

**Shelby County
Board of Zoning Appeals**

June 9, 2026, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals June 9, 2026

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the May 12, 2026, meeting.

NEW BUSINESS

BZA 26-20 – MICHELLE RENEE & JOSEPH BRIAN HARRISON: DEVELOPMENT STANDARDS VARIANCE. Located at 1259 S PR Woodfield Dr., Needham, Hendricks Township.

BZA 26-21 – JON FARNLEY: DEVELOPMENT STANDARDS VARIANCE. Located at 2968 W Old Franklin Rd, Shelbyville, Hendricks Township.

BZA 26-22 – JOHN CROWE: DEVELOPMENT STANDARDS VARIANCE. Located at 9410 N 675 E, Fairland, Moral Township.

BZA 26-23 – LINDSAY H & THERESA M NELSON: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 6729 W 800 N, Fairland, Moral Township.

BZA 26-24 – JASON STRABER: DEVELOPMENT STANDARDS VARIANCES. Located at 11263 N Pheasant Run, Fairland, Moral Township.

OLD BUSINESS

BZA 26-17 – MITCHELL HARVEY: FINDINGS OF FACT.

BZA 26-19 – DOUGLAS B ROBERTS: USE VARIANCE. Located at 3655 N Morrystown Rd, Shelbyville, Marion Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **July 14, 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/84495579114?pwd=Vky2kzWiVGXgkFFxw7LTbQmOacZTtp.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, 2026 – January 1, 2027

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

Property Details

Location: 1259 S PR Woodfield Dr.,
Needham, Hendricks Township.

Property Size: 3.30-acres.

Current Land Use: Estate
Residential

Zoning Classification:

A2 (Agricultural)

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

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

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

Future Land Use per Comp Plan

Agriculture

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

Surrounding Development

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

Staff Report

Case Number: BZA 26-20
Case Name: Michelle Renee & Joseph Brian Harrison
 – Development Standards Variance

Request

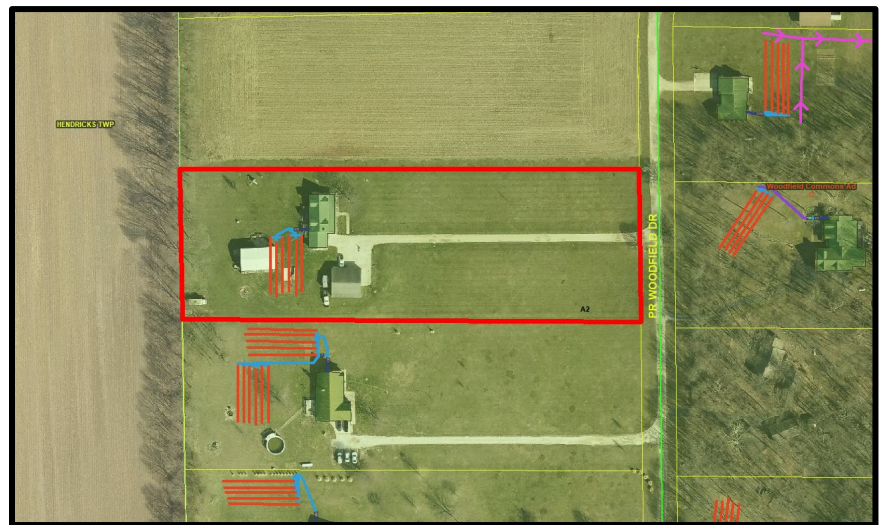
Variance of Development Standards to allow for an addition to the home setback less than 40-feet from the north property line.

Code Requirement

UDO Section 2.06: *Minimum Side Yard Setback: 40 feet for primary structure.*

Purpose of Requirement: The 40-foot setback requirement for primary structures in agricultural districts provides for open space between agricultural buildings and adjacent properties to mitigate impacts associated with agricultural use of buildings, provides for privacy between properties, and reduces the likelihood of accidentally building over a property line.

Property Map



Case Description

- The petitioner plans to add an addition to the master bedroom at the north side of the house. The addition would sit at least 5 feet from the north property line.
- The variance application explains that the addition must project to the north in order to expand the existing master bedroom while not infringing on the septic system to the west or altering the visual aesthetic of the home.
- The property lies within a rural residential neighborhood consisting of ~3-acre residential lots.
- The adjacent property to the north qualifies as a single-family residential building lot, however, is currently used for crop production.

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: An addition to the home in compliance with all building and sanitation codes would not have a negative impact on public health, safety, or welfare.

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: State right-to-farm laws allow for unrestricted continued use of adjacent agricultural land to new residential development. The reduced setback would not significantly impact future development of the adjacent lot.

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 addition must project to the north and within the setback in order to expand the existing master bedroom while not infringing on the septic system to the west or altering the visual aesthetic of the home.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the addition must project to the north and within the setback in order to expand the existing master bedroom while not infringing on the septic system to the west or altering the visual aesthetic of the home.

Applicant/Owner Information

Applicant:	Michelle Renee & Joseph Brian Harrison 1259 S PR Woodfield Dr. Needham, IN 46162	Representative:	DuKate Fine Remodeling, Inc. 2111 Holiday Lane Franklin, IN 46131
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 will not be injurious to the public health, safety, and general welfare of the community as the proposed structure and use is for the expansion of the existing Master Bedroom on the north end of the current residence.

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 Master Bedroom expansion is designed to compliment the existing structure thereby enhancing the propert value within the property lines.

As designed the expansion would still allow for future building parameters on the adjacent property which is currently used for farming.

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 Zoning Ordinance would result in the inability to expand the Master Bedroom to meet the current

and future needs of the property owners. Expanding to the north is the only option for this work so as not to infringe on the existing septic system to the west and to maintain the visual aesthetic of the home to the east.

Michelle Renee & Joseph Brian Harrison Master Bedroom Expansion



Type notes here

1259 S PR Woodfield Drive

Needham, IN 46162

Printed 04/22/2026

The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither the data nor the graphics are guaranteed to be accurate. Do not make any warranty, express or implied, for the use of this data for any purpose other than its intended use. This data is not to be used as a legal description or document.

