

**Shelby County  
Board of Zoning Appeals**

**November 10, 2020 at 7:00 PM**

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# MEETING AGENDA

Shelby County Board of Zoning Appeals  
November 10, 2020, 7:00 P.M.

## CALL TO ORDER

## ROLL CALL

## APPROVAL OF MINUTES

Minutes from the October 13, 2020 meeting.

## OLD BUSINESS

None.

## BUSSINESS CONTINUED UNTIL DECEMBER 8, 2020

**BZA 20-38 – KENNETH ENGLE:** DEVELOPMENT STANDARDS VARIANCE. Located at 4620 N 400 W, Fairland, Brandywine Township.

## NEW BUSINESS

**BZA 20-32 – CHRISTOPHER & DEBORAH SMALLEY:** DEVELOPMENT STANDARDS VARIANCES. Located at 3215 E Michigan Rd, Shelbyville, Addison Township.

**BZA 20-33 – M. MICHAEL & WENDY STEPHENSON:** USE & DEVELOPMENT STANDARDS VARIANCES. Located east of and adjoining 1720 Old Rushville Rd., Shelbyville, Addison Township.

**BZA 20-34 – JORDAN MCKINNEY:** DEVELOPMENT STANDARDS VARIANCE. Located at 2619 E Beechwood Tr, Morristown, Hanover Township. Blue River Trails, Sec. 2 Lot 14.

**BZA 20-36 – DAVID EBERHART:** DEVELOPMENT STANDARDS VARIANCE. Located at 7808 S 375 W, Shelbyville, Jackson Township.

## DISCUSSION

### APPROVED HEARING OFFICER CASES

**BZA 20-35 – TAMARA E SCROGGINS:** DEVELOPMENT STANDARDS VARIANCES. Located at 5780 N Brandywine Rd, Shelbyville, Brandywine Township.

**BZA 20-37 – BRAIN WOODS:** DEVELOPMENT STANDARDS VARIANCE. Located at 7374 W 950 N, Fairland, Moral Township.

## ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **December 8, 2020 at 7:00 PM.**

## Property Details

**Location:** 3215 E Michigan Rd,  
Shelbyville, Addison Township.

**Property Size:** 0.75 acres.

**Current Land Use:** Single-Family  
Residential.

### Zoning Classification:

R1 (Single-Family Residential)

*Intent:* This district is established for single-family detached, medium to large sized homes on medium to large sized lots.

*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...

Because Shelbyville has strong utility and infrastructure accessibility, a variety of these single-family residential types should make sense almost anywhere there is available infrastructure...

### Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	R1	Single-Family Residential
West	A1	Single-Family Residential

# Staff Report

**Case Number:** BZA 20-32

**Case Name:** Christopher & Deborah Smalley –  
Development Standards Variances

## Request

**Variances of Development Standards** to allow for a 2,250 sq. ft. pole barn:

1. In the front yard.
2. Resulting in the total square footage of the barn exceeding 50% the square footage of the footprint of the house in the R1 District.

## Code Requirement

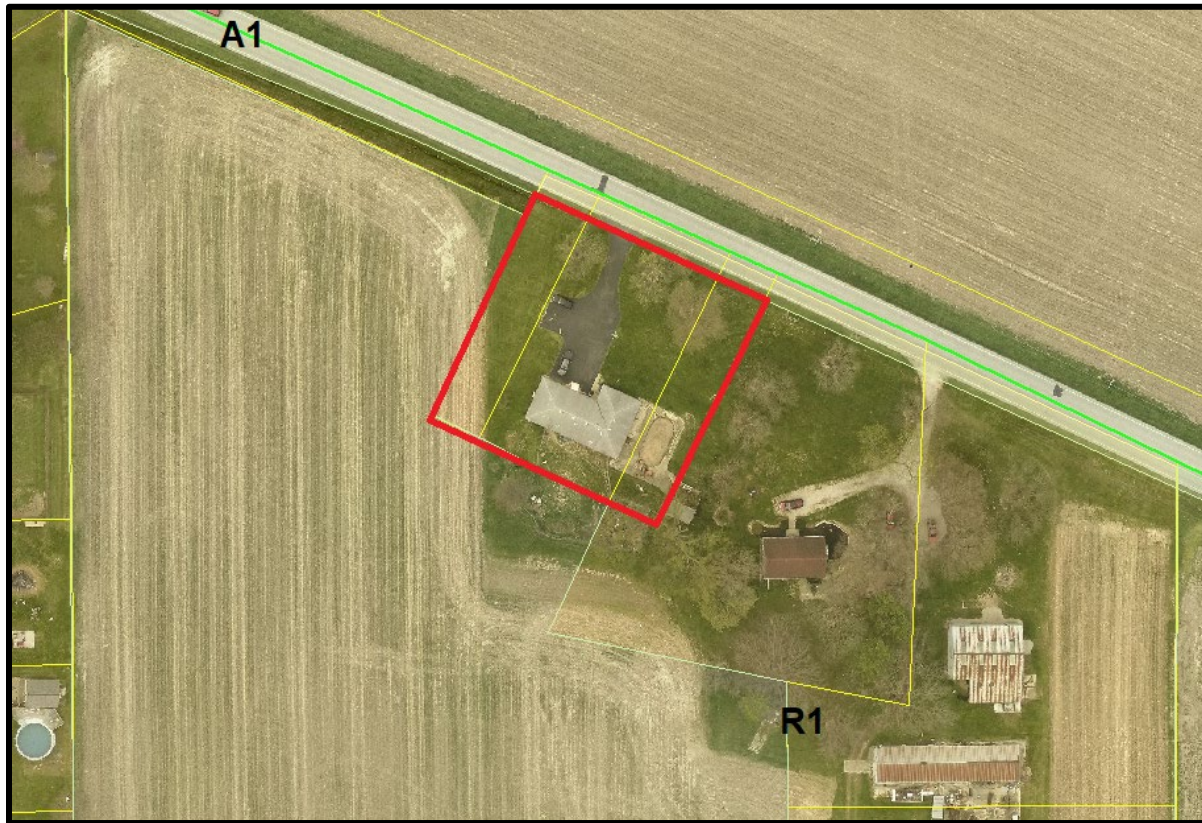
**UDO Section 5.04 C – Placement:** A permitted accessory structures shall not be placed in the front yard of any lot.

**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** – Limiting the size of residential accessory structures and prohibiting residential accessory structures in the front yard ensures that the residence remains the visual focal point of the property. Limiting the size of residential accessory structures also reduces the likelihood of use of a residential accessory structure for commercial purposes.

## Property Map

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## Case Description

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- The petitioner plans to construct a 30' x 75' pole barn to use for storage of personal items.
- The total square footage of the pole barn would equal approximately 115% the square footage of the footprint of the house.
- The location of the residence at the rear of the property limits the area available for construction of accessory structures in the side and rear yards.
- Only one property along Michigan Rd between the Shelbyville city limits and SR 244 has an accessory structure in the front yard. The A1 zoning of this property allows for accessory structures in the front yard.

## Staff Analysis of Findings of Fact

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- 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 general 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: A significantly large accessory structure in the front yard would likely have an aesthetic impact on the area, notably because other properties in the area do not include accessory structures in the front yard.

**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 location of the residence on the property limits the buildable area in the side and rear yards, therefore a practical difficulty exists that would warrant allowing an accessory structure to encroach into the front yard. However, an accessory structure that does not exceed 50% the square footage of the footprint of the residence (in this case 975 sq. ft.) should accommodate typical residential storage needs.

**Staff Recommendation**

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Staff recommends **APPROVAL** to allow a pole barn in the front yard.

Staff recommends **DENIAL** of allowing the pole barn to exceed 50% the square footage of the footprint of the residence.

The location of the residence on the property limits the buildable area in the side and rear yards, therefore a practical difficulty exists that would warrant allowing an accessory structure to encroach into the front yard. However, a significantly large accessory structure in the front yard would likely have an aesthetic impact on the area, notably because other properties in the area do not include accessory structures in the front yard.

**Applicant/Owner Information**

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Applicant	Christopher & Deborah Smalley 3215 E Michigan Rd. Shelbyville, IN 46176	Owner:	Same
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**DEVELOPMENT STANDARDS VARIANCE  
FINDINGS OF FACT**

Applicant: Christopher P. Smalley  
Case #: \_\_\_\_\_  
Location: 3215 E. Michigan Rd Shelbyville IN 46176

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 is a building for home use & storage, and use will be within zoning guidelines & all health, safety and measures to protect the general welfare of the community will be made with building use

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 adjacent property is family owned, with all members consenting to new structure. This structure is pole barn style, consistent with buildings & structures in the area.

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.

