



STAFF REPORT

Floyd County Board of Zoning Appeals

Docket Number: FC-03-25-06

Petitioner: Anthony Berold

Location: 8120 Corydon Ridge Rd, Lanesville, IN 47136 (22-02-00-400-056.000-002)

Request: Development Standards Variance – Accessory Structure location (FCZO 5.04 – I)

Zoning District: Agricultural Residential (AR)

Date: 4/4/2025

Overview:

The applicant is requesting a development standards variance for the placement of an accessory structure in front of the primary structure. The structure is a 41x51 stick barn with a height of 23'. The applicant indicated that it will be used for storing his vehicle(s) and is proposed to be placed adjacent to the existing driveway.

Section 5.04 Accessory Use/Structure Standards

I. Accessory structure(s) shall be located to the rear or side of the primary structure unless otherwise permitted in this ordinance. Accessory structures used for barns and private garages may be allowed in front of the primary structure in AR district with five acres or greater. Barns and private garages shall meet front setback requirements for primary structures. Primary structures being located on a parcel with an existing legal conforming accessory structure(s) may be located to the rear of the existing legal conforming accessory structures.

The current primary structure is located near the rear of the property, closest to the Northwestern portion of the lot. The lot is 2.36 acres and is accessed by a drive connecting to Corydon Ridge Rd. The primary building is set back 363 feet from the road, while the accessory structure is positioned 75 feet from the primary building and 247 feet from Corydon Ridge Road.

Adjacent Property: The surrounding properties are also zoned Agricultural Residential. Single-family residences occupy the properties directly to the north, east, and south, while the property to the west is used as a pet grooming and boarding facility.

The applicant had commenced construction of the accessory structure prior to being issued a building permit, which resulted in staff issuing a Stop Work order. Currently, the concrete slab for the stick barn has been poured, and wood framing has been erected. The stick barn is large enough that it obscures a large portion of the primary structure. FCZO defines an accessory structure as '(a) A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy. (b) Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.'

The placement of the proposed accessory structure in front of the primary structure would make the primary structure subordinate to the accessory structure as it does not take precedence in appearance. The placement and visibility of the accessory structure overshadows the primary structure. The applicant received site approval for this structure, as well as for a shed which is slightly larger than the stick barn (40x66) from the Health Department. Staff asked the applicant why he did not or could not place the stick barn where the shed is to be located. He stated that he intends to use the stick barn for



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storing his vehicle(s) and could not place it there because underground septic lines east of the primary structure would prevent him from laying gravel for the driveway. Staff spoke with Nicholas Haug with the Floyd County Health Department and he confirmed that any extra compaction (such as gravel or asphalt) atop the septic lines could lead to unnecessary compaction and possible failure. Mr. Haug stated that as long as the stick barn was not placed atop the septic lines, moving the structure should not be a problem.

Seeing that the applicant had already commenced construction of the structure before going through the proper channels, this is a self-imposed hardship. A stick barn is a desire, rather than a necessity for the applicant's use of the property, especially considering that they seem to have adequate space for parking of vehicles in the driveway.

Staff Comments:

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

The location of the structure in front of the primary structure will not inhibit the provision of emergency services to the existing structure or neighboring properties.

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.

Although the use may remain unchanged, the stick barn would obscure a significant portion of the home, potentially impacting its aesthetic and character which could in turn negatively affect neighboring property values. However, a large stick barn could increase the property's value, as well as that of surrounding properties, if placed in a more suitable location.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

The Zoning Ordinance permits garages and barns in front of primary structures for properties zoned AR if they are 5 acres or greater, this parcel is less than half of that, henceforth the practical difficulties are:

- Lateral line placement prohibits the placement of the structure to the side of the primary structure.
- The property does not meet the min. acreage requirement to have the stick barn placed in front of the primary structure.
- The eastern portion of the home does not have adequate space to accommodate the structure
- As stated in the application, the applicant cannot build at the rear of the property due to flooding and limited space. Furthermore, due to the stick barn's intended use for car storage, the area would be inaccessible due to septic lines preventing gravel from being laid.

Because the applicant intends to store his vehicle(s) inside of the structure, and space is limited due to septic lines East of the driveway and flooding at the rear of the lot, the only feasible location for the structure is near the front of the property.

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.



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Staff Recommendations:

- Relocate the stick barn south of the septic lines to prevent obscuring the primary structure (ensuring it meets Zoning Ordinance restrictions). Provide site plan with new location.
- Maintain wooded or vegetative screening of stick barn from Corydon Ridge Road.
- Provide site approval for construction of new location from the Floyd County Health Department to ensure it doesn't interfere with septic lines.



View of the structure from Corydon Ridge Road.



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Front view of the structure.



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Angled view of the front of the structure.



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Corner rear view of the structure.



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View of the structure from the east.



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View of the neighboring property at the front of the lot, facing Corydon Ridge Road.



