

Shelby County Board of Zoning Appeals

December 9, 2025, at 7:00 PM

Table of Contents

Agenda.....	3
BZA 25-42 James D Williams – Use Variance	5
Staff Report	5
Petitioner’s Findings of Fact	8
BZA 25-44 Kristian Griffith – Development Standards Variance	9
Staff Report	9
Petitioner’s Findings of Fact	12
Site Plan	13
BZA 25-46 Ben & Andrea Mohr – Use Variance	14
Staff Report	14
Petitioner’s Statement of Intent	18
Petitioner’s Findings of Fact	19
Site Plans	20
BZA 25-47 Ben & Andrea Mohr – Use & Development Standards Variances.....	23
Staff Report	23
Petitioner’s Statement of Intent	31
Petitioner’s Findings of Fact	32
Site Plans	33
V25-31 William H & Wendy S Curry – Zoning Violation	34
Staff Report	34
2026 BZA Meeting Calendar.....	36

MEETING AGENDA

Shelby County Board of Zoning Appeals December 9, 2025

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the November 4, 2025 meeting.

OLD BUSINESS

BZA 25-42 – JAMES D WILLIAMS: USE VARIANCE. Located at 5113 W 100 S, Shelbyville, Hendricks Township.

NEW BUSINESS

BZA 25-44 – KRISTIAN GRIFFITH: DEVELOPMENT STANDARDS VARIANCE. Located at 5468 W 700 N, Fairland, Moral Township.

BZA 25-46 – BEN & ANDREA MOHR: USE VARIANCE. Located at 1640 W 650 N, Shelbyville, Brandywine Township.

BZA 25-47 – BEN & ANDREA MOHR: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 7238 N 400 W, Fairland, Moral Township.

V25-31 – WILLIAM H & WENDY S CURRY: ZONING VIOLATION. Located at 4980 W Range Rd., Shelbyville, Brandywine Township.

APPROVAL OF THE 2026 BZA MEETING CALENDAR

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **January 13th, 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/89325884741?pwd=wWnGCotiNPTUShzllH6Lq5ebkCvMgW.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: 5113 W 100 S,
Shelbyville, Hendricks
Township.

Property Size: 3.16-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.*

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	RE	Cropland
East	RE	Cropland
West	RE	Cropland

Staff Report

Case Number: BZA 25-42

Case Name: James D Williams – Use Variance

Request

Variance of Use to allow for placement of a manufactured home in the RE (Residential Estate) District.

Code Requirement

UDO Section 2.12 – RE District Intent, Permitted Uses, and Special Exception Uses

Purpose of Requirement: The aesthetic characteristics of manufactured homes differ from the aesthetic characteristics of modular and stick-built single-family homes. Therefore, prohibiting manufactured homes outside of manufactured and mobile home parks serves to protect the character of neighborhoods and surrounding property values.

Property Map



Case Description

- The petitioner plans to replace an existing 1,000 sq. ft. single-family home on the property with a three-bedroom, two-bathroom manufactured home.
- The petitioner indicated that the existing home requires significant renovation work.

- The Technical Review / Site Plan Committee would review a detailed site plan which would include structure and property improvement layout, septic system design, and drainage design prior to issuing construction permits for the manufactured home.
- Cropland completely surrounds the property. The closest residential property is located approximately 1/10-mile from the subject property.
- The UDO only permits installation of manufactured homes in mobile home or manufactured home parks. Modular homes, pole-construction homes, and stick-built homes are permitted in the A2 District. Mobile homes, manufactured homes, and modular homes are constructed, in part, off-site, however building code classifies each dwelling as a different type of construction. Primary differences include:

	Mobile Home	Manufactured Home	Modular Home
Certification	Federal Manufactured Housing Construction and Safety Standards Law	Federal Mobile Home Construction and Safety Standards	State & local residential building code
Dimensions	At least 8-feet in width	Minimum of 23-feet in width for 60% of length	Any dimension
Size	Any size	Over 950 sq. ft.	Typically, larger than mobile and manufactured homes
Foundation	May be tied with perimeter skirting	Must be on a permanent foundation in accordance with state & local residential building code	Must be on a permanent foundation in accordance with one- & two-family building code

- Use variances expire at the time the property changes ownership. Therefore, any future owner of the property would be required to remove the manufactured home or obtain a new variance.

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: Placement of the manufactured home would require approval of a Site Plan by the Technical Review Committee and approval of Improvement Location, Building, Electric, Plumbing, and Septic permits. All zoning development standards that apply to modular, pole-style, and stick-built homes would apply to placement of the manufactured home.

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: Cropland completely surrounds the property. Therefore, the architectural style of the home would not conflict with any residential development.

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

Staff Analysis: The manufactured home would replace a home similar in value needing significant repairs.

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 use of the property that would not conflict with the character of the area.

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

Staff Analysis: Approval of the variance would not alter the residential density of the area.

Staff Recommendation

APPROVAL primarily because cropland completely surrounds the property. Therefore, the architectural style of the home would not conflict with any residential development.

Applicant/Owner Information

Applicant:	James D Willaims	Owner:	Nina Mangrum Revocable Trust
	5113 W 100 S		5113 W 100 S
	Shelbyville, IN 46176		Shelbyville, IN 46176

USE 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 Use Variance. 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 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.

The manufactured home will be placed on existing property which is used for residential currently. Won't be near road, no pollution and complies with state/county codes

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.

No harm to neighbors - it will be used for residential, 2026 Model manufactured home, no odor, no impact to traffic and will be placed center of property

3. The need for the variance arises from some condition peculiar to the property involved.

Describe how a condition(s) particular to the property support grant of the variance. This may include a physical condition of the property which limits land uses permitted in the zoning district, the location of the property in relation to similar land uses and access roads and infrastructure, etc.

Acreage used for live stock, fenced pastures, with a lot of trees, fencing and current home - the manufactured home would be a great fit for the space available, county roads, electric and water available. Located 1 mile off highway

4. The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

Describe how denial of the variance would pose an unnecessary hardship to the applicant. Unnecessary hardships do NOT include restriction on economic gain or self-imposed hardships. Unnecessary hardships may include inability to use the property in a manner similar to other properties in the neighborhood, a condition of the property or neighborhood which makes the proposed use desirable, etc.

Property owned by same family for over 50 years. House is very old. Want to continue living on property and maintaining it. House needs too much work / renovation. Love living here.

5. The approval does not interfere substantially with the Comprehensive Plan.

Describe how the proposed structure/land use is appropriate for the 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.

live in country, have a horse, barn, fenced pastures and want to continue having live stock, garden, use the property as I have for over 50 years

Property Details

Location: 5468 W 700 N, Fairland, Moral Township.

Property Size: 3-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

Single-Unit Detached Residential

This land use category is designed for medium to low-density residential neighborhoods, common throughout Shelby County and its communities.

