



## STAFF REPORT

### Floyd County Board of Zoning Appeals

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Docket Number: FC-01-26-02

Petitioner: Anthony Driskell

Location: 7355 State Road 64, Georgetown, IN 47122 (22-02-03-400-041.000-002)

Request: Variance from Section 4.49 Highway Service District (HS) Development Standards

Zoning District: Highway Service District (HS)

Date:

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#### **Overview:**

Applicant is requesting a variance from section 4.49 to encroach 5 feet into the required 10 foot side yard setback as part of a proposed addition to an existing nonconforming structure serving as a specialty trade shop on 0.96 acres in the Highway Services HS zoning district. The existing structure is currently encroaching 7 feet into the required side yard setback, while this addition would have a lesser nonconformity. The property is approached off of State Road 64 and sits at the intersection of State Road 64 and N Tucker Road, with a rail road running along the back of the property.

The property to the east, owned by the Board of Commissioners of Floyd County, Indiana is also in the Highway Services zoning district.

#### **Staff Comments:**

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

The placement of an addition will have no impact on the public health, safety, morals or general welfare of the community as it does not interfere with traffic, line of sight, septic lines, the adjacent train, or utilities in the area.

**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.**

The abutting property at 7304 State Road 64 is undeveloped and owned by the Board of Commissioners of Floyd County, Indiana. Further, the distance is such that it would not impose any additional building difficulties for the site should it be developed.

**3. The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property.**

The original structure is nonconforming with a current setback of 3 feet. To create an addition to the structure with a full 10-foot setback would create a practical difficulty in the use of the property.

**4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10.** There is not an airstrip in the vicinity.



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#### Staff Recommendations:

- As the site does not currently conform to Landscaping Standards set forth in Section 5.13:
  - One (1) deciduous tree or evergreen tree and four (4) shrubs per twenty (20) linear feet is required along the primary right-of-way. Site has 140 foot of road frontage.
  - All parking lots shall contain one (1) deciduous tree or evergreen tree for every eight (8) parking spaces. Any fraction of a required tree shall be rounded up to the whole number. Trees shall be placed within landscape islands. Site will have 16 parking spaces.
- Therefore, to bring the site closer to conformity, require two (2) deciduous or evergreen trees from the list of approved species adjacent to the parking lot, require fourteen (14) shrubs along the primary right-of-way.
- A Development Standards Variance has previously been granted under FC-09-09-13 for a residential addition to encroach in the side yard setback. Various other similar applications have been previously approved for encroachments into the front or rear yard setbacks.
- There is not an injurious impact to the community, no substantially adverse impact to the neighboring properties, there exist practical difficulties with the site, and this does not conflict with the objectives set forth in the 2017 Floyd County Comprehensive Plan.



Google Streets view of property from State Road 64.

# NOTICE OF PUBLIC HEARING

## Description of Proposed Docket:

The applicant \_\_\_\_\_ is seeking a:

- Development Standards Variance
- Conditional Use
- Special Exception
- Administrative Appeal

From the **Floyd County Board of Zoning Appeals.**

**Street Address (see enclosed map):**

**Description of Project:**

This is a notice that a public hearing regarding the proposed docket item will be on \_\_\_\_\_ located in **Suite 104 at the Pineview Government Center, 2524 Corydon Pike New Albany, IN 47150.**

