

Floyd County Board of Zoning Appeals

Minutes

The regular meeting of the Floyd County Board of Zoning Appeals was held on April 8, 2024 at 5PM at the following address:

Pineview Government Center Assembly Room 104
2524 Corydon Pike
New Albany, IN 47150

ROLL CALL

Present: Larry Bibelhauser, Guy Heitkemper, Scott Whalen, Bill White, Victor Unruh

Absent: None

Other: Rick Fox, Nick Creevy, Gabbrielle Adams

MINUTES

Minutes from March, 2024 regular BZA meeting

Motion: Approve

Moved by: Guy Heitkemper

Seconded by: Scott Whalen

Motion passed.

NEW BUSINESS

Agenda Item 1 – FC-03-24-06: Development Standards Variance – Applicant is requesting to replace the manufactured home with a new manufactured home that does not meet the 950 square foot minimum requirement. New home will be 765 square feet. Edward Campbell. 6621 Atkins Road, Floyds Knobs, IN 47119 (Parcel 22-04-00-400-027.000-006). Section 04, Township 2 South, Range 6 East.

Nick Creevy- Director of Building & Development. Read the Staff Report. Applicant is requesting to replace an existing manufactured home with a new manufactured home with less than the minimum ground floor area of 950 square feet in a Rural Residential zone. The existing home is 884 square feet and is legal non-conforming structure that was erected over 40 years ago. The new home will be 765 square feet. There is currently an accessory garage attached to the home, this structure will remain and be attached to the new home. The home will have 2 bedroom and 1 bath. Adjacent properties are: vacant to the south on Atkins Road, Farm land to the East, and homes to the north, northeast, and southwest. There are at least two other properties in the vicinity that have less than the minimum ground floor area standard (6737 Atkins - 816sqft and 6990 Atkins – 936 sqft). *Staff comments:* 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The property had a legal non-conforming structure less than 950 square feet for decades with no negative impact. 2. 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 property had a legal non-conforming structure less than 950 square feet for decades with no negative impact. 3. The strict application of the terms of the zoning ordinance will result in

practical difficulties in the use of the property. The property owner has lived on the property in a legal non-conforming structure, less than minimum required ground floor area, for decades. The structure is deteriorating and requires replacement. The owner is retired and on a fixed income and requires less living space. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. *Staff recommendations:* None.

Edward Campbell- 6621 Atkins Road. Applicant. Said Mr. Creevy summed it up pretty well. Says he has had water issues over the years, his neighbor said it would take at least \$100k to build a house which the applicant does not have.

Mr. White- Asked if applicant would retain the back garage that was added on.

Mr. Campbell- He will chop the attic part over the trailer off and put a wall, but the garage will stay on

Mr. Heitkemper- Asked why he didn't go with a larger unit, other than cost.

Mr. Campbell- Applicant said that having a bigger place means that he has more to keep clean.

Mr. White- asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition. No one came forward. Closed public comment.

Mr. Bibelhauser- Docket FC-03-24-06. After careful review the Board finds that: 1. Approval of the variance WILL NOT be injurious to the public health, safety, morals, and general welfare of the community because the property had a legal non-conforming structure less than 950 square feet for decades with no negative impact. 2. 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 property had a legal non-conforming structure less than 950 square feet for decades with no negative impact. 3. The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property. The property owner has lived on the property in a legal non-conforming structure, less than minimum required ground floor area, for decades. The structure is deteriorating and requires replacement. The owner is retired and on a fixed income and requires less living space. 4. The variance DOES NOT involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10.

Motion: Approve

Moved by: Larry Bibelhauser

Seconded by: Guy Heitkemper

Motion passed.

Mr. Unruh abstained from the vote since he came in late.

Agenda Item 2 – FC-03-24-07: Development Standards Variance – Applicant is requesting to build a single family home without road frontage or 50' wide access easement. Kory & Amanda McLaughlin. 3039 McCallen Lane, New Albany, IN 47150 (Parcel 22-05-02-000-045.000-007). Section 20, Township 3 South, Range 6 East.

Mr. Creevy- Read the Staff Report: Applicant is requesting to build a new home on an exempt subdivision that will be located at the current location of 3039 McCallen Lane. The current property and the proposed subdivision will utilize an existing private drive known as McCallen Lane which connects to Gap Hollow

Road. Right of use of the private road is described in the deed. However, the dimensions of the road are not described. Other deeds utilizing the easement describe a 20 foot road which is less than the 50 foot minimum width requirement. The proposed lot will otherwise meet the development standards requirements of the FCZO. *Staff comments:* 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The existing drive providing access to the parent lot has been utilized for decades without issue. Adding a single residential lot will not substantially increase traffic and there is more than 300' of site distance in either direction of the drive. 2. 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 road easement is already existing and used for access to a several properties, the addition of one single family residence will not generate significant traffic and therefore will not have substantial impact on either the value or use of neighboring properties. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The otherwise conforming lot would not be able to be developed without a variance. The road easement already exists and provides access to the parent tract and several other properties. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. *Staff recommendations:* Update and record a use and maintenance agreement for the access easement and drive to Gap Hollow Road with all impacted property owners a party to the agreement. Include a metes and bounds legal description of easement with width at least 20 feet. Required before obtaining a building permit. Staff to review agreement prior to recording.

