

Shelby County
Board of Zoning Appeals

September 10, 2019 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals
September 10, 2019, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the August 13, 2019 meeting.

OLD BUSINESS

BZA 19-24 – DEWELL KIRBY JR.: DEVELOPMENT STANDARDS VARIANCE

NEW BUSINESS

BZA 19-26 – COLTON COFFEY.: DEVELOPMENT STANDARDS VARIANCE

BZA 19-27 – F WAYNE & MELANIE MONTGOMERY: DEVELOPMENT
STANDARDS VARIANCE

BZA 19-28 – RICHARD & ELIZABETH SANDERS: DEVELOPMENT STANDARDS
VARIANCES

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for
Tuesday, October 8, 2019 at 7:00 PM.

Summary of Cases

BZA 19-24 – DEWELL KIRBY JR.

REQUEST: Variance of Development Standards to allow for a gravel driveway (paved driveways required for all new dwellings in the R1 (Single-Family Residential) District).

LOCATION: Van Buren Township at 940 W 1090 N, Fountaintown. Within the Candlelight Village subdivision.

STAFF RECOMMENDATION: APPROVAL because many of the properties in the subdivision have a gravel driveway.

BZA 19-26– COLTON COFFEY

REQUEST: Variance of Development Standards to allow for construction of a 3,456 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 2X the footprint of the residence in the RE (Residential Estate) District).

LOCATION: Washington Township at 10811 S Norristown Rd, Flat Rock.

STAFF RECOMMENDATION: APPROVAL primarily because several adjacent properties include large barns.

BZA 19-27– F WAYNE & MELANIE MONTGOMERY

REQUEST: Variance of Development Standards to allow for construction of a 2,800 sq ft pole barn (the total square footage of all accessory structures on a lot cannot exceed 2X the footprint of the residence in the RE (Residential Estate) District).

LOCATION: Shelby Township at 4610 S 250 E, Shelbyville.

STAFF RECOMMENDATION: APPROVAL primarily because the pole barn would not appear conspicuous from the public road and because existing trees would provide screening between the barn and adjacent properties.

BZA 19-28– RICHARD & ELIZABETH SANDERS

REQUEST: Variance of Development Standards to allow for construction of a 1,296 sq ft pole barn:

1. Approximately 35-feet from the center of the road (minimum 30-foot front yard setback from the proposed right-of-way required [or 65-feet from the center of the road]).
2. In the front yard.
3. Having a floor area exceeding 50% the footprint of the residence (not permitted in the R1 District).

LOCATION: Addison Township at 3006 E Blue Ridge Orchard, Shelbyville. Within the Blue Ridge Orchard neighborhood.

STAFF RECOMMENDATION: DENIAL primarily because:

- The barn would sit directly in front of an adjacent house south of the property, limiting open space and likely causing an enclosure effect due to the proximity of the barn and nearby homes to that house.
- The ordinance does not prohibit construction of a barn similar in size to other accessory structures in the neighborhood.

Additional Considerations: The barn should only impact the adjacent property to the south that fronts the road and would not impact the general public. The Board should consider the opinion of that property owner when making their decision.

Recommended Stipulations if the Board Chooses to Approve the Variance:

1. The barn shall not exceed the height of the house.
2. The materials and color of the facade of the barn shall match the house.

Staff Report

CASE NUMBER: BZA 19-24
CASE NAME: DEWELL V KIRBY JR. – DEVELOPMENT STANDARDS VARIANCE

CASE SUMMARY

REQUEST: Variance of Development Standards to allow for a gravel driveway (paved driveways required for all new dwellings in the R1 (Single-Family Residential) District.

LOCATION: Van Buren Township at 940 W 1090 N, Fountaintown. Within the Candlelight Village subdivision.

STAFF RECOMMENDATION: APPROVAL because many of the properties in the subdivision have a gravel driveway.

PROPERTY DESCRIPTION

Property Size: 4.29 acres.

Property Improvements: A barn.

Surrounding Development: Single-family residences on 1/3-acre lots to the north, south, and west. Vacant property to the east.

Zoning Classification: R1 (Single-Family Residential) – per the UDO, this district is established for single-family, detached medium to large sized homes on medium to large sized lots.

Comprehensive Plan Future Land Use: Agricultural Residential – Per the Comprehensive Plan, agricultural residential developments should be designed to be compatible with their natural and agricultural surroundings.

INTENT OF ORDINANCE REQUIREMENT

The UDO requires paved driveways in the R1 District to protect the character of medium to large sized lot neighborhoods. Paved driveways also prevent the accumulation of large quantities of dirt and dust from multiple driveways in the public road.

CASE DESCRIPTION

- The petitioner has obtained site plan approval and permits to renovate the existing barn into a single-family residence.
- The petitioner plans to utilize an existing gravel driveway to access the property.
- The zoning ordinance in effect at the time of the development of the subdivision may have permitted gravel driveways. However, per the current UDO, a change in use of a property results in the loss of legal nonconforming status.

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: A private gravel driveway will 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: Many properties in the subdivision include a gravel driveway, therefore a gravel driveway would not negatively impact the character of the area.

