

## Staff Report – Agenda Item # 1

Case number	BZA-2025-05	Property size	3.3 ac
Property address	4496 S 1000 W	Property zoning	Ag (Agricultural)
Applicant(s)	Greg Callaway		
Property owner(s)	Greg Callaway		
Requested action:			
UDO V 2.2.4.B.ii Approval of Variance of Development Standards to permit the construction of an accessory structure encroaching upon the required side yard			
Recommendation:			
APPROVE with conditions			

### Exhibits:

1. Location map and site plan
2. Zoning map
3. Submittal

## ABOUT PROJECT

### Location

The subject site is located at 4496 S 1000 W (see Figure 1 here and Exhibit 1. Vicinity Map), right on the border of the town and the county. The base zoning is Agricultural (Ag), and it is surrounded by more Ag (or A in Hamilton County).

### Proposal

The petitioner would like to construct an accessory structure encroaching on the required side setback.

The structure is intended to be 30' x 30', enclosed, made of metal, and will be constructed next to an existing garage that is located 5 feet from the property line. The proposal is to build the new structure in parallel with this existing garage, therefore it would also be 5 feet from the property line.

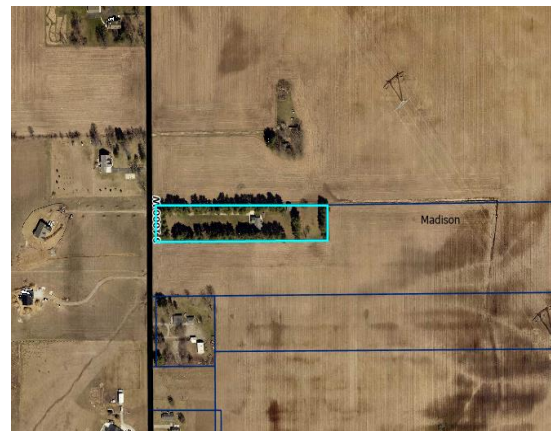
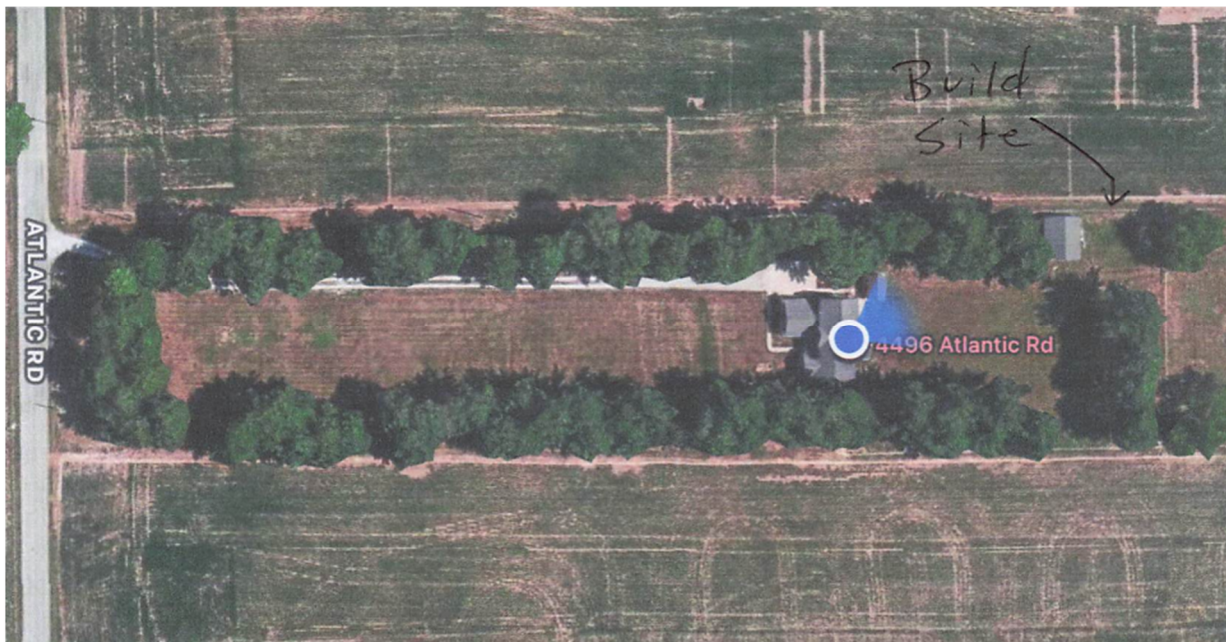


Figure 1. Project Site Location

## ANALYSIS

V 2.2.4.B.ii of the Lapel UDO requires a side setback of 15 feet from the property line. The intent behind setback regulations is to create some space and provide a buffer between structures, particularly when those structures house different and incompatible uses. The nearest structure on the neighboring property to the north is already over 200 feet away from the property line, so the intent of providing space between structures is already more than satisfied.



*Figure 2. Trees screen the property from surrounding farms. The proposed build site is in the clearing along the northern property line next to an existing structure.*

The petition contends that there are practical difficulties with other locations on the property. As shown in Figure 2 above, the property is largely surrounded by trees with only a few clearings where a structure could be built. V2.2.6.D.iv prohibits accessory structures from being built closer to the front property line than the primary structure, which means that the proposed structure cannot be built in the large front lawn without a variance. Behind the house, there are only two plausible locations: on the north side between the existing garage and a fence and on the south side in the break between the two lines of trees. The south clearing would create practical difficulties in that it is narrower, and tree limbs will need to be pared to make space for the structure's roof. The proposed structure is intended to store a boat and trailer, which will require access to the driveway. The south clearing is less practical in this way than the north clearing because the trailer would need to be hauled across the backyard to get to the driveway. Complying with the side setback on the south side of the property would also cause the proposed structure to stick out past the tree line into the backyard.

