

**Shelby County
Board of Zoning Appeals**

April 12, 2022 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals April 12, 2022, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the December 14, 2021 meeting.
Minutes from the March 8, 2022 meeting.

OLD BUSINESS

BZA 22-06 – RICHARD N SMITH: DEVELOPMENT STANDARDS VARIANCES. Located at 4310 S Sugar Creek Rd, Franklin, Hendricks Township.

NEW BUSINESS

BZA 22-18 – KENNETH & BRITTANI WILLOUGHBY: USE VARIANCE. Located at 4155 W PR 733 S, Shelbyville, Jackson Township.

BZA 22-20 – KERRY ESTES: USE & DEVELOPMENT STANDARDS VARIANCE. Located at 10176 N 600 W, Fountaintown, Moral Township.

BZA 22-16 – ROBERT KEITH & SHERRY LYNN BRANSON: USE & DEVELOPMENT STANDARDS VARIANCE. Located at 3535 N Morristown Rd, Shelbyville, Marion Township.

BZA 22-19 – SHELBY COUNTY BOARD OF COMMISSIONERS: DEVELOPMENT STANDARDS VARIANCES. Located at 1304 N Michigan Rd, Shelbyville, Addison Township.

BZA 22-12 – MIKE PEOPLES: DEVELOPMENT STANDARDS VARIANCE. Located at 2675 E Beechwood Trail, Morristown, Hanover Township.

BZA 22-13 – JASON BURNETT: DEVELOPMENT STANDARDS VARIANCE. Located at 4736 W 1100 N, New Palestine, Moral Township.

BZA 22-17 – DANNY RIGDON: DEVELOPMENT STANDARDS VARIANCES. Located at 5879 N PR 660 W, Fairland, Sugar Creek Township.

DISCUSSION

TONY GIRDLER VIOLATION – North of and adjoining 6564 N Michigan Rd.

APPROVED HEARING OFFICER CASES

BZA 22-08 – CURTIS KELLEY: DEVELOPMENT STANDARDS VARIANCE. Located at 3577 W SR 44, Shelbyville, Hendricks Township. *Approved March 15, 2022.*

BZA 22-11 – JUSTIN T FOWLER: DEVELOPMENT STANDARDS VARIANCES. Located at 9572 N 300 W, Fountaintown, Van Buren Township. *Approved March 15, 2022.*

BZA 22-14 – ANTHONY LEAP: DEVELOPMENT STANDARDS VARIANCE. Located at 7765 S 250 E, Flat Rock, Nobel Township. *Approved March 29, 2022.*

BZA 22-15 – SHELBY COUNTY FARM BUREAU COOPERATIVE ASSOCIATION INC: DEVELOPMENT STANDARDS VARIANCE. Located at 5961 E 200 N, Shelbyville, Union Township. *Approved March 29, 2022.*

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **May 10, 2022 at 7:00 PM.**

Property Details

Location: 4310 S Sugar Creek Rd,
Franklin, Hendricks Township.

Property Size: 1.5-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

Parks, Open Space, & Conservation
The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

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

Staff Report

Case Number: BZA 22-06

Case Name: Richard N Smith – Development Standards
Variances

Request

Variances of Development Standards to allow for a 1,600 sq. ft. accessory structure:

1. In a Special Flood Hazard Area below the Flood Protection Grade (FPG);
2. In a Special Flood Hazard Area on a lot over one-half acre;
3. In the front yard.

Code Requirement

UDO Section 5.20 E 2 b: *Residential Structures: New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.*

UDO Section 5.20 F 4 d: *Variances to the Provisions for Flood Hazard Reduction of Article 5.30, Section E.2., may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.*

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

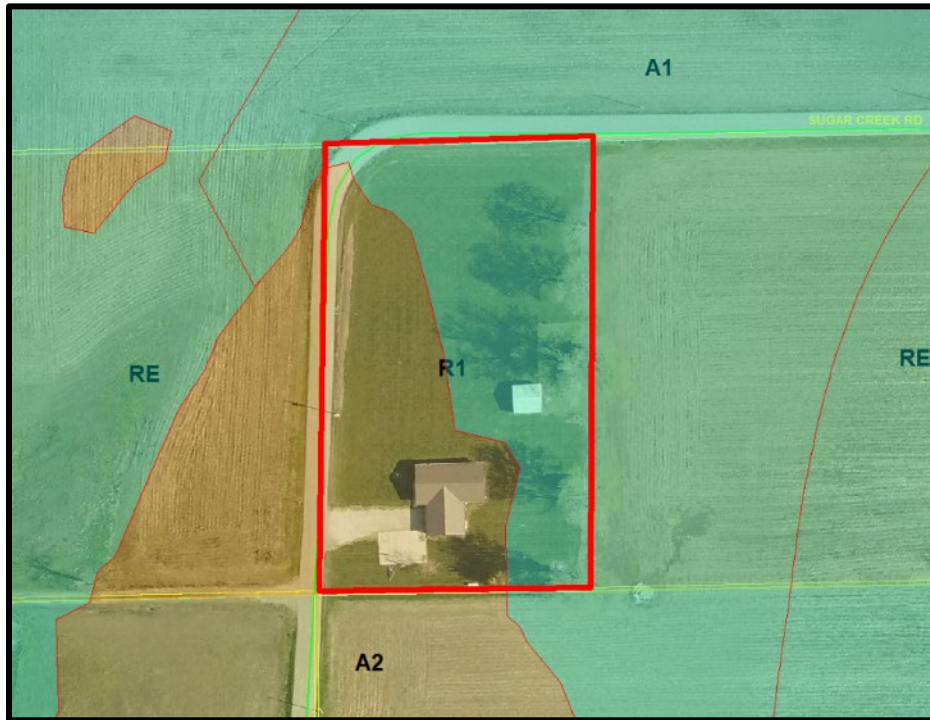
Purpose of Floodplain Elevation Requirement: The UDO requires elevation of accessory structures over 400 sq. ft. to two (2) feet above the Base Flood Elevation (BFE) (FPG is defined as 2-feet above the BFE) for the purposes of:

- Allowing openings in structures at the BFE to allow for entry and exit of floodwaters or for allowing installation of fill to divert floodwaters around the structure. These design standards avert the cumulative effect of obstructions in floodplains, which includes increase in flood heights and velocities. Limiting increased flood heights and velocities protects the community by:
 1. Protecting human life and health.
 2. Minimizing expenditure of public money for costly flood control projects.
 3. Minimizing the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
 4. Minimizing prolonged business interruptions.
 5. Minimizing damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
 6. Maintaining a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
- Protecting utilities and finished components of structures from flood damage.
- Making federal flood insurance available for structures and their contents in the County by fulfilling the requirements of the National Flood Insurance Program. **Granting of variance requests could jeopardize the County's participation in the National Flood Insurance Program.** The National Flood Insurance Program offers a federally backed insurance alternative to homeowners and businesses to meet the escalating costs of repairing flood damage to buildings and their contents.

Purpose of Floodplain Lot Size Restriction: Lots over one-half acre generally have area available to either locate a structure out of the floodplain, elevate a structure from a higher elevation on the lot, or to elevate the structure on a portion of the lot that will not cause adverse drainage impacts to adjoining properties.

Purpose of Front Yard Requirement: Prohibiting the construction of accessory structures in the front yard maintains the primary structure as the visual focal point of the property.

Property Map



Case Description

- The petitioner plans to place a 1,600 sq. ft. accessory structure on a prepared building pad northeast of the house.
- The structure would not lie within a Federal Emergency Management Agency (FEMA) designated Flood Hazard Area, however, would encroach upon a Special Flood Hazard Approximate Fringe Area designated by the Indiana Department of Natural Resources (IDNR). IDNR has completed modeling and detailed studies using recent LiDAR data to produce the State Best Available Data Maps. Mortgage companies typically do not require flood insurance for structures located outside of a FEMA designated Flood Hazard Area.
- Flood Fringe Areas have a one percent (1%) chance of flood at or exceeding the base flood level each year. IDNR considers land in this area to have a high flood risk and recommends flood insurance.
- All development within the IDNR Flood Fringe Area is subject to the Flood Hazard Area regulations of the UDO.
- IDNR data provides an approximate ground level elevation at the building site of 700.9 feet. The petitioner may have increased this elevation by installation of the building pad. IDNR provides an approximate base flood elevation of 702 feet. Therefore, the UDO requires the petitioner to elevate the floor of the structure approximately 3 feet above existing grade.
- Elevating a structure in compliance with the UDO would involve elevation of the structure using exterior walls with flood vents, elevation on pillars, or elevation using the placement of fill. A registered surveyor would need to

complete an Elevation Certificate at the end of the project verifying that the structure sits two feet or above the base flood elevation.

- In accordance with the UDO, when approving a variance from floodplain development standards, the BZA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the UDO, and;
 1. The danger of life and property due to flooding or erosion damage.
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 3. The importance of the services provided by the proposed facility to the community.
 4. The necessity of the facility to a waterfront location, where applicable.
 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 6. The compatibility of the proposed use with existing and anticipated development,
 7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

Staff Analysis of Findings of Fact

Floodplain Development Standards Variance:

1. UDO Requirement: A showing of good and sufficient cause.

Staff Analysis: Per FEMA variance criteria guidance, good and sufficient cause deals solely with unique site-specific physical characteristics of the property. No physical characteristic of the property would prevent elevation of the structure. Additionally, the property includes adequate area outside of the Special Flood Hazard Area for placement of the structure.

2. UDO Requirement: A determination that failure to grant the variance would result in exceptional hardship.

Staff Analysis: Due to lack of sufficient cause to grant the variance, no hardship exists.

3. UDO Requirement: A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

Staff Analysis:

Per FEMA variance criteria guidance, granting of a single variance most significantly impacts public safety in the event emergency service personnel need to rescue occupants from a habitable non-elevated structure during a flood. However, the cumulative effect of multiple variances would likely increase flood heights and velocities.

Per FEMA variance criteria guidance, granting of variances from elevation requirements for accessory structures often results in abandonment of non-elevated structures damaged during a flood event, thereby creating a public nuisance and the potential public expense of removing the structure. Flood-damaged structures should be promptly repaired or removed.

Per FEMA variance criteria guidance, fraud or victimization of the public occurs when an unsuspecting buyer purchases a property including a structure granted a variance. The current property owner should notify any future purchaser of the property of the granted variance.

4. UDO Requirement: The variance is the minimum action necessary to afford relief.

Staff Analysis: Due to lack of sufficient cause to grant the variance, no action is necessary to afford relief.

Development Standards Variance:

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

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

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

Staff Analysis: Approval of the variance would not impact continued use of adjoining property 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: A strict application of the ordinance would not allow for placement of an accessory structure on the property outside the floodplain.

Staff Recommendation

DENIAL of the **Floodplain Development Variances** primarily because the property includes adequate area outside of the Special Flood Hazard Area for placement of the structure.

If the Board chooses to approve the variances, Staff recommends the following **stipulations** to limit impacts to the floodplain and community:

1. If damaged by flood, the structure shall be restored to its previous condition or removed within three months from the date of the flood damage.
2. The petitioner shall notify any purchaser of the property of the granted variance.

3. The structure shall be firmly anchored to prevent flotation, constructed of flood resistant materials, and service facilities such as electrical and heating equipment shall be elevated above the FPG.
4. Use of the structure shall be limited to storage of maintenance equipment related to the residence or property.

APPROVAL of the **Development Standards Variance** primarily because the floodplain restricts placement of the structure in the rear yard.

Applicant/Owner Information

Applicant:	Richard N Smith 4310 S Sugar Creek Rd. Franklin, IN 46131	Owner:	Richard N & Susan Smith
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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.

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.

NO

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.)



Property Details

Location: 4155 W PR 733 S,
 Shelbyville, Jackson Township.

Property Size: 3.06-acres.

Current Land Use: Vacant.

Zoning Classification:

RE (Residential Estate)

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

Future Land Use per Comp Plan

Estate Residential

The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

	Zoning	Land Use
North	RE	Estate Res.
South	A1	Cropland
East	RE	Cropland
West	RE	Cropland

Staff Report

Case Number: BZA 22-18

Case Name: Kenneth & Brittani Willoughby – Use
 Variance

Request

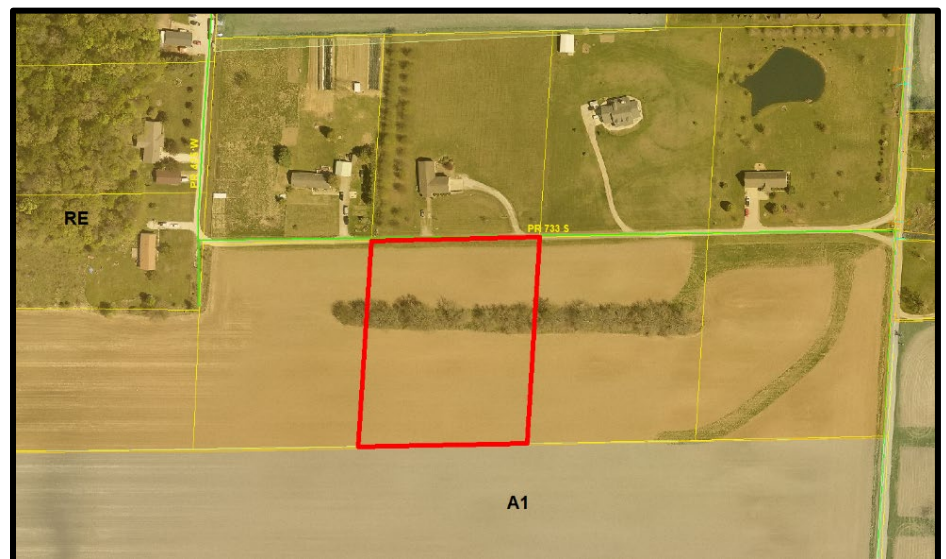
Variance of Use to allow for temporary occupancy of a recreational vehicle prior to construction of a new single-family dwelling.

Code Requirement

UDO Section 2.12 RE District Intent, Permitted Uses, and Special Exception Uses

Purpose of Requirement – Prohibition of RVs for occupancy in the RE District protects the character of rural neighborhoods and surrounding property values.

Property Map



Case Description

- The petitioners plan to place an RV on the property to use as their dwelling while they construct a new single-family residence.
- The petitioners intend to transport all black tank and grey tank water to an off-site RV waste dump station. The County Health Department does not

require installation of a septic system to service an RV occupied for a temporary period.

