

**Shelby County
Board of Zoning Appeals**

May 10, 2022 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals May 10, 2022, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the April 12, 2022 meeting.

NEW BUSINESS

BZA 22-21 – RICKY JAY PAUL II: DEVELOPMENT STANDARDS VARIANCES. Located at 3433 E German Rd, Shelbyville, Addison Township.

BZA 22-23 – BRADLEY DAVIS: DEVELOPMENT STANDARDS VARIANCES. Located at 8299 N Frontage Rd, Fairland, Moral Township.

OLD BUSINESS

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

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **June 28, 2022 at 7:00 PM.**

Property Details

Location: 3433 E German Rd,
Shelbyville, Addison Township.

Property Size: 5-acres.

Current Land Use: Cropland.

Zoning Classification:

RE (Single-Family Residential)

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

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	RE	Estate Residential
South	RE	Cropland
East	RE	Estate Residential
West	RE	Estate Residential

Staff Report

Case Number: BZA 22-21

Case Name: Ricky Jay Paul II – Development Standards
Variances

Request

Variances of Development Standards to allow:

1. The front facade of a new single-family residence to not face the road to which the home gains access;
2. A new residential driveway adjoining the property line (minimum 10-foot setback required);
3. A new residential driveway adjoining the entrance to an existing residential driveway (minimum 60-foot setback required).

Code Requirement

UDO Section 5.11 A: Facade: *The front facade of all primary structures shall not be oriented greater than ten degrees (10) from the public or private street to which the building gains primary access.*

UDO Section 5.18 A 2: Separation: From Another Driveway: *A new driveway shall not be permitted to be installed within sixty (60) feet of another driveway. However, driveways may shared or located directly across from one another.*

UDO Section 5.18 D: Distance to Property Line: *All driveways shall be at least ten (10) feet from the side property line.*

Purpose of Requirements: Restricting the direction of the front facade serves to maintain the community’s character and protects the privacy of adjoining side and rear yards. Driveway separation standards reduce conflicts between two or more vehicles using adjacent driveways at the same time. Driveway setback standards reduce the likelihood of vehicles driving over a property line and limit the migration of dust and debris onto adjoining properties.

Property Map



Case Description

- The petitioner plans to construct a 1,990 sq. ft., one-story residence with a two-car attached garage.
- The front facade of the home would face south toward SR 44.
- The lot has access to German Rd. through a 50-foot-wide ingress/egress easement along the east property line of the adjacent property to the north and along the west property line of the adjacent property to the northeast. The existing driveway within the easement lies only on the adjacent property to the north.
- The adjacent property to the east also gains access to German Rd. through the 50-foot-wide ingress/egress easement. The new driveway on the subject property would not comply with the setback requirement from this lot or the driveway separation requirement from the driveway on this lot.

- The subject property and adjacent five-acre lots were created in the 1990s under the ‘5-acre rule’. At that time the County exempted land subdivided into tracts 5-acres and greater from subdivision review. Most homes on the adjacent lots were constructed in the late 1990s and early 2000s.
- The UDO designates all lots in existence since 2008 as buildable lots, regardless of compliance with current road frontage requirements.

Staff Analysis of Findings of Fact

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

Staff Analysis: Construction of the home will require Site Plan approval and construction permits, and the structure must comply with all building codes before receiving a Certificate of Occupancy. The home will not appear conspicuous when viewed from the public road and the new driveway would not directly access a public road, therefore approval of the variances would not impact 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 direction that the house faces does not significantly impact the privacy of adjacent yards or the character of the neighborhood due to the unique location of the lot at the center of previously developed lots. The variances from the driveway requirements would not impact any property other than potentially the adjacent lot to the east, however the ingress/egress easement established for the driveway existed prior to purchase and development of the lot to the east.

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 the front facade of the home to face SR 44 or for use of an existing ingress/egress easement.

Staff Recommendation

APPROVAL primarily because the unique location of the lot at the center of previously developed lots renders the orientation of the house insignificant and because a strict application of the ordinance would not allow the driveway to use an existing ingress/egress easement.

Applicant/Owner Information

Applicant:	Ricky Jay Paul II 3433 E German Rd. Shelbyville, IN 46176	Owner:	Same
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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.

My preference is to face front of home to
face South direction, I will clearly mark
property with correct address

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.

Each adjacent property has atleast 5 acre tract
there fore will not be an issue

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.

This is a preference to turn home and is no
gain to myself or other properties

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.)

