

Shelby County
Board of Zoning Appeals

January 8, 2019 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals
January 8, 2019, 7:00 p.m.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the November 13, 2018 meeting.

Minutes from the December 11, 2018 meeting.

OLD BUSINESS

None.

NEW BUSINESS

19-02 – DARRELL & JAYNIE THOMAS: DEVELOPMENT STANDARDS VARIANCE
– To allow for an accessory structure in the front yard (residential accessory structures not permitted in the front yard). The property is located in Jackson Township at the address 6248 W PR 735 S.

19-03 – KENNETH DEROLT: DEVELOPMENT STANDARDS VARIANCE – To allow for an accessory structure in the front yard (residential accessory structures not permitted in the front yard). The property is located in Brandywine Township at the address 5355 N 100 W.

DISCUSSION

Patrick Black Violation

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, February 12, 2019 at 7:00 PM.

Staff Report

CASE NUMBER: 19-02
CASE NAME: DARRELL & JAYNIE THOMAS – DEVELOPMENT STANDARDS
VARIANCE

PROPERTY DESCRIPTION

Location: Jackson Township at the address 6248 W PR 735 S.

Property Size: 6.22 acres

Property Improvements: Single-family dwelling & above-ground swimming pool.

Surrounding Development: Farmland, forested area, & single-family dwellings on lots between 5 acres and 6.5 acres.

Zoning District: RE (Estate Residential) – Per the UDO, this district is intended to promote low-impact development in harmony with a natural setting.

Comprehensive Plan Future Land Use: Agricultural Residential – Per the Comprehensive Plan, accessory structures may also occur in these areas as long as adequate off-street parking is provided and *the scale, function and design of the structures is compatible.*

VARIANCE REQUEST

Variances of Development Standards - to allow for an accessory structure in the front yard (not permitted).

The UDO prohibits construction of accessory structures in the front yard to maintain the primary dwelling as the visual focal point of the property, and therefore to maintain the rural residential character of the area. The regulation particularly applies to properties with dwellings near a public road.

CASE DESCRIPTION

- The petitioner plans to build a 40' x 80' (1,600 sq. ft.) accessory structure in the front yard.
- A private drive adjoining a gravel county road provides access to the property from the main county road: S 600 W. The property is not visible from S 600 W.
- The UDO defines the front yard as the horizontal space between the house foundation or roof eave, (whichever is closer) to the front lot line, extending to the side lot lines. The UDO defines the front lot line of an interior lot as the line abutting the driveway, therefore per the UDO the front yard of the subject property lies between the front building line of the house and south property line.

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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

Staff Analysis: Construction of the accessory structure would require a building permit and the structure must comply with all building codes before passing a final inspection.

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

Staff Analysis: The property lies at the end of a private access drive and the accessory structure would not appear conspicuous from adjoining properties or S 600 W.

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

Staff Analysis: A strict application of the Ordinance would prohibit construction of an accessory structure that would not negatively impact surrounding properties or the overall public.