- General
- Payments
- Bills
- Deductions
- Assessments

Owner and General Parcel Information

Property Card	Show Property Card
Tax History Data	Show Tax History
Images	Show Images(9)
Sketches	Show Sketches(1)

<https://shelbytn.wtngis.com/igis/printpreview1.aspx?soid=260422111708293>

Property Details

Location: 2968 W Old Franklin Rd,
Shelbyville, Hendricks Township.

Property Size: 0.91-acres.

Current Land Use: Single-Family
Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan

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

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: BZA 26-21
Case Name: Jon Farnsley – Development Standards
Variance

Request

Variance of Development Standards to allow for an addition to the home setback less than 30-feet from the west property line.

Code Requirement

UDO Section 2.14: *Minimum Rear Yard Setback: 30 feet for primary structure.*

Purpose of Requirement: The setback requirement provides for privacy between properties and reduces the likelihood of accidentally building over a property line.

Property Map



Case Description

- The petitioner plans to add a bedroom / bathroom suite to the west side of the house. The addition would sit at least 5 feet from the west property line.
- Setback requirements limit construction of an addition to the north or east side of the house. However, the septic system, driveway, and currently layout of the house limit construction of an addition in these areas.
- Cropland completely surrounds 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: An addition to the home in compliance with all building and sanitation codes would not have a negative impact on public health, safety, or welfare.

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: State right-to-farm laws allow for unrestricted continued use of adjacent agricultural land to new residential development.

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: Setback requirements limit construction of an addition to the north or east side of the house. However, the septic system, driveway, and currently layout of the house limit construction of an addition in these areas.

Staff Recommendation

Staff recommends **APPROVAL** because setback requirements limit construction of an addition to the north or east side of the house. However, the septic system, driveway, and currently layout of the house limit construction of an addition in these areas.

Applicant/Owner Information

Applicant: Jon Farnsley
2968 West Old Franklin Rd.
Shelbyville, IN 46176

Owner: Jon & Barbara Farnsley

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 addition onto our home would in no way be injurious to public health, safety and general welfare in any way. The structure would be built on the back side of our house. Our home is at least a quarter mile from any other home or structure.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

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 addition to our home does in no way harm our neighbors. Our home is surrounded by farm ground and is not near any neighbor. Our nearest neighbor is about a quarter of a mile away.
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 approval of this variance will allow us to add an additional small wing onto our home. The variance will give us additional footage and distance we need from the neighboring farm field. The field is not owned by us. We are asking that due to the nature of the addition and the open space of the land around us, that we be allowed to complete this structure. The added room is completely on our property.

Room Addition

Jon M. Jansley
5923 West Old Franklin Rd.
Shelbyville, IN 46176
317-512-6350



Property Details

Location: 9410 N 675 E,
 Fairland, Moral Township.

Property Size: 0.72-acres.

Current Land Use: Single-Family Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan

Single-Unit Detached Residential

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

Surrounding Development

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

Staff Report

Case Number: BZA 26-22

Case Name: John Crowe – Development Standards Variance

Request

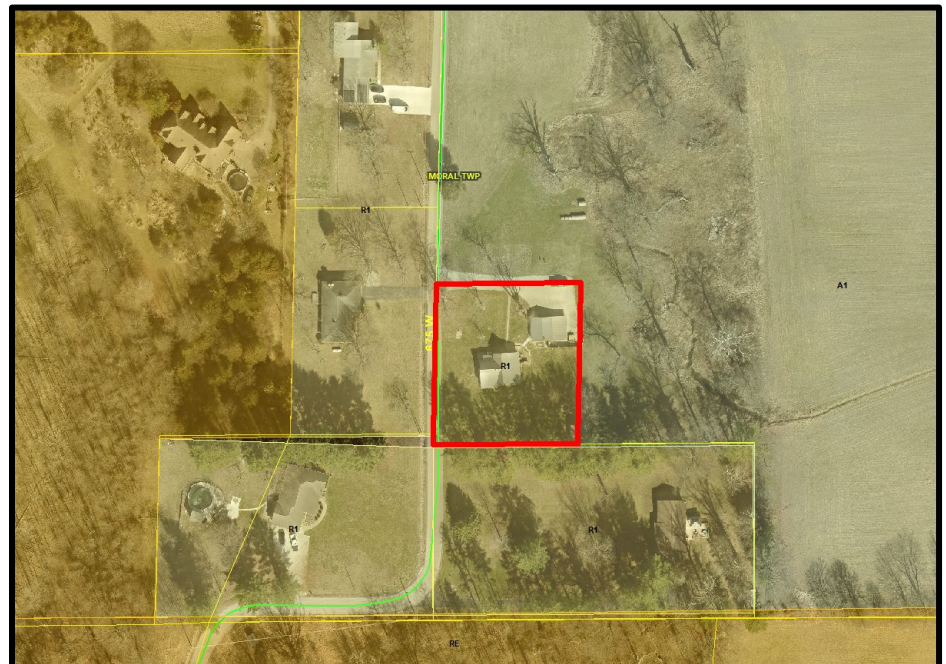
Variance of Development Standards to allow for a 1,440 sq. ft. pole barn (the total area of all accessory structures on a residential lot under 1-acre cannot exceed 75% of the footprint of the house).

Code Requirement

UDO Section 5.06 D 2: *Maximum Size:* On lots less than one (1) acre, the total area of all enclosed accessory structures on the lot shall not exceed seventy-five (75%) the footprint of the primary structure.

Purpose of Requirement: Limiting the size of residential accessory structures on lots under 1-acre, which are typically located in rural residential neighborhoods, ensures that the residence remains the visual focal point of the property, thereby protecting neighborhood character.

Property Map



Case Description

- The petitioner plans to construct a 30'x48' (1,440 sq. ft.) pole barn in the rear yard.
- The square footage of the pole barn plus existing detached garage would equal approximately 1.6X the square footage of the footprint of the house. The property tax card provides the square footage of the house and detached garage.
- The plans submitted with the variance application indicate that the pole barn would have white siding, a charcoal gray roof, and a 12-foot walls. The existing house has white vinyl siding, a grey metal roof, and a significant roof pitch.
- The property is located within a residentially developed area aligning both sides of CR 675 E. Several of these properties include accessory structures over 1,000 sq. ft.