**Please note that information about the proposed docket item can be found at the following:**

Floyd County Building and Development Services

2524 Corydon Pike Suite 202

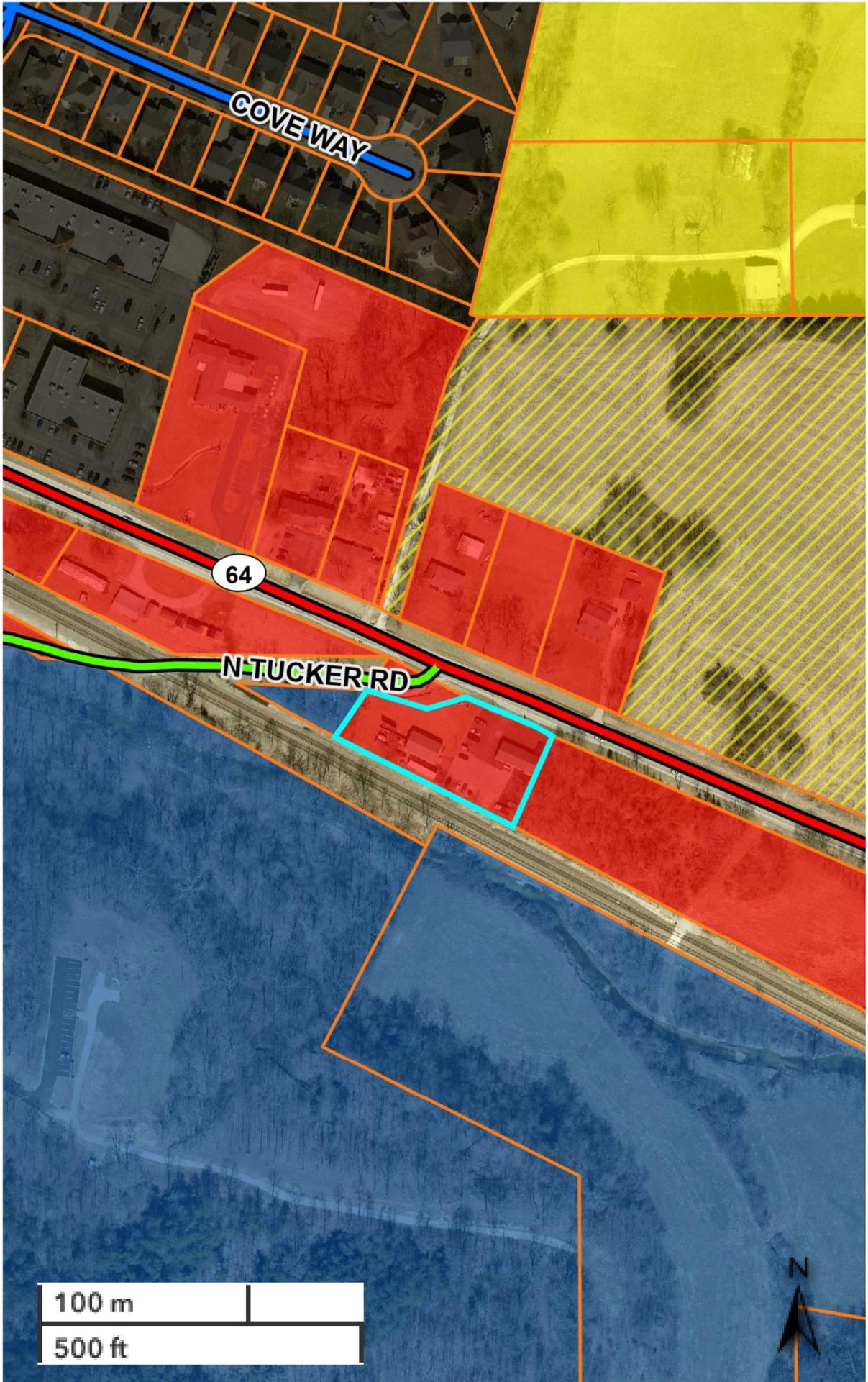
New Albany, IN 47150

Monday- Friday 8AM to 4PM

812.981.7611

[Building@floydcounty.in.gov](mailto:Building@floydcounty.in.gov)

Online: Floyd County Government Website [www.floydcounty.in.gov](http://www.floydcounty.in.gov)



- Parcels
- County Zone Map
  - AR - Agriculture
  - RR - Rural Residential
  - PD-RR - Planned Development
  - RS - Residential Suburban
  - PD-RS - Planned Development
  - RU - Residential Urban
  - MF - Multi-Family
  - NC - Neighborhood Commercial
  - PD-NC - Planned Development
  - HS - Highway Service
  - GC - General Commercial
  - PD-GC - Planned Development
  - PR - Park
  - GI - General Industrial
  - OB - Office Business
  - PU - Plan Unit
  - Other Values

