

**Shelby County
Board of Zoning Appeals**

October 12, 2021 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals October 12, 2021, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the September 14, 2021 meeting.

OLD BUSINESS

None.

NEW BUSINESS

BZA 21-30 – RYAN TURNER: DEVELOPMENT STANDARDS VARIANCES. Located at 301 E 275 S, Shelbyville, Shelby Township.

BZA 21-31 – RICHARD T & JOANN N ABBATE: DEVELOPMENT STANDARDS VARIANCE. Located at 8646 S 600 W, Edinburgh, Jackson Township.

BZA 21-32 – JERALD T DODDRIDGE: DEVELOPMENT STANDARDS VARIANCES. Located at 508 S Main St, Waldron, Liberty Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **November 9, 2021 at 7:00 PM.**

Property Details

Location: 301 E 275 S, Shelbyville, Shelby Township.

Property Size: 5.29 acres.

Current Land Use: Estate Residential.

Zoning Classification:

RE (Residential Estate)

Intent: This district is established for single-family detached dwellings in a rural or country setting.

Development Standards: Promote low-impact development in harmony with a natural setting.

Future Land Use per Comp Plan

Incorporated Planning Area: Single-Family Residential

Single-family residential can indicate a few varieties of densities including high, medium, and low densities.

	Zoning	Land Use
North	RE	Single-Family Res
South	RE	Estate Res.
East	RE/R1	Estate Res.
West	RE	Estate Res.

Staff Report

Case Number: BZA 21-30
Case Name: Ryan Turner – Development Standards Variances

Request

Variances of Development Standards for allow:

1. A 3,000 sq. ft. pole barn in the front yard;
2. The total area of all accessory structures on the lot to exceed 2X the footprint of the house.

