



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

October 15th, 2026

Marvin Schmidt
5730 Hillside Circle
Georgetown, IN 47122

Re: Floyd County BZA FC-09-26-37 – Development Standards Variance

Please find this letter as notice of the action and findings for your requests for a **Development Standards Variance** to allow an Accessory Structure in front of a primary. The variance was **granted** on **(Date of hearing)** by the Board of Zoning Appeals **with the following condition(s)**:

1. The new pole barn will not be constructed in the 20' drainage easement. Staff approval required prior to issuing a building permit.
2. Provide adequate drainage to avoid water from eroding the adjacent gravel drive.

Respectfully,

Franklin J. Walden
County Planner

Attachments: **(Ballot)**

DEVELOPMENT STANDARD VARIANCE BALLOT

FLOYD COUNTY BOARD OF ZONING APPEALS

Docket FC-09-26-37

Petitioner's Name: Marvin Schmidt

Ordinance Authority:

Floyd County Zoning Ordinance

The variance petition shall be approved if the findings of fact are made consistent with the requirements of this Ordinance and Indiana State Code. The petition shall be approved with modification if the Board determines that the required finding of fact may be made if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of fact part of its approval or accept commitments from the petitioner.

After careful review the Board finds that:

1. Approval of the variance (WILL NOT / WILL) be injurious to the public health, safety, morals, and general welfare of the community because: the accessory building will be sited to avoid obstruction of sight lines at the intersection and will not create additional curb cuts or driveway access points on the side street, with vehicular access remaining with current drive. Applicant has stated that no septic, drainage, or utility conflicts will be created.

2. The ~~use and~~ value of the area adjacent to the property included in the variance (WILL NOT / WILL) be affected in a substantially adverse manner because: _____
The structure will be designed to match the neighborhood character and will include landscaping and screening to minimize visual impacts. The proposed structure will be architecturally compatible with the primary residence and compliant with HOA regulations. The variance will not alter drainage, access, infrastructure, or environmental conditions.

3. The strict application of the terms of the zoning ordinance (WILL / WILL NOT) result in practical difficulties in the use of the property because: _____
The back yard of the property is heavily wooded and sits at the top of a steep slope District. The other side of the property would require a new driveway, further increasing the impervious surface of this lot.

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

If such a structure is involved, the Petitioner (**HAS** / HAS NOT) provided the Board with a copy of the following:

- ☐ Permit for the structure issued by the Indiana Department of Transportation;

- ☐ Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and
- ☐ Evidence that notice was delivered to a public use airport as required in Ind. Code 8-21-10-3 not less than sixty (60) days before the proposal is considered

The Board of Zoning Appeals hereby (GRANTS) / DENIES) the Petitioner's Variance at the meeting held on the 14th day of October, 2026.

Approval by the Board is subject to the completion of the following conditions:

*The new pole barn will not be constructed in the
20' Drainage Easement. Staff approval is reqd prior
to issuing a bldg permit.
Provide adequate drainage to avoid water from
eroding the adjacent gravel drive.*

Approval by the Board is subject to the following written commitments:

Board Members in Favor:

Long Billhanger
Butcher
Bill White
Ray J. Keithen

Board Members Opposed:



STAFF REPORT

Floyd County Board of Zoning Appeals

Docket Number: FC-09-26-37

Petitioner: Marvin Schmidt

Location: 5730 Hillside Circle, Georgetown, IN 47122

Request: Development Standards Variance – Accessory in front of a primary

Zoning District: Agricultural Residential, Platted Subdivision

Date: 10/14/2026

Overview:

Applicant is requesting a variance from section 5.04 Item I of the Floyd County Zoning Ordinance to allow a pole barn accessory structure to be placed in front of a primary structure on a corner lot.

The property is Lot 11 in Pear Ridge subdivision, Plat #1053 which lies off of State Road 62 south of the Edwardsville Gateway district. Lot 11 sits off of Hillside Circle, a 50' right of way that becomes a gravel path as it rounds the corner of lot 11 and continues off to the Spiller property, which is not included in the platted subdivision, no other properties utilize the gravel portion of Hillside Circle which, while platted, is not currently recognized as a county road on Beacon.

The plat contains a 40' building limit line and the applicant has provided a signed waiver of that Plat requirement from their HOA.

A 20' drainage and utility easement runs along the entire edge of Lot 11, with the proposed structure being placed between this easement and an existing garage approved in 2022 with a 40' setback.

While this area in question is not within a steep slope district, there are steep slopes nearby. A neighbor has stated concerns that the area washes out the gravel portion of Hillside Circle every few years.

The proposed structure is 20' by 45' or 900 square feet.

1. Approval of the variance (**WILL NOT / WILL**) be injurious to the public health, safety, morals, and general welfare of the community because:
 - a. Accessory building will be sited to avoid obstruction of sight lines at the intersection and will not create additional curb cuts or driveway access points on the side street, with vehicular access remaining with current drive. Applicant has stated that no septic, drainage, or utility conflicts will be created.
2. The use and value of the area adjacent to the property included in the variance (**WILL NOT / WILL**) be affected in a substantially adverse manner because:
 - a. The structure will be designed and conditioned to match the neighborhood character and will include landscaping and screening to minimize visual impacts. Proposed structure will be architecturally compatible with the primary residence and compliant with HOA regulations. Applicant states that the adjacent land has no viable development potential and the variance will not alter drainage, access, infrastructure, or environmental conditions.



