

# Shelby County Board of Zoning Appeals

October 14, 2025, at 7:00 PM

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# MEETING AGENDA

## Shelby County Board of Zoning Appeals October 14, 2025

### CALL TO ORDER

### ROLL CALL

### APPROVAL OF MINUTES

Minutes from the September 9, 2025 meeting.

### OLD BUSINESS

**BZA 25-33 – LARRY M CONN:** FINDINGS OF FACT

### NEW BUSINESS

**BZA 25-34 – JUSTIN M BROWN:** DEVELOPMENT STANDARDS VARIANCE. Located at 6801 W Lora Dr, Boggstown, Sugar Creek Township.

**BZA 25-35 – SARAH A SMITH:** DEVELOPMENT STANDARDS VARIANCE. Located at 6972 W 500 N, Fairland, Sugar Creek Township.

**BZA 25-36 – KAREN JIMENEZ:** DEVELOPMENT STANDARDS VARIANCES. Located at 7279 W State Road 44, Shelbyville, Hendricks Township.

**BZA 25-37 – JUST ADD WATER BOATS:** USE & DEVELOPMENT STANDARDS VARIANCES. Located at 5590 W 1100 N, Fountaintown, Moral Township.

**BZA 25-38 – AMANDA BRATTON & THERESA J YOUNG:** DEVELOPMENT STANDARDS VARIANCE. Located at 4538 N Birch St, Fairland, Brandywine Township.

### DISCUSSION

None.

### ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **November 4, 2025, at 7:00 PM. (1<sup>st</sup> Tuesday)**

## 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/87085055233?pwd=YJuvbCJZhy5AzL36Pi9VN47TfwTX6C.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**

## **Development Standards Variance**

### **FINDINGS OF FACT**

**Applicant:** Larry M Conn

**Case #:** BZA 25-33

**Location:** 617 W Brookville Rd, Fountaintown, Van Buren Township

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

*Construction of the structure 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. 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 size and appearance of the building would resemble other buildings in the rural areas and therefore would have no impact on the rural character of the area.*

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

*The property is larger than most other residential properties in the area. A strict application of the ordinance would limit development of the additional area of the property.*

## Property Details

**Location:** 6801 W Lora Dr,  
Boggstown, Sugar Creek Township.

**Property Size:** 1.09-acres.

**Current Land Use:** Single-Family  
Residential.

### Zoning Classification:

VR (Village Residential)

***Intent:** This district is established for existing residential uses in small unincorporated towns and villages.*

***Development Standards:** Flexible development standards to accommodate existing developments.*

### 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	VM	Commercial
South	A1	Cropland
East	VR	Single-Family Residential
West	VR	Single-Family Residential

# Staff Report

**Case Number:** BZA 25-34  
**Case Name:** Justin M Brown – Development  
Standards Variance

## Request

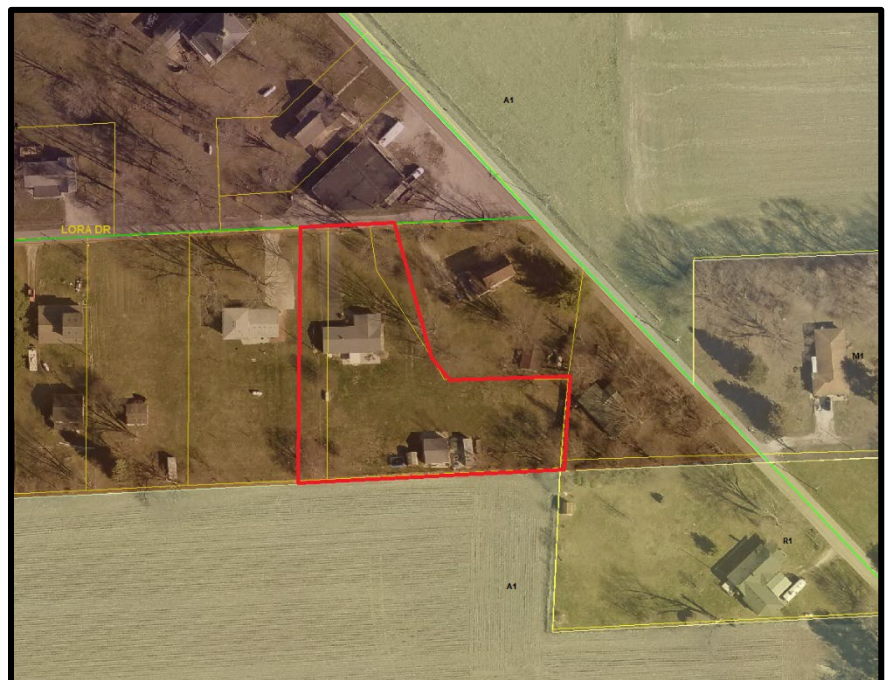
**Variance of Development Standards** to allow for a 1,500 sq. ft. accessory structure exceeding half the size of the footprint of the house.

## Code Requirement

**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 Requirements:** 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

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- The petitioner plans to construct a 30'x50' (1,500 sq. ft.) accessory structure.
- The square footage of the existing detached garage plus the square footage of the proposed accessory structure would equal approximately 1.25X the square footage of the footprint of the house. The property tax card provides the square footage of the house and detached garage for the calculation.
- The structure would sit in the rear yard at the southeast corner of the property. Structures and trees on adjacent property would screen view of the structure from Lora Dr. and Boggstown Rd.
- The property is located at the southeast corner of the unincorporated town of Boggstown and adjacent to cropland. The unincorporated town of Boggstown includes a variety of uses and structures of various sizes.

## Staff Analysis of Findings of Fact

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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 accessory structure 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: The structure would not conflict with a consistent development pattern. The unincorporated town of Boggstown includes a variety of uses and structures of various sizes.

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 an accessory structure that would have no negative impact on the surrounding area.

## Staff Recommendation

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Staff recommends **APPROVAL** primarily because the unincorporated town of Boggstown includes a variety of uses and structures of various sizes. Therefore, the structure would not conflict with character of the area.

## Applicant/Owner Information

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Applicant:	Justin M Brown	Owner:	Same
	6801 W Lora Dr		
	Boggstown, IN 46110		



## View of Property from W Lora Dr.

Building Site



Google Street View – July 2025



**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Applicant: Justin M. Brown  
Case #: \_\_\_\_\_  
Location: 6801 W. Iora dr. Boggsstown 46110

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. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

This building would help improve the look of the town  
by allowing me to move equipment inside, out of sight.  
It will also keep oils from getting into the soil if in the  
event of a leak.

2. **Adjacent Property:** 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 building is in the rear corner of my property against a  
corn field. The closest physical house to the building has  
privacy fence blocking the view of the building. The other  
closest house has its own building and trees blocking the view.