- The petitioners intend to place the RV under a partially enclosed RV-port to screen the RV from adjacent residential properties.

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 RV would sit in an inconspicuous location over 700-feet from the public road. The petitioners would dispose of all waste off-site.

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 petitioners intend to place the RV under a partially enclosed RV-port to screen the RV from adjacent residential properties.

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 temporary occupancy of an RV in an inconspicuous location on the property while the petitioners construct a new single-family residence.

Staff Recommendation

APPROVAL primarily because approval of the variance would allow for temporary occupancy of an RV in an inconspicuous location on the property while the petitioners construct a new house.

Recommended Stipulation:

1. A single-family residence shall be constructed on the property and receive a certificate of occupancy by April 12, 2023 (one year from the date of approval).

Applicant/Owner Information

Applicant:	Kenneth & Brittani Willoughby 4155 W PR 733 S Shelbyville, IN 46176	Owner:	Kenneth & Brittani Willoughby and Debra Weekly
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**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Brittani & Kenneth Willoughby

Case #: _____

Location: 4155 W PR 733 S Shelbyville, IN

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 temporary use of our RV during the home build process will not affect public health, safety, or welfare. We are in an remote location, all black tank and grey tank water will be transported off site to an RV waste dump station.

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.

Adjacent property value will not be negatively affected by this request as it is only temporary in nature. Furthermore the RV will be placed under a partially enclosed RV port which will hide the RV from nearest neighbor which is over 1,000 feet away.

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.

Being that this is a temporary request, it will not cause difficulty of use of the property, present or future. Once the home build is complete, the RV will no longer be used for living space and stored away.

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.)

Property Details

Location: 10176 N 600 W,
Fountaintown, Moral Township.

Property Size: 80-acres.

Current Land Use: Agricultural.

Zoning Classification:

A1 (Conservation Agricultural)

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

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

Future Land Use per Comp Plan Suburban Residential

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

Surrounding Development

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

Staff Report

Case Number: BZA 22-20

Case Name: Kerry Estes - Use Variance

Request

Variance of Use to allow for placement of a manufactured home in the A1 (Conservation Agricultural) District.

Variance of Development Standards to allow a dwelling less than 1,200 sq. ft.

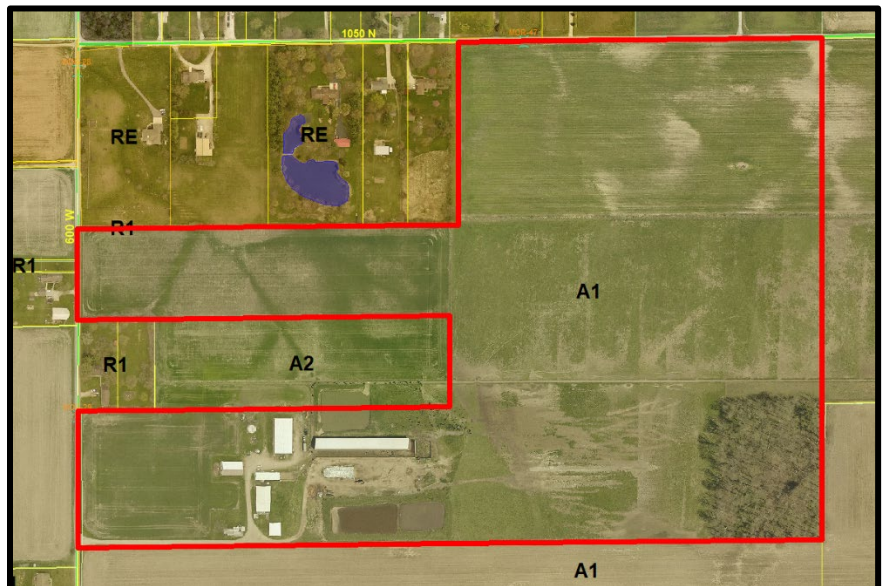
Code Requirement

UDO Section 2.03 – A1 District Intent, Permitted Uses, and Special Exception Uses

UDO Section 2.04 – *Minimum Dwelling Size: 1,200 Sq. Ft.*

Purpose of Requirements: The aesthetic characteristics of manufactured homes differ from the aesthetic characteristics of modular and stick-built single-family homes. Also, homes having a minimum floor area of 1,200 sq. ft. generally include higher quality architectural elements than smaller homes. Therefore, these requirements serve to protect the character of neighborhoods and surrounding property values.

Property Map



Case Description

- The petitioner currently operates a dairy farm on the property. The petitioner plans to place a manufactured home at the south end of the property near the farm buildings.
- The petitioner’s son intends to reside in the manufactured home.
- The petitioner has not yet chosen a home model, therefore has requested a variance to allow a home under 1,200 sq. ft. in the event they choose a floor plan under 1,200 sq. ft.
- The UDO only permits installation of manufactured homes in mobile home or manufactured home parks. Modular homes and stick-built homes are permitted in the A1 District. Mobile homes, manufactured homes, and modular homes are constructed, in part, off-site, however building code classifies each dwelling as a different type of construction. Primary differences include:

	Mobile Home	Manufactured Home	Modular Home
Certification	Federal Manufactured Housing Construction and Safety Standards Law	Federal Mobile Home Construction and Safety Standards	State & local residential building code
Dimensions	At least 8-feet in width	Minimum of 23-feet in width for 60% of length	Any dimension
Size	Any size	Over 950 sq. ft.	Typically, larger than mobile and manufactured homes
Foundation	May be tied with perimeter skirting	Must be on a permanent foundation in accordance with state & local residential building code	Must be on a permanent foundation in accordance with one- & two-family building code

- Use variances expire at the time the property changes ownership. Therefore, the future owner of the property would be required to remove the manufactured home or obtain a new variance.

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: Placement of the manufactured home would require approval of a Site Plan by the Technical Review Committee and approval of Improvement Location, Building, Electric, Plumbing, and Septic permits. All zoning development standards that apply to modular and stick-built homes would apply to placement of the manufactured home.

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: All zoning development standards that apply to modular and stick-built homes would apply to placement of the manufactured home. The home would sit in an area relatively isolated from other residential development and over 500 ft. from the public road, and therefore would not impact the character of the area.

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

Staff Analysis: The home would sit in an area relatively isolated from other residential development and over 500 ft. from the public road, and therefore would not impact the character of the area.

4. 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: A strict application of the ordinance would not allow for use of the property that would not conflict with the character of the area or Comprehensive Plan.

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

Staff Analysis: Approval of the variance would not restrict continued use of the property as a dairy farm.

Staff Recommendation

APPROVAL primarily because the home would sit in an area relatively isolated from other residential development and over 500 ft. from the public road, and therefore would not impact the character of the area.

Applicant/Owner Information

Applicant:	Kerry Estes / Estes Farm & Dairy LLC 5705 W 1100 N Fountaintown, IN 46130	Owner:	Same
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**USE VARIANCE
FINDINGS OF FACT**

Applicant: Kerry Estes

Case #: _____

Location: 10176 N 600 W, Fountaintown 46130

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.
This home will add no pollution to 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 residence will be approximately 500 ft. from the property to the west, and approximately 100 ft. from the property to the south (which is a farmed field).

3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved.

I am requesting this variance since the current ordinance does not allow a manufactured home. The manufactured home will appear like a traditional home.

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

The current ordinance will not allow me to have a manufactured home on my property, which is what I am seeking permission to do.

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

This home will be placed in an area that an existing home is present, so it will not be in an area that is farmed or can be farmed.



N 600 W

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N 600 W

Property Details

Location: 3535 N Morrystown Rd, Shelbyville, Marion Township.

Property Size: 0.16-acres.

Current Land Use: Vacant.

Zoning Classification:

RE (Residential Estate)

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

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

Future Land Use per Comp Plan

Parks, Open Space, & Conservation

The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

	Zoning	Land Use
North	A1	Big Blue River
South	A1	Cropland
East	A1	Cropland
West	RE	Estate Res..

Staff Report

Case Number: BZA 22-16

Case Name: Robert Keith & Sherry Lynn Branson – Use & Development Standards Variance

Request

Variance of Use to allow for recreational use as the primary use of property in the RE (Residential Estate) District.

Variance of Development Standards to allow an accessory structure eleven (11) feet from the front property line (minimum 50-foot setback required).

Code Requirement

UDO Section 2.11 RE District Intent, Permitted Uses, and Special Exception Uses

UDO Section 2.12 – *Minimum Front Yard Setback: 50-feet*

Purpose of Requirement – The front yard setback requirement allows for open space, ensures visibility along roadways, and reduces traffic hazards along roadways.

Property Map



Case Description

- The petitioners indicated that they intend to use the property for camping and other recreational purposes. They intend to have a recreational vehicle on site and plan to construct a 400 sq. ft. structure to store recreational equipment and personal items.

- The property has access to Morristown Rd. from a driveway intersecting the east property line. One residential homesite adjoins the property to the west. This home gains access to Morristown Rd. across the subject property and also through this driveway.
- The UDO only permits recreational use as the sole use of property and occupancy of RVs in the OP (Open Space & Parks) District. In the RE District, any recreational use must be an accessory use to a single-family residence. Permitting sole use of property for recreational purposes in residential neighborhoods could pose a nuisance to nearby properties and deviate from the character of the neighborhood.
- The UDO designates the front property line of interior lots as the lot line abutting the access point to the lot.
- The property lies within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area Zone A (map # 18145C0110C, effective on 11/05/2014) and Special Flood Hazard Area Floodway designated by the Indiana Department of Natural Resources (IDNR):
 - IDNR does not require a State permit for placement of a recreational vehicle in a Floodway if the vehicle is on site for less than 180 days and fully licensed and ready for highway use. The UDO does require a local permit for placement of a recreational vehicle in a Special Flood Hazard Area. With implementation of Staff's recommended stipulations, placement of the recreational vehicle would comply with all standards for Flood Hazard Areas identified in the UDO.
 - Structures constructed within the Floodway require a permit from IDNR and the County. The petitioner obtained a permit from IDNR on December 10, 2021. At the proposed building site, the Base Flood Elevation is 780.60 ft., and the Flood Protection Grade is 782.60 ft. The entire structure will be elevated on 6 1/2" by 6 1/2" steel I-Beams to an elevation of 783.00. The structure would comply with all standards identified in the UDO applicable to development within Flood Hazard Areas.
 - IDNR prohibits construction of new dwellings in the Floodway, which prohibits primary use of the property for residential purposes.

Staff Analysis of Findings of Fact

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: Passive personal recreational use of the property would have no perceivable impact on the public. Development of the property would comply with all State and Local codes applicable to development within the Special Flood Hazard Area. Use of the property for recreational use would protect property in the Floodway from higher intensity development.

- 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: Passive recreational use of the property would not impact continued use of adjacent property for agricultural production or detract from the natural features found in the immediate area.

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

Staff Analysis: IDRN prohibits construction of new dwellings in the Floodway, which prohibits primary use of the property for residential purposes.

4. 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: IDRN prohibits construction of new dwellings in the Floodway, which prohibits primary use of the property for residential purposes.

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

Staff Analysis: The Comprehensive Plan designates passive personal recreational use as an acceptable land use in the Parks, Open Space, and Conservation land use category.

Development Standards Variance

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 storage structure would require a building permit and the structure must comply with all building codes before passing a final inspection. The structure would comply with all State and Local codes applicable to development within the Special Flood Hazard Area.

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: Reduction of the required building setback would not impact continued use of the adjoining property 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 required property line setbacks limit the area available for development due to the relatively small size of the property.

Staff Recommendation

APPROVAL primarily because IDRN prohibits construction of new dwellings in the Floodway, which prohibits development of the property for residential purposes.

Staff recommends the following **stipulations**:

1. The recreational vehicle shall be on site for less than 180 consecutive days at a time.

2. The recreational vehicle shall be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions).
3. Noncompliance with any conditions of IDNR Permit approval or County Floodplain Permit approval shall void the variance approval.

Applicant/Owner Information

Applicant:	Robert Keith & Sherry Lynn Branson 3967 N Morrystown Rd. Shelbyville, IN 46176	Owner:	Same
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View of Morrystown Rd. from center of property



Staff Photograph – March 2022

View of river from center of property



Staff Photograph – March 2022

View of residential property to the west from center of property



Staff Photograph – March 2022

Applicant: ROBERT KEITH BRANSON

Case #: _____

Location: 3535 N. MORRISTOWN RD SHELBYVILLE IN 46172

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.

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.

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.

WOULD LIKE BUILDING A STORAGE BUILDING

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.)



CERTIFICATE OF APPROVAL

Application #: FW-31176-0

This Certificate of Approval is a Permit for Construction under the authority of the Indiana Flood Control Act, IC 14-28-1 with 312 IAC 10 as administered by the Department of Natural Resources.

Approval Issued To: Robert Branson, 3967 North Morristown Road, Shelbyville, IN 46176

Approval Issued By:

Mail Date: 11/22/2021

Nicholas Males, Division of Water

Permit Effective Date: 12/10/2021

Permit Expiration Date: 11/22/2023

Pursuant to IC 4-21.5-3-5(f), this Permit becomes Effective eighteen (18) days from the Mail Date to provide a stay period for a Petition for Administrative Review with the Indiana Natural Resources Commission, Division of Hearings. Initiating construction authorized in this Permit prior to the Permit Effective Date constitutes a violation. This Permit is only valid until the Permit Expiration Date.

This Permit may be renewed one (1) time if a written request is received at the DNR, Division of Water, prior to the Permit Expiration Date.

PROJECT INFORMATION:

Waterbody: Big Blue River

County: Shelby

Project Description Narrative: A new 33'-4" by 12' storage building will be built within the floodway. There will also be an 8' wide porch constructed across the entire frontage of the shed. The entire structure will be elevated on 6 1/2" by 6 1/2" steel I-Beams to an elevation of 783.00' NAVD88.

Project Location: 3535 North Morristown Road near Shelbyville

PERMIT CONDITIONS:

This Certificate of Approval is valid only if the construction project is in compliance with all Conditions in this Permit.

DNR PROJECT SPECIFIC PERMIT CONDITIONS

- 1) Revegetate all bare and disturbed areas that will be mowed and maintained with a mixture of turf-type grasses (excluding all varieties of tall fescue) as soon as possible upon completion.
- 2) Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the waterbody or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.

