

**Shelby County
Board of Zoning Appeals**

February 9, 2021 at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals February 9, 2021, 7:00 P.M.

CALL TO ORDER

ROLL CALL

ELECTION OF OFFICERS

APPROVAL OF MINUTES

Minutes from the December 8, 2020 meeting.

REQUEST FOR CONTINUANCE

BZA 20-38 – KENNETH ENGLE: DEVELOPMENT STANDARDS VARIANCE. Located at 4620 N 400 W, Fairland, Brandywine Township.

NEW BUSINESS

BZA 21-02 – NORTHWEST CONSOLIDATED SCHOOL DISTRICT OF SHELBY COUNTY: DEVELOPMENT STANDARDS VARIANCES. Located at 4740 W 600 N, Fairland, Moral Township.

BZA 21-03 – STEVE APPLE: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 15-17 Hale Rd, Shelbyville, Addison Township.

OLD BUSINESS

BZA 20-38 – KENNETH ENGLE: DEVELOPMENT STANDARDS VARIANCE. Located at 4620 N 400 W, Fairland, Brandywine Township.

DISCUSSION

APPROVED HEARING OFFICER CASES

BZA 20-43 – TERRY BRATTAIN: DEVELOPMENT STANDARDS VARIANCE. Located at 5264 S 425 W, Shelbyville, Hendricks Township.

BZA 21-01 – SHERRI D LIVINGSTON: DEVELOPMENT STANDARDS VARIANCE. Located at 10160 N SR 9, Van Buren Township.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **March 9, 2021** at **7:00 PM**.

Property Details

Location: 4740 W 600 N, Fairland, Moral Township.

Property Size: +/- 11.5-acres.

Current Land Use: School.

Zoning Classification:

IS (Institutional)

Intent: This district is established for institutional and municipal owned lands for public purpose and use.

Development Standards: Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community.

Future Land Use per Comp Plan

Institutional

The purpose of this category is to provide land for buildings for government or private institutional use such as schools, churches, hospitals, and museums.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	R1	Single-Family Residential
East	A1	Cropland
West	IS	School

Staff Report

Case Number: BZA 21-02
Case Name: Northwest Consolidated School District of Shelby County – Development Standards Variances

Request

Variances of Development Standards for allow for expansion of a bus parking lot having:

1. Two entrances having a separation of less than 45-feet;
2. Entrances exceeding a width of 30-feet;
3. Parking lot area located less than 17.5-feet from the right-of-way of W 600 N.

Code Requirement

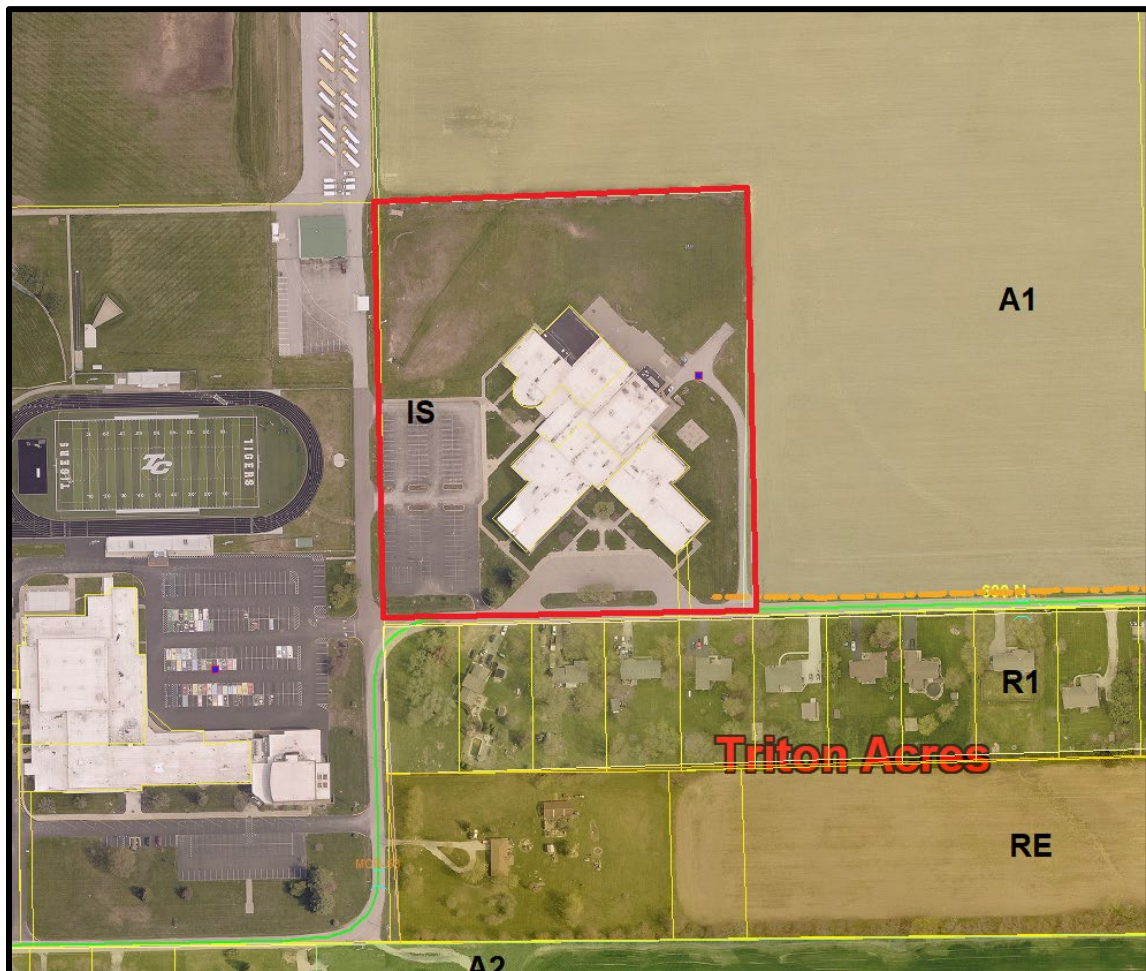
UDO Section 5.20 A 2 b – Separation: Multiple Entrance: Two or more driveways shall not be permitted to be installed: Within forty-five (45) feet of one another if access is along a local street.

