



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
(March 25, 2024 Meeting)**

STAFF REPORT

Docket No. / Project Title: BCU-2024-003 (SiteCo Excavation)
Staff: Melissa Begley
Applicant: Leighton Howe
Property Size: 5.10 Acres
Zoning: AP (Agriculture: Preferred)
Location: 5640 East 400 South, in Sand Creek Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow a home based business (an excavation company) at his residence.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: None

Preliminary Staff Recommendation:

Approval, all criteria have been met. Approval should include a condition that a 6 foot tall 100% opaque fence shall be installed along the north and east sides of the area of outdoor storage. The fence shall be installed by no later than 6 months following approval of this conditional use application.

Zoning District Intent:

The intent of the AP (Agriculture: Preferred) zoning district is as follows: To provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit non-agricultural development in areas with minimal, incompatible infrastructure.

Current Property Information:	
Land Use:	Single family residential
Site Features:	A dwelling and an accessory structure (a barn).
Flood Hazards:	No flood hazards exist on the property.
Vehicle Access:	400 South (Arterial) 300 East (Local)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Agriculture, Large lot single family residential
South:	AP (Agriculture: Preferred)	Agriculture, Large lot single family residential, Triumphant Baptist Church
East:	AP (Agriculture: Preferred)	Agriculture, Large lot single family residential
West:	AP (Agriculture: Preferred)	Agriculture, Large lot single family residential

Interdepartmental Review:	
County Engineer:	Highway has no objections.
Code Enforcement:	Code Enforcement has no issues with the proposal.

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 a conditional use for a home-based business, specifically for an excavation business. The business is located in a 3,024 square foot accessory structure. The accessory structure will be used partially for the business and partially for personal uses. The applicant will have two employees and will have some outdoor storage of equipment and materials. Further, the applicant is requesting a 4 ft. by 8 ft. (32 square foot) freestanding sign placed along 450 South near the driveway entrance. The sign will be 6 feet in height.
2. 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. Zoning Ordinance Section 6.6 (Part 2)(B) specifies benchmarks for a home-based business to be permitted by right. If any of the benchmarks for a permitted home-based business are not met, the home-based business may be allowed by the Board of Zoning Appeals as a Conditional Use.

The benchmarks are listed below:

- a. **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. *None of the above listed activities apply. This request falls below this benchmark for conditional use consideration.*
- b. **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. *This request falls below this benchmark for conditional use approval.*
- c. **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. *The applicant has indicated that there will be two employees. Each workday the employees will park at the property but the work is*

completed off-site. This request exceeds this benchmark and triggers conditional use consideration.

- d. 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:
 - i. 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. *Neither the accessory structure nor the dwelling has been altered. This request falls below this benchmark for conditional use approval.*
 - ii. Entrances: The home-based business shall not require the construction of any additional entrances to any dwelling or accessory structure. *No additional entrances to the dwelling or accessory structure have been constructed. This request falls below this benchmark for conditional use approval.*
 - iii. 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. *The residence has not been enhanced beyond what is standard for a residence and this request falls below the benchmark for conditional use approval.*
 - e. 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 (the Zoning) Ordinance for the dwelling unit. The on-site storage of business vehicles shall meet the standards of Article 7. *The applicant has indicated that they would have business vehicles stored on-site. This request exceeds this benchmark and triggers conditional use consideration.*
 - f. 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. *The applicant has indicated they will not have regular pick-up or drop-off of deliveries. This request falls below this benchmark for conditional use approval.*
 - g. Signs: No signs of any type shall be used, other than those permitted in the zoning district by Zoning Ordinance Article 10, Signs. *The applicant has indicated they would like to have a freestanding sign that is 4 ft. by 8 ft. (32 square foot) and 6 feet in height. This request exceeds this benchmark for conditional use approval.*
 - h. 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. *Equipment and materials will be stored on site and not within the accessory structure. This request exceeds this benchmark and triggers conditional use approval.*
 - i. 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 specialized accessory structure shall be constructed for the purpose of housing the home-based business. *The applicant is utilizing a portion of the existing accessory structure for the excavation company. This request exceeds this benchmark and triggers conditional use approval.*
3. The applicant has stated that they store equipment related to the business both in the post frame building and external to the building on a maintained gravel parking area. At any time 2 excavators, 1 skid steer, 1 backhoe, 4 trailers, and 2 dump trucks could be located on the property. The applicant has also noted that they often keep topsoil on a rotating basis for use on upcoming projects.
 4. The Zoning Ordinance includes provisions for outdoor storage and requires screening in industrial and commercial zoning districts. In a commercial zoning district, outdoor storage is required to be screened with a 100% opaque fence that is a minimum of 6 feet in height. If it is visible from a public street or road, it is also required to include landscaping. In industrial zoning districts, outdoor storage that is visible from a Collector or Arterial street or road is required to be screened with a 100%