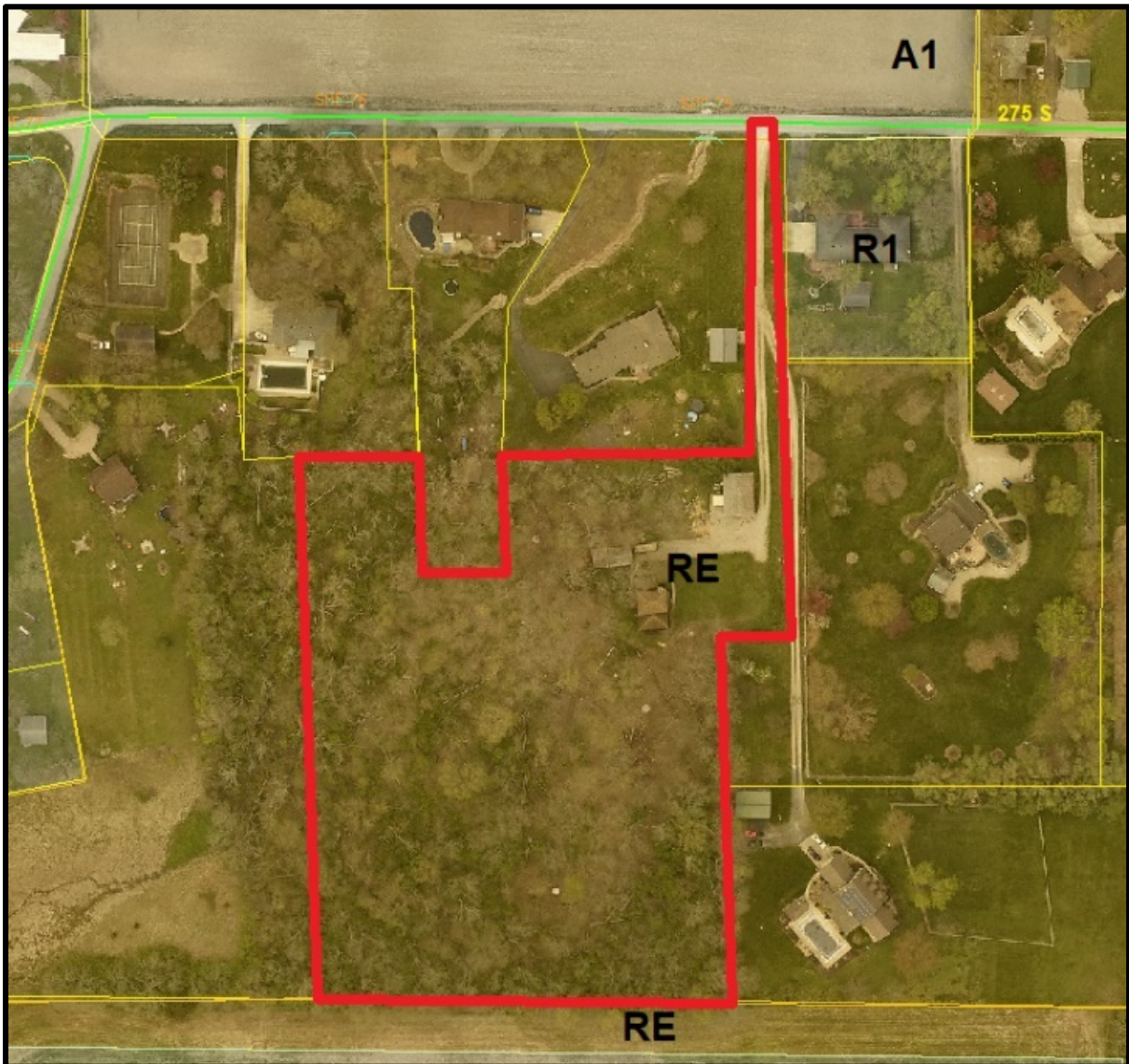
Code Requirement

UDO Section 5.04 C – Placement: *A permitted accessory structure shall not be placed in the front yard of any lot, unless placed 350 feet or greater from the front property line.*

UDO Section 5.06 D – Maximum Size: *The total area of all enclosed accessory structures on a lot shall not exceed two times (2X) the footprint of the primary structure.*

Purpose of Requirements: Prohibiting the construction of accessory structures in the front yard maintains the primary structure as the visual focal point of the property. Limiting the size of residential accessory structures ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, large machinery, and/or large equipment.

Property Map



Case Description

- The petitioner plans to replace an existing 30'x40' (1,200 sq. ft.) pole barn with a 50'x60' (3,000 sq. ft.) pole barn. Per the site plan submitted by the petitioner, the barn would sit on the footprint of the existing barn.
- The total square footage of the proposed pole barn plus the existing detached garage would equal approximately 2.5x the footprint of the house. The property tax card provides the square footage of the house and garage for the square footage calculation.
- The proposed pole barn would sit in front of the house. The eastern side of the barn would be visible from the road.

- Per the site plan submitted by the petitioner, the proposed pole barn would sit the same distance from the property line as the existing barn and therefore would comply with the 10-foot setback requirement for accessory structures in the RE District.
- The petitioner stated that they do not plan to operate a business in the pole barn and that the pole barn would not include plumbing.

Staff Analysis of Findings of Fact

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

Staff Analysis: Construction of the pole barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The public would not have access to the pole barn.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: The proposed barn would likely become the visual focal point among the properties adjoining the driveway due to the proposed size and location of the structure, thereby detracting from the homes currently serving as visual focal points and altering the character of the neighborhood. Relocation of the barn to not encroach past the east building line of the barn on the adjoining property to the north would preserve the homes as visual focal points and protect the character of the neighborhood.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: The septic system and wooded area of the property restricts placement of the pole barn in any area other than the front yard. The County assigned the A2 zoning designation to most other properties in the County over five acres. The A2 district does not have a size limit for accessory structures.

Staff Recommendation

APPROVAL because the septic system and wooded area of the property restricts placement of the pole barn in any area other than the front yard. The County assigned the A2 zoning designation to most other properties in the County over five acres. The A2 district does not have a size limit for accessory structures.

However, the proposed barn would likely become the visual focal point among the properties adjoining the driveway due to the proposed size and location of the structure, thereby detracting from the homes currently serving as visual focal points and altering the character of the neighborhood. Therefore, staff recommends the following **stipulation**:

- 1. The barn shall not encroach past the east building line of the barn located on the adjoining property to the north.**

Applicant/Owner Information

Applicant:	Ryan Turner	Owner:	Same
	301 E 275 S		
	Shelbyville, IN 46176		

View of driveway and existing barn from 275 S



Google Street View – July, 2014

View of existing barn from driveway



Staff Photograph – Sep, 2021

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: _____

Case #: _____

Location: _____

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

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

It does not impact the overall community

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Other neighbors have pole barns so it will not stand out.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

It will not affect anything on the property.

