



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
HEARING OFFICER
(September 12, 2023 Meeting)**

STAFF REPORT

Docket No. / Project Title: CDS-2023-023 (Brian Stillabower)
Staff: Andres Nieto
Hearing Officer: Melissa Begley

Applicant: Brian Stillabower
Property Size: +/- 1.46 Acres
Current Zoning: AP (Agriculture: Preferred)
Location: 1050 N Wolf Drive, in the City of Columbus.

Background Summary:

The applicant has indicated that the proposed variance is for the purpose of allowing a detached accessory structure (barn/garage) to be 2,560 square feet, 855 square feet larger than the ground floor area of the primary structure.

Preliminary Hearing Officer Decision:

Approval; All criteria have been met.

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.

Development Standards: Section 6.1 (F)(2) Accessory Structure Limitations (Properties less than 2 acres):

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.

Current Property Information:	
Land Use:	Single-family residential
Site Features:	Woods, single-family dwelling
Flood Hazards:	N/A
Vehicle Access:	Wolf Drive (Local, Residential, Rural)

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

Interdepartmental Review:	
County Fire Inspector:	No issues as submitted.
County Health Department:	At this time, our office has not received any application (conditional) on the above address for the proposed barn.
County Technical Code Enforcement:	No response.
County Highway:	No response.

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 a detached accessory structure larger than the maximum permitted square footage. This maximum is based on the ground floor area of the primary structure (home) on the subject property, which is approximately 1,705 square feet. This standard for accessory structures only applies to properties less than 2 acres in size.
2. The intent of this standard is to have a context-based solution to accessory structures on smaller lots outside of the City limits that are in agriculturally zoned areas.
3. The subject property is located in a small residential subdivision within the AP (Agriculture: Preferred) zoning district. Of the 8 lots in this subdivision, half are less than 2 acres, while the others are over 5 acres in size. This means that the size limitation for accessory dwelling units only applies to half of the properties in this subdivision (the smaller lots), meaning structures similar to the one proposed would be permitted outright in this neighborhood on the lots greater than 2 acres. Furthermore, homes with a larger ground floor footprint (even on these smaller lots) would allow an accessory structure of the same size of the applicants without a variance.
4. Although this size standard is based off of the ground floor area of the primary structure (home), it doesn't take into account the total area of the primary structure. The applicant's home has a compact footprint, but is 2-stories with a basement. Taking this into account, the size of the accessory structure is more proportional to the home of the applicant and his family.
5. Accessory buildings similar to the applicant's proposal are common in agriculturally-zoned areas. Outside of the immediately surrounding neighborhood, properties have similarly sized detached garage/barns for various personal uses.

6. The applicant has indicated the location of a septic system limits the space where the accessory building would fit on the subject property. This septic system location would also affect the ability for a similarly sized building addition to be constructed attached to the primary structure.
7. The proposed location of the accessory structure is along the rear property boundary and is distanced away from most of the surrounding neighbors' homes.
8. The subject property is located in the middle of a densely wooded area. All of the surrounding 3 properties are completely wooded at the property boundary where this accessory structure is proposed to be located. This would limit any nuisance/disturbance this accessory building would cause, if any.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals Hearing Officer may approve or deny variances from the development standards of the City of Columbus 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: City and County departments shared no comments or concerns about this proposed size variance. The structure is proposed to be located along the rear property line, away from most of the surrounding neighbors and will not be injurious to the public health and safety of the 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: Most of the properties in this small residential subdivision would be permitted a similarly-sized accessory structure outright. Accessory structures like the one proposed are common in agriculturally-zoned areas. The applicant is proposing to locate the structure along the rear property line, away from most of the surrounding neighbors. 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: Although the size standard for accessory structures are based off of the ground floor area of the primary structure (home), it does not take into account the total area of the primary structure. This means that other properties would be able to build similarly-sized accessory structures outright just because their house has a larger building footprint, where compact building footprints with several stories are limited. Furthermore, the location of the septic system limits the areas where a similarly-sized building addition could be attached to the home. 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.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): 8/18 by (initials): AEB & AN
Application Received on (date): 8/22/23 by (initials): JAM
Jurisdiction: ☒ Columbus ☐ Bartholomew County ☐ Joint District
Hearing Procedure: ☐ Board of Zoning Appeals ☐ Hearing Officer
Docket No.: CDS-2023-023 Zoning District: AP
Property Owner Name (from GIS): Stillabower Brian D & Lesley M