STAFF RECOMMENDATION

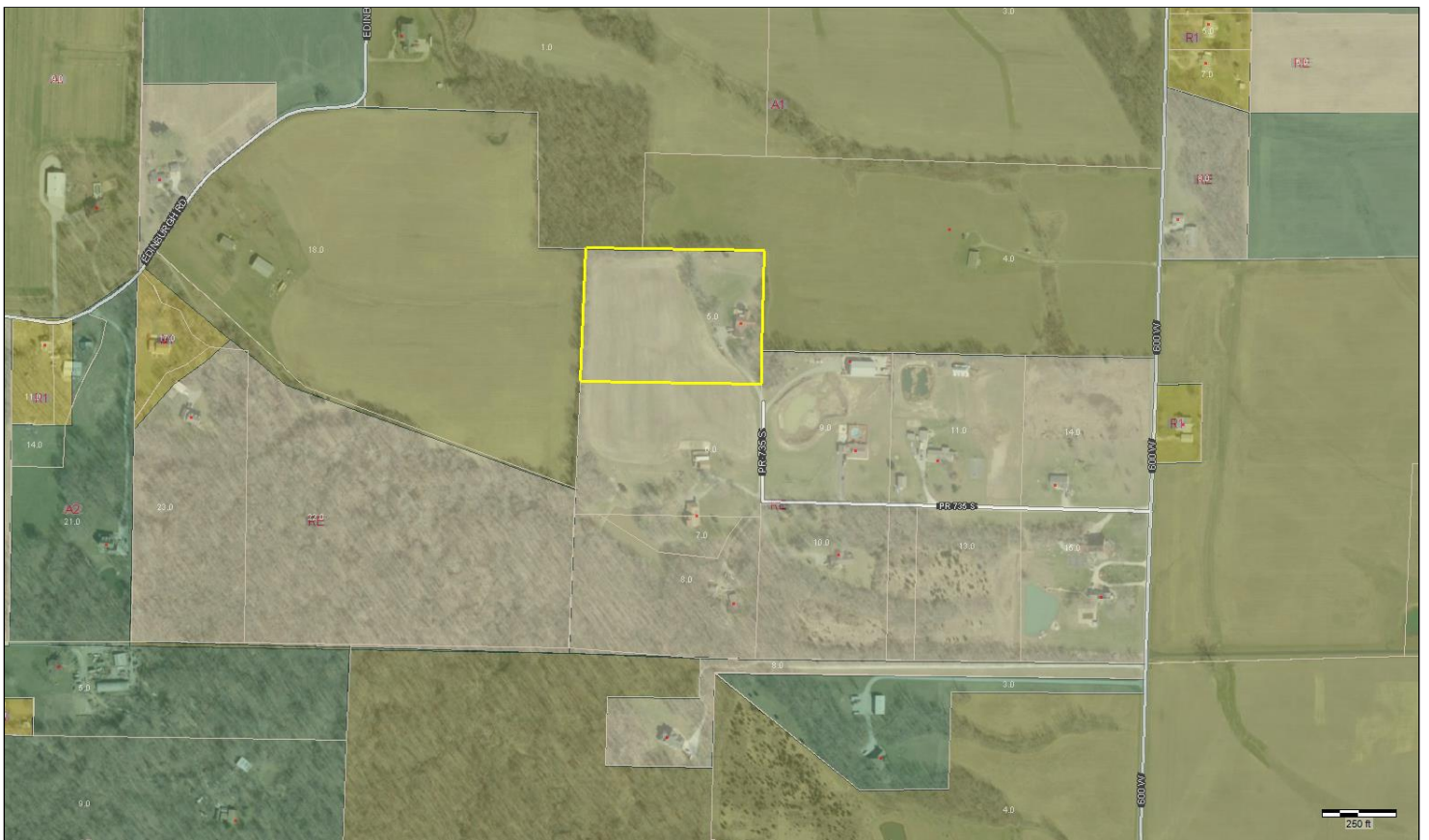
Staff recommends **approval** subject to substantial compliance with the site plan submitted with the board of zoning appeals application.

APPLICANT/OWNER INFORMATION

Applicant: Darrell & Jaynie Thomas
6248 W PR 735 S
Edinburgh, IN 46124

Owner: Same

Area & Zoning Map



- OP Open Space and Parks
- A1 Conservation Agricultural
- A2 Agricultural
- A3 Intense Agricultural
- A4 Agricultural Commercial
- RE Residential Estate
- R1 Single-Family Residential
- R2 Single-Family Residential
- VR Village Residential
- M1 Multiple-Family Residential
- M2 Multiple-Family Residential
- MP Manufactured Home Park
- VM Village Mixed Use
- IS Institutional
- C1 Neighborhood Commercial
- C2 Highway Commercial
- I1 Low Intensity Industrial
- I2 High Intensity Industrial
- HI High Impact

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DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: DARRELL S & JAYNIE THOMAS