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

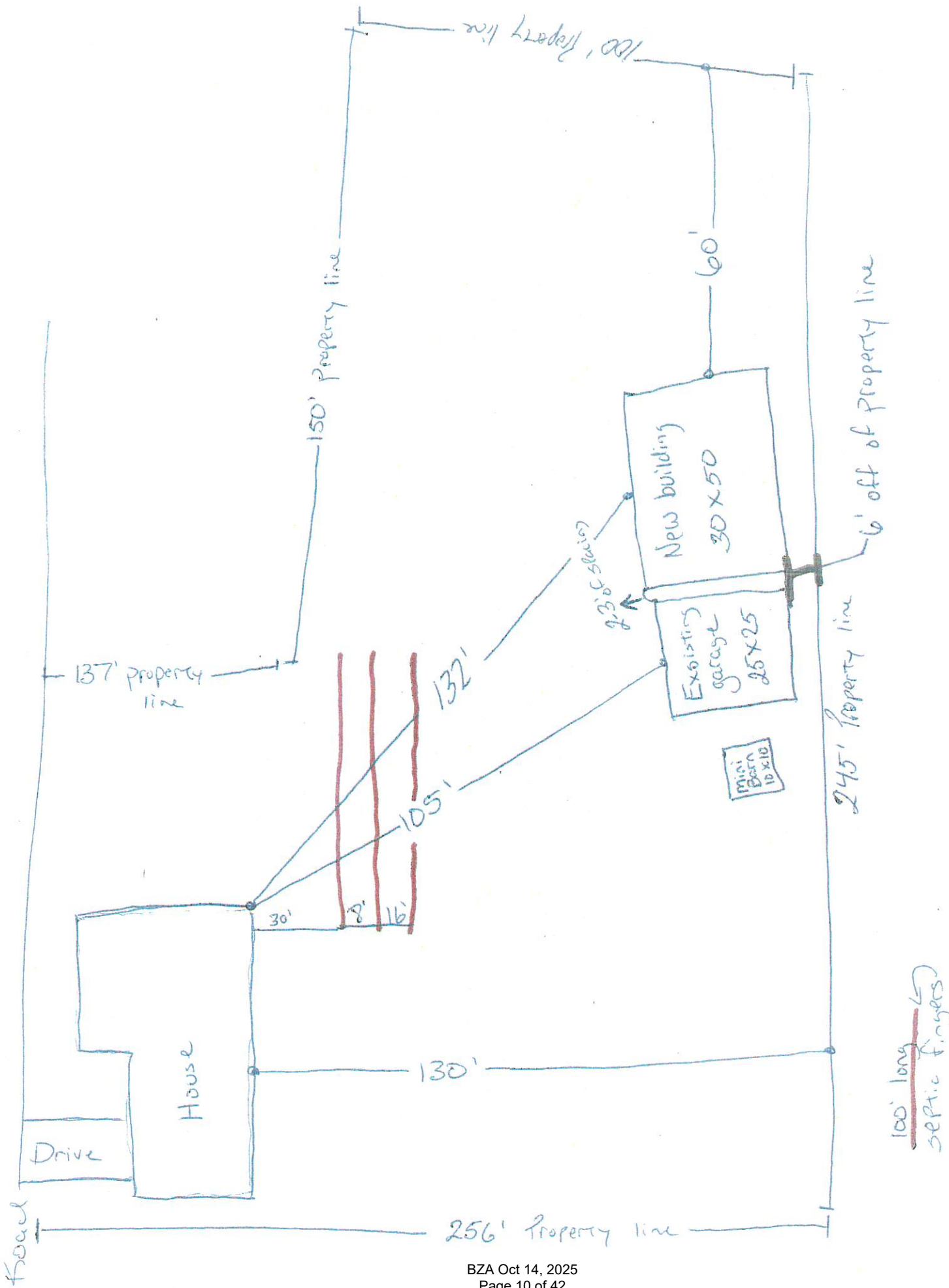
To my knowledge, this building will not impose issues  
to any of the items mentioned in the guidance section  
below.

The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

**General Welfare:** How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

**Adjacent Property:** How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

**Practical Difficulty:** This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)







Google

6801 W Lora Dr  
Recently viewed



## Property Details

**Location:** 6972 W 500 N,  
Fairland, Sugar Creek Township

**Property Size:** 4.82-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.

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

### Future Land Use per Comp Plan

#### Estate Residential

The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

### Surrounding Development

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

# Staff Report

**Case Number:** BZA 25-35  
**Case Name:** Sarah A Smith – Development Standards Variance

## Request

**Variance of Development Standards** to allow for a dwelling unit within an accessory structure.

## Code Requirement

**UDO Section 5.04 D – Prohibited for Occupancy:** A permitted accessory structure shall not be utilized for human occupancy.

**Purpose of Requirement –** Prohibiting occupancy of accessory structures maintains the zoning district's intended residential density among properties.

## Property Map



## Case Description

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- The petitioner plans to build a 30'x64' (1,920 sq. ft.) pole barn which would include a one-bedroom dwelling unit.
- The petitioner indicated that her grandparents will occupy the dwelling unit and that her parents will occupy the dwelling unit when no longer needed by her grandparents.
- The property currently includes a single-family residence occupied by the petitioner.
- The barn would sit approximately 500-feet from CR 500 W and approximately 100-feet from the closest property line.
- The barn would have access to CR 500 W through the existing driveway.
- The exterior color of the barn would match the color of the house.
- The barn with dwelling unit would require Technical Advisory Committee review and approval of a Site Plan in compliance with applicable zoning, building, and septic system codes.

## Staff Analysis of Findings of Fact

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

Staff Analysis: The barn with dwelling unit would require Technical Advisory Committee review and approval of a Site Plan in compliance with applicable zoning, building, and septic system codes. Use of the dwelling by two people would not add significant traffic to the public road.

**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: The barn with dwelling unit would not deviate significantly from the appearance of a standard accessory structure. The barn with dwelling unit complies with all other standards for accessory structures in residential areas and therefore would not visually alter the character of the neighborhood. Additionally, the distance of the barn from the road and other properties would render the barn inconspicuous when viewed by the neighbors and the public.

**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 an independent, affordable housing option for senior citizens on the same property as family members.

## Staff Recommendation

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**APPROVAL** primarily because the distance of the barn from the road and other properties would render the barn inconspicuous when viewed by the neighbors and the public. Also, proposed use of the dwelling unit by two senior citizens would not add significant traffic to the public road.

Staff recommends the following **stipulations** to ensure that the dwelling unit remains an accessory dwelling unit to the main house.

- 1. The area of the structure dedicated toward living space shall not exceed 900 sq. ft. (this excludes garage and storage areas).**
- 2. The dwelling unit shall not be rented and shall only be occupied by family members of the occupants of the primary residence.**
- 3. The variance shall expire when the current property owner no longer owns the property.**

## *Applicant/Owner Information*

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Applicant	Sarah A Smith 6972 W 500 N Fairland IN, 46126	Owner:	Same
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## DEVELOPMENT STANDARDS VARIANCE

### FINDINGS OF FACT

Applicant: Sarah A. Smith

Case #: \_\_\_\_\_

Location: 6972 W. 500 N. Fairland, IN, 46126

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. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

Approval of this request will not be injurious to the public health, safety, or general welfare. The proposed pole barn with attached mother-in-laws quarters will be built to meet all applicable building codes and safety standards. The purpose is to provide safe housing for my aging grandparents so they can remain close to family and receive care as needed. As time goes on, the space will also be used to care for my parents, ensuring that multiple generations can be supported. The size is modest and appropriate to the property, and the design will maintain the residential character of the neighborhood.

2. **Adjacent Property:** 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 in a substantially adverse manner. The structure will be similar in style and scale to other residential accessory buildings in the area and will be well maintained. Because the living space is intended strictly for family members and not for rental or commercial use, it will not increase traffic, noise, or other disturbances. In fact, careful upkeep of the new building will help preserve and potentially enhance surrounding property values while also preserving family values.

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

Strict application of the zoning ordinance create a practical difficulty for us because it does not allow for the construction of a small detached living quarters for family members. Without a variance, I cannot provide appropriate housing for my grandparents while keeping them close for care and support. As our family ages, the quarters will continue to provide space for my parents as well, allowing me to extend care and keep the home as a family-centered property across generations. The requested variance allows us to meet these needs while keeping the unit modest in size, residential character, and consistent with the use of the property as a single-family home.