Mr. Unruh- There is a culvert that looks like it may cause a problem for fire trucks, is there an alternate way to get in it? Will septic and water need an easement, or have they included plans for that?

Mr. Creevy- They are not required to submit septic plans, there should be an alternate route for fire trucks.

Kory McLaughlin- Applicant. 3039 McCallen Lane. The land is a gift from in-laws. The water meter will be on his family's land via an easement, and the electric will come through an easement as well. The culvert in question has worked for cement trucks, gravel trucks, and other large vehicles, and there is also an alternate route.

Mr. Heitkemper- On this land there are 25 additional acres, this won't cut off the property will it? The land will not stop relatives from accessing land, will it?

Mr. McLaughlin- No, it will not obstruct them, we will own the back left of that property and everyone will still have access to the road and their properties.

Mr. White- asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition. No one came forward. Closed public comment.

Mr. Bibelhauser- Read the ballot. FC-03-24-07. 1. The approval WILL NOT be injurious to the public health, safety, morals, and general welfare of the community. The existing drive providing access to the parent lot has been utilized for decades without issue. Adding a single residential lot will not substantially increase traffic and there is more than 300' of site distance in either direction of the drive. 2. 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 road easement is already existing and used for access to a several properties, the addition of one single family residence will not generate significant traffic and therefore will not have substantial impact on either the value or use of neighboring properties. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The otherwise conforming lot would not be able to be developed without a variance. The road easement already exists and provides access to the parent tract and several other properties. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. Approve with the following

conditions: 1. Update and record a use and maintenance agreement for the access easement and drive to Gap Hollow Road with all impacted property owners a party to the agreement. Include a metes and bounds legal description of easement with width at least 20 feet. Required before obtaining a building permit. Staff to review agreement prior to recording. 2. Provide a statement from the fire department on their ability to access the proposed structure. 3. Have a permit from the health department prior to building. 4. The water and electric supply lines should be within a utility easement.

Motion: Approve with Conditions

Moved by: Larry Bibelhauser

Seconded by: Victor Unruh

Motion passed unanimously.

Agenda Item 3 – FC-03-24-08: Conditional Use – Applicant is requesting to park dump trucks on vacant land. Howard Amos. 4017 Corydon Pike, New Albany, IN 47150 (Parcel 22-02-00-600-002.000-002). Section 06, Township 3 South, Range 6 East.

Mr. Creevy- Read the Staff Report: Applicant is requesting the Conditional Use of an Agricultural Residentially zoned property for the use of a Specialty Trade (Dump truck parking and storage). The property is located along Corydon Pike and an active rail line. The surrounding topography consists of wooded steep hills. Surrounding properties are zoned AR. Pine Ridge Bow Hunters Club is adjoining to the south, and residential property is located to the east and west across Corydon Pike and accessed by Quarry Rd. Steep slopes make development in much of the adjoining area limited. The property has historically been used as a fill site but has ceased that use and has since been leveled. Due to the fill, building construction would be difficult if not impossible. The proposed site plan designates 5 truck parking spaces and similar car parking spaces. *Staff comments:* 1. The conditional use will not be injurious to the public health, safety, morals, and general welfare of the community because the location of the access drive will provide sufficient site distance in either direction reaching to the rail road crossing to the south and over 300 feet to the north and the amount of traffic generated by the use will be limited. 2. The use and value of the area adjacent to the property will not be adversely affected because the site is relatively remote being surrounded by steep slopes and wooded areas. 3. The need for the conditional use does result from any conditions, unusual, or peculiar to the property itself because the site has been historically used as a fill site and would not be suitable for residential or agricultural use due to this as well as the topography of the area. 4. Strict application of the terms of the Floyd County Zoning Ordinance will result in an unnecessary hardship in the use of the property because the location and condition of the site limit the potential uses of the site. By right uses as residential or agricultural are not practical due to the site conditions. 5. Approval of the conditional use will not contradict the goals and objectives of the Floyd County Comprehensive Plan because the use will support locally owned business growth and is an infill use. *Staff recommendations:* Fully screen parking area with opaque fence or wall 8' in height at parking level. No fuel storage on site. Ingress/Egress drive connecting to Corydon Pike to be paved. Provide perimeter plantings consistent with FCZO 5.13-J.1 (One (1) deciduous tree or evergreen tree and four (4) shrubs per twenty (20) linear feet is required along the primary right-of-way). No additional dumping or fill on site.

