



BARTHOLOMEW COUNTY, INDIANA BOARD OF ZONING APPEALS

DEVELOPMENT STANDARDS VARIANCE FINDINGS OF FACT

Docket Number: BDS-2023-012
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 10 (Table 10.1) to allow a freestanding sign that is a maximum of 120 square feet in size and 12 feet in height for the restaurant use in a 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: The signage for the restaurant shall be limited to a freestanding sign of up to 50 square feet in size and 15 feet in maximum height.

The Bartholomew County Board of Zoning Appeals acted under the authority of Indiana law as follows: IC 36-7-4-918.5: a board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance.

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)(1)(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 have a freestanding sign. 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)(1)(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: Assuming part of the site redevelopment and signage would include appropriate buffers for the neighboring residence, this criterion has been met.

Criteria #3: *Columbus & Bartholomew County Zoning Ordinance, Section 12.3(D)(1)(c), 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.*

Finding: The zoning ordinance allowances for signage only apply to listed conditional uses and not this use, which requires use variance approval. These freestanding sign standards limit signage to be at maximum 50 square feet in area and a maximum 15 feet in height. Since this use would not be allowed signage automatically, while the Zoning Ordinance has standards for other non-residential uses, the applicant has demonstrated a practical difficulty. Provided that the sign is limited to the maximum 50 square feet and 15 feet in height consistent with other similar uses in agricultural setting, 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