



**BARTHOLOMEW COUNTY  
BOARD OF ZONING APPEALS  
(February 26, 2024 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** BCU-2024-001 (Taylor Hupp)  
BDS-2024-001 (Taylor Hupp)

**Staff:** Kyra Behrman

**Applicant:** Taylor Hupp

**Property Size:** 21.93 Acres

**Zoning:** AG (Agriculture: General Rural)

**Location:** 10350 West Seymour Road, in Jackson Township

**Background Summary:**

The applicant has indicated that the proposed conditional use will allow an accessory dwelling unit (“barndominium”) and storage building as a new, single structure on the property. In addition, the applicant is asking for a development standards variance in order to have a separate driveway to access the proposed accessory dwelling.

**Key Issue Summary:**

The following key issue(s) should be resolved through the consideration of this application: Does the accessory dwelling act / appear as “an accessory to the primary dwelling on the property” at the proposed location on the parcel, given the proposed separate driveway and location away from the primary home?

**Preliminary Staff Recommendation:**

Conditional Use: Denial; criterion #2 and #3 are not met.  
Development Standards Variance: Denial; criteria #3 has not 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.

**Conditional Use Standards:** Table 6.1 allows an Accessory Dwelling as a Conditional Use in the AG Zoning District.

**Development Standards:** [Section 6.1(D)(1)] Accessory Dwellings: Single family dwellings constructed and used as accessories to the primary dwelling on the property (otherwise commonly known as “mother-in-law’s quarters” or “granny flats”) shall meet the following requirements:

- 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.

- 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.
- c. Maximum Number of Units: A maximum of 1 accessory dwelling may be permitted on any property.
- d. Driveway Access: The accessory dwelling shall not require the establishment of an additional driveway.
- 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 (the Zoning) Ordinance.
- f. Waste Disposal: Both the primary residence and the accessory dwelling shall either (i) 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.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Single-Family Residential
<b>Site Features:</b>	Single Family Dwelling, Accessory Structures (Detached Garage, Small Storage Buildings, Barn), Pond and Woods
<b>Flood Hazards:</b>	None
<b>Vehicle Access:</b>	Seymour Road (Collector)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	AG (Agriculture: General Rural)	Forest, Single-Family Residential
<b>South:</b>	AG (Agriculture: General Rural)	Agriculture Uses
<b>East:</b>	AG (Agriculture: General Rural)	Agriculture Uses
<b>West:</b>	AG (Agriculture: General Rural)	Single-Family Residential, Agriculture

<b>Interdepartmental Review:</b>	
<b>County Engineer:</b>	As mentioned in the application, Highway Department has reviewed the drive location and it meets our requirements.
<b>County Health Department:</b>	This department has not received an application for this project. Until an on-site assessment and soil analysis is conducted, there is no way to determine if the site is suitable for an on-site sewage system.

<b>Code Enforcement:</b>	No comments.
<b>Fire Inspector:</b>	No comments.

**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 / “barndominium” structure will be 30 feet by 56 feet (1,680 square feet) with 1,200 square feet of living area to be used as the accessory dwelling. The remaining 480 square feet will be used to store items from the primary residence.
2. 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: The Zoning Ordinance allows an accessory dwelling to 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 structure on the property. *The accessory dwelling is proposed to be a separate and distinct accessory 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 residence on the property. *The existing home contains 1,652 square feet; 75% of the area would be 1,239 square feet. The accessory dwelling unit is proposed to be 1,200 square feet.*
  - c. Maximum Number of Units: A maximum of 1 accessory dwelling may be permitted on any property. *The applicant is requesting only one accessory dwelling, meeting the maximum permitted on a property.*
  - d. Driveway Access: The accessory dwelling shall not require the establishment of a second driveway. *The applicant is requesting a Development Standards Variance to allow a separate driveway to the proposed accessory dwelling; therefore, this standard of the Zoning Ordinance is not met.*
  - e. Parking Requirement: The accessory dwelling shall be considered a separate dwelling for the purpose of requiring off-street parking. *Two parking spaces are required per single-family residence, which requires a total of 4 parking spaces for this site. There is enough off-street parking onsite to accommodate both dwellings.*
  - f. Waste Disposal: Both the primary residence and the accessory dwelling shall either (i) 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. *The applicant has indicated the accessory dwelling will be served by a separate septic system, but the Health Department has not been contacted to review that proposed system’s location.*
3. The proposed accessory dwelling location is 500 feet to the west and separated from the primary residence by a large barn, an approximately 20 foot ravine and woods.
4. The general area is made up of either single-family residential homes on large wooded parcels or large agricultural parcels.
5. Large accessory structures are not out of character in this rural setting; this general area has several.
6. The nearest residences to the east, northeast, south and west are more than 1,000 feet from the proposed accessory dwelling location.
7. The proposed accessory dwelling structure would be setback approximately 200 feet from the centerline of Seymour Road. This is also about the same setback distance as the existing accessory structure (barn) to the west of the proposed accessory dwelling. This meets the minimum front setback.
8. The subject parcel contains some flatter areas north of the existing lake, northeast behind the existing pole barn; however, a large amount of the parcel contains building challenges due to changing and steep contours.
9. The proposed accessory dwelling site is notably separate from the main home on the property, given the natural separation by the creek and woods. There is nothing about the proposed location that

creates the appearance of this structure being an accessory to the existing home. This location is not walkable to the primary dwelling.