Mr. Heitkemper- Asked about the plantings in gravel and if they would grow.

Mr. Creevy- There have been trees growing there, there should be enough space to put vegetative screening. Can contact Purdue Extension, and if vegetative screening is not possible then fencing is allowable.

Mr. Whalen- Does not paving meet the zoning requirements? Was the addition of the fill before a permanent use?

Mr. Creevy- It is an existing site, we only require new sites to be paved. Does not think the fill was a permanent use.

Howard Amos- Applicant. 4017 Corydon Pike.

Mr. Unruh- Asked if he is okay with a stipulation about no dumping.

Mr. Amos- Affirms that there will be no dumping to store materials.

Mr. Heitkemper- Asks about how the fill area has extended beyond the site property line. Asks about the storage defined in the usage.

Mr. Amos- States it will be equipment out in the open, in shipping containers. Generators, tools, etc. Not dumped material.

Mr. Unruh- Asks if there will be electric via the generator.

Mr. Creevy- Confirms that the fill is partially on another property. Gave the Board a copy of a letter from Ms. Mumm.

Mr. White- Asked if anyone would like to speak in favor. No one came forward. Asked if anyone would to speak in opposition.

Gregory Harbison- 1003 Canyon Road. Canyonlands sits on top of the hill that is right across from the site. Does think this will cause a negative impact to those in that community, sounds resonate up that hill. Fencing won't obscure sight and sound, dump trucks will negatively affect property values and quality of life. Does not believe there will be an trees growing in gravel.

Mr. Unruh- Asked about the elevation and if he could hear the nearby train from the property.

Mr. Harbison- Unsure on elevation but confirms he hears the train from his home.

Jessica Gilbert- 11602 Valley Forge, Sellersburg. Representing property owner Dr. Rita Mumm, whose letter was just given to the board. Using the property for dump trucks is inappropriate because most properties were zoned agricultural residential. No amount of landscape screening can obscure the property from elevated property owners nearby. The exposed rock on Corydon Pike amplifies sounds, so the dump truck noises will be echoing uncontrollably. Dump trucks have loose parts that rattle loudly, should be kept to industrial or commercial zones.

Mr. White- Affirms that there will be staff following up on conditional use.

Ray Simon- 4000 Persimmon Lane. The noise from the dump trucks and the stink from the exhaust will be unbearable. Natural breeze that comes up to his house through a tunnel and brings all the stench and dust – had allowed a friend of his to dump trucks nearby and it ruined their friendship. Also wondering about the hours of dump truck parking.

Brian Hogan- 4258 Corydon Pike. Agrees with others. Wants Corydon Pike to remain a scenic byway. Having the dump truck site there will diminish the historic value that Corydon Pike has. Concerns for bicyclists and motorcyclists if there is dust, gravel, or water at the bottom of the hill where the site is.

Mr. White- closed public comment.

Mr. Amos- The dump trucks are 2024's, the oldest one is 2021 so there is no squeaking. Will not be rocks or debris on the pavement.

Mr. Bibelhauser- Asked what are the hours.

Mr. Amos- 7-3:30, 7-5 at the latest. Trucks will leave in the morning and come back in the evening.

Mr. Unruh- Asked how many trucks are anticipated. What will be paved, and how far back from the road?

Mr. Amos- Said there will be 8 trucks plus employee parking. States the entrance will be paved, as will employee parking. About 60 feet from the road.

Mr. Bibelhauser- Asks how it will help the area be more secure.

Mr. Amos- States that they will add lights and improve the electric connectivity of the lights in that area.

Mr. Whalen- Asked what he typically hauls in the trucks?

Mr. Amos- Pretty much anything – works for local paving and construction.

Mr. Whalen- Will there be an area driven on that is unpaved?

Mr. Amos- No, there will not be.

Mr. Bibelhauser- Reads the ballot. 1. The conditional use will not be injurious to the public health, safety, morals, and general welfare of the community because the location of the access drive will provide sufficient site distance in either direction reaching to the rail road crossing to the south and over 300 feet to the north and the amount of traffic generated by the use will be limited. 2. The use and value of the area adjacent to the property will not be adversely affected because the site is relatively remote being surrounded by steep slopes and wooded areas. 3. The need for the conditional use does result from any conditions, unusual, or peculiar to the property itself because the site has been historically used as a fill site and would not be suitable for residential or agricultural use due to this as well as the topography of the area. 4. Strict application of the terms of the Floyd County Zoning Ordinance will result in an unnecessary hardship in the use of the property because the location and condition of the site limit the potential uses of the site. By right uses as residential or agricultural are not practical due to the site conditions. 5. Approval of the conditional use will not contradict the goals and objectives of the Floyd County Comprehensive Plan because the use will support locally owned business growth and is an infill use. *Approval contingent on the following conditions:* Fully screen parking area with opaque fence or wall 8' in height at parking level. No fuel storage on site. Ingress/Egress drive connecting to Corydon Pike to be paved. Provide perimeter plantings consistent with FCZO 5.13-J.1 (One (1) deciduous tree or evergreen tree and four (4) shrubs per twenty (20) linear feet is required along the primary right-of-way). No additional dumping or fill on site. This conditional use applies to the applicant only and will cease to exist if the property owner changes.

