

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

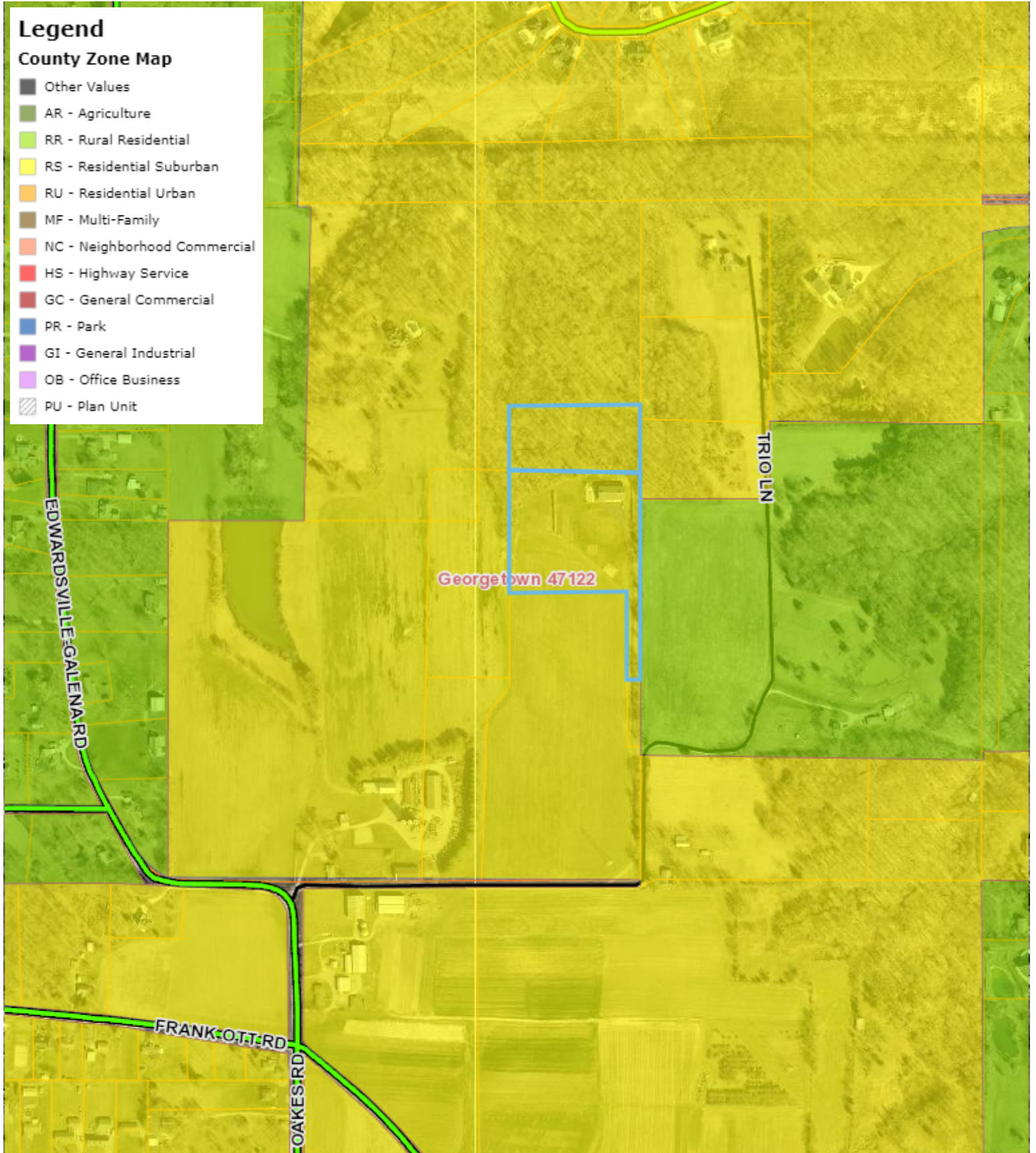
Monday- Friday 8AM to 4PM

812.981.7611

Building@floydcounty.in.gov

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

2020 Trio Lane, Georgetown, IN 47122



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 202
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:	Joseph Happel
Applicant Address:	2020 Trio Ln. Georgetown, IN. 47122
Applicant Phone:	502-376-1911
Applicant Email:	joehappel@msn.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:	Joseph Happel
Owner Address:	2020 Trio Ln. Georgetown, IN. 47122
Owner Phone:	502-376-1911
Owner Email:	joehappel@msn.com

