

Shelby County
Board of Zoning Appeals

November 12, 2019 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals
November 12, 2019, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the October 8, 2019 meeting.

REQUESTS FOR CONTINUANCE

BZA 19-31 – VIKING PROPERTY & LAND: Request by petitioner to continue petition to December 10, 2019 BZA meeting.

OLD BUSINESS

None.

NEW BUSINESS

BZA 19-32 – SHEILA SMITH: DEVELOPMENT STANDARDS VARIANCE

BZA 19-33 – CASSANDRA CAMP: DEVELOPMENT STANDARDS VARIANCE

2020 BZA MEETING CALENDAR APPROVAL

DISCUSSION

Patrick Black Violation

Tammy Shortridge Violation

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, December 10, 2019 at 7:00 PM.

Summary of Cases

BZA 19-32 – SHEILA SMITH

REQUEST: Variance of Development Standards to allow for four (4) horses:

1. On a 5-acre lot (minimum lot area of 6-acres required)
2. In a pasture area less than 8-acres (minimum of two (2) fenced acres of pasture area per horse required).

LOCATION: Addison Township at 3256 E German Rd, Shelbyville.

STAFF RECOMMENDATION: APPROVAL primarily because several properties under five acres in the area include pasture area for horses. Therefore, the keeping of horses would not conflict with the character of the area.

Recommended Stipulations:

1. A maximum of two horses may be kept on the property after the current horses owned by the petitioner are no longer kept on the property.
2. Pasture area shall be restricted to the front yard.

BZA 19-33– CASSANDRA CAMP

REQUEST: Variances of Development Standards to allow for:

1. The first 10-feet directly in front of a new single-family home's garage to be gravel (pavement required);
2. No trees on a lot including a new single-family home (at least five deciduous trees required).

LOCATION: Nobel Township at 10726 S 275 E, Flat Rock.

STAFF RECOMMENDATION: APPROVAL primarily because driveway paving and lot planting requirements are intended to enhance aesthetic quality and maintain visual character among multiple residences, generally in suburban or urban areas. Implementing these requirements would detract from the rural character of the property.

Staff Report

CASE NUMBER: BZA 19-32
CASE NAME: SHEILA SMITH – DEVELOPMENT STANDARDS VARAINCE

CASE SUMMARY

REQUEST: Variance of Development Standards to allow for four (4) horses:

1. On a 5-acre lot (minimum lot area of 6-acres required)
2. In a pasture area less than 8-acres (minimum of two (2) fenced acres of pasture area per horse required).

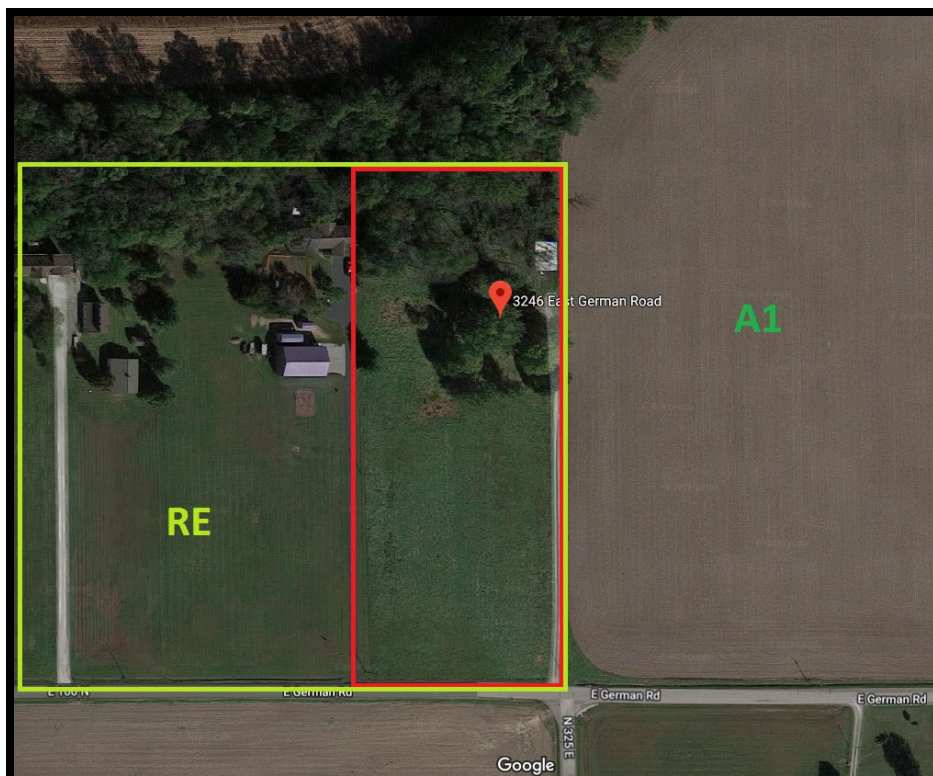
STAFF RECOMMENDATION: APPROVAL primarily because several properties under five acres in the area include pasture area for horses. Therefore, the keeping of horses would not conflict with the character of the area.

