# Shelby County Board of Zoning Appeals

February 14, 2023 at 7:00 PM

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#### **MEETING AGENDA**

## Shelby County Board of Zoning Appeals February 14, 2023, 7:00 P.M.

**CALL TO ORDER** 

**ROLL CALL** 

#### **APPROVAL OF MINUTES**

Minutes from the January 10, 2023 meeting.

#### **OLD BUSINESS**

**BZA 22-52 – FARNSLEY FAMILY FARM LLC:** DEVELOPMENT STANDARDS VARIANCE. Located at 7092 E Short Blue Rd, Shelbyville, Union Township.

#### **NEW BUSINESS**

**BZA 23-03 – NORTHWEST CONSOLIDATED SCHOOL DISTRICT OF SHELBY COUNTY:** DEVELOPMENT STANDARDS VARIANCES. Located at 4920 W 600 N, Fairland, Moral Township.

#### **DISCUSSION**

#### **APPROVED HEARING OFFICER CASES**

**BZA 23-02 – BRUCE & KAREN RITCHEY**: DEVELOPMENT STANDARDS VARIANCE. Located at 6137 S 750 W, Edinburgh, Jackson Township. *Approved January 17, 2023.* 

#### **RULES OF PROCEDURE**

#### **ADJOURNMENT**

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, March 14, 2023 at 7:00 PM.

#### **Property Details**

Location: 7092 E Short Blue Rd, Shelbyville, Union Township.

Property Size: 14.12-acres.

Current Land Use: Estate Residential.

#### Zoning Classification:

A1 (Conservation Agricultural) Intent: This district is established for the protection of agricultural areas and buildings associated with agricultural production.

## Future Land Use per Comp Plan 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.

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

## Staff Report

Case Number: BZA 22-52

Case Name: Farnsley Family Farm LLC – Development

Standards Variance

#### Addendum – February 14, 2023

The Board originally heard this case on December 6, 2022. At that time, the petitioner had requested a variance to allow seven single-family residential lots to utilize a single private driveway. The Board chose to continue the case with new notice due to error in the previous notice regarding the number of requested lots. The petitioner has provided new notice, and due to concerns expressed by the neighbors has chosen to reduce the requested number of lots from seven to four.

#### Request

Variance of Development Standards to allow four single-family lots to utilize a single private driveway (maximum of two single-family lots permitted).

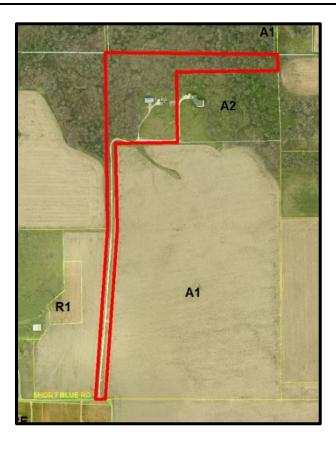
#### **Code Requirement**

**UDO Section 5.17 C 2:** <u>Single-Family Residential Developments:</u> The access to three (3) or more single-family lots using a shared easement or similar legal arrangement shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.

**Purpose of Requirements:** The ordinance requires establishment of paved public streets to service multiple single-family lots to mitigate issues associated with shared use of private gravel driveways. Potential issues include:

- Disputes over driveway maintenance and access rights.
- Difficulty posed to visitors in locating homes from the public road.
- Difficulty posed to emergency vehicles in locating homes and turning around within the driveway.
- Vehicle conflicts if two or more cars utilize the driveway simultaneously.
- Migration of dust onto the public road from use of the driveway by multiple vehicles