Surrounding Development

	Zoning	Land Use
North	RE	Estate Residential
South	A1	Agricultural Homestead
East	RE	Estate Residential
West	RE	Estate Residential

Staff Report

Case Number: BZA 25-44
Case Name: Kristian Griffith – Development Standards Variance

Request

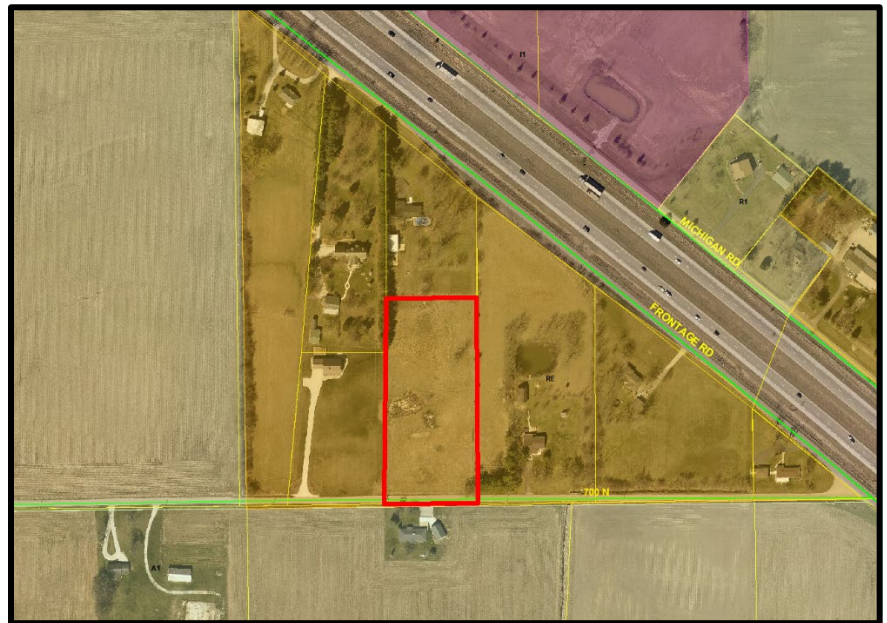
Variance of Development Standards to allow a 24-foot-tall pole barn (maximum height of 20-feet permitted).

Code Requirement

UDO Section 2.12: *RE District Development Standards: Minimum Structure Height - 20 feet for accessory structure*

Purpose of Requirements: Limiting the height 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 60'x 44' (2,640 sq. ft.) pole barn near the northeast corner of the property.
- The petitioner indicated that the exterior of the barn will match the color of the house and that the doors of the barn will match the doors on the house.
- Accessory structures on neighboring properties do not appear to exceed 20-feet in height.
- The barn would not exceed the height of the house. The permit application for the house lists the height of the house as 25-feet.
- The petitioner indicated that the maximum height requirement does not allow for construction of a barn sufficient in height to accommodate storage of a Recreational Vehicle and installation of a storage loft.

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 barn would require a building permit, and the barn must comply with all building codes before passing a final inspection. The public would not have access to the barn.

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 would not alter the character of the area because the house would remain the visual focal point of the property. The house would remain the visual focal point of the property because the barn would sit approximately 300-feet from the public road and would not exceed the height of the house.

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: The strict application of the ordinance would not allow for construction of a barn sufficient in height to accommodate storage of a Recreational Vehicle and installation of a storage loft.

Staff Recommendation

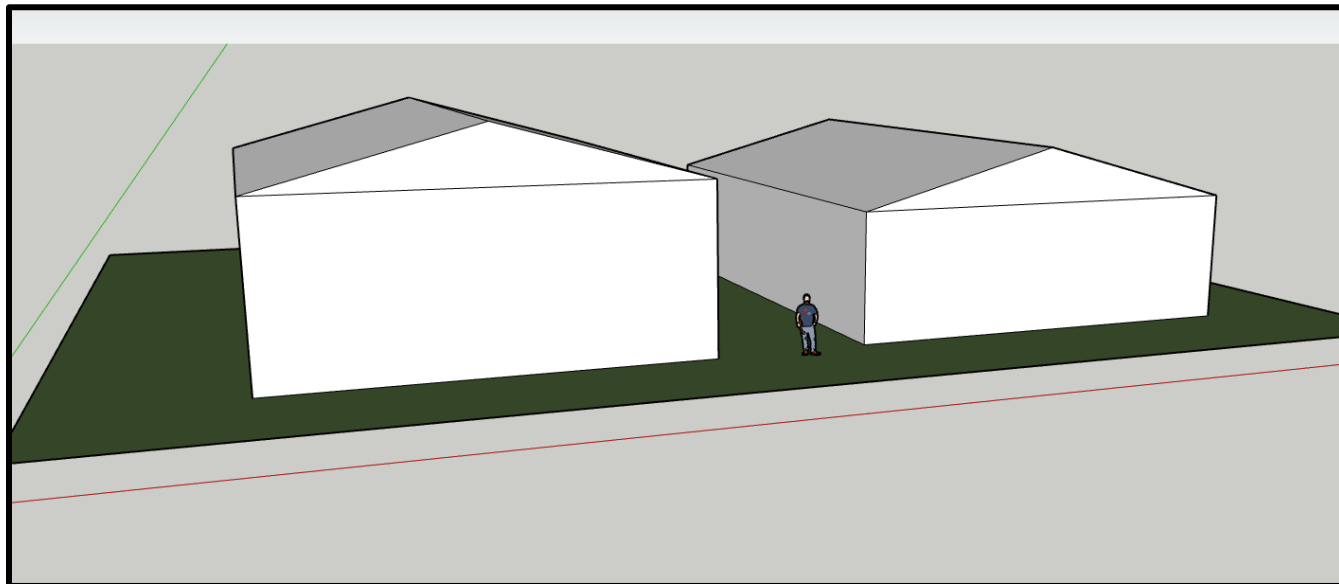
Staff recommends **APPROVAL** primarily because the pole barn would sit approximately 300-feet from the public road and would not exceed the height of the house.

Applicant/Owner Information

Applicant: Kristian Griffith
5468 W 700 N
Fairland, IN 46126

Owner: Kristian & Annmarie Griffith

Scaled Rendering of Barn Height Comparison



Staff created on Sketch-Up

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.

Structure meets all other twp codes. It's peak of 24' is no
higher than many homes/barns in the twp. The barn will sit behind
home and nowhere near any neighbor buildings.

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.

