



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
(March 28, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/CU-16-02 (J&A Asset Management)
Staff: Melissa Begley
Applicant: J & A Asset Management
Property Size: 22.808 Acres
Zoning: AP (Agriculture: Preferred)
Location: Approximately 3800 feet north of the intersection of 800 North and Stafford Road, on the west side of Stafford Rd, in Hawcreek Township

Background Summary:

The applicant has indicated that the proposed conditional use is a replacement for a recently approved conditional use application to construct a new 50 foot by 100 foot barn on the north end of the property. This application proposal is to allow an addition of a 70 by 70 ft. (4,900 square foot) building onto an existing structure centrally located on the property. As with the previous request, the building addition is to provide additional space for their existing animals and is not going to be used to add additional animals to the operation. The applicant's facility houses up to 2500 sows and their litters. The applicant has indicated that the previously approved building will not be constructed.

According to Section 14.2 of the zoning ordinance, the definition of both a concentrated animal feeding operation (CAFO) and a confined feeding operation (CFO) is: the raising of animals for food, fur, or recreation in lots, pens, ponds, sheds, or buildings where they are confined, fed, and maintained for at least 45 days during any calendar year, and where there is no vegetation present over at least half of the animal's confinement area. A CAFO is a CFO that includes a comparatively larger number of animals. All CFOs, including CAFOs, that include at least 300 cattle, 600 swine or sheep, 30,000 fowl, or 500 horses are subject to regulation by the Indiana Department of Environmental Management (IDEM). All CFOs/CAFOs subject to IDEM regulation are defined as farm (CFO/CAFO type II) by the Zoning Ordinance and also require local approval as a conditional use.

Preliminary Staff Recommendation:

Approval, all criteria have been met; with the condition that the previous application requests B/CU-15-10 and B/DS-15-14 be withdrawn.

Zoning District Intent:

District Intent: The intent of the AP (Agriculture: Preferred) zoning district is 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 nonagricultural development in areas with minimal, incompatible infrastructure.

Current Property Information:	
Land Use:	Farm (CFO/CAFO type II)
Site Features:	12 Agricultural barns and 2 lagoons
Flood Hazards:	No flood hazards exist on the property.
Vehicle Access:	Stafford Road (Local)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Agricultural farm fields
South:	AP (Agriculture: Preferred)	Agricultural farm fields, large lot single family residence
East:	AP (Agriculture: Preferred)	Agricultural farm fields, Single family residence
West:	AP (Agriculture: Preferred)	Agricultural farm fields

Interdepartmental Review:	
County Engineer:	No issues.
Code Enforcement:	There are no issues that we see with this 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 Indiana Department of Environmental Management (IDEM) regulates this facility with regard to facility setbacks from streams, wells, roads, property boundaries, and residences, manure handling and storage, facility design and construction, manure application rates and setbacks, monitoring and record keeping, stormwater run-off and closure of manure storage structures. IDEM does not regulate property values, public road conditions, places where CFOs and CAFOs locate, traffic, or odors and vectors (e.g. flies, mosquitoes)
2. The proposed 70 ft. by 70 ft. (4,900 square foot) building addition will be located in the center of the property. The applicant has indicated that the building addition is to provide additional space for existing animals on the farm and will not be used to increase the number of animals at this location.
3. The property is 22 acres in size and currently contains 12 barn structures, in which there are animals in 11 of the structures. This operation is a farrowing operation and houses up to 2500 sows and their litters. The baby pigs leave the farm at 3 weeks of age.
4. The applicant will utilize the existing gravel drive that runs through a single family property to the southeast to the facility and which gains access from Stafford Road (which is a local road according to the Bartholomew County Thoroughfare Plan). The applicant has indicated that there are approximately 11 semi-trucks traveling to the site per month for delivery of feed and the

delivery/shipment of animals. The primary route these trucks travel when exiting the farm is south on Stafford Road to County Road 800 North.