#### **Property Map**



#### Case Description

- A gravel driveway currently exists on the lot which provides access to the subject property and to the adjacent
  residential lot to the east. The petitioner requests that the driveway provide access to the two existing residential
  lots, a 1.711-acre lot recently created by the petitioner on the adjacent property to the west, and one additional
  future lot subdivided from the subject property.
- The gravel driveway is 20-feet-wide and approximately 1/3-mile in length.
- The petitioner has proposed the following driveway design elements to address potential issues associated with use the driveway by multiple residential lots:
  - o A 70-foot-wide access and utility easement covering the shared portion of the driveway.
  - o A 15' x 20' paved apron entrance to reduce the migration of gravel onto the public road.
  - A 20' x 50' stone 'T' turn-around located near the homesites to allow for turn-a-round of large emergency vehicles.
  - o Two 8' x 50' stone pull-offs to allow vehicles to pass each other without pulling off into the lawn or field.

- The 2008 UDO established the public road requirement. The County permits new development on lots created prior to 2008 with existing access to a private road.
- The owner of the driveway has consented to filing of the variance request.

#### 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: The petitioner has proposed driveway design elements to address many of the potential issues associated with use of the driveway by multiple lots, however the significant distance between the homesites and the public road could cause confusion in locating the properties in the case of an emergency. Therefore, approval may impact the health, safety, morals, and general welfare of members of the public who purchase the lots in the future.

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: Use of the driveway would not impact continued use of property adjacent to the driveway for agricultural 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 County approved creation of the 1.711-acre building site with the intent that the site would utilize the existing gravel driveway.

#### Staff Recommendation

**DENIAL** because the significant distance between the homesites and the public road could cause confusion in locating the properties in the case of an emergency.

If the Board chooses to approve the variance, Staff recommends the following stipulations:

- 1. No more than four (4) single-family lots shall utilize the driveway.
- 2. The driveway shall include all design elements shown on the site plan submitted with the variance application.
- 3. All design elements shown on the site plan shall be installed prior to issuance of a Certificate of Occupancy for any new home.

Applicant/Owner Information

Applicant: Farnsley Family Farm LLC – Mark Farnsley Owner: Patrick Deak

6700 E Short Blue Rd.

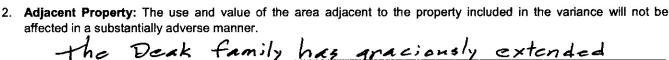
Shelbyville, IN 46176

7096 E Short Blue Rd.

Shelbyville, IN 46176

**FINDINGS OF FACT** 

<b>Applicant</b>	: Tarr	isley t	-amily	Farm	LLC			
Case #:	BZA	22-5	2					····
Location:	7096	E Sho	rt Blue	Rd. S	helby	ville,	In	46176
an applica	y County Board of tion for a Develo ese criteria.							
	ral Welfare: The							
	imp	acts on	the o	commu	inity.			



the Deak family has graciously extended opportunity for cooperation on the driveway. They do not consider the proposal adverse.

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.

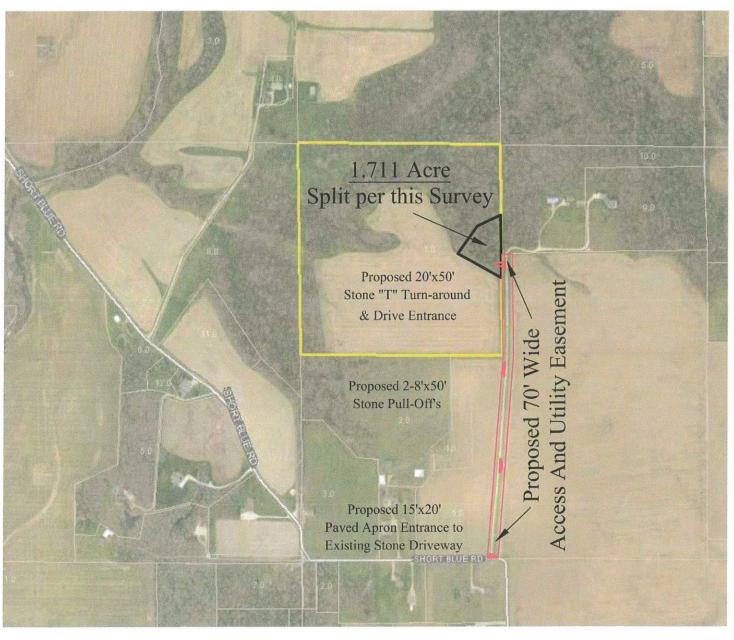
The Farnsley Family Farm LLC initiated this proposal for the sole purpose of surport for our mother Joann Farnsley. Strict application of the terms of the Shelby County Zoning Ordinance would be cost prohibitive.

