Shelby County
Board of Zoning Appeals

April 14, 2026, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals
April 14, 2026

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the March 10, 2026, meeting.

OLD BUSINESS

BZA 26-09 – ANDREW ABRAMS: FINDINGS OF FACT

BZA 26-08 – ROGER DEBOARD: SPECIAL EXCEPTION & DEVELOPMENT STANDARDS VARIANCES**.** Located at 474 W 600 N, Shelbyville, Marion Township.

NEW BUSINESS

BZA 26-12 – FAIRLAND LANDSCAPE SUPPLY: DEVELOPMENT STANDARDS VARIANCE**.** Located at 208 S Franklin St, Fairland, Town of Fairland, Brandywine Township.

BZA 26-13 – GREG OWENS: DEVELOPMENT STANDARDS VARIANCE**.** Located at 11950 S 825 W, Edinburgh, Jackson Township.

BZA 26-14 – LAUREN DIEMER: DEVELOPMENT STANDARDS VARIANCE**.** Located at 2702 N Knighthood Grove, Shelbyville, Marion Township.

BZA 26-15 – TONY MACALUSO: DEVELOPMENT STANDARDS VARIANCES**.** Located at 7006 S 400 W, Shelbyville, Jackson Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday**, May 12, 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/87531118888?pwd=w2pIXxIuaR1dnKebSULNf36SJoYqF7.1**
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, 2026 – January 1, 2030
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

In accordance with the **Americans with Disabilities Act**, if anyone wishes to attend the public meeting on the above referenced matter and is in need of reasonable accommodations in order to attend, hear, or present evidence at the public meeting on this matter, for accommodations contact the Shelby County Plan Commission 25 W Polk St, Shelbyville, IN 46176 317-392-6338

Development Standards Variances
FINDINGS OF FACT

Applicant: Andrew Abrams

Case #: BZA 26-09

Location: 9052 N 300 E, Morristown, Hanover Township.

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

   Elevation of the home in compliance with the elevation requirement for development in the floodplain would mitigate any impact on the river effecting the public. A reduction in the setback requirement would not preclude future sale of the property to any member of the public. Construction of a home without an attached garage and paved parking spaces would not deviate from existing development in the neighborhood. Slight encroachment of the house into the vision clearance triangle would not significantly impact traffic safety.

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 neighborhood supports approval of the variance. The petitioner owns the adjacent property impacted by a deviation from the setback requirement. Construction of a home without an attached garage and paved parking spaces would not deviate from existing development in the neighborhood. Slight encroachment of the house into the vision clearance triangle would not significantly impact traffic safety.

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

   A strict application of the ordinance restricts the building area of the lot to approximately 0.05-acres, rendering the property physically unbuildable and prevents development of the property which would improve upon the character of the neighborhood.

Staff Report

Case Number: BZA 26-08

Case Name: Roger DeBoard – Special Exception & Development Standards Variances

Property Details

Location: 474 W 600 N, Shelbyville, Marion Township.

Property Size: 1.02-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.
BZA: Allow a special exception use only when it is compatible with the surrounding residential areas.

Future Land Use per Comp Plan
Parks, Open Space, & 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	*A2*	*Cropland*
South	*A1*	*Cropland*
East	*A2*	*Cropland*
West	*A1/R1*	*Cropland*

Request

Special Exception to legally establish a Type 2 Home Business (auto detailing) in the R1 (Single-Family Residential) District.

Variances of Development Standards to allow:

1. Type 2 Home Business:
    a. Conducted within an accessory structure;
    b. With a 2'x3' wall sign (max. 3 sq. ft. permitted).
2. 1,024 sq. ft. addition to a pole barn:
    a. Which currently sits closer to the road than the house;
    b. Resulting in the total area of all accessory structures on the property exceeding ½ the footprint of the house.

Code Requirement

Home Business Standards

UDO Section 2.13 – *R1 District Intent, Permitted Uses, and Special Exception Uses.*

UDO Section 5.34 (Type 2 Home Business Standards) D 1 a – *The Type 2 Home Business shall be conducted entirely within the primary structure.*

UDO Section 5.34 (Type 2 Home Business Standards) D 6 – *Signs: One (1) wall sign is permitted on the primary structure and it shall not exceed three (3) square feet in sign area. The wall sign shall be fully located within five (5) feet of either the front door or side door of the primary structure. Materials shall be aesthetically compatible and complementary to the primary structure, specifically to make sure the sign is subtle and consistent with residential and neighborhood character. No special lighting shall be permitted to illuminate the sign*

Purpose of Requirements: Type 2 Home Business regulations allow homeowners to conduct small-scale businesses within their home that

do not change the character of the property, pose a nuisance to adjacent residential properties, or generate traffic more than typically found in rural areas. Prohibiting operation of Type 2 businesses within accessory structures limits types of businesses that would generally pose a nuisance to the property owner if attached to their house, and therefore would likely pose a nuisance to adjacent properties.