This leaves the north clearing, next to the existing garage, as the most practical location for the proposed structure. However, there is a water line for a well that runs in front of the proposed build site to the standing spigot visible in Figures 3 and 4 below. Moving the proposed structure 10 feet to the south would create a conflict between the building's foundations and the water



line. The location of the spigot would also be a problem as it would be too close to the proposed structure's door for a truck and trailer to maneuver in and out of the garage safely. Therefore, allowing the proposed structure to match the setback of the existing garage is the most practical solution.



Figure 3. The proposed build site. Access to the structure must come from the south as the existing garage (west) and fence (east) would make maneuvering into and out of the structure impossible from any other direction. The spigot in the midground would make maneuvering more difficult if the proposed structure is made to comply with 15-ft minimum.



Figure 4. Approximate location of the line supplying water to the spigot (circled). The line runs about 5 feet in front of the existing garage. Requiring the proposed structure to meet the 15-ft minimum would cause it to be built on top of this line.

### **Variance of Development Standards Criteria**

In order to approve a variance of development standards, the BZA needs to find that three (3) criteria are met. The applicant proposes their findings to these criteria in the submittal (Exhibit 3, page 2). Staff proposes their findings of fact below.

### **VARIANCE OF DEVELOPMENT STANDARDS FINDINGS**

If the Board should decide to APPROVE the requested Variance of Development Standards, please use the following findings of fact:

The Lapel Board of Zoning Appeals is authorized to approve or deny Variances of Development Standards by Indiana Code 36-7-4-918.5 and by Lapel UDO V1.6.3. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved upon a determination in writing that the following three (3) criteria are met (V1.6.9.A):

- **The approval will NOT be injurious to the public health, safety, morals, and general welfare of the community:**

The proposed build site cannot be seen from the street, and the nearest building on a neighboring parcel is over 200 feet away. The proposed structure will have no public impact.

- **The use and value of the area adjacent to the property included in the variance will NOT be affected in a substantially adverse manner:**

It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties.

- **The strict application of the terms of this Ordinance WILL result in a practical difficulty in the use of the property.**

Strict application of the side setback requirement in the proposed location will create conflicts with an existing well water line and spigot, and alternative locations are less practical than the proposed location.

### **RECOMMENDATION**

APPROVE the requested Variances of Development Standards based upon the following findings of fact:

- The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community;



- 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 strict application of the terms of this Ordinance **will** result in a practical difficulty in the use of the property.

With the following specific conditions:

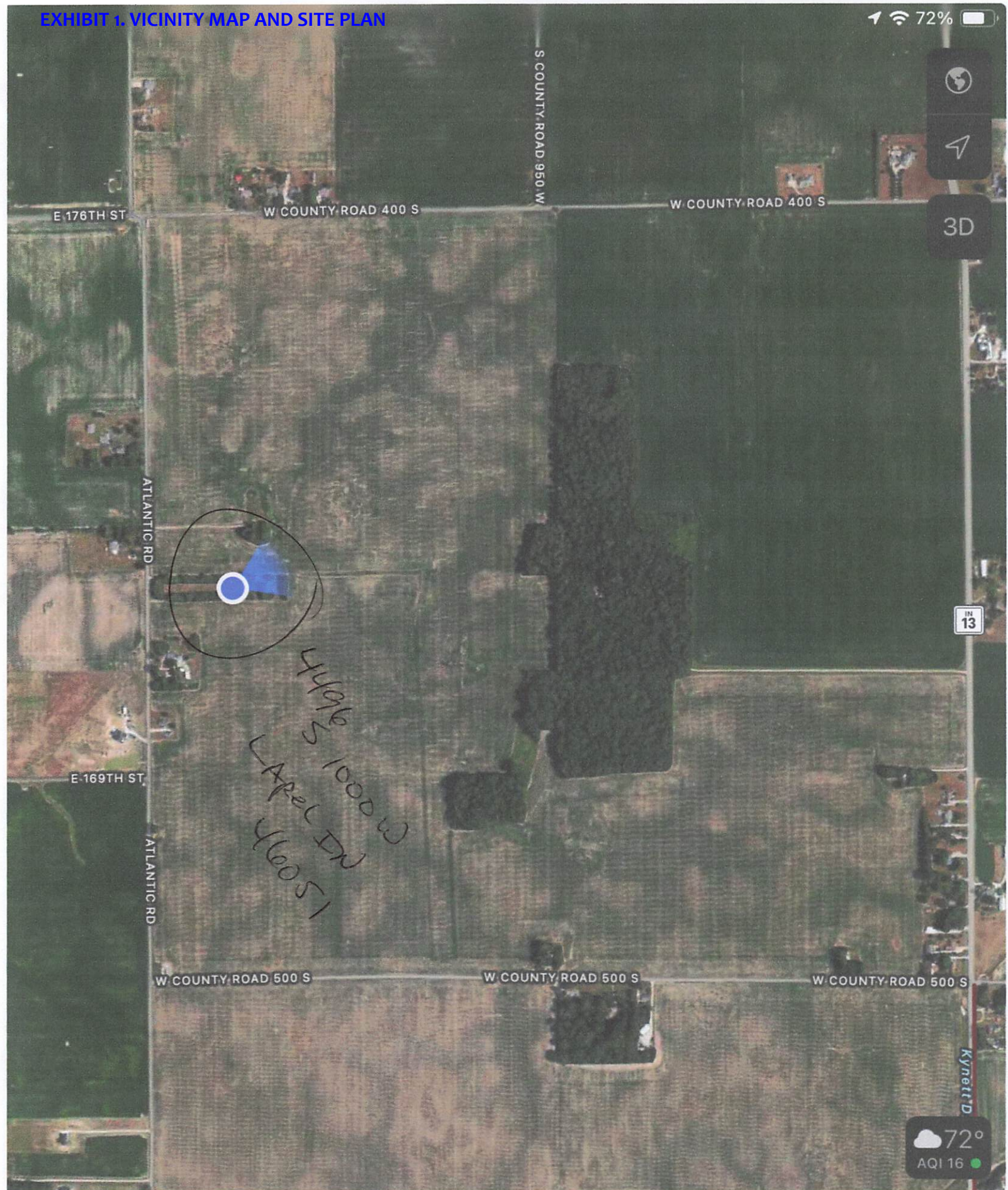
1. The Applicant shall sign the Acknowledgement of Variance of Development Standards/Special Use document prepared by the Lapel Planning Staff within 60 days of this approval. Staff will then record this document against the property and file of stamped copy of such recorded document shall be available in the Lapel Town Hall.
2. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