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View of the neighboring property to the west of the lot.



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View of the rear portion of the lot.



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View of the neighboring property to the East.



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View of the garage adjacent to the residence.



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View of the structure from the south east portion of the lot.



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Photo submitted by the applicant of runoff rainwater stemming from the rear of the property.



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Photo submitted by the applicant from the middle of the driveway facing Corydon Ridge Road.



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Photo submitted by the applicant near the front of the residence near the driveway following heavy rain.

DEVELOPMENT STANDARD VARIANCE BALLOT

FLOYD COUNTY BOARD OF ZONING APPEALS

Docket FC-03-25-06

Petitioner's Name: Anthony Berold

Ordinance Authority:

Floyd County Zoning Ordinance

The variance petition shall be approved if the findings of fact are made consistent with the requirements of this Ordinance and Indiana State Code. The petition shall be approved with modification if the Board determines that the required finding of fact may be made if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of fact part of its approval or accept commitments from the petitioner.

After careful review the Board finds that:

1. Approval of the variance (**WILL NOT** / **WILL**) be injurious to the public health, safety, morals, and general welfare of the community because: _____

2. The use and value of the area adjacent to the property included in the variance (**WILL NOT** / **WILL**) be affected in a substantially adverse manner because: _____

3. The strict application of the terms of the zoning ordinance (**WILL** / **WILL NOT**) result in practical difficulties in the use of the property because: _____

4. This variance (**DOES** / **DOES NOT**) involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10.

If such a structure is involved, the Petitioner (**HAS** / **HAS NOT**) provided the Board with a copy of the following:

- ☐ Permit for the structure issued by the Indiana Department of Transportation;
- ☐ Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and
- ☐ Evidence that notice was delivered to a public use airport as required in Ind. Code 8-21-10-3 not less than sixty (60) days before the proposal is considered

The Board of Zoning Appeals hereby (GRANTS / DENIES) the Petitioner’s Variance at the meeting held on the ____ day of _____, 20__.

Approval by the Board is subject to the completion of the following conditions:

Approval by the Board is subject to the following written commitments:

Board Members in Favor:

Board Members Opposed:

NOTICE OF PUBLIC HEARING

Description of Proposed Docket:

The applicant _____ is seeking a:

- ☐ Development Standards Variance
- ☐ Conditional Use
- ☐ Special Exception
- ☐ Administrative Appeal

From the **Floyd County Board of Zoning Appeals.**

Street Address (see enclosed map):
Description of Project:

This is a notice that a public hearing regarding the proposed docket item will be on _____ located in **Suite 104 at the Pineview Government Center, 2524 Corydon Pike New Albany, IN 47150.**

Please note that information about the proposed docket item can be found at the following:

