



**BARTHOLOMEW COUNTY  
BOARD OF ZONING APPEALS  
HEARING OFFICER  
(September 12, 2023 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** BDS-2023-011 (Doug & Catey Hale)  
**Staff:** Andres Nieto  
**Hearing Officer:** Melissa Begley  
  
**Applicant:** Doug & Catey Hale  
**Property Size:** +/- 18,914 square feet  
**Current Zoning:** RS1 (Residential: Single-family 1)  
**Location:** 10631 West Grandview Drive, in Harrison Township.

**Background Summary:**

The applicant has indicated that the proposed variance is for the purpose of allowing an attached garage to be built 8 feet into the required 25-foot front setback.

**Preliminary Hearing Officer Decision:**

Approval; All criteria have been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the RS1 (Residential: Single-family 1) zoning district is as follows: To provide areas for low-density single-family residences in areas with compatible infrastructure and services.

**Development Standards:** Section 3.8 (C) Minimum Front Setback:  
Local Road = 25 feet

Current Property Information:	
Land Use:	Single-family residential
Site Features:	Single-family home, accessory structure, boat dock.
Flood Hazards:	FEMA Zone A 100-yr Floodplain
Vehicle Access:	Grandview Drive (Local)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	RS1 (Residential: Single-family 1)	Single-family residential
<b>South:</b>	RS1 (Residential: Single-family 1)	Single-family residential
<b>East:</b>	AG (Agriculture: General Rural)	Woods
<b>West:</b>	RS1 (Residential: Single-family 1)	Single-family residential

<b>Interdepartmental Review:</b>	
<b>County Engineer:</b>	There would be no immediate impact on the road system, although there may be challenges with utilities along the right-of-way line.
<b>Code Enforcement:</b>	Approval of this request would not create any building code or permitting issues.
<b>County Fire Inspector:</b>	No concerns.

### **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 requesting a variance in order to build an attached garage into the required minimum 25-foot front yard setback. Specifically, a corner of the garage will be located in the 25-foot setback and will be approximately 17 feet from the property line, encroaching 8 feet into the front setback.
2. Zoning Ordinance Section 3.8(C) requires a building setback of 25 feet for any garage with a vehicle entrance facing the street. Otherwise, the setback is 10 feet.
3. The subject property is part of the Grandview Lake subdivision/area.
4. The concept plan submitted by the applicant shows the attached garage located and designed in a way to minimize the setback encroachment as much as possible.
5. The current vehicle parking for the subject property is located in a small gravel lot on the side of West Grandview Drive. This gravel parking area is elevated to be on-grade with the road, but is technically located mostly in the planned right-of-way area.
6. There is steep topography on this property which greatly affects the ability for safe driveway/parking access to be located on the subject property safely. From the front property boundary to the rear property boundary along Grandview Lake, the topography drops approximately 32 feet. This steep topography also dictates the location of this attached garage on the property.
7. The majority of the homes on Grandview Lake are oriented towards the lake rather than the street.
8. Most of the lots in this Grandview Lake subdivision have parking areas situated along the frontage of their property, along the street.

**Provisional Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals Hearing Officer may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Hearing Officer 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 proposed location is not impeding any visibility for the general public traveling on Grandview Drive or creating any harm to the welfare of the general public. 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 construction of the garage in the front setback does not prohibit the neighboring properties from being used residentially, as they are both zoned. Both adjoining properties have existing single-family dwellings. Many homes on the lake have parking areas/structures located within the front yard due to the topography and typical lakeside development. 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 32-foot drop in topography from the road to the lake prevents the ability to safely locate vehicle driveway/parking areas to be located on any other portion of the property and creates a practical difficulty in locating a garage on the property. This criterion has been met.*

**Hearing Officer Options:**

In reviewing a request for development standards variance the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.

**City of Columbus - Bartholomew County Planning Department**  
**Development Standards Variance Application**

Submit applications and materials by e-mail to [planning@columbus.m.gov](mailto:planning@columbus.m.gov). If questions, please call: 812.376.2550.  
Submittal instructions available at <https://www.columbus.in.gov/planning/applications-forms/>.