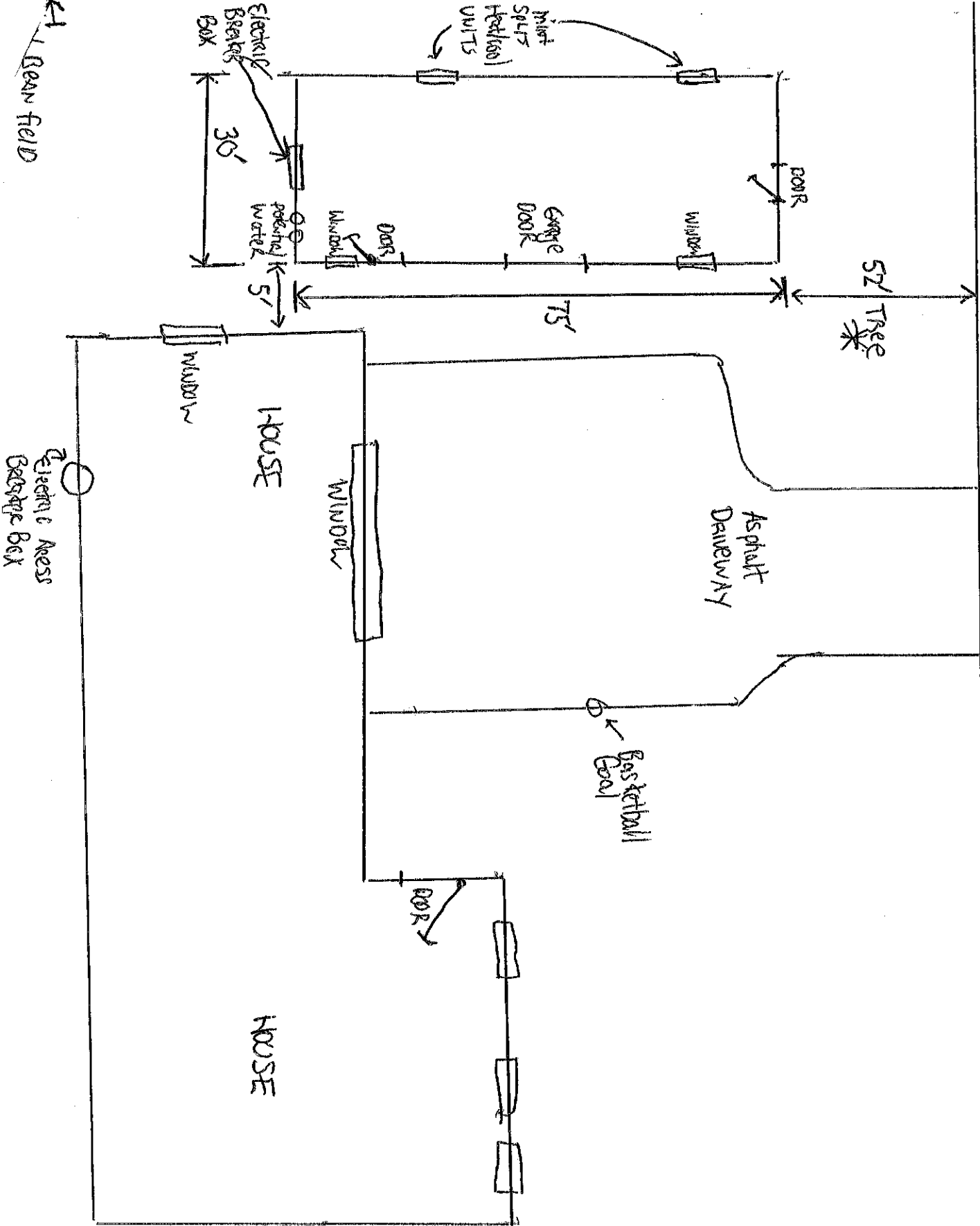
The chosen site allows best use of property for desired function (home storage use). Allowing an "storage building" in front of the house has been done before on Michigan Rd; therefore this is NOT a new precedent

Christopher & Deborah Smalley

N  
W  
E  
S

3215 E Michigan Rd Shelbyville IN 46176

Michigan Rd.





## Property Details

**Location:** East of and adjoining 1720 Old Rushville Rd., Shelbyville, Addison Township.

**Property Size:** 12.28 acres.

**Current Land Use:** Agricultural.

### 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

Incorporated Planning Area / Single-Family Residential

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

*Because Shelbyville has strong utility and infrastructure accessibility, a variety of these single-family residential types should make sense almost anywhere there is available infrastructure...*

### Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	RE	Cropland
East	RE	Estate Residential
West	A2	Cropland

# Staff Report

**Case Number:** BZA 20-33

**Case Name:** M. Michael & Wendy Stephenson – Use & Development Standards Variances

## Request

**Variance of Use** to allow for a telecommunication facility in the A2 (Agricultural) District.

**Variances of Development Standards** to allow for a telecommunication facility:

1. Having a lattice design (only monopole towers permitted);
2. Not designed to blend in with the natural surroundings of the environment;
3. Setback less than 60% of the tower's height from property lines;
4. Without landscaping.

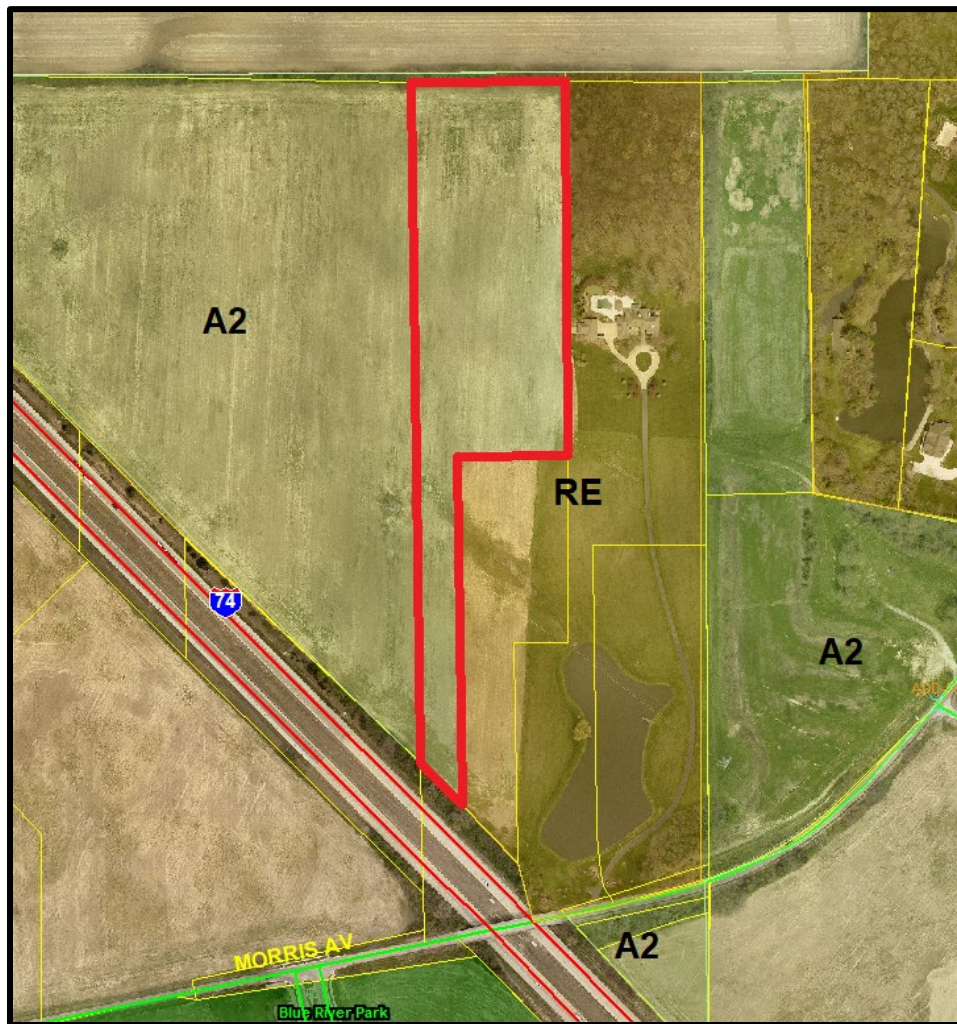
## Code Requirement

### UDO Section 5.80 (see attached standards)

**Purpose of Requirements** – Aesthetic standards (i.e. monopole design, blend with natural environment, and landscaping) limit the impacts of a telecommunication facility to the character of the area, thereby protecting property values and the use and enjoyment of surrounding properties. Increased setback standards for telecommunication facilities prevent towers from casting shadows on adjacent property and prevents noise associated with electrical equipment from reaching adjacent property.

## Property Map

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## Case Description

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- The petitioner plans to construct a telecommunication facility to increase internet capabilities at their adjacent personal residence and at other adjacent properties.
- Approval of the petition would also allow for future commercial use of the telecommunication facility.
- The UDO defines a Telecommunication Facility as: *A land based facility, consisting of towers, antennae, accessory structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.*
- The UDO defines a Telecommunication Tower as: *Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes: radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.*

- The structural plans submitted by the petitioner show a 180' lattice tower with 15' structural extension (195' total structure height) with options to install multiple antenna and dishes, a 8'x 8' equipment shelter, a chain link security fence at a height of 6' with an additional 2' of barbed wire, and associated equipment components.
- The facility would sit at the northeast corner of the property and comply with the A2 Zoning District setback requirements.
- The petitioner owns all property adjoining the subject parcel, except for the cropland adjoining the north property line.
- The UDO only permits telecommunication facilities in the following zoning districts: IS (Institutional), I1 (Low Intensity Industrial), I2 (High Intensity Industrial), and HI (High Impact). However, the UDO standards for telecommunication facilities also apply to properties in the OP (Open Space) District and A2 (Agricultural) District. This inconsistency suggests that the County considered allowing telecommunications facilities in the OP and A2 Districts when in the process of writing the current UDO.