Staff Analysis of Findings of Fact

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

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

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

Staff Analysis: The pole barn would sit behind the house, the roof pitch of the barn would not exceed the roof pitch of the house, and the barn would have similar coloring as the house. Therefore, the home would remain the visual point of the property, and the barn would not alter the character of 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: A strict application of the ordinance would not allow for construction of a pole barn similar in size to pole barns on adjacent properties.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the pole barn would sit behind the house, the roof pitch of the barn would not exceed the roof pitch of the house, and the barn would have similar coloring as the house. Therefore, the home would remain the visual point of the property, and the barn would not alter the character of the neighborhood.

Applicant/Owner Information

Applicant: John Crowe
9410 N 675 W
Fairland, IN 46126

Owner: John & Leann Crowe

Proposed Location of Pole Barn



Staff Photograph – June 3, 2026

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 proposed structure will be on the owner's property and will not harm anyone or the environment.

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 structure will not adversely affect our 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.

This variance will allow us to develop the property to meet our needs. There are multiple pole barns on properties on our road.

Proposal

TREE CITY METAL SALES

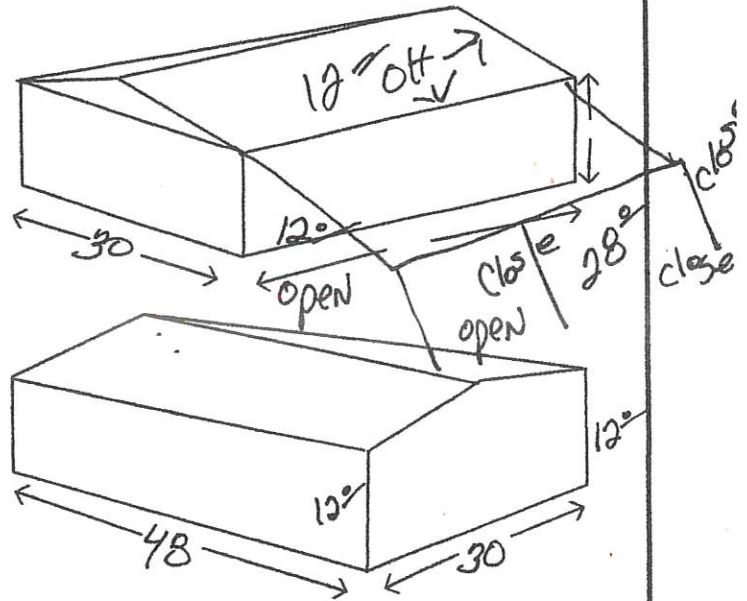
Michael Detweiler
50 West 650 North
Greensburg, IN 47240
(812) 663-4863

Cell: 812-525-4383

Proposal Submitted To <u>John Crowe</u>	Phone No. <u>765-744-2536</u>	Date <u>1-20-26</u>
Street	Job Name	
City State and Zip Code	Job Location	

We hereby submit specifications and estimates for:

30 x 48 Post Building 12 ft. high
triple x 2xc Treated Side Posts 8 O.C.
triple x 2xc Treated End Posts 8 O.C.
30' Clear Span Truss 4 O.C.
2x4 Roof Purlins and Side Girts 2 O.C.
1 Rows Treated Skirt Boards
 Slider Door on end Slider Door on Sides
 O.H. Door on end 1-18x10 O.H. Door on Side
 36" Walk Door No w/ Glass yes Blank
 Slide By Windows 4030 3020
 Sidewall Insulation single bubble Roof Insulation
 Fiberglass Lite Panels _____ ft.
80 Screte under each Post
4 30x48 12x48 fiber Concrete Floor Wire yes Plastic
 Gutters & Downspouts
 Color of Roof
 Color of Sides
 Color of Trim
white Color of Doors



white & charcoal gray sides roof

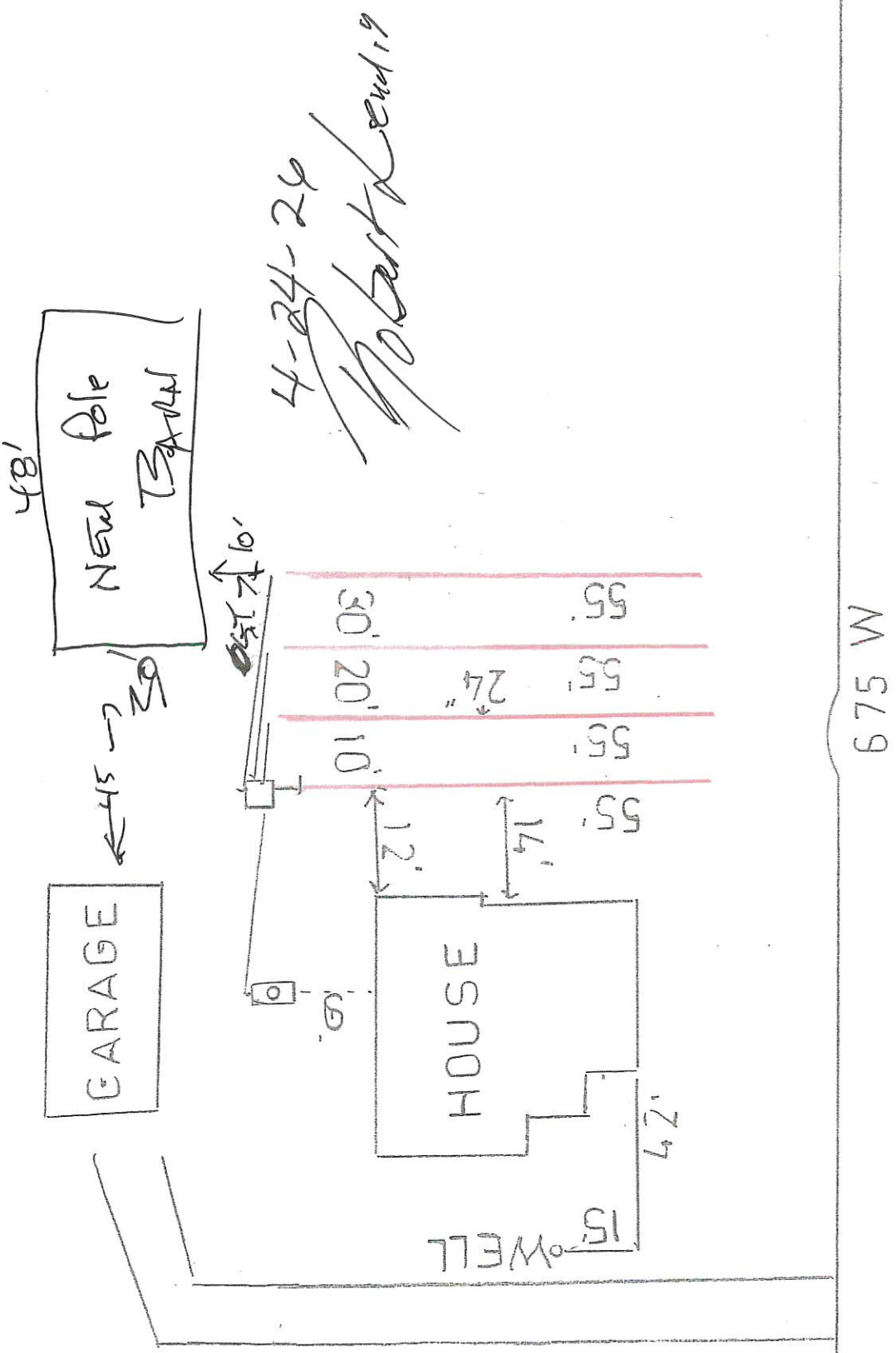
12x48 porch 28 close in ceiling in porch