## MOTION OPTIONS

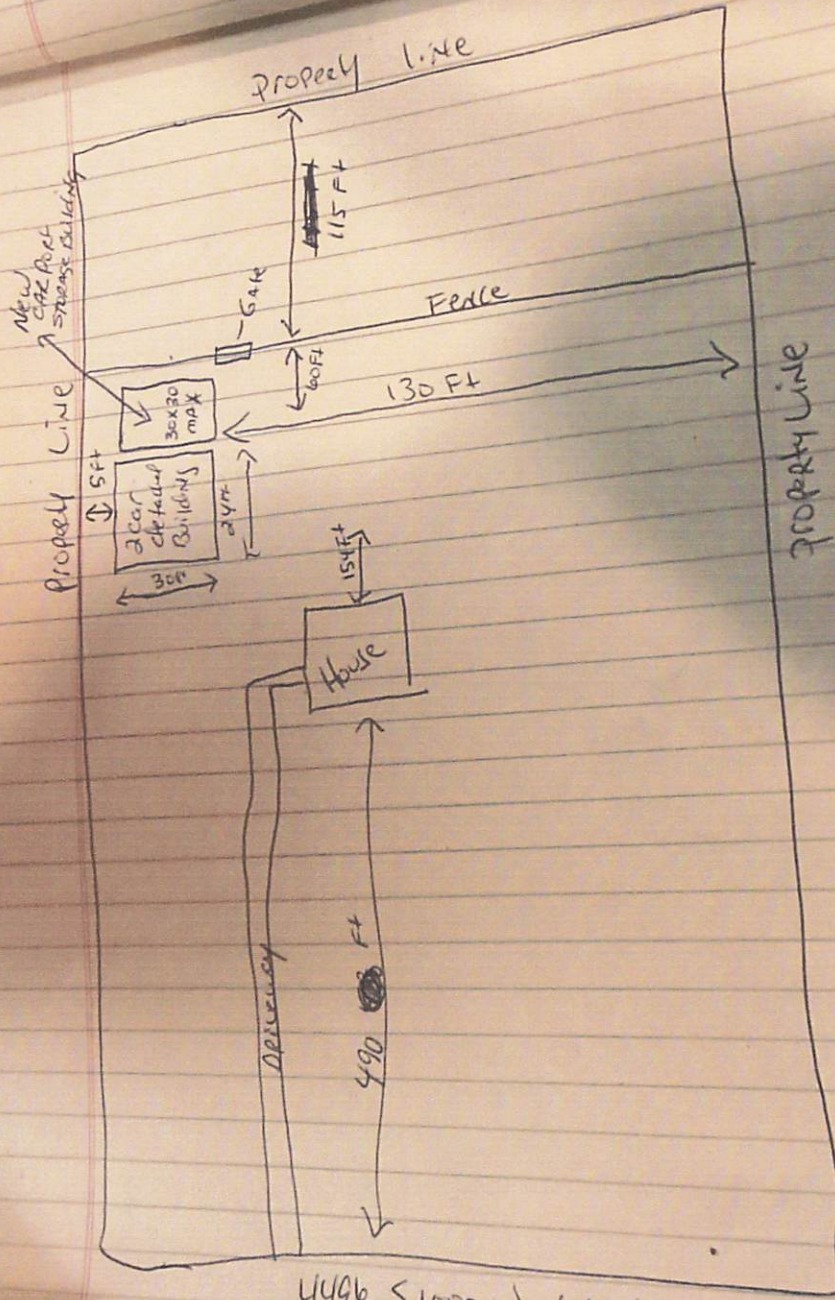
- Motion to **approve** the Variance of Development Standards to permit the construction of an accessory structure encroaching upon the required side yard as per submitted application BZA-2025-05 based upon the findings of fact {listed by the applicant, and/or presented by staff, and/or any other findings of fact added during the BZA discussion} with specific conditions proposed by staff.
- Motion to **deny** the Variance of Development Standards for the subject real estate as per submitted application BZA-2025-05 because... (List reasons, findings of fact)
- Motion to **continue** the review of the application BZA-2025-05 until the next regular meeting on *November 6, 2025*, because ... (list reasons).

EXHIBIT 1. VICINITY MAP AND SITE PLAN

72%







4496 S 1000 W LAPOL  
ROAD

Pisa



# EXHIBIT 2. ZONING MAP

## Lapel Interactive Zoning Map

Overview AG R1 R2 R3 C1 C2 IS IL IG PO

### Introduction

This Unified Development Code shall serve to guide future development in accordance to the goals and objectives outlined in the Town of Lapel's Comprehensive Plan. Specifically, its primary purpose to protect the general health, safety, and welfare of residents. The regulations and standards of the Code are meant to create stability within zoning districts, such that each zoning district allows a predictable range of compatible uses and building types.

