

Shelby County
Board of Zoning Appeals

October 8, 2019 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals
October 8, 2019, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the September 10, 2019 meeting.

OLD BUSINESS

None.

NEW BUSINESS

BZA 19-29 – BRADLEY FIX.: DEVELOPMENT STANDARDS VARIANCE

BZA 19-30 – JOHN & MARY FISHER: DEVELOPMENT STANDARDS VARIANCE

DISCUSSION

Violation updates.

ADJOURNMENT

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

Summary of Cases

BZA 19-29 – BRADLEY E FIX

REQUEST: Variance of Development Standards to allow for construction of a 3,200 sq ft pole barn (the total square footage of all accessory structures on a lot cannot exceed 2X the footprint of the residence in the RE (Residential Estate) District).

LOCATION: Addison Township at 2589 E McKay Rd, Shelbyville.

STAFF RECOMMENDATION: APPROVAL primarily because the pole barn only slightly exceeds the maximum square footage permitted.

BZA 19-30– JOHN & MARY FISHER

REQUEST: Variance of Development Standards to allow for installation of a residential driveway less than 100-feet from intersecting streets (minimum 100-foot separation required).

LOCATION: Liberty Township at 3525 S 800 E, Waldron.

STAFF RECOMMENDATION: DENIAL primarily because approval of the variance could pose a liability issue if an accident were to occur at the intersection.

Staff Report

CASE NUMBER: BZA 19-29
CASE NAME: BRADLEY E FIX – DEVELOPMENT STANDARDS VARIANCE

CASE SUMMARY

REQUEST: Variance of Development Standards to allow for construction of a 3,200 sq ft pole barn (the total square footage of all accessory structures on a lot cannot exceed 2X the footprint of the residence in the RE (Residential Estate) District).

LOCATION: Addison Township at 2589 E McKay Rd, Shelbyville.

STAFF RECOMMENDATION: APPROVAL primarily because the pole barn only slightly exceeds the maximum square footage permitted.

PROPERTY DESCRIPTION

Property Size: 5.36 acres.

Property Improvements: Single-family residence, detached garage, and shed.

Surrounding Development: Single-family residences on lots between ½-acre and 1-acre. A railroad adjoins the west property line.

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

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

INTENT OF ORDINANCE REQUIREMENT

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

CASE DESCRIPTION

- The petitioner plans to construct a 40' X 80' pole barn on the property.
- The square footage of the proposed pole barn, existing barn, and existing shed would only slightly exceed 2X the square footage of the residence.

STAFF ANALYSIS OF FINDING OF FACTS – DEVELOPMENT STANDARDS VARIANCE

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

Staff Analysis: Construction of the barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The property sits behind several other residential properties and therefore does not appear conspicuous from the public road.

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

Staff Analysis: The barn would be located over 150-feet from any adjacent residential properties and therefore should have no impact on adjacent properties.