Mr. Whalen- Would like to see a condition requiring the paving of all used areas.

Mr. Bibelhauser- Thinks that would not be practical, and the dump trucks would tear up asphalt that is not thick enough.

Mr. White- Wants to clarify if the paved part would include only the area for visitor parking *and* dump truck parking. Calls Mr. Amos to the stand.

Mr. Amos- Yes, it will.

Mr. Unruh- Will it be thick enough?

Mr. Amos- Yes. Returns to seat.

Mr. Whalen- Wants to put an amendment dictating the number of trucks that can park at the spot.

Mr. Creevy- The site plan provided 5 spaces.

Mr. Unruh- Perhaps we allow 10 to give him some wiggle room. All agree.

Mr. Whalen- Also advances an amendment to prevent dumping, cleanout, and washing of the beds. Additionally, temporary power be on-demand only – the generator only runs as needed.

Mr. Unruh- Specifies it should be 3" of asphalt.

Mr. Bibelhauser- The following conditions will apply: same screening rules, same no fuel storage rule, ingress/egress drive from Corydon Pike is required to be paved a minimum of 60' in length and 3" thick to include parking area for trucks and employees, same perimeter planting rules, no dumping or fill onsite to include cleanout of truck beds, same rule regarding conditional use, there will be a maximum of 10 dump trucks, generator power will be on an as-needed basis, and the hours of operation will be 7am-5pm Monday-Saturday. These will be the 9 conditions.

Motion: Approve with Conditions

Moved by: Larry Bibelhauser

Seconded by: Scott Whalen

Motion passed.

Yes- Victor Unruh, Larry Bibelhauser, Bill White, Scott Whalen

No- Guy Heitkemper

Agenda Item 4 – FC-03-24-09: Development Standards Variance – Requesting to build an accessory structure (post building) in front of the primary structure (home). Joshua Meunier. 4620 Buck Creek Road, Floyds Knobs, IN 47119 (Parcel 22-04-00-700-136.037-006). Section 07, Township 2 South, Range 6 East.

Mr. Creevy- Read the Staff Report. Applicant is requesting a variance to allow an accessory structure, pole barn, to be located in the front of the primary structure in an RR district. Use of the structure will be for personal storage. The structure proposed is 20x56 and will store equipment such as an RV and utility trailer. The property is 5 acres and the primary structure, home, is located approximately 320 feet setback from Buck Creek Road. The property is abutted to Charlet Ridge subdivision to the west, a large (~35 acre) farm to the north, a 5 acre lot with SFD to the east, and an approximately 6 acre lot to the south. The property is sloped in the rear and flattening out in the front towards Buck Creek Road. A vegetative buffer exists to the rear lots of Charlet Ridge subdivision. *Staff Comments:* 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The accessory structure will not create an additional drive or point of conflict on Buck Creek Rd. And it will not interfere with access, create confusion, or crowd structures inhibiting emergency service provisions. 2. 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 location of the structure will not impact the use of neighboring properties and will utilize an existing drive connecting to Buck Creek Road. The lot is large and the structure will meet setback standards and will be consistent with rural setting (garages and barns are allowed on AR lots of 5 acres or greater). 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The rear yard is significantly sloping making it impractical to use as a building site of suitable size to store an RV and utility trailer. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. *Staff Recommendations:* Vegetative screening to be maintained to the abutting Charlet Ridge. Additional trees planted between structure and Buck Creek Road. Screening of Charlet Ridge and Buck Creek Road to be consistent with Buffer Yard 1 Standards (FCZO 5.09-A) for plantings.

Mr. Unruh- Does the structure impact the neighboring subdivision regardless if it's in front of or behind the main structure? Is the variance only because it is in the front?

Mr. Creevy- Confirms that it would have about the same impact either way, but the variance is because it is in the front of the property.

Joshua Meunier- Applicant. 4620 Buck Creek Road. Clarifies that the proposed structure is 40'x56', not 20'x56'. States that the property is going in the front because they have a wider front yard that is flatter – using the backyard would require a prohibitively expensive amount of fill. States that a barn in the backyard would affect the neighboring subdivision more – would not have a covering tree line as much. The septic is out front so a driveway could not be paved around the house.

