Floyd County Board of Zoning Appeals
Minutes

The regular meeting of the Floyd County Board of Zoning Appeals was held on September 8, 2025 at 5:00 pm at the following address:

Pineview Government Center
2524 Corydon Pike
New Albany, IN 47150

ROLL CALL

Present: Larry Bibelhauser, Victor Unruh, Guy Heitkemper, Scott Whalen, Bill White
Absent: none
Other: Rick Fox, Nick Creevy, Raymond Dibaya, Gabbrielle Adams

MINUTES

Minutes from August, 2025 regular BZA meeting

Motion: Approve
Moved by: Victor Unruh
Seconded by: Scott Whalen
Motion passed unanimously.

OLD BUSINESS

Agenda Item 1 – FC-06-25-14: Development Standards Variance – Applicant is requesting a variance to allow for two wall signs that will each exceed the 50 square feet maximum allowed. Commonwealth Signs, 401 Exploration Way, Georgetown, IN 47122 (22-02-00-200-111.025-002). Section 02, Township 3 South, Range 5 East.

Raymond Dibaya- Floyd County Planner. Read the staff report. The applicant is requesting a variance for two walls signs that will each exceed the 50 square feet maximum allowed. The proposed signs will each be 168.75 sq. feet for a combined 337.6 sq. feet and will be displayed at the Northern side of the property that faces Innovation Parkway, and the Eastern side of the property that faces Exploration Way. The subject property is a 35,371 sq. foot building occupied by Redwire on a 4.17-acre lot located in Novaparke, a tech park in a relatively remote area. The initial signage was approved by the Redevelopment Commission. The properties North, South, and East of the building are zoned Office Business as well, while the property West of the property is zoned Agricultural Residential. Section 5.27 Permanent On-Premise Sign Standards Article B - Wall signs shall be located on the façade of the primary structure. No wall sign shall exceed 50 square feet in area and shall not exceed above the eaves of the façade of the building. Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed signage will consist of face-lit channel letter wall signs, which will not pose any physical hazards or safety concerns. The FCHD has indicated no issues with the proposal. 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Signage will not impede the use nor value of adjacent properties and is expected to enhance site visibility. 3. The strict application of the

terms of the zoning ordinance will result in practical difficulties in the use of the property. While signage could be reduced to meet the ordinance's standards, the building's front entrance is a considerable distance, about 145 feet, from the right-of-way. Motorists driving along Innovation Parkway may have difficulty seeing the signs for the business if it had to meet the ordinance's standards. As such, larger signage may be necessary to maintain visibility and ensure effective commercial use of the property. The signage fits the scale of a larger building as well. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity regulated under IC 8-21-10. Staff Recommendations: None.

Julie Scarborough- Applicant, Commonwealth Sign Company, 1824 Barry Blvd., Louisville, KY 40215. They will not have any monuments or road signs the larger sign will allow them to have visibility from the road.

Mr. Bibelhauser- any reason the logo can't be the same height as the Redwire words?

Julie Scarborough- all that's in their brand book, it follows their brand protocol.

Mr. Bibelhauser- I think the 81" is too big, not in favor of the 81 x 81 logo

Mr. Heitkemper- I have trouble with the 25 feet. That's a pretty big size. The one at Greenville looks nice and you can see it from the highway. That's two signs that will be that big.

Ms. Scarborough- one on each size. But if you look at in comparison with the building, it certainly doesn't look oversized for the dimensions of the building.

Nick Creevy- Chief Operations Officer, Director of Redevelopment Commission as well. This is in the Novatech Park, the lot itself is owned by the Redevelopment Commission. Any sign variance has to be approved by the Redevelopment Commission and that request has been approved to come before you. This area is separate and outside of other commercial and residential areas and the Redevelopment Commission feels that the size of the sign is not outstanding with the branding and character of the park.

Mr. White- asked if anyone has any questions. Asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition. No one came forward. Asked for a ballot.