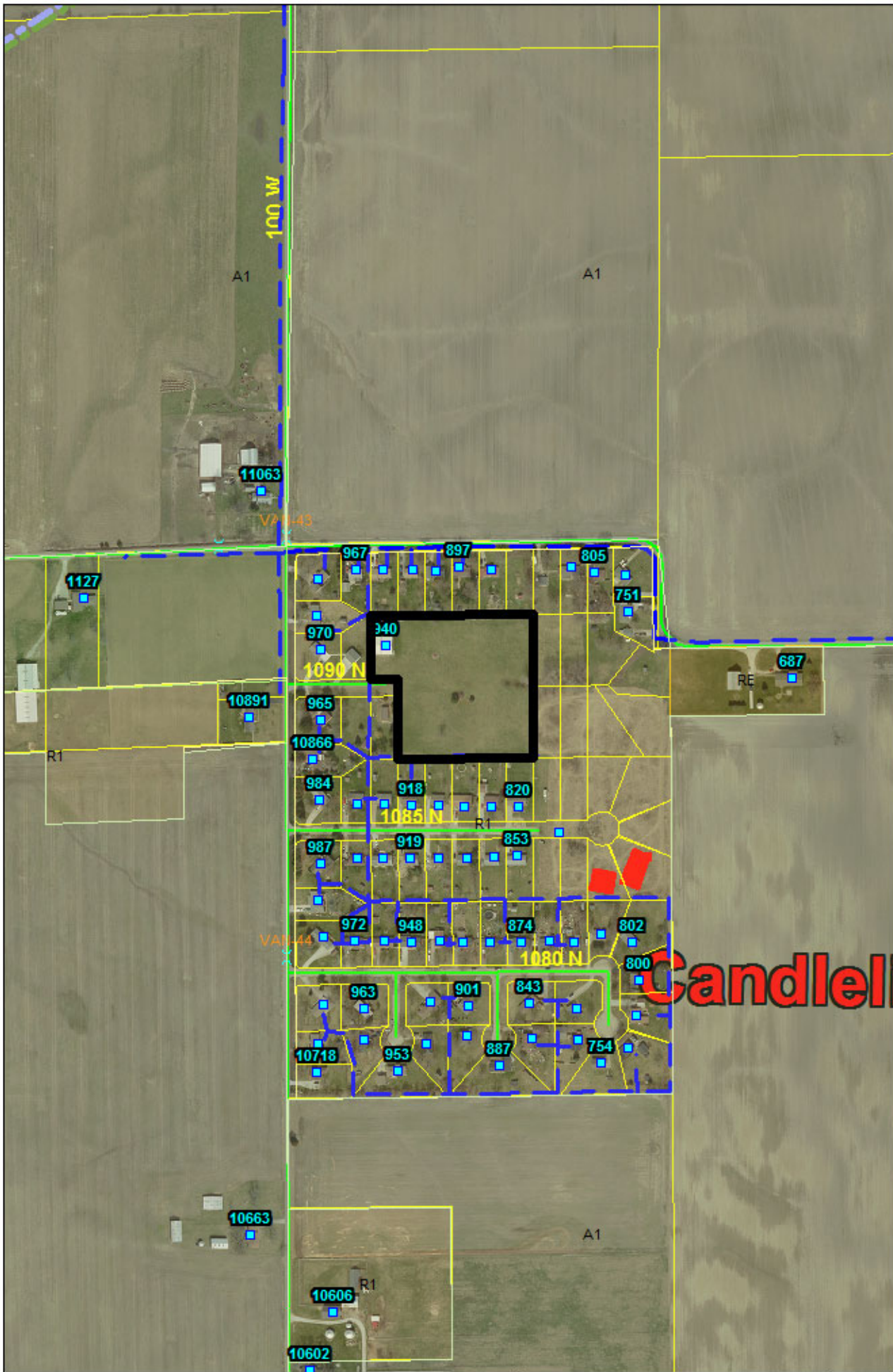
State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: A strict application of the Ordinance would prohibit use of a gravel driveway consistent with the character of the area.

APPLICANT/OWNER INFORMATION

Applicant: Dewell V Kirby Jr.
940 W 1090 N
Fountaintown, IN 46130

Owner: Same



Fiber Optic Facilities
 COMPANY:

- MCI
- RUSH SHELBY E
- VERIZON & QUE
- WILTEL

Natural Gas Distribution
 COMPANY:

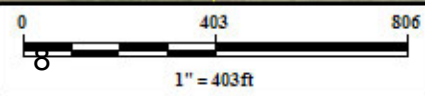
- FOUNTAIN TOWN

Shelby Co Zoning
 Feature Name:

- a1
- a2
- r1
- re

- Water
- County Boundary
- Well
- Parcels
- Well Head Protection
- LandMarks
- ~ Culvert Inventory
- Addresses

- Water
- Septic Trench
- Surface Drain
- Roads
- - - Railroads
- Highways
- Electrical Lines



**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Dewell V. Kirby JR.

Case #: _____

Location: 940 West 1090 North Fountain Town IN 46130

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a 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.

