: 11665 S. Jonesville Road (SR11), in Wayne Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow a retail boutique home-based business within a separate 12 foot by 28 foot (336 square foot) accessory building.

Section 6.6(Part1)(B) of the Zoning Ordinance states any accessory use meeting the definition of a home-based business, but exceeding the requirements, may be allowed by the Board of Zoning Appeals as a conditional use. The applicant is proposing to exceed the permitted-use home based business thresholds by using an accessory structure and conducting retail sales on-site.

Preliminary Staff Recommendation:

Approval, with the condition that all INDOT driveway requirements are 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.

Definition: The definition of a home based business is "a business conducted from a residential property that (1) is operated by a resident of that property, (2) is incidental and secondary to the use of the property for residential purposes, and (3) in no way alters the residential character and appearance of the property."

Development Standards: A home based business meeting the requirements listed below shall be considered a permitted accessory use to any dwelling unit. Any accessory use meeting the definition of a home-based business but exceeding the requirements listed below may be allowed by the Board of Zoning Appeals as a conditional use:

- <u>Activities:</u> The on-site wholesale/retail sale of stocked inventories is not permitted, except for incidental sales. Mail-order/telephone/internet sales, as well as the off-site distribution of sold merchandise is permitted. The home-based business shall not involve any personal services.
- 2. <u>Effects of Operation:</u> There shall be no equipment or process used in the home-based business that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable,

- without the aid of instruments, at the property line (as determined by the Planning Director). There shall be no electrical or mechanical equipment utilized in the home-based business that will create any visual or audible interference with radio or television reception.
- 3. <u>Employees</u>: The home-based business may not involve the on-site employment of any persons, or regular (on a weekly basis) on-site gathering of any employees, other than those residing at the location of the home occupation.
- 4. <u>Structural Alterations</u>: The home-based business must not require any structural or aesthetic alterations to the dwelling that change its residential character as described below:
 - a. Appearance: Neither the dwelling nor any accessory structure shall be altered in its appearance, nor the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.
 - b. Entrances: The home-based business shall not require the construction of any additional entrances to the dwelling or accessory structure.
 - c. Utility Service: The home-based business shall not require increasing or enhancing the size, capacity, or flow of the water, gas, waste treatment, or electrical systems beyond what is standard for a residence.
- 5. <u>Parking & Business Vehicles:</u> The home-based business shall not involve regular use (on a weekly basis) on-site customers, employees, meetings or other events that necessitate the installation of any off-street parking spaces in addition to those required by this Ordinance for the dwelling unit. The on-site storage of business vehicles shall beet the standards of Article 7.
- 6. <u>Deliveries:</u> The home-based business shall not involve regular use (on a weekly basis) of commercial vehicles for pickup and deliveries, other than those form the U.S. Postal Service or other small package carriers.
- 7. <u>Signs:</u> No signs of any type shall be used, other than those permitted in the zoning district by Article 10, Signs.
- 8. <u>Outdoor Storage/Display:</u> There shall be no exterior storage of equipment, employee vehicles, or materials that are related to the home-based business.
- 9. <u>Business Area:</u> The home-based business shall be located within the dwelling but 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 accessory structure shall be constructed for the purpose of housing the home-based business.

Current Property Information:	
Land Use:	Residential
Site Features:	Single-family dwelling, accessory building
Flood Hazards:	A small portion of the site on the south end of the property is located within Flood Zone X 500-year floodway fringe.
Vehicle Access:	State Road 11 / Jonesville Road, Arterial

Surrounding Zoning and Land Use:		
Zoning: Land Use:		
North:	AG (Agriculture: General)	Residential, small cemetery, Agriculture
South:	AG (Agriculture: General)	Residential, Agriculture
East:	AG (Agriculture: General)	Agriculture

West: AG (Agriculture: General)	Large lot, Single-Family residential
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Interdepartmental Review:		
County Engineer:	County Highway has no objections, but will defer to INDOT since it is their road.	
Code Enforcement:	In order to comply with the various applicable codes, the structure is required to be placed on and anchored to a permanent slab foundation. A permit and inspections are required. No other issues at this time.	
Fire Inspector:	Will require a fire inspection prior to the business opening.	
INDOT:	We would have them apply for a sub minor commercial driveway permit. This would require they upgrade the portion of drive approach in R/W to match hard surface class 2 standards, asphalt or concrete.	

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 locate a 12 foot by 28 foot (336 square foot) accessory pre-fabricated mini-barn on the property to use as a retail boutique selling clothing and jewelry. The business proposes various times of operation for 5 days / week and would be closed 2 days / week. The business would open as early as 10:00 a.m. during the summer; 11:00 a.m. in fall, winter and spring. The business would close by 6:00 p.m.
- 2. The boutique will be operated by the applicants.
- 3. A 2 square foot sign will be located on the west face of the accessory building.
- 4. Access to the proposed structure housing the home-based business will be from the existing driveway for the dwelling off of Jonesville Road / SR 11, which is an arterial. Any increased traffic generated from the home-based business would be expected to be accommodated.
- 5. The accessory structure will be located at the east terminus of the existing gravel driveway. The driveway is approximately 22 feet in width and 125 feet long measured from the right-of-way line.
- 6. One parking space is required for every 250 square foot of usable floor area. The subject mini-barn will be 336 square feet and requires 2 parking spaces. The submitted site plan indicates the availability of at least 2 existing parking spaces with a gravel surface, as well as an area in which to turn around in order to exit safely onto Jonesville Road / SR 11.
- 7. A small portion of the site on the south end of the 1.09 acre parcel is located within Flood Zone X 500-year floodway fringe. Any structure placed in that area must be adequately flood protected. The proposed location of the new building is outside of this mapped flood hazard area.
- 8. It has been determined that the applicant will not be meeting the following criteria from those mentioned above, meaning the proposed business requires conditional use approval rather than being permitted without review.
 - a. <u>Activities:</u> The on-site wholesale/retail sale of stocked inventories is not permitted, except for incidental sales. Mail-order/telephone/internet sales, as well as the off-site distribution of sold merchandise is permitted. The home-based business shall not involve any personal services.
 - The applicant is proposing to have retail sales of stocked inventory.
 - b. <u>Business Area:</u> The home based business shall be located within the dwelling and/or an accessory building, but 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 accessory structure shall be constructed for the purpose of housing the home-based business.

The applicant intends to install a separate, new, pre-fabricated mini-barn on the 1.09 acre parcel. The dwelling contains 3,157 square feet; 20% is 631 square feet. The mini-barn contains 336 square feet and meets the square footage threshold.

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.

- 1. **Policy 1-Q**: Promote development of businesses such as value-added agricultural industries that enhance agriculture and agribusiness while protecting the character and environmental quality of the county.
- 2. Policy 3-IH: Require new development to be in scale with its surroundings.
- 3. **Policy 10-A:** Encourage building to take place outside the flood plain.
- 4. **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.
- 5. **Policy 18-O:** Encourage rural-related businesses of a scale appropriate to their surroundings, such as agriculture products and services stores, seasonal produce markets, hobby and craft stores, wineries, greenhouses, small engine repair. Where these types of businesses are of a suitable scale and in appropriate rural locations, encourage them as home-based businesses.

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: There seems to be adequate visibility along Jonesville Road / SR 11, which is generally flat for approximately 725 feet in both directions from the existing driveway. Because the road is classified as an Arterial, any additional traffic generated by the proposed home-based business could be expected to be accommodated. If all INDOT-administered requirements are met, 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 location of the accessory structure will meet all required setbacks. Two parking spaces are required for the proposed home-based business; the submitted site plan indicates this can be accommodated, as well as an area to turn-around in order to exit safely onto SR 11. 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 adjoining properties and those in the general area would not be expected to experience any negative effects from the home-based business. It is not uncommon in this general agriculturally-used area to have accessory structures. The applicant is proposing to be open 5 days / week, with various daily hours of operation: 10:00 a.m. the earliest, and 6:00 p.m. the latest. The proposed hours of operation would not seem to be disruptive in this rural farming community. 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 home —based business is proposing to use a pre-fabricated mini-barn, which is not out of character for the rural environment and aesthetic. A mini-barn is a common structure in the general rural area. Allowing this retail boutique as a home-based business would not change the general agriculture character of the area. The proposed structure would be consistent with the intent and character of the AG zoning district. Furthermore, the Comprehensive Plan encourages rural-related home-based businesses of a suitable scale and in appropriate rural locations. 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.

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City of Columbus - Bartholomew County Planning Department Conditional Use Application

Submit applications and materials by e-mail to planning@columbus.in.gov. If questions, please call: 812.376.2550. Submittal instructions available at https://www.columbus.in.gov/planning/applications-forms/.

To be Completed by the Planning Department		
Pre-submittal Meeting on (date): by (initials):		
Application Received on (date): 8 2 2 by (initials): JAW		
Jurisdiction: Columbus Bartholomew County Joint District		
Hearing Procedure: Board of Zoning Appeals Hearing Officer		
Docket No.: PCU-2023-011 Zoning District: AG		
Property Owner Name (from GIS): Max & Danette Mensendiek	-	
To be Completed by the Applicants		
		100 AM 400 0
STOP! All conditional use applicants must meet with a Planning Department staff mem application. Please contact the Department at 812.376.2550 at least 1 week prior to the Appeals application deadline to schedule a review meeting. The Department cannot guif contacted less than 1 week prior to the deadline and is not responsible for any misse	applicable Boa	rd of Zoning
Representative / Notification Information:		
The contractor, surveyor, attorney, or other person authorized to act on behalf of the project owner (or the representative will be used) and to whom all correspondence regarding this application should be directed	e project owner if r d.	o other
Representative Person's Name: Max Mensehdiek (0 - 0 wher Ispayse		
Representative's Company Name: <u>IIUU5 S SR II in GIS</u>		
Mailing Address: 1145 J. JMESVIIIE Rd. Columbus (number) (street) (city)	(state)	47201
Phone No.: 813-374-3887 E-mail Address: Amensendictegmail. com	(state)	(zip)
All correspondance will be by e-mail unless another method has been agreed upon by t	he Planning De	partment.
Project Information:		
The home owner, business, institution, etc. that is making the request – <u>NOT</u> the contractor, surveyor, or call the project owner will be representing themselves, their information should be entered above and "same a	other representatives above" may be e	ve (see above). If entered below.
Home Owner, Business, Institution, Etc. Name:O_OWNCYS - IVIWY and Janeth	e Mensen	diek
Business, Institution, Etc. Contact Person Name: Danette Mensendiel - Lave	ndar Lane	
Mailing Address: (Sum e us above (city)	()	
Phone No.: 812-343-5309 E-mail Address: Clmens endiele gmail. com	(state)	(zip)
Property / Location Information:		
Property Address: Muss S. Jonesville Rd. Columbus (number) (street) (city)		
or General Location (if no address has been assigned provide a street corner, subdivision lot number, e	tc.):	

Conditional Use Requested: I am requesting a conditional use per Section 6.6 (PART 1)(B) of the Zoning Ordinance to allow the property to be used for the following (as defined by the zoning ordinance): co-operator nan home based retail boutique. 12 Hx 28 H on our home property-11665 5. Please describe the proposed use further: would be a lofted cabin 12 ftx 28 ft. Builder will deliver pre-assembled and by myself and spouse as co-onners. No employees needed. name of business is "Lavender Lane" - We will need electric; heating/air, insulation, and dry wall conditional Use Criteria: hung and painted - I will need, a left x ift sign on the Dright side of the Will of the porch hangover see pg 3 in image sleeve.

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. For example: What harm could come from approving the conditional use? Would it create any public safety issues? Why or why not? due to buildings coming pie-ass embled No loud construction work should disturb neighbors. or mechanical will be used that would interfere with neighbors. of chemicals or hazardous Substances will disposal odor, or no smake Hours of operation will vary, but not to open exceedingly early or close late- See page The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses. For example: Will the conditional use be able to meet minimum building setbacks, parking standards, and other requirements? If not, are variances being sought to address those items? minimum side set back for a reessor ing to the Columbus Barth. Co. Zoning ordinance will be within that standard, being greater than 15 business. No additional be used to pull into rivewal in place will Adequate parkingspace is available. 8-9 parking spots-NOT extending into 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. For example: The property is zoned Single Family awell. Are there risks that the conditional use will cause harm to the neighbors ability to use and enjoy their property? Is there reason to believe that the conditional use will cause harm to neighboring property values? neighbors use should not WILL will be made able to accommodate the addition traffic- DISO, no deliveries Theet 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. Will the conditional use change the character of the area? Will it involve a building, operation, or features that are significantly different than what is common to the zoning district? If the property is located in the jurisdiction of the City of Columbus visit https://www.columbus.in.gov/planning/comprehensive-plans/. If the property is in the jurisdiction of Bartholomew County visit https://www.columbus.in.gov/planning/comprehensiveplans/comprehensive-county-plans/. Include statements or concepts that support the request. hadence that the new boutique will be unique in this area. We muntain that but a small supplemental income while on our property. Please regard as true, there will be no public restrooms, unless required to do so. So, no fluids in gases in severe in ground. No dumping of danger our materials, no outside product left in yard visible from street our vision and commercial or industrial Updated 7.30.2022 hope for "Lavendar lone botting are is to loving enchantment and charm to S. Imesvillekel Page 2 of 3

And, providing an inviting, aftordable, and memorable Shopping experience for the customer

* Refer to the last tew pages in bender examples of products warning to offer

Additional page ..

Continuation of question H2. According to hesidential pareing space Standards (table 7.2)
"For retail parking space you are alloted I space per 250 Sq. It of building. Our

"building is 336 Sq. A. Adequate parking spaces provided and property allots for

convenient customer turn around in drivieway to pievent having to back up onto

livy II. No addition spaces needed for employees. My husband and I will be

only one's working loperating Store 25 Co-Owners. No many facturing or personal services

will be performed in home-based business. Inventory will be ordered on time through

wholesole companies.

Continuation of question H3 - large commercial vehicles. Will be ordering inventory from Wholesale suppliers online, once we get a sellers permit. Only U.S. Postal services or other small carriers will be entering; exiting drive way. In relation to the possible delvaluation of nearby properties. We believe that the charming accessory structure with proper landscaping will add character to the area. With the vision of the area homes nearby, we purposely selected colors for siding and roof compliment the surrounding homes.

Representative's Signature / Acknowledgement:	
The information included in and with this application is completely	true and correct to the best of my knowledge and belief.
my mulel	8-21-23
(Representative's Signature)	(Date)
MHX Mensennie/L (Representative's Printed Name)	
(Nepresentative's Filined Name)	
Property Owner's Signature:	
The owner DOES NOT include a tenant or contract buyer. Applications su	ibmitted without the property owner's signature will not be processe
I authorize the filing of this application and will allow the Planning I analyzing this request. I understand that a public notice sign may the request is complete.	Department staff to enter this property for the purpose of be placed and remain on the property until the processing o
Aprile Newer My My My (Property Owner's Signature)	8-21-23
	(Date)
Danette Mensentiel MAX Mensennick	
(Property Owner's Printed Name)	
Signer's Ownership Role or Representation:	
If the person signing as the property owner is not specifically listed as such relationship to that officially listed person, role in that corporation or entity,	n in the records of Bartholomew County, please indicate their etc. below.

(Signer's Ownership Role or Representation)



6 Year warranty on New Sheds.

Used/Repo sheds do not have warranty.

2X6 floor joist & 2X6 loft joist 10ft and wider.

2X4 floor joist on 8ft wide sheds.

Pressure Treated Floor Joist and Foundation Skids.

8ft & 10ft wide sheds have 2 skids.

12ft, 14ft, & 16ft wide sheds have 4 skids.

Wall Studs spaced 16" on center on sheds with wood siding and vinyl siding.

Wall Studs spaced 24" on center on sheds with metal siding and on chicken coops.

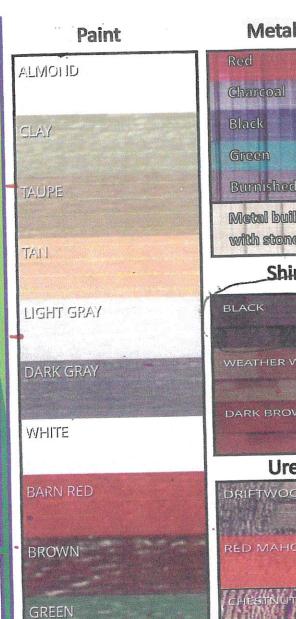
Trusses spaced 24" on center.

www.hoosiersheds.com

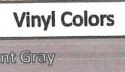
ee Delivery and Setup Within 40 Miles!



lent-To-Own was established as an alternative to mini-warehousing. our no strings plan allows you to have your own storage facility for our backyard or business, when and where you need it. The low monthy rental rates are comparable to mini warehousing rates per square foot. fou are not required to fill out a credit application, nor are you required o keep your building. Rent-to-own prices are based on 36 or 60 months.









BLACK

GAP GRAY

PEPPERCORN

SAGE GREEN

CABIN

ncludes (4) 2X3 windows and a 9-lite entry door.

Due to limited space, 10' wide has only 3 windows.



7'8" Wall Height. Choice of 4ft or u

Size	Price	36 mo.	60
10X16	5,353.00	247.82	193.
10X20	6,055.00	280.32	219.38
12X16	6,438.00	298.06	233.26
12X20	7,265.00	336.34	263.22
12X24	8,102.00	375.09	293.55
12X28	8,934.00	413.61	323.70
12X32	9,761.00	451.90	353.66
12X36	10,594.00	490.46	383.84
14X32	11,225.00	519.68	406.70
14X36	12,183.00	564.03	441.41
14X40	13,142.00	608.43	476.16
16X36	13,773.00	637.64	499.02
16X40	14,853.00	687.64	538.15

Includes (4) 2X3 windows and a 9-lite entry door.

LOFTED CABIN

6'6" Wall Height. Choice of 4ft or 6ft Porch.



Size	Price	36 mo.	60 mo.
10X16	5,727.00	265.14	207.50
10X20	6,573.00	304.31	238.15
12X16	6,700.00	310.19	242.75
12X 2 Q	7,630.00	353.24	276.45
12X24	8,555.00	396.06	309.96
12X28	9,490.00	439.35	343.84
12X32	10,416.00	482.22	377.39
12X36	11,347.00	525.32	411.12
12X36 14X32	11,347.00 11,977.00	525.32 554.49	411.12
14X32	11,977.00	554.49	433.95
14X32 14X36	11,977.00 13,048.00	554.49 604.07	433.95

LOFTED CASITA

6'6" Wall Height. 4ft X 12ft Porch

Includes (4) 2X3 windows, 9-lite entry door, and double wood doors.





Proper insulation is required prior to heating inside a shed to prevent condensation. We recommend upgrading to our vinyl insulated windows if you are needing insulated / heated storage. Warranty does not cover condensation damage / mold caused by heating without adequate insulation.

Size	Price	36 mo.	60 mo.
12X16	7,027.00	325.32	254.60
12X20	7,957.00	368.38	288.30
12X24	8,883.00	411.25	321.85
12X28	9,813.00	454.31	355.54
12X32	10,739.00	497.18	389.09
12X36	11,669.00	540.23	422.79
14X32	12,300.00	569.44	445.65
14X36	13,371.00	619.03	484.46
14X40	14,436.00	668.33	523.04
16X36	15,068.00	697.59	545.94
16X40	16.278.00	753.61	589.78



Co-owners: Max and Danette Mensendiek 12 ft x

Lavender Lane

outside wall sign-placement

Enterance K parking (

12 ft x 28 ft- Lofted cabin - to be used for Boutique.

Hay 11- S. Johcsville Ry

Co-owners: Max and Danette Mensendiek dmensendiek@gmail.com 812-343-5309

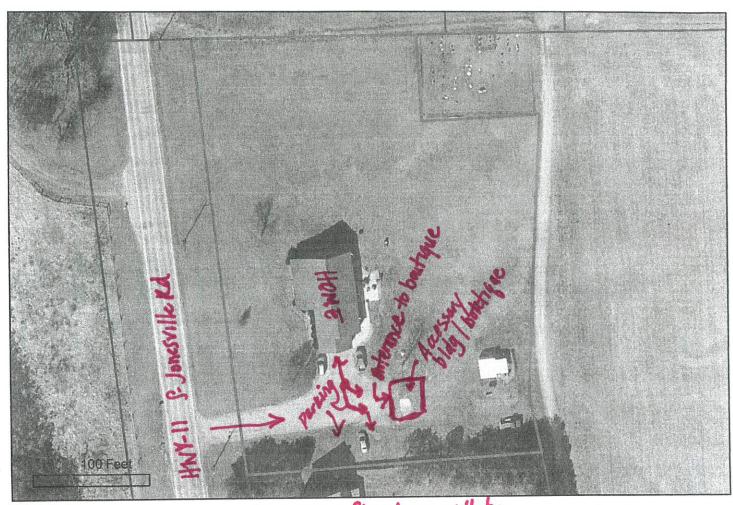
anon

Image of sign for building

asylt rectinale

Bartholomew County, IN

11665 S SR 11, COLUMBUS, IN 47201 03-86-32-000-001.104-020



Accessory Structure will be greater than is At maximum side-setback Taxing District

Parcel Number:

03-86-32-000-001.104-020

Township: W

WAYNE TOWNSHIP

Land Description

Alt Parcel Number:

12-86-32.00-1104

Corporation:

BARTHOLOMEW CONSOLIDATED

Property Address:

11665 S SR 11

COLUMBUS, IN 47201

ANTIOLOWEW GONGOLIDATE

Neighborhood:

Wayne Rural Res, Ag, Com, Ind.-020

Land Type

Acreage Dimensions

Property Class:

1 Family Dwell - Platted Lot

9 91 1.0 1.09

Owner Name:

MENSENDIEK MAX E & DANETTE Y MAX E & DANETTE Y MENSENDIEK

Owner Address:

11665 S JONESVILLE RD COLUMBUS, IN 47201

Legal Description:

Lot 1 - Louis Mensendiek Replat

Tract 1 (R/44B)

- Self-funded.
- Home co-owners are operators. No employees needed.
- Will need seller's permit/ tax ID # to be able to purchase items wholesale online to build up inventory to sell at home business.
- Will be having installation of electrical, heat/air, and drywall will be hung/painted.
- Cost of cabin as delivered- approx \$9,490 before tax/fees.
- Expected additional costs tbd- dry wall, heat/air, electric, permits, landscaping, etc.
- Will need to apply for a sign permit and building permit pending approval.

Hours of Operation

Fall/Winter/Spring hours

Sun-2 pm-6 pm

Mon-Closed

Tues- 2 pm- 6 pm

Wed-2 pm-6 pm

Thurs-Closed

Fri-3 pm-5pm

Sat- 11:00 am-6 pm

Summer hours

Sun-Closed

Mon- 11 am- 4 pm

Tues-11 am-4 pm

Wed- 11 am-4 pm

Thurs-closed

Fri- 11 am-4 pm

Sat- 10 am- 5 pm