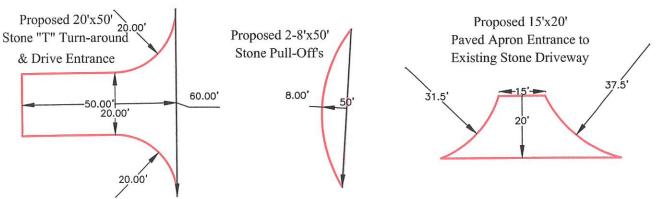
The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

**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.)

## Proposed Improvements to the Existing Stone Driveway owned by Patrick Deak for the Farnsley Family Farm LLC, 16-13-8 Simple Subdivision





#### **Property Details**

Location: 4920 W 600 N, Fairland,

Moral Township.

Property Size: 0.68-acres.

Current Land Use: School.

#### Zoning Classification:

#### IS (Institutional)

Intent: This district is established for institutional and municipal owned lands for public purpose and use.

Development Standards: Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community.

## Future Land Use per Comp Plan Institutional

The purpose of this category is to provide land for buildings for government or private institutional use such as schools, churches, hospitals, and museums.

#### **Surrounding Development**

	6	
	Zoning	Land Use
North	A2	Cropland
South	R1	Single-Family
		Residential
East	A1	Cropland
West	A1/R1	Cropland / Single-
		Family Residential

## Staff Report

Case Number: BZA 23-03

Case Name: Northwestern Consolidated School District

of Shelby County - Development Standards

Variances

#### Request

#### Variances of Development Standards to allow:

- 1. A new 8.3-foot-tall ground sign at the High School (maximum height of 6-feet permitted)
- 2. A new 6.75-foot-tall ground sign at the Middle School (maximum height of 6-feet permitted)
- 3. A new 6.75-foot-tall ground sign at the Elementary School (maximum height of 6-feet permitted)
- 4. A 7.9 sq. ft. private property directional sign at the east entrance (maximum area of 2 sq. ft. permitted)
- 5. A 7.9 sq. ft. private property directional sign at the south entrance (maximum area of 2 sq. ft. permitted)

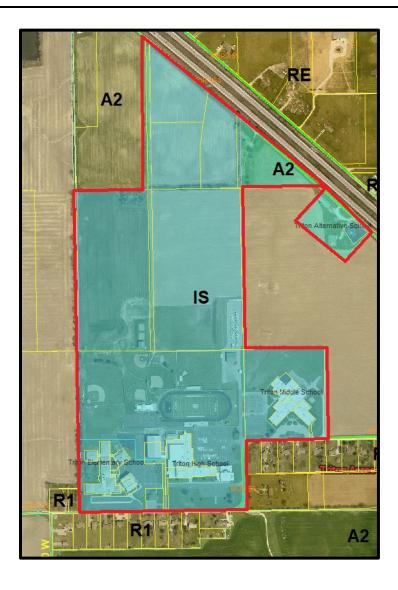
#### Code Requirement

**UDO Section 5.74 B 4 b** – Ground Signs shall not exceed six (6) feet in height.

**UDO Section 5.73 Q 2** – Area: Private property signs may not exceed two (2) square feet in area.

**Purpose of Requirements:** Sign standards provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of Shelby County.

#### **Property Map**



#### **Case Description**

- The petitioner intends to update the school campus signage. New signs include ground signs identifying the school buildings, a ground sign identifying the administration building, directional signs, and wall signs.
- The school ground signs exceed the maximum height requirement for ground signs in the IS District. The signs comply with all other signage requirements.
- The directional signs exceed the maximum area requirement for private property signs. The UDO exempts private property signs not exceeding 2 sq. ft. and intended to display information necessary for safety and convenience from all other signage requirements.
- The administration building sign and wall signs comply with ordinance requirements.