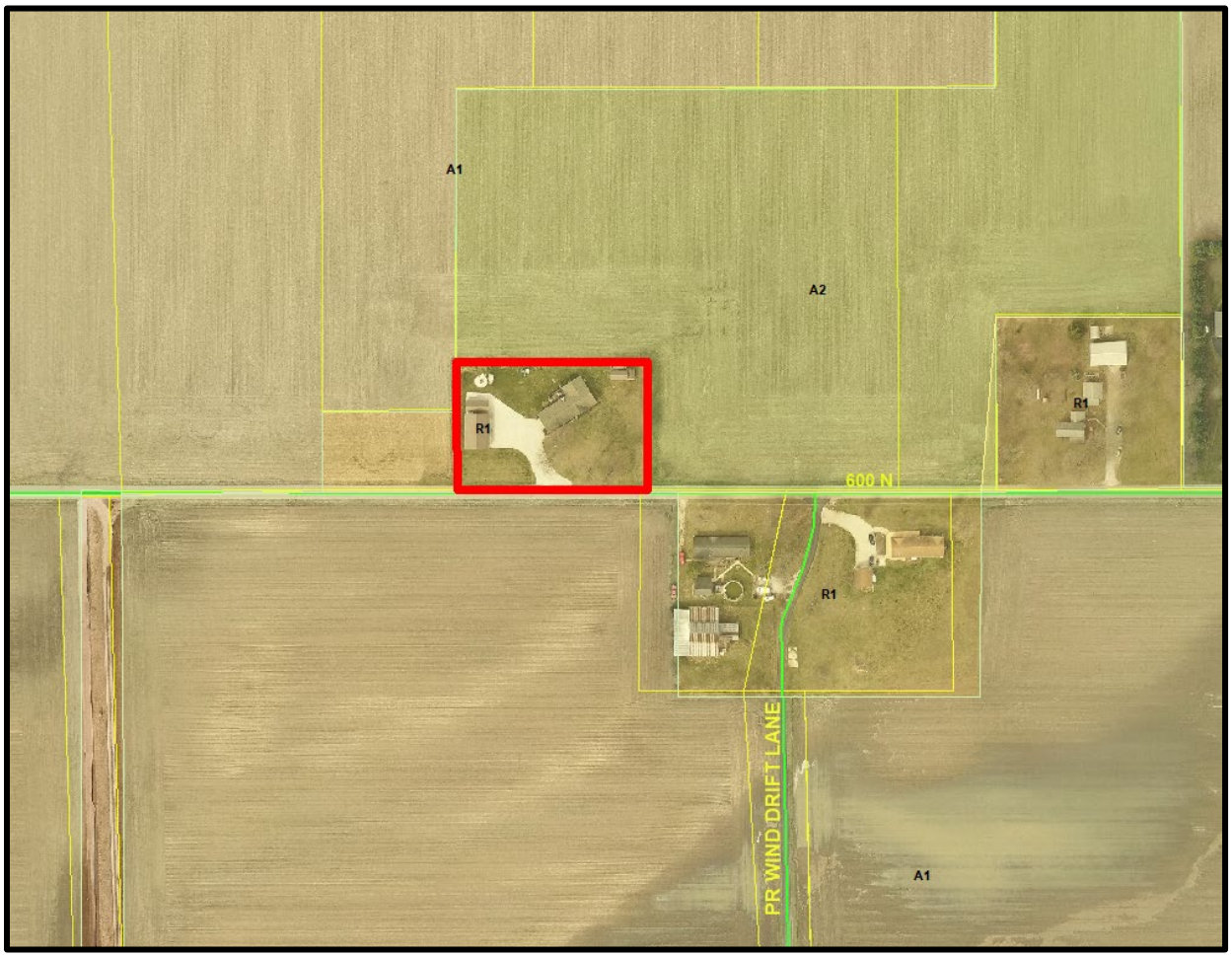
Accessory Structure Standards

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

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

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

Property Map



Case Description

- The petitioner currently operates an auto detailing business within the existing pole barn on the property. The petitioner also resides on the property.
- Summary of the petitioner's business description:
    - Hours of Operation: 12PM– 7PM, Monday – Thursday.
    - Customers: Sixteen (16) per month.
    - Water Usage: IBC storage container filled with city water.
    - Cleaning Chemical Usage: Gilptone 100% biodegradable products.
    - Waste Disposal: Catch basin in barn emptied as needed.
    - No Outdoor Storage.
- The proposed business complies with all standards for Type 2 Home Businesses, other than operation of the business outside of the home and a slightly larger sign on the door of the pole barn than permitted.
- The Planning Director discovered the non-permitted business at the time the petitioner applied for a variance for the addition to the pole barn. The Planning Department has not received any complaints regarding the business.
- The petitioner plans to construct a 32'x32' (1,024 sq. ft.) addition onto the north side of the existing pole barn.
- The square footage of the pole barn plus existing shed would equal approximately 1.1X the square footage of the footprint of the house. The property tax card provides the square footage of the house and existing accessory structure.
- The petitioner obtained a permit in 2017 for the existing pole barn. The Planning Director at that time conducted and approved the foundation inspection for the pole barn which would have shown the foundation projecting past the front of the house. The petitioner indicated that the Planning Director had approved the location due to the angle of the house relative to the road.
- The County recently adopted a new ordinance applicable to accessory structures. The petitioner applied for the variance prior to adoption of the new ordinance. The new ordinance also does not permit the barn in the front yard; however, the barn would not exceed the maximum accessory structure size requirement of the new ordinance.
- Surrounding development includes scattered rural residential homesites on lots ranging from 1.5-acres to 7-acres.

Staff Analysis of Findings of Fact

Special Exception

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

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

3. **UDO Requirement: The proposed special exception is in harmony with all adjacent land uses.**

4. **UDO Requirement: The proposed special exception will not alter the character of the district; and**

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

   Staff Analysis

   The UDO states that in the R1 District: *Allow a special exception use only when it is compatible with the surrounding residential areas.* Operation of the business within the barn and limited parking of vehicles on the property would not alter the rural residential character of the area.

   The business would not impact or result in the removal of any significant natural areas in an area recommended for Parks, Open Space, and Conservation by the Comprehensive Plan.

   Approval would allow for operation of a local small business providing a service to the community.

   Auto detailing services conducted within the barn and proper disposal of cleaning products, wastewater, and chemicals would prevent any injury to nearby properties and the community.

Development Standards – Home Business

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

   Staff Analysis: The petitioner obtained a permit and required building inspections for the pole existing barn. Construction of the addition would require a building permit, and the structure must comply with all building codes before passing a final inspection.

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 property does not adjoin any other residential properties. Operation of the business within the pole barn, property disposal of cleaning products, wastewater, and chemicals, and the presence of a small sign would not impact continued use of adjacent property for agricultural production.

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 small-scale home business activities which typically occur within a barn or garage.

Development Standards – Pole Barn

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

Staff Analysis: The petitioner obtained a permit and required building inspections for the existing pole barn. Construction of the addition would require a building permit, and the structure must comply with all building codes before passing a final inspection.

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 deviate from the size of agricultural pole barns on surrounding properties. The Planning Office administratively approved construction of the pole barn in the front yard.

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 pole barn similar in size to agricultural barns on surrounding properties or allow the existing pole barn to remain in the front yard.

Staff Recommendation

Staff recommends **APPROVAL** primarily because operation of the business within the barn and limited parking of vehicles on the property would not alter the rural residential character of the area. The barn would not deviate from the size of agricultural pole barns on surrounding properties and the Planning Office administratively approved construction of the pole barn in the front yard.

Staff recommends the following **stipulations:**

1. Operation of the business shall comply with Section 5.34 HB-02: Type 2 Home Business Standards of the Unified Development Ordinance, other than Sections 5.34 D 1.

2. Business operations shall be limited to the Statement of Intent and Site Plan submitted with the variance application.

3. All auto detailing services shall occur inside the barn, and all cleaning products, wastewater, and chemicals shall be contained within the barn and properly disposed off-site.

4. No more than six (6) vehicles and trailers (including business, customer, and personal vehicles) shall be parked outside on the property at any one time.

Applicant/Owner Information

Applicant:	Roger DeBoard 474 W 600 N Shelbyville, IN 46176	Owner:	Roger & Jane DeBoard

View of Subject Property Traveling East of CR 600 N



Google Street View – August 2024

Typical Property Appearance



DeBoard's Detailing Facebook Page – July 2023

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: Car auto detailing
2. Days & Hours of Operation: Monday thru Thursday 12:00-7:00 pm
3. Maximum Number of Customers per Day/Week/Month: 1 a day 4 a week 16 month
4. Type and Frequency of Deliveries: once Monthly, Amazon
5. Description of any Outdoor Storage: None
6. Description, Size, and Placement of any Signage: Man door one Sign 2x3
7. Description of Waste Disposal: trash - waste management weekly trash can
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): N/A

SPECIAL EXCEPTION
FINDINGS OF FACT

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

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

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

   there is no future land use

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

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

   Building on to Existing barn for Storage
   Clean cars in Existing barn

3. The proposed special exception is in harmony with all adjacent land uses; and

4. The proposed special exception will not alter the character of the district.

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

   there are other barns being used as businesses

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

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

   there are no close neighbors around our property to affect

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.

   Yes it will be used for Vehicle Storage.

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.

   farmland all around the structure. it will be the same color and material as the existing build to be added on to.

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.

   Building onto existing pole barn to store cars so neighbor don't have to look at them setting outside

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.

   I am building on to store my cars and trailers inside instead of outside that everyone can see this. This is over 100ft from the roadway

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.

   Next to me on all sides is farm ground the closet is 15 feet away from the property line.

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.

   Allows for more storage with the build on

R1
Addition
40

Staff Report

Case Number:	BZA 26-12
Case Name:	Fairland Landscape Supply – Development Standards Variance

Request

Variance of Development Standards to allow for fewer trees within buffer yards than required by ordinance.

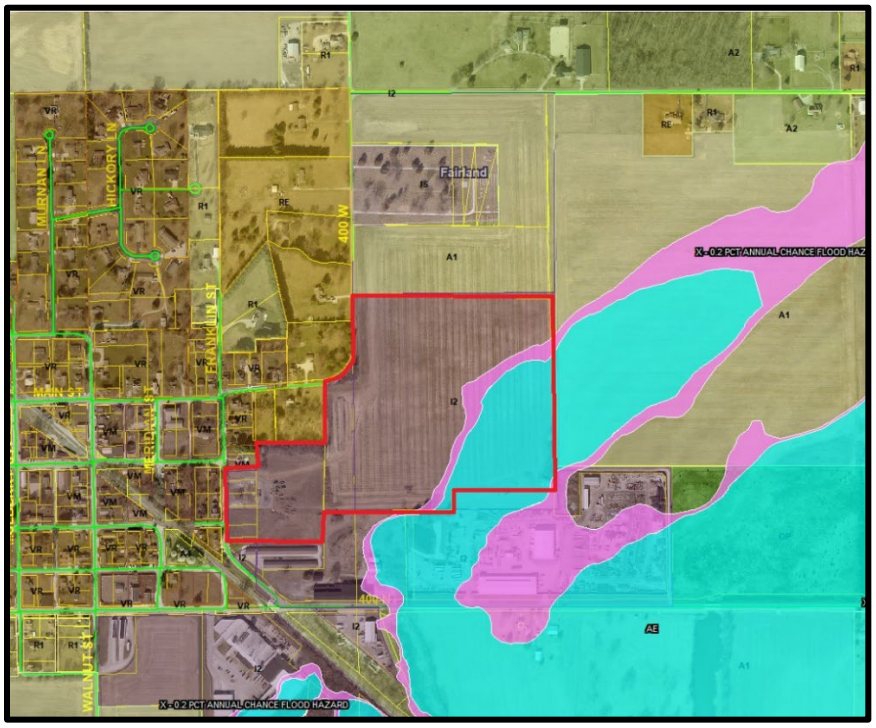
Code Requirement

UDO Section 5.44 A 2: *Primary and Secondary Arterials: One (1) canopy tree per fifty (50) lineal feet of frontage.*

UDO Section 5.49 A: *Applicability: Buffer yard standards shall apply along the front, side, and rear property lines where conflicting zoning districts meet, as indicated on Table LA-A: Buffer Yards Required.*

Purpose of Requirement – Landscaping buffer yard standards serve to enhance the visual quality of developments, maintain community character, minimize storm runoff, improve air quality, and protect lower intensity development from nuisance and visual impacts of higher intensity development.

Property Map



Property Details

Location: 208 S Franklin St, Fairland, Town of Fairland, Brandywine Township.