## Staff Analysis of Findings of Fact

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### Use Variance

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

Staff Analysis: The facility would sit over 1,000 feet from any public road. The telecommunication facility would be regulated by the FCC, would require approval of a local building permit prior to construction, and must comply with all building codes prior to final inspection. Therefore, due to the relatively isolated location of the facility in relation to public roads and the government regulation of the construction of the facility, approval of the request should not be injurious to the general public.

**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 facility would sit in a relatively isolated location at distance of more than 1,000 feet from any public road and more than 700 feet from the closest residential structure not owned by the petitioner.

**3. State Requirement: The need for the variance arises from some condition peculiar to the property involved.**

Staff Analysis: The relatively isolated location of the property warrants development of the property for a use that in most circumstances would negatively impact a more densely developed area.

**State Requirement: The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought.**

Staff Analysis: The relatively isolated location of the property warrants development of the property for a use that in most circumstances would negatively impact a more densely developed area.

**4. State Requirement: The approval does not interfere substantially with the Comprehensive Plan.**

Staff Analysis: Approval of the petition would benefit existing residential development by increasing internet capabilities at adjacent residential properties.

**Development Standards Variances**

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

Staff Analysis: The facility would sit over 1,000 feet from any public road. The telecommunication facility would be regulated by the FCC, would require approval of a local building permit prior to construction, and must comply with all building codes prior to final inspection. Therefore, due to the relatively isolated location of the facility in relation to public roads and the government regulation of the construction of the facility, approval of the request should not be injurious to the general public.

**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 facility would sit in a relatively isolated location at distance of more than 1,000 feet from any public road and more than 700 feet from the closest residential structure not owned by the petitioner. Therefore, approval of variances from aesthetic standards would not have a significant impact on the use and enjoyment of adjacent developed properties. Approval of a variance from the setback requirement would not impede the use of the adjoining property not owned by the petitioner for crop production.

**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 relatively isolated location of the property negates the need to impose development standards on the facility to limit impacts to adjacent property.

**Staff Recommendation**

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**APPROVAL** primarily because approval of the petition would allow for development of a telecommunication facility in a relatively isolated location and benefiting existing residential development by increasing internet capabilities at adjacent residential properties.

***Applicant/Owner Information***

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Applicant	M. Michael & Wendy Stephenson 1720 Old Rushville Rd. Shelbyville, IN 46176	Owner:	Same
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Applicant's Attorney: Eric Glasco  
2150 Intelliplex Dr.  
Shelbyville, IN 46176



# Telecommunication Facility Standards (TC)

## 5.80 TC-01: General Telecommunication Facility Standards

This Telecommunication Facilities Standards section applies to the following zoning districts:



The intent of the Telecommunication Facility Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by regulating the height, location, design, and construction of telecommunication facilities. The following standards apply:

- A. Permits Required: Telecommunication facilities shall not be constructed, erected, placed, modified or altered until an Improvement Location Permit have been obtained.
- B. Location: Telecommunication facilities shall not be located within the boundaries of any recorded residential subdivision.
- C. Design Requirements: Proposed or modified telecommunication towers and antennas shall meet the following design requirements:
  1. Height:
    - a. Towers: Telecommunication towers shall not exceed 199 feet in height.
    - b. Other Structures: All other utility structures and antennas shall meet the height standards in appropriate two-page layouts in *Article 02: Zoning Districts* and in *Section 5.32 Height Standards*.
    2. Appearance: Towers and antennas shall be designed to blend into the natural surrounding environment through the use of color and camouflaging architectural treatment, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).
    3. Monopole Design: Towers shall be of a monopole design.
    4. Setbacks: Telecommunication facilities shall meet the following setback requirements:
      - a. All telecommunication facilities shall meet the setback requirements of the underlying zoning district; however, a telecommunication facility that is located in an industrial zoning district may encroach up to ten (10) feet into the required rear yard if the adjoining lot is also in an industrial zoning district.
      - b. Front Setback: Telecommunication towers shall be set back from any right-of-way a minimum distance equal to fifty percent (50%) of the tower height, including all antennas and attachments.
      - c. Side and Rear Setback: Telecommunication towers shall be set back from the side and rear property lines a minimum distance equal to sixty percent (60%) of the tower height, including all antennas and attachments.
      - d. Telecommunication towers shall not be located between the principal structure and a public street.
      - e. Telecommunication towers shall be set back from the boundaries of any recorded residential subdivision a minimum distance equal to one hundred ten percent (110%) of the tower height.
      - f. A telecommunication tower’s setback may be reduced or its location varied at the sole discretion of the Board of Zoning Appeals to allow for the integration of the telecommunication facility into an existing or proposed structure, such as a church steeple, light standard, power line support device or similar structure.
  5. Co-location: Any proposed telecommunication tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant’s antennas and comparable antennas for the following:
    - a. A minimum of one (1) additional user if the telecommunications tower is between sixty (60) and 100 feet in height.
    - b. A minimum of two (2) additional users if the telecommunications tower is 100 feet or more.
  6. Accessory Utility Structures: All utility structures needed to support a telecommunications tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
  7. Security Fence: Telecommunication facilities and all accessory utility structures shall be protected by a security fence at least six (6) feet tall.

8. **Screening:** A live evergreen screen consisting of a hedge, planted three (3) feet on-center maximum, or a row of evergreen trees planted a maximum of ten (10) feet on-center shall be planted around the entire telecommunication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting may be no less than five (5) feet.
  9. **Lighting:** Telecommunication facilities shall not be illuminated by artificial means and shall not display strobe lights, except when it is dictated by State or federal authorities such as the FAA.
  10. **Signs:** The use of any portion of a telecommunication facility for the posting of any signs or advertisements of any kind, other than warning or equipment information signs, shall be prohibited.
- D. **Construction Standards:** All telecommunication facilities are subject to inspection by the Building Inspector during the construction process.
1. **Easements:** If an easement is required for location of a telecommunication facility on the property, the easement shall be staked by a licensed and registered Indiana land surveyor so as to provide proof the facility has been constructed within the easement.
  2. **Footers:** Footing inspections may be required by the Building Inspector for all telecommunication facilities having footings.
  3. **Electrical Standards:** All telecommunication facilities containing electrical wiring shall be subject to the provisions of the National Electric Code, as amended.
- E. **Inspection of Towers:** The following shall apply to the inspection of telecommunications facilities:
1. **Frequency:** All towers may be inspected at least once every five (5) years, or more often as needed to respond to complaints received, by the Zoning Administrator and/or a registered, professional engineer to determine compliance with the original construction standards.
  2. **Investigation:** The Zoning Administrator and the Building Inspector may enter onto the property to investigate the matter and may order the appropriate action be taken to bring the facility into compliance.
  3. **Violations:** Notices of Violation will be sent for any known violation on the telecommunication facility.
- F. **Abandoned Towers:** Any tower unused or left abandoned for six (6) months shall be removed by the property owner at its expense. Should the property owner fail to remove the tower after thirty (30) days from the date a notice of violation is issued, the County may remove the tower and bill the property owner for the costs of removal and cleanup of the site.

**STATEMENT OF INTENT (ONLY REQUIRED FOR VARIANCE OF USE & SPECIAL EXCEPTION)**

Please answer the following questions (when applicable) pertaining to your request. If approved, the use would be limited to the information provided and expansion of the use would require new approval from the Board. The Board may also approve the use conditional on one or more amendments to the statement of intent.

1. Summary of Proposed Use and/or Business Activity: Applicant intends to install a small cell facility or wireless support structure upon the agricultural land adjacent to his residence. The primary purpose of the installation is to increase the internet capabilities at his primary residence and adjacent properties. Applicant pursues the use variance so that he will not be precluded from future commercial use.
  
2. Days & Hours of Operation: N/A
  
3. Maximum Number of Customers per Day/Week/Month: N/A
  
4. Type and Frequency of Deliveries: N/A
  
5. Description of any Outdoor Storage: N/A
  
6. Description, Size, and Placement of any Signage: N/A
  
7. Description of Waste Disposal: N/A
  
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Currently used for agriculture. Proposed small tower with appropriate grounding system, pad, and fencing.



**USE VARIANCE  
FINDINGS OF FACT**

Applicant: M. Michael Stephenson

Case #: \_\_\_\_\_

Location: E OLD RUSHVILLE RD SHELBYVILLE ,IN 46176; Parcel: 73-07-33-200-002.000-001

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Use 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. The proposed variance will have no impact on the public health, safety and general welfare of the community beyond possibly

providing an improvement to internet and possibly cell phone capabilities in the surrounding area.