5. There are currently 2 lagoons on the site. The lagoons are liquid manure storage structures that store diluted manure for an extended period. IDEM requires the lagoons to hold a minimum of 6 months of storage. The applicant has indicated these lagoons are able to hold 24 months of storage. The new barn will utilize the existing lagoons and there will be no additional manure generated with this structure because they are not increasing the number of animals on site.
6. Section 6.3(B)(4) of the Zoning Ordinance requires a minimum distance from residential zoning. No farm (CFO/CAFO Type II) operation shall be located closer than ½ mile to any Single-family Residential or Multi-Family Residential zoning district measured at the nearest boundary line of the zoning district and the nearest property line of the CFO/CAFO operation. This operation meets that standard. The nearest residential zoning district is 1.5 miles to the west and is the town of St. Louis, which is a small rural settlement of 21 residential properties. The Town of Hope's jurisdictional limit is located 1.61 miles to the south.
7. Zoning Ordinance Section 6.3(B)(2) requires that all structures used in association with a farm (CFO/CAFO type II) operation to be setback a minimum of 100 feet from all property lines. The building addition will be over 150 feet from the northern property line and over 160 feet from the southern property line.
8. The nearest residential structure is directly adjacent to the subject property to the south and is owned by the applicant. It is approximately 430 feet southeast of the proposed barn. There are three other single family properties that are within a half of a mile of the existing operation. The first is approximately 1,790 feet northwest of the proposed structure location, the second single family property to the south is located over 1,200 feet from the proposed structure and the third is 2,500 feet to the south of the proposed structure.
9. The barn has been sited over 650 feet from Haw Creek and the barn will not be located in a flood plain.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as agriculture preferred. The agriculture preferred district includes prime farmland in Bartholomew County, outside developed areas. Prime farmland includes most of the eastern and northern parts of the County.

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

1. **Goal 1: Preserve productive farmland and maintain the productive capacity for a strong county agricultural industry.**
2. **Policy 1-D:** Require appropriate buffers to allow the continued full use of adjoining farmland and to reduce conflicts between neighboring uses.
3. **Policy 1-F:** Direct development away from more productive farmland and agricultural areas.
4. **Policy 1-G:** Prevent subdivision development from interfering with ongoing agricultural operations.
5. **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.
6. **Policy 1-K:** Protect neighboring farmland from increased water runoff (both surface and subsurface), night lighting, sun-blocking interference, trespassing or anything else which might interfere with existing or potential farm operations.
7. **Policy 1-Q:** Promote development of businesses such as value-added agricultural industries that enhance agriculture and agribusiness while protecting the character and environmental quality of the county.
8. **Goal 2: Protect open space such as woodlands, flood plains, and wetlands for environmental, recreational, scenic, and life-style benefits.**
9. **Policy 2-B:** Ensure that development occurs in a manner that preserves farmland, wildlife habitat, woodland, and significant natural features.
10. **Policy 2-E:** Utilize information about soil and water resources to make wise land use decisions and to prevent damage to the environment.
11. **Goal 7: Maintain and enhance the quality of the water, air and land.**
12. **Policy 7-C:** Ensure, to the extent possible, that new development does not cause deterioration in water quality or quantity for existing development.

13. **Policy 7-L:** Ensure that human and animal waste disposal is carried out in accordance with applicable environmental regulations.
14. **Goal 12: Improve Water Quality and Ensure an Ample Supply of Potable Water.**
15. **Policy 12-A:** Protect ground and surface water from contamination by chemicals, industrial waste, septic systems, animal waste, human waste, and sludge.

