

Shelby County Board of Zoning Appeals

May 13, 2025, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals May 13, 2025, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the April 8, 2025 meeting.

OLD BUSINESS

BZA 25-09 – MELISSA FLEEK: FINDINGS OF FACT

NEW BUSINESS

BZA 25-11 – IVAN & BRENDA BRENTIN: DEVELOPMENT STANDARDS VARIANCE. Located south of and adjoining 670 PR 230 W, Shelbyville, Addison Township.

BZA 25-12 – DYLAN PETTIJOHN: USE & DEVELOPMENT STANDARDS VARIANCE. Located at 449 E Brookville Rd, Fountaintown, Van Buren Township.

BZA 25-14 / BZA 15-15 – HOOSIER INVESTING, LLC: DEVELOPMENT STANDARDS VARIANCE. Located at 5654 & 5684 N Vinton Hills Drive, Fairland, Brandywine Township.

BZA 25-16 – BRC LAND HOLDINGS, LLC: DEVELOPMENT STANDARDS VARIANCE. Located at 9295 N Frontage Rd, Fairland, Moral Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **June 10, 2025, at 7:00 PM.**

Development Standards Variance

FINDINGS OF FACT

Applicant: Melissa Fleek

Case #: BZA 25-09

Location: 9276 N 400 W, Fountaintown, Moral Township.

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

Construction of the home would require Site Plan approval, construction permits, and floodplain development permits from IDNR and the County. The home must comply with all zoning, building, and floodplain regulations before issuance of a certificate of occupancy. The County does not plan to widen CR 400 W, therefore, placement of the home closer to the road than permitted would not interfere with current or future visibility along the roadway or pose a hazard to traffic.

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.

Approval of the variance would allow for a higher quality home than previously existed on the property.

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

The home placement restriction imposed by IDNR and the required setback from the septic tank would not allow for construction of the home model further back from the road.

Property Details

Location: South of and adjoining 670 PR 230 W, Shelbyville, Addison Township.

Property Size: 5-acres.

Current Land Use: Cropland.

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

City of Shelbyville Incorporated
Planning Area – Single-Family Residential

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

Surrounding Development

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

Staff Report

Case Number: BZA 25-11

Case Name: Ivan & Brenda Brentin – Development Standards Variance

Request

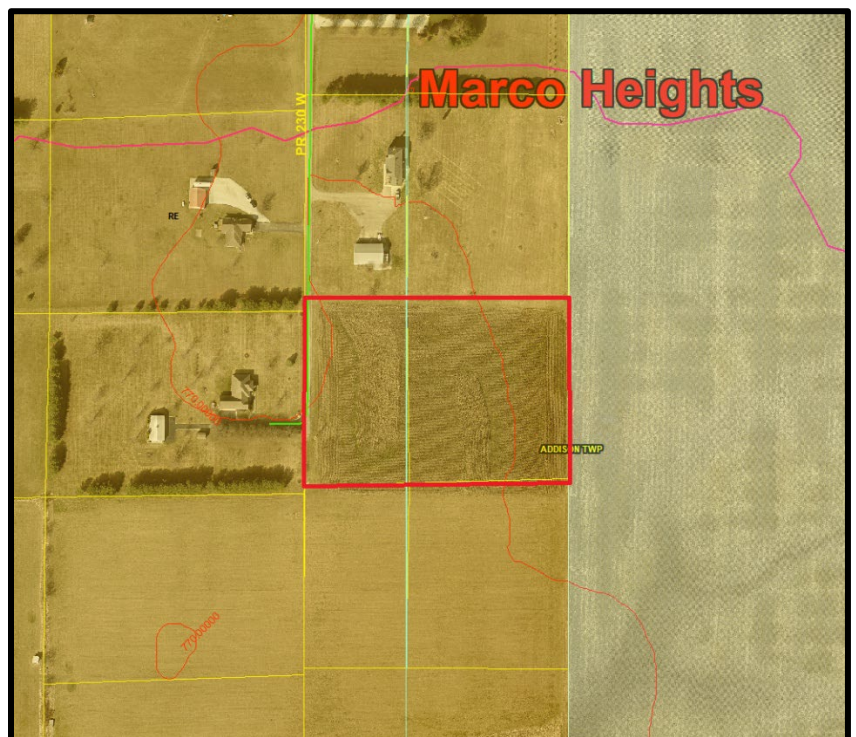
Variance of Development Standards to allow for construction of a residential accessory structure prior to construction of a single-family residence.

Code Requirement

UDO Section 5.06 B: Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure.

Purpose of Requirement - Prohibiting construction of an accessory structure prior to a single-family home protects the character of residential neighborhoods and discourages use of accessory buildings for activities that would generally pose a nuisance to a home located on the lot.

Property Map



Case Description

- The petitioner plans to construct a 40'x80' pole barn. The petitioner intends to use the pole barn for storage of building materials to be used for construction of a home on the property.
- The petitioner has obtained soil samples which show that the lot can accommodate a septic system to serve the new home.

Staff Analysis of Findings of Fact

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

Staff Analysis: Construction of the pole barn would require a building permit, and the structure must comply with all building codes before passing a final inspection. The public would not have access to the pole 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: Temporary use of the pole barn for storage of building materials would not pose a nuisance to adjacent property. The pole barn would comply with all standards applicable to accessory structures in the RE District.

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 temporary use of a pole barn for storage of building materials to be used for construction of a home on the property.

Staff Recommendation

APPROVAL primarily because temporary use of the pole barn for storage of building materials to be used for construction of a home on the property would not pose a nuisance to adjacent property.

Staff recommends the following **stipulations**:

1. Use of the structure shall be limited to storage of building materials used for construction of a home on the property.
2. The variance shall be void if a single-family residence is not constructed and granted a final certificate of occupancy by May 13, 2027.

Applicant/Owner Information

Applicant:	Ivan & Brenda Brentin 1511 Counselor Row Shelbyville, IN 46176	Owner:	Same
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Ivan & Brenda Brentin
1511 Counselor Row
Shelbyville, IN 46176
Hm: (317) 392-9484
Cell: (317) 402-0766

7 April 2025

Shelby County Plan Commission,
Board of Zoning Appeals
25 West Polk St, Room 201
Shelbyville, IN 46176

Dear Shelby County Plan Commission,

My wife and I are Ivan & Brenda Brentin and will be located on the northside of the lot as can be seen in the plot plan. I am also requesting some latitude in the final location of the pole barn. It will be within the outlined area depicted on the site plan with the actual final location dependent on the location of the septic system. My plot plan also has approximate locations for the proposed house and septic system. Again, the final determining factor for all locations is the final location of the septic system. A new soil test has been conducted and the Health Department has completed their recommendation. The soil test was conducted within the confines of the septic system block. I am currently sourcing contractor and bids for the septic system. Lastly, we have not decided on a final home design yet. However, as stated above, any plan will fall within the depicted house block depicted on the site plan.

Lastly, I have included both a GIF and Google Earth picture of the lot as well as copies of the tax documents for the lot. Please note, there are actually two lots which make up the total lot acreage

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ivan Brentin', with a stylized flourish at the end.

Ivan Brentin

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Ivan & Brenda Brentin

Case #: _____

Location: Lot #'s WSD E2 SE PT LOT 17 2 12 6 & WSD W2 SW PT LOT 17 1 12 6, PR 230W

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

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.
This is an empty lot in the Marco Heights area of residential sites. It is currently
being used for agriculture. There will be no injury to public health, safety or
general welfare of the community.

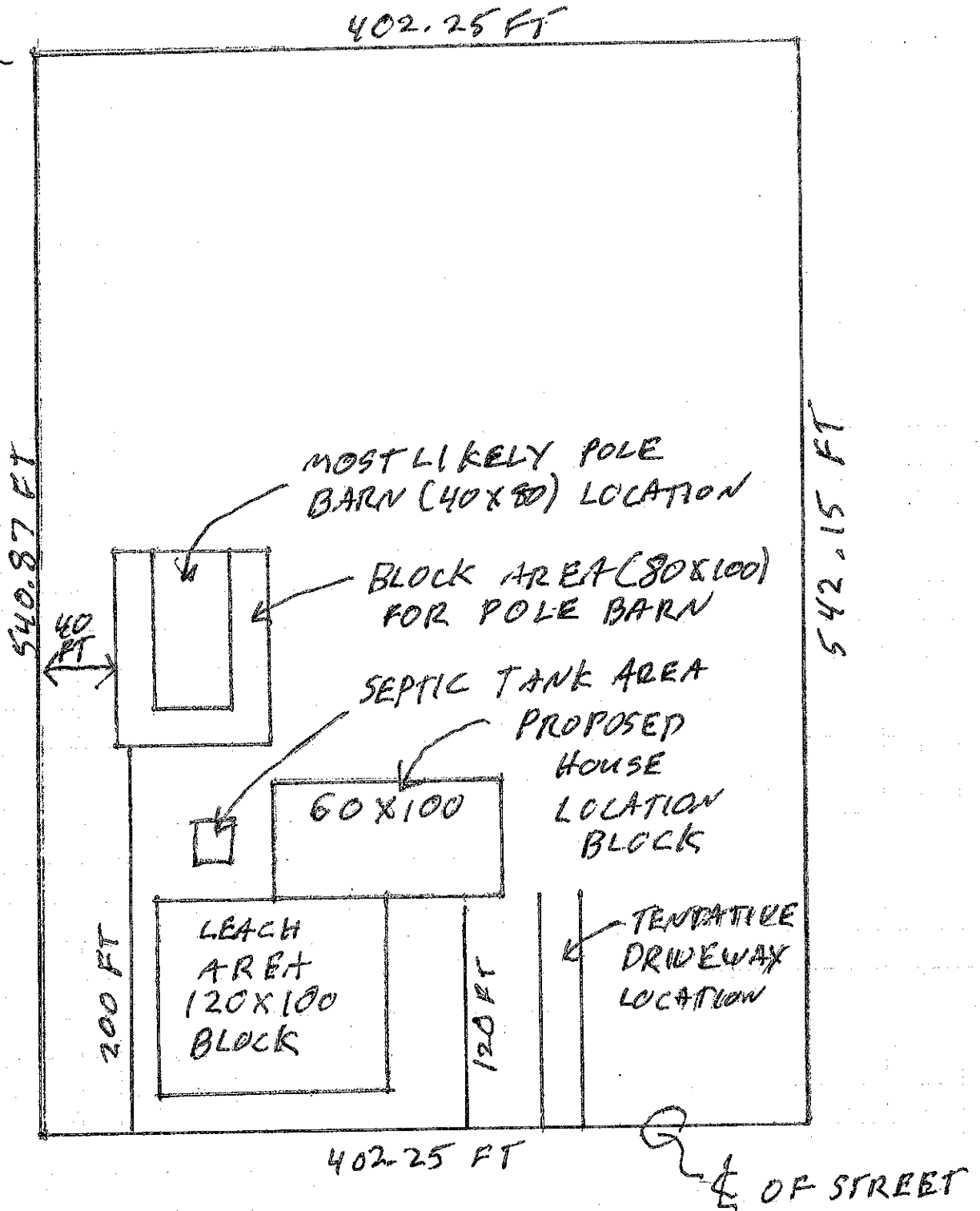
2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

There will be no adverse affect to the value of other properties in the area.