Mr. Unruh- read the ballot. Docket FC-06-25-14, after careful review the Board finds that 1. Approval of the variance WILL NOT be injurious to eh public health, safety, morals, and general welfare of the community because: The proposed signage will consist of face-lit channel letter wall signs, which will not pose any physical hazards or safety concerns. 2. The use and value of the area adjacent to the property included in the variance WILL NOT be affected in a sustainably adverse manner because: the signage will not impede the use nor value of adjacent properties. 3. The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property because: the building's front entrance is a considerable distance, from the right-of-way, motorists driving along Innovation Parkway may have difficulty seeing the signs for the business if it had to meet the ordinance standards. A larger sign is necessary to maintain visibility and ensure effective commercial use of the property. 4. This variance DOES NOT involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby GRANTS the Petitioner's Variance at the meeting held on the 8th day of September, 2025.

Motion: Approve

Moved by: Victor Unruh
Seconded by: Scott Whalen
Motion passed.
Yes- Victor Unruh, Bill White, Scott Whalen
No- Larry Bibelhauser, Guy Heitkemper

NEW BUSINESS

Agenda Item 2 – FC-08-25-16: Development Standards Variance – Applicant is requesting a variance to allow for an accessory dwelling unit. Brandon Blake, 3010 Fox Hill Drive, Floyds Knobs, IN 47119 (22-05-02-900-265.000-007). Section 29, Township 2 South, Range 6 East.

Mr. Dibaya- Read the staff report. The applicant is requesting a development standards variance for an Accessory Dwelling Unit (ADU) on his property. The subject property is a 1.28-acre lot within the Fox Hill Estates Subdivision. The applicant is requesting to construct a carriage house consisting of two floors, with a detached garage on the ground level and living quarters above. The structure will measure 35' x 38', for a total of 1,330 square feet and will include a bedroom, living room, dining area, and kitchen. The living space is intended to provide housing for the applicants' widowed mother-in-law. The applicant indicated that he has 4 children that live with him and his wife in the primary residence. Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The request is in line with standard carriage house provisions. The carriage house will not be injurious to the public health, safety, morals, and general welfare because the carriage house does not differ in the lot's use as a residential dwelling unit. Further, the carriage house will have sufficient utilities, access, and parking and will cause no strain on public services or neighboring properties. A soil evaluation has been conducted and The Floyd County Health Department has stated that the ADU is suitable for septic. 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The use of the lot will remain residential, preserving the character and integrity of the district and the carriage house is similar in its character and aesthetic as the residence. The carriage house is intended as a private living space for a family member rather than a rental unit, minimizing potential impacts such as traffic, noise, and parking. Additionally, carriage houses are often considered desirable features in the housing market and may increase the property's overall value as well as surrounding property values. The proposed ADU aligns with the Comprehensive Plan's Smart Growth principles by promoting compact building design, directing development toward existing communities, and making efficient use of available land. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. While the use of the single-family dwelling unit will not be adversely impacted, housing the applicants' mother-in-law in a home with an already sizeable family can present a practical difficulty in adequate living quarters for the family. The Floyd County Zoning Ordinance prohibits human occupancy in accessory structures and does not include any provisions regarding Accessory Dwelling Units. Without the ADU, the applicant may have difficulty housing his mother-in-law on his property. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. Staff Recommendations: Written commitment stating that the ADU will not be subdivided or used as a rental, Receive septic approval from the FCHD.

Brandon Blake- Applicant and homeowner, 3010 Foxhill Drive. I would only add that I could not imagine having to put my mother-in-law in a nursing home, being with means to not make that her reality I would just like to see this approved.

Mr. Unruh- would you be opposed to moving the structure to the rear a few feet to make sure the new cottage is behind or in line with the existing home? You don't have an exact dimensions here so I don't know what it would take.

Mr. Blake- we went based off the offset where it has to be 40 feet off Foxhill Drive, is that included in that plot drawing?

Mr. Unruh- yes it says 42 feet but in order to be in line with the existing house, it needs to move back a little, you don't have a dimension on the existing house so I don't know but it looks like you have the room.

Mr. Blake- I'm not opposed to any of that.

Mr. Unruh- do the garage doors open towards the driveway?

Mr. Blake- yes, sir the garages will face each other

Mr. Unruh- are you putting in an elevator?

