

AGENDA

BOARD OF ZONING APPEALS

Ellettsville Town Hall

1150 W. Guy McCown Drive, Ellettsville, Indiana

Wednesday, May 14, 2025 - Meeting Starts at 6:00 P.M.

Pledge of Allegiance

Roll Call

Election of Vice President

Approval of Minutes – February 12, 2025

Monthly Conflict of Interest Statement

Old Business

New Business

Request for Five (5) Variances from for the Stables Subdivision: Reduce the Minimum Lot Width to 35 Feet; Reduce the Minimum Lot Area to 3,000 Square Feet; Reduce the Minimum Side Yard Setback to Six (6) Feet; Reduce the Minimum Front Yard Setback to 14 Feet and Reduce the Minimum Rear Yard Setback to a Minimum of 16 Feet; Corner of W. Reeves Road and N. Loudon Road; Petitioner: Matthew Burks Properties LLC; Case No. PC 25-06

Planning Department Comments

Next meeting is scheduled for June 11, 2025

Board of Zoning Appeals Comments

Adjournment

The Town of Ellettsville Board of Zoning Appeals is inviting you to a scheduled Zoom meeting.

Topic: Board of Zoning Appeals

Time: May 14, 2025 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84398259698?pwd=lbWaiCJuYcZttzaXvecXWhzbkrIkWz.1>

Meeting ID: 843 9825 9698

Passcode: 279809

One tap mobile

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+19292056099,,84398259698#,,,*279809# US (New York)

Dial by your location

- +1 646 931 3860 US
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US

Meeting ID: 843 9825 9698

Passcode: 279809

February 12, 2025

The Ellettsville, Indiana Board of Zoning Appeals met on Wednesday, February 12, 2025, David Drake called the meeting to order at 6:01 p.m. David Drake led the Pledge of Allegiance.

Roll Call: Members present were: David Drake, President; Travis Conyer; and Pat Wesolowski.

Approval of Minutes-February 12, 2024

Pat Wesolowski made a motion to approve the minutes from January 15, 2024. Traves Conyer seconded. Motion carried.

Old Business

New Business

Request for a Variance from Development Standards to Include Single Family Attached Homes as Exempt from Architectural and Site Layout Standards Under Section 4.3(B)(1) of the Unified Development Ordinance; 7633 W. State Road 46; Petitioner Harman Farms Land LLC; Case No. BZA 25-05

Denise Line, Planning Director, explained that the Petitioner, Harmon Farmland, LLC, is requesting a variance from development standards, to include single family attached dwellings as being exempt from architectural and site layout standards in the Unified Development Ordinance.

David Drake made a motion to approve the variance and Pat Wesolowski seconded the motion. Roll call: David Drake-yes; Traves Conyer-yes; and Pat Wesolowski-yes. Motion Carried.

Request for a Variance from Development Standards to Allow Signage that Exceeds the Maximum Allowed in the Unified Development Ordinance; 4200 N. Kemp Road; Petitioner: KB Wash World, LLC; Case No. BZA 25-04

Denise Line, Planning Director, explained the Petitioner, Blackwell Contractors, Inc., is requesting a variance from development standards to allow signage that exceeds the maximum limit of allowable signage for a parcel pursuant to the Unified Development Ordinance. The subject parcel is located at 4200 N. Kemp Road.

David Drake made a motion to approve and Pat Wesolowski seconded the motion. Roll Call: David Drake-yes, Pat Wesolowski-yes and Traves Conyer-yes. Motion Carried.

Request for Three (3) Variances from Development Standards to Reduce the Minimum Front, Side and Rear Yard Setbacks; 3655 W. State Road 46; Petitioner: Todd Borgman Representing Convivial Properties, LLC; Case No. PC 25-03

Denise Line, Planning Director, explains the Petitioner, Todd Borgman, is requesting consideration of three (3) variance from development standards located at 3655 W St. Rd. 46: Reduction of the front, side and rear yard minimum setbacks. The subject parcel is located at 3655 W State Road 46.

Todd Borgman, Petitioner, explained the yard setbacks and drainage issue.

Bryan Burkholder, local resident, explained that he lived behind 3655 W State Road 46 and is concerned with what will be going into that location. He explained he is against the approval of the variances.

Henry Baugh, local resident, who lives near the said property is also against the approval of the variances.

David Drake made a motion to approve the front and side setbacks but denied the rear setback variance and Traves Conyer seconded the motion.

Chad Stevens, Owner of Convivial Properties, LLC, explained the purpose of the variances and how he would work with the public about the problems.

After further discussions of the plat and drainage David Drake withdrew his motion to approve front and side setback but deny the rear setback.

David Drake made a new motion approving all variances on the condition that sufficient screening be placed along the rear yard setback as determined by the Planning Commission and Pat Wesolowski seconded the motion. Roll Call: David Drake-yes, Pat Wesolowski-yes, Traves Conyer-yes. Motion Carried.

Planning Development Comments

Next meeting will be March 12, 2025

Adjournment

Meeting adjourned at 6:52 p.m.

David Drake, President

Traves Conyer

Pat Wesolowski

Renee Jones, Secretary



Town of Ellettsville

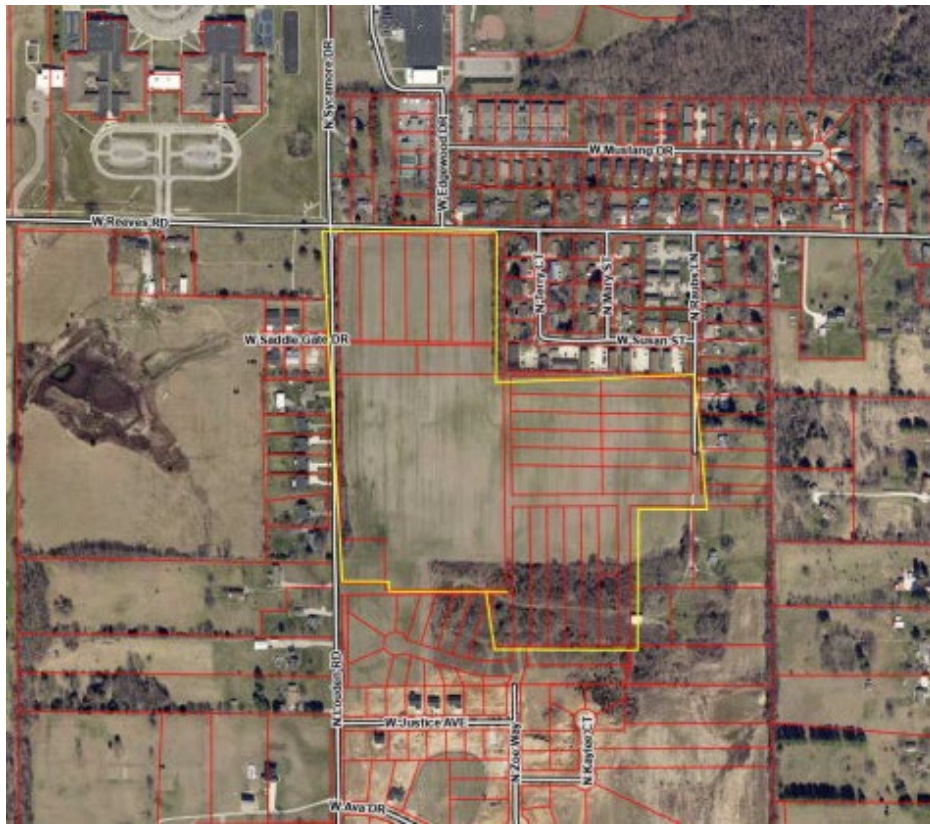
Department of Planning & Development

BZA 25-06 –Variances from Development Standards Staff Report

Petition

Case - BZA 25-06. A request by Matthew Burks Properties, LLC for consideration of five (5) variances from development standards for the Stables Subdivision: Reduce the minimum lot width to 35 feet; Reduce the minimum lot area to 3,000 square feet; Reduce the minimum side yard setback to six (6) feet; Reduce the minimum front yard setback to 14 feet and Reduce the minimum rear yard setback to a minimum of 16 feet. The subject parcels are located at the corner of W. Reeves Road and N. Loudon Road.

Surrounding Zoning Districts & Uses



| Zoning District | Property Use |
|---|--|
| North: R-1; Single Family Residential | Single Family Residential |
| South: R-1; Single Family Residential | Single Family Residential |
| East: R-1; Single Family Residential AG/RR: Agricultural/Rural Reserve (County) | Single Family Residential Single Family Residential |
| West: R-1; Single Family Residential | Single Family Residential |

Considerations

1. The Petitioner is requesting the following variances from development standards for Stables Subdivision:
 - (a) Reduce the minimum lot width to 35 feet;
 - (b) Reduce the minimum lot area to 3,000 square feet;
 - (c) Reduce the minimum side yard setback to six (6) feet;
 - (d) Reduce the minimum front yard setback to 14 feet; and
 - (e) Reduce the minimum rear yard setback to a minimum of 16 feet.
2. The proposed Stables Subdivision will consist of single family residential.
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 R-1; Single Family Residential.
7. Petitioner's Engineer, Bynum Fanyo & Associates, has provided a narrative which is attached to the Staff Report.

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 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 variances (will or **will not**) be affected in a substantially adverse manner.

Staff Finding:

The development standard variance will not affect adjacent properties in a substantially adverse manner. The variance will improve the design of the development. The variances Petitioner is requesting will not pertain to all lots. Wider lots will be built along the exterior of the subdivision so as to not be in contrast with adjacent subdivisions.

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:

In the past, the engineer for the Petitioner, has conducted studies of the proposed subdivision and has found environmental constraints based on the topography of the land. The parcels have a pond to the east, sink holes and karst areas. Petitioner is requesting the variances to maximize the areas without environmental constraints.

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 align with the single family residential as found 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 the variances are not approved as it will limit the build out of the project. As stated in Decision Criteria No. 3, the parcels have environmental constraints based on the topography of the land.

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

The purpose of a variance is to provide relief in situations where the land or other conditions offer 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 variance meets all requirements and, therefore, recommends approval of the variance requests. The Board may approve the variances if, after testimony and discussion, it finds that the request meets all five (5) of the stated requirements. If the Board denies a variance, it shall state which requirement(s) have not been met.

Submitted by Denise Line
Director of Planning, Town of Ellettsville
May 14, 2025

STAFF PHOTOS:





BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

April 10th, 2025

Denise Line
Town of Ellettsville
1150 W. Guy Mccown Drive
Ellettsville, Indiana 47429

RE: The Stables Subdivision
Variance Requests

Denise Line or To Whom It May Concern:

Our client, Matthew Burks Properties, LLC., respectfully requests approval of the variances listed below for the Stables Subdivision.

Project Narrative:

The proposed development consists of the construction of a single-family residential neighborhood. The proposed development includes a mix of lot sizes. All roadways and public infrastructure will be constructed per the Town of Ellettsville UDO. The total lot count and lot mix for the site has yet to be finalized. The property is currently zoned and will remain R-1.

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

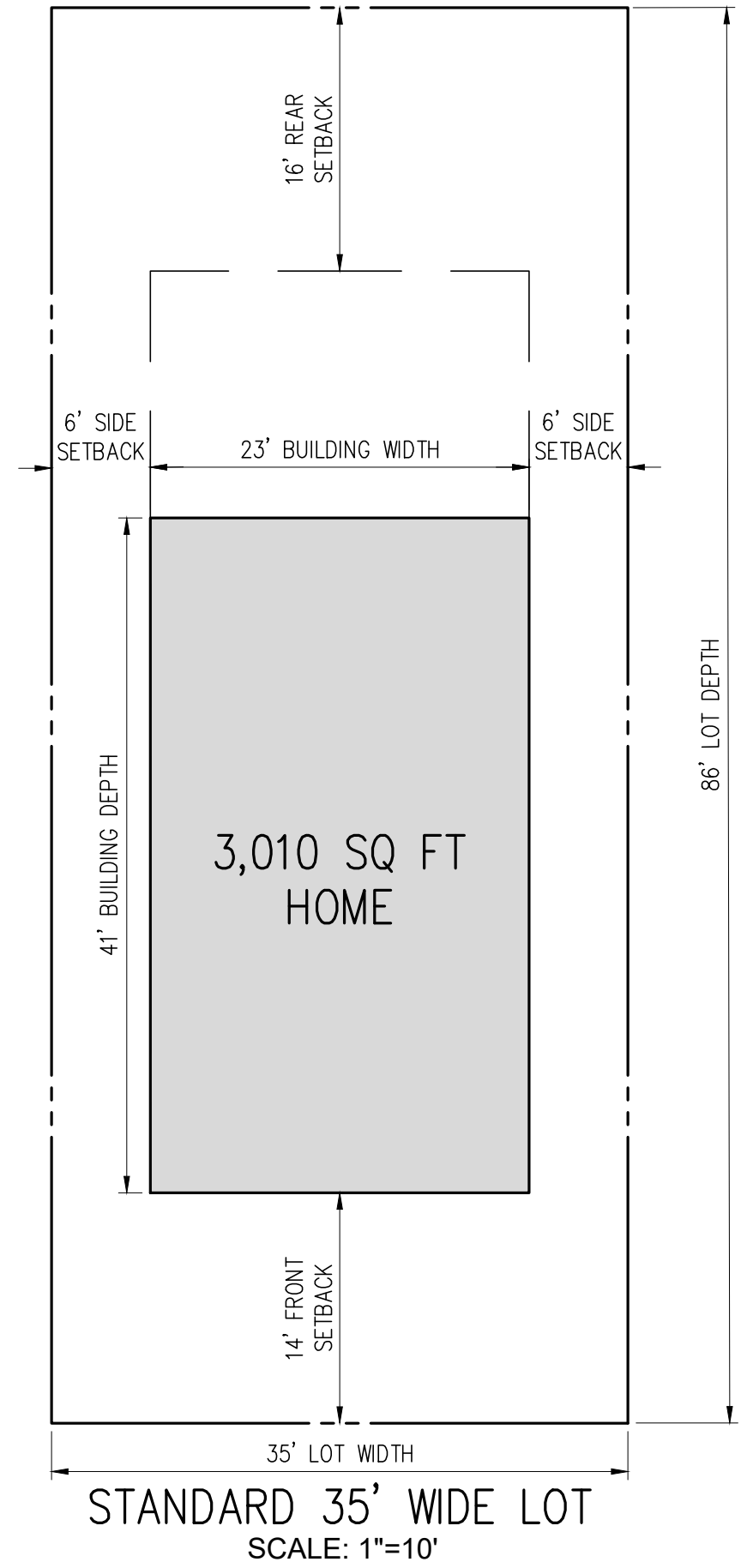
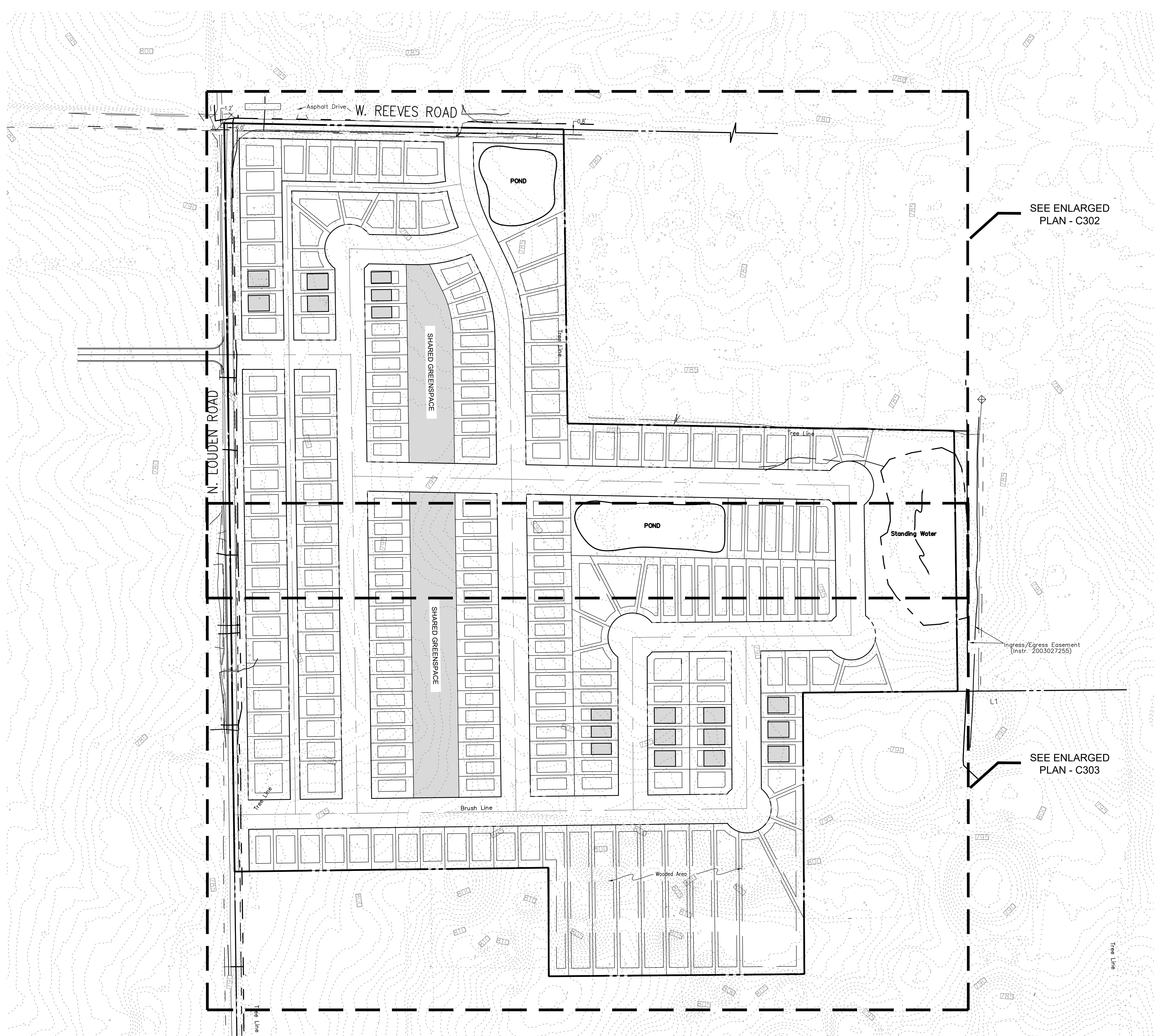
1. UDO Section 2.3 (B) – R1 Development Standards and Uses – 60 foot minimum lot width
 - a. Request 35 foot minimum lot width measured at the building setback.
 - b. The goal of the development is to construct single-family homes at a price affordable for the average family. The existing site has several environmental constraints that must be avoided with development so a significant portion of the site is unbuildable. The developer is requesting a lot width variance to increase the number of lots within the buildable to account for the potential lots because of the environmental constraints. The current UDO allows for a home density of 5.44 homes/acre based on the minimum lot standards. The home density of the layout included in this petition is approximately 5.84 homes/acre which is a similar density to what the UDO allows. The layout includes several different lot sizes to push the denser areas to the center of the site. We currently propose lots that are wider than the requested minimum around the exterior of the site to blend in with adjacent single-family properties. This will allow the development to fit in with the adjacent properties.

2. UDO Section 2.3 (B) – R1 Development Standards and Uses – 8,000 sq ft minimum lot area
 - a. Request 3,000 sq ft minimum lot area
 - b. If the reduction in lot width is approved, a variance from the minimum lot area is necessary to maintain the standard depth of lots. The lots would need to be 228 feet long if a lot area variance is not obtained in addition to the lot width variance. Please see the explanation for Variance #1 for additional reasoning.
3. UDO Section 2.3 (B) – R1 Development Standards and Uses – 10 foot minimum side yard setback
 - a. Request 6’ minimum side yard setback
 - b. The lots have been set up for building footprints that are 25’ and 32’ feet wide. The sideyard setback reduction is necessary to allow for the 35’ minimum lot width. Please see the explanation for Variance #1 for additional reasoning.
4. UDO Section 2.3 (B) – R1 Development Standards and Uses – 20’ Minimum Primary Structure Front Yard Setback
 - a. Request 14’ minimum front yard setback
 - b. The front yard setback variance has been requested to allow each home to be set 20’ from the back of the public sidewalk. This allows for vehicles to park within the driveway without obstructing the public walk while also reducing the amount of concrete necessary for driveway construction. The standard setback would require 26’ of driveway behind the public walk. Please see the explanation for Variance #1 for additional reasoning.
5. UDO Section 2.3 (B) – R1 Development Standards and Uses – 20’ Minimum Primary Structure Rear Yard Setback
 - a. Request 16’ minimum primary structure rear yard setback
 - b. The development will include some alley loaded homes to reduce the impact to the existing public roadways. The rear setback reduction will the homes to be shifted towards the alleys to set the driveway length at 20’ as mentioned above. Please see the explanation for Variance #1 for additional reasoning.

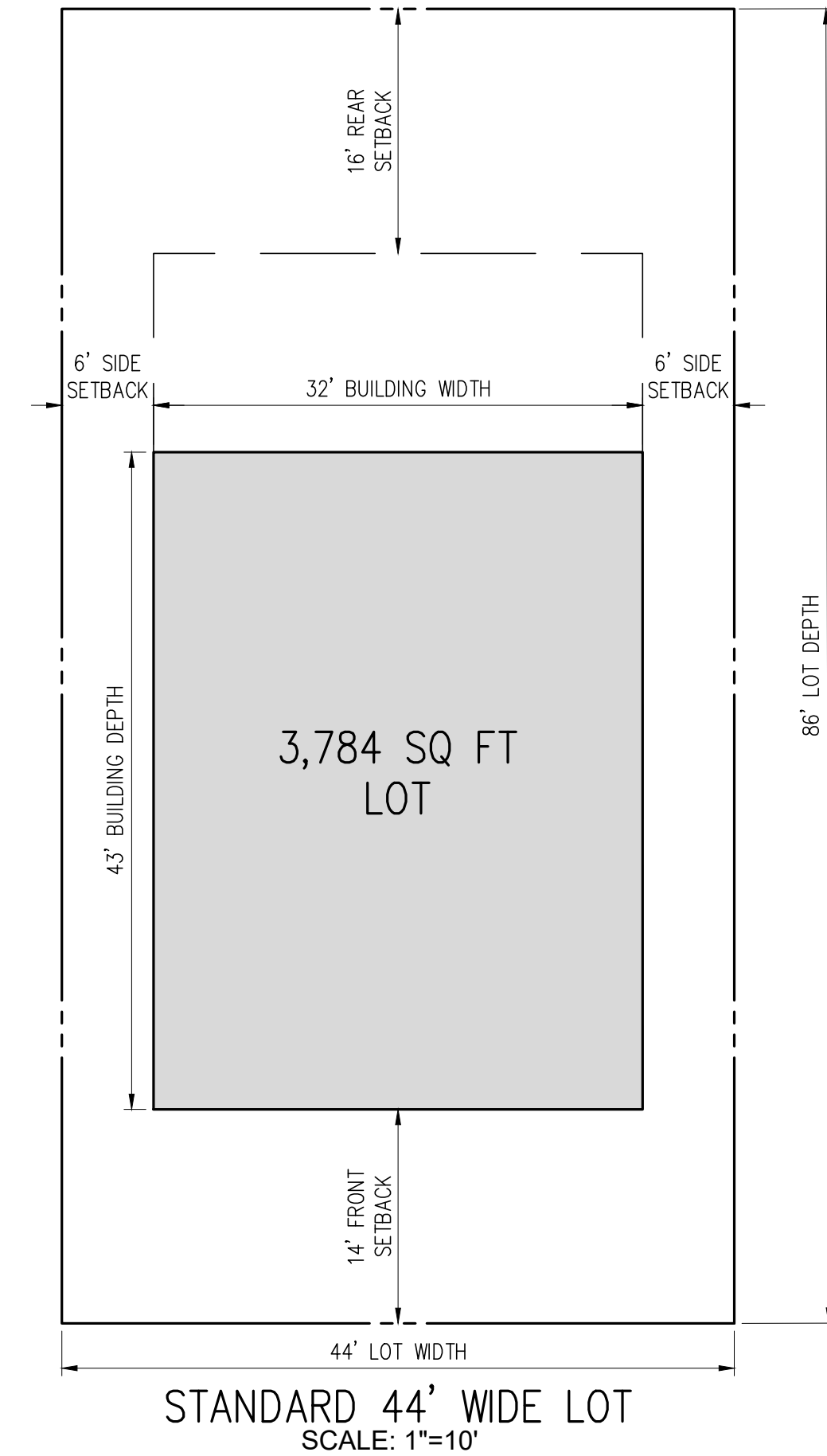
After you have had a chance to review our petition please feel free to contact us at anytime with questions regarding our submission.

Sincerely,
Bynum Fanyo & Associates, Inc.

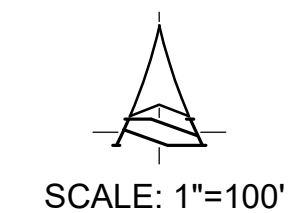
A.J. Willis, Project Engineer



STANDARD 35' WIDE LOT
SCALE: 1"=10'



STANDARD 44' WIDE LOT
SCALE: 1"=10'



SCALE: 1"=100'

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

BYNUM FANYO & ASSOCIATES, INC.

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

528 north walnut street
(812) 332-8030

certified by:

PROPOSED
THE STABLES SUBDIVISION

SOUTHEAST CORNER REEVES AND LOUDEN
ELLETTSVILLE, IN 47404

title: OVERALL SITE PLAN

designed by: DAS
drawn by: DAS
checked by:
sheet no: C301
project no.: 402507



revisions:

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

BYNUM FANYO & ASSOCIATES, INC.

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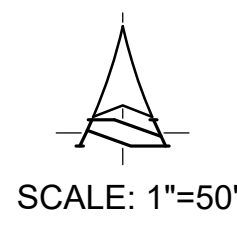
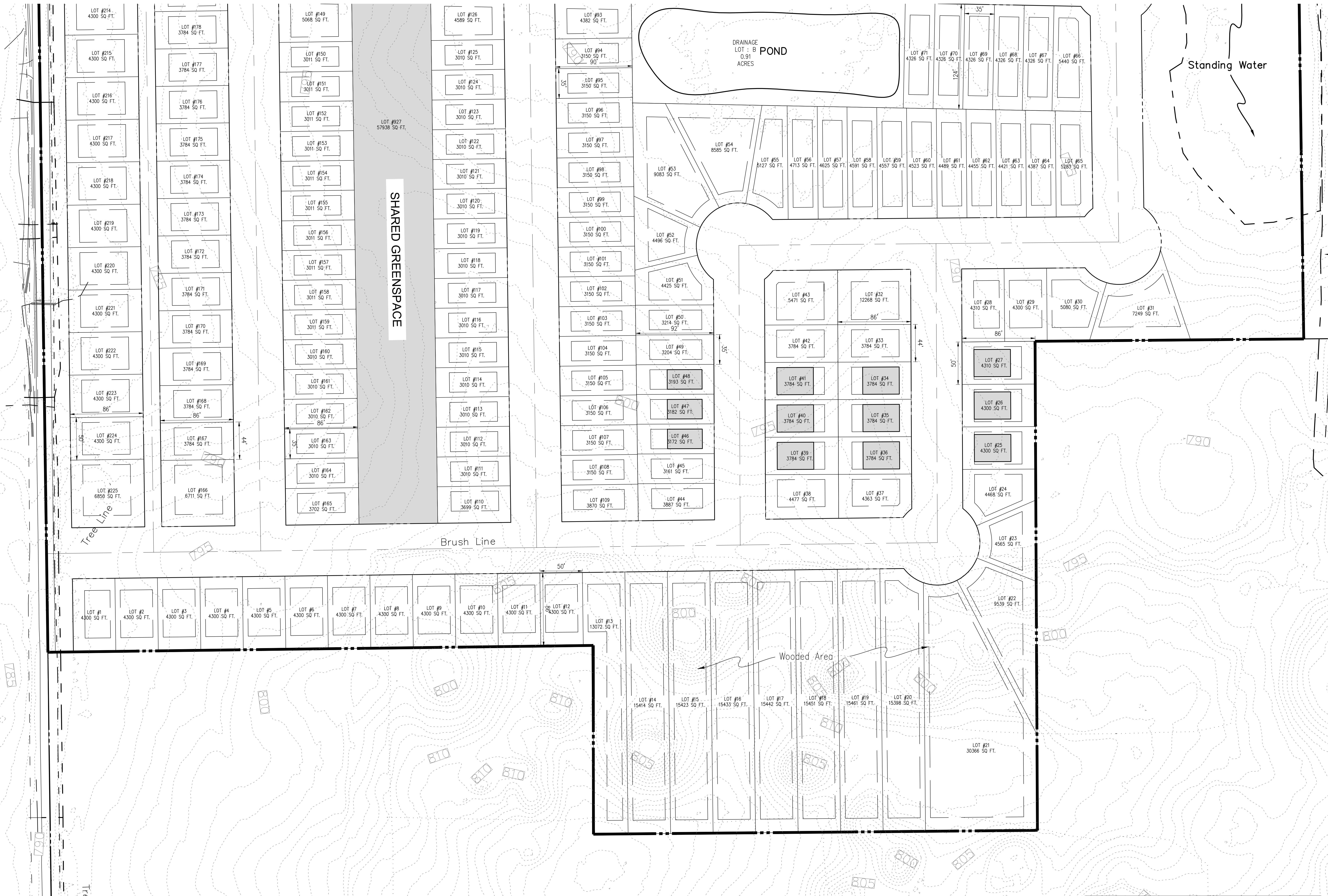
certified by:

PROPOSED
THE STABLES SUBDIVISION

SOUTHEAST CORNER REEVES AND LOUDEN
ELLETTSVILLE, IN 47404

designed by: DAS
drawn by: DAS
checked by:
sheet no: C302
project no.: 402507

NOTE TO CONTRACTOR
CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY
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revisions:

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

BYNUM FANYO & ASSOCIATES, INC.

528 north walnut street
(812) 332-8030

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

certified by:

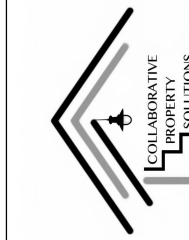
**PROPOSED
THE STABLES SUBDIVISION**

SOUTHEAST CORNER REEVES AND LOUDEN
ELLETTSVILLE, IN 47404

title: ENLARGED SITE
PLAN

designed by: DAS
drawn by: DAS
checked by:
sheet no: C303
project no.: 402507

Example



MUCH THOUGHT AND ATTENTION TO DETAIL HAS GONE INTO THE DEVELOPMENT OF THESE HOUSE PLANS. THESE PLANS ARE PREPARED BY A PROFESSIONAL ARCHITECT. THE BUILDER OF THESE PLANS SHOULD CHECK THE DIMENSIONS, QUANTITIES AND STRUCTURAL MEMBERS BEFORE CONSTRUCTION BEGINS. COLLABORATIVE PROPERTY SOLUTIONS ASSUMES NO LIABILITY FOR ERRORS OR OMISSIONS IN THE DESIGN OF THESE PLANS.

1471sqft 3bd/2.5ba 2-Story
1-Car Garage
9' Ceilings Main Floor
8' Ceilings 2nd Floor

Matt Burks
NEW HOME PLANS

DRAWINGS PROVIDED BY:
Michelle Bubalo
Collaborative Property Solutions
317.919.0624
bubalom@hotmail.com

DATE:

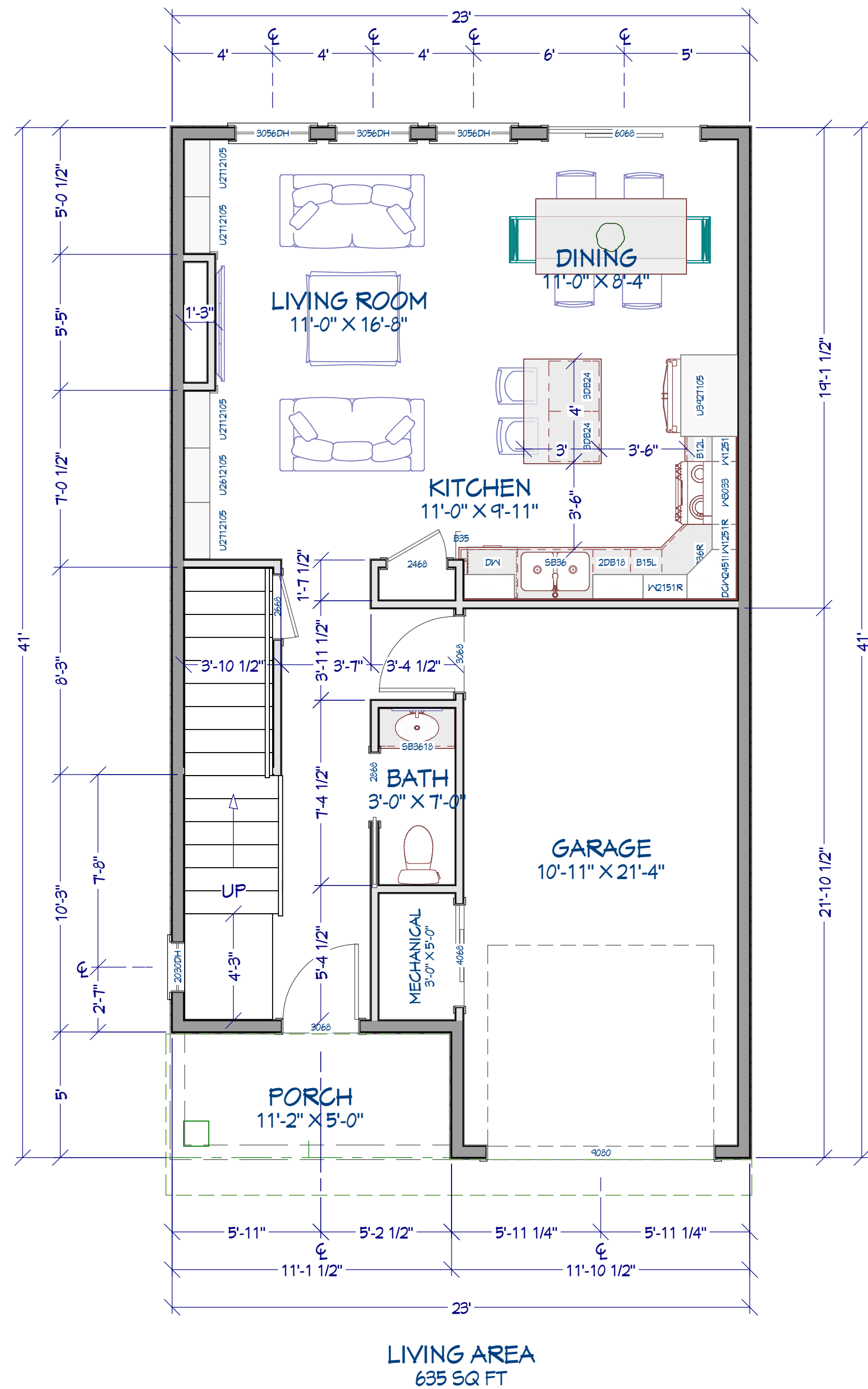
3/31/2025

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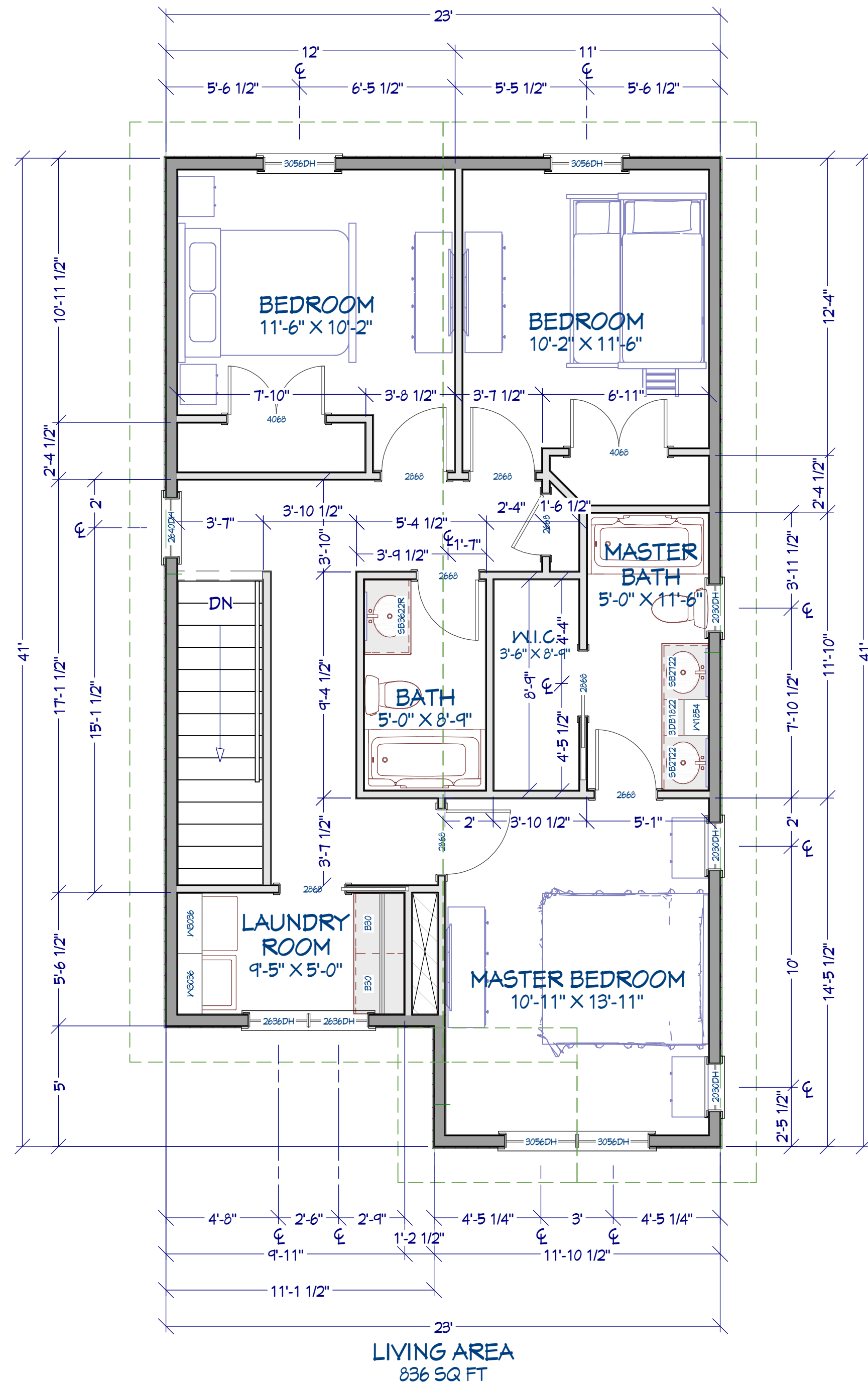
1/4" = 1'-0"

SHEET:

P-1



FLOOR PLAN



SECOND FLOOR PLAN



MUCH THOUGHT AND ATTENTION TO DETAIL HAS GONE INTO THE DEVELOPMENT OF THESE HOUSE PLANS. HOWEVER, THE PLANS ARE PROVIDED AS A GUIDE ONLY. THE BUILDER OF THESE PLANS SHOULD CHECK ALL DIMENSIONS, QUANTITIES AND STRUCTURAL MEMBERS BEFORE CONSTRUCTION BEGINS. COLLABORATIVE PROPERTY SOLUTIONS ASSUMES NO LIABILITY FOR ERRORS OR OMISSIONS IN THE DESIGN OF THESE PLANS.

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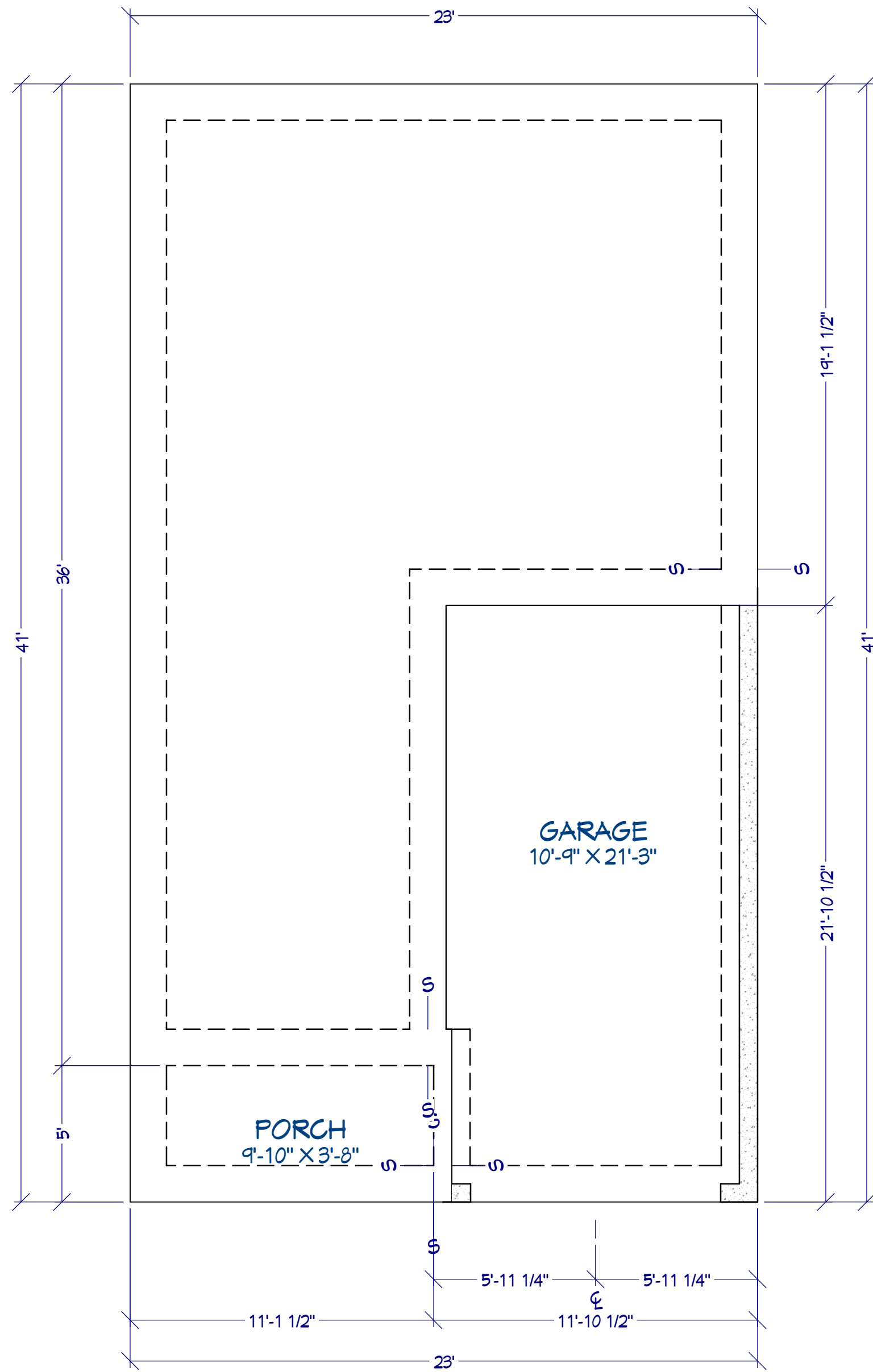
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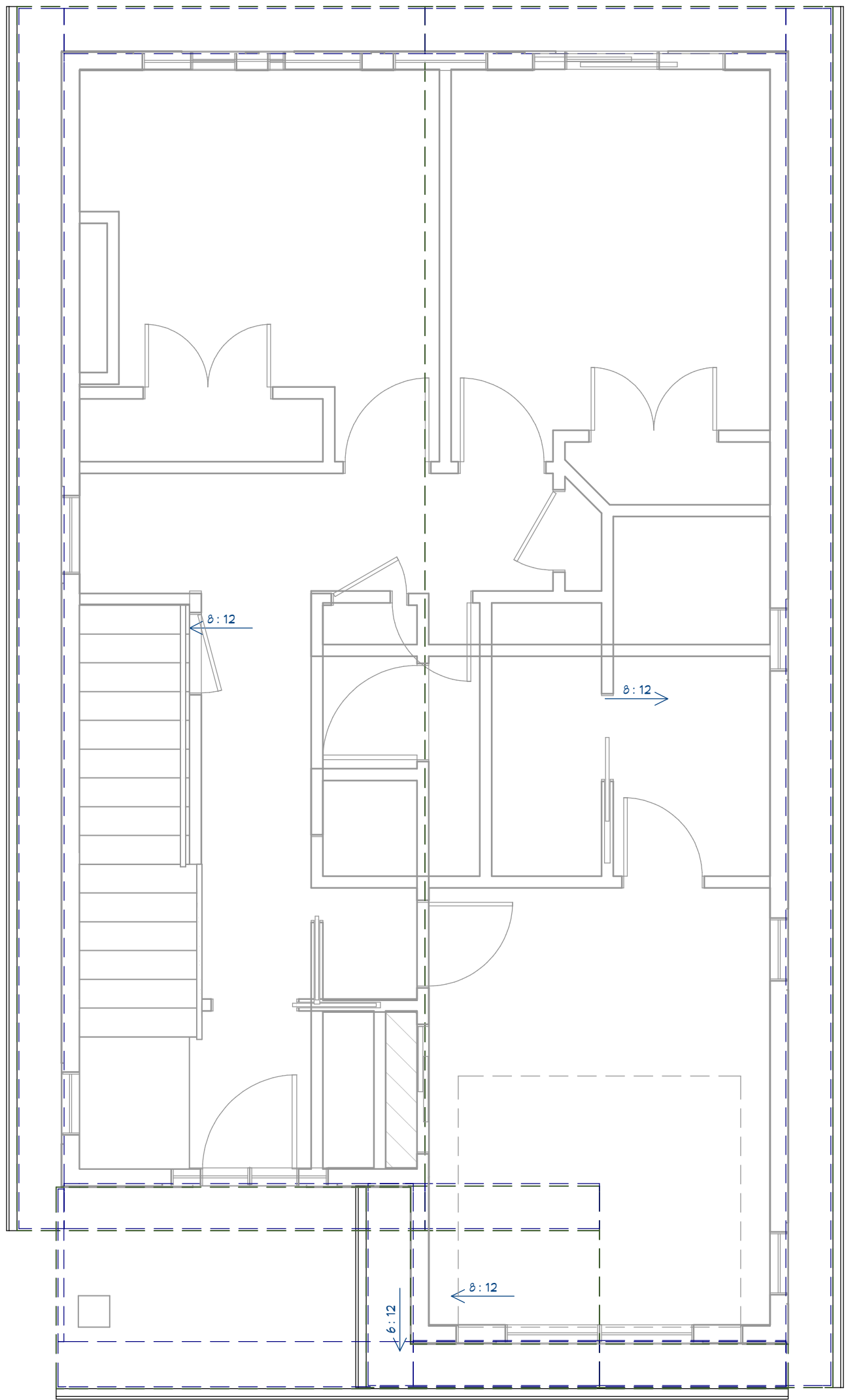
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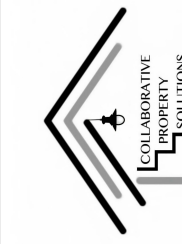
P-2



FOUNDATION PLAN



ROOF PLAN



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8' Ceilings 2nd Floor

Matt Burks
FOUNDATION &
ROOF PLANS

DRAWINGS PROVIDED BY:
Michelle Bubalo
Collaborative Property Solutions
317.919.0624
bubalodm@hotmail.com

DATE:

3/31/2025

SCALE:

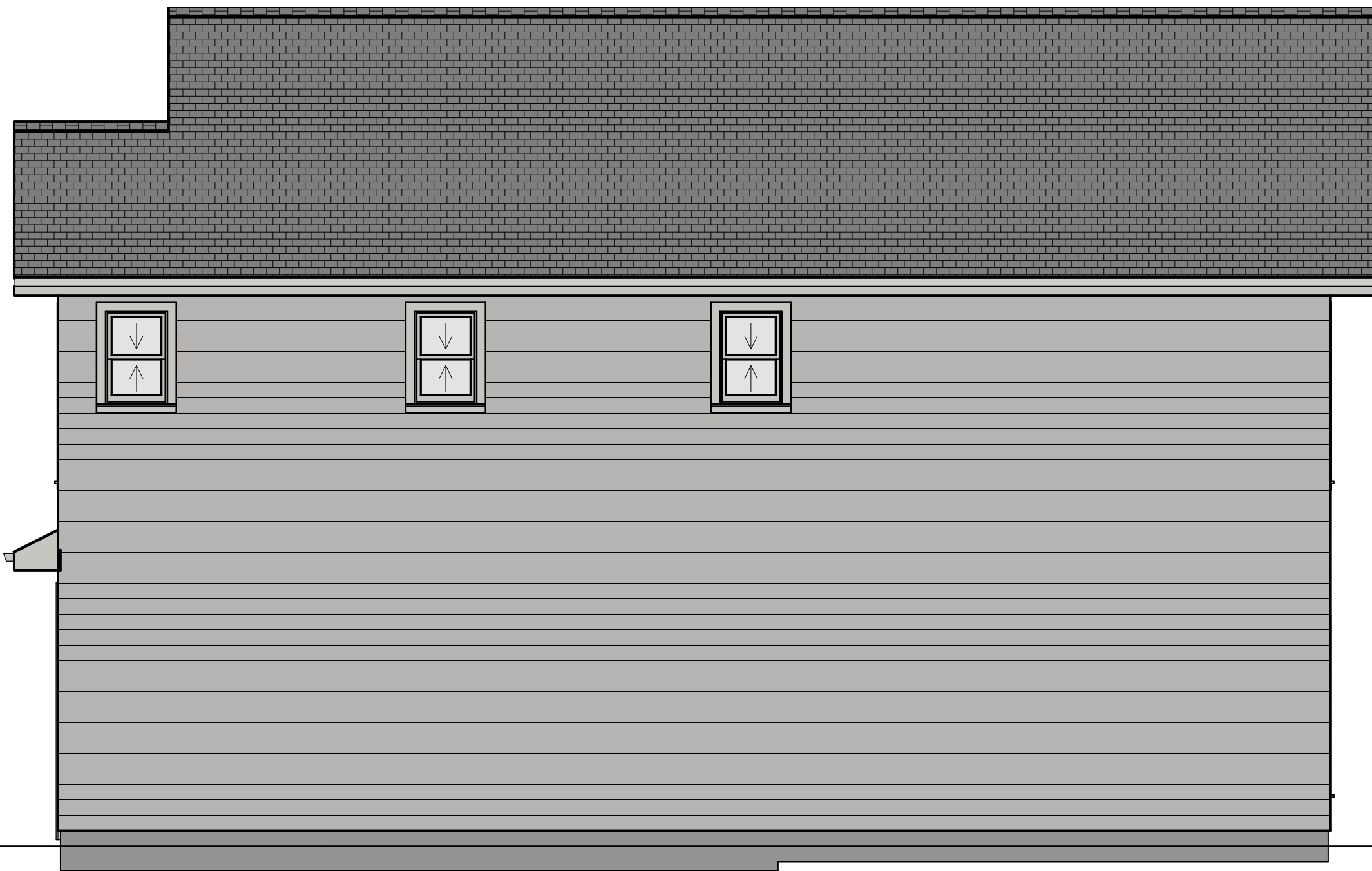
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SHEET:

P-3



EXTERIOR ELEVATION - FRONT



EXTERIOR ELEVATION - RIGHT



EXTERIOR ELEVATION - REAR



EXTERIOR ELEVATION - LEFT



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ELEVATIONS

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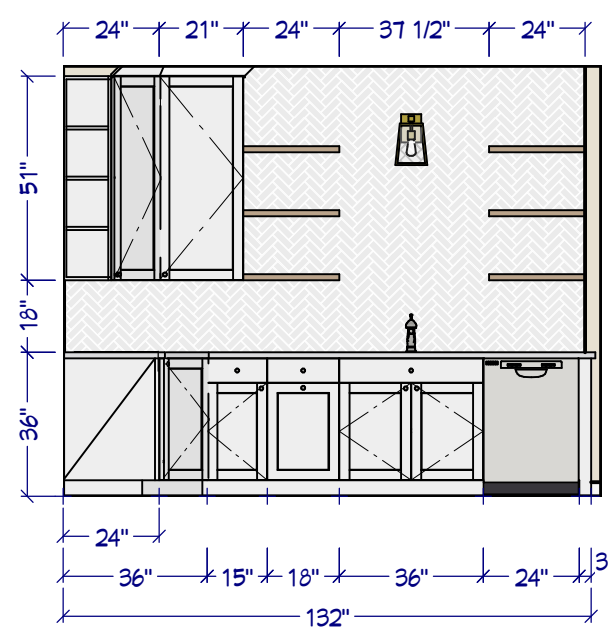
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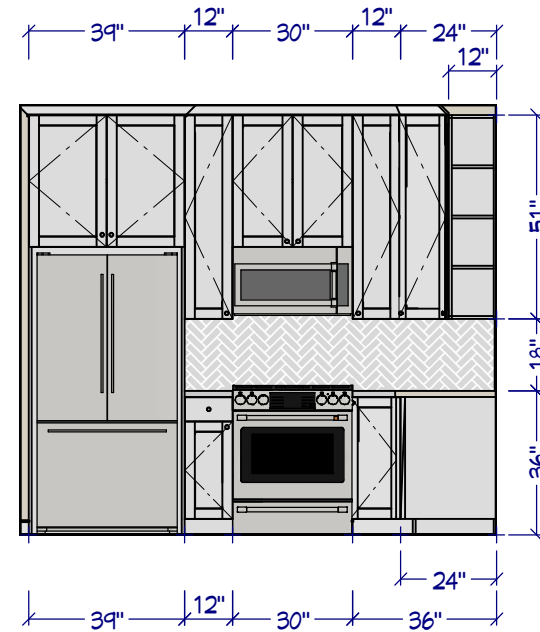
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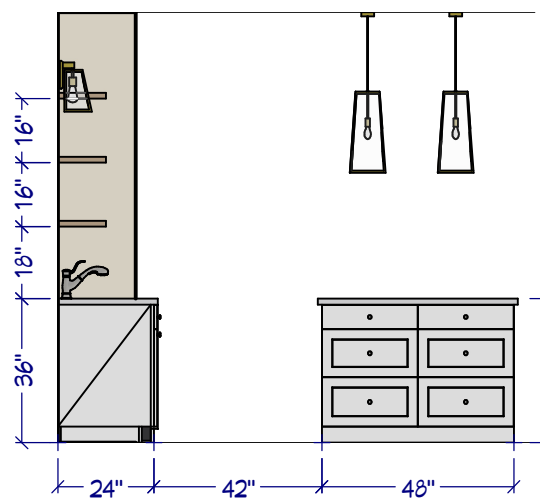
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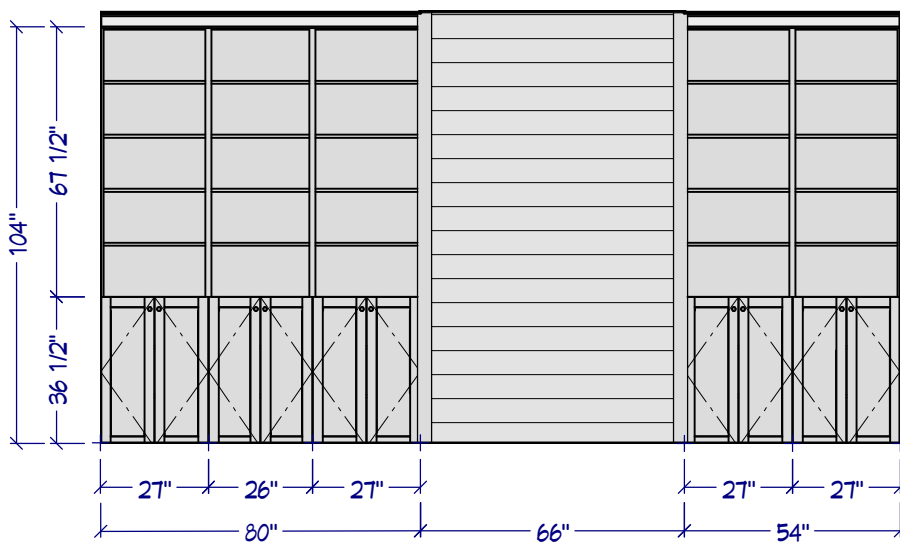
KITCHEN



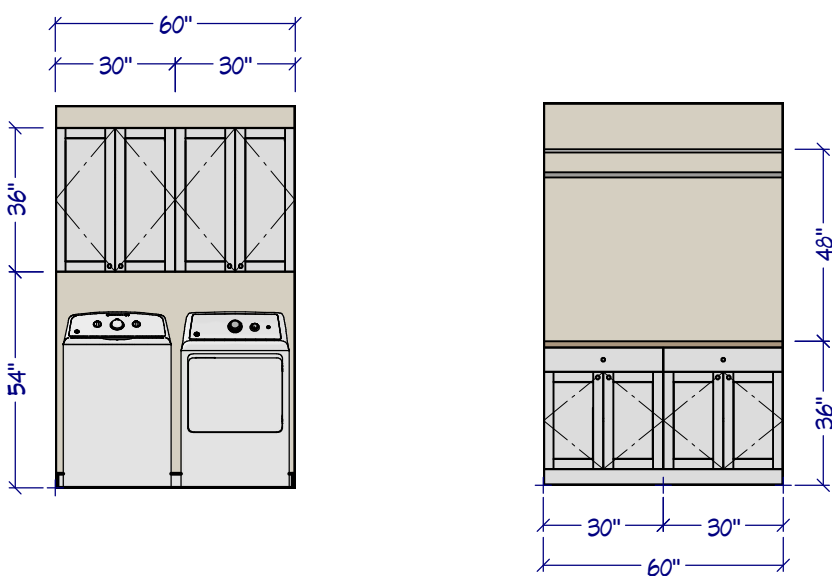
KITCHEN



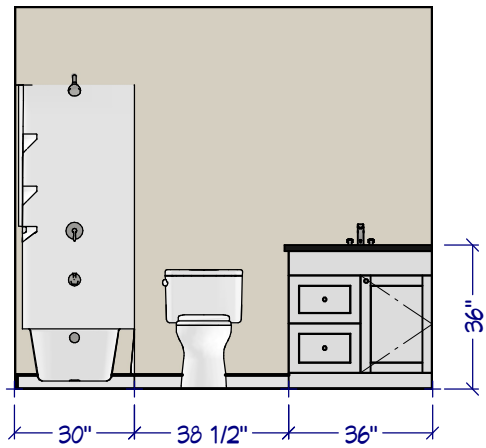
KITCHEN - ISLAND



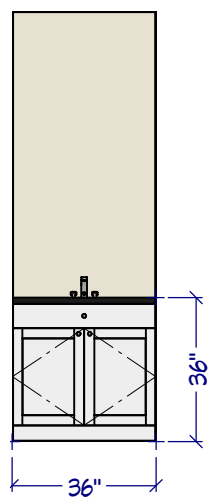
LIVING ROOM BUILT-INS



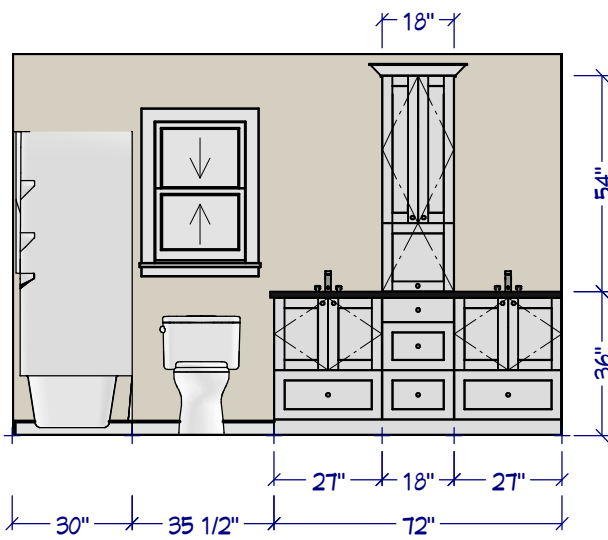
LAUNDRY ROOM LAUNDRY ROOM



GUEST BATHROOM



HALF BATHROOM



MASTER BATHROOM



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Matt Burks
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DATE:

3/31/2025

SCALE:

1/4" = 1'-0"

SHEET:

P-5