No stone And will Extra's if Need pump truck for concrete

Payment to be made as follows:
1500. Down 100 to when start Bal when Job complete dollars (\$) \$ 50,082.

This Proposal Does Not Include Fill, Graderwork or Permits. Additional Charge For Complications in Drilling Holes Due to Rocks, Roots. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delay beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. Owner Agrees Not to Occupy Building Until Building is Paid in Full if Not Paid a Mechanics Lien Will be Filed on Property 45 Days After Building is Completed. Owner agrees to notify all utility and electrical and telephone companies and mark all lines prior to, building, and assume responsibility if any damage is done to lines when under construction.

Authorized Signature: [Signature]
 Note: This proposal may be withdrawn by us if not accepted within 7 days.
 Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.
 Signature: _____
 Signature: _____



Property Details

Location: 4640 W 700 N,
Fairland, Moral Township.

Property Size: 1.4-acres.

Current Land Use: Single-Family Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan

Single-Unit Detached Residential
This land use category is designed for medium to low-density residential neighborhoods, common throughout Shelby County and its communities. These areas are intended to offer a mix of newer housing options, primarily single-unit detached homes situated on larger lots

Surrounding Development

	Zoning	Land Use
North	RE	Estate Residential
South	RE	Cropland
East	RE	Estate Residential
West	R1/RE	Single-Family Residential

Staff Report

Case Number: BZA 26-23

Case Name: Lindsay H & Theresa M Nelson – Use & Development Standards Variances

Request

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

Variances of Development Standards to allow:

1. Two primary residential structures on one lot;
2. Gravel parking (2 paved parking spaces required);
3. Temporary occupancy of a recreational vehicle.

Code Requirement

UDO Section 2.11 – RE District Intent, Permitted Uses, and Special Exception Uses.

1. **UDO Section 2.12** - Maximum Primary Structures: 1 per lot.

Purpose of Requirement: Permitting only one primary structure and use per lot controls density, allows for separate sale of primary uses, and promotes orderly development.

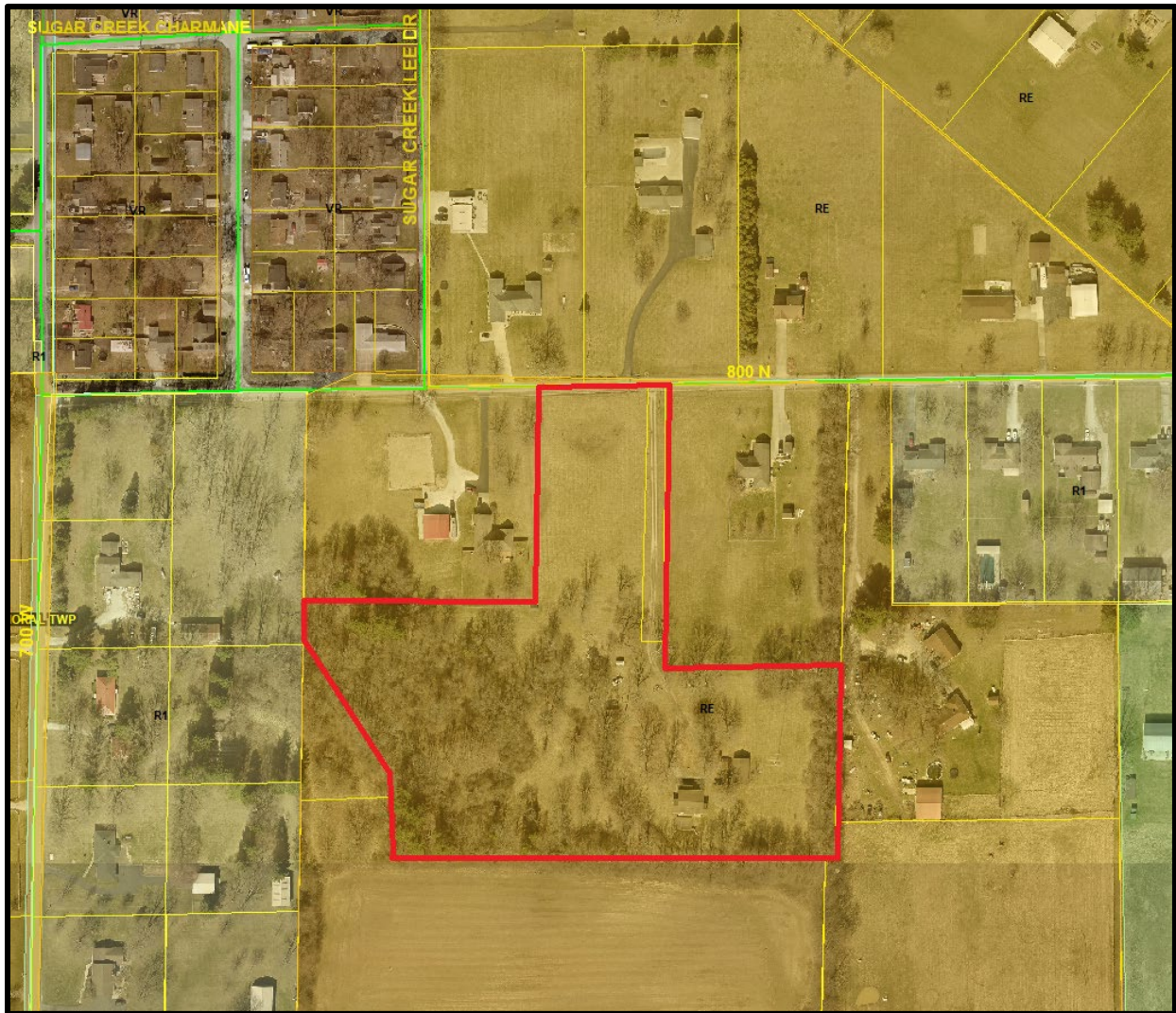
2. **UDO Section 5.60 A** – Surface: All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot. & **UDO Section 5.61 A** - A minimum of two (2) off-street parking spaces shall be required per dwelling unit, including accessory dwelling units, when permitted.

