



BARTHOLOMEW COUNTY, INDIANA BOARD OF ZONING APPEALS

USE VARIANCE FINDINGS OF FACT

Case Reference Number: BUJ-2025-003

Applicant: Max Henry

Filing Date: 11/10/2025

Hearing Date: 12/15/2025

Property Location: 8211 W Georgetown Road, in Harrison Township

Variance Requested:

A variance from Zoning Ordinance Section 3.6(A) to allow a contractor's office and/or workshop, including storage and parking of work vehicles and equipment in the AG (Agriculture: General Rural) zoning district.

Board Action Taken:

Request Approved by a Vote of: 4 to 0

Commitments:

The approval was subject to the following commitments which address the long-term use of the property:

1. Outdoor storage will be limited to the existing fenced area (approximately 125 feet wide and 200 feet deep generally centered around the existing building) and will include only vehicles and equipment and specifically not include supplies, materials, and/or debris.

The Bartholomew County Board of Zoning Appeals acted under the authority of Indiana law as follows: Indiana Code Section 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: None of the County departments contacted, including the fire inspector and highway engineer, expressed any concerns with the requested use variance. 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 area adjacent to the subject property includes primarily rural residences. Properties to the immediate north and west are adequately screened from the subject property, but the property to the east is likely not and may be impacted by the appearance of outdoor storage areas and vehicle noise. If outdoor storage is limited to the existing fenced area, includes only vehicles and equipment, and excludes supplies, materials, and debris, 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 6,000 square feet structure that is on the subject site was originally constructed as a construction warehouse. The structure and property is more suitable for a commercial use rather than residential due to the warehouse configuration. 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 historical use of the subject property has been a commercial warehouse space. If the structure had not been renovated for residential use, the subject site would be legal nonconforming and the continued use as a contractor's office would be allowed. The warehouse-like structure on the property cannot be reasonably adapted for farming or reasonable, sustainable residential use. 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 the expansion of businesses and industries that are compatible with their surroundings. It also encourages flexibility to adapt to economic changes or needs. Allowing for the historical use of the subject site to continue as a contractor's office or workshop does not interfere with the comprehensive plan. 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