Recommended Stipulations:

1. A maximum of two horses may be kept on the property after the current horses owned by the petitioner are no longer kept on the property.
2. Pasture area shall be restricted to the front yard.

PROPERTY DESCRIPTION

Addison Township at 3246 E German Rd, Shelbyville



Property Size: 5 acres.

Zoning Classification: RE (Residential Estate) – Per the UDO the district is established for single-family detached dwellings in a rural or country setting.

Comprehensive Plan Future Land Use: Agriculture - The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

INTENT OF ORDINANCE REQUIREMENT

The minimum lot size requirement generally restricts the keeping of horses to properties used primarily for agricultural purposes.

A minimum pasturage area ensures that animals have adequate area for grazing; and maintains pasture areas with adequate vegetation so that properties with horses do not detract from the aesthetic and rural character of the area.

CASE DESCRIPTION

- The petitioner plans to move four horses they currently own from Rush County to the subject property.
- Approximately 2.5 acres in the front yard would serve as pasture area.
- Staff researched typical recommended pasture area for horses and most sources recommend 1-acre to 1.5-acres per horse. The petitioner's request would provide for approximately ½-acre per horse.
- The petitioner has agreed to keep a maximum of two horses on the property after the current horses they own are no longer kept on the property.
- Several properties under five acres in the area include pasture area for horses (see photos below).

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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

Staff Analysis: The keeping of four horses on private residential property would not have any foreseeable impact on the general public.

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 pasture area would be located over one-hundred feet from the nearest residence. Therefore, any typical sounds or smell would not impact the use of nearby residential

property. Several properties under five acres in the area include pasture area for horses. Therefore, the keeping of horses would not conflict with the character of the area.

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 prohibit an agricultural use typically found in rural residential areas.

APPLICANT/OWNER INFORMATION

Applicant: Sheila Smith
1840 S 850 E
Franklin, IN 46131

Owner: Same



3857 E German Rd – 5.35 acres



1868 N 350 E – 5 acres



2023 E Old Rushville Rd – 5.01 acres

**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.

No

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.

No

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.