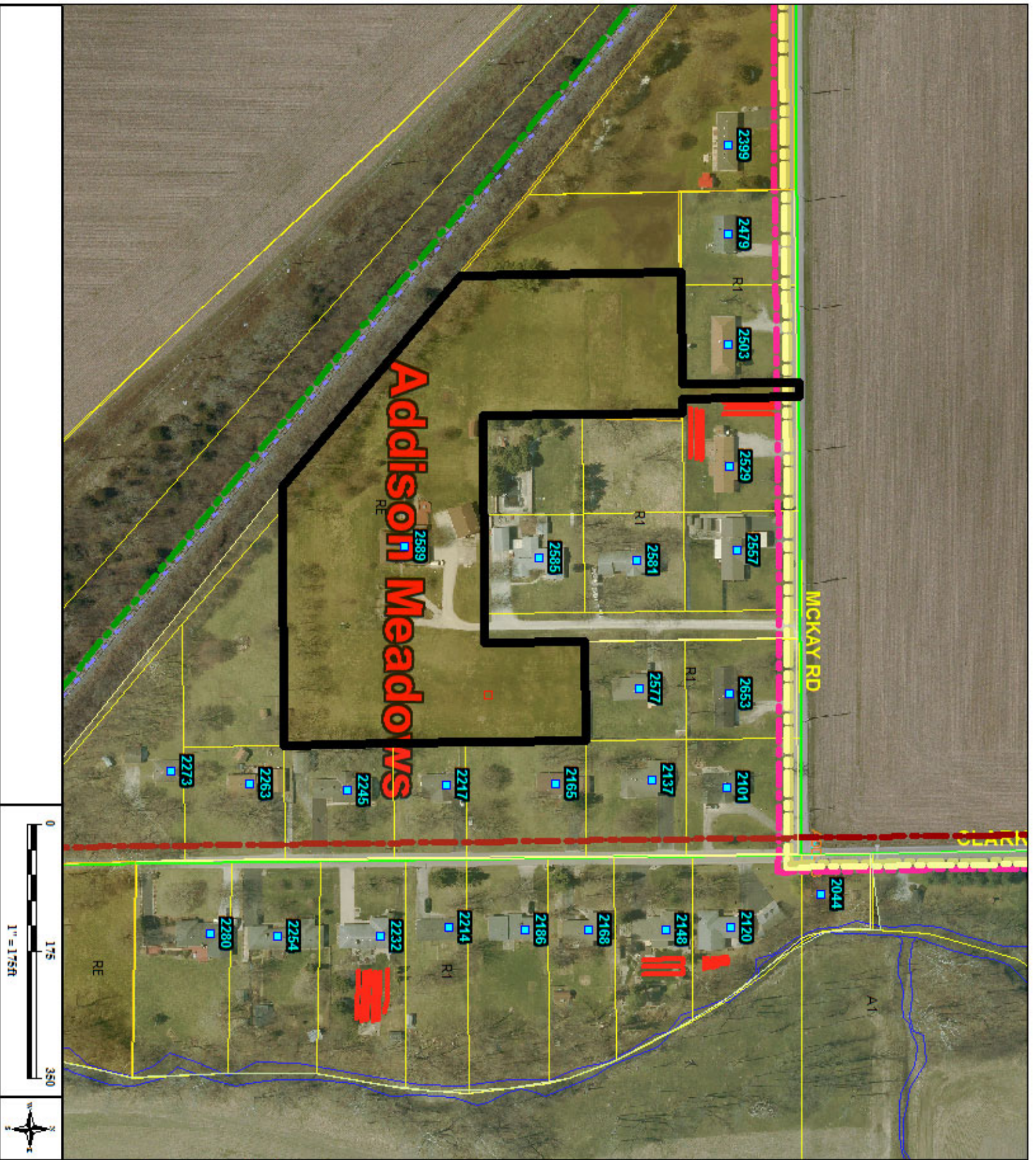
State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: The size of the property exceeds the size of most properties within the RE District. Therefore, construction of a pole barn slightly exceeding the maximum square footage permitted would not alter the character of the property or surrounding area.

APPLICANT/OWNER INFORMATION

Applicant: Bradley E Fix
2589 E McKay Rd.
Shelbyville, IN 46176

Owner: Bradley E & Julia A Fix



Fiber Optic Facilities
COMPANY:
AT&T
MCI
Quest Fiberoptic
RUSH SHELBY B
Shelby County Fi

Natural Gas Distribution
COMPANY:
VECTREN

Pipelines
COMPANY:
Rockies Express
Vectren

Rockies Express
COMPANY:
Rockies Express

Vectren
COMPANY:
Vectren

Shelby Co Zoning
Feature Name:
a1
r1
re

Water
County Boundary
Well
Parcels
Roads
Well Head Protection
Landmarks
Culvert Inventory
Addresses

Water
Sanctic Trench

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- Water
- County Boundary
- Townships
- Shelbyville_City_Limit
- Parcels
- Roads

- Addresses
- Water
- SanitaryLines
- StormLines
- Storm Structures
- Railroads
- Roads
- Roads to be Dev
- Highways

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Staff Report

CASE NUMBER: BZA 19-30
CASE NAME: JOHN & MARY FISHER – DEVELOPMENT STANDARDS VARAINCE

CASE SUMMARY

REQUEST: Variance of Development Standards to allow for installation of a residential driveway less than 100-feet from intersecting streets (minimum 100-foot separation required).