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: This farm (CFO/CAFO type II) is an existing operation and the applicant is requesting to add a 70 foot by 70 foot structure to the site. The structure will be used to house existing animals on the site and will utilize the existing lagoons. The lagoons exceed the IDEM minimum 180 day requirement of manure storage by 550 days. This provides more than sufficient storage, allowing the applicant to be able to land apply the manure during the most appropriate times of year and also mitigates the chances of the lagoons overflowing onto adjacent ground. The County Engineer has no concerns with this site, particularly because the new structure will not generate any additional truck traffic to or from the site. *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 building addition will meet all development standards including the ½ mile minimum separation from a residential zoning district, the minimum setback requirement of 100 feet from all property lines and the minimum lot size of 5 acres. *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 site is surrounded primarily by agricultural fields, and because there will be no additional animals added to the property, the impact to neighboring properties will not change. There are three single family properties that are within a half of a mile of the existing operation. The first residential structure (other than the residential structure owned by the applicant) is approximately 1,790 feet northwest of the proposed barn location the second residential structure to the south is located over 1,200 feet from the proposed barn and the third is 2,500 feet to the south of the proposed barn. *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 AP zoning district is intended 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. The Comprehensive Plan supports this operation with the goal of preserving productive farmland and maintaining the productive capacity for a strong county agricultural industry. *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.

**Columbus – Bartholomew County Planning Department
Conditional Use Application**

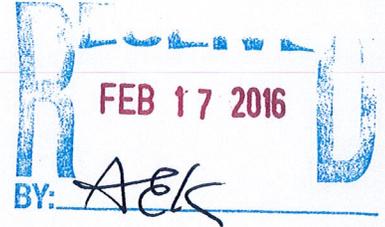
Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: Ap

Docket No.: B/CU-16-02

Hearing Procedure: Hearing Officer Board of Zoning Appeals



Conditional Use Application:

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

Name: J & A Asset Management LLC

Address 5062 West Base Road Greensburg IN 47240
(number) (street) (city) (state) (zip)

Phone No.: 812-663-5175 Fax No.: 812-663-6152 E-mail Address: bill.corya@prodigy.net

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

Name: J & A Asset Mangement

Address 5062 West Base Road Greensburg IN 47240
(number) (street) (city) (state) (zip)

Phone No.: 812-663-5175 Fax No.: 812-663-6152 E-mail Address: bill.corya@prodigy.net

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

Name: William Corya

Address 5062 West Base Road Greensburg IN 47240
(number) (street) (city) (state) (zip)

Phone No.: 812-663-5175 Fax No.: 812-663-6152 E-mail Address: bill.corya@prodigy.net

How would you prefer to receive information (please check one): Email Phone Fax Mail

Property Information:

Address 15480 Stafford Road Hope IN 47246
(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):

This is the address for the parcel that the house is on. Building will be on parcel behind house.

Conditional Use Requested:

I am requesting a conditional use as listed by Section _____ of the Zoning Ordinance to allow the following:

The construction of a new swine facility located in the center of the property as identified on the aerial view. The building will be 70 Feet long by 70 feet wide. The new building will be used to provide more space for the existing animals on the farm. It will not increase the total number of animals or increase the amount of manure produced annually.

Conditional Use Criteria:

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria.

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

The construction will conform to all applicable laws and IDEM regulations. It is an expansion of an existing hog farm. The expansion will not significantly increase truck traffic since it is not increasing the number of animals on the farm. There will be no new driveways or road cuts.

The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

The current use of the property is animal agriculture. The requested new facility does not change the current approved use. The new building meets the zoning ordinance of 1. Parcel size of at least 5 acres; 2. Located at least 1/2 mile from a residential zoning district, 3. Located at least 100 feet from the property line.

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.

The area consists of highly productive crop farms and animal agriculture. The area primarily consist of square and flat farm land with land owner and tenant housing.

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.

The comprehensive plan is supportative of agriculture and this building expansion is appropriate for the area.

Applicant's Signature:

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

William R Corya
(Applicant's Signature)

2/17/16
(Date)

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.

William R Corya
(Owner's Signature)

2/17/16
(Date)

(Owner's Signature)

(Date)

* if possible, please schedule the visit with the owner.



Google earth

Google earth

feet
meters

1000

500