Mr. Unruh- Asks about the door locations.

Mr. Meunier- There will be doors toward his driveway and doors facing his house.

Mr. Unruh- Where would the road to get to the barn come from? What will the exterior of the barn be?

Mr. Meunier- It would branch from our driveway. Not sure on the material, but will likely be sheet metal, not sure what color it will be.

Mr. Unruh- It will not take any shape like your house, you would not make it like a second house?

Mr. Meunier- It might match aesthetically, but will not look like a home.

Mr. Unruh- Will there be a mobile home in there? Plumbing?

Mr. Meunier- A travel trailer will be there, no plans for plumbing as of now.

Mr. White- asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition.

David Bell- 1008 Charlet Ridge Drive. Lives at a lower home in sight of the home. Points out that a neighbor of the applicant has a barn and other structures on a hill with the same slope as the applicant's backyard. Believes that a variance should not be considered when a barn is possible on that slope. Describes his experience making the terrain work when he did not seek a variance.

Paul Blahunka- 1013 Charlet Ridge Drive. Similar to Mr. Bell, believes that there is a precedent on Buck Creek Road for a barn to be built in the backyard, and that the structure is not needed to be in the front of the yard because Buck Creek Road is more residential than agricultural in character.

Mr. Creevy- States that he included a signed petition with four signatures from Charlet Ridge residents.

Mr. Bibelhauser- Asks Mr. Creevy if he looked at the backyard and if he thought it was buildable.

Mr. Creevy- States that he did visit the site and thought it would be impractically expensive to build on the backyard.

Mr. Meunier- Does not think those in opposition could even see the barn from their homes, only from the road. The neighbor's house is on a flatter area because they are atop a hill. Does not think those in opposition have seen his property to know how impractical it would be to build a barn in the backyard.

Mr. Unruh- Would like to table the vote until next month because he has not looked at the meeting, and others have not studied the material for the backyard yet. Wants more time to inspect the area behind the property.

Motion: Table until next month

Moved by: Victor Unruh

Seconded by: Guy Heitkemper

Motion passed.

Agenda Item 5 – GV-03-24-01: Special Exception – Applicant is requesting to operate a retail gun store at this location. Jc Cheshire. 8510 Highway 150, Greenville, IN 47124 (Parcel 22-03-00-400-326.000-005). Section 04, Township 2 South, Range 5 East.

Mr. Creevy- Gave the Board members a copy of an opposition letter. Read the Staff Report. The applicant is requesting a Special Exception to operate a retail gun shop in a Residential Suburban Zone. The applicant owns and resides at the adjacent property between this parcel and the Dollar General property. The property is a 0.67 acre parcel located along Highway 150 between Maple Road and Heritage Springs. A creek runs to the rear and side (east) of the property. Including the applicants home, the property is surrounded by Residential Suburban zoned properties with homes built on them. In addition to the Dollar General there are Multi-Family units in the vicinity including an apartment building adjoining Highway 150 and duplexes on Frontier Trail (behind the Dollar General). Work is currently occurring along this section of Highway 150. A eastbound left turn lane will be added approaching Maple Road and an expanded acceleration lane will be added to the west of Maple Road, additional tapered shoulder will be added westbound to the private drive at 8600 Highway 150 (applicants home address). The proposal includes a 60 x 30 foot metal carport to be used as the business structure with 1200 SF store space and 600 SF garage space with an office and a restroom. Parking and a dumpster are also shown. *Staff Comments:* 1. The special exception will not be injurious to the public health, safety, morals, and general welfare of the community. The small scale retail use will not create a significant amount of additional daily traffic, currently there is a single employee (owner/operated). A driveway permit from INDOT will be required for safe location of the access drive. 2. The use and value of the area adjacent to the property subject to the special exception will not be affected in a substantially adverse manner. The building will be consistent with other commercial properties in the Town along Highway 150 and will fit in with the aesthetics of the community. The use will not generate noise, light, or other nuisances that will impact neighboring properties. 3. The need for the special exception does arise from some condition peculiar to the property involved. The property is located along the State Highway with a natural barrier to the rear and east of the property. Retail and Multifamily uses are in the vicinity. 4. The strict application of the terms of the Floyd County Zoning Ordinance will result

in an unnecessary hardship in the use of the property. The location along Highway 150 with nearby commercial and multi-family uses make the development of new Single Family residential use in the area impractical. 5. The approval of the special exception will not contradict the goals and objectives of the Town of Greenville Comprehensive Plan. The proposal will not create a nuisance to existing land uses and is in proximity to similar land uses. The exception will encourage small neighborhood business growth in the Town along the 150 corridor, and the proposal is consistent with the established architectural character of a rural town. A detailed development plan should be required to ensure landscaping and site characteristics reasonably meet the Comprehensive Plan's goals and objectives. 6. The special exception will not adversely affect neighboring property. The exception will allow for the construction of a small retail shop located along the State Highway 150. The creek provides a natural barrier to the north and west, and vegetative screening should reduce visual impacts. Access will be from the Highway and not affect neighboring properties. Traffic for the use as a gun shop is not expected to be excessive and the use will occur during normal business hours. *Staff Recommendations:* Prior to obtaining a building permit, INDOT permit required for access drive connecting to Highway 150. Commercial Design Release required from State for structure. Prior to building, approval of septic system from the Health Department needed. Detailed Development Plan to be approved by the Technical Review Committee and follow neighborhood commercial development standards where reasonable.

