

## **AGENDA**

**BOARD OF ZONING APPEALS**  
**Ellettsville Town Hall**  
**1150 W. Guy McCown Drive, Ellettsville, Indiana**  
**Wednesday, December 11, 2024 - Meeting Starts at 6:00 P.M.**

### **Pledge of Allegiance**

### **Roll Call**

### **Approval of Minutes – September 11, 2024**

### **Approval of Meeting Dates for 2025**

### **Monthly Conflict of Interest Statement**

### **Old Business**

### **New Business**

Request for a Variance from Development Standards to Allow for Signage that Exceeds the Maximum Allowed located at 4200 N. Kemp Road; Petitioner Blackwell Contractors, Inc.; Case No. PC 24-04

Request for a Special Exception to Allow Single Family Dwellings in a Commercial-1 Zoning District and Five (5) Variances from Development Standards to Reduce the Minimum Lot Width, Side, Rear and Front Yard Setbacks, and Allow Alternative Cross Road Intersections and Right-of-Way Widths located at 7633 W. State Road 46; Petitioner: Harman Farms Land LLC, Case No. BZA 24-03

### **Planning Department Comments**

Next meeting is January 15, 2025

### **Board of Zoning Appeals Comments**

### **Adjournment**

**BOARD OF ZONING APPEALS**  
**MEETING DATES**  
**2025**

January 15, 2025\*

February 12, 2025

March 12, 2025

April 9, 2025

May 14, 2025

June 11, 2025

July 16, 2025\*

August 13, 2025\*

September 10, 2025

October 8, 2025

November 12, 2025

December 10, 2025

\*Date adjusted due to holidays



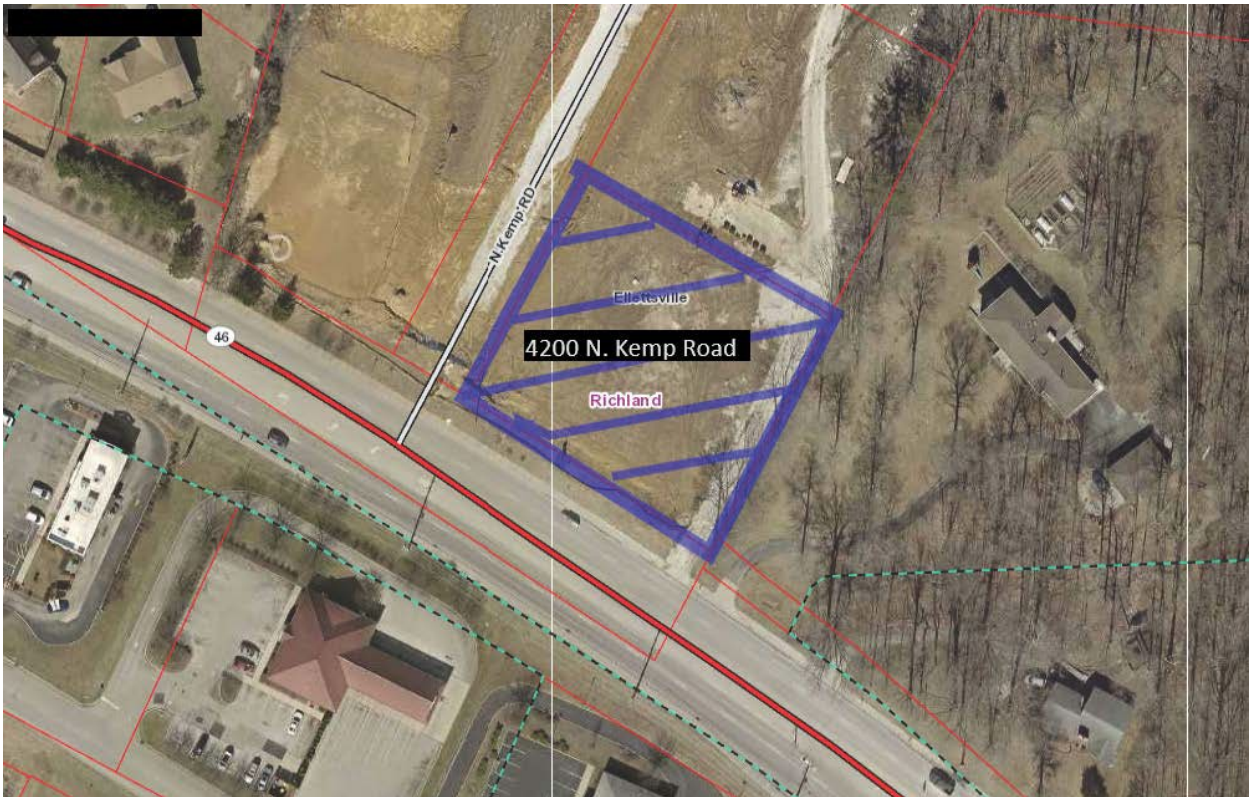
# Town of Ellettsville

## Department of Planning & Development

### BZA 24-04 - Variance from Development Standards Staff Report

#### Petition

**Case - BZA 24-04.** A request by Petitioner, Blackwell Contractors, Inc., for a variance from development standards to allow for signage that exceeds the maximum allowed. The subject parcel is located at 4200 N. Kemp Road.



#### Surrounding Zoning Districts & Uses

Zoning District	Property Use
<b>North:</b> PUD; Multi Family Residential	Apartments
<b>South:</b> C-3; General Commercial	Commercial Business
<b>East:</b> C-3; General Commercial	Single Family Residential
<b>West:</b> R-1; Single Family Residential	Single Family Residential

#### Considerations

1. The Petitioner is requesting a variance from development standards to allow for signage that exceeds the maximum size for wall signs pursuant to the Unified Development Ordinance.

2. Petitioner is requesting to install a wall sign that is 140 ft<sup>2</sup>.
3. The Town of Ellettsville Unified Development Ordinance, Table 4.13, Permitted Permanent Signs, provides for a maximum of 50 ft<sup>2</sup> for wall signs in a Commercial-2 zoning district.
4. The Petitioner's request for a development standard variance is the only item to be considered by this Board of Zoning Appeals.
5. Indiana Code (IC 36-7-4-918.5) requires the following criteria be met in order to approve a variance of development standards request:
  - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
6. Additionally, Town Code requires the following criteria to be satisfied:
  - a. The approval does not interfere substantially with the comprehensive plan.
  - b. The approval is not based solely upon financial hardship or mere convenience; and
  - c. The approval is in conformance with all other Town Ordinances.
7. In order to be considered a practical difficulty, the following criteria should be met:
  - a. The need for a variance arises from unique conditions on the property and is not shared by neighboring properties in the same zone;
  - b. Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use, or would render conformity necessarily burdensome;
  - c. The particular request, or a lesser relaxation of ordinance standard, would provide substantial justice to the landowner and neighbors; and
  - d. The need for a variance is not the result of a self-created action by the current or any former property owner.
8. A variance, once granted, runs with the property no matter who owns the property.

#### **Criteria For Decisions – Variance from Development Standards**

In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of Indiana Code. The Board may grant a variance of development standards from this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:



## DECISION CRITERIA

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

*Staff Finding:*

Approval of the variance requests to exceed the allowed signage area will not cause problems in relation to public health and safety.

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

*Staff Finding:*

The variance request is related to the size of the signage and will not affect the use or value of adjacent properties.