Floyd County Building and Development Services

2524 Corydon Pike Suite 202

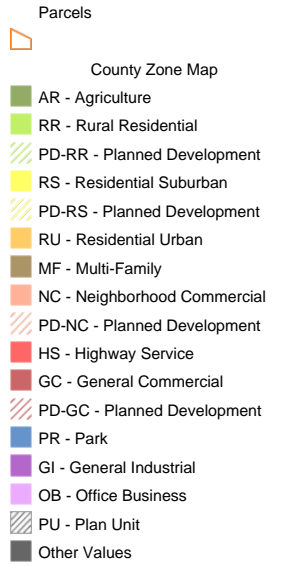
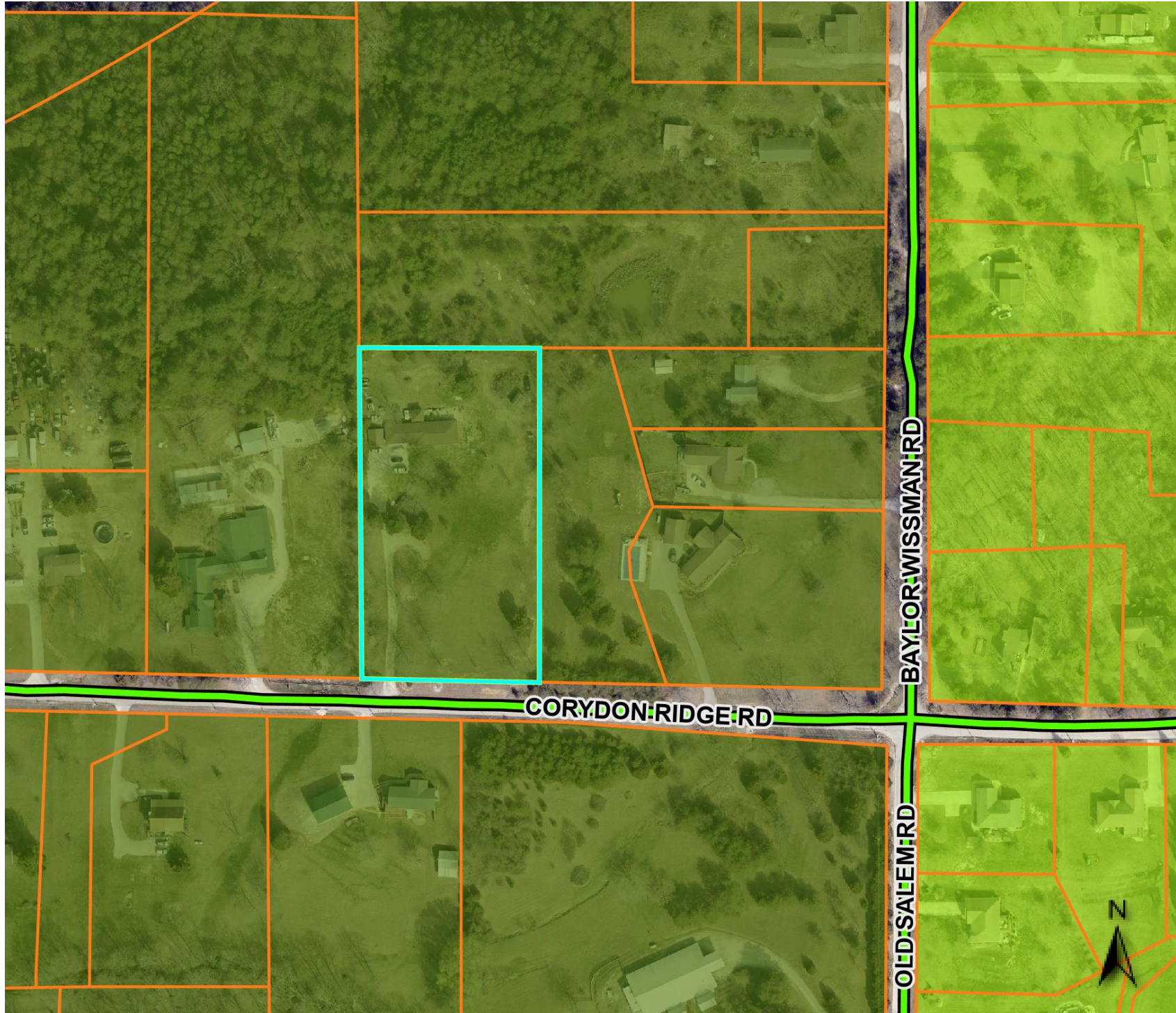
New Albany, IN 47150

Monday- Friday 8AM to 4PM

812.981.7611

Building@floydcounty.in.gov

Online: Floyd County Government Website www.floydcounty.in.gov



Floyd County Board of Zoning Appeals

Frequently Asked Questions

1. How can I find out more about this docket?

You can either visit to the Floyd County Building and Development Services Office and review the file between the hours of 8AM to 4PM Monday through Friday or you can review the proposed application on-line at www.floydcounty.in.gov under the Plan Commission page

2. How does this process work?

Depending on the docket, there are several different processes. The Board of Zoning Appeals will take public comments on each proposal and values public comment in their decision-making process. The Board of Zoning Appeals is required to follow state statute when considering each application. Below is a brief description of application that may come before the board. Please note the check marked application on the notification form to the corresponding process listed below:

- **Development Standards Variance** – The applicant is seeking to vary from the County's development standards in the County's Zoning Ordinance. Per Indiana State statute, the Board of Zoning Appeals holds a public hearing. From the applicant, it determines if the applicant has met the standard that will allow for the requested variance of County rules. The Board of Zoning Appeals has the ability to approve, disapprove or may place reasonable conditions on the request per the ordinance standards.
- **Conditional Use**– The applicant is seeking to conduct a use on the property not otherwise permitted by right. By the County Zoning Ordinance, the proposed use must be reviewed and determined by the Board of Zoning Appeals if how the applicant is proposing the use to be conducted will affect the adjoining property owners. The Board of Zoning Appeals has the ability to approve, or disapprove. The Board can also place reasonable conditions on the request per the ordinance standards.
- **Special Exception** – The applicant is seeking to conduct a use that is not permitted by right in the certain zoning district. Similar to the conditional use, ordinance, and the proposed use must be reviewed and determined by the Board of Zoning Appeals if how the applicant is proposing the use to be conducted will affect the adjoining property owners. The Board of Zoning Appeals has the ability to approve or disapprove. The Board can also place reasonable conditions on the request per the ordinance standards.

