

Shelby County Board of Zoning Appeals

January 13, 2026, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals January 13, 2026

CALL TO ORDER

ROLL CALL

ELECTION OF OFFICERS

APPROVAL OF MINUTES

Minutes from the December 9, 2025, meeting.

OLD BUSINESS

None.

NEW BUSINESS

BZA 26-01 – TRAVIS & LORI BECK: SPECIAL EXCEPTION. Located at 3785 W SR 44, Shelbyville, Hendricks Township.

BZA 26-02 – ORVILLE BURCHETT: DEVELOPMENT STANDARDS VARIANCE. Located at 2212 S 125 E, Shelbyville, Shelby Township.

DISCUSSION

Residential Accessory Structure Standards Ordinance Review

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **February 10, 2026, at 7:00 PM.**

Meeting Information

Location: Conference Room 208A of the Shelby County Courthouse Annex Building, 25 West Polk Street, Shelbyville, Indiana
Time: 7PM
Zoom Link: <https://us06web.zoom.us/j/82133854744?pwd=F0FRJ0mExHxKuefhd7WCmCwTbKjLrh.1>
Password: Shelby

Board Members & Staff

Dave Klene, President: Appointed by Shelby County Council, Term January 1, 2023 – January 1, 2027
Terry Knudson, Vice President: Appointed by Shelby County Commissioners, Term January 1, 2022 – January 1, 2026
Megan Hart, Secretary: Appointed by Shelby County Plan Commission, Term January 1, 2025 – January 1, 2026
Kevin Carson, Member: Appointed by Shelby County Commissioners, Term January 1, 2025 – January 1, 2029
Jim Douglas, Member: Appointed by Shelby County Commissioners, Term January 1, 2025 – January 1, 2029
Desiree Calderella, Planning Director
Jody Butts, Board Attorney

Property Details

Location: 3785 W SR 44,
Shelbyville, Hendricks Township.

Property Size: 2.97-acres.

Current Land Use: Estate
Residential.

Zoning Classification:

RE (Residential Estate)

Intent: *This district is established for single-family detached dwellings in a rural or country setting.*

Special Exception: *Allow a special exception use only when it is compatible with the surrounding residential areas.*

Future Land Use per Comp Plan Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	RE	Estate Residential
West	A1	Cropland

Staff Report

Case Number: BZA 25-01

Case Name: Travis & Lori Beck – Special Exception

Request

Special Exception to allow a Type 2 Home Business (beauty salon) in the RE (Residential Estate) District

Property Map



Case Description

- The petitioners plan to construct a 20' x 32', two-story addition onto the east side of their residence. The first floor of the addition will consist of brick matching the exterior of the house.
- The petitioners plan to operate a one-chair, beauty salon in one room of the addition.
- The proposed business complies with all standards for Type 2 Home Businesses.
- The proposed business would serve no more than twenty (20) customers per week.
- The proposed business would operate no more than five (5) days per week, between the hours of 7AM and 9PM.
- The proposed business would not have any additional employees.

- The Shelby County Health Department will require State Department of Health review of the business plans to determine septic system requirements.
- The property sits at the west end of a row of +/- 3-acre residential lots fronting upon W SR 44.

Staff Analysis of Findings of Fact

1. **UDO Requirement: The proposed special exception is consistent with the purpose of the zoning district and the Shelby County Comprehensive Plan.**
2. **UDO Requirement: The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community.**
3. **UDO Requirement: The proposed special exception is in harmony with all adjacent land uses.**
4. **UDO Requirement: The proposed special exception will not alter the character of the district; and**
5. **UDO Requirement: The proposed special exception will not substantially impact property value in an adverse manner.**

Staff Analysis

The UDO states that in the RE District: Allow a special exception use only when it is compatible with the surrounding residential areas. The beauty salon would be compatible with the surrounding area. The exterior appearance of the proposed addition would not appear commercial in nature. The business would only accommodate one customer at a time which would not result in traffic in greater volumes than expected in the area or an excessive number of vehicles parked on the property. The business would comply with all standards for Type 2 Home Businesses.

The addition will require a building permit and septic facilities in compliance with all State and local codes.

The business would provide a service to rural residential properties in the surrounding area.

The business would be compatible with the surrounding area and therefore would not have an impact on surrounding property values.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the beauty salon would be compatible with the surrounding area. The exterior appearance of the proposed addition accommodating the beauty salon would not appear commercial in nature. The business would only serve one customer at a time which would not result in traffic in greater volumes than expected in the area or an excessive number of vehicles parked on the property.

Staff recommends the following **stipulations**:

1. Operation of the business shall comply with Section 5.34 HB-02: Type 2 Home Business Standards of the Unified Development Ordinance.
2. Business operations shall be limited to the Statement of Intent and Site Plan submitted with the variance application.

Applicant/Owner Information

Applicant: Travis & Lori Beck
3785 W SR 44
Shelbyville, IN 46176

Owner: Same

STATEMENT OF INTENT (ONLY REQUIRED FOR VARIANCE OF USE & SPECIAL EXCEPTION)

Please answer the following questions (when applicable) pertaining to your request. If approved, the use would be limited to the information provided and expansion of the use would require new approval from the Board. The Board may also approve the use conditional on one or more amendments to the statement of intent.

1. Summary of Proposed Use and/or Business Activity: _____
1 chair beauty salon

2. Days & Hours of Operation: _____
no more than 5 days per week 7am-9pm

3. Maximum Number of Customers per Day/Week/Month: _____
not likely more than 20 customers per week

4. Type and Frequency of Deliveries: _____
none other than normal at home

5. Description of any Outdoor Storage: _____

6. Description, Size, and Placement of any Signage: _____
small sign by front door, building mounted

7. Description of Waste Disposal: _____
normal trash route

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): _____
we are adding on to our house and would like to add this one room salon as part of the add on

SPECIAL EXCEPTION

FINDINGS OF FACT

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Special Exception. Using the lines provided, please explain how your request meets each of these criteria. You may attach an additional sheet with answers if necessary.