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, surveyor, 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: Brian Stillabower

Representative's Company Name: _____

Mailing Address: 1050 N Wolf Dr Columbus, IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-344-8433 E-mail Address: stillabower.brian@outlook.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, surveyor, 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: Brian Stillabower & Lesley Stillabower

Business, Institution, Etc. Contact Person Name: _____

Mailing Address: 1050 N Wolf Dr Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-344-8433 E-mail Address: stillabower.brian@outlook.com

Property / Location Information:

Property Address: 1050 N Wolf Dr Columbus
(number) (street) (city)

or 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 6.1 (F)(2) of the Zoning Ordinance to allow the following:

Building an accessory building on the aforementioned property.

Please describe the project for which the variance is sought:

The variance is being sought to allow building an accessory structure that has a larger foot print than that of the main dwelling.

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 Attachment - Question 1

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 Attachment - Question 2

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 Attachment - Question 3

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: Brian Stillabower

Address: 1050 N Wolf Dr Columbus IN 47201

(number)

(street)

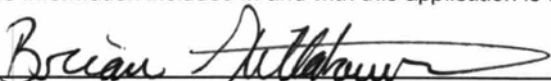
(city)

(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.



(Representative's Signature)

8/22/2023

(Date)

Brian Stillabower

(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.



(Property Owner's Signature)

8/22/2023

(Date)

Brian Stillabower - Lesley Stillabower

(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)

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

Question 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.

No public health, safety, morals, or general community welfare issues will be created with the approval of this variance.

- The septic tank is on the west side of the property directly behind the main dwelling. The proposed building is to be built on the Northeast corner of the property, which will not obstruct the septic system. (Exhibit 1)
- No power lines exist above or below where the proposed building is to be built.
- There is no intent to run a business from the proposed building.
- There is no intent to have this building occupied as a livable space.