UDO Section 5.20 B 2 – Width: No driveway shall exceed the following widths: Nonresidential Use onto Local Street: Ten (10) feet per lane, with a maximum overall width of thirty (30) feet.

UDO Section 5.63 A 1 a – Parking Lot Standards: Setbacks: Front, Side, and Rear: Parking lots may project into the front, side, and rear yard setback by fifty percent (50%) of the minimum front, side, or rear yard setback.

Purpose of Requirements – Driveway and parking lot dimensional requirements protect the safety of motorists and pedestrians and allow for efficient traffic flow.

Property Map



Case Description

- The petitioner plans to reconfigure the school bus parking lot at Triton Middle School.
- The reconfigured parking lot would include wider entrances, new culvert pipe, and additional bus parking spaces.
- The petitioner's variance application states that the design of the parking lot would reduce the need to stack two buses per parking space and create larger turning radii at the entrance and exit to W 600 N. The application also states that the west exit would join a new designated right-turn lane to improve traffic flow on 600 N.
- The petitioner's variance application indicates that reconfiguration of the bus parking lot would serve to improve safety for students entering and exiting buses, reduce traffic hazards due to sharp turning radii, and reduce vehicle and bus congestion along 600 N.
- The petitioner has obtained a driveway permit from the Shelby County Highway Department.

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: Reconfiguration of the parking lot would likely improve safety for bus users, reduce traffic hazards, and improve traffic flow. A registered professional engineer has designed the plans for the parking lot.

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: Reconfiguration of the bus parking lot would not change the use of the property and would likely improve traffic flow along the road accessed by adjacent properties.

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 area utilized for the bus parking lot does not have enough space to allow for the lot to comply with ordinance requirements. Reconfiguration of the parking lot would likely improve safety for bus users, reduce traffic hazards, and improve traffic flow without the need to construct an entirely new parking lot in a less convenient location at the rear of the school building.

Staff Recommendation

NO RECCOMENDATION because Staff does not have the expertise to confirm that the plans provide for safe movement of vehicles. However, Staff recognizes that a registered professional engineer has designed the plans for the parking lot and that reconfiguration of the parking lot would likely improve safety for bus users, reduce traffic hazards, and improve traffic flow.

Applicant/Owner Information

Applicant: Chis Holk, Superintendent NW Consolidated School District of Shelby County
4920 W 600 N
Fairland, IN 46126

Owner: Superintendent NW Consolidated School District of Shelby County
4920 W 600 N
Fairland, IN 46126

Engineer: Roger Kottlowski, P.E., Commonwealth Engineers, Inc.
7256 Company Drive
Indianapolis, IN 46237

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Chris Hoke, Superintendent Northwestern Consolidated School District of Shelby County

Case #: _____

Location: Triton Central Middle School; W 600N

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 proposed parking lot will reduce the need to stack 2 buses in a single parking space, and this will
improve safety for students exiting and entering buses. The proposed drives will allow buses
larger, better turning radii for the entrance to the parking lot and the same for exit drives onto 600 N.
The west exit will join a new designated right-turn lane for improved traffic flow on 600 N.

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.
The adjoining neighbors will likely see more efficient bus and vehicular movements along 600 N.
The width of the existing drives are already wider and close to each other than the ordinance provides.
The wider parking lot will also increase the green space width along 600 N.
So the proposed improvements should not create any adverse issues.

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.
In its strictest sense, the ordinance will require sharp turns by buses into and out of the parking lot.
Buses may have to back up to make those turns, increasing hazard risks. Adjacent, low traffic drives will
also have to be made more narrow and less maneuverable to meet separation distances.
AM and PM bus and vehicle traffic already create long lines of congestion and risks of accidents.

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.)