NOTES

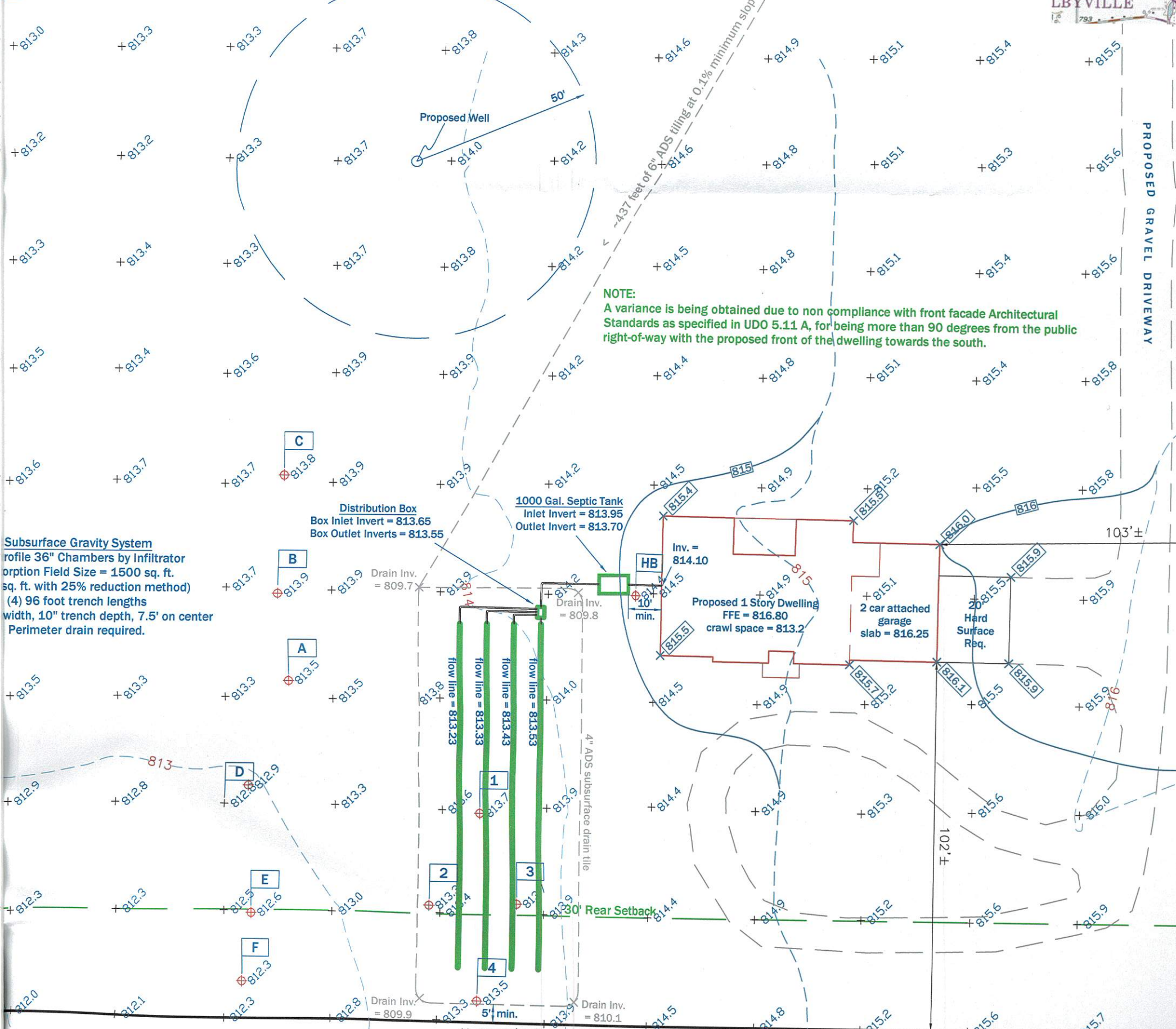
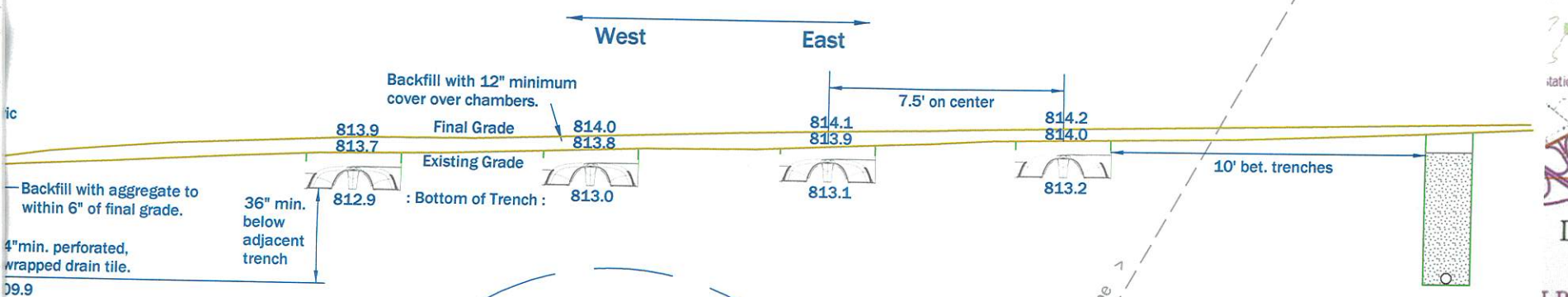
at the northeast corner of the northwest quarter of
h, Range 7 East, in Addison Township, Shelby
thence north 89 degrees 42 minutes 55 seconds
20 feet along the north line of said quarter section
th 00 degrees 05 minutes 10 seconds east 508.10
nt of beginning of this tract;
minutes 50 seconds east 507.30 feet, thence north
conds west 432.00 feet, thence north 00 degrees
509.30 feet, thence south 89 degrees 42 minutes
to the point of beginning; containing 5.00 acres,
trictions and right-of-ways of record.