Mr. Blake- it's a lift. That's one of the problems with her home now with the stairs. Doesn't want to put a chair lift on the stairs but did some research on this type of lift.

Mr. Unruh- that's good, whatever system you got, I just couldn't imagine putting her upstairs with steps. Will the new cottage match the existing façade?

Mr. Blake- the tumbled brick has been discontinued from the year the home was built but found something close. We are going to do a 2' skirting of the brick and then board and batten the rest of the way up. There will be a concrete wall where the slope falls with a porch and railing and a ramp because the workshop is in the rear.

Mr. Unruh- but you aren't putting anything toward the right if facing from the road, correct?

Mr. Blake- that's where the septic is going.

Mr. White- asked if anyone would like to speak in favor.

Paul Collins- he is building the structure. The 40 foot is existing and is the perfect fit with the existing homes. It will not be in front of the house

Mr. Unruh- when do you plan to start and how long will it take to finish?

Mr. Collins- start in the next six weeks and should take a few months.

Mr. White- asked if anyone would like to speak in opposition. No one came forward. Closed public comment. I do want to verify that this structure will be aligned with the existing house, it will not be in front of it.

Mr. Collins- it will not be in front of their home.

Mr. White- okay because I think the drawing we see, shows that, that was the reason for the question.

Mr. Collins- he didn't want to pay too much, I don't know why it's drawn that way.

Mr. White- for the record, Mr. Collins assures the Board that it will not be in front.

Mr. Bibelhauser- read the ballot. Docket FC-08-25-16, after careful review the Board finds that: Approval of the variance WILL NOT be injurious to the public health, safety, morals and general welfare of the community because: the carriage house does not differ in the lot's use as a residential dwelling unit. Further, the carriage house will have sufficient utilities, access, and parking and will cause no stain on public services or neighboring properties. 2. The use and value of the area adjacent to the property included in the variance WILL NOT be affected in a substantially adverse manner because: The use of the lot will remain residential, preserving the character and integrity of the district and the carriage house is similar in its character and aesthetic as the residence. The carriage house is intended as a private living space for a family member, minimizing potential impacts such as traffic, noise, and parking. Additionally, carriage houses are often considered desirable features in the housing market and may increase the property's overall value as well as surrounding property values. 3. The strict application of the terms of the zoning WILL result in practical difficulties in the use of the property because: While the use of the single-family dwelling unit will not be adversely impacted, housing the applicants' mother-in-law in a home with a family can present practical difficulty in adequate living quarters for family. Without the ADU, the applicant may have difficulty housing his mother-in-law on his property. 4. This variance DOES NOT involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby GRANTS the Petitioner's Variance at the meeting held on the 8th day of September, 2025. Approval by the Board is subject to the completion of the following conditions: Receive septic approval from FCHD. The front of the ADU shall not exceed the front of the primary residence. No more than 2 people can occupy the ADU. Approval by the Board is subject to the following written commitments: Provide a written commitment stating that the Accessory Dwelling Unit will not be subdivided or used as a rental.

Motion: Approve with Condition
Moved by: Larry Bibelhauser
Seconded by: Guy Heitkemper
Motion passed unanimously.

Agenda Item 3 – FC-08-25-17: Development Standards Variance – Applicant is requesting a variance to allow for an ingress/egress easement less than the 50' width requirement for Tract 2. Paul & Rebecka Banet, 3610 Rockwood Drive, Floyds Knobs, IN 47119 (22-04-01-700-051.000-006) Section 17, Township 2 South, Range 6 East.

Agenda Item 4 – FC-08-25-18: Development Standards Variance – Applicant is requesting a variance to allow for an ingress/egress easement less than the 50' width requirement for the remaining Tract. Paul & Rebecka Banet, 3610 Rockwood Drive, Floyds Knobs, IN 47119 (22-04-01-700-051.000-006) Section 17, Township 2 South, Range 6 East.

