

5. The group home may not be operated in such a way as to become a nuisance to the surrounding neighborhood.
- E. **Tourist Home:** The following standards must be met without variance before the Board grants a Conditional Use Permit for a Tourist Home.
1. The residence shall be occupied as a residence by at least one of the Tourist Home staff, but not necessarily the property owner.
 2. The bed and breakfast use shall be confined to the principal residential structure, and other existing structures that can be successfully converted to bed and breakfast units.
 3. No exterior alterations to the structure shall be made which would change the residential appearance of it.
 4. The minimum total floor area of the principal residential structure needed to establish a Tourist Home shall be 1,500 square feet. Each sleeping unit in excess of one shall require an additional 500 square feet of total floor area.
 5. Two off-street parking spaces shall be provided for the residential occupants. One additional off-street parking space shall be provided for each Tourist Home unit established; landscaping and/or buffering may be required. Parking requirements may be reduced if the Board finds that reducing off-street parking will not detract from the residential character of the neighborhood, and other parking is available in the immediate area.
 6. There shall be no more than the equivalent of one nonresident full-time employee hired solely for the purpose of working for the Tourist Home use.
 7. The applicant is responsible for obtaining all inspections, permits, licenses, etc. as may be required by law.
 8. The applicant is responsible for determining the effect, if any, of the Tourist Home use upon any subdivision restrictions, deed covenants, etc. that may encumber his/her property.
 9. The Board must determine that the Tourist Home will be compatible with the neighborhood, and will not interfere with the reasonable enjoyment of adjoining properties
- F. **Confinement feeding farms:** The standards listed below must be met before the Board may grant a Conditional Use Permit for confinement feeding farms. Any such use that does not comply with these standards may be permitted by the Board only through the variance process of this Ordinance. Before deciding a Conditional Use under this Section, the Board shall seek information relevant to the decision from agencies related to the agricultural operation. Any confinement feeding farm that is regulated by Indiana law must meet all state regulations. The Board may impose conditions that are more restrictive than the state regulations. When the Board approves a Conditional Use Permit for a confinement feeding farm, it may require conditions or commitments to ensure that the Conditional Use is consistent with the spirit and intent of this Ordinance. The following standards apply to confinement feeding farms:
1. All operations shall be located at least 50 feet from any property line and at least 500 feet from any neighboring residence, commercial or industrial building, or any other building that is used as a place of employment or is frequented by the public, unless the Board finds that a lesser setback is sufficient for the operation.

- A. The Board shall hear and authorize upon appeal in specific cases a variance from the Development Standards (such as building height, setback lines, or lot area, etc.) in accordance with the criteria established in Subsection B, below. Use variances are not permitted.
- B. A variance from the terms of this Ordinance shall not be granted by the Board unless and until:
 - 1. An application for variance is submitted indicating the specific type of Development Standard and noting the specific terms of this Ordinance from which the variance is sought, and demonstrating:
 - a. The approval will not be injurious to the public health, safety, and general welfare of the community;
 - 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;
 - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property; and
 - d. The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.
 - 2. All conditions and commitments as deemed necessary in the public interest may be required by the Board.
- C. Notice shall be given to interested parties and the hearing conducted in accordance with the Board's Rules of Procedure.
- D. The Board shall make written findings of fact that all of the requirements of Subsection B 1 of this Section have been met by the applicant for a variance.
- E. The Board shall make written findings of fact that the granting of the variance will be in harmony with the general spirit, purpose, and intent of this Ordinance, and in the interest of determining substantial justice done.

Section 14.5 Variances

- 1. The minimum required lot size shall be 5 acres.
- 2. The minimum setback measured between structures or burial plots and any property boundary and shall be 25 feet.
- G. Cemeteries, columbaria and mausoleums: The following standards must be met without variance before the Board grants a Conditional Use Permit for a cemetery, columbaria or mausoleum.
 - 1. The minimum required lot size shall be 5 acres.
 - 2. The Board must determine that the establishment of a confined feeding operation is compatible with the general area and does not unreasonably interfere with the enjoyment of other properties in the area. In making this determination, the Board shall consider the character of the general area, historical land uses and development patterns, and the trend of development in the area.
 - 3. Adequate fencing and/or landscaping of the operation must be provided.
 - 4. The Board must determine that the establishment of a confined feeding operation is out in a manner that is in accordance with sound management practices.
 - 2. Waste material handling (liquid and solid), storage, and spreading must be carried out in a manner that is in accordance with sound management practices.