LOCATION: Liberty Township at 3525 S 800 E, Waldron.

STAFF RECOMMENDATION: DENIAL primarily because approval of the variance could pose a liability issue if an accident were to occur at the intersection.

PROPERTY DESCRIPTION

Property Size: 22.5 acres.

Property Improvements: Cropland.

Surrounding Development: Primarily Cropland. Two single-family residences south of the lot.

Zoning Classification: A1 (Conservation Agricultural) – Per the UDO the district is established for the protection of agricultural areas and buildings associated with agricultural production. The district is intended for low-intensity agricultural operations. When making decisions, the BZA should protect the integrity of land and operations within the District.

Comprehensive Plan Future Land Use: Agriculture – Traditional farming practices as well as accessory residential and other agriculture related uses occur within this designation. Existing residential lots containing single-family housing units could also have agricultural related uses. County roads provide access for residents and also for public safety services such as police and fire. These County roads may also carry slow-moving, wide farm equipment between fields.

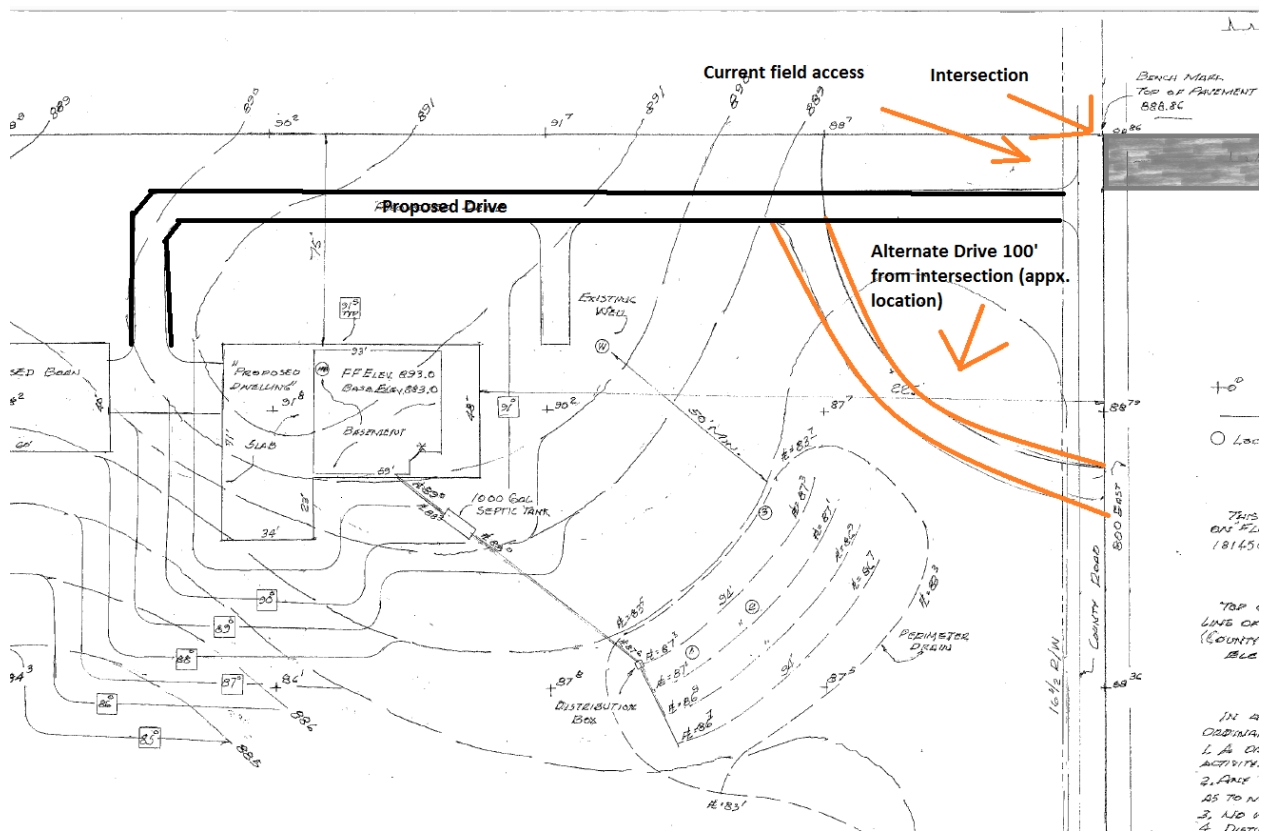
PURPOSE OF UDO REQUIREMENT

Driveway standards ensure that the placement of driveways protects the health, safety, and welfare of the residents of the County. Separation between residential driveways and intersections prevents conflicts between vehicles stopping at an intersection and vehicles utilizing the driveway. Conflicts may occur because driveways do not utilize a stop sign and vehicles often back out of driveways onto the public road.

CASE DESCRIPTION

- The petitioners plan to construct a new gravel residential driveway at the intersection of S 800 E and Rush County W 950 S.