1. The proposed special exception is consistent with the purpose of the zoning district and the Shelby County Comprehensive Plan.

Describe how the proposed structure/land use is appropriate for the zoning district and future land use recommended for the property by the Comprehensive Plan. If you do not know the future land use recommendation, ask the Planning Director.

This is residential and our current home of 20 years. We are proposing adding a two story addition to the east side of our house and in this adding a one room beauty salon to be run solely by my wife. No other employees or volunteers.

2. The proposed special exception will not be injurious to the public health, safety, and general welfare of the community.

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

Passing motorists will not even be able to tell that there is a business going on here.

My wife does not take walk ins, so at most there would be 2 vehicles in the drive at a time. One for the exiting customer and one for the incoming.

3. The proposed special exception is in harmony with all adjacent land uses; and
4. The proposed special exception will not alter the character of the district.

Describe how the proposed structure/land use is similar to the use of other properties in the neighborhood. This may include neighboring structures/land uses similar in appearance to the proposed land use, neighboring structures/land uses that have the same impact (noise, odor, traffic, etc.) on the neighborhood as the proposed land use, etc.

Many other homes on our street have added inlaw quarters in the past few years.

Our addition will compliment the look of our house and those around it. Our addition will look as if it has always been a part of the existing structure.

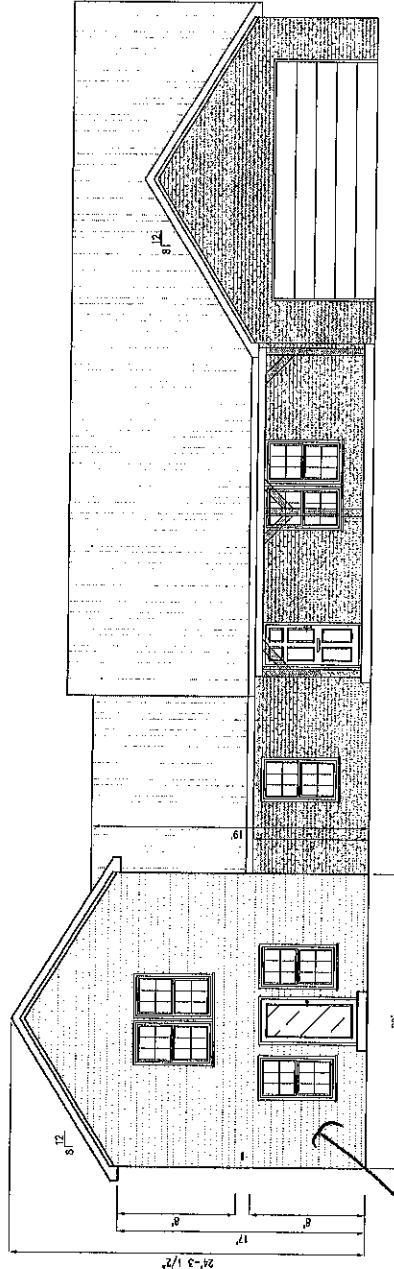
5. The proposed special exception will not substantially impact property value in an adverse manner.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

Again this structure will only compliment our property and those around us and increase our property value as well as those around us.

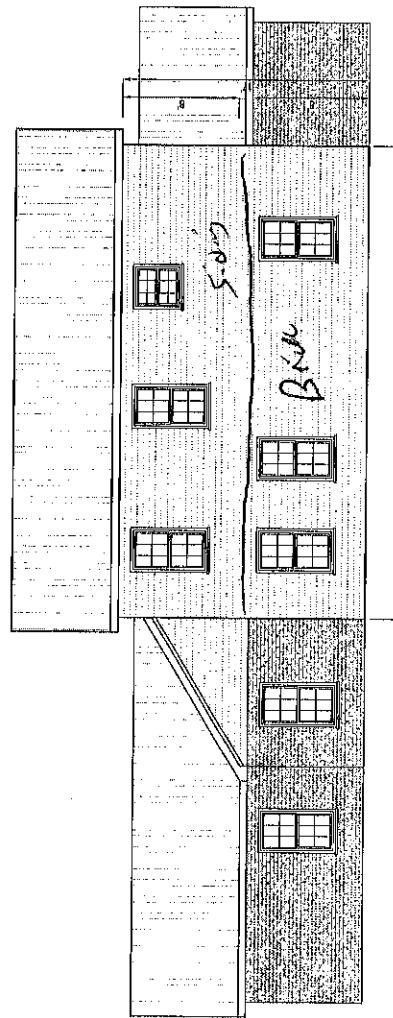


SCALE: 1/4" = 1'-0"



