



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
(October 29, 2013 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/DS-13-08 (Fred Beerwart)
Staff: Melissa Begley
Applicant: Fred Beerwart
Property Size: 5.78 Acres
Current Zoning: AP (Agriculture: Preferred)
Location: 15620 E. 200 S. in Rock Creek Township

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 3.5(C) is for the purpose of building an addition to connect the existing primary structure to a detached garage and will have a 12 foot setback, 18 feet less than the required 30 foot setback.

Preliminary Staff Recommendation:

Approval, all criteria have been met.

Zoning Ordinance Considerations:

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 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.

Development Standards: Section 3.5(C) Minimum Side Setback: Primary structures are required to be setback a minimum of 30 feet from the side property line.

Current Property Information:	
Land Use:	Single family residential
Site Features:	A single family dwelling, a detached garage, 2 other accessory structures, woods and a small stream
Flood Hazards:	No flood hazards exist on the property.
Vehicle Access:	200 South (Collector)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Farm field
South:	AP (Agriculture: Preferred)	Single family residence, farm fields
East:	AP (Agriculture: Preferred)	Farm fields, woods
West:	AP (Agriculture: Preferred)	Single family residence, farm fields

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 has expressed their desire to build an addition to the existing single family residence that would connect to the existing detached garage. The addition would encroach into the required 30 foot side setback for primary structures by approximately 18 feet.
2. Zoning Ordinance Section 3.5(C) requires primary structures to be setback 30 feet from all side and rear property lines. The primary structure, as it currently exists is approximately 40 feet from the property line.
3. Zoning Ordinance Section 3.5(C) requires accessory structures to be setback 15 feet from all side and rear property lines. The accessory structure, as it currently exists is approximately 12 feet from the property line.
4. The applicant's house sits approximately 2,050 feet from County Road 200 South. The closest adjacent residences are 1,750 feet to the southwest and 1,900 feet directly to the south.
5. The applicant has stated that the existing septic system is located to the northeast side of the house.
6. The existing structure is 2,400 square feet in size and the proposed addition would be roughly 30 feet by 25 feet. The new addition would be for a laundry room and guest room/flex space.
7. The property directly to the east, which would be most affected by the variance, is approximately 28 acres in size, includes woods and a field, and does not include a house.

Provisional Findings of Fact/Decision Criteria:

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 addition to the primary residence to connect with the existing detached garage will not injure the public health or safety of the community. The addition will be required to acquire a building permit and follow the applicable building codes. *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: The area adjacent to the addition is heavily wooded and the nearest residential structure is approximately 1,750 feet from the residence. The detached garage is 12 feet from the property line and the house addition will not be built any closer than garage. The adjacent property will not be affected in a substantially adverse 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: It is not possible to build an addition to the north side of the house due to the location of the septic system. Building onto the front of the house would interfere with the drive and is not practical. Building the addition to the west of the house would interfere with a small existing building being used as a studio/workspace. This east side of the house is the best and most practical location for a building addition. *This criterion has 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.

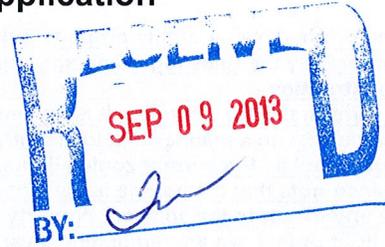
**Columbus – Bartholomew County Planning Department
Development Standards Variance Application**

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: AP
Docket No.: 4DS-13-08

Hearing Procedure: Hearing Officer Board of Zoning Appeals



Development Standards Variance Application:

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: Fred Beerwart
Address: 15620 E. 200 S. Columbus IN 47203
(number) (street) (city) (state) (zip)
Phone No.: (812) 603-2077 Fax No.: _____ E-mail Address: FBeerwart@OmniumCapital.com

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: SAME AS ABOVE
Address: _____
(number) (street) (city) (state) (zip)
Phone No.: _____ Fax No.: _____ E-mail Address: _____

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: SAME AS ABOVE
Address: _____
(number) (street) (city) (state) (zip)
Phone No.: (812) 603-2077 Fax No.: _____ E-mail Address: FBeerwart@OmniumCapital.com

How would you prefer to receive information (please check one): E-mail or Phone Fax Mail

Property Information:

Address: 15620 E. 200 S. Columbus IN 47203
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

Variance Requested:

I am requesting a variance from Section 3.5 C of the Zoning Ordinance to allow the following:

The original owner of this property built a detached garage next to the house.

Apparently the rules regarding structure locations relative to property lines were different at the time of original construction.

In light of the current rules, it is my understanding that without a variance, I would not be able to attach our house to the garage (in a manner that looks attractive), since the necessary Eastward construction from the house to the garage would violate the current zoning limits.

Please note that the garage is the closest building to the adjacent property and the proposed construction would not be any closer to the adjacent property than the existing garage.

In light of that, we are requesting a variance from Section 3.5 C of the Zoning Ordinance, so that we can connect our house to the garage. Please note that if approved, we will also probably add another bay to the garage by extending it to the South (we would move the overhead doors from the South side of the building to the West side of the building).

Please see attached maps.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

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

Since this construction project would simply allow us to connect our house to our currently detached garage, this would not be injurious to public health, safety, morals or general welfare of the community. It may be worth noting that our house is ½ mile down our private lane from CR 200 S and most people are not even aware that this house is here. Additionally, our nearest neighbor's house is approximately ½ mile from our house.

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

Connecting the house and garage will in no way affect the use of the adjacent property.

Connecting the house and garage will potentially increase the value of the adjacent property, since the proposed construction will increase the value of our property.

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.

During inclement weather, in the current configuration, trips between the garage and the house often produce practical difficulties for our family, especially for my wife, who has MS.

Application Fee Refund Information:

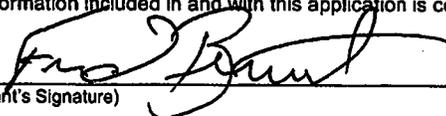
The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: Fred Beerwart

Address: 15620 E. 200 S. Columbus IN 47203
(number) (street) (city) (state) (zip)

Applicant's Signature:

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

 9/9/13
(Applicant's Signature) (Date)

Property Owner's Signature (the "owner" does not include tenants or contract buyers):

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. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

 9/9/13
(Owner's Signature) (Date)

(Owner's Signature) (Date)

Bartholomew County, IN



Bartholomew County, IN



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