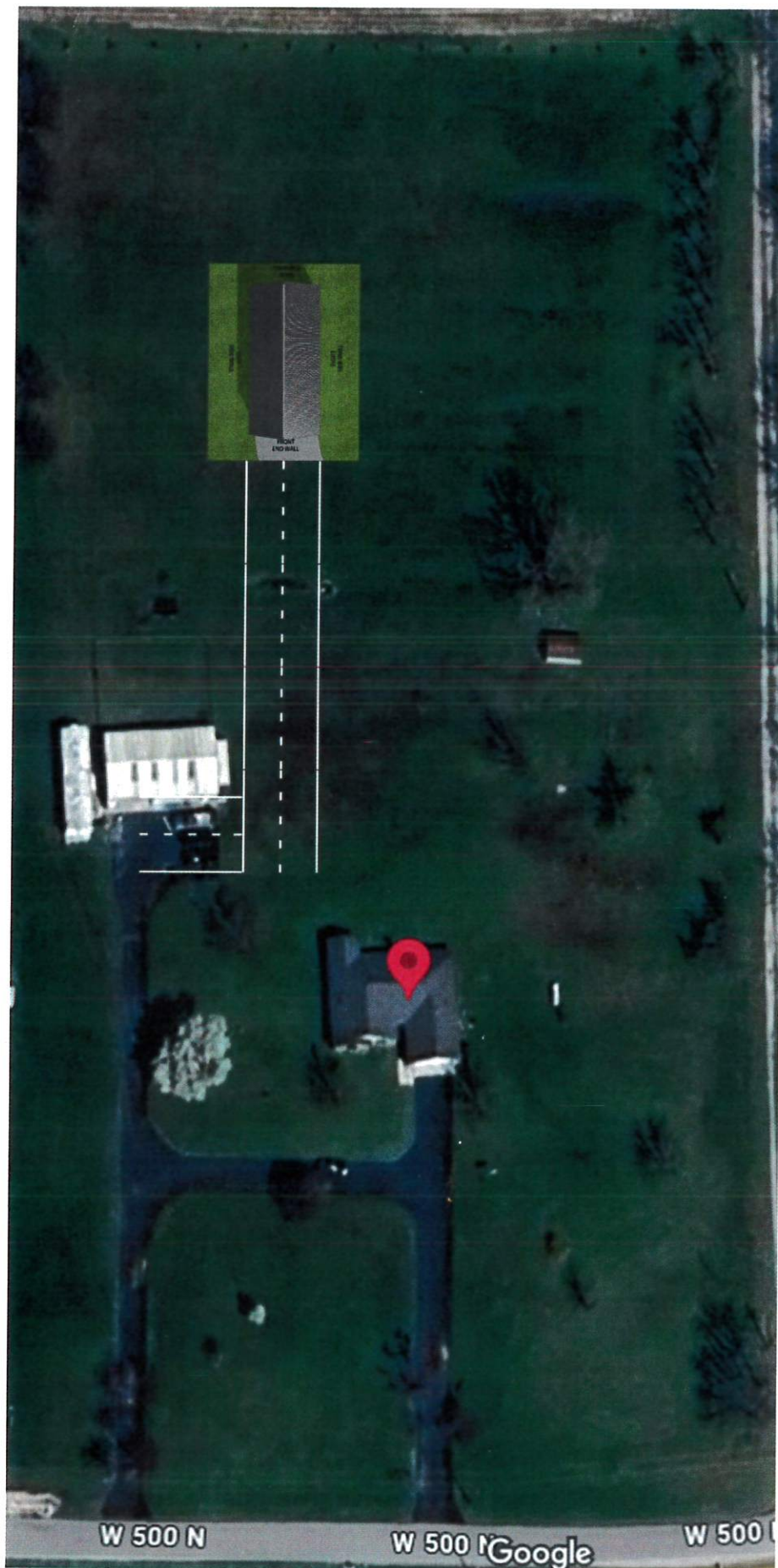
**The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:**