PROPOSED NORTH ELEVATION

W. Wall - No S. Wall



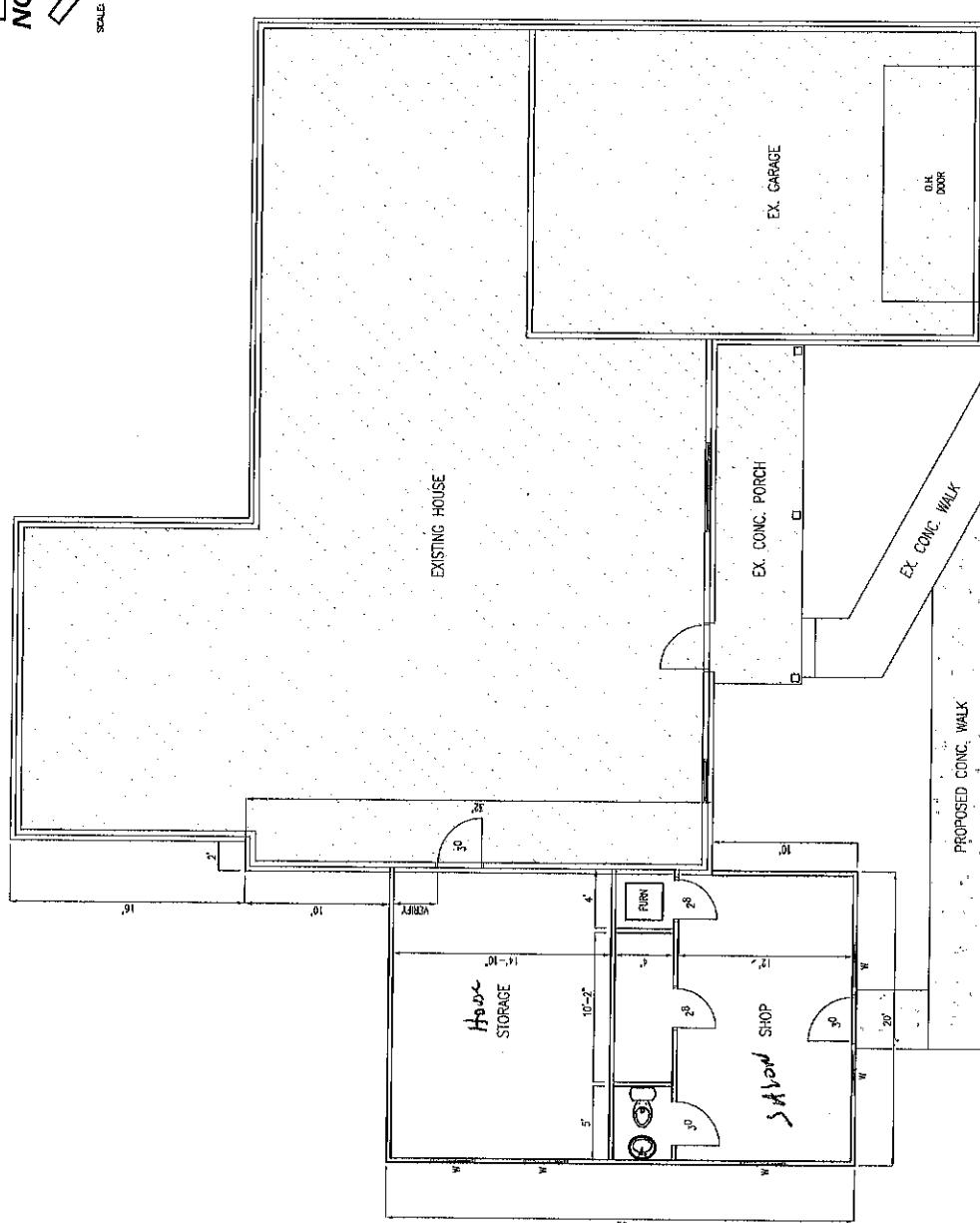
PROPOSED WEST ELEVATION

VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION

PRELIMINARY



DATE DEC. 5, 2025
PROJECT NO. 2025054
SHEET NO. A200

 <p>SPACE and SITES, LLC</p> <p>SCALE: 1/4" = 1'-0"</p>	<p>3785 W 85th Street, Suite 444, Schererville, IN 46375 Phone: 317-392-4444 Fax: 317-392-0709 www.spaceandsitesllc.com e-mail: spaceandsitesllc@outlook.com</p>	<p>PROJECT NAME: Beck Addition SHEET NAME: PROPOSED FLOOR PLAN DATE: DEC. 5, 2025 PROJECT NO.: 202554 SHEET NO.: A100</p>
<p>EXISTING HOUSE</p> 		
<p>PROPOSED FIRST FLOOR PLAN</p>		
<p>PROPOSED SECOND FLOOR PLAN</p>		
<p>PRELIMINARY</p> <p>VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION</p>		

Google Maps

3785 IN-44



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 Google 50 ft



Proposed
addition
300'
from
house to
neighbor
property line.

3785 IN-44

Building



Directions



Save



Nearby

Send to
phone

Share



3785 IN-44, Shelbyville, IN 46176

Photos

Property Details

Location: 2212 S 125 E, Shelbyville, Shelby Township.

Property Size: 1-acre.

Current Land Use: Single-Family Residential.

Zoning Classification:

R1 (Single-Family Residential)

Intent: *This district is established for single-family detached, medium to large sized homes on medium to large sized lots.*

Development Standards: *Promote low-impact development in harmony with a natural setting.*

Future Land Use per Comp Plan

Incorporated Planning Area: Single-Family Residential

Single-family residential can indicate a few varieties of densities including high, medium and low densities.

Surrounding Development

	Zoning	Land Use
North	R1	Single-Family Residential
South	A1	Cropland
East	R1	Single-Family Residential
West	A1	Cropland

Staff Report

Case Number: BZA 26-02

Case Name: Orville Burchett – Development Standards Variances

Request

Variances of Development Standards to allow for a 900 sq. ft. pole barn:

1. In the front yard;
2. Resulting in the total area of all accessory structures on the property exceeding $\frac{1}{2}$ the footprint of the house.

