



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

STAFF REPORT

Docket No. / Project Title: BCU-2023-016 (Megan & Jerry Dunn)
Staff: Kyra Behrman
Applicant: Megan & Jerry Dunn
Property Size: 11.34 Acres
Zoning: AG (Agriculture: General Rural)
Location: 14920 South 50 West, in Wayne Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow a wedding and workshop venue. The applicant is proposing to host weddings and birthday parties, as well as workshops for crafts at their property with a maximum of 35 weddings and 35 birthday parties / workshops per year. These events may have a maximum of 50 attendees per event. Wedding events are proposed for the months of April to November, 12 p.m. to 11 p.m. Birthday parties and workshops are proposed throughout the year, 11 a.m. to 10 p.m. There will be no alcohol or fireworks permitted at any event.

Preliminary Staff Recommendation:

Approval, on the condition that Health Department approval is first obtained for any parking area on or in close proximity, in the opinion of the Health Department, to a septic system.

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.

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:

1. **Activities:** The on-site wholesale/retail sale of stocked inventories, assembled products, and constructed products is permitted. Mail-order/telephone/internet sales, as well as the distribution of machined, assembled, and constructed merchandise is also permitted. The home-based business shall not involve any personal services.

2. Effects of Operation: 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. Employees: 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. Structural Alterations: 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, and 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. Parking & Business Vehicles: The home-based business shall not involve regular (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 meet the standards of Zoning Ordinance Article 7.
6. Deliveries: The home-based business must not require the regular use (on a weekly basis) of commercial vehicles for pickup and deliveries, other than those from the U.S. Postal Service or other small package carriers.
7. Signs: No signs of any type shall be used, other than those permitted in the zoning district by Article 10, Signs.
8. Outdoor Storage/Display: There shall be no exterior storage of equipment, employee vehicles, or materials that are related to the home-based business. The outdoor storage and display of items for sale shall be permitted, but shall not occupy an area larger than 200 square feet.
9. Business Area: The home-based business shall be located within the dwelling and/or 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 specialized accessory structure shall be constructed for the purpose of housing the home-based business

Current Property Information:	
Land Use:	Single-Family Residential
Site Features:	Single-family dwelling, swimming pool, barn, outbuildings and wooded areas.
Flood Hazards:	The site does not contain any area within the floodplain or floodway.
Vehicle Access:	50 West (Local)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AG (Agriculture: General Rural)	Agriculture, Wooded

South:	AG (Agriculture: General Rural)	Single-Family Residential
East:	AG (Agriculture: General Rural) AP (Agriculture: Preferred)	Agriculture
West:	AG (Agriculture: General Rural)	Single-Family Residential, Wooded

Interdepartmental Review:	
County Engineer:	<p>50 W is in adequate condition to handle the amount traffic, but is only 16' wide and is a dead end road. The nature of event traffic, the majority are usually going the same direction, either going to or leaving the event, so the narrow width won't be much of an issue. But there may be traffic from the other 6 houses on the road, going the opposite direction.</p> <p>Many of our county roads are 16' wide and handle 2 way traffic, but will require getting over for wider vehicles, like RVs or trucks.</p>
Code Enforcement:	No response.
County Health Department:	<p>We would need in writing that they will not be adding any plumbing or fixtures, as this would produce added wastewater load to a septic system not sized for it. If there will be any plumbing or fixtures added they must contact the state health department and apply for commercial onsite wastewater system approval.</p> <p>We also noted that the proposed parking area may be built over a portion of the wastewater absorption system. The owners would need to come apply for a conditional assessment of the existing system to verify that they will not be impacting their existing septic system.</p>
County Fire Inspector:	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 to host weddings and birthday parties, as well as workshops for crafts such as pumpkin painting and bouquet building at their property. The applicant states there would be a maximum of 35 weddings and 35 birthday parties / workshops per year with a maximum of 50 attendees per event. Wedding events are proposed for the months of April to November, 12 p.m. to 11 p.m.; birthday parties and workshops are proposed throughout the year, 11 a.m. to 10 p.m. There will be no alcohol or fireworks at any event. Only white party-style tents will be erected on the site to house the events.
2. 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.
 - o Parking: 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 the Zoning Ordinance for the dwelling unit.

The applicant is proposing to have events with a maximum of 50 people, which requires more off-street parking than is required for a single-family dwelling unit.

- **Business Area:** 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 use more than 500 square feet in area for these activities per the submitted site plan.

