

Shelby County  
Board of Zoning Appeals

June 11, 2019 at 7:00 PM

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# MEETING AGENDA

Shelby County Board of Zoning Appeals  
June 11, 2019, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the May 14, 2019 meeting.

OLD BUSINESS

BZA 19-15 – STEPHEN BLAIR: USE & DEVELOPMENT STANDARDS VARIANCE

NEW BUSINESS

BZA 19-16 – JERRY & JOYCE INGLE: DEVELOPMENT STANDARDS VARIANCE

BZA 19-17 – JAMES R & SUE A KIRSCHBAUM: DEVELOPMENT STANDARDS VARIANCE

BZA 19-18 – STEVEN D & CYNTHIA L BEST: USE VARIANCE

BZA 19-19 – RANDY & JEANNLE DUNCAN: DEVELOPMENT STANDARDS VARIANCE

DISCUSSION

Patrick Black Update

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, July 9, 2019 at 7:00 PM.

# Summary of Cases

## *BZA 19-15 – STEPHEN L BLAIR*

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REQUESTS:

1. **Variance of Use** to allow for the use of a recreational vehicle (RV), and possibly a future manufactured home, as primary living quarters in a VR (Village Residential) District (permanent occupancy of an RV not permitted in any zoning district; temporary occupation of an RV only permitted in the OP (Open Space & Parks District) ).
2. **Variance of Development Standards** to allow for a fence exceeding 3-feet in height in a VR District.

LOCATION: Nobel Township at the address 3199 E 875 S, Waldron.

STAFF RECOMMENDATION:

1. **DENAIL the Use Variance** of due primarily to the following circumstances:
  - In Staff's opinion, the proposal does not meet findings of fact 1, 2, and 5 (see Staff Report)
  - Approval of the proposal may also set a precedent for similar approvals in the future.
2. **DISMISSAL of the Development Standards Variance**
  - No longer applicable if use variance is denied.

## *BZA 19-16 – JERRY & JOYCE INGLE*

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REQUEST: Variance of Development Standards to allow for an accessory structure (barn) prior to a primary structure (single-family residence) (accessory structures not permitted prior to primary structures in residential districts),

LOCATION: Moral Township at the address 4195 W PR 825 N, Fairland.

ADDITIONAL INFORMATION: The BZA should have confidence that the petitioners will complete construction of a single-family residence in a timely manner before granting the variance.

STAFF RECOMMENDATION: **APPROVAL**, due primarily to the following circumstances:

- A strict application of the Ordinance would prohibit the construction of a barn for the purpose of residential storage.
- **RECCOMENDED STIPULATION** – A single-family residence shall be constructed on the property and receive a certificate of occupancy by June 11, 2021 (two years from the date of approval).

## *BZA 19-17 – JAMES R & SUE A KIRSCHBAUM*

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REQUEST: Variance of Development Standards to allow for an accessory structure (pole barn) prior to a primary structure (single-family residence) (accessory structures not permitted prior to primary structures in residential districts),

LOCATION: Marion Township at approximately 3901 N Morristown Rd, Shelbyville. Within the unincorporated community of Marion.

ADDITIONAL INFORMATION: The BZA should have confidence that the petitioners will complete construction of a single-family residence in a timely manner before granting the variance.

STAFF RECOMMENDATION: **APPROVAL**, due primarily to the following circumstances:

- The barn would have the appearance of an accessory structure related to one of the two houses located between the property and the road.
- **RECOMMENDED STIPULATION** – A single-family residence shall be constructed on the property and receive a certificate of occupancy by June 11, 2021 (two years from the date of approval).

### ***BZA 19-18 – STEVEN D & CYNTHIA L BEST***

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

**LOCATION:** Nobel Township at the address 3187 E 850 S, Waldron.

**STAFF RECOMMENDATION:** APPROVAL, due primarily to the following circumstances:

- Mature trees cover a significant portion of the property and would likely screen the RV from adjoining properties.
- **RECOMMENDED STIPULATIONS**
  1. Occupancy of the RV shall only be permitted during construction of the house and shall only be occupied until June 11, 2021 (two years from the date of approval of the variance).
  2. Health Department approval of temporary waste disposal facilities.

### ***BZA 19-19 – RANDY & JEANNIE DUNCAN***

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**REQUEST:** Variance of Development Standards to allow for an industrial accessory structure 10-feet from the front property line (30-foot setback required).

**LOCATION:** Moral Township at the address 8520 N 850 W, Fairland.

**ADDITIONAL INFORMATION:** The UDO designates the north property line as the front lot line. The accessory structure would comply with all requirements of the UDO other than the front setback requirement.

**STAFF RECOMMENDATION:** APPROVAL, due primarily to the following circumstances:

- The primary structure was constructed prior to adoption of the current UDO and does not comply with current setback requirements.
- The structure would comply with the setback requirement if the property line extended to the edge of pavement.