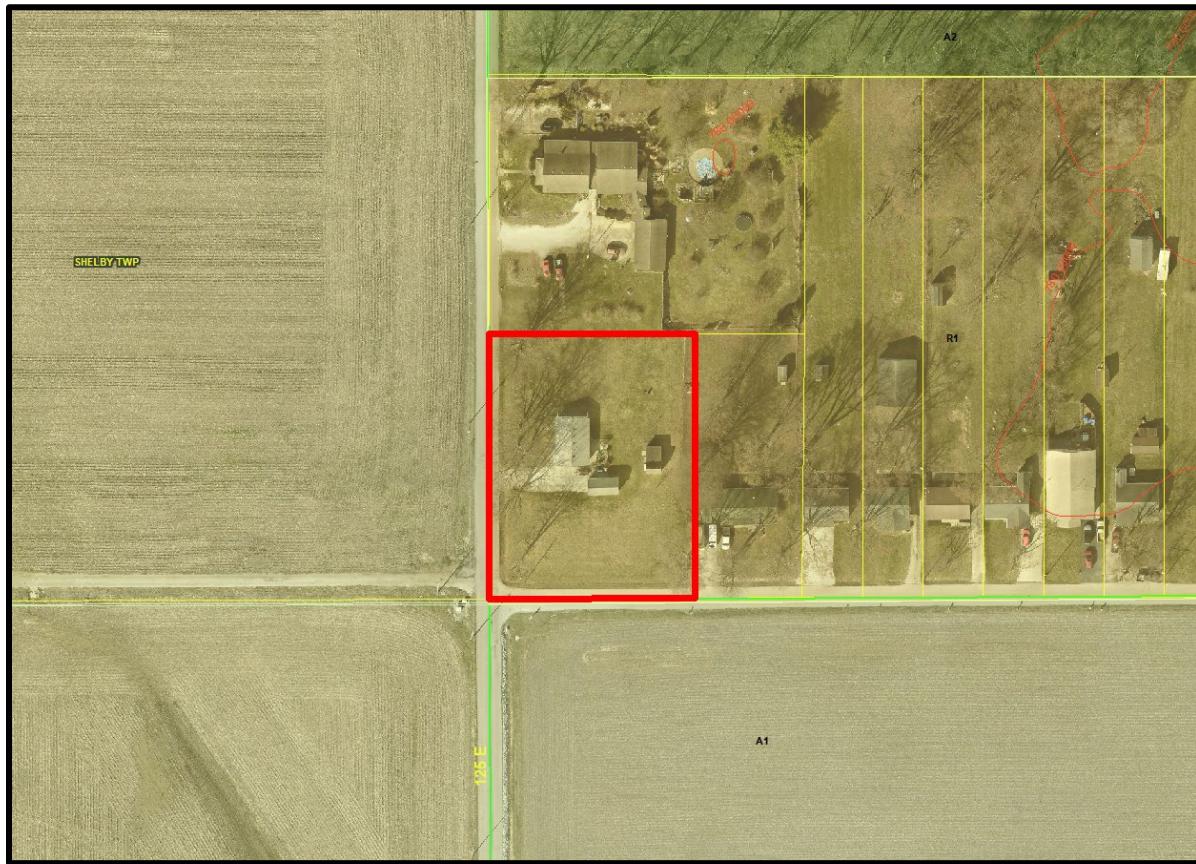
Code Requirement

UDO Section 5.04 C: Placement: *A permitted accessory structure shall not be placed in the front yard of any lot, unless placed 350 feet or greater from the front property line.*

UDO Section 5.07 F 1: Maximum Size: *The total square footage of all enclosed accessory structures on a lot adjoining one or more lots in the RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, or HI Districts shall not exceed fifty percent (50%) of the footprint of the primary structure.*

Purpose of Requirement: Prohibiting the construction of accessory structures in the front yard maintains the primary structure as the visual focal point of the property and protects the viewsheds from the front yard of adjacent properties. Limiting the size of residential accessory structures ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, large machinery, and/or large equipment.

Property Map



Case Description

- The petitioner plans to construct a 30'x30' (900 sq. ft.) pole barn near the southeast corner of the property.
- The square footage of the pole barn plus existing sheds would equal approximately 1.6X the square footage of the footprint of the house. The property tax card provides the square footage of the house and existing accessory structures.
- The property is located within a rural residential neighborhood consisting of residential lots ranging in size from $\frac{1}{2}$ acre to 2-acres. Five of these properties include accessory structures similar in size to the proposed pole barn. However, most accessory structures on these properties comply with the maximum size requirement.
- The UDO designates the front yard of corner lots as any area between the primary structure and both roadways. The house faces CR 125 E. The pole barn would sit to the side of the house in the front yard along CR 225 S.
- The septic system sits north of the house which limits the developable area north of the house.

Staff Analysis of Findings of Fact

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

Staff Analysis: Construction of the pole barn would require a building permit, and the structure must comply with all building codes before passing a final inspection. The public would not have access to the structure.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: Several properties in the neighborhood include accessory structures similar in size to the proposed pole barn. Setback of the barn at approximately the same distance from the road as the house to the east would limit any impact to the viewsheds from the front yard of adjacent properties to the east.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: A strict application of the ordinance would not allow for construction of a pole barn near the existing driveway and similar in size to accessory structures on adjacent properties. The septic system sits north of the house which limits the developable area north of the house.

Staff Recommendation

Staff recommends **APPROVAL** primarily because a strict application of the ordinance would not allow for construction of a pole barn near the existing driveway and similar in size to accessory structures on adjacent properties.

Staff recommends the following **stipulation** to protect the viewshed from the front yard of adjacent properties to the east:

1. The pole barn shall not encroach past the front building line of the house on the adjoining property to the east. In the event that the existing accessory structures on the subject property prevent compliance with this stipulation, the Zoning Administrator may approve a minor deviation from this requirement.