opaque fence that is a minimum of 6 feet in height and can extend up to 8 feet in height and landscaping.

5. The property is surrounded on three sides (west, north, and east) by agricultural fields. The Triumphant Baptist church and a large lot residential property are located to the south. The closest residence is the residence to the south and is approximately 1,014 feet to the south. There is no vegetation, fencing or other topographic features that screen the parked equipment and materials from view from the neighboring properties.
6. The property and outdoor storage is located approximately 530 feet from 300 East. There is no vegetation or topography that screens the outdoor storage area from the road. During the growing season, agricultural crops would obscure the outdoor storage from view.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Agriculture.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **Goal 3:** Maintain rural neighborhoods, establish appropriate new neighborhoods, and revitalize existing rural towns and villages.
2. **Goal 4:** Create stable residential neighborhoods that are safe, healthy, socially satisfying and retain their economic value.
3. **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.
4. **GOAL 19:** Maintain and enhance the attractiveness of Bartholomew County by preventing sign clutter, oversized and garnish signs while recognizing the need for local businesses to advertise their goods and services.
5. **POLICY 19-A:** Ensure that all businesses are treated equally with respect to signs.

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: 400 South is classified by the Thoroughfare Plan as an arterial road and is intended to accommodate a significant amount of traffic. The County Engineer does not have any objections with the request and approval of the request would not be injurious to the public health and safety of the public. *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 intends to follow all applicable development standards. Similar uses that maintain areas of outdoor storage are screened with a 100% opaque fence. If a 6 foot tall 100% opaque fence is installed limiting the visibility of the outdoor storage area from 330 East, this property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses. *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 primary use of the property will still be residential. The County Engineer expressed no concern about the traffic generated by the business on 400 South. The nearest residence

is approximately 1,014 feet from the location but the applicant's home would obscure the trucks and outdoor storage from that same neighbor. Similar uses that maintain areas of outdoor storage are screened with a 100% opaque fence. If a 6 foot tall 100% opaque fence is installed limiting the visibility of the outdoor storage area from 330 East, this property will be consistent with the general purposes of the Zoning Ordinance. *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 proposed home-based business is consistent with the Comprehensive Plan as it promotes growth of a compatible business with agriculture uses as it does not affect agricultural operations or take up usable agricultural space. *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.

**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>2/6/24</u>	by (initials): <u>MB-KB</u>
Application Received on (date): <u>2/19/24</u>	by (initials): <u>JAM</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>BCU-2024-003</u>	Zoning District: <u>AP</u>
Property Owner Name (from GIS): <u>Leighton & Shelby Howe</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: LEIGHTON HOWE

Representative's Company Name: SITECO EXCAVATION LLC

Mailing Address: 5640 E 400 S COLUMBUS IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-565-9009 E-mail Address: indianasiteco@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: SITECO EXCAVATION LLC

Business, Institution, Etc. Contact Person Name: LEIGHTON HOWE

Mailing Address: 5640 E 400 S COLUMBUS IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-565-9009 E-mail Address: indianasiteco@gmail.com

Property / Location Information:

Property Address: 5640 E 400 S 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):

To allow a home based business.