Very nice well built Pool Barn by High end CO. NAME OF F.B.I.
8.5 WALLS, INSULATED, CONCRETE, # 8 WINDOWS DOUBLE PANE, 200 AMP ELECTRICAL
DIGITAL METER, NATURAL GAS AVAL FURNACES, NEW WELL, GRAVEL DRIVE, 4.29
ACRES. ALL LIGHTING, EVERYTHING IN WORKING ORDER, GOOD SHAPE!

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.

NOTHING TO NORTH, NOTHING TO THE WEST, THE SOUTH, DRIVEWAY GATES
NEW WELL DRILLED, SEPTIC TO THE EAST AND THERE IS 4 ACRES MOWED
FIELD. BROUGHT # 5 LETTERS FROM NEIGHBORS AROUND ME AND
ARE IN MY FAVOR. HAVE NO ISSUES WITH WHAT I'M TRYING TO ACCOMPLISH!

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

NO IN MY OPINION MY PROPOSAL WOULD NOT AFFECT ANYONE IN
MY VICINITY!

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.)

Staff Report

CASE NUMBER: BZA 19-26
CASE NAME: COLTON COFFEY – DEVELOPMENT STANDARDS VARIANCE

CASE SUMMARY

REQUEST: Variance of Development Standards to allow for construction of a 3,456 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 2X the footprint of the residence in the RE (Residential Estate) District).

LOCATION: Washington Township at 10811 S Norristown Rd, Flat Rock.

STAFF RECOMMENDATION: APPROVAL primarily because several adjacent properties include large barns.

PROPERTY DESCRIPTION

Property Size: 3.5 acres.

Property Improvements: Single-family residence and detached garage.

Surrounding Development: Single-family residences on lots over 2-acres and cropland.

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

Comprehensive Plan Future Land Use: Suburban Residential – Per the Comprehensive Plan, suburban residential primarily includes single-family detached residences in neighborhoods.

INTENT OF ORDINANCE REQUIREMENT

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

CASE DESCRIPTION

- The petitioner plans to construct a 48' X 72' pole barn.
- The total square footage of the proposed barn and existing accessory structure would equal approximately **3.5X** the square footage of the footprint of the house. The ordinance would not permit a new accessory structure exceeding 1,696 sq. sf.

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 barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The general public would not have access to the structure.

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: Several properties in the area include large barns. Therefore, the barn would not conflict with the character of the neighborhood or have an adverse impact on adjacent property.

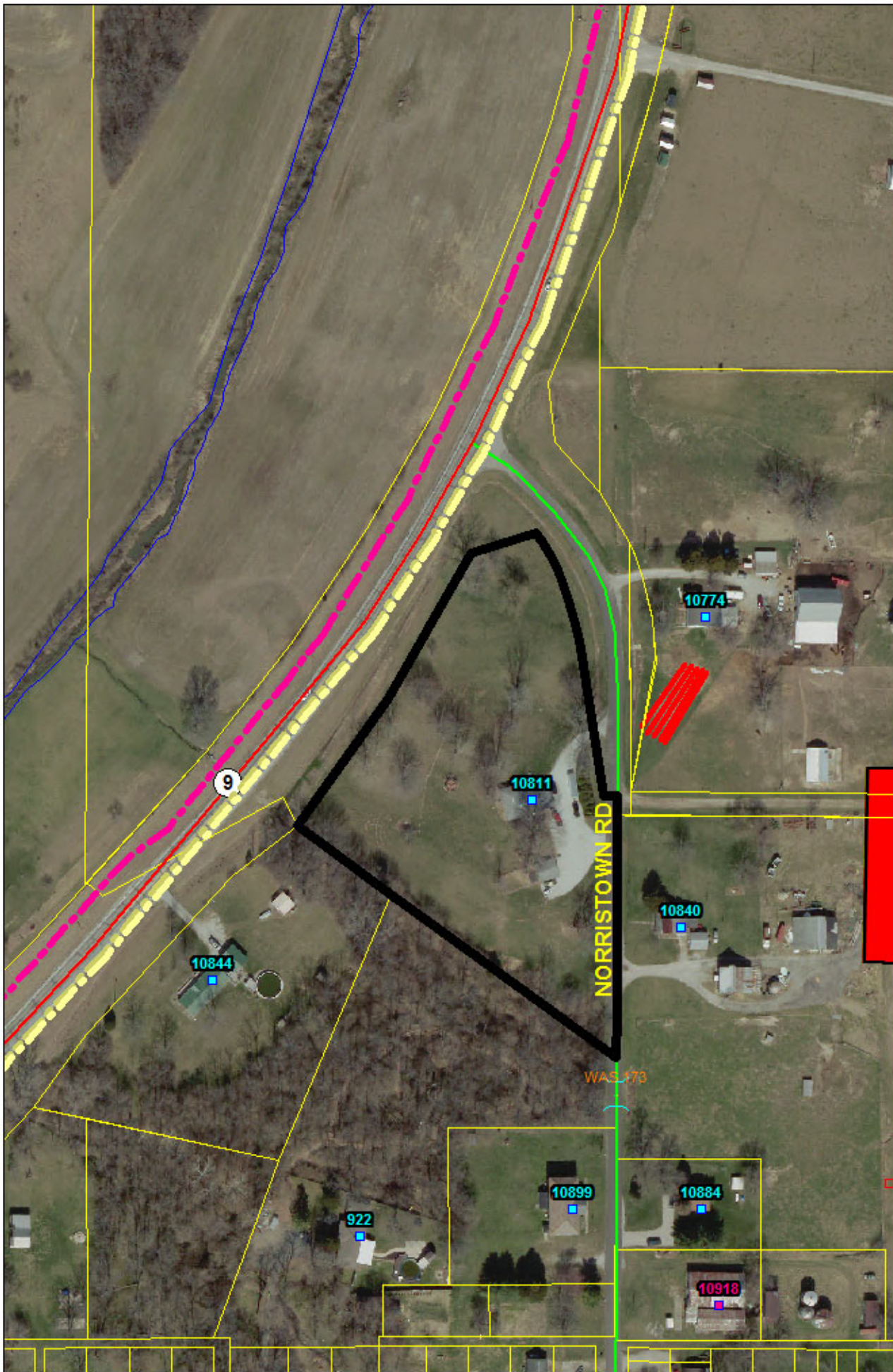
State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: A strict application of the Ordinance would prohibit construction of a barn similar in size to other barns in the area.