Applicant/Owner Information

Applicant:	Orville Burchett 2212 S 125 E Shelbyville, IN 46176	Owner:	Orville & Billi Burchett
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View of Subject Property from Corner of CR 125 E & CR 225 S



Google Street View – June 2024

DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

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

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

Pole barn will be used to store vehicles, tools and motorcycle. Lawn equipment and 2 freezers

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.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

Pole barn will not interfere with the neighbors Serenity of life

Property lines at least 60 ft from neighbor in back.

3. The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

Describe how approval of the variance will allow for reasonable development of the property. This may include similar development on neighboring properties, a physical condition of the property which makes the proposed building/land use desirable, the historical use of the property, a physical condition of the property which prevents the building/land use without approval of a variance, etc.

Personal Use. Will improve Property Value

Shelby County Health Department
20 W Polk Street, Suite 202, Shelbyville, Indiana 46176
Phone (317) 392-6470 Email Shelby_health@hotmail.com

Property Owners

Name: Orville Burchett Property Address: 2215 125 E Swille

Township: Shelby Section #: 16 Subdivision: Fairwell Lot #: 04

Description of Construction: 30 x 30 pole barn

Signature: Doville Burchett Printed Name: Doville Burchett

No permanent structures within 10 ft of septic tank and field

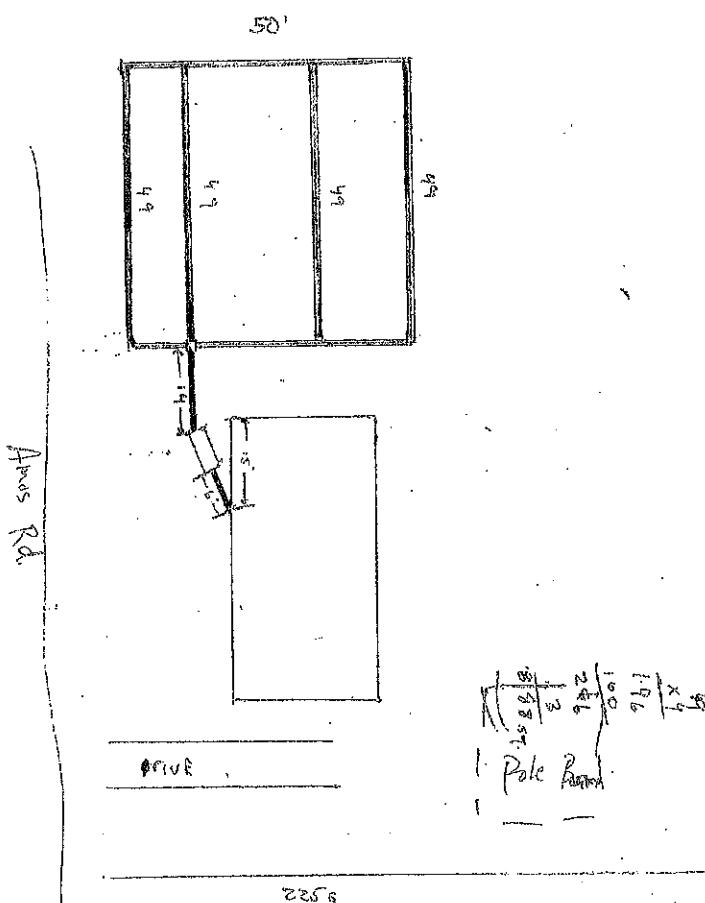
No Water/Plumbing Inv Drawing/Plans
Pek Barn

Water/plumbing
in building? Yes No

Adding Bedrooms? Yes No

6.10.51 1

Total Existing/Proposed
Bedrooms



Inspection Date: 12/08/2025
AddOns&OtherBuildings 01/05/2023

Inspector: W. E. Pennington

Approved/Disapproved

Shelby County Plan Commission

Memo

To: Shelby County Board of Zoning Appeals

From: Desiree Calderella, Planning Director

Residential Accessory Structure Standards Ordinance Review

Size Requirement

At the November 2025 BZA meeting, the Board suggested that Staff review previous variance approvals to determine appropriate accessory structure size regulations. The Board also expressed concern that no size requirement would allow excessively large structures.

The following pages show all variances that the Board has approved since 2019 in which the size of the constructed accessory structure equals or exceeds the size of the house. In Staff's opinion, the size only becomes an issue when the lot is less than one-acre (see map 3 & 5) or the accessory structure exceeds about 3,500 sq. ft. (see map 6 & 7).

Staff proposes the following revision.

Current Requirement

On agricultural lots, no size requirement

On residential lots in the RE District (generally lots 2-acres or greater), the cumulative area of all accessory structures on the property cannot exceed 2X the size of the house

On residential lots in the R1 and VR Districts (generally lots under 2 acres), the cumulative area of all accessory structures on the property cannot exceed 1/2 the size of the house

New Requirement

On agricultural lots, no size requirement

25 W Polk St, Shelbyville, IN 46176
T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

On lots one (1) acre or greater, each accessory structure shall not exceed 3,500 square feet.

In 2025, the County only issued two permits for residential accessory structures over 3,500 sq. ft. Reducing the size any less would encompass several more permits resulting in a more restrictive requirement than our current size limitation.

On lots less than one (1) acre, the cumulative area of all accessory structures on the property cannot exceed 75% the size of the house

For the buildings on pages 3 & 5, this would reduce those buildings to about half of the current size.

On lots less than one (1) acre and completely surrounded by farmland, each accessory structure shall not exceed 3,500 square feet.

Provides an exemption to the 75% requirement for small lots not within neighborhoods.

Front Yard Requirement

At the November 2025 BZA meeting, the Board expressed some concern with allowing accessory structures in the front yard. Staff reviewed accessory structure placement requirements in adjacent Counties and previous issues that have arisen regarding accessory structures in front yards to propose a set of stipulations that would allow an accessory structure in the front yard without variance approval.

