



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
HEARING OFFICER
(July 12, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/DS-16-08 (James Adkins)
Staff: Charles Russell
Hearing Officer: Melissa Begley

Applicant: James Adkins
Property Size: 6.454 Acres
Current Zoning: AG (Agriculture: General)
Location: 13455 West State Road 46, in Harrison Township

Background Summary:

The applicant is requesting a variance from Zoning Ordinance Section 6.1 (E)(3) to allow the construction of a 30 feet x 40 feet pole barn in the front yard. The barn will be used for storage, and will replace the existing tent shed on the property.

Preliminary Hearing Officer Decision:

Approval – All criteria have been met.

Zoning Ordinance Considerations:

District Intent: The intent of the AG (Agriculture: General) zoning district is as follows: Intended 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.

Development Standards: Section 6.1 (E)(3): Yard Location – Drive-up facilities shall not be located in any required setback. No other accessory structures shall be permitted in any front yard, or within the required side and rear yard setbacks specified by the district in which it is located.

Current Property Information:	
Land Use:	Single-Family Residential
Site Features:	Pond to East, Woods, Steep Topography, Shared Driveway, Surrounding Woods
Flood Hazards:	No mapped flood hazards.
Vehicle Access:	State Road 46 (Principle Arterial)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AG (Agriculture: General)	Single-family residential
South:	AG (Agriculture: General)	Woods
East:	AG (Agriculture: General)	Single-family residential
West:	AG (Agriculture: General)	Woods

Interdepartmental Review:	
County Engineer:	No comments at this time.
Code Enforcement:	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 applicant is requesting to build a 30 feet x 40 feet pole barn to use as a storage building. The barn will be located at the end of the driveway along State Road 46. The barn will replace an existing tent shed that is used for storage.
2. The property's house is located 2 tenths of mile from State Road 46 near the top of a hill. There is approximately 100 feet of elevation gain between the driveway entrance onto State Road 46 and the house. The property also slopes from 868 feet at the western property line to 788 feet at the eastern property line, a grade of about 26%. The location of the proposed barn is the only substantially flat area of the property.
3. The applicant indicated it could be possible to cut away an additional part of the hill to make room for the barn near the house, but that it would be both cost prohibitive and unfeasible due to the small amount of maneuvering space for vehicles near the house.
4. The property shares its drive access with the house located to the east at 13417 W State Road 46.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals Hearing Officer may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Hearing Officer 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 barn will not obstruct the sight visibility triangle for those exiting the property onto State Road 46, and does not pose a health or safety threat to adjacent neighbors. *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 property shares a drive access to State Road 46. The applicant currently stores a tractor, ATV, and other equipment along the drive in the view of the neighboring property. The barn would allow the applicant to store these items in an appropriate location that would improve the sight quality of the neighboring house. The barn would not negatively affect the use of the shared access drive. *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 property has significant topography issues, so it would not be feasible to place the barn on any other parts of the property. *This criterion has been met.*

Hearing Officer Options:

In reviewing a request for development standards variance the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.

Columbus – Bartholomew County Planning Department Development Standards Variance Application

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning:
Docket No.: B/DS-16-09

Hearing Procedure: Board of Zoning Appeals Hearing Officer

RECEIVED
JUN - 2 2016
BY: ALC

Development Standards Variance Application:

Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.

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

Name: James (Jim) Adkins
Address: 13455 W. St. Rd 46 Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-390-0685 Fax No.: 812-669-4142 E-mail Address: jamespadkins@yahoo.com

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

Name: Jim Adkins
Address: 13455 W. St. Rd. 46 Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812-390-0685 Fax No.: 812-669-4142 E-mail Address: jamespadkins@yahoo.com

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

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

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used. E-mail Fax Mail

Property Information:

Address: 13455 W. St. Rd. 46 Columbus IN 47201
(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):

on south side of 46, 1/2 mile before Brown County line in Harrison Township.

Variance Requested:

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

To build a pole barn between the house and the road

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.

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

No. should reduce theft

- 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.

It should improve ~~as~~ items stored outside will be moved to a nice building with landscaping.

- 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.

The house is built out of a hill side. To follow the ordinance would require removing the top of a hillside. The propose location is the only place to build it.

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: Jim Adkins
Address: 13455 W. St. Rd. 46 Columbus IN 47201
(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.