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 use and value of adjacent areas will not be adversely affected and the tower will only affect a small section of the parcel on which the small cell tower or broadband support facility will be located.

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.

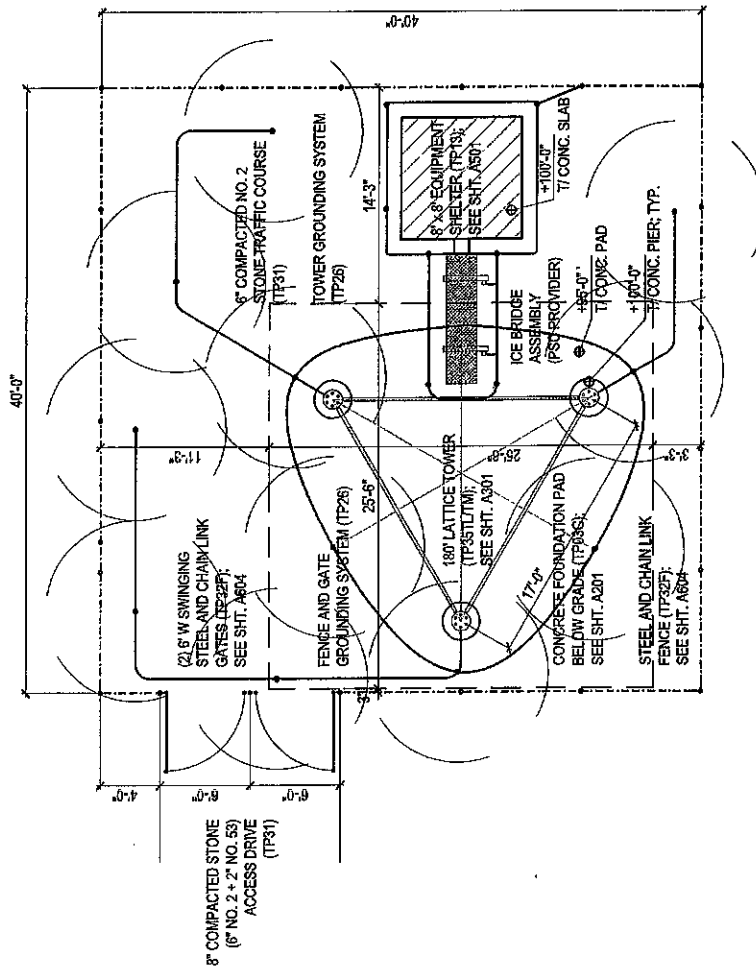
Shelby County's zoning ordinance does not list the proposed use under the section governing A2 Districts, however, the section of the UDO governing small cell facilities and associated wireless support structures (B.07 SCF-01; page B-5) applies the standards to A2 indicating the County's desire and acknowledgment that such a facility is appropriate in the A2 zoning district.

4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

The strict application of UDO will result in the area continuing to have substandard internet and cell phone capabilities.

5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.

The comprehensive plan, applying all sections, acknowledges that this zoning district is appropriate for this type of use. Therefore, the granting of this variance will not interfere in any way with the application of Shelby County's Comprehensive plan.

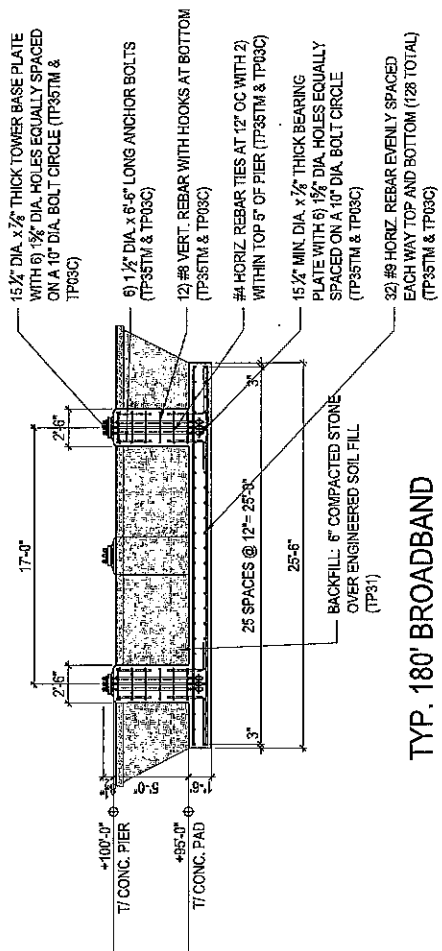


TOWER AND TOWER FOUNDATION DESIGN SHOWN IS FOR BIDDING PURPOSES ONLY. TOWER SUPPLIER IS RESPONSIBLE FOR FINAL TOWER AND FOUNDATION DESIGN AND WILL SUBMIT ENGINEER-CERTIFIED DRAWINGS FOR PERMIT PURPOSES.

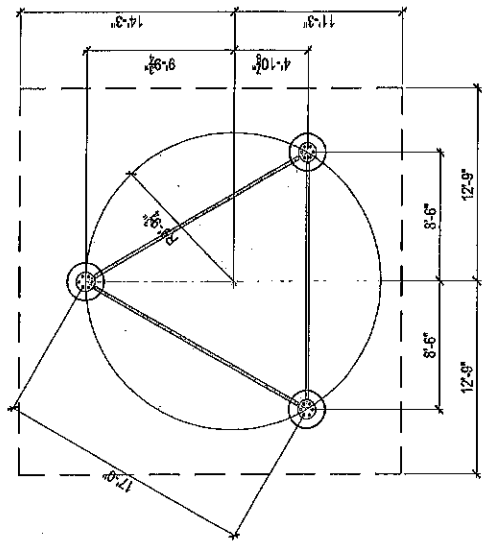
**TYPICAL 180' BROADBAND TOWER COMPOUND PLAN**  
 SCALE: 1/8"=1'-0"