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

There will be no restriction of any sort to this or nearby properties.

LOT 17 PR230W



SCALE - 20 FT PER BLOCK / $\frac{1}{4}$ IN = 20 FT

Property Details

Location: 449 E Brookville Rd,
Fountaintown, Van Buren Township.

Property Size: 13.04-acres.

Current Land Use: Commercial – Barn
Sales

Zoning Classification:

C2 (Highway Commercial)

Intent: This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.

Development Standards: Require 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 aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety.

Future Land Use per Comp Plan

Commercial

The purpose of this category is to provide a full range of commercial, retail, office and service uses for residents, businesses, and visitors. This category includes commercial activities with direct contact with customers ranging from neighborhood convenience stores to regionally oriented specialty stores.

Surrounding Development

	Zoning	Land Use
North	A2/C2	Single-Family Residential / Fuel Station
South	RE/R1	Estate Residential / Single-Family Residential
East	R1	Single-Family Residential
West	A2	Estate Residential

Staff Report

Case Number: BZA 25-12

Case Name: Dylan Pettijohn – Use & Development
Standards Variances

Request

Variance of Use to allow for a self-storage facility, including outdoor storage, in the C2 (Highway Commercial) District.

Variance of Development Standards to allow for use of a gravel driveway.

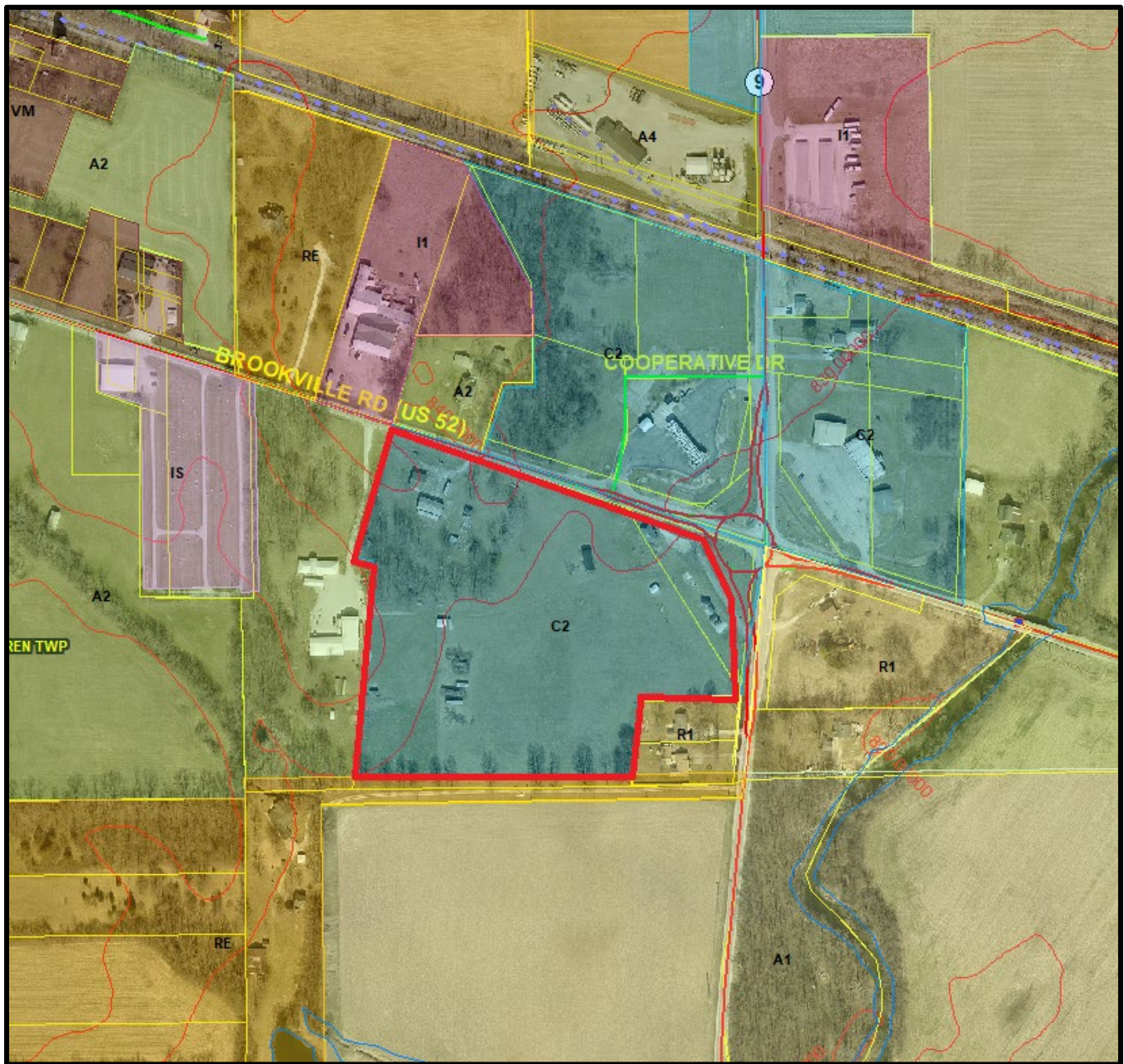
Code Requirement

UDO Section 2.31 – C2 District Intent, Permitted Uses, and Special Exception Uses.

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

Purpose of Requirement: The UDO requires paved commercial driveways to accommodate the volume of vehicles that typically access commercial properties. Use of a gravel driveway by multiple vehicles would result in the migration of stone and dust onto the public roadway.

Property Map



Case Description

Proposed Development

- The petitioner intends to develop the northwest corner of the property for use as a self-storage facility providing prefabricated self-storage units and outdoor storage areas for recreational vehicles, campers, cars, and trucks.
- The petitioner indicated that they plan to complete the site work and then place the self-storage units on the property over a period of time.
- The petitioner intends to install a gravel driveway to provide access to the development from Brookville Rd. (US 52). Installation of the driveway would require a permit from the Indiana Department of Transportation.
- The petitioner indicated that they would develop the property in compliance with all development standards applicable to the C2 District, other than installation of a gravel driveway.
- The petitioner's Statement of Intent indicates that the facility will have 24-hour access and a maximum of 100 customers per month.
- If development of the site exceeds more than one acre, the development 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, and drainage infrastructure.

Supporting Information

- The UDO only permits self-storage facilities by right in the I1 (Low Intensity Industrial) and I2 (High Intensity Industrial) Districts.
- The property lies at the southwest corner of the US 52 / SR 9 roundabout. Existing development near roundabout includes an auto fuel station, crates and pallets manufacturer, agricultural fuel center, self-storage facility, convenience store, and single-family home sites.
- The property has had a commercial/business zoning designation since the adoption of the first County zoning map.
- The southeast portion of the property is currently used for mini-barn sales. The UDO does not allow outdoor storage of merchandise in the C2 District. However, this use of the property qualifies as legal-nonconforming 'grandfathered' because the petitioner has signed an affidavit testifying that use of the property for mini-barn sales was established prior to the adoption of current zoning regulations and has been continually used for that purpose.
- The property also includes uses which violate the terms of the UDO, specifically a food truck, a construction trailer used for nearby roadwork, and self-storage units used for advertising of the proposed self-storage facility.
 - The UDO requires that any use of property established after the effective date of the UDO comply with all development standards identified in the current UDO for the applicable zoning district. The owner has established these uses without bringing the site into compliance with the applicable zoning standards (paved driveway, adequate parking areas, etc.)

- The UDO does not allow construction trailers on property in the C2 District not used for on-site construction related activities without an approved use variance.
- The UDO does not allow for self-storage facilities in the C2 District without an approved use variance.

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: Customers would have direct access to the facility from a major thoroughfare and the facility would not pose any hazard to the public. The facility would provide a commercial service to the traveling public on US 52 and SR 9 and the surrounding community.

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 the property for small-scale, indoor self-storage would not conflict with existing commercial development near the US 52 / SR 9 intersection or result in visual clutter that would detract from the aesthetic quality of the area.

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

Staff Analysis: The property is located within a commercial area at the intersection of two major thoroughfares, has a commercial zoning designation, and has historically included commercial uses which render the property desirable for uses that provide a commercial service to the public.

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 development of a property in a commercial zoning district for a commercial service.

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

Staff Analysis: Self-storage facilities provide a commercial service. The Comprehensive Plan recommends a full range of commercial services in areas designated for commercial development.

Development Standards Variance

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

Staff Analysis: Use of a gravel driveway by multiple vehicles accessing the facility would result in the migration of stone and dust onto the public roadway.

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

Staff Analysis: Use of a gravel driveway by multiple vehicles accessing the facility would result in the migration of stone and dust onto the public roadway

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: No condition exists which would prevent installation of a paved driveway.

Staff Recommendation

Staff recommends **APPROVAL of the Use Variance** primarily because a self-storage facility would provide a commercial service on a property within a commercial zoning district, within a commercial area having access to two major thoroughfares, and within an area recommended for commercial development by the Comprehensive Plan.

