

Shelby County
Board of Zoning Appeals

April 9, 2019 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals
April 9, 2019, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the March 12, 2019 meeting.

OLD BUSINESS

None.

NEW BUSINESS

BZA 19-06 – MARYJO PAIGE NEDDERMAN: DEVELOPMENT STANDARDS VARIANCE – To allow for a 1,080 sq. ft. residential accessory structure (the total square footage of all accessory structures on a lot cannot exceed 50% the footprint of the residence in the R1 (Single-Family Residential) District). The property is located in Union Township at the address 6200 E Phares Ave, Shelbyville.

BZA 19-07 – JEFFREY & DEBORAH SWEET: USE VARIANCE – To allow for a wedding and event venue in the A2 (Agricultural) District. The property is located in Nobel Township at the address 5752 E River Rd, Waldron.

BZA 19-08 – NATHANIEL BEST: DEVELOPMENT STANDARDS VARIANCE – To allow for a 2,400 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 50% the footprint of the residence in the R1 (Single-Family Residential) District). The property is located in Nobel Township at the address 5849 E 600 S, Waldron.

BZA 19-09 – ANTHONY MUIR: DEVELOPMENT STANDARDS VARIANCE – To allow for a 1,800 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 50% the footprint of the residence in the R1 (Single-Family Residential) District). The property is located in Washington Township at the address 2220 W 900 S, Flat Rock.

BZA 19-10 – HERSCHEL & PAMELA PEOPLES: DEVELOPMENT STANDARDS VARIANCE – To allow for a house addition 71-feet from the center of N 800 W (minimum 65-foot setback required). The property is located in Moral Township at the address 11254 N 800 W, New Palestine.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, May 14, 2019 at 7:00 PM.

Staff Report

CASE NUMBER: BZA 19-06
CASE NAME: MARYJO PAIGE NEDDERMAN – DEVELOPMENT STANDARDS
VARIANCE

PROPERTY DESCRIPTION

Location: Union Township at the address 6200 E Phares Ave, Shelbyville. Within the unincorporated community of Ray's Crossing.

Property Size: 1 acre

Property Improvements: Single-family dwelling with attached shed.

Surrounding Development: Single-family dwellings on lots ranging from 1/3-acre to 7-acres.

Zoning Classification: R1 (Single-Family Residential) – intended for low density single-family detached dwellings on large sized lots.

Comprehensive Plan Future Land Use: Agricultural Residential - Agricultural residential areas are intended to include only single-family homes. Accessory structures may also occur in these areas as long as adequate off-street parking is provided and the scale, function and design of the structures is compatible.

VARIANCE REQUEST

Variances of Development Standards - To allow for a 1,080 sq. ft. residential accessory structure (the total square footage of all accessory structures on a lot cannot exceed 50% the footprint of the residence in the R1 (Single-Family Residential) District).

Limiting the size of accessory structures ensures that the residence remains the visual focal point of the property. Limiting the size of accessory structures also reduces the likelihood of use of a residential accessory structure for commercial purposes.

CASE DESCRIPTION

- The petitioner plans to construct a 30' X 36' accessory structure to use as additional storage space.
- The square footage of the accessory structure would equal approximately 117% the square footage of the footprint of the house. The property does not include any additional detached accessory structures. The ordinance would not permit any accessory structure larger than 496 sq. ft.
- The accessory structure would be located 5-feet behind the house and at least 10-feet from the side property lines.
- Several properties in the surrounding area include accessory structures exceeding 50% the square footage of the primary structure.

- The UDO requires that accessory structures in the R1 District closely resemble the facade materials, roof pitch, and exterior colors of the house. Permits for accessory structures in the R1 District include a condition that the structure comply with these architectural requirements.

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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

Staff Analysis: 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 structure would not appear conspicuous from the public road.

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: Development of the property with a large accessory structure would coincide with the existing development of the area and therefore the structure would have no apparent impact on the use and value of adjacent properties.

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: Several properties in the surrounding area include accessory structures exceeding 50% the square footage of the primary structure. A strict application of the Ordinance would prohibit development of the property in a similar manner as adjacent properties.

STAFF RECOMMENDATION

Staff recommends **approval** subject to substantial compliance with the site plan submitted with the board of zoning appeals application.

APPLICANT/OWNER INFORMATION

Applicant: MaryJo Paige Nedderman
1240 N Deer Run W
Shelbyville, IN 46176

Owner: Same



Standing at proposed location for structure - development to the west



Standing at proposed location for the structure – development to the east



Similar large accessory structures in the area

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Maryjo Paige Nedderman

Case #: _____

Location: 6200 E. Phares Ave. 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.