JC Cheshire- Applicant, 8510 Highway 150, Greenville.

Mr. White- asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition.

Greg Slentz- 1000 Wagon Trail. As a resident of the area, would like to see the area remain residential. Thinks it is a slippery slope to allow commercial buildings there. States there are public safety issues on Highway 150 with the curve coming out of the woods having low visibility.

Karen Lincks- 1000 Frontier Trail, Greenville. Thinks that since there is already a gun store in Greenville there is a concern with competition and that the business might go under, leaving a vacant lot. Also believes that the building would be in too dangerous of a spot – that curve is called “Dead Man’s Curve” by local residents.

Mr. Cheshire- Has spoken with INDOT and the construction workers in that area and has determined that there will be a turning lane that includes his store. Additionally, sight lines will be improved. The new lanes should help prevent accidents. Is aware of the other gun shop, points out how there is a Dollar General and gas station nearby – business has been conducted in the area.

Mr. Unruh- The cleared trees on the property create visibility by residents, which will require a buffer to be installed.

Mr. Cheshire- Is willing to put a fence up, but trees would block him from a creek that is on his property.

Mr. Creevy- Will be regulated by Buffer Laws, requiring a fence or vegetation.

Mr. Whalen- What hours of operation do you anticipate?

Mr. Cheshire- 10am-6pm, Tuesday-Saturday.

Mr. Bibelhauser- Reads the ballot. 1. The special exception will not be injurious to the public health, safety, morals, and general welfare of the community. The small scale retail use will not create a significant amount of additional daily traffic, currently there is a single employee (owner/operated). A driveway permit

from INDOT will be required for safe location of the access drive. 2. The use and value of the area adjacent to the property subject to the special exception will not be affected in a substantially adverse manner. The building will be consistent with other commercial properties in the Town along Highway 150 and will fit in with the aesthetics of the community. The use will not generate noise, light, or other nuisances that will impact neighboring properties. 3. The need for the special exception does arise from some condition peculiar to the property involved. The property is located along the State Highway with a natural barrier to the rear and east of the property. Retail and Multifamily uses are in the vicinity. 4. The strict application of the terms of the Floyd County Zoning Ordinance will result in an unnecessary hardship in the use of the property. The location along Highway 150 with nearby commercial and multi-family uses make the development of new Single Family residential use in the area impractical. 5. The approval of the special exception will not contradict the goals and objectives of the Town of Greenville Comprehensive Plan. The proposal will not create a nuisance to existing land uses and is in proximity to similar land uses. The exception will encourage small neighborhood business growth in the Town along the 150 corridor, and the proposal is consistent with the established architectural character of a rural town. A detailed development plan should be required to ensure landscaping and site characteristics reasonably meet the Comprehensive Plan's goals and objectives. 6. The special exception will not adversely affect neighboring property. The exception will allow for the construction of a small retail shop located along the State Highway 150. The creek provides a natural barrier to the north and west, and vegetative screening should reduce visual impacts. Access will be from the Highway and not affect neighboring properties. Traffic for the use as a gun shop is not expected to be excessive and the use will occur during normal business hours. *Conditions:* Prior to obtaining a building permit, INDOT permit required for access drive connecting to Highway 150. Commercial Design Release required from State for structure. Prior to building, approval of septic system from the Health Department needed. Detailed Development Plan to be approved by the Technical Review Committee and follow neighborhood commercial development standards where reasonable.

Motion: Approve with Conditions

Moved by: Larry Bibelhauser

Seconded by: Guy Heitkemper

Motion passed.

Mr. Unruh- Would like to add a condition that no parking be added to the back of the building.

Mr. Whalen- Asks if the variance should apply only to the applicant or to the property itself.

Mr. Bibelhauser- Does not think it necessary to restrict it to the applicant.

Mr. Bibelhauser- Read the amended conditions. Prior to obtaining a building permit, INDOT permit required for access drive connecting to Highway 150. Commercial Design Release required from State for structure. Prior to building, approval of septic system from the Health Department needed. Detailed Development Plan to be approved by the Technical Review Committee and follow neighborhood commercial development standards where reasonable. No parking allowed in the back of the building.