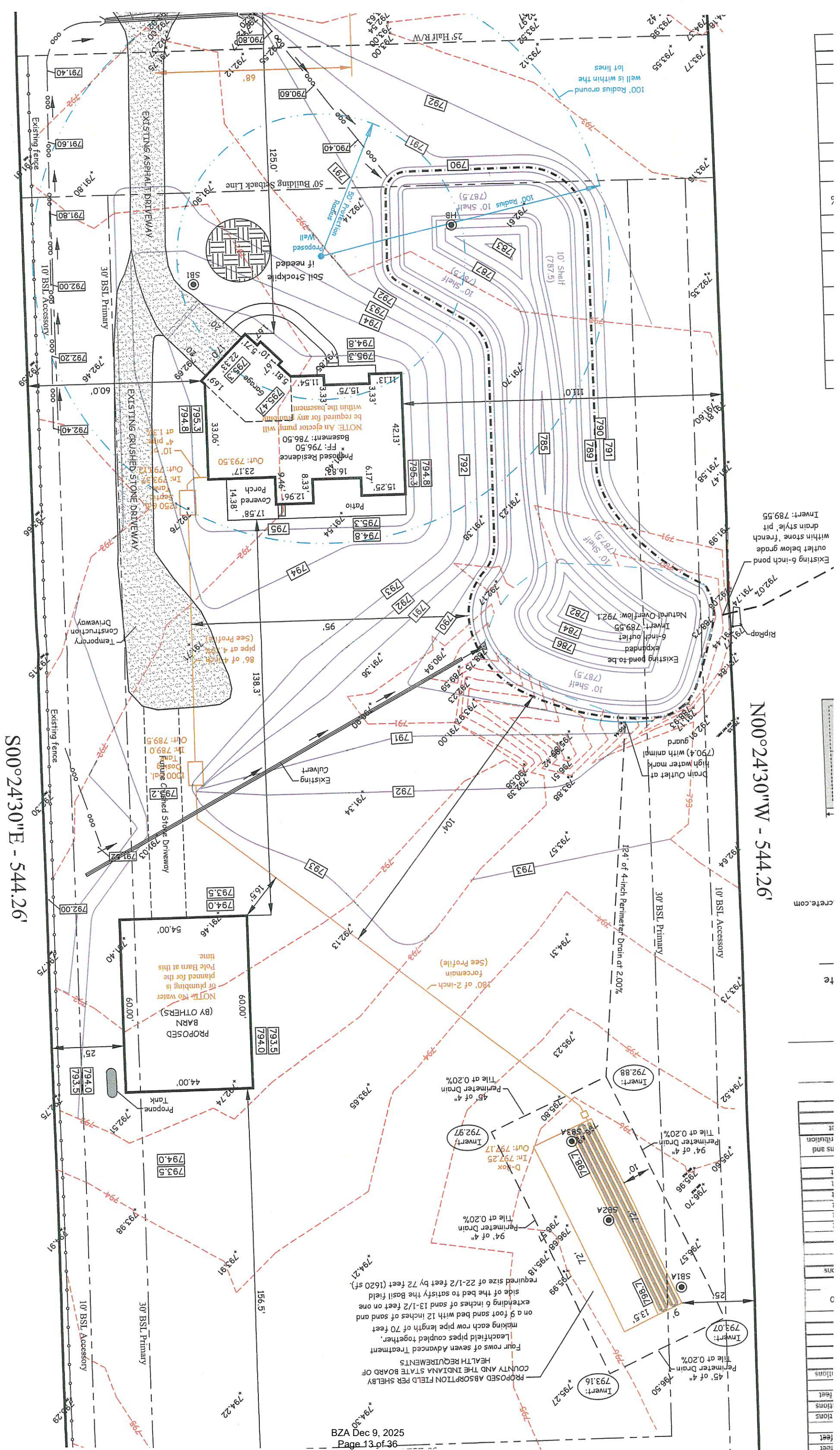
Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

The structure will match the home on the property. It will be matte
black like home with black gloss downspouts & roof. The same front
door and garage door will be on this structure as well. It will also
help act as a noise barrier for the interstate. All surrounding
neighbors have given their approval of the structure.

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.

A 20' height will not allow for a proper storage loft. We will
be storing a 40' RV in the barn at some point. The 24' peak
would allow for easier roof maintenance of this RV as well.



Property Details

Location: 1640 W 650 N,
Shelbyville, Brandywine Township.

Property Size: 6.74-acres.

Current Land Use: Estate
Residential / Commercial

Zoning Classification:

A2 (Agricultural)

Intent: This district is established for general agricultural areas and buildings associated with agricultural production.

Development Standards: Enact development standards to maximize protection of common agricultural practices.

BZA: Protect the integrity of land and operations within the Agricultural District.

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	A2	Cropland
South	A1	Cropland
East	A2	Cropland
West	A1/A2	Estate Residential / Cropland

Staff Report

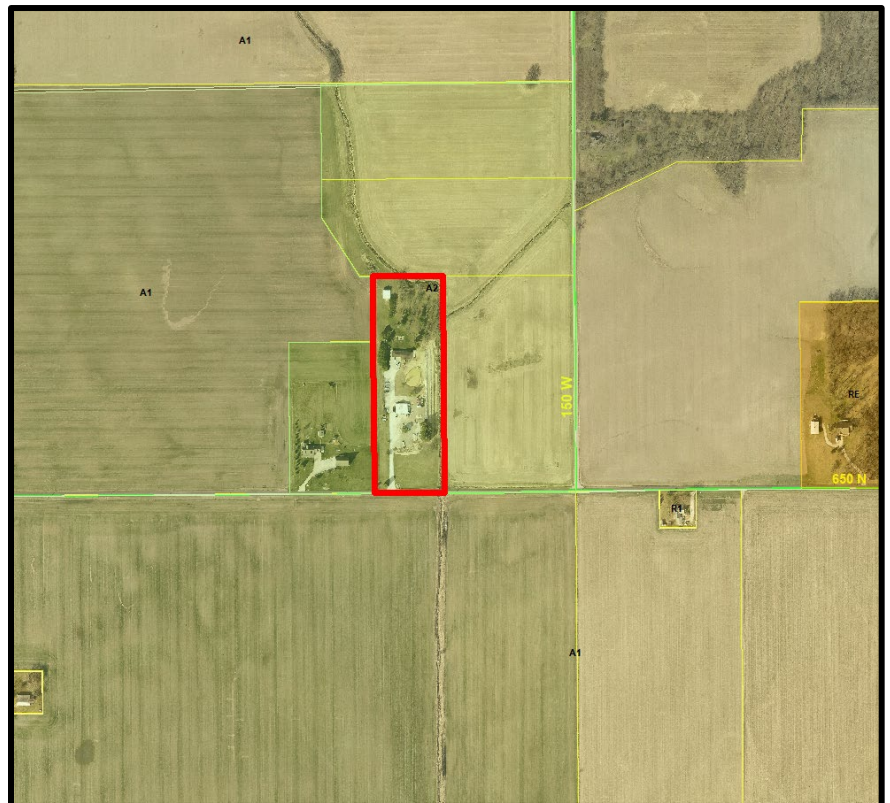
Case Number: BZA 25-46

Case Name: Ben & Andrea Mohr – Use Variance

Request

Variance of Use to allow for temporary use of the property for an outdoor services contractor yard and trucking business in the A2 (Agricultural) District.

Property Map



Case Description

Business Description

- The petitioners currently operate an outdoor services contracting business which includes excavation, septic installation and repair, grading, trucking, landscaping, demolition, and snow removal services.
- Summary of Existing On-Site Business Operations
 - Outdoor Storage: Dump trucks along the east side of the barn, equipment, and stone in six, 2'x4' concrete bins.
 - Hours of Operation: Trucks leave the property at 6:00 AM and return to the property between 4:00 PM and 6 PM. Trucks do not leave the property on Sundays.
 - Deliveries: Co-Alliance fuel delivered weekly.
 - Signage: None
 - Waste Disposal: Dumpster on south side of the barn emptied weekly.
- The petitioners reside in the home on the property.
- The petitioners intend to relocate the business to another property within two-years.

Property History

- Aerial photography shows storage of business equipment on the property without proper zoning approval since 2022.
- Approximately 1.5-acres of land disturbance has occurred on the property since 2022, including work within a County legal drain easement. The County Surveyor has reviewed the land disturbing activities and does not have any drainage concerns.
- In August of 2025, the Planning Director received a complaint regarding dump trucks traveling on the road and creating a nuisance. Staff sent the petitioner a violation letter and the petitioner promptly contacted the Planning Director to discuss options for corrective action.