James P Adkins (Applicant's Signature) 6/1/2016 (Date)

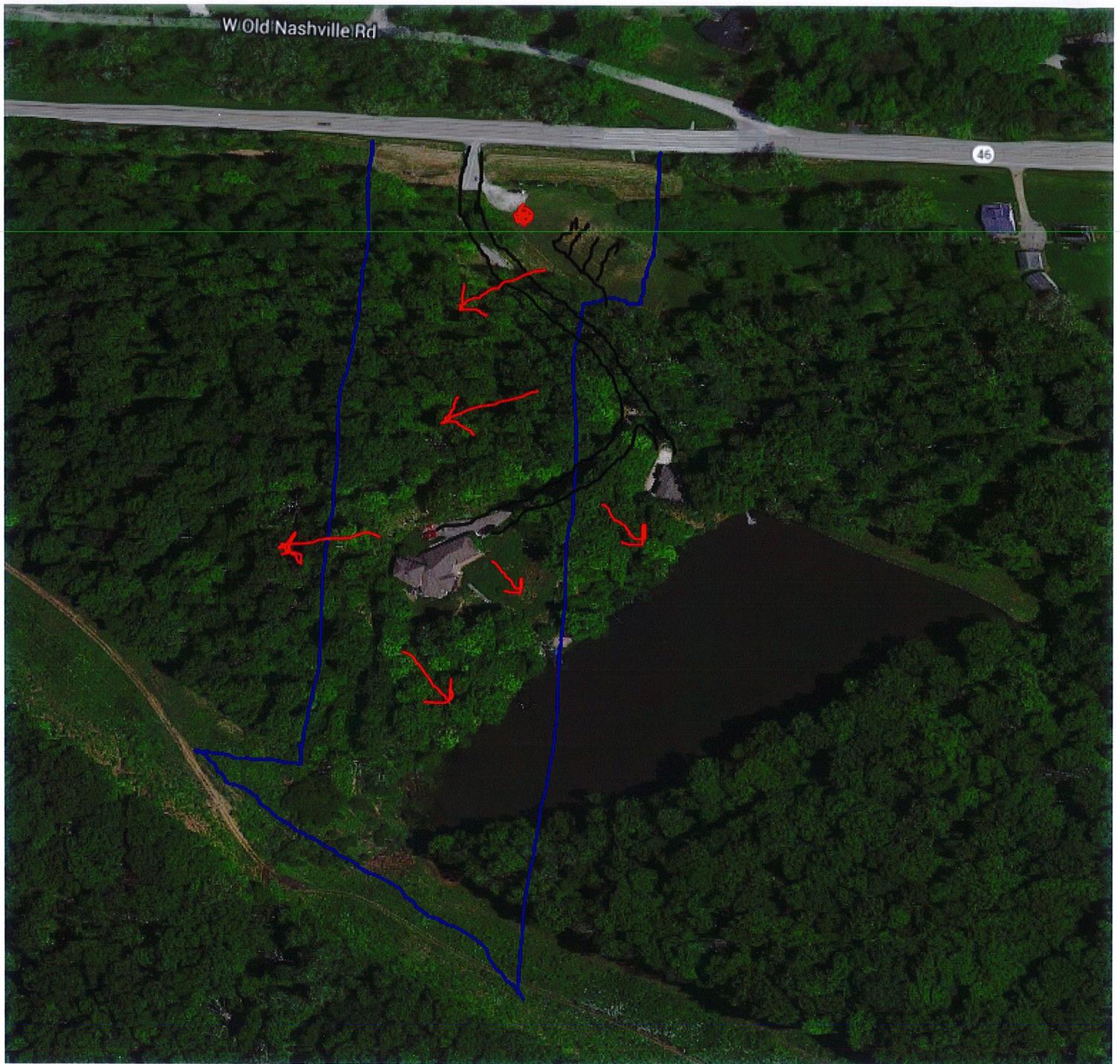
Property Owner's Signature (the "owner" does not include tenants or contract buyers):

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.