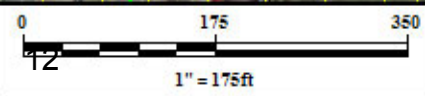
APPLICANT/OWNER INFORMATION

Applicant: Colton Coffey
10811 S Norristown Rd.
Flat Rock, IN 47234

Owner: Colton & Jolene Coffey



- Fiber Optic Facilities**
 COMPANY:
- RUSH SHELBY E
 - Shelby County Fi
-
- Water
 - County Boundary
 - Well
 - Parcels
 - Well Head Protection
-
- LandMarks
 - Culvert Inventory
 - Inactive (Raised) Add
 - Addresses
-
- Water
 - Septic Trench
 - Roads
 - - - Railroads
 - Highways
 - Electrical Lines



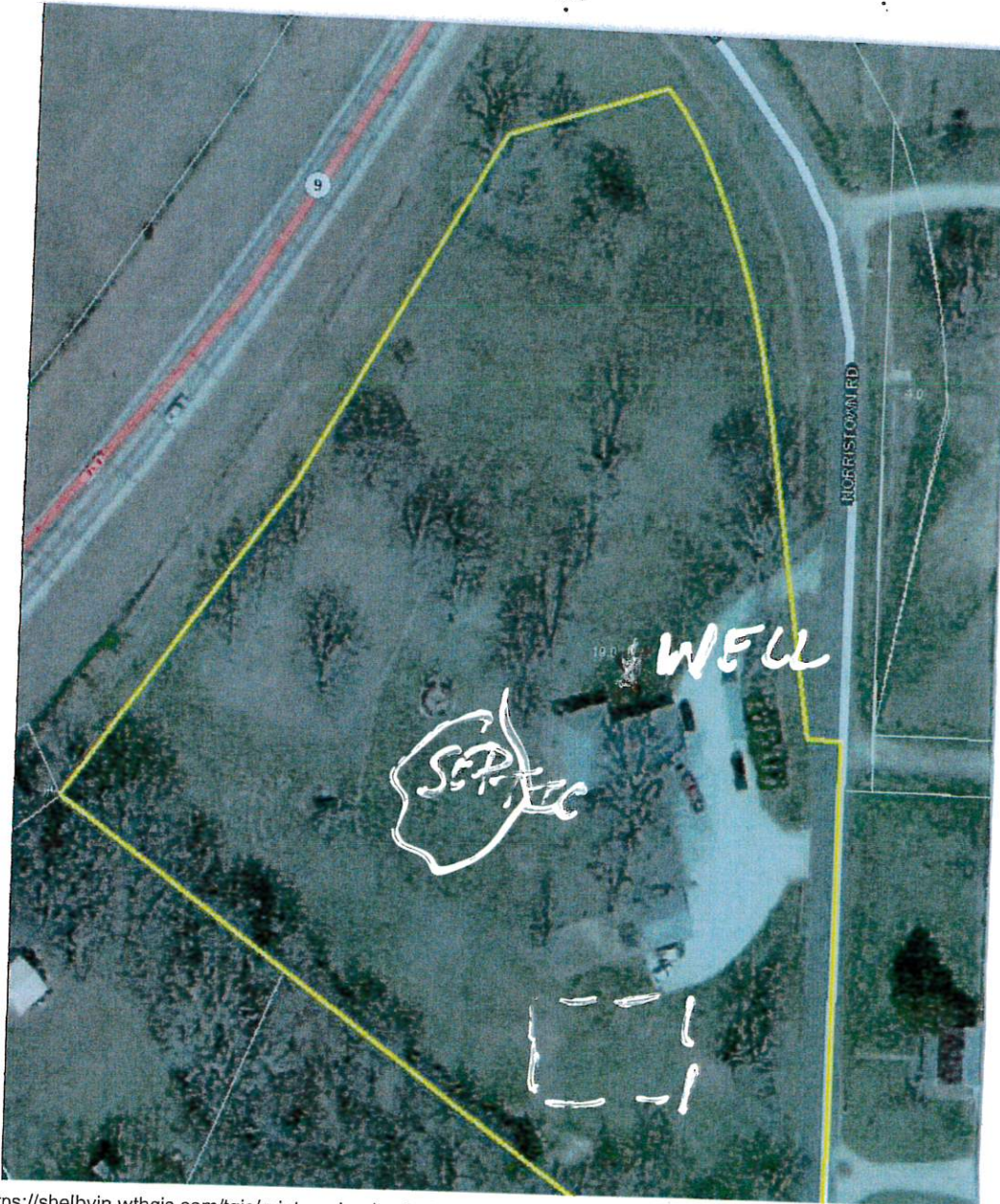
Shelby County Health Department
1600 E. St. Rd. 44, Suite B, Shelbyville, Indiana 46176-1844
Phone (317) 392-6470 Fax (317) 392-6472