# Staff Report

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CASE NUMBER: BZA 19-15  
CASE NAME: STEPHEN L. BLAIR – USE & DEVELOPMENT STANDARDS VARIANCE

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## ***CASE SUMMARY***

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### REQUESTS:

1. **Variance of Use** to allow for the use of a recreational vehicle (RV), and possibly a future manufactured home, as primary living quarters in a VR (Village Residential) District (permanent occupancy of an RV not permitted in any zoning district; temporary occupation of an RV only permitted in the OP (Open Space & Parks District) ).
2. **Variance of Development Standards** to allow for a fence exceeding 3-feet in height in a VR District.

LOCATION: Nobel Township at the address 3199 E 875 S, Waldron.

### STAFF RECOMMENDATION:

1. **Denial the Use Variance** of due primarily to the following circumstances:
  - In Staff's opinion, the proposal does not meet findings of fact 1, 2, and 5 (see Staff Report)
  - Approval of the proposal may also set a precedent for similar approvals in the future.
2. **Dismissal of the Development Standards Variance**
  - No longer applicable if use variance is denied.

### PROPERTY DESCRIPTION

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Property Size: Approximately 0.75 acres.

Property Improvements: Vacant.

Surrounding Development: Single-family residential development at a density of approximately one dwelling per 0.5-acres and wooded areas.

Zoning Classification: VR (Village Residential) – intended for medium to high-density single-family detached dwellings on small to medium sized lots. Flexible development standards to accommodate existing developments.

Comprehensive Plan Future Land Use: Agricultural Residential - Agricultural residential areas are intended to include only single-family homes. Generally, these areas are served by individual wells and septic systems except in the case of agricultural residential located adjacent to some rural town centers where the extension of utilities is more feasible. Agricultural residential developments should be designed to be compatible with their natural and agricultural surroundings.

### VARIANCE REQUEST

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Prohibiting the use of an RV as permanent living quarters in residential districts ensures that a dwelling unit of relatively low value does not impact the character of the neighborhood or pose a negative effect on surrounding property values. The implementation of fence standards promotes neighborliness, visibility, and aesthetic quality consistent with each zoning district.

#### CASE DESCRIPTION

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- The petitioner plans to use the RV as his permanent residence. The petitioner stated that he may replace the RV with a manufactured home at a future date.
- The petitioner also stated that he plans to construct a privacy fence.
- A private road (E 875 S) provides access to the subject property and to several residences north of the subject property. The petitioner stated that he does not plan to access the property from the south using S 310 E.
- The Shelby County Health Department will not issue a septic permit for the property due to the quality of the soil. The USGS Soil Survey also rates the soils as Very Limited for absorption of effluent and for construction and maintenance of a septic system.
- The Health Department has also requested that the petitioner cap the existing well due to the lack of a wastewater disposal system.
- The petitioner stated that he plans to use a composting toilet and grey water tank as water and sanitary facilities.

#### STAFF ANALYSIS OF FINDING OF FACTS - USE VARIANCE

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**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 not have access to a permitted septic system. The County does not currently permit any other type of private sanitary facilities and therefore cannot ensure that the method of sanitary disposal will not have a negative impact on the environment or public health.

**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 permanent placement of an RV for use as living quarters in a residential neighborhood could have a negative impact on surrounding property values.

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

Staff Analysis: The property lies within a single-family residential neighborhood established prior to current septic system regulations and the current septic system regulations prohibit development

of the property in a similar manner. Therefore, approval of a variance would allow for residential use of the property.

**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: The property lies within a single-family residential neighborhood established prior to current septic system regulations and the current septic system regulations prohibit development of the property in a similar manner. Therefore, approval of a variance would allow for residential use of the property.

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

Staff Analysis: The proposal would interfere with the provisions identified in the Plan for agricultural residential areas because the proposed use is not a single-family residence, would not utilize a septic system, and would not be compatible with the natural setting.

APPLICANT/OWNER INFORMATION

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Applicant: Stephen L. Blair  
3309 W 800 S  
Greensburg, IN 47240

Owner: Same



View of adjoining property to the north.  
Proposed Location for RV



View of subject property looking south - proposed location for RV

USE VARIANCE  
FINDINGS OF FACT



Applicant: Stephen L. Blair

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 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 variance will not be injurious to anything or anyone.

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 this property will not affect any adjacent property

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 ~~purpose~~ reason for a trailer is to keep the land as pure as possible.

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.

The reason for a trailer is to keep the land as pure as possible

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

It's not going to interfere it is going to be used as Residential.

**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Applicant: Stephen L. Blair

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.

Property will be upgraded from a wooded lot to an eye appealing addition to the community - keeping neighbors, health & privacy in mind.

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.

Any changes made will be to our property only and will not affect 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.

It's a privacy fence.