3. **Practical Difficulty:** The strict application of the terms of the zoning ordinance (will or **will not**) result in practical difficulties in the use of the property.

*Staff Finding:*

The Petitioner is requesting a variance to allow for signage that exceeds the permitted size as required by the Unified Development Ordinance (UDO). Therefore, the strict application of the UDO does not result in practical difficulty in the use of the property.

4. **Compliance with Comprehensive Plan:** The variance request (**is** or is not) substantially in compliance with the existing comprehensive plan.

*Staff Finding:*

The proposed signage is in compliance with the Comprehensive Plan.

5. **Financial Hardship:** The need for the variance (does or **does not**) arise from some condition peculiar to the property involved.

*Staff Finding:*

The requested variance is about the size of the signage which is not peculiar to the property.

6. **Compliance with other Town Codes:** The variance request (or **is not**) substantially in compliance with other Town Codes.

*Staff Finding:*

The property is currently in compliance with all other Town Codes.

### **Board of Zoning Appeals Action**

The Board of Zoning Appeals action shall be in the form of *approval, approval with conditions, denial, or a continuance*. The Board of Zoning Appeals takes final action on all variance petitions.

### **Staff Recommendation**

The purpose of a variance is to provide relief in situations where the land or other condition offers resistance to meeting a particular zoning regulation through no fault of the occupant of the land.

Therefore, based on the above analysis, staff recommends approval of the 140-foot sign.

The Board may approve the variances if, after testimony and discussion, it finds that the request does meet all six (6) of the stated requirements. If the Board denies the variance, it shall state which requirement(s) have not been met.

Submitted by Denise Line  
Director of Planning, Town of Ellettsville  
December 11, 2024

### **Staff Photos – Location of Area for Placement of the Signage:**



**Proposed Signage:**







# Town of Ellettsville

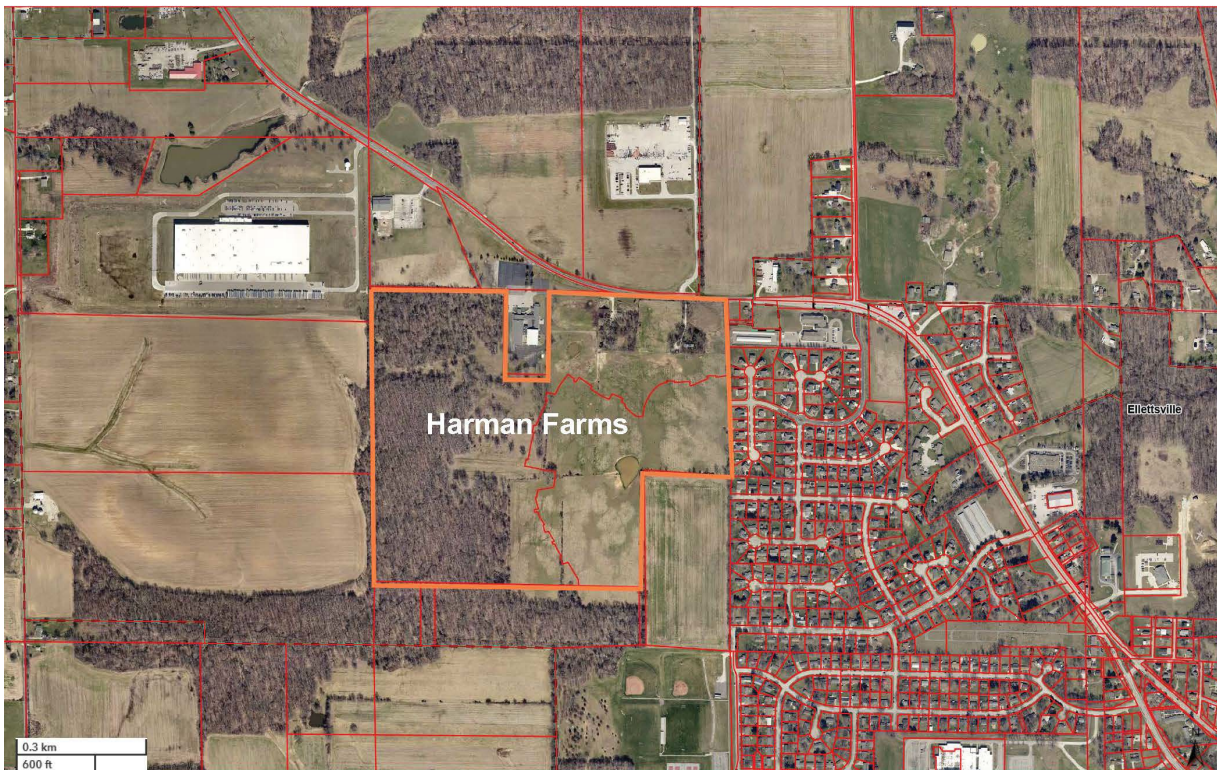
## Department of Planning & Development

### BZA 24-03 – Special Exception and Variances from Development Standards Staff Report

#### Petition

**Case - BZA 24-03.** A request by Harman Farms for a special exception to allow single family dwellings in a Commercial 1 zoning district and for five (5) variances from development standards: Reduction in lot width, Reduction of the side yard setback, Reduction in the front yard setback, reduction of the rear yard setback and alternative road cross sections and right-of-way widths in the Harman Farms Subdivision. The subject parcels are located at 7633 W. State Road 46.

#### Surrounding Zoning Districts & Uses



Zoning District	Property Use
<b>North:</b> C-3; General Commercial, A-1; Agricultural and I-1; Light Industrial	Religious Institution and Agricultural/Vacant Land and Industrial
<b>South:</b> R-1; Single Family Residential and AG/RR; Agricultural/Business-Industrial Overlay (County)	Agricultural and Public Land (Town of Ellettsville)
<b>East:</b> PUD; Planned Unit Development and R-1; Single Family	A subdivision
<b>West:</b> I-1; Light Industrial and AG/RR; Agricultural/Business-Industrial Overlay (County)	Light Industrial and Agricultural

## Considerations

1. The Petitioner is requesting a special exception to allow single family dwellings in a Commercial 1 zoning district and five (5) variances from development standards: Reduction in lot width, Reduction of the side yard setback, Reduction in the front yard setback, Reduction of the rear yard setback and Alternative road cross sections and right-of-way widths in the Harman Farms Subdivision.
2. The Petitioner's request of a special exception and five (5) development standard variances are the only items to be considered by this Board of Zoning Appeals.
3. Indiana Code (IC 36-7-4-918.5) requires the following criteria be met in order to approve a variance of use request:
  - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
4. Additionally, Town Code requires the following criteria to be satisfied:
  - a. The approval does not interfere substantially with the comprehensive plan.
  - b. The approval is not based solely upon financial hardship or mere convenience; and
  - c. The approval is in conformance with all other Town Ordinances.
5. In order to be considered a practical difficulty, the following criteria should be met:
  - a. The need for a variance arises from unique conditions on the property and is not shared by neighboring properties in the same zone;
  - b. Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use, or would render conformity necessarily burdensome;
  - c. The particular request, or a lesser relaxation of ordinance standard, would provide substantial justice to the landowner and neighbors; and
  - d. The need for a variance is not the result of a self-created action by the current or any former property owner.
6. The property is zoned C-1; Neighborhood Commercial.

## Special Exception

7. On September 11, 2023, the subject parcels were rezoned from Agricultural to Commercial 3. When the Unified Development Ordinance (UDO) and Zoning Map were passed on September 9, 2024, Commercial 3 zoning was removed. All parcels zoned Commercial 3 were changed to Commercial 2. The Commercial 2 zoning district does not allow single family dwellings. Therefore, Petitioner requested a zoning map amendment to Commercial 1 (C-1) zoning which was approved by Town Council on November 25, 2024. Commercial 1 zoning, however, only allows single family dwellings by special exception.

## Variations

8. Lot Width: In the UDO, the minimum lot width for C-1 is 50 feet. Petitioner is requesting a

reduction to a 40-foot minimum lot width for residential uses. The width will be measured at the property line. The reduction of the lot width from 50 feet to a minimum of 40 feet will apply to alley load homes.

9. Side Yard Setback: In C-1 the minimum side yard setback for the primary structure is 10 feet pursuant to the UDO. Petitioner is requesting a reduction to a minimum 5-foot side yard setback for residential uses. Petitioner will have mixed-use residential and is creating a design for the development that will require homes to be offset resulting in a larger yard.
10. Front Yard Setback: The UDO provides a 20-foot front setback in C-1. Petitioner is requesting the front yard setback be reduced to a minimum of 12 feet for residential uses. The request applies to single family homes with rear load garages. By having a rear load garage, a driveway at the front of the dwelling is not needed, thus resulting in a larger front yard space.
11. Rear Yard Setback: The UDO's requirement for a rear yard setback is a minimum of 15 feet and Petitioner is requesting a minimum of seven feet. This request pertains to single family homes with rear yard access from private alleys. While the single-family dwellings will meet the 15-foot setback requirement, the rear load garages will be within seven feet of the rear property line.
12. Alternative Roadway Sections: The Planning, Fire and Street Departments have reviewed the proposed roadway sections and have approved the same. This development is a village center with commercial and mixed use residential, e.g., townhomes, small apartment buildings and single-family homes. Petitioner is requesting variance that allows the Planning Department, Fire Department and Street Department to approve varying roadway sections and lane widths that are appropriate for mixed uses.
13. A variance, once granted, runs with the property no matter who owns the property.
14. Attached is a letter from Petitioner's representative, Bynum Fanyo & Associates, Inc. which explains the different variance requests.

### **Criteria For Decisions – Variance from Development Standards**

In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of Indiana Code. The Board may grant a variance of development standards from this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

#### **DECISION CRITERIA – USE VARIANCE**

- 1. General Welfare:** The approval of the special exception and variances from development standards (will or **will not**) be injurious to the public health, safety, morals, and general welfare of the community.

#### *Staff Finding:*

Approval would not cause any significant problems in relation to public health and safety.

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

#### *Staff Finding:*

The special exception and development standard variances will not affect adjacent properties in a substantially adverse manner. The special exception will allow single family dwellings, and the

variances will improve the design of the development.

- 3. Practical Difficulty:** The strict application of the terms of the zoning ordinance (**will** or will not) result in practical difficulties in the use of the property.

*Staff Finding:*

The request for a special exception is not due to the fault of the Petitioner. The Town of Ellettsville approved a Unified Development Ordinance and zoning map that has resulted in a practical difficulty for the Petitioner. By Commercial-2 zoning replacing Commercial-3 zoning, Petitioner could not construct single family dwellings which are essential to a mixed-use village development. Therefore, Petitioner sought a zoning map amendment to Commercial 1 which has been approved. However, C-1 zoning only allows single family dwellings with a special exception.

Approval of the variances from development standards will permit the construction of mixed-use residential which aligns with the mixed-use village center in the Comprehensive Plan.

- 4. Compliance with Comprehensive Plan:** The variance request (**is** or is not) substantially in compliance with the existing comprehensive plan.

*Staff Finding:*

The variances from development standards will provide the mixed-use village center outlined in the Comprehensive Plan.

- 5. Financial Hardship:** The need for the variance (does or **does not**) arise from some condition peculiar to the property involved.

*Staff Finding:*

While the current status of the development does not result in a financial hardship for the Petitioner, it will do so if single family dwellings are not permitted and the variances are not approved as it will limit the build out of the project.

- 6. Compliance with other Town Codes:** The variance request (**is** or is not) substantially in compliance with other Town Codes.

*Staff Finding:*

The property is currently in compliance with all other Town Codes.

**Board of Zoning Appeals Action**

The Board of Zoning Appeals action shall be in the form of *approval, approval with conditions, denial, or a continuance*. The Board of Zoning Appeals takes final action on all variance petitions.

**Staff Recommendation**

A special exception is authorized when a particular use is appropriate for the zoning district it is in. The purpose of a variance is to provide relief in situations where the land or other condition offers resistance to meeting a particular zoning regulation through no fault of the occupant of the land.

Therefore, based on the above analysis, it is of Staff opinion that the special exception and variances meet all requirements and, therefore, recommends approval of the special exception and variance



requests. The Board may approve the variances if, after testimony and discussion, it finds that the requests meet all six (6) of the stated requirements. If the Board denies the variance, it shall state which requirement(s) have not been met.

Submitted by Denise Line  
Director of Planning, Town of Ellettsville  
December 11, 2024



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

October 17<sup>th</sup>, 2024

RE: Harman Farm Subdivision  
Variance Requests

Denise Line or To Whom It May Concern:

Our client, Chris Smith, respectfully requests approval of the five (5) variances listed below for the Harman Farm Subdivision.

**Project Narrative:**

The proposed development consists of the construction of a neighborhood commercial district on 115 acres. The project will include single-family residential, multi-family residential, and commercial and has been designed to create a downtown center/neighborhood commercial district. The residential development will consist of varying scales and densities to offer a variety of dwelling styles. The total lot count and lot mix for the entire site has yet to be determined. This project is expected to be a long term development and will evolve as construction progresses. The property is currently zoned C-2 but a petition will be heard at the November Plan Commission to rezone to C-1.

This proposed development is proposing five (5) variances from the current UDO:

1. UDO Section 2.7 (B) – C1 Development Standards and Uses – 50’ minimum lot width
  - a. Request 40 foot minimum lot width measured at the setback along the property line with access to the lot for detached single-family residential.
  - b. To create a successful neighborhood commercial district, we propose a few different lot types that vary in density and minimize the impact on public roadways by providing access to the lots via a shared alley. The alleys have complex horizontal geometry to create open space/park areas to be used by the community. Radial lots are significantly wider at the front or rear of lot when side lot lines are perpendicular to the front or rear property line. This creates areas of wasted space which can be detrimental to creating a successful neighborhood commercial district. Measuring minimum lot width at the setback allows the developer to create consistent lots with adequate buildable area while also meeting the characteristics of a neighborhood commercial district.
  
2. UDO Section 2.7 (B) – C1 Development Standards and Uses – 10 foot minimum side yard setback
  - a. Request 5’ minimum side yard setback for detached single-family residential

- b. The development consists of several different lot types. Some lot types utilize varying side yard setbacks to offset the homes from the center of the lot. Offsetting the home creates a larger side yard in-lieu large front and rear yards typical with detached single-family homes. Reducing the side yard requirement allows the developer to provide homes with useable yard space while reducing the front and rear yards to create a more dense neighborhood scale.
3. UDO Section 2.7 (B) – C1 Development Standards and Uses – 20’ Minimum Primary Structure Front Yard Setback
  - a. Request 12’ minimum front yard setback for detached single-family residential.
  - b. Rear loaded lots remove the driveway and garages from the public roadway frontage. With the driveways and vehicles removed from the public road frontage this area becomes a large front yard space which is not consistent with a neighborhood commercial district.
4. UDO Section 2.7 (B) – C1 Development Standards and Uses – 15’ Minimum Accessory Structure Rear Yard Setback
  - a. Request 7’ minimum rear yard setback for detached single-family residential.
  - b. The development includes single-family homes with rear lot access via private alleys to reduce access points to the public roadway to provide on-street parking that will service much of the future commercial properties. The alleys will be plated as shared common area and these common area lines will be the rear property line. The alleys need to be plated as common area to allow the HOA to properly maintain them. The purpose of the alleys is to reduce access to the public roadway while utilizing as little space as possible.
5. UDO Section 6.9 – Roads and Driveways – Table 6.2
  - a. Request a variance that alternative road cross sections and right-of-way widths be allowed with the approval of the planning and street department.
  - b. Alternative roadway sections were provided to and approved by the planning department, fire department, and street department. These sections vary with the different typologies throughout the development. There are several different roadway sections with varying lane widths, right-of-way widths, and curb types. Different roadway sections are needed due to the mix of uses.

After you have had a chance to review our petition please feel free to contact us at anytime with questions regarding our submission.

Sincerely,  
Bynum Fanyo & Associates, Inc.

A.J. Willis, Project Engineer





revisions:

SCALE: 1"=100'

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**BEB**  
BYNUM FANTO & ASSOCIATES, INC.  
528 north walnut street  
(812) 332-8030

bloomington, Indiana  
(812) 339-2990 (Fax)

certified by:

PROPOSED  
**HARMAN FARM PHASE 1A**  
7633 W. STATE ROAD 46  
ELLETTSVILLE, INDIANA 47429

title: OVERALL SITE

designed by: AJW  
drawn by: AJW  
checked by: JSF  
sheet no: EXHIBIT  
project no.: 402329





revisions:

SCALE: 1"=40'

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**BBA**  
BYNUM FANTO & ASSOCIATES, INC.  
528 north walnut street  
(812) 332-8030

certified by:

PROPOSED  
**HARMAN FARM PHASE 1A**  
7633 W. STATE ROAD 46  
ELLETTTSVILLE, INDIANA 47429

title: SITE PLAN

designed by: AJW  
drawn by: AJW  
checked by: JSF  
sheet no: C301  
project no.: 402329





HARMAN, MICHAEL  
 MILLER, JULIA  
 INST. NO. 201100057  
 118.65 AC (M) 115.00 (P)  
 ZONING: C3 (GENERAL COMMERCIAL)  
 USE: FARM

revisions:  
  
 SCALE: 1"=40'

ARCHITECTURE  
 CIVIL ENGINEERING  
 PLANNING  
  
 BYNUM FANTO & ASSOCIATES, INC.  
 528 north walnut street  
 (812) 332-8030  
 bloomington, Indiana  
 (812) 339-2990 (Fax)

certified by:

PROPOSED  
**HARMAN FARM PHASE 1A**  
 7633 W. STATE ROAD 46  
 ELLETTSVILLE, INDIANA 47429

title: SITE PLAN  
 designed by: AJW  
 drawn by: AJW  
 checked by: JSF  
 sheet no: C302  
 project no.: 402329





RICHLAND-BEAN BLOSSOM  
COMMUNITY SCHOOL CORP.

WN OF ELLETTSVILLE  
D.R. 96, P. 178

SOUTH 26 2/3 RODS (R)  
500'50.41'E. 440.00 (M)

SE CORNER, SW 1/4,  
SEC 4, T9N, R2W,  
LAUREL COUNTY, IN.

revisions:

SCALE: 1"=40'

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**BEB**  
BYNUM FANTO & ASSOCIATES, INC.  
528 north walnut street  
(812) 332-8030

bloomington, Indiana  
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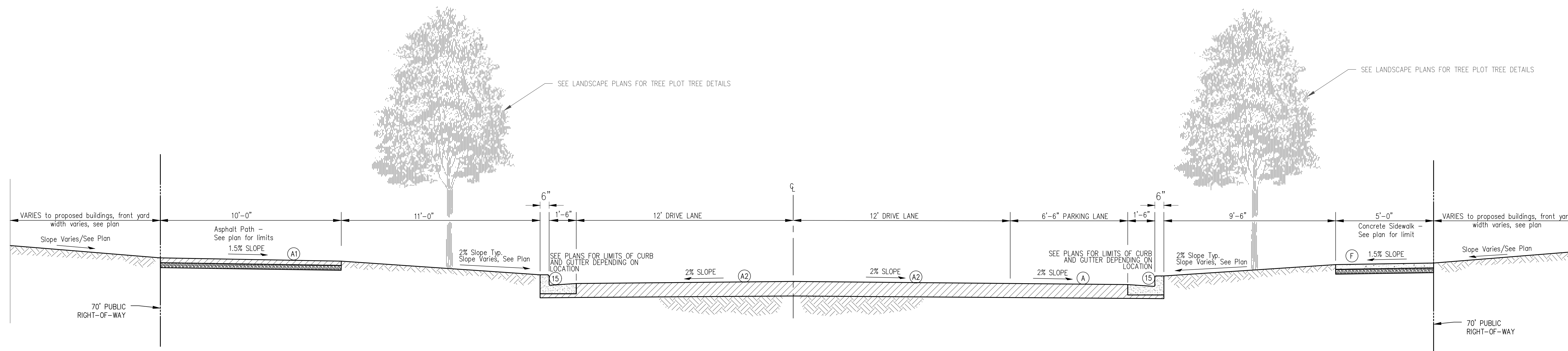
certified by:

PROPOSED  
**HARMAN FARM PHASE 1A**  
7633 W. STATE ROAD 46  
ELLETTSVILLE, INDIANA 47429

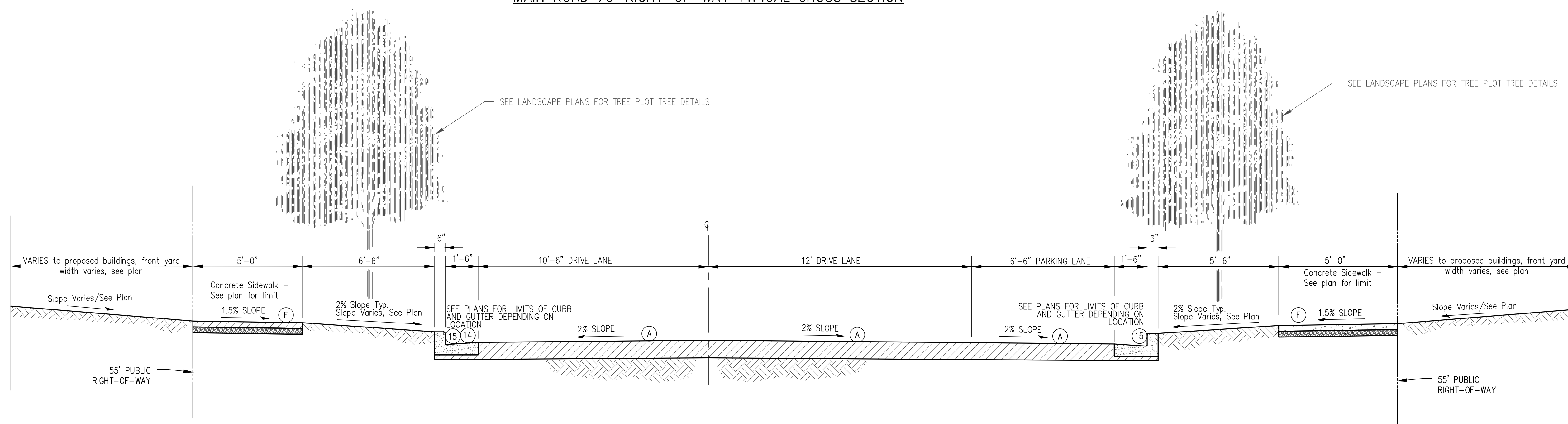
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designed by: AJW  
drawn by: AJW  
checked by: JSF  
sheet no: C303  
project no.: 402329