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?

- 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?

- 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.

Please describe the proposed use further:

- This property houses the main shop for SiteCo Excavation. The shop is utilized for personal use as well as equipment storage and maintenance for the home based business. We seeking approval to add a road front sign for our home based business.

1. The approval of the conditional use will not be injurious...

- The proposed signage will not impact neighbors or passing motorists ability to safely navigate the area. It will not impact the homeowners ability to safely navigate on and off the property.

2. The development of the property will be consistent with the intent...

- SiteCo Excavation does have 2 employees that are not based at the residents that attend the home work site daily. The employees do not physically work on site, but rather park at the home based business location to leave to varying jobsites for the entirety of the day. Upon return to the home based business the employees vacate the property for the evening.

3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance...

- The property is currently zoned as residential/ agricultural. The signage proposed will not impact neighboring properties and has no impact on property values.

4. The conditional use will be consistent with the character of the zoning district in which it is located....

- The conditional use will not change the character of the area. No features will be different than what is common in the zoning district. The proposed signage will be consistent with other like signage on 400 S in the general zoning area. Attached to this submission is a hand sketch of the signage being proposed.

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.


(Representative's Signature)

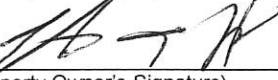
2/18/24
(Date)

LEIGHTON T HOWE
(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.


(Property Owner's Signature)

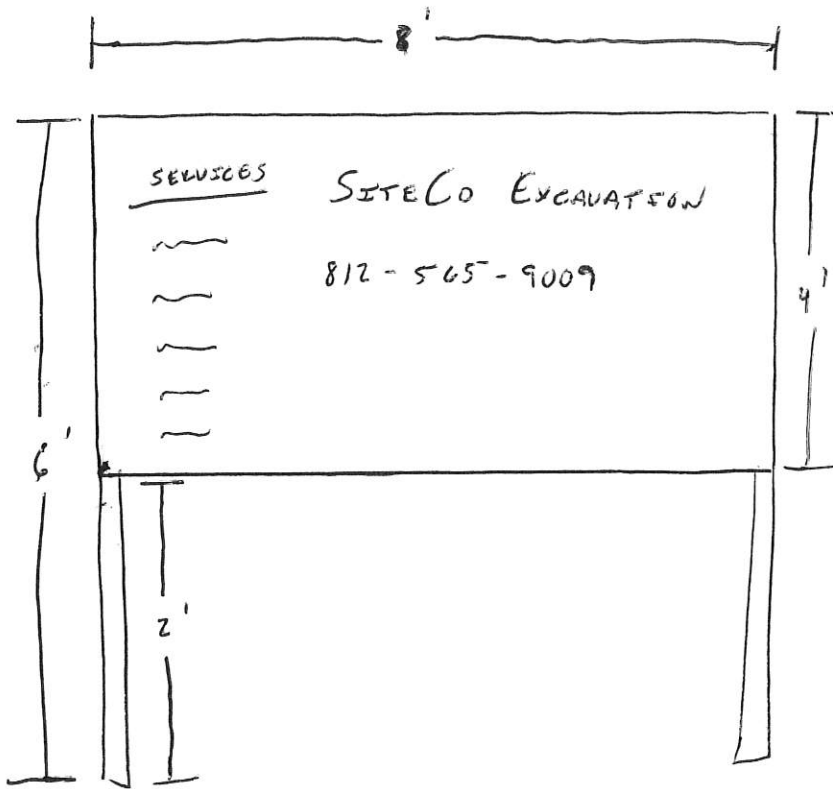
2/18/24
(Date)

LEIGHTON T HOWE
(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.

HOME OWNER / BUSINESS OWNER
(Signer's Ownership Role or Representation)





EMPLOYEE
PARKING

5.10 Ac

3.07 Ac Tract 5

3.93 Ac Tract 5

PROPOSED
SEGN

300' E

18' RAW 313/613

185 857050 30 1