## Staff Report

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CASE NUMBER: BZA 19-16  
CASE NAME: JERRY & JOYCE INGLE – DEVELOPMENT STANDARDS VARIANCE

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### ***CASE SUMMARY***

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**REQUEST:** Variance of Development Standards to allow for an accessory structure (barn) prior to a primary structure (single-family residence) (accessory structures not permitted prior to primary structures in residential districts),

**LOCATION:** Moral Township at the address 4195 W PR 825 N, Fairland.

**ADDITIONAL INFORMATION:** The BZA should have confidence that the petitioners will complete construction of a single-family residence in a timely manner before granting the variance.

**STAFF RECOMMENDATION:** Approval, due primarily to the following circumstances:

- A strict application of the Ordinance would prohibit the construction of a barn for the purpose of residential storage.
- **Recommended Stipulation** – A single-family residence shall be constructed on the property and receive a certificate of occupancy by June 11, 2021 (two years from the date of approval).

### **PROPERTY DESCRIPTION**

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**Property Size:** 8.36 acres.

**Property Improvements:** Vacant.

**Surrounding Development:** Single-family residences on lot ranging from 2-acres to 9-acres.

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

**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.

### **PURPOSE OF UDO REQUIREMENT**

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Prohibiting the construction of accessory structures prior to primary structures ensures that properties in residential districts will include a residence, thereby maintaining the character of residential neighborhoods. This requirement also discourages operation of a business or other uses in a residential accessory structure that would ordinarily impose a nuisance upon occupants of the residential primary structure, and therefore potentially imposing a nuisance upon neighboring property.

### **CASE DESCRIPTION**

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- The petitioners recently purchased the subject property and plan to construct a 2,300 sq. ft. single-story house and a barn.
- The Planning Director and Health Department have approved a site plan for the proposed dwelling. The petitioners have also obtained an Improvement Location Permit and Building Permit for the dwelling.
- The petitioners stated that they plan to use the barn for storage of personal items and that the barn will resemble surrounding residential accessory structures.

**STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE #I**

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**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 barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The property is not visible 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: The petitioner stated that the barn would resemble surrounding residential accessory structures. Therefore, the barn would not alter the aesthetic character of the neighborhood.

**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 the construction of a barn for the purpose of residential storage.

**APPLICANT/OWNER INFORMATION**

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Applicant:	Jerry & Joyce Ingle 10621 E Edgewood Ave. Indianapolis, IN 46239	Owner:	Same
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Looking west - view of proposed location for barn & house

DEVELOPMENT STANDARDS VARIANCE  
FINDINGS OF FACT

X

Applicant: Terry & Joyce Ingle

Case #: \_\_\_\_\_

Location: 4195 W PR 825 N FAIRLAND IN 46126

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

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

Approval of the pole barns will not be injurious to the public or the surrounding community. No increased traffic or noise will occur. The barns will enhance the property and neighborhood.

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.

Because the pole barns sit on a large plot, no encroaching on adjoining property. No traffic other than the owners. There is no noise and nothing to cause pollution. The pole barns will be constructed in fashion to blend with the surrounding community.

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 erection of the pole barns will not disrupt the topography of the property. It will not interfere with other uses of the land such as the septic etc. Construction will be similar to surrounding structures in the area. The pole barn will only be used for personal use by the owner.



- 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

Printed  
06/04/2019



## Staff Report

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CASE NUMBER: BZA 19-17  
CASE NAME: JAMES R & SUE A KIRSCHBAUM – DEVELOPMENT STANDARDS  
VARIANCE

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### ***CASE SUMMARY***

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**REQUEST:** Variance of Development Standards to allow for an accessory structure (pole barn) prior to a primary structure (single-family residence) (accessory structures not permitted prior to primary structures in residential districts),

**LOCATION:** Marion Township at approximately 3901 N Morristown Rd, Shelbyville. Within the unincorporated community of Marion.

**ADDITIONAL INFORMATION:** The BZA should have confidence that the petitioners will complete construction of a single-family residence in a timely manner before granting the variance.

**STAFF RECOMMENDATION:** Approval, due primarily to the following circumstances:

- The barn would have the appearance of an accessory structure related to one of the two houses located between the property and the road.
- **Recommended Stipulation** – A single-family residence shall be constructed on the property and receive a certificate of occupancy by June 11, 2021 (two years from the date of approval).

### **PROPERTY DESCRIPTION**

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**Property Size:** 2.902 acres.

**Property Improvements:** Vacant.

**Surrounding Development:** Single-family residences to the north and south. Cropland to the east and west.

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

**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.

### **PURPOSE OF UDO REQUIREMENT**

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Prohibiting the construction of accessory structures prior to primary structures ensures that properties in residential districts will include a residence, thereby maintaining the character of residential neighborhoods. This requirement also discourages operation of a business or other uses in a residential accessory structure that would ordinarily impose a nuisance upon occupants of the residential primary structure, and therefore potentially imposing a nuisance upon neighboring property.

CASE DESCRIPTION

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- Two existing residences on adjoining lots would sit between the barn and the road.
- The petitioner stated that they plan to use the pole barn for storage.