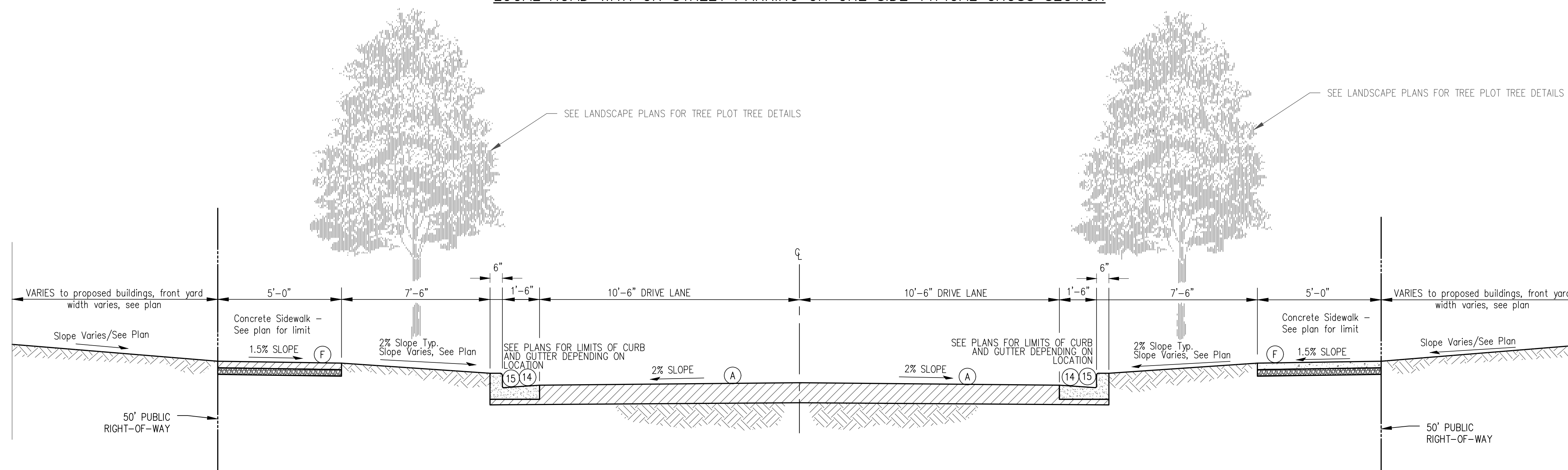




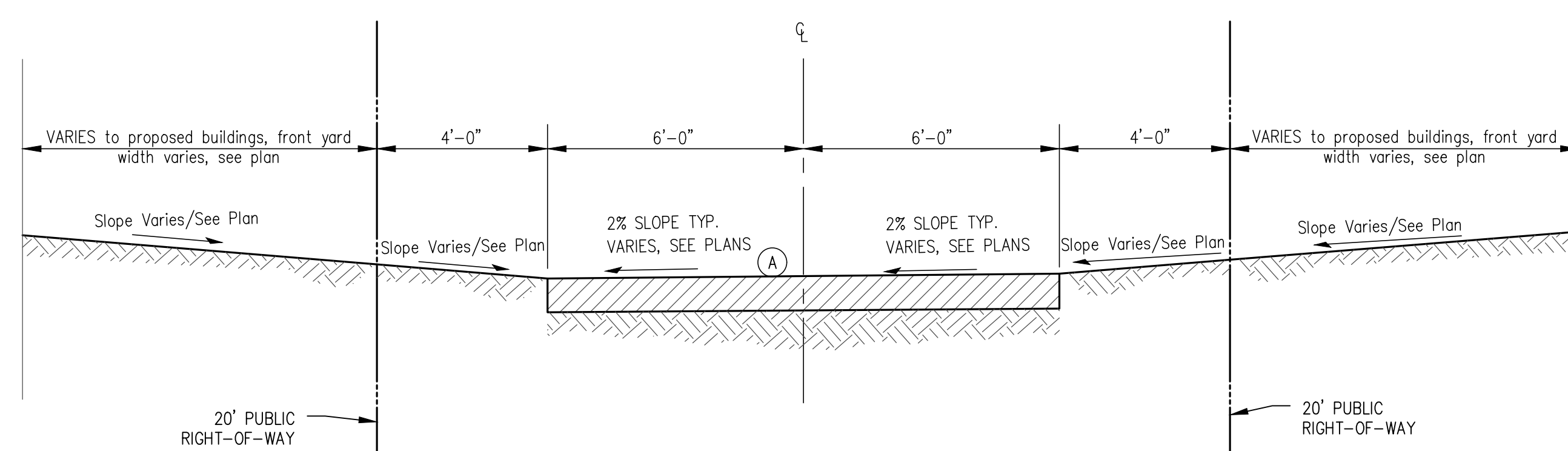
MAIN ROAD 70' RIGHT-OF-WAY TYPICAL CROSS SECTION



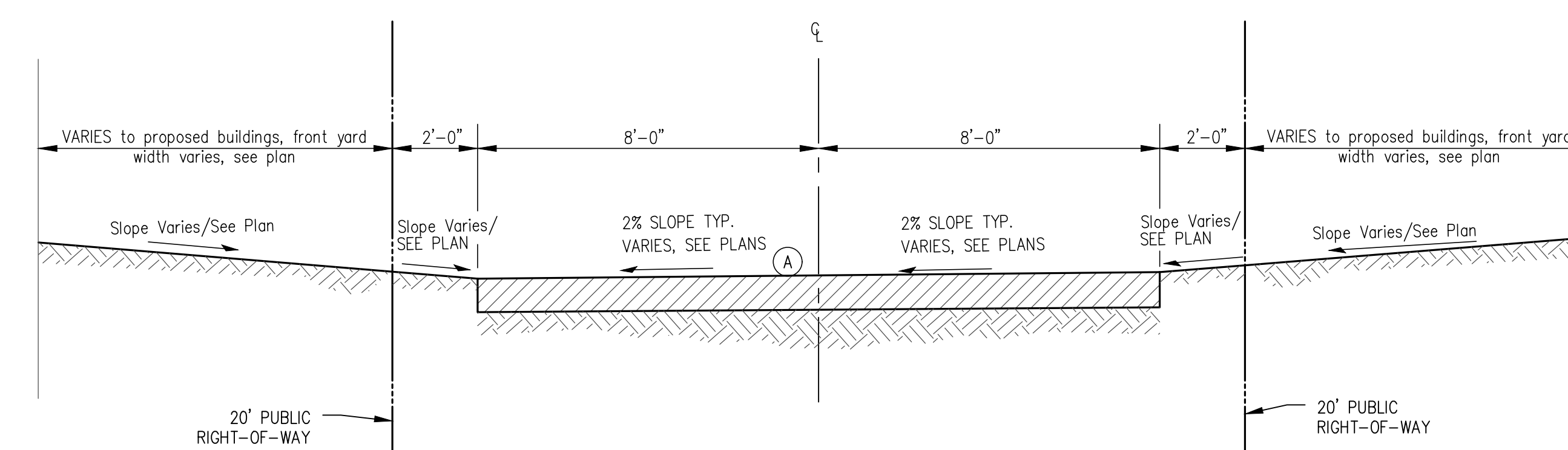
LOCAL ROAD WITH ON STREET PARKING ON ONE SIDE TYPICAL CROSS SECTION



LOCAL ROAD WITHOUT ON STREET PARKING TYPICAL CROSS SECTION



ALLEY WITH PUBLIC ROAD FRONTAGE TYPICAL CROSS SECTION



ALLEY WITH GREEN SPACE FRONTAGE TYPICAL CROSS SECTION

revisions:

ARCHITECTURE  
CIVIL ENGINEERING  
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bloomington, Indiana  
(812) 339-2990 (Fax)

**BBB**  
BYNUM FANTO & ASSOCIATES, INC.

528 north walnut street  
(812) 332-8030

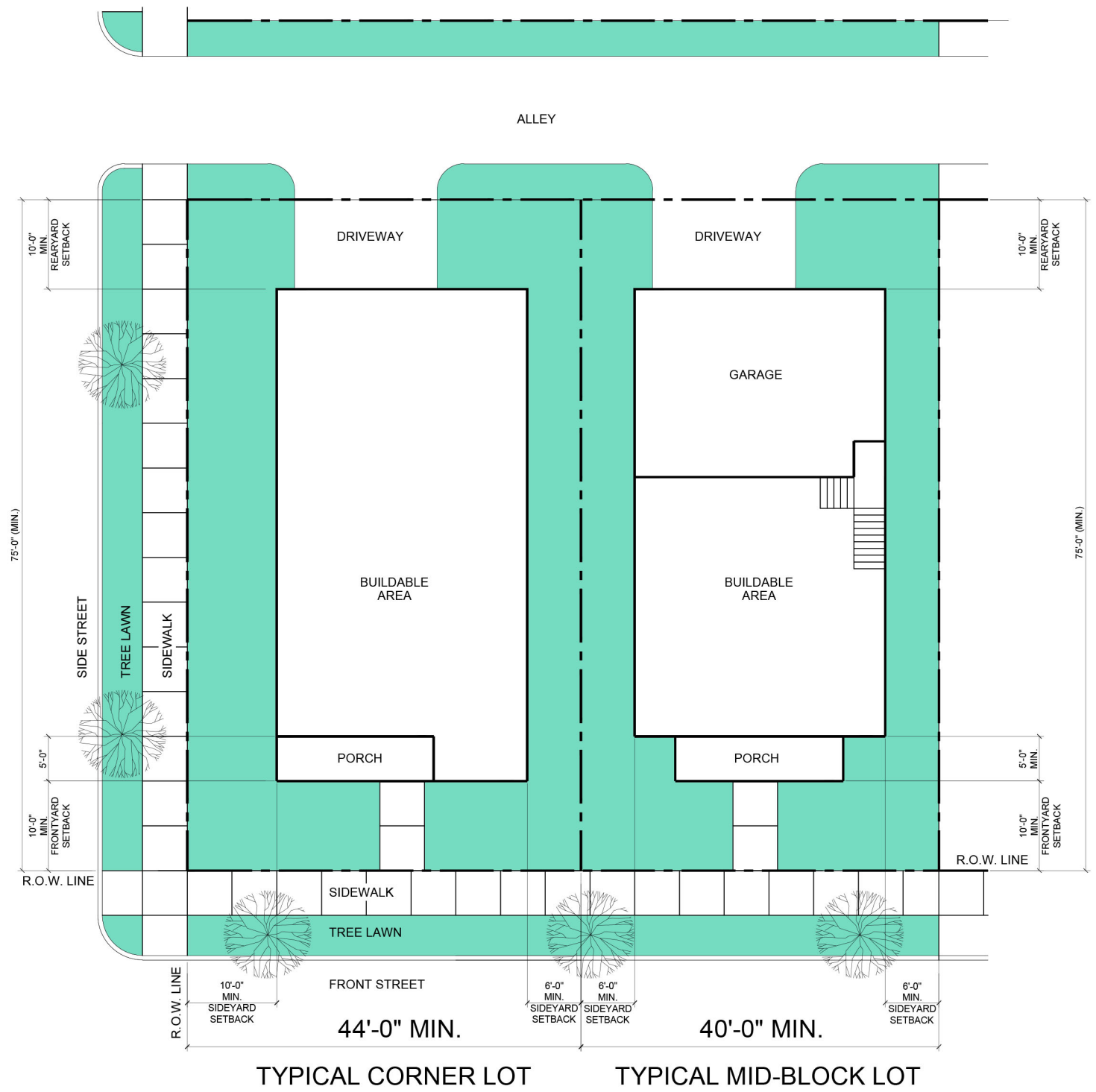
certified by:

PROPOSED  
HARMAN FARM PHASE 1A

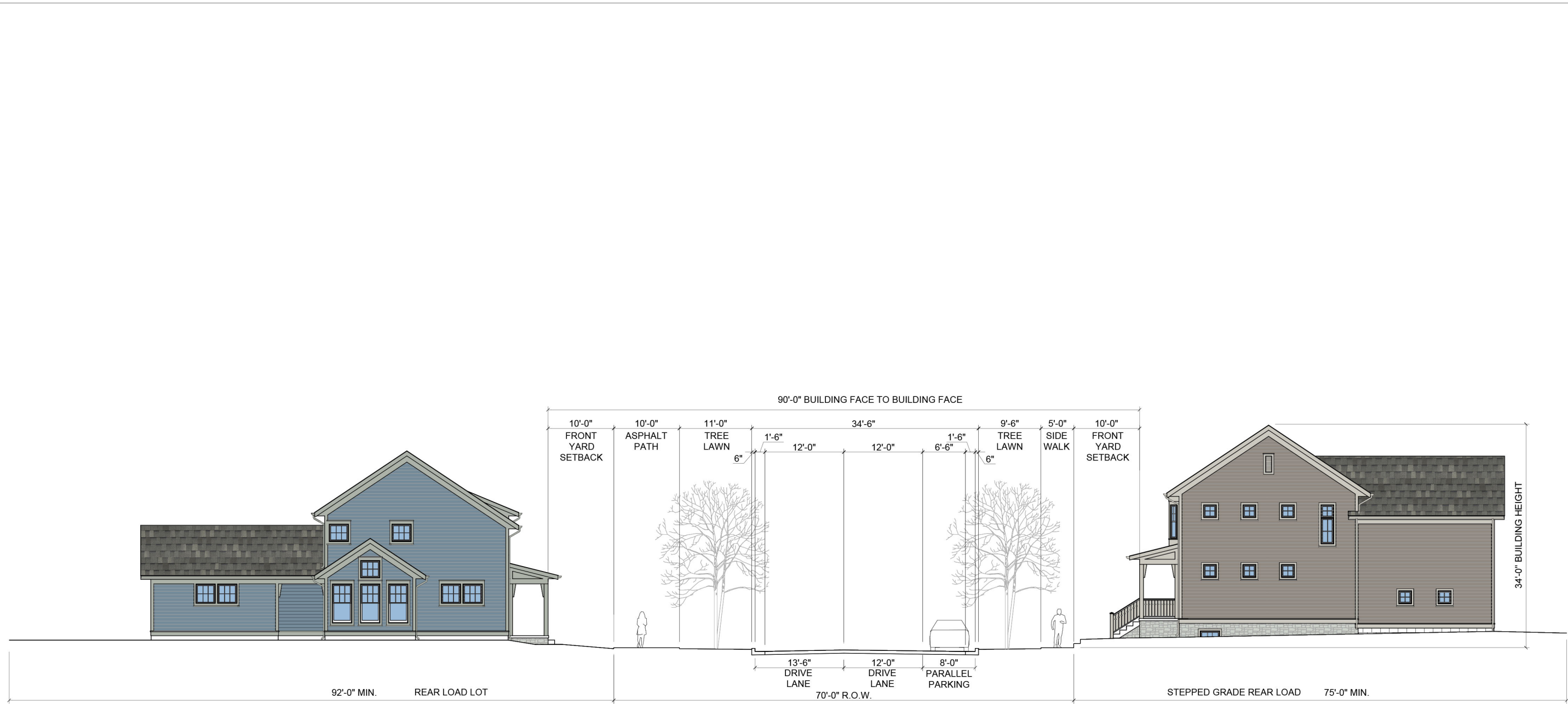
7633 W. STATE ROAD 46  
ELLETTTSVILLE, INDIANA 47429

title: ROADWAY TYPICAL  
CROSS SECTIONS

designed by: AJW  
drawn by: AJW  
checked by: JSF  
sheet no: C501  
project no.: 402329