Mr. Dibaya- Asked the Board to hear agenda items 3 and 4 together since they are for the same applicant. Read the staff report. The applicant is requesting a development standards variance to allow use of an existing 13-foot-wide private access easement in place of the 50-foot width required by the

Floyd County Zoning Ordinance for access to two proposed lots which will be split from the 9.42-acre subject property. The subject property is landlocked, and the ordinance requires lot frontage to be on either a public street or a private recorded access easement with a maintenance agreement at least 50 feet wide. The property currently accesses Rockwood Drive through this pre-existing 13-foot easement. The easement only allows for passage of one vehicle at a time, and currently serves 3 other lots. The easement cannot be widened due to it crossing through neighboring properties and on the subject property the easement cannot be widened due to a residence located within 50' of the property line from Rockwood Dr. Language in the Deed for the previous property owner granted access to the lot via an easement measuring 13' in width dating back to 2004, preceding the adoption of the Floyd County Zoning Ordinance in 2006. The proposed split will result in two new tracts that will be 3.51-acres and 3.84-acres with frontage of 150' and 284' respectively, while the parent tract will be 1.93-acres with 175' of frontage. The applicant has stated that he intends to split the lot to build residences for relatives which makes the lot exempt from the Subdivision Control Standards under Item 8 (Exempt Subdivisions p. 11) in the SCO – "The term subdivision does not include transfers between family members (parents, children, or siblings) so long as the parent tract is not divided into more than five (5) lots." Surrounding properties consist of single-family dwelling units also zoned RR. Staff Comments: 1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community. The 13-foot easement is pre-existing and has been safely used for access without issue for years. The proposed variance will serve only two additional residences, creating minimal traffic and will have no adverse impact on public infrastructure. Emergency access remains feasible, and the FCHD indicated no objections to the split of the parcel's impact on the subject property's on-site sewage system. 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The use of adjacent properties will remain largely unaffected, aside from the increased use of the existing private access drive. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. If a variance isn't granted, access to the lots via a private easement will not be permitted per the FCZO as the easement does not meet the minimum 50' width requirement. The applicant will therefore not be able to split the lot and build the two additional single family dwelling units. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. Staff Recommendations: Update access agreement with stipulations addressing maintenance. Widen the access easement along the two properties resulting from the split. No further residential development to be permitted that requires access via the easement to minimize traffic, and degradation of the private drive. Secure written confirmation from the Fire Department verifying that the easement can still provide adequate access and service to the proposed lots resulting from the split in the event of an emergency.

Mr. Bibelhauser- there is a dam and a lake upstream from this property and a large portion of this property is apparently subject to flooding. When they come in to get a building permit, is there something that says they can't build in the floodplain or floodway of that stream? How does that work?

Mr. Dibaya- they would need permitting from our office to build in a floodplain.

Mr. Creevy- just to clarify, we have an entire section in our ordinance about building in floodplains. The different types of floodplains, rather it's in the fringe or the actual floodplain, and standards that you have to meet or get the necessary permitting for at the State level.

Mr. Bibelhauser- that what I wanted to make sure was being covered by somebody.

Mr. Creevy- yes, it will be verified at the building permit phase.

George Gesenhues- Representing the applicants Paul and Becky Banet.

Becky and Paul Banet- Applicants, 4481 Scottsville Road, Floyds Knobs.

Mr. Gesenhues- I don't think we have anything to add to the report, just anxious to answer any questions.

Mr. Unruh- before you get to the culvert, it looked like there was a cleared spot, is that one of the proposed building site?

Mrs. Banet- yes

Mr. Unruh- where will the second one be?

Mrs. Banet- it's the wooded area beyond the part that's been cleared. And currently there is no intent to build on that third lot.

Mr. Unruh- so you are aware that if it is in the floodplain or wetlands, you'll need to get additional approval?

Mr. Banet- yes

Mr. Bibelhauser- so the divide between tracks two and three, is that pretty much where the culvert and creek is, in that area? We assumed that but there wasn't any stakes there.

Mrs. Banet- yes

Mr. White- asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition. No one came forward. Closed public comment. Asked for a ballot.