**General Welfare:** How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

**Adjacent Property:** How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

**Practical Difficulty:** This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

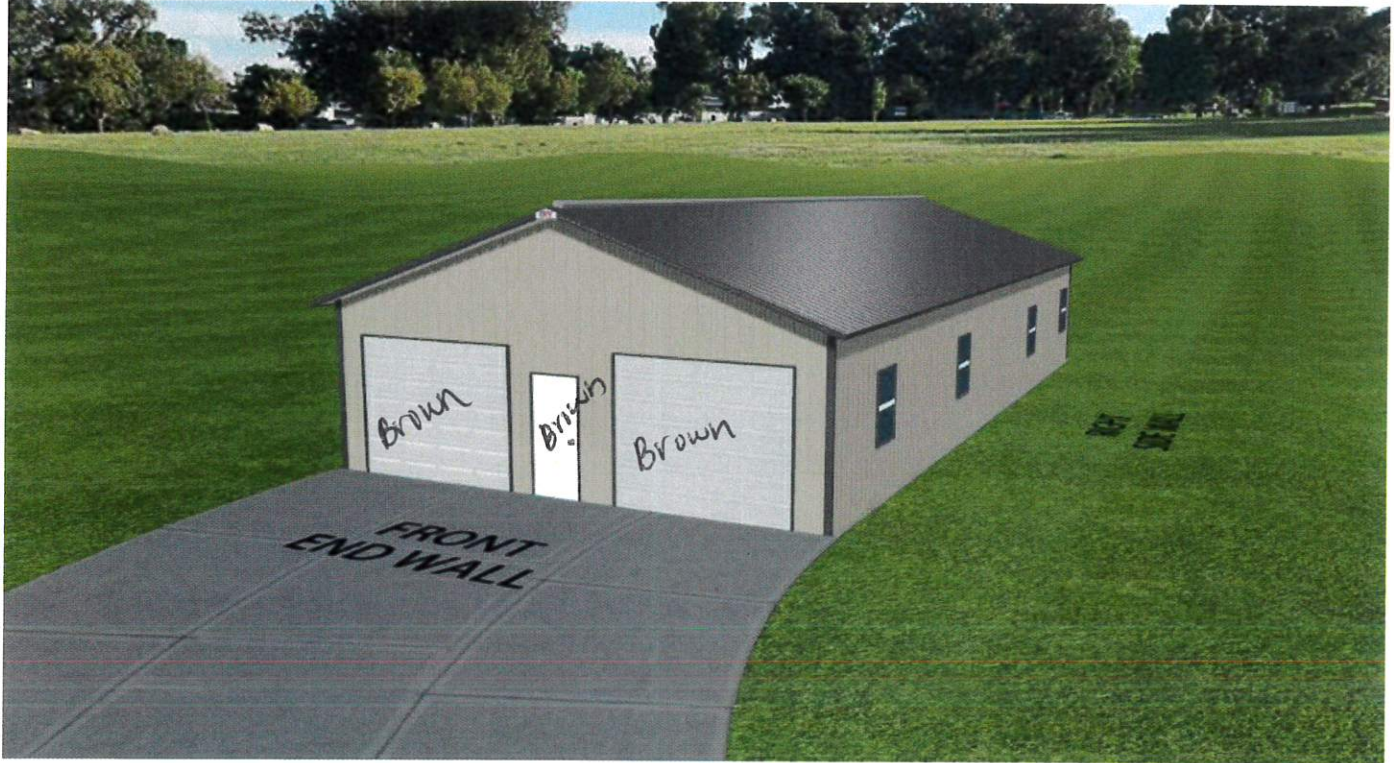




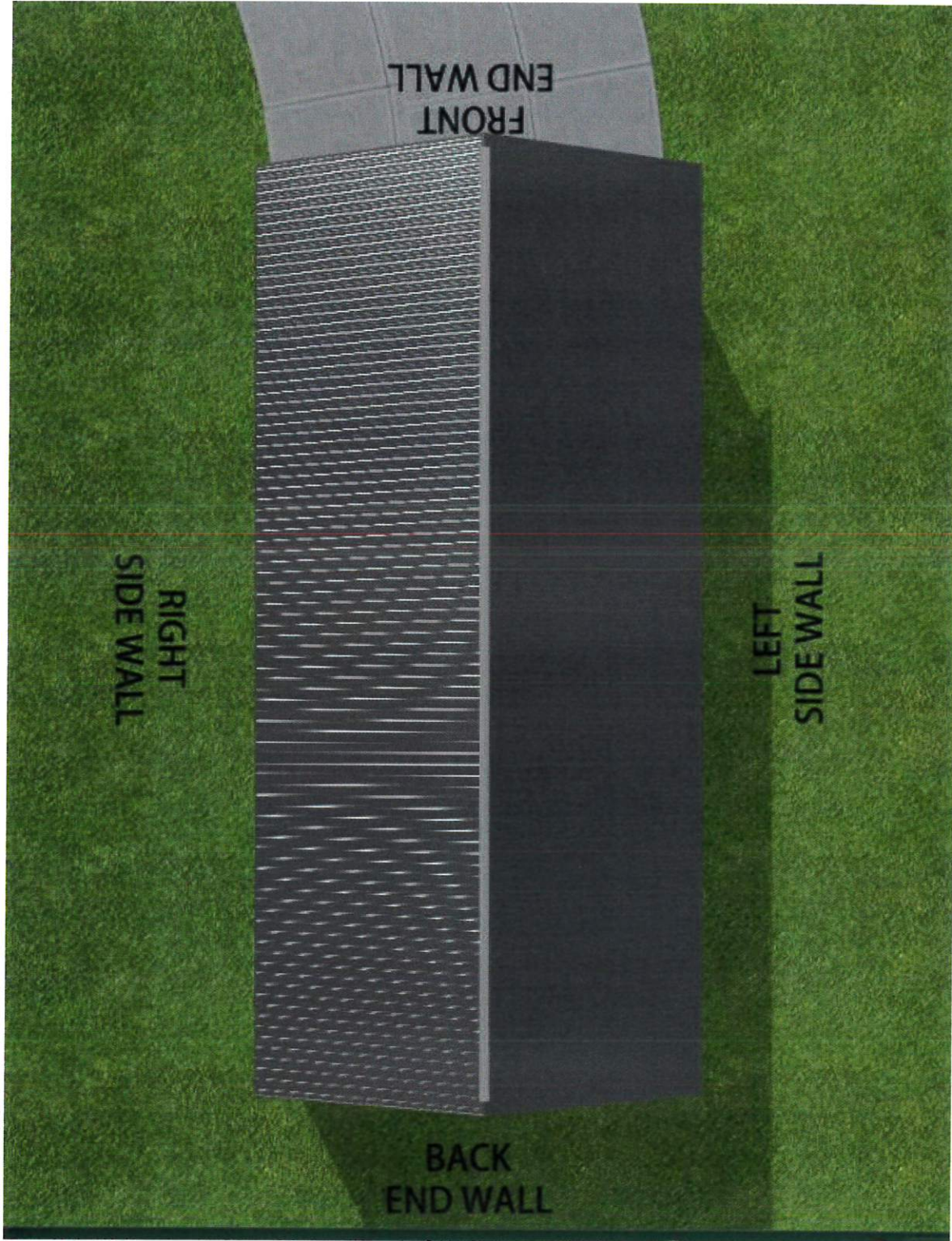


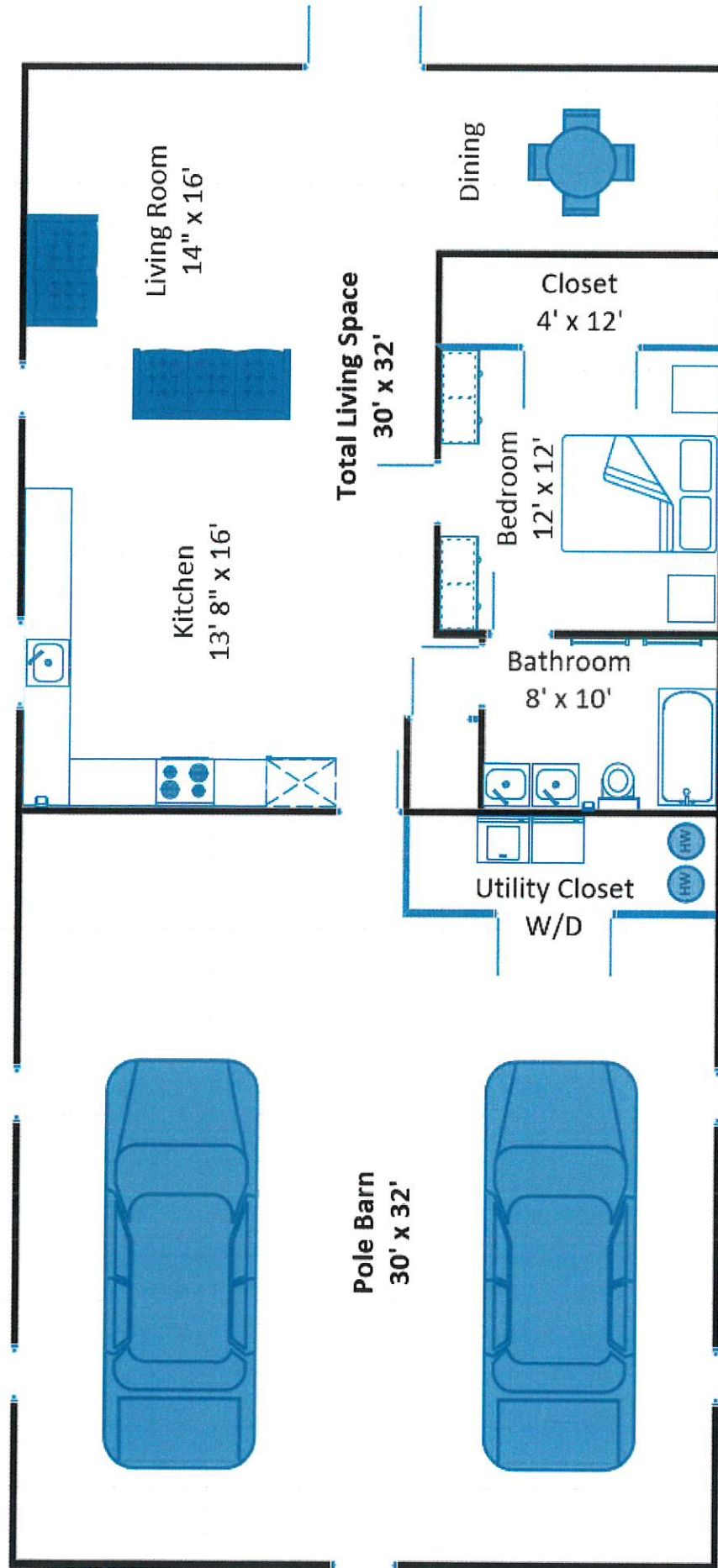
30' x 64' 10" Pole Barn with Attached Mother-in-Laws Quarters

Same color  
as current









**30' x 64' Pole Barn with attached Mother-In-Laws Quarter**



## Property Details

**Location:** 7279 W State Road 44,  
Shelbyville, Hendricks Township.

**Property Size:** 3.18-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.

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

### 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	R1	Single-Family Residential
South	A2	Cropland
East	A1	Cropland
West	A2	Cropland

# Staff Report

**Case Number:** BZA 25-36

**Case Name:** Karen Jimenez –Development Standards  
Variances

## Request

**Variances of Development Standards** to allow:

1. Keeping of farm animals on a property less than six (6) acres;
2. A pasture area less than three (3) acres;
3. Keeping of more animals per acre than permitted, specifically the keeping of two horses, one donkey, and one goat on approximately 2.5-acres.