Board of Zoning Appeals & Plan Commission Order of Meetings:

- Meeting is called to order, roll call, and approval of minutes
- Director presents docket item and staff report
- Petitioner will be given a total of ten (10) minutes to present application request
- Board members will ask petitioner questions
- Public comments are opened:
 - Favorable comments are allowed a combined total of ten (10) minutes
 - Opposition comments are allowed a combined total of ten (10) minutes
- Public comments are closed and will remain closed
- Petitioner will be given a total of five (5) minutes to respond to public comments
- Board discusses the case and makes a ruling



Floyd County
Department of Building & Development Services
2524 Corydon Pike Suite 203
New Albany, IN 47150
Phone: (812) 981-7611
Fax: (812) 948-4744
Building@floydcounty.in.gov

Development Standards Variance Application

Please Note:

This Application is a document of public record. Any information disclosed on this application is available for review by the public. Incomplete applications will not be accepted. A pre-submission meeting with Building and Development Staff is strongly encouraged. Please contact the office at 812-981-7611 to schedule a meeting.

Variance: A modification of the specific requirements of this ordinance granted by the Board in accordance with the terms of this ordinance for the purpose or assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

1. General Information:

Applicant:	Anthony Berold
Applicant Address:	8120 JCorydon Ridge Rd
Applicant Phone:	(931-649-1205
Applicant Email:	inspector7771@gmail.com

Applicant's Interest in Property:

Owner ☒ Option Holder ☐ Purchase Agreement ☐ Legal Representative ☐ Other ☐

Owner(s) of Property: (complete this section if owner is different than applicant)

Owner Name:	SAME AS ABOVE.
Owner Address:	
Owner Phone:	
Owner Email:	

Applicant's Representative:

Representative Name:	
Representative Address:	
Representative Phone:	
Representative Email:	

2. Site Information:

Parcel ID Number:	
Total Acreage:	2.13
Address of Property/Location:	8100 Corydn Ridge Rd
Current Use of Property:	
Current Zoning District:	

3. Variance Request:

Detail the variance request:

See Attachment A

4. Zoning Map Amendment Justification:

Indiana Code and the Floyd County Zoning Ordinance establish specific criteria that each must be meet in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria:

1. Approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community:

~~It is not.~~
SEE ATTACHMENT.

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:

~~It is not.~~
SEE ATTACHMENT.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:

SEE ATTACHMENT.

4. This variance (DOES /DOES NOT) involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10.

5. Required Documents:

- ☒ \$300.00 Filing Fee
- ☒ Deed for subject property
- ☒ Affidavit of Ownership (if applicable)
- ☒ Site plan drawn to scale, signed, and dated which clearly shows the entire layout of the property and all features relevant to the variance request.
- ☒ Letter from Floyd County Health Department indicating this variance will not negatively affect the operation of a septic system, if applicable
- ☒ Cover letter summarizing variance request.

6. Signature:

The undersigned states that the above information is true and correct.

Name: ANTHONY BIERON

Signature: [Signature]

Date: 2/26/25

2/27/25

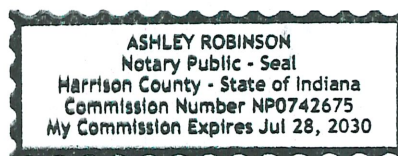
SUBSCRIBED AND SWORN BEFORE ME

THIS 27th DAY OF February, 2025.

[Signature]

NOTARY PUBLIC COUNTY OF Floyd

MY COMMISSION EXPIRES July 28, 2030



FLOYD COUNTY PLAN COMMISSION
(812) 948-5440

NOTICE OF VIOLATION

**THIS WILL INFORM YOU THAT YOU
ARE IN VIOLATION OF FLOYD COUNTY
ZONING ORDINANCE.**

DATE:

2/17/2025

LOCATION:

8120 Corydon Ridge Road
No Building Permit

STOP WORK

**If you fail to respond to the above mentioned office within 3 days,
you will be subject to additional fines and/or legal action.**

BUILDING COMMISSIONER
PINE VIEW GOVERNMENT CENTER
SUITE 203
2524 CORYDON PIKE
NEW ALBANY, IN 47150
812-948-5440

Anthony Berold
8120 Corydon Ridge Road
Lanesville IN 47136
931-645-1205

2/25/2025

Floyd County Department of
Building and Planning and Development Services
2524 Corydon Pike Suite 203
New Albany IN 47150

To Whom It May Concern:

Subject: Variance of Outbuilding at 8120 Corydon Ridge
Road

This letter is regarding the variance of the outbuilding
location at the residence located at 8120 Corydon Ridge
Road, Lanesville, IN 47136.

The ideal location is toward the forward part of the house.
Due to the electric, flooding and exiting and entering the
back of the house is not feasible. While the side of the
house there is septic and leach bed interference making not
the ideal location either.

Thank you for your time and consideration,

Sincerely,

ATTACHMENT A

The variance is the location of the detached outbuilding. The detached building had initially started to be built at the forward part of the primary home. This was after the Health Department's approval.

The reason it cannot be placed on the back of the house is because there are underground powerlines. If the dwelling were to be behind the house there would have to be a new electrical service and lines for the primary home. Another reason the back of the house is not an excellent choice, is because when it rains it floods in the back of the house. The dwelling behind the house would also make it exceedingly difficult for entering or exiting to and from the building.