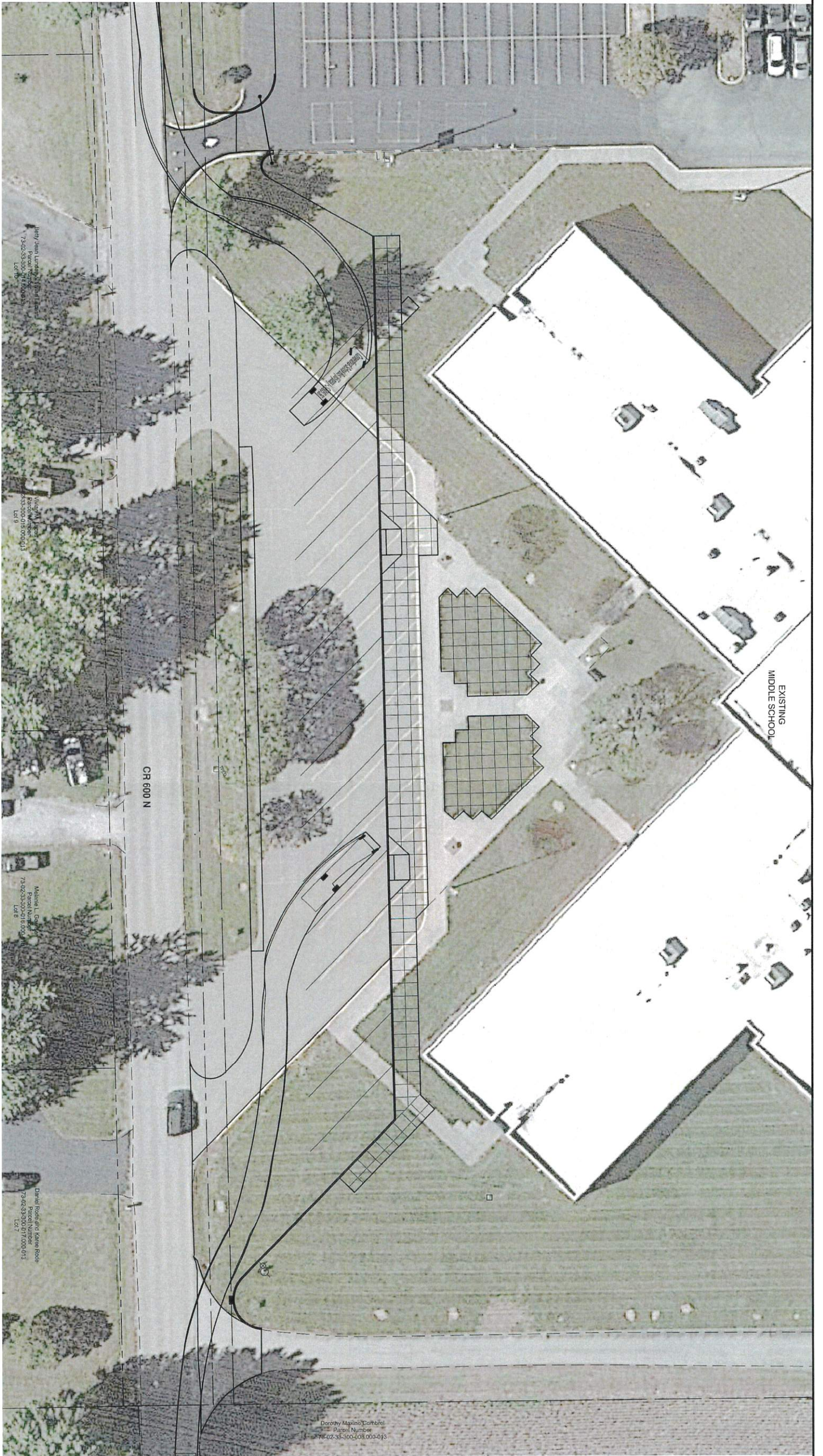


EXHIBIT A BUS TURNING PLAN

Dorothy Maximo-Cambrol
 Parcel Number
 7342033000-013

No.	Submital / Revision	By	Date

Designed by:	Drawn by:	Checked by:
MAW	MAW	MAW
Issue Date:	Project No:	Scale:
H19108	AS SHOWN	

EXHIBIT 1

Drawing No. _____

Sheet **01** OF _____

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TRITON CENTRAL SCHOOLS
SHELBY COUNTY, INDIANA

MIDDLE SCHOOL BUS PARKING LOT IMPROVEMENTS



Signature _____
 Date 1/27/20



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 420 NW 5th St. #201 Evansville, IN 47708 (812) 474-1177

Property Details

Location: 15-17 Hale Rd, Shelbyville, Addison Township.

Property Size: 0.26 acres.

Current Land Use: Commercial.

Zoning Classification:

C2 (Highway Commercial)

Intent: This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.

Development Standards: Require quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality. Minimize light, noise, water, and air pollution.

Board of Zoning Appeals: Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety.

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.