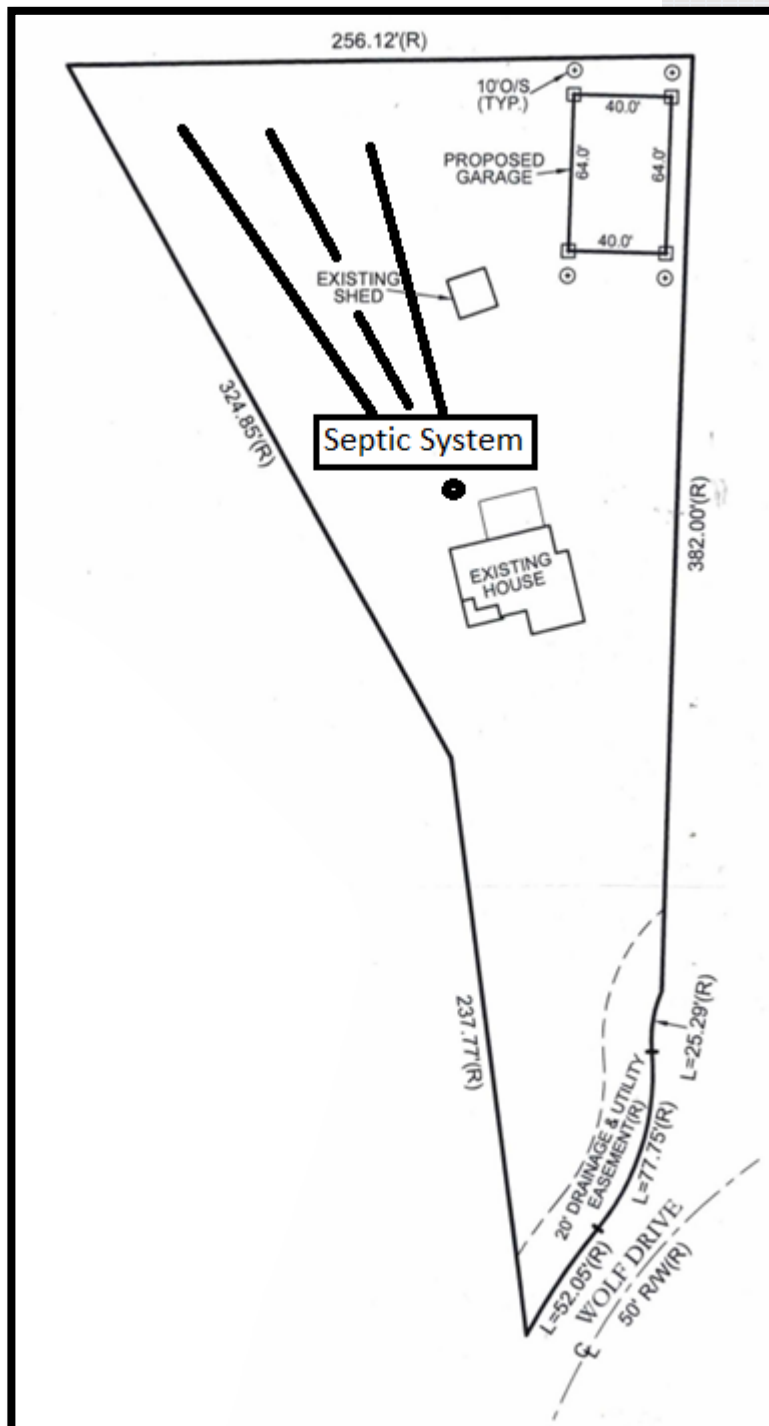
Stillabower 1050 N Wolf Dr.

APPLICATION FOR VARIANCE
EXHIBITS

Exhibit 1

Septic System is on the west side of the property

Proposed Accessory building is on the Northeast Corner of the property





North

Exhibit 2

Photos of surrounding

Vantage Point:

Proposed Accessory Building location



East



South



West

Exhibit 3

Satellite Photos of Neighborhood

The proposed building should not be seen from the neighbor (1030 N Wolf Dr.) to the West as our primary dwelling impairs the view of the building.