Supplemental Information

- The UDO only permits trucking and contractors yards by right in the I2 (High Intensity Industrial) District.
- The property lies within five miles of SR 9 and Interstate I-74. Trucks utilize local county roads in the area to access these throughfares.
- The property lies within a predominantly agricultural area. A 5-acre residential lot adjoins the property to the west.
- The existing development complies with all development standards applicable to the A2 District.

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: The business generates commercial truck trips in excess of typical agricultural operations in the area. A significant number of trucks using county roads can pose noise and safety impacts to rural residential homesites and result in premature degradation to roads not constructed to accommodate heavy truck traffic.

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: Development of the property has resulted in significant alteration to the rural residential character of the property, thereby altering the agricultural character of the area. The aesthetic appearance of the property and noise from trucks may impact the use, value, and enjoyment of the adjacent residential property to the west.

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

Staff Analysis: No condition particular to the property supports grant of a use variance. The property lies within a predominantly agricultural area without any nearby commercial development.

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 prevent residential or agricultural uses of the property permitted in the A2 District.

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

Staff Analysis: The Comprehensive Plan does not recommend commercial uses in agricultural areas. However, the business does provide services sought out by agricultural uses such as excavation and septic installation.

Staff Recommendation

Staff recommends **DENIAL** because the Comprehensive Plan recommends agricultural land use for the area, no other commercial development exists in the area, and the addition of truck trips to the county roads can pose noise and safety impacts to rural residential home sites and result in premature degradation of county roads not constructed to accommodate heavy truck traffic.

If the Board chooses to approve the variance, Staff recommends the following **stipulations**:

1. Commercial use of the property shall be limited to the Statement of Intent submitted with the variance application.
2. Commercial development of the site shall not expand beyond the existing commercial development.
3. Variance approval shall expire on December 9, 2027.

Applicant/Owner Information

Applicant: Ben & Andrea Mohr
1640 W 650 N
Shelbyville, IN 46176

Owner: Same

View of Subject Property



Staff Photograph – November 2025

View of Adjacent Residential Property

(taken from driveway of subject property)



Staff Photograph – November 2025

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: We would like to be able to continue
storing our dump trucks and equipment at our home. Our plan is to purchase another property
to move our equipment to, if approved by plan commission.
2. Days & Hours of Operation: Trucks leave approx 6am and return between 4-6pm Mon-Sat
3. Maximum Number of Customers per Day/Week/Month: —
4. Type and Frequency of Deliveries: — We have CoAlliance deliver feed weekly
5. Description of any Outdoor Storage: Our trucks get parked neatly in a line on the ^{South} east side
of our barn. We do have 6 stone bins that are made from 2x4 concrete cubes neatly in
a row, that contain 6 different sizes of stone for our own use.
6. Description, Size, and Placement of any Signage: No Signage
7. Description of Waste Disposal: We have a dumpster on the south side of the front barn that
gets dumped weekly.
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): We do not plan on adding or changing anything
at this address until we are able to move the equipment to another location.

**USE VARIANCE
FINDINGS OF FACT**

Applicant: Benjamin + Andrea Mohr

Case #: _____

Location: 1640 W. 650 N. 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 Use 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 have lived at this address for over 10 years. We plan to keep our equipment neat and organized in the same location on our property as we have for many years.

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 only have one home that connects to our property and they have been the same neighbors for over 10 years. The other properties that connect to ours are farm fields and always have been for as long as we have lived at this address. We storing our equipment at home has not been a problem the past 10 years. We have always been respectful towards our neighbors on our county roads. Example dump trucks going slow, not using brake brakes and not crowding the road.

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

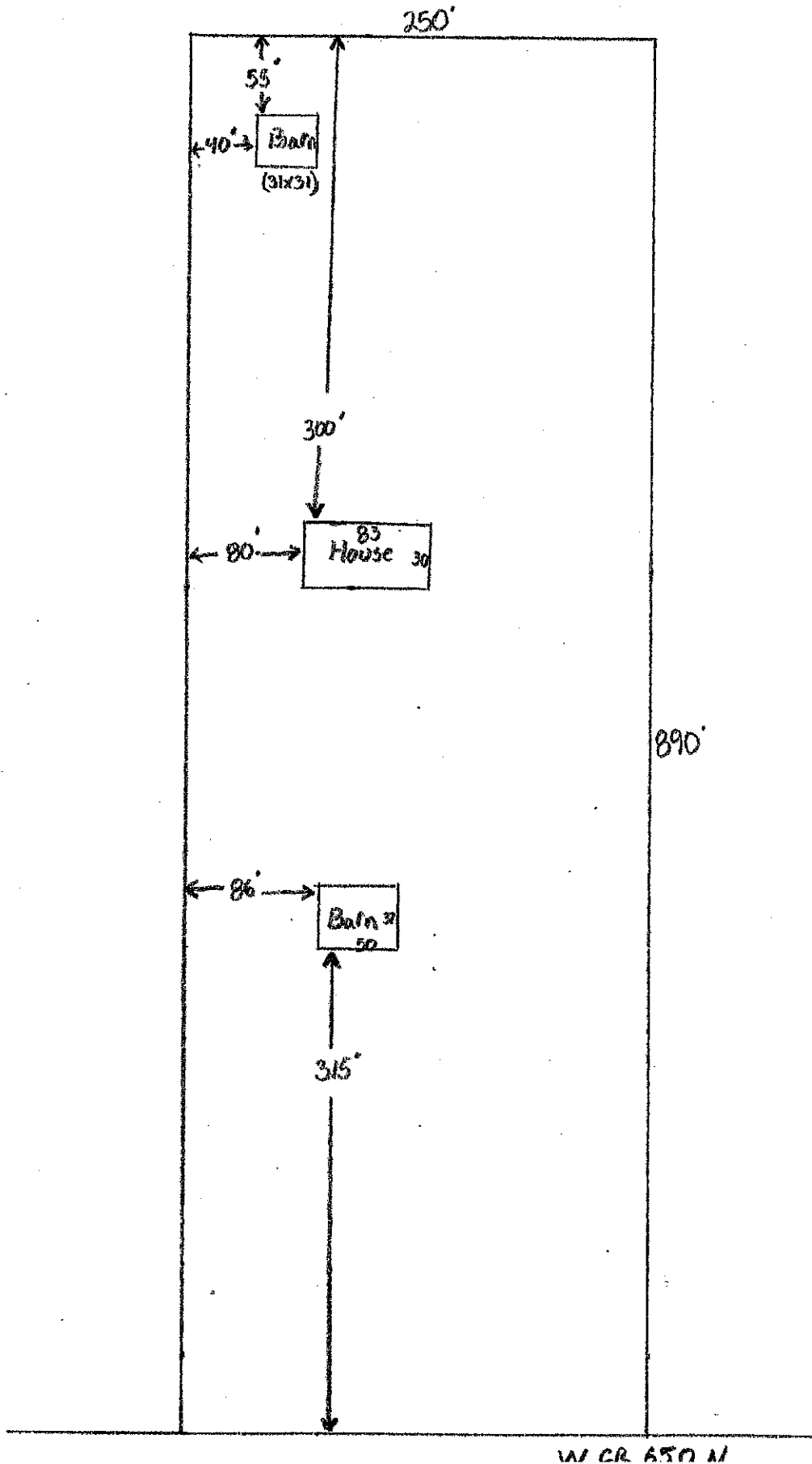
The need for the variance is to temporarily continue to store our equipment at home until we have approval on another property.