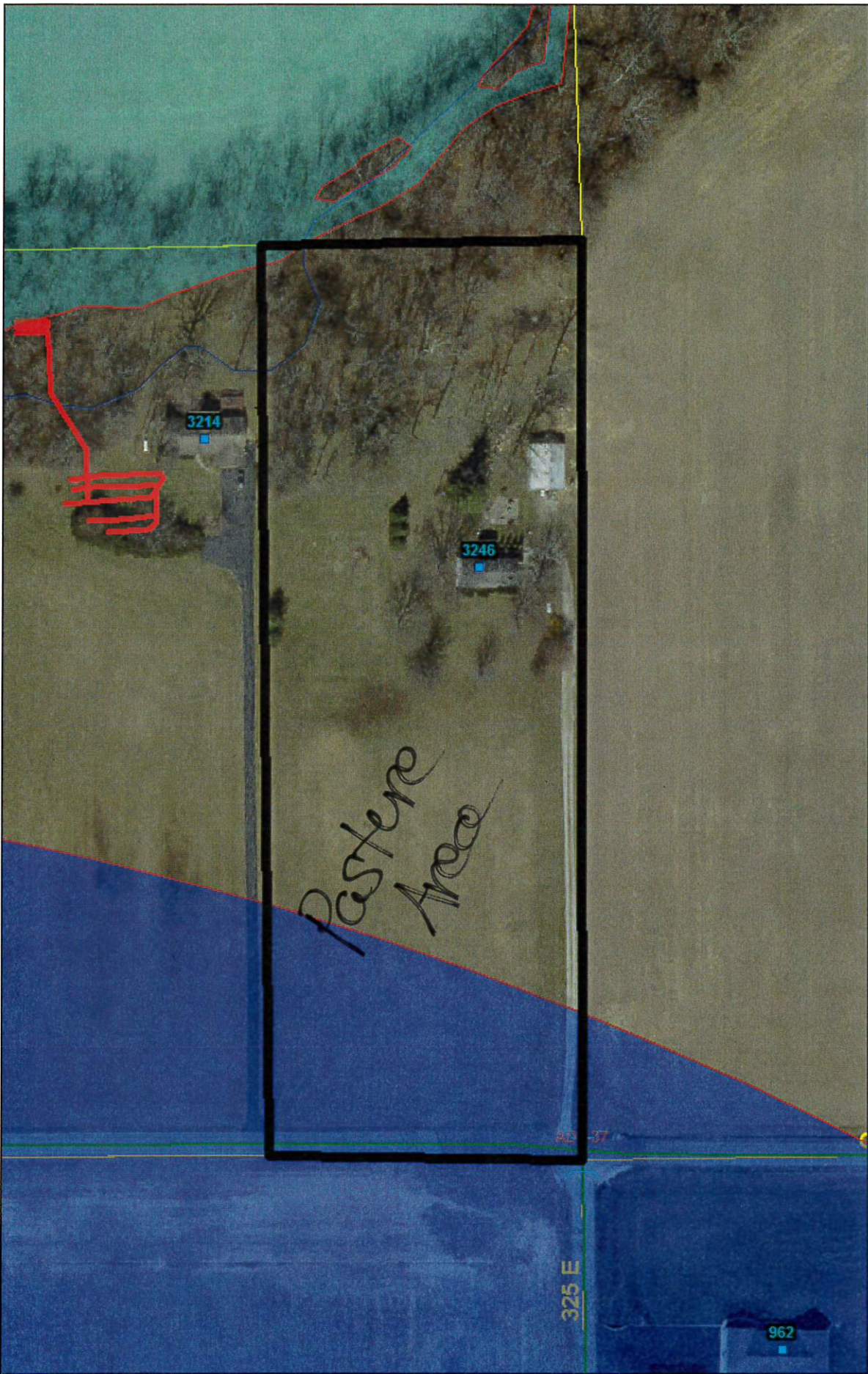
Horses already in the Area

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.)



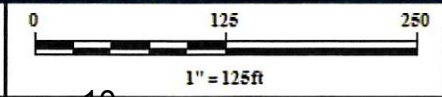
Fiber Optic Facilities
 COMPANY:
 AT&T
 MCI
 RUSH SHELBY E

2019 Flood Maps
 FLD_ZONE:
 A

Water
 County Boundary
 Well
 Parcels
 Well Head Protection

Culvert Inventory
 Addresses

Water
 Septic Trench
 Roads
 Roads to be Deve
 Railroads
 Highways
 Interstate Ramps
 Electrical Lines



Staff Report

CASE NUMBER: BZA 19-33
CASE NAME: CASSANDRA CAMP – DEVELOPMENT STANDARDS VARAINCES

CASE SUMMARY

REQUEST: Variances of Development Standards to allow for:

1. The first 10-feet directly in front of a new single-family home's garage to be gravel (pavement required);
2. No trees on a lot including a new single-family home (at least five deciduous trees required).

STAFF RECOMMENDATION: APPROVAL primarily because driveway paving and lot planting requirements are intended to enhance aesthetic quality and maintain visual character among multiple residences, generally in suburban or urban areas. Implementing these requirements would detract from the rural character of the property.

PROPERTY DESCRIPTION

Nobel Township at 10726 S 275 E, Flat Rock



Property Size: 3 acres.

Zoning Classification: RE (Residential Estate) – Per the UDO the district is established for single-family detached dwellings in a rural or country setting. Development standards should promote low-impact development in harmony with a natural setting.

Comprehensive Plan Future Land Use: Agriculture - The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

PURPOSE OF UDO REQUIREMENT

5.18 DW-02: Agricultural Driveway Standards (A1, A2, A3, RE Districts) C. Materials: Asphalt, concrete, or other non-porous materials, or gravel shall be acceptable driveway surface materials. The first twenty (20) feet directly in front of a single-family home's garage shall be paved with asphalt, concrete or other non-porous material.