There will be no safety or pollution concerns from the construction of the building in my opinion.
There are other garages and outbuildings on adjoining properties. Property on a dead end road.

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 construction of the building is designed to improve the appearance of the property, provide needed storage, and garage space for the home.

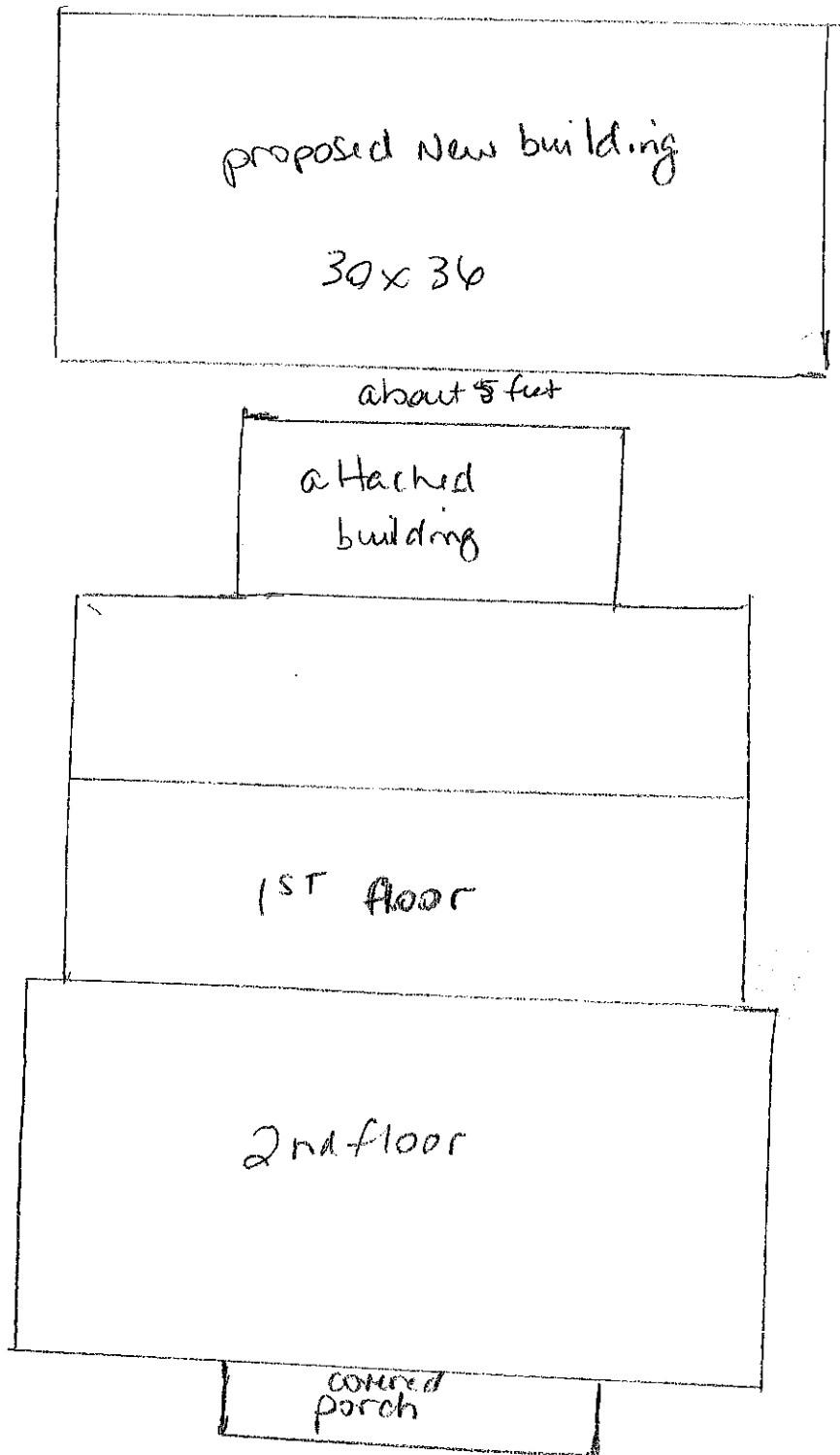
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

The design of the building and its placement on the property is intended to compliment the design of the house and provide additional useful space.