## **Floyd County Board of Zoning Appeals**

### **Frequently Asked Questions**

#### **1. How can I find out more about this docket?**

You can either visit to the Floyd County Building and Development Services Office and review the file between the hours of 8AM to 4PM Monday through Friday or you can review the proposed application on-line at [www.floydcounty.in.gov](http://www.floydcounty.in.gov) under the Plan Commission page

#### **2. How does this process work?**

Depending on the docket, there are several different processes. The Board of Zoning Appeals will take public comments on each proposal and values public comment in their decision-making process. The Board of Zoning Appeals is required to follow state statute when considering each application. Below is a brief description of application that may come before the board. Please note the check marked application on the notification form to the corresponding process listed below:

- **Development Standards Variance** – The applicant is seeking to vary from the County’s development standards in the County’s Zoning Ordinance. Per Indiana State statute, the Board of Zoning Appeals holds a public hearing. From the applicant, it determines if the applicant has met the standard that will allow for the requested variance of County rules. The Board of Zoning Appeals has the ability to approve, disapprove or may place reasonable conditions on the request per the ordinance standards.
- **Conditional Use**– The applicant is seeking to conduct a use on the property not otherwise permitted by right. By the County Zoning Ordinance, the proposed use must be reviewed and determined by the Board of Zoning Appeals if how the applicant is proposing the use to be conducted will affect the adjoining property owners. The Board of Zoning Appeals has the ability to approve, or disapprove. The Board can also place reasonable conditions on the request per the ordinance standards.
- **Special Exception** – The applicant is seeking to conduct a use that is not permitted by right in the certain zoning district. Similar to the conditional use, ordinance, and the proposed use must be reviewed and determined by the Board of Zoning Appeals if how the applicant is proposing the use to be conducted will affect the adjoining property owners. The Board of Zoning Appeals has the ability to approve or disapprove. The Board can also place reasonable conditions on the request per the ordinance standards.

## **Board of Zoning Appeals & Plan Commission Order of Meetings:**

- Meeting is called to order, roll call, and approval of minutes
- Director presents docket item and staff report
- Petitioner will be given a total of ten (10) minutes to present application request
- Board members will ask petitioner questions
- Public comments are opened:
  - Favorable comments are allowed a combined total of ten (10) minutes
  - Opposition comments are allowed a combined total of ten (10) minutes
- Public comments are closed and will remain closed
- Petitioner will be given a total of five (5) minutes to respond to public comments
- Board discusses the case and makes a ruling

Floyd County Board Of Commissioners  
C/O Suzanna Worrall  
New Albany, IN 47150

Bennett, Gerald & Lois G.  
2541 Canal Ln  
Georgetown, IN 47122

Geary, Linda  
3568 Schrieber Road  
Floyds Knobs, IN 47119

Ccmj Properties, LLC  
4006 Crestwood Dr  
Floyds Knobs, IN 47119

Smith, Ricky Dale  
7155 State Road 64  
Georgetown, IN 47122

Cecil, Edward J. & Alda J.  
7364 State Road 64  
Georgetown, IN 47122

Powell, Wm. M. II & Karen S.  
7350 State Road 64  
Georgetown, IN 47122

Knob Hill Development LLC  
2709 Blackiston Mill Rd  
Clarksville, IN 47129

Wiley, Joshua Alan  
7392 State Road 64  
Georgetown, IN 47122

Pennington, Steven & Sheila  
7402 State Road 64  
Georgetown, IN 47122

Royse, LLC  
318 E Chestnut Street  
Corydon, IN 47112





January 6, 2026

Anthony Driskell

10437 Malinee Ott Rd

Georgetown, IN 47122

Floyd County Board of Zoning Appeals

2524 Corydon Pike, Suite 203

New Albany, IN 47150

**Subject:** Variance Request for Side lot 10' minimum setback reduction to 5'

Dear Members of the Board,

I am writing to request a reduction of the side yard minimum setback to 5'. My goal is to construct an addition to the current concrete block building and increase the square footage for storage. This location to the rear of the building will utilize unused parking lot space and have a minimum impact from viewing from the state road. This design will incorporate the existing two rear garage doors as a pass through in the proposed addition. Reducing the side yard setback to 5' will allow garage door access to the addition. This design will give me a minimum area to maintain on the side yard.

