



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
HEARING OFFICER
(February 13, 2024 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/CU-2024-002 (Karen Thompson)
Staff: Noah Pappas
Hearing Officer: Melissa Begley

Applicant: Karen Thompson
Property Size: 59.04 Acres
Zoning: AG (Agriculture: General Rural)
Location: 9640 South State Road 58, in Ohio Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow the conversion of an existing 2,450 square foot accessory structure (barn) into an accessory dwelling unit.

Preliminary Hearing Officer Decision:

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, Agriculture
Site Features:	Woods, pond and stream along southwestern portion of property.
Flood Hazards:	Zone-A Flood zone
Vehicle Access:	State Road 58 (Arterial)

Surrounding Zoning and Land Use:

	Zoning:	Land Use:
North:	AG (Agriculture: General Rural)	Large Lot Single-Family Residential
South:	AG (Agriculture: General Rural)	Large Lot Single-Family Residential
East:	AG (Agriculture: General Rural)	Large Lot Single-Family Residential Agriculture
West:	AG (Agriculture: General Rural)	Large Lot Single-Family Residential Agriculture

Interdepartmental Review:	
County Engineer:	No issues with the request.
Code Enforcement:	No response.
County Fire:	No response.
County Health:	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 accessory dwelling unit is proposed to be located in a currently existing accessory building. The applicant plans to enclose an existing unenclosed area to increase the square footage of the accessory structure to 2,450 square feet. The primary residence is 3,448 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 2,586 square feet. As proposed, the accessory dwelling unit size would be compliant with that standard.
2. The site consists of a large field which could be farmed, a heavily forested area, pond and a stream.
3. Zoning Ordinance Section 6.1(D)(1) permits accessory dwellings by conditional use approval and includes 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 accessory dwelling unit will be a separate and distinct structure.*
 - 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 residences. 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 existing barn which would be turned into the accessory dwelling unit is already served by an existing driveway, no new drive accesses are required.*
 - 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. There is one agricultural field to the west.
 5. A large structure like this is not out of character with the area. Utilizing the existing barn the accessory dwelling will continue to look like a barn in appearance.
 6. The building is setback approximately 667 feet from the State Road 58 right-of-way.

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 Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer 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 existing barn to be converted to an accessory dwelling will not be injurious to the public health, safety, and general welfare of the community. The building will not cause any visibility issues along State Road 58. 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 uses 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 properties or uses. This building is setback approximately 667 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 and retains the ability of the field to be farmed. Converting the existing accessory structure to an 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.*

Hearing Officer Options:

In reviewing a request for *conditional use* 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
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):	<u>1/22/24</u>	by (initials):	<u>AEB & NP</u>
Application Received on (date):	<u>1/23/2024</u>	by (initials):	<u>NP</u>
Jurisdiction:	<input type="checkbox"/> Columbus	<input checked="" type="checkbox"/> Bartholomew County	<input type="checkbox"/> Joint District
Hearing Procedure:	<input checked="" type="checkbox"/> Board of Zoning Appeals	<input type="checkbox"/> Hearing Officer	
Docket No.:	<u>B/CU-2024-002</u>	Zoning District:	<u>AG</u>
Property Owner Name (from GIS):	<u>Veron & Karen D Thompson</u>		

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: KAREN D. THOMPSON

Representative's Company Name: _____

Mailing Address: 9640 S. STATE RD 58 COLUMBUS IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-343-4234 E-mail Address: VTKT@ATT.NET

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: KAREN D. THOMPSON

Business, Institution, Etc. Contact Person Name: _____

Mailing Address: 9640 S. STATE RD 58 COLUMBUS IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-343-4234 E-mail Address: VTKT@ATT.NET

Property / Location Information:

Property Address: 9640 S. STATE RD 58 COLUMBUS IN 47201
(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 6.1(D)(1) of the Zoning Ordinance to allow the property to be used for the following (as defined by the zoning ordinance):

an accessory dwelling @ 2,450 sqft

Please describe the proposed use further:

Current structure is a 32x48 pole barn, that will be converted into a residential living space

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?

THE STRUCTURE IS ALREADY IN PLACE AND WILL BE USED AS RESIDENTIAL LIVING SPACE. THE LOCATION IS ISOLATED FROM BORDERING NEIGHBORS AND PRESENTS NO PUBLIC HEALTH, SAFETY OR WELFARE ISSUES.