Area & Zoning Map



<p>OP Open Space and Parks A1 Conservation Agricultural A2 Agricultural A3 Intense Agricultural A4 Agricultural Commercial RE Residential Estate R1 Single-Family Residential R2 Single-Family Residential VR Village Residential M1 Multiple-Family Residential M2 Multiple-Family Residential MP Manufactured Home Park VM Village Mixed Use IS Institutional C1 Neighborhood Commercial C2 Highway Commercial I1 Low Intensity Industrial I2 High Intensity Industrial HI High Impact</p>	<p>Printed 04/03/2019</p>
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6200 E. Pharis Avenue
Shelbyville IN 46176

Staff Report

CASE NUMBER: BZA 19-07
CASE NAME: JEFFREY & DEBORAH SWEET – USE VARIANCE

PROPERTY DESCRIPTION

Location: Nobel Township at the address 5752 E River Rd, Waldron.

Property Size: 6.84 acres.

Property Improvements: Single-family dwelling (historical registered home, the Cooper-Alley House of 1864), detached garage, and three barns.

Surrounding Development: Cropland. A single-family residence and graveyard to the south.

Zoning Classification: A2 (Agricultural) – Per the UDO, this district is established for general agricultural areas and buildings associated with agricultural production. Intended uses include low to medium intensity general agricultural operations. In making decisions, the BZA should protect the integrity of land and operations within the District.

Comprehensive Plan Future Land Use: Agriculture

- Use - Traditional farming practices as well as accessory residential and other agriculture related uses occur within this designation. Existing residential lots containing single-family housing units could also have agricultural related uses, such as stables and small-scale non-commercial food production and limited livestock production. Activities characterized as agritourism (farm trails, farmers' markets, and roadside stands) will find a home within this designation. This land use category is intended to preserve the existing rural character of the area.
- Infrastructure - Any development in these areas must be capable of being adequately served by well, septic or other appropriate waste treatment systems. County roads provide access for residents and also for public safety services such as police and fire. These County roads may also carry slow-moving, wide farm equipment between fields.
- Design Features - Facilities in agricultural areas should promote the rural character, whether using traditional construction and materials or employing modern agricultural technologies.

VARIANCE REQUEST

Variance of Use – to allow for a wedding and event venue in the A2 (Agricultural) District.

CASE DESCRIPTION

- Intended Use: wedding venue in existing stone barn and two restrooms in a newly proposed 12'X16' Amish barn.
 - Hours of Operation: Typically weekends May through October, 12:00PM – 10:00PM.
 - Maximum Number of Customers: 125 per event / 20 events per year.

- Parking: In field behind stone barn.
 - No Deliveries
 - No Outdoor Storage
 - Signage: 3'X3' wood sign at entry to driveway.
 - Waste Disposal: Local CSG trash service and dedicated septic for restrooms.
- The petitioner has obtained all necessary structural approvals from the State and County regarding use of the stone barn and restrooms for commercial purposes. The petitioner has also obtained approval from the State and County Health Department regarding use of the existing septic system for the restrooms.
 - The existing gravel driveway would provide access to the wedding venue. The sloping topography of the area and narrow, meandering road may cause difficulty for some motorists, especially during peak traffic times.

STAFF ANALYSIS OF FINDING OF FACTS - USE VARIANCE

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

Staff Analysis: The proposed use would not generate traffic in excess of typical traffic in the area on a regular basis. The use would not pose any perceivable nuisance to the general public. The petitioner has obtained all necessary structural and septic system approvals from the State and County.

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

Staff Analysis: The proposed use would not impact the continued use of adjacent property for crop production. Any noise generated by the use would likely not pose a nuisance to the closest residential property.

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

Staff Analysis: The location of the property in an area with little residential development allows for a low-intensity commercial use that would not pose a nuisance to residential properties.

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 a low-intensity commercial use that the property can support, and which would not pose a nuisance to adjacent property.

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

Staff Analysis: The Plan encourages agritourism as a future use in agricultural areas. The proposed use would provide a venue for the public to enjoy the agricultural character of the property and surrounding area. The proposed use can be adequately served by well, septic, and county roads.

STAFF RECOMMENDATION

Staff recommends **approval** subject to compliance with the Statement of Intent and general consistency with the Site Plan submitted with the Board of Zoning Appeals Application and the following stipulation:

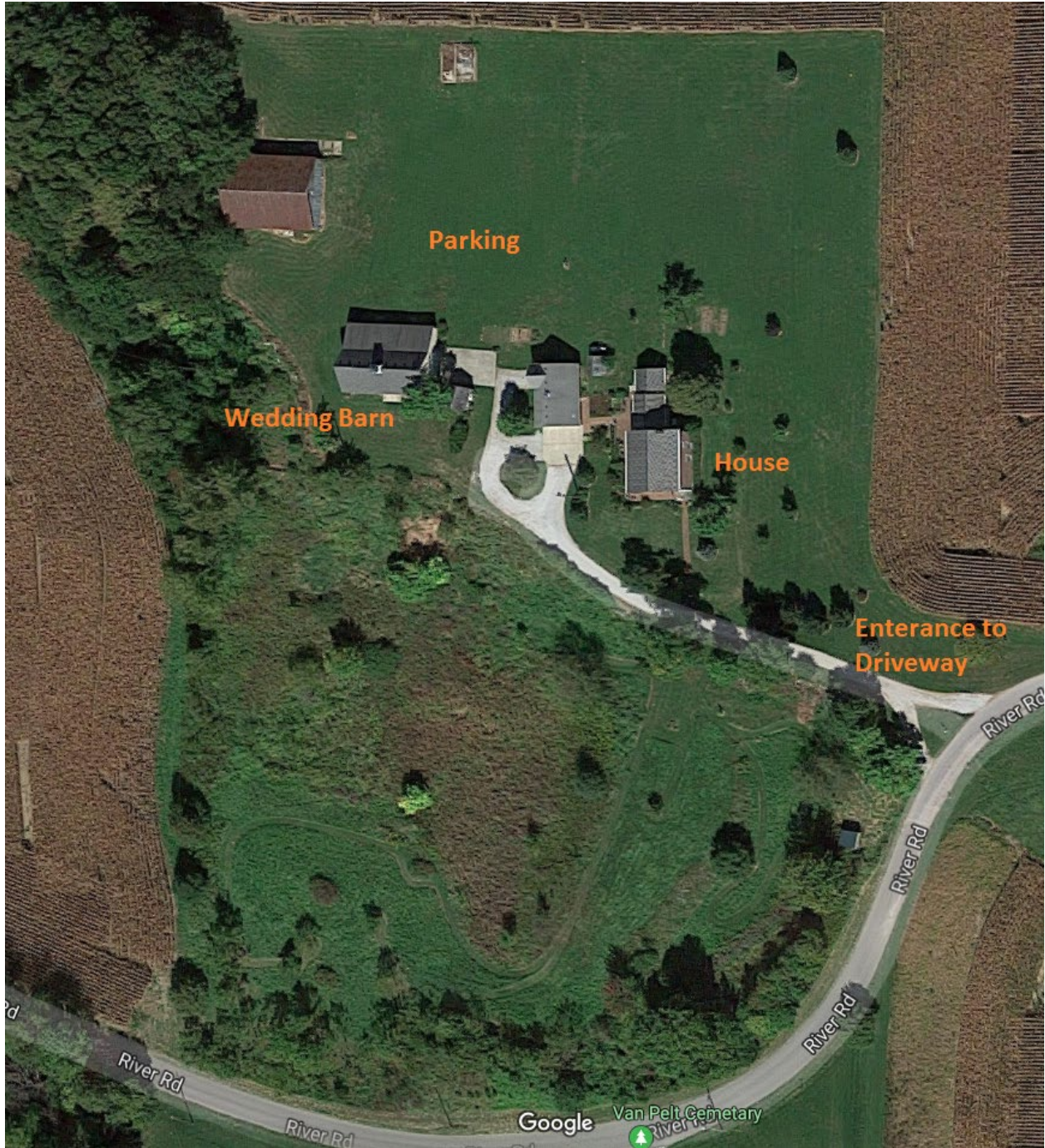
1. On the day of any event, the petitioner shall place a temporary sign along the road at the east end of the property warning motorists of increased traffic using a hidden driveway.



APPLICANT/OWNER INFORMATION

Applicant: Jeffrey and Deborah Sweet
5752 E River Rd.
Waldron, IN 46182

Owner: Same





- HOME
- ABOUT
- WEDDINGS
- OCCASSIONS
- CATERING
- CONTACT

About Us

Stone Barn at Sweet Family Farms is the result of Jeff and Deb Sweet's vision and deep roots in hospitality. Sweet Family Farms is in Waldron, Indiana, just 30 minutes from Indianapolis and right off I-74. The estate includes the historical registered home, Cooper-Alley House of 1864, along with beautiful barns, pet chickens, goats, turkeys and a scattering of cats and dogs that share the farm with them as well as being adjacent to the Flat Rock River.

Jeff just retired from his role as Vice President of Operations for a hotel company he had been with for the last 15 years. While Jeff has been functioning in the role of providing corporate oversight for his portfolio of hotels, his passion for culinary has never waned. Jeff's 35 years of hospitality experience started in the kitchen back in Vermont and he quickly realized it was something he enjoyed and would ultimately grow to become his passion.

Jeff excelled and worked his way up through the ranks in free standing restaurants and hotels in Vermont, Colorado, California, Texas, Connecticut, and New York before landing in Indianapolis 20 years ago with a major Hotel Corporation as a Regional Corporate Chef. He then accepted positions in Indy in operations and eventually as the general manager at the Hilton Indianapolis Hotel and Suites. Jeff has been very active in the community serving on many boards including as a Director on Indianapolis 500 Festival as well as a former President of the Greater Indianapolis Hotel Association.