However, use of a gravel driveway by multiple vehicles accessing the facility would result in the migration of stone and dust onto the public roadway and outdoor storage would detract from the aesthetic quality of the area. Therefore, Staff recommends **denial of the development standards variance** and the following **stipulations**:

1. Outdoor self-storage areas shall not be permitted.
2. All development related to the self-storage facility, including driveways, parking, and maneuvering areas, shall be limited to less than one acre and located in the general area shown on the site plan submitted with the variance application.
3. All on-site zoning violations shall be resolved prior to development of the self-storage facility.

Applicant/Owner Information

Applicant:	Dylan Pettijohn 43 Longfellow Lane Greenfield, IN 46140	Owner:	Sean Hart 500 Westover Dr. #15541 Sanford, NC 27330
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**One Row of Proposed Self Storage Units
(Brookville Rd - looking southeast)**



Staff Photograph - May 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: Outdoor storage and self-storage

2. Days & Hours of Operation: The facility will have 24 hour access, we can be contacted from 9 to 5 every day.

3. Maximum Number of Customers per Day/Week/Month: 100

4. Type and Frequency of Deliveries: None

5. Description of any Outdoor Storage: Besides the storage units we will have RV, camper, car, and truck storage as well.

6. Description, Size, and Placement of any Signage: _____

7. Description of Waste Disposal: There will not be any need for waste disposal since this will just be a storage facility.

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): We intend to add storage units over time, we will clear trees, prep the ground, lay down gravel, and then place the storage units on site.

These units are prefabricated and delivered to the site.

USE VARIANCE
FINDINGS OF FACT

Applicant: Dylan Pettijohn

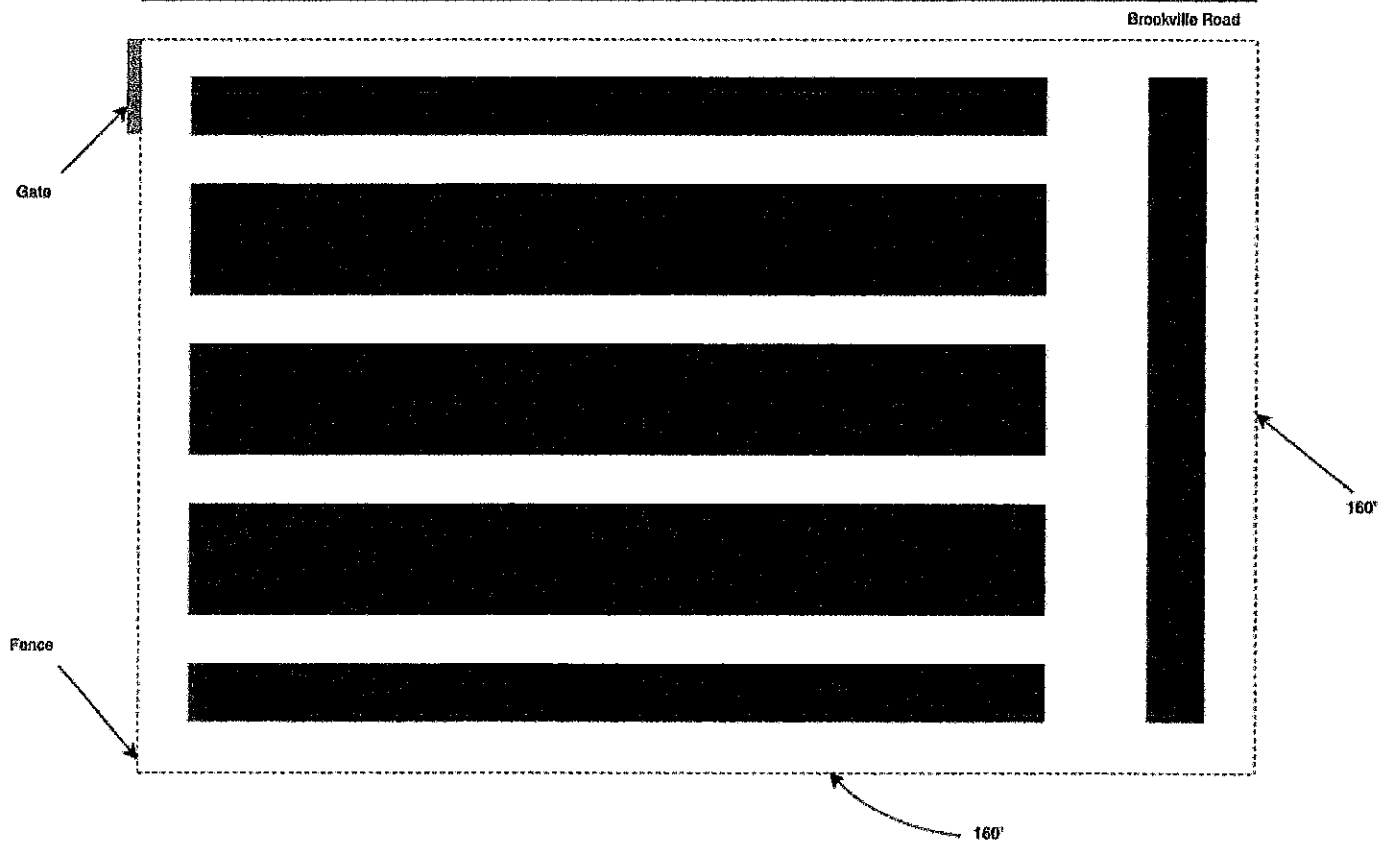
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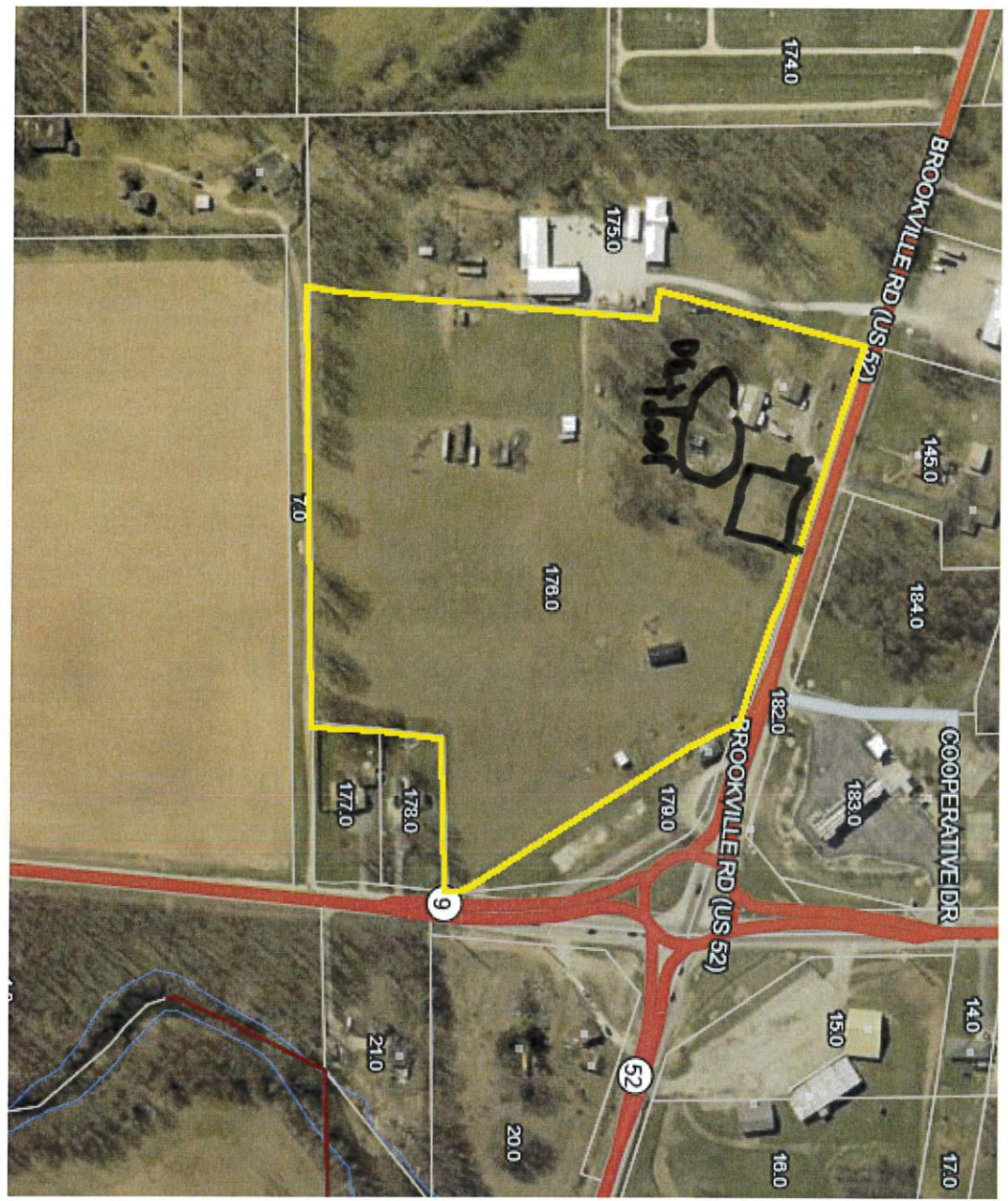
449 E BROOKVILLE RD

Location: FOUNTAIN TOWN, IN 46130

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.
The facility will be designed with customer safety in mind, including proper lighting, security fencing, and controlled access to minimize unauthorized entry. It will not produce noise, air, or water pollution because there is no heavy machinery or chemicals that will need to be used.
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.
There is already a storage unit facility half of a mile away from this property and it has been in operations since 2005 and this has not caused any harm to the surrounding property values.
3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved.
The proposed use is in line with what neighboring properties have done. There are a few storage unit facilities within a few miles of this 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.
This development will increase the value of the property it will not suppress any potential economic gain of value for the property.
5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.
The comprehensive plan suggests that the intended use is commercial, while this is the case self-storage is the next logical step in our current land use since we are currently doing outdoor storage.





Property Details

Location: 5654 & 5684 N Vinton Hills Drive, Fairland, Brandywine Township.

Property Size: 0.41-acres per lot.

Current Land Use: Vacant.

Zoning Classification:

VR (Village Residential)

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

Development Standards: Flexible development standards to accommodate existing developments.