SEE CIVIL DRAWINGS FOR CARDINAL ORIENTATION

1

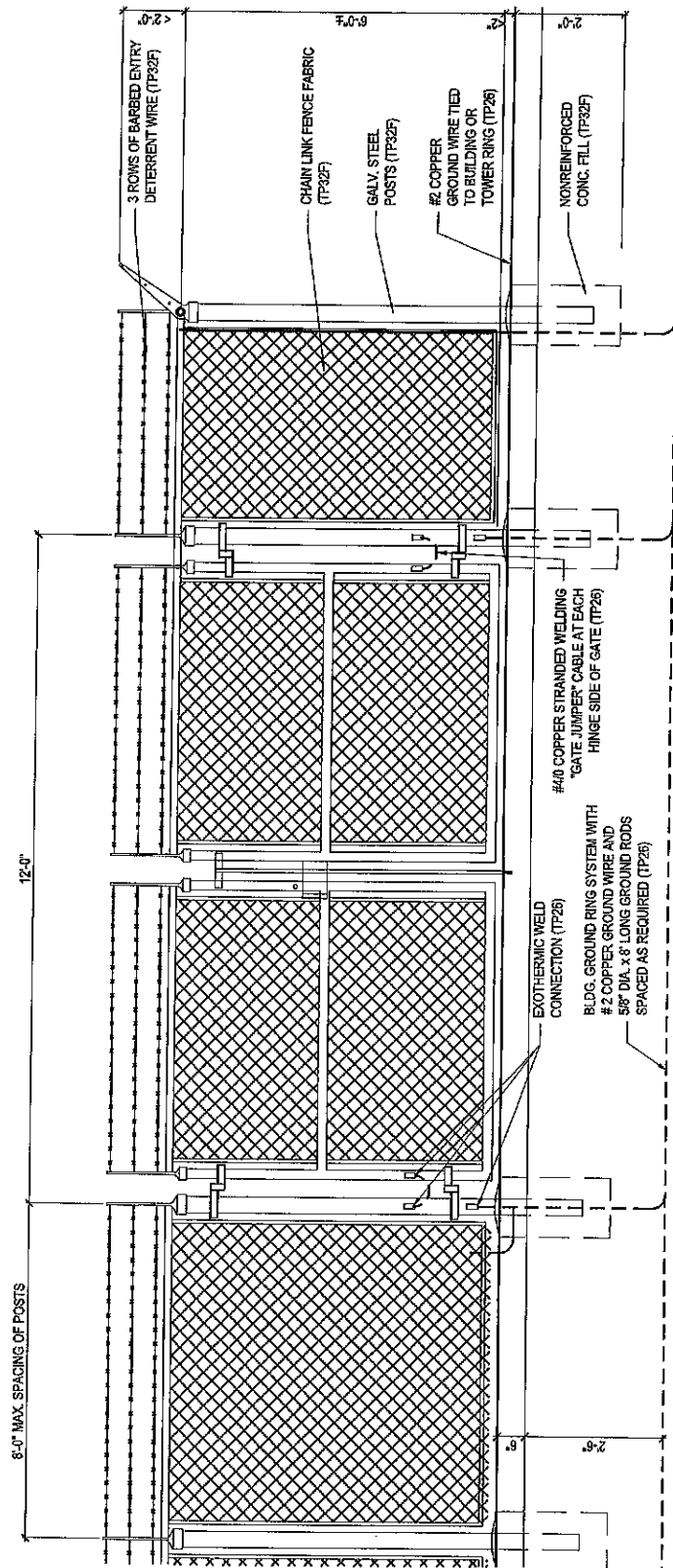


**2** TYP. 180' BROADBAND TOWER FOUNDATION SECTION  
 SCALE: 1/8"=1'-0"



**1** TYP. 180' BROADBAND TOWER PLAN  
 SCALE: 1/8"=1'-0"

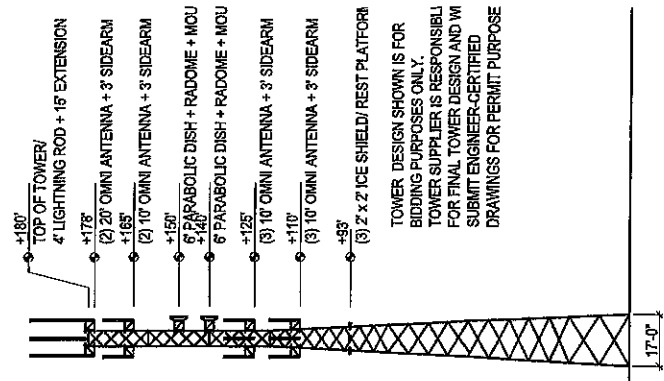
TOWER AND FOUNDATION DESIGNS SHOWN ARE FOR BIDDING PURPOSES ONLY. TOWER SUPPLIER IS RESPONSIBLE FOR FINAL TOWER AND FOUNDATION DESIGNS AND SHALL SUBMIT ENGINEER-CERTIFIED DRAWINGS FOR PERMIT PURPOSES.



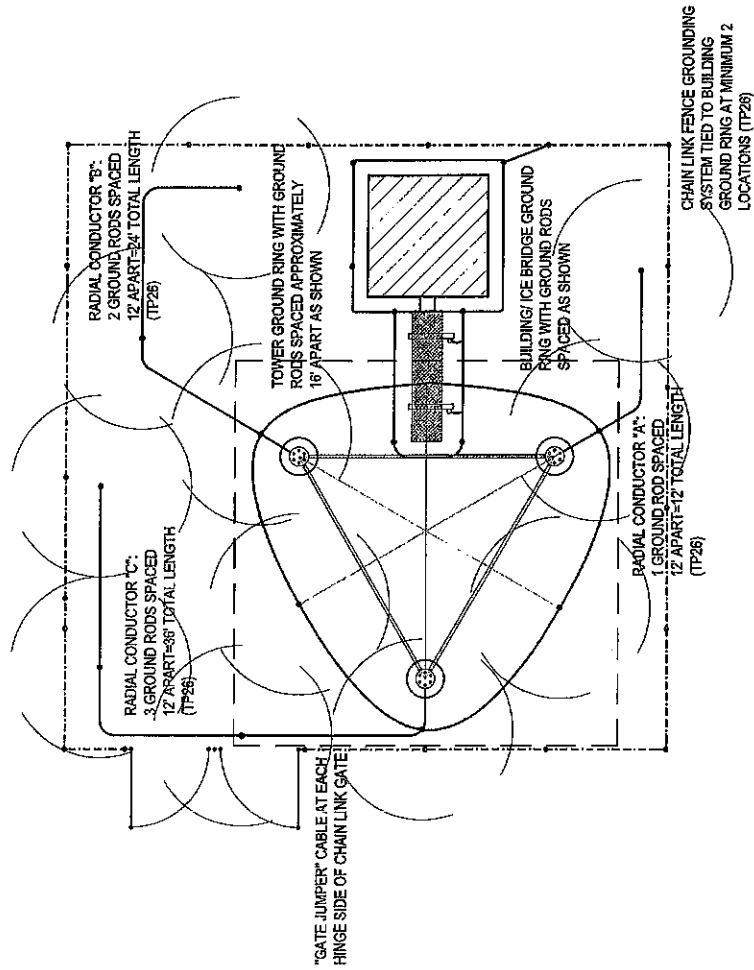
4 TYPICAL FENCE ELEVATION  
SCALE: 1/2"=1'-0"

TYPICAL BROADBAND TOWER LOADING REQUIREMENTS

Mark	Qty.	Description	Type	Area (ft²)	Size	Mast Size (dia)	Weight (lbs)	Elevation (from top of tower)	Mount	Coax Runs	Coax size (dia)
Current Requirements											
1	2	VHF antenna	Omni	7	244"	5"	70	-2'	3' side	1	7/8"
2	2	700 MHz antenna	Omni	7	120"	5"	70	-15'	3' Side	1	7/8"
3	1	Parabolic reflector (solid)	Dish	28	72" dia		75	-30'	Side	1	1/2"
4	1	Parabolic reflector (solid)	Dish	28	72" dia		75	-40'	Side	1	1/2"
5	3	700 MHz antenna	Omni	7	120"	5"	70	-55'	3' Side	1	7/8"
6	3	700 MHz antenna	Omni	7	120"	5"	70	-70'	3' Side	1	7/8"
Future Requirements											
1	1	Parabolic reflector (solid)	Radome		72" dia		20	-45'	Side (6 units)	1	7/8"
1	1	Parabolic reflector (solid)	Radome		72" dia		20	-50'	Side (6 units)	1	7/8"
1	1	Parabolic reflector (solid)	Radome		72" dia		20	-55'	Side (6 units)	1	7/8"
1	1	Weather station	Various	7			20	-80'	2' Side	2	1/2"



TYP. 180' BROADBAND TOWER ELEV.  
 1 SCALE: 1"=40'-0"



**TYPICAL 180' BROADBAND TOWER  
COMPOUND ELECTRICAL PLAN**

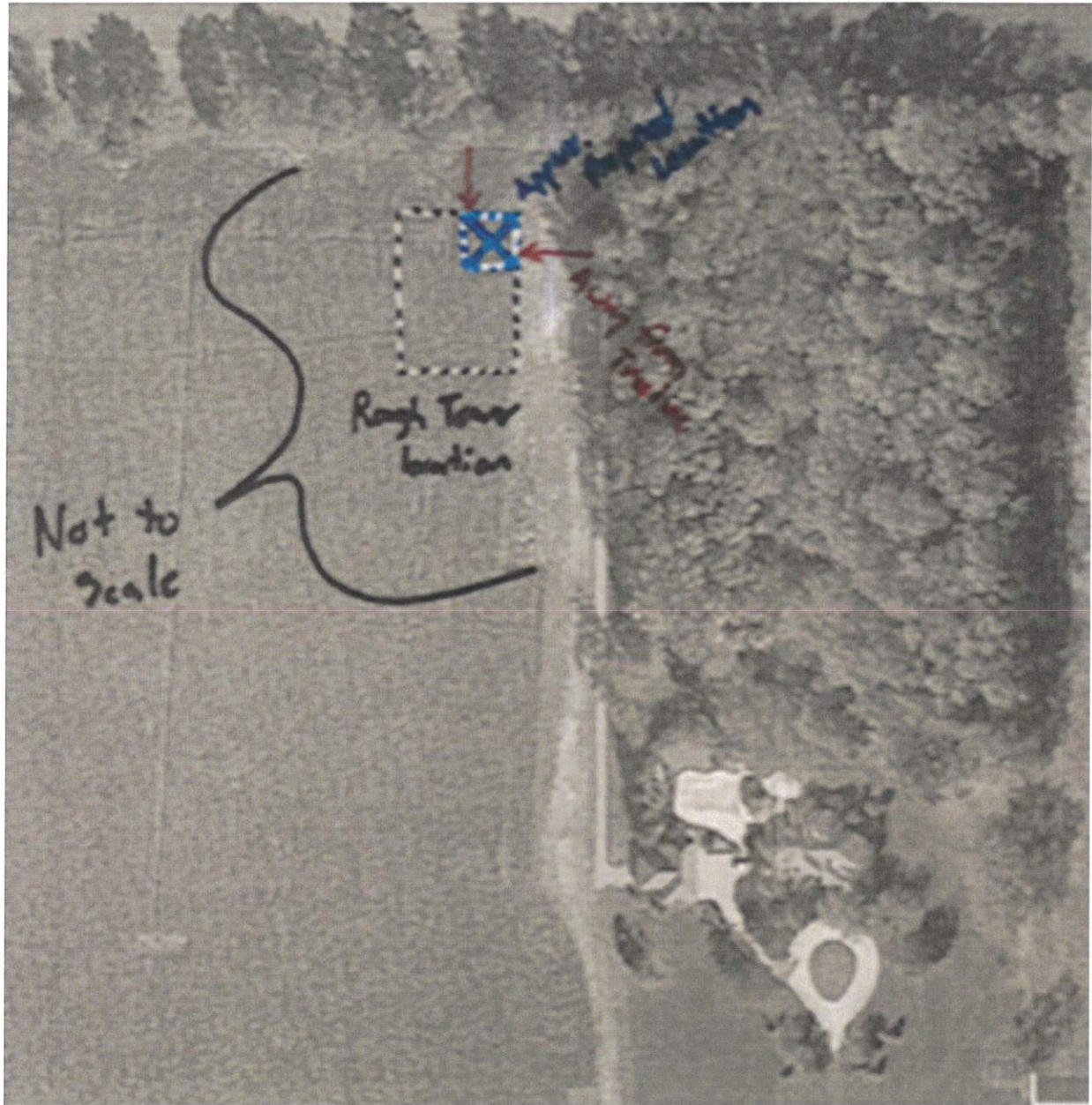
SEE CIVIL DRAWINGS FOR  
CARDINAL ORIENTATION

1

SCALE: 1/8"=1'-0"