Case #: _____

Location: 6248 W PR 735 S EDINBURGH, IN 46124

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

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

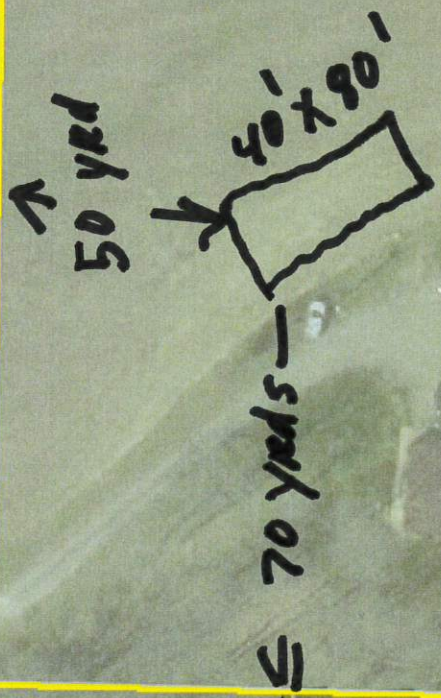
TRUE

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

TRUE

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Unified Development Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain).

TRUE



50

Staff Report

CASE NUMBER: 19-03
CASE NAME: KENNETH DEROLF – DEVELOPMENT STANDARDS
VARIANCE

PROPERTY DESCRIPTION

Location: Brandywine Township at the address 5355 N 100 W.

Property Size: 8 acres

Property Improvements: Single-family dwelling & pole barn.

Surrounding Development: Three adjoining residential properties and farmland.

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

Comprehensive Plan Future Land Use: Agriculture - Traditional farming practices as well as accessory residential and other agriculture related uses occur within this designation. This land use category is intended to preserve the existing rural character of the area, while limiting the occurrence of future development on, and subdivision of, natural areas and agricultural land.

VARIANCE REQUEST

Variances of Development Standards - to allow for an accessory structure in the front yard (not permitted).

The UDO prohibits construction of accessory structures in the front yard to maintain the primary dwelling as the visual focal point of the property, and therefore to maintain the rural residential character of the area. The regulation particularly applies to properties with dwellings near a public road.

CASE DESCRIPTION

- The petitioner plans to build a 40' x 60' (1,200 sq. ft.) barn in the front yard.
- The petitioner stated that he plans to use the barn for storage of honeybee equipment, tractors, implements, and a boat.
- The barn would sit behind the front building line of the house on the adjoining property to the south.
- Two of the three adjoining residential properties include accessory structures located in the front yard.
- The UDO defines the front yard as the horizontal space between the house foundation or roof eave, (whichever is closer) to the front lot line, extending to the side lot lines.

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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

Staff Analysis: Construction of the barn would require a building permit and the structure must comply with all building codes before passing a final inspection.

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

Staff Analysis: Two of the three adjoining residential properties include accessory structures located in the front yard. Therefore, the placement of the barn in the front yard would not conflict with the development pattern of the surrounding area.

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

Staff Analysis: A strict application of the Ordinance would prohibit placement of the barn in a location consistent with the development pattern of the area.

STAFF RECOMMENDATION

Staff recommends **approval** subject to substantial compliance with the site plan submitted with the board of zoning appeals application.

APPLICANT/OWNER INFORMATION

Applicant: Kenneth DeRolf
5355 N 100 W
Shelbyville, IN 46176

Owner: Same



Proposed location for the barn.



Barn in front yard on adjoining property.



Barn in front yard on adjoining property.

Area & Zoning Map



- OP Open Space and Parks
- A1 Conservation Agricultural
- A2 Agricultural
- A3 Intense Agricultural
- A4 Agricultural Commercial
- RE Residential Estate
- R1 Single-Family Residential
- R2 Single-Family Residential
- VR Village Residential
- M1 Multiple-Family Residential
- M2 Multiple-Family Residential
- MP Manufactured Home Park
- VM Village Mixed Use
- IS Institutional
- C1 Neighborhood Commercial
- C2 Highway Commercial
- I1 Low Intensity Industrial
- I2 High Intensity Industrial
- HI High Impact

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**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Kenneth DeRolf

Case #: _____

Location: 5355 N 100 West

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

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

105' setback from road to add barn for storage
of honey bee equipment, extractor room, tractors, implements
and boat

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

With a 105' street off site the Barn will not be in the view
of the adjacent homes. The house to the south is 445' away
and the house to the north is 340' away.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain).

The layout of the property was conceived over 20 years
ago which is prior to the zoning changes.