Future Land Use per Comp Plan

Suburban Residential

This purpose of this category is for the transition of land use from agricultural and estate residential uses to low to medium-density, single-family residential subdivisions as water and sewer facilities become available.

Surrounding Development

	Zoning	Land Use
North	VR	Single-Family Res.
South	VR	Single-Family Res.
East	VR	Single-Family Res.
West	VR	Single-Family Res.

Staff Report

Case Number: BZA 25-14 / BZA 25-15

Case Name: Hoosier Investing, LLC – Development Standards Variance

Request

Variance of Development Standards to allow for construction of two new single-family homes with front-loading garages projecting forward of the main living area of the home.

Code Requirement

UDO Section 5.12 D 2: *Front-loading garages shall not be located forward of the main living area.*

Purpose of Requirement – Architectural standards for new homes encourage aesthetically pleasing building facades which improve upon the character of the surrounding area.

Property Map



Case Description

- The petitioner has obtained Site Plan approval and construction permits for two single-family homes located on Lot 30 and Lot 31 in Vinton Hills. Development of the lots complies with all County building, drainage, and sanitation codes.
- The approved Site Plan allows for construction of homes with front-loading garages in-line with the main living area of the home. If the BZA approves the variance, the petitioner will amend the Site Plan to show projecting front-loading garages.
- Most existing homes in the neighborhood include front-loading garages projecting forward of the main living area of the home. Existing homes in the neighborhood were constructed prior to adoption of current zoning regulations.

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 County has approved a Site Plan and issued permits for the houses. The houses must comply with all zoning and building code requirements before issuance of a certificate of occupancy.

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: Most houses in the neighborhood include front loading garages projecting forward of the main living area of the house. Houses with front-loading garages in-line with the main living area of the home would conflict with the architectural style of other homes in the neighborhood.

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: Most houses in the neighborhood include front loading garages projecting forward of the main living area of the house. A strict application of the ordinance would not allow for development of the property in a manner consistent with the neighborhood.

Staff Recommendation

Most houses in the neighborhood include front loading garages projecting forward of the main living area of the house. A strict application of the ordinance would not allow for development of the property in a manner consistent with the neighborhood.

Therefore, Staff recommends **APPROVAL**.

Applicant/Owner Information

Applicant:	Hoosier Investing, LLC 6679 N 400 W Fairland, IN 46126	Owner:	Same
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DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Hoosier Investing, LLC
Case #: _____
Location: 5654 N Vinton Hills Drive, Fairland, IN 46126

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

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.
Approval will complement the homes already on Vinton Hills
Drive with garages protruding in front of main living area.

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.
This will have no effect on the sideyard setbacks on adjacent
areas.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.
Approval of this variance will create conformity with pre-existing
homes.

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

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

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

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

Site Plan

Owner: HOOSIER INVESTING LLC
Client: Alicia Barr, 317-512-3767
Site Address: 5654 N & 5684 N Vinton Hills Dr, Fairland IN, 46126
Lots 30 & 31 of the Vinton Hills Subdivision,
Recorded in Misc. Bk 59, Pg 889-890

Being a part of the Northeast Quarter of Section 4, Township 13 North, Range 6 East, Brandywine Township, Shelby County, Indiana.

NOTE: Lot 30, Proposed first floor elevation of Residence shall be 789.0'; Garage shall be 787.5' and the Crawl Space shall be at 785.0'.
NOTE: Lot 31, Proposed first floor elevation of Residence shall be 789.0'; Garage shall be 787.5' and the Crawl Space shall be at 785.0'.
NOTE: Proposed finish grade around the buildings shall have a minimum slope of 0.5' in the first 10' away from building to prevent any surface drainages towards the building and absorption field.

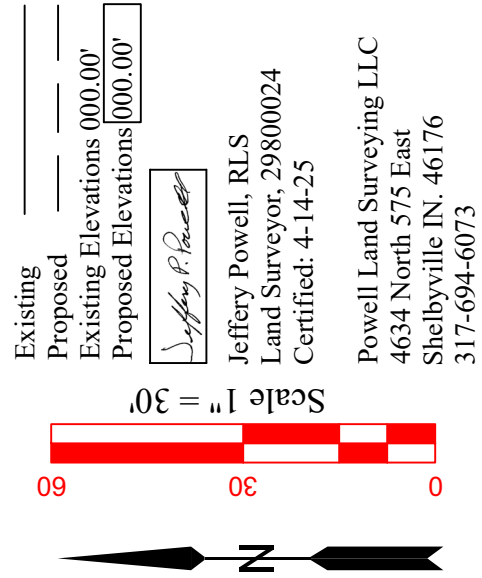
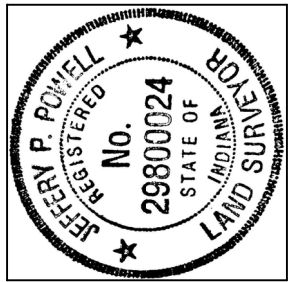
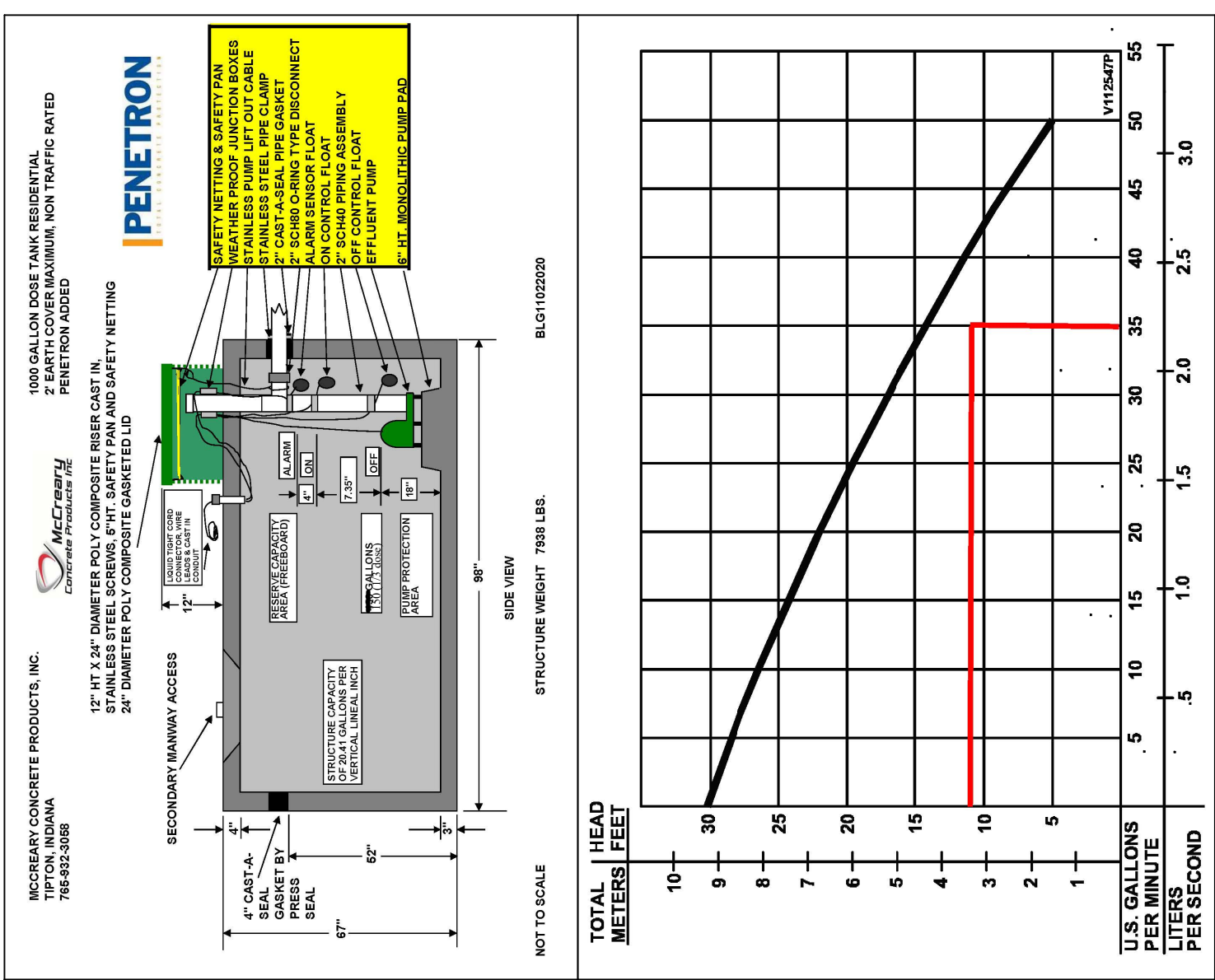
NOTE: The contractor shall verify all dimensions prior to construction.
NOTE: The contractor shall verify the location of all utilities prior to beginning construction.
NOTE: This plot plan has been prepared for use by the contractor for the purpose of obtaining building approvals and is not intended to indicate the establishment of any lot line.
NOTE: The proposed Well shall be located in general area as shown, and shall not be any closer than 50 feet to any septic system or closer than 15 feet to any deed or lot line.
NOTE: The proposed residence is located in a special flood hazard ZONE X, per the FEMA Flood Insurance rate map number 18145C0101C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

NOTE: The septic system designed on this site plan complies with the Indiana state Board of Health Requirements and the regulations of the Shelby County Health Department. Any changes to the design or location herein must be approved by said Health Department.
NOTE: All existing subsurface drain tiles that are disturbed during construction will be repaired and rerouted to maintain their existing flow.