Applicant's Representative:

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

2. Site Information:

Parcel ID Number:	22-02-02-600-010.001-002
Total Acreage:	6.70
Address of Property/Location:	2020 Trio Ln. Georgetown, IN. 47122
Current Use of Property:	residential
Current Zoning District:	RS

3. Variance Request:

Detail the variance request:

I (Joe Happel) am requesting approval for the construction of a pool on my property. I have recently completed a substantial addition to my existing home. In the process my previous pool on the west side of the parcel was demolished to make room for the addition. When my pool installer went to get the new pool building permit he was instructed that a variance maybe required. My understanding is that the building ordinance states that an accessory structure or pool cannot break the front plane of the home without a variance from the Department of Building and Development.

My house is located on a 6.7 acre plot however I own adjacent acreage. There is also some confusion as to what is considered the front of the home per ordinance it is determined by the longest lot line which

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:

There is no health hazard or general welfare concerns to locate the pool in proposed location. Pool will be constructed to building codes and standards

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 values of adjacent properties will not be affected. The proposed location is oriented to adjacent property that I own. The proposed pool will be hidden by landscaping with landscape plan also submitted. All home improvements including pool will elevate home values in the surrounding community in a comparable market basis.

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

After removal of previous pool and completion of the addition to my home there is no good logical location for the pool construction other than the pool location proposed. With steep slopes and septic to the west of home, wooded and little area to the north, garage and drive to the east and southeast the only stable location is the proposed southwest corner of the house.

3. Variance request:

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My house is located on a 6.7 acre plot however I own adjacent acreage. There is also some confusion as to what is considered the front of the home per ordinance it is determined by the longest lot line which would be the east side of my lot. The proposed pool location is at the southwest corner of the home. I do not have any other suitable locations for the pool to be located. The west side of the home has a steep slope and has septic tanks and the sewer line running through it from the house to the septic tanks and system. The north side of home does not have much area for a pool on the house parcel and the 2.13 acre parcel I own adjacent is heavily wooded. The southeast side of the home is mostly drive and east side is the attached garage. The 13 acre parcel I own adjacent to the south of the house parcel is undeveloped due to large power lines cutting through the property and is a buffer for the proposed pool location.

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: JOSEPH A. HAPPEL

Signature: *Joseph A. Happel*

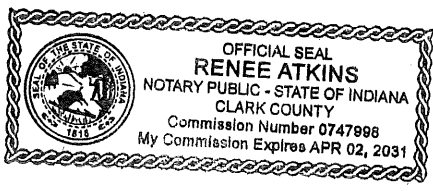
Date: 8/2/2024

SUBSCRIBED AND SWORN BEFORE ME

THIS 2 DAY OF 8, 2024.
Renee Atkins

NOTARY PUBLIC COUNTY OF Floyd

MY COMMISSION EXPIRES 4/2/2031



WARRANTY DEED

SEND TAX INFORMATION TO:

Joseph A. Happel and Christina N. Happel
2020 Trio Lane
Georgetown, IN 47122

Parcel Id: 22-02-02-600-010.001-002
22-02-02-600-059.001-002
22-02-02-600-005.001-002

THIS INDENTURE WITNESSETH, that **Brent T. Romeo and Andrea Romeo, husband and wife**, of Floyd County, Indiana (hereinafter collectively referred to as the Grantors), for and in consideration of the sum of **ONE DOLLAR AND 00/100 (\$1.00)** and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby

CONVEY AND WARRANT

unto **Joseph A. Happel and Christina N. Happel, husband and wife**, (hereinafter collectively referred to as the Grantees), in fee simple, the following described real property, together with all improvements, thereon and appurtenances thereunto belonging, commonly known as 2020 Trio Lane, Georgetown, Floyd County, IN, and being more particularly described as follows (the "Property"):