Surrounding Development

	Zoning	Land Use
North	R1 (city)	Multi-Family Residential
South	IL (city)	Institutional
East	R1	Two-Family Residential
West	R1	Single-Family Residential

Staff Report

Case Number: BZA 21-03

Case Name: Steve Apple – Use & Development Standards Variances

Request

Variance of Use to allow for a woodworking shop in the C2 (Highway Commercial) District.

Variances of Development Standards for allow for construction of a future accessory structure on the footprint on an existing building:

1. Less than 20-feet from the front property line;
2. Less than 25-feet from the side property lines;
3. Resulting in impervious surface exceeding 70% of the lot area.

Code Requirement

UDO Section 2.31 – C2 District Intent, Permitted Uses, and Special Exception Uses

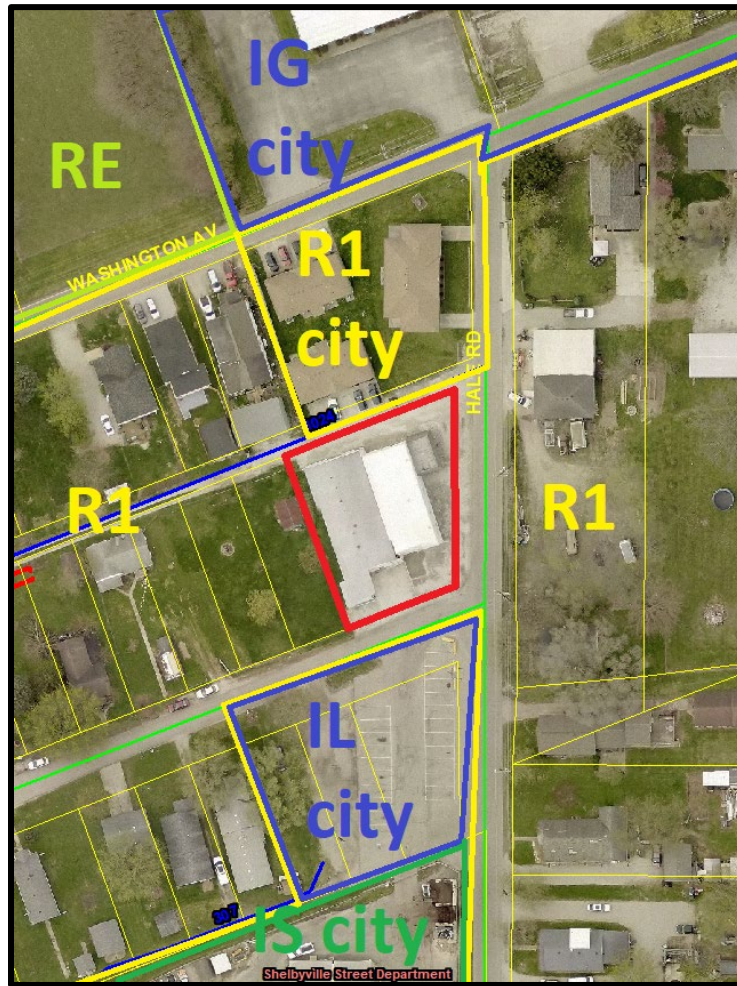
UDO Section 2.32 – Minimum Front Yard Setback: 20-feet

UDO Section 2.32 – Minimum Side Yard Setback: 25-feet

UDO Section 2.32 – Maximum Lot Coverage: 70% of lot area

Purpose of Requirements – Front and side setback requirements allow for open space, provide for privacy between properties, ensure visibility along roadways, reduce traffic hazards along roadways, and reduce the likelihood of accidentally building over a property line. Lot coverage requirements provide for open space, allow adequate area for on-site drainage, and promote consistent development patterns among adjacent properties.

Property Map



Case Description

- The petitioner plans to use the existing buildings on the property as a woodworking shop primarily to build and finish custom cabinets. The petitioner's statement of intent submitted with the variance application includes:
 - Hours of Operation: Five to six days per week by appointment.
 - Customers: Average of one per week. Most meetings on job site.
 - Deliveries: Average of one per week.
 - Outdoor Storage: None.
 - Signage: None.
 - Waste Disposal: Chained outdoor trash receptacle and weekly trash service.
 - Improvements: Installation of HVAC systems and ventilation system for a finishing/spray booth.
- The UDO does not specifically list woodworking as a permitted use in any zoning district. However, a woodworking shop most closely falls within the categories of construction trade / general contractor office or light manufacturing uses. The UDO only permits these uses in the I1 (Low-Intensity Industrial) District.

- The most current real estate listing for the property states: property was once used as a body shop, mechanic shop, cold storage.
- In August of 2020, the County Commissioners approved a rezoning of the property from R1 to C2 to assign the zoning district most consistent with the historical zoning designation of the property. The previous property owner had received approval to rezone the property to commercial in 1986. The C2 District allows for most uses previously permitted on the property. The current ordinance does not include a zoning district that permits all uses permitted in the previous commercial zoning district.
- At a future date, the petitioner plans to replace the building on the west side of the property with a steel building. The new building would have 14-foot ceilings and sit on the footprint of the existing building.
- The UDO designates the existing buildings as legal non-conforming structures, due to construction of the buildings prior to enactment of zoning regulations and which do not comply with current zoning setback and lot coverage standards. However, per the UDO, removal of more than 80% of any legal non-conforming structure results in loss of the structure's legal non-conforming status. Therefore, construction of a new structure on the footprint of a legal-nonconforming structure must comply with current zoning regulations or receive approval of applicable variances from the BZA.