Property Size: ~32-acres.

Current Land Use: Commerical.

Zoning Classification:
I2 (High Intensity Industrial)
This district is established for high intensity industrial uses and heavy manufacturing facilities.
Development Standards: Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality. Minimize light, noise, water, and air pollution
BZA: Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety

Future Land Use per Comp Plan
Incorporated Planning Area – Town of Fairland

Surrounding Development

	Zoning	Land Use
North	*A1*	*Cropland*
South	*I2*	*Contractor's Yard / Self-Storage Facility*
East	*A1*	*Cropland*
West	*RE/VM /VR*	*Estate Residential / Single-Family Residential*

Case Description

- In 2022, the County approved rezoning of the property to the I2 (High Intensity Industrial) District to allow for development of a landscape supply business, including commerical sales and landscape material processing.

- The petitioner has completed development of the site, other than installation of the required landscape buffer along the property lines.

- The rezoning approval included a stipulation which required buffer yard landscaping exceeding ordinance requirements.

- At the time of original zoning approval, Staff recommended additional landscaping to mitigate potential aesthetic, noise, and air quality impacts related to processing of landscaping materials to adjacent properties.

- In 2025, the petitioner discussed the landscape buffer with the Town of Fairland and adjacent property owners to the north and east. The parties agreed to an alternate landscape buffer plan which includes fewer trees than required by the stipulation.

- The alternate landscape buffer plan provides large evergreen trees as a visual and noise buffer between the subject property and Fairland Cemetery and nearby residential properties, eliminates the tree requirement along CR 400 W to avoid tree interference with power lines, and eliminates the requirement for canopy trees and reduces the number of evergreen trees required for ease of maintenance.

- In February of 2025, the Plan Commission recommended approval to amend the stipulation to accommodate the alternate landscape buffer plan (see table below).

- The County Commissioners approved the amendment to the stipulation in March of 2025.

- The amended landscape plan also requires BZA approval because the amended landscaping plan not only includes fewer trees than required by the stipulation, but also fewer trees than required by ordinance.

- The property now lies within the planning and building jurisdiction of the Town of Fairland. However, the Town and County have agreed that the County would close out any projects permitted by the County before the Town assumed jurisdiction.

Landscape Plan Details



	Plan Commission / Commissioners Approved Alternate Landscape Buffer Plan	Landscaping Required by Ordinance	Landscaping Required by Stipulation
Adjacent to residential property located at 311 E Main St	5-foot-tall mound and 6-foot-tall privacy fence on top of the mound.	1 canopy tree per 45 feet 2 ornamental trees per 50 feet Mound or fence may be substituted for approximately 50% of the trees	1 canopy tree per 40 feet 2 ornamental trees per 50 feet 1 evergreen tree per 12 feet 6-foot-tall fence or 5-foot-tall mound Landscaping may be waived from east property line by adjacent property owner.
Along CR 400 W	5-foot-tall mound and 6-foot-tall privacy fence on top of the mound.	1 canopy tree per 50 feet	
Adjacent to north property line (cemetery)	5-foot-tall mound and 6-foot-tall privacy fence on top of the mound. One Norway Spruce every 20-feet.	1 canopy tree and 2 ornamental trees per 60-feet	
Adjacent to east property line (farmland)	5-foot-tall mound and 6-foot-tall privacy fence on top of the mound. One Norway Spruce every 20-feet (only along north 250-feet)	1 canopy tree and 2 ornamental trees per 60-feet	
	All required landscaping, fencing, and mounds shall be installed by December 31st, 2026.		

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 Town of Fairland has consented to waving the tree requirement along the roadway. A reduction in trees along property lines would have no significant aesthetic impact on the public due to location of the property lines a substantial distance from 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 Town of Fairland has consented to waving the tree requirement along the roadway. Adjacent property owners have consented to a reduction in required trees along the property lines.

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 require an unmaintainable density of trees undesired by adjacent property owners and which would interfere with overhead power lines along the roadway.

Staff Recommendation

APPROVAL because a strict application of the ordinance would require an unmaintainable density of trees undesired by adjacent property owners and which would interfere with overhead power lines along the roadway.

Applicant/Owner Information

Applicant:	Mike Bowman 6544 W 300 N Boggstown, IN 46110	Owner:	Same

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.

   approval of the variance will increase public Safety by keeping the trees away from the overhead power lines

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 proposed alternate to the UDO will provide the best solutions both in maintenance and the effect on the neighbors

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.

   strict application of the UDO would create safety issues under the Power Lines or more maintenance for the property owner and neighbors. The proposed alternate serves the best interest of everyone

Staff Report

Case Number: BZA 26-13

Case Name: Greg Owens – Development Standards Variance

Property Details

Location: 11950 S 825 W, Edinburgh, Jackson Township.

Property Size: 3.56-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	*AG*	*Agriculture: Preferred (Barthlomew County)*
East	*RE*	*Estate Residential*
West	*A1*	*Cropland*

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 40'x 60' (2,400 sq. ft.) pole barn.
- The recently constructed house faces south onto CR 1200 S. The barn would sit in the north yard which functions as the rear yard of the property.
- The barn would sit at a lower elevation than the house and therefore should not exceed the height of the house.
- The barn would not exceed the height of the two-story homes in the neighborhood.
- The petitioner indicated that the barn will have white siding, a brown waistcoat, white doors, and a grey roof. The home on the property has brick siding, white trim, white doors, and a grey roof.
- The petitioner indicated that construction of the barn in compliance with the maximum height requirement would not allow for sufficient storage space in the loft of the barn.

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 house would remain the visual focal point of the property because the barn would sit in the rear yard at a lower elevation than 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 sufficient storage space in the loft of the barn.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the house would remain the visual focal point of the property because the barn would sit in the rear yard at a lower elevation than the house.

Applicant/Owner Information

Applicant:	Greg Owens 11950 S 825 W Edinburgh, IN 46124	Owner:	Same

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.

   The structure complies with all other codes and its peak of 24' is no higher than most of the homes in the area including my own. The barn will be nowhere near any neighbor's buildings or roads.

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.

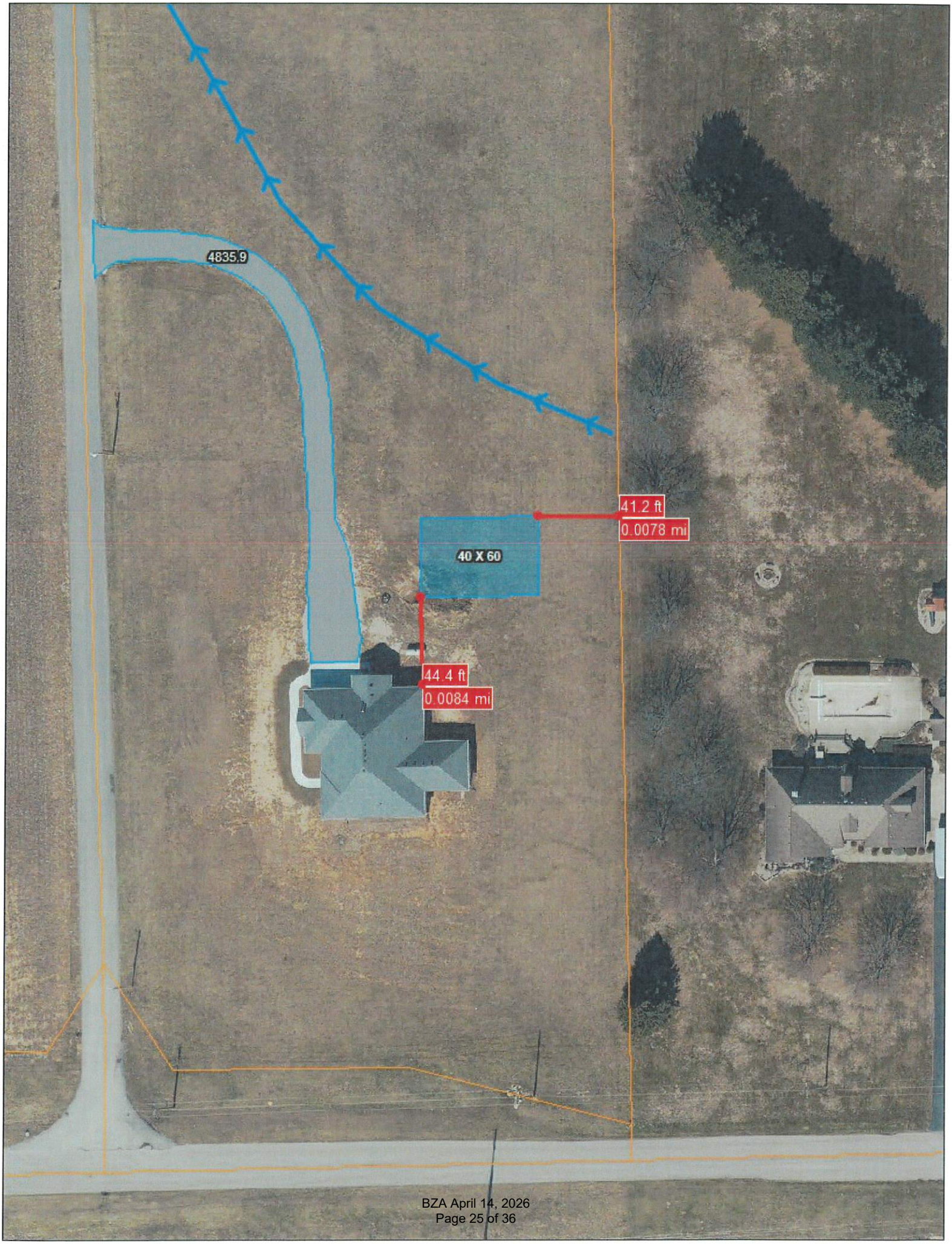
   Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

   The color scheme of the structure will match the home. It will be white with brown wainscot and a gray roof. The garage doors of the home will match the doors of the barn (white). The placement of the structure sits more than 40' away from the nearest neighbor's property line.