Property Owners Name: Colt Coffey Property Address: 10811 S Norristown Rd. F Rock
Township: Washington Section Number: 29 Soil Survey Sheet: _____
Description of Construction: 48x72 pole barn

No permanent structures within 10 ft of septic tank and field

Drawing/Plans

Adding Bedrooms? Yes No
Total Existing/Proposed Bedrooms 3??



No Plumbing/Water to Building
No Septic Permit found.
House Built in 1973
6

<https://shelbyin.wthgis.com/tgis/printpreview1.ashx?soid=190718133621420>

Inspection Date: 7/18/19 13 12 MP A

Staff Report

CASE NUMBER: BZA 19-27
CASE NAME: F WAYNE & MELANIE MONTGOMERY – DEVELOPMENT
STANDARDS VARIANCE

CASE SUMMARY

REQUEST: Variance of Development Standards to allow for construction of a 2,800 sq ft pole barn (the total square footage of all accessory structures on a lot cannot exceed 2X the footprint of the residence in the RE (Residential Estate) District).

LOCATION: Shelby Township at 4610 S 250 E, Shelbyville.

STAFF RECOMMENDATION: APPROVAL primarily because the pole barn would not appear conspicuous from the public road and because existing trees would provide screening between the barn and adjacent properties.

PROPERTY DESCRIPTION

Property Size: 4 acres.

Property Improvements: Single-family residence and pole barn.

Surrounding Development: Single-family residences on lots over 2-acres and cropland.

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

Comprehensive Plan Future Land Use: Agriculture – Per the Comprehensive Plan, 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. 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. Facilities in agricultural areas should promote the rural character, whether using traditional construction and materials or employing modern agricultural technologies.

INTENT OF ORDINANCE REQUIREMENT

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

CASE DESCRIPTION

- The petitioner plans to construct a 40' X 70' pole barn adjoining the existing barn on the property.
- The square footage of the proposed pole barn and existing barn would equal approximately 3X the square footage of the footprint of the house.

- The ordinance does not permit an accessory structure in addition to the existing barn exceeding approximately 1,392 square feet.
- The petitioners indicated on their variance application that they plan to use the proposed pole barn to store farm equipment.

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 barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The structure would sit behind and existing barn and therefore 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: A tree line provides screening between the subject property and the adjoining residential properties. Therefore, the barn would not have an aesthetic impact on neighboring 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: A strict application of the Ordinance would prohibit construction of a barn typical in size for agricultural uses in an area designated for agricultural use by the Comprehensive Plan.

APPLICANT/OWNER INFORMATION

Applicant: F Wayne & Melanie Montgomery
4610 S 250 E
Shelbyville, IN 46176

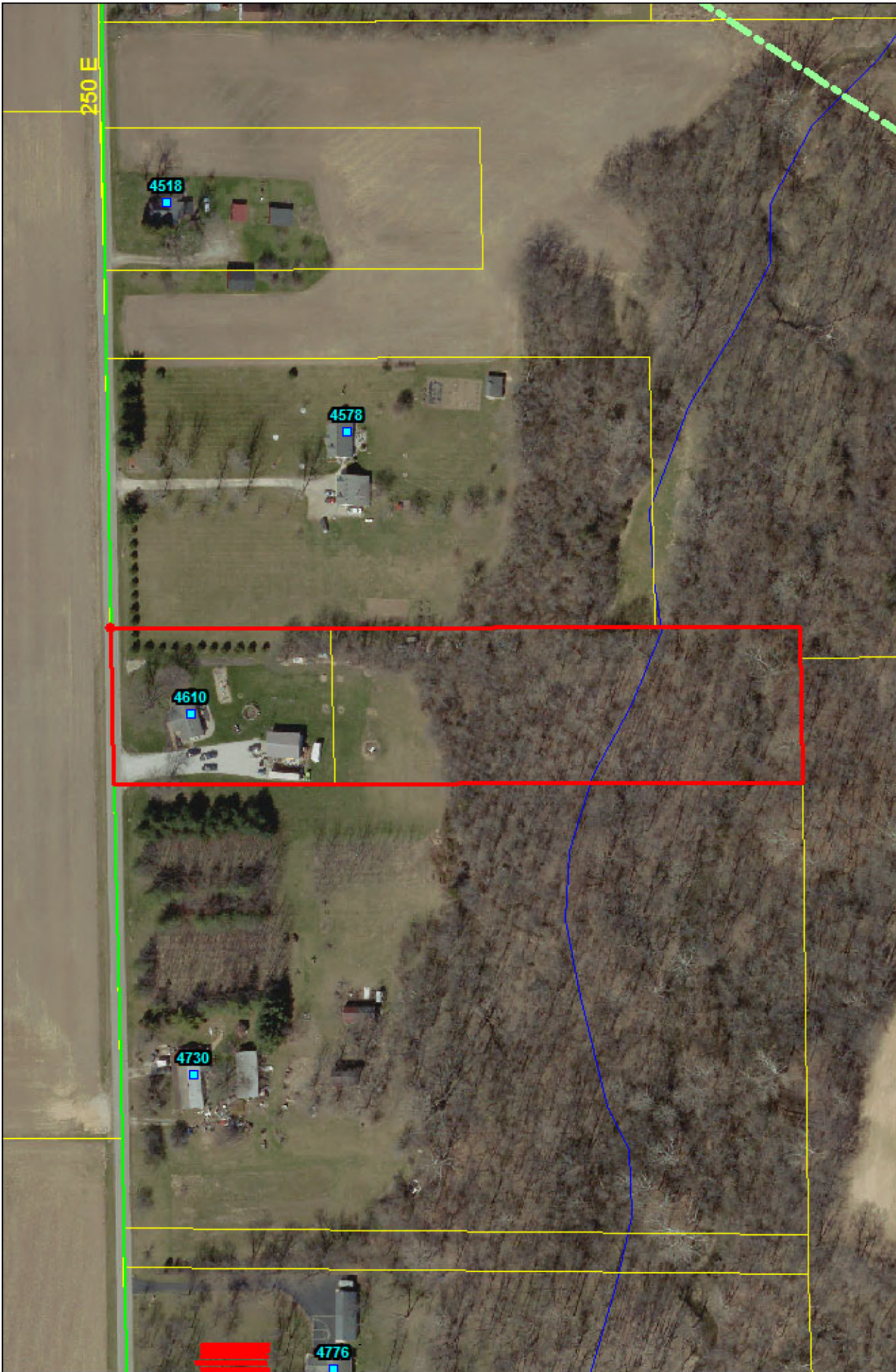
Owner: Same



Trees between building site and adjoining property.



View of public road from building site.



Fiber Optic Facilities

COMPANY:
 AT&T

Pipelines

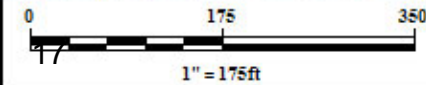
COMPANY:
 Rockies Express

Rockies Express

COMPANY:
 Rockies Express

- Water
- County Boundary
- Well
- Parcels
- Well Head Protection

- Addresses
- Water
- Septic Trench
- Surface Drain
- Roads
- Railroads
- Highways
- Electrical Lines



**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: F. Wayne Montgomery

Case #: _____

Location: 4610 S 250 E, 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.

This building is for Private use, it will not be heated, or cooled it is to store Farm equipment in.
It will be built to the building code requirements.

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.

This building will sit behind my existing pole barn.
approx. 215 Ft. off of Road and a minimum of 35 Ft From any property line. The view from of the barn from any neighbor is blocked by trees in or near property lines.
or restricted

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.

not sure what this means. As you can see on the shelby county GIS Map, it is located in a farming Area.
there are several Pole barns. in a 10mile Area of my location.
I do not see how it would ever restrict any kind of.
economiz gain. The county is making \$400⁰⁰ on permit + Variance Fees and will collect additional property tax assessment.

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.)

Co Rd 250 East



4 Acres Owned by
F. Wayne & Melanie R. Montgomery

Staff Report

CASE NUMBER: BZA 19-28
CASE NAME: RICHARD & ELIZABETH SANDERS – DEVELOPMENT STANDARDS
VARIANCES

CASE SUMMARY

REQUEST: Variance of Development Standards to allow for construction of a 1,296 sq ft pole barn:

1. Approximately 35-feet from the center of the road (minimum 30-foot front yard setback from the proposed right-of-way required [or 65-feet from the center of the road]).
2. In the front yard.
3. Having a floor area exceeding 50% the footprint of the residence (not permitted in the R1 District).

LOCATION: Addison Township at 3006 E Blue Ridge Orchard, Shelbyville. Within the Blue Ridge Orchard neighborhood.

STAFF RECOMMENDATION: DENIAL primarily because:

- The barn would sit directly in front of an adjacent house south of the property, limiting open space and likely causing an enclosure effect due to the proximity of the barn and nearby homes to that house.
- The ordinance does not prohibit construction of a barn similar in size to other accessory structures in the neighborhood.

Additional Considerations: The barn should only impact the adjacent property to the south that fronts the road and would not impact the general public. The Board should consider the opinion of that property owner when making their decision.

Recommended Stipulations if the Board Chooses to Approve the Variance:

1. The barn shall not exceed the height of the house.
2. The materials and color of the facade of the barn shall match the house.

PROPERTY DESCRIPTION

Property Size: 0.75 acres.

Property Improvements: Single-family residence and mini barn.