- 3) Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
- 4) Do not convert the structure into a residential building/residential use.
- 5) If the building or plans that are approved by DNR under this Certificate of Approval are changed or modified in order to meet the local floodplain management ordinance requirements, contact the Division of Water, Technical Services Section by email at water_inquiry@dnr.in.gov or by telephone at 317-232-4160 or toll-free at 1-877-928-3755 and select 1 during the recorded menu narrative. For you reference, the Base Flood Elevation (BFE) is 780.60 ft, NAVD, with an associated Flood Protection Grade (FPG) of 782.60 ft, NAVD.
- 6) Do not locate any electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities below the flood protection grade (base flood elevation plus two feet).
- 7) Except for the material used as backfill as shown on the plans submitted for the permit application, place all excavated material landward of the floodway*.
- 8) Do not leave felled trees, brush, or other debris in the floodway*.
- 9) Upon completion of the project, remove all construction debris from the floodway*.
- 10) Obtain the prior written approval of the Department for any additional construction, excavation or filling in or on the floodway* beyond the scope of the project.
- 11) * Note: For regulatory purposes, the floodway is defined on the attached Floodway Map.
- 12) Any building proposed for this site must have the top of the lowest floor constructed at least two (2) feet above the base flood elevation.

DNR PROJECT GENERAL PERMIT CONDITIONS

- 1) Any modifications or additional construction beyond what was shown on plans received at the Division of Water shall require an additional review and approval from the Department of Natural Resources.
- 2) This Permit must be posted and maintained at the project site until the project is completed.
- 3) This Permit shall not be assigned or transferred without the prior written approval of the Department of Natural Resources.
- 4) If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (IC 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days.
- 5) This Permit may be revoked by the Department of Natural Resources for violation of any condition or applicable statute or rule.
- 6) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the work authorized under this Permit.

Certificate of Approval Attachments: [FW-31176_FloodplainMap.pdf](#)

RIGHT TO ADMINISTRATIVE REVIEW:

A party may appeal this Department of Natural Resources Action through the administrative review procedures found in the Administrative Orders and Procedures Act, IC 4-21.5, and the rules promulgated thereunder 312 IAC 3-1. If an appeal is filed, the final agency determination will be made by the Natural Resources Commission following a legal proceeding conducted before an Administrative Law Judge. The Department of Natural Resources will be represented by legal counsel at all stages of administrative review.

In order to obtain an administrative review, a written petition must be filed with the Division of Hearings within 18 days of the Mail Date of the Action. The petition must contain specific reasons for the appeal and indicate the portion or portions of the project to which the appeal pertains. The petition must be addressed to the Division of Hearings, Indiana Government Center North, Room N103, 100 North Senate Avenue, Indianapolis, Indiana 46204

SERVICE LIST:

Applicant(s):

Robert Branson, 3967 North Morristown Road, Shelbyville, IN 46176

Agent(s):

Space and Sites LLC, Tony Nicholson, 6 East Taylor Street, Shelbyville, IN 46176

Adjacent Landowners and Interested Parties:

Shelby County Plan Commission, Desiree Calderella, 25 West Polk Street, Room 201, Shelbyville, IN 46176

Randy Cox, PO Box 103, Shelbyville, IN 46176

Kathy Kuntz, 4030 North PR 145 East, Shelbyville, IN 46176

Courtesy Notification:

US Army Corps of Engineers, Louisville District PO Box 59, Louisville, KY 40201

Shelby County SWCD, Jill Williams, 2779 South 840 West, Manilla, IN 46150

Shelby County Drainage Board, Taylor Sumerford, 25 West Polk Street Room B020, Shelbyville, IN 46176

Indiana Department of Natural Resources, Division of Law Enforcement District 6 Headquarters 11 Durbin Street, Camp Atterbury, Edinburgh, IN 46124

ADDITIONAL PERMITTING AGENCIES:

This is not a waiver of any local ordinance or other state or federal law and does not relieve the permittee of any liability for the effects which the project may have upon the safety of the life or property of others.

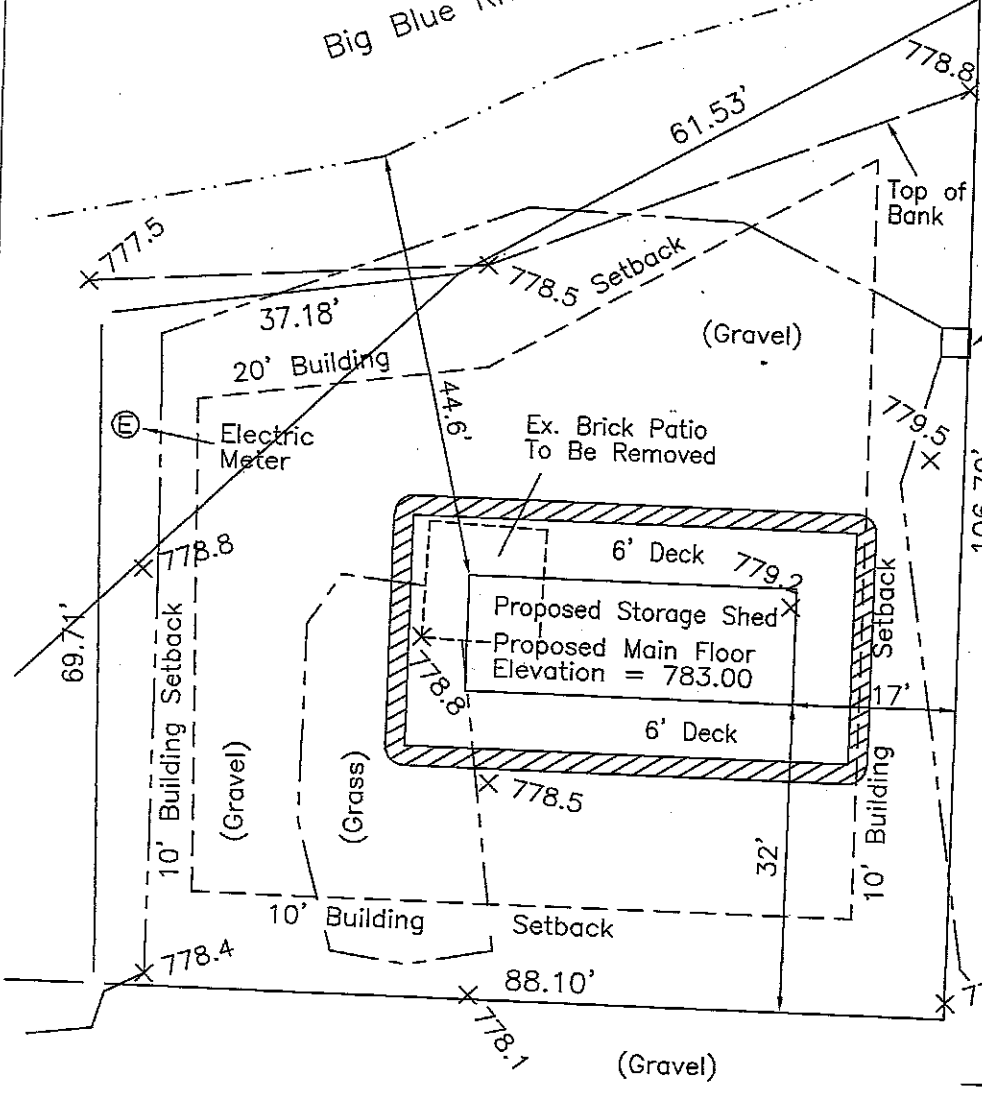
This does not relieve the permittee of the responsibility of obtaining permits, approvals, easements, etc. under other regulatory programs administered by, but not limited to, the U.S. Army Corps of Engineers, County Drainage Board, Indiana Department of Environmental Management and local, city, or county floodplain management, planning or zoning commissions.

Property Address:
 3535 N. Morrystown Road
 Shelbyville, IN 46176

Big Blue River

Legend

- Property Line
- Edge of Gravel
- Top of Bank
- Edge of Water
- Existing Elevation
- Disturbed Area

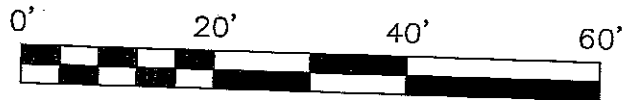
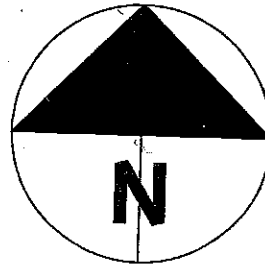


Notes:
 The parcel lies entirely within Zone A of a Special Flood Hazard Zone per FIRM Number 18145C0110C.

The Base Flood Elevation (BFE) is 780.6 per the Indiana Floodplain Information Portal on the Indiana Department of Natural Resources website.

A 16.5' Ingress Egress Easement on the south side provides access to the site along a gravel drive from Morrystown Road.

Benchmark:
 Mag Spike on North Side of Fence Post
 Elevation - 779.37



1" = 20'

Range Line
 Surveying

Phone: 317-623-7000

Prepared by: Steven W. Koehne, LS20800128

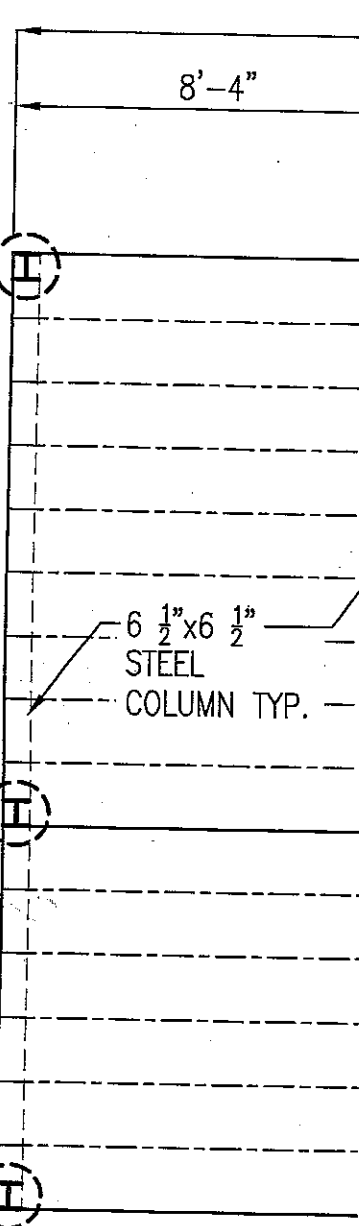
JOB NUMBER: 2021-004

SCALE: 1" = 20'

Field work: April 2021

Page 1 of 1

REMOVABLE RAILING



Property Details

Location: 1304 N Michigan Rd,
 Shelbyville, Addison Township.

Property Size: 9-acres.

Current Land Use: Government
 Operation.

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

Incorporated Planning Area /
 Commercial

Commercial areas may include a mix of retail and commercial office. These areas identified in the Future Land Use Map are intended to act as buffers between industrial uses and residential. Commercial areas also serve the local needs of the area; convenience shopping or medical offices may serve as neighborhood commercial hubs. The commercial classification is also located along corridors where shopping, amenities and business office exposure is highest.

	Zoning	Land Use
North	C2	Industrial
South	RE	Single-Family Res.
East	Res. PD / BH (Shelbyville)	Cropland / Natural Resources
West	C2 / RE	Single-Family Res.

Staff Report

Case Number: BZA 22-19

Case Name: Shelby County Board of Commissioners
 – Development Standards Variances

Request

Variances of Development Standards to allow:

1. A 50-foot-tall accessory structure.
2. Two accessory structures 10-feet from the rear property line.

Code Requirement

UDO Section 2.28 – Maximum Structure Height: 25-feet for accessory structure

UDO Section 2.28 – Minimum Rear Yard Setback: 20-feet

Purpose of Requirements – Height restrictions limit casting of shadows from taller structures on neighboring property and maintain consistency of development design within the jurisdiction. The rear setback requirement allows for open space, provides privacy between properties, reduces the likelihood of accidentally building the structure over a property line, and helps maintain the character of neighborhoods.

Property Map



Case Description

- The petitioner plans to redevelop the existing Highway Garage property. The redeveloped site, named the Shelby County Complex, will include the Highway Department facilities and Shelby County Recycling District facilities.
- Proposed development includes a maintenance garage, salt barn, two equipment storage sheds, recycling office, recycling transfer station, detention basin, landscaping, fencing, and parking lot resurfacing and grading. The current highway garage and fuel station will remain on site.
- The recycling transfer station would exceed the maximum height requirement for accessory structures. The transfer station would sit 20-feet from the property line which adjoins property slated for a detention pond of a new residential subdivision.
- The two equipment storage sheds would not comply with the rear setback requirement. The equipment sheds would sit 10-feet from the property line adjoining property designated as a Classified Forest. The State restricts most structural development on properties designated as a Classified Forest.

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: Development of the site would require Site Plan Approval and applicable construction permits. The site must comply with the Site Plan and building code before grant of a Certificate of Occupancy. Therefore, development of the site would not pose a negative impact to the 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 transfer station would likely cast shadows on adjacent property slated for a detention pond of a new residential subdivision, however the casting of shadows would not impact the function of the pond. Landscape buffering between the transfer station and residential subdivision would mitigate the aesthetic deviation between the two uses. Reduction in the setback of the equipment sheds would not impact the adjacent Classified Forest restricted from development.

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: Site geometry, equipment turning constraints, and typical dimensions of buildings for a permitted use of the property restrict development of the site without approval of the variances.

Staff Recommendation

APPROVAL primarily because approval of the variances would not impact adjacent property slated for a detention pond or adjacent property designated as Classified Forest restricted from development.

Staff recommends the follow **stipulation**:

1. Landscape Buffer 'C' as identified in the Unified Development Ordinance shall be installed between the transfer station and property line.

Applicant/Owner Information

Applicant:	Shelby County Board of Commissioners 25 W Polk St, Room 206 Shelbyville, IN 46176	Owner:	Same
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Representative:	Christopher M. King, Runnebohm Construction Company 144 East Rampart Street Shelbyville, IN 46176
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DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Shelby County Board of Commissioners - Setback Variance

Case #: _____

Location: 1304 North Michigan Road, 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. Approval of the requested variance will not be injurious to the public health, safety
or general welfare of the community. The proposed project will allow the county
to provide vital public services to county residents.

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 proposed project will result in a significant investment in county owned property
and the buildings requested for the setback variance will provide an additional buffer
to adjacent properties from current county highway operations.