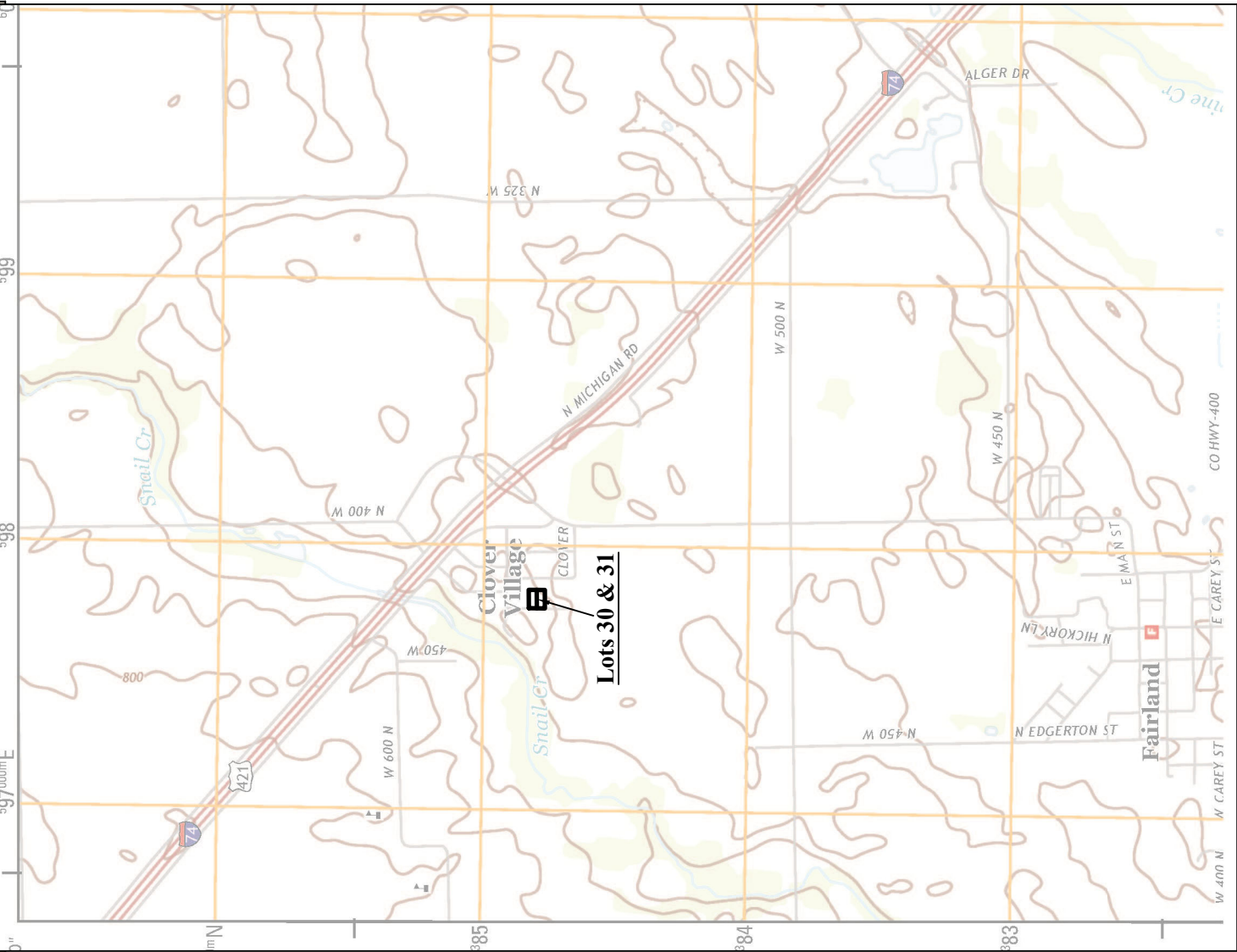
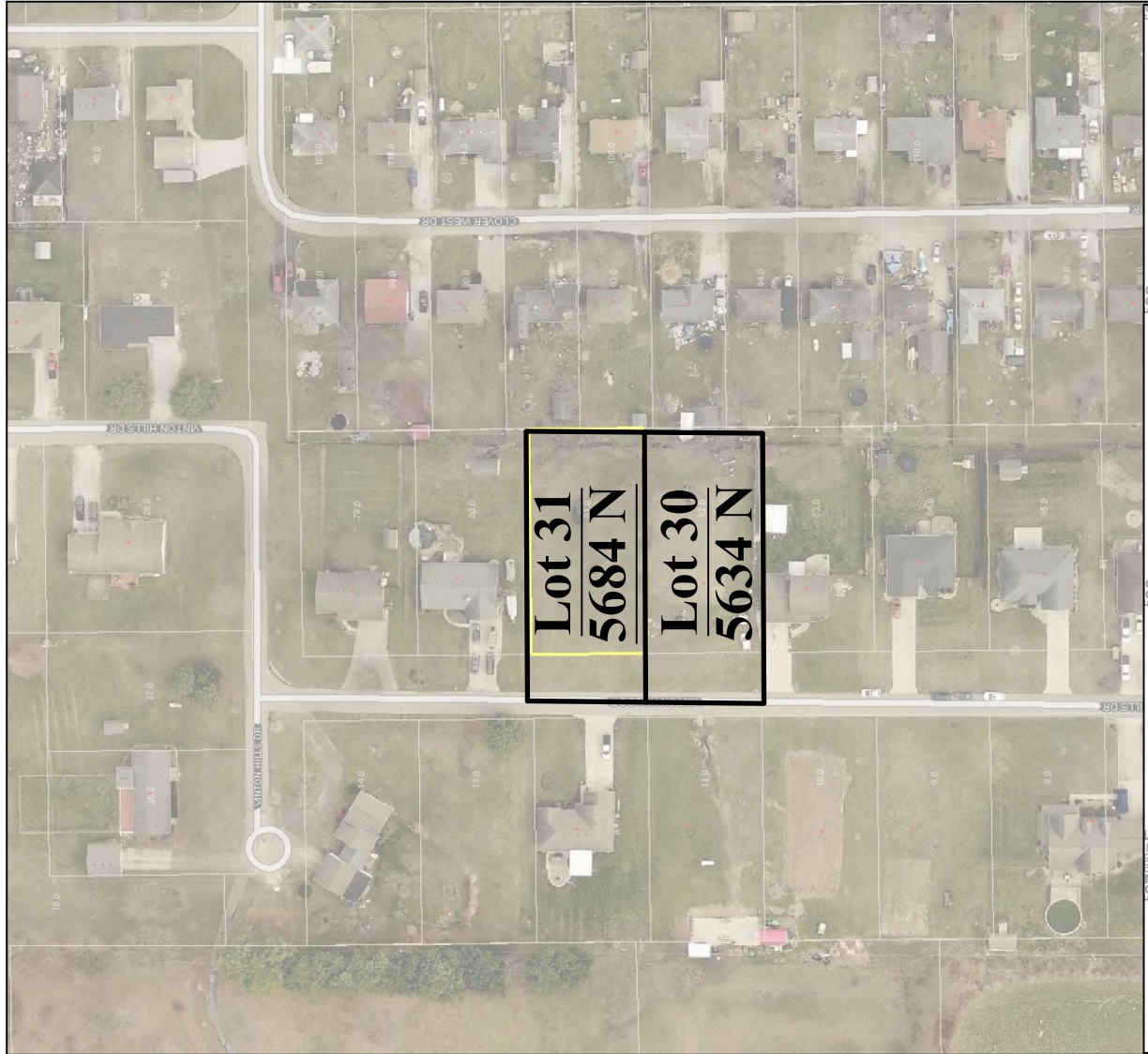
NOTE: This site plan complies with all state and county regulations and that any changes that may be made to the site plan must first be approved by the appropriate agency.
NOTE: The contractor shall install a gravelled construction access drive prior to land disturbing activity to eliminate tracking. All sediment shall be removed from the public or private roadway.
NOTE: The contractor shall also be responsible for providing all the necessary erosion control per Article 10 entitled "Soil Erosion and Sediment Control" of the Shelby County, Storm, Drainage, Erosion and Sediment Control Ordinance.

NOTE: There are No Wetlands areas that will be disturbed per this site.
NOTE: The surface water from the proposed building sites overall flows to the North, however there is a low area of 786.0' between the proposed houses and behind proposed house on Lot 31 that will likely pond ~0.5' of water.
TBM Denotes temporary benchmark. Capped Rebar found at grade at the SW Corner of Lot 30, Elevation = 786.35' (elevation per GPS).

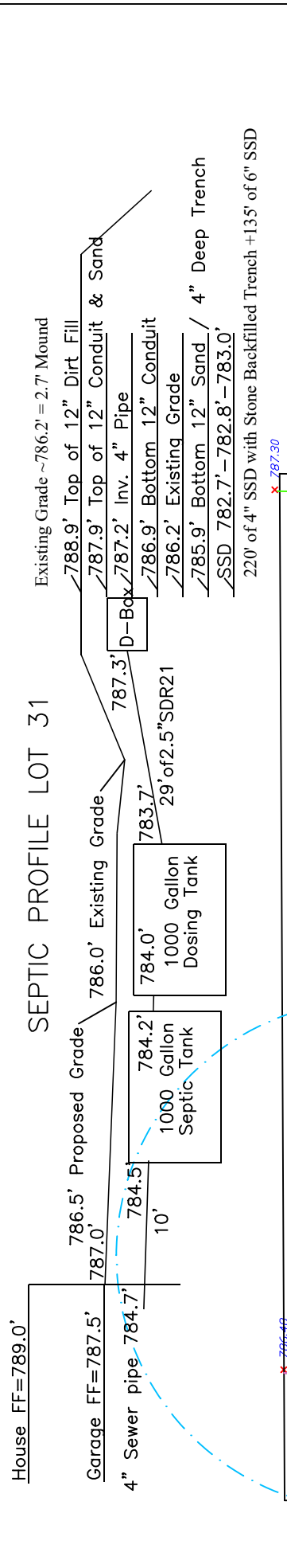
I, the undersigned Registered Land Surveyor, hereby certify that I have conducted a survey to establish a Site Plan of proposed improvements and to the best of my knowledge, information and believe this drawing is an accurate representation of that survey of the following described real estate:



Jeffery P. Powell
Land Surveyor, RLS
Certified: 4-14-25
Powell Land Surveying LLC
4634 North 575 East
Shelbyville IN, 46176
317-694-6073