For the reasons outlined above, I respectfully request that the Board grant the variance to allow construction with the reduced side yard setback to 5'. This will alleviate the design and construction restriction on the lot.

Thank you for your careful consideration of this request. I appreciate our time and attention to this matter and am willing to provide any additional information to assist in your review.

Tony Driskell / Cell: 502-599-4285 / Email : t2drisk@gmail.com



Department of Building  
&  
Development Services

JAN 02 2026

**Floyd County**  
**Department of Building & Development Services**  
2524 Corydon Pike Suite 203  
New Albany, IN 47150  
Phone: (812) 981-7611  
Fax: (812) 948-4744  
Building@floydcounty.in.gov

## Development Standards Variance Application

**Please Note:**

*This Application is a document of public record. Any information disclosed on this application is available for review by the public. Incomplete applications will not be accepted. A pre-submission meeting with Building and Development Staff is strongly encouraged. Please contact the office at 812-981-7611 to schedule a meeting.*

**Variance:** *A modification of the specific requirements of this ordinance granted by the Board in accordance with the terms of this ordinance for the purpose or assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.*

### 1. General Information:

Applicant:	Anthony Driskell
Applicant Address:	10437 Malinee Ott Rd
Applicant Phone:	502-599-4285
Applicant Email:	t2drisk@gmail.com

### Applicant's Interest in Property:

Owner  Option Holder  Purchase Agreement  Legal Representative  Other

### Owner(s) of Property: (complete this section if *owner* is different than applicant)

Owner Name:	
Owner Address:	
Owner Phone:	
Owner Email:	

### Applicant's Representative:

Representative Name:	
Representative Address:	
Representative Phone:	
Representative Email:	

**2. Site Information:**

Parcel ID Number:	22-02-03-400-041.000-002
Total Acreage:	0.96
Address of Property/Location:	7355 St Rd 64 Georgetown IN 47122
Current Use of Property:	Construction business
Current Zoning District:	General Commercial

**3. Variance Request:**

Detail the variance request:

Construct a block foundation, wood framed with metal siding and metal roof 1200 (30'x40') square foot addition with a 15' x 30' shed roof to the rear of the block building for storage.

Will need a variance from the east side of property to have less than the 10' minimum setback. Existing building is less than 10' and want the new addition to be consistent with the original without the large setback. We are asking for a 5' side yard setback.

**4. Zoning Map Amendment Justification:**

Indiana Code and the Floyd County Zoning Ordinance establish specific criteria that each must be meet in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria:

*1. Approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community:*

The proposed addition to the rear of the building will not have any adverse affect to public health, safety, morals or general welfare to the community.

*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:*

The adjacent property is owned by Board of Commissioners Floyd county. The land is vacant and undeveloped.

*3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:*

The original building is 3' from the property line. I would like to keep the side of the building as close to the property as possible to maintain the ascetics and less of a side yard to maintain. The rear of the building has two large garage doors that I want to keep inside the addition to have a pass through from the original building. Moving the building side limit to 5' would keep the garage door inside the proposed addition.

4. This variance (DOES /DOES NOT) involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10.

**5. Required Documents:**

- \$300.00 Filing Fee
- Deed for subject property
- Affidavit of Ownership (if applicable)
- Site plan drawn to scale, signed, and dated which clearly shows the entire layout of the property and all features relevant to the variance request.
- Letter from Floyd County Health Department indicating this variance will not negatively affect the operation of a septic system, if applicable
- Cover letter summarizing variance request.

**6. Signature:**

The undersigned states that the above information is true and correct.

