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





## **BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS** (January 22, 2024 Meeting)

#### STAFF REPORT

**Docket No. / Project Title:** B/CU-2023-014 (Thomas & Jacqueline Yeager)

Staff: Noah Pappas

Applicant: Thomas & Jacqueline Yeager

**Property Size:** 18.82 Acres

Zoning: AG (Agriculture: General Rural)

Location: 12404 West 50 South, in Harrison Township

## **Background Summary:**

The applicant has indicated that the proposed conditional use will allow an accessory dwelling unit and storage building as a new, single structure on the property.

## **Preliminary Staff Recommendation:**

Approval, all criteria have been met.

## **Zoning District Intent:**

The intent of the AG (Agriculture: General Rural) 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.

Current Property Information:		
Land Use:	Single-Family Residential	
Site Features:	House, heavily wooded area.	
Flood Hazards:	None	
Vehicle Access:	West 50 South (Local, Rural, Residential)	

Surrounding Zoning and Land Use:				
	Zoning:	Land Use:		
North:	AG (Agriculture: General Rural)	Single-Family Residential, Wooded		
South:	AG (Agriculture: General Rural)	Single-Family Residential		
East:	AG (Agriculture: General Rural)	Single-Family Residential		
West:	AG (Agriculture: General Rural)	Single-Family Residential, Wooded		

Interdepartmental Review:				
County Engineer:	No issues with this request.			
Code Enforcement:	Code Enforcement does not have any issues as submitted. Will need a building permit once approved.			
County Fire:	No issues as submitted.			
County Health:	This department has issued site assessments (2 Sites) for an on-site sewage system to serve the new structure. A conditional certificate has also been prepared stating that the proposed new construction does not encroach upon the on-site sewage system that serves the existing residence.			

#### **Planning Consideration(s):**

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

- 1. The proposed accessory dwelling unit and storage building would be a single structure located northwest of the existing single-family residence. The primary residence is 2,638 square feet. Accessory dwelling units in Agricultural Zoning Districts are allowed to have a living area equal to up to 75% of the primary structure. This would allow the accessory dwelling unit to be as large as 1,978.5 square feet. As proposed, the accessory dwelling unit will be 1,937.2 square feet. The additional, storage portion of the building will be 5,262.8 square feet, for a total of 7200 square feet. The building will be 35 feet tall.
- 2. The site is heavily wooded.
- 3. Zoning Ordinance Section 6.1(D)(1) permits accessory dwellings by conditional use approval and includes several additional development standards as follows:
  - a. Location on the Property: In agricultural zoning districts the accessory dwelling shall be (i) attached to, and designed and constructed as part of the primary structure, (ii) attached to or included within a detached garage or other accessory structure, or (iii) a separate and distinct accessory structure on the property. The proposed dwelling unit will be included within another accessory structure, the storage building.
  - b. Living Area: In agricultural zoning districts, the living area of the accessory dwelling shall not exceed an amount equal to 75% of the primary residence. However, properties in agricultural zoning districts on which an accessory dwelling is created by retaining a historic home (any that is at least 50 years old) shall be exempt from the living area limit. The proposed accessory dwelling unit will be compliant with the 75% floor area limit.

- c. *Maximum Number of Units:* A maximum of 1 accessory dwelling may be permitted on any property. The applicant is only proposing to build 1 accessory dwelling unit. No other accessory dwelling units are currently present on the property.
- d. *Driveway Access:* The accessory dwelling shall not require the establishment of an additional driveway. The applicant will utilize the existing driveway, extending it beyond the current terminus to reach the proposed accessory dwelling unit location.
- e. *Parking Requirements:* The accessory dwelling shall be considered a separate dwelling for the purpose of calculating required off-street parking spaces consistent with Article 7 of this Ordinance. Adequate parking will be provided on site.
- f. Waste Disposal: Both the primary residence and the accessory dwelling shall either (1) be served by a public sewer system or (ii) be served by one shared or two individual septic systems approved by the Bartholomew County Health Department. The waste disposal method shall also comply with the Utility Requirements established for each zoning district by Article 3 of the Zoning Ordinance. The applicant has obtained a conditional certificate demonstrating the viability of a new, separate septic site for the accessory dwelling.
- 4. The area is made up of either single-family residential homes on large wooded lots or large wooded lots that are undeveloped.
- 5. A large storage structure is not out of character in a rural setting, though there are no comparable structures in the area.
- 6. The proposed building would be set back approximately 300 feet from 50 South.