Also see Exhibit 2 photos

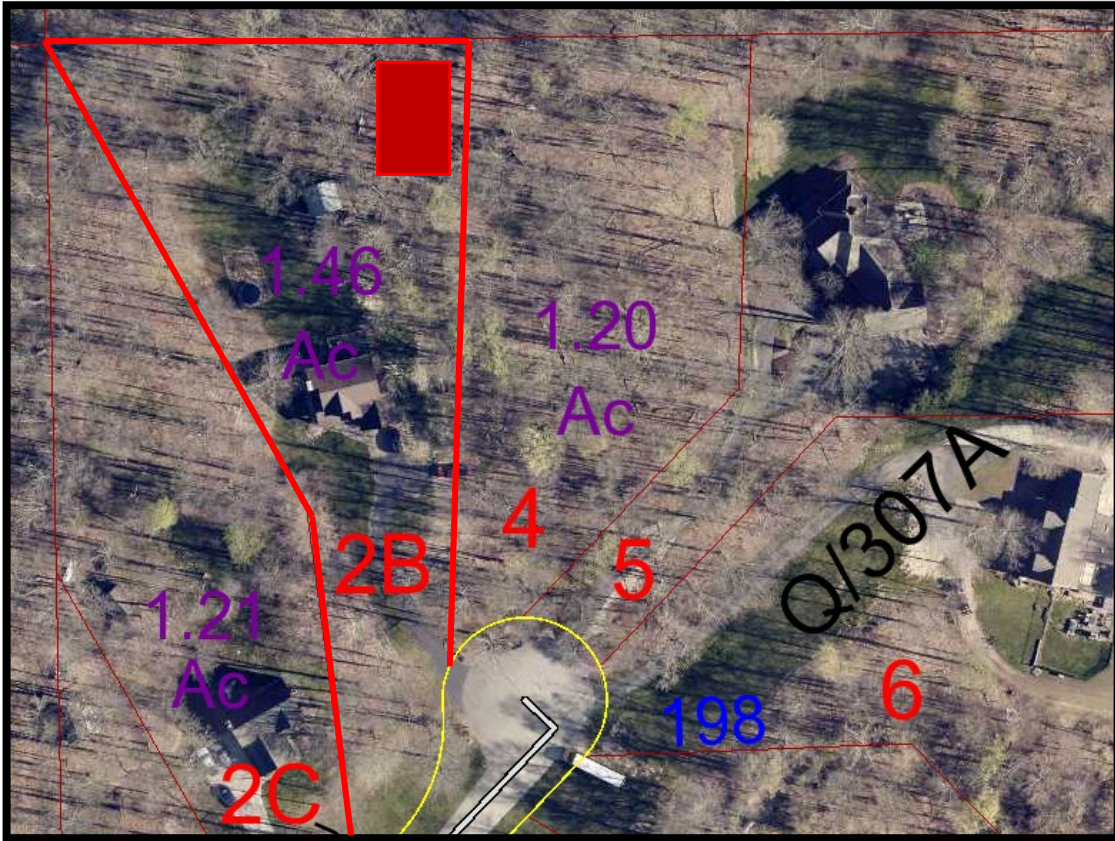


Exhibit 4

Distance from Main Dwelling

From the northeast corner of the porch, to the southwest corner of the proposed building is approx. 96'.

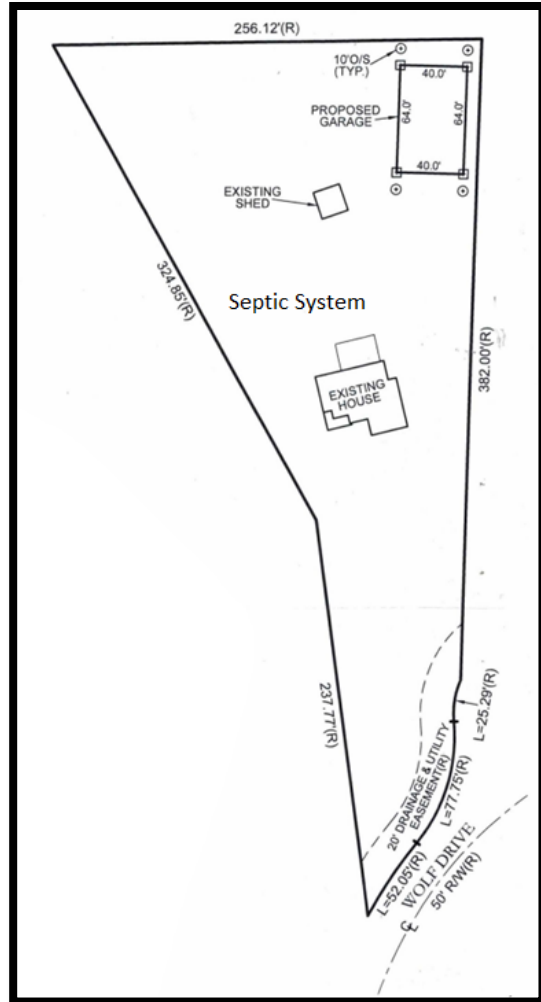


Exhibit 5

Distance From Property Line

The Locations of the proposed structure shown on this drawing is at least 15 feet from the rear yard property line (North)