**GENERAL NOTES**

1. THE GROUNDING LAYOUT INDICATED ON THE PLAN IS CONCEPTUAL. THE LAYOUT PROPOSED BY THE TP26-ELECTRICAL CONTRACTOR SHALL BE SUBMITTED TO THE CONSULTANT FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
2. ALL STRUCTURES AND EQUIPMENT SHALL BE TIED TOGETHER INTO ONE GROUNDING SYSTEM, EXCEPT FOR THE MAIN ELECTRICAL SERVICE DISCONNECT AND METER, WHICH SHALL BE GROUNDED SEPARATELY.
3. RADIAL CONDUCTORS SHALL BE #2 COPPER WIRING, BURIED 18" TO 30" BELOW GRADE. THERE SHALL BE A MINIMUM OF 3 RADIAL CONDUCTORS OF DIFFERING LENGTHS, RADIATING AWAY FROM THE TOWER AND BUILDING SHELTER.
5. THE MAXIMUM LENGTH OF A RADIAL CONDUCTOR SHALL BE 80'.
6. GROUND RODS SHALL BE SPACED TWICE THE ROD LENGTH, SUCH AS 16' SPACING FOR 8' LONG GROUND RODS AS SHOWN.
7. GROUND RODS SHALL BE 3/8" DIAMETER COPPER-COATED STEEL, WITH A MAXIMUM LENGTH OF 8'.
8. GROUND RODS SHALL BE CHEMICALLY TREATED IN SOILS WITH POOR CONDUCTIVITY.





## Property Details

**Location:** 2619 E Beechwood Tr,  
Morristown, Hanover Township.  
Blue River Trails, Sec. 2 Lot 14.

**Property Size:** +/- 0.5 acres.

**Current Land Use:** Vacant.

### Zoning Classification:

R1 (Single-Family Residential)

*Intent:* This district is established for single-family detached, medium to large sized homes on medium to large sized lots.

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

### 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	R1	Single-Family Residential
South	GR (Morristown)	Cropland
East	R1	Single-Family Residential
West	R1	Single-Family Residential

# Staff Report

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**Case Number:** BZA 20-34  
**Case Name:** Jordan McKinney – Development Standards Variance

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## Request

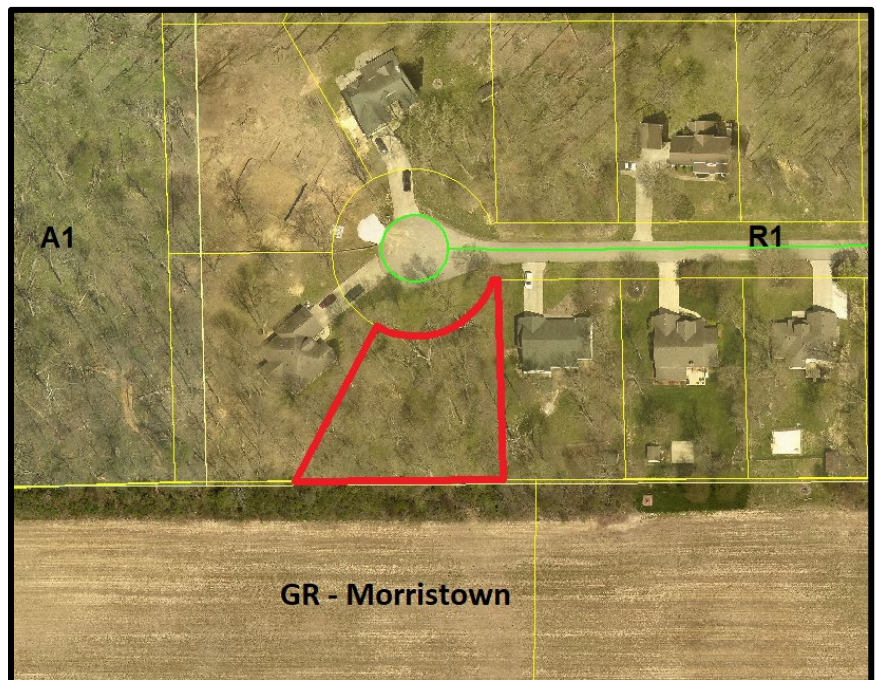
**Variance of Development Standards** to allow for a front-loading garage 17.33' forward of the main living area of a new single-family residence (maximum 8-feet permitted).

## Code Requirement

**UDO Section 5.11 D 2 – Garage-forward Design:** Front-loading garages shall not be located forward of the main living area by more than eight (8) feet.

**Purpose of Requirements –** Limiting the projection of front-loading garages to no more than 8-feet in front of the main living area allows the main living area to remain the focal point of the home, limits shadow caused by significant alterations in the facade of the home, and protects the aesthetic character of residential neighborhoods.

## Property Map



## Case Description

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- The petitioner has contracted TK Homes to construct a one-story, single-family residence with a front-loading attached garage. TK Homes is an 'on your lot' production homebuilder.
- Production homebuilders typically offer a standard set of floorplans, each having specific customizable features. The limits on customization of production homes allows production homes to remain relatively affordable. A customization to the standard floorplan not offered by the company, such as reducing the size of a garage, could result in a significant increase in the cost of the home.
- The required building setback lines and area required for a septic system limits the buildable area of the lot. Due to these limitations, the lot does not appear to have enough space to extend the driveway to a side-loading garage for the petitioner's chosen home model. The UDO does not limit the projection of side-loading garages.
- Blue River Trails includes homes constructed in a variety of architectural styles. Some of the homes include front-loading garages that appear to extend more than 8-feet in front of the main living area. However, the front-loading garages of the adjacent homes along the cul-de-sac comply with the garage-forward design requirement.

## Staff Analysis of Findings of Fact

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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 residence will require a building permit and the residence must comply with all building codes before being issued a certificate of occupancy. The general public would not have access to the residence.

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 neighborhood includes homes constructed in a variety of architectural styles. Some of the homes include front-loading garages that appear to extend more than 8-feet in front of the main living area. A front-loading garage extending more than 8-feet past the main living area would not conflict with the eclectic 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 required building setback lines and area required for a septic system limits the buildable area of the lot. Due to these limitations, the lot does not appear to have enough space to extend the driveway to a side-loading garage for the petitioner's chosen home model. The chosen home model would not substantially conflict with the eclectic character of the neighborhood.

## Staff Recommendation

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**APPROVAL** because:



- The required building setback lines and area required to install a septic system limits the buildable area of the lot.
- The lot does not appear to have enough space to extend the driveway to a side-loading garage for the petitioner’s chosen home model.
- The chosen home model does not substantially conflict with the electric character of the neighborhood.

*Applicant/Owner Information*

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Applicant	Jordan McKinney	Owner:	Same
	548 W 1000 N		
	Fountaintown, IN 46130		

Existing Houses on Cul-de-sac





Examples (Clearview in Shelbyville):



18 feet in front of main living area



5 feet in front of main living area

**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Applicant: Jordan McKinney

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.  
The approval of this variance would not negatively impact the health, safety or welfare of 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 new home that is to be built would not adversely impact any adjacent property in a negative way nor decrease any value of properties.

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.  
Do to lot size, lot setbacks, tress (cleared as much as possible) and approved septic location in order to obtain a building permit, the garage needs to remain on the front of the home.

**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.)



**LEGAL DESCRIPTION**

Lot numbered 14 in Section 2, of BLUE RIVER TRAILS, a Subdivision in Shelby County, as per plat thereof recorded August 7, 1989 in Plat Book 6, Pages 102-103, in the office of the Recorder of Shelby County, Indiana. Subject to all easements, restrictions and right-of-ways of record.