## **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-J: Require development to take place in a manner that allows for preservation and conservation of farmland, open land, and significant natural features.
- 2. Policy 6-G: Allow various types of housing such as accessory units.

## **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:* Allowing an accessory dwelling unit to be built will not be injurious to the public health, safety, morals and welfare of the community. The building would not cause any visibility issues along 50 South. The existing drive will be utilized, there is adequate parking, and conditional septic site approval has been obtained. *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:* Accessory dwelling units are allowed as a conditional use in the AG (Agriculture: General Rural) zoning district. The proposed structure would comply with all development standards provided in the zoning ordinance. *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 accessory dwelling will not pose any risk to nearby property or uses. This building is set back approximately 300 feet from the road, does not impact visibility, and does not inhibit other users/property in the area. *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 primary use of this property is and will remain residential. With the building of the accessory dwelling unit, the use will continue to be residential. Adding the accessory dwelling unit will be consistent with the current use and will not alter the character of the area. The Comprehensive Plan recommends various types of housing, including accessory dwelling units. *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.

## City of Columbus - Bartholomew County Planning Department Conditional Use Application

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

To be Completed by the Planning Department
Pre-submittal Meeting on (date): 12/1/23 by (initials): AN ! NP
Application Received on (date): 12/11/23 by (initials): JAM
Jurisdiction: Columbus X Bartholomew County Joint District
Hearing Procedure: Board of Zoning Appeals Hearing Officer
Docket No.: BCU - 2023 - 014 Zoning District: AG
Property Owner Name (from GIS): Thomas : Jacquelin Yeager
To be Completed by the Applicants
STOP! All conditional use applicants <u>must</u> 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 meetin 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: Thomas & Jacqueline Yeager
Representative's Company Name: <u>N/A</u>
Mailing Address: 2032 Iroquois Trail, Columbus, IN 47203
(number) (street) (city) (state) (zip)
Phone No.: (812) 350-2685 (cell) E-mail Address: jackie-tom@comcast.net
All correspondance 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 making the request – <u>NOT</u> 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: Thomas & Jacqueline Yeager
Business, Institution, Etc. Contact Person Name: <u>Jacqueline Yeager</u>
Mailing Address: 2032 Iroquois Trail, Columbus, IN 47203  (number) (street) (city) (state) (zip)
(number) (street) (city) (state) (zip)  Phone No.: (812) 350-2685 (cell) E-mail Address: jackie-tom@comcast.net
Property / Location Information:
Property Address: 12404 W 50 S, Columbus, IN 47201
(city)
<u>or</u> General Location (if no address has been assigned provide a street corner, subdivision lot number, etc.):  N/A

	onditional Use Requested:
l ar	m requesting a conditional use per Section $\frac{6.1(D)(1)}{}$ of the Zoning Ordinance to allow the property to be added for the following (as defined by the zoning ordinance):
Ac	cessory Dwelling
Ple	ase describe the proposed use further:
	e proposed 60 ft x 120 ft barn will be used as additional living space (accessory dwelling up to 1978.5 sq. ft.) and storage equipment such as a car, truck, motorcycle, mower, tractor, attachments, tools, etc. See Att. A for proposed floor plan.
Сс	onditional Use Criteria:
The	e Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that each must be met in order for a additional use to be approved. Describe how the conditional use requested meets each of the following criteria.
1.	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?
	See Attachment B.
2.	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?
	See Attachment B.
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. For example: The property is zoned AG 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?
	See Attachment B.
4.	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 <a href="https://www.columbus.in.gov/planning/comprehensive-plans/">https://www.columbus.in.gov/planning/comprehensive-plans/</a> . If the property is in the jurisdiction of Bartholomew County visit <a href="https://www.columbus.in.gov/planning/comprehensive-plans/">https://www.columbus.in.gov/planning/comprehensive-plans/</a> . Include statements or concepts that support the request.