Deb is in the Air Force Reserves and currently serving in an active duty status. Prior to this military tour, she enjoyed a successful career in the hospitality industry specializing in event planning, catering, sales, and marketing. Highlights in her culinary experience were participating in international culinary tours and appearing on two shows for the Food Network Channel. While she enjoys the savory, pastry and baking is her wheelhouse.

Jeff and Deb decided to leverage their hospitality backgrounds and the beauty of Sweet Family Farms to create a venue for weddings and events. This allows the Sweet's to not only host events at their beautiful farm, but also have direct hands-on involvement with the planning, preparation and execution of all food and beverage. Jeff was an advocate of using fresh local ingredients long before

"farm to table" was trendy. His goal is to partner with local farmers and growers throughout the state to deliver the best and freshest ingredients possible while giving back to the community.

Stone Barn at Sweet Family Farms creates unique food and beverage experiences in a beautiful atmosphere, complimenting your special occasion and creating a memorable experience through warm hospitality and truly good food. Stone Barn Kitchen and Catering offers full catering services at your event site and coming in the Spring, on-site catering will also be available at the Stone Barn at Sweet Family Farms. Look for Stone Barn Kitchen and Catering at local and state fairs and festivals!

*Note: Petitioner is no longer planning to operate Stone Barn from the subject property.

USE VARIANCE
FINDINGS OF FACT

Applicant: Sweet Family Farms LLC-Jeffrey/Deborah Sweet

Case #: _____

Location: 5752 East River Road, Waldron, Indiana 46182

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

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.
The events proposed will include wedding ceremonies and receptions
The property is located remotely from neighbors with exception of one house
The owners have hospitality backgrounds and understand execution of events

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.
Our son is purchasing the adjacent 60 acres that circle our property
Our home is on the property and we treat it as a home, not business
Our investment into the property for improvements enhances values

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.
Without approval we would be unable to earn income on our business
We would not be able to compete with other barn venue operators
We would not be able to fully leverage the beauty of our home and land

4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.
Without approval we would be unable to make a living with proposed business
This business is a model to augment our retirement income
We spent significant funds from 401K to create the business

5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.
This is residential land and property that we own and would not interfere
Our Son is purchasing 60 acres that surrounds us and is intended as residence
There are no plans for us to develop the land, only green space

Area & Zoning Map



<p>OP Open Space and Parks A1 Conservation Agricultural A2 Agricultural A3 Intense Agricultural A4 Agricultural Commercial RE Residential Estate R1 Single-Family Residential R2 Single-Family Residential VR Village Residential M1 Multiple-Family Residential M2 Multiple-Family Residential MP Manufactured Home Park VM Village Mixed Use IS Institutional C1 Neighborhood Commercial C2 Highway Commercial I1 Low Intensity Industrial I2 High Intensity Industrial HI High Impact</p>	<p>Printed 04/03/2019</p>
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Staff Report

CASE NUMBER: BZA 19-08
CASE NAME: NATHANIEL BEST – DEVELOPMENT STANDARDS VARIANCE

PROPERTY DESCRIPTION

Location: Nobel Township at the address 5849 E 600 S, Waldron.

Property Size: 1.38 acres

Property Improvements: Single-family dwelling.

Surrounding Development: Cropland

Zoning Classification: R1 (Single-Family Residential) – intended for low density single-family detached dwellings on large sized lots.

Comprehensive Plan Future Land Use: Agricultural Residential - Agricultural residential areas are intended to include only single-family homes. Accessory structures may also occur in these areas as long as adequate off-street parking is provided and the scale, function and design of the structures is compatible.

VARIANCE REQUEST

Variations of Development Standards - To allow for a 2,400 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 50% the footprint of the residence in the R1 (Single-Family Residential) District).

Limiting the size of accessory structures ensures that the residence remains the visual focal point of the property. Limiting the size of accessory structures also reduces the likelihood of use of a residential accessory structure for commercial purposes.

CASE DESCRIPTION

- The petitioner plans to construct a 40' X 60' accessory structure to use for hobbies and storage space.
- The square footage of the accessory structure would equal approximately 141% the square footage of the footprint of the house, therefore exceeding the 50% requirement. The property does not include any additional accessory structures. The ordinance would not permit any accessory structure larger than 872 sq. ft.
- The UDO requires that accessory structures in the R1 District closely resemble the facade materials, roof pitch, and exterior colors of the house. Permits for accessory structures in the R1 District include a condition that the structure comply with these architectural requirements.