**CURRENT OWNER**  
Jordan McKinney  
7628 Hummel Place  
Indianapolis, IN 46239

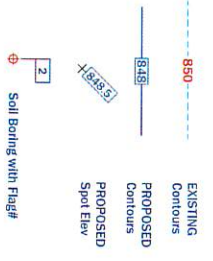
**PROPERTY ADDRESS**  
E Beechwood Trail  
Mortscown, IN 46161

**PARCEL NUMBER**  
73-03-10-200-089,000-007

**CURRENT ZONING**  
R1 Single Family Residential

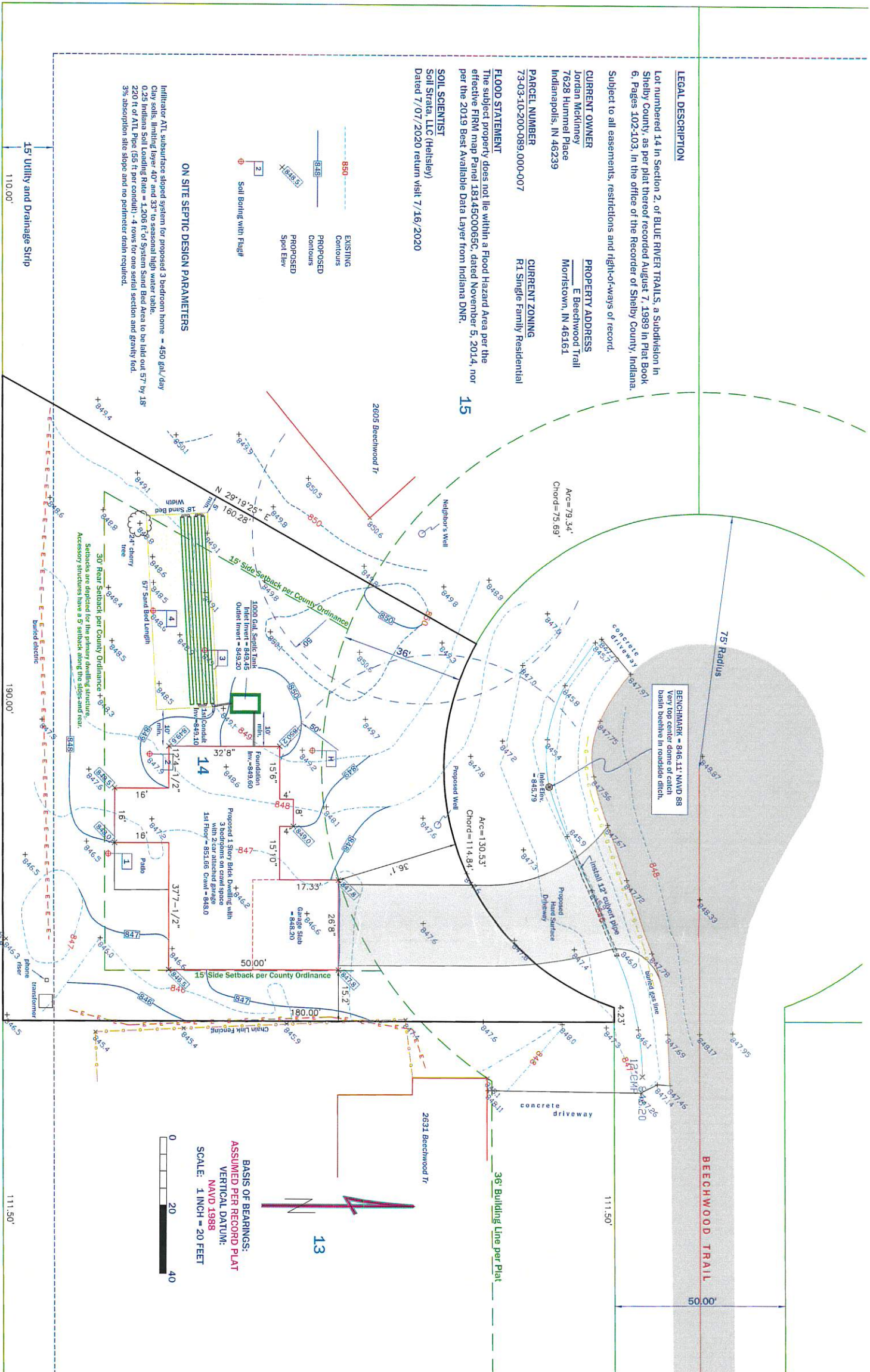
**FLOOD STATEMENT**  
The subject property does not lie within a Flood Hazard Area per the effective FIRN map Panel 18145C0065C, dated November 5, 2014, nor per the 2019 Best Available Data Layer from Indiana DNR.

**SOIL SCIENTIST**  
Soil Strata, LLC (Helsley)  
Dated 7/07/2020 return visit 7/16/2020



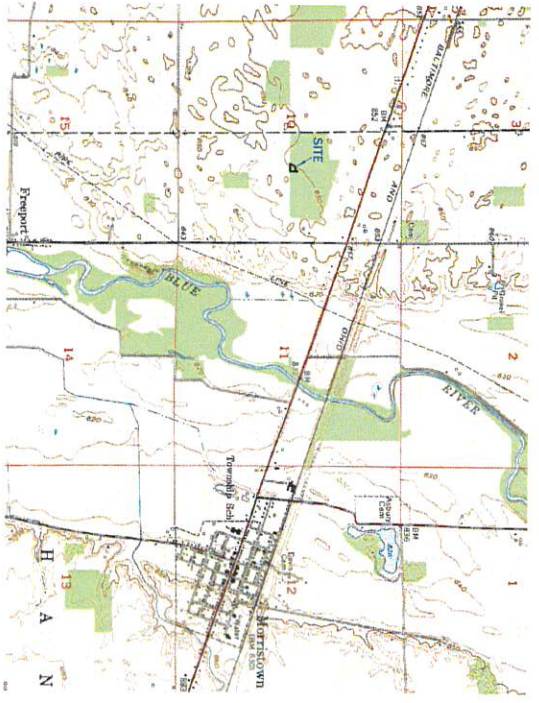
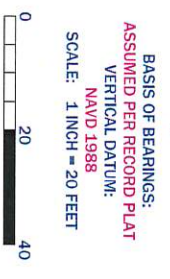
**ON SITE SEPTIC DESIGN PARAMETERS**

Infiltrator ATL subsurface sloped system for proposed 3 bedroom home = 450 gal./day  
Clay soils, limiting layer 40" and 33" to seasonal high water table.  
0.25 Indiana Soil Loading Rate = 1,206 ft<sup>3</sup> of System Sand Bed Area to be laid out 57' by 18'  
220' ft of ATL Pipe (55 ft per conduit), 4 rows for one serial section and gravity led.  
5% absorption site slope and no perimeter drain required.

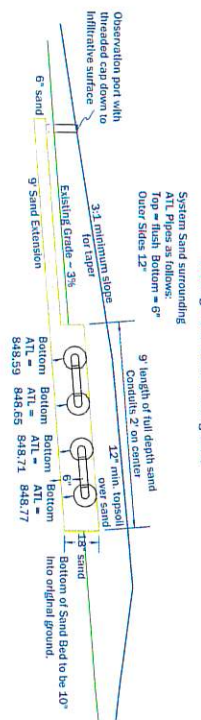


S 89°56'00" W  
110.00'

111.50'



**ATL CROSS SECTION**  
HORIZONTAL SCALE 1" = 5'



- NOTES**
- Final grading shall provide a 6 inch drop in elevation 10 feet out around the exterior of the proposed dwelling.
  - Any drainage tiles encountered/interrupted during the construction process shall be promptly repaired.
  - Contractor shall provide erosion control measures as required per the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance.
  - System Sand must meet Indiana DOT 23 requirements and pass a #200 sieve for proper system functionality.
  - Roof drains should be directed/piped to avoid the septic absorption field area.
  - At least 3 deciduous trees with a caliper measurement of over 4 in shall be preserved on the lot.
  - Development of the site is subject to Section 5.67 of the Shelby County Unified Development Ordinance - Rural Residential Development Standards.
  - Site plan complies with all state and local regulations and any requested changes or alterations must be first approved by the appropriate authority.

<p><b>SCOTT T. SUMERFORD</b> <b>LAND SURVEYING</b> 3149 NORTH RILEY HIGHWAY SHELBYVILLE, IN 46176-9462 BUSINESS PHONE (317) 401-6050</p> <p>Indiana Registered Surveyor No. 29800017</p> <p>Copyright © 2020 by Scott T Sumerford This document is only considered an original copy if an inked seal and original signature is affixed.</p>	<p><b>CLIENT</b> TK Constructors Inc. 2224 N Cammack St. Muncie, IN 47304</p> <p><b>PROJECT</b> Proposed site plan for new dwelling.</p> <p><b>LAST DATE OF FIELDWORK</b>      October 5, 2020 <b>CERTIFICATION DATE</b>            October 13, 2020</p>	<p><b>IMPROVEMENT LOCATION</b></p> <p><b>SITE PLAN</b></p> <p><b>JOB LOCATION</b> LOT 14 BLUE RIVER TRAILS 2ND SEC. PART NORTHEAST QUARTER SECTION 10 TOWNSHIP 14 NORTH, RANGE 7 EAST, HANOVER TOWNSHIP, SHELBY COUNTY, IN</p> <p><b>JOB NUMBER</b> 14N7E10-20-074</p> <p>ORIGINAL DRAWING SIZE ARCH C SHEET 1 OF 1</p>
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## Property Details

**Location:** 7808 S 375 W,  
Shelbyville, Jackson Township.

**Property Size:** 80 acres.

**Current Land Use:** Estate  
Residential / Agricultural.

### Zoning Classification:

**A1 (Conservation Agricultural)**

*Intent: This district is established for the protection of agricultural areas and buildings associated with agricultural production*

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

*Board of Zoning Appeals: Enact development standards to maximize protection of common agricultural practices.*

### 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	A1	Cropland
South	A1	Cropland
East	A1	Cropland
West	RE/A1	Cropland

# Staff Report

**Case Number:** BZA 20-36  
**Case Name:** David Eberhart – 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

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- The petitioner plans to construct a 1,318 sq. ft. accessory structure having a 630 sq. ft. apartment and 688 sq. ft. garage.
- The petitioner plans to install a new septic system to accommodate the structure.
- The existing driveway will provide access to the structure.
- The Site Plan Committee, which consists of the Planning Director, Building Inspector, County Surveyor, Health Department Environmental Technician, and a representative from the Drainage Board has reviewed and approved a site plan for the structure.