The reason it cannot beside the house is it would have septic and leach bed interference.

In closing because of the electrical issue, the septic and leach bed interference, flooding and difficulty entering and exiting; the only logical location for the detached building is the forward part of the home.

Thank you for your time and consideration,

Anthony Berold

Attachment 1a

There is no negative impact on the closest neighbor. There is line of woods that separates the neighbor and is untouched. The detached garage front is 247 feet from the roadway, visibility is not hampered. No public safety issues are foreseen. The detached garage does not violate any fundamental ethical principles or cause any unforeseen welfare harm to the community.

Attachment 2a

There is not any negative impact to any neighbors. There are wood lined that separates the closest neighbor and is untouched. The original house structure is forty-six feet from the adjacent property, the detached garage is three foot closer than the original house structure.

Attachment 3a

Due to the zoning issue that where approved, this would not be reasonable. Due to water run-off from adjacent properties, and underground power cables this would not be practical. Leach beds system would be most likely damaged as well. Accessibility would be particularly challenging. The back of house is not feasible due to there is not sufficient room for the detached garage. It would be too close to the property line and to the back of the house.

Floyd Co. Assessor

SEP 10 2012

* 2 0 1 2 1 3 1 9 1 3 *

FLOYD CO. IN RECORDER - LOIS ENDRIE

09/10/2012 01:28:51PM

201213191 Pages:3

Transaction # 28401

Fee Amount: \$20.00

PARCEL NO. 002-05900-64

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH, that DAWN N. BEROLD

CONVEYS, RELEASES, AND QUIT-CLAIMS

unto ANTHONY J. BEROLD, whose present address and mailing address for tax purposes is 8120 Corydon Ridge Road, Lanesville, IN 47136, for no valuable consideration, the receipt of which is hereby acknowledged, the real estate in the County of Floyd and State of Indiana, described as follows, to-wit:

Being a 2.370 acre tract of land lying in the Southeast quarter of Section 4, Township 3 South, Range 5 East, Georgetown Township, Floyd County, Indiana, same being part of those same lands conveyed to Jacob G. and Sara M. Rudy by Deed dated September 8, 1965 and recorded in Deed Record 179, Page 201 of the Floyd County Records, bounded as follows: Commencing at a railroad spike at the Southeast corner of said Section 4 in the Old Corydon Road; thence North 98 degrees 15 minutes 00 seconds West with the South line of said Section 4 475.00 feet to a road nail in said road, the true place of beginning; thence continuing North 88 degrees 15 minutes 00 seconds West a distance of 225.00 feet to a road nail; thence North 01 degree 02 minutes 29 seconds West with a fence 454.76 feet to a corner post; thence North 89 degrees 31 minutes 06 seconds East with a fence 225.100 feet to a ½ inch steel pin; thence South 01 degree 00 minutes 35 seconds East a distance of 463.52 feet to the beginning and containing 2.370 acres of land.

Subject to any and all easements and/or restrictions apparent and of public record that may apply to the above-described real estate.

TO HAVE AND TO HOLD, the same unto said Grantee, his heirs and assigns, in fee simple forever.

This conveyance is made pursuant to a Decree of Dissolution of Marriage in Cause No. 22C01-1004-DR-327, in the Floyd Circuit Court, on the 5th day of March, 2012, said cause being entitled "In Re the Marriage of ANTHONY J. BEROLD and DAWN N. BEROLD, Respondent."
Duly Entered for Taxation
Subject To Final Acceptance
For Transfer

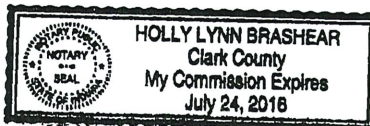
SEP 10 2012


AUDITOR FLOYD CO. IND.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand this 5 day of August, 2012.

Dawn Berold
DAWN N. BEROLD

STATE OF INDIANA)
COUNTY OF Clark)ss



BEFORE me, a Notary Public, in and for said County and State, this 5th day of August, 2012, personally appeared the within named DAWN N. BEROLD and acknowledged execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

My Commission Expires: July 24, 2016

Holly L. Brashear
NOTARY PUBLIC (Signature)

My County of Residence: Clark

Holly L. Brashear
NOTARY PUBLIC (Printed)