Motion: Amend ballot with conditions

Moved by: Larry Bibelhauser

Seconded by: Guy Heitkemper

Motion passed.

Mr. White- announced that agenda items 6-9 will be heard together but voted on separately.

Agenda Item 6 – GV-03-24-02: Development Standards Variance – Applicant is requesting to use a septic system instead of sewers. Darryl Kepley. Between 7258 & 7354 Voyles Road, Greenville, IN 47124 (Parcel 22-03-03-200-228.000-005). Section 32, Township 1 South, Range 5 East.

Agenda Item 7 – GV-03-24-03: Development Standards Variance – Applicant is requesting to not install pedestrian sidewalks. Darryl Kepley. Between 7258 & 7354 Voyles Road, Greenville, IN 47124 (Parcel 22-03-03-200-228.000-005). Section 32, Township 1 South, Range 5 East.

Agenda Item 8 – GV-03-24-04: Development Standards Variance – Applicant is requesting to allow gravel driving/parking surfaces instead of paving. Darryl Kepley. Between 7258 & 7354 Voyles Road, Greenville, IN 47124 (Parcel 22-03-03-200-228.000-005). Section 32, Township 1 South, Range 5 East.

Agenda Item 9 – GV-03-24-05: Development Standards Variance – Applicant is requesting to orient the front of the building to face south and not face Voyles Road. Darryl Kepley. Between 7258 & 7354 Voyles Road, Greenville, IN 47124 (Parcel 22-03-03-200-228.000-005). Section 32, Township 1 South, Range 5 East.

Mr. Creevy- Read the Staff Report: The applicant is requesting 4 variances for a trucking company development in Greenville. The variances are: 1. GV-03-24-02, to allow the use of a Septic System instead of sewer in a General Industrial District (GVZO 4.54). 2. GV-03-24-03, not to install pedestrian amenities (sidewalks) on site (GVZO 5.50). 3. GV-03-24-04, to allow use/expansion of gravel parking lot (GVZO 5.20). 4. GV-03-24-05, To allow building orientation not to face public street (GVZO 5.44). The proposal is for a 7,100 square foot commercial building to use for a trucking company as a garage for maintenance and storage as well as for office space. There will be 4 employees present on a daily basis. The proposal includes utilizing adjoining properties access to Voyles round and does not propose an additional drive at this time. The property is on a 5.74 acre parcel with heavy vegetation towards Voyles Road and along the north side of the property. The current use of the property is a gravel parking area for a trucking business. The proposed structure will be approximately 506 feet setback from Voyles Road, 80 feet from the adjacent property to the north, 42 feet from the property to the south, and 403 feet from the property to the east. Adjacent properties are also zoned General Industrial and have a commercial trucking use to the south and a residential use to the north, to the east and west is County Rural residential. A Technical Review Committee was held for the development plan for the site, results letter provided. *Staff Comments:* 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. GV-03-24-02: The Floyd County Health Department have approved septic on the site. GV-03-24-03: Sidewalks are not currently present in the immediate vicinity and the use is not likely to attract pedestrian traffic. If future sidewalks are located nearby, owner should provide sidewalks along Voyles Road. GV-03-24-04: Currently the site utilizes a gravel parking lot with no issue. The use is not a high traffic use which may cause excessive noise or debris. The proposal will utilize an existing drive on an adjacent property to connect to Voyles Road. GV-03-24-05: The building will be oriented towards the access drive and is located over 500 feet from Voyles Road. Primary entrance will be clear to visitors. 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. GV-03-24-02: Sewers are not available in the area. An approved septic system is consistent with neighboring property systems. GV-03-24-03: Currently there are no sidewalks in the area and neighboring uses is not expected to attract pedestrian traffic. GV-03-24-04: The site uses a gravel lot presently. Neighboring properties are buffered with vegetation. GV-03-24-05: The building will be oriented to the access drive. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. GV-03-24-02: Sewers are not available in the area. No development would be possible without a variance. GV-03-24-03: With no sidewalks in the vicinity or planned, it is not practical to install sidewalks at this location. Sidewalks would remove some of the vegetative buffer currently in place along Voyles Road. If sidewalks are installed in the vicinity, sidewalks should be installed on this property. GV-03-24-04: There is an existing

gravel lot on the site and the nature of the use, large truck/equipment, would cause heavy wear on pavement. Pavement would be a relatively expensive material that would require frequent replacement. GV-03-24-05: The building is over 500 feet from Voyles Road, it will be oriented to the access drive which is clearer to visitors. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. *Staff Recommendations:* 1. GV-03-24-02, To allow the use of a Septic System instead of sewer in a General Industrial District (GVZO 4.54). - Follow Floyd County Health Department permit provisions. - Statement from Health Department on drainage flow over septic location. 2. GV-03-24-03, Not to install pedestrian amenities (sidewalks) on site (GVZO 5.50) - Perimeter sidewalk along Voyles Road to be installed by owner when sidewalks are present on Voyles road within 500 feet of property. 3. GV-03-24-04, To allow use/expansion of gravel parking lot (GVZO 5.20). - No vehicle, trailer, or equipment storage outside of gravel area. - A vegetative buffer to the property to the north and to the road shall be maintained. 40' buffer area with current vegetation or if vegetation removed consistent with Ordinance standards. 4. GV-03-24-05, To allow building orientation not to face public street (GVZO 5.44). - None.