A driveway apron smooths the transition between the driveway and the garage, helps to direct water away from the garage, and acts as a barrier against gravel and debris. The driveway apron also provides for additional paved parking area. A driveway apron requirement is intended to enhance aesthetic quality and maintain visual character among multiple residences, generally in suburban or urban areas.

5.45 LA-03: Residential Lot Planting Landscaping Standards (RE, R1, R2, VR, M1 Districts) A. Quantity Requirements: 3: Lots Over 25,000 Square Feet: Three (3) deciduous trees plus one (1) additional deciduous tree per every 20,000 square feet over the initial 25,000 square feet. The maximum number of trees required in the yard planting area shall be five (5).

Lot planting requirements serve to enhance aesthetic quality and maintain visual character among multiple residences, generally in suburban or urban areas.

CASE DESCRIPTION

- The petitioner has placed an 1,800 sq. ft. single-family modular home on the property and is currently constructing a two-car attached garage.
- The property includes a gravel driveway. The petitioner plans to extend the gravel to the garage.
- The previous property owner used the entire property for crop production. Therefore, the property does not include any existing trees.
- The Plan Commission approved a rezoning and simple subdivision to allow for development of a single-family residence on the subject property in September of 2018. The petitioner obtained site plan approval for the residence in June of 2019 and all required permits in July of 2019.

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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

Staff Analysis: Absence of a minimal amount of pavement and three trees on private residential property will not impact the general public.

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: Absence of pavement and trees will not impact crop production on adjacent property.

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 lies within a rural area. A strict application of the Ordinance would detract from the rural character of the property.

APPLICANT/OWNER INFORMATION

Applicant: Cassandra Camp
2870 E 1100 S
Flat Rock, IN 47234

Owner: Ryman & Cassandra Camp



View of property from road

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Cassandra Camp

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.

By not having a paved (20x20) area outside of our garage or planting trees before we move, it affects no one in the community because we are surrounded by cornfields.

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.

Surrounded by cornfields. No neighbors have paved driveways.

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 would like to keep the property as rural as possible. We also would like to protect the field tile, septic field & under ground power lines, & drainage from root problems in the future.

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.)

SCOTT T. SUMERFORD
LAND SURVEYING
3149 NORTH RILEY HIGHWAY
BUSINESS PHONE (317) 401-6050

Indiana Registered Surveyor No. 2980017

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This document is only considered an original copy if it includes Scott and
original signature in ink.

CLIENT
Cassandra Camp
2870 E 1100 S
Flat Rock, IN 47234

PROJECT
Proposed site plan for new dwelling.

LAST DATE OF FIELDWORK
June 11, 2019

REVISION DATE after change & add. notes
June 13, 2019

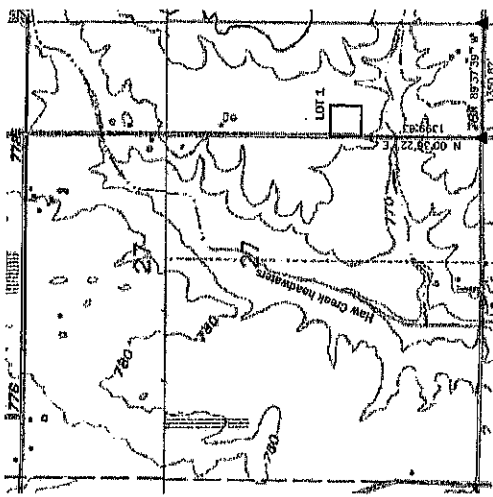
IMPROVEMENT LOCATION

SITE PLAN

JOB LOCATION
PART OF THE EAST HALF OF THE
SOUTHEAST QUARTER, SECTION 27,
TOWNSHIP 11 NORTH, RANGE 7 EAST,
NOBLE TWP., SHELBY COUNTY, IN

JOB NUMBER
11N7E27-19-012

ORIGINAL DRAWING SIZE ARCH C
SHEET 1 OF 1



LEGAL DESCRIPTION LOT 1

Part of the east half of the southeast quarter of Section Twenty-seven (27), Township 11 North, Range 7 East, Noble Township, Shelby County, Indiana, being S. 1/2 of E. 1/2 of S. 27, T. 11N, R. 7E, S. 1/2, and being more particularly described as follows:

Commencing at the southeast corner of the southeast quarter of said section 27-1/2, said point being marked by a steel chained post in the road bed; thence along the south line of the east half of said quarter, North 89° 27' 39" West (basis of bearings being State Plane Indiana East Zone) 1,350.82 feet to the southwest corner of said east half, said point marked by a stone; thence along the west line of said half, North 00° 35' 22" East 1,359.03 feet to a washer and maginal stake; S. Sumerford 8900017, at the point of beginning of the herein described tract.