Purpose of Requirement: Prohibiting parking on gravel encourages high quality residential development and maintains the aesthetic character of residential neighborhoods.

3. **UDO Section 5.57 A 3** – Storage or Parking: The storage or parking of recreational vehicles is subject to the following requirements: Use: Parked or stored vehicles shall not be occupied or used for living, sleeping, or housekeeping purposes.

Purpose of Requirement: Prohibiting occupancy of RVs in the R1 District protects the character of rural residential neighborhoods and surrounding property values.

Property Map



Case Description

- The petitioner proposes to place and reside within a 30' x 60' (1,800 sq. ft.) manufactured home on the front half of the property.
- The existing driveway would provide access to two gravel parking spaces associated with the manufactured home.
- The property currently includes a single-family residence and accessory structures on the back half of the property. The daughter of the petitioner owns the property and resides in the existing home.
- The variance application indicates that the intent of the manufactured home is to provide a residential opportunity for a retired couple to live on the same property as family members.

- The petitioner does not plan to subdivide the property. Therefore, the petitioner has requested a variance to allow two primary residential structures on one lot.
- The Technical Review / Site Plan Committee would review a detailed site plan which would include structure layout, septic system design, and drainage design prior to issuing construction permits for the manufactured home.
- The UDO only permits installation of manufactured homes in mobile home or manufactured home parks. Modular homes, pole-construction homes, and stick-built homes are permitted in the RE District.
- The immediate area includes mostly stick-built homes with brick exteriors on lots between 1-acre and 3-acres. The subject property significantly exceeds the size of other residential lots in the area.
- Use variances expire at the time the property changes ownership. Therefore, any future owner of the property would be required to remove the manufactured home or obtain a new variance.
- The petitioner currently resides within a recreational vehicle located on the back half of the property. In April of 2026, the Planning Director received a complaint regarding occupation of the recreational vehicle. After receiving the letter of violation, the petitioner promptly applied for this 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: Placement of the manufactured home would require approval of a Site Plan by the Technical Review Committee and approval of Improvement Location, Building, Electric, Plumbing, and Septic permits. All zoning development standards that apply to modular, pole-style, and stick-built homes would apply to placement of the manufactured home.

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

Staff Analysis: The manufactured home would deviate from the architectural style of the stick-built homes with brick exteriors on surrounding properties. If placed on the back half of the lot, the manufactured home would not be visible from adjacent residential properties or the road and therefore would not conflict with the appearance of adjacent residential development.

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

Staff Analysis: The size of the property would render the manufactured home inconspicuous if placed on the back half of the lot.

- 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 prevent an affordable housing opportunity for a retired couple to live on the same property as family members.

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

Staff Analysis: The Comprehensive Plan states that Single-Family Detached Residential areas should offer a mix of newer housing options. Approval of the variance would provide a new housing option and therefore would not conflict with the recommendations of the Plan.

Development Standards Variances

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

Staff Analysis:

1. Allowing two primary residential structures on one lot may cause confusion in property assessment, real estate sales, and future property transfers because it conflicts with standard subdivision procedures. Allowing two primary structures on one lot on a temporary basis would mitigate these issues.
2. Private residential gravel parking has no impact on the public.
3. Temporary occupancy of a recreational vehicle connected to proper waste disposal facilities and utilities would have no impact on the public.

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:

1. Allowing two primary residential structures on a lot larger than adjacent residential lots would not alter the residential density of the area.
2. Other homes in the area utilize gravel parking. Therefore, gravel parking would not conflict with the character of the area.
3. Temporary occupancy of a recreational vehicle connected to proper waste disposal facilities and utilities would pose no long-term impact to 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: A strict application of the ordinance would prevent an affordable housing opportunity for a retired couple to live on the same property as family members.

Staff Recommendation

Staff recommends **APPROVAL** primarily because approval of the variance would allow an affordable housing opportunity for a retired couple to live on the same property as family members. However, Staff recommends **stipulations** to limit impacts to the character of the neighborhood and to ensure orderly development.

1. The manufactured home shall be located on the back half of the lot and setback a minimum of 100 feet from any lot including an existing residential structure.

2. The variance request allowing temporary occupancy of the recreational vehicle shall expire on June 9, 2028 (2 years from the date of variance approval).*
3. The variance request allowing two primary structures on one lot shall expire on June 9, 2031 (5 years from the date of variance approval). At that time, the manufactured home shall be removed, or a subdivision plat shall be recorded establishing separate building lots for the two primary structures. **

* Historically, the Board has placed a 2-year deadline on temporary variances.

**The UDO imposes a 5-year moratorium on re-subdivision of property. Considering the variance a form of subdivision, then another subdivision could occur in 5 years.

Applicant/Owner Information

Applicant:	Lindsay H & Therea M Nelson 6729 W 800 N Fairland, IN 46126	Owner:	Carli Donovan 6729 W 800 N Fairland, IN 46126
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**USE VARIANCE
FINDINGS OF FACT**

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

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

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

The structure will be new and compliant with all state and county codes. The house will be occupied by a retired couple that has only one automobile.