Mr. Bibelhauser- So the first parts of this will apply to both -17 and -18, then after that they'll be a little different. So I'm not going to read 1 – 4 both times, if that's okay. Read the ballot. Docket FC-08-25-17, after careful review the Board finds that: 1. Approval of the variance WILL NOT be injurious to the public health, safety, morals, and general welfare of the community because: The 13 foot easement is pre-existing and has been used for access for years. The proposed variance will serve only two additional residences, creating minimal traffic and will have no adverse impact on public infrastructure. Emergency access remains feasible, and the FCHD indicated no objections to the split of the parcel's impact on the subject property's on-site system. 2. The use and value of the area adjacent to the property included in the variance WILL NOT be affected in a substantially adverse manner because: the use of the adjacent property will remain largely unaffected, other than an increase in use by vehicles accessing the new tract using the existing easement. 3. The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property because: If a variance isn't granted, access to the lots via a private easement will not be permitted per the FCZO as the easement does not meet the minimum 50' width requirement. The applicant will therefore not be able to split the lot and develop the new tract. 4. This variance DOES NOT involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby GRANTS the Petitioner's Variance at the meeting held on the 8th day of September, 2025. Approval by the Board is subject to the completion of the following conditions:

1. Provide a 30’ access easement along tracts 1 south property line. Also provide a pull off on Tract 1 to allow traffic to pass. 2. Update the access agreement addressing the two new tracts and the maintenance of the drive. Provide a copy to staff prior to recording the new plat. 3. Install a new culvert/bridge of sufficient size for the flow over the stream that will support emergency vehicles. 4. Clear the existing 13’ wide easement of trees to a minimum height of 14’ and maintain this clearance for emergency access. 5. Secure written confirmation from the Fire Department verifying that the easement can still provide adequate access and service to the proposed lots resulting from the split in the event of an emergency. 6. No resident can be constructed in the floodplain/floodway of the stream. 7. No further development is permitted that requires access via the easement.

Motion: FC-08-25-17 Approve with Conditions
Moved by: Larry Bibelhauser
Seconded by: Guy Heitkemper
Motion passed unanimously.

Mr. Bibelhauser- read the ballot. Docket FC-08-25-18 the first four paragraphs are the same. I’ll start with The Board of Zoning Appeals hereby GRANTS the Petitioner’s Variance at the meeting held on the 8th day of September, 2025. Approval by the Board is subject to the completion of the following conditions: 1. Provide a 30’ access easement along tracts 2 south property line. Also provide a pull off on tract 1 to allow traffic to pass. 2. Update the access agreement addressing the two new tracts and the maintenance of the drive. Provide a copy to staff prior to recording the new plat. 3. Install a new culvert/bridge of sufficient size for the flow over the stream that will support emergency vehicles. 4. Clear the existing 13’ wide easement of trees to a minimum height of 14’ and maintain this clearance for emergency access. 5. Secure written confirmation from the Fire Department verifying that the easement can still provide adequate access and service to the proposed lots resulting from the split in the event of an emergency. 6. No resident can be constructed in the floodplain/floodway of the stream. 7. No further residential development is permitted that requires access via the easement.

Motion: FC-08-25-18 Approve with Conditions
Moved by: Larry Bibelhauser
Seconded by: Guy Heitkemper
Motion passed unanimously.

Agenda Item 5 – FC-08-25-19: Development Standards Variance – Applicant is requesting a variance to build an accessory structure in front of the primary structure. Matt Payne, 1481 Walts Road, Georgetown, IN 47122 (22-02-03-300-045.006-002) Section 33, Township 2 South, Range 5 East.

Mr. Dibaya- Read the staff report. The applicant is requesting a development standards variance for the placement of an accessory structure in front of the primary structure in an RR district. The subject property is a 4.02-acre lot accessed via a private drive connecting to Walts Road. The proposed accessory structure, which is a barn, will be 32’x32’ (for a total of 1,032 square feet) and will be used for storage and personal use. The primary structure is located about 300 feet from the right-of-way and the proposed accessory structure will be located 45’ northeast from the primary structure. The property has vegetative screening from the right-of-way and the residence itself is not visible from the right-of-way. The barn will be located along the driveway. The residence across from the subject property (1480 Walts Road) has an accessory structure placed in front of the primary structure and the area the subject