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. Site geometry and equipment turning constraints result in the practical difficulty of
meeting the rear setback standard. A variance of this standard will allow the enhanced
delivery of public services to county residents.

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.)

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Shelby County Board of Commissioners - Structure Height Variance

Case #: _____

Location: 1304 North Michigan Road, 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. Approval of the requested variance will not be injurious to the public health, safety
or general welfare of the community. The proposed project will allow the county
to provide vital public services to county residents.

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 proposed project will result in a significant investment in county owned property.
The proposed structure will allow current unloading and loading activities to be
conducted under cover and more visually shielded from adjacent 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. The additional structure height is required for unloading in a covered area, resulting
in a practical difficulty in meeting the height standard. A variance of this standard will
allow the enhanced delivery of public services to county residents.

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.)

Shelby County Complex
Variance Application Site Plan
NTS - 3.22.2022



Property Details

Location: 2675 E Beechwood Trail, Morristown, Hanover Township. Blue River Trails, Section 2, Lots 10 & 11.

Property Size: ~0.85-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

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.

	Zoning	Land Use
North	R1	Single-Family Res.
South	GR (Morristown)	Cropland
East	R1	Single-Family Res.
West	R1	Single-Family Re.

Staff Report

Case Number: BZA 22-12
Case Name: Mike Peoples – Development Standards Variance

Request

Variance of Development Standards to allow for a 1,320 sq. ft. accessory structure exceeding 50% the square footage of the footprint of the residence.

Code Requirement

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

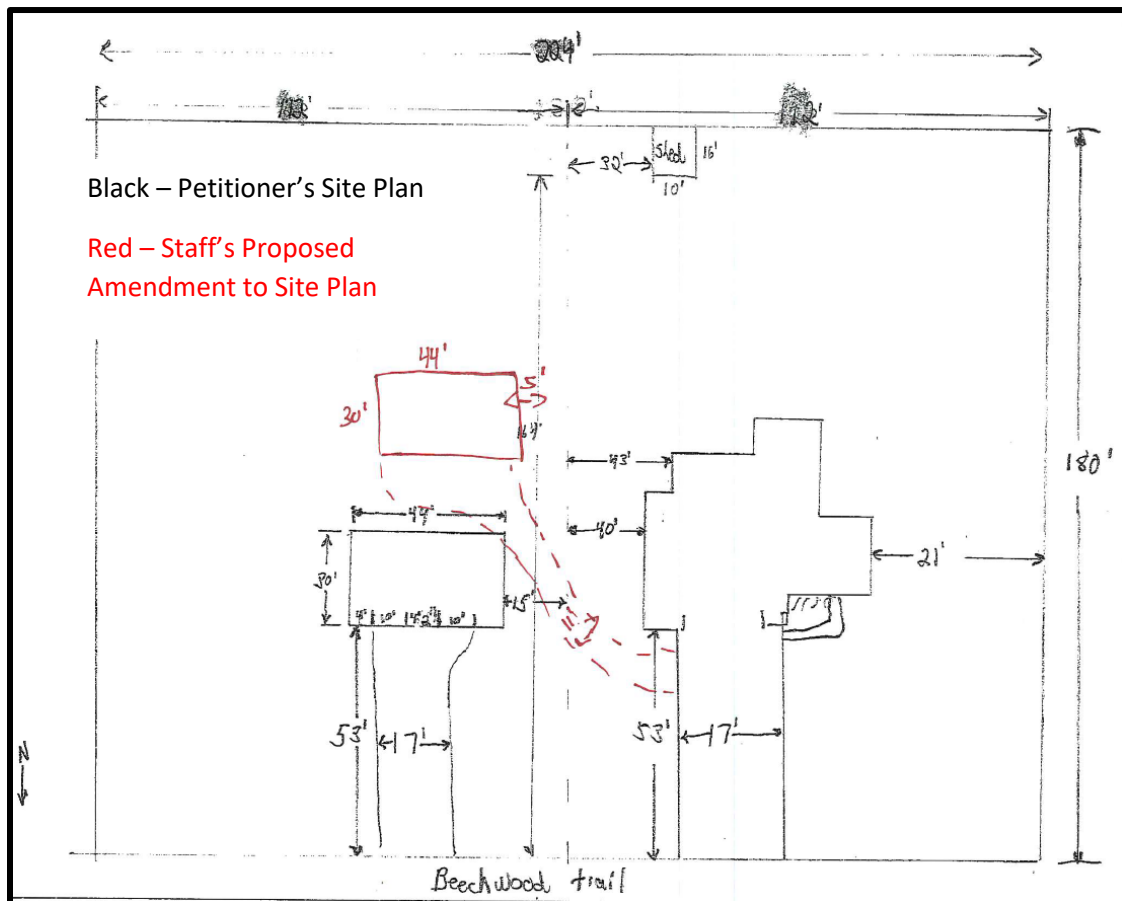
Property Map



Case Description

- The petitioner plans to construct a 30'x44' (1,320 sq. ft.) accessory structure.

- The square footage of the structure would equal approximately 69% the square footage of the footprint of the house. The property tax card provides the square footage of the house for the square footage calculation.
- The property consists of two lots (Lot 10 & Lot 11) within the Blue River Trails Subdivision. The existing home sits on Lot 11 and the proposed accessory structure would sit on Lot 10. The UDO allows designation of adjoining parcels under the same ownership as one lot for building and zoning purposes.
- The petitioner stated that one other lot in Blue River Trails includes an accessory structure without a house.
- The petitioner proposes to construct the accessory structure an equal distance from the road as the house and to add a new driveway cut to access the structure directly from Beechwood Trail. The petitioner stated that they chose the proposed location to provide future owners of the lot the option to use the structure as an attached garage to a new house. The UDO requires a paved driveway in the R1 District.
- In the opinion of Staff, the location of the structure at the proposed size would render the property inconsistent with other properties in the neighborhood which generally include a house and smaller accessory structure on a half-acre lot. Staff proposes relocation of the structure further from the road and closer to the property line, and removal of the second driveway cut, to give the property the appearance of one cohesive development.



Staff Analysis of Findings of Fact

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

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

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

Staff Analysis: The property includes more acreage than most properties in the neighborhood, therefore an accessory structure slightly larger than permitted would not overcrowd the lot. However, the location of the structure at the proposed size would render the property inconsistent with other properties in the neighborhood which generally include a house and smaller accessory structure on a half-acre lot.

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 accessory structure slightly larger than permitted on property including more acreage than typical properties in the neighborhood.

Staff Recommendation

APPROVAL primarily because the property includes more acreage than most properties in the neighborhood, therefore an accessory structure slightly larger than permitted would not overcrowd the lot.

Staff recommends the following **stipulation**:

1. The location of the accessory structure and new driveway shall be consistent with the Site Plan as amended by Staff.

Applicant/Owner Information

Applicant:	Mike Peoples 2675 E Beechwood Trl. Morristown, IN 46161	Owner:	Mike & Kyra Peoples
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Proposed Building Site and Existing Home



Staff Photograph – March 2022

**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 public health, safety, or general welfare will be harmed or affected by this variance.

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 adjacent areas & property will not be affected negatively from this 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.

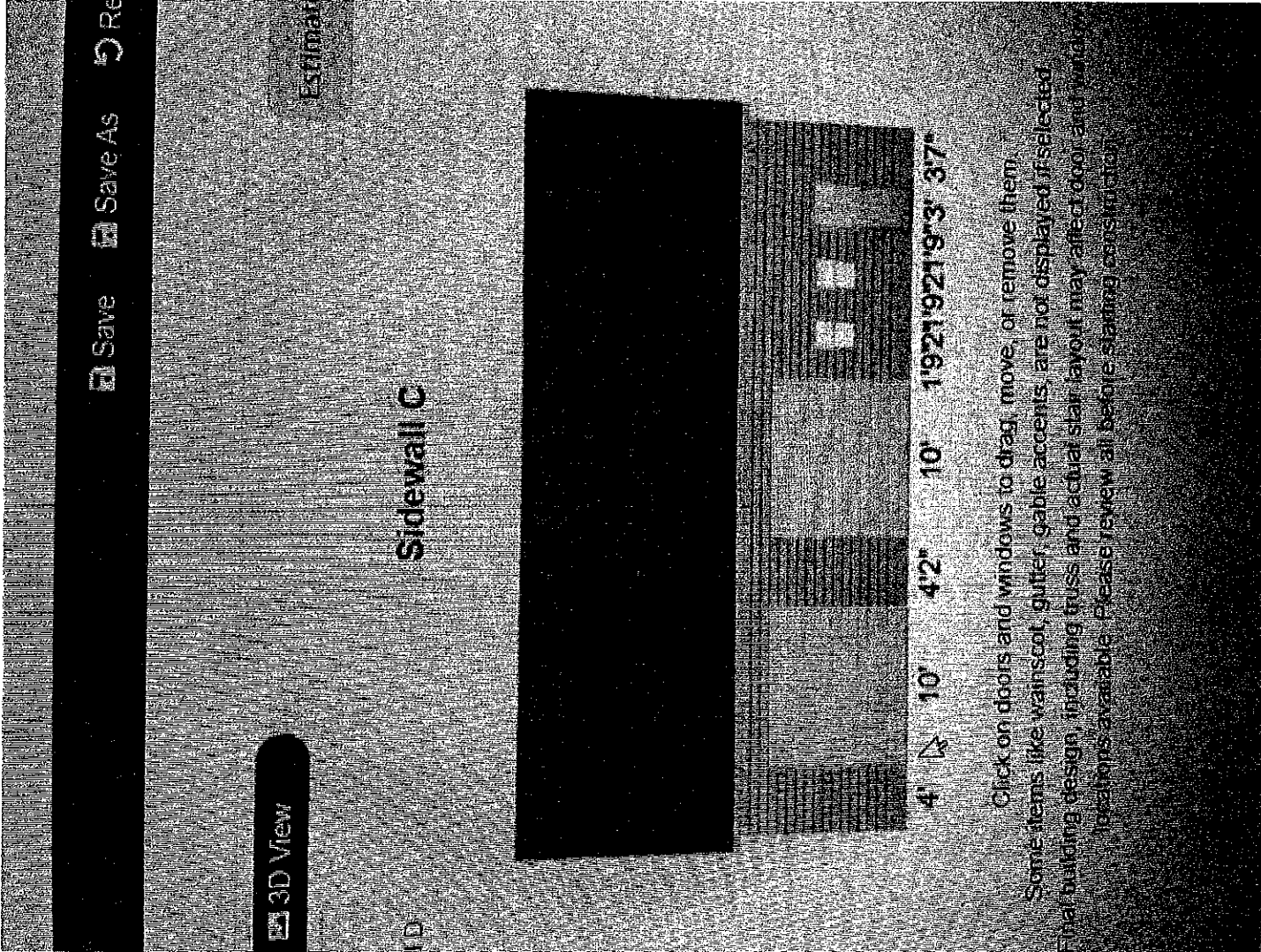
No

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.)

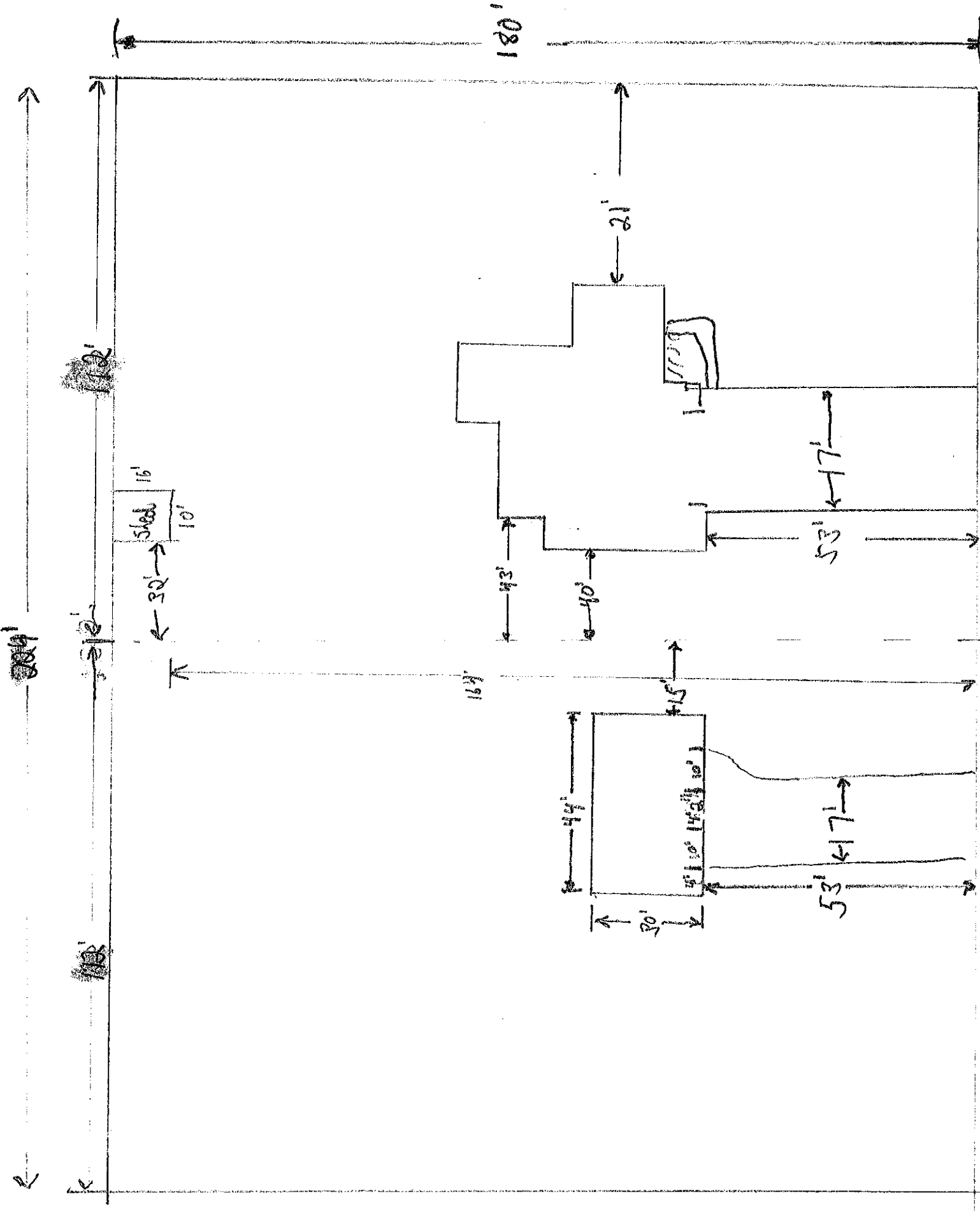
Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

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.)

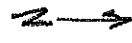


FOR PROUSE
Save View at
New 2022/2022
MOTORSYSTEMS.COM

Click on doors and windows to drag, move, or remove them.
Some items like rainscap, gutter, gable accents, are not displayed if selected.
Final building design, including truss and actual stair layout may affect door and window
locations available. Please review all before starting construction.



Beechwood trail



Property Details

Location: 4736 W 1100 N, New Palestine, Moral Township. Lakeview Estates, Lot 28.

Property Size: 0.57-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

Agricultural

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	R1	Single-Family Res.
South	A1	Cropland
East	R1	Single-Family Res.
West	R1	Single-Family Res.

Staff Report

Case Number: BZA 22-13

Case Name: Jason Burnett – Development Standards Variance

Request

Variance of Development Standards to allow for construction of a 3,000 sq. ft. pole barn prior to construction of a home.

Code Requirement

UDO Section 5.07 B: *Timing of Installation:* Accessory structures shall not be permitted prior to the erection of a primary structure. However, they may be built and completed simultaneously.

Purpose of Requirement: Prohibiting construction of an accessory structure prior to a single-family home protects the character of residential neighborhoods and discourages use of accessory buildings for activities that would generally pose a nuisance to a home located on the lot.

Property Map



Case Description

- The petitioner plans to construct a 40'x72' pole barn at the northwest corner of the property for personal use.
- The petitioner plans to build a home on the property within two years.
- The petitioner currently resides on another lot within the Lakeview Estates neighborhood.
- The property previously included a home which was demolished in 2018.
- The UDO restricts the size of residential accessory structures in the R1 District to 50% the square footage of the footprint of the house. Most homes in Lakeview Estates range between 1,500 sq. ft. and 2,000 sq. ft. Therefore, the UDO would limit most accessory structures in the neighborhood to under 1,000 sq. ft.
- Two nearby properties outside of the Lakeview Estates neighborhood include accessory structures over 1,000 sq. ft., however the largest of these structures does not exceed 2,700 sq. ft.

Staff Analysis of Findings of Fact

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

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

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

Staff Analysis: The structure would sit at the rear of the property and outside the area of the lot generally occupied by a residential structure. Therefore, temporarily having a structure on the lot without a house would not appear conspicuous. However, the proposed size of the structure would conflict with the size of other accessory structures in the neighborhood.

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

Staff Analysis: A strict application of the ordinance would prohibit use of the property for residential purposes by a nearby homeowner.

Staff Recommendation

APPROVAL primarily because the structure would sit at the rear of the property and outside the area of the lot generally occupied by a residential structure. Therefore, temporarily having a structure on the lot without a house would not appear conspicuous.

Staff recommends the follow **stipulations**:

1. The structure shall not exceed an area of 1,000 sq. ft. and a height of 20-feet.
2. The variance shall be void if a single-family residence is not constructed and granted a final certificate of occupancy by April 12, 2025.

Applicant/Owner Information

Applicant:	Jason Burnett 4663 W 1120 N New Palestine, IN 46163	Owner:	Jason & Sylvia Burnett
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View north standing at 1100 N



Staff Photograph – March 2022

View east standing at 1100 N



Staff Photograph – March 2022

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Jason Burnett

Case #: _____

Location: 4736 W 1100 N New Palestine 46163

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.

Building would cause no community harm, it would be all electric building and be for personnel use only.

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.

Building would help adjacent property by eliminating the lot from being empty.

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.

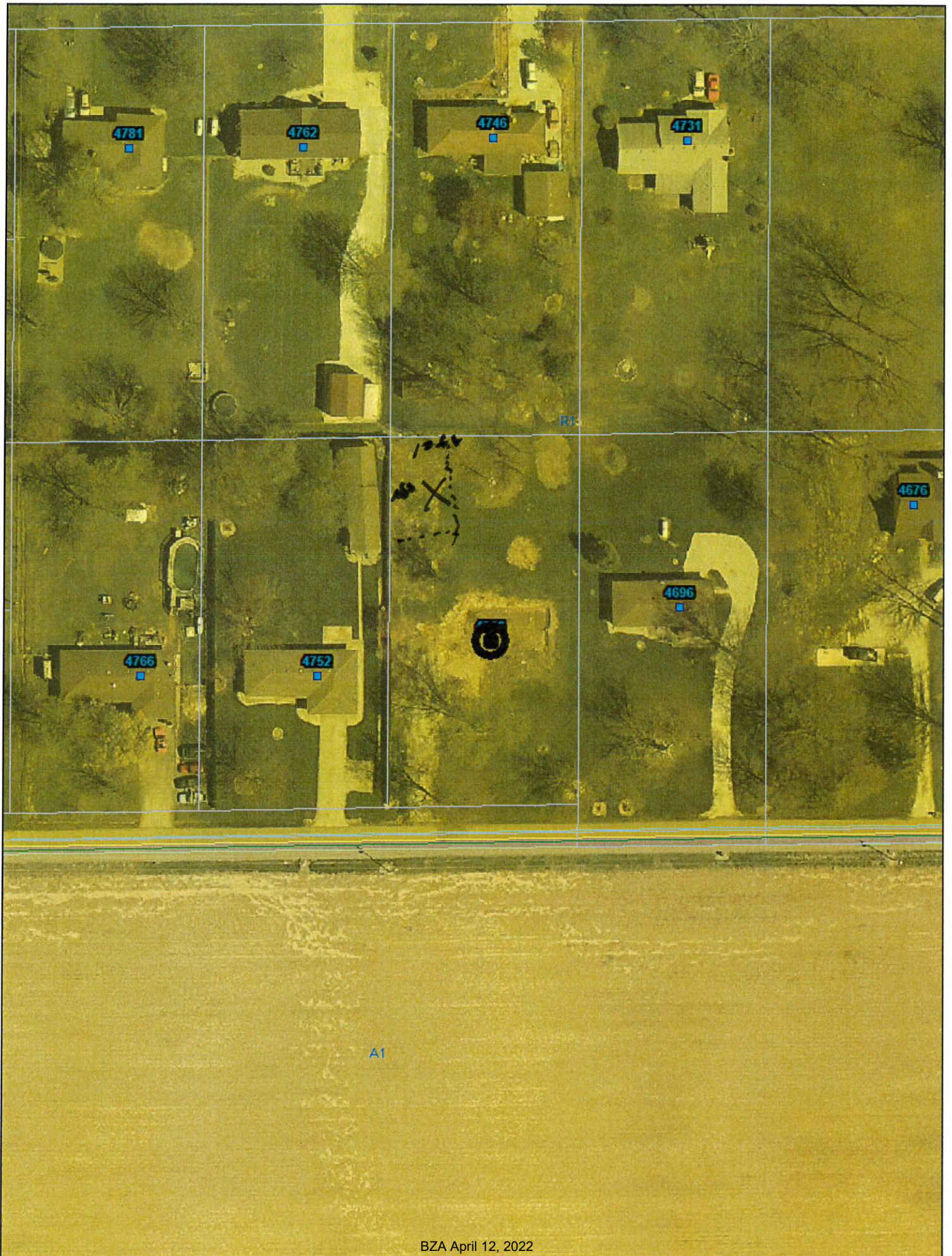
Building would not be for economic gain nor will it change topography of the lot or affect septic of nearby land. Property will continue to be residential use.

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.)



A1

Property Details

Location: 5879 N PR 660 W,
 Fairland, Sugar Creek Township.

Property Size: 5.02-acres.

Current Land Use: Estate
 Residential (under construction)

Zoning Classification:

RE (Residential Estate)

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

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

Future Land Use per Comp Plan

Parks, Open Space, & Conservation
The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

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

Staff Report

Case Number: BZA 22-17
Case Name: Danny Rigdon – Development Standards
 Variances

Request

Variances of Development Standards to allow:

1. A single-family home having a basement below the Flood Protection Grade in a Special Flood Hazard Area.
2. Grant of a variance from floodplain standards for development on a lot over ½-acre.

Code Requirement

UDO Section 5.20 E 2 b: *Residential Structures: New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement (portion of a structure having its floor sub-grade (below ground level) on all sides), at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.*

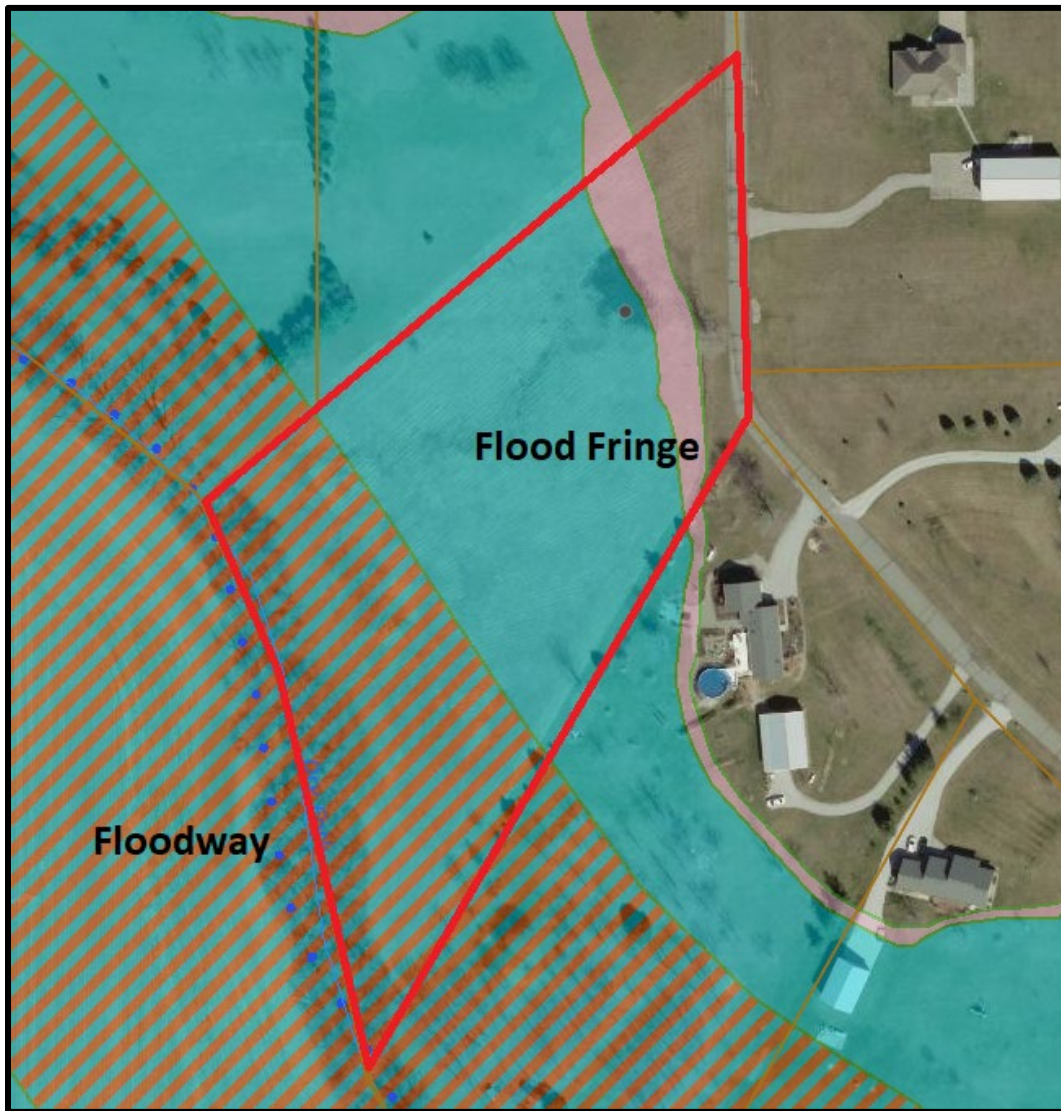
UDO Section 5.20 F 4 d: *Variances to the Provisions for Flood Hazard Reduction of Article 5.30, Section E.2., may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.*

Purpose of Floodplain Elevation Requirement: The UDO requires elevation of basements two (2) feet above the Base Flood Elevation (BFE) (FPG is defined as 2-feet above the BFE) on a permanent land fill for the purposes of:

- Diverting floodwaters around the engineered landfill to avert the cumulative effect of obstructions in floodplains, which includes increase in flood heights and velocities. Limiting increased flood heights and velocities protects the community by:
 1. Protecting human life and health.
 2. Minimizing expenditure of public money for costly flood control projects.
 3. Minimizing the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
 4. Minimizing prolonged business interruptions.
 5. Minimizing damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
 6. Maintaining a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
- Protecting utilities and finished components of structures from flood damage.
- Making federal flood insurance available for structures and their contents in the County by fulfilling the requirements of the National Flood Insurance Program. **Granting of variance requests could jeopardize the County's participation in the National Flood Insurance Program.** The National Flood Insurance Program offers a federally backed insurance alternative to homeowners and businesses to meet the escalating costs of repairing flood damage to buildings and their contents.

Purpose of Floodplain Lot Size Restriction: Lots over one-half acre generally have area available to either locate a structure out of the floodplain, elevate a structure from a higher elevation on the lot, or to elevate the structure on a portion of the lot that will not cause adverse drainage impacts to adjoining properties.

Property Map



Case Description

- Most of the property lies within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (map # 18145C0085C, effective on 11/05/2014). The rear portion of the property lies within the Floodway in which the Indiana Department of Natural Resources (IDNR) prohibits construction of new dwellings. The front portion of the property lies within the Flood Fringe, eligible for development of new dwellings in compliance with UDO Section 5.30 FP-1 General Floodplain Standards.
- The petitioner obtained Site Plan Approval from the Technical Review Committee, construction permits, and a Floodplain Permit in October of 2021 to construct a new single-family residence in the Special Flood Hazard Area Flood Fringe area.