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.

   The primary purpose of this build is for storage. The additional 4' will allow for sufficient storage space in the left area of the building.


4835.9
41.2 ft
0.0078 mi
40 X 60
44.4 ft
0.0084 mi

Staff Report

Case Number: BZA 26-14

Case Name: Lauren Diemer – Development Standards Variance

Property Details

Location: 2702 N Knighthood Grove, Shelbyville, Marion Township.

Property Size: 329.12-acres.

Current Land Use: Estate Residential / Agriculture

Zoning Classification:

A1 (Conservation Agricultural)
Intent: This district is established for the protection of agricultural areas and buildings associated with agricultural production.

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

Parks, Open Space, & 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.

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/R1*	*Natural Resources / Cropland / Single-Family Residential*
South	*A2*	*Estate Residential*
East	*RE / R1*	*Cropland / Single-Family Residential*
West	*A1 A2/ /RE*	*Cropland / Estate Residential*

Request

Variance of Development Standards to allow four single-family lots to utilize a single private driveway (maximum of two lots permitted).

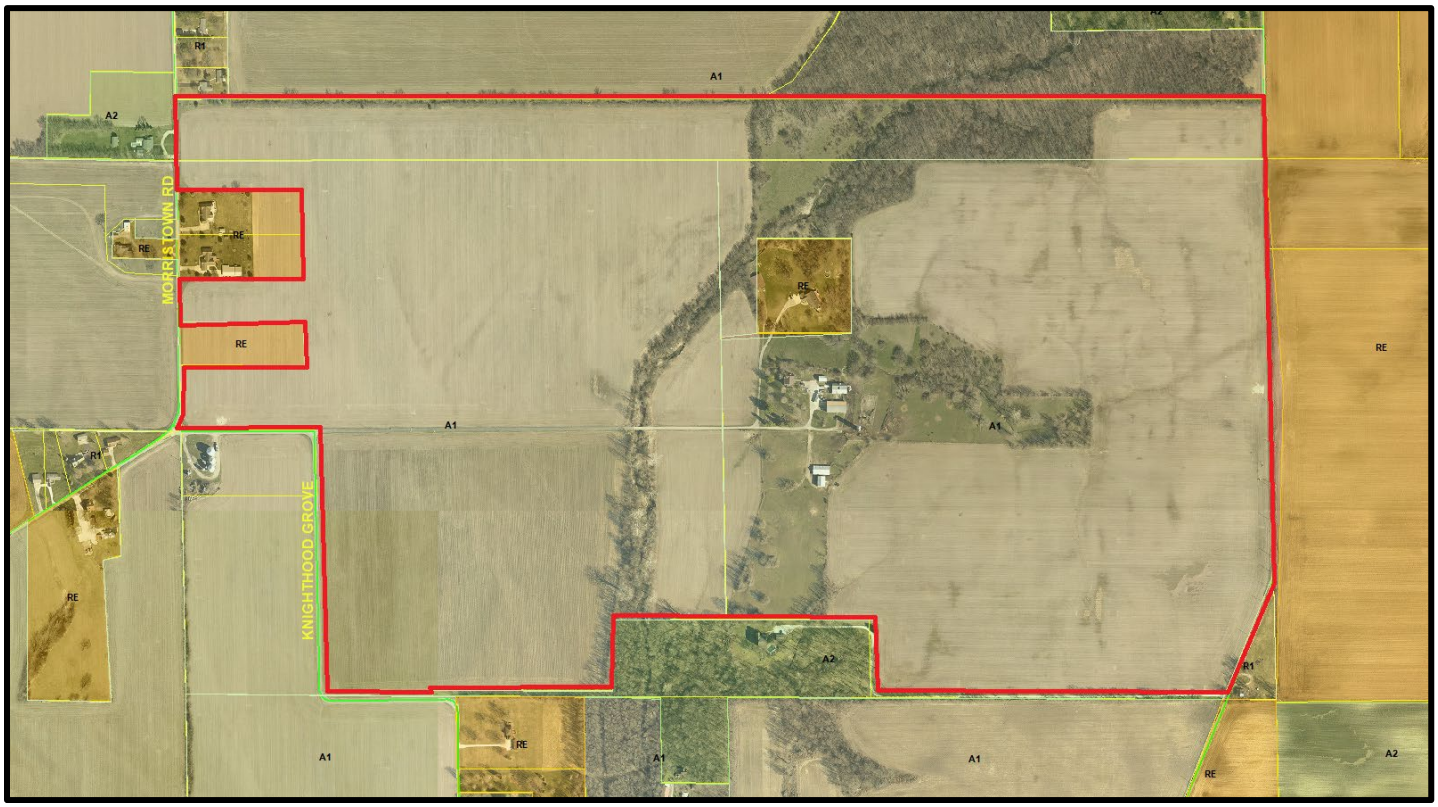
Code Requirement

UDO Section 5.17 C 2: *Single-Family Residential Developments: The access to three (3) or more single-family lots using a shared easement or similar legal arrangement shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.*

Purpose of Requirement: The ordinance requires establishment of paved public streets to service multiple single-family lots to mitigate issues associated with shared use of private driveways. Potential issues include:

- Disputes over driveway maintenance and access rights.
- Difficulty posed to visitors in locating homes from the public road.
- Difficulty posed to emergency vehicles in locating homes and turning around within the driveway.
- Vehicle conflicts if two or more cars utilize the driveway simultaneously.

Property Map



Case Description

- The property currently includes a ½-mile driveway shared by the home on the property and one additional residential lot. The driveway is paved, 13-feet wide, and includes a 13' x 14' culvert over a non-regulated open ditch.

- The petitioner recently obtained approval to subdivide an additional single-family building lot from the property. This lot will also utilize the shared driveway.

- The plat for the new building lot includes several driveway easement and design stipulations to mitigate the issues associated with use of long shared driveways (see purpose of requirment under Code Requirment section of Staff Report). Specifically:

    - The plat includes a 40-foot-wide ingress/egress/utility easement over the existing driveway. The easement extends south to the new lot over a proposed gravel driveway. The easements narrows to 30 feet and extends north to the existing additional residential lot.

    - The plat includes a note that an easement agreement between the property owner and the owner of the driveway shall be approved by the Planning Director (see minimum requirements for the easement agreement at bottom of Staff Report).

- The plat includes required driveway standards to accommodate two vehicles passing on the driveway at the same time and to accommodate emergency vehicles, specifically:

    - A minimum driveway width of 20 feet, for the first 50 feet of the driveway measured from the centerline of the public road.

    - Three 9' x 20' passing blisters spaced approximately 500-feet apart.

    - A 911 Address Sign that is 6"x18" or larger, double-sided, and reflective identifying the address of the property installed near the public road.

    - Compliance with Section 5.19 E: Long Driveways of the UDO which requires:

        - A loop or turn-around at the end of the driveway to accommodate a 30-foot-long vehicle. This turn-around currently exists at the end of the driveway on the remaining tract.
        - Driveway surface, culverts, and bridges designed to accommodate a 30,000 lb. vehicle.
        - No loop or curve that restricts movement of a 45-foot-long vehicle.
        - No obstructions preventing a 45-foot-long vehicle 12-feet in height from traversing the driveway.

- The driveway complies with all other requirements for residential driveways indicated in the UDO.

- The easement and driveway requirements are consistent with the proposed revisions to the County subdivision regulations reviewed and approved by the Plan Commission in 2025. The proposed ordinance revisions also allow up to four residential lots to utilize a shared private driveway.