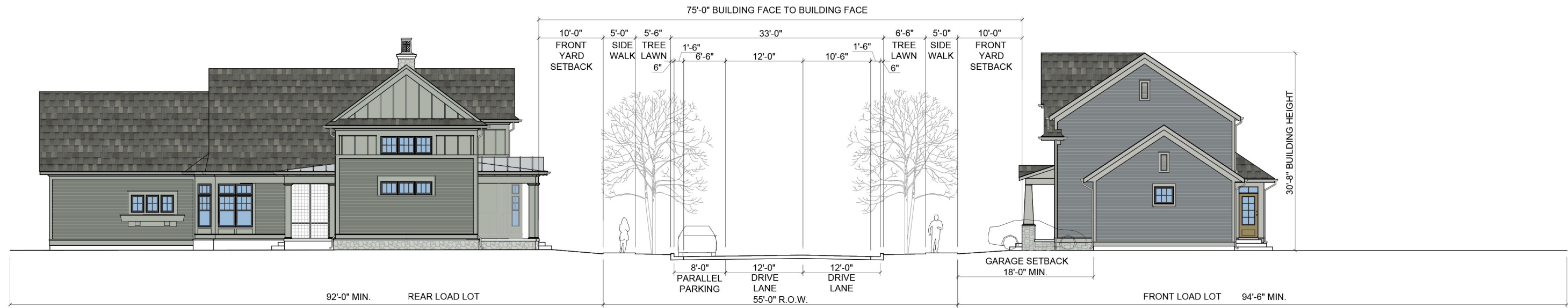


**40' Wide Lot Diagram - Buildable Area & Setbacks**

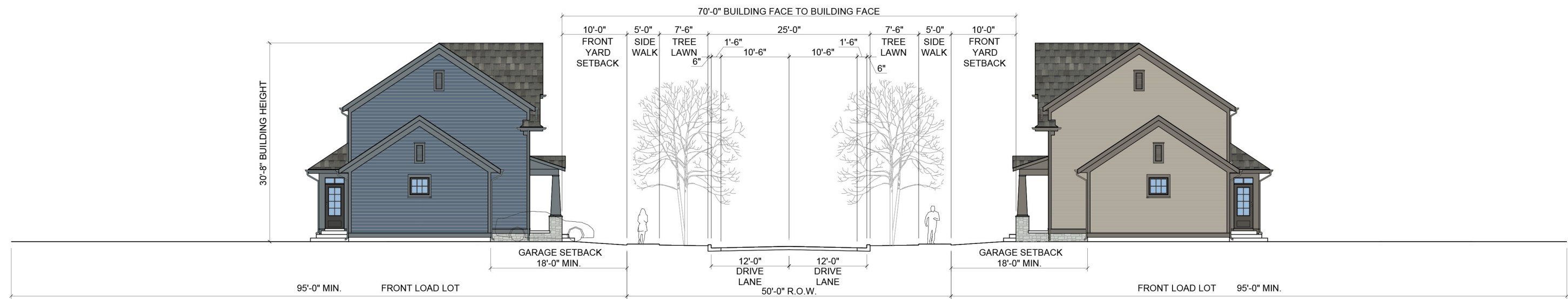


# 70'-0" Wide Right of Way

## ROW Section for 70' Width

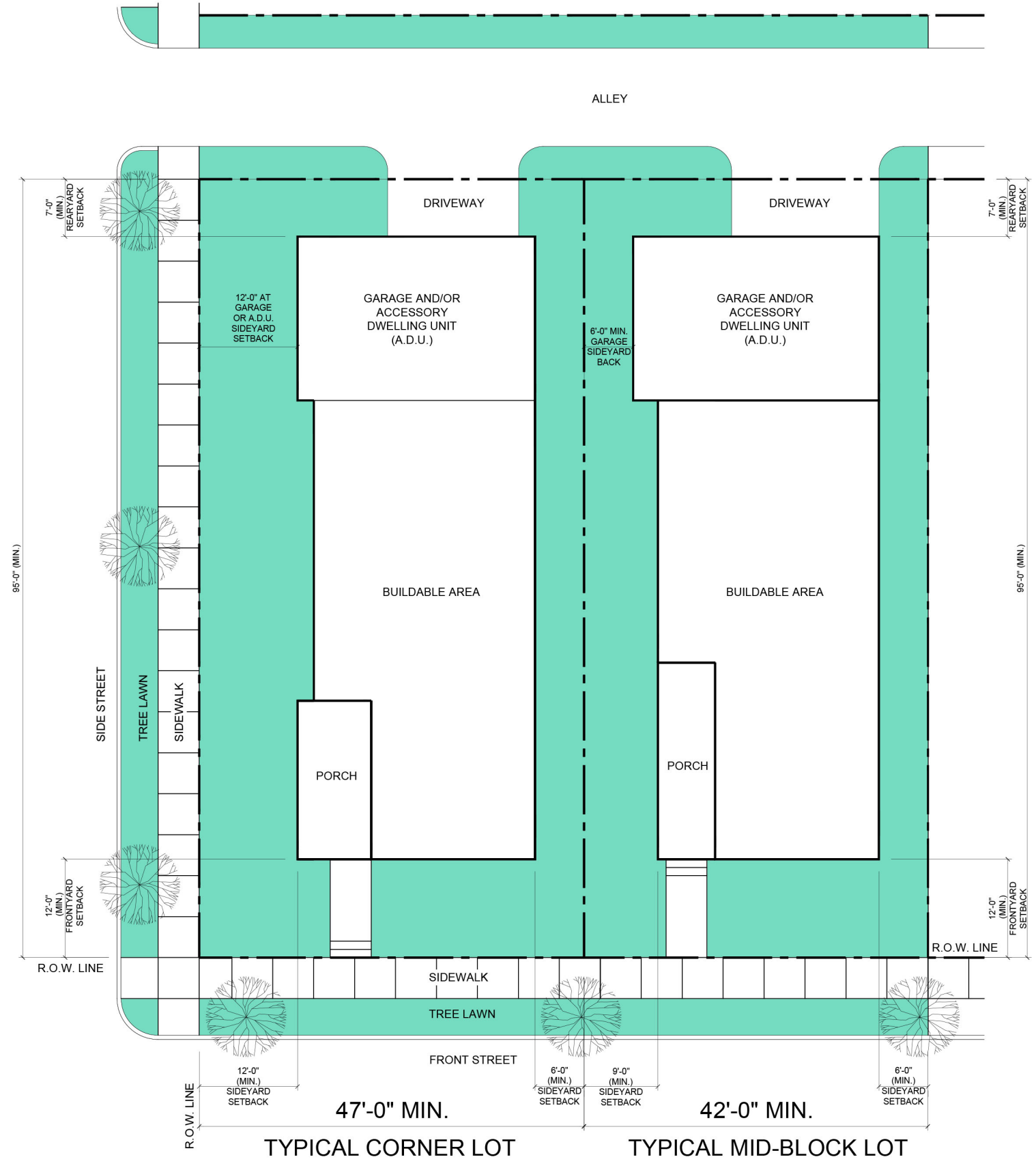


## 55'-0" Wide Right of Way



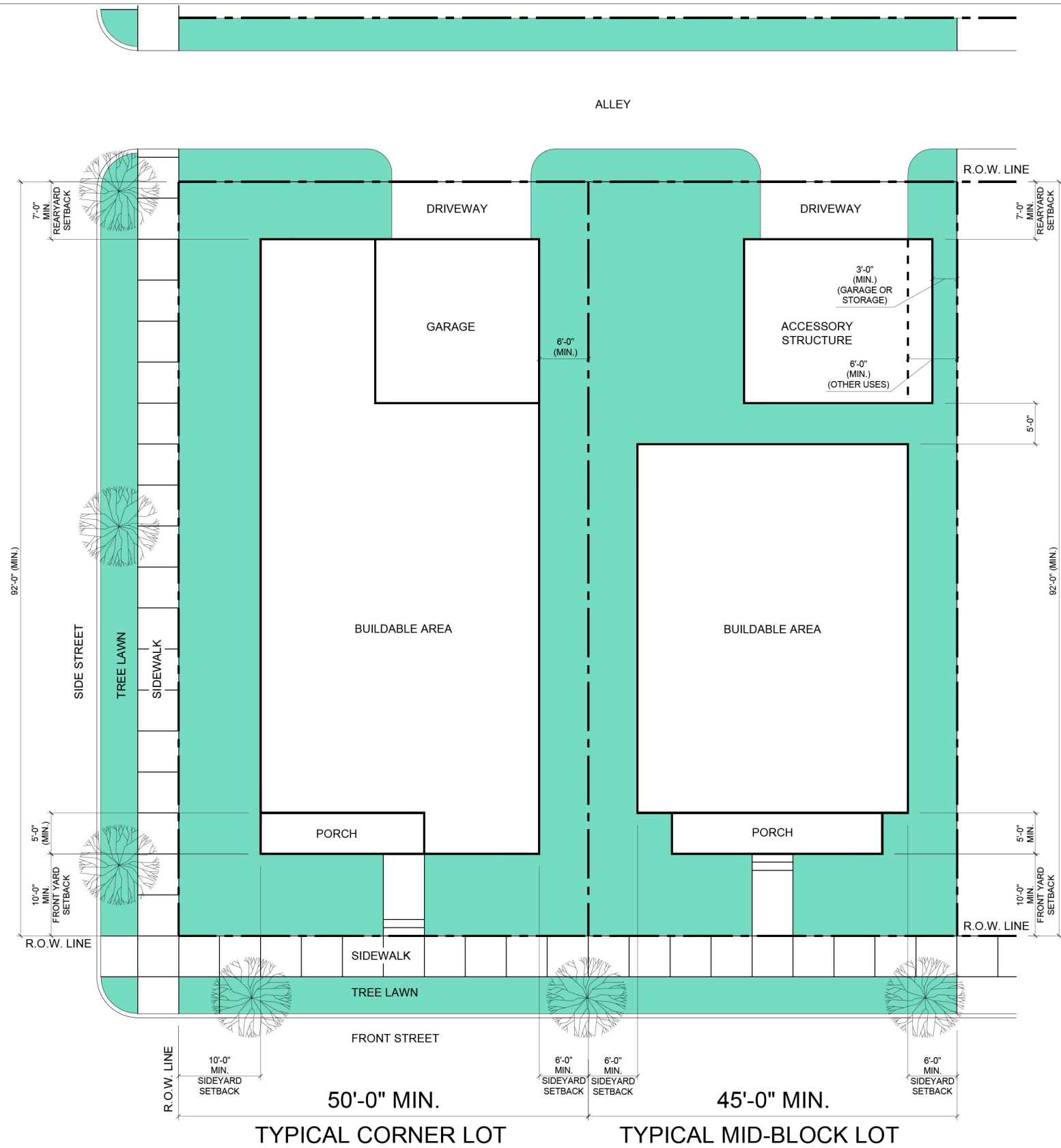
## 50'-0" Wide Right of Way

## ROW Sections for 55' and 50' Widths



**42' Wide Lot Diagram - Buildable Area & Setbacks**





**45' Wide Lot Diagram - Buildable Area & Setbacks**

## 2.7 NEIGHBORHOOD COMMERCIAL DISTRICT (C1)

- A. **C1 Intent.** The intent of the Neighborhood Commercial (C1) district is to allow a range of small-scale retail goods and services businesses for the regular or daily convenience of adjacent residential neighborhoods.
- B. **C1 Development Standards and Uses**

C1 STRUCTURE AND LOT STANDARDS		
		All Uses
<b>Maximum structure height</b>	Primary structure	35 feet
	Accessory structure	20 feet <sup>1</sup>
<b>Minimum living area (per unit)</b>		600 sq ft
<b>Maximum ground floor area (per structure)<sup>2</sup></b>		15,000 sq ft per building
<b>Minimum lot width</b>		50 feet
<b>Minimum lot area</b>		2,500 sq ft
<b>Minimum front yard setback</b>		20 feet
<b>Minimum side yard setback</b>	Primary structure	10 feet
	Accessory structure	10 feet
<b>Minimum rear yard setback</b>	Primary structure	15 feet
	Accessory structure	10 feet
<b>Maximum impervious surface coverage</b>		70%
C1 UTILITY STANDARDS		
<b>Municipal water and sewer required</b>		YES

*1 - All accessory structures cannot exceed the height of the primary structure*

*2 - The total square footage of all accessory structures, excluding fences, cannot exceed 75% of the ground floor square footage of the primary structure*