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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

Staff Analysis: 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 structure would not conflict with the rural character of the area.

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 does not adjoin any other residential properties. The accessory structure would not prohibit the continued use of adjacent area for crop production.

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 surrounding agricultural area resembles areas typically adjacent to properties within the RE (Residential Estate) District. The ordinance would permit development of a 2,400 sq. ft. barn. if the property was zoned RE.

STAFF RECOMMENDATION

Staff recommends **approval** subject to substantial compliance with the site plan submitted with the board of zoning appeals application.

APPLICANT/OWNER INFORMATION

Applicant: Nathaniel Best
5849 E 600 S
Waldron, IN 46182

Owner: Same



View of property from the corner of 600 S & 600 E

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: _____

Case #: _____

Location: _____

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

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

This building will only be used for storage and hobby use will not pose any health or safety concerns.

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

The Adjacent Property is used for farm ground and is being built 10' from property line.

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.

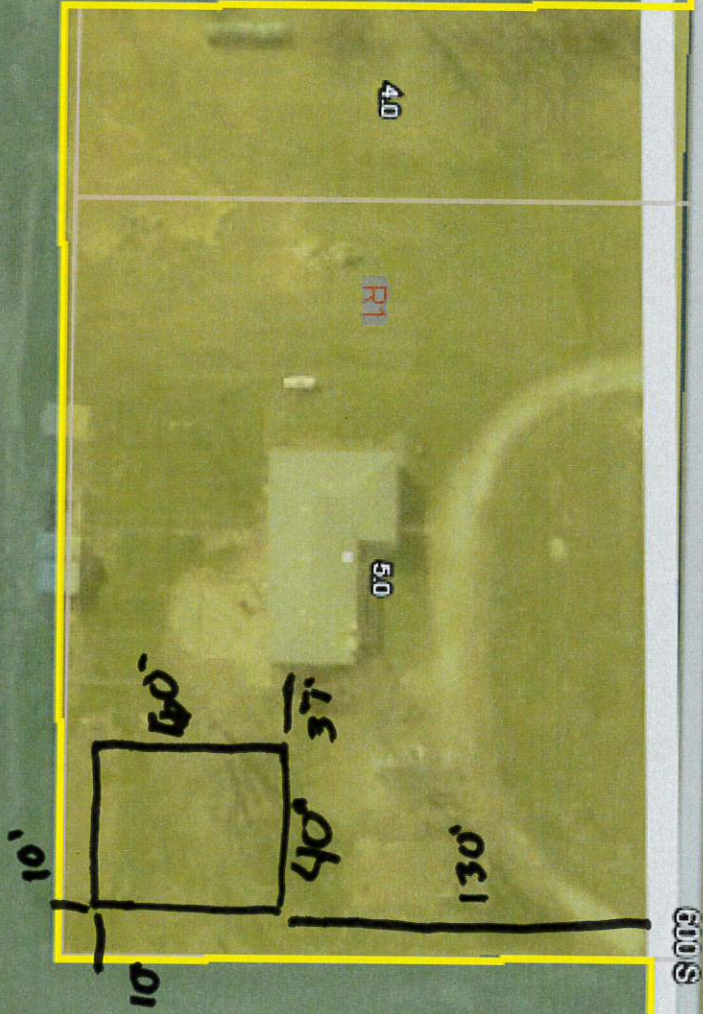
I do not have adjacent ~~residents~~ residents it is all farm fields.

Area & Zoning Map



- OP Open Space and Parks
- A1 Conservation Agricultural
- A2 Agricultural
- A3 Intense Agricultural
- A4 Agricultural Commercial
- RE Residential Estate
- R1 Single-Family Residential
- R2 Single-Family Residential
- VR Village Residential
- M1 Multiple-Family Residential
- M2 Multiple-Family Residential
- MP Manufactured Home Park
- VM Village Mixed Use
- IS Institutional
- C1 Neighborhood Commercial
- C2 Highway Commercial
- I1 Low Intensity Industrial
- I2 High Intensity Industrial
- HI High Impact

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04/03/2019



Staff Report

CASE NUMBER: BZA 19-09
CASE NAME: ANTHONY MUIR – DEVELOPMENT STANDARDS VARIANCE

PROPERTY DESCRIPTION

Location: Washington Township at the address 2220 W 900 S, Flat Rock.

Property Size: 1 acre

Property Improvements: Single-family dwelling.

Surrounding Development: Cropland

Zoning Classification: R1 (Single-Family Residential) – intended for low density single-family detached dwellings on large sized lots.