- Approval of the variance request would allow the home on the property, the existing residential lot, the new residential building lot, and one future residential building lot to utilize the shared driveway. The petitioner does not have immediate plans to subdivide the additional lot from the property.

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: All shared driveway easement and design stipulations to mitigate the issues associated with use of long shared driveways will transfer with the properties utilizing the driveway at the time of future transfer of property ownership.

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: Use of a driveway on private property would not have an impact on adjacent 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: The strict application of the ordinance would not allow for use of a shared private driveway in the manner approved by the Plan Commission.

Staff Recommendation

Staff recommends **APPROVAL** because approval of the variance includes driveway easement and design stipulations to mitigate the issues associated with use of long shared driveways.

1. All driveway easement and design stipulations indicated on the Diemer Simple Subdivision plat shall apply to all residential lots utilizing the shared private driveway.

Applicant/Owner Information

Applicant:	Lauren Diemer 2702 North Knighthood Rd. Shelbyville, IN 46176	Owner:	Matney R C Family Limited Partnership 2702 North Knighthood Rd. Shelbyville, IN 46176

Minimum Requirements for Easement Agreement

1. Be cross-referenced to the Simple Subdivision plat which the easement is associated;
2. Grant the grantee the right to access the easement for purposes of accessing their lot;
3. Specify the grantee's financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements;
4. Prohibit the grantee or any other person from placing any obstruction within the easement;
5. Be binding on all heirs, successors, and assigns to the property on which the easement is located;
6. Be enforceable by the parties to the easement and the County;
7. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
8. Provide for modification or termination in any manner stipulated by the Plan Commission;
9. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established;
10. Include a metes and bounds description of the easement;
11. Be signed by a duly authorized representative of each property owner of record granting the easement and by duly authorized representatives of each property owner accepting the easement.

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.

   The requested Standard Developmental variance of the Driveway Standards (DW) 5.17-C2 to allow for a total of four (4) residential driveways to access through an existing 13' wide paved driveway will not be injurious to the public health, safety or general welfare of the public because the existing paved driveway will be upgrade to allow for the required 20' wide entrance at he existing entrance, 50' x 13' passing blisters will be added every 500' and there is already an existing turn around for the emergence vehicles in the existing barn lot at the end of the driveway.

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.

   Because the existing driveway is only being used by the family farm and residents that are owned by the same family.

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.

   Because the cost to construct a new separate driveway ~2200' is cost prohibited for the land owner and would impose financial difficulty.

Diemer Simple Subdivision

The Northeast Quarter of Section 21, Township 13 North, Range 7 East, in Marion Township, Shelby County, Indiana.

Owner: RC Matney Family Limited Partnership, Client: Lauren Diemer

Site Address: South of 2702 North Knighthood Grove Dr., Shelbyville IN. 46176

North Line of the N1/2, NW1/4, 21-13-7
N 89°49'19" E 2700.40'

NW cor., NW1/4, 21-13-7
Corner location shown per the Shelby County ties, and agrees with previous surveys.
SPC NAD 83, Indiana East (Grid)
N:1573856.65', E: 301248.01'

West Line of the N1/2, NW1/4, 21-13-7
N 00°54'38" W 1342.49'

Parent description of the lands owned by RC Matney Family Limited Partnership, as described in Deed Record Book 322, Pages 396-403.
(The following parent descriptions are as described in Deed Record Book 322, on page 401 and Lot #1 per this subdivision is being split from the 145.21 acre parent tract per the Shelby County Tax Records, and is a part of the parcel #73-07-21-200-001.000-012, and the Access & Utility Easement extends through the 142.51 acre tract per the Shelby County Tax Records, and is a part of parcel # 73-07-21-100-004.000-012.)

-61 and 3/5 acres off of the entire north side of Section 21 in Township 13 North, Range 7 East.

-Also the North half of the Northwest Quarter and of the North half of the Northeast Quarter of Section 21 in Township 13 North, Range 7 East, except 61 3/5 acres off the entire North side of said tract of land.

-Also, the Southwest Quarter of the Northeast Quarter of Section 21 in Township 13 North, Range 7 East, containing 40 acres. Also the Southeast Quarter of the Northwest Quarter of Section 21 in Township 13 North, Range 7 East, containing 40 acres. Also the Southwest Quarter of the Northwest Quarter of Section 21 in Township 13 North, Range 7 East, containing 40 acres.

-EXCEPT therefrom the following described tracts owned by Wayne E. and Pamela L. Campbell recorded in Instrument #2024004545.
Beginning at the southwest corner of the east half of the northwest quarter of Section 21, Township 13 North, Range 7 East, Second Principal Meridian, Marion Township, Shelby County, Indiana; and running thence North 00 degrees 56 minutes West (assumed bearing) 30.0 feet; thence N 90 degrees 00 minutes East 872.9 feet to an iron pipe; thence North 02 degrees 37 minutes East 348.4 feet; thence North 89 degrees 43 minutes East 1152.6 feet; thence South 00 degrees 00 minutes East 377.8 feet to a fence line; thence North 89 degrees 59 minutes West 685.7 feet along the South line of the northeast quarter of said section 21 to the Southwest corner of said Northeast Quarter section; thence South 89 degrees 44 minutes West 1355.3 feet to the point of beginning, containing 10.56 acres more or less, in the office of the Recorder of Shelby County, Indiana.
ALSO Except: Beginning at a point 685.7 feet east of the Southwest corner of the Northeast quarter of said Section 21, Township 13 North, Range 7 East, in Shelby County, Indiana; and running thence North 90 degrees 00 minutes East (assumed bearing) 1774.8 feet along the South line of said quarter section to the centerline of Knightstown Road.; thence North 22 degrees 23 minutes East 32.4 feet along the center of said road to a masonry nail; thence North 90 degrees 00 minutes West 1757.0 feet to an iron pipe; thence North 00 degrees 18 minutes East 348.2 feet to another iron pipe; thence South 89 degrees 45 minutes West 30.0 feet to a corner post; thence South 00 degrees 18 minutes West 377.8 feet along a fence line to the point of beginning, containing 1.47 acres more or less, in the office of the Recorder of Shelby County, Indiana.

Description of the Lot #1 per this subdivision being a 5.000 Acre tract, and being split from the lands owned by RC Matney Family Limited Partnership, described in Deed Record Book 322, Page 396.
A part of the Northeast Quarter of Section 21, in Township 13 North, Range 7 East, in Marion Township, Shelby County, Indiana, being created from a survey (Job # 10-2026) by Jeffery Powell and being more particularly described as follows:
Commencing at a Shelby County monument marking the Southwest corner of the Northeast Quarter of said section 21 and being per the Shelby County ties and said point also being South 89 degrees 50 minutes 08 Seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) a distance of 2707.64 feet from the Southeast corner of the said Northwest quarter section, said point also being a Shelby County monument per the Shelby County ties; thence North 01 degrees 01 minutes 29 Seconds West along the West line of the said quarter section a distance of 378.78 feet to a point on the North line of a 10.56 acre tract described and recorded in Instrument 2024004545; thence North 89 degrees 52 minutes 39 Seconds East along the North line of the said 10.56 acre tract a distance of 115.62 feet to a Powell capped rebar said point being the point of beginning of the tract herein described; thence North 02 degrees 15 minutes 10 Seconds East a distance of 622.23 feet to a Powell capped rebar; thence North 89 degrees 52 minutes 39 Seconds East a distance of 350.30 feet to a Powell capped rebar; thence South 02 degrees 15 minutes 10 Seconds West a distance of 622.23 feet to a Powell capped rebar set on the North line of the said 10.56 acre tract; thence South 89 degrees 52 minutes 39 Seconds West along the North line of the said 10.56 acre tract a distance of 350.30 feet to the point of beginning of the tract herein described, containing 5.000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

Description of a 40' wide Access and Utility Easement being for the benefit of Lot 1 created per this subdivision, with the said easement being across the lands owned by RC Matney Family Limited Partnership, described in Deed Record Book 322, Page 396.
A part of the Northwest and Northeast Quarters of Section 21, in Township 13 North, Range 7 East, in Marion Township, Shelby County, Indiana, being created from a survey (Job # 10-2026) by Jeffery Powell and being more particularly described as follows:
Commencing at a railroad spike marking the Southwest corner of the North Half of the Northwest Quarter of said section 21, being per the Shelby County ties, and said point also being South 00 degrees 44 minutes 38 Seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) a distance of 1342.49 feet from the Northwest corner of the said Northwest quarter section; thence North 89 degrees 31 minutes 23 Seconds East along the approximate centerline of Knighthood Grove Road a distance of 664.15 feet to the point of beginning of the centerline of the 40 foot wide access and utility easement herein described; thence continuing North 89 degrees 31 minutes 23 Seconds East along the approximate centerline of the existing paved driveway a distance of 2148.87 feet to a point; thence South 31 degrees 42 minutes 55 Seconds East a distance of 46.23 feet to a point; thence South 1 degrees 20 minutes 55 Seconds East a distance of 314.42 feet to the point of termination of the centerline of the said easement, said point being a point on the North line of the said Lot #1 (being a 5.000 acre tract) and being 20.00 feet East of the Northwest corner of the said lot.