- Vehicles and equipment currently access the agricultural field from the northeast corner of the property, located directly north of the proposed driveway.

- An access to an agricultural field does not qualify as a driveway per the UDO. The UDO requires that new single-family residences have access from a gravel driveway. New driveways must comply with the requirements of the UDO, including separation from intersections.
- The petitioners' application states: The proposed 40 ft from property line allows a straight drive to back semi-trucks & farm equipment. Having the drive at 100 feet leaves the driveway opening at an electric pole. It would also mean driving over the proposed septic system.
- Staff contacted other planning jurisdictions to inquire about their driveway spacing requirements. Hendricks County, Dearborn County, and Fortville all require a minimum 50-foot separation between driveways and intersections.
- In July of 2019, the BZA approved a Special Exception permitting construction of a new single-family residence on property in the A1 District. The approval did not address the location of the driveway. The site plan submitted with that application showed the driveway within 100-feet of the intersection. At that time, Staff informed the petitioners that they would need to move the driveway when they submitted an engineered site plan for their building permit.



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: Placement of the driveway close to the intersection could cause conflicts between vehicles stopping at the intersection and vehicles utilizing the driveway. Conflicts may occur because the driveway would not utilize a stop sign and vehicles often back out of driveways onto the public road.

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

Staff Analysis: The driveway would be located approximately 900-feet from the closest existing residential driveway and therefore would not impact the use of adjacent property.