Comprehensive Plan Future Land Use: Agriculture - Traditional farming practices as well as accessory residential and other agriculture related uses occur within this designation. Existing residential lots containing single-family housing units could also have agricultural related uses, such as stables and small-scale non-commercial food production and limited livestock production. This land use category is intended to preserve the existing rural character of the area, while limiting the occurrence of future development on, and subdivision of, natural areas and agricultural land.

VARIANCE REQUEST

Variations of Development Standards - To allow for an 1,800 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 50% the footprint of the residence in the R1 (Single-Family Residential) District).

Limiting the size of accessory structures ensures that the residence remains the visual focal point of the property. Limiting the size of accessory structures also reduces the likelihood of use of a residential accessory structure for commercial purposes.

CASE DESCRIPTION

- The petitioner plans to construct a 30' X 60' barn to use for equipment storage.
- The square footage of the accessory structure would equal approximately 103% the square footage of the footprint of the house, therefore exceeding the 50% requirement. The property does not include any additional accessory structures. The ordinance would not permit any accessory structure larger than 872 sq. ft.
- The UDO requires that accessory structures in the R1 District closely resemble the facade materials, roof pitch, and exterior colors of the house. Permits for accessory structures in the R1 District include a condition that the structure comply with these architectural requirements.

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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

Staff Analysis: 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 structure would not conflict with the rural character of the area.

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 does not adjoin any other residential properties. The accessory structure would not prohibit the continued use of adjacent area for crop production.

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 surrounding agricultural area resembles areas typically adjacent to properties within the RE (Residential Estate) District. The ordinance would permit development of an 1,800 sq. ft. barn. if the property was zoned RE.

STAFF RECOMMENDATION

Staff recommends **approval** subject to substantial compliance with the site plan submitted with the board of zoning appeals application.

APPLICANT/OWNER INFORMATION

Applicant: Anthony Muir
2220 W 900 S
Flat Rock. IN 47234

Owner: Anthony & Brittany Muir



View of property from road

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Anthony Muir

Case #: _____

Location: 2220 W. 900 S. Flat Rock

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.

Will be well off roadway, property line, and nearest structure.

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.

There will be no disturbance to adjoining properties. Pole barn is strictly storage.

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.

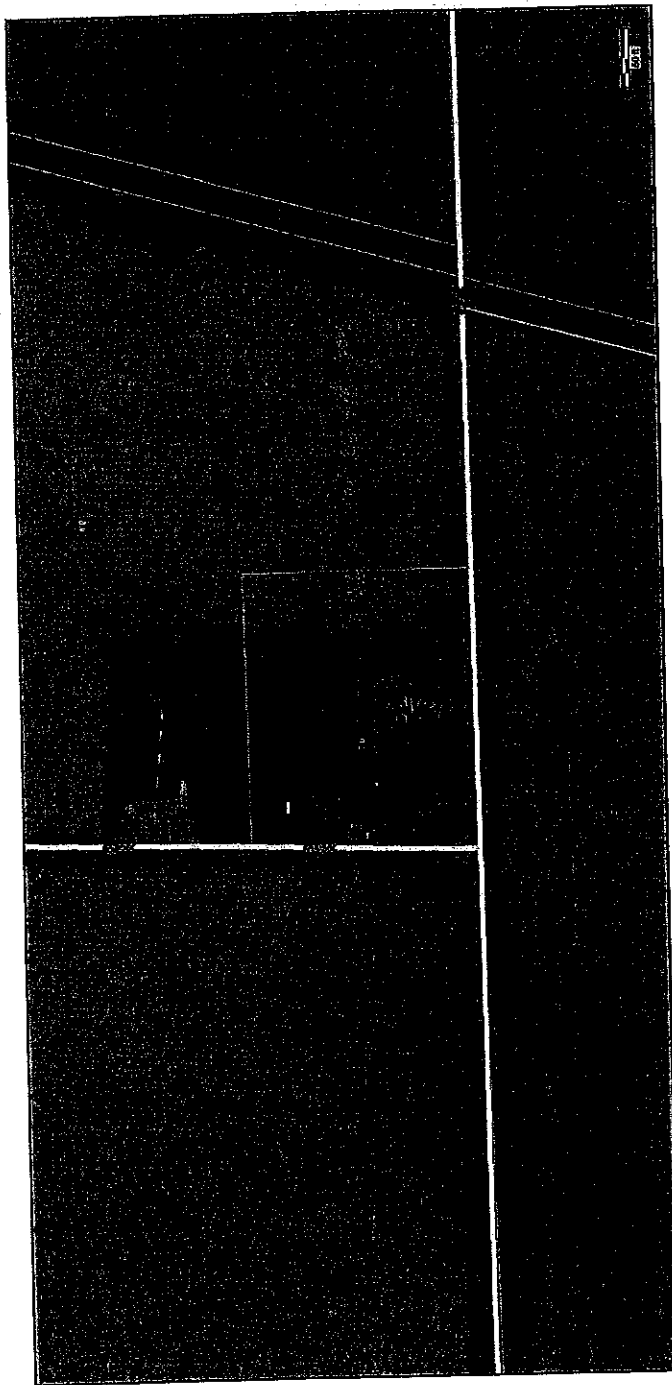
In an area with no close homes, will fit in.