Jon McCoy- JLM Engineering, 720 Rolling Creek Drive, representing Applicant. Notes that the building orientation has been turned toward Voyles Road, which maintains the 40' buffer.

Darryl Kepley- Applicant, 7206 Voyles Road, Greenville. Has been approved for the septic permit, and the septic lines are already in. Only waiting for the tank to be put in. Just wants a place to store farm tractors and work on them as he nears retirement.

Mr. Unruh- Asks if the buildings that this property will go through are the applicant's.

Mr. Kepley- States that he has a written agreement from a man named Chris Redden that he will be allowed to have an easement through those properties. Mr. Kepley is renting a building from that property now.

Mr. Unruh- Asks if there has been any drainage review.

Mr. Kepley- States that there is drainage in place already, and some has been installed recently.

Mr. White- asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition. No one came forward.

Mr. Bibelhauser- Read the ballots. 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. GV-03-24-02: The Floyd County Health Department have approved septic on the site. GV-03-24-03: Sidewalks are not currently present in the immediate vicinity and the use is not likely to attract pedestrian traffic. If future sidewalks are located nearby, owner should provide sidewalks along Voyles Road. GV-03-24-04: Currently the site utilizes a gravel parking lot with no issue. The use is not a high traffic use which may cause excessive noise or debris. The proposal will utilize an existing drive on an adjacent property to connect to Voyles Road. GV-03-24-05: The building will be oriented towards the access drive and is located over 500 feet from Voyles Road. Primary entrance will be clear to visitors. 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. GV-03-24-02: Sewers are not available in the area. An approved septic system is consistent with neighboring property systems. GV-03-24-03: Currently there are no sidewalks in the area and neighboring uses is not expected to attract pedestrian traffic. GV-03-24-04: The site uses a gravel lot presently. Neighboring properties are buffered with vegetation. GV-03-24-05: The building will be oriented to the access drive. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. GV-03-24-02: Sewers are not available in the area. No development would be possible without a variance. GV-03-24-03: With no

sidewalks in the vicinity or planned, it is not practical to install sidewalks at this location. Sidewalks would remove some of the vegetative buffer currently in place along Voyles Road. If sidewalks are installed in the vicinity, sidewalks should be installed on this property. GV-03-24-04: There is an existing gravel lot on the site and the nature of the use, large truck/equipment, would cause heavy wear on pavement. Pavement would be a relatively expensive material that would require frequent replacement. GV-03-24-05: The building is over 500 feet from Voyles Road, it will be oriented to the access drive which is clearer to visitors. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. *Conditions:* 1. GV-03-24-02, To allow the use of a Septic System instead of sewer in a General Industrial District (GVZO 4.54). - Follow Floyd County Health Department permit provisions. - Statement from Health Department on drainage flow over septic location. 2. GV-03-24-03, Not to install pedestrian amenities (sidewalks) on site (GVZO 5.50). - Perimeter sidewalk along Voyles Road to be installed by owner when sidewalks are present on Voyles Road within 500 feet of property. 3. GV-03-24-04, To allow use/expansion of gravel parking lot (GVZO 5.20). - No vehicle, trailer, or equipment storage outside of gravel area. - A vegetative buffer to the property to the north and to the road shall be maintained. 40' buffer area with current vegetation or if vegetation removed consistent with Ordinance standards.

Motion: Approve Agenda Item 6- GV-03-24-02
Moved by: Larry Bibelhauser
Seconded by: Guy Heitkemper
Motion passed.

Motion: Approve Agenda Item 7- GV-03-24-03
Moved by: Larry Bibelhauser
Seconded by: Scott Whalen
Motion passed.


Motion: Approve Agenda Item 8- GV-03-24-04 with Conditions
Moved by: Larry Bibelhauser
Seconded by: Guy Heitkemper
Motion passed.

Motion: Approve Agenda Item 9- GV-03-24-05
Moved by: Larry Bibelhauser
Seconded by: Scott Whalen
Motion passed.

Motion: To Adjourn
Moved by: Victor Unruh
Seconded by: Scott Whalen
Motion passed.

Adopted this 10th day of June, 2024.


Chairperson


Attest