property is located in is relatively remote. The residence is around 2,200 sq. feet so the barn will be subordinate to the home and will be comprised of metal on the exterior. Section 5.04 Accessory Use/Structure Standards I. Accessory structure(s) shall be located to the rear or side of the primary structure unless otherwise permitted in this ordinance Accessory structures used for barns and private garages may be allowed in front of the primary structure in AR district with five acres or greater. Barns and private garages shall meet front setback requirements for primary structures. Primary structures being located on a parcel with an existing legal conforming accessory structure(s) may be located to the rear of the existing legal conforming accessory structures. The applicant states that due to the large size of the barn there is nowhere else that he can place it, leaving him with no other option but to place it in front of the residence. Septic lines are located to the West of the property, there isn't adequate space behind the home, and there is a pond located to the southeast of the property, as well as a slope leading to the pond east of the property prohibiting it from being placed directly to the east of the residence. Adjacent Property: The surrounding properties are also zoned Rural Residential. Single-family residences occupy the properties to the north, east, and south, and west. Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The placement of the barn in front of the home poses no threat to the public. The barn will also no effect on access to the residence for emergency services. The FCHD has indicated no issues with the proposals interference with the sites septic system. 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The use and value of adjacent properties will not be affected by the placement of the barn in front of the residence as the property is already screened from view of the right-of-way, the home will not be obscured by the proposed accessory structure. The barn may also increase the value of the residence, and in turn other residences in the area. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The FCZO prohibits placement of an accessory structure in front of a primary structure. While the use of the property as a single-family dwelling unit will not be hindered, there is no other feasible location the applicant can place the barn and this will in turn limit the applicant's ability to fully utilize a fairly large lot located in a remote area for his single-family dwelling unit. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. Staff Recommendations: Maintain vegetative screening of the structure from the right-of-way.

Dallas & Patricia Carnes- 1481 Walts Road, homeowners. With the slope and septic, this is the only place we can put it, they are at the top of the hill and it's all wooded. They have pictures from the road showing all the vegetation and how the house and barn are not visible from the road. They do not plan on taking out any trees, they will add more.

Mr. Whalen- what is the wall height on the barn versus on the house?

Mr. Carnes- the inside is 12' because we're going to have a 10'x10' overhead door. This is going to be a garage.

Mr. Whalen- so what's the wall height? Is it going to be taller than the house?

Mrs. Carnes- no.

Mr. Carnes- I don't know, Matt [builder] couldn't be here due to a prior commitment so I don't really know that. I just know the inside has to be 12' because of the 10'x10' door. All of the doors and windows are going to match what is on the house.

Mr. Whalen- is the grade going to be the same as the house?

Mr. Carnes- it will be a little bit lower due to the slope we have.

Mr. Unruh- the maximum eave height is 18' and if you go over that, you'll need a variance.

Mr. Carnes- no way it will be that high.

Mr. White- asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition. No one came forward. Closed public comment. Asked for a ballot.

Mr. Bibelhauser- read the ballot. Docket FC-08-25-19, after careful review the Board finds that: 1. Approval of the variance WILL NOT be injurious to the public health, safety, morals, and general welfare of the community because: the placement of the barn in front of the home poses no threat to the public. The barn will also not effect access to the residence for emergency services. The FCHD has indicated no issues with the proposals interference with the sites septic system. 2. The use and value of the area adjacent to the property included in the variance WILL NOT be affected in a substantially adverse manner because: the property is already screened from view of the right-of way. The barn may also increase the value of the residence, and in turn other residences in the area. 3. The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property because: The FCZO prohibits placement of an accessory structure in front of a primary structure. There is no other feasible location the applicant can place the barn and this will in turn limit the applicant's ability to fully utilize a fairly large lot located in a remote area for his single-family dwelling unit. 4. This variance DOES NOT involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby GRANTS the Petitioner's Variance at the meeting held on the 8th day of September, 2025. Approval by the Board is subject to the completion of the following conditions: The applicant is required to maintain the vegetative screening of the structure from the right-of-way.