BEING A 2.1305 ACRE PART OF THE LAND HERETOFORE CONVEYED TO ROGER C. HARBISON, TRUSTEE OF THE CORNELL H. HARBISON IRREVOCABLE TRUST BY DEED AS RECORDED IN INSTRUMENT NO. 960006665 AND A 7.1042 ACRE PART OF THE LAND HERETOFORE CONVEYED TO ROGER C. HARBISON, TRUSTEE OF THE CORNELL H. HARBISON IRREVOCABLE TRUST BY DEED AS RECORDED IN INSTRUMENT NO. 990015383 OF SAID FLOYD COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SITUATED IN GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA AND BEING MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A FOUND IRON PIPE AT THE SOUTH QUARTER CORNER OF SAID SECTION 26; THENCE NORTH 89 DEG. 37' 14" EAST ALONG THE LINE DIVIDING SECTIONS 26 AND 35, TOWNSHIP 2 SOUTH, RANGE 5 EAST, 1340.93 FEET TO FOUND ROAD NAIL AT THE SOUTHEAST CORNER OF SAID HARBISON (INSTRUMENT NO. 990015383) AND BEING THE SOUTHWEST CORNER OF BECKMAN (D.D. INSTRUMENT NO. 5987) OF SAID FLOYD COUNTY RECORDS; THENCE NORTH 0

DEG. 00' 44" EAST FLOYD COUNTY RECORDS; THENCE NORTH 0 DEG. 00' 44" EAST ALONG HARBISON'S EAST LINE AND BECKMAN'S WEST LINE 520.00 FEET TO A SET 5/8" IRON PIN AND CAP ("JORDAN"), HEREINAFTER REFERRED TO IN THIS DESCRIPTION AS SPC, BEING BECKMAN'S NORTHWEST CORNER AND BEING THE TRUE PLACE OF BEGINNING OF LAND TO BE HEREIN DESCRIBED: THENCE SOUTH 89 DEG. 31' 47" WEST, 50.00 FEET TO A SPC: THENCE NORTH 0 DEG. 00' 44" EAST, 602.72 FEET TO A SPC: THENCE SOUTH 89 DEG. 31' 47" WEST, 460.02 FEET TO A SPC: THENCE NORTH 0 DEG. 00' 44" EAST, 729.66 FEET TO A SPC: THENCE NORTH 89 DEG. 31' 47" EAST, 510.02 FEET TO A SPC ON SAID HARBISON'S EAST LINE AND ON THE WEST LINE OF ADAM (D.D. 9, INSTR. 1040); THENCE SOUTH 0 DEG. 00' 44" EAST ALONG SAID HARBISON EAST LINE AND ADAMS WEST LINE, 70.00 FEET TO A FOUND 1/2" PIN AND CAP AT ADAM'S SOUTHWEST CORNER; THENCE CONTINUING SOUTH 0 DEG. 00' 44" WEST ALONG BRUTSCHER'S WEST LINE (INSTRUMENT NO. 201302986 AND 201302985, RESPECTIVELY), 1262.38 FEET TO THE PLACE OF BEGINNING AND CONTAINING 9.2347 ACRES OF LAND.

Being the same property conveyed to Brent T. Romeo and Andrea Romeo, husband and wife, by Deed dated November 1, 2013, and of record in Instrument No. 201318546, in the Office of the Floyd County, Indiana Recorder.

Grantees' address above. Send to tax billing address.

Subject to any and all easements, restrictions and/or protective covenants of public record which may apply to the above property.

The Grantors covenant that they are lawfully seized of the estate hereby conveyed, have full right, power and authority to convey the same, and that said estate is free from all encumbrances except (i) property taxes and assessments not yet due and payable, which the Grantees assume and agree to pay, taxes having been prorated to date of closing, (ii) restrictions, stipulations and easements of record affecting the Property; and (iii) all governmental regulations affecting the Property.