- The approved Site Plan included a two-story single-family home with three-car attached garage on an approximately 3,000 sq. ft., four-foot-tall crawl space.
- The approved Site Plan and permits included several conditions to ensure that the structure would comply with UDO Section 5.30 FP-1 General Floodplain Standards. Conditions most relevant to this petition include:
 - The Flood Protection Grade (FPG) for this project is 772.7 ft.
 - The crawl space shall include at least two openings in the exterior walls.
 - The structure shall not be altered from the plans submitted with this permit application, including the addition of utilities, without prior authorization from the Floodplain Administrator.
- The UDO requires the basement of a dwelling at or above the Flood Protection Grade. The UDO defines a basement as that portion of a structure having its floor sub-grade (below ground level) on all sides.
- The UDO permits the crawl space of a dwelling below the Flood Protection Grade if it has at least two openings in exterior walls to allow for entry and exit of floodwaters. The approved Site Plan showed a crawl space at the same elevation as the lowest adjacent grade; therefore, the crawl space would not fall under the definition of a basement.
- In February of 2022 the petitioner's contractor scheduled a framing inspection. At that time the Building Inspector noted non-permitted basement walls poured without an inspection and notified the Planning Director.
- The as-built Site Plan shows the floor of the basement a 764.32 ft., 7.68 ft. lower than the lowest adjacent grade and 8.38 ft. lower than the Flood Protection Grade. To bring the structure into compliance with the UDO, the petitioner would need to bring up the floor of the basement to the lowest adjacent grade with 7.68 ft. of fill material, and add two openings in the area above grade to allow for entry and exit of floodwaters. The basement would then qualify as a crawl space per the UDO and could sit below the Flood Protection Grade.
- After completion of the home, the petitioner plans to add fill dirt around the perimeter of the structure to qualify for removal of the structure from the Flood Hazard Area.
 - The petitioner must apply to FEMA for a LOMR-F (Letter of Map Revision Based on Fill) to remove the structure from the Flood Hazard Area.
 - As part of the application, the Planning Director must certify that 'we have determined that the land and any existing or proposed structures to be removed from the Special Flood Hazard Area are or will be reasonably safe from flooding'. IDNR does not recommend that the Planning Director sign the certification form unless the structure complies with UDO Section 5.30 FP-1 General Floodplain Standards (see attached email).
 - The Planning Director informed the petitioner that she will sign the certification form if the BZA assumes the risk of potential compliance issues with FEMA and determines that the structure will be reasonably safe from flooding by grant of the variances.
 - Per FEMA guidance documents, a structure with a basement removed from the Flood Hazard Area may well be impacted by subsurface flooding brought on by surface flooding.

- In accordance with the UDO, when approving a variance from floodplain development standards, the BZA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the UDO, and;
 - The danger of life and property due to flooding or erosion damage.
 - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - The importance of the services provided by the proposed facility to the community.
 - The necessity of the facility to a waterfront location, where applicable.
 - The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - The compatibility of the proposed use with existing and anticipated development,
 - The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

Staff Analysis of Findings of Fact

Floodplain Development Standards Variance:

1. UDO Requirement: A showing of good and sufficient cause.

Staff Analysis: Per FEMA variance criteria guidance, good and sufficient cause deals solely with unique site-specific physical characteristics of the property. No physical characteristic of the property requires construction of a basement to develop the property.

2. UDO Requirement: A determination that failure to grant the variance would result in exceptional hardship.

Staff Analysis: Per FEMA variance criteria guidance, the hardship that would result from failure to grant a requested variance must be exceptional, unusual, and specific to the property involved, not the personal circumstances of the applicant. The need for the variance is self-imposed due to development of the property not in compliance with the approved Site Plan, therefore an exceptional hardship does not exist.

3. UDO Requirement: A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

Staff Analysis:

Granting of the variances may result in additional threats to public safety, extraordinary public expense, and fraud or victimization of the public.

Additional Threats to Public Safety: Per FEMA variance criteria guidance, allowing habitable area below the flood protection grade increases risk to emergency personal if they would need to rescue occupants from a flooded structure.

Extraordinary Public Expense: Per FEMA variance criteria guidance, issuing a variance to allow habitable areas below the flood protection grade may result in extraordinary public expense including time and equipment expended by emergency service personal and public assistance programs offered to homeowners impacted by flooding,

Fraud or Victimization of the Public: Per FEMA variance criteria guidance, fraud or victimization of the public occurs when an unsuspecting buyer purchases a property including a structure granted a variance. The current property owner should notify any future purchaser of the property of the granted variance.

4. UDO Requirement: The variance is the minimum action necessary to afford relief.

Staff Analysis: Due to lack of sufficient cause to grant the variance and lack of exceptional hardship, no action is necessary to afford relief.

Staff Recommendation

DENIAL primarily because the need for the variance is self-imposed due to development of the property not in compliance with the approved Site Plan, therefore an exceptional hardship does not exist.

If the Board chooses to approve the variances, Staff recommends the following **stipulations** to limit impacts to the floodplain and community:

1. The variance shall be void if the structure is not removed from the Flood Hazard Area by a LOMR-F by April 12, 2025.
2. The variance shall be void if the completed structure does not comply with the As-Built Site Plan submitted with the variance application (other than the provisions applicable to the crawl space).
3. The petitioner shall notify any purchaser of the property of the granted variance.
4. Use of the basement shall be limited to storage.
5. The basement shall not be partitioned or finished into separate rooms.

Applicant/Owner Information

Applicant:	Danny Rigdon 4695 W 700 N Fairland, IN 46126	Owner:	Danny & Maria Rigdon
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From: [Pearson, Darren M.](#)
To: [Desiree Calderella](#)
Subject: RE: LOMR-F Question
Date: Tuesday, September 14, 2021 1:37:42 PM
Attachments: [mt 1 form rev 04 2013.pdf](#)
[USFWS Contact Information.docx](#)
[Risk MAP Fact Sheet ESA.PDF](#)
[Technical Bulletin 10 Ensuring That Structures Built on Fill In or Nearpdf](#)

Desiree,

I have attached the MT-1 forms that are used for an application for a LOMR-F. Page 5 of the pdf is the Community Acknowledgment Form. The local floodplain administrator would be asked to complete/sign Section A of the Community Acknowledgment Form. The sentence highlighted in green discuss the requirement to be reasonably safe from flooding. I would not recommend signing the community acknowledgement form when the lowest floor (basement) is below the Base Flood Elevation. That is a good way to get into compliance issues FEMA.

A. **REQUESTS INVOLVING THE PLACEMENT OF FILL** As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. For Conditional LOMR-F requests, the applicant has or will document Endangered Species Act (ESA) compliance to FEMA prior to issuance of the Conditional LOMR-F determination. For LOMR-F requests, I acknowledge that compliance with Sections 9 and 10 of the ESA has been achieved independently of FEMA's process/ Section 9 of the ES! prohibits anyone from "taking" or harming an endangered species/ If an action might harm an endangered species, a permit is required from U.S. Fish and Wildlife Service or National Marine Fisheries Service under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by DHS-FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHSFEMA for a possible map revision.

In Section A.,

1. You are acknowledging that the project met all of the community's floodplain management requirements including that no fill was placed in the floodway and that all necessary Federal, State, and Local permits were obtained. (This should be done already as part of the permit process).
 - If for a Conditional LOMR-F, then you are acknowledging that the proposed project will meet all of the community's floodplain management requirements including that no fill was placed in the floodway and that all necessary Federal, State, and Local

permits will be obtained.

2. You are acknowledging that the project is in compliance with Section 9 and 10 of the Endangered Species Act (ESA). To verify this, the applicant should provide to you either: a permit from US Fish and Wildlife Service (USFWS) if there is an impact to an endangered species or a letter from the USFWS that states that the project is in compliance with Sections 9 and 10 of the ESA (no endangered species are impacted). I have attached contact information for the USFWS offices in Indiana. The applicant should contact the Bloomington Office.
 - If for a Conditional LOMR-F, the applicant has to document ESA Compliance prior to issuance of the Conditional LOMR-F.
3. Determination that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding. (Refer to Technical Bulletin 10 (attached))
 - Many of the communities in the state require the applicant to provide a certification from an engineer that the project is reasonably safe from flooding. The communities then use the certification as their documentation that the site is reasonably safe from flooding.

All three parts of Section A. need to be met before the community acknowledgement form can be signed. All documentation should be kept in your records.

B. PROPERTY LOCATED WITHIN THE REGULATORY FLOODWAY As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this request for a LOMA. We understand that this request is being forwarded to DHS-FEMA to determine if this property has been inadvertently included in the regulatory floodway. **We acknowledge that no fill on this property has been or will be placed within the designated regulatory floodway. We find that the completed or proposed project meets or is designed to meet all of the community floodplain management requirements.**

In Section B.,

1. You need to make sure that no fill has been placed or will be placed in the floodway.
2. You are stating that the project meets all of the community's floodplain management regulations. (This should be done already as part of the permit process).
 - If for a Conditional LOMR-F, you are agreeing (after review) that the proposed project is designed to meet all of the community's floodplain management regulations.

Both parts of Section B. need to be met before the community acknowledgement form can be signed. All documentation should be kept in your records.

Let me know if you have additional questions.

Darren M. Pearson, CFM
State NFIP Coordinator
Indiana Department of Natural Resources

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Danny Reason

Case #: _____

Location: 5879 N PR 660 W, FARLAND, 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 request is for a basement at our home that we are in process of raising out of the flood plain elevations.

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 of adjacent areas/properties will not be impacted in an adverse manner in any way.

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 application of the zoning ordinance would have been impractical with respect to additional time (several months) and additional costs (\$20-40 thousand) and would not continue to be needed upon completion of the LOMA process with FEMA to remove (re-map) the flood plain elevations of the property.

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

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

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

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

Site Plan

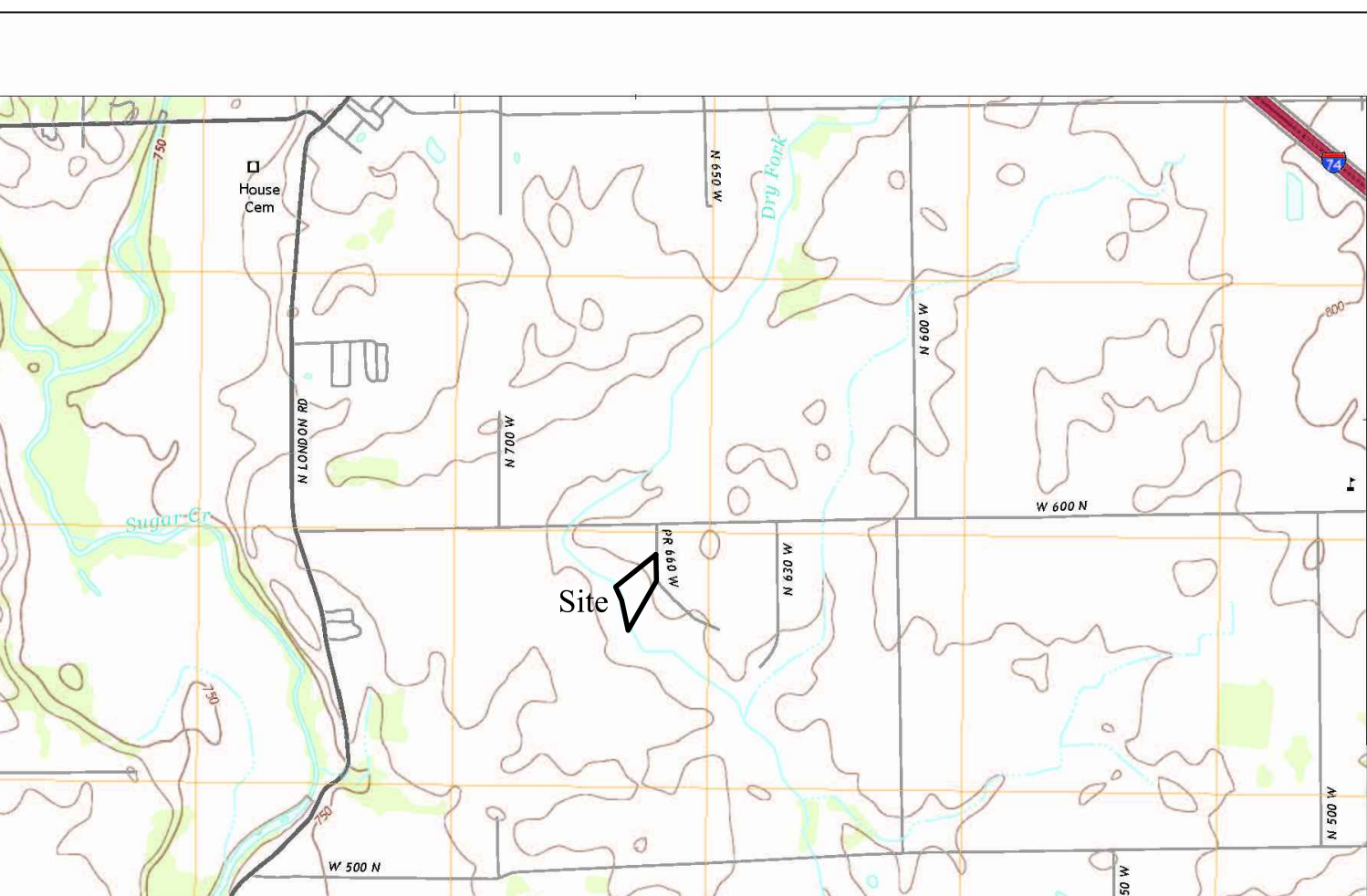
Owner: Maria & Danny Rigdon, 317-900-3876
 Site Address: 5879 N. PR. 660 West, Fairland, IN 46126

NOTE: Proposed first floor elevation of residence shall be 774.0', the Garage 772.7' & the LAG 772.0'.
 NOTE: Proposed finish grade around residence shall have a minimum slope of 0.5' in the first 10' away from residence to prevent any surface drainage towards the residence and absorption field.
 NOTE: The contractor shall verify all dimensions prior to construction.
 NOTE: The contractor shall verify the location of all utilities prior to beginning construction.
 NOTE: This plot plan has been prepared for use by the contractor for the purpose of obtaining building approvals and is not intended to indicate the establishment of any lot line.
 NOTE: Well shall be located in general area as shown, and shall not be any closer than 50 feet to any septic system or closer than 15 feet to any deed or lot line.
 NOTE: The proposed residence is located in a special flood hazard per the FEMA Flood Insurance rate map number 18145C0085C. The BFE is 770.7' (NAVD88) per the INDR FARA GN-30515-0, however a LOMA based on fill will be filled with FEMA to removed the structure once construction is complete. The accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.
 NOTE: Any changes to the design or location herein must be approved by said Health Department.
 NOTE: All existing subsurface drain tiles that are disturbed during construction will be repaired and rerouted to maintain their existing flow.
 NOTE: This site plan complies with all state and county regulation and that any changes that may be made to the site plan must first be approved by the appropriate agency.
 NOTE: The contractor shall install a gravelled construction access drive prior to land disturbing activity to eliminate tracking. All sediment shall be removed from the public or private roadway.
 NOTE: The contractor shall also be responsible for providing all the necessary erosion control per Article 10 entitled "Soil Erosion and Sediment Control" of the Shelby County, Storm, Drainage, Erosion and Sediment Control Ordinance.
 NOTE: There are No Wetlands areas that will be disturbed per this site.
 NOTE: The surface water from the proposed building site flows over the surface to the Southwest to the open ditch.
 TBM Denotes temporary benchmark. SW corner of the Transformer at the North corner of the property. Elevation=775.89' (elevation per GPS).