And at least 8 feet from the side yard property lines (East)

NOTE:

THIS DRAWING REPRESENTS THE LOCATION OF PROPOSED STRUCTURES AS REQUESTED BY THE APPLICANT FOR A BUILDING PERMIT AND SHOULD NOT BE USED TO DETERMINE PROPERTY LINES FOR ANY FUTURE IMPROVEMENTS. THE LOCATION OF THE PROPOSED STRUCTURE SHOWN ON THIS DRAWING IS AT LEAST 15 FEET FROM THE REAR YARD PROPERTY LINE (NORTH), AND AT LEAST 8 FEET FROM THE SIDE YARD PROPERTY LINES (EAST).

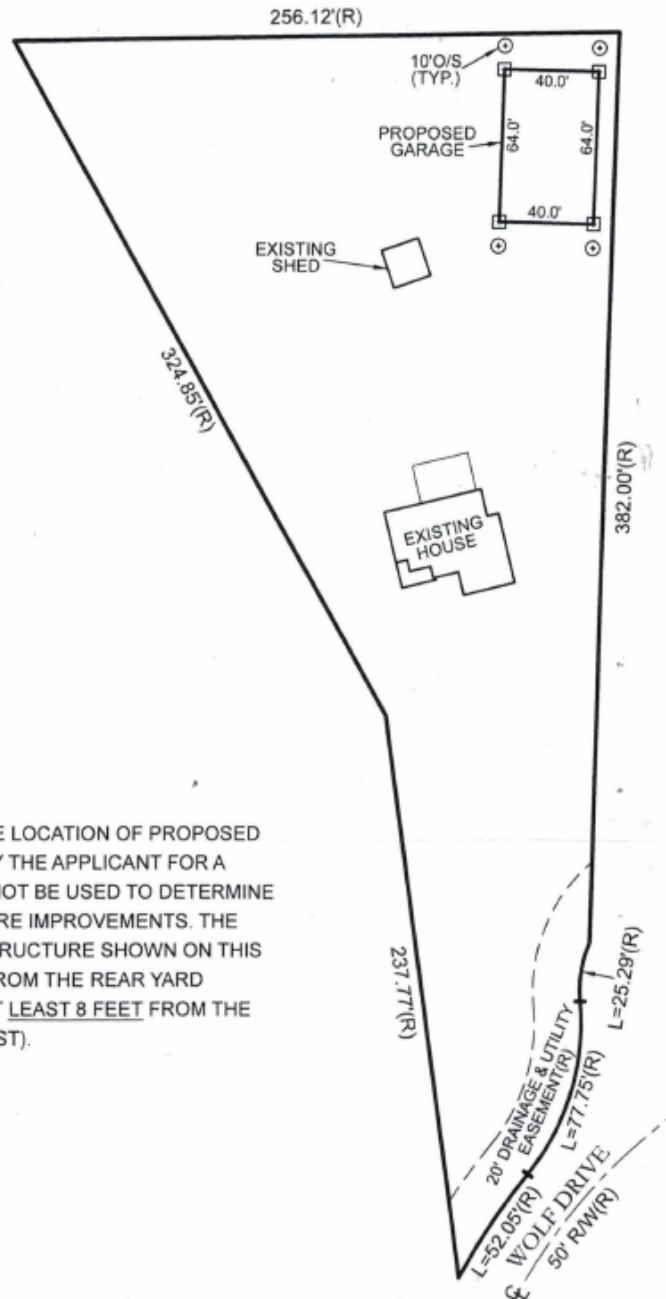


Exhibit 6



Proposed Building Concept

The proposed building is expected to be Brown and Beige in color to remain neutral and natural to blend in with the surroundings, especially in the winter