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 house will be a new structure and landscaping that fits the neighborhood. We are retired, quiet and respecting of the neighbors.

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

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

There is plenty of property to build a 2nd house for us to retire on and be with our daughter and grandchildren

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

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

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

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

Private property and no future land use.

Question 4 answer

Denial of the variance would create an unnecessary hardship because the proposed manufactured home is intended to provide housing for immediate family on an existing 8-acre rural property, consistent with other residential uses in the surrounding area. The variance is needed to allow reasonable use of the property while maintaining the rural character and intended family use of the land. Denial would unnecessarily restrict the ability to use the property in a manner similar to other properties in the neighborhood, despite the large lot size and minimal impact on surrounding properties.

**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.

Because this is not for public use, it is an addition of a single family home.

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.

with a single family residence added there is no impact to noise, odor or traffic.

The home will be more than 50' from any property line of 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.

~~Permanent~~ Permanent

Layers | Layers

Measuring Tools



Temporary

Layers | Layers

W 800 N

Measuring Tools



Gravel
[RV]

[RV]

Property Details

Location: 11263 N Pheasant Run,
Fairland, Moral Township.

Property Size: 0.67-acres.

Current Land Use: Single-Family
Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan

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

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

Staff Report

Case Number: BZA 26-24

Case Name: Jason Straber – Development Standards
Variances

Request

Variances of Development Standards to:

1. Construction of a detached garage in a designated flood hazard area implementing floodproofing measures which require human intervention and/or electricity;
2. Grant of a variance from floodplain standards for development on a lot over ½-acre.

Code Requirement Information

UDO Section 5.30 5 C 3 e ii: *Floodproofing measures shall be operable without human intervention and without an outside source of electricity.*

UDO Section 5.30 4 F 8: *Variances to the Provisions for Flood Hazard Reduction of Section 5.30 Article 5 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.*

Purpose of Prohibiting Floodproofing Measures that Require Human Intervention or Electricity.

Floodproofing measures that use built in place or automated gates that work off the floodwaters for activation or deployment ensure flood protection in the event that flooding restricts human intervention or electrical service.

Purpose of Lot Size Restriction for Floodplain Development Standards Variances

Lots over one-half acre generally have area available to either locate a structure out of the floodplain, elevate a structure from a higher elevation on the lot, or to elevate the structure on a portion of the lot that will not cause adverse drainage impacts to adjoining properties.

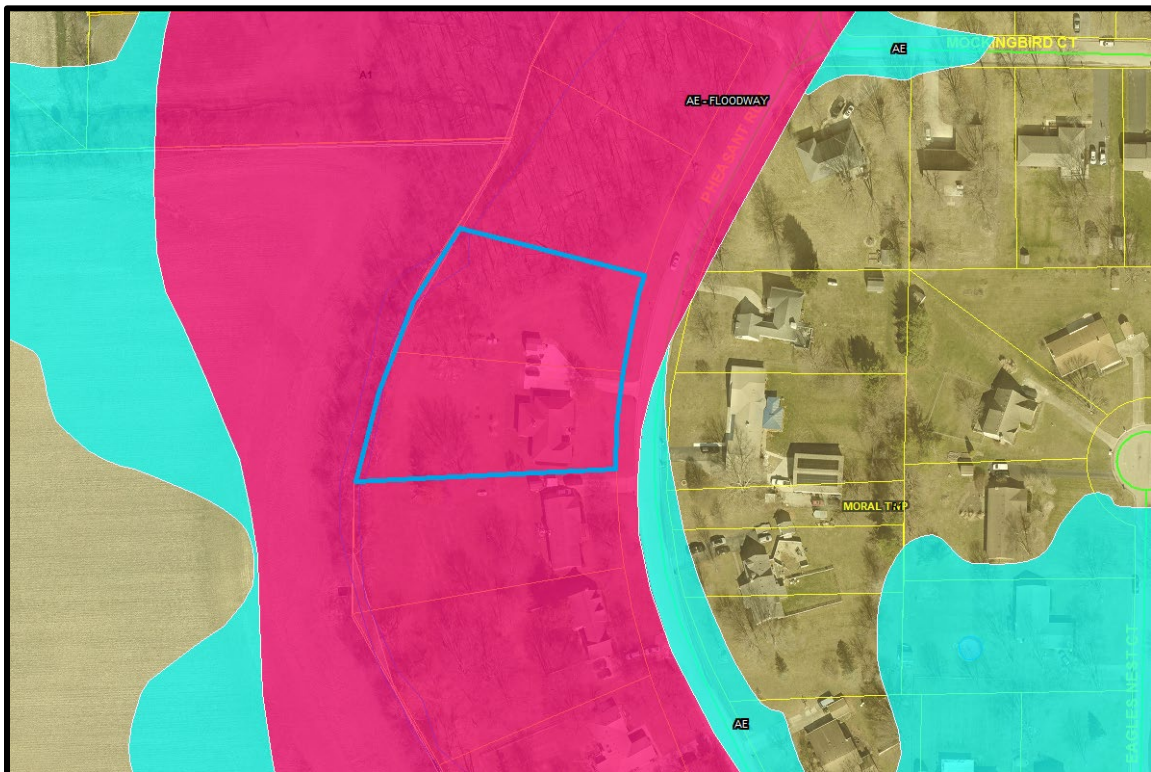
In accordance with the UDO, when approving a variance from the elevation requirement, the BZA shall consider the following relevant factors:

- Danger to life and property due to flooding or erosion damage.
- Danger that materials may be swept onto other lands to the injury of others.
- Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- Compatibility of the proposed use with existing and anticipated development.
- Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- Safety of access to the property in times of flood for ordinary and emergency vehicles.
- Expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site.

Granting of variance requests could jeopardize the County's participation in the National Flood Insurance Program.

The National Flood Insurance Program offers a federally backed insurance alternative to homeowners and businesses to meet the escalating costs of repairing flood damage to buildings and their contents.