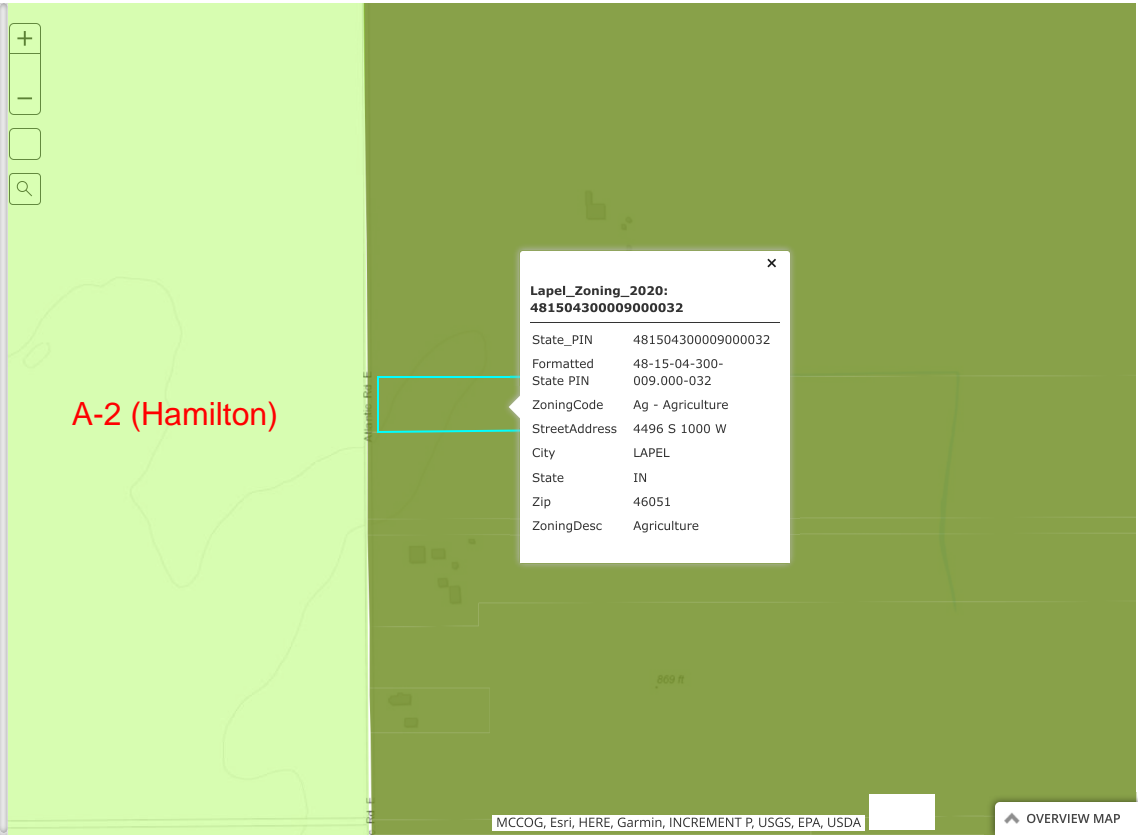
### Organization

This interactive map is organized in such a manner as to direct the user to the applicable Volume according to area of interest. For example, if your home is located in an R1 District, you would simply click the R1 tab, above, to navigate to the applicable standards for that district. The interactive map is divided into ten individual zoning districts:

- Ag - Agricultural District
- R1 - Single-family Residential: Suburban Neighborhood
- R2 - Single-family Residential: Traditional Neighborhood
- R3 - Multi-family Residential
- C1 - General Commercial
- C2 - Downtown Commercial
- Is - Institutional and Social
- Il - Light Industrial
- Ig - General Industrial
- Po - Parks and Open Space

### Town of Lapel Zoning

-  Ag - Agriculture
-  R1 - Single Family Residential: Suburban Neighborhood
-  R2 - Single Family Residential: Traditional Neighborhood
-  R3 - Multi-Family Residential
-  C1 - General Commercial
-  C2 - Downtown Commercial
-  Is - Institutional and Social
-  Il - Light Industrial
-  Ig - General Industrial
-  Po - Parks and Open Space



## EXHIBIT 3. SUBMITTAL



TOWN OF LAPEL  
1011 Main St., Lapel, IN 46051  
planadmin@lapelindiana.org

### BZA APPLICATION

*\* Required sections to fill out*

#### Application type\*:

- ☒ Variance of Development Standard(s)  
☐ Special Use  
☐ Administrative Appeal

#### For office use only:

App No: BZA-2025-05  
Date received: 8/28/25  
App fee: \$225  
Fee paid by: ☐ Cash ☒ Check  
Check #: 1513

#### PROPERTY INFORMATION\*

Address/Location: 4496 S 1000 W Lapel IN 46051  
Parcel(s)' ID(s): 48-15-04-300-009.000-032  
Current use: Residential Current zoning: Agricultural  
Request code reference: V2.2.4 Project total size: 30 x30 Acres  
Request description: See Narrative

#### PROPERTY OWNER INFORMATION\*

Name: Greg Callaway  
Mailing address: 4496 S 1000 W  
City/Town: Lapel IN Zip code: 46051  
Email: greg.callaway@yahoo.com Phone #: 317-379-0344

#### APPLICANT INFORMATION\* ☒ Same as owner

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Company name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

NOTE: The person listed as applicant will be contacted regarding all applications steps and payments, including being contacted by the newspaper publisher for Legal Notice payment.

## **4496 S 1000 W Lapel Indiana**

I am requesting an exception in request code reference v2.2.4 for side setback. I am wanting to add a storage building to our residential property which is zoned agricultural. The new structure would be used for additional storage to house yard equipment and a boat with trailer. The needs for the boat and trailer would require the new structure to be 30 ft in length. Total footprint would be a 30x30 enclosed metal structure with a concrete floor. Property is surrounded by farm fields on 3 sides and road in front. Due to layout of property, this is the only practical spot for a new structure that is useful and practical that conforms with property layout. All requirements in V2.2.4 can be met with the exception of the minimum 15 ft side setback. I am asking for a 5 ft side setback. The new build site would be 10 ft adjacent to a current storage structure which is 30x24. That current structure has a current 5 ft setback, which was there when I purchased the property in 2012, back then, it had not been annexed into city limits yet, I believe it was built in the 60s or 70s. I am asking to be able to mirror that setback for new structure so it will fit in the proposed area. It would not interfere with neighbors on any side as there is farmland on each side. If a side setback of 5 ft is allowed it would be the same as current building on page 6.