1. *The lot must be 1-acre or greater*

This prohibits accessory structures in the front yard in small-lot neighborhoods

2. *The structure must be 100-feet or greater from the centerline of the road*

This mitigates the aesthetic impact when viewed from the road

3. *If located closer than 100-feet to a property line, the structure cannot encroach past the front building line of the house on the adjacent lot*

This protects the viewshed from adjacent front yards

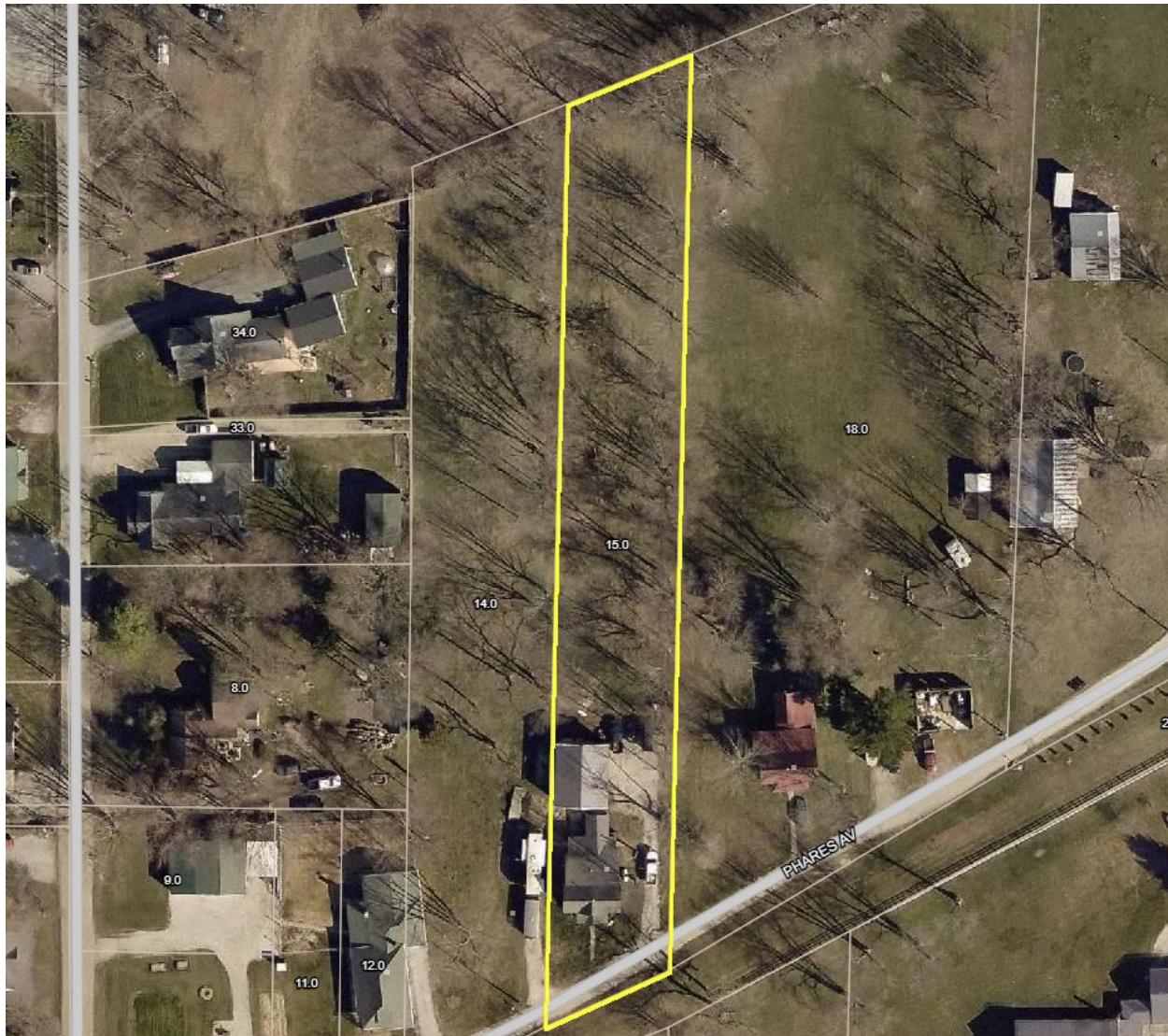
Adjacent County Residential Accessory Structure Requirement Comparison

	Size Limit	Permitted in Front Yard
Shelby Proposed	1 acre or greater – 3,500 sq. ft. Less than one acre – 75% of house (exemption next to ag land)	Yes, conditional on: 1. Lot must be 1-acre or greater. 2. Structure must be 100-feet or greater from the centerline of the road. 3. If located closer than 100-feet to a property line, the structure cannot encroach past the front building line of the house on the adjacent lot.
Rush	No Limit	Yes
Decatur	No Limit	Yes
Hancock	No Limit	No, except for Rural Residential District
Johnson	2 acres or greater – No Limit Less than 2 acres – 100% of house	Yes, conditional on: 1. Prohibited in major subdivision 2. Lots 2-acres or greater - structure must be 100-feet or greater from the road. 3. Lots less than 2-acres - structure cannot exceed 25% of house
Bartholomew	2 acres or greater – No Limit Less than 2 acres – 100% of house	No

* size requirements for Johnson & Bartolomew County are less restrictive than our current requirement

* size requirements for Johnson & Bartolomew County would be less restrictive than the proposed requirements for lots 2-acres and greater and more restrictive for lots under 2-acres

*front yard requirement for Johnson County would be less restrictive than the proposed requirement because Johnson County allows structures in the front yard on lots less than one acre



6200 E Phares Ave – 117%

1-acre

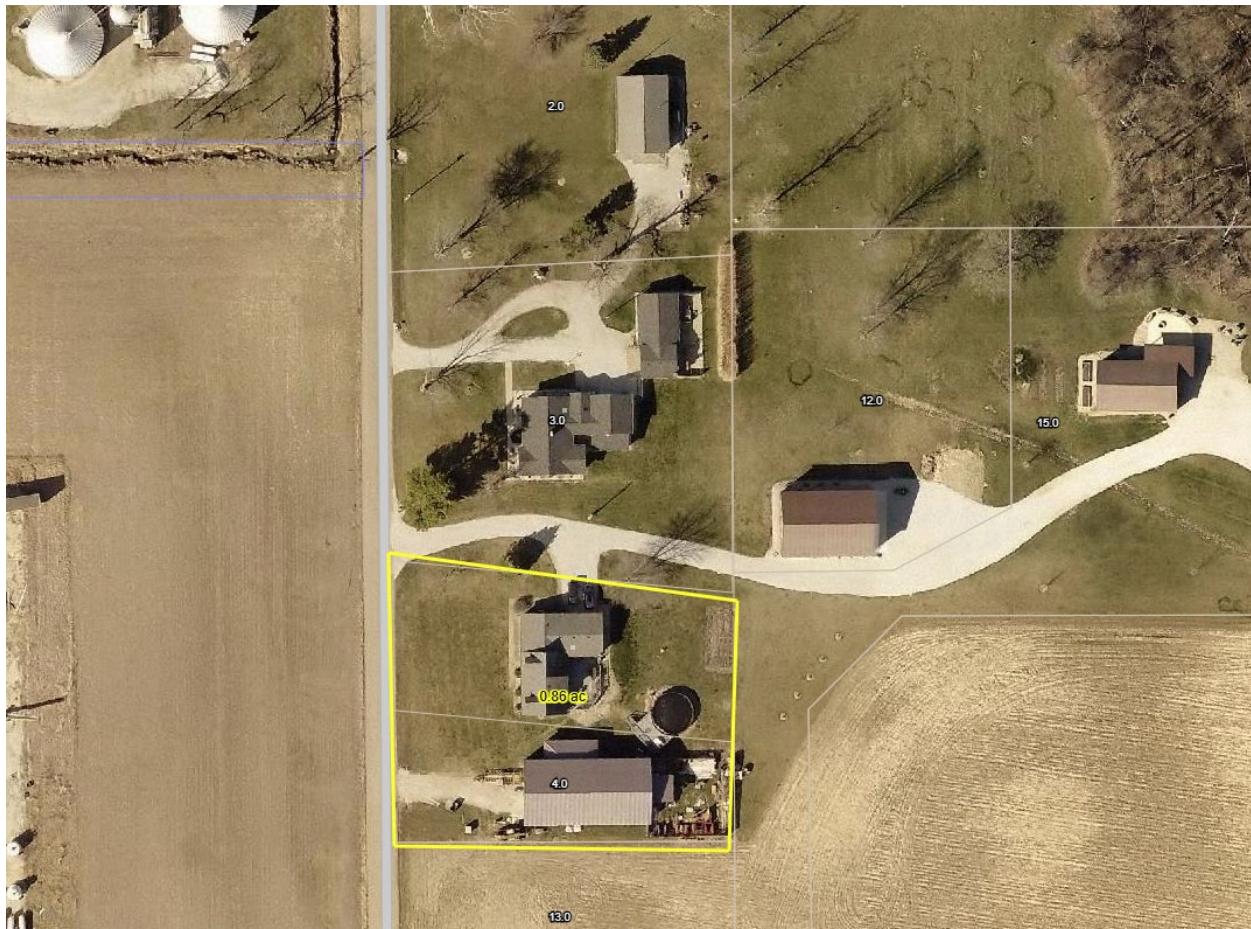
1080 sq. ft.



713 E Middletown Rd – 104%

1-acre

1200 sq. ft.



11882 N 200 W – 100%

0.86-aces

3200 sq. ft.



3515 S 600 E – 167%

2.82-acres

3200 sq. ft.



3215 E Michigan Rd – 115%

0.68-acres

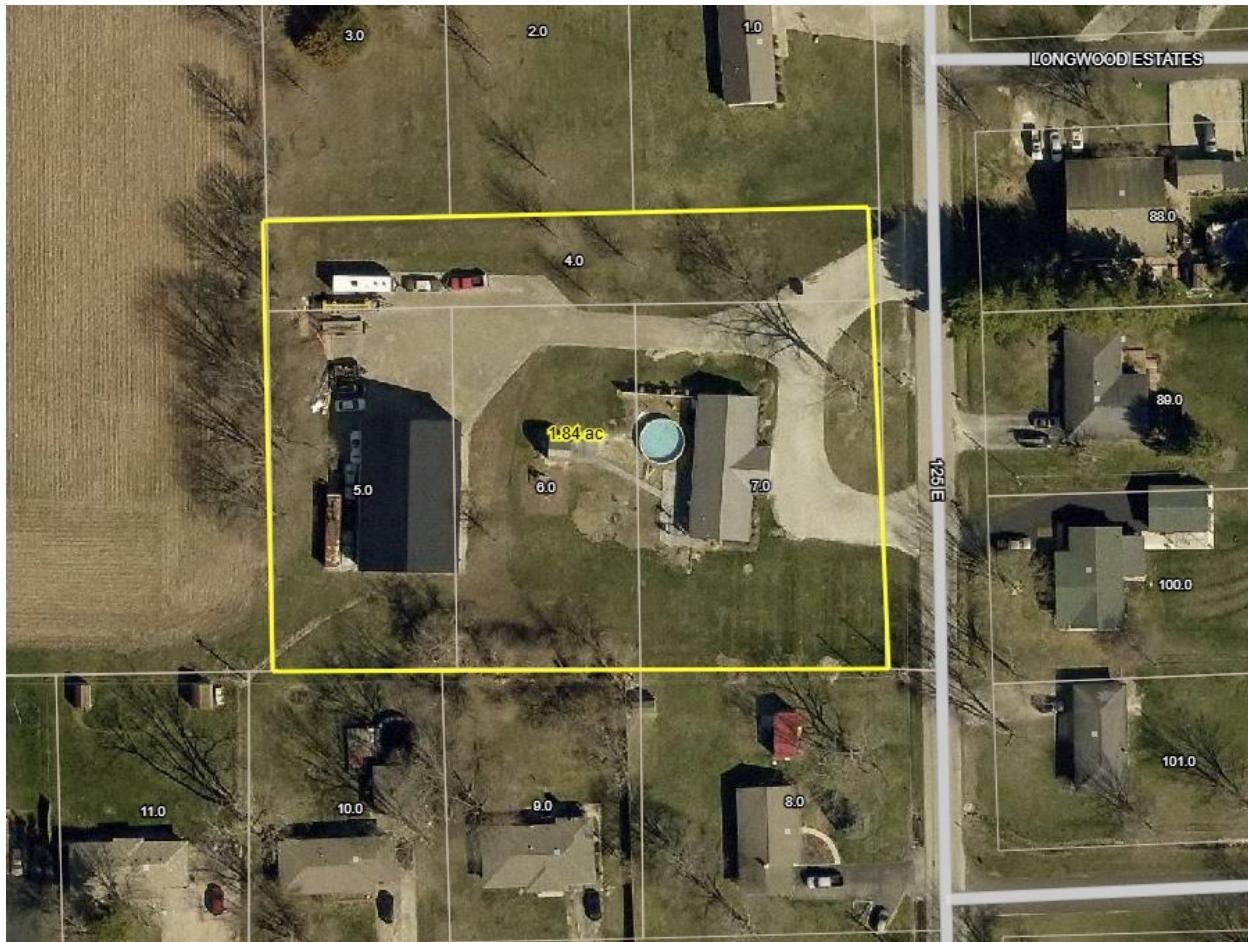
2250 sq. ft.



6509 N London Rd - 121%

1.03-acres

3250 sq. ft.



2467 S 125 E – 150%

1.84-acres

4160 sq. ft.



8562 S Pleasure Valley Rd – 120%

0.48-acres

640 sq. ft.



6465 N London Rd – 230%

1.78-acres

988 sq. ft.

Accessory Structure Standards (AS)

5.04 AS-01: General Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The intent of the Accessory Structure Standards is to ensure the placement and use of accessory structures protects the health, safety, and welfare of the residents of the County. The following standards apply:

- A. Permit Required: An Improvement Location Permit is required for the construction of any accessory structure greater than 200 square feet in size.
- B. Zoning District Standards: A permitted accessory structure shall comply with all development standards for the applicable zoning district.
- C. Placement:
 1. **Front Yard**: A permitted accessory structure may be placed in the front yard provided:
 - a. the lot is one (1) acre or greater;
 - b. the accessory structure is setback one-hundred (100) feet or greater from the centerline of the abutting public or private road; and
 - c. if the accessory structure is closer than one-hundred (100) feet to a property line, the structure does not encroach past the front building line of any primary structure on the lot adjoining that property line.
 2. **Side & Rear Yards**: Accessory structures shall be permitted in side and rear yards in compliance with the setback standards for accessory structures applicable to the zoning district.
- D. Prohibited for Occupancy: A permitted accessory structure shall not be utilized for human occupancy.
- E. Swimming Pools: Swimming pools shall be subject to both the Unified Development Ordinance and the Indiana Administrative Code (675 IAC 20: Swimming Pool Code).
- F. Exemptions: Accessory structures 200 square feet or less in size are exempt from the requirements of this section (Accessory Structure Standards).

5.05 AS-02: Open Space and Parks and Agricultural Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a barn, silo, stable, detached garage, fruit/vegetable stand, swimming pools, storage shed, gazebo, or semi-tractor trailer used for fertilizer, pesticide, herbicide or fungicide storage if located on a concrete pad.
- B. Prohibited Types: Shipping container, portable storage container, construction trailer, passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- C. Placement Exemption: A permitted accessory structure is exempt from U.D.O. *Section 5.04 C 1* and may be placed in the front yard.

5.06 AS-03: Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a barn, detached garage, swimming pool, storage shed or gazebo.
- B. Prohibited Types: Shipping container, portable storage container, construction trailer, passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle

propelled or drawn by mechanical power, or any part or section of an item on this list or the like shall not be used as an accessory structure.

C. Timing of Installation: Accessory structures may be permitted prior to the erection of a primary structure if the primary structure is issued a certificate of occupancy within two (2) years of issuance of an Improvement Location Permit for the accessory structure.

D. Maximum Size:

1. On lots one (1) acre or greater, each enclosed accessory structure shall not exceed 3,500 square feet.
2. On lots less than one (1) acre, the total area of all enclosed accessory structures on the lot shall not exceed seventy-five (75%) the footprint of the primary structure.
 - a. The total area of all enclosed accessory structures on a lot less than one (1) acre and adjoining land only in the A1 (Conservation Agricultural) or A2 (Agricultural) District may exceed seventy-five (75%) the footprint of the primary structure, however, each enclosed accessory structure shall not exceed 3,500 square feet.