Area & Zoning Map



- OP Open Space and Parks
- A1 Conservation Agricultural
- A2 Agricultural
- A3 Intense Agricultural
- A4 Agricultural Commercial
- RE Residential Estate
- R1 Single-Family Residential
- R2 Single-Family Residential
- VR Village Residential
- M1 Multiple-Family Residential
- M2 Multiple-Family Residential
- MP Manufactured Home Park
- VM Village Mixed Use
- IS Institutional
- C1 Neighborhood Commercial
- C2 Highway Commercial
- I1 Low Intensity Industrial
- I2 High Intensity Industrial
- HI High Impact

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04/03/2019



28

44' from road
 35' from property line
 42' from nearest structure
 80' from well
 37' from septic

Staff Report

CASE NUMBER: BZA 19-10
CASE NAME: HERSHEL & PAMELA PEOPLES – DEVELOPMENT STANDARDS
VARIANCE

PROPERTY DESCRIPTION

Location: Moral Township at the address 11254 N 800 W, New Palestine.

Property Size: 0.53 acres

Property Improvements: Single-family dwelling & two detached garages.

Surrounding Development: Coyote Chase subdivision & cropland.

Zoning Classification: RE (Residential Estate) – intended to promote low-impact development in harmony with a natural setting.

Comprehensive Plan Future Land Use: Agricultural Residential - Agricultural residential development forms an important transition between agricultural designations and the rural town centers in which activity and revitalization is encouraged. Residences, especially non-farm residences, should be adequately buffered from any agricultural uses to ensure the comfort of the residents and continued viability of the farm operations.

VARIANCE REQUEST

Variance of Development Standards - To allow for an addition to a single-family residence 36-feet from the proposed right-of-way (minimum 50-foot front yard setback required).

The setback from public road right-of-way provides for open space, prevents traffic hazards due to structures constructed too close to the road, and provides area for future acquisition of right-of-way.

CASE DESCRIPTION

- The petitioner plans to construct a 12' x 25' (300 sq. ft.) room addition onto the front side of the house.
- The County Highway Department does not have any concerns with the location of the addition.
- The UDO defines the front yard setback as the minimum distance between the building line and the proposed right-of-way as identified in the Comprehensive Plan. The proposed half right-of-way for N 800 W is 35-feet. Therefore, the minimum setback from the center of N 800 W is (50-ft setback + 35-ft ROW) 85-feet. The addition would sit only 71-feet from the center of the road.

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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

Staff Analysis: The addition would not hinder motorist visibility along N 800 W. The County Highway Department does not have any concerns with the location of the addition.

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 does not adjoin any other residential properties. The accessory structure would not prohibit the continued use of adjacent area for crop production.

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

Staff Analysis: A strict application of the Ordinance would prohibit an addition to the residence that would have complied with setback requirements at the time of construction of the residence.

STAFF RECOMMENDATION

Staff recommends **approval** subject to substantial compliance with the site plan submitted with the board of zoning appeals application.

APPLICANT/OWNER INFORMATION

Applicant: Herschel & Pamela Peoples
11254 N 800 W
New Palestine, IN 46163

Owner: Same



Standing at site of addition looking at road



Residence

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Herschel L. & Pamela D. Peoples

Case #: _____

Location: 11254 N. Shelby 800 W., New Palestine, IN 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.

The proposed addition will not cause pollution to the area.
It should cause no problems to the neighbors or area.

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

The proposed addition will create no additional noise,
odor, traffic, etc. to the neighborhood.

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 proposed addition is not for economic gain.

Area & Zoning Map



<p> OP Open Space and Parks A1 Conservation Agricultural A2 Agricultural A3 Intense Agricultural A4 Agricultural Commercial RE Residential Estate R1 Single-Family Residential R2 Single-Family Residential VR Village Residential M1 Multiple-Family Residential M2 Multiple-Family Residential MP Manufactured Home Park VM Village Mixed Use IS Institutional C1 Neighborhood Commercial C2 Highway Commercial I1 Low Intensity Industrial I2 High Intensity Industrial HI High Impact </p>	<p> Printed 04/03/2019 </p>
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