

AGENDA

BOARD OF ZONING APPEALS

Ellettsville Town Hall

1150 W. Guy McCown Drive, Ellettsville, Indiana

Wednesday, August 13, 2025 - Meeting Starts at 6:00 P.M.

Pledge of Allegiance

Roll Call

Approval of Minutes – May 14, 2025

Monthly Conflict of Interest Statement

Old Business

New Business

Request for a Variance from Development Standards to Waive the Landscaping Requirements in the Unified Development Ordinance, Section 4.5(K)(1) for the Harman Farms, Phase 1, Subdivision; Petitioner: Harman Farms Development, LLC; Case No. PC 25-08

Request for a Variance from Development Standards to Reduce the West Front Yard Setback to 9'4" and the East Front Yard Setback to 3'10" from the Property Line; Petitioner: Kenneth Long; Case No. PC 25-07

Planning Department Comments

Next meeting is scheduled for September 10, 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: Aug 13, 2025 06:00 PM Indiana (East)

Join Zoom Meeting

<https://us02web.zoom.us/j/87398167092?pwd=TAX5cClAjFyCgL82uvNTgX5euMgl0u.1>

Meeting ID: 873 9816 7092

Passcode: 490052

One tap mobile

+13017158592,,87398167092#,,, *490052# US (Washington DC)

+13052241968,,87398167092#,,, *490052# US

Join instructions

<https://us02web.zoom.us/join/87398167092?signature=dqlfZ6yWjEZa3prLEjD1up1Nk9uUjxiqPdKKZ9qwpKo>

May 14, 2025

The Ellettsville, Indiana Board of Zoning Appeals met on Wednesday, May 14, 2025, David Drake called the meeting to order at 6:06 p.m. David Drake led the Pledge of Allegiance.

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

Election of Vice President

David Drake made a motion to approve Pat Wesolowski as Vice President. Traves Conyer seconded. Motion carried.

Approval of Minutes-February 12, 2024

Pat Wesolowski made a motion to approve the minutes from February 12, 2025. David Drake seconded. Motion carried.

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

Denise Line, Planning Director, began by introducing Kaleb Plummer as the new BZA board member and Darla Brown as the Town Attorney.

Denise Line, Planning Director, clarifies that the plat included in the packet is conceptual and does not represent the final layout of the subdivision. It is intended to show boundaries, special features, and other relevant information. The parcels will require further engineering, and additional elements such as streets, sidewalks, a playground, a multi-use path, infrastructure, and a retention pond will need to be incorporated. The property is zoned R-1 Single Family Residential and Stables Subdivision will consist of single family residential. Denise explains that the Petitioner, Matthew Burks Properties, LLC, is requesting the following variances to the development standards for the Stables Subdivision:

1. Reduce the minimum lot width to 35 feet;
2. Reduce the minimum lot area to 3,000 square feet;
3. Reduce the minimum side yard setback to six (6) feet;
4. Reduce the minimum front yard setback to 14 feet; and
5. Reduce the minimum rear yard setback to a minimum of 16 feet.

The board must consider 6 design criteria that must be met.

1. General Welfare
2. Adjacent Property
3. Practical Difficulty
4. Compliance with Comprehensive Plan
5. Financial Hardship

A.J. Willis, Project Engineer for Bynum Fanya & Associates, Inc., Petitioner Representer for Matthew Burks Properties, LLC., discussed the proposed development which involves construction of a single-family residential neighborhood with a mix of lot sizes. The existing site contains several environmental constraints that limit buildable areas, rendering a significant portion of the property unbuildable. To accommodate the desired number of lots within the buildable area, the developer is requesting variances to reduce the lot sizes.

Sean Slaven, resident, expressed concerns about traffic congestion and questioned how sewage problems would be addressed.

Micheal Null, resident, was concerned about the development could compromise the distinctive features and natural character of the property.

Scott Wilson, resident, expressed his concerns about the declining property values, reduced lot sizes, increased traffic, and the potential for property flooding.

Bob Tatlock, resident, complained that traffic in the area is already problematic and raised concerns about the safety of the schoolchildren as a result.

Barbara McConnel, resident, expressed concerns about traffic congestion in the area.

Ed Mulfell, resident, raised complaints about existing traffic conditions and the potential for further congestion.

Lindsey Martin, resident, Zoom call) expressed concerns about the subdivision’s potential impact on local schools, specifically how it might affect school capacity and traffic flow for school buses.

Denise Line, Planning Director, explained that this was not the first instance in which the committee had been approached with a similar variance request.

David Drake explained that the schools will eventually adapt to accommodate the increase in students and traffic resulting from the development and to remind the complainants that the Board of Zoning Appeals (BZA) is only responsible for addressing the variances presented to them and does not have authority over the other concerns raised.

David Drake made a motion to approve the variance and Pat Wesolowski seconded the motion. Roll call: David Drake-yes; Traves Conyer-yes; Pat Wesolowski-no; and Kalab Plummer-no. Motion tied. The vote was tabled for further discussion.

Planning Development Comments

Next meeting will be June 11, 2025

Adjournment

Meeting adjourned at 7:05p.m.

David Drake, President

Pat Wesolowski, Vice President

Traves Conyer

Kaleb Plummer

Renee Jones, Secretary



Town of Ellettsville

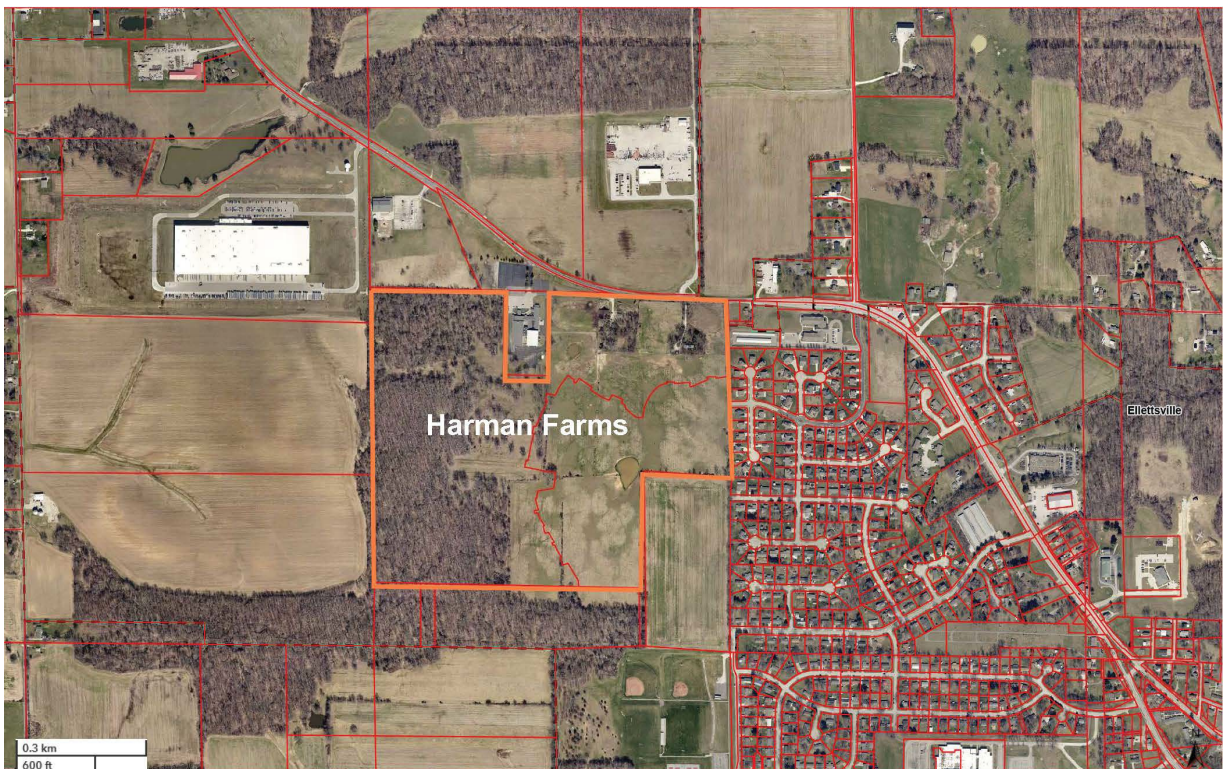
Department of Planning & Development

BZA 25-08 –Variance from Development Standards Staff Report

Petition

Case - BZA 25-08. A request by Harman Farms Land, LLC, consideration of a variance for front yard plantings pursuant to the Unified Development Ordinance for Harman Farms, Phase 1. The subject parcels are located at 7633 W. State Road 46.

Surrounding Zoning Districts & Uses



Surrounding Zoning Districts & Uses

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

Considerations

1. The Petitioner is requesting a variance from development standards, specifically Unified Development Ordinance (UDO) 4.5(K)(1), Required Front Yard and Foundation Plantings, in the Harman Farms Subdivision, Phase 1.

UDO 4.5(K)(1) states “Each property owner is required to provide the required landscaping and foundation landscaping outlined in Table 4.4: Required Front Yard and Foundation Plantings.”

TABLE 4.4: REQUIRED FRONT YARD AND FOUNDATION PLANTINGS

<i>Zoning of Subject Property</i>	<i>Minimum Plantings Required per 100 Linear Feet¹</i>	<i>Minimum Foundation Plantings Required per 100 Linear Feet of Building²</i>
<i>AG</i>	<i>N/A</i>	<i>N/A</i>
<i>R1, R2</i>	<i>N/A</i>	<i>N/A</i>
<i>R3</i>	<i>2 canopy trees, 4 evergreen trees, and 6 shrubs or ornamental trees</i>	<i>6 shrubs or ornamental trees</i>
<i>D1</i>	<i>N/A</i>	<i>N/A</i>
<i>C1</i>	<i>2 canopy trees, 4 evergreen trees, and 6 shrubs or ornamental trees</i>	<i>6 shrubs or ornamental trees</i>
<i>C2</i>	<i>2 canopy trees, 4 evergreen trees, and 6 shrubs or ornamental trees</i>	<i>6 shrubs or ornamental trees</i>
<i>I-1 & I-2</i>	<i>4 canopy trees, 6 evergreen trees, and 8 shrubs or ornamental trees</i>	<i>8 shrubs or ornamental trees</i>

1 – Minimum plantings required per 100 linear feet (including driveways) as measured along the front yard of the property line

2 – Minimum plantings required per 100 linear feet of the building facade along the front yard only

2. Phase 1 of Harman Farms is zoned Commercial 1 (C1).
3. Under Table 4.4, the landscaping is based on the zoning district, not the use.
4. The Board of Zoning Appeals has approved a special exception for single-family attached and detached for Harman Farms, Phase 1,
5. 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.
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. 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 variance (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.

- 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 strict application of UDO 4.4(K)(1) will not enhance the different types of housing approved by the Plan Commission and variances previously approved by the Board of Zoning Appeals.

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

Staff Finding:

The variance from development standards will enhance the mixed-use residential in the village

center concept as 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:

The current status of the development does not result in financial hardship from a condition peculiar to the property. However, it will result in financial hardship as the landscaping required by the UDO does not take into consideration the variances from development standards for lot sizes and other topics previously approved by the Board of Zoning Appeals and the Plan Commission.

- 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 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 variance meets all requirements and, therefore, recommends approval of the variance request. The Board may approve the variance if, after testimony and discussion, it finds that the request meets all six (6) 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

August 13, 2025





BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

July 21st, 2025

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

RE: Harman Farm Subdivision
Variance Request

Denise Line or To Whom It May Concern:

Our client, Chris Smtih, respectfully requests approval of the variances listed below for the Harman Farm Subdivision.

Project Narrative:

The proposed development consists of the construction of mixed-use neighborhood commercial district. 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 total lot count and lot mix for the entire site has yet to be determined. This project is expected be a long term development and will evolve as construction. The property is currently zoned C-1. The purpose of this Board of Zoning Appeals petition is to apply the single-family residential landscaping standards to the single-family residential areas of the site. Harman Farm Subdivision Phase 1 only consists of single-family residential. The developer would be required to plant 3 large trees and three ornamental trees in the front yard of every single-family lot that is 40' wide. Additionally, street trees were required as part of the original approval of this development. All single-family lots are served with individual utility lines. Therefore, each lot will have a sanitary line, water service line, electrical service line, communications line, and potentially gas line in the front yard of each lot. It is not possible to fit 6 trees and all necessary utilities lines in the front yard of each lot.

This proposed development is proposing a waiver (1 item) from the current UDO:

1. UDO Section 4.5 (K)(1) – Required Front Yard and Foundation Plantings – Each property owner is required to provide the required landscaping and foundation landscaping outlined in Table 4.4: Required Front Yard and Foundation Plantings.
 - a. Request that an exception be added to this section for single-family uses located within the C-1 zoning district.

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

Sincerely,
Bynum Fanyo & Associates, Inc.

A.J. Willis, Project Engineer

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990



Town of Ellettsville

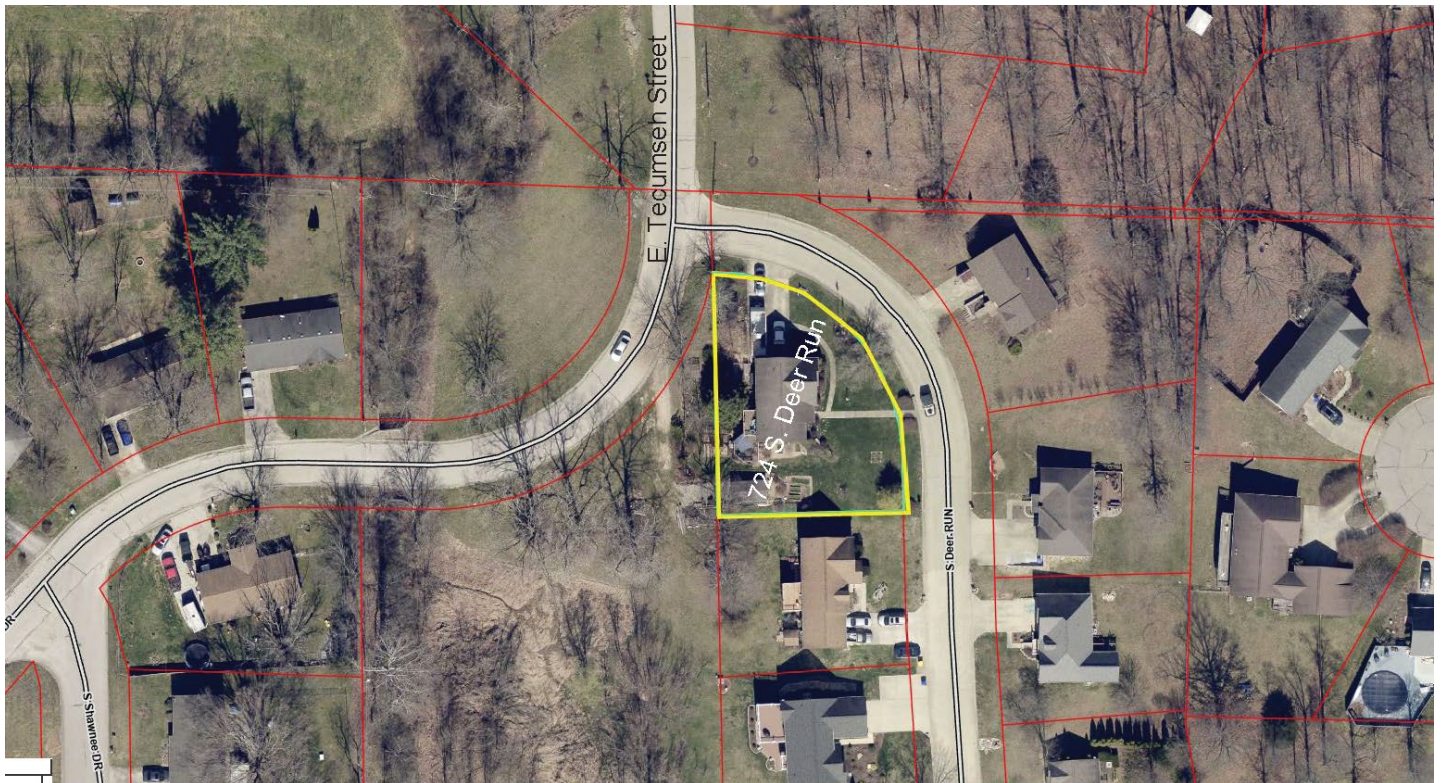
Department of Planning & Development

BZA 25-07 - Variance from Development Standards Staff Report

Petition

Case - BZA 25-07. A request by Petitioner, Kenneth Long, for a variance from development standards in the Unified Development Ordinance to reduce the west front yard setback to 9'4" and the east front yard setback to 3'10" from the property line. The subject parcel is located at 724 S. Deer Run.

Parcel Location



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	Single Family Residential
West: R-1; Single Family Residential	Town of Ellettsville – Tecumseh Pocket Park

Considerations

1. The Petitioner is requesting a variance from development standards to allow a carport to be located within the front yard setback pursuant to the Unified Development Ordinance. Thus reducing the west side of the front yard setback to 9'4" and the east side of the front yard setback to 3'10" from the property line.
2. Petitioner has already installed a 22' x 30' (660 square feet) carport on his driveway.
3. The carport is located within the front yard setback which is 25 feet as required by the Unified Development Ordinance.
4. The Petitioner has not been assessed a fine for installing the carport without a permit because they're appearing before the Board of Zoning Appeals.
5. That the Petitioner has encroached on the Town of Ellettsville Tecumseh Pocket Park ("Pocket Park") on the west side of the parcel with other structures and a driveway. The Town Manager, however, has advised not to obtain compliance until we start construction in the Pocket Park.
6. The Petitioner's request for a development standard variance is the only item to be considered by this Board of Zoning Appeals.
7. 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.
8. 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.
9. 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.

10. 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 request to allow the carport to remain in the front yard setback 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 allowing a carport to remain in the front yard setback 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:

There is not a practical difficulty as Petitioner put up a carport without a building permit without consideration of the Unified Development Ordinance.

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

Staff Finding:

The variance request is not under the purview of 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 allowing a carport to set in the front yard setback and is obviously not due to a financial hardship since Petitioner has already installed the carport in the setback. Therefore, the condition is not peculiar to the property.

- 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 except for the encroachment of personal property and a driveway on the Tecumseh Pocket Park owned by the Town of Ellettsville.

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. Due to this requirement, Staff does not find a practical difficulty. Therefore, based on the above criteria, staff does not recommend approval of the carport totaling 660 square feet.

The Board may approve the variance 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

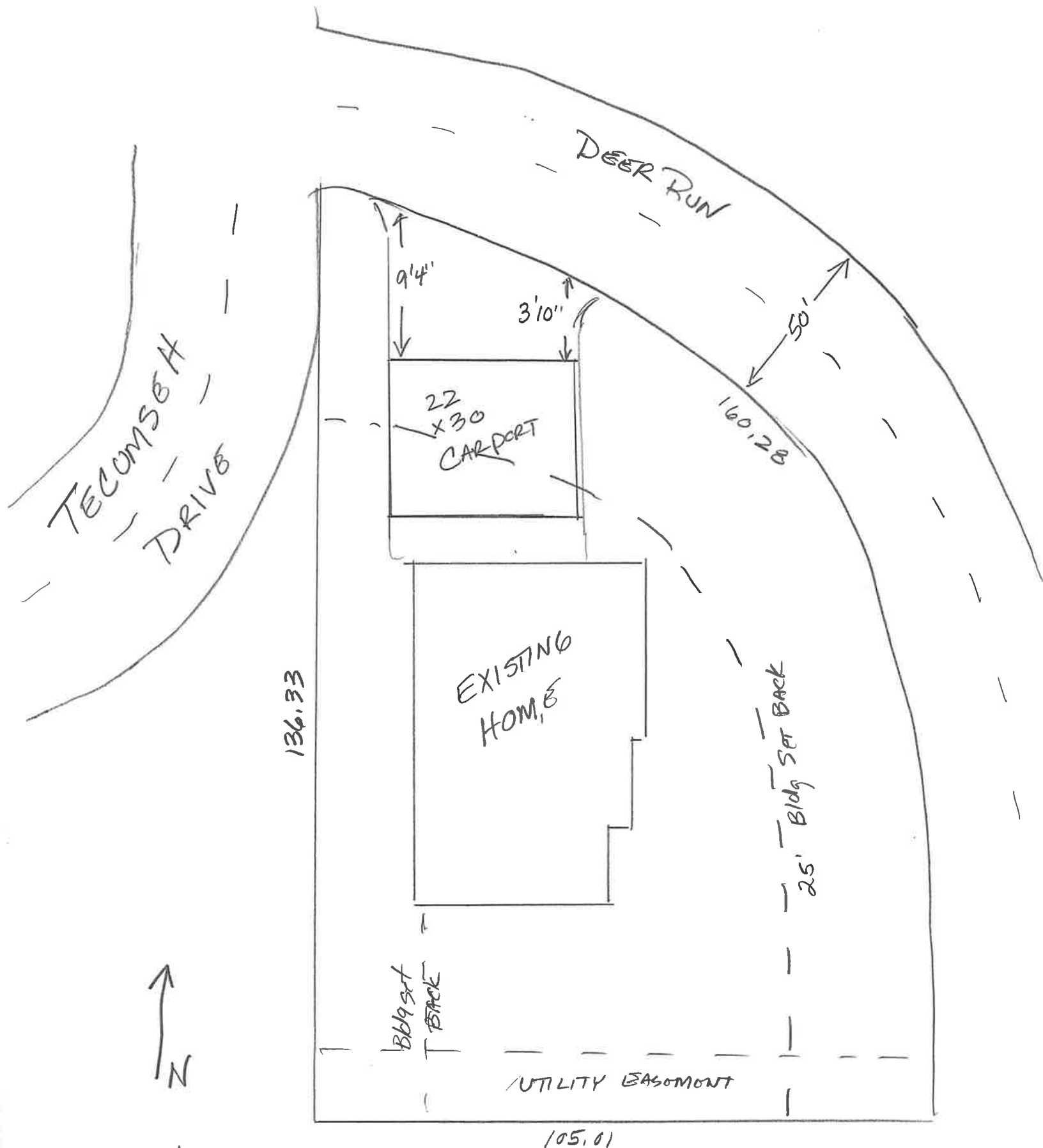
Director of Planning, Town of Ellettsville

August 13, 2025

Staff Photos:



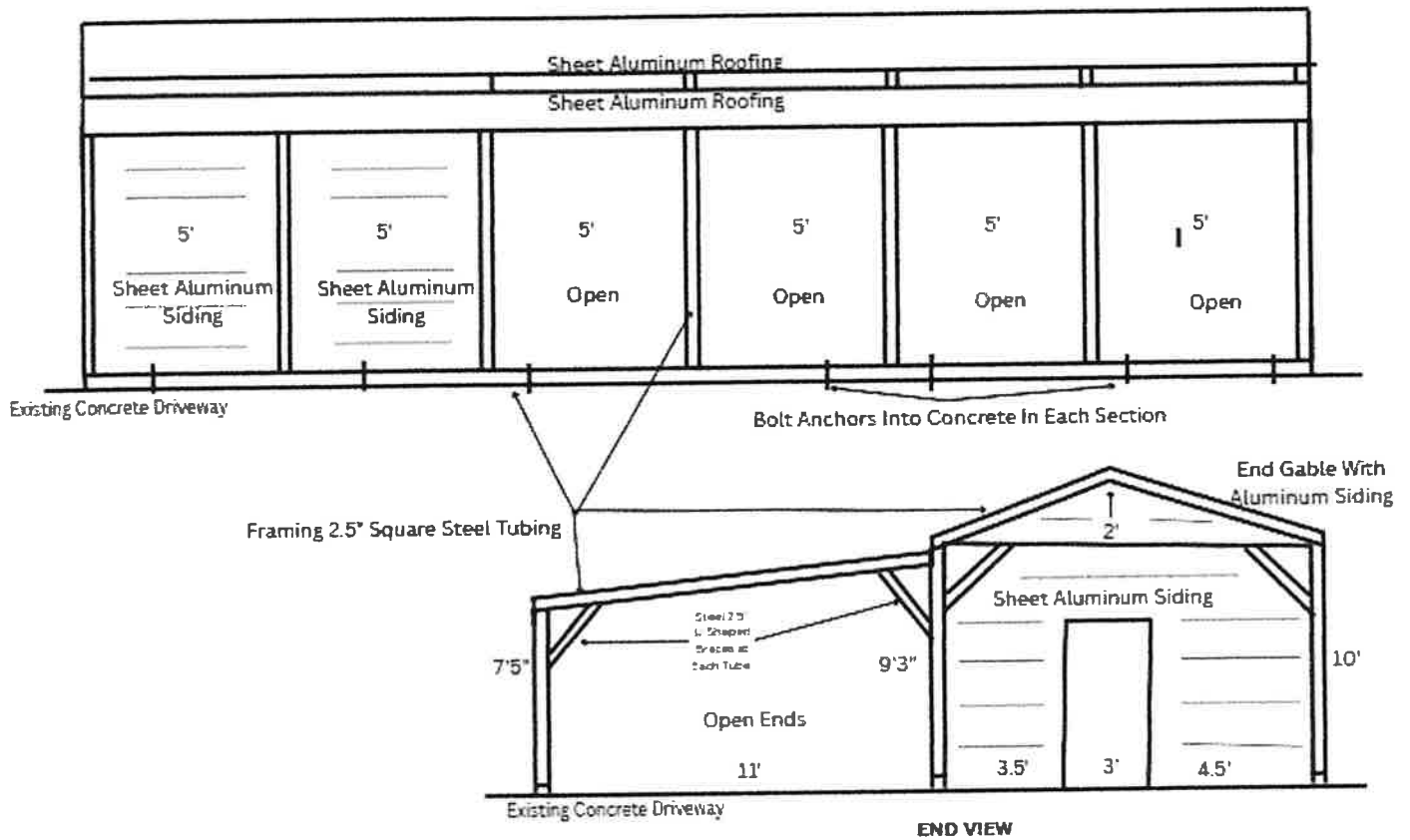




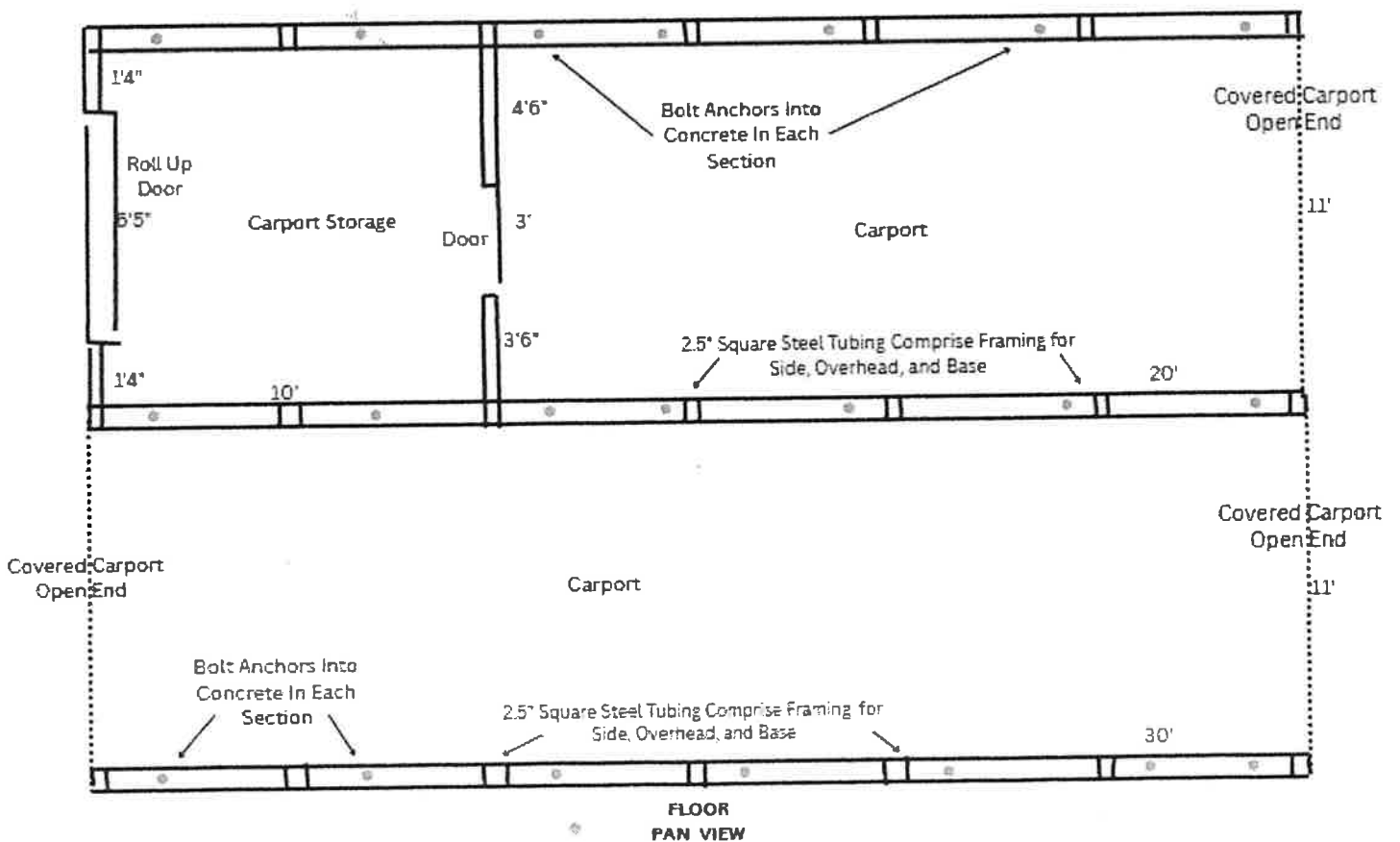
KENNETH LONG
SITE PLAN
NOT TO SCALE

Side, End, and Floor Plan

SIDE VIEW



END VIEW



FLOOR
PAN VIEW