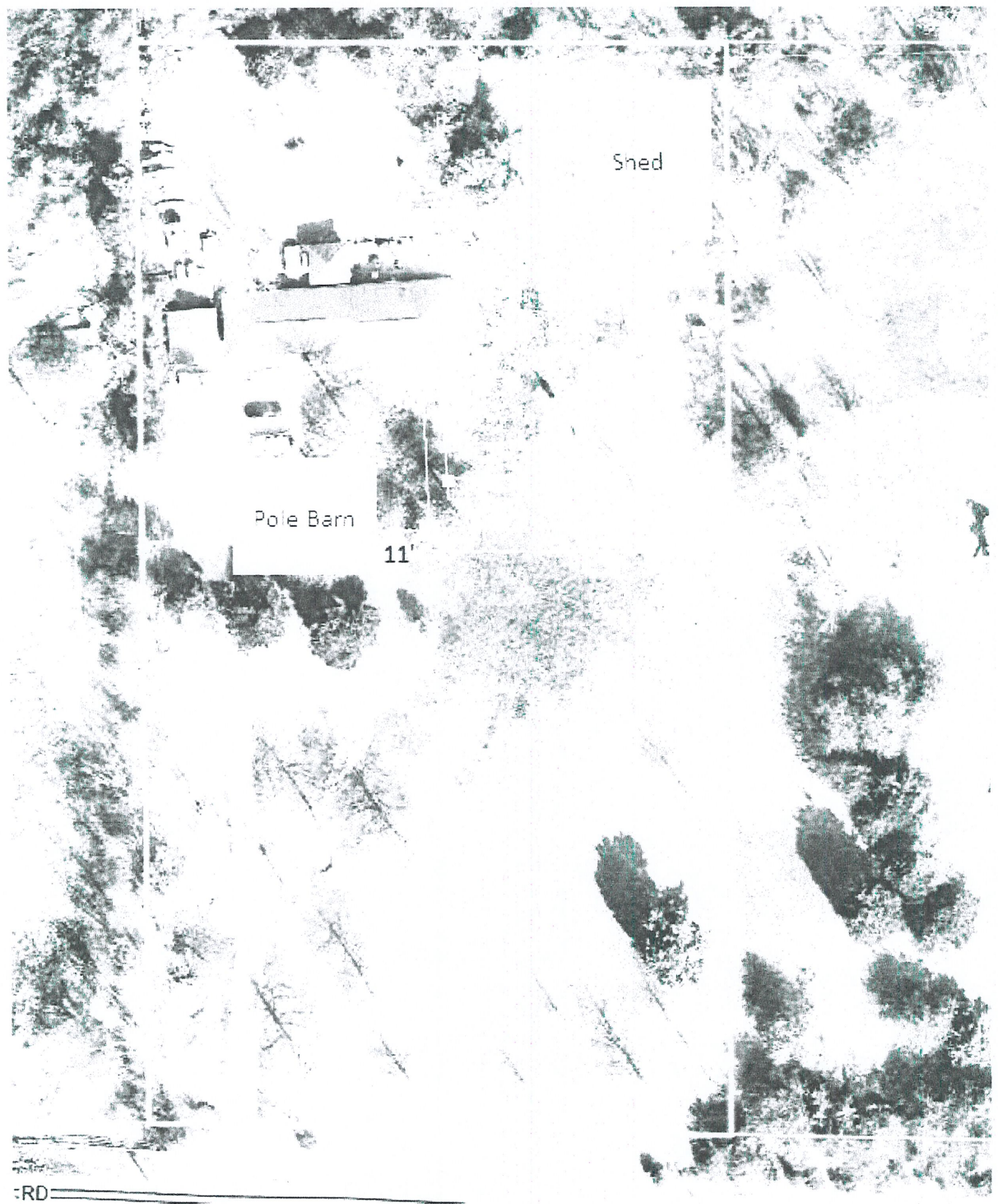
Grantees Present Mailing address:
8120 Corydon Ridge Road
Lanesville, IN 47136