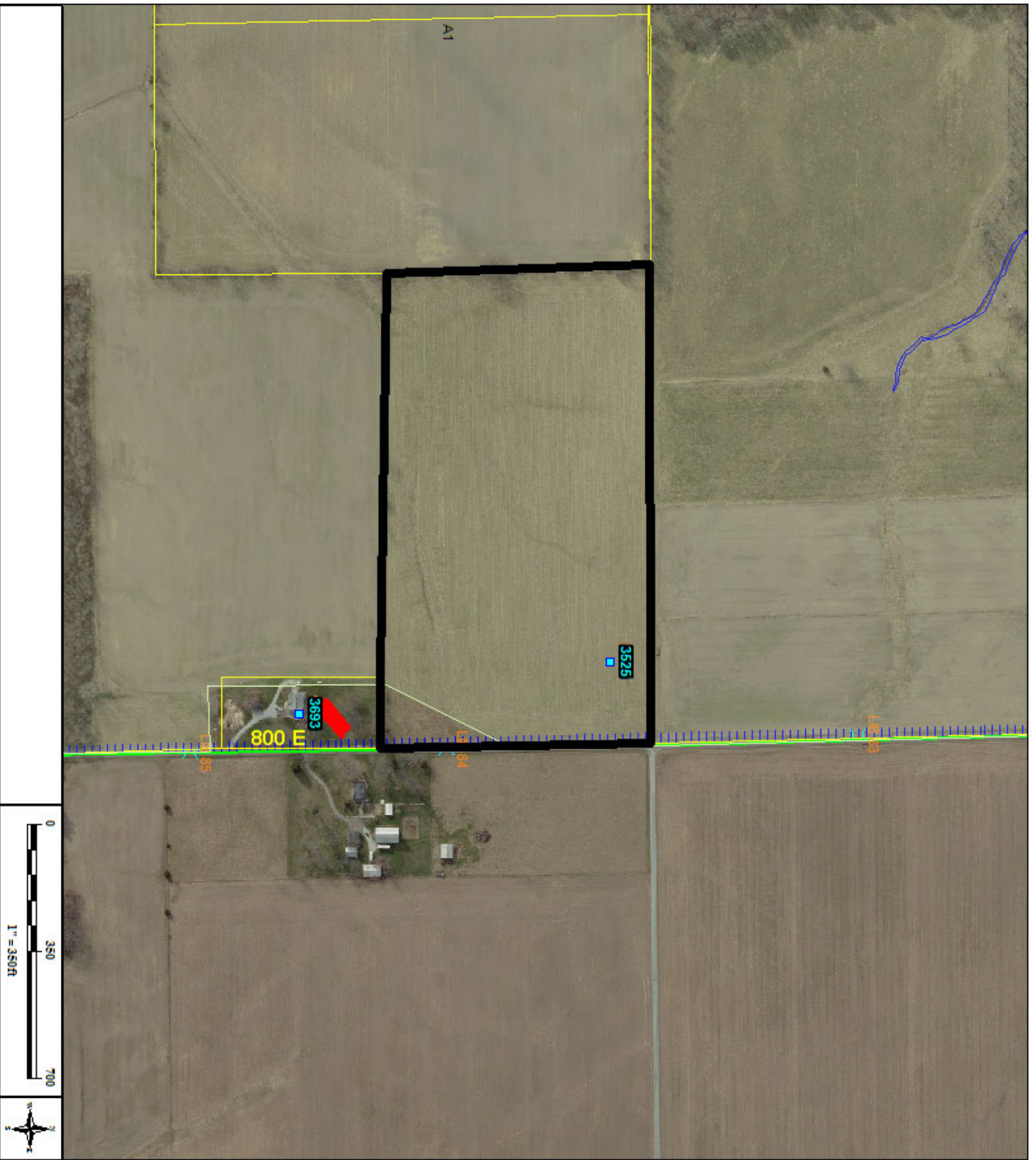
State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: Construction of a driveway 100-feet from the property line would not result in a practical difficulty because it would not prohibit access to the residence on the property.

APPLICANT/OWNER INFORMATION

Applicant: John & Mary Fisher
3824 S 950 W
Manilla, IN 46150

Owner: Same



Fiber Optic Facilities
 COMPANY:
 AT&T
 MCI

Pipelines
 COMPANY:
 Rockies Express
 Rockies Express

Rockies Express
 COMPANY:
 Rockies Express

Shelby Co Zoning
 Feature Name:
 a1

Water
 County Boundary
 Well
 Parcels
 Closed Roads
 Well Head Protection

Culvert Inventory
 Addresses

Water
 Septic Trench
 Roads
 Railroads
 Highways
 Electrical Lines

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**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: John Fisher

Case #: _____

Location: 3525 S 800 E, Waldron, TN

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

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

The approval of the zoning appeal will allow our driveway to be 40 ft from the property line rather than required 100 ft. There is no harm to public health, safety, general welfare to make this exception. No roadways, building code compliance, etc will be affected.

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

This variance in no way affects adjacent property. The driveway will remain solely on our property.

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

The proposed 40 ft from property line allows a straight drive to back semi trucks & farm equipment. Having the drive at 100 ft leaves the driveway opening at an electric pole. It would also mean driving over the proposed septic system.

The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

