

**Shelby County
Board of Zoning Appeals**

February 8, 2022 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals February 8, 2022, 7:00 P.M.

CALL TO ORDER

ROLL CALL

ELECTION OF OFFICERS

APPROVAL OF MINUTES

Minutes from the January 11, 2022 meeting.

OLD BUSINESS

None.

NEW BUSINESS

BZA 22-03 – R & V LAIN FARMS INC: USE VARIANCE. Located at 4477 W 900 S, Edinburgh, Jackson Township.

HEARING OFFICER CASES

BZA 22-05 – SANDRA & DALE F WALKER: DEVELOPMENT STANDARDS VARIANCE. Located at 11898 N 200 W, Fountaintown, Van Buren Township.

DISCUSSION

APPROVED HEARING OFFICER CASES

BZA 22-04 – JEFFREY TENNELL: DEVELOPMENT STANDARDS VARIANCES. Located at 7915 S Edinburgh Rd, Edinburgh, Jackson Township. *Approved January 25, 2022.*

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **March 8, 2022 at 7:00 PM.**

Property Details

Location: 4477 W 900 S, Edinburgh, Jackson Township.

Property Size: 51.66-acres.

Current Land Use: Cropland.

Zoning Classification:

A1 (Conservation Agricultural)

Intent: This district is established for the protection of agricultural areas and buildings associated with agricultural production.

Board of Zoning Appeals: Protect the integrity of land and operations within the Conservation Agricultural District.

Future Land Use per Comp Plan

Estate Residential

The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

Surrounding Development

	Zoning	Land Use
North	RE	Estate Residential
South	A1	Estate Residential
East	A1	Cropland
West	A2	Estate Residential

Staff Report

Case Number: BZA 22-03

Case Name: R & V Lain Farms Inc - Use Variance

Request

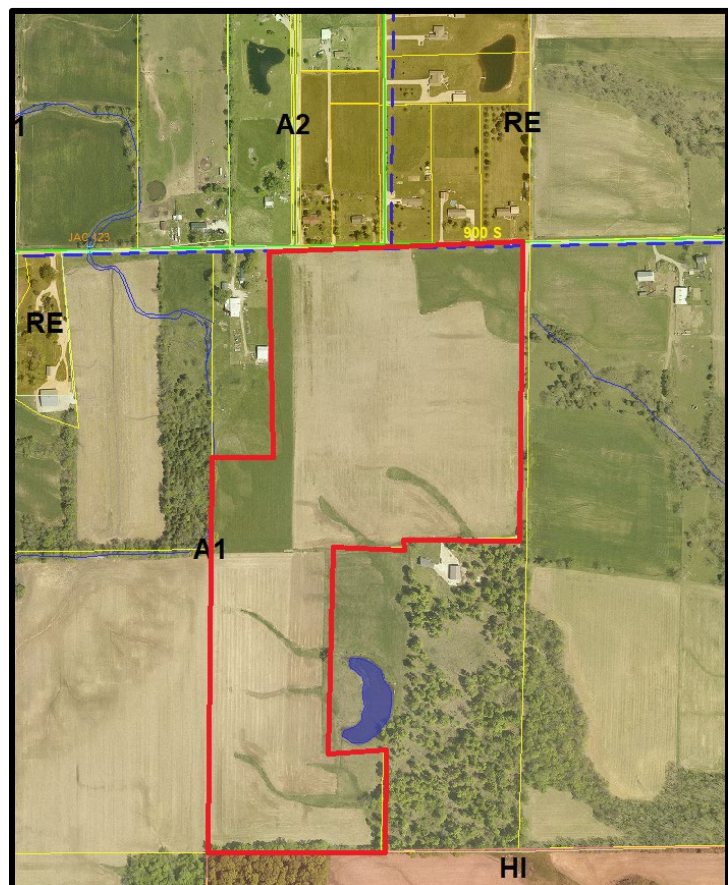
Variance of Use to allow for placement of a manufactured home in the A1 (Conservation Agricultural) District.

Code Requirement

UDO Section 2.03 – A1 District Intent, Permitted Uses, and Special Exception Uses

Purpose of Requirement: The aesthetic characteristics of manufactured homes differ from the aesthetic characteristics of modular and stick-built single-family homes. Therefore, prohibiting manufactured homes outside of manufactured and mobile home parks serves to protect the character of neighborhoods and surrounding property values.

Property Map



Case Description

- The petitioner plans to place an 1,800 sq. ft. manufactured home on a permanent foundation at the north end of the property. The home would include three bedrooms and two bathrooms.
- The petitioner stated that they have chosen a manufactured home rather than a modular or stick-built home due to the current cost of building materials.
- The UDO only permits installation of manufactured homes in mobile home or manufactured home parks. Modular homes and stick-built homes are permitted in the A1 District. Mobile homes, manufactured homes, and modular homes are constructed, in part, off-site, however building code classifies each dwelling as a different type of construction. Primary differences include:

	Mobile Home	Manufactured Home	Modular Home
Certification	Federal Manufactured Housing Construction and Safety Standards Law	Federal Mobile Home Construction and Safety Standards	State & local residential building code
Dimensions	At least 8-feet in width	Minimum of 23-feet in width for 60% of length	Any dimension
Size	Any size	Over 950 sq. ft.	Typically, larger than mobile and manufactured homes
Foundation	May be tied with perimeter skirting	Must be on a permanent foundation in accordance with state & local residential building code	Must be on a permanent foundation in accordance with one- & two-family building code

- Use variances expire at the time the property changes ownership. Therefore, the future owner of the property would be required to remove the manufactured home or obtain a new variance.

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: Placement of the manufactured home would require approval of a Site Plan by the Technical Review Committee and approval of Improvement Location, Building, Electric, Plumbing, Septic, and Driveway permits. All zoning development standards that apply to modular and stick-built homes would apply to placement of the manufactured home.

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: All zoning development standards that apply to modular and stick-built homes would apply to placement of the manufactured home. The home model chosen by the petitioner includes quality exterior materials and the home would complement the rural character of the area.

3. State Requirement: The need for the variance arises from some condition peculiar to the property involved.

Staff Analysis: The property is not located in a neighborhood having tract-homes similar in design to one another. Therefore, a manufactured home including quality exterior materials would not conflict with the character of the area.

4. State Requirement: The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought.

Staff Analysis: A strict application of the ordinance would not allow for use of the property that would not conflict with the character of the area or Comprehensive Plan.

5. State Requirement: The approval does not interfere substantially with the Comprehensive Plan.

Staff Analysis: Approval of the variance would provide for residential estate land use.

Staff Recommendation

APPROVAL primarily because the home model chosen by the petitioner includes quality exterior materials and the home would complement the rural character of the area. Staff recommends the following **stipulation**:

1. The building elevations of the manufactured home shall be consistent with the building elevations of the home model plans submitted with the variance application.

Applicant/Owner Information

Applicant:	R & V Lain Farms Inc. 4477 W 900 S Edinburgh, IN 46124	Owner:	Same
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Proposed Home Model Building Elevation



USE VARIANCE
FINDINGS OF FACT

Applicant: R & V Lain Farms

Case #: _____

Location: 4477 W. 900 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 Use 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.

No harm.

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.

No

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.

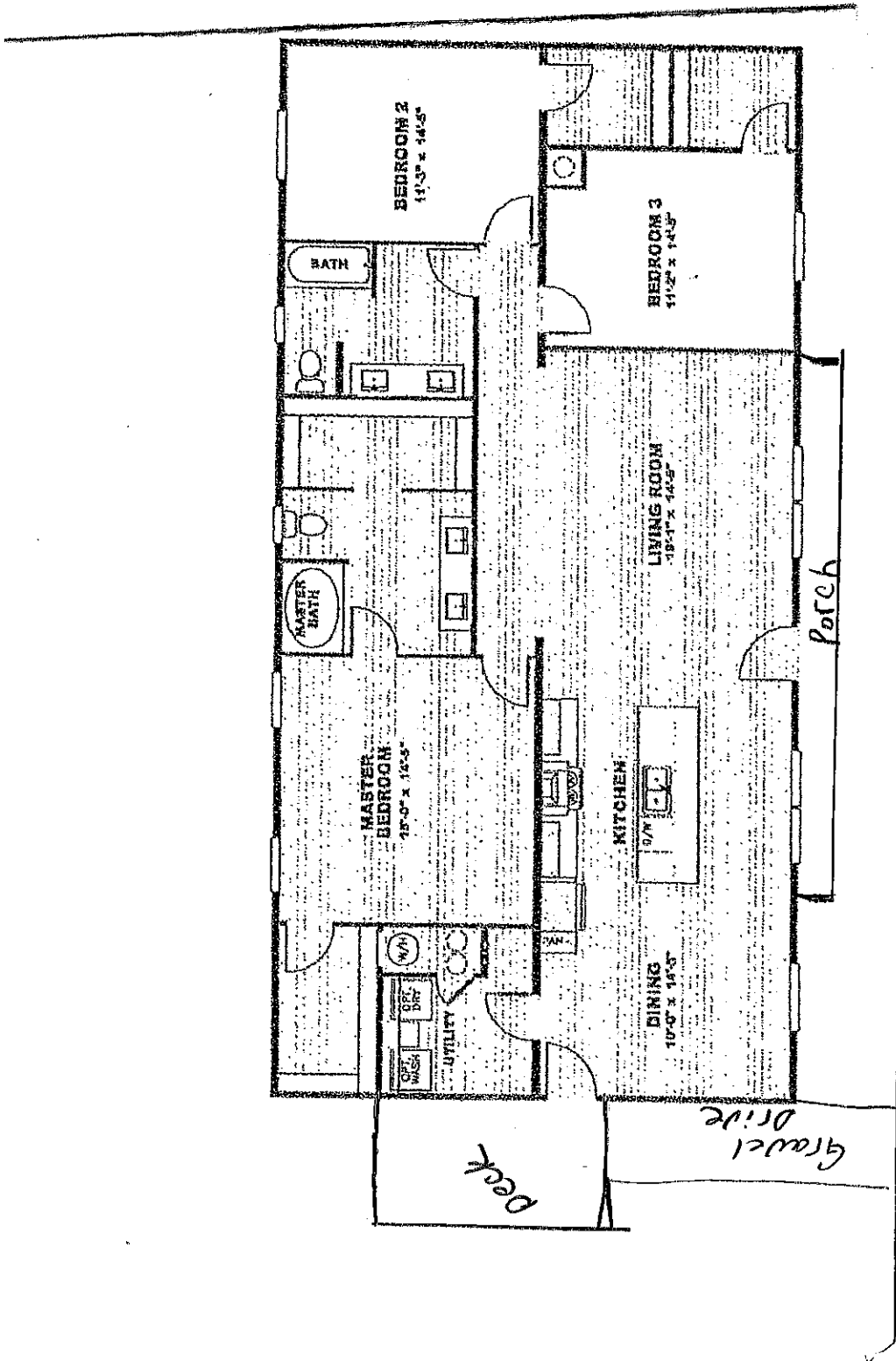
No

4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

No

5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.

No



900 S.

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT - Staff Analysis

Applicant: _____

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.

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.

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.