- Final grading shall provide a 6 inch drop in elevation 10 feet out around the exterior of the proposed dwelling.
- Any drainage tiles encountered/interrupted during the construction process shall be promptly repaired.
- Contractor shall provide erosion control measures as required per the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance.
- Twenty foot paved surface required in front of garage to accommodate (2) 9'x18' parking spaces.
- Roof drains should be directed/piped to avoid the septic absorption field area.
- Five deciduous trees with at least 1 3/4" DBH at the time of planting shall be planted on the property prior to occupation of the residence.
- Development of the site is subject to Section 5.67 of the Shelby County Unified Development Ordinance - Rural Residential Development Standards.
- Site plan complies with all state and local regulations and any requested changes or alterations must be first approved by the appropriate authority.

PROPERTY ADDRESS
E German Road
Shelbyville, IN 46176
CURRENT ZONING
RE Residential Estate

lie within a Flood Hazard Area per the effective
7C, dated November 5, 2014. The property does
Flood zone as shown on the Indiana DNR Floodplain
ood elevation of 812.8 feet was obtained from the
adjacent parcel to the east. The contributing
y to Lewis Creek.

TRENCH CROSS SECTION



Subsurface Gravity System
profile 36" Chambers by Infiltrator
option Field Size = 1500 sq. ft.
sq. ft. with 25% reduction method)
(4) 96 foot trench lengths
width, 10" trench depth, 7.5' on center
Perimeter drain required.

NOTE:
A variance is being obtained due to non compliance with front facade Architectural Standards as specified in UDO 5.11 A, for being more than 90 degrees from the public right-of-way with the proposed front of the dwelling towards the south.

Property Details

Location: 8299 N Frontage Rd, Fairland, Moral Township.

Property Size: 5.41-acres.

Current Land Use: Residential Estate.

Zoning Classification:

RE (Single-Family Residential)

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

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	IS	Fire Department & Community Center
South	RE	Estate Residential
East	RE	Estate Residential
West	RE	Estate Residential

Staff Report

Case Number: BZA 22-23

Case Name: Bradley Davis – Development Standards Variances

Request

Variances of Development Standards to allow for a 5,400 sq. ft. pole barn:

1. Resulting in the total area of all accessory structures on the lot exceeding 2X the footprint of the house.
2. Resulting in more than two enclosed accessory structures on the lot.
3. For use unrelated to the primary use of the property (storage of a semi-trailer truck).

Code Requirement

UDO Section 5.06 D: Maximum Size: The total area of all enclosed accessory structures on a lot shall not exceed two times (2X) the footprint of the primary structure.

UDO Section 5.06 C: Maximum Number: Up to two (2) enclosed accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.

UDO Section 5.06 A: Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example, a detached garage, swimming pools, storage shed or gazebo.