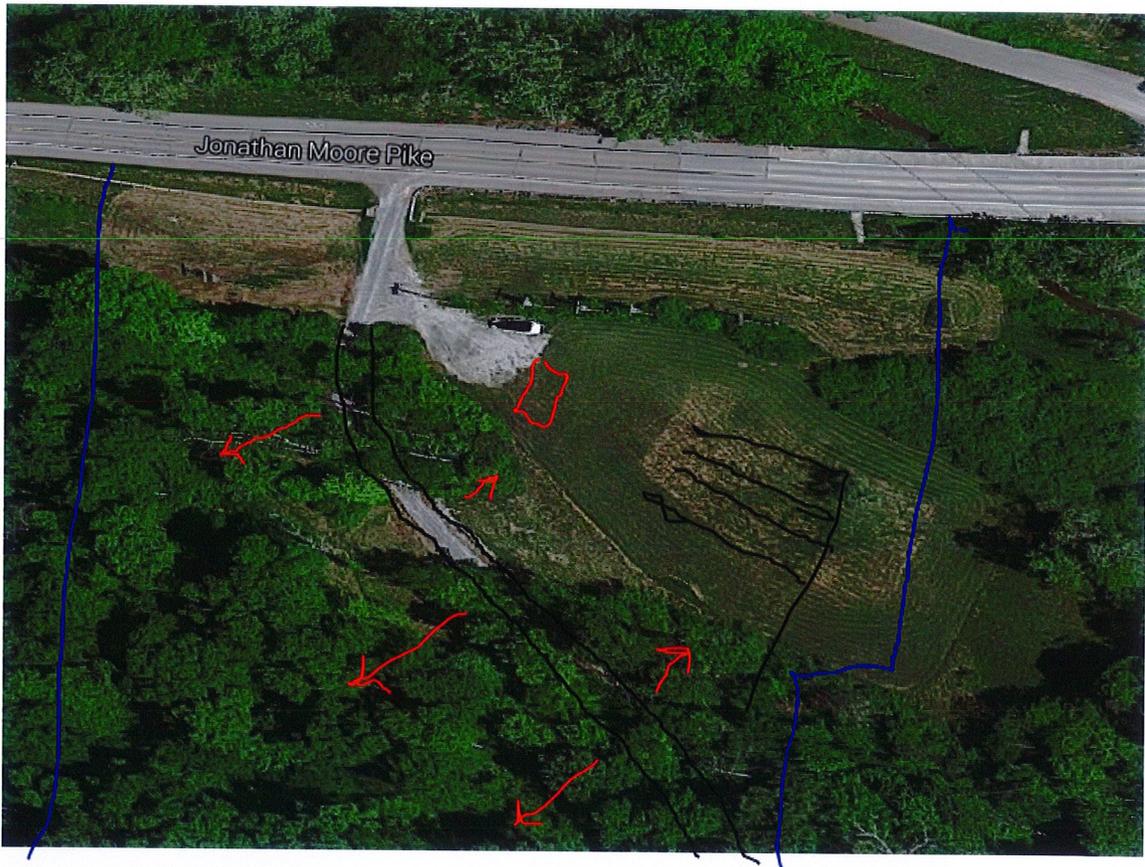
James P Adkins (Owner's Signature) 6/1/2016 (Date)

James P. Adkins
(Owner's Printed Name)

If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.



My home is two tenths of a mile into the woods (by curving driveway). The blue lines mark the property line. The black line is the driveway and also where the septic fingers are. The house is built into a hillside. The red line shows the slope of the hill from the drive. The red square is the proposed 30' x 40' pole barn. The field by 46 is the only flat area on the property and is where the propose building will go. Currently I store my boat, a trailer and have a tent shed in this area as it is the only place to store my stuff. There is barely enough room to turn a car around up near the house. On 5/24/2016 my ATV was stolen out of the tent shed. 3-4 years ago my motorcycle trailer was stolen from down there. I want to build a building that can be locked up and not have items stored outside for the neighbors view. There is no other place on the property to build it. The boat will be stored in the building in the future and I will remove the tent shed.



The location of the building is the gravel pad. The boat has been stored in this location for 6 years now. Luckily, the only thing that happened to it, is someone stole my gas. The tent shed has been there for a little over a year. The ATV that was stolen on 5/24/2016 (Sheriff's report 2016 01551) was stored there. The boat and all the contents of the shed will be moved to the new building that will be able to be locked and I plan on adding a security system. The motorcycle trailer, that was stolen 3-4 years ago, was stored to the left of the tent in this picture.



This picture shows the area around my home. The house is built out of a notched out area of the hill side. Notice the slope down from the back of the house and the sharp incline from the front of the house.