3. The subject parcel contains 11.34 acres and is at the terminus of a dead-end road and serves a total of 13 properties, including a total of seven homes (counting the applicant's).
4. Access to the site will be from 50 West, which is approximately 16 feet wide. The County Highway Engineer has indicated that the road is adequate to handle the increase in traffic, but will require drivers to get over if / when meeting cars traveling in opposite direction.
5. The nearest home to the west is approximately 725 feet in distance from the proposed venue location with a wooded area separating them. The nearest home to the south is approximately 842 feet and has a mature row of pine trees at the subject property line. Homes to the east and north are more than one-half mile and mile away from the venue and separated by farm fields and heavy woods.
6. The submitted site plan shows two gravel parking areas: one is west of the existing dwelling and at the end of an established driveway to a barn, and the other is north and next to the existing dwelling and pool. The designated areas would be able to accommodate at least 21 cars on-site meeting the ordinance requirements with regard to dimensions
7. The applicant will be providing tables and chairs, along with mobile rental restrooms for guests. The tables and chairs will be stored in an existing building on the property. The applicant also intends to provide clean-up service in order to ensure that trash is not on neighboring properties and will be disposed of properly.
8. The applicant states that signs will meet the zoning ordinance requirements. Supplemental permanent signs for this property are permitted to be a 2 square foot wall sign per building.

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. **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.
4. **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: County Road 50 West is a dead-end road that is approximately 2,510 feet in length and carries a low volume of traffic. Six additional homes and 13 total properties gain their access from this road creating few points of conflict. The County Highway Engineer reviewed this application and

advised that cars may have to 'get over' when meeting oncoming traffic, but otherwise the road is sufficient for the anticipated traffic from this proposed use. *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 applicant is proposing for activities to be located west of the existing dwelling on the subject property. The location of the party-style tents do not encroach into any setbacks and gravel parking areas within the site are being provided for attendees. Due to the large properties, existing woods and vegetation there is adequate buffering from nearby homes. *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 applicant has proposed to host wedding events and birthday parties / workshops for up to 50 people. The applicant has stipulated specific months and times for the proposed events. In addition, the applicant is prohibiting alcohol and fireworks and has stated that they will provide clean up services to ensure that trash does not get onto neighboring properties. *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 applicant would like to provide smaller wedding events in a rural area to provide options for those looking for affordable venues. The barns and surrounding farm are in character with the surrounding area and would provide a solution for economic growth in this rural area. This would be consistent with the intent and character of the AG (Agricultural: General Rural) zoning district as well as the recommendations of the Comprehensive Plan. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for conditional use 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): 11/29/23 by (Initials): KB & AB

Application Received on (date): 12/15/23 by (Initials): JAM

Jurisdiction: Columbus Bartholomew County Joint District

Hearing Procedure: Board of Zoning Appeals Hearing Officer

Docket No.: BCU-2023-016 Zoning District: AG

Property Owner Name (from GIS): Jerry & Megan Dunn

To be Completed by the Applicants

STOP! All conditional use 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: Megan & Jerry Dunn

Representative's Company Name: meganmclean09@yahoo.com

Mailing Address: 14920 S 50 W Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 317 910 7281 E-mail Address: meganmclean09@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 making the request – 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: Megan & Jerry Dunn

Business, Institution, Etc. Contact Person Name: meganmclean09@yahoo.com

Mailing Address: 14920 S 50 W Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 317 910 7281 E-mail Address: meganmclean09@yahoo.com

Property / Location Information:

Property Address: 14920 S 50 W Columbus
(number) (street) (city)

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

Conditional Use Requested:

I am requesting a conditional use per Section 6.6 (Part 2)(B) _____ of the Zoning Ordinance to allow the property to be used for the following (as defined by the zoning ordinance):

Small wedding/event venue

Please describe the proposed use further:

see attached

Conditional Use Criteria:

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.

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 attached


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 attached

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 _____. 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 attached

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 <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/comprehensive-plans/comprehensive-county-plans/>. Include statements or concepts that support the request.
see attached

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.

 Megan Dunn
(Representative's Signature)

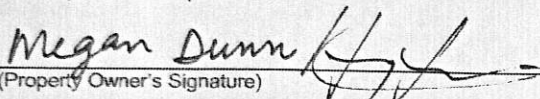
12/15/23
(Date)

Megan Dunn/Jerry Dunn
(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.

 Megan Dunn
(Property Owner's Signature)

12/15/2023
(Date)

Megan Dunn/Jerry Dunn
(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)

Conditional Use Requested: 14920 S 50 W Columbus, IN 47201

Please describe the proposed use further:

Response: Megan and Jerry Dunn own the property 14920 S 50 W, Columbus, IN 47201. We are hoping to expand and use the property as a small and affordable wedding/birthday venue as well as workshops (such as painting pumpkins, Santa visits, building bouquets etc).

The conditional use of our property would not require any new buildings. The white pole barn and a party style tent would be used for any events and workshops. A party-style tent would be the area to use for seating, food, and receptions. The white polebarn houses small livestock animals and would simply be used for those attending to enjoy.