Staff Analysis of Findings of Fact

Use Variance

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

Staff Analysis: The exterior appearance of the property would be consistent with the historical appearance of the property. Proposed business operations would occur indoors and generate a negligible amount of traffic. Therefore, use of the property for a small-scale woodworking shop would not impact the public.

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: Operation of a small-scale, indoor woodworking business on property historically used for commercial purposes should not pose an additional impact to adjacent residential properties.

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

Staff Analysis: The property currently includes commercial structures that could adequately accommodate a small-scale woodworking shop.

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 a commercial use that the property can adequately accommodate and which does not negatively impact the public or adjacent property.

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

Staff Analysis: The City of Shelbyville Planning & Building Department has reviewed the request and does not have any concerns with approval of the variance.

Development Standards Variances

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

Staff Analysis: Approval would allow for replacement of an aging structure with a modern structure in compliance with current building code. Therefore, approval would benefit the public.

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: Approval would allow for replacement of an aging structure with a new modern structure. Therefore, approval would benefit adjacent property.

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: Denial of the variance would not allow for replacement of an aging structure with a modern structure in compliance with current building code.

Staff Recommendation

APPROVAL primarily because operation of a small-scale, indoor woodworking business on property historically used for commercial purposes should not pose an additional impact to adjacent residential properties.

Applicant/Owner Information

Applicant:	Steve Apple 8148 Lawndale Avenue Skokie, IL 60076	Owner:	Steve, Margie, & Steven David, II Apple
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Image 1 of 13



Image 2 of 13



STATEMENT OF INTENT (ONLY REQUIRED FOR VARIANCE OF USE & SPECIAL EXCEPTION)

Please answer the following questions (when applicable) pertaining to your request. If approved, the use would be limited to the information provided and expansion of the use would require new approval from the Board. The Board may also approve the use conditional on one or more amendments to the statement of intent.

1. Summary of Proposed Use and/or Business Activity: To build, Finish and Install Custom CABINETS / Custom Woodworking.

2. Days & Hours of Operation: 5-6 Days a week by Appointment

3. Maximum Number of Customers per Day/Week/Month: Maybe one a week. Most meetings are on the Job site.

4. Type and Frequency of Deliveries: ONE Delivery per week on average.

5. Description of any Outdoor Storage: During the move, I might Rent a 20 ft Container and place adjacent to office on Lot 15 [on EAST side of office]

6. Description, Size, and Placement of any Signage: For 31 years, we haven't had a sign. OPEN For suggestions

7. Description of Waste Disposal: Weekly service with chained LID.

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): IN the Future, Replace Lot 17 Building with a steel building with 14 ft ceiling and same footprint as existing. Extend concrete Apron on EAST side for deliveries from street. Install central HUAC for both buildings. Install ventilation for finishing/spray Booth.

**USE VARIANCE
FINDINGS OF FACT**

Applicant: Steve Apple

Case #: _____

Location: 15-17 Hale Rd Shelbyville, Indiana

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.

This is a low volume, high quality shop. The shop is kept closed up to control the environment and keep the wood stable. Vendor deliveries will be on the east side of buildings. Safety will and always been of major concern.

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.

We own the property and will not DEGRADE it any manner. In the future we hope to upgrade and rebuild on lot 17 a steel building and retain existing foot print. Machining will be done in lot 15 and finishing/assembly in lot 17

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 building was built in 1956. Over the years, it has been an auto body shop most of the time. The vocational school at one time had classes there. Also a woodworking and cabinet shop. Among rentals.

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.

After 31 years in Chicago, I am moving back to Shelby County to help my mom and to continue our family business started in 1965. My son owns part of the business and he too will relocate.

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

The property was rezoned from R-1 to C-2 in July 2020. This new zoning is for business opportunities. I feel this proposed usage would complement the zoning change and make best use of the property.

Property Details

Location: 4620 N 400 W, Fairland, Brandywine Township.

Property Size: 4 acres.

Current Land Use: Vacant.

Zoning Classification:

RE (Residential Estate)

Intent: This district is established for single-family detached dwellings in a rural or country setting.