## Code Requirement

**UDO Section 5.42 A - Pastured Farm Animals:** Farm Animals are permitted as follows:

1. Minimum Lot Area: Six (6) acres
2. Minimum Pasturage Area: Three (3) acres
3. Maximum Animal Units: One (1) animal unit per two (2) acres that are fenced.

The keeping of animals standards for property in the RE District serves to mitigate nuisances to neighboring rural residential lots related to animals, such as noise and odor. Restricting the number of animals in fenced areas also limits degradation of vegetative cover.

## Property Map

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## Case Description

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- The petitioner requests to keep two (2) horses, one (1) donkey, and one (1) goat in an approximately 2.5-acre pasture area in the rear yard of the property.
- On properties 6-acres or greater and with a minimum pasture area of at least 3-acres, the UDO would permit one (1) horse, one (1) donkey, or five (5) goats on 2.5-acres.
- Cropland surrounds the rear yard. The closest residential property on the south side of State Road 44 is located over 800-feet from the subject property.

## Staff Analysis of Findings of Fact

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1. **State Requirement:** The approval will be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: The keeping of four farm animals on the property would not pose any significant impact to water, soil, or air quality.

**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: Keeping of farm animals on the property would not pose a nuisance to any residential property and would not detract from the agricultural character of the area. Keeping of four farm animals on 2.5-acres would not result in significant degradation of groundcover.

**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 keeping of farm animals on a property in a predominantly agricultural area.

### Staff Recommendation

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Staff Recommends **APPROVAL** primarily because cropland completely surrounds the rear yard of property. The keeping of farm animals on the property would not pose a nuisance to any residential property and would not detract from the agricultural character of the area.

Staff recommends the following **stipulation**:

1. The number and type of farm animals kept on the property shall be limited to two (2) horses, one (1) donkey, and one (1) goat or similar type and number of farm animals as determined by the Zoning Administrator.

### Applicant/Owner Information

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Applicant:	Karen Jimenez 7279 W SR 44 Shelbyville, IN 46176	Owner:	Karen Jimenez & Ramiro Jimenez Gonzlez
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**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Applicant: Karen Jimenez  
Case #: \_\_\_\_\_  
Location: 7279 W State Road 49, Shelbyville, IN 46176

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. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

We will build Strong fence, grain + hay feed.  
Remove the manure and dispose of it.

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

we will keep the property clean. Build fence to  
keep the animals in. Remove manure + dispose  
of it correctly

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

We will not change any land value. We will  
keep everything nice

**The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:**

**General Welfare:** How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

**Adjacent Property:** How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

**Practical Difficulty:** This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

7279 W State Road 44, Shelbyville, IN 46176

7279 W State Road 44  
Shelbyville, IN 46176



Home

Existing Barn

2 horses  
1 donkey  
1 goat

White lines are  
adding fencing

We would really  
love to have the  
horses and the  
smaller animals. If  
that is too many  
we would hope 2 horses  
would be OK.

## Property Details

**Location:** 5590 W 1100 N,  
Fountaintown, Moral Township.

**Property Size:** 73.3-acres.

**Current Land Use:** Agricultural.

### Zoning Classification:

**A4 (Agricultural Commercial)**

Intent: This district is established for commercial and industrial uses directly related to agriculture and compatible with rural/agricultural areas.

Development Standards: Enact development standards to minimize the impacts on adjacent properties while encouraging economic vitality within the Agricultural Commercial District.

BZA: Protect the adjacent land and uses by through the use of appropriate buffers and setbacks. Be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land.

### Future Land Use per Comp Plan

**Parks, Open Space, and Conservation**  
The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

### Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1 / RE	Cropland / Estate Residential
East	A1/A2	Cropland / Estate Residential / Kennel
West	A1 / RE	Cropland / Estate Residential

# Staff Report

**Case Number:** BZA 25-37

**Case Name:** Just Add Water Boats – Use &  
Development Standards Variances

## Request

**Variance of Use** to allow for seasonal outdoor storage of commercial merchandise (boats) in the A4 (Agricultural Commercial) District.

**Variances of Development Standards** to allow:

1. Use of an existing gravel driveway (pavement required);
2. Use of an existing driveway entrance located less than 3-feet from the property line.

## Code Requirement

**UDO Section 2.09 – A4 District Intent, Permitted Uses, and Special Exception Uses.**

**UDO Section 5.20 C: Materials:** All driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.

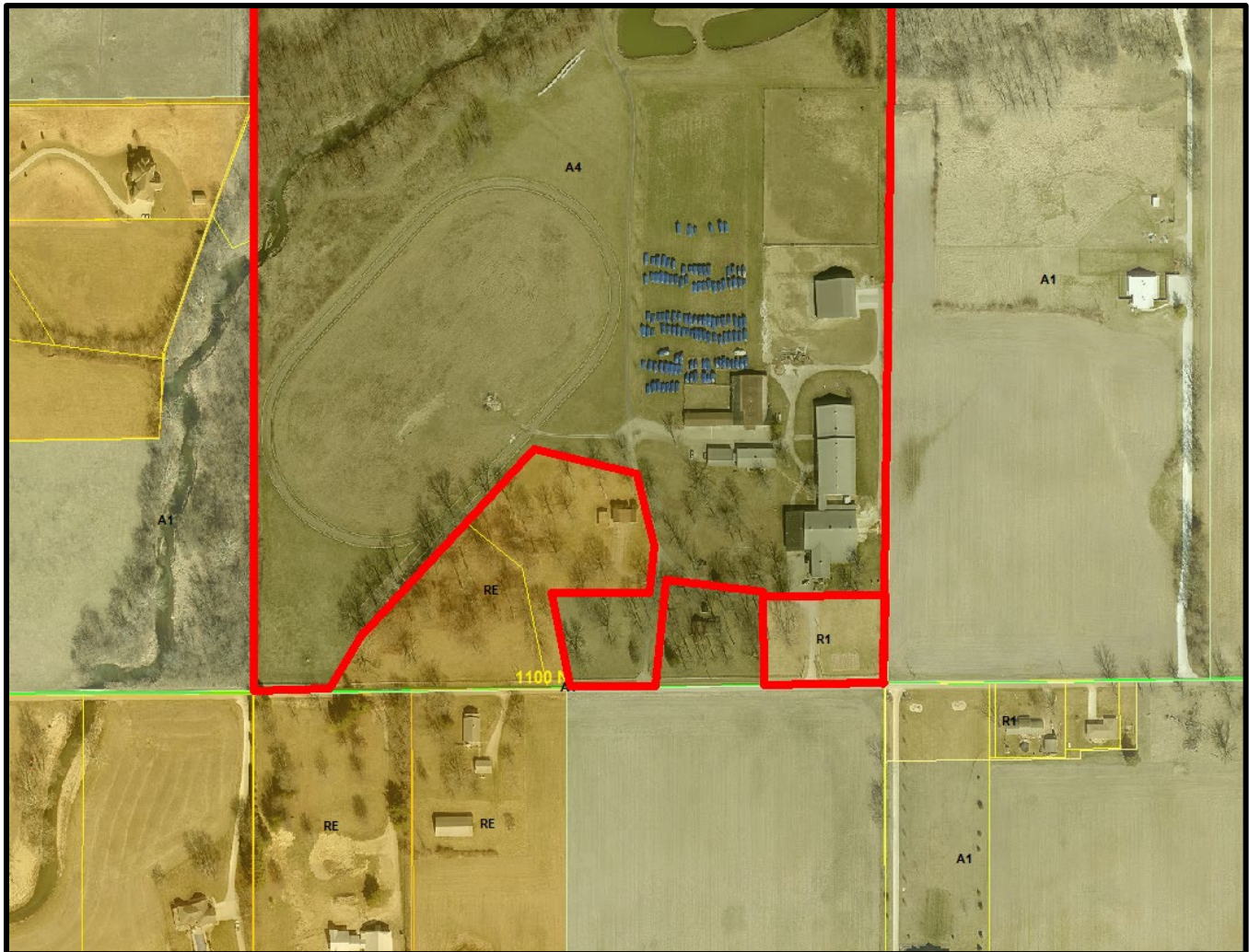
**UDO Section 5.20 D: Distance to Property Line:** All driveways shall be at least three (3) feet from the side property line.