Property Map



Case Description

- The petitioner proposes to construct a 30' x 40' (1,200 sq. ft.) detached garage within the floodway of Sweet Creek.
- Structures constructed in the floodway must comply with the floodplain development standards of the Indiana Department of Natural Resources (IDNR) and the County. The project will require a floodplain development permit from both entities.
- The first floor of structures are typically elevated two feet above the flood elevation in order to comply with floodplain development standards. However, County ordinance also includes a floodproofing option for non-habitable structures which allows the lowest floor below the flood elevation if the area below the flood elevation is protected by floodproofing measures.
- The petitioner has chosen the floodproofing option because elevating the structure would require over three feet of fill and result in the structure sitting significantly higher than the house.
- Floodproofing Requirements
 - The ordinance requires a design certification from a Registered Engineer that the area of the structure and utilities below the flood elevation are watertight and capable of resisting the effects of a flood.
 - The petitioner has submitted a certification for the proposed design from a Registered Engineer. Therefore, the structure will comply with this ordinance requirement.
 - The ordinance prohibits floodproofing measures which require human intervention or electricity.
 - The only type of floodproofing measures which would comply with this requirements are built in place or automated gates that work off the floodwaters for activation or deployment. These systems tend to cost more than systems deployed with human intervention or electricity.
 - The petitioner intends to use an aluminum panel flood barrier system to protect doorways and other openings from flooding. This system utilizes a series of aluminum panels stacked against the openings at the time of an anticipated flood. This system utilizes human intervention and therefore does not comply with the ordinance requirement.
 - Federal guidelines and IDNR regulations for floodproofing do not prohibit floodproofing measures which require human intervention or electricity. IDNR dictates the County floodplain regulations, which includes this requirement, to allow the County to participate in the National Flood Insurance Program.
- Historically, the Pheasant Run neighborhood has experienced significant flooding during storm events. However, flooding tends to mostly impact the streets, preventing access to the neighborhood. Floodwaters did not reach any homes during the most recent large storm event in the Spring of 2025.

Staff Analysis of Findings of Fact

1. UDO Requirement: A showing of good and sufficient cause.

Staff Analysis: *Per FEMA variance criteria guidance, good and sufficient cause deals solely with unique site-specific physical characteristics of the property.*

Installation of automatic gates at the proposed elevation would require subterranean support and foundation installation to house mechanisms and to allow incidental water and flood water to drain. The flat topography would limit proper drainage and require a powered drain pump.

2. UDO Requirement: A determination that failure to grant the variance would result in exceptional hardship.

Staff Analysis: *Per FEMA variance criteria guidance, the hardship that would result from failure to grant a requested variance must be exceptional, unusual, and specific to the property involved, not the personal circumstances of the applicant. The UDO further defines what does not constitute an exceptional hardship: Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.*

Installation of automatic flood gates at the proposed elevation would need a powered pump to operate properly. If power is lost, it could affect operation causing loss or damage by floodwaters.

3. UDO Requirement: A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

Staff Analysis: The design of the structure will comply with all federal guidelines and IDNR regulations for floodproofing.

Staff Recommendation

APPROVAL because automated gates that work off the floodwaters for activation or deployment would need a powered pump to operate properly and therefore would require electricity. The design of the structure will comply with all federal guidelines and IDNR regulations for floodproofing.

Applicant/Owner Information

Applicant:	Jason Straber 11263 N Pheasant Run Fairland, IN 46126	Owner:	Same
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**FLOODPLAIN 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 Floodplain Development Standards Variance. Please explain how your request meets each of these criteria. You may include answers on an additional sheet of paper if necessary. Additional guidance on addressing the criteria can be found in FEMA publication FEMA P-993 / July 2014.

- 1. Good and sufficient cause for grant of the variance.

Describe how the physical conditions of the property limit construction of buildings on the property without approval of the variance. Physical conditions do not change over time and may include topography, natural waterways, soil qualities, etc.

Installation of automatic flood gates at the proposed elevation would require subterranean support and foundation installation to house mechanisms and
_____ to allow incidental water and flood water to drain. the flat topography would limit proper drainage and require a powered drainage pump.

- 2. Failure to grant the variance would result in exceptional hardship.

Describe how failure to grant the variance would pose an exceptional hardship to the property owner. Exceptional hardships do NOT include financial hardships, inconvenience, handicap accessibility, aesthetics, personal preferences, or disapproval of one's neighbors.

installation of automatic flood gates at the proposed elevation would need a powered pump to operate properly
_____ if power is lost it could affect operation causing loss or damage by flood waters.

- 3. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances:

- a. the potential for public nuisance

Provide a plan for repair of the structure if damaged in the event of a flood.

Should this structure be damaged by flood waters the required homeowners insurance would presumably cover cost.

- b. the fraud or victimization of the public.

Provide a plan for notification of future owners of the property of the grant of the variance.

the variance and any other required documentation will be recorded with the Shelby county recorder.

- c. the compliance with existing laws and ordinances.

Verify that the structure will comply with all other State and Local codes and provide copies of permits if applicable.

The Structure will be designed by a certified architect and construction will follow all applicable state and local codes.

- d. the minimum necessary to afford relief.

Explain how the structure will be constructed in a manner to reduce risk to the structure, neighborhood, and community in the event of a flood. Answers to letters e, k, and l may assist in addressing this criteria.

Preliminary design is to have poured concrete foundation walls up to FPG.

The variance will require manually deployed flood barriers. These barriers are gasketed aluminum planks that fasten to the wall and each other covering any opening, ie. garage doors, service door or window at or below FPG.

- e. the danger that materials may be swept onto other lands to the injury of others.

Explain how materials stored within the structure will be contained and not swept out of the structure onto neighboring properties in the event of a flood.

The variance would require the owner to have in place and initiate manually installed flood barriers over all openings below FPG

These barriers along with the structural design of the walls will keep all flood waters out of the structure.

- f. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

Explain why the structure and materials stored within the structure will not be susceptible to flood damage in the event of a flood.

The variance would require the owner to have in place and initiate manually installed flood barriers over all openings below FPG.

These barriers along with the structural design of the walls will keep all flood waters out of the structure.

- g. the importance of the services provided by the proposed facility to the community.

Explain how the structure would benefit to Shelby County.

Increased property value would be the only benefit.

- h. the necessity to the facility of a waterfront location, where applicable.

Explain the need to construct the structure near the waterfront, if applicable.