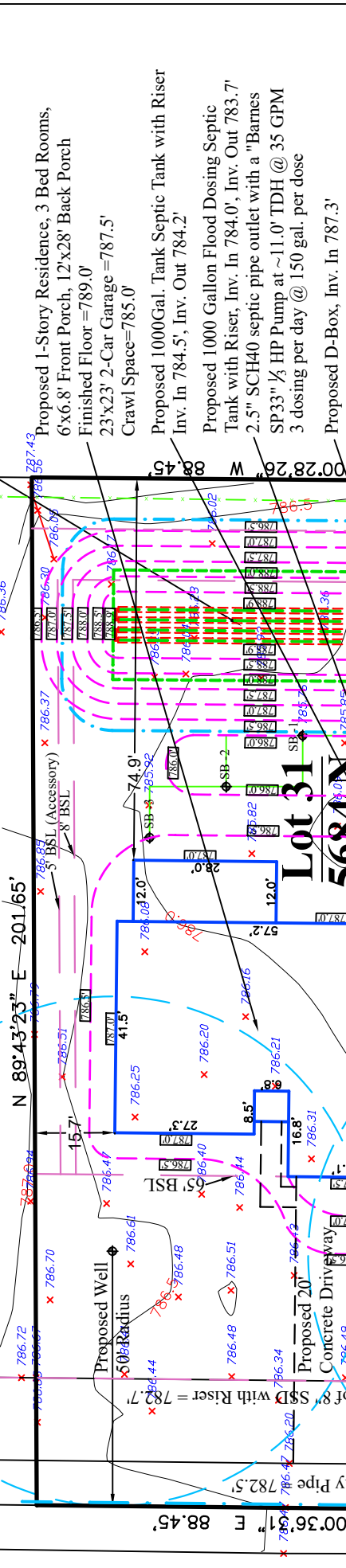
SEPTIC PROFILE LOT 31



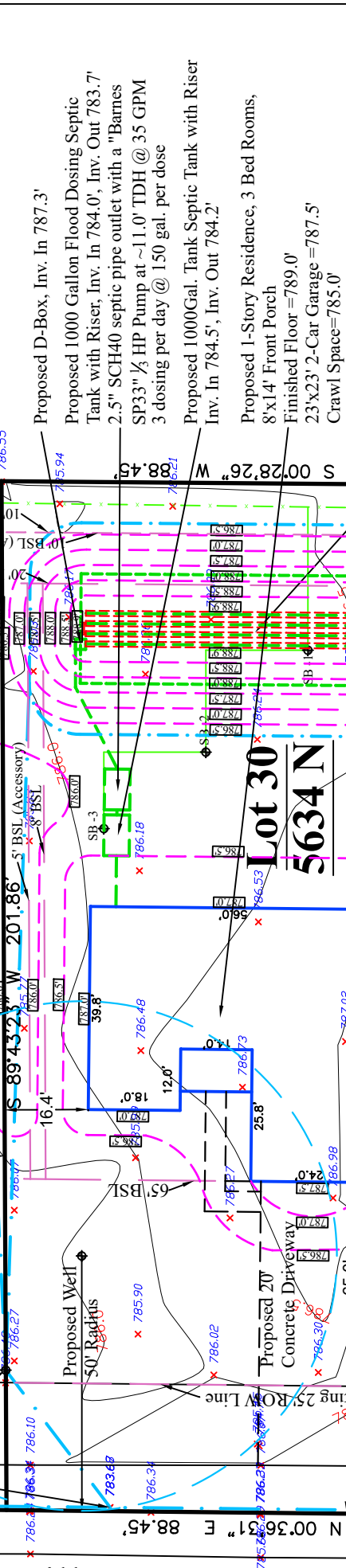
Note: Five (5) deciduous trees with at least 1 1/2 - inch DBH at the time of planting shall be planted on the property prior to occupation of the residence.
Note: Development of the site is subject to Section 5.67 of the Shelby County Unified Development Ordinance - Rural Residential Development Standards.

Lot 32
Note: On lot 32 the Existing well is located in the Northwest corner of the lot and the existing septic is located in the back yard.

Proposed ATL Absorption Field (Lot 31)
(4" Deep Above ground with 12" Sand, Existing=786.2')
3 Bed Rooms=450 gal/day/0.25=1206 sqft
Field 57' x 21.5'=1225 sqft, with 29' of 2.5" pipe
220' of ATL Conduit Pipe = 4 Rows of Conduit at 55'
With a 4" SSD stone backfill trench around the field.

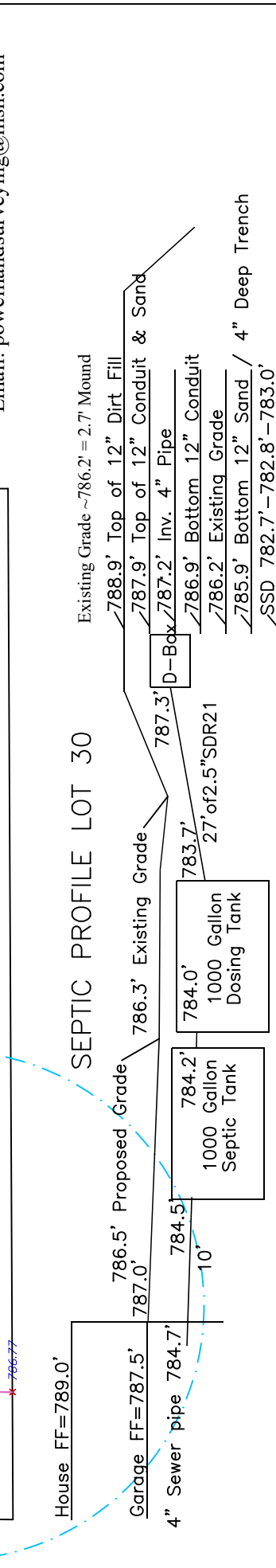
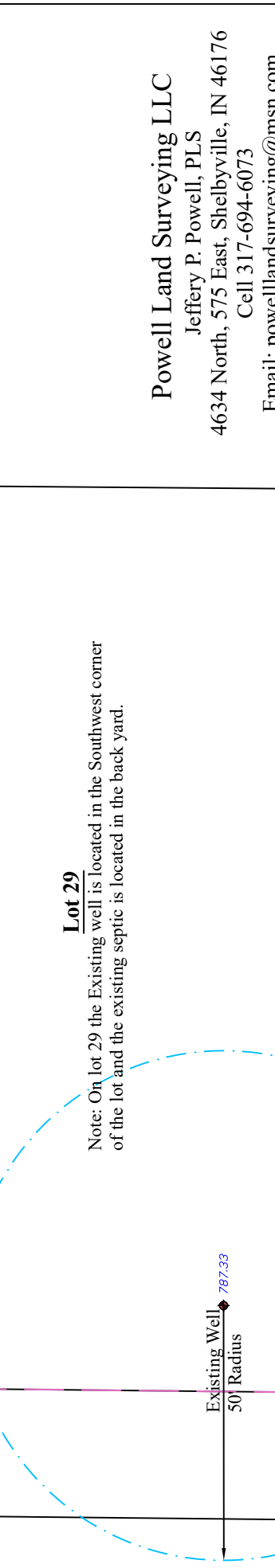


Note: Tracts 58 through 61 being the lots to the East, all the existing wells are located in the front yards and the existing septic are located in the back yards.



Proposed ATL Absorption Field (Lot 30)
(4" Deep Above ground with 12" Sand, Existing=786.2')
3 Bed Rooms=450 gal/day/0.25=1206 sqft
Field 57' x 21.5'=1225 sqft, with 27' of 2.5" pipe
220' of ATL Conduit Pipe = 4 Rows of Conduit at 55'
With a 4" SSD stone backfill trench around the field.

Note: On lot 29 the Existing well is located in the Southwest corner of the lot and the existing septic is located in the back yard.



Powell Land Surveying LLC
Jeffery P. Powell, RLS
4634 North, 575 East, Shelbyville, IN 46176
Cell 317-694-6073
Email: powellandsurveying@msn.com

220' of 4" SSD with Stone Backfilled Trench +135' of 6" SSD

Property Details

Location: 9295 N Frontage Rd,
Fairland, Moral Township.

Property Size: 16.65-acres.

Current Land Use: Contractor's
Office & Yard.

Zoning Classification:

I2 (High-Intensity Industrial)

Intent: 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 Industrial

The purpose of this category is to provide for a full range of light and heavy industrial uses. Types of uses include manufacturing, processing, distribution and storage. The designation should accommodate a variety of industrial establishments which:

- Employ high environmental quality standards
- May function as an integral part of an overall development area
- Require large tracts of land because of their nature and function
- Have minimal impacts on adjacent uses.

Surrounding Development

	Zoning	Land Use
North	I1	Equipment Rental
South	A1/R1	Natural Resources / Single-Family
East	A1/RE	Natural Resources / Estate Residential
West	I1	Cropland

Staff Report

Case Number: BZA 25-16

Case Name: BRC Land Holdings, LLC – Development
Standards Variance

Request

Variance of Development Standards to utilize existing trees as a landscape buffer along property lines adjacent to properties in the R1 (Single-Family Residential) District and RE (Residential Estate) District (Buffer Yard "D" required).

Code Requirement

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. (Section 5.43 E allows tree preservation to substitute for landscaping in landscape buffers).