Surveyor's Report:
This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments. Occupation or possession lines. Clarity or ambiguity of the record description used and / or adjoiner's description. This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

Purpose of the survey:
The purpose of this survey is to split off a 5.000 acre tract, from the lands owned by RC Matney Family Limited Partnership, as described in Deed Record Book 322, Page 396, and to create a 40' wide Access and Utility Easement per the owners instructions. The field work was performed on 3-2-26 and other dates.

Availability and condition of the reference monuments:
The corners held per this survey to establish the Northeast and Northwest Quarters of 21-13-7, are as noted on the survey plat:
All the section corner monuments shown per this survey were located per the SPC NAD 83, Indiana East (Grid) per the Shelby County ties and per a previous recorded survey Inst. 2023000042 by Scott Sumerford, or were calculated per this survey and the uncertainty associated with the said corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated.

Occupation or possession lines:
-The East line of the 5.000 acre tract split per this survey was established along the existing farm fence, the South line held the North line of the South ad-joiner established per the found monuments and being approximately 0.5' to 1' South of the existing fence, The West line was held to be parallel to the East line and the North line was held to be parallel to the South line. The occupation lines located per this survey are shown on the survey drawing.

Clarity or ambiguity of the record description used and / or adjoiner's description:
-There were no ambiguities found per this survey and only the South line of the parent tract was held per this survey. The parent tract is a total of 145.21 acre tract per the Shelby County Tax Records and the new boundary lines of the 5.000 tract split per this survey were created per the owners instructions.

Relative position accuracy of Measurements:
This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million plus the above stated uncertainties.

POB of the Centerline of the 40' wide Access & Utility Easement
~ Centerline of Knighthood Grove Road
N 89°31'23" E 664.15'(Ease.)

Existing 13' wide paved private driveway.

Note: The 40' Access & Utility Easementwill will need to be recorded prior to recording the Subdivision Plat

Proposed 9'x50' passing blisters every 500-feet.

Centerline of the existing 30' wide Access & Utility Easement for the benefit of the existing 5 acre tract owned by Melissa (Matney) Kendall & R.C. Matney as described in Instrument 0204592.
N 89°31'23" E 2188.47'(Ease.)

Existing 13' wide paved private driveway.

Proposed 9'x50' passing blisters every 500-feet.

Proposed minimum driveway width of 20-feet measured from the centerline of the public road to a distance of 25-feet past the proposed 25-foot right-of-way line.

N 89°47'15" E 2706.95'
North Line of the S1/2, NW1/4, 21-13-7

Centerline of the 40' wide Access & Utility Easement
(Being –along the center of the existing paved driveway being created per this survey for the benefit of Lot 1.)

NW cor., S1/2, NW1/4, 21-13-7
Found a railroad spike 5" below the surface per the Shelby County ties.
SPC NAD 83, Indiana East (Grid)
N:1572514.366', E: 301265.44'

Knighthood Grove Road

Proposed 25' Half right-of-way line

~Centerline Knighthood Grove Road

RC Matney Family Limited Partnership
Recorded in Deed Record Book 322, Page 396
5.000 Acres Split per a previous survey recorded in Inst. 2024004787

West Line of the S1/2, NW1/4, 21-13-7
N 00°54'38" W 1336.45'

Flood Hazard Statement:
The proposed Lot #1 tract is located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 18145C0110C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

General Subdivision Notes:
Note: Lot #1 "A2" Zoning, the building set back lines are 60' Front for primary & accessory structures and 40' Side & 40' Rear for primary and 10' for accessory structures.
Note: Zoning variance to be obtained to allow four single-family lots to use a shared access easement (maximum of two lots permitted).
Note: An ingress and egress easement agreement in favor of Lot 1 shall be reviewed and approved by the Planning Director and recorded prior to development of Lot 1.
Note: The following driveway details are required to be in compliance with the driveway ordinance:
- Minimum width – 11 feet
- 20x20' paved area in front of garage
- Long Driveways: Any driveway greater than 250 feet shall meet the following standards:
- Turn Around: A loop or turn-around designed for a thirty (30) foot long vehicle shall be constructed at a point at the end of the driveway closest to the primary structure.
- Weight Bearing: The driveway surface and culverts and bridges the driveway crosses shall be constructed to safely convey a 30,000 pound vehicle.
- Turning Radius: The driveway shall not have any curve or turn that restricts a forty-five (45) foot long vehicle, a minimum forty-five (45) foot turning radius.
- Free of Obstacles: The driveway shall not have trees, canopies, sculpture, arches or similar natural or architectural features that would restrict a forty-five (45) foot long vehicle that is twelve (12) feet in height from being able to traverse the driveway from the public street to the turn-around or loop.
- A 911 Address Sign for each lot utilizing the driveway adjacent to the public road that is 6"x18" or larger, double-sided, and reflective

Surveyor Certification:
I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the hereon drawn plot. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 19 day of March, 2026.

Jeffery P. Powell
Registered Land Surveyor
No. 29800024

JEFFERY P. POWELL REGISTERED No. 29800024 STATE OF INDIANA LAND SURVEYOR

Owners Certification:
We, _____ & _____ **being the representatives of the RC Matney Family Limited Partnership**, do hereby certify that we are the owners of the property described in the above captioned and that as such owners we have caused the said above described property to be surveyed and subdivided as shown on the here on drawn plat, as our free and voluntary act and deed.

Witness my hand this _____ day of_____, 2026.

_____ _____ _____

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that We, _____ & _____ **being the representatives of the RC Matney Family Limited Partnership** Personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this_____ day of _____,2026.