Grantees Mailing Address for Taxes:
8120 Corydon Ridge Road
Lanesville, IN 47136

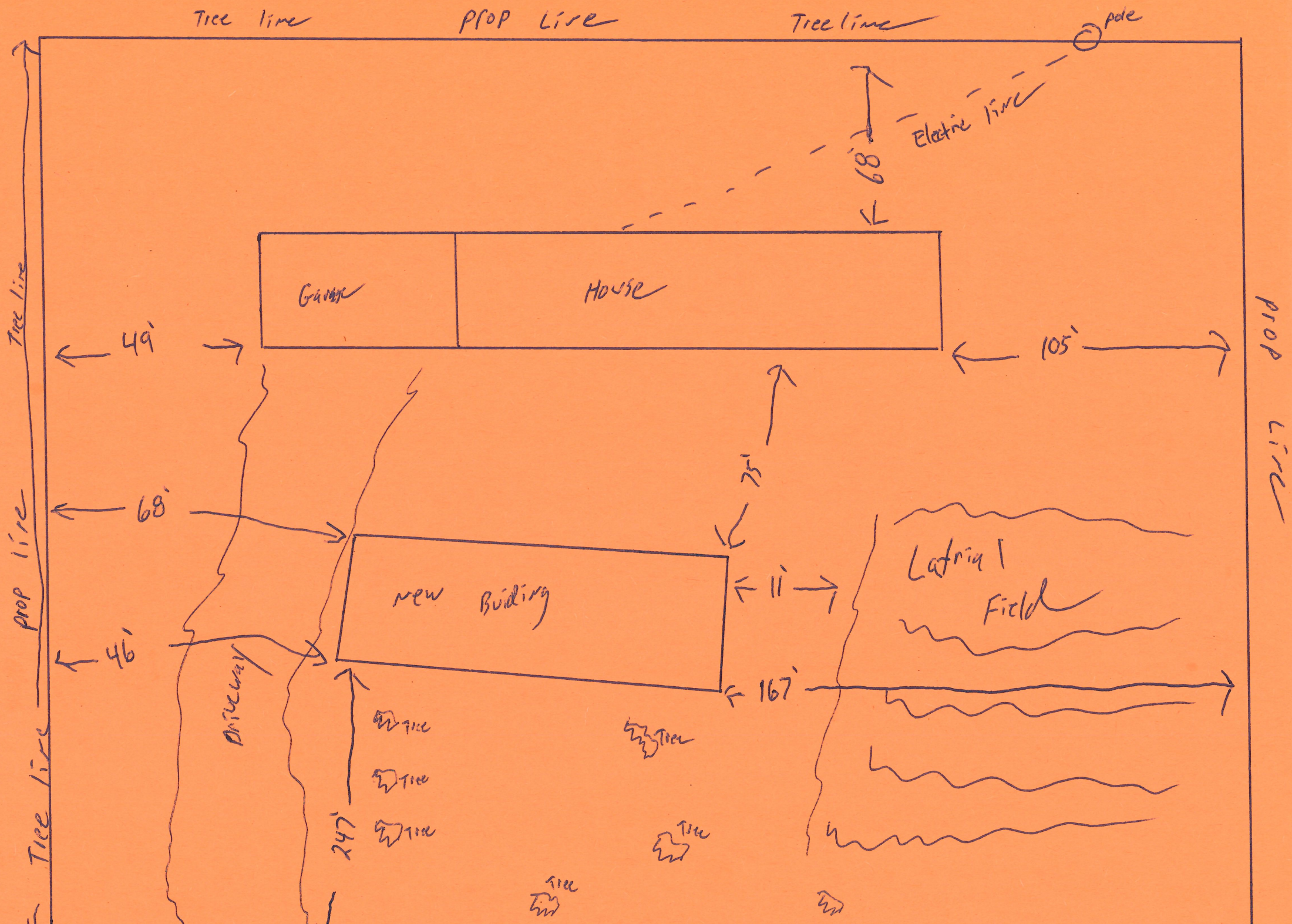
Address of Property conveyed:
8120 Corydon Ridge Road
Lanesville, IN 47136

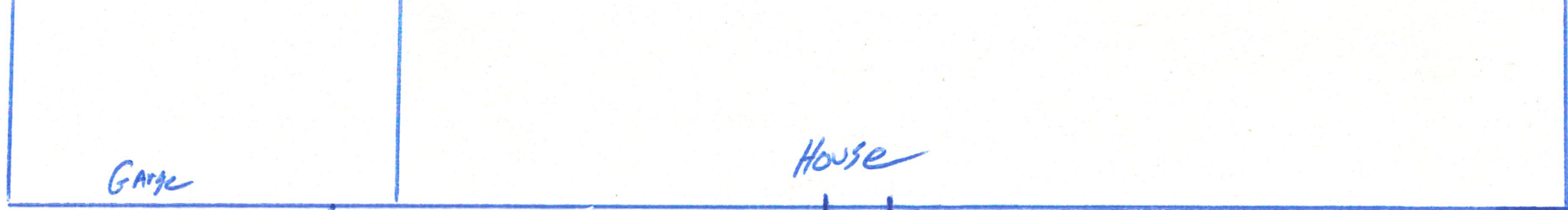
THIS INSTRUMENT PREPARED BY:

LINDA B. LORCH
Indiana Attorney No. 9825-22
LORCH & NAVILLE, LLC
P.O. Box 1343 - 506 State St.
New Albany, IN 47151-1343
(812) 949-1000



The Yardstick by which we measure our prosperity is the health and happiness of our people.