Surrounding Development: Cropland north and west and single-family residences on lots between 1/3-acre and 3/4-acre east and south.

Zoning Classification: R1 (Single-Family Residential) – intended to promote low-impact development in harmony with a natural setting.

Comprehensive Plan Future Land Use: Suburban Residential – Per the Comprehensive Plan, suburban residential primarily includes single-family detached residences in neighborhoods.

INTENT OF ORDINANCE REQUIREMENTS

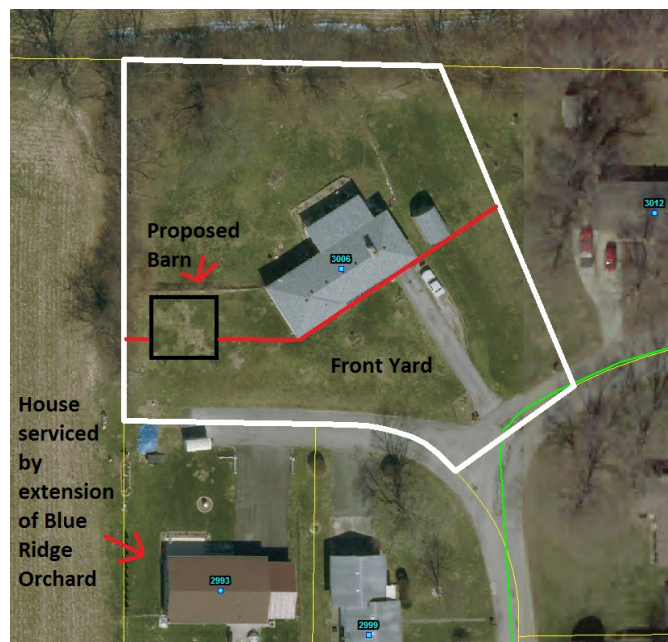
The minimum setback from public road right-of-way provides for open space, prevents traffic hazards due to structures constructed too close to the road, and provides area for future acquisition of ROW.

Prohibiting construction of accessory structures in the front yard maintains the dwelling as the visual focal point of property and therefore maintains the residential character of property. This regulation has the greatest impact on properties having dwellings close to the public road,

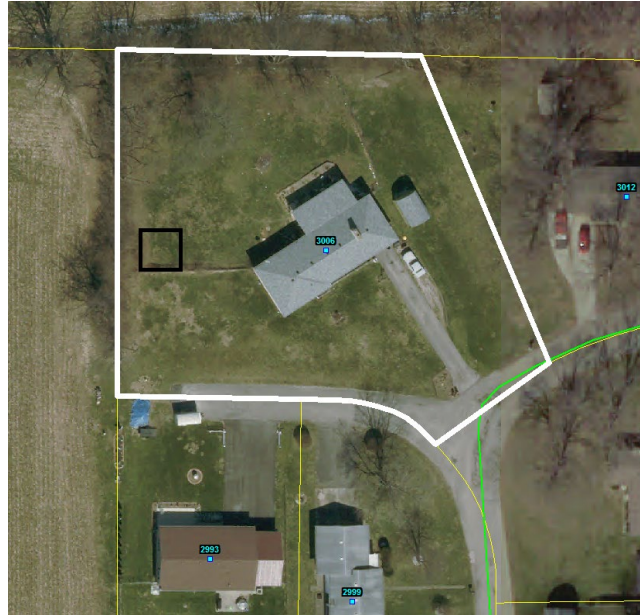
Limiting the size of accessory structures ensures that the residence remains the visual focal point of the property and therefore maintains the residential character of property. Limiting the size of accessory structures also reduces the likelihood of use of a residential accessory structure for commercial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

CASE DESCRIPTION

- The petitioner plans to construct a 36' X 36' pole barn.
- The petitioner stated that the facade of the barn would resemble the facade of the house.
- The County Highway Department has reviewed the request and has no concerns. A new driveway cut would require a driveway permit.
- The barn would have access from a dead-end street that services two houses. Only one of these homes front onto the dead-end street and the other home fronts onto the main portion of Blue Ridge Orchard and has a side loading garage.
- The barn would encroach into the front yard and front yard setback along the dead-end street that serves the two houses directly south of the property, as shown below. The barn would not encroach into the front yard or front yard setback along the primary section of Blue Ridge Orchard street.



- The ordinance would permit, without grant of a variance, a barn not exceeding 888 sq ft (25' X 30') in the rear yard as shown below:



- The variance application states: “the excavator/septic contractor suggested we not build in the backyard, anymore than necessary, due to the finger system and loss of yard. The ground is more level closer to the road, so less excavation and drainage issues.”

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 barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The barn would sit at the end of a dead-end road and therefore would not impact 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 surrounding area only includes one accessory structure similar in size to the proposed barn, however that structure sits in a rear yard. Therefore, the barn would conflict with the character of the neighborhood. The barn would sit directly in front of an adjacent house south of the property, limiting open space and likely causing an enclosure effect due to the proximity of the barn and nearby homes to that house.

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 ordinance does not prohibit construction of a barn similar in size to other accessory structures in the neighborhood. A smaller barn could be constructed on the property without impacting the septic system.