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

Future Land Use per Comp Plan

Suburban Residential

This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

Surrounding Development

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

Staff Report

Case Number: BZA 20-38

Case Name: Kenneth Engle – Development Standards Variance

Request

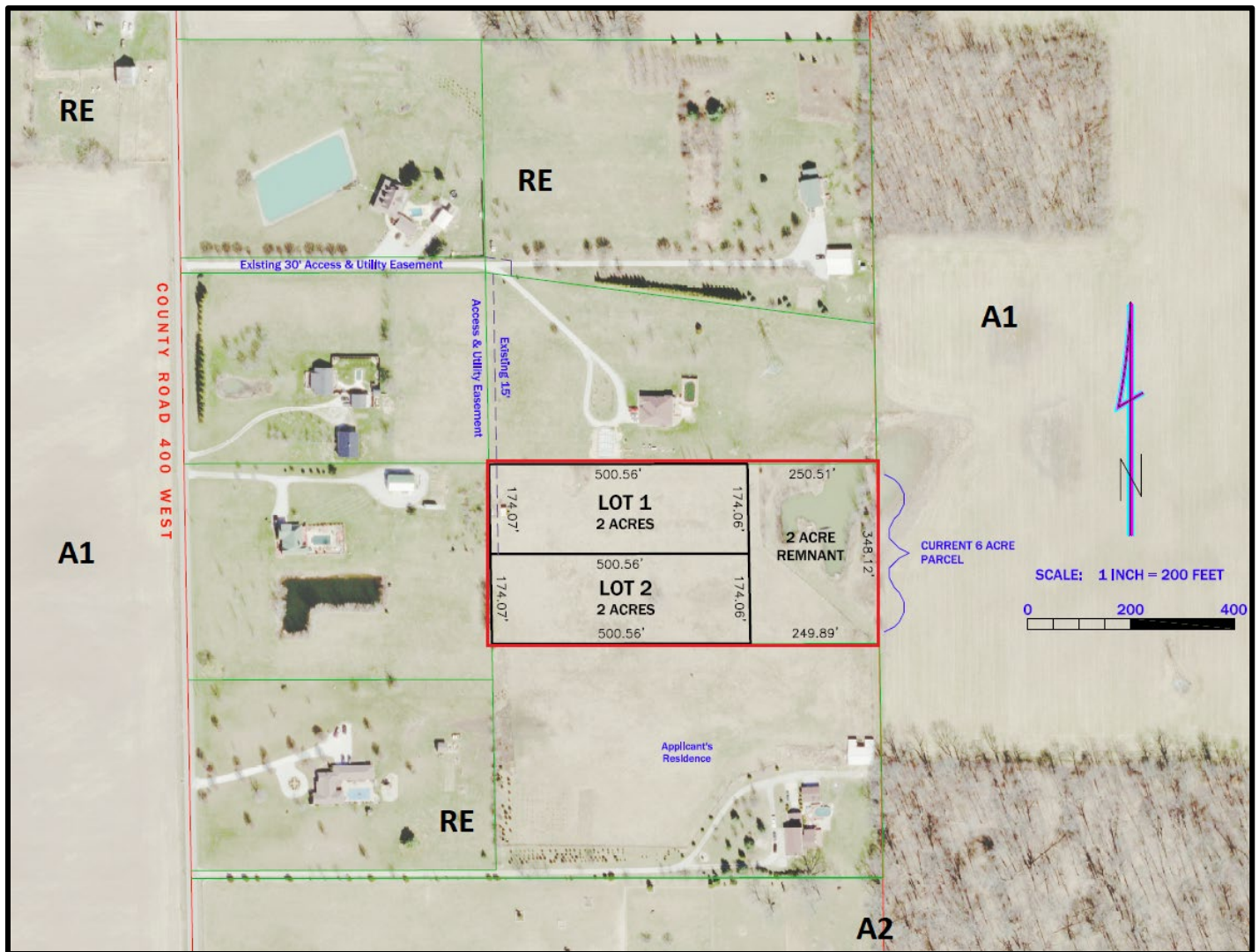
Variance of Development Standards for allow for two new single-family residential lots without road frontage (minimum of 160-feet of frontage required).

Code Requirement

UDO Section 2.12 RE District Development Standards – Minimum Lot Frontage: 160 feet

Purpose of Requirement – Lot frontage ensures that newly developed properties have fee-simple, legal access. Properties without frontage and only accessed by easement risk loss of access in the event of a dispute over an established access easement. Visitors, delivery services, or emergency vehicles may also have trouble finding the access to a property without road frontage. Also, development of lots without frontage generally occur behind another developed lot or lot eligible for development, which can impact privacy enjoyed within the adjoining lot’s rear yard.

Property Map



Case Description

- The petitioner plans to subdivide the 6-acre property into two, 2-acre building lots and a 2-acre remainder tract.
- The petitioner stated that his children plan to build homes on the new building lots, each home exceeding 1,800 sq. ft. and \$400,000 in value.
- The petitioner stated that he does not plan to develop the remainder tract. The remainder tract currently includes a pond that extends onto the adjoining properties to the north and east.
- Access
 - The site plan submitted with the variance application indicates that an existing access and utility easement through four adjoining properties to the north would provide access to the two building lots.