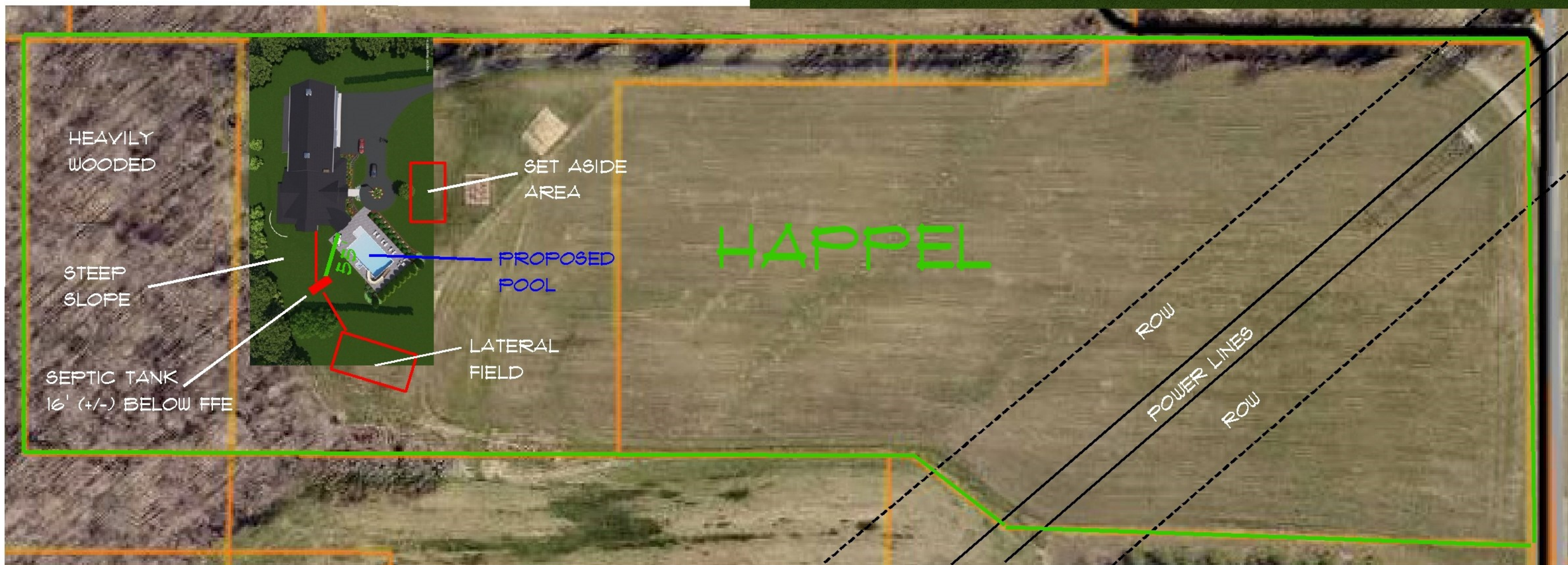
IN TESTIMONY WHEREOF, witness the signature of the Grantors, this 21st day of June, 2018.