4. **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.

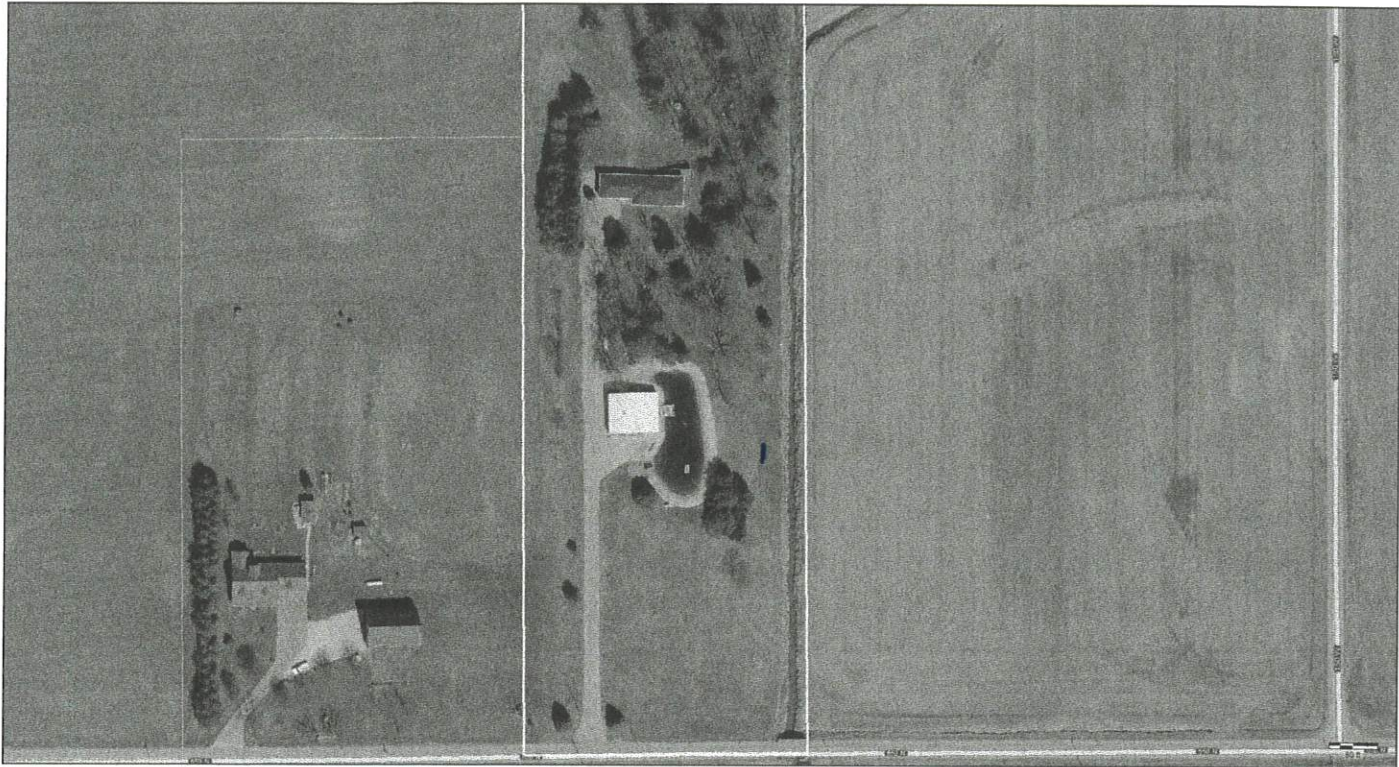
There are similar activities in the neighborhood. example other dump truck companies, farms, construction etc.

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

Not going to affect agricultural use for adjacent properties.



W CR 650 N



Type notes here

2015

Printed
09/23/2025

The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.

- General
- Payments
- Bills
- Deductions
- Assessments

Owner and General Parcel Information

Property Card	Show Property Card
Tax History Data	Show Tax History
Images	Show Images(2)
Sketches	Show Sketches(1)
OwnerName	MOHR, ANDREA & BENJAMEN
StateParcelNumber	73-02-36-100-008.000-004
MapNumber	022-23028-00
OwnerAddress	1640 W 650 N SHELBYVILLE, IN 46176
LocationAddress	1640 W 650 N SHELBYVILLE , IN 46176
LegalDescription	PT SND NW 36 14 6 6.74 AC
Acreage	6.740000
InstrumentNumber	
Note	
BookNumber	
PageNumber	



Type notes here

2023

Printed
09/23/2025

The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.

General
Payments
Bills
Deductions
Assessments

Owner and General Parcel Information

Property Card	Show Property Card
Tax History Data	Show Tax History
Images	Show Images(2)
Sketches	Show Sketches(1)
OwnerName	MOHR, ANDREA & BENJAMEN
StateParcelNumber	73-02-36-100-008.000-004
MapNumber	022-23028-00
OwnerAddress	1640 W 650 N SHELBYVILLE,IN 46176
LocationAddress	1640 W 650 N SHELBYVILLE ,IN 46176
LegalDescription	PT SND NW 36 14 6 6.74 AC
Acreage	6.740000
InstrumentNumber	
Note	
BookNumber	
PageNumber	

Property Details

Location: 7238 N 400 W, Fairland, Moral Township.

Property Size: 2.51-acres.

Current Land Use: Commercial

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

Single-Unit Detached Residential
This land use category is designed for medium to low-density residential neighborhoods, common throughout Shelby County and its communities.

Surrounding Development

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

Staff Report

Case Number: BZA 25-47

Case Name: Ben & Andrea Mohr – Use & Development Standards Variances

Request

Variance of Use to allow for an outdoor services contractor yard and trucking business in the R1 (Single-Family Residential) District.

Variances of Development Standards to allow:

1. Outdoor storage of equipment, machinery, and aggregate (not permitted in the R1 District);
2. Gravel parking and maneuvering areas (hard surface required);
3. Use of a dumpster for containment of trash (not permitted in the R1 District);
4. A commercial sign (not permitted in the R1 District);
5. An above-ground fuel storage tank (not permitted in the R1 District);
6. A future building setback 40-feet or greater from the centerline of CR 400 W (minimum 85-foot setback required);
7. Use of an existing driveway exceeding 22-feet in width; and
8. Impervious surface to exceed 35% of the area of the property.

Code Requirement

1. **UDO Section 5.54 A – Prohibited:** *The outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets, inoperable vehicles, and similar materials shall be prohibited.*

Prohibiting outdoor storage in non-industrial areas protects the aesthetic quality of properties, preserves the character of non-industrial neighborhoods, and mitigates environmental impacts associated with the outdoor storage of trash and hazardous materials.

2. **UDO Section 5.60 A – Surface:** *All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.*

Purpose of Requirement: Paved parking areas eliminate potential nuisances such as dust and noise caused by the movement of vehicles on gravel or dirt parking areas. Paved parking areas can also have defined parking spaces and drive aisles, allowing for safe and efficient movement of vehicles.

3. **UDO Section 5.56 A – Prohibited:** *Uncontained collection of trash and debris shall be prohibited. Trash in bags shall not be considered contained unless located in a fenced enclosure. Dumpsters and compactors shall be prohibited except during construction projects which have been issued a Building Permit or Improvement Location Permit.*

Purpose of Requirement: Prohibiting dumpsters in residential areas protects the aesthetic quality of residential properties and preserves the character of residential neighborhoods.

4. **UDO Section 5.73 – General Sign Standards.**

Purpose of Requirement: Sign standards provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of Shelby County.

5. **UDO Section 5.77 A - Prerequisite Criteria:** *No liquid or gas fuel shall be stored in bulk above ground, except storage tanks connected directly with energy generating devices or heating appliances located and operated on the same lot as the storage tanks.*

Purpose of Requirement: Prohibiting above ground storage tanks in residential areas protects the aesthetic quality of residential properties and preserves the character of residential neighborhoods.

6. **UDO Section 2.14 - R1 District Development Standards: Minimum Front Yard Setback - 35-feet.** (front setback measured from proposed ROW line)

Purpose of Requirement: The front setback requirement allows for open space, ensures visibility along roadways, and reduces traffic hazards along roadways.

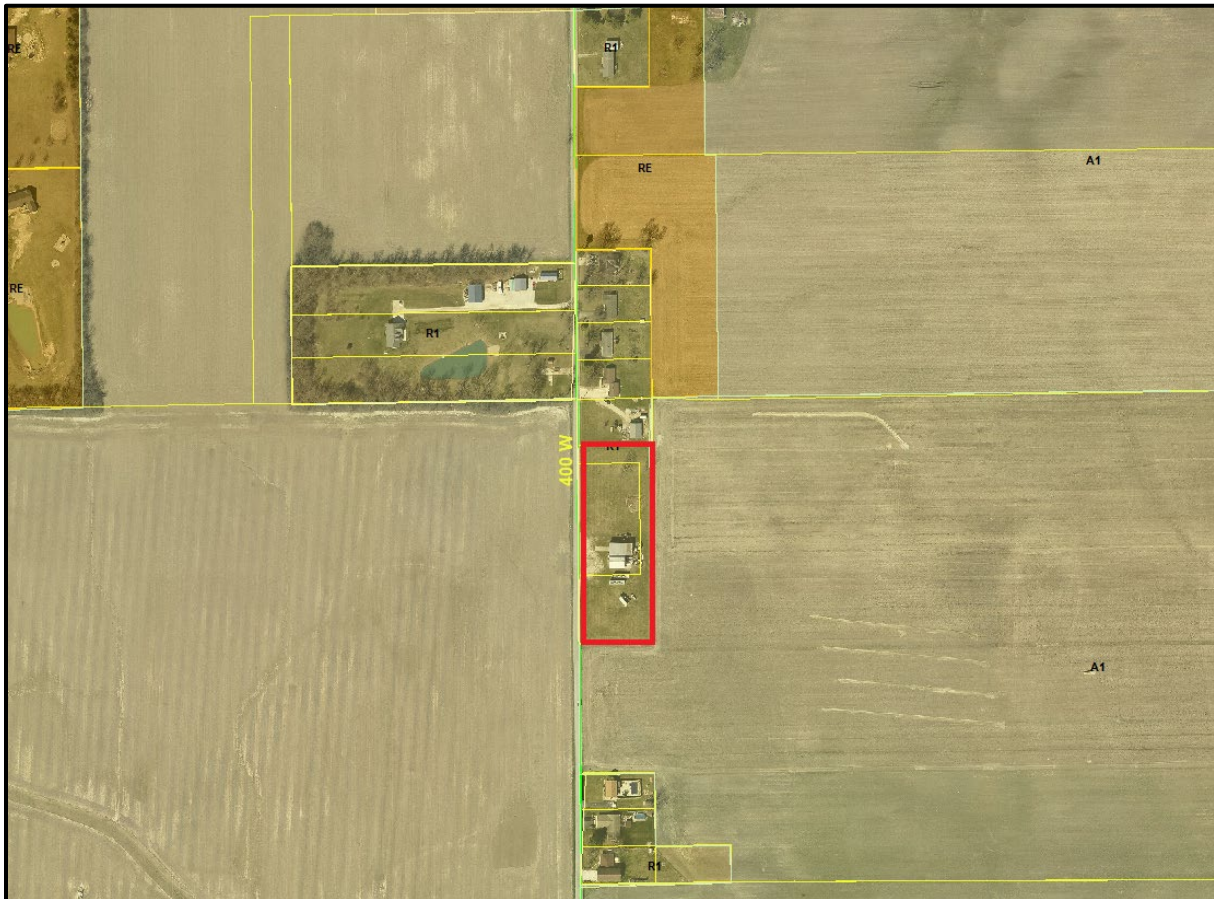
7. **UDO Section 5.19 B 1 - Onto an Arterial or Collector Street:** *Minimum of eleven (11) feet and a maximum of twenty-two (22) feet.*

Purpose of Requirement: Maximum driveway width in residential areas protects the aesthetic quality of residential properties, preserves the character of residential neighborhoods, and restricts use of residential driveways by large trucks and machinery.

8. **UDO Section 2.14 - R1 District Development Standards: Minimum Lot Coverage – 35% of lot area.**

Purpose of Requirement: The maximum lot coverage requirement preserves the character of the area and allows for adequate on-site water absorption to limit drainage impacts to adjacent properties.

Property Map



Case Description

Proposed Use

- The petitioners plan to operate an outdoor services contracting business from the property, which includes excavation, septic installation and repair, grading, trucking, landscaping, demolition, and snow removal services.
- Proposed on-site business activities include administrative functions, truck and equipment fueling, maintenance, and storage, aggregate storage, and job waste storage and disposal.
- The petitioners indicated that trucks would typically leave and return to the site between the hours of 6:00 AM and 6:00 PM, Monday through Sunday. Each truck would typically only make one trip per day.

Site Development

- The site plan submitted by the petitioner shows a concept plan. Final location of buildings, parking, material storage, etc. may change, however, site development would generally be limited to the setbacks indicated on the site plan.

- Proposed site development includes an office and shop building, gravel parking and maneuvering areas, gravel truck and equipment storage areas, 2'x4' concrete aggregate storage bins, above-ground fuel storage tank, dumpster, security fence, lighting, potential signage, commercial septic system, and landscaping along the public road.
- The petitioners indicated that they currently own ten (10) dump trucks and a few semi-trucks which haul equipment. They may acquire more vehicles as the business expands.
- Development of the site would require Technical Advisory Committee review and approval of a Site Plan in compliance with applicable County codes. The Site Plan must include elevations, specific building and parking locations, proposed septic design, and drainage infrastructure.
- The new building would require a State Design Release and commercial building permit.
- The new septic system would require review by the State Department of Health and a commercial septic permit.

Supplemental Information

- The petitioners currently operate the business from their home located at 1640 W 650 N, Shelbyville. The petitioners intend to relocate the business to the subject property within two-years.
- INDOT classifieds CR 400 W as a collector road with moderate traffic and speed. The property lies within 2-miles of Michigan Rd., which has direct access to I-74, and within 7-miles of SR 9.
- Surrounding development includes residential homesites on lots between ½-acre and 2-acres. Two commercial operations utilizing large trucks are located within 2.5-miles of the property on CR 800 N.
- Historical aerial photography shows trucks and trucks parts stored on the property for more than 25 years.