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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**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 barn would require a building permit and the structure must comply with all building codes before passing a final inspection. Due to the location of the barn behind two houses, the barn 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: The barn would have the appearance of an accessory structure related to one of the two houses located between the property and the road. Therefore, an accessory structure in the proposed location without a house would not alter the character of the neighborhood.

**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 the construction of a barn that would not alter the character of the neighborhood.

APPLICANT/OWNER INFORMATION

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Applicant:	James R & Sue A Kirschbaum 2763 S 200 W Shelbyville, IN 46176	Owner:	Same
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Proposed location of barn



**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

X

Applicant: James R. & Sue A. Kirschbaum

Case #: \_\_\_\_\_

Location: South of 3903 N. Morristown Rd.

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.

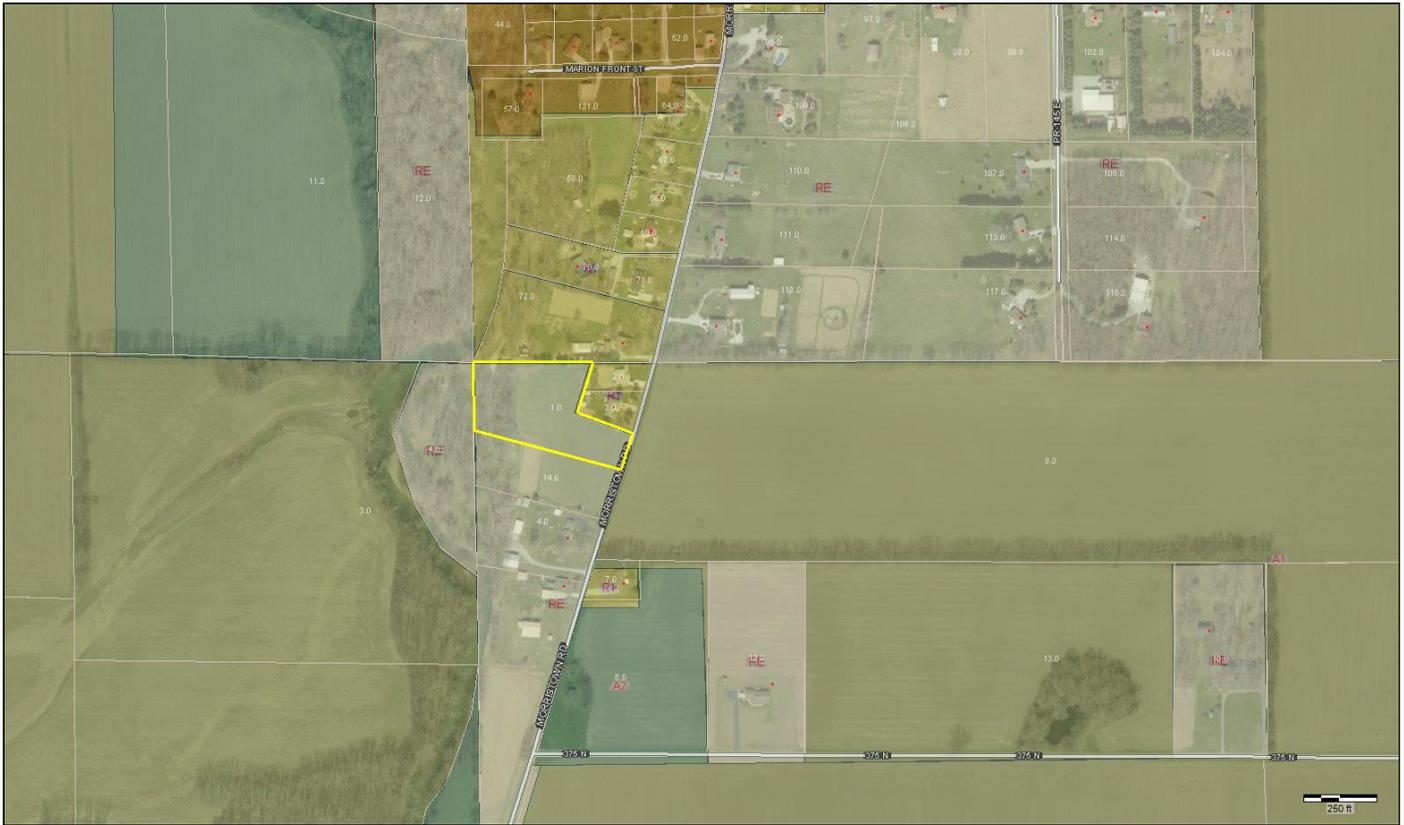
A Pole barn For Storage  
\_\_\_\_\_  
\_\_\_\_\_

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.

A Pole barn For 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.

A Pole barn For Storage  
\_\_\_\_\_  
\_\_\_\_\_



- 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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06/04/2019

# KIRSCHBA

12.000-012  
 Trust (1/2 int.)  
 Trust (1/2 int.)