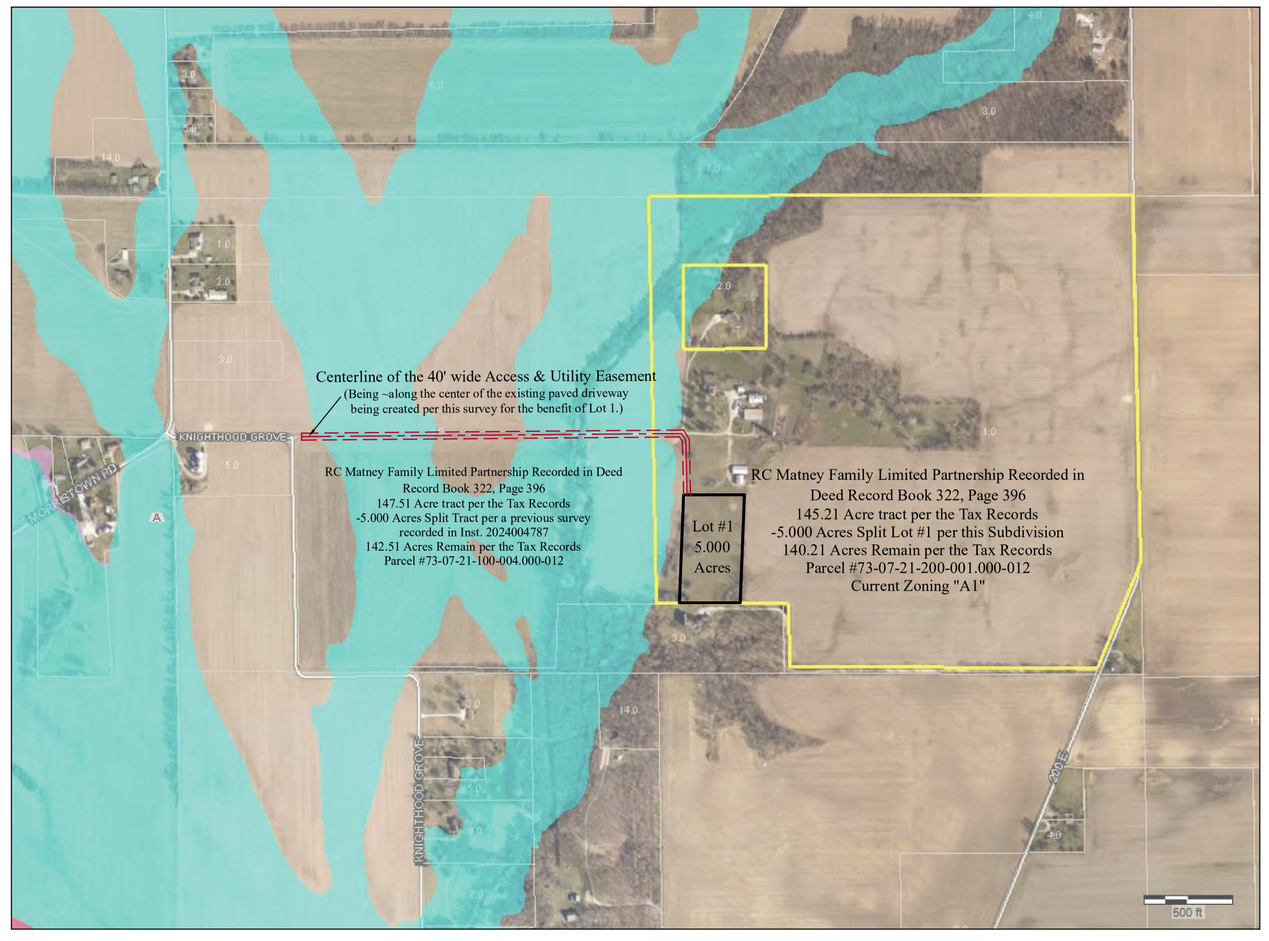
_____
Notary Public

Plan Commission Approval:
Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations with waivers of design standards as follows:
- Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2.
- Waiver of Simple Subdivision design standards to allow a lot line not within a 15-degree angle to the right-of-way.
- Waiver of Simple Subdivision design standards to allow a lot without 160-feet of road frontage.
- Waiver of Simple Subdivision design standards to allow a lot without frontage on a public street built to County street standards.

By,_____
Kevin Carson, President Plan Commission Date

By,_____
Megan Hart, Secretary Plan Commission Date

Re-zoneing Approval:
Shelby County Commissioners Rezoning Ordinance #_____ was approved by the Shelby County Commissioners on _____



SW cor., NW1/4, 21-13-7
Found a railroad spike 5" below the surface per the Shelby County ties.
SPC NAD 83, Indiana East (Grid)
N:1571178.191', E: 301287.679'

N 89°40'39" E 1353.95'
South Line of the SW1/4, NW1/4, 21-13-7

SE cor., SW1/4, NW1/4, 21-13-7
Found and held a stone 10" below the surface with a 1/2" rebar on the South side per the Shelby County ties.
SPC NAD 83, Indiana East (Grid)
N:1571185.814', E: 302641.515'

N00°35'18"W, 30.00'(C)
N00°56'W, 30.00'(R)

S89°51'39"E, 872.42'(C)
S90°00'E, 872.9'(R)

Existing farm fence line

S89°44'W, 1355.3'(R)

Found a 3/4" pipe 4" above grade held as the iron pin called for per the deed.

S 89°54'50" E 1354.75'(M), 1355.3'(R)
South Line of the SE1/4,NW1/4, 21-13-7

North Line of the N1/2, NW1/4, 21-13-7
N 89°49'20" E 2700.40'

NE cor., NW1/4, 21-13-7
Calculated midpoint split of the North line of the section. The corner falls in a open field and is surrounded by common ownership. No monument was searched for, found or set per this survey. This corner was used for calculations purposes only.

NE cor., NE1/4, 21-13-7
Railroad Spike 0.7' below the surface location per a previous recorded survey in Inst. 2023000042 by Scott Sumerford.
SPC NAD 83, Indiana East (Grid)
N:1573873.42', E: 306648.41'

West Line of the N1/2, NE1/4, 21-13-7
S 01°01'29" E 1340.93'

East Line of the N1/2, NE1/4, 21-13-7
S 01°10'45" E 1,341.32'

Melissa (Matney) Kendall & R.C. Matney
Instrument 0204592
5.000 Acres

Existing 30' wide Access & Utility Easement for the benefit of the existing 5 acre tract owned by Melissa (Matney), Kendall & R.C. Matney as described in Instrument 0204592.

Existing House
Existing Barn
Existing Pole Barn
Existing Barn Lot & Turn-Around Area
Existing Pole Barn
Existing 12' wide paved private driveway.

Existing 13' x 40' Concrete Culvert over the open ditch.

Existing 13' wide paved private driveway.

S 31°42'55" E 46.23'(Ease.)

Existing 13' wide paved private driveway.

Proposed 9'x50' passing blisters every 500-feet.

N 89°49'44" E 2704.02'
North Line of the S1/2, NE1/4, 21-13-7

NE cor., S1/2, NW1/4, 21-13-7
Calculated midpoint split of the East line of the Northwest Quarter. The calculated corner is ~11' South of the approximate centerline of the road and is surrounded by common ownership. No monument was searched for, found or set per this survey. This corner was used for calculations purposes only.

NE cor., S1/2, NE1/4, 21-13-7
Calculated midpoint split of the East line of the Northeast Quarter. No monument was searched for, found or set per this survey. This corner was used for calculations purposes only.

RC Matney Family Limited Partnership
Recorded in Deed Record Book 322, Page 396
147.51 Acre tract per the Tax Records
-5.000 Acres Split Tract per a previous survey recorded in Inst. 2024004787
142.51 Acres Remain per the Tax Records
Parcel #73-07-21-100-004.000-012

40.0'
20.0'
S 01°20'55" E 314.42'(Ease.)
Proposed 12' wide stone Driveway
Existing Pole Barn
Existing Barn
62'
POT of the Centerline of the 40' wide Access & Utility Easement
N 89°52'39" E 350.30'
20.0'
60'BSL (Primary)

RC Matney Family Limited Partnership
Recorded in Deed Record Book 322, Page 396
145.21 Acre tract per the Tax Records
-5.000 Acres Split Lot #1 per this Subdivision
140.21 Acres Remain per the Tax Records
Parcel #73-07-21-200-001.000-012
Current Zoning "A1"

N

0 100 200
Scale 1"=100'

Note: Bearings based on NAD 83, Indiana East, State plane Coordinates

Legend
Section Corner ▽
Set ⅝" Capped Rebar ●
Set Mag Nail with Washer ◎
Found Monument ○

Plat Notes:
-Note: the building set back lines for the "A2" zoning are 60' Front for primary & accessory structures and 40' Side & Rear for primary & 10' for accessory structures.

West Line of the S1/2, NE1/4, 21-13-7
S 01°01'29" E 1340.93'

Existing farm fence line

N 02°15'10" E 622.23'
10'BSL (Accessory)
40'BSL (Primary)

Proposed House Site
Proposed Septic Site

Lot #1
5.000 Acres
Split per this Subdivision
from the 145.21 Acres Tract
Parcel #73-07-21-200-001.000-012
To be Zoned "A2"

40'BSL (Primary)
10'BSL (Accessory)

S 02°15'10" W 622.23'
Existing farm fence line

Found a 1-1/2" pipe at grade held as the iron pin called for per the deed.

Existing farm fence line

Point of intersection with the North line of the 10.56 acre tract and the West line of the NE1/4, 21-13-7.

N 89°52'39" E 115.62'

POB of the Lot #1
N89°52'39"E, 1151.21'(M)
N89°43'E, 1152.6'(R)

S 89°52'39" W 350.30'
Note: The existing farm fence line is ~0.5 to 1'N of the line held per this survey.

Wooden corner fence post 1'N of the corner set per this survey.

Found a bent pipe 6" below grade held as the iron pin called for per the deed.

Found a corner post anker below grade 0.9'E of the calculated location of the corner post called for per the deed.

Note: The North line of a 10.56 acre tract described in Inst. 2024004545, was established per the found monuments per this survey.

Powell Land Surveying LLC
Jeffery P. Powell, PLS
4634 North, 575 East, Shelbyville, IN 46176
Cell 317-694-6073
Email: powellandsurveying@msn.com
This Document was prepared by Jeffery Powell .

Foremans Branch Ditch

N 01°01'29" W 378.78'

M02°52'37"E, 348.37'(M)
N02°37'E, 348.4'(R)

Wayne E. & Pamela L. Campbell
Instrument 2024004545
10.56 Acres & 1.47 Acres

SE cor., NW1/4, 21-13-7
A Shelby County monument was established per a previous survey recorded survey by Scott Sumerford, recorded in Inst. 2023000042 .
SPC NAD 83, Indiana East (Grid)
N:1571183.78', E: 303996.17'

S89°50'08"W, 685.70'(M)
N89°59'W, 685.7'(R)

Found a metal reading at the calculated location of the iron pin called for per the deed.

S 89°50'08" W 2707.64'
South Line of the S1/2, NE1/4, 21-13-7

S00°03'14"W, 378.82'(M)
S00°00'W, 377.8'(R)

S00°02'47"W, 348.25'(M)
N00°18'E, 348.2'(R)

SE cor., NE1/4, 21-13-7
A Shelby County monument was established per a previous survey recorded survey by Scott Sumerford, recorded in Inst. 2023000042 .
SPC NAD 83, Indiana East (Grid)
N:1571191.55', E: 306703.62'

N89°00'W, 1757.0'(R)
N22°23'E, 32.4'(R)
N90°00'E, 1774.8'(R)

East Line of the S1/2, NE1/4, 21-13-7
S 01°10'45" E 1,341.32'

County Road 200 East

Staff Report

Case Number: BZA 26-15

Case Name: Anthony & Elizabeth Macaluso – Development Standards Variances

Property Details

Location: 7006 S 400 W, Shelbyville, Jackson Township.