Variance Request Information

- The UDO only permits commercial businesses with outdoor storage in the I2 (High Intensity Industrial) District.
- Staff recommended that the petitioner apply for a use variance rather than a rezoning. The UDO does not designate the agricultural and residential zoning districts adjacent to the property as appropriate adjacent districts to the I2 District, no other property within the I2 zoning designation exists in the immediate area, and the Comprehensive Plan does not recommend industrial development for the area.
- The variance would only allow for the specific use requested and would not transfer with the property if sold.
- The variance would not prohibit future development of the property for residential purposes.
- The development requires variances from several development standards applicable to the R1 District. If located in the I2 District, the request would require an alternate set of development standards variances to allow for:
 - A future building setback 40-feet or greater from the centerline of CR 400 W (minimum 90-foot setback required);

- Gravel driveway (hard surface required);
 - Gravel parking and maneuvering areas (hard surface required);
 - Lack of buffer yard landscaping;
 - Lack of opaque fence enclosure around outdoor storage areas; and
 - An above-ground storage tank setback less than 30-feet from the primary structure.
- Approval of the variance would not preclude the petitioner from requesting a rezoning of the property to I2 in the future.

Staff Analysis of Findings of Fact

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: *Considerations Supporting Denial:* The business would generate commercial truck trips in excess of typical agricultural operations in the area. A significant number of trucks using county roads can pose noise and safety impacts to rural residential homesites and result in premature degradation of roads not constructed to accommodate heavy truck traffic.

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: *Considerations Supporting Denial:* The proposed business operation would increase the developed area of the property and would generate more truck trips than the previous trucking use of the property. Therefore, development of the property for the proposed business would result in significant alteration to the rural residential character of the area. The aesthetic appearance of the property and noise from trucks would impact the use, value, and enjoyment of residential properties in nearby rural neighborhoods.

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

Staff Analysis:

Considerations Supporting Approval: The property has access to I-74 through collector roads, which would result in most truck trips utilizing collector roads currently utilized by truck traffic rather than local county roads. Two commercial operations utilizing large trucks are located within 2.5-miles of the property on CR 800 N. Historical aerial photography shows trucks and trucks parts stored on the property for over 25 years.

Consideration Supporting Denial: The property lies within a rural residential area. Approval of the use variance as proposed would require approval of several development standards variances in order for the property to accommodate the use.

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.

Considerations Supporting Approval: A strict application of the ordinance would not allow for use of the property in a similar manner as used for over 25 years.

Considerations Supporting Denial: A strict application of the ordinance would not prevent residential use of the property as permitted in the R1 District.

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

Staff Analysis:

Considerations Supporting Approval: The business does provide services sought out by residential homeowners in rural areas, such as landscaping and septic installation.

Considerations Supporting Denial: The Comprehensive Plan does not recommend commercial uses in residential areas.

Development Standards Variances

Staff recommends denial of the Use Variance; therefore, Findings of Fact for Development Standards are not applicable.

Staff Recommendation

Staff recommends **DENIAL** because the Comprehensive Plan recommends residential use for the area and the addition of truck trips to the county roads can pose noise and safety impacts to rural residential homesites and result in premature degradation of county roads not constructed to accommodate heavy truck traffic.

If the Board chooses to approve the petition, Staff recommends the following **stipulations** to limit the impacts to adjacent rural residential properties:

1. Use of the property shall be limited to the Statement of Intent submitted with the variance application.
2. All site development, excluding the septic system, shall be setback a minimum of 210-feet from the north property line.
3. One (1) canopy tree per fifty (50) feet of lineal frontage shall be installed along CR 400 W. The trees shall be installed on top of a minimum (3) foot tall mound.
4. The portion of the driveway outside of the fence shall be hard-surface.
5. Any site lighting shall be full-cut-off fixtures.
6. The above-ground storage tank shall comply with all setback requirements for above-ground storage tanks in the I2 District.

Applicant/Owner Information

Applicant:	Ben & Andrea Mohr 1640 W 650 N Shelbyville, IN 46176	Owner:	Same
------------	--	--------	------

View of Existing Building



Staff Photograph – November 2025

Existing Outdoor Storage



Staff Photograph – November 2025

Property to the North
(photo taken approximately 210-feet from property line)



Staff Photograph – November 2025

Property to the South



Staff Photograph – November 2025

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: Upon the commission approval, the property will be used for all business activities for Audre's Outdoor Services LLC + Audre's Transport LLC, including dump truck and equipment storage. This property will also be the site of any potential construction expansions and new builds to allow for business growth.
2. Days & Hours of Operation: Trucking hours generally start at 6am and conclude at 6pm Monday - Saturday. Once the trucks leave for the day, they typically do not come and go throughout the day.
3. Maximum Number of Customers per Day/Week/Month:
4. Type and Frequency of Deliveries: Fuel and Parts get delivered weekly.
5. Description of any Outdoor Storage: If approved, we planned to have multiple 2x4 concrete block bins arranged neatly for materials that we use on our own job. We will park multiple dump trucks, Semi's and trailers on the property as well.
6. Description, Size, and Placement of any Signage: We do not immediately plan on signage, however, we see potential for a sign on a new building on the site in the future.
7. Description of Waste Disposal: There will be a dumpster on-site that will get dumped weekly - Also any other waste will be picked up as needed by an environmental company.
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Once approved our future plan is to build a new building on the site to take place of the current structure. We plan to do all site work ourselves per county requirements including landscaping, drainage etc. We would eventually like to have a fence and lighting on the property as well.

USE 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 Use 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.

As a local business in Shelby County, we have the utmost respect for the community in which we live, work and
play. As proven at our previous location we keep our property clean, well maintained, and attractive. This is essential
for our image and attracting and retaining customers.

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.

Immediately adjacent to this site, there is a mixture of agricultural fields and residential properties.
This particular property has been a truck Stop for 40+ years. We plan on improving the property and
respecting the existing neighbors

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

The need for the variance on this property is to be able to continue business operations as normal -
including all activity and storage for Audrey's Academic Services LLC & Audrey's Transport LLC.