The primary conditional use would be to host small/elopement style weddings. The following is a list of conditions we have set for us as a family and a business:

- Maximum of 35 weddings a year. Weddings to be in the months of April to November.
- Wedding hours to be no earlier than 12pm and end by 11pm.
- Maximum of 50 people per wedding.
- Dry venue (no alcohol).
- No fireworks.
- Venue to provide tables and chairs.
- Venue to provide mobile rental restroom for guests.
- Guests provide their own DJ, caterer, photographer.

We are also asking for use for birthday parties and small workshops. The following is a list of conditions we have set for us as a family and a business:

- Maximum of 35 birthday parties and workshops throughout the year.
- Maximum of 50 people per workshop/birthday party.
- Birthday parties and workshops no earlier than 11am and no later than 10pm.
- No alcohol.
- No fireworks.
- Venue to provide table and chairs.
- Venue to provide mobile rental restroom for guests.
- Guests provide their own DJ, caterer, photographer.

Conditional Use Criteria:

- 1. The approval of the conditional use will not be injurious to the public health, safety, and general health 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?**

We do not see any adverse impacts to the community or public health in approving our conditional use of the land. We have also decided to go with a "dry" venue to help keep down any potential disturbances for ourselves and our neighbors. We have set hours to limit any late-night disturbances. We will oversee cleaning up to ensure all trash stays out of farmers' fields and neighbors' yards.

- 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 setback, parking standards, and other requirements? If not, are variances being sought to address those items?**

We are not building any new structures and have a large amount of land surrounding the intended space for the venue. The intended event space is not visible to any neighbors. All lighting provisions have been noted. We will implement lighted walkways to and from the parking spaces.

- 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 agricultural. Are there risks that the conditional use will cause harm to the neighbor's ability to use and enjoy their property? Is there reason to believe that the conditional use will cause harm to neighboring property value?**

We do not feel that the requested use will be contrary to the general purpose served by the zoning ordinance and will not permanently injure others' property value. As noted above, we are not building or altering the property as it stands already. We will utilize an existing pole barn and an event tent. We have taken into consideration our neighbors as well as our own property and have decided to only operate as a dry venue to prevent unnecessary accidents to individuals and property or equipment. Of concern may be the width of the road leading to our property as it is a residential road. We sit on a dead end therefore there is no two-way traffic. The most traffic we see on a day-to-day basis is the mail man and an occasional lost driver. All guests would essentially be coming and going at the same time.

- 4. The conditional use will be consistent with the character of the zoning district in which it is located and the recommendation 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 <http://www.columbus.in.gov/planning/comprehensive-plans/>. If the property is in the jurisdiction of Bartholomew county visit <http://www.columbus.in.gov/planning/comprehensive-plans/comprehensive-county-plans/>. Include statements or concepts that support the request.

We believe that our conditional use is consistent with the recommendations of the plan. We are not transforming any farmland. We are not transforming any pastureland (currently being used for angus cows). None of the woodland space owned by us will be used. As noted, we are not building any additional structures and the use of an event tent does not change the landscape. We will maintain a rural presence on our property. We are attempting to utilize existing infrastructure by supplementing the white pole barn as an additional space for venue guests to enjoy. The property boasts a heritage barn from the 1900s, utilizing our property as a small event venue will allow us to conserve and do some much-needed upkeep of this barn.

What we feel is most important is that a small event venue helps provide economic growth in the county. Farm/barn wedding and events are bigger than ever, and their popularity continues to grow. The problem is most of the farm/barn weddings cater to a large person count and a high price dollar. We are offering a beautiful and secluded location to guests while maintaining that small farm town feel.

6.6 Home-Based Business Standards-Part 2

A. Application- We are an agricultural zoning district and occupy more than 5 acres.

B. Permitted & Conditional Use Home-Based Business:

1. Activities- We will have inventories such as tables, chairs, and props/decor. We would provide clean-up services such as set up of tables, chairs, wedding tent as well as the tearing down of those. We will also be ensuring that all trash is cleaned up and disposed of after the event.

2. Effects of Operations: Only noise creation would be that of the DJ. No vibrations, mechanical equipment, smoke etc.

3. Employees: We will not need any employees outside of those who reside at our home, which include Megan and Jerry Dunn as well as Larry Mclean (my father).

4. Structural Alterations: Currently, we do not plan on building or adding any structures to our property to be able to host any events.

5. Parking & Business Vehicles: We will require regular parking for on-site customers. We will provide gravel parking space as provided on the graphic.

6. Deliveries: No commercial deliveries are to be expected.

7. Signs: All signs will be those permitted in the zoning district by the Article 10, signs.

8. Outdoor Storage/Display: The table, chairs, props/décor will all be stored in an existing building on the property as labeled on the graphic.

9. Business Area: Our business area would exceed 500 square feet, as noted above.



to be gravel parking

Wedding alter
X = Seating

X X X
X X X
X X X

Will be Privacy

Storage

Wedding Tent

Porta Potty

gravel parking

260