#### 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: The signs would identify buildings and direct traffic, thereby promoting traffic safety and providing a convivence to the public visiting the school campus.

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 relatively small deviation from ordinance requirements would improve sign visibility without allowing signage harmful to property values or community appearance.

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 appropriate signage intended to identify buildings and direct traffic.

#### Staff Recommendation

Staff recommends **APPROVAL** primarily because the relatively small deviation from ordinance requirements would improve sign visibility without allowing signage harmful to property values or community appearance.

#### Applicant/Owner Information

Applicant: Lauren Obendorf – Green Sign Company

1045 E Freeland Road Greensburg, IN 47240 Owner: Northwestern Consolidated School

**District of Shelby County** 

4920 W 600 S Fairland, IN 46126

**FINDINGS OF FACT** 

Applicant:	Triton Central Schools
Case #: _	
Location:	4774 W 600 N Fairland IN 46126

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 the variance will not be injurious to the public health, safety, and general welfare of the community because the sign will be structurally sound, will not interfere with traffic visibility, and will help visitors to the school better navigate to the location.
- 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 the are adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed signs are non-lit and will replace the existing signs to increase the overall look of the property. There is no data to suggest that the installation of new signs would have a negative affect on the area adjacent to the property included in the variance.

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 school would still be able to function as a school but due to the ordinances, they wouldn't be allowed to have the proposed sign installed. With the sign being non-lit as to not be a nuisance for the neighboring residents, the proposed height is necessary to help aid motorists while driving and overall visibility.

The increase in height also allows for the lettering to be the appropriate size needed given the factors of distance from road & speed.

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.)

#### Double Sided Architectural Past Parnel System - Exterior of sign is , 125° hick oluminum (#3020 grods) - No viewable Instructs on sign foscs - Blut soms in malarial - SZ Condour sink screes on aluminum returns as needed - 3° Bumpout around entire sign - Eco Low VOC Estation Francis / Firms & Painir with Automotive Grode Nuonce Traish / Firms & Painir with Automotive Grode Nuonce Traish / Firms Digitally Frinds Vinyl Graphics with Nathe UV Penedrial Laminute (School Nuone / "TC" drop shadow / Block Single) Applied 13 kndcas - CVC Backed 1° Whita PVC Dimensional Logo Stud Mounted with Extraos Advances OPTION: Add Edended Worny-F Maintenance Agreement (includer year cleaning/waxing, and full co Yes , or No Thanks X Landscaping Not Included Nerylic - Yes X, or No Thanks Remove Existing Main ID - Dispose / Recycle Offsite - Cut sign off near grade - install new sign near existing OPTION A - Page 1 ndation / Auger Holes 💹 TION: Add Extra Satin Clear Coat over all painted hes - Yes X, or Na Thanks sional Installation Foundation / Environmental Wash Out Bag for may be needed nble All In-house - Direct Burial Aluminum Jion - 1/2" Removable Lifting Eyelets

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CREATING EACH INDIVIDUAL DESIGN. 'LANDSCAPING and or Electric to site NOT INCLUDED

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Date

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**FINDINGS OF FACT** 

Applicant:	Triton Central Schools
Case #: _	
Location:	4740 W 600 N Fairland IN 46126

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**FINDINGS OF FACT** 

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Case #: _	
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coal of the display shower. PLUS ALL COSTS OF COLLECTIONS INCLUDING REASONABLE ATTORNEYS FEES AND COURT COST AS COMPENSATION FOR THE TIME AND EFFORT IN

CREATING EACH INDIVIDUAL DESIGN. "LANDSCAPING and or Electric to site NOT INCLUDED

CREATING EACH INDIVIDUAL DESIGN. "LANDSCAPING and or Electric to site NOT INCLUDED OPTION A - Page 3 oncrete Foundation / Environmental Wash Out Bag for lean up may be needed ylic - Yes X or No Thanks Assemble All In-house - Direct Burial Aluminum nstruction - 1/2" Removable Lifting Eyelets TION: Add Extra Satin Clear Coat over all painted hes - Yes X , or No Thanks dation / Auger Holes 🚚 onal Installation ing Not Included Work Order #20522 Copyright Green Sign Co., Inc. Applied Vinyl =

Black
Pantone 348 C
White 1" PVC =
Natural White Sign Structure =
Pantone 348 C Green
White 800.900.2100 Since 1971 Sign Area = 10 sq ft PERMITTING SINTRA PLEASE PROOF READ CAREFULLY
THE CUSTOMER IS RESPONSIBLE FOR
ANY ERRORS AFTER THE APPROVAL PROCESS Customer to Cone Off Area Day Before GSC Install. Minimum of 6 Parking Spots Triton Central Schools 11.15.22rb Rov# Cust>Triton Central Schools>Fairland
IN>20522 GSC 300 400 Series Main ID
& Directional Branding Package > GSC
400 Series Elementary School Main ID Chris Hoke Sulas Rep: Kevin Job Information of Other Side BZA Feb 14, 2023 Page 17 of 21

**FINDINGS OF FACT** 

Applicant:	Triton Central Schools
Case #: _	
Location:	4774 W 600 N Fairland IN 46126

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- 1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community. The approval of the variance will not be injurious to the public health, safety, and general welfare of the community because the sign will be structurally sound, will not interfere with traffic visibility, and will help traffic through and around the schools.
- 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 the are adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed signs are non-lit and are to aid in traffic flow throughout the school campus. There is no data to suggest that the installation of new signs would have a negative affect on the area adjacent to the property included in the variance.

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.

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## OPTION A - Page 6 -

Four Sided Architectural Post Panel System - Exterior of sign is 1.75° thick obminion if £952 gradely. Vewadole fasteness on sign factors so needed a but seams in marioral - Custom CNC Bound Shopen - 2° Bumpout around entire sign. Eco Low VOC Lestrior Prinish / Prime & Patin Vish Automotive Grade Nuonce Paint Finish - Premium Digitally Prinised Vinyl Graphics with Matte UV Potecting Laminate Applied 1st Surface

YION: Add Extra Salin Clear Coat over all painted shes - Yes\_X\_, or No Thanks\_\_\_\_ Assemble All In-hause - Direct Burial Aluminum

Concrete Foundation / Environmental Wash Out Bag for Jean up may be needed tion / Auger Holes 🚚

scaping Not Included

PERMITTING

Applied Vinyl =

Black
Pantone 348 C

White

Cust>Triton Central Schools>Fairland IN>20522 GSC 300 400 Sarias Main ID & Directional Branding Package > GSC 400 Saries High School Directional Signs

11.15.22rb
Rev#
12.14.22rb(wording change)
Saved As

Chris Hoke Salas Rep: Kevin Date Triton Central Schools

Sign Structure =
Pantone 348 C Green
White

Sign Area = 7.9 sq ft

BZA Feb 14, 2023 Page 20 of 21

Customer to Cone Off Area Day Before GSC Install. Minimum of 6 Parking Spots

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cont of the display shower, PLUS ALL COSTS OF COLLECTIONS INCLUDING EASONABLE ATTORNEYS FEES AND COURT COST AS COMPENSATION FOR THE TIME AND EFFORT IN

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