Purpose of Requirements: Limiting the size, number, and use 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 60'x90' (5,400 sq. ft.) pole barn.
- The total square footage of the proposed structure plus the existing accessory structures would equal approximately 2.75X 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.
- An accessory structure not exceeding 3,500 sq. ft. would comply with the maximum size requirement for accessory structures on the lot.
- The property tax card of the adjoining property to the southeast indicates that the property includes 4,500 sq. ft. pole barn constructed in 2005. The barn complies with the maximum size requirement for accessory structures on this property because the lot includes a larger house than the subject property and does not include any other accessory structures. The house and trees on this property also screen the barn from the public road.

- The UDO permits a maximum of two enclosed accessory structures over 200 sq. ft. on lots in the RE District. The property tax card indicates that the lot currently includes a 280 sq. ft. pole barn and 528 sq. ft. detached garage. Therefore, the petitioner has requested a variance to construct the third accessory structure.
- The variance application indicates that the petitioner plans to use the structure for personal use and for storage of vehicles and equipment.
- The UDO requires that accessory structures relate to the primary use of the lot. The petitioner explained to Staff that they intend to park a semi-trailer truck in the proposed barn. Staff determined that the parking of a commercial vehicle in a residential accessory structure does not directly relate to residential use of the property. Therefore, the petitioner has requested a variance park a semi-trailer truck in the proposed barn.

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:

Maximum Size Variance: Construction of the barn 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 barn. However, the property is highly visible from the I-74 corridor. Therefore, presence of a large barn deviating from the residential character of the surrounding area would negatively impact the overall appearance and economic vitality of the County.

Maximum Number Variance: The lot exceeds the size of most lots located in the RE District and the lot currently includes relatively small accessory structures. Therefore, the existence of three accessory structures on the lot would not result in the lot appearing overcrowded when viewed from I-74.

Permitted Type Variance: Indoor storage of one semi-trailer truck on a 5-acre residential lot would not pose a significant environmental, traffic, or safety impact.

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:

Maximum Size Variance: Construction of a large barn visible from the public road would deviate from the residential character of the neighborhood.

Maximum Number Variance: The lot exceeds the size of most lots located in the RE District and the lot currently includes relatively small accessory structures. Therefore, the existence of three accessory structures on the lot would not result in the lot appearing overcrowded and thus deviating from the residential character of the neighborhood.

Permitted Type Variance: Ingress and egress of one semi-trailer truck from the property would not pose a significant noise impact to nearby residences on large residential lots or alter the traffic patterns in the neighborhood. Indoor storage of one semi-trailer truck would not alter the character of the area.

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

Maximum Size Variance: The UDO allows for construction of a relatively large accessory that would have adequate area for storage of items typically associated with residential use and a semi-trailer truck.

Maximum Number Variance: A strict application of the ordinance would not allow for construction of a third accessory structure on property exceeding the size of most lots located in the RE District and currently including relatively small accessory structures.

Permitted Type Variance: A strict application of the ordinance would not allow for indoor storage of an item owner by the petitioner that would not pose a significant impact to adjacent residential properties.

Staff Recommendation

DENIAL of the **Maximum Size** variance primarily because construction of a large barn visible from the public road would deviate from the residential character of the neighborhood.

APPROVAL of the **Maximum Number** variance primarily because the lot exceeds the size of most lots located in the RE District and the lot currently includes relatively small accessory structures.

APPROVAL of the **Permitted Type** variance primarily because indoor storage and ingress and egress of one semi-trailer truck from the property would not pose a significant noise impact to nearby residences on large residential lots or alter the traffic patterns in the neighborhood

Staff recommends the following **stipulations**:

1. The barn shall not exceed an area of 3,500 sq. ft. and a height of 20-feet.
2. The semi-trailer truck shall not be parked or stored outdoors.
3. The barn shall not be used for any purpose not permitted in the RE District, other than for storage of one semi-trailer truck.

Applicant/Owner Information

Applicant:	Bradley Davis 8299 N Frontage Rd. Fairland, IN 46126	Owner:	Bradley & Jennifer Davis
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Proposed Building Site and Existing Home



Staff Photograph – May 2022

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Bradley Davis

Case #: _____

Location: 8299 N. Frontage Road Fairland, IN 46126

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

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

The pole barn is for storage of vehicles & equipment. No operations will be run out of this barn. No chemicals or pollutants will be involved to harm animals or people.

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 pole barn will increase the property value. The barn will be within appropriate property lines. No additional traffic will be generated.

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 septic system is located in the back of the property. This barn is for personal residential use.

BARN- 240 Ft to Frontage Rd
House- 180 Ft to Frontage Rd
80 Ft between Pole Barn & House