I, the undersigned Registered Land Surveyor, hereby certify that I have conducted a survey to establish a Site Plan of proposed improvements and to the best of my knowledge, information and belief this drawing is an accurate representation of that survey of the following described real estate:

A part of the Northwest Quarter of Section 6, Township 13 North Range 6 East of the Second principal Meridian, situated in Sugar Creek Township, Shelby County, Indiana, more particularly described as follows:
 Commencing at the Northwest corner of said Northwest quarter aforesaid; thence North 89 degrees, 40 minutes, 20 seconds East (an assumed bearing) along the North line of said Northwest quarter and the approximate centerline of County Road 600 North, 2023.48 feet to a P.K. Nail, said P.K. Nail being the center line of a 50.00 foot wide ingress-egress drainage and utility easement; thence South 00 degrees, 00 minutes 00 seconds West along the centerline of said easement 408.99 feet to the Point of Beginning; from said Point of Beginning, thence continuing South DO degrees, 00 minutes 00 seconds West along said centerline 330.00 feet; thence South 30 degrees, 22 minutes, 29 seconds West (passing through a 5/8 inch capped rebar at 26.35 feet), 704.04 feet (passing through 5/8 inch capped rebar at 510 feet) to the center of Dry Fork Creek; the next two calls will be along the center of said Dry Fork Creek; thence (1) North 11 degrees, 42 minutes, 05 seconds West, 382.00 feet; thence (2) North 24 degrees, 00 minutes, 15 seconds West 182.10 feet; thence North 51 degrees, 58 minutes, 07 seconds East (passing through a 5/8 inch capped rebar at 67.51 feet), 644.37 feet (passing through a 5/8 inch capped rebar at 612.65 feet) to the Point of Beginning, containing 5.02 acres more or less. Subject to 25 foot wide ingress-egress drainage and utility easement being parallel with and along the entire eastern boundary. Also subject to a 10 foot wide drainage easement on and along and parallel to the Northwesterly and Southeasterly boundaries. Also subject to a 75 foot wide legal drain easement being parallel to and at right angles to the center of Dry Fork Creek and to all other legal rights-of-way and easements of record.

Together with a 50 foot wide ingress-egress, drainage and utility easement, more particularly described as follows:
 Part of the Northwest Quarter of Section 6, Township 13 North Range 6 East of the Second principal Meridian, situated in Sugar Creek Township, Shelby County, Indiana, more particularly described as follows:
 Commencing at the Northwest corner of said Northwest quarter aforesaid; thence North 89 degrees, 40 minutes, 20 seconds East (an assumed bearing) along the North line of said Northwest quarter and the approximate centerline of County Road 600 North, 2023.48 feet to a P.K. Nail, said P.K. Nail being the Point of Beginning of 50.00 foot wide ingress-egress, drainage and utility easement; said easement being 25.0 feet on both sides of the following described centerline. From said Point of Beginning, thence South 00 degrees, 00 minutes, 00 seconds East 738.99 feet; thence South 41 degrees 13 minutes, 07 seconds East, 330.0 feet; thence South 47 degrees, 14 minutes, 13 seconds East 352.38 feet; thence South 65 degrees, 42 minutes, 50 seconds East 409.42 feet and then terminating with the side lines of the easement being lengthened or shortened to form a continuous line.



THIS IS NOT A PERMIT

Indiana Department of Natural Resources / Division of Water
Floodplain Analysis and Regulatory Assessment

File Number: GN-30515-0
 Request Date: 11/06/2014
 County: Shelby
 Waterbody: Dry Fork

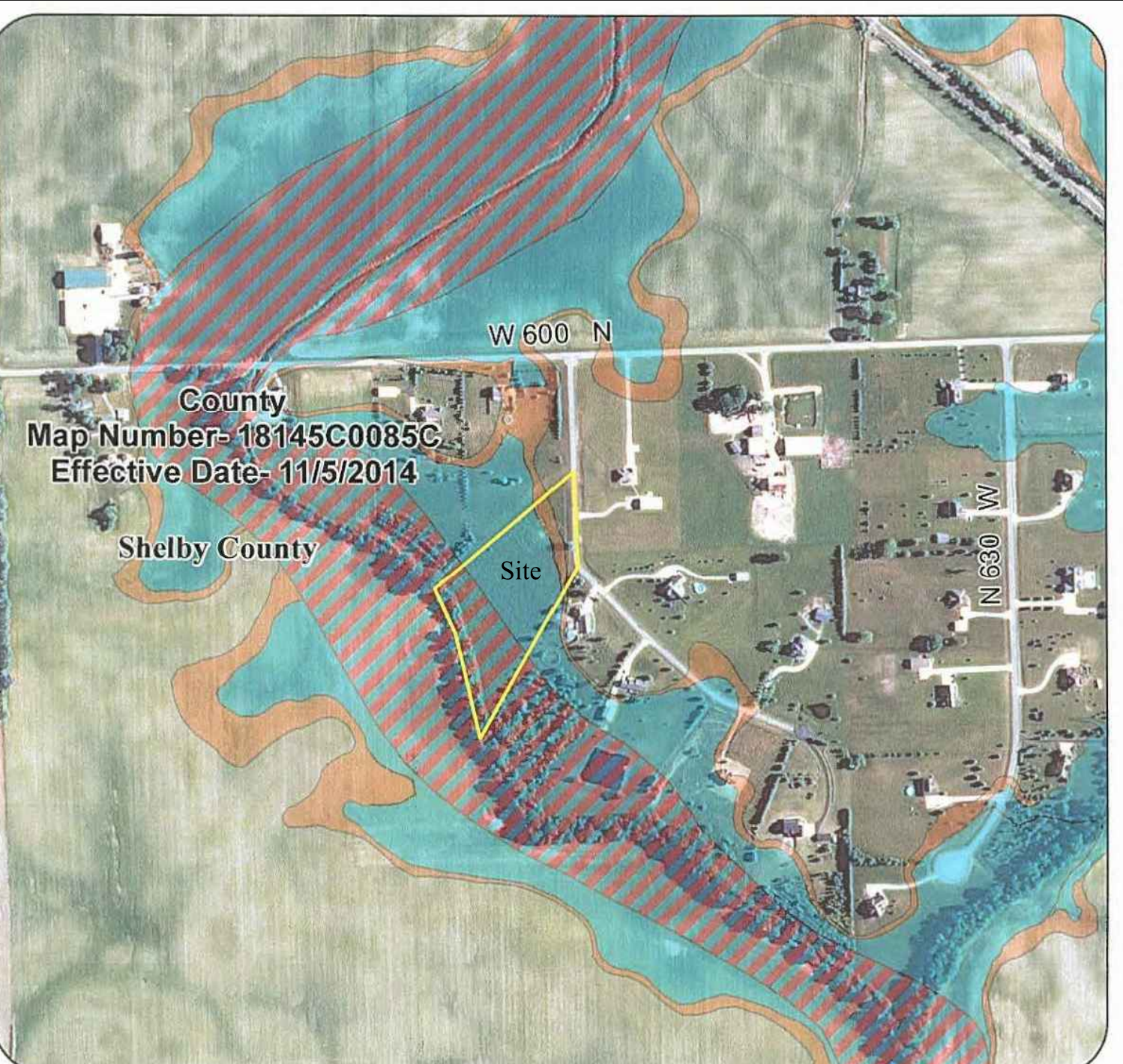
402 West Washington Street, Room W264
 Indianapolis, IN 46204-2641
 Telephone: (317) 232-4160 or (877) 928-3755
 Fax: (317) 233-4579 Website: www.in.gov/dnr/water

Site Location: 5879 North Private Road 660 West, Sugar Creek Township, Section 6, Township 13N, Range 6E

Discharge Recommendation: Upstream: Not Requested
 Downstream: Not Requested

Drainage Area: Upstream: Not Requested
 Downstream: Not Requested

Base Flood Elevation (BFE): Upstream: 770.7 Feet (NAVD88) Source: A Flood Insurance Study
 Downstream: 770.2 Feet (NAVD88) Source: A Flood Insurance Study



The Special Flood Hazard Area was derived from the digital representation of FEMA Flood Insurance Rate Maps (FIRM). While this map is provided for information, the FIRMs as published by FEMA are the authoritative documents for the National Flood Insurance Program.

Copies of those maps can be found at <http://msc.fema.gov>

Map Source: FIRM

File Number: GN-30515

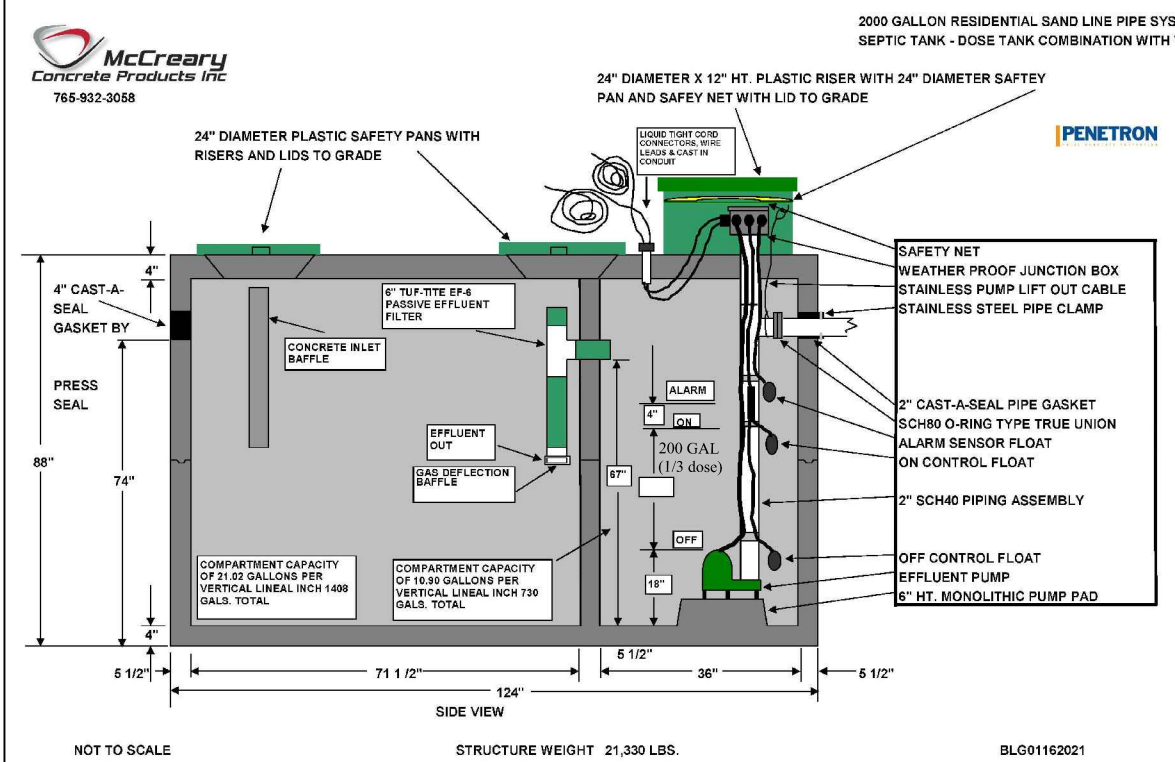
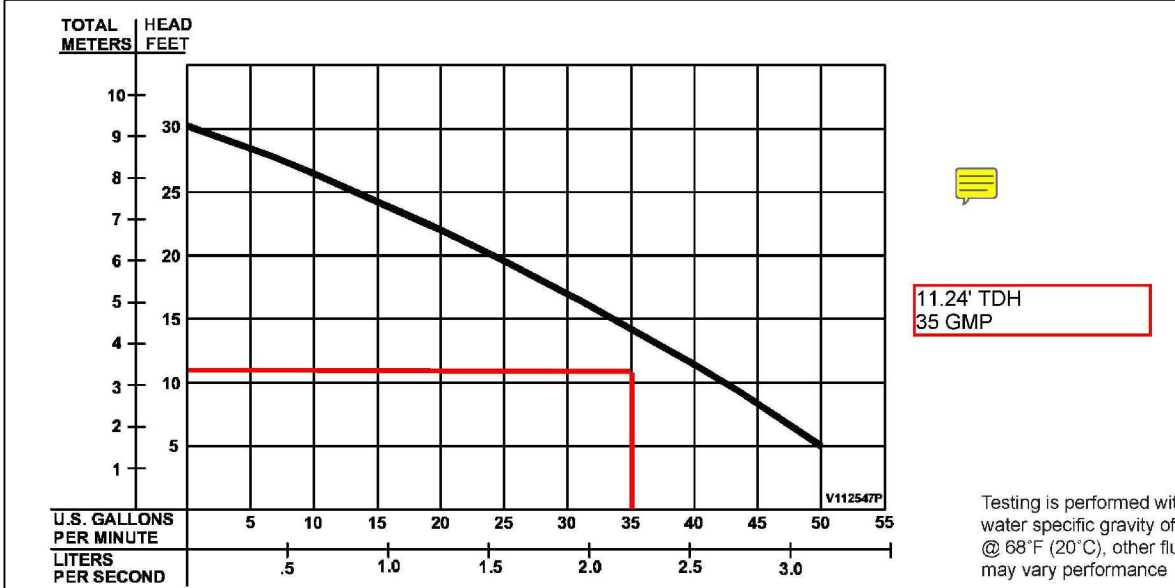
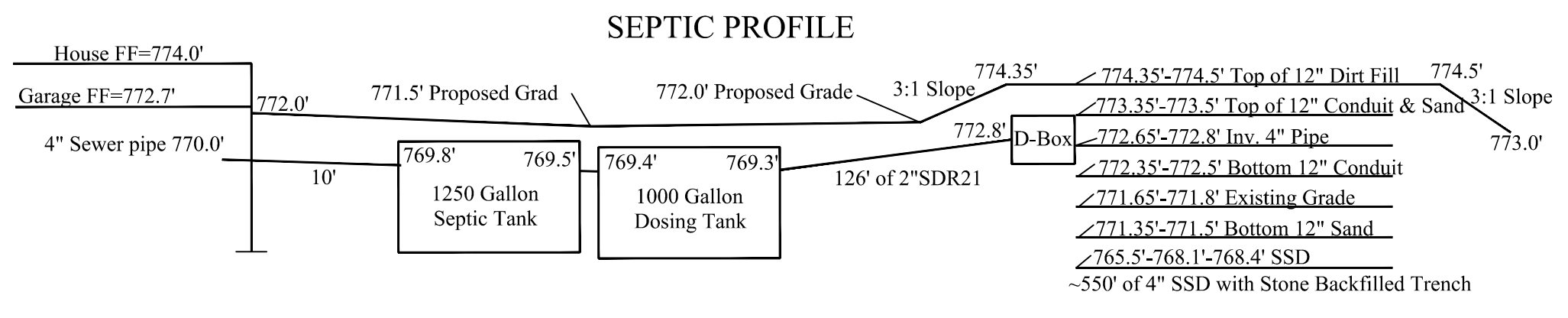
Disclaimer
 This map does not reflect changes or amendments which may have been made subsequent to the effective date

Legend

- Special Flood Hazard Area
- Special Flood Hazard Area/Floodway
- 0.2 Percent Annual Chance Flood Hazard
- Community Boundaries
- Tract Boundaries

MAP SCALE 1" = 500'

0 250 500 1,000 FEET
 0 75 150 300 METERS



Note: The information for the pump and the pressurized efficient line was provided by McCreey Concrete Products Inc. Rustville IN, 765-932-3058 as shown on this site plan.

