

**Shelby County
Board of Zoning Appeals**

November 2, 2021 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals November 2, 2021, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the October 12, 2021 meeting.

BUSINESS CONTINUED TO DEC. 14, 2021 MEETING

BZA 21-36 – EDWARD MARLOW: DEVELOPMENT STANDARDS VARIANCE. Located at 6509 N London Rd, Fairland, Moral Township.

OLD BUSINESS

None.

NEW BUSINESS

BZA 21-34 – RICHARD CONOVER: DEVELOPMENT STANDARDS VARIANCES. Located at 413 E Edgewood Dr, Shelbyville, Addison Township.

DISCUSSION

Hearing Officer Cases:

BZA 21-33 – AREC BURTON: DEVELOPMENT STANDARDS VARIANCE. Located at 10889 S 350 E, Flat Rock, Nobel Township. *Approved October 14, 2021.*

BZA 21-37 – GLEN KUNTZ: DEVELOPMENT STANDARDS VARIANCES. Located at 6088 W 850 S, Edinburgh, Jackson Township. *Approved October 28, 2021.*

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **December 14, 2021 at 7:00 PM.**

Property Details

Location: 413 E Edgewood Dr,
Shelbyville, Addison Township
(Edgewood, Lot 1).

Property Size: 1.03 acres.

Current Land Use: Single-Family
Residential.

Zoning Classification:

R1 (Single-Family Residential)

Intent: This district is established for single-family detached, medium to large sized homes on medium to large sized lots.

Development Standards: Promote low-impact development in harmony with a natural setting.

Future Land Use per Comp Plan

Incorporated Planning Area:

Single-Family Residential

Single-family residential can indicate a few varieties of densities including high, medium, and low densities.

	Zoning	Land Use
North	R1	Single-Family Res.
South	R1 (city)	Estate Res.
East	R1	Single-Family Res.
West	R1	Single-Family Res.

Staff Report

Case Number: BZA 21-34
Case Name: Richard Conover – Development
Standards Variances

Request

Variances of Development Standards to allow for an accessory structure.

1. In the front yard;
2. Five (5) feet from the right-of-way of S Riley Hwy (minimum 35-foot setback required).

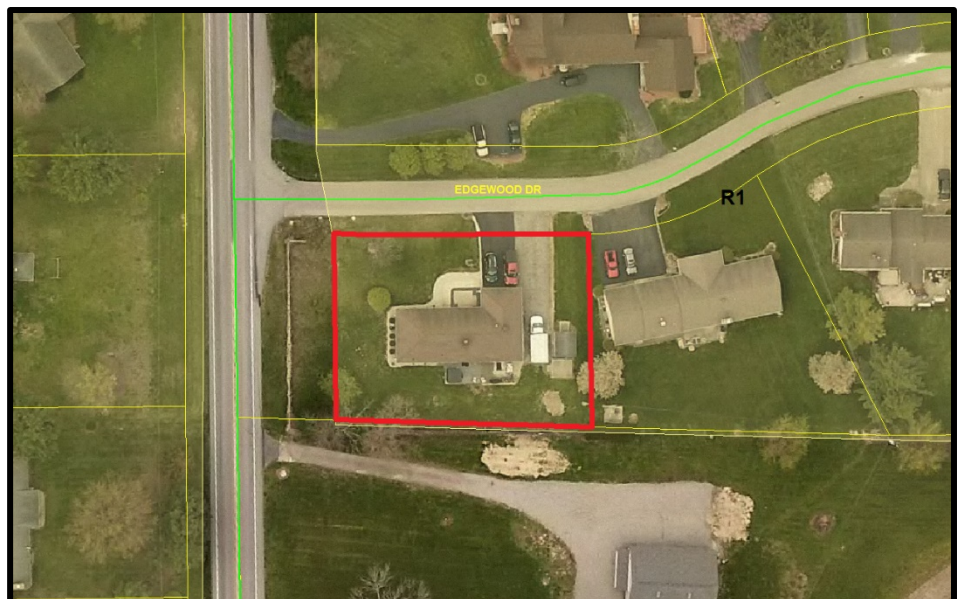
Code Requirement

UDO Section 5.04 C – Placement: A permitted accessory structure shall not be placed in the front yard of any lot, unless placed 350 feet or greater from the front property line.

UDO Section 2.14 – Minimum Front Yard Setback: 35-feet.

Purpose of Requirements: Prohibiting the construction of accessory structures in the front yard maintains the primary structure as the visual focal point of the property. Front setback requirements allow for open space, ensure visibility along roadways, and reduce traffic hazards along roadways.

Property Map



Case Description

- The petitioner plans to construct a 24' x 40' (960 sq. ft.) detached garage.
- The house fronts upon Edgewood Dr. The garage would not project past the front building line of the house.
- The garage would sit in the yard fronting upon S Riley Hwy. The UDO defines this yard as a front yard because the yard adjoins a road right-of-way.
- The plat for the Edgewood subdivision dedicated a 50-foot half right-of-way for S Riley Hwy. The garage would sit 55-feet from the center and approximately 40-feet from the edge of pavement of S Riley Hwy.

Staff Analysis of Findings of Fact

1. 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 garage would require a building permit and the structure must comply with all building codes before passing a final inspection. The public would not have access to the garage. The garage would sit approximately 40-feet from the edge of pavement of Riley Hwy, therefore it would not impact traffic visibility along the roadway.

2. 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 structure would sit in the front yard that functions as the property's side yard and comply with the side-yard setback requirement, therefore the structure would not conflict with the orientation and placement of other accessory structures in the neighborhood.

3. 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 lot has less area available for placement of an accessory structure than other lots in the neighborhood due to the dedicated right-of-way along Riley Hwy. The house, driveway, and septic system prevent placement of the accessory structure on any other portion of the lot.

Staff Recommendation

APPROVAL primarily because the structure would sit in the front yard that functions as the property's side yard and comply with the side-yard setback requirement, therefore the structure would not conflict with the orientation and placement of other accessory structures in the neighborhood.

Applicant/Owner Information

Applicant:	Richard Conover 413 E Edgewood Dr Shelbyville, IN 46176	Owner:	Same
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View of property looking southeast from S Riley Hwy. (garage proposed behind bush)



Google Street View – July, 2018



**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Richard Powers

Case #: _____

Location: _____

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.

Just going to be a storage for a
boat and a garage.

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.

It will match the house & be even with
the front of the house.

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.

No the septic is in the rear of
the home

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.)