## Staff Analysis of Findings of Fact

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

Staff Analysis: The Site Plan Committee has reviewed and approved a site plan for the structure and the proposed structure must comply with all building codes and sanitation requirements prior to final inspection.

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 structure would sit on an 80-acre property over 200 feet from the public road. Due to the relatively isolated location of the structure, the structure would not impact adjacent property.

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 an independent affordable housing option for a person(s) on the same property as family members, for the purpose of obtaining extra income, security, companionship, and/or services.

## Staff Recommendation

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**APPROVAL** primarily because the relatively isolated location of the structure on an 80-acre parcel over 200 feet from the public road would likely not pose any impact to adjacent property.

**Staff recommends the following stipulations:**

1. **The variance shall expire when the structure is no longer needed by the intended occupant.**
2. **Beginning in November of 2022, the petitioner shall provide notice to the Plan Commission office every other year regarding the continued need of the dwelling by the intended occupant.**

*Applicant/Owner Information*

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Applicant	David Eberhart 7806 S 375 W Shelbyville, IN 46176	Owner:	Eberhart Family Trust & Donna Eberhart 7806 S 375 W Shelbyville, IN 46176
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**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.

This is only a garage with a 500 sq foot  
APT Attached. I see no issues with APT  
Health or Safety.

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 closest neighbor will be over 1/2 mile away  
we own all the surrounding land around the  
property in question

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 see no issues in the practical difficulty  
in use of the property. Property already has a home  
garage, driveway, etc.

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.)



**TRUSTEES**  
 Trust, a life estate, 1% interest  
 Trust, 99% interest  
 Trust and Debra L. Eberhart as General Trustees

Michelle Eberhart

**DRESS**

46176

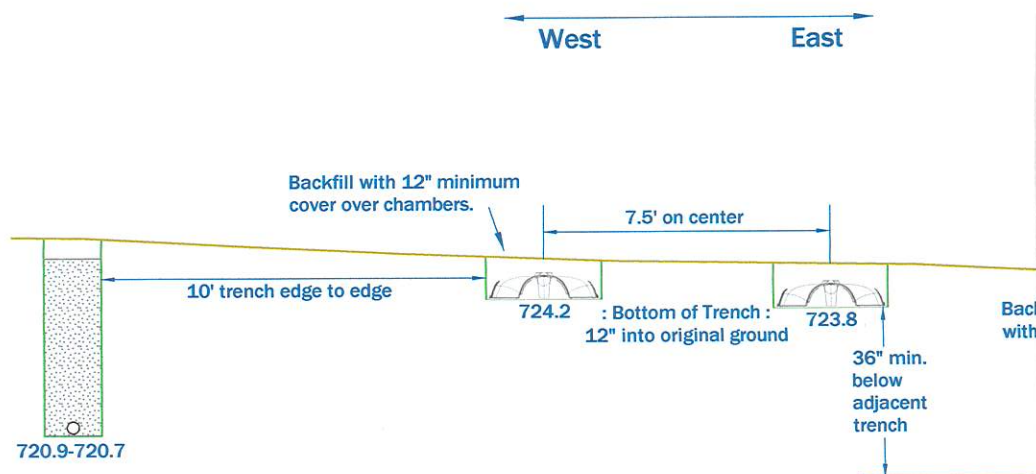
**PER**  
 011.000-010

**CURRENT ZONING**  
 A1 Conservation Agricultural

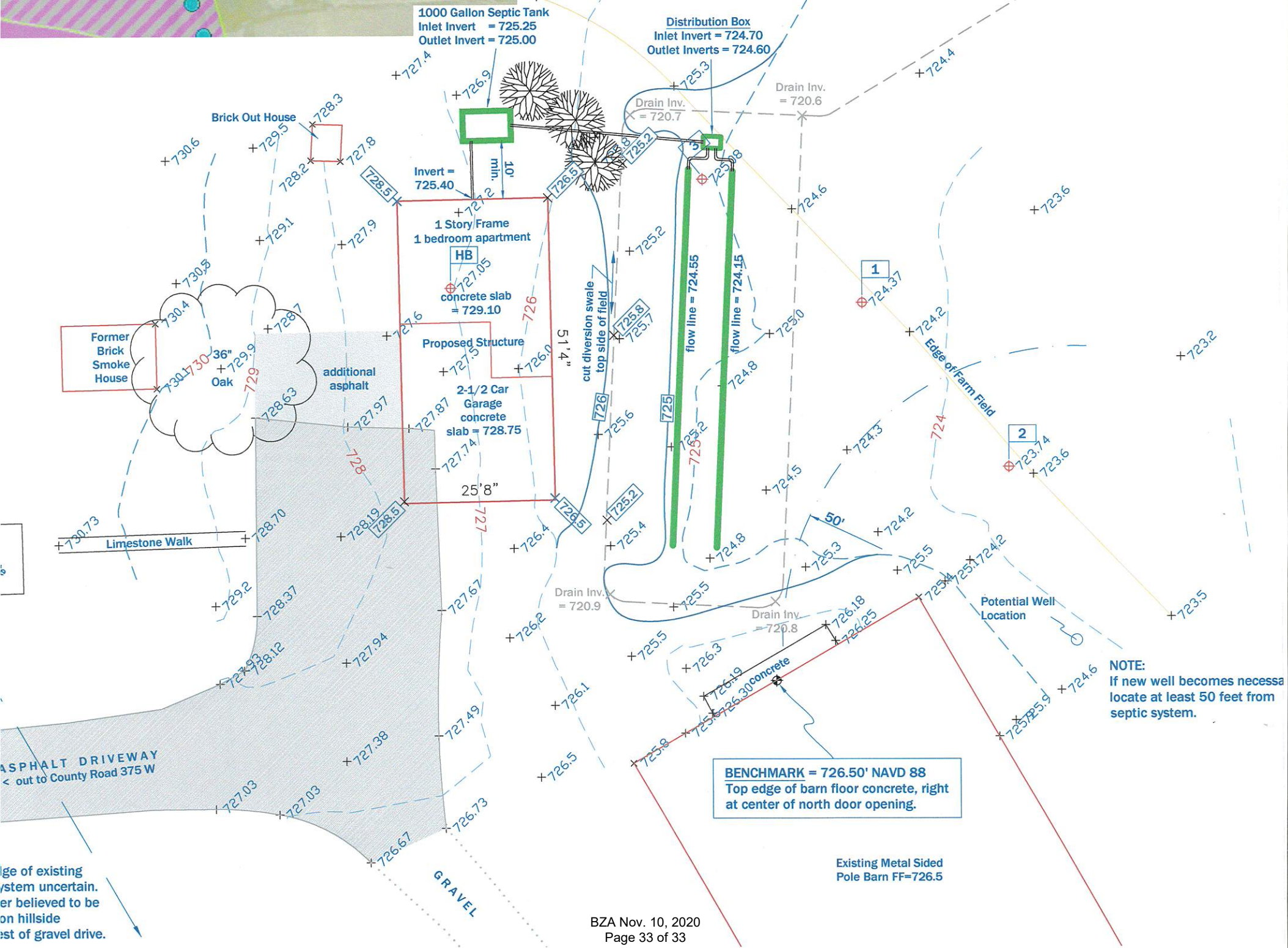
**MENT**  
 The subject farm, in the northeast and southeast corners, that  
 special flood hazard area per effective FEMA Flood Insurance Rate  
 number 18145C0190C and within a Zone A. A 100 year flood  
 location from the nearest flooding stream being an unnamed  
 creek. This being from the 2019 best available data and coming  
 south of the existing driveway. See Portal aerial map.

**T**  
 Consulting (John Bowen)  
 2020

**TRENCH CROSS SECTION**



**Subsurface Gravity System**  
 Low Profile 36" Chambers by Infiltrator  
 Absorption Field Size = 500 sq. ft.  
 (375 sq. ft. with 25% reduction method)  
 (2) 64 foot trench lengths  
 36" trench width, 12" trench depth, 7.5' on center  
 1 - 2.5% site slope, surrounding perimeter drain required.



**NOTE:**  
 If new well becomes necessary  
 locate at least 50 feet from  
 septic system.

**BENCHMARK = 726.50' NAVD 88**  
 Top edge of barn floor concrete,  
 right at center of north door opening.

Existing Metal Sided  
 Pole Barn FF=726.5