Thence continuing along said west line, North 00° 35' 22" East 351.50 feet to a washer and maginal stake; S. Sumerford 9900017; thence South 89° 40' 35" East 361.50 feet; thence parallel with the west line of said half, South 00° 35' 22" West 351.50 feet; thence North 89° 40' 35" West 351.50 feet to the point of beginning, containing 3.000 acres.

Subject to all easements, restrictions and right-of-ways of record.

CURRENT OWNER
Ryan D. and Cassandra S. Camp

PROPERTY ADDRESS
Flat Rock, IN 47234

PARCEL NUMBER
79-05-27-040-004-000-014

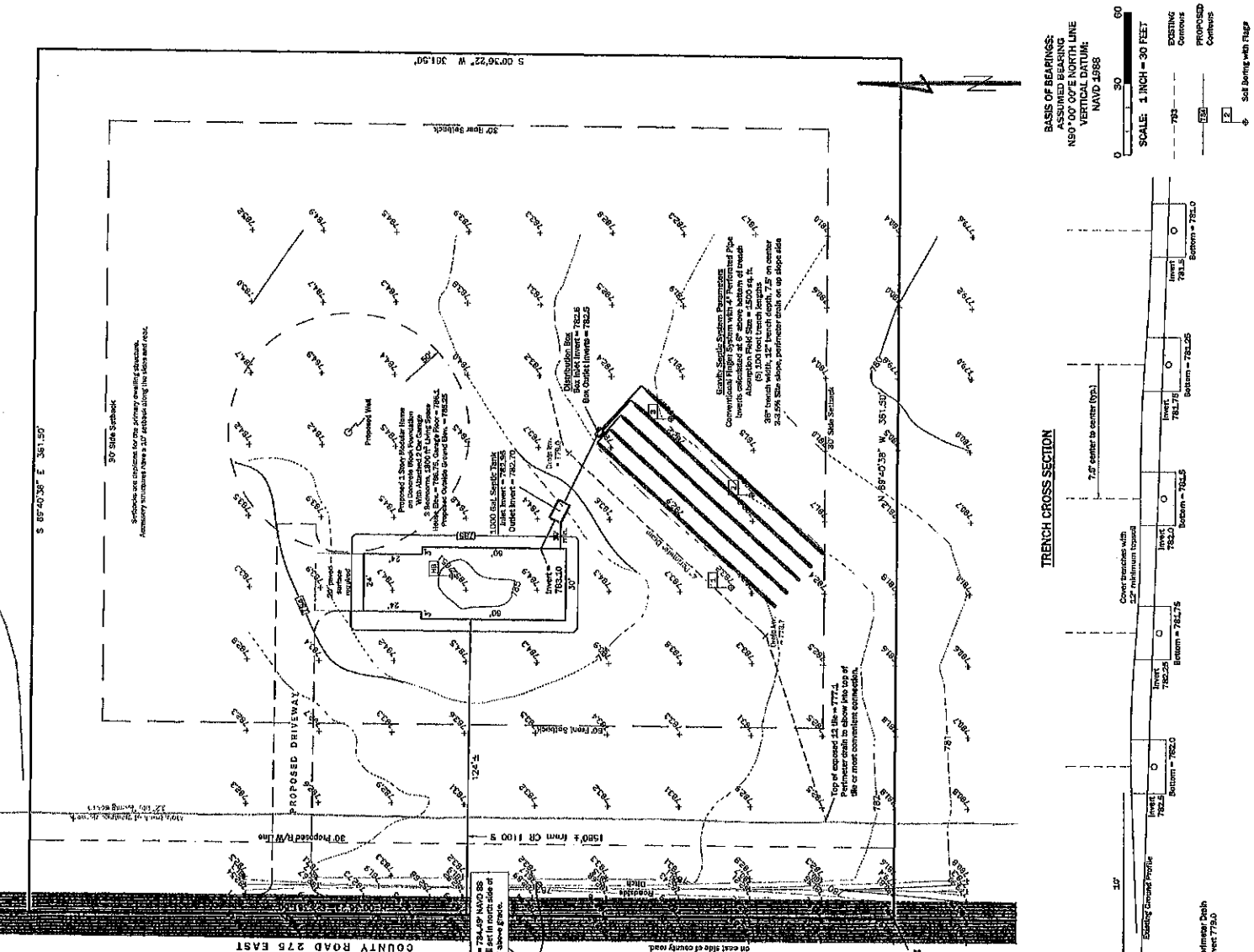
CURRENT ZONING
RE Residential Estate

FLOOD STATEMENT
The subject property does not lie within a Flood Hazard Area per the effective FIRM map Panel 15345C02601C, dated November 5, 2014. The proposed dwelling is a good distance from a tributary of Haw Creek and lies a good 17 feet above the flooding elevation per the Indiana DNR Floodplain Portal.

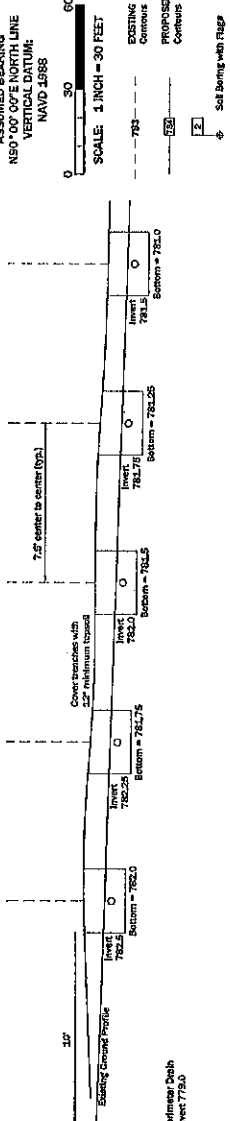
SOIL SCIENTIST
Chemur Ridge Consulting, Inc.
Dated 3/22/2019

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.
- Twenty foot paved surface required in front for garage and/or accessory barn to accommodate (2) 9'x15' parking spaces.
- Roof drains should be directed/piped to avoid the septic absorption field area.
- Five deciduous trees with at least 2" DBH at the time of planting shall be planted on the property prior to occupation of the residence.
- Development of the site is subject to Section 5.57 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.



TRENCH CROSS SECTION



Shelby County BZA

<u>BZA Scheduled Meetings</u>	<u>BZA Application Deadline</u>	<u>BZA Legal Notice Deadline</u>
January 14, 2019	December 31, 2019	January 4, 2020
February 11, 2019	January 28, 2020	February 2, 2020
March 10, 2019	February 25, 2020	April 30, 2020
April 14, 2019	March 31, 2020	April 4, 2020
May 12, 2019	April 28, 2020	May 22, 2020