Property Size: 1-acre.

Current Land Use: Vacant.

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
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	*RE*	*Estate Residential*
East	*RE*	*Estate Residential*
West	*A1*	*Cropland*

Request

Variances of Development Standards to allow for placement of a modular home:

1. Less than 1,600 sq. ft.;
2. Without a two-car, attached garage;
3. Without two (2) paved parking spaces.

Code Requirement

UDO Section 2.14: *R1 District Development Standards: Minimum Dwelling Size – 1600 sq. ft.*

UDO Section 5.11 D 1: *Minimum Garage Capacity: Minimum two-car, attached garage required for all single-family detached and two-family buildings.*

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 permitted on lawns or other pervious-surfaced areas of a lot*. **UDO Section 5.61 A:** *Minimum Number: A minimum of two (2) off-street parking spaces shall be required per dwelling unit, including accessory dwelling units, when permitted*

Purpose of Requirements: Homes having a minimum floor area of 1,600 sq. ft. and a two-car attached garage generally include higher quality architectural elements than smaller homes without an attached garage. Therefore, these requirements serve to enhance visual character, quality of life, and property values throughout the County. The paved parking area requirement limits vehicle oils and fluids from leaking directly into the ground and protects the aesthetic quality of neighborhoods.

Property Map



Case Description

- The petitioner intends to install a 1,568 sq. ft., one-bedroom, single-family modular home on the property.
- The modular home would replace a single-family home torn down in 2025 as a result of storm damage.
- Per property records, the original home, constructed in 1840, had an area of 1,120 sq. ft., no attached garage, and no paved parking area.
- The Technical Advisory Committee has reviewed and approved a Site Plan for the new home and a new septic system in compliance with applicable County codes.
- The surrounding area includes single-family homes of varying architectural styles. Most of the homes exceed 1,600 sq. ft. and have an attached garage.

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 Technical Advisory Committee has reviewed and approved a Site Plan for the new home and a new septic system in compliance with applicable County codes.

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 new home would replace a home similar in size, without an attached garage and paved parking area.

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 replacement of a home torn down as a result of storm damage with a home similar in design and size.

Staff Recommendation

Staff recommends **APPROVAL** primarily because a strict application of the ordinance would not allow for replacement of a home torn down as a result of storm damage with a home similar in design and size.

Applicant/Owner Information

Applicant:	Anthony & Elizabeth Macaluso 7006 S 400 W, Shelbyville, IN 46176	Owner:	Same

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.

   This Home is replacing a home that was destroyed. It is a modular home built in Indiana according to state building codes. There will be no attached garage

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.

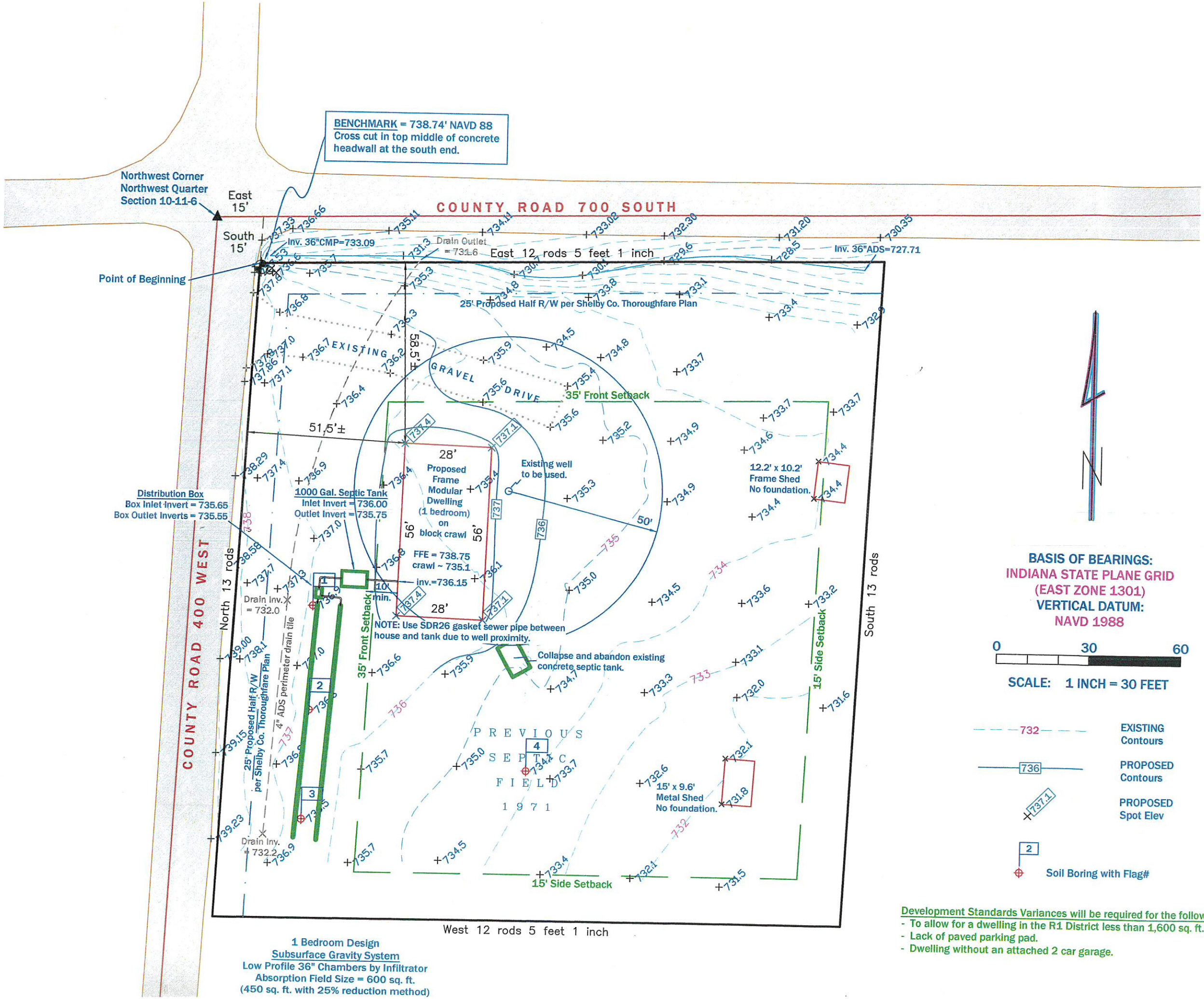
   Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

   It is simple a new home. nothing more on an existing lot.

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.

   This Home is replacing a home that was destroyed It is a New home - which improve the area



1 Bedroom Design
Subsurface Gravity System
Low Profile 36" Chambers by Infiltrator
Absorption Field Size = 600 sq. ft.
(450 sq. ft. with 25% reduction method)

BASIS OF BEARINGS:
INDIANA STATE PLANE GRID
(EAST ZONE 1301)
VERTICAL DATUM:
NAVD 1988

0 30 60

SCALE: 1 INCH = 30 FEET

732 — EXISTING Contours

736 — PROPOSED Contours

737.1 — PROPOSED Spot Elev

2 — Soil Boring with Flag#

Development Standards Variances will be required for the following reasons:
- To allow for a dwelling in the R1 District less than 1,600 sq. ft.
- Lack of paved parking pad.
- Dwelling without an attached 2 car garage.

LEGAL DESCRIPTION
Commencing at a point in the
Range 6 East, described and b

Commencing at the aforesaid p
to a place of beginning; thence
13 rods; thence West 12 rods,
beginning, said tract to contain

Subject to all easements, restri

CURRENT OWNERS
Anthony and Elizabeth Macalus

PARCEL NUMBER
73-14-10-100-001.000-010

FLOOD STATEMENT
The subject property does not li
FEMA Flood Insurance Rate Ma
June 20, 2024. The subject pro
2024 Indiana Best Available Fl
feet was obtained from the Indi
being Slash Creek to the east.

SOIL SCIENTIST
Adams Environmental Corp.
Dated 1/16/2026

NOTES
- Final grading shall provide a
of the proposed dwelling.

- Any drainage tiles encountere
promptly repaired.

- Contractor shall provide erosic
County Storm Drainage, Erosior

- Roof drains should be directed

- At least three deciduous trees
preserved on the lot.

- Development of the site is subj
Development Ordinance - Rural

- Site plan complies with all stat
or alterations must be first appr