Conditions that don't allow me to use the 15 ft setback are as follows.

Building needs to be 30ft in length for boat and trailer to fit.

Overhead door needs to face the south in order to back in boat and trailer. See page 5.

I can't face door any other way, because current structure is on one side and fence is located on other two sides. See page 8.

Trees surround property on all borders, canopy of tree overhang would disrupt height limitations, except on the proposed practical build site. See page 4

If I use a 15 ft setback, I would run into a well water line, marked in red on page 7.

Thank You for your consideration in this matter

Greg Callaway



## **COMPLIANCE WITH VARIANCE OF DEVELOPMENT STANDARDS CRITERIA\***

*The Lapel Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standards from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved only upon a determination in writing that the following three (3) statements are true (see Indiana Code § 36-7-4-918.5):*

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

**Structure will be used as storage building for yard equipment and boat.**

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 by the approval of this variance request because:

**Property is surrounded by farm fields for agricultural use.**

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property because:

**Current zoning ordinance would cause impracticalities, I would need to remove water line.**

## **COMPLIANCE WITH SPECIAL USE CRITERIA\***

*The Lapel Board of Zoning Appeals (BZA) is authorized to approve or deny Special Use in accordance with the terms of the Unified Development Ordinance, V 1.6.8. The BZA may impose reasonable conditions as part of its approval (see Indiana Code 36-7-4-918.2).*

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed Special Use request in terms of the following four (4) standards. The BZA shall determine whether there is adequate evidence showing the truth of the following statements:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

NA

2. The requirements and development standards for the requested special use as prescribed by this Ordinance will be met in the following way:

NA

3. Granting the special use will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity because:

NA

4. The proposed use will be consistent with the character of the zoning district in which it is located and the Town of Lapel Comprehensive Plan in the following way:

NA

APPLICANT AFFIDAVIT

STATE OF IN  
COUNTY OF Hamilton S.S.

The undersigned, having been duly sworn on oath, states that the information in the Application is true and correct as they are informed and believe.

Applicant printed name: Greg R. Callaway

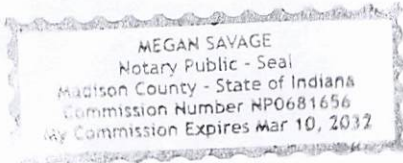
Applicant signature: Greg R. Callaway

Subscribed and sworn to before me this 21<sup>st</sup> day of Aug., 2025

Notary printed name: Megan Savage

Notary signature: Megan Savage

My commission expires: March 10, 2032





## OWNER AFFIDAVIT

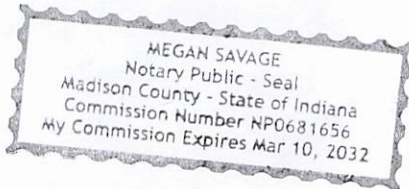
STATE OF IN  
COUNTY OF Hamilton S.S.

The undersigned, having been duly sworn on oath, states that they are the Owner of the Property involved in this application and that they hereby acknowledge and consent to the forgoing Application.

Owner printed name\*\*: GREG R. CALLAWAY  
Owner signature\*\*: [Signature]

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Subscribed and sworn to before me this 21<sup>st</sup> day of AUG., 20 25



Notary printed name: MEGAN SAVAGE  
Notary signature: [Signature]  
My commission expires: MARCH 10, 2032

**\*\* A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.**

Duly Entered for Taxation  
Subject to Final Acceptance for Transfer

JUL 18 2012

*Kathy Hoops-Whitt*  
AUDITOR, MADISON COUNTY

WARRANTY DEED

101201871

THIS INDENTURE WITNESSETH, That Steven L. Boles (Grantor) CONVEY(S) AND WARRANT(S) to Gregory R. Callaway (Grantee) for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Madison County, State of Indiana:

LOT NUMBERED 1 IN MINI PLAT NO. 604, A SUBDIVISION IN STONEY CREEK TOWNSHIP,  
AS RECORDED IN PLAT BOOK 20, PAGE 198 IN THE OFFICE OF THE RECORDER OF  
MADISON COUNTY, INDIANA.

Property Address: 4496 South 1000 West, Lapel, IN 46051.  
Tax ID No.: 481504300009000031

Subject to current taxes not delinquent, and all easements, agreements and restrictions of record and all public rights of way.

IN WITNESS WHEREOF, Grantor has executed this deed on the 12 day of July, 2012.

*Steven L. Boles*  
Steven L. Boles

STATE OF INDIANA )  
 ) SS.  
COUNTY OF MADISON )

Before me, a Notary Public in and for said County and State, personally appeared Steven L. Boles who acknowledged the execution of the foregoing deed.

Witness my hand and notarial seal on the 12 day of July, 2012.