10. The home's existing driveway could be used to access the proposed location of the accessory dwelling, albeit the driveway would be approximately 550 feet in length. Furthermore, the accessory dwelling could be relocated to an alternate location west of the existing home resulting in a shorter driveway length.
11. Seymour Road is classified by the County Thoroughfare Plan as a Collector and is approximately 18 feet in width. The Bartholomew County Subdivision Control Ordinance recommends a pavement width of 22 feet for Collector streets.
12. The applicant could plat a new lot for this dwelling, rather than seeking approval for it as an accessory dwelling along with the driveway variance.

### **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 3-G:** Encourage mixed housing types and prices in all geographic areas of the county; discourage concentrations of similar types and prices. This policy does not mean that houses of widely ranging price or type will be mixed in individual neighborhoods; it means that no broad geographic area of the county (i.e., southwest, northeast, etc.) will be characterized by a single type or price of housing.
3. **Policy 3-I:** Require new development to be in scale with its surroundings.
4. **Policy 6-G:** Allow various types of housing such as accessory units.
5. **Policy 6-I:** Encourage residential clustering and other development types that conserve open space and natural resources and reduce infrastructure costs.
6. **Policy 6-N:** Ensure that new development does not lower the level of service nor place an excessive burden on current residents.
7. **Goal 14:** Ensure the safe disposal of sewage.

### **Provisional Findings of Fact/ Decision Criteria – Conditional Use:**

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 in a new separate structure will not be injurious to public health, safety and general welfare of the community. The location of the proposed structure is setback approximately 200 feet from the road and would cause no visibility issues. Adequate parking would be available. The new septic system for the accessory dwelling would require approval from the County Health Department. *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:* While the setbacks and other characteristics will meet the ordinance standards, the applicant is proposing to install a new and separate driveway to access the accessory dwelling, which is not permitted. *Unless the companion development standards variance for the new driveway can be obtained, this criterion has not 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:* Allowing the accessory dwelling unit in the proposed location with a separate driveway does not meet the general intention of the zoning ordinance with regard to accessory dwelling units. The proposed structure does not have the characteristics of an ‘accessory dwelling,’ but rather a separate, primary dwelling. The applicant has the option of subdividing a new lot at the proposed dwelling location to facilitate its construction. *This criterion has not 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 *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.

**Provisional Findings of Fact/ Decision Criteria – Development Standards Variance:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

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

*Provisional Findings:* The proposed location of the driveway meets the driveway separation distances as established by the Zoning Ordinance. The location was approved by the County Highway Department, which considers traffic visibility. Allowing the driveway would not be injurious to the public safety and general welfare of the community. *This criterion has been met.*

**2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

*Provisional Findings:* Allowing a separate driveway, which meets the separation standards established by the Zoning Ordinance, along with the criteria established by the County Highway Department for new driveways would not affect the adjoining properties in a negative manner. *This criterion has been met.*

**3. 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.**

*Provisional Findings:* The purpose for the new driveway is to access a new structure; specifically, a proposed accessory dwelling unit. There are no practical difficulties in the use of the property that are addressed by an accessory dwelling with a new driveway at this location remote from the primary home. The location of the accessory dwelling unit could be moved to another area on the property that would not necessitate the installation of a new driveway or a separate lot, which could be served by its own driveway, could be platted to accommodate the new dwelling at its currently proposed location. *This criterion has not been met.*

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance 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 [planning@columbus.in.gov](mailto:planning@columbus.in.gov). If questions, please call: 812.376.2550.  
Submittal instructions available at <https://www.columbus.in.gov/planning/applications-forms/>.

<b>To be Completed by the Planning Department</b>	
Pre-submittal Meeting on (date): <u>1.10.24</u>	by (initials): <u>MSB</u>
Application Received on (date): <u>1.22.24</u>	by (initials): _____
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-2024-001</u>	Zoning District: <u>AG</u>
Property Owner Name (from GIS): <u>WENDELL SHELTON + TAMARA</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: Taylor Hupp

Representative's Company Name: \_\_\_\_\_

Mailing Address: 10350 W Seymour Rd Seymour IN 47274  
(number) (street) (city) (state) (zip)

Phone No.: 8125257865 E-mail Address: thupp94@gmail.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: Same as above

Business, Institution, Etc. Contact Person Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(number) (street) (city) (state) (zip)

Phone No.: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**Property / Location Information:**

Property Address: 10350 W Seymour Rd Seymour IN 47274  
(number) (street) (city) (state) (zip)

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):

Accessory dwelling unit on a parcel with a primary dwelling

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.

Taylor Hupp  
(Representative's Signature)

1/10/2024  
(Date)

Taylor Hupp  
(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.