Exhibit 7

Proposed Storage Plan

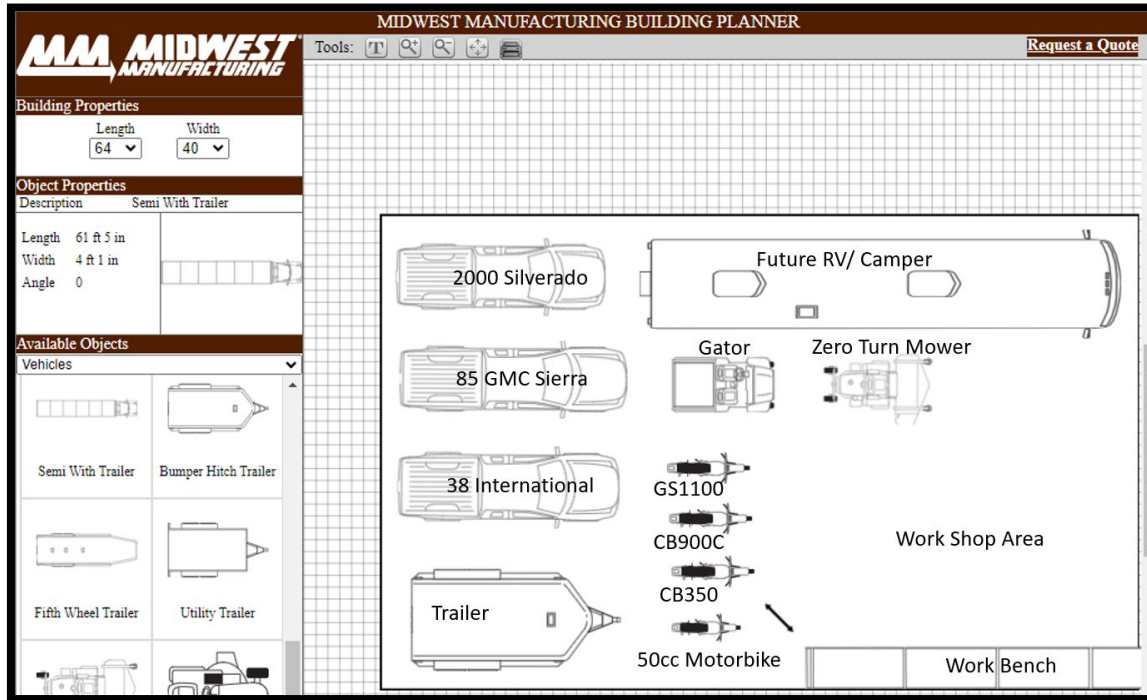


Exhibit 8

Weather damage to personal project truck – Parked along Driveway



Exhibit 9



1010 N Wolf Dr - Neighbor

Acreage: 1.23

Footprint: 2,545 sq. ft.

No Variance Req.

1050 N Wolf Dr

Acreage: 1.46

Footprint: 1,705

Variance Req.

- A variance would not be required by code 6.1(F)(2) for my neighbor for a much larger accessory building without a variance, even though they have less acreage than the 1050 N Wolf Dr. property.

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

Question 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.

No adverse effects to the adjacent property will occur with the approval of this variance, either to the use or the value of their property.

- Mature trees and thick wooded area surround the proposed accessory building.
 - Mature trees are located on our property and neighboring property. (Exhibit 2)
 - Neighbor located to the east owns a vacant lot separating our properties; neighbor currently owns property to prevent anyone from building on the lot. (Exhibit 2 – East Photo)
- Proposed building structure will be located in the Northeast corner of our property and will not obstruct views from surround homes (Exhibit 3)
- The proposed building structure will sit approximately 90+ ft. from the main dwelling on the property. (Exhibit 4)
- The Accessory building has been surveyed to remain at a minimum of 15' from the north adjacent property. (Exhibit 5)
- The Accessory building has been surveyed to remain at a minimum of 5' from the east adjacent property. (Exhibit 5)

The property value for 1050 N Wolf Dr will increase due to this investment, in turn, indirectly, raising the value of the surrounding properties in our area. In addition, the proposed building will be surrounded by thick wooded area which includes mature tall trees that will impair the proposed building from view of any homes that are nearby. (Exhibit 2) The proposed building is expected to be Brown and Beige in color to remain neutral and natural to blend in with the surroundings, especially in the winter (Exhibit 6).