Robert D. & M. Christine Branson  
 Warranty Deed  
 Deed Book 296 Pages 1378, 1379  
 Recorded May 22, 1987  
 IN Parcel#73-07-09-300-072.000-012  
 3.37 Acres

Gilmore Abplanalp, LS  
 survey on Fox Estate  
 dated 6/03/1970  
 Shelby Co. Surveyor files

N:1579221.48  
 E: 301794.16  
 Slender stone oriented north-  
 below asphalt, by Charles We

N:1579221.59  
 E: 301796.34  
 Calculated position of road n  
 located 1987 by the surveyor

S 89°46'09" E 615.31' (Monument to Found 1889 Stone)  
 S 89°46'47" E 617.49' (Monument to Kuhn Road Nail) [618.0']

5/8" rebar found 0.3' below  
 grade, on line, set per Abplanalp.

Stephan Kuhn, LS  
 survey for Bill Kirk  
 dated 8/30/1971  
 Shelby Co. Surveyor files

Charles & Juanita Jo Coots  
 Warranty Deed  
 Deed Book 259 Pages 997, 998  
 Recorded September 24, 1971  
 IN Parcel#73-07-16-100-002.000-012  
 0.46 Acres

EXCEPTIONS  
 W. Taylor Sumnerford, LS  
 survey for Matney, Parker  
 dated 5/23/1982  
 Shelby Co. Surveyor files

Jerry C. & Judie A. Goode  
 Quitclaim Deed  
 Inst. #11480  
 Recorded December 14, 1998  
 IN Parcel#73-07-16-100-003.000-012  
 0.52 Acres

& M. Christine Branson  
 Warranty Deed  
 Deed Book 296 Pages 1378, 1379  
 Recorded May 22, 1987  
 IN Parcel#73-07-17-200-004.000-012  
 4.88 Acres

W. Taylor Sumnerford, LS  
 survey for Carl Chappelow  
 dated 6/07/1977  
 Shelby Co. Surveyor files

James R. & Sue Ann Kirschbaum  
 Warranty Deed  
 Inst. #2016003724  
 Recorded July 14, 2016  
 IN Parcel#73-07-16-100-001.000-012  
 4.88 Acres

B. & J. Foltz Farms, Inc.  
 Warranty Deed  
 Deed Book 304 Pages 605, 606  
 Recorded April 30, 1990  
 IN Parcel#73-07-16-100-008.000-012  
 44.5 Acres

LOT 1  
 2.000 ACRES

LOT 2  
 2.902 ACRES

INTER SECTION 16-13-7  
 d 0.5' below grade next  
 ent was set in 1987 by  
 tion of a stone depicted  
 of what is now the 3.37  
 limestone by the old  
 aster, deputy surveyor in  
 is probably due to a  
 ed by Ray Wilson. The  
 on the Abplanalp survey.  
 er were at one time  
 .3' east and 3.5 feet  
 177. It was projected  
 mile west and lined up  
 an iron pipe about 3.5'  
 county monument was  
 ng the overall parent  
 nce line running ENE and  
 of these previous  
 ly since there were  
 ffice ran survey traverses  
 and west sides of the  
 and the record stone  
 road, on the north section  
 the surveyor's office to  
 line across the river,  
 gated as well by this  
 s in some of the trees  
 rty. These remnants do  
 ut there is also quite a  
 r to the west. In judging  
 ginal government  
 t, this too would also  
 r further south. Also in  
 e stone in Morristown  
 re available original  
 in the day, the work of the  
 t.

1/2" rebar found 0.3' below  
 grade, 0.4' east of line. Set  
 on 1977 Chappelow survey.

Ray Wilson  
 Survivorship Affidavit  
 Inst. #2016003721  
 Recorded July 14, 2016  
 IN Parcel#73-07-16-100-004.000-012  
 2.32 Acres

Stephan Kuhn, LS  
 survey on Willie Tindall Est.  
 5 tracts, dated 6/01/1971  
 Shelby Co. Surveyor files

PROPOSED LOTS  
 Primary Setbacks as follows:  
 50' Front, 30' Side and Rear.  
 Accessory structures have a 10 foot  
 setback along sides and rear.  
 45' Proposed 1/2 Right-of-Way per  
 the Shelby County Thoroughfare Plan  
 Morristown Road : Rural Collector

### LEGEND

N 1576521.40  
 E 282523.07

INDIANA STATE PLANE  
 GRID COORDINATE VALUE  
 SCALE FACTOR = 0.99993  
 DATUM: NAD83(2011)

▲ SECTION CORNER PERPETUATED ON CURRENT  
 SHELBY COUNTY SURVEYOR TIE SHEETS

○ MAGNAIL AND WASHER STAMPED "S. SUMERFORD  
 LS9800017" RECESSED IN ROAD SURFACE

● 5/8" REBAR WITH PLASTIC CAP STAMPED  
 "S. SUMERFORD LS29800017" SET AT GRAD  
 UNLESS NOTED OTHERWISE.