Motion: Approve with Condition
Moved by: Larry Bibelhauser
Seconded by: Victor Unruh
Motion passed unanimously.

Agenda Item 6 – FC-08-25-20: Development Standards Variance – Applicant is requesting a variance to split the property to create two non-conforming lots that will not meet the minimum requirement of .85 acres. Gary Ripperdan II, 779 Yenowine Lane, Georgetown, IN 47122 (22-02-00-200-142.000-002) Section 02, Township 3 South, Range 5 East.

Mr. Dibaya- Read the staff report. The applicant is requesting a development standards variance from the minimum lot size requirement in order to create one additional lot. Upon subdivision, both the parent tract and the newly created tract would contain less than the required 0.84 acres (37,000 square feet) for properties zoned Rural Residential. The current lot is .92 acres (40,075 square feet) and has a single family dwelling located on it. The proposed split will result in the parent tract being .41 acres (17,859 square feet) and the new tract being .37 acres (16,117) square feet. The existing home will be on the larger lot. The new tract will have 111 feet of frontage on Yenowine Lane and will be located at the corner of Yenowine Lane and Judy Lane. The applicant has indicated that they plan on building an

additional residence on the new tract. The lots are not located in a platted subdivision. Surrounding properties are all single-family dwelling units also zoned RR. The lot sizes that abut the property range in size from .33 acres (14,374 square feet) to 0.46 acres (20,037 square feet). Other lots on along Sheri Drive and Judy Lane range from 14,374 square feet (.33 acres) to 43,124 square feet (.99 acres). 13 of the lots in the vicinity are less than .50 acres and 17 lots in the vicinity do not meet the minimum .84 acre requirement for zoning district RR. Staff Comments: 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed lots are sufficient for appropriate infrastructure as similar sized lots in the area have residences on them and the Floyd County Health Department has indicated no issues with the on-site sewage system resulting from the split of the lots. 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. While smaller than the standard, the proposed lot sizes are consistent with others in the area and will be more manageable for the current owner to maintain. Furthermore, the character of the request is consistent with the surrounding area, as there are existing residences constructed on similarly sized lots in the vicinity. 3. The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the property. The use of the lot as a single family residence will remain the same and may continue in its use, but the proposed split and further development of the lot will be hindered by the FCZO's acreage requirement for zoning district RR. 4. The variance does not involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. There is not an airstrip in the vicinity. Staff Recommendations: Provide and record a survey that reflects the requested split dimensions.

Mr. Whalen- after the split, what will be the front of the lot

Mr. Dibaya- I believe it will be Judy Lane.

Mr. Heitkemper- on number three he says "it will not result in practical difficulties" so it's not really a recommendation for but then he goes on and justifies that "further development of the lot will be hindered by the ordinance". So that could go either way, just want to state that.

Gary Ripperdan- Applicant, 371 Morris Ave, Corydon. Nothing additional to add but curious to what questions they may have. When the lot is split, it will resemble the surrounding lots.

Mr. Unruh- are you going to build a house?

Mr. Ripperdan- I know that's what he just said but really we don't know. The idea was to build a house or sell the lot. The current house has a lot of issues, they just got the septic permit and that was not something that was planned. What was there would not meet today's standards. A lot of additional cost occurred and this would give us the ability to build or sell it. He would like to build a house on it but can't commit that is what they'll do.

Mr. Heitkemper- where is the septic located? Don't think you'll have a problem and have to relocate the septic on the other property?

Mr. Ripperdan- it's behind the house. Had the testing already done and approved on the current lot. The new lot would need testing.

Mr. Bibelhauser- if we approve this, verification of the septic will have to fit into where the property lines will be to split these lots so additional information submitted to staff to verify that there is adequate space

for septic on both lots and the homes. I think we can approve this but subject to staff getting additional sketches of where things will be.

Mr. Unruh- so has this been surveyed?

Mr. Bibelhauser- no, it has not. It's subject to. It's proposed.

Mr. Ripperdan- there's a fence there now

Mr. Unruh- so that fence represents the property line?