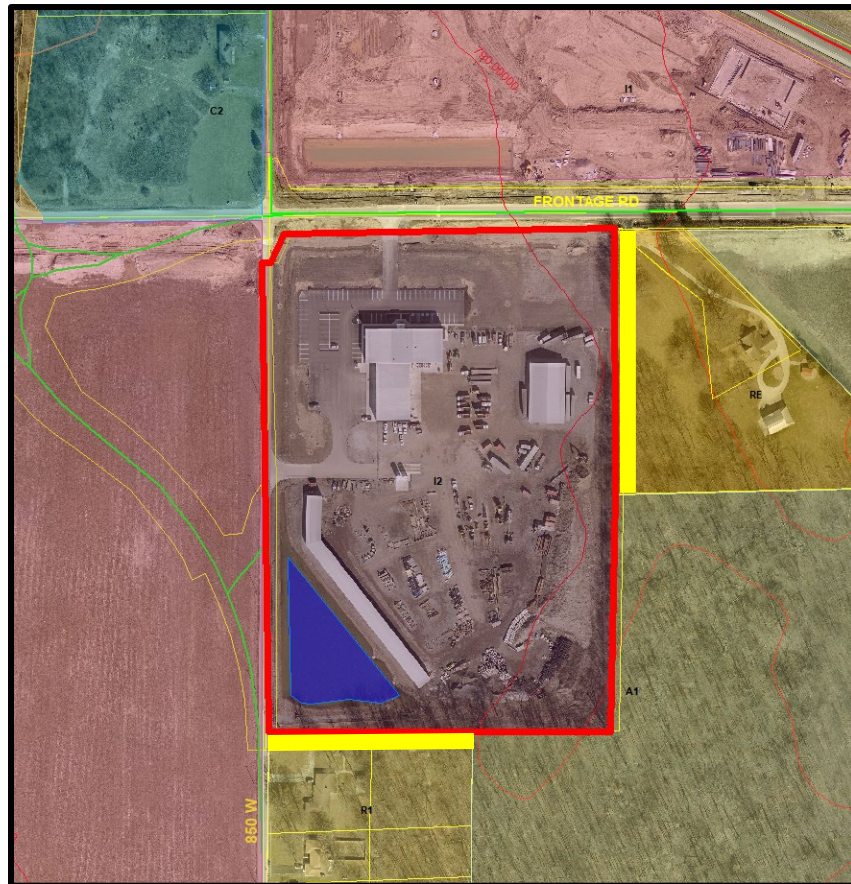
UDO Section 5.49 H: Buffer Yard "D":

1. **Canopy Tree:** One (1) canopy tree shall be planted for every forty (40) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
2. **Ornamental or Evergreen Tree:** Two (2) ornamental or evergreens tree shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
3. **Row of Evergreens:** One (1) evergreen tree shall be planted for every twelve (12) feet of contiguous boundary with the adjacent lot. The evergreen trees shall be planted in an irregular row spaced no closer than nine (9) feet apart or more than fifteen (15) feet apart. The irregular row shall be planted at least twenty-five (25) feet from the property line; and
4. **Fence or Mound:** A minimum six (6) foot tall opaque fence or a minimum five (5) foot tall undulating mound shall be installed roughly parallel to the property line. The fence or undulating mound shall be installed at least twenty-five (25) feet from the property line.

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



Case Description

- The petitioner currently operates a contracting business, including outdoor storage, on the property. The petitioner completed the majority of the site development work and began operation of the business in 2022.
- The petitioner has not installed the landscaping required by the UDO, however, has hired a landscaping company to complete this work.
- The landscaping plan submitted with the variance application complies with ordinance requirements other than lack of fence or mound along the property lines adjoining properties in the RE and R1 District. The yellow lines on the above property map indicate the property lines where the ordinance requires a fence or mound.
- The property includes wooded areas along the property lines. The petitioner has committed to preserving trees within the wooded areas to fulfill the landscape buffer requirement and will plant new trees in the gaps in the wooded area.

- A corporation owns the adjacent property in the RE District and has expressed future intent to use the property for industrial purposes. A resident owns the adjacent property in the R1 District and has not expressed an intent to change the use of the property.
- On June 23, 2020, the Plan Commission recommended approval of a rezoning of the property from A1 (Conservation Agricultural) to I2 (High-Intensity Industrial) to allow for development of the contracting business. The County Commissioners approved this rezoning on July 6, 2020.
 - Stipulation #3 of the rezoning approval states: Variances from Development Standards shall not be permitted without Site Plan Approval from the Plan Commission. Variances from Section 5.50 LT-01: General Lighting Standards are exempt from this requirement.
 - If the BZA approves the variance, final approval of the variance will require approval from the Plan Commission of a site plan showing existing development and proposed landscaping without the required fence or mound.
 - Then intent of the stipulation was to discourage low-quality development by requiring review from both the BZA and Plan Commission of variances from design standards.

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 property includes wooded areas along the property lines. The petitioner has committed to preserving trees within the wooded areas to fulfill the landscape buffer requirement and will plant new trees in the gaps in the wooded area. Planting of additional trees than required by ordinance in place of a fence or mound would not degrade the visual quality of the property.

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: Proposed trees would provide an adequate buffer between on-site development and adjacent residential properties.

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 property includes heavily wooded areas which necessitates a flexible landscape plan in order to incorporate existing trees in the wooded areas into the landscape buffer.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the property includes heavily wooded areas which necessitates a flexible landscape plan in order to incorporate existing trees in the wooded areas into the landscape buffer.

Staff recommends one **stipulation**:

1. The variance shall not become effective until the Plan Commission approves a Site Plan showing existing development and incorporating the landscape plan submitted with the variance application.

Applicant/Owner Information

Applicant:	BRC Land Holdings, LLC 7225 W Broad Ripple Crossing Blvd. Fairland, IN 46126	Owner:	Same
Attorney/Representative:	David A Retherford, Attorney at Law, Inc. 8801 Southeastern Avenue Indianapolis, IN 46239		

View of South Property Line from CR 850 W



View of East Property Line from Frontage Rd.



Staff Photographs, May 2025

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: BRC Land Holdings, LLC

Case #: _____

Location: 9295 N. Frontage Road, Fairland, IN 46126

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

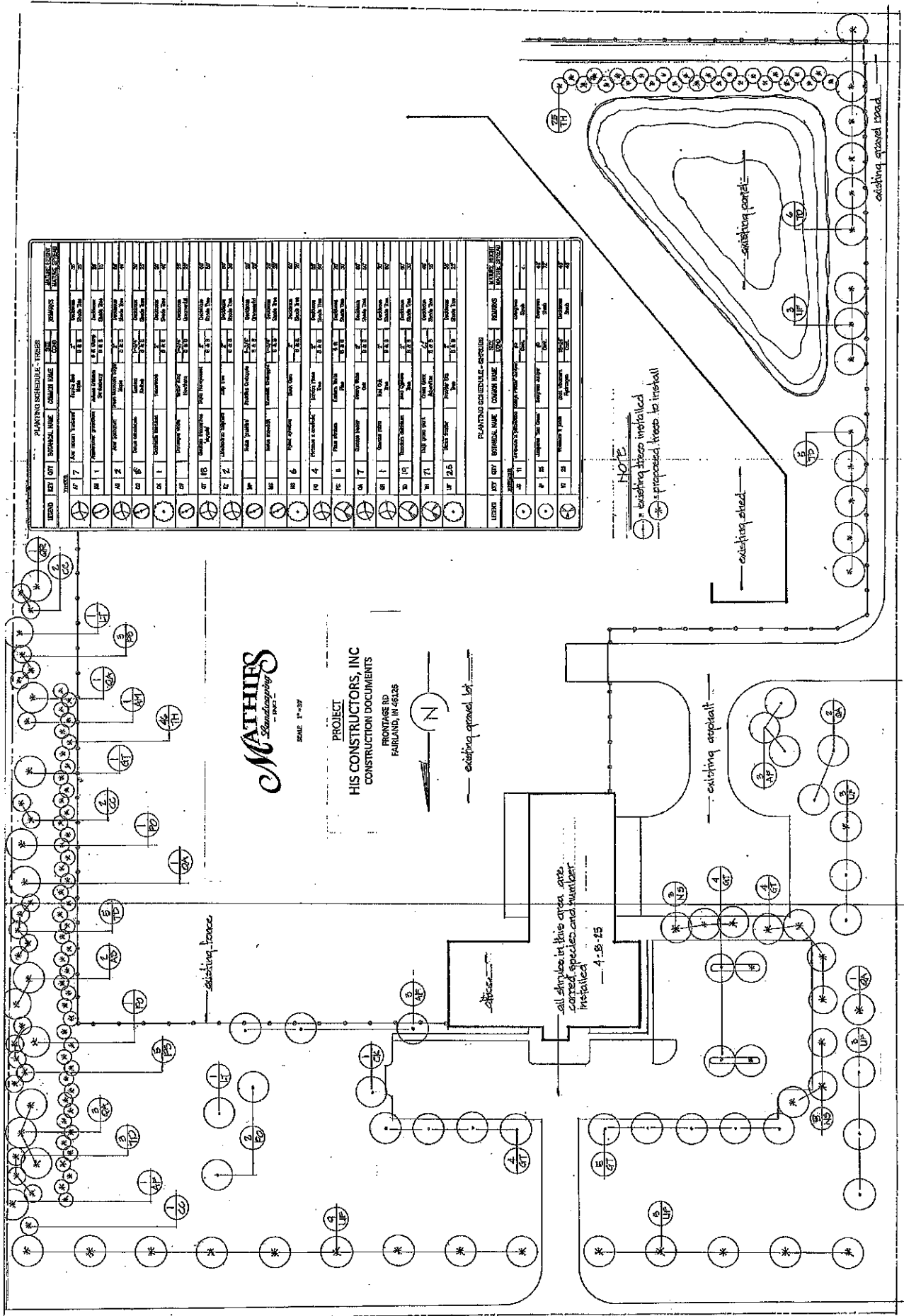
1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community. The vast majority of the area which would require the privacy fence is heavily wooded. The Petitioner has committed to preserve the existing trees within 25 feet of the south and east property lines, and also to add landscaping in the few existing gaps per the Plan, which will likely result in a more effective and attractive screening buffer in this unique situation than clearing the trees and installing the required privacy fence.
2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The property to the east is a single family residence on a large parcel, and the owners prefer that the existing trees along the shared property line be preserved, as opposed to them being removed and replaced with the required privacy fence. While the other abutting properties are either farm ground or vacant, it is reasonable to conclude the existing trees along that property line would be better screen than a privacy fence.
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property. Without the approval of the variance, all of the existing trees located within 15-20 feet of the East and South property lines of the Site would need to be removed to accommodate the installation of the required fence.