JOE HAPPEL PROPOSED POOL LOCATION

2020 TRIO LANE
GEORGETOWN, IN 47122



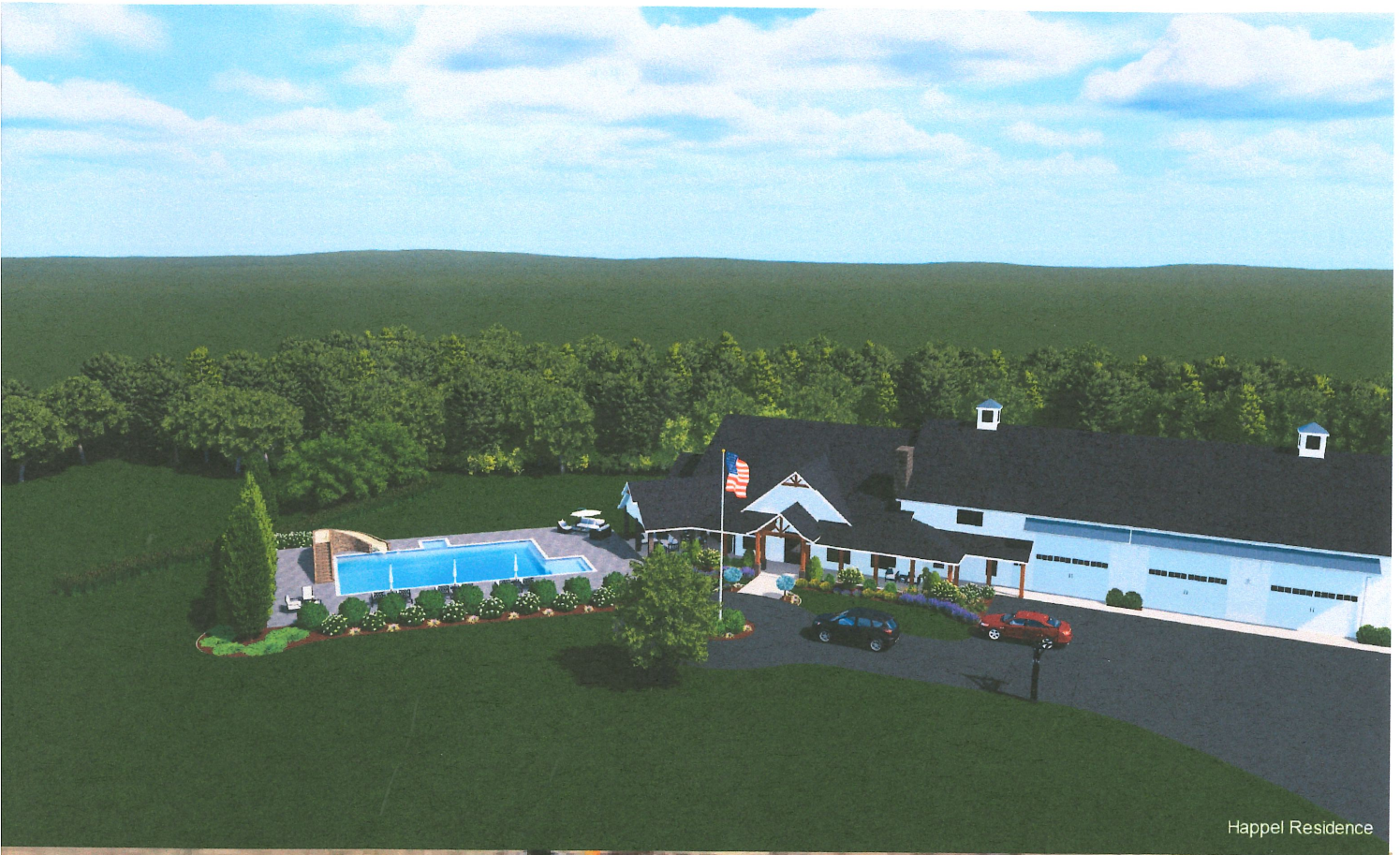
Happel Residence





**JOE HAPPEL NEIGHBORHOOD
PROPOSED POOL LOCATION**

2020 TRIO LANE
GEORGETOWN, IN 47022

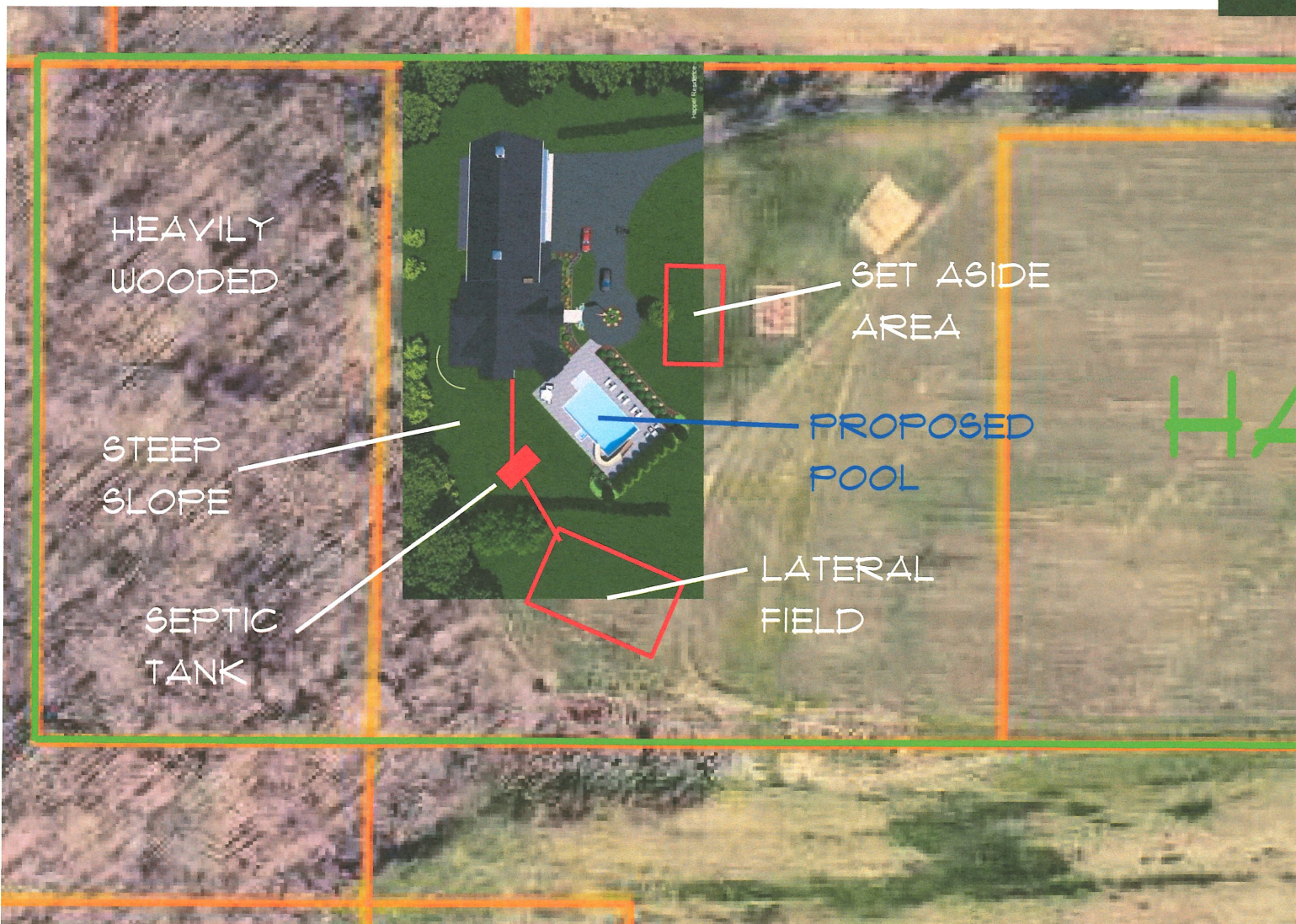


Happel Residence



JOE HAPPEL PROPOSED POOL LOCATION

2020 TRIO LANE
GEORGETOWN, IN 47122



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
GEOTHERMAL HEAT SYSTEM
UNDERGROUND UTILITY CONNECTION and/or
UNDERGROUND LAWN SPRINKLER SYSTEM

RECEIPT NO: 176219

PERMIT NO.: SA-51-23

Date Issued: 07/24/2023

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

ISSUED TO: Robert Osborne

PROPERTY OWNER: Joseph Happel

ADDRESS: 2020
House Number

Trio Ln
Street/Road/Drive

Georgetown
City/Town

Indiana
State

47122
Zip Code

CONTRACTOR/INSTALLER:

SITE APPROVAL FOR: Addition and pool. (See attached plans)