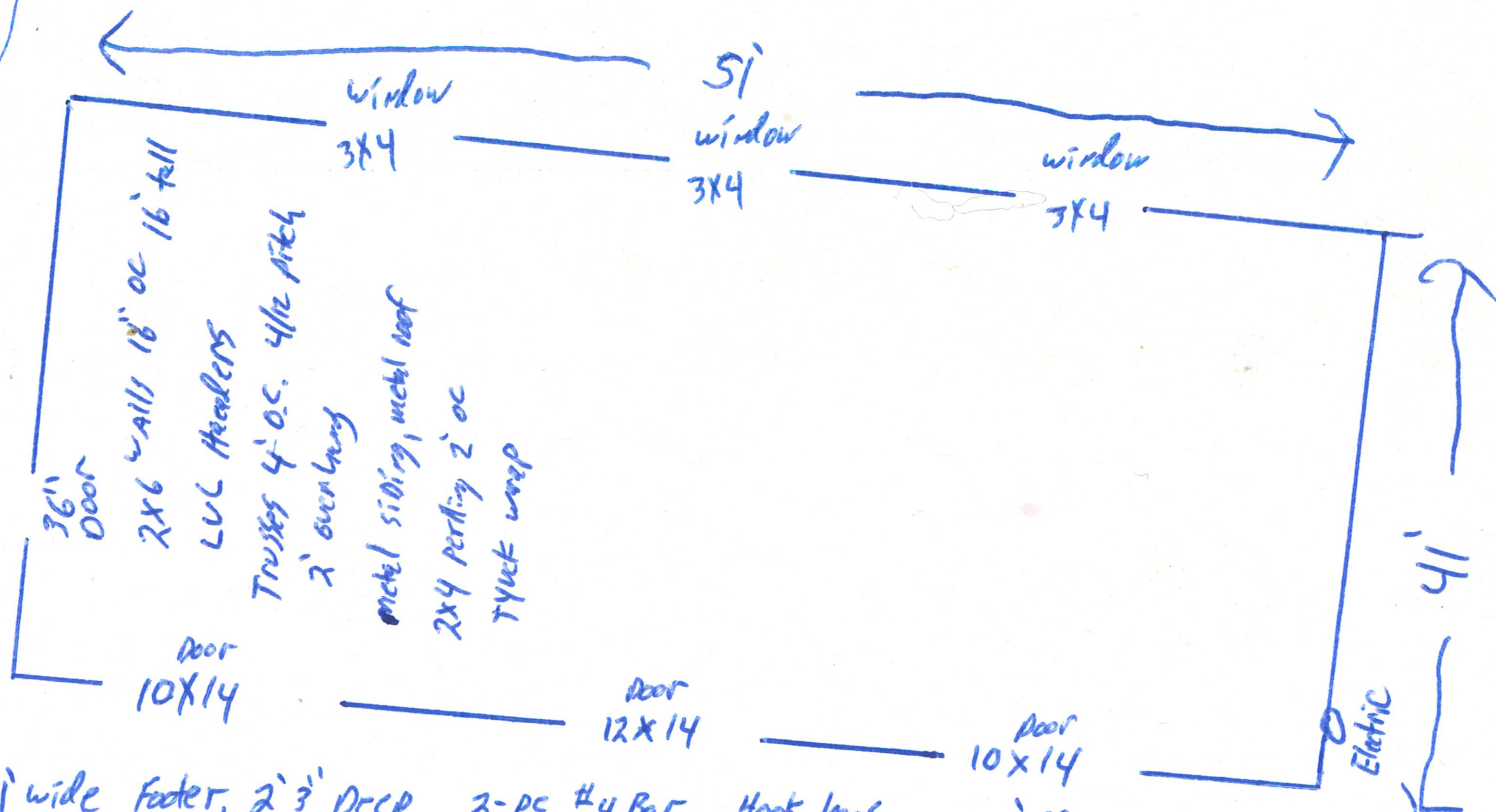




Driveway

Gravel

Gravel



Latent Field

1" wide footer, 2' 3" Deep. 2-pc #4 Bar. Hook bars every 2' oc.
8" four pour slab center 6" thick. 6 mil poly, 6x6 10'x10' wire

FLOYD COUNTY HEALTH DEPARTMENT

1917 Bono Road
New Albany, Indiana 47150-4607
Website: www.floydcounty.in.gov

Telephone (812) 948-4726
Fax (812) 948-2208

SITE APPROVAL PERMIT FOR CONSTRUCTION
OF
OUTBUILDINGS, ADDITIONS and/or
INSTALLATION OF SWIMMING POOLS
GEOHERMAL HEAT SYSTEM
UNDERGROUND UTILITY CONNECTION and/or
UNDERGROUND LAWN SPRINKLER SYSTEM

RECEIPT NO: 25640

PERMIT NO.: SA-02-25

Date Issued: 2/5/2025

Permit is void the last day of the thirty-sixth (36th) month following the month of permit issuance.

ISSUED TO: Anthony Berold

PROPERTY OWNER: Anthony Berold

ADDRESS: 8120
House Number

Old Corydon Ridge Rd
Street/Road/Drive

Lanesville
City/Town

Indiana
State

47136
Zip Code

CONTRACTOR/INSTALLER:

SITE APPROVAL FOR: 41' x 51' pole barn addition and a
40' x 66' shed.

ISSUED BY: Nicholas Haug

NOTES: Protect area of septic and during all phases of
construction.



**ANY CHANGE TO THE LOCATION OR INSTALLATION OF DESIGN WITHOUT PRIOR APPROVAL
FROM THE FLOYD COUNTY HEALTH DEPARTMENT WILL VOID THIS PERMIT**

The Yardstick by which we measure our prosperity is the health and happiness of our people.



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