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

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

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

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



MATHIS
Landscaping
- INC -

SCALE 1" = 20'

PROJECT
HIS CONSTRUCTORS, INC
CONSTRUCTION DOCUMENTS
FRONTAGE RD
FAIRLAND, IN 46126



— existing gravel lot

all shrubs in this area are
corrected species and number
installed
— 4-B-25

PLANTING SCHEDULE - TREES									
ITEM	QTY	SPECIES NAME	COMMON NAME	SIZE	PLANTING DATE	PLANTING DATE	PLANTING DATE	PLANTING DATE	PLANTING DATE
1	1	Red Maple	Acer rubrum	12" DBH	2025	2025	2025	2025	2025
2	1	White Oak	Quercus alba	12" DBH	2025	2025	2025	2025	2025
3	1	Red Oak	Quercus rubra	12" DBH	2025	2025	2025	2025	2025
4	1	White Birch	Betula papyrifera	12" DBH	2025	2025	2025	2025	2025
5	1	Red Birch	Betula rubra	12" DBH	2025	2025	2025	2025	2025
6	1	White Pine	Pinus strobus	12" DBH	2025	2025	2025	2025	2025
7	1	Red Pine	Pinus resinosa	12" DBH	2025	2025	2025	2025	2025
8	1	White Spruce	Picea canadensis	12" DBH	2025	2025	2025	2025	2025
9	1	Red Spruce	Picea canadensis	12" DBH	2025	2025	2025	2025	2025
10	1	White Fir	Abies balsamea	12" DBH	2025	2025	2025	2025	2025
11	1	Red Fir	Abies balsamea	12" DBH	2025	2025	2025	2025	2025
12	1	White Cedar	Juniperus horizontalis	12" DBH	2025	2025	2025	2025	2025
13	1	Red Cedar	Juniperus horizontalis	12" DBH	2025	2025	2025	2025	2025
14	1	White Juniper	Juniperus horizontalis	12" DBH	2025	2025	2025	2025	2025
15	1	Red Juniper	Juniperus horizontalis	12" DBH	2025	2025	2025	2025	2025
16	1	White Yew	Taxus canadensis	12" DBH	2025	2025	2025	2025	2025
17	1	Red Yew	Taxus canadensis	12" DBH	2025	2025	2025	2025	2025
18	1	White Elm	Ulmus americana	12" DBH	2025	2025	2025	2025	2025
19	1	Red Elm	Ulmus americana	12" DBH	2025	2025	2025	2025	2025
20	1	White Ash	Fraxinus americana	12" DBH	2025	2025	2025	2025	2025
21	1	Red Ash	Fraxinus americana	12" DBH	2025	2025	2025	2025	2025
22	1	White Hickory	Carya alba	12" DBH	2025	2025	2025	2025	2025
23	1	Red Hickory	Carya alba	12" DBH	2025	2025	2025	2025	2025
24	1	White Walnut	Juglans nigra	12" DBH	2025	2025	2025	2025	2025
25	1	Red Walnut	Juglans nigra	12" DBH	2025	2025	2025	2025	2025
26	1	White Pecan	Carya pecan	12" DBH	2025	2025	2025	2025	2025
27	1	Red Pecan	Carya pecan	12" DBH	2025	2025	2025	2025	2025
28	1	White Sycamore	Platanus occidentalis	12" DBH	2025	2025	2025	2025	2025
29	1	Red Sycamore	Platanus occidentalis	12" DBH	2025	2025	2025	2025	2025
30	1	White Poplar	Populus alba	12" DBH	2025	2025	2025	2025	2025
31	1	Red Poplar	Populus alba	12" DBH	2025	2025	2025	2025	2025
32	1	White Willow	Salix alba	12" DBH	2025	2025	2025	2025	2025
33	1	Red Willow	Salix alba	12" DBH	2025	2025	2025	2025	2025
34	1	White Dogwood	Cornus florida	12" DBH	2025	2025	2025	2025	2025
35	1	Red Dogwood	Cornus florida	12" DBH	2025	2025	2025	2025	2025
36	1	White Flowering Dogwood	Cornus florida	12" DBH	2025	2025	2025	2025	2025
37	1	Red Flowering Dogwood	Cornus florida	12" DBH	2025	2025	2025	2025	2025
38	1	White Magnolia	Magnolia grandifolia	12" DBH	2025	2025	2025	2025	2025
39	1	Red Magnolia	Magnolia grandifolia	12" DBH	2025	2025	2025	2025	2025
40	1	White Camellia	Camellia japonica	12" DBH	2025	2025	2025	2025	2025
41	1	Red Camellia	Camellia japonica	12" DBH	2025	2025	2025	2025	2025
42	1	White Azalea	Indigofera	12" DBH	2025	2025	2025	2025	2025
43	1	Red Azalea	Indigofera	12" DBH	2025	2025	2025	2025	2025
44	1	White Hydrangea	Hydrangea macrophylla	12" DBH	2025	2025	2025	2025	2025
45	1	Red Hydrangea	Hydrangea macrophylla	12" DBH	2025	2025	2025	2025	2025
46	1	White Lilac	Syringa vulgaris	12" DBH	2025	2025	2025	2025	2025
47	1	Red Lilac	Syringa vulgaris	12" DBH	2025	2025	2025	2025	2025
48	1	White Forsythia	Forsythia viridissima	12" DBH	2025	2025	2025	2025	2025
49	1	Red Forsythia	Forsythia viridissima	12" DBH	2025	2025	2025	2025	2025
50	1	White Jasmine	Jasminum officinale	12" DBH	2025	2025	2025	2025	2025
51	1	Red Jasmine	Jasminum officinale	12" DBH	2025	2025	2025	2025	2025
52	1	White Rose	Rosa rugosa	12" DBH	2025	2025	2025	2025	2025
53	1	Red Rose	Rosa rugosa	12" DBH	2025	2025	2025	2025	2025
54	1	White Geranium	Geranium psilostachyon	12" DBH	2025	2025	2025	2025	2025
55	1	Red Geranium	Geranium psilostachyon	12" DBH	2025	2025	2025	2025	2025
56	1	White Verbena	Verbena officinalis	12" DBH	2025	2025	2025	2025	2025
57	1	Red Verbena	Verbena officinalis	12" DBH	2025	2025	2025	2025	2025
58	1	White Lavender	Lavandula angustifolia	12" DBH	2025	2025	2025	2025	2025
59	1	Red Lavender	Lavandula angustifolia	12" DBH	2025	2025	2025	2025	2025
60	1	White Salvia	Salvia officinalis	12" DBH	2025	2025	2025	2025	2025
61	1	Red Salvia	Salvia officinalis	12" DBH	2025	2025	2025	2025	2025
62	1	White Echinacea	Echinacea purpurea	12" DBH	2025	2025	2025	2025	2025
63	1	Red Echinacea	Echinacea purpurea	12" DBH	2025	2025	2025	2025	2025
64	1	White Blackberry	Rubus idaeus	12" DBH	2025	2025	2025	2025	2025
65	1	Red Blackberry	Rubus idaeus	12" DBH	2025	2025	2025	2025	2025
66	1	White Raspberry	Rubus idaeus	12" DBH	2025	2025	2025	2025	2025
67	1	Red Raspberry	Rubus idaeus	12" DBH	2025	2025	2025	2025	2025
68	1	White Strawberry	Fragaria virginiana	12" DBH	2025	2025	2025	2025	2025
69	1	Red Strawberry	Fragaria virginiana	12" DBH	2025	2025	2025	2025	2025
70	1	White Blueberry	Vaccinium corymbosum	12" DBH	2025	2025	2025	2025	2025
71	1	Red Blueberry	Vaccinium corymbosum	12" DBH	2025	2025	2025	2025	2025
72	1	White Elderberry	Sambucus racemosa	12" DBH	2025	2025	2025	2025	2025
73	1	Red Elderberry	Sambucus racemosa	12" DBH	2025	2025	2025	2025	2025
74	1	White Honeysuckle	Lonicera xylosteum	12" DBH	2025	2025	2025	2025	2025
75	1	Red Honeysuckle	Lonicera xylosteum	12" DBH	2025	2025	2025	2025	2025
76	1	White Clematis	Clematis vitalba	12" DBH	2025	2025	2025	2025	2025
77	1	Red Clematis	Clematis vitalba	12" DBH	2025	2025	2025	2025	2025
78	1	White Anemone	Anemone hepatica	12" DBH	2025	2025	2025	2025	2025
79	1	Red Anemone	Anemone hepatica	12" DBH	2025	2025	2025	2025	2025
80	1	White Tulip	Tulipa gesneriana	12" DBH	2025	2025	2025	2025	2025
81	1	Red Tulip	Tulipa gesneriana	12" DBH	2025	2025	2025	2025	2025
82	1	White Daffodil	Narcissus pseudonarcissus	12" DBH	2025	2025	2025	2025	2025
83	1	Red Daffodil	Narcissus pseudonarcissus	12" DBH	2025	2025	2025	2025	2025
84	1	White Iris	Iris sibirica	12" DBH	2025	2025	2025	2025	2025
85	1	Red Iris	Iris sibirica	12" DBH	2025	2025	2025	2025	2025
86	1	White Peony	Paeonia officinalis	12" DBH	2025	2025	2025	2025	2025
87	1	Red Peony	Paeonia officinalis	12" DBH	2025	2025	2025	2025	2025
88	1	White Rosehip	Rosa rugosa	12" DBH	2025	2025	2025	2025	2025
89	1	Red Rosehip	Rosa rugosa	12" DBH	2025	2025	2025	2025	2025
90	1	White Hawthorn	Crataegus oxyacantha	12" DBH	2025	2025	2025	2025	2025
91	1	Red Hawthorn	Crataegus oxyacantha	12" DBH	2025	2025	2025	2025	2025
92	1	White Spicebush	Lindera benzoin	12" DBH	2025	2025	2025	2025	2025
93	1	Red Spicebush	Lindera benzoin	12" DBH	2025	2025	2025	2025	2025
94	1	White Nannyberry	Sambucus racemosa	12" DBH	2025	2025	2025	2025	2025
95	1	Red Nannyberry	Sambucus racemosa	12" DBH	2025	2025	2025	2025	2025
96	1	White Blackberry	Rubus idaeus	12" DBH	2025	2025	2025	2025	2025
97	1	Red Blackberry	Rubus idaeus	12" DBH	2025	2025	2025	2025	2025
98	1	White Raspberry	Rubus idaeus	12" DBH	2025	2025	2025	2025	2025
99	1	Red Raspberry	Rubus idaeus	12" DBH	2025	2025	2025	2025	2025
100	1	White Strawberry	Fragaria virginiana	12" DBH	2025	2025	2025	2025	2025

NOTE:
* Existing trees installed
• Proposed trees to install