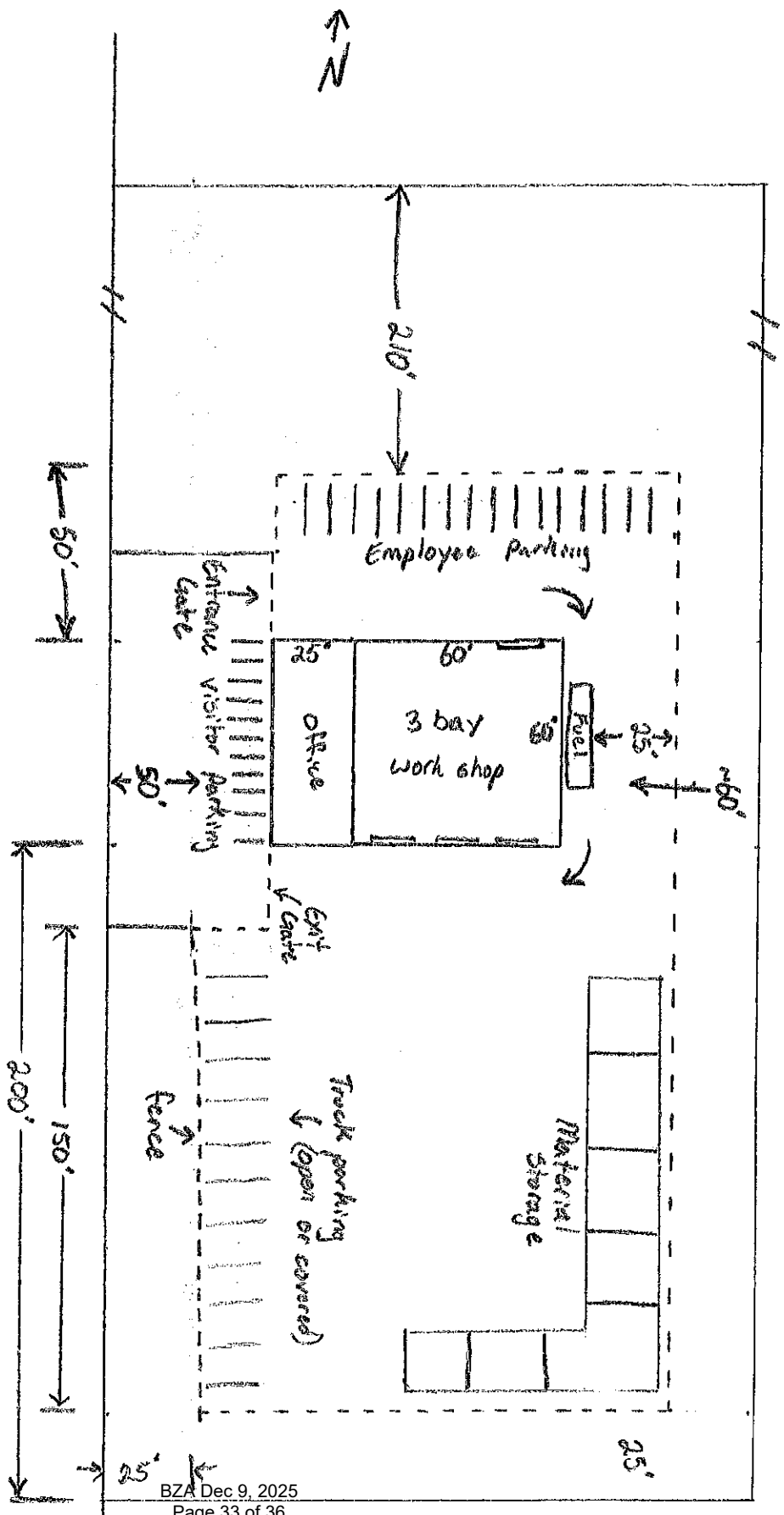
4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

For the past 40+ years this property has been used for a Trucking Business. We want to continue to use
the property as it stands with improvements for additional growth.

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

Granting this variance will not negatively impact any plan in the area.

* Subject to change.



Zoning Violation

Case Number: V25-31
Property Owner: William H & Wendy S Curry
Location: 4980 W Range Rd., Shelbyville, Brandywine Township

Violations

Operation of a commercial pool hall in the RE (Residential Estate) District

Section 2.11 - RE District Intent, Permitted Uses, and Special Exception Uses

Parking of vehicles on the lawn

UDO Section 5.60 A – Surface: All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. *Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.*

Case History

- August 12, 2025 – The property owner requested a use variance to allow for operation of a commercial pool hall and several development standards variances, including allowing vehicles to park on the lawn. The BZA denied this request.
- August 18, 2025 – The Planning Director sent the property owner a BZA decision letter. The letter outlined permitted and non-permitted pool-related activities that can occur on the property (see attachment pg. 1).
- October 21, 2025 – The Plan Commission office issued a permit for an addition to a residential accessory structure on the property. The permitted addition complies with all standards for residential accessory structures and therefore the Plan Commission office was legally obligated to issue the permit. The petitioner had proposed to use this structure for a commercial pool hall as part of their variance application.
- November 3, 2025 – A neighboring property owner submitted advertisements posted online showing evidence of operation of a commercial pool hall on the property.
- November 4, 2025 – The Planning Director sent the property owner a violation letter with the BZA decision letter and event advertisement postings attached (see attachment pg. 2-6).
- November 4, 2025 – The property owner called the Planning Director to discuss the violation and explained that only family and friends play pool at the property. The Planning Director reiterated the information included in the BZA decision letter. She informed the property owner that any additional complaints with evidence of continued operation of a commercial pool hall would result in forwarding of the case to the BZA. This conversation was also followed up by a series of emails (see attachment pg. 7-8).

- November 17, 2025 – Neighboring property owners submitted photographs of large gatherings on the property on November 9th and November 15th 2025. One of the previous event advertisements listed November 15th as the date of an event. These photographs also depicted vehicles parked on the lawn (see attachment pg. 9-10)
- November 17, 2025 – The attorney for a neighboring property owner submitted a billiards sales advertisement which references the commercial pool hall (see attachment pg. 11)
- November 18, 2025 – The Planning Director informed the property owner that the BZA would review the violation case at their December meeting.
- November 28, 2025 – Neighboring property owners and their attorney submitted evidence of a commercial pool hall event hosted on the property on November 28th (see attachment pg. 12-14). They also submitted a pool tournament advertisement for December 8th (see attachment pg. 15).

BZA Decision

Staff requests that the BZA review the evidence and affirm or overrun the decision of the Planning Director to issue a zoning violation.

If the Board affirms that a zoning violation has occurred, then the Planning Director requests that the Board determine enforcement action. Enforcement action may include:

1. Direction to discontinue operation of the commercial pool hall and parking of vehicles on the lawn.
2. Direction to discontinue operation of the commercial pool hall and parking of vehicles on the lawn and automatic imposition of a fine and/or review by the BZA for subsequent violations.
3. Impose a fine of not less than \$50 or higher than \$7,500. The Board may impose a fine for subsequent violations; however, the cumulative fine cannot exceed \$7,500. Any imposed fine will attach as a lien to the property payable with the next tax bill.
4. A combination of the above remedies or another remedy at the discretion of the BZA.

*note - referenced attachments provided to BZA as separate file due to inclusion of personal information

Shelby County BZA

<u>BZA Scheduled Meetings</u>	<u>BZA Application Deadline</u>	<u>BZA Legal Notice Deadline</u>
January 13, 2026	December 23, 2025	December 30, 2025
February 10, 2026	January 20, 2026	January 29, 2026
March 10, 2026	February 17, 2026	February 26, 2026
April 14, 2026	March 24, 2026	April 2, 2026
May 12, 2026	April 21, 2026	April 30, 2026
June 9, 2026	May 19, 2026	May 28, 2026
July 14, 2026	June 23, 2026	July 2, 2026
August 11, 2026	July 21, 2026	July 30, 2026
September 8, 2026	August 18, 2026	August 27, 2026
October 13, 2026	September 22, 2026	October 1, 2026
November 10, 2026	October 20, 2026	October 29, 2026
December 8, 2026	November 17, 2026	November 25, 2026