This view would be the direction I would have to build to follow the ordinance of the building being the opposite side of the house from the road. It would be cost inhibited to cut out the hill top to build a building there.



After the theft of my ATV, I was very concerned that the thieves now know what I store in the tent shed and there is no security. So I moved all equipment out of the shed up near the house. You cannot see my house from the road as it is in the woods. The problem with this situation is my neighbor's house is to the left in this picture so the view from the front of their home is looking at my equipment.

I previously checked on my plan with the county to make sure I could build the building where I had planned and since I had over 8 acres and I was outside of the utility easement, and it looked OK. I had the builder ready to build starting June 2nd. I actually completed the building permit request on May 27th and discovered that I need a variance because my proposed building would be in my front yard. I told them that my front yard is a quarter mile in the woods and this is my field a good distance from the house. They informed me that the definition is between the road and the house. The area that would fit the ordinance would require cutting out more of the hillside than what was already done to build the house. The only area that a building can be built is the proposed spot. Further back in the field would be covering the fingers from the septic tank.

I request you grant my variance to build the 30 x 40 pole barn in my field. It will be nicely done with a dark brown roof, trim, and skirting with taupe walls. The two car and the one car garage doors will also be taupe. The boat that has been stored outside for the last six years will be stored in the building. I will move all the equipment currently stored next to the driveway in my neighbors' view from the front of their house to the building. The tent shed will be removed. I also plan on landscaping around the building. No homes can be seen from the road. So it will only be a building in a field. The view will be an improvement. Plus without the temptation of easy stuff to steal, it might keep the criminal elements from the area. Several pluses. I do plan on adding electricity and putting in a security system after the building is built.

I ask for your timely approval of this variance for the security of my possessions and the improvement in the scenic view of the area.

PROPOSAL

OWNER **MANUEL EICHER**

POLE BARN

CONCRETE

MANUEL EICHER JR.

GARAGES

7780 N. 225 E.

Greensburg, IN 47240

ROOFING

Home: 812-662-6942 • Cell: 765-969-6590

REMODELING

Proposal Submitted To

Work To Be Performed At

Name _____
 Street 13455 State Rd 46
 City Columbus
 State IN.
 Telephone Number 812-390-0685

Street _____
 City _____
 Estimated Starting Date (weather permitting, material availability and any other unforeseen events) _____
 Estimated Completion Date: _____

We hereby proposed to furnish the materials and perform the labor necessary for the completion of

30' X 40' X 10' Pole Building
Walls: 4x6 poles 8' on sides, 10' on Ends, 1 row 2x8
Treated skirt board, 2x4 girts 24" apart and 29 gauge metal.
Roof: 1/2 pitch Truss 48" on center, 2x4 perlin 24" apart
single bubble insulation and 29 gauge metal.
1: 16' x 8' and 1: 9' x 8' insulated overhead Doors.
1: 36" Entry Door.
4" concrete Floor with Fiber. (Owner provides Gravel For pad.)
(We install Gravel At \$5.00 per Truck load.)
To Haul off Debris such as scrap 2x4 metal, ect. Extra \$75.00
colors: Roof ^{Burnished} Slate side ^{burnish} Turpe Trim ^{Burnished} Slate Wains ^{Burnished} Slate

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawing and specifications submitted for above work and completed in a substantial workmanlike manner for the Total of \$15000.00 with payments to be made as follows:

15% Non Refundable Down Payment	-----	\$ 2250.00
35% Paid When Job Is Started	-----	\$ 5250.00
35% When Framed	-----	\$ 5250.00
15% Balance Due When Job Is Completed	-----	\$ 2250.00

2-2x3 slider windows
\$200.00 Extra

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge above the contract. Owner to carry fire, tornado and other necessary insurance upon above work.

Signature Manuel Eicher
By: _____

ACCEPTANCE OF CONTRACT

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. One year warranty on all labor, no warranty on cracked concrete. Payment will be made as outlined above. Payments to be made to crew foreman when job is started and completed. Excluding any landscaping, building permits, blue prints, drawing or dirt removal. Not responsible for damages to any underground utilities such as and not limited to, water lines, gas lines, sewage system, electric and telephone lines.

Manuel Eicher

Print name of consumer or consumers _____

COVENANT HILLS ADMINIST

A REPLAT OF LOTS 1, 2, AN

SHEET 1 OF 2