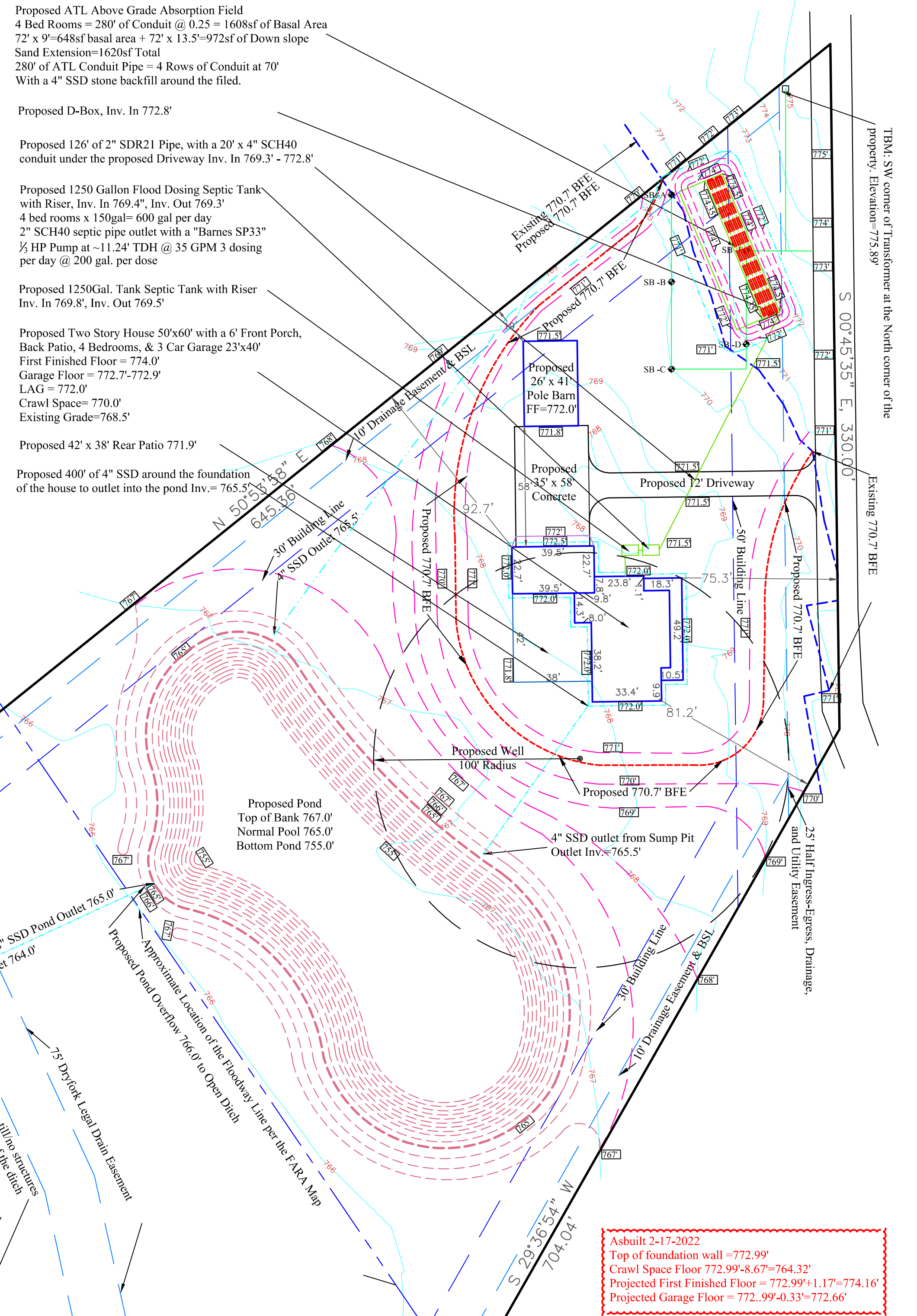
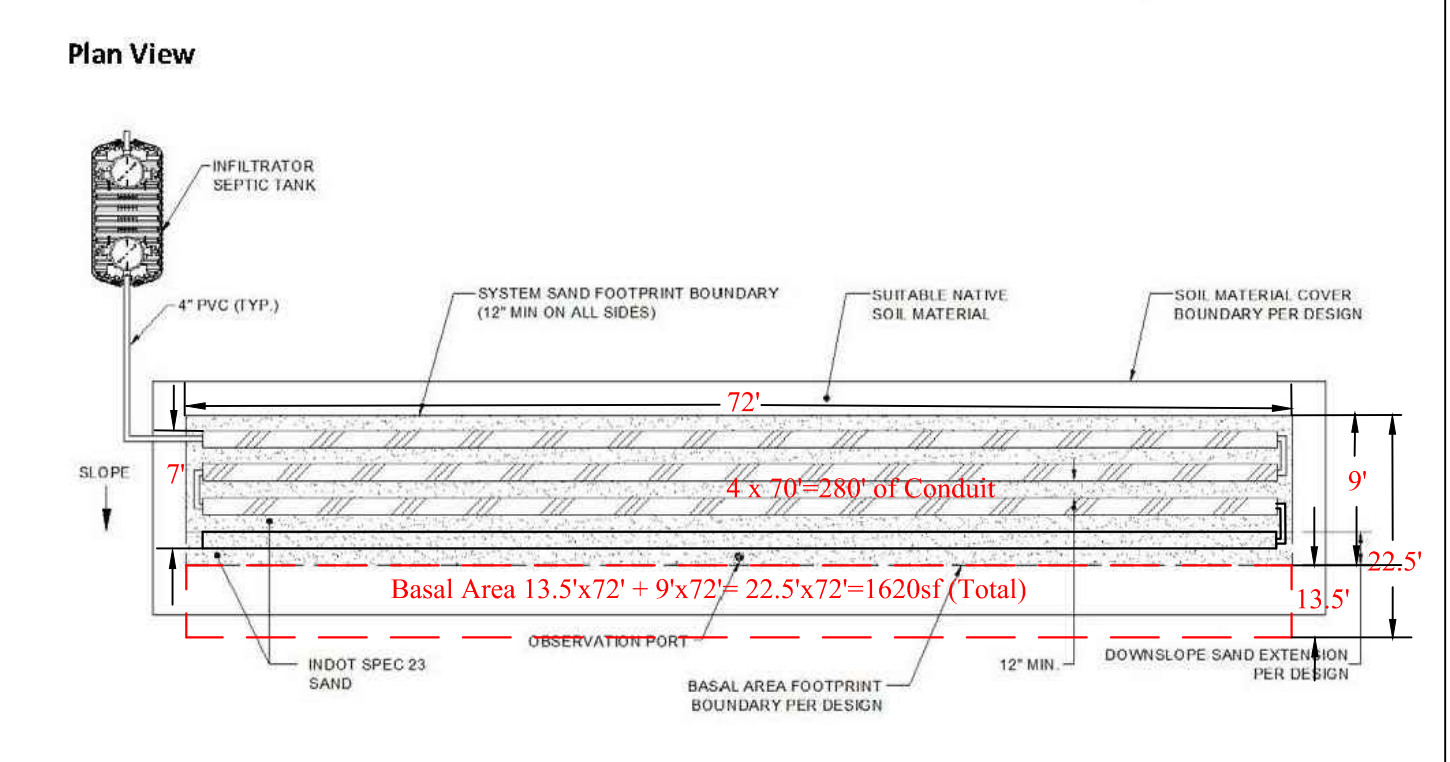
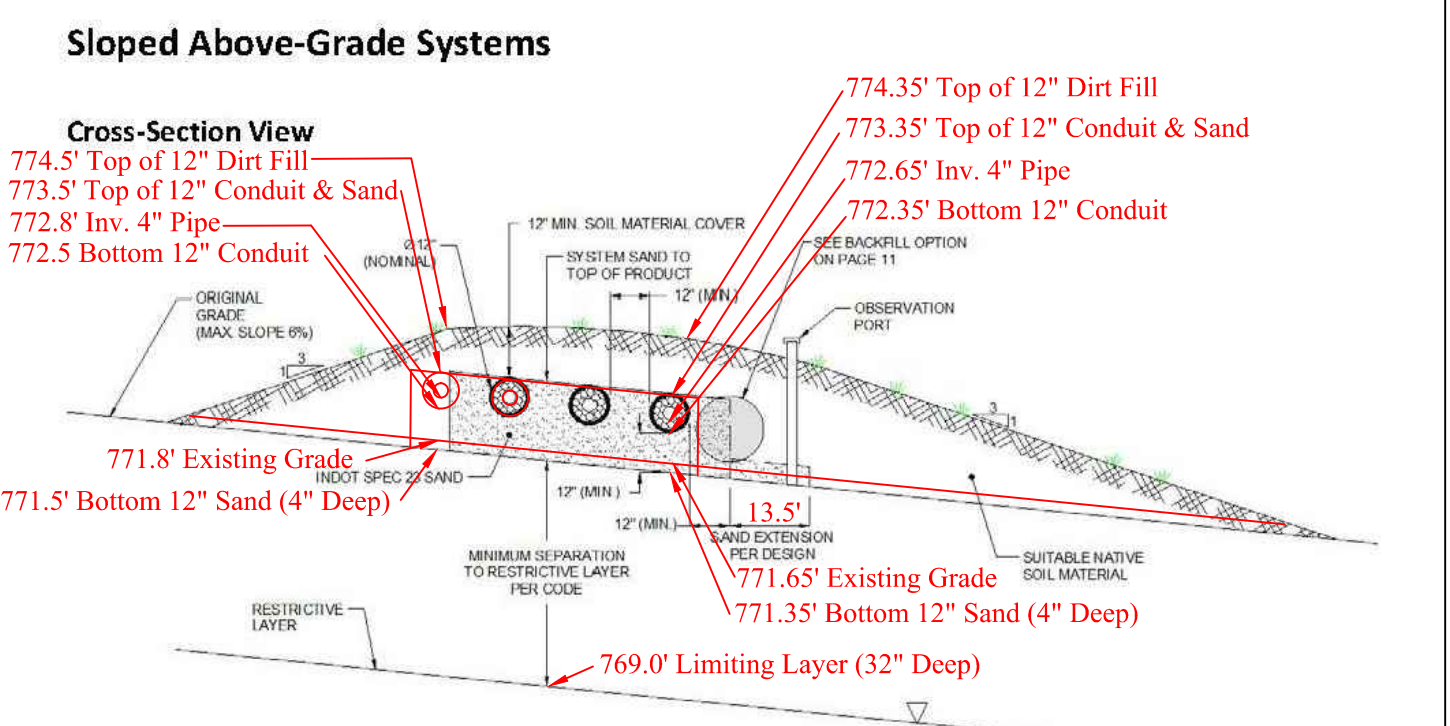
Note: Five (5) deciduous trees with at least 1 1/2 - inch DBH at the time of planting shall be planted on the property prior to occupation of the residence.

Note: Development of the site is subject to Section 5.67 of the Shelby County Unified Development Ordinance - Rural Residential Development Standards.

Note: Building height cannot exceed 35-feet.

Jeffery Powell, RLS
 Land Surveyor, 29800024
 Certified: 9-8-2021
 RE-Certified: 10-4-2021
 RE-Certified: 10-29-2021
 RE-Certified: 2-17-2022, Asbuilt

Powell Land Surveying LLC
 4634 North 575 East
 Shelbyville IN, 46176
 317-694-6073



Maria & Danny Rigdon,
 5879 N. P.R. 650 West, Fairland, IN 46126
 5.02 Acre per Deed

Floodplain Permit Conditions

- The Flood Protection Grade (FPG) for this project is 772.7 ft.
- The applicant shall submit an Elevation Certificate after completion of the structure verifying that the lowest finished floor, including the garage, sits at or above the FPG.
- Submittal of an elevation certificate upon completion of lowest finished floor and before framing is recommended.
- General Construction Standards
 - The structure shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - The structure shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
 - The structure shall be constructed by methods and practices that minimize flood damage.
 - Electrical service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
 - Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- Elevation Requirements
 - The crawl space shall include at least two openings in the exterior walls in compliance with the following criteria:
 - The net area of the openings shall be at least one square inch for every one square foot of enclosed area.
 - The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
 - Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- The structure shall not be altered from the plans submitted with this permit application, including the addition of utilities, without prior authorization from the Floodplain Administrator.
- The applicant shall schedule an inspection with the Floodplain Administrator to ensure that the structure complies with all standards of the Flood Hazard Area Ordinance prior to scheduling a final inspection. The applicant shall pay the \$50 additional inspection fee.

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