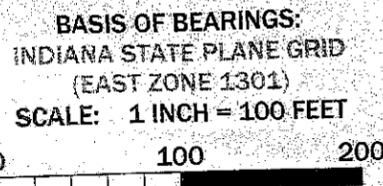
◆ RAILROAD SPIKE FOUND AS NOTED

● 5/8" REBAR FOUND AS NOTED

○ 1-1/2" IRON PIPE FOUND AS NOTED

[...] INDICATES RECORD DIMENSION

× × × FARM FENCING AND RE



## Staff Report

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CASE NUMBER: BZA 19-18  
CASE NAME: STEVEN D & CYNTHIA L BEST – USE VARIANCE

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### ***CASE SUMMARY***

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

**LOCATION:** Nobel Township at the address 3187 E 850 S, Waldron.

**STAFF RECOMMENDATION:** Approval, due primarily to the following circumstances:

- Mature trees cover a significant portion of the property and would likely screen the RV from adjoining properties.
- **Recommended Stipulations**
  1. Occupancy of the RV shall only be permitted during construction of the house and shall only be occupied until June 11, 2021 (two years from the date of approval of the variance).
  2. Health Department approval of temporary waste disposal facilities.

### **PROPERTY DESCRIPTION**

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**Property Size:** 7.26 acres.

**Property Improvements:** Metal-sided pole barn.

**Surrounding Development:** Primarily cropland and a few single-family residences.

**Zoning Classification:** A2 (Agricultural) – intended for low to medium intensity general agricultural operations.

**Comprehensive Plan Future Land Use:** Agriculture - Traditional farming practices as well as accessory residential and other agriculture related uses occur within this designation. 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. Any development in these areas must be capable of being adequately served by well, septic or other appropriate waste treatment systems.

### **PURPOSE OF UDO REQUIREMENT**

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Prohibiting the use of an RV as living quarters in residential districts ensures that a dwelling unit of relatively low value does not impact the character of the neighborhood or pose a negative effect on surrounding property values.

### **CASE DESCRIPTION**

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- The petitioners recently purchased the subject property and plan to construct a 1,600 sq. ft. one-story, single-family dwelling.
- The Planning Director & Health Department have approved a site plan for the proposed dwelling.

- The petitioners stated that they would like to use an RV as living quarters because they do not have a place to live during construction of the house.
- The petitioners stated that they plan to use a temporary septic system with a holding tank while occupying the RV.

**STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE**

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

Staff Analysis: Due to existing mature trees on the property, the RV 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: Mature trees cover a significant portion of the property and would likely screen the RV from adjoining properties. The petitioners plan to use a temporary septic system while occupying the RV and therefore waste would not contaminate local well water.

**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 petitioners to live on property they own during construction of a permanent residence.

**APPLICANT/OWNER INFORMATION**

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Applicant: Steven B & Cynthia L Best  
3187 E 850 S  
Waldron, IN 46182