Application Received: **8/4/23** by (initials) **JAM**

Jurisdiction: **County**

Docket No: **BDS-2023-011** Zoning District: **RS1**

Property Owner Name: **Douglass S & Catherine T Hale**

**To be Completed by the Applicants**

**STOP! All variance applicants must meet with a Planning Department staff member before completing this application.** Please contact the Department at 812.376.2550 at least 1 week prior to the applicable Board of Zoning Appeals application deadline to schedule a review meeting. The Department cannot guarantee a timely review meeting if contacted less than 1 week prior to the deadline and is not responsible for any missed deadline that may result.

**Representative / Notification Information:**

*The contractor, suNeyor, attorney, or other person authorized to act on behalf of the project owner (or the project owner if no other representative will be used) and to whom all correspondence regarding this application should be directed.*

Representative Person's Name: Tan Tran

Representative's Company Name: Tan Tran Designs

Mailing Address: 7595 S. Sprague Rd. Columbus Indiana 47201  
(number) (street) (city) (state) (zip)

Phone No.: 812-390-6729 E-mail Address: tantrandesigns@yahoo.com

**All correspondence will be by e-mail unless another method has been agreed upon by the Planning Department.**

**Project Information:**

*The home owner, business, institution, etc. that is requesting the variance - NOT the contractor, suNeyor, or other representative (see above). If the project owner will be representing themselves, their information should be entered above and "same as above" may be entered below.*

**Home Owner, Business, Institution, Etc. Name: Doug & Catey Hale**

**Business, Institution, Etc. Contact Person Name: Catey Hale**

Mailing Address: 10631 W. Grandview Drive Columbus, Indiana 47201  
(number) (street) (city) (state) (zip)

Phone No.: 317-281-6384 E-mail Address: cateyhale@gmail.com

**Property/ Location Information:**

Property Address: 10631 W. Grandview Drive Columbus  
(number) (street) (city)

Q1 General Location (if no address has been assigned provide a street corner, subdivision lot number, etc):

### Variance Requested:

I am requesting a variance from Section **3.8 (C)** of the Zoning Ordinance to allow the following

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Please describe the project for which the variance is sought:

**a new attached garage in front of existing residence which encroaches into the 25 feet front building setback line.**

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### Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** For example: What harm could come from approving the variance? Would it create any public safety issues? Why or why not.

**Please see attached responds.**

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- 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.** For example: What impacts can the neighbors realistically expect to the use of their property and to their property values? Will approval of the variance cause any negative impacts to the neighbors? Why or why not.

**Please see attached responds.**

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- 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.** For example: Is there a reason the property cannot be used without the variance? If so, what is that reason (does a stream, existing building, well, or septic system limit options for new construction)? Explain the reason.

**Please see attached responds.**

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### Application Fee Refund Information:

The adopted Planning Department Schedule of Application Fees provides for the refunding of the application fee for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom any refund should be provided:

Name: Tan Tran

Address: 7595 S Sprague Rd Col, In 47201  
(number) (street) (city) (state) (zip)

**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.

Tan Tran  
(Representative's Signature)

07-29-2023  
(Date)

TAN TRAN  
(Representative's Printed Name)

**Property Owner's Signature:**

*The owner DOES NOT include a tenant or contract buyer. Applications submitted without the property owner's signature will not be processed.*

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. I understand that a public notice sign may be placed and remain on the property until the processing of the request is complete.

Catherine T. Hale  
(Property Owner's Signature)

7/29/2023  
(Date)

Catherine T. Hale  
(Property Owner's Printed Name)