- Page 2 of 4



STAFF REPORT

Floyd County Board of Zoning Appeals



Source: Google Maps, view of site from Hillside Circle



Source: neighboring property owner, view of site from gravel road



STAFF REPORT

Floyd County Board of Zoning Appeals

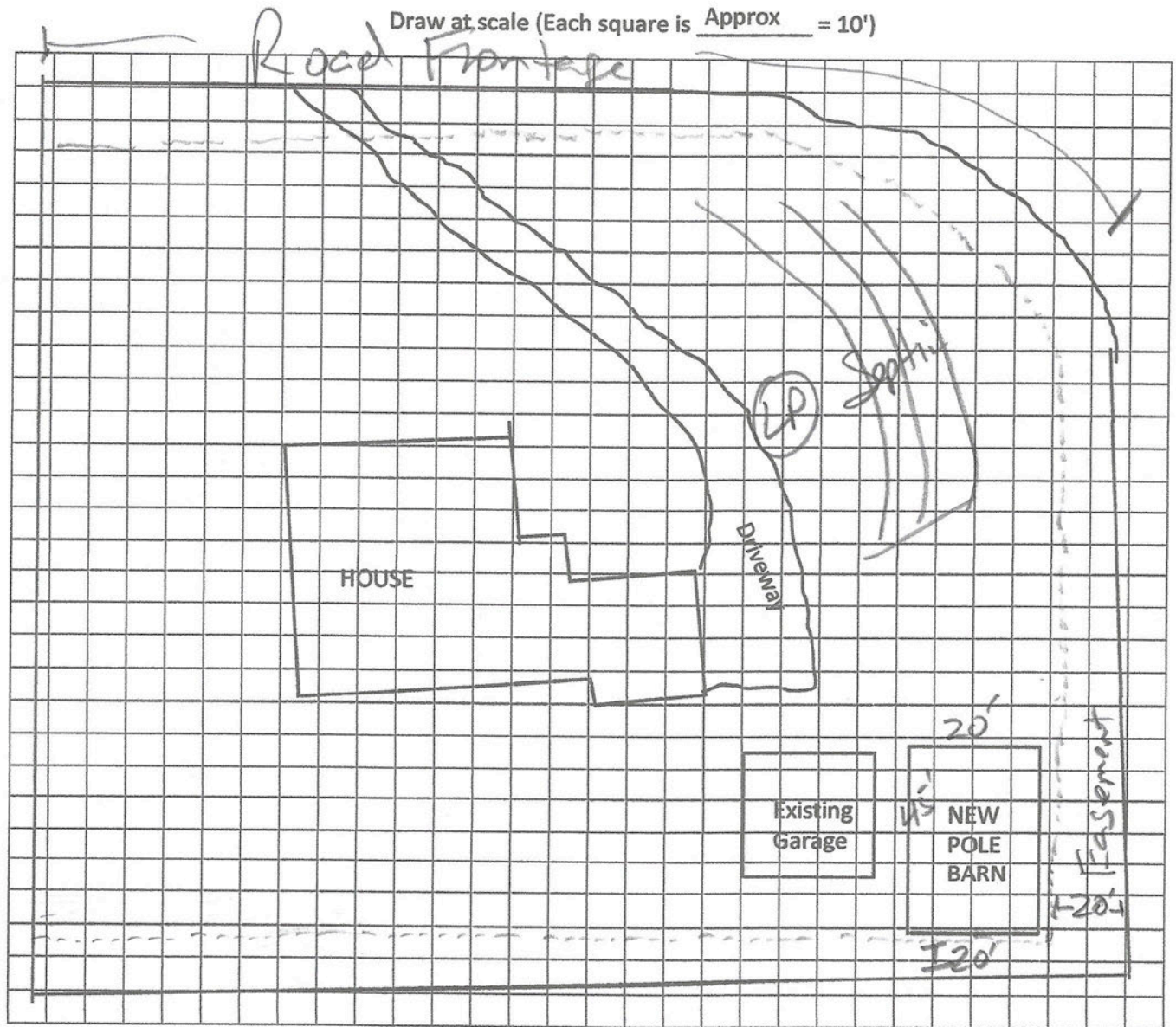


Source: neighboring property owner, view of collected debris and foundation of existing building

Sample Accessory Structure Site Plan Diagram

The site plan *must show* the following to be accepted:

- | | |
|--|---|
| ☒ North Arrow | ☒ Easements and/or right-of-way |
| ☒ Road Frontage | ☒ Location of all underground and above ground LP Tanks |
| ☒ Access/Driveway and Culvert Location (if applicable) | ☒ Property Lines and dimension of proposed structure |
| ☒ Location of all structures and specific use | |
| ☒ Distances between structure and property lines | |



CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
C1	90°00'-00"	25.00	39.27	35.36	25.00	S. 03°-46'-29" E.
C2	20°19'-32"	225.00	79.84	79.42	40.34	N. 38°-36'-33" W.
C3	13°59'-23"	175.00	48.84	48.68	24.58	S. 36°-26'-19" E.
C4	90°00'-00"	25.00	39.27	35.36	25.00	S. 86°-26'-00" E.
C5	15°25'-23"	20.00	30.00	25.00	15.00	S. 03°-46'-29" E.
C6	79°50'-09"	25.00	34.83	32.08	20.92	N. 00°-36'-29" W.
C7	124°11'-04"	60.00	130.05	106.04	113.28	S. 21°-33'-59" W.
C8	68°51'-02"	60.00	72.10	67.84	41.12	N. 61°-54'-58" W.
C9	66°48'-02"	60.00	69.95	66.06	39.56	N. 00°-54'-00" W.
C10	15°25'-23"	20.00	30.00	25.00	15.00	S. 03°-46'-29" E.
C11	90°00'-00"	25.00	39.27	35.36	25.00	N. 00°-34'-00" W.
C12	23°53'-32"	325.00	135.52	134.54	68.76	N. 32°-29'-14" W.
C13	90°00'-00"	25.00	39.27	35.36	25.00	S. 65°-32'-29" E.
C14	53°58'-05"	25.00	33.55	22.69	12.73	N. 42°-28'-29" E.
C15	10°06'-09"	25.00	11.37	9.71	6.89	S. 86°-26'-00" E.
C16	53°58'-05"	25.00	23.55	22.69	12.73	S. 83°-33'-26" E.
C17	41°02'-25"	100.00	71.63	70.11	37.43	N. 44°-00'-19" W.
C18	46°00'-57"	100.00	80.31	78.17	42.46	N. 87°-32'-00" W.
C19	53°58'-05"	25.00	23.55	22.69	12.73	S. 42°-28'-29" E.
C20	12°49'-23"	19.00	29.17	9.39	5.84	S. 03°-46'-29" E.
C21	89°07'-07"	60.00	93.32	84.20	59.08	N. 78°-52'-03" E.
C22	53°58'-05"	25.00	23.55	22.69	12.73	N. 83°-33'-26" E.
C23	53°58'-05"	25.00	23.55	22.69	12.73	S. 42°-28'-29" W.
C24	62°28'-07"	60.00	63.42	62.22	36.39	N. 46°-43'-30" E.
C25	53°58'-05"	25.00	23.55	22.69	12.73	S. 83°-33'-26" E.
C26	62°04'-04"	60.00	65.00	61.87	36.10	N. 08°-20'-42" E.
C27	100°44'-17"	60.00	105.49	92.42	72.75	S. 73°-03'-28" W.
C28	53°58'-05"	25.00	23.55	22.69	12.73	S. 83°-33'-26" E.
C29	90°00'-00"	25.00	39.27	35.36	25.00	N. 24°-27'-31" E.
C30	20°23'-22"	275.00	91.67	113.42	40.34	N. 38°-36'-33" W.
C31	15°25'-23"	20.00	30.00	25.00	15.00	S. 03°-46'-29" E.
C32	20°19'-52"	175.00	62.10	61.77	31.38	N. 38°-36'-33" W.
C33	90°00'-00"	25.00	39.27	35.36	25.00	S. 86°-13'-31" W.

Mr. L. H. ...

MARY K. HAMMOND
3/ William Burkhardt Jr
WILLIAM BURKHART
LARRY DENISON
Beth A. Sharp
ATTEST: FLOYD CO. AUDITOR BETH A. SHARP

Mark C Randall

PATRICK HOUGHLIN - VICE-PRES.
Beverly Smith
BEVERLY SMITH

THIS 1st DAY OF September

BETH A SHARP
FLOYD COUNTY AUDITOR

26. List

3:39 PM

51 2 11

GLEN L. HATFIELD
FLOYD CO. RECORDER

PLANT COR

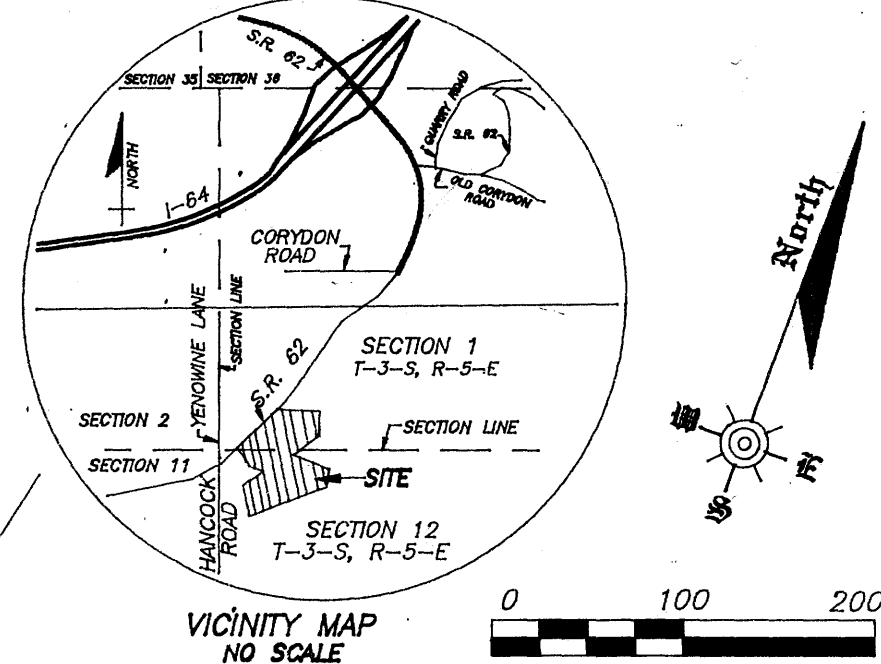
- (1) ALL REAR LOT CORNERS ARE MONUMENTED WITH IRON PINS AND FRONT LOT CORNERS ARE WITNESSED BY A NOTCH ON THE CONCRETE CURB ON THE LOT LINE EXTENDED . . .
- (2) THIS PROPERTY IS NOT LOCATED IN FLOOD ZONE A OR B. THIS DETERMINATION HAS BEEN MADE FROM FLOOD MAP #180432 0040 B, DATED JANUARY 2, 1981.

PEAR RIDGE

PROTECTIVE COVENANTS

SUBJECT TO PROTECTIVE COVENANTS AS
RECORDED IN MISC. DRAWER _____
INST. _____ OF THE FLOYD
COUNTY RECORDS.

OWNERS AND
DEVELOPERS:
TRI-COUNTY DEVELOPERS, INC.



Being part of the southwest 1/4 of Section 1 and part of the northwest 1/4 of Section 12, T-3-S, R-5-E, Floyd County, Indiana and being further described as follows:

Beginning at a stone on the west line of Hancock Road and on the south line of the northeast 1/4 of Section 11, T-3-S, R-5-E; and thence east along said south line, 20 feet to an iron pin on the southwest corner of the northwest 1/4 of said Section 12; thence N.0° 57'04"W., along the centerline of said road, 1805 feet to the center of the iron spike; thence N.89°02'56"E., (passing through an iron pipe at 40.00 feet) 524.55 feet to an iron pipe, (THE TRUE PLACE OF BEGINNING.

Thence N.21°48'17"W, 468.12 feet to an iron pin;
Thence N.54°43'32"E, 382.66 feet to an iron pin;
Thence N.60°28'03"W, 245.27 feet to an iron pin;
Thence N.41°08'58"W, 274.82 feet to a railroad spike in the centerline of State
Road #62;
Thence N.41°13'31"E, along said centerline, 833.59 feet to a railroad spike;
Thence S.48°46'30"E, 30.00 feet to an iron pin;
Thence N.68°20'05"E, 536.49 feet to an iron pin;
Thence S.11°46'32"E, 381.84 feet to an iron pin;
Thence S.51°46'08"W, 500.20 feet to an iron pin;
Thence S.64°31'31"E, 625.33 feet to an iron pin;
Thence S.2°29'08"E, 192.66 feet to an iron pin;
Thence S.27°43'58"W, 50.00 feet to an iron pin;
Thence S.69°27°31"W, 1233.40 feet to the TRUE PLACE OF BEGINNING;
Containing 30.779 acres, more or less, and being subject to all legal highways and
easements of record.

WE THE UNDERSIGNED, A

WE THE UNDERSIGNED, AS OWNERS OF THIS PROPERTY DESCRIBED HEREON DO HEREBY
ACKNOWLEDGE THE FOREGOING TO BE THE PLAT OF PEAR RIDGE AND DO HEREBY
DEDICATE TO PUBLIC USE THE ROADWAYS AND EASEMENTS FOR UTILITIES AND DRAINAGE
AS SHOWN

Bobbie L. Fox BOBBIE L. FOX, PRESIDENT.
Michael G. Hamilton MICHAEL G. HAMILTON, SECRETARY
TRI-COUNTY DEVELOPERS, INC.

55

33 " JACQUELINE MOORE DAVIS

COUNTY OF CLARK 33 " 11 JACQUELINE MOORE DAVIS

BEFORE ME, THE UNDERSIGNED NOTARIAL PUBLIC IN AND FOR THE COUNTY AND STATE,
PERSONALLY APPEARED JACQUELINE NOORE DAVIS, BEBBIE L. FOX & MICHAEL S. HAMILTON
AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGE THE EXECUTION OF THE FOREGOING
INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN
EXPRESSED. WITNESS MY HAND AND NOTARIAL SEAL THIS 19TH DAY OF
July 1993.

Bettie Blankenbeker
BETTIE BLANKENBEKER

COUNTY OF RESIDENCE CLARK
MY COMMISSION EXPIRES; 22 APRIL 1995

I hereby declare that there are no changes from the matter of survey since the boundary survey recorded in Survey Drawer 20, Instrument 7675. In accordance with Title 865, IAC 1.1-12 to the best of my knowledge and belief.

FOR: David C. Blanton
Registered Land Surveyor No. 906011

PLAT No. 1053

BLANKENBEKER & SON
~ LAND SURVEYORS INC., P.C. ~

422 MEIGS AVENUE JEFFERSONVILLE INDIANA
AREA CODE (812) 282-4183 P.O. BOX 157 47131-0157

BY: K.L.T.	SCALE: 1" = 100 FEET	DATE: 15 JULY 1993	JOB # 9634 571 F
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STAFF REVIEW FORM
DEPARTMENT USE ONLY

Received by: Date Received: Time Received:

Application # 14158 Permit # 13322

Applicant Name: Steve Short **Parcel Number:**

Address: 5730 Hillside Circle, Georgetown **Subdivision/Lot #:** Pear Ridge Lot: 11

- ☒ Complete Application
☒ Site Plan
☒ Health Department/Sewer Tap-In Receipt (FCHD Permit #/Receipt # SA-10-22 1/26/22)
☒ Building Plans
☒ Firefighter Safety Notification IC-22-11-21 Form

Development Standards Review

Zone District: AR Type of Structure: ACC-Garage

Minimum Setbacks Required: Front: Behind House Side: 10' Rear: 10'

Actual Setbacks: Front: Behind House Side: 40' Rear: 34'

Setbacks Met: ☒Yes/☐No

Is Accessory Subordinate to Primary Structure? Yes

Minimum Ground Floor Area: N/A Met? ☒Yes/☐No

Maximum Height: 9' (Max 18') Met? ☒Yes/☐No Lot Coverage %

Located in Flood Zone? ☒Yes/☐No Located in Steep Slope District? ☒Yes/☐No

Located in Easement? ☒Yes/☐No

Plan Commission/BZA Approval Needed: ☒Yes/☐No

Previous Board Action: Docket #: Approval Date:

Signature of Staff: Deacon Fountain Date:

Fee Calculation

Base Fee: NA

Garage: NA

672 Total Sq. Ft. x \$0.10 = \$ 67

Total Due: \$ 67.00

Additional Comments:

~~1. Electrical Provisions - E-mailed 1/27/22 DF~~

Development Standards Review Date: 1/27/22 DF

Building Plans Review Date: 1/27/22 -KQL

Approval Date: 1/31/22

NOTICE OF PUBLIC HEARING

Description of Proposed Docket:

The applicant Marvin Schmidt 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):

5730 Hillside Circle, Georgetown, IN 47122

Parcel # 22-02-01-200-029.000-002

Description of Project:

To build a shed on a corner lot, requiring an encroachment into a corner-side front yard setback and requiring an accessory structure to be placed in front of a primary structure on a corner-side front yard.

[Dockets FC-09-26-36 and FC-09-26-37](#)

This is a notice that a public hearing regarding the proposed docket item will be on October 14th, 5pm located in the **3rd Floor Assembly Room at the Judicial Center (County Building), 311 Hauss Square 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

Online: Floyd County Government Website www.floydcounty.in.gov

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 under the Plan Commission page

2. How does this process work?

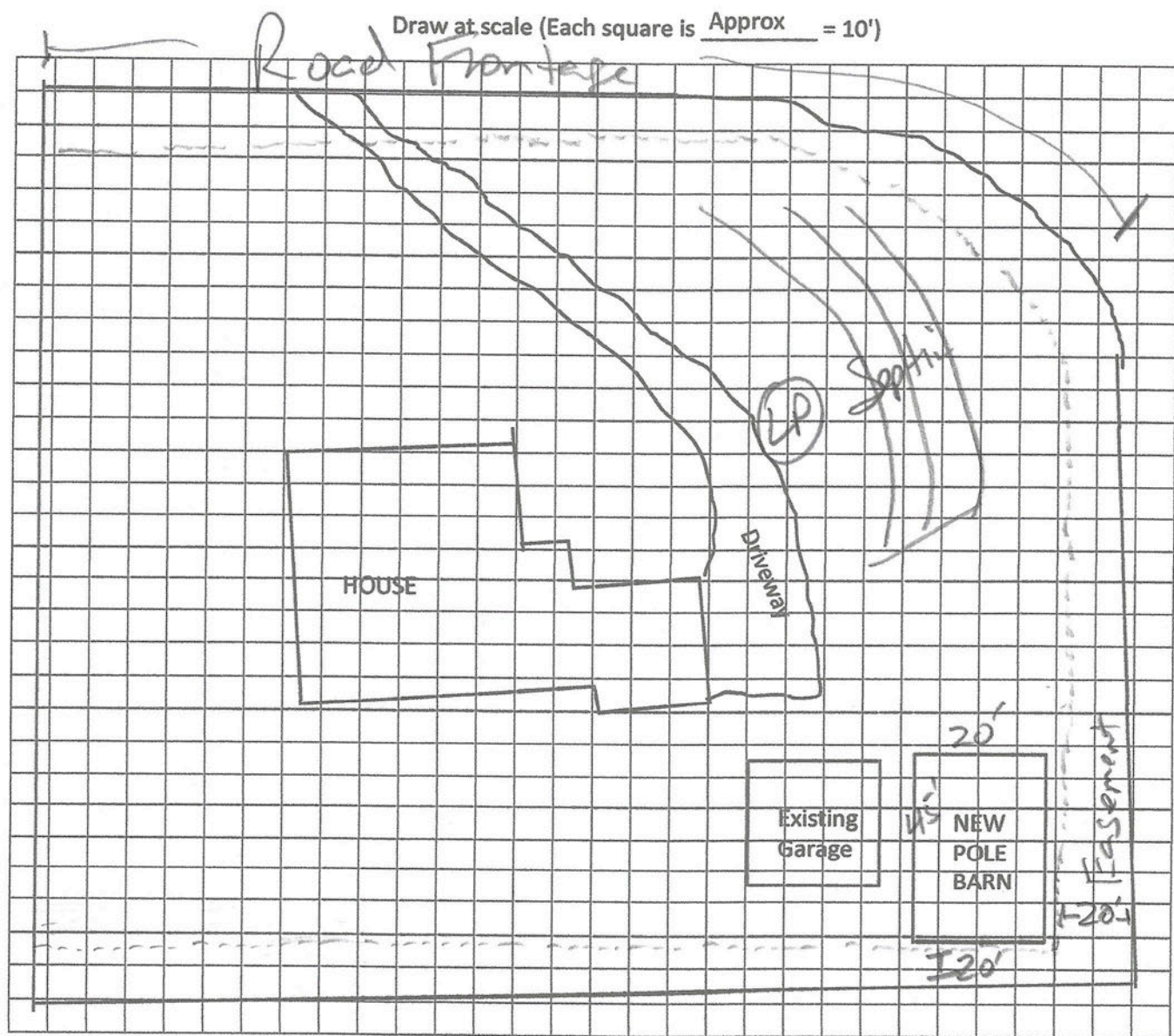
Depending on the docket, there are several different processes. The Board of Zoning Appeals will take public comments on each proposal and values public comment in their decision-making process. The Board of Zoning Appeals is required to follow state statute when considering each application. Below is 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.

Sample Accessory Structure Site Plan Diagram

The site plan *must show* the following to be accepted:

- | | |
|--|---|
| ☒ North Arrow | ☒ Easements and/or right-of-way |
| ☒ Road Frontage | ☒ Location of all underground and above ground LP Tanks |
| ☒ Access/Driveway and Culvert Location (if applicable) | ☒ Property Lines and dimension of proposed structure |
| ☒ Location of all structures and specific use | |
| ☒ Distances between structure and property lines | |





Floyd County, IN

Aerial Zoning Map

5730 Hillside Circle

Created by: Franklin J Walden



- Parcels
- N.A. Fringe
- 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

To the Floyd County Building Permit Division and/or Members of the Board of Zoning Appeals,

I respectfully submit this zoning variance request packet for your consideration regarding the property located at 5730 Hillside Circle, Georgetown, IN 47122. The purpose of this request is to obtain relief from two specific zoning restrictions on the East side of the parcel: the **corner lot buildback line** and the **60-foot buildback line**. After thorough evaluation of the site conditions, surrounding land characteristics, and applicable ordinance requirements, we believe the requested variances are both reasonable and fully aligned with the intent of the zoning code.

The East side of the property borders land that is entirely undeveloped and, due to its topography and lack of suitable soil for septic systems, cannot support present or future development. These physical limitations render the adjacent parcel functionally unusable for residential or commercial purposes. As a result, the existing buildback line and full-width utility easement do not serve their typical purpose of protecting neighboring structures, maintaining separation between uses, or preserving development potential. Instead, they impose unnecessary constraints on the applicant's property without providing any corresponding public benefit.

An access road runs along the East boundary of the parcel, and the requested variance will not obstruct, alter, or interfere with this roadway. All access patterns, emergency service routes, and utility service capabilities will remain fully intact. The proposed reduction of the utility easement to 10 feet preserves adequate space for maintenance, service operations, and future utility needs while allowing more practical use of the property.

As detailed in the enclosed justification sections, approval of this variance will **not** be injurious to public health, safety, morals, or general welfare. The requested adjustments do not introduce hazards, do not burden public infrastructure, and do not alter drainage, traffic, or emergency access. Likewise, the use and value of the adjacent property will not be affected in a substantially adverse manner, as the neighboring land is not developable and will remain unchanged regardless of the variance outcome.

Strict application of the zoning ordinance creates practical difficulties by significantly limiting the buildable area of the parcel and forcing an impractical site configuration that does not reflect the physical realities of the land. The requested relief allows for reasonable and efficient use of the property while maintaining all functional, environmental, and safety considerations.

For these reasons, we respectfully request approval of the variance to remove the corner lot buildback line and 60 foot setback line on the East side of the property. We appreciate the Board's time, attention, and consideration of this request and stand ready to provide any additional information or clarification needed during your review.

Sincerely,

Marvin Schmidt – Property Owner



2. Site Information:

Parcel ID Number:	22-02-01-200-029.000-002
Total Acreage:	1.591
Address of Property/Location:	5730 Hillside Cir. Georgetown, IN 47122
Current Use of Property:	Residential
Current Zoning District:	R

3. Variance Request:

Detail the variance request:

The applicant requests a variance to allow construction of an accessory building (pole barn/garage) to be located on the side of the lot that faces Ironweed Ct. and therefore would "technically" be in front of the primary residence as measured from the adjacent street frontage. Although the lot is technically a corner lot, the side of the property in question is physically and functionally unusable for neighborhood development due to topography, existing mature vegetation, drainage easements, and sight-line and safety constraints. Moreover, the "street" on that side of the property is unimproved, a dead end access road to adjacent property, and is not technically a traffic bearing street that this rule is designed to protect. The proposed accessory building will be designed and conditioned to avoid adverse impacts; it will not increase traffic, will not block sight lines, and will be visually compatible with the neighborhood.

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 accessory building will be sited to avoid obstruction of sight lines at the intersection and will not create additional curb cuts or driveway access on the side street. Vehicular access will remain from Hillside Circle, preserving traffic safety. The structure will be designed and conditioned to match the neighborhood character and will include landscaping and screening to minimize visual impacts. No septic, drainage, or utility conflicts will be created; the applicant will comply with any Floyd County Health Department recommendations.

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 proposed accessory building will be architecturally compatible with the primary residence, and compliant with HOA regulations for accessory structures. It will not reduce light, air, or privacy for neighboring properties and will not increase traffic or noise beyond typical residential accessory use. The proposed conditions (matching materials and no side-street access) protect adjacent property values and neighborhood character.

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

Given the parcel's combined geotechnical, legal (easement), and traffic-engineering constraints, strict application of the corner-lot accessory-placement rule would impose practical difficulties by eliminating any feasible, safe, and code-compliant location for a modest accessory building. The requested variance is narrowly tailored to address those site-specific constraints, preserves public safety by prohibiting side-street access, and maintains neighborhood character through design and screening.

Corner Lot Variance Expanded Answers

5730 Hillside Cir. Georgetown, IN 47122

Detail the variance request:

The applicant requests a variance to allow construction of an accessory building (pole barn/garage) to be located on the side of the lot that faces Ironweed Ct. and therefore would "technically" be in front of the primary residence as measured from the adjacent street frontage. Although the lot is technically a corner lot, the side of the property in question is physically and functionally unusable for neighborhood development due to topography, existing mature vegetation, drainage easements, and sight-line and safety constraints. Moreover, the "street" on that side of the property is unimproved, a dead end access road to adjacent property, and is not technically a traffic bearing street that this rule is designed to protect. The proposed accessory building will be designed and conditioned to avoid adverse impacts; it will not increase traffic, will not block sight lines, and will be visually compatible with the neighborhood. Granting this variance will allow reasonable use of the existing property without harming the public interest or neighboring properties.

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

The accessory building will be sited to avoid obstruction of sight lines at the intersection and will not create additional curb cuts or driveway access on the side street. Vehicular access will remain from Hillside Circle, preserving traffic safety. The structure will be designed and conditioned to match the neighborhood character and will include landscaping and screening to minimize visual impacts. No septic, drainage, or utility conflicts will be created; the applicant will comply with any Floyd County Health Department recommendations.

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 proposed accessory building will be architecturally compatible with the primary residence, and compliant with HOA regulations for accessory structures. It will not reduce light, air, or privacy for neighboring properties and will not increase traffic or noise beyond typical residential accessory use. The proposed conditions (matching materials and no side-street access) protect adjacent property values and neighborhood character.

Because the adjacent land has no viable development potential and the variance does not alter drainage, access, infrastructure, or environmental conditions, the use and value of the neighboring

property will remain unaffected. The requested variance simply allows for reasonable use of the applicant's parcel without creating any adverse external effects.

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

Given the parcel's combined geotechnical, legal (easement), and traffic-engineering constraints, strict application of the corner-lot accessory-placement rule would impose practical difficulties by eliminating any feasible, safe, and code-compliant location for a modest accessory building. The requested variance is narrowly tailored to address those site-specific constraints, preserves public safety by prohibiting side-street access, and maintains neighborhood character through design and screening conditions. For these reasons, the strict application of the ordinance would result in practical difficulties using the property as it greatly and unnecessarily limits its functional use and the Board should grant the variance allowing a back corner of the property to be better used.

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:

Marin Schmitt

Signature:

[Signature]

Date:

8/30/26

SUBSCRIBED AND SWORN BEFORE ME

THIS _____ DAY OF _____, 202____.

NOTARY PUBLIC COUNTY OF _____

MY COMMISSION EXPIRES _____

**FLOYD COUNTY
ASSESSOR**

Jun/17/2024

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer
Jun 18 2024 - SC
Diana M. Topping
AUDITOR FLOYD CO. IND.

**E-RECORDED
202406368**
FLOYD CO. IN RECORDER
LOIS ENDRIS
06/18/2024 08:09 AM
202406368 Pages: 2
Transaction # 4080065

Parcel Number:

22-02-01-200-029.000-002

Property Address:

5730 Hillside Circle, Georgetown, IN 47122

Grantee's Name and Address

for Mailing Tax Statements:

Biogenix Solutions, LLC

6953 Frank Ott Road

Georgetown, IN 47122

WARRANTY DEED

This indenture witnesseth that on June 17, 2024, Steve Short and Cynthia Ann Short, husband and wife, of Floyd County, Indiana, do hereby, for \$10.00 and other valuable consideration the receipt whereof is acknowledged, CONVEY AND WARRANT to Biogenix Solutions, LLC, an Indiana limited liability company, the following described real estate in Floyd County, Indiana, to-wit:

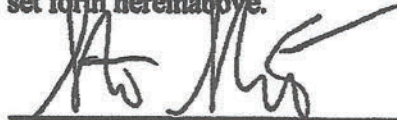
Lot No. 11 of Pear Ridge Subdivision, as the same appears of record in Plat No. 1053, in the Office of the Recorder of Floyd County, Indiana.

Subject to any and all easements and/or restrictions apparent or of public record which may apply to the above described real estate.

Memoranda

1. This conveyance is made free and clear of all liens and encumbrances, except the real estate taxes and assessments which, having been apportioned between the parties as of the date hereof, the Grantees assume beginning with the next due and payable installment thereof.
2. Being the property acquired by Steve Short and Cynthia Ann Short by deed dated 01/20/1995 and recorded with Floyd County Recorder on 01/24/1995 in Deed Drawer 22, Instrument Number 576.

In witness whereof, Steve Short and Cynthia Ann Short have executed this Deed on the date first set forth hereinabove.



Steve Short



Cynthia Ann Short

STATE OF INDIANA COUNTY OF CLARK)

Before me, a Notary Public in and for said County and State, on June 17, 2024, personally appeared Steve Short and Cynthia Ann Short who swore to the truth of the representations contained herein and who acknowledged the free and voluntary execution hereof.