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?

THE LOCATION HAS SUFFICIENT SPACE FOR PARKING, A DRIVEWAY IS ALREADY IN PLACE. I SEE NO ISSUES BEING CONSISTENT WITH THE INTENT OF THE DEVELOPMENT STANDARDS.

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 AG1. 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?

THE STRUCTURE IS ALREADY IN PLACE AND PROVIDES ZERO RISK TO THE NEIGHBORS ABILITY TO ENJOY THEIR PROPERTY. NO REASON TO BELIEVE HARM WILL NEGATIVELY AFFECT PROPERTY VALUES, ONLY POSITIVE!

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.

THE STRUCTURE WILL NOT CHANGE THE CHARACTER OF THE AREA. THE BARN WILL CONTINUE TO LOOK LIKE A BARN WHILE FUNCTIONING AS A RESIDENTIAL LIVING SPACE

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.

Karen D. Thompson
(Representative's Signature)

1/23/24
(Date)

KAREN D. THOMPSON
(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.

Karen D. Thompson
(Property Owner's Signature)

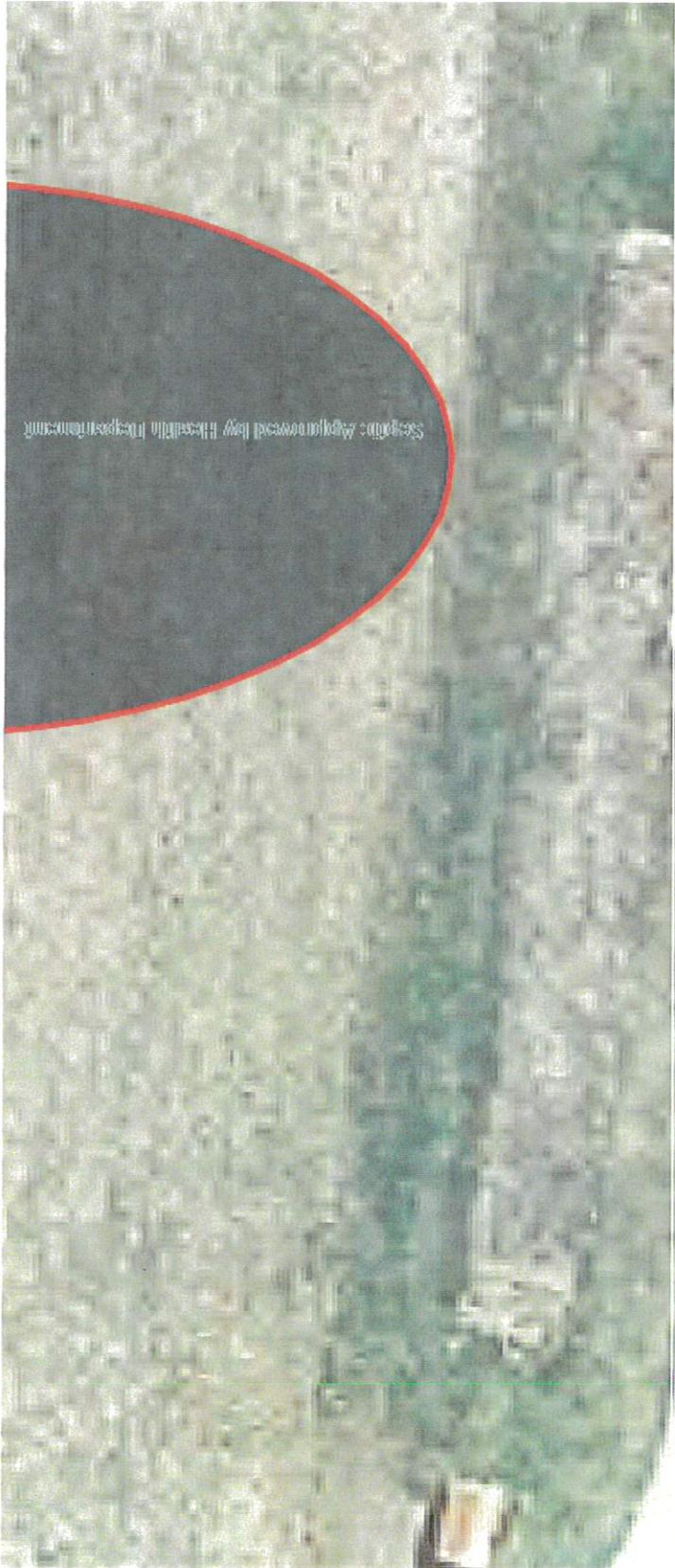
1/23/24
(Date)

KAREN D. THOMPSON
(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.