Adjacent Properties Summary:

North - 22.01 acres of Vacant Land - Property Code - 100

East - 1.2 Acres of Vacant Platted Lot - Property Code - 500

South - Road / (Across Street) 6.69 Acres of 1 Family Dwelling - Unplatted - Property Class 511

South-West - 1.21 Acres of Family Dwelling - Unplatted - Property Class 511

West - 41.39 Acres of Vacant Land - Property Code 100

North-West - 42.97 Acres of Cash Grain/general Farm - Property Code - 101

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

Question 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.

1050 N Wolf Dr is located on a cul-de-sac along with five other houses. Our property is a triangular shape and is narrow on the south end of the property (front of the house, facing the cul-de-sac). When facing north (behind the house; back yard) the property increases in width toward the north property line. Due to the unique shape of the property, this restricts any options of adding on to the primary home (Exhibit 1). The driveway starts from the cul-de-sac at the narrow (south) end of the property and ends at the 2-car garage attached to the primary dwelling.

The proposed accessory building will also provide protection to our assets – items that can't be stored outside. Between the 2-car attached garage and the small shed (located in the back yard) there is not sufficient storage for our family needs. The proposed accessory building will be effective in preparation of protecting our future needs as well. We have two small children, who in less than 10 years, will have vehicles, along with any special interest items (Go-Karts, Miniature motorcycle etc.) they may obtain over their teenage years (Exhibit 7). Additionally, we are financially planning to purchase an RV in which this proposed accessory building would provide protection from weather damage and to provide a discrete place to park when not in use (Exhibit 7)

As a family, we have hobbies and special interest that the proposed accessory building will provide protection for. I enjoy refurbishing my motorcycles and trucks. I currently have a 1985 GMC Sierra that has suffered weather damage while parked along my driveway because of a tree falling on the tailgate of the truck (Exhibit 8).

When I'm not refurbishing my truck and motorcycles, my wife enjoys creating a list of interior home improvement projects for me to complete. This proposed accessory building will provide protection and the workspace to conduct my personal vehicle and house projects throughout the year (Exhibit 7).

Our two-story primary residence is approximately 3,000+ in total sq. ft. with a ground floor footprint of 1,705 sq ft. sitting on 1.46 acres in a rural cul-de-sac surrounded by agricultural lots of land. The land survey indicates the proposed accessory building will comfortably fit on our property. The proposed building does not obstruct neighbor's views or property (exhibit 2).

Section 6.1 (F)(2) puts a restriction on the sq. ft. of our proposed accessory building based on the footprint of our house. Below is an applicable comparison for this variance (Exhibit 9).

Neighbor – 1010 N Wolf Dr.

Acreage: 1.23

Footprint: 2,545

Total sq. ft.: 3,000+

Ranch Style - 1 Story

1050 N Wolf Dr.

Acreage: 1.46

Footprint: 1,705

Total Sq. ft.: 3,000+

2 Story

1010 N Wolf Dr. is a ranch, one-story house and would be able to build a 2500+ sq. ft. accessory building and would not require a variance for this code. However, 1050 N Wolf Dr, cannot build the same building without a variance as the footprint of the home is smaller, yet has similar total square footage.

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

Question 3

I understand and support the intent of the codes required for building permits; I feel as though this is a good example of why we have variance process to help ensure the needs of the homeowners are met. The sq. ft of the proposed accessory building is the restriction for this proposal. The recommended sizing, based on the code, simply would not be suitable to meet our personal needs.