Owner: Same

**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.

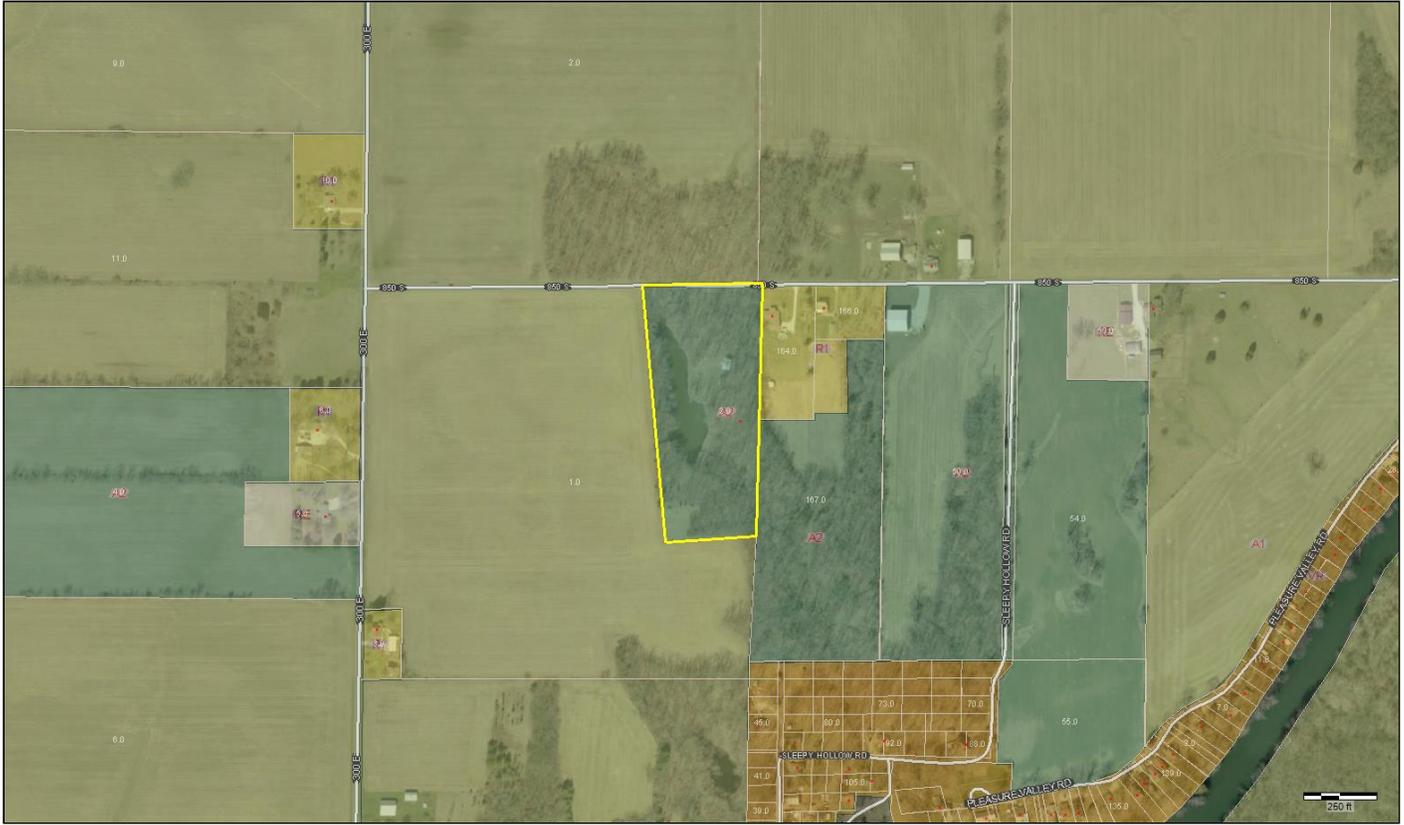
*this will have No affect on the Community  
this will only be used for temporary Housing  
while our Home is being built*

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.

*where this Temporary Housing will be placed  
will not have affect my Neighbor or the  
Adjacent agriculture ground.*

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 will only be temporary Housing  
while our house is being built and I will will  
not use the property for Commercial use*



- 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

Printed  
06/04/2019

## Staff Report

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CASE NUMBER: BZA 19-19  
CASE NAME: RANDY & JEANNIE DUNCAN – DEVELOPMENT STANDARDS  
VARIANCE

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### ***CASE SUMMARY***

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REQUEST: Variance of Development Standards to allow for an industrial accessory structure 10-feet from the front property line (30-foot setback required).

LOCATION: Moral Township at the address 8520 N 850 W, Fairland.

STAFF RECOMMENDATION: Approval, due primarily to the following circumstances:

- The primary structure was constructed prior to adoption of the current UDO and does not comply with current setback requirements.
- The structure would comply with the setback requirement if the property line extended to the edge of the gravel drive.

### **PROPERTY DESCRIPTION**

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Property Size: 3.30 acres.

Property Improvements: An approximately 7,700 sq. ft. industrial building, a 2,500 sq. ft. pole barn, gravel parking areas, and a pond.

Surrounding Development: Cropland, two single-family residences, a sand and gravel company, and a fire department training facility.

Zoning Classification: II (Low Intensity Industrial) – established for low intensity industrial uses, light manufacturing facilities, and business parks. When making decisions, the BZA should be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety.

Comprehensive Plan Future Land Use: Suburban Residential – Primarily includes single-family detached residences in neighborhoods.

### **PURPOSE OF UDO REQUIREMENT**

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The setback from the front property line 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**

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- The petitioners use the property for an electrical contractor business. The UDO permits an electrical contractor use in the II District.
- The petitioners stated that they plan to use the proposed accessory structure for additional storage of business materials and for occasional fabrication of electrical equipment.

- The subject property has access to the public road over a shared driveway. An adjoining property owns the driveway and provides access to the subject property by easement.
- The primary structure was constructed prior to adoption of the current UDO and does not comply with current setback requirements.
- The UDO defines the front lot line of an interior lot as the line abutting an access road or driveway.

**STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE**

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

Staff Analysis: The front property line does not abut a public road, therefore the proximity of the structure to the property line would have no impact on the general public.

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

Staff Analysis: The structure would comply with the setback requirement if the property line extended to the edge of the gravel driveway. Therefore, the structure should not interfere with use of the driveway.