- A driveway currently exists through part of the easement, however additional driveway material would need to be installed within the easement on adjoining property to provide access to the two new building lots.
 - The petitioner does not plan to extend the access easement to the remaining tract and does not plan to develop the tract.
 - The petitioner stated that he would assist in maintaining the section of driveway through the adjoining lots.
- In the 1990s a previous property owner subdivided the property along with several other adjacent tracts having access to 400 W utilizing the 5-acre platting exemption rule in effect prior to 1999. Private restrictive covenants apply to at least three of these tracts, prohibiting further subdivision of the properties. At the time of the writing of this Staff Report, Staff had not found any restrictive covenants that apply to the subject property. The County cannot legally enforce covenants, however the BZA can take covenants into consideration when making decisions.
 - If the BZA chooses to approve the variance, the petitioner would submit an application for Simple Subdivision to the Plan Commission. The proposed subdivision would comply with all standards of the UDO with approval of a variance from the road frontage requirement, therefore the Plan Commission would have the legal obligation to approve the subdivision.
 - Development of the building lots would require Site Plan Approval from the County Technical Review Committee (TAC). The TAC includes the Planning Director, Building Inspector, Health Department Environmental Technician, County Surveyor, and a representative from the Drainage Board. These entities would review the plans to ensure compliance with applicable regulations, including review of the proposed drainage facilities.
 - This variance request *only applies to road frontage*. If the property had frontage along 400 W, the property would comply with all zoning and subdivision requirements and the petitioner could build two single-family residences on the property without BZA approval.

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: Access to the property defined at the intersection of the shared driveway and public road using signage, mailboxes, and/or other identification markers would assist visitors, delivery services, or emergency vehicles with locating the property.

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: Use of an easement entirely upon property owned by the petitioner to access the lots would not impact adjoining property. Landscape buffers installed along the north and west property lines of proposed Lot 1 would provide for privacy between the property and adjoining properties.

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: A strict application of the ordinance would not allow for subdivision of a legally established parent tract into lots in compliance with current minimum lot size requirements and for subdivision of property in a manner consistent with the future Suburban Residential land use recommendation of the Comprehensive Plan.

Staff Recommendation

APPROVAL primarily because a strict application of the ordinance would not allow for subdivision of a legally established parent tract not currently used for agricultural production into lots in compliance with current minimum lot size requirements. However, the Board should include stipulations on approval to address property access visibility to and to mitigate impacts to adjacent properties.

Recommended Stipulations:

1. Access to the property shall be clearly defined at the intersection of the shared driveway and public road using signage, mailboxes, and/or other identification markers.
2. The two-acre remnant, as indicated on the site plan submitted with the variance application, shall be combined with the property to the south and not be an individual building lot.
3. Access to Lot 2, as indicated on the site plan submitted with the variance application, shall be provided through a new easement completely upon the petitioner's adjacent property to the south.
4. Lot 1, as indicated on the site plan submitted with the variance application, shall install Buffer Yard 'A' (One (1) canopy tree and one (1) ornamental or evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line) along the north and west property lines prior to construction of a single-family residence.

Applicant/Owner Information

Applicant	Kenneth Engle P.O. Box 431 Fairland, IN 46126	Owner:	Kenneth & Pamela Engle
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To Our Neighbors,

I would like to take a moment to clear up some questions about what we are attempting to achieve with Lot #7. We are wanting to divide the property in order to give our two sons a place to build and raise their families and hopefully take care of their mother and myself when we get older. This is an existing building lot that was platted in 2000, I believe, just for this purpose. When your children are 2 and 5 years old, they do not really have a plan at that age. We are looking at only purposing 2 lots and leaving the remainder as set aside due to the pond being almost an acre in size.

We are looking at building a minimum 1800 sq ft each with a value of \$400K. We have prints from local homes that we have seen and we can provide, one in Center Grove and the other on the Brandywine School road on the way to Greenwood and Worthsville Road. We plan on setting them back on the property to the east for views of the pond and distance from neighbors.

Speaking of the pond, there was a concern about drainage mentioned. The pond currently takes on any surface water as that is what it was constructed for as it was a naturally low area. It has a spillway that is connected to a tile. The only time that I witnessed the water level reach the spillway was in June of 2008 when we had 5" of rain in an hour and it rained for 3 days. This was the same system that flooded downtown Franklin and Columbus Regional Hospital. All surface water and downspouts would be directed to that area.

We would obviously assist in maintaining the section of drive from the County Road to where our Right of Way meets the Harmeyer and Sweets driveways.

Please let me know if there are any other concerns you might have and we can work through them I am sure. You can reach me @ 317-430-0311 or kenny@myawesomebasement.com.

Thank You,

Kenny Engle

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Kenneth Engle

Case #: _____

Location: 6 acre parcel #73-06-10-100-009,000-004, north side of
4620 N 400 W

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 splitting of the existing parcel is being done to
property already zoned and setup for residential
purposes.

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.

Surrounding parcels are already part of the original
development started in the late 90s.

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.

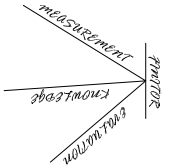
The 6 acre parcel was bought with the intention of
further residential purpose. It is interior to any
available roads, except for the original easement.
Subdivision request will be for children of applicant.