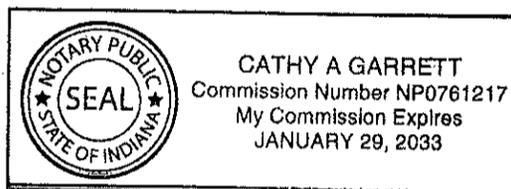
Name: Anthony Dasku

Signature: *Anthony Dasku*

Date: 1/9/2026

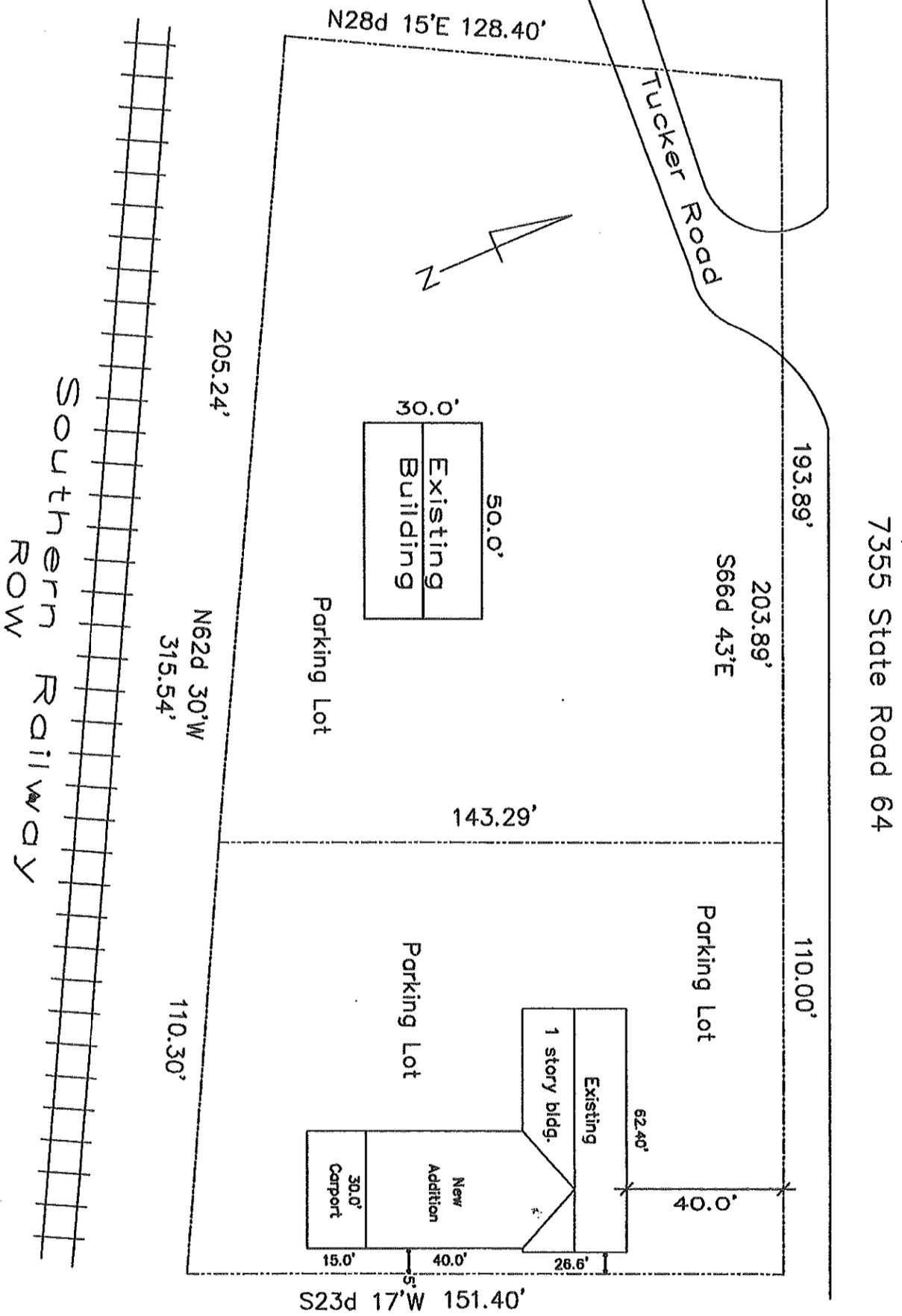
SUBSCRIBED AND SWORN BEFORE ME

THIS 9 DAY OF January, 2026.