**Purpose of Requirements:** The UDO requires paved commercial driveways to accommodate the volume of vehicles that typically access commercial properties. Use of a gravel driveway by multiple vehicles would result in the migration of stone and dust onto the public roadway. The driveway setback requirement limits nuisance impacts to adjacent property associated with the use of driveways, such as noise.



## Property Map

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## Case Description

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### Description of Proposed Use

- The petitioner operates an off-site boat sales business. The petitioner requests to store boats related to this business on the subject property during the winter months.
- The petitioner proposes to store a maximum of 150 boats, wrapped and winterized, on a ¼-acre gravel lot located approximately 550-feet from CR 1100 N and northwest of the existing buildings.
- The petitioner would move boats onto the site once in the Fall and remove boats from the site once in the Spring. The petitioner does not expect any customers to visit the site.
- The property has access to CR 1100 N through two existing paved driveways which transition to gravel towards the proposed boat storage area.

## Surrounding Development

- The surrounding area includes single-family homesites, mostly on lots over five-acres, and cropland.
- The adjoining properties to the east include a commercial kennel facility and single-family homesite. The Plan Commission granted approval of a rezoning and Simple Subdivision in June of 2025 to establish the property including the kennel as a residential building lot.
- An existing wooded area on the property completely screens the area proposed for boat storage from adjacent properties to the north and west. Trees and structures on the property provide significant screening of the boat storage area from the public road. The adjacent property to the east would have view of the area proposed for boat storage.

## Supplemental Information

- The petitioner currently uses the property primarily for agricultural purposes. The petitioner has stored boats on the property intermittently since 2022.
- The UDO only permits activities related to boat sales by right in the C2 (Highway Commercial) District.
- In April of 2010, the County approved a rezoning of the property from A1 (Conservation Agricultural) to A4 (Agricultural Commercial) to assign the most appropriate zoning district for a commercial stable and horse training facility, the use of the property at that time.
- An approval of the variance will be subject to consistency with the site plan and statement of intent submitted with the variance application and any stipulations imposed by the BZA.

## Staff Analysis of Findings of Fact

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### Use Variance

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

Staff Analysis: Storage of wrapped and winterized boats would not pose an environmental impact that could harm the public. Trees and structures on the property would provide significant screening of the boats from the public road.

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: Storage of boats would not generate any noise, odor, or traffic that could pose a nuisance to adjacent properties. An existing wooded area on the property would completely screen the boats from adjacent properties to the north and west. Trees and structures on the property would provide significant screening of the boats from the public road. Use of a privacy fence or green boat wraps to screen the boats from the adjacent properties to the east would maintain the rural character of the area.

3. **State Requirement: The need for the variance arises from some condition peculiar to the property involved.**

Staff Analysis: The presence of floodplain limits large-scale agricultural crop production which typically occurs on agricultural properties. The relatively large size of the property and existing wooded areas along the property lines can accommodate a limited commercial storage use at the center of the property without any adverse impacts to adjacent properties.

**4. State Requirement: The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought.**

Staff Analysis: A strict application of the ordinance would not allow for a small-scale commercial use that does not impact adjacent properties.

**5. State Requirement: The approval does not interfere substantially with the Comprehensive Plan.**

Staff Analysis: The proposed boat storage area lies outside of the floodway and on an area of the property which does not include any natural features desirable for preservation. Therefore, approval of the variance would not conflict with the Parks, Open Space, and Conservation recommendation for the property of the Comprehensive Plan.

### **Development Standards Variance**

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

Staff Analysis: The driveways have paved entrances from the road which would limit the migration of stone and dust onto the public roadway.

**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: The driveways have paved entrances from the road which would limit the migration of stone and dust onto the public roadway. The petitioner owns the adjacent properties effected by the driveway setback requirement.

**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 use of existing driveways for a use which only generates traffic twice per year.

### **Staff Recommendation**

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Staff recommends **APPROVAL**.

An existing wooded area on the property would completely screen the boats from adjacent properties to the north and west. Trees and structures on the property provide significant screening of the boats from the public road. Use of a privacy fence or green boat wraps to screen the boats from the adjacent properties to the east would maintain the rural character of the area.

Staff recommends the following **stipulation**:

1. All boats shall be covered with a dark green boat wrap or an 8-foot-tall wooden or vinyl privacy fence shall be installed between the boat storage area and the east property line.

*Applicant/Owner Information*

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Applicant:	Just Add Water Boats 5590 W 1100 N Fountaintown, IN 46130	Owner:	Keith & Peggy Hockett 5590 W 1100 N Fountaintown, IN 46130
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Attorney: Clark, Quinn, Scott, Moses & Grahn LLP  
Russell L Brown & Joseph Csikos  
320 N Meridian St, Suite 1100  
Indianapolis, IN 46204



**View of Boat Storage Area from CR 1100 N**



Staff Photograph – April 2023  
(house in picture has been demolished)

**View of Boat Storage Area from Kennel on Adjacent Property to the East**



Staff Photograph – October 2025

**SHELBY COUNTY, INDIANA**  
**USE VARIANCE – Outdoor Boat Storage**

***General Welfare: The approval will not be injurious to the public health, safety, and general welfare of the community.***

The approval of outdoor boat storage on the property will not be injurious to the public health, safety, and general welfare of the community. By providing a facility, operated by a responsible and known vendor, will serve to reduce the number of boats winterized improperly and stored on individual residential lots. This supports an issue identified by the Comprehensive Plan as “Lack of Homeowners Associations within Country Neighborhoods” and storage of vehicles by providing a nearby opportunity to store boats off site.

***Adjacent Property: 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 proposed storage is located behind the primary and accessory structures on the property approximately 600 feet from CR 1100 North. Additionally, the area is buffered from the right-of-way by mature trees, from the east by an existing barn, and from the west and north by Little Sugar Creek and the established riparian corridor. The natural screening, combined with the proposed distance from the property lines will not affect the value of the adjacent properties in a substantially adverse manner.

***Practical Difficulty: The need for the variance arises from some condition particular to the property involved.***

The need for a variance arises from the fact that Little Sugar Creek bisects the property which combines with the extent of the floodway and relatively small land area make traditional agricultural uses difficult. These natural features, and associated regulations, present a practical difficulty for fully utilizing the property year-round.

***Unnecessary Hardship: The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.***

Limited outdoor storage is permitted by right within the agricultural districts by the Unified Development Ordinance. The location of the property near a high-pressure development area supports the creation of orderly and professionally operated outdoor storage use focused on recreational vehicles. Outdoor storage of agriculturally focused materials or vehicles is not similarly limited in an A4 district, though it has the same characteristics as the proposed use. This distinction, which is based largely on the nature of use of items stored outdoors create an unnecessary hardship for the property.

***Comprehensive Plan: The granting of the variance does not interfere substantially with the Comprehensive Plan.***

The Comprehensive Plan identifies the property as open space / parks. As a privately owned parcel that contains existing residential improvements the property is unlikely to ever transition to open space / park use. As the property is within focus area one (identified as an area facing development pressures) the use of a portion of the acreage as seasonal storage will not substantially interfere with the Comprehensive Plan and will relieve some of the more intense development pressures occurring with other developments. The addition of seasonal boat storage to the area will serve to promote objectives and strategies identified in the plan by providing acceptable local and convenient storage locations for items that may serve to be a negative when incorporated into traditional residential development with limited space or required screening.