Not Applicable.

- i. the compatibility of the proposed use with existing and anticipated development.

Identify existing and proposed structures in the neighborhood used for similar purposes as the proposed structure and which may not comply with the current floodplain development standards.

There are several homes with storage buildings directly north of the proposed site that are within the floodzone and some in the floodway.

- j. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

Explain why the structure cannot be built in an alternative location outside the floodplain.

I do not own property outside the flood zone.

- k. the safety of access to the property in times of flood for ordinary and emergency vehicles.

Explain how vehicles will access the structure in the event of a flood that would place adjacent land underwater.

The structure, once flood barriers are placed would not require access until flood waters recede.

The structure would be completely unaccessible due to the placement of the flood barriers.

As a storage garage access is not imperative.

- l. the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site.

Explain how the structure will not result in a rise in the height or velocity of floodwaters. This may include construction methods to allow floodwaters to divert around or through the structure.

The structures small foot print relative to the massive area of the floodplain would not increase

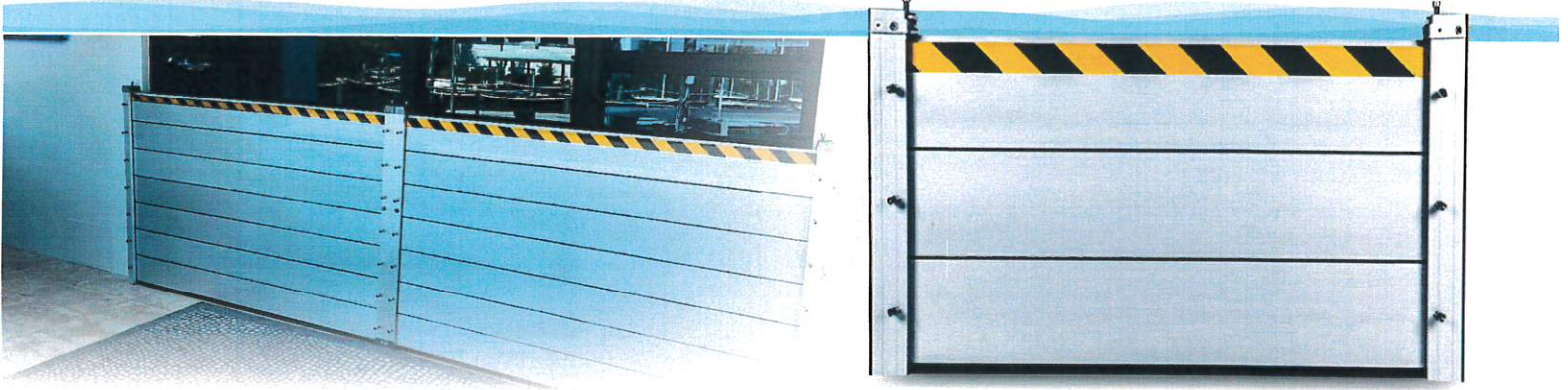
height or velocity of the flood waters.

- m. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Explain how the structure will not result in extraordinary cost to the government. This includes the cost of emergency services in the event of a flood to rescue occupants from structures, public flood protection measures (such as sandbags), disaster relief programs to fund repair to structures damaged by a flood, public demolition of abandoned flood damaged buildings, and repair of public infrastructure.

The structure will not be used to house occupants. The variance would require manually installed flood barriers

There would be no incurred cost at all.



The Hammerhead™ aluminum panel flood barrier system is a durable flood barrier that enables you to protect doorways and other openings against flooding.

Mounting posts are installed on either side of the opening to be protected. These unobtrusive posts remain in place permanently and when flooding is expected are designed to receive a series of aluminum panels, which are stacked as needed to the height required.

The Hammerhead™ flood barrier is custom fabricated to your needs and will protect your building, residence, or facility against all types of flooding.

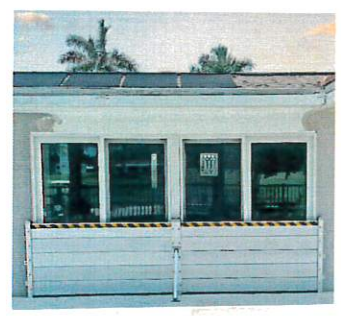
Product Details

Panels

- **Panel Material:** 6063 T-6 Aluminum
- **Panel Width:** Varies Depending on Opening Size
- **Individual Panel Height:** 7.37" (18.7cm)
- **Panel Weight:** 2.016lbs per ft.
- **Panel Depth:** 1.58" (40mm)
- **Panel Wall Thickness:** 0.0787" (2mm)
- **Sealing Strip Material:** Rubber EPDM
- **Protection:** Customized to Your Needs

Posts

- **Post Material:** 6063 T-6 Aluminum
- **Post Height:** Varies depending on number of panels
- **Post Weight:** 3.025lbs per ft.
- **Post Depth:** 3.94" (10cm)
- **Post Width:** 2.36" (6cm)
- **Center Post Width (Double Channel):** 5.12" (13cm)
- **Center Post Weight:** 6.05lbs per ft.
- **Sealing Material:** Rubber EPDM



Why Use Hammerhead Flood Panels?

- Serious flood protection
- Handle threats from severe storms and sudden flash flooding
- Protect garages, doors, and other entryways or exits
- Keep facilities dry by protecting large loading dock entrances
- Quickly deploy slats when time matters most
- Durable enough to handle high winds and debris

Deployment | Installation | Storage

Decide if you prefer to install posts inside or outside your opening and measure the opening accordingly. Precise measurements should be made for internally mounted posts. Use a hammer drill to drill mounting holes into concrete, cinder block, cement walls or metal frames. Place posts and insert and tighten mounting bolts. Posts remain in position permanently.

Loosen and remove the top locking bracket before panel insertion. Insert panels into the mounting posts on each side of the door opening. Continue to insert panels until all panels are in position and ready for tightening.

Insert the post tensioning plate with bolt in the post tops and use the Allen wrench to tighten them down, applying pressure to all panels below and enhancing the seal. Then use the included Allen wrench to tighten the bolts in each post, securing the flood panels against the internal rubber seal.

After use, you can remove and hose down or pressure wash the panels, making sure to clear away any stuck on debris. Be careