



**BARTHOLOMEW COUNTY, INDIANA
BOARD OF ZONING APPEALS**

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Docket Number: BDS-2023-008

Applicant: Jonathan Clipp

Filing Date: July 25, 2023

Hearing Date: August 28, 2023

Property Location: 7071 W. Lowell Road, in German Township

Variance(s) Requested:

A Variance from Zoning Ordinance Section 6.1(A) to allow an accessory structure to be constructed before the primary structure in an AG (Agriculture: General) zoning district.

Board Action Taken:

Approved by a Vote of 3 to 2

The Bartholomew County Board of Zoning Appeals acted under the authority of Indiana law as follows: IC 36-7-4-918.5: a board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance.

In its deliberations, the Bartholomew County Board of Zoning Appeals weighed the evidence associated with the following criteria and made the findings listed below. These written findings shall be considered the official findings of the Board and shall supplement any spoken findings offered at the time the Board's decision was made. Any distinctions between these written findings and those that were spoken serve only to clarify any paraphrasing or commonly understood language used in the spoken findings through the use of technical content of identical meaning.

Criteria #1: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(1)(a), the approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Finding: The proposed accessory structure will be placed approximately 870 feet from Lowell Road and is far enough from the road to not cause any sight visibility issues. According to the submitted site plan, the accessory structure appears to comply with the Zoning Ordinance in terms of size and setbacks. The site is accessed by approximately a 12-foot wide gravel driveway that could be used by emergency personnel, if needed. This criterion has been met.

Criteria #2: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(1)(b), the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

Finding: The subject building site is located approximately 750-feet off of Lowell Road and is surrounded by mature woods. The proposed accessory structure is not

visible from Lowell Road and the nearest adjoining home is separated by a mature tree line, likely causing the structure to not be visible. Accessory structures are very common in this area; constructing an accessory structure before the primary structure would not adversely impact the use and enjoyment of neighboring residential properties. However, there is no guarantee the applicant will construct a home on the property. This criterion has been met

Criteria #3: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(1)(c), 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.*

Finding: Because an adjoining lot previously received a variance to have an accessory structure on a lot before a primary structure, the Board believes a precedent has been established in the rural neighborhood. This criterion has been met.

These findings of fact have been adopted by the Bartholomew County Board of Zoning Appeals on the _____ day of _____, 20____.

Chairperson

Secretary