MARCIA GOINGS  
SEAL

Notary Public, State of Indiana  
County of Madison

My Commission Expires 5/20/2016

*Marcia Goings*  
Notary Public, Diana L. Sayre  
Resident of Madison County

My Commission expires: 5/31/2018

Prepared by:  
Jeffrey R. Lade, Attorney at Law, 135 N. Pennsylvania Street  
Suite 710, Indianapolis, IN 46204

Grantee's Address and Tax Billing Address:

*4496 S. 1000 W*  
*Lapel, IN 46051*

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. *Sanford* File No. 101201871

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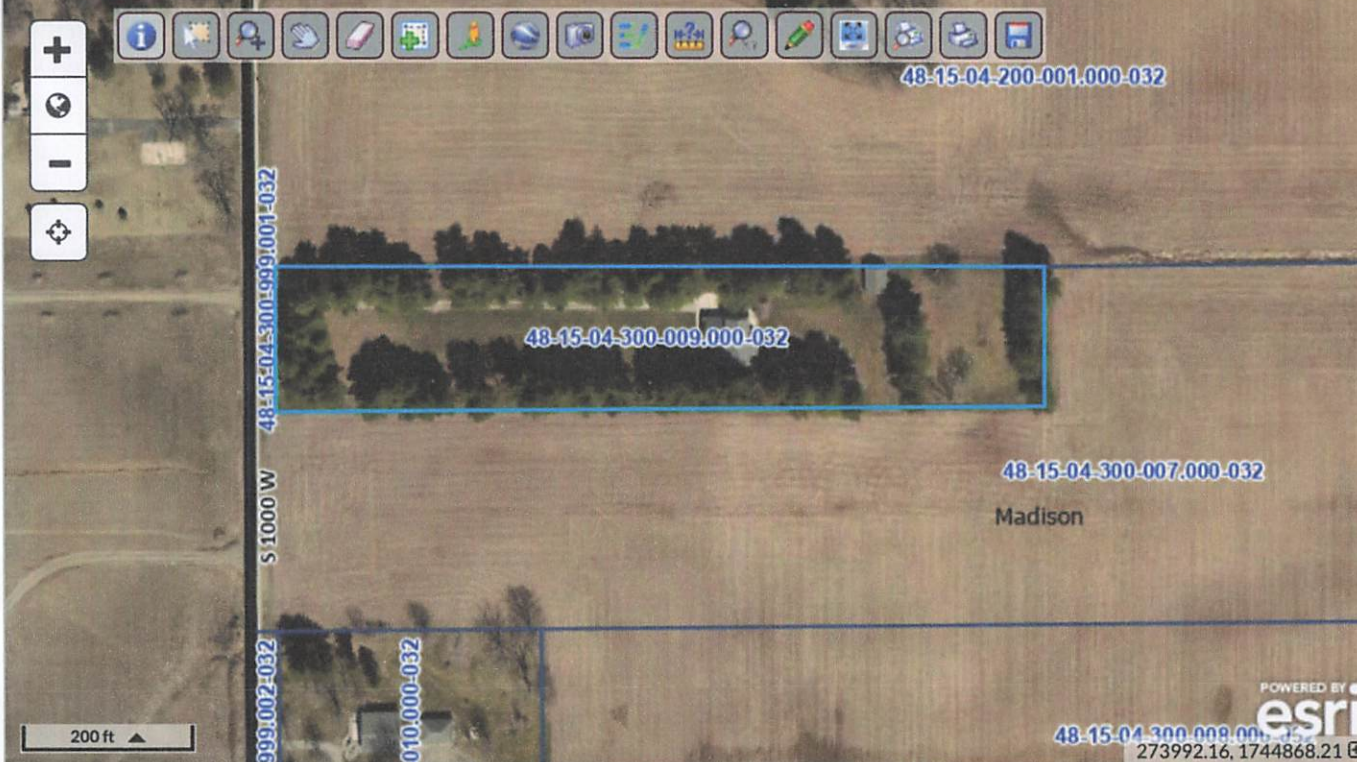
## Quick Links:

- [Property Search](#)
- [Personal Property Search](#)
- [View Map](#)

## Layers:

## Personal Property Tax

- ☒ Assessment Layers
- ☒ Annotation
- ☐ Base Layers
  - ☐ Address Points
  - ☐ Building Footprints
  - ☒ **Parcels**
  - ☒ Parcel Numbers
  - ☐ Tax Parcel Lines
  - ☒ USA Major Highways
  - ☒ Roads
  - ☐ Railroads
  - ☒ Vacations
  - ☐ Lakes
  - ☒ Streams and Rivers
  - ☐ Townships
- ☐ Administrative
  - ☒ Corporate Limits
  - ☒ County Boundary
  - ☐ Surrounding Counties
- ☒ Cadastral Reference



## Results:

Parcel ID - 48-15-04-300-009.000-032  
 Alt Id - 48-15-04-300-009.000-032  
 Address - 4496 S 1000 W  
 Owner - CALLAWAY GREGORY R  
 Acres - 3.251  
 View: [Report](#) | [Pictometry Imagery](#) | [Google Maps](#)