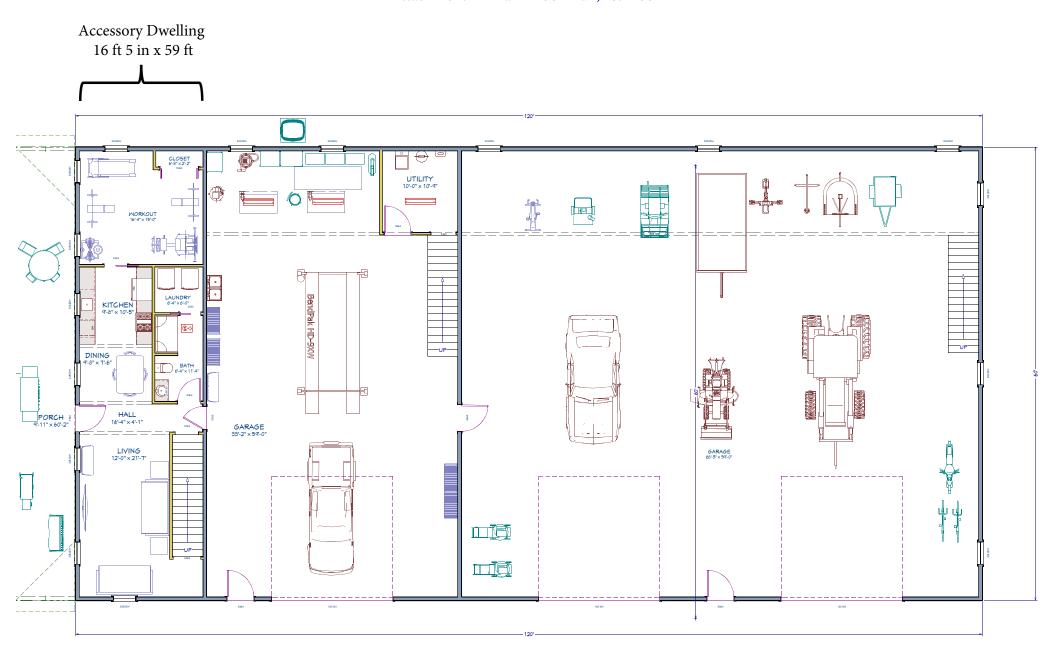
See Attachment B.

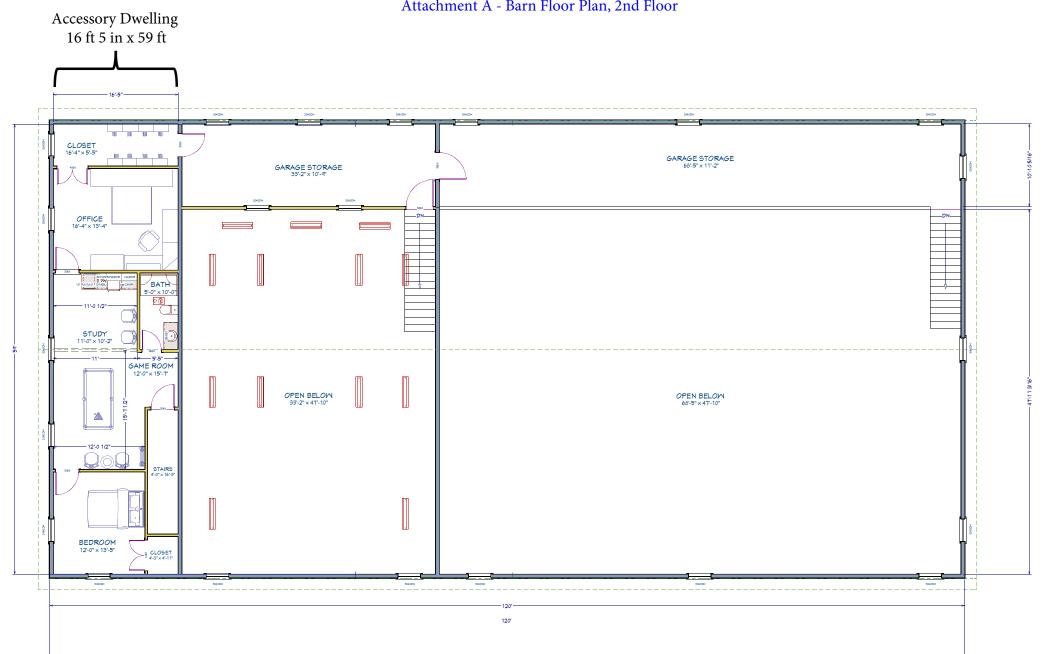
## The information included in and with this application is completely true and correct to the best of my knowledge and belief. 12/10/23 (Date) Thomas & Jacqueline Yeager (Representative's Printed Name) **Property Owner's Signature:** The owner DOES NOT include a tenant or contract buyer. Applications 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. acqueline Geager 12/10/23 (Date) Thomas & Jacqueline Yeager (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

N/A

(Signer's Ownership Role or Representation)

Representative's Signature / Acknowledgement:





## Yeager Conditional Use Application Attachment B – Conditional Use Criteria

December 2023

1. The approval of the conditional use will not be injurious to the public health, safety, and general welfare of the community.

The requested conditional use meets this criterion. The barn will be located behind the existing house and will be readily accessible from County Road 50 S by fire or other emergency personnel/vehicles via an extension of the existing driveway. The barn location will not block neighbors' access to their properties or their views entering the County Road 50 S.

2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

The requested conditional use is consistent with the relevant development standards, including:

- Location on the property The accessory dwelling will be included in the proposed detached barn on the property. See Attachment C for approximate location.
- Living area As shown in Attachment D, the existing primary residence on the property has 2638 ft² living area. The living area of the accessory dwelling will not exceed 75% (or 1978.5 ft²) of the primary residence. The proposed accessory dwelling interior dimensions are 16 ft 5 in x 59 ft on each of two floors, for a total of 1937.2 ft² living area, per Attachment A.
- Driveway access The accessory dwelling will be accessed by extending the existing driveway which already has access to County Road 50 S.
- Waste disposal The accessory dwelling will be served by a new septic system at one of two sites already approved by the Bartholomew County Health Department. See Attachment E for Site Assessment Report No. 11150 and 11151 and locations of septic sites 1 and 2.
- Maximum height Height of the proposed barn will not exceed 35 ft. See Attachment F for an example of the elevation. (Exterior color is not final.)
- 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.

The requested conditional use is consistent with the property being zoned as AG (Agriculture: General Rural), which is intended for a mixture of residential and agricultural land uses. The proposed structure will not cause harm to the use, enjoyment, or value of neighbors' properties as it will be located well within our property lines and meet all minimum setbacks.

4. 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.

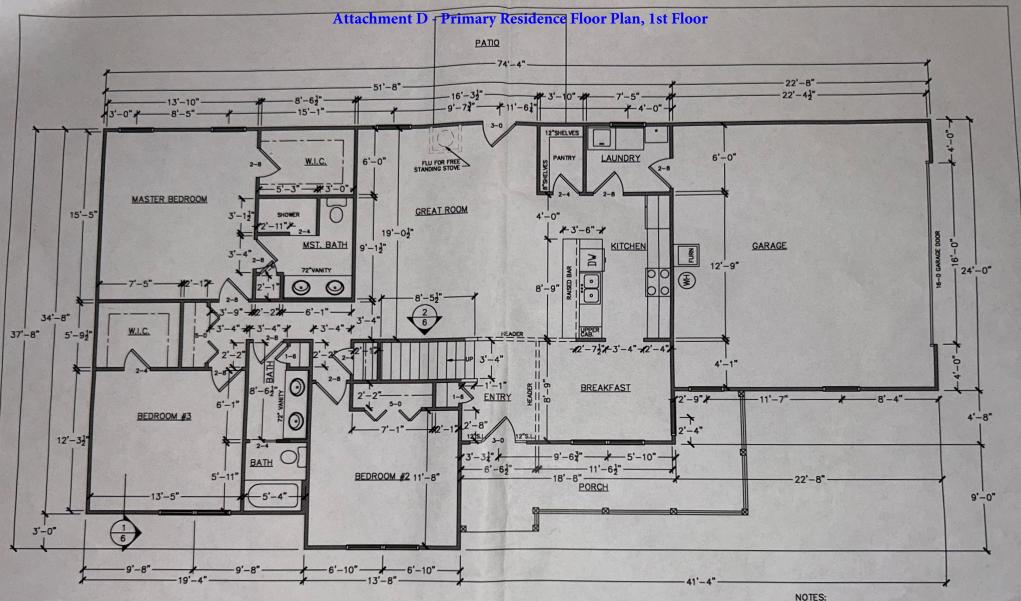
The requested conditional use is consistent with the property being zoned as AG (Agriculture: General Rural), which is intended for a mixture of residential and agricultural land uses. The requested conditional use will not change the character of the area, as both barns and dwellings are common in the zoning district. In addition, the requested conditional use is consistent with the following recommendations of the Comprehensive Plan:

 "Goal 2: Protect open space such as woodlands, flood plains, and wetlands for environmental, recreational, scenic, and life-style benefits." The proposed barn containing the accessory dwelling also contains storage space for equipment to maintain the woods on

- the property and the adjacent properties also owned by us, as well as storage for recreational equipment such as ATVs.
- "Policy 3-E: Encourage maintenance of rural buildings and grounds in such a way as to
  promote economic stability, health and safety. This maintenance includes but is not limited
  to discouraging the outdoor accumulation of inoperable or unlicensed vehicles, used
  appliances, furniture, and debris." An old out-building was torn down by the previous owner
  of the property, so this new barn serves dual purposes of providing an accessory dwelling
  and additional needed indoor storage.
- "Policy 6-G: Allow various types of housing such as accessory units." The proposed barn would contain an accessory dwelling.







GENERAL NOTES:

1) CONTRACTOR AND HOME OWNER SHALL VERIFY ALL CONDITIONS AND DIMENSIONS (INCLUDING STRUCTURAL) BEFORE BEGINNING CONSTRUCTION ANY DISCREPANCIES SHALL BE REPORTED TO DAC FOR JUSTIFICATION AND/OR CORRECTION BEFORE PROCEEDING WITH WORK. CONTRACTORS SHALL ASSUME RESPONSIBLY FOR ERRORS THAT ARE NOT REPORTED.

2) ALL MATERIALS, EQUIPMENT INSTALLATIONS, AND WORKMANSHIP TO BE IN STRICT ACCORDANCE WITH MFG. PUBLISHED RECOMMENDATIONS AND STATE AND LOCAL CODES.

1720 (First Floor)

+ 918 (2nd Floor "Bonus Room")

= 2638 sq. ft. living area

 SQUARE FOOTAGE NO/BRICK

 FIRST FLOOR
 = 1720

 GARAGE
 = 544

 BONUS ROOM
 = 918

 FRONT PORCH
 = 186

 TOTAL COVERED SQ. FT.
 = 3368

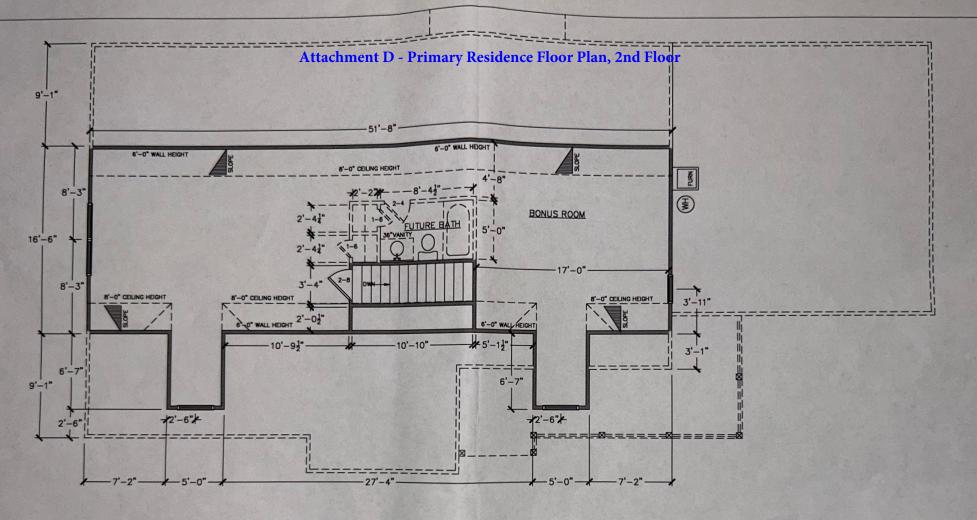
- 1) ALL WALLS SHOWN ON PLAN ARE 3 1/2".
- 2) 8'-0" CEILING HEIGHT.
- 3) 12" WIDE SHUTTERS.

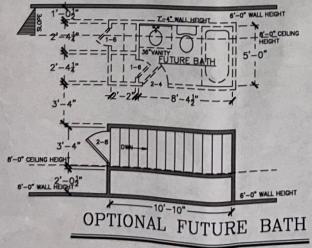
LAWSON

FLOOR PLAN

PROJECT Skaggs Builders
PROJECT NO: 1021-SKAGGS DRAWN BY: D. TEMPEST
DATE APRIL 6,2011 O'D BY: D.A.T
SCALE 1/4\*-1'-0" PAGE 4 O' 6
COMPUTER AIDED
DRAFTING and DESIGN

PHONE: (812) 579-9313





NOTES:

- 1) ALL WALLS SHOWN ON PLAN ARE 3 1/2".
- 2) 8'-0" CEILING HEIGHT.

## LAWSON

SECOND FLOOR

a Trupper
D. TEMPES
D.A.T
or 6

PHONE: (812) 579-9313

**REVIEWED BY:** 

\_\_\_\_ DATE: 121-23

## BARTHOLOMEW COUNTY HEALTH DEPARTMENT 440 THIRD STREET - SUITE 303 COLUMBUS, IN 47201-6798

PHONE: (812) 379-1550

FAX: (812) 379-1040

# Attachment E SITE ASSESSMENT REPORT (NOT A CONSTRUCTION DEDMIT)

	(NOT A COI	NSTRUCTION F	- CLIMITI)	
FRONTING ON:	SIDE OF COUNTY RO	DAD:	APPF	ROXIMATELY:
FEET/MILES:	OF COUN	NTY ROAD:	(	NEAREST CROSS ROADS)
ACRES:18.82	DIMENSIONS:	PROPOSED ACRES	S: & E	DIMENSIONS
SUBDIVISION: SITE	ONE		LOT NO:	
OWNER'S NAME: TH	HOMAS & JACQUELINE YEAGE	:R		
ADDRESS: 12404 V	W. 50 S., COLUMBUS, IN 47201	Harris III		
REQUESTED BY:	THOMAS & JAQUELINE YEA	GER	PHONE:	
MAILING ADDRESS:	2032 IROQUOIS TRAIL COLU	MBUS, IN 47203		
SOIL TYPE: BEANBL	OSSOM STRUCTURE	E: WEAK SBK	TEXTURE:	SILT LOAM
LIMITING LAYER: R	OCK@27"	SLOPE: 4-5%	LOADING	RATE: .5
This property has been	n surveyed as to suitability for a	an on-site wastewater trea	atment system.	
SOIL SCIENTIST: M	ICHAEL SALEM		SOIL ANALY	SIS DATE: 11/17/2023
THIS PROPERTY IS:	ACCEPTABLE WITH T	HE FOLLOWING REQUI	REMENTS:	
with a gas tight rise  2. Install a pump char the given total dyna  3. Install an audible a  4. Install an elevated room, the design of  5. The system area m of the proposed ba  6. The system area m activites that could placed around syst  7. The house and drivissuance of a cons	sized according to the number and an outlet filter.  Imber equipped with a pump cate amic head. Set floats to pump and visible alarm for the pump.  In sand mound system containing for which must be approved prior and 63 feet West of the streen and 63 feet West of the streen area to protect it.  It weway placement and system I struction permit.	pable of pumping the daily 1/4 of the daily design flow g 300 square feet of absort to construction.  soil boring one (1), approximam.  vation, compaction, grading department recommends	y design load at y per dose.  rption field per be climately 204 feeting, filling or any old that a barrier be be approved price.	other oe or to the
COMPLETED BY:	MADGAR CHE			DATE: 11-20-23

**REVIEWED BY:** 

## BARTHOLOMEW COUNTY HEALTH DEPARTMENT 440 THIRD STREET - SUITE 303

COLUMBUS, IN 47201-6798

PHONE: (812) 379-1550 FAX: (812) 379-1040

# Attachment E SITE ASSESSMENT REPORT

	(NOT A C	ONSTRUCTION	N PERMIT	·)	
FRONTING ON:	_ SIDE OF COUNT	Y ROAD:	Al	PPROXIMATEL	Y:
FEET/MILES:	OF C	COUNTY ROAD:		(NEAREST (	CROSS ROADS)
ACRES: 18.82 DIME	NSIONS:	PROPOSED AC	RES:	& DIMENSION	S
SUBDIVISION: SITE TWO			LOT NO:		
OWNER'S NAME: THOMA	S & JACQUELINE YE	AGER			
ADDRESS: 12404 W. 50	S., COLUMBUS, IN 4	7201			
REQUESTED BY: THO	OMAS & JAQUELINE	YEAGER	PHONE	:	
MAILING ADDRESS: 2032	! IROQUOIS TRAIL C	OLUMBUS, IN 47203			
SOIL TYPE: COOLVILLE	STRUCT	URE: WEAK SBK	TEXTU	RE: SILTY CLA	<b>′</b>
LIMITING LAYER: ROCK@	)35"	SLOPE: 7-9%	LOADI	NG RATE: .25	
This property has been surv	,	for an on-site wastewater	treatment syster	n.	
SOIL SCIENTIST: MICHAE				ALYSIS DATE:	11/17/2023
THIS PROPERTY IS: _ACC	EPTABLE WIT	TH THE FOLLOWING RE	QUIREMENTS:		
<ol> <li>Install a septic tank sized with a gas tight riser and</li> <li>Install 600 square feet of 11 inches in depth.</li> <li>Apply enough fill to allow promotes surface water of 11 inches in depth.</li> <li>Install an interceptor drawn ocloser than 10 feet to</li> <li>The system area must be the proposed barn and 1</li> <li>The system area must be activites that could render placed around system are</li> <li>The house and driveway issuance of a construction</li> <li>If the house contains three</li> </ol>	an outlet filter.  If subsurface absorption  If at least 12 inches or runoff.  In around the upslope any part of the system  It is in a round the upslope any part of the system  If it is in a round the upslope any part of the system  If it is in a round the upslope any part of the system  If it is in a round the upslope any part of the system  If it is in a round the upslope any part of the system  If it is in a round the upslope any part of the system  If it is in a round the upslope any part of the system  If it is in a round the upslope  If it is in a	f soil over the aggregate, go e sides of the system at 3° cm.  a of soil boring two (2), apply f soil boring one (1).  excavation, compaction, go excavation, compaction, go excavation, and lay out m	enches not to exc graded in a manr 7 inches in depth proximately 43 fe rading, filling or a lends that a barri ust be approved	ner that , located eet North of ny other er be	
COMPLETED BY:	10 (1610) BAR			DATE:	11-20-23

# Attachment E

# SITE SURVEY DRAWING FOR SOIL ANALYSIS LOCATIONS

DATE N 3-23	TOWNSHIP Week		SECTION_Z(
LOCATION) 12404 W 50 S			
APPROXIMATELY(FEET/MILES	)OF		(NEAREST CROSS ROADS
ACRES DIMENSIONSX_	SUBDIVISION		LOT NO
OWNER'S NAME THUMS no la	GUERT YEARST	PHONE N	0. CR 371 4737
NFORMATION/COMMENTS REGARI			
			Site 2
2 3			ž
Primary			And I to the
Residence		75 = 1	.0 / 8
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		20	
5 3			/
	V400		the opposite and a constitution of the same of the same of
	1 2 2 3		Site 1
grave and the second second second			
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and the second s			
			- VERTON - IN
100-116	0 111	1	
SPECTOR OF	Page 2 of 4	DATE    5 2 3	
RSONS ATTENDING Me Ve Mes Vegas	1.		
PE OF MONUMENT LEFT AT INTENDED A	NALYSIS LOCATION	Aller out to K	

Attachment F - Barn Height < 35 ft