**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: An existing pond limits the buildable area on the property.

**APPLICANT/OWNER INFORMATION**

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Applicant:	Randy & Jeannie Duncan 8520 N 850 W Fairland, IN 46126	Owner:	Same.
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Looking south – proposed location for structure

**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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

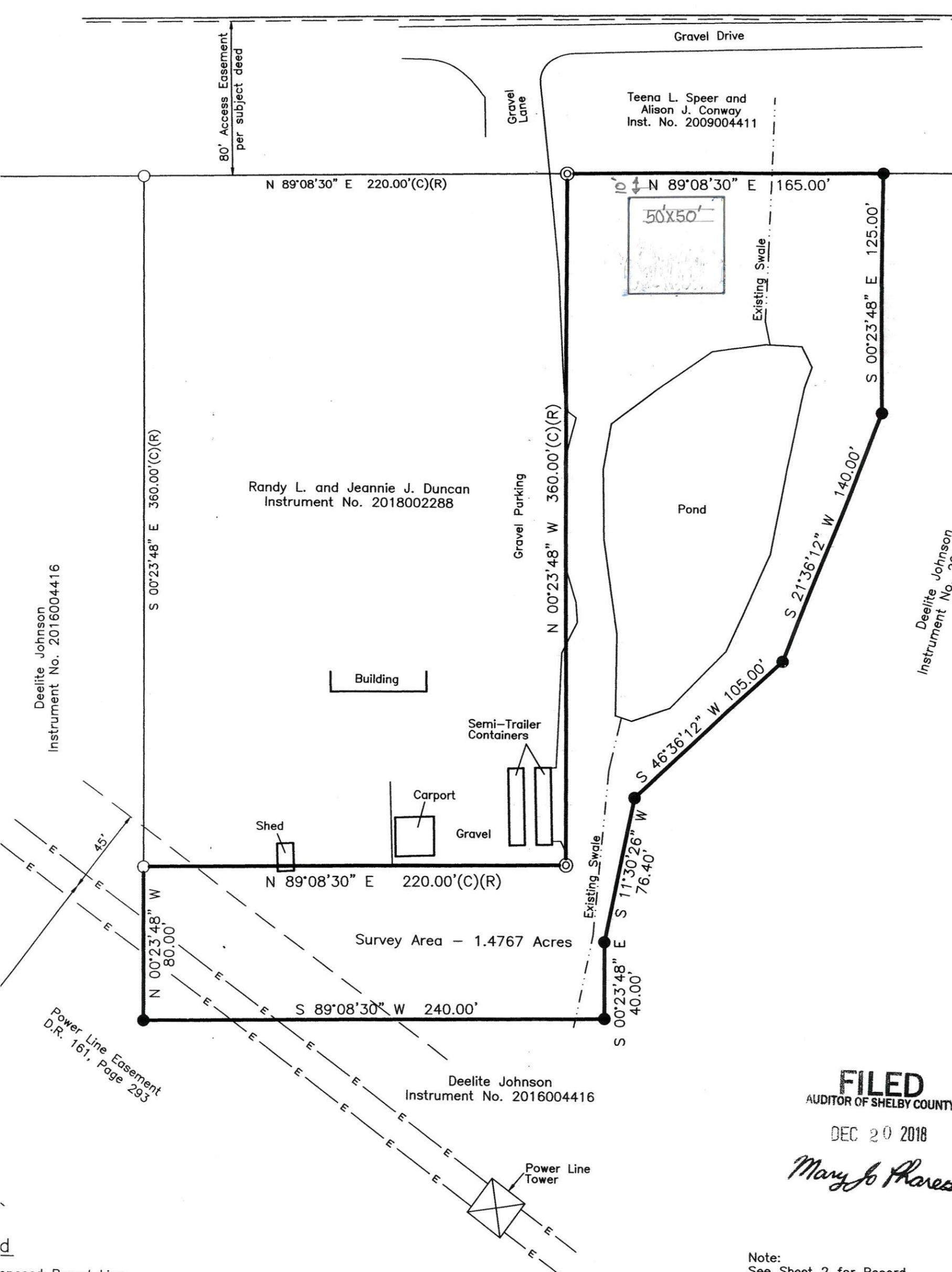
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



- 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

Printed  
06/04/2019



Deelite Johnson  
Instrument No. 2016004416

**FILED**  
AUDITOR OF SHELBY COUNTY  
DEC 20 2018  
*Mary Jo Phares*

Note:  
See Sheet 2 for Record  
Descriptions and Survey Report.

Surveyors Certificate

I, hereby, certify on this 20<sup>TH</sup> of DECEMBER 2018  
that this survey was prepared by me to the best of my  
knowledge in accordance with Indiana Minimum Standards of  
Competent Practice under IAC 865, Article 1, Rule 12.

I affirm, under penalty of perjury, that I have taken reasonable  
care to redact each Social Security Number in this document  
unless required by law.

*Steven W. Koehne*

Prepared by: Steven W. Koehne, LS20800128

Southeast Corner  
Northeast Quarter  
Section 23, T14N, R5E  
Stone Found  
per Sumerford Survey  
See Report

2625.18'(C) 2629.51'(R)

2018006919 LSURVEY \$30.00  
12/20/2018 10:55:04A 2 PGS  
Taunya J Williams  
SHELBY County Recorder IN  
Recorded as Presented

36  
*Jeannie Duncan*