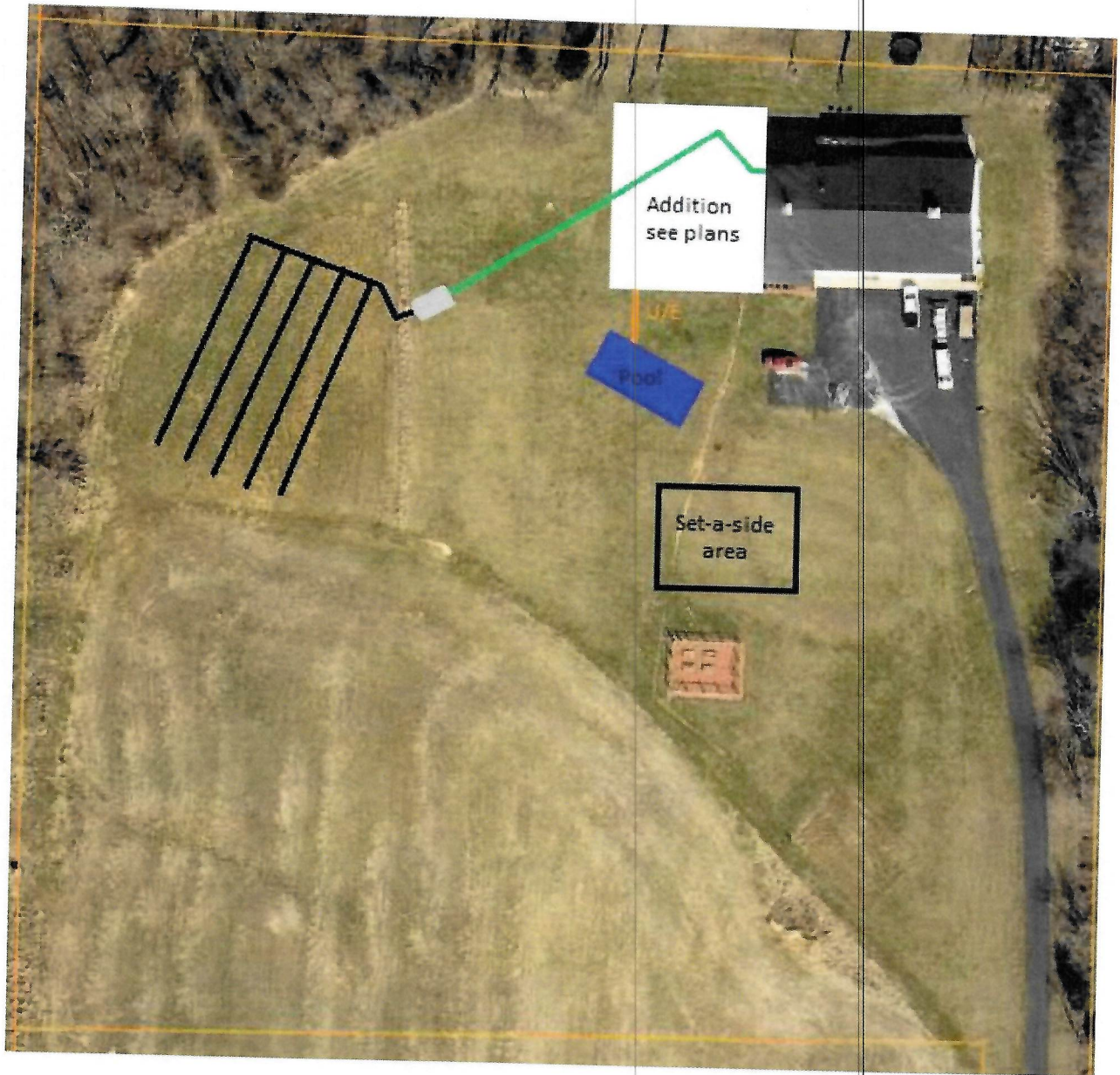
ISSUED BY: Anthony Lieber

NOTES: Protect area of septic and during all phases of construction. Corn had been planted overtop of the lateral field. FCHD highly recommended that the corn not be harvested and that only tracked equipment be driven over the laterals to avoid potential damage and compaction.



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

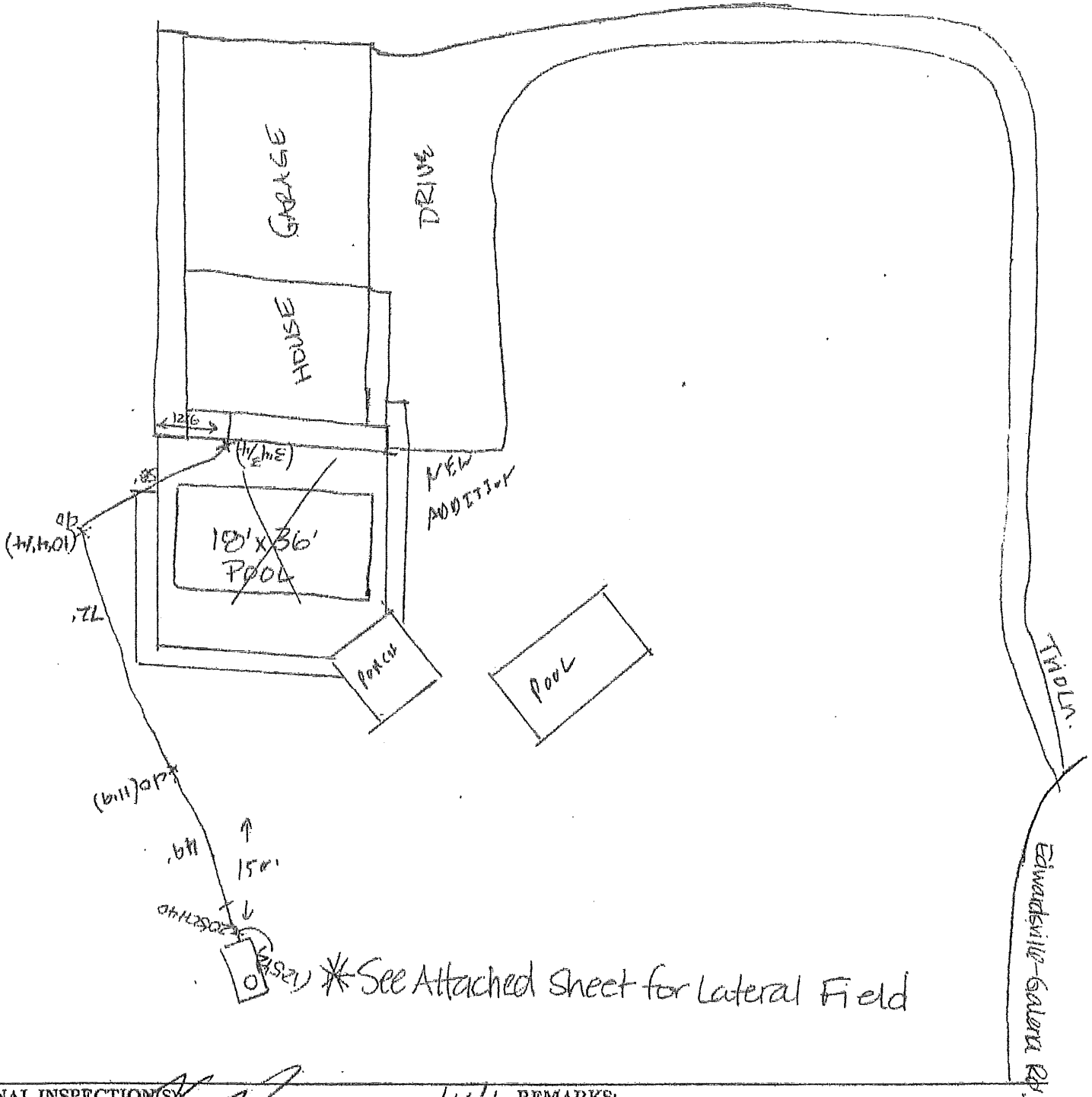
The Yardstick by which we measure our prosperity is the health and happiness of our people.