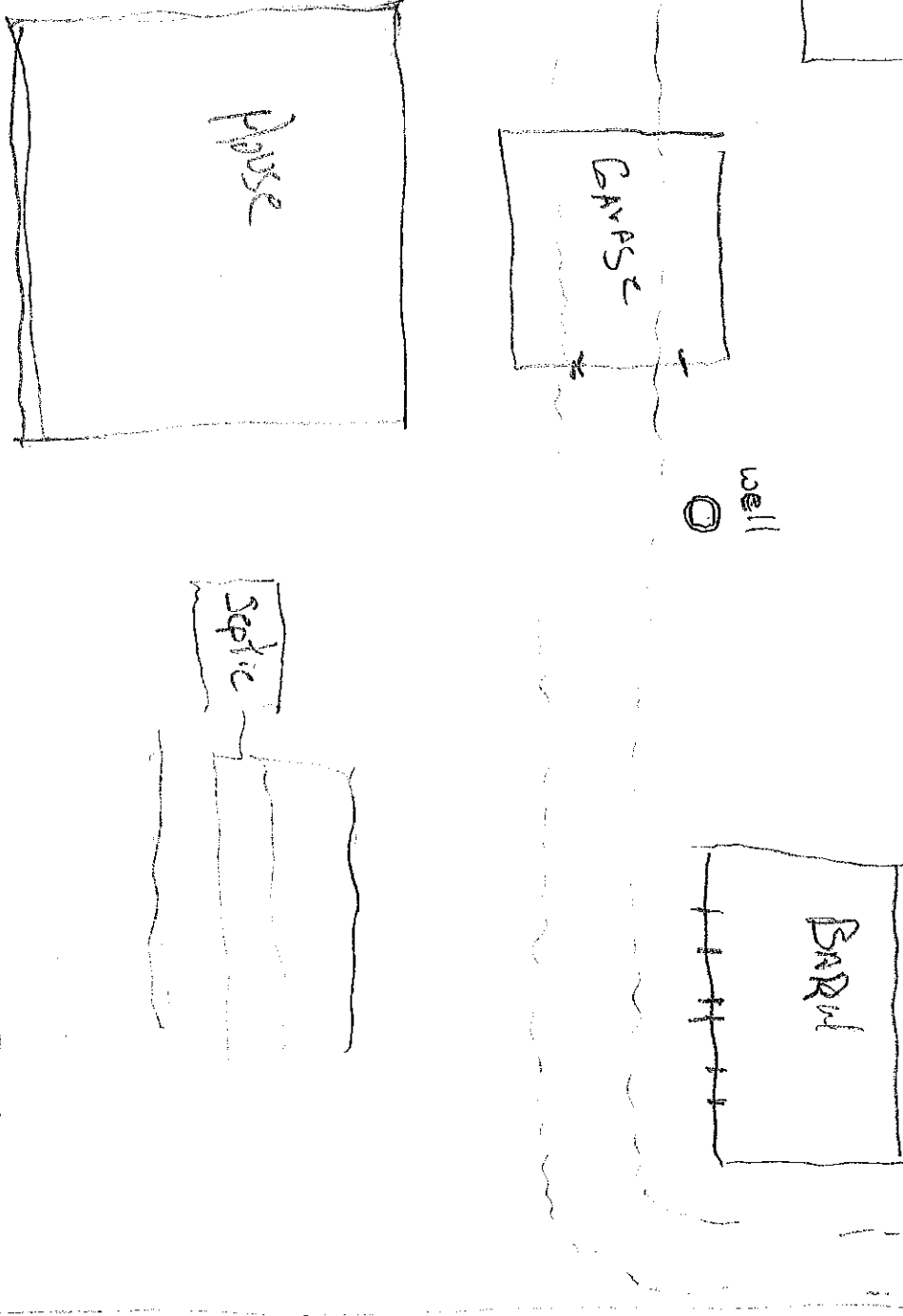
The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

301 East ~~275~~ South



Property Details

Location: 8646 S 600 W,
Edinburgh, Jackson Township.

Property Size: 5.01 acres.

Current Land Use: Estate
Residential.

Zoning Classification:

A2 (Agricultural)

Intent: This district is established for general agricultural areas and buildings associated with agricultural production.

Development Standards: Enact development standards to maximize protection of common agricultural practices.

