

AGENDA
ELLETTSVILLE BOARD OF ZONING APPEALS
Town Hall
1150 W. Guy McCown Drive
Ellettsville, Indiana
Thursday, December 10, 2025 - 6:00 P.M.

<p>Town of Ellettsville Board of Zoning Appeals Members</p> <p>Town Council President Appointments:</p> <ul style="list-style-type: none">• Traves Conyer Current Term: 1/23/23 – 12/31/25• Kaleb Plummer Current Term: 4/14/25 – 12/31/26• Pat Wesolowski Current Term: 1/8/24 – 12/31/27 <p>Appointed by Council Vote:</p> <ul style="list-style-type: none">• Matt Siebott Current Term: – 12/31/26 <p>Plan Commission Vote:</p> <ul style="list-style-type: none">• David Drake Current Term: 2/2/23 – 12/31/26	<p>Pledge of Allegiance</p> <p>Roll Call</p> <p>Approval of Minutes –November 12, 2025</p> <p>Monthly Conflict of Interest Statement</p> <p>Old Business</p> <p>New Business</p> <p>Petition for a Variance from Development Standards to Increase the Maximum Rear Yard Fence Height to Eight Feet (8’) for 6171 N. Litten Court; Petitioner: Robert Henry; Case No. BZA 25-13</p> <p>Planning Department Update</p> <p>Next Meeting – January 14, 2026</p> <p>Privilege of the Floor – Non-Agenda Items</p> <p>Plan Commission Comments</p> <p>Adjournment</p>
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The Town of Ellettsville Board of Zoning Appeals is inviting you to a scheduled Zoom meeting.

Topic: Board of Zoning Appeals

Time: Dec 10, 2025 06:00 PM Indiana (East)

Join Zoom Meeting

<https://us02web.zoom.us/j/87068588385?pwd=TiJeKtYdcSnlNmYgQ3az8QMY1hSZiR.1>

Meeting ID: 870 6858 8385

Passcode: 143776

One tap mobile

+13126266799,,87068588385#,,,,*143776# US (Chicago)

+16469313860,,87068588385#,,,,*143776# US

Join instructions

<https://us02web.zoom.us/join/87068588385/invitations?signature=9l0rTRj0P-fAnT41VPBcUSNPE7KTYDlSArEy4-jLnvE>



Town of Ellettsville

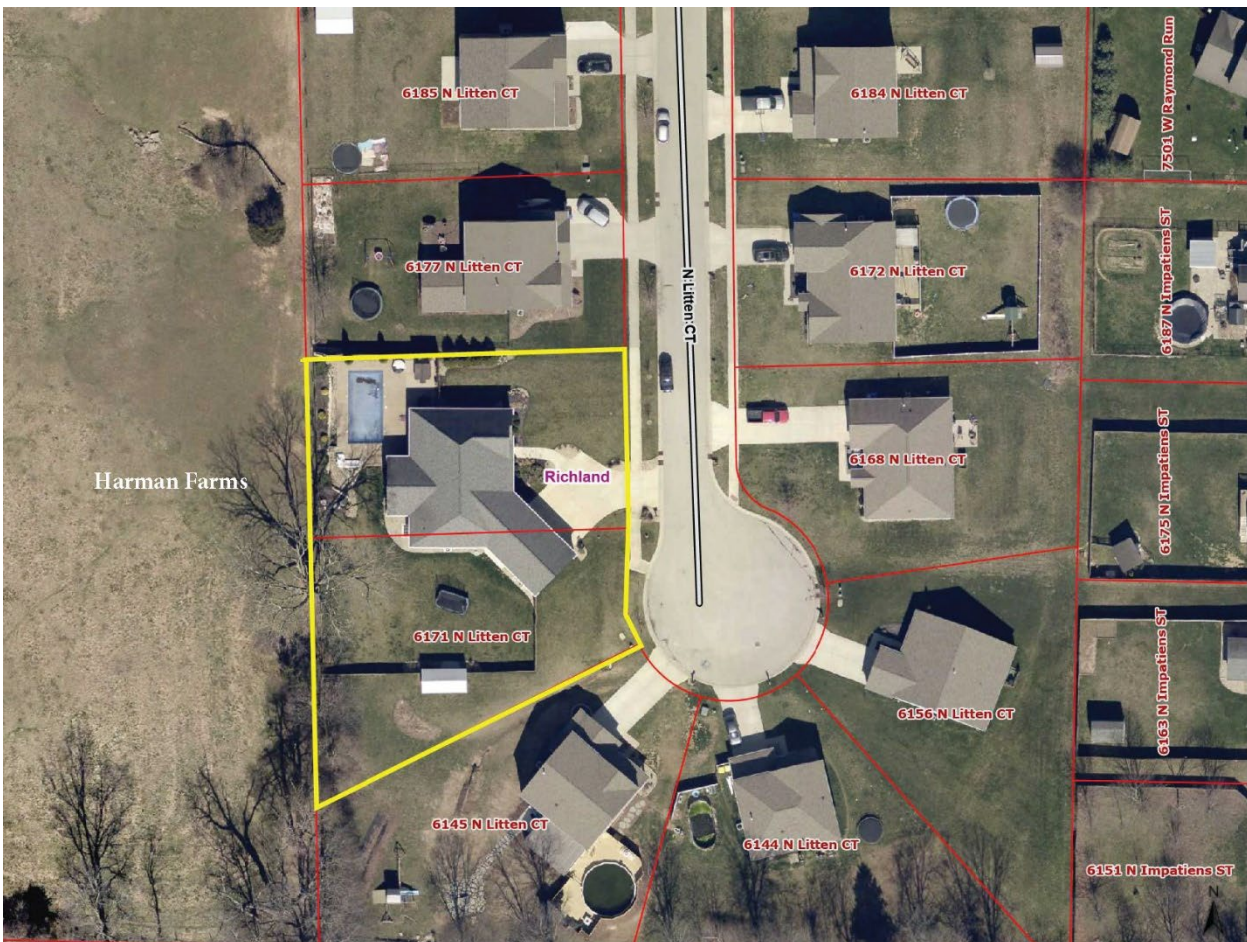
Department of Planning & Development

BZA 25-13 – Variance from Development Standards Staff Report

Petition

Case - BZA 25-13. A request by Robert Henry for consideration of a variance from development standards to increase the maximum fence height to eight feet (8') for the rear yard. The subject parcel is located at 6171 N. Litten Court.

Location Map



Surrounding Zoning Districts & Uses

Zoning District	Property Use
North: PUD; Planned Unit Development	Single Family Residential
South: R-1; Single Family Residential	Single Family Residential
East: PUD; Planned Unit Development	Single Family Residential
West: C-1; Neighborhood Commercial	Mixed Use Residential

Considerations

1. This petition is a request by Robert Henry for consideration of a variance from development standards to increase the maximum fence height to eight feet (8') for the rear yard. The subject parcel is located at 6171 N. Litten Court.
2. Petitioner is seeking a variance from development standards to increase the maximum fence height to eight feet (8') for the rear yard.
3. Unified Development Ordinance, Section 4.2(3)(c) requires a maximum fence height of six feet (6') for rear yards.
4. The Petitioner currently has a rear yard fence that is approximately four feet (4') tall.
5. The existing fence separates Petitioner's rear yard from the adjacent property which is Harman Farms.
6. Harman Farms has been doing grading work and installing infrastructure which has created a berm overlooking the Petitioner's rear yard.
7. The developer of Harman Farms, Chris Smith, agrees with Petitioner's request to increase the maximum fence height for the rear yard to eight feet (8').

Criteria For Decisions – Variances 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 of the variance from development standards will not be injurious to the public health, safety, morals and general welfare of the community.

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 adjacent property owner agrees to increase the maximum fence height to eight feet (8') so his property will not be affected in an adverse manner.

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:

When Petitioner installed the existing four foot (4') tall fence in his rear yard, the ground of the adjacent property had not yet been graded for the new development. Presently, the developer of Harman Farms, which is the adjacent property, has been grading his parcel and installing infrastructure. This has resulted in a berm that overlooks the Petitioner's rear yard. The

Petitioner has lost the privacy they once enjoyed in the rear yard.

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

Staff Finding:

The request for a variance from development standards is substantially in compliance with the existing comprehensive plan.

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

Staff Finding:

The property does have a peculiar condition that requires a development standards variance to increase the maximum fence height in the rear yard to eight feet (8'). The Petitioner's parcel now sits significantly lower than the adjacent property.

- 5. 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 request to increase the maximum fence height from six feet (6') to eight feet (8') should be granted. 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
December 10, 2025

Outline of the Fence Area



Current Fence and Adjacent Property View



Current Fence Photos