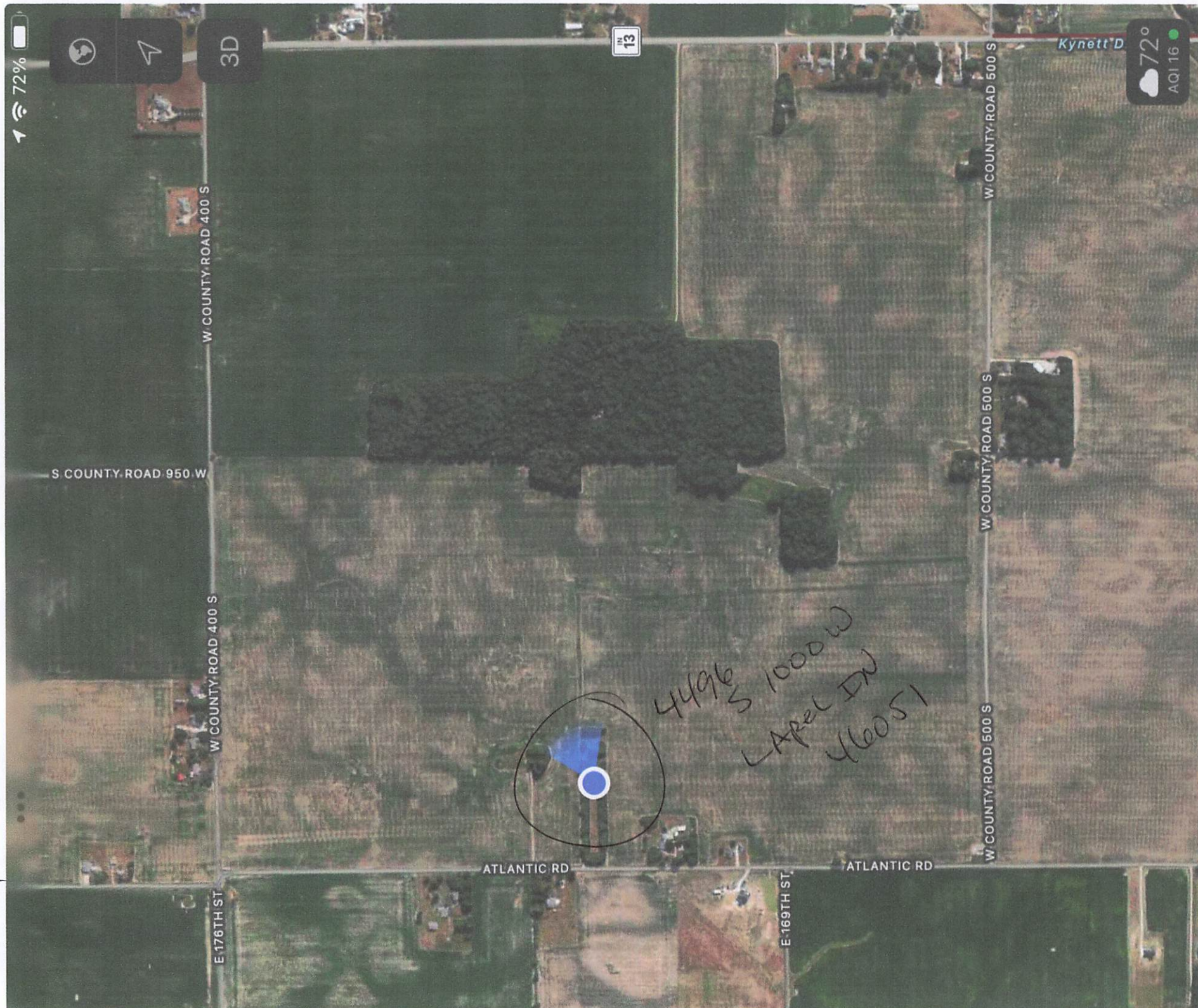
Parcel ID	48-15-04-300-009.000-032	Alternate ID	48-15-04-300-009.000-032
Sec/Twp/Rng	04-T18-R06	Class	RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Property	4496 S 1000 W	Acreage	3.251
Address	Lapel		
District	Lapel Town		
Brief Tax Description	MINI PLAT #604 L 1		

Owner Address  
 CALLAWAY GREGORY R  
 4496 S COUNTY ROAD  
 1000 W  
 LAPEL, IN 46051

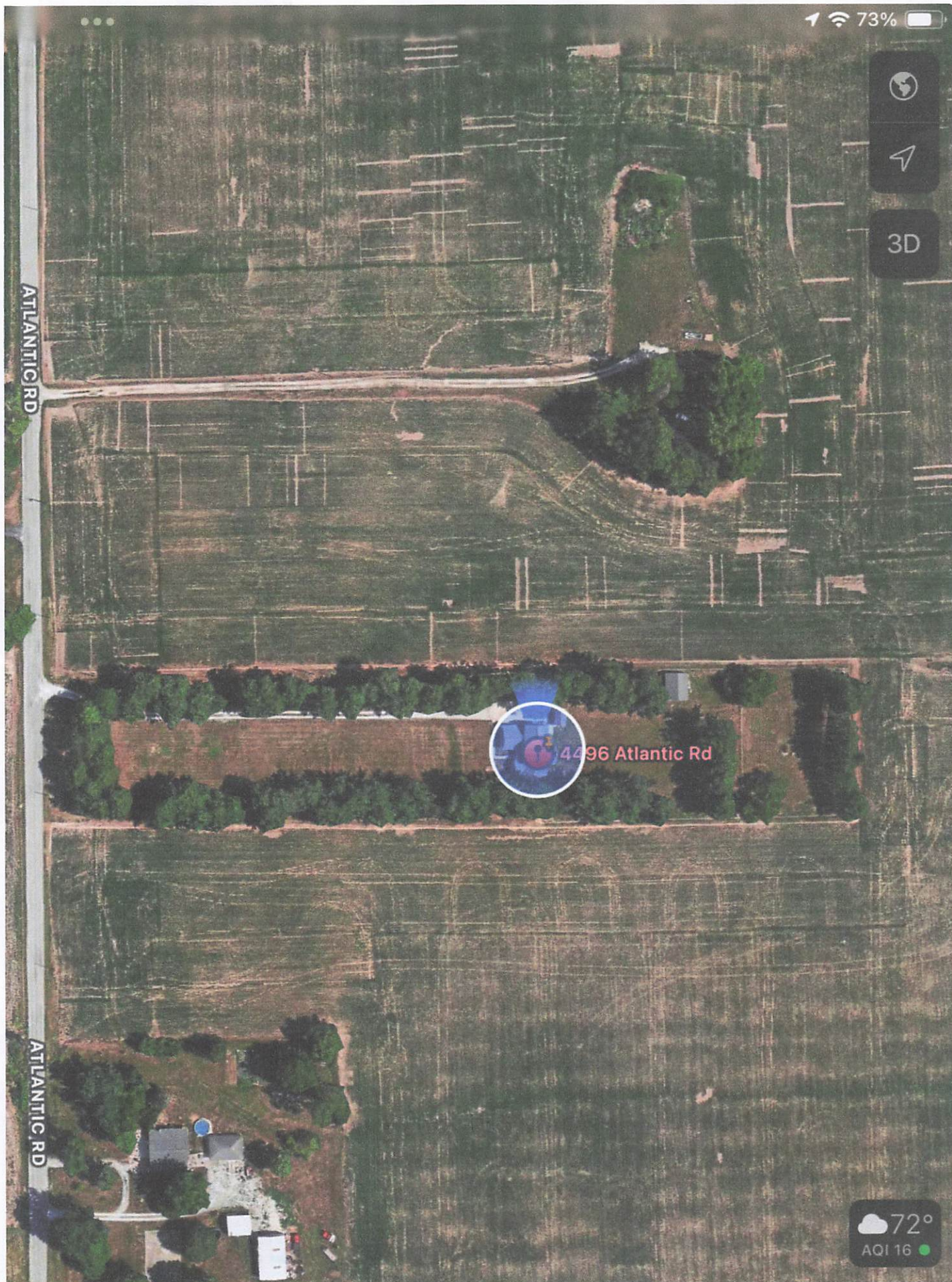
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ATLANTIC RD