Notary Public

Printed Name: Michelle Carter

My Commission Expires: 10/25/2026

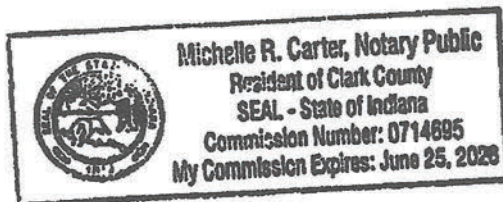
Commission Number: 0714695

Resident of Clark County, Indiana

Prepared without benefit of title search or examination by Culler Law Office, LLC, Ronald D. Culler, Attorney, 2123 Veterans Parkway, Jeffersonville, Indiana 47130, phone 812-284-2685.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law Michelle Carter person's name presenting for recording

File Number: AT2405280



FLOYD COUNTY HEALTH DEPARTMENT

1917 Bono Road
New Albany, Indiana 47150-4607
Website: www.floydcounty.in.gov

Telephone (812) 948-4726
Fax (812) 948-2208

SITE APPROVAL PERMIT FOR CONSTRUCTION

OF

**OUTBUILDINGS, ADDITIONS and/or
INSTALLATION OF SWIMMING POOLS
GEOTHERMAL HEAT SYSTEM
UNDERGROUND UTILITY CONNECTION and/or
UNDERGROUND LAWN SPRINKLER SYSTEM**

RECEIPT NO: 24736

PERMIT NO.: SA-94-24

Date Issued: 12/11/2024

Permit is void the last day of the thirty-sixth (36th) month following the month of permit issuance.

ISSUED TO: Marvin Schmidt

PROPERTY OWNER: Marvin Schmidt

ADDRESS: 5730
House Number

Hillside Circle
Street/Road/Drive

Georgetown
City/Town

Indiana
State

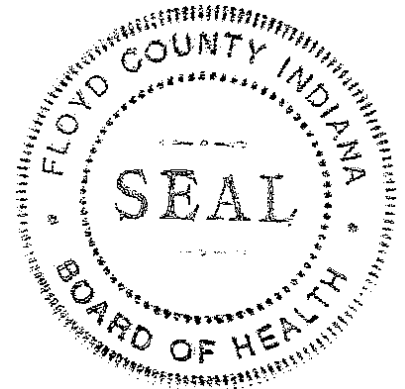
47122
Zip Code

CONTRACTOR/INSTALLER:

SITE APPROVAL FOR: 30' x 40' garage

ISSUED BY: Anthony Lieber

NOTES: Protect area of septic and during all phases of construction.



**ANY CHANGE TO THE LOCATION OR INSTALLATION OF DESIGN WITHOUT PRIOR APPROVAL
FROM THE FLOYD COUNTY HEALTH DEPARTMENT WILL VOID THIS PERMIT**

The Yardstick by which we measure our prosperity is the health and happiness of our people.



The Yardstick by which we measure our prosperity is the health and happiness of our people.

Date: October 4, 2026

To:

Floyd County Board of Zoning Appeals
Department of Building & Development Services
2524 Corydon Pike, Suite 203
New Albany, IN 47150
via Email: building@floydcounty.in.gov

RE: PUBLIC HEARING OBJECTION

- **Docket Numbers:** FC-09-26-36 and FC-09-26-37
- **Hearing Date:** Wednesday October 14 , 2026
- **Marvin Schmidt of 5730 Hillside Circle, Georgetown IN 47122 Parcel # 22-02-01-200-029-000-002 seeking Developmental Standards Variance To build shed on corner lot, requiring an encroachment into a corner side front yard setback and requiring an accessory structure to be placed in front of primary structure on a corner side front yard.**

Objector Information:

- **Name** Henry Spiller
- **Property Address:** 5728 Hillside Circle Georgetown IN 47122 Parcel 22-02-01-200-005-000-002
- **Relationship to Request:** Adjacent/Adjoining Property Owner

To the Members of the Floyd County Board of Zoning Appeals,
I am writing to formally enter my strong objection into the public record regarding **Docket FC-09-26-36** and **Docket FC-09-26-37**. As an affected neighboring property owner, I request that the Board deny these requests, as the petitioner's proposed variance fails to meet the statutory requirements under Indiana Code § 36-7-4-918.5. Specifically, granting these dockets will cause immediate, severe harm to the surrounding properties based on the following grounds:

1. Injury to Public Health, Safety, and General Welfare (Access & Safety Risks)

The proposed development relies on an easement structure that effectively blocks established access to private property, rendering neighboring land entirely landlocked. Creating a landlocked parcel introduces severe safety hazards, as it strips away vital access for emergency services, including fire engines, police vehicles, and medical personnel. **Blocks sole access and egress to our property, essentially making landlocked and inability for emergency /fire vehicles to access structure already existing on our land . Area adjacent to road is very steep making it inaccessible ,and cannot accommodate alternate route to our property.**

2. Substantial Adverse Impact on Adjacent Property Use and Value

Depriving an adjoining property of its legal access destroys its usability and drastically decimates its market value. Furthermore, the proposed layout and subsequent construction will directly accelerate soil erosion and stormwater runoff onto the existing roadway. This increased erosion compromises the structural integrity of the shared road infrastructure, creating unsafe driving conditions and imposing unfair, costly maintenance burdens on the surrounding property owners. **Will create runoff and erosion of existing county road.**

3. The Condition is Not a Standard "Practical Difficulty"

The hardships associated with this petition are entirely self-imposed by the applicant's

layout design. A variance should not be granted to maximize a petitioner's profit or convenience at the direct expense of an existing neighbor's access, land utility, and infrastructure stability. Reasonable use of the property can be achieved without landlocking neighbors or damaging the existing road.

For these reasons, I respectfully urge the Board of Zoning Appeals to **deny** requests FC-09-26-36 and FC-09-26-37.

Thank you for your time and your dedication to protecting the property rights and safety of Floyd County residents. I plan to attend the public hearing on October 14th to speak further on this matter.

Sincerely,
Henry A Spiller

502 550-439