NOTARY PUBLIC COUNTY OF Floyd  
MY COMMISSION EXPIRES 1/29/2033

Chris Davis 1/8/26







## EXHIBIT "A"

**A part of the Southeast Quarter of Section 34, Township 2 South, Range 5 East, Floyd County, Indiana and described as follows:**

**Beginning at the intersection of the Southern line of State Road No. 64 and the most Western line of Henry Wilson's 27.27 acre tract as recorded in Deed Record Book 124 at page 273 of the Floyd County, Indiana records, running thence South 28°15' West along Wilson's most Western line, 128.4 feet to an iron pin on the Northern line of the Southern Railway right of way (50.0 feet in width) thence South 62°30' East, along the Northern line of said Southern railway right of way 315.54 feet to an iron pin; thence North 23°17' East 151.4 feet to an iron pin on the Southern line of State Road No. 64, thence North 66°43' West along the Southern line of said State Road No. 64, 303.89 feet to an iron pin, the place of beginning, containing 1.0 acre, more or less.**

**Being the same property conveyed to Markland Real Estate, LLC, by Deed dated June 29, 2007, and recorded on August 23, 2007, as Instrument 1 200711205 of the Floyd County Recorder's Office.**

FLOYD COUNTY, INDIANA

**RECEIPT OF CONVEYANCE INSTRUMENT**

The undersigned being a Land Agent for Floyd County, Indiana, does hereby acknowledge receipt this date of \_\_\_\_\_  
1 Warranty Deed  
**(Conveyance Instrument)**

signed by Anthony R. Driskell and Anthony R. Driskell, President, THC, LTD and conveying certain rights, title and/or interest in real estate located in Floyd County, Indiana to Floyd County, Indiana for highway purposes and which is identified as Parcel # 1 on Tucker Road and State Road 64 project.

I further acknowledge that said instrument has been executed and acknowledged by the grantor(s) without payment by me of any consideration and that I am transmitting such instrument to the Floyd County, Indiana, for review subject to approval.

It is understood and agreed that this conveyance instrument will either be returned to the grantor not approved or Floyd County, Indiana, through its proper agencies will cause such instrument to be processed for payment in the amount of \$10,400.00.

FLOYDE COUNTY, INDIANA

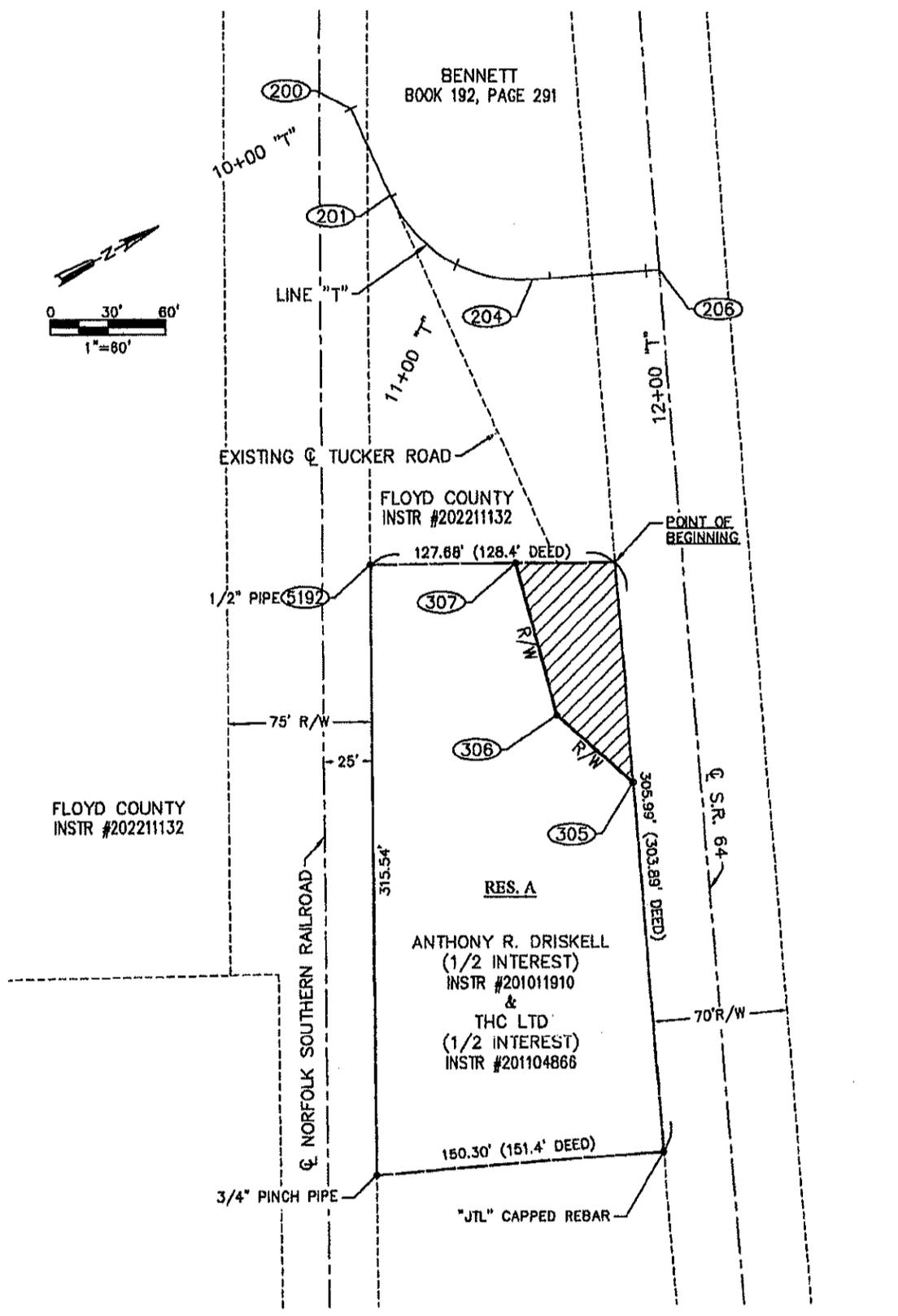
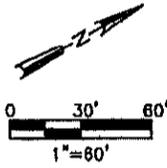