Wendell Max Shejow  
(Property Owner's Signature)

1-15-2024  
(Date)

WENDELL MAX SHEJOW  
(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 Application:**

We are requesting approval for an Accessory Dwelling (Barndominium) on our property. 2 bed 1 bath. The size of the barndominium would be 30x56. With there being 1200 sq ft living quarters. Total sq ft 1680 (including garage space). Which is less than the 1260sq ft living quarters max allowed on the property since the primary house is 1620 sq ft. We are aware since primary residence was built in 1900 (over 50 years old) we could exceed the 1260 sq ft living quarters but we respectfully choose to stay below the 1260sq ft. The grass field area in which we are requesting to build on is around 1.5 acres. The exact location will be determined once we are told where the septic has to be. The accessory dwelling we are requesting will have water, septic and electric. Living quarters will be used for visiting family. Garage area will be used for storage from the primary residence such as storing our racing equipment and any other storage/garage needs from the primary residence.

Blue area is where we would like to put accessory dwelling



1. The approval of conditional use would not create any public safety issues that we are aware of. We had the Bartholomew county highway department evaluate our Entrance/exit where we would like to put the additional drive way (which we are applying for) and were able to obtain the driveway permit. They did not see any issues. We will also achieve all permitting, health, fire and safety compliances in the build. We also will be using a licensed general contractor to lead the build. In later areas we address closest neighbors. The accessory dwelling would not produce waste harmful to the ground or waterways because we would have a septic system put in to standards and pass all inspections.
2. The build will not exceed 75% living quarters of the primary house on property. Primary house is 1620 sq ft. We are aware since primary residence was built in 1900 (over 50 years old) we could exceed the 1260 sq ft living quarters but we respectfully will stay below the 1260sq ft (if the

primary home was not over 50 years old)

Parking will be in the Barndominium enough for 2 vehicles if the area is not in use by the current primary home owners. There will be additional places to park in the gravel in front of the barn, big enough for 2 vehicles. The Barndominium will have its own septic system due to the distance from the primary home and the ravine that would need to be crossed. We believe it will meet minimum building set backs since it will not be close to the road and is not on a flood plane.

The only standard we would not be able to meet would be wanting to add a driveway which we are applying for. We are requesting a drive to the barndominium because of the ravine we would have to cross to use an existing driveway. Building a bridge and cutting down agriculture is not feasible. Putting in a new gravel drive would be less harmful to the land.

3. The property is zoned in agriculture. The closest residence to the location we are wanting the barndominium is to the North (see below). The field between the closest house and where we want the barndominium is harvest ground and gets planted yearly. Our field area does not get planted by the farmers. We do not see that having the barndominium in this location would restrict the farmers since our field already does not get planted and the drive way would not be on the easement. The barndominium would not cause harm to neighboring property values. It would raise our property value, usually making neighboring property value increase as well.



Yellow X- where closest home is located

Blue- where we want barndominium

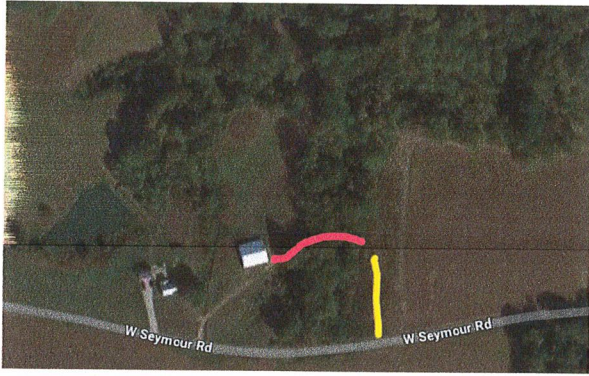
Yellow line- drive way request

1. The conditional use will not change the character of the area. There are multiple barndominiums in our area with the closest being less than a half mile. Barndominiums are common in the county district/country setting. We believe the location we have picked out is the best location on our property for the accessory dwelling for easy access when it comes to wanting to have septic, electric and water in the Barndominium. While accommodating our family during their stay we still want to be able to enjoy our property and currently the grass field to the north does not have a purpose (where we are wanting the barndominium).

#### **Variance Requested Application:**

We are requesting the accessory dwelling which we are applying for to have a separate driveway. This driveway is being requested to the barndominium due to an easier access point available than to having to extend a current driveway. (explained below)

1. The approval of the drive would not be injurious to the public health, safety, morals and general welfare of the community. We had the Bartholomew county highway department evaluate our Entrance/exit where we would like to put the additional drive way they did not have any concerns. We were able to obtain the drive way permit but have not put the driveway in due to seeking approval.
2. We would be putting the driveway off of the easement so it would not be effecting the neighboring property and can still use the easement if needed.
3. If we were to extend an existing driveway the route that would have to be taken to reach the accessory dwelling is not feasible. If we were to extend the driveway we would have to clear cut agriculture in order to build a bridge to cross the ravine that is present. This would cause more harm than good to the property. Simply adding another driveway in a grass field would be more feasible. (see below)



Red- If we continued from an existing drive

Yellow- additional drive requested

Easement is to the right of the yellow bordering neighboring property



198,797 trees planted with Ecologi