June 9, 2019	May 26, 2020	May 29, 2020
July 14, 2019	June 30, 2020	July 4, 2020
August 11, 2019	July 28, 2020	August 2, 2020
September 15, 2019	September 1, 2020	September 5, 2020
October 13, 2019	September 29, 2020	October 3, 2020
November 10, 2019	October 27, 2020	October 30, 2020
December 15, 2019	November 30, 2020	December 5, 2020

V19-1 Patrick Black

Current Agreement: Mr. Black will remove at least three cars per month from the property until all remaining cars are behind fence. The Planning Director will allow some flexibility if he contacts her ahead of time with a legitimate reason for a delay in moving the cars.

Problem: No cars removed between May & September. After threat of fine, four vehicles were removed in October.

Mr. Black's Request: To amend the agreement to allow for more flexibility in the number of cars removed each month.

May



June



August



Septmeber



October



V19-14 Tammy Shortridge

Complaint: Dumping of tree limbs, business activities, a truck, earth moving for a dirt bike track, and general property maintenance. The person who filed the complaint and property owner are currently in a dispute regarding access to a driveway, which likely prompted the filing of the complaint.

Staff's Analysis:

- Our ordinance does not regulate earth moving and general property maintenance. The ordinance does not prohibit residential recreational activities, such as riding dirt bikes.
- The Commissioners' Noise Ordinance would regulate any sound from the dirt bikes and the Code Compliance Ordinance would regulate property maintenance. The BZA does not enforce either of these ordinances.
- The property owner does have a variance for business activities with a condition prohibiting outdoor storage. The presence of a truck and tree limbs brought from off site could constitute a violation of this condition.

Staff Request: The BZA to determine if a violation exists on this site.