Board of Zoning Appeals: Protect the integrity of land and operations within the Agricultural District.

Future Land Use per Comp Plan Suburban Residential

This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

Surrounding Development

	Zoning	Land Use
North	A2	Estate Res./Woodland
South	A2	Estate Res./Woodland
East	A1	Woodland
West	A2	Estate Res.

Staff Report

Case Number: BZA 21-31
Case Name: Richard T & JoAnn N Abbate –
Development Standards Variance

Request

Variance of Development Standards to allow for a dwelling unit within an accessory structure.

Code Requirement

UDO Section 5.04 D – Prohibited for Occupancy: A permitted accessory structure shall not be utilized for human occupancy.

Purpose of Requirement – Prohibiting occupancy of accessory structures maintains the zoning district's intended residential density among properties.

Property Map



Case Description

- The petitioner has obtained permits to replace an existing two-stall horse barn with a 40' x 60' (2,400 sq. ft.) pole barn with plumbing and electric utilities. Per the site plan submitted by the petitioner, the barn would sit on the footprint of the existing barn.
- The petitioner plans to add a dwelling unit within the barn which would include two bedrooms and a bathroom.
- Addition of the dwelling unit would require site plan approval and a remodel permit. The Site Plan Committee includes the Planning

Director, Building Inspector and Health Department Environmental Technician.

- The petitioner intends to use the dwelling unit as guest quarters for family and friends.
- The County Health Department has issued a permit for a new septic system to accommodate the two bedrooms in the barn.
- The existing driveway would provide access to the barn.

Staff Analysis of Findings of Fact

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

Staff Analysis: Addition of the dwelling unit would require a remodel permit and the dwelling must comply with all building codes and sanitation requirements prior to final inspection. Use of the dwelling unit as guest quarters would not add significant traffic to the public road.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: The proposed pole barn complies with all other ordinance requirements for accessory structures. Therefore, the exterior appearance of the structure would not conflict with the rural character of the area.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: A strict application of the ordinance would not allow for private guest quarters independent from the main dwelling within an accessory structure that does not conflict with the character of the area.

Staff Recommendation

APPROVAL primarily because the exterior appearance of a pole barn with living quarters would not conflict with the rural character of the area.

Staff recommends the following stipulations to ensure that the living quarters do not become a dwelling unit used independently from the main house:

- 1. The area of the structure dedicated toward living space shall not exceed 900 sq. ft. (this excludes garage and storage areas).**
- 2. The dwelling unit shall not be rented and shall only be used as guest quarters for family members and friends of the property owner.**
- 3. The variance shall expire when the current property owner no longer owns the property.**
- 4. Beginning in October of 2023, the petitioner shall provide notice to the Plan Commission office every other year regarding the status of property ownership.**

Applicant/Owner Information

Applicant	Richard T & JoAnn N Abbate 8646 S 600 W Edinburgh, IN 46124	Owner:	Same
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**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: ABBATE, RICHARD T. - JO-ANN N.

Case #: _____

Location: 8646 S. 600 W. EDINBURGH, IN 46124

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

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

NOTHING WITH RESPECT TO THE CONSTRUCTION, ERECTION, AND MAINTENANCE OF OUR NEW POLE BARN (REPLACING OLD, TWO STALL HORSE BARN), WILL ENCRDACH UPON ANY NEIGHBOR OR THE GENERAL COMMUNITY. AS WITH OUR OLD POLE BARN, IT WILL NOT ADVERSELY IMPACT THE PUBLIC HEALTH AND/OR SAFETY; OR HARM THE GENERAL WELFARE OF OUR NEIGHBORS OR THE COMMUNITY AT LARGE.

2. **Adjacent Property:** 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 ORIGINAL TWO STALL HORSE BARN HAVING BEEN REMOVED AND REPLACED BY THE NEW BARN STRUCTURE WILL NOT SUBSTANTIALLY OR ADVERSELY IMPACT THE MARKET VALUES OF ANY OF OUR NEIGHBORS.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

WE DO NOT FORESEE ANY PRACTICAL DIFFICULTIES WITH CONSTRUCTING THE NEW POLE BARN THAT WILL NOW OR IN THE FUTURE, PROVE TO CAUSE ANY DIFFICULTY OR HARM WITH THE COUNTY EXERCISE OF ITS GOVERNING AUTHORITY. APPLICANTS FULLY INTEND TO ADHERE TO ALL COMPLIANCE REQUIREMENTS.

The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

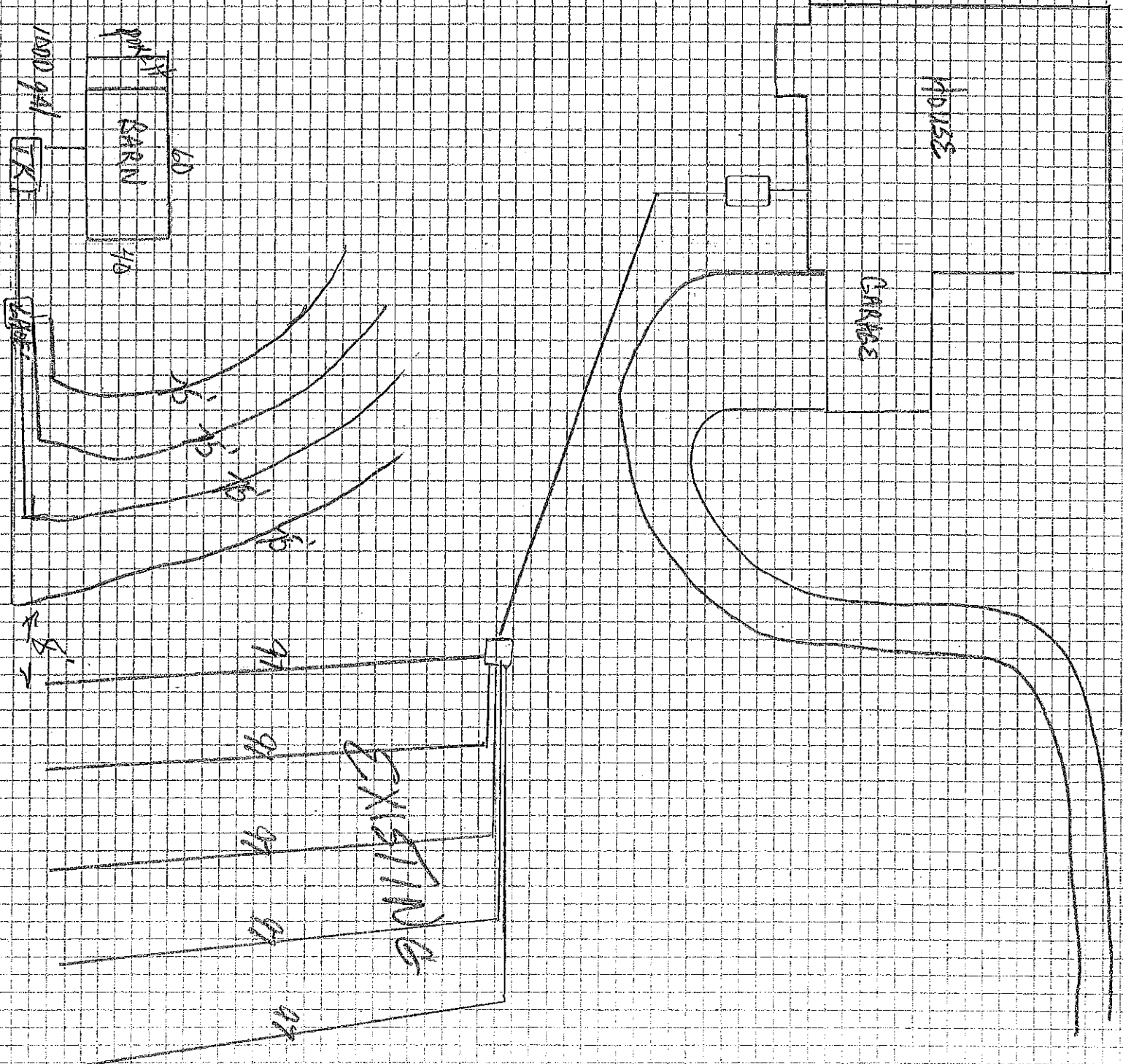
RICHARD ABBATE
SCALE 3/4" = 1'-00"

EDINBURGH IN

905-997-3377

JACKSON TWP

5.1 ACRES



Property Details

Location: 508 S Main St, Waldron, Liberty Township.

Property Size: 0.19 acres.

Current Land Use: Single-Family Residential.

Zoning Classification:

VR (Village Residential)

Intent: This district is established for existing residential uses in small unincorporated towns and villages.

Development Standards: Flexible development standards to accommodate existing developments.

Future Land Use per Comp Plan Suburban Residential

The purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

	Zoning	Land Use
North	VR	Single-Family Res.
South	VR	Single-Family Res.
East	VR	Single-Family Res.
West	R1	Single-Family Res.

Staff Report

Case Number: BZA 21-32

Case Name: Jerald T Doddridge – Development Standards Variances

Request

Variances of Development Standards for allow for a 900 sq. ft. accessory structure.

1. Two (2) feet from the north side property line (minimum 5-foot setback required);
2. Two (2) feet from the rear property line (minimum 5-foot setback required);
3. Greater than 50% the square footage of the footprint of the house.

Code Requirement

UDO Section 2.18 – Minimum Side Yard Setback: 5-feet for accessory structure

UDO Section 2.18 – Minimum Rear Yard Setback: 5-feet for accessory structure

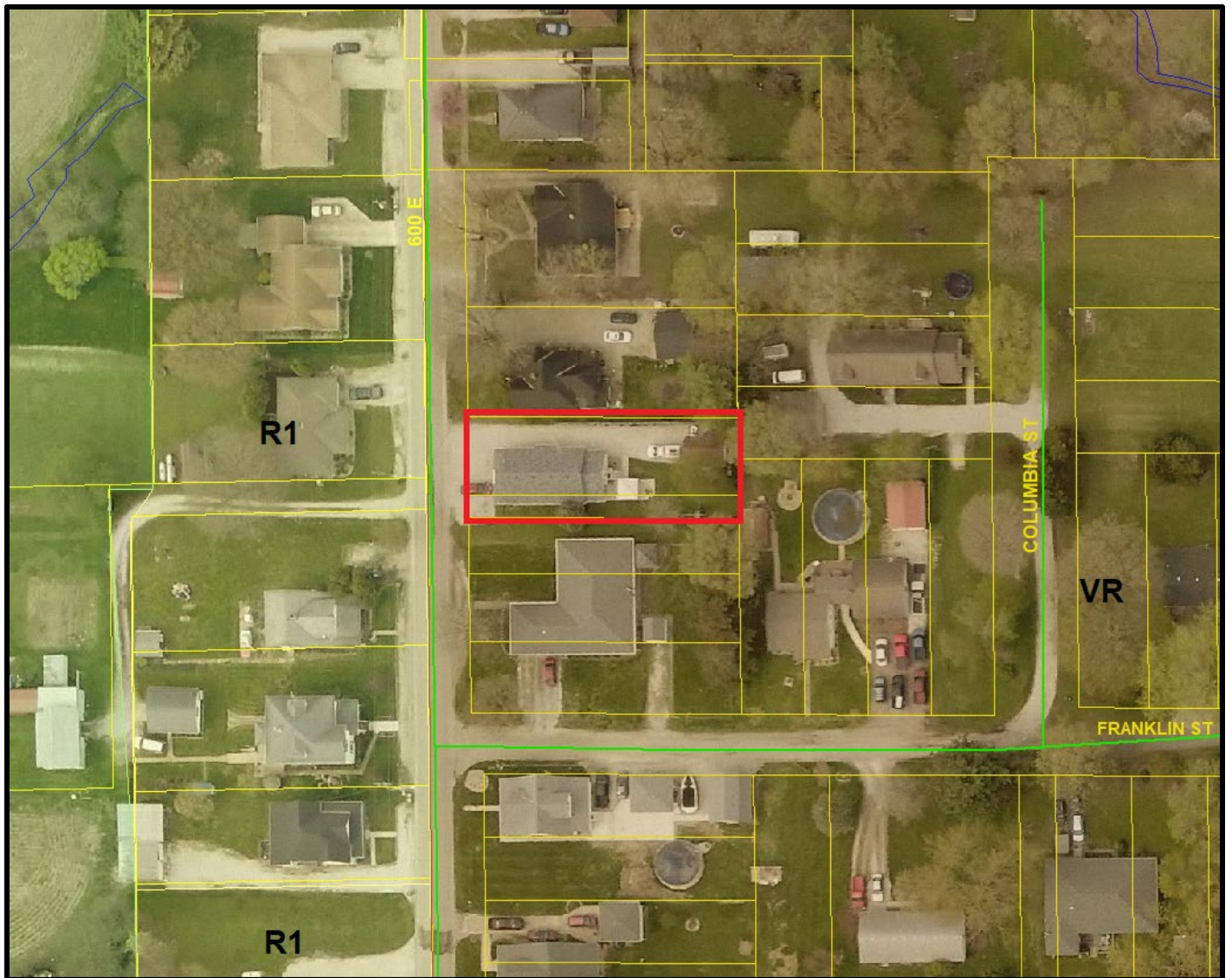
UDO Section 5.07 F 1 – Maximum Size: The total square footage of all enclosed accessory structures on a lot adjoining one or more lots in the RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, or HI Districts shall not exceed fifty percent (50%) of the footprint of the primary structure.

Purpose of Requirements:

Side and rear setback requirements allow for open space, provide privacy between properties, reduce the likelihood of accidentally building the structure over a property line, and help maintain the character of village residential neighborhoods.

Limiting the size of residential accessory structures ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, large machinery, and/or large equipment.

Property Map



Case Description

- The petitioner plans to replace an existing 280 sq. ft. detached garage with a 30'x30' (900 sq. ft.) accessory structure. Per the site plan submitted by the petitioner, the proposed structure would sit on the footprint of the existing detached garage.
- The petitioner stated that they would prefer to locate the structure closer to the property line than the setback requirement to limit unused space in the rear yard.
- Several accessory structures on lots in the surrounding area appear to sit closer than 5-feet to the property line.

- The total square footage of the structure would equal approximately 61% the footprint of the house. The property tax card provides the square footage of the house for the square footage calculation.
- Accessory structures on lots in the surrounding area range between 200 sq. ft. and 600 sq. ft. as indicated on the property tax cards.
- The typical size of a detached two-car garage ranges between 400 sq. ft. (20'x20') and 672 sq. ft. (24'x28').
- The ordinance would permit an accessory structure at a maximum size of 735 sq. ft.
- The structure would likely not be conspicuous when viewed from S Main St. due to the proposed location behind the house in the rear yard. However, the adjacent properties to the south and to the east, and Franklin St. would have a clear view of the structure.

Staff Analysis of Findings of Fact

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

Staff Analysis: Construction of the structure would require a building permit and the structure must comply with all building codes before passing a final inspection. The public would not have access to the structure.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: Several accessory structures on lots in the surrounding area appear to sit closer than 5-feet to the property line. Therefore, an accessory structure siting closer than 5-feet to the property line should not conflict with the character of the area.

Accessory structures on lots in the surrounding area range between 200 sq. ft. and 600 sq. ft. as indicated on the property tax cards. Therefore, a 900 sq. ft. accessory structure would conflict with the character of the area.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: The property has a relatively small rear yard. Locating the structure more than two feet from the property line would decrease the functional area of the rear yard not located between the structure and the property line.

The ordinance would permit an accessory structure typical to the size of an average detached two-car garage.

Staff Recommendation

APPROVAL of the Setback Variances (requests #1 & #2) primarily because the property has a relatively small rear yard. Locating the structure more than two feet from the property line would decrease the functional area of the rear yard not located between the structure and the property line.

DENIAL of the Size Variance (request #3) primarily because accessory structures on lots in the surrounding area range between 200 sq. ft. and 600 sq. ft. Therefore, a 900 sq. ft. accessory structure would conflict with the character of the area.

Applicant/Owner Information

Applicant: Jerald T Doddridge
508 S Main St.
Waldron, IN 46182

Owner: Jerald T & Deborah Doddridge

View of property from S Main St – accessory structure would replace white garage in rear yard



Google Street View – Nov. 2015

View of rear yard of property from E Franklin St - accessory structure would replace white garage behind trees



Google Street View – July 2014

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Jerad T Doddridge

Case #: _____

Location: 508 S Main ST Waldron In 46182

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

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

This project will not affect the community

2. **Adjacent Property:** 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 Variance is the best use of the North east of the property it is a dead zone in the yard and not being used at this time. It is the back corner of all Neighbors Property also.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

It is the only
It is the Back corner of all property involved
There are no unity or use of this corner by
any one at this time.

The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

WALTON UNITED METHODIST CHURCH

147'



No To Scale

Kent's