Mr. Ripperdan- yes

Mr. Bibelhauser- but he says it will be surveyed, it hasn't been yet.

Mr. Creevy- you can put something like the new lot would need approval from the Health Department for adequate septic system.

Mr. Ripperdan- the existing system is being replaced and has already received approval.

Mr. White- asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition.

Sandra Clifton- 6083 Corydon Ridge Road, the back of her farm is next to where he wants to build. That lot floods every time is rains. The septic tanks get soaked, there are no appropriate sewer drains going across the road to let all the water out. It will get deep. She is just now getting her roof repaired from storm damage. This is not a good area.

Mr. White- are you saying that it floods every time it rains?

Ms. Clifton- almost every time, other neighbors can tell the same thing. It pools down there from Woodbridge Subdivision because it has nowhere to go.

Mr. Unruh- does the County have a sign up for high water? If it floods every time, I would think they would have a sign.

Ms. Clifton- no they don't. This creek runs beside the road and all the trash clogs it up, that water goes across Corydon Ridge Road, her cattle drinks this and it's water from septic systems. Thinks this should be looked over better before it's allowed to be done.

Kenny Sprecher- 200 Sheri Drive. I live in that area and he said all the lots are small so he should have a small lot but they were too small when they allowed that to happen. The lots are too small already, to keep them that way is wrong. She is right. I'm against this.

Mr. White- asked if anyone else would like to speak in opposition. No one came forward. Closed public comment.

Mr. Ripperdan- he says they're too small and obviously you can't do anything about that now but by what standards are they too small?

Interruption from the audience.

Mr. White- sir, you've already had your chance to speak.

Mr. Ripperdan- I assume he's talking about too small for septic but they're there now and the lady talking about flooding, can you verify that too because I've had it and it's done nothing but rain for six months and there's been no flooding there, and no signs, I've never seen that, maybe they have seen something along those lines but if it floods that high, the whole neighborhood is going to flood, it's pretty flat in there. If we go through and get the septic approved and it meets all the standards, doesn't that take care of the issue with whatever they're worried about? We're getting the septic permit.

Interruption from the audience

Mr. White- I'm sorry folks, we already closed the public comment section of the meeting. When you didn't come forward during the last chance to speak, then we closed that section of the meeting. Sorry ma'am, we are going to move on.

Mr. Bibelhauser- read the ballot. Docket FC-08-25-20, after careful review the Boards finds that: 1. Approval of the variance WILL NOT be injurious to the public health, safety, morals, and general welfare of the community because: The proposed lots are sufficient for appropriate infrastructure as similar sized lots in the area have residences on them and the Floyd County Health Department has indicated no issues with the on-site sewage system resulting from the split of the tract into two lots. 2. The use and value of the area adjacent to the property included in the variance WILL NOT be affected in a substantially adverse manner because: While smaller than the standard, the proposed lot sizes are consistent with other in the area. Furthermore, there are existing residences constructed on similarly sized lots in the vicinity. 3. The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property because: The use of the lot as a single family residence will remain the same and may continue in its use, but the proposed split and further development of the lot will be hindered by the FCZO's acreage requirement for zoning district RR. 4. This variance DOES NOT involve a structure that is near an airstrip and regulated under Indiana Code 8-21-10. The Board of Zoning Appeals hereby GRANTS the Petitioner's Variance at the meeting held on the 8th day of September, 2025. Approval by the Board is subject to the completion of the following conditions: Locate the existing septic system and show on a drawing with the existing home. Also show the proposed new home and location of the proposed septic system and the proposed new lot lines. After the staff verifies that the requirements for the two home can be met submit and record the new plat that reflects the split of the current property into two tracts. Get FCHD approval for septic system for the new lot. Meet with the County Engineer/Stormwater to verify and address the potential flooding of this area.

Motion: Approve with conditions
Moved by: Larry Bibelhauser
Seconded by: Guy Heitkemper
Motion passed unanimously.

Motion: Adjourn
Moved by: Guy Heitkemper
Seconded by: Scott Whalen
Motion passed unanimously.

Adopted this 15th day of October, 2025.

Bill White
Chairperson

Richard N Fox
Attest