Karen D. Thompson
(Signer's Ownership Role or Representation)



Scoping Approval by Habitat Department

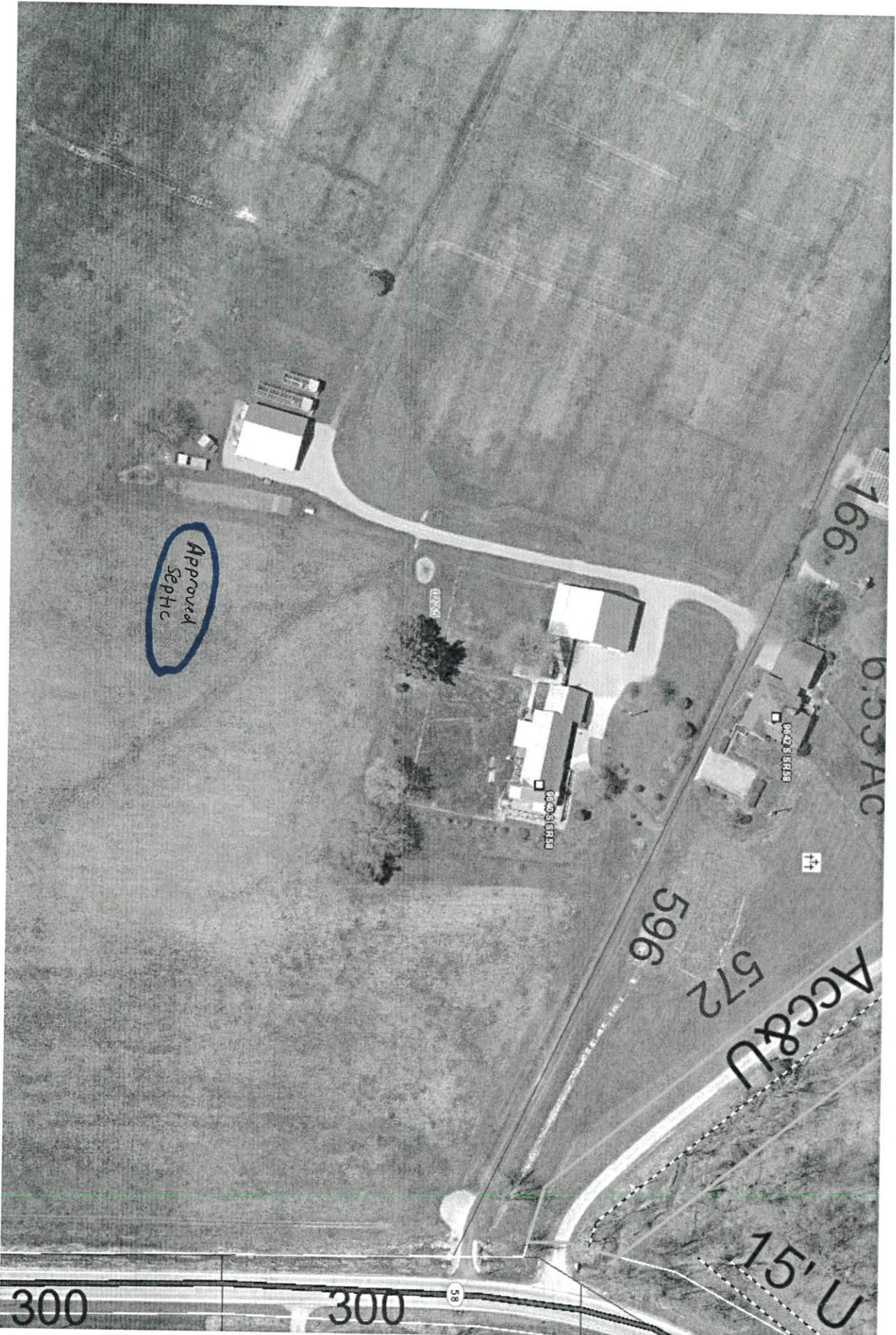


57.98 ft
42.28 ft
41.95 ft
Area: 2,443.34 sq ft
Total Length: 200.28 ft





Methamphetamine by breathalyzer