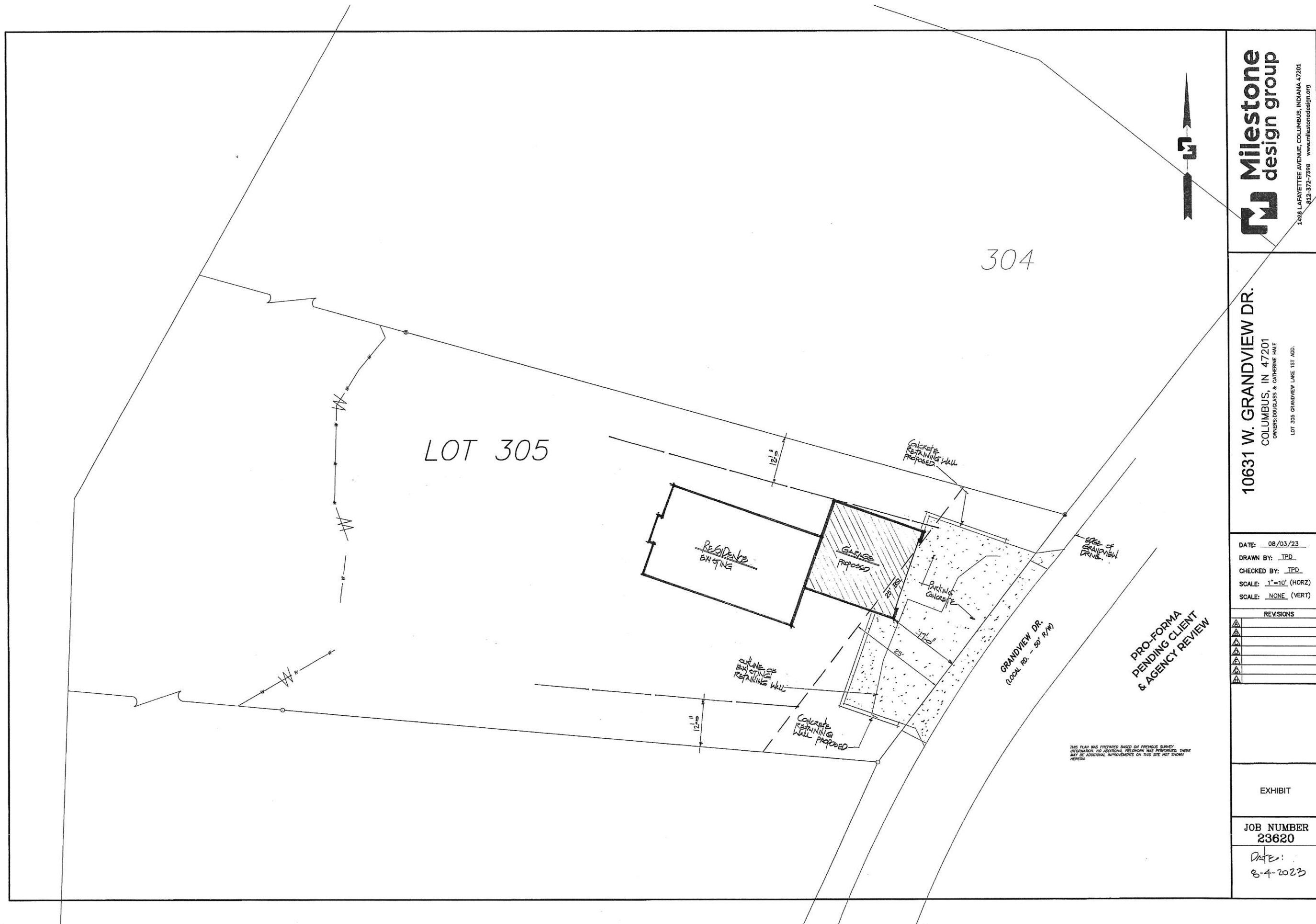
**Signer's Ownership Role or Representation:**

*If the person signing as the property owner is not specifically listed as such in the records of Bartholomew County, please indicate their relationship to that officially listed person, role in that corporation or entity, etc. below.*

\_\_\_\_\_  
(Signer's Ownership Role or Representation)

Variance Request Justification:

1. The proposed ATTACHED garage is to be located in front of the existing house with ample concrete driveway to the local street and poses no harm nor limitation to our neighbors, pedestrians, or vehicles' traffic line of sight.  
This property has no public access to and from Grandview Lake.
2. Our project should have no adverse impact on our neighbors' use of their property or value.  
With the garage addition, we feel that it will increase the value to our property, our neighbors, and The Grandview Lake Community.
3. The property topographic and the current house location proximity to the road limits where this garage addition can be placed.  
The only open current green space for a garage addition is located to the south of the existing residence which drops 18 feet down from edge of road, making it dangerous and treacherous to have a driveway down or backing up into oncoming traffic.  
We feel placing this garage addition to the east in front of the existing house makes the most sense in terms of architecture, practicality and safety.  
Placing this structure anywhere else on this property would possess a challenge with taller/bigger foundation, creating a more visual architectural blockage, inhibiting our neighbors' view of Grandview Lake.



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PRO-FORMA  
PENDING CLIENT  
& AGENCY REVIEW

THIS PLAN WAS PREPARED BASED ON PREVIOUS SURVEY  
INFORMATION. NO ADDITIONAL FIELDWORK WAS PERFORMED. THERE  
MAY BE ADDITIONAL IMPROVEMENTS ON THIS SITE NOT SHOWN  
HEREIN.