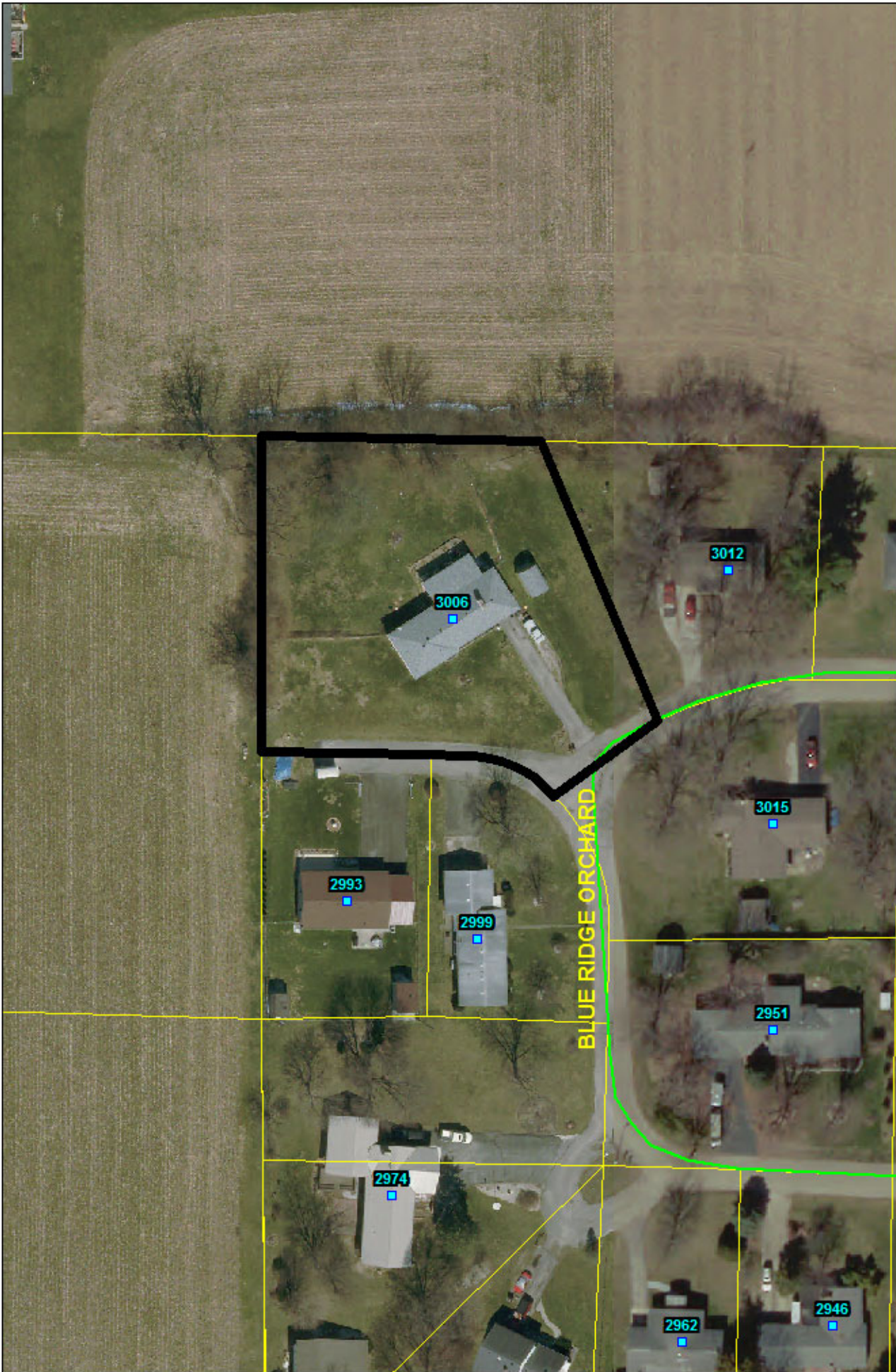
APPLICANT/OWNER INFORMATION

Applicant: Richard & Elizabeth Sanders
3006 E Blue Ridge Orchard
Shelbyville, IN 46176

Owner: Same



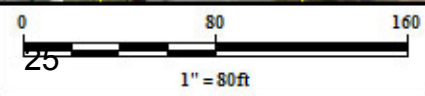




- Fiber Optic Facilities**
 COMPANY:
- AT&T
 - Comcast (Susco)
 - LEVEL 3 COMMU
 - MCI
 - RUSH SHELBY B
 - Shelby County Fi

- Water
- County Boundary
- Well
- Public Parks / Recrea
- Schools
- Parcels
- Roads
- Well Head Protection

- Addresses
- Water
 - Septic Trench
 - Roads
 - Roads to be Deve
 - - - Railroads
 - Highways
 - Interstate Ramps
 - Electrical Lines



**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Richard & Elizabeth Sanders

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.

The pole barn will be on a dead end, so no interference with traffic or access to other property.

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 only adjoining property are fields, which are not accessed from our 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 excavator/septic contractor suggested we not build in the backyard, any more than necessary, due to the finger system and loss of yard. The ground is more level closer to the road, so less excavation and drainage issues.

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.)