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:

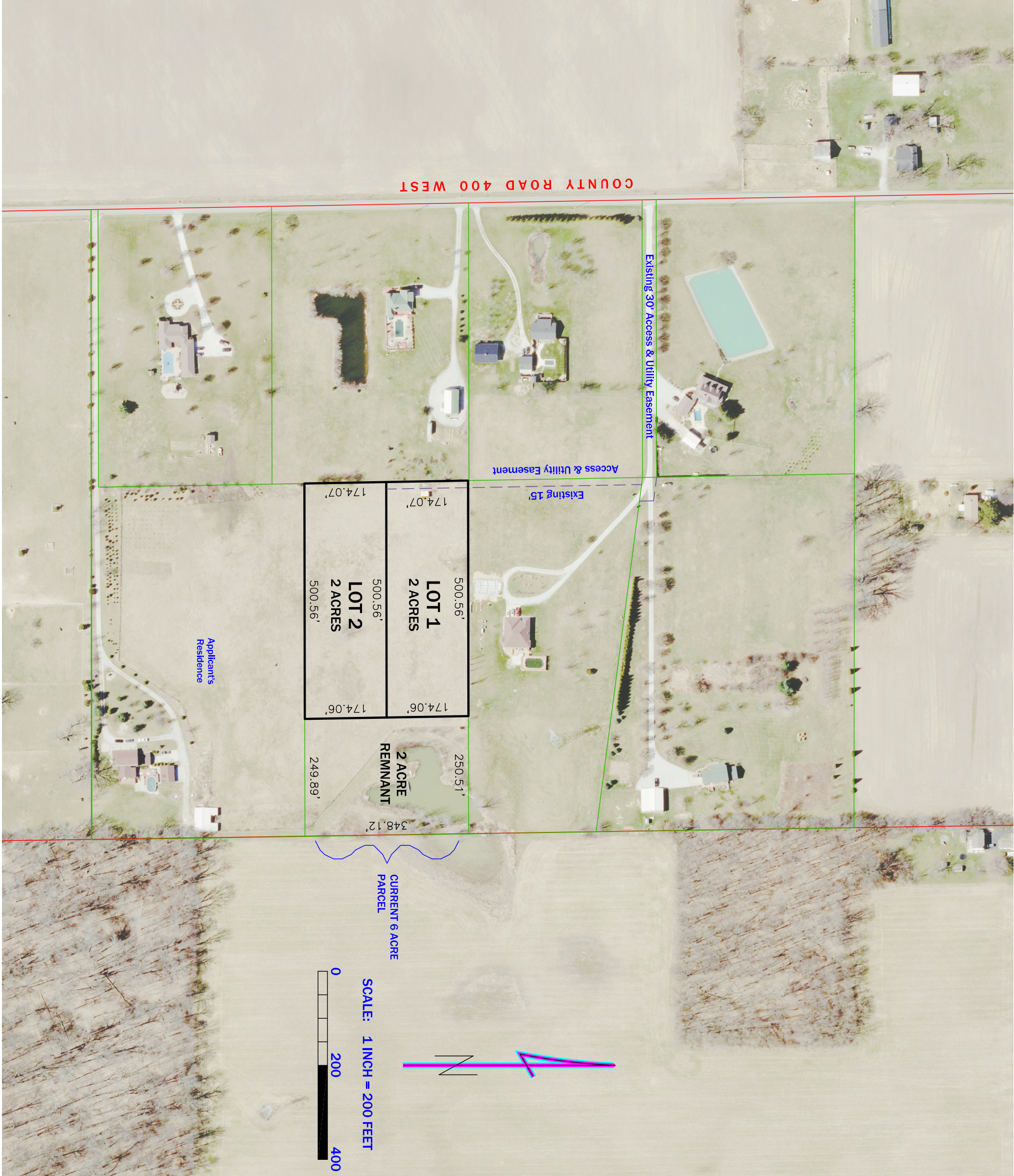
General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

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.)



SCOTT T. SUMNERFORD
LAND SURVEYING
3149 NORTH RILEY HIGHWAY
SHELBYVILLE, IN 46176-9462
BUSINESS PHONE (317) 401-6050
Indiana Registered Surveyor No. 29800017



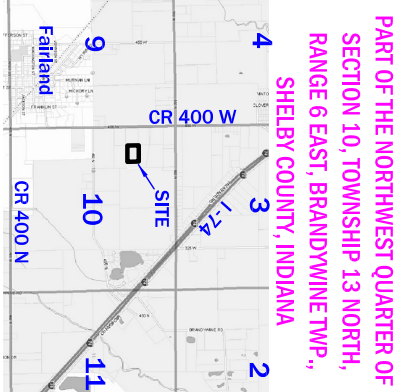
CLIENT
Kenneth Engle
P.O. Box 431
Fairland, IN 46126

PROJECT
Requesting a waiver for lot frontage requirement in RE Residential Estate zoning.

DRAWING DATE
October 27, 2020
BZA Feb 9, 2021
Page 22 of 22

PROPOSED

SUBDIVISION OF 6 ACRE TRACT



JOB NUMBER
13N6E10-20-067

ORIGINAL DRAWING SIZE 11x17
SHEET 1 OF 1