



BARTHOLOMEW COUNTY, INDIANA BOARD OF ZONING APPEALS

USE VARIANCE FINDINGS OF FACT

Docket Number: BUV-2023-003

Applicant: Cari Roberts

Filing Date: 9/18/2023

Hearing Date: October 23, 2023

Property Location: 9250 South State Road 58, in Ohio township

Variance(s) Requested:

A Variance from Zoning Ordinance Section 3.6(A) to allow a restaurant (café) to be located on the subject property in the AG (Agriculture: General) zoning district.

Board Action Taken:

Request Approved by a Vote of: 3 - 0

Conditions of Approval: The approval was subject to the following conditions which must be addressed as part of this approval:

1. Prior to occupancy, the applicant shall install a Buffer Yard Type A along the southwestern property boundary that abuts the neighboring residence. This buffer yard shall be shown on a site plan submitted with the required site plan review / change of use application and shall be subject to Planning Department approval prior to the issuance of a zoning compliance certificate for the project.
2. Prior to the issuance of a zoning compliance certificate for the site improvements / change of use for the project, the applicant shall provide verification from the applicant state agency that an adequate septic system can and will be provided on the property.
3. The conditional use approval is limited to the redevelopment of the auxiliary building into the restaurant/café use, for which concept plans were provided as part of this application. This approval does not include the any future expansion into the existing church structure.

The Bartholomew County Board of Zoning Appeals acted under the authority of Indiana law as follows: IC 36-7-4-918.4: a board of zoning appeals shall approve or deny variances of use from the terms of the zoning ordinance. The board may impose reasonable conditions as a part of its approval.

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

Criteria #1: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(2)(a), the approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Finding: Other County departments/agencies expressed no concerns for this use to be accommodated on the subject property. This request would not be injurious to the public health, safety, morals, and general welfare of the community. This criterion has been met.

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

Finding: The subject property is surrounded on 3 sides by a cemetery and wooded agriculture areas, and is only adjacent to a single-family residence on one side – approximately 140 feet away. The zoning ordinance prescribes a Buffer Yard Type A for similar uses that are adjacent to property zoned AG. If this Buffer Yard Type A is installed along the 288-foot long property boundary shared with this neighboring residence, then this criterion has been met.

Criteria #3: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(2)(c), the need for the variance arises from some condition peculiar to the property involved.*

Finding: The non-residential buildings on the subject property were built since the early 1900's. Redevelopment of this property for permitted uses would require major renovations to the church buildings for residential uses. Recognizing the limitations for this property to be used for any other permitted uses in the AG (Agriculture: General Rural) zoning district, this criterion has been met.

Criteria #4: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(2)(d), the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.*

Finding: The subject property is 1.55 acres, and has previously been used for residential and worship facility uses. This has limited the space available for any agriculture related uses. Any redevelopment of this property for residential uses would require significant reinvestment. The property and buildings are suitable for other non-residential and non-agriculture uses. This criterion has been met.

Criteria #5: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(2)(e), the granting of the variance does not interfere substantially with the Comprehensive Plan.*

Finding: The Comprehensive Plan encourages economic growth and expansion of businesses in appropriate areas that can accommodate commercial growth, which would characterize this property. This criterion has been met.

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

Chairperson

Secretary