Approved Septic

166

0.53 AC

596

572

Acc&U

15' U

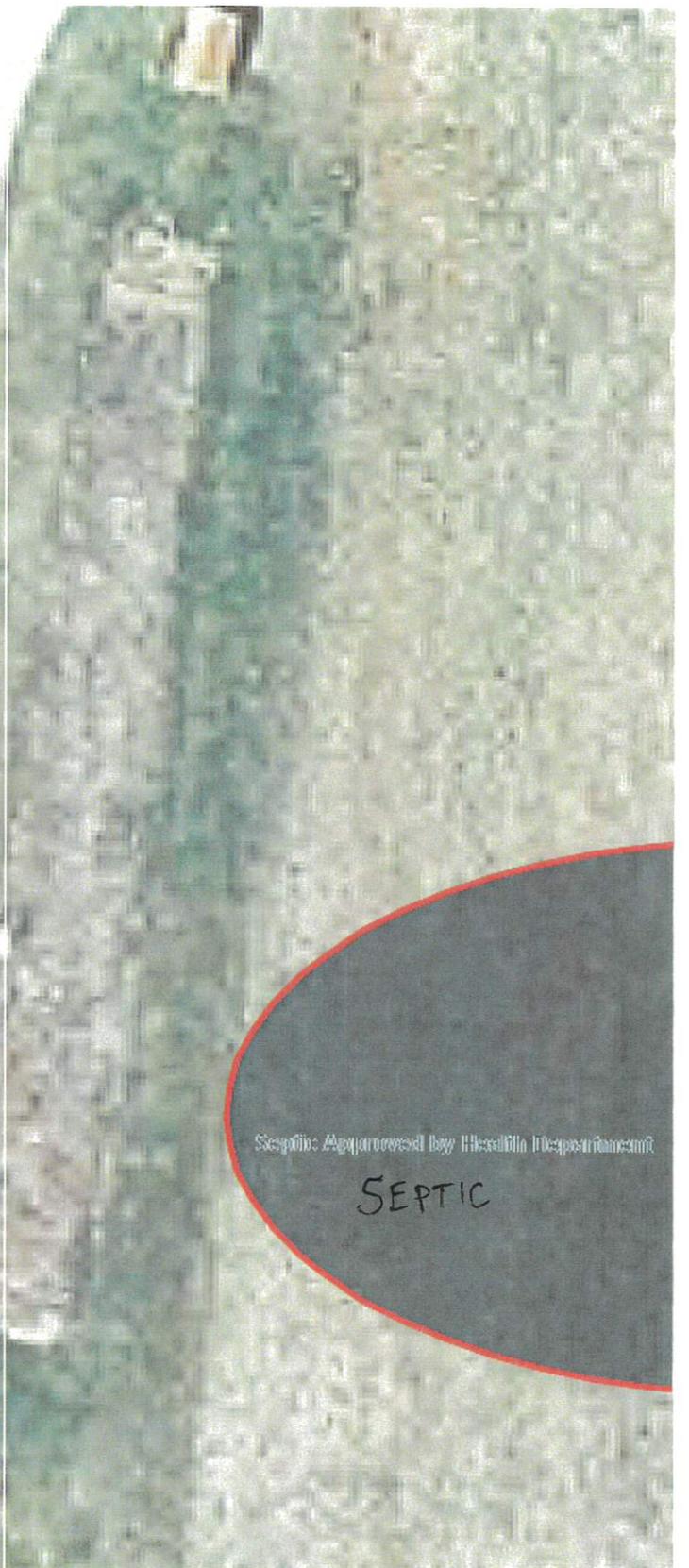
300

300

58



DISTANCE TO NEIGHBORING LOCATIONS



Septic Approved by Health Department

SEPTIC



Septic Approved By Health Department

APPROVED SEPTIC
LOCATION