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

NOT TO SCALE

FINAL SCHEMATIC



FINAL INSPECTION(S)

PERFORMED BY:

DATE:

11/4/13

REMARKS:

PERFORMED BY:

DATE:

4/23/14

inspected house to tank;
approved system

PERFORMED BY:

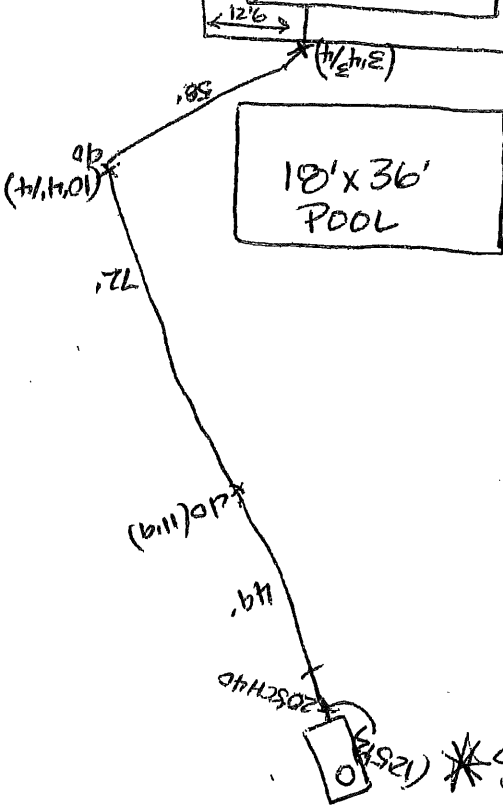
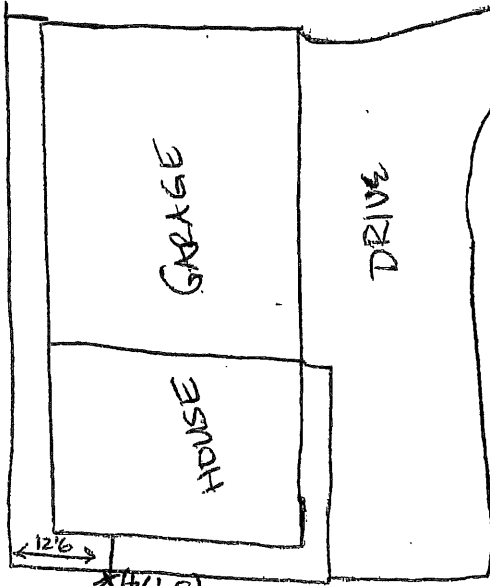
DATE:

PERFORMED BY:

DATE:

NOT TO SCALE

EMATIC



* See Attached Sheet for Lateral Field

Edwardsville-Galena Rd.

FINAL INSPECTION(S)

PERFORMED BY:

DATE: 11/4/13

REMARKS:

PERFORMED BY:

[Signature]
DATE: 4/23/14

inspected house to tank;
approved system

PERFORMED BY:

DATE:

PERFORMED BY:

DATE: