

**AGENDA**  
**ELLETSVILLE BOARD OF ZONING APPEALS**  
**Town Hall**  
**1150 W. Guy McCown Drive**  
**Ellettsville, Indiana**  
**Thursday, January 14, 2026 - 6:00 P.M.**

<p><b>Town of Ellettsville Board of Zoning Appeals Members</b></p> <p>Town Council President Appointments:</p> <ul style="list-style-type: none"><li>• Traves Conyer Current Term: 1/23/23 – 12/31/25</li><li>• Kaleb Plummer Current Term: 4/14/25 – 12/31/26</li><li>• Pat Wesolowski Current Term: 1/8/24 – 12/31/27</li></ul> <p>Appointed by Council Vote:</p> <ul style="list-style-type: none"><li>• Vacant Current Term: – 12/31/26</li></ul> <p>Plan Commission Vote:</p> <ul style="list-style-type: none"><li>• David Drake Current Term: 2/2/23 – 12/31/26</li></ul>	<p><b>Pledge of Allegiance</b></p> <p><b>Roll Call</b></p> <p><b>Election of Officers</b></p> <p><b>Approval of Minutes – December 10, 2025</b></p> <p><b>Monthly Conflict of Interest Statement</b></p> <p><b>Old Business</b></p> <p>Petition for Variances from Development Standards to Reduce the Minimum Side Yard Setback to Zero and Remove the Requirement of a Right-of-way Permit for Rear Loaded Homes in Phase 1 of the Harman Farm Subdivision; Petitioner: Harman Farms LLC; Case No. BZA 26-1</p> <p>Petition for a Variance from Development Standards to Allow a Septic in an Agricultural Zoning District; 4601 W. McNeely Street; Petitioner: Michael Ripley; Case No. BZA 2602</p> <p><b>New Business</b></p> <p><b>Planning Department Update</b></p> <p>Next Meeting – February 11, 2026</p> <p><b>Privilege of the Floor – Non-Agenda Items</b></p> <p><b>Plan Commission Comments</b></p> <p><b>Adjournment</b></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: Jan 14, 2026 06:00 PM Indiana (East)

Join Zoom Meeting

<https://us02web.zoom.us/j/82547448793?pwd=GiU2h6R1gBBhf6z8z6kR718Wi7aSm.1>

Meeting ID: 825 4744 8793

Passcode: 797193

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One tap mobile

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+13017158592,,82547448793#,,,\*797193# US (Washington DC)

Join instructions

[https://us02web.zoom.us/meetings/82547448793/invitations?signature=K-A0N7btIXImukJygvQXj3\\_RJ6LCDdAcSBTseLzs7qU](https://us02web.zoom.us/meetings/82547448793/invitations?signature=K-A0N7btIXImukJygvQXj3_RJ6LCDdAcSBTseLzs7qU)



# *Town of Ellettsville*

## *Department of Planning & Development*

### **BZA 26-1 –Variances from Development Standards**

#### **Staff Report**

##### **Petition**

**Case - BZA 26-1.** A request by Harman Farms Land, LLC, for consideration of two variances from development standards: (1) To reduce the side yard setback to zero (0) for certain lot types and (2) Removal of the provision for the requirement of a right-of-way permit for rear-loaded homes from a private alley, in the Harman Farms, Phase 1, Subdivision. The subject parcels are located at 7633 W. State Road 46.

##### **Surrounding Zoning Districts & Uses**



##### **Surrounding Zoning Districts & Uses**

<b>Zoning District</b>	<b>Property Use</b>
<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 two (2) variances from development standards, specifically to change the minimum side yard setback to zero (0) (Unified Development Ordinance (UDO) 2.7(B), C1 Development Standards), and remove the provision for the requirement of a right-of-way permit for rear-loaded homes from a private alley (UDO, 4.4(C)(3), Entrance Drive and Access Management Standards), in the Harman Farms Subdivision, Phase 1 ("Harman Farms").

### **Development Standards Variance – Zero (0) Minimum Side Yard Setback**

2. Harman Farms is located in a Commercial 1 (C-1) zoning district. The developer has obtained a special exception to allow single family detached and attached homes. C-1 zoning requires a side yard setback of ten feet (10').
3. Harman Farms has received primary plat approval for various lot styles. Some of the lots have varying side yard setbacks to offset the homes from the center of the lot.

### **Development Standards Variance – Remove Requirement of Right-of-Way Permits**

4. Harman Farms will have rear loaded homes accessed from a private alley.
5. Upon completion of the subdivision, the alleys in Harman Farms will not be brought into the Town of Ellettsville's street inventory.
6. All alleys in Harman Farms will be managed by a homeowners association.
7. Indiana Code (IC 36-7-4-918.5) requires the following criteria be met in order to approve a variance from 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 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. 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 variances will not affect adjacent properties in a substantially adverse manner. 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 strict application of UDO 4.4(K)(1) will 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 variances from development standards will enhance 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 it will require the primary plat and standards approved for the development to be amended resulting in significant expense and delay to the developer.

- 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 variances meet all requirements and criteria 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 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  
January 14, 2026





# Town of Ellettsville

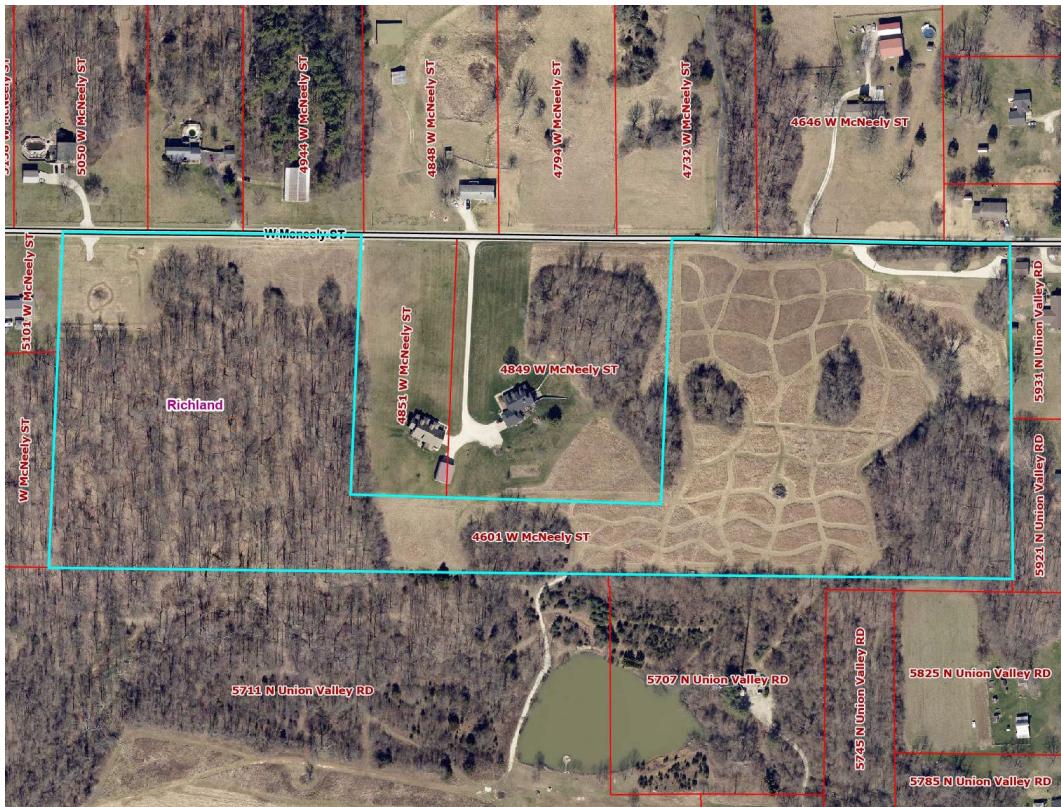
## Department of Planning & Development

### BZA 26-2 – Variance from Development Standards Staff Report

#### Petition

**Case - BZA 26-2.** A request by Michael Ripley, for consideration of a variance from development standards to allow septic in an Agricultural Zoning District. Subject parcels are located at 4601 W. McNeely Street.

#### Surrounding Zoning Districts & Uses



#### Surrounding Zoning Districts & Uses

Zoning District	Property Use
<b>North:</b> Agricultural Residential (AGR); Monroe County	Single Family Residential
<b>South:</b> Agricultural Residential (AGR); Monroe County Residential 1 (R-1)	Single Family Residential
<b>East:</b> Agricultural Residential (AGR) & Residential 1 (RES); Monroe County	Single Family Residential
<b>West:</b> Residential 1 (R-1)	Single Family Residential

## **Considerations**

1. The Petitioner is requesting a variance from development standards to allow septic in an Agricultural Zoning District for 4601 W. McNeely Street.
2. The subject parcels are located in an Agricultural (AG) Zoning District.
3. The Petitioner has obtained primary plat approval from the Plan Commission for two (2) minor subdivisions at 4601 W. McNeely Street. All lots meet the required minimum of two (2) acres.
4. The Unified Development Ordinance (UDO) is inconsistent in the use of septic systems. Under AG Utility Standards UDO, Section 2.2(B), only municipal water and sewer are required.
5. UDO, Section 7.10(D)(4)(a)(3) states, *“No building permit shall be issued for a structure that is served by a septic system unless a septic permit has been issued by the Monroe County Health Department or the Health Office has authorized an approved system.”*
6. UDO, Section 6.12(B)(1), Utilities, requires a connection to a public sanitary sewer when the subdivision boundary is within 300 feet of one.
  - a. The Ripley Minor Subdivision is approximately 420 feet and the Lot 4 of Ripley Minor Subdivision Amendment 1 is 1,700 feet from the nearest known sewer.
7. UDO, Section 5.3(C), Minor Residential Subdivision Development Standards, states *“No public rights-of-way, public improvements, or utility main extensions are proposed or required.”*
8. Later this year, the Plan Department will request an amendment to add septic as a Utility Standard in the AG zoning district.
9. Indiana Code (IC 36-7-4-918.5) requires the following criteria be met in order to approve a variance from 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.
10. 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.
11. 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 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.

12. 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.

**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 minor subdivisions consist of four lots each. The UDO does not provide a mechanism for minor subdivisions to install sewers.

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

*Staff Finding:*

A variance from development standards will enhance the Planned Neighborhood land use typology. Under the Comprehensive Plan, Planned Neighborhood lot sizes and intensity of development vary based on housing type with four (4) dwelling units an acre. Ripley's minor subdivisions exceed Planned Neighborhood expectations with large lot residential and a minimum of two (2) acre lots.

**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 minor subdivisions results in financial hardship from a condition peculiar to the property. The two minor subdivisions are derived from one parcel that is the shape of an "U" and in the center is a parcel with two (2) homes, both of which are not

connected to sewer.

**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 criteria 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  
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