**Todd Taylor, Land Agent**

July 22, 2024

**Date**

EXHIBIT "B"  
RIGHT-OF-WAY PARCEL PLAT



PARCEL:	2	OWNER:	ANTHONY R. DRISKELL (1/2 INTEREST) & THC LTD (1/2 INTEREST)	 <b>STRAND</b> <small>ASSOCIATES</small>
ROAD:	TUCKER ROAD			
COUNTY:	FLOYD			
SECTION:	34			
TOWNSHIP:	2 S			
RANGE:	5 E			
			HATCHED AREA IS THE APPROXIMATE TAXING	INSTR #201011910; DATED: 9/9/2010 INSTR #201104866; DATED: 3/23/2011

PARCEL COORDINATE CHART (Shown in Feet)

Point	Line	Station	Offset	Northing	Easting
305	"T"	+R(11+71.94)	263' Rt.	1109081.8697	248338.6599
306	"T"	11+39.50	225' Rt.	1109083.4887	248289.1530
302	"T"	11+34	R(146.21) Rt.	1109081.7545	248210.2261
200	SEE LOCATION CONTROL ROUTE SURVEY				
201	SEE LOCATION CONTROL ROUTE SURVEY				
204	SEE LOCATION CONTROL ROUTE SURVEY				
206	SEE LOCATION CONTROL ROUTE SURVEY				
5192	SEE LOCATION CONTROL ROUTE SURVEY				

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES.

SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded July 21, 2023, as Instrument No. 202308071 in the Office of the Recorder of Floyd County, Indiana, (incorporated and made a part hereof by reference) comprise a Location Route Survey, executed in accordance with Indiana Administrative Code 865 IAC 1-12, (Rule 12).



*Jacob E. Fitzsimmons* 4/4/2024  
 Jacob E. Fitzsimmons Date  
 Reg. Land Surveyor No. LS21200011  
 State of Indiana

PARCEL:	2	OWNER: ANTHONY R. DRISKELL (1/2 INTEREST) &
ROAD:	TUCKER ROAD	THC LTD (1/2 INTEREST)
COUNTY:	FLOYD	
SECTION:	34	
TOWNSHIP:	2 S	
RANGE:	5 E	