ATLANTIC RD

Build Site



4496 Atlantic Rd

75°  
AQI 19













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page 8



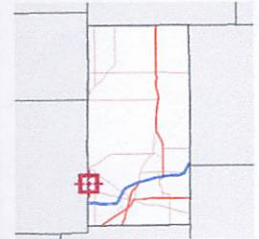


Beacon™

Madison County, IN | Assessor Larry D. Davis



#### Overview



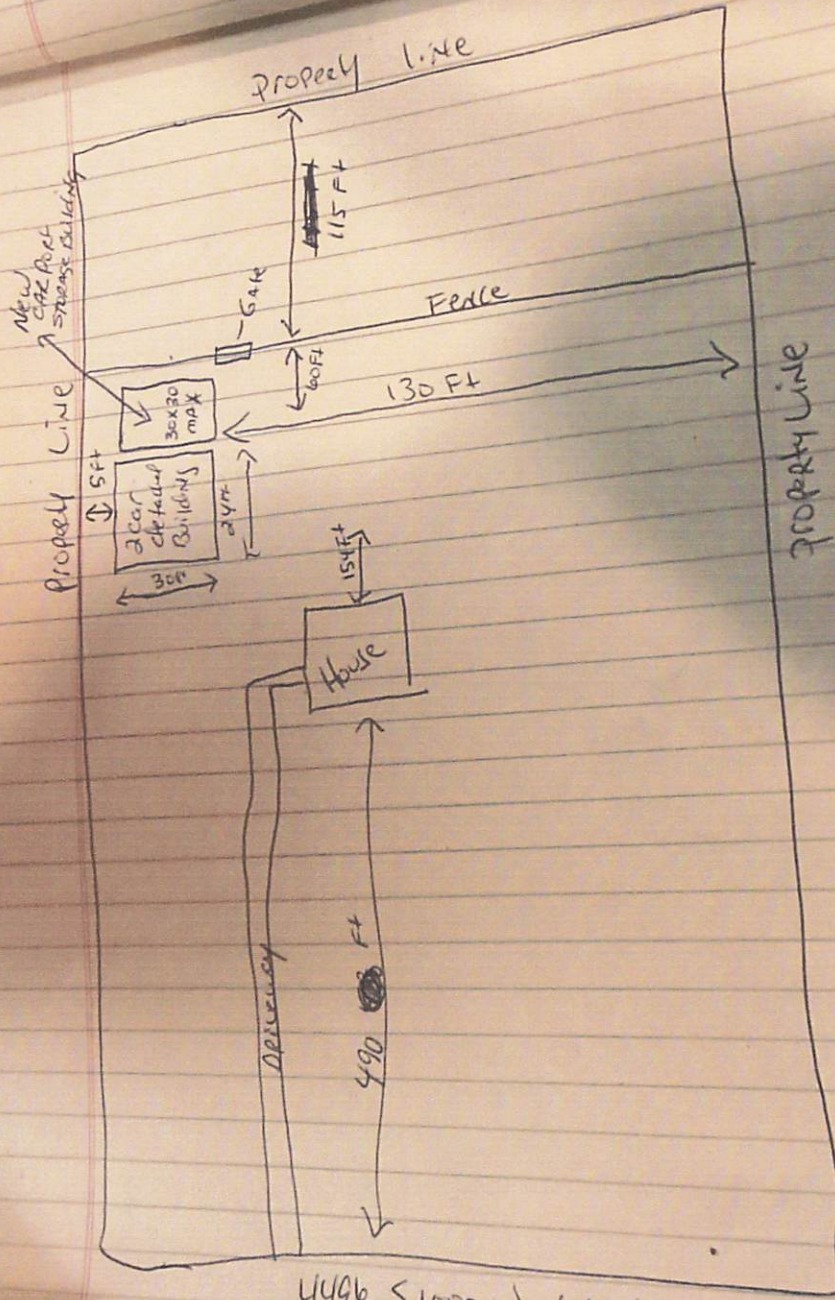
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- Parcels
- Roads
- County Boundary
- Floodplain
  - FEMA Zone AE Floodway; FEMA Administrative Floodway
  - DNR Detailed Floodway
  - DNR Approximate Floodway
  - FEMA Zone A
  - FEMA Zone AE
  - DNR Detailed Fringe
  - DNR Approximate Fringe
  - Additional Floodplain Area; DNR .2 Percent Flood Hazard
  - FEMA Protected by Levee
  - FEMA Floodplain - Ponding (Depth)
  - FEMA Floodplain - Sheet Flow (Depth)
  - Not Mapped

Date created: 8/28/2025  
Last Data Uploaded: 8/28/2025 1:00:34 AM

Developed by  SCHNEIDER  
GEOSPATIAL





4496 S 1000 W LAPOL  
ROAD

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