**SHELBY COUNTY, INDIANA**

**DEVELOPMENT STANDARDS VARIANCE – Driveway (1) within 3' of property line and (2) partial gravel**

***General Welfare: The approval will not be injurious to the public health, safety, and general welfare of the community.***

The approval will not be injurious to the public health, safety, and general welfare of the community as the proposed access utilizes an existing, paved, drive from CR 1100 N set within 3-feet of the parcel directly east. The gravel portion of the access drive is located well within the property which will minimize any potential dust or tracking onto the public roadway. The access drive will only be used for boat storage seasonally when boats are stored in the fall and removed in the spring.

***Adjacent Property: 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 the area adjacent to the property included will not be affected in a substantially adverse manner as the westernmost drive currently serves to provide access to the home located on the property within 3 feet (PID 73-02-05-300-021.000-013) that utilizes the same address as the petition. The portion of the access at the public roadway and accessing the adjacent parcel is paved. The appearance of the drive will not be altered for other properties along CR 1100 N.

***Practical Difficulty: The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.***

Requiring the existing access to be relocated would impact the existing pavement and fencing along 1100 N, as well as requiring additional curb cuts onto the public roadway. Additionally, as gravel storage areas are permitted within the A4 district, paving the small portion of the drive at and within the storage area would result in a practical difficulty for this use. Relocation and additional paving would serve to increase the impervious surface of the property, increase runoff to Little Sugar Creek, and substantially increase maintenance responsibilities for the seasonal operation.

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

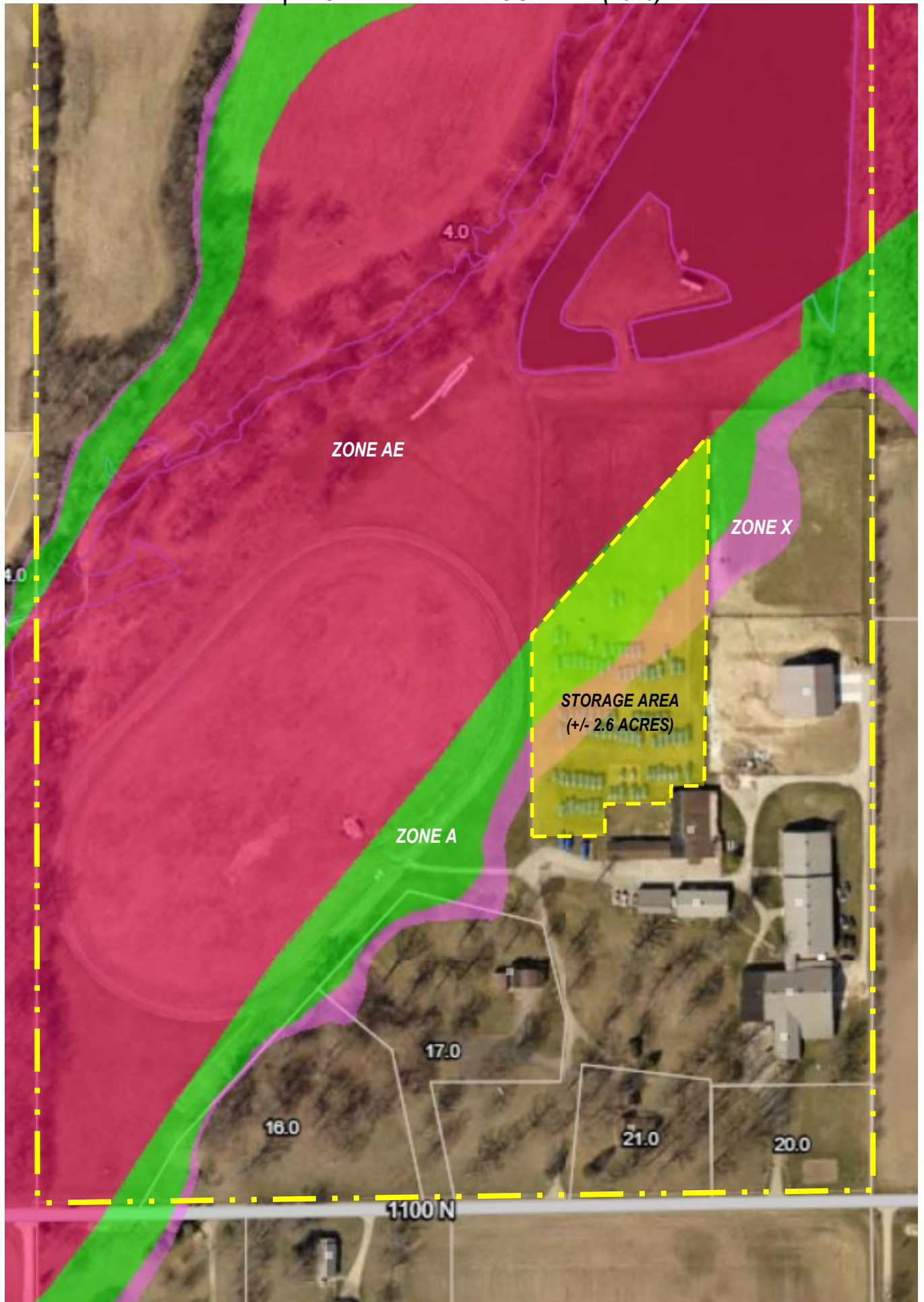
Please answer the following questions (when applicable) pertaining to your request. If approved, the use would be limited to the information provided and expansion of the use would require new approval from the Board. The Board may also approve the use conditional on one or more amendments to the statement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

1. Summary of Proposed Use and/or Business Activity: Outdoor, seasonal, storage of boats located on a gravel lot. Boats would be winterized and wrapped, stored on site only through winter months.
2. Days & Hours of Operation: Activity will take place twice annually as boats are stored for winter and removed in spring.
3. Maximum Number of Customers per Day/Week/Month: No daily customers are expected.
4. Type and Frequency of Deliveries: Deliveries would take place once in the fall and boats would be removed one time in the spring.
5. Description of any Outdoor Storage: Maximum of 150, wrapped and winterized boats.
6. Description, Size, and Placement of any Signage: None
7. Description of Waste Disposal: N/A - Storage Only
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): proposed gravel lot to facilitate storage



## PROPERTY OVERVIEW







## PROPOSED STORAGE AREA





## VIEW FROM CR 1100 N



## VIEW FROM END OF INTERNAL DRIVE





## Property Details

**Location:** 4538 N Birch St, Fairland, Brandywine Township.

**Property Size:** 0.63-acres.

**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 Parks, Open Space, and Conservation

*The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.*

### Surrounding Development

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

# Staff Report

**Case Number:** BZA 25-38

**Case Name:** Amanda Bratton & Teresa J Young –  
Development Standards Variance

## Request

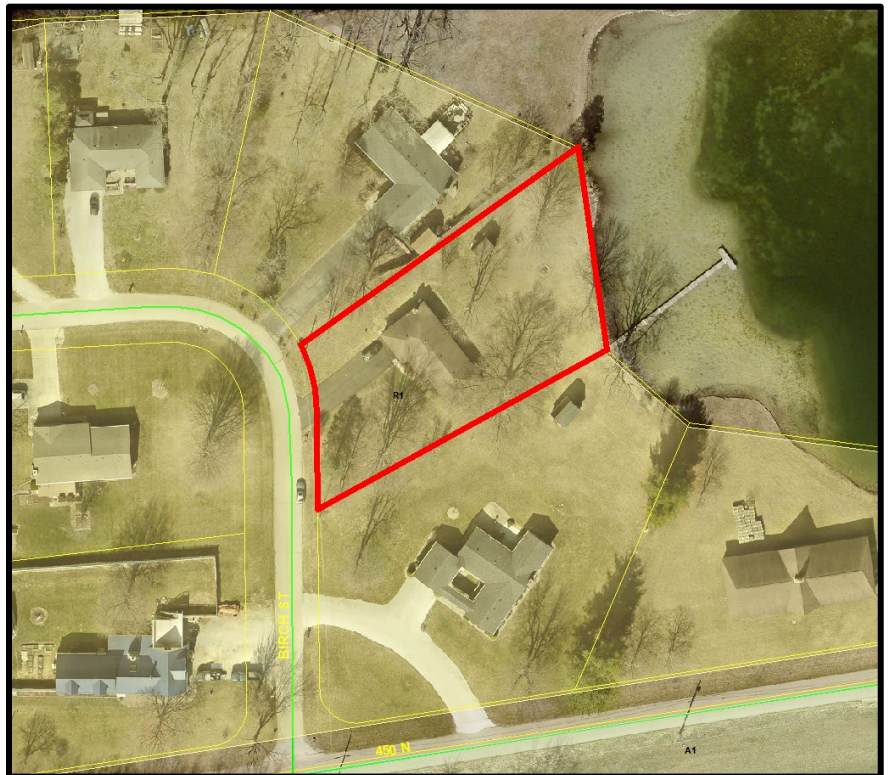
**Variance of Development Standards** to legally establish a fence exceeding 4-feet in height in the front yard.

## Code Requirement

**UDO Section 2.23 F 1:** Maximum Hight: R1 District Front Yard – 4 feet.

**Purpose of Requirements:** Limiting the height of fences in the front yard ensures that the residence remains visible from the road, promotes neighborliness, protects the character of residential neighborhoods, and prevents fencing from obstructing clear vision along roadways.

## Property Map



## Case Description

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- The petitioner has constructed a wooden privacy fence along the south property line of the subject property.
- The fence complies with all UDO requirements, other than that the portion of the fence in the front yard exceeds 4-feet in height. The UDO defines the front yard as the area between the front of the house and the road.
- The site plan submitted by the petitioner shows that the fence sits one-foot from the side and rear yard of the adjacent property to the south. The UDO permits fences on the property line.
- The owner of the adjacent property to the south filed a complaint with the Plan Commission office in early September of 2025 citing concerns with construction of the fence to close to the property line and to close to the lake. The County does not have any jurisdiction over determining the precise location of property lines. Neighboring property owners can resolve disagreements over the location of property lines through the civil courts.

## Staff Analysis of Findings of Fact

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

Staff Analysis: The fence does not obstruct clear vision along the public roadway.

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: The fence is not constructed along the front yard of the adjacent property. The fence provides privacy between the side and rear yard of the adjacent property and the subject property.

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 a fence that provides privacy between the subject property and the side and rear yard of the adjacent property.

## Staff Recommendation

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Staff recommends **APPROVAL** because the fence is not constructed along the front yard of the adjacent property. The fence provides privacy between the subject property and the side and rear yard of the adjacent property.

## Applicant/Owner Information

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Applicant:	Amanda Bratton & Teresa J Young	Owner:	Same
	4538 N Birch St		
	Fairland, IN 46126		



### View of Fence from front yard on adjacent property to the south



Staff Photograph – September 2025

**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Applicant: \_\_\_\_\_

Case #: \_\_\_\_\_

Location: \_\_\_\_\_

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. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

1) Not A hazard to any traffic.  
2) Not Impeding any road (front) vision.  
3) Not Impeding any water flow.

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

Its providing privacy and very well constructed.

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

If not approved it will be causing a hardship  
and the privacy is needed for comfort of  
living.



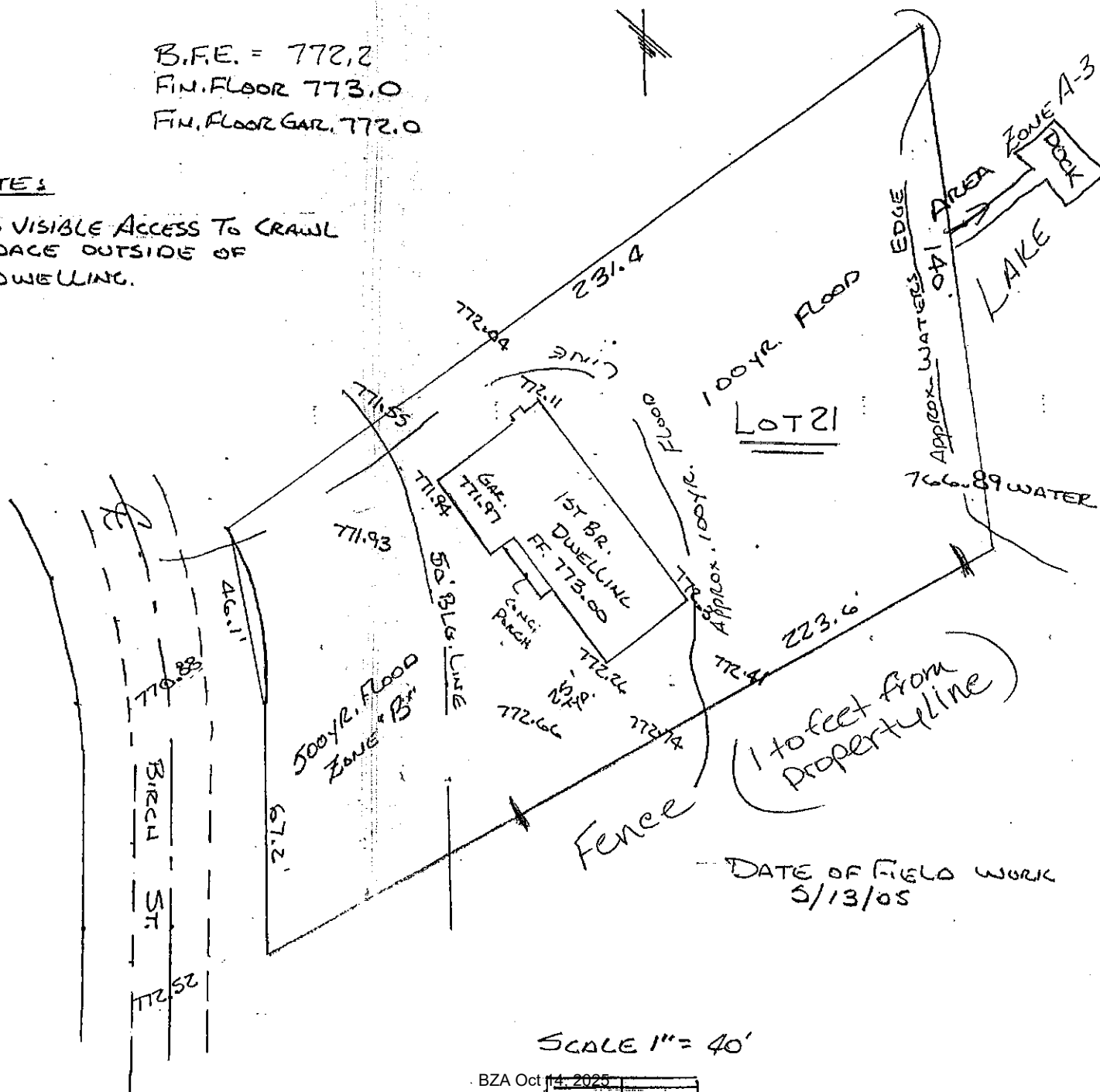
## Surveying, Land Planning, Building Design

Job No. 11733-05

BENCH MARK DATA:  
B.M. SITE G-6, G.R.O. 450N  
BRIDGE OVER I-74  
ELEV. 778.78 I.H.C.B.M.

NOTE:

NO VISIBLE ACCESS TO CRAWL SPACE OUTSIDE OF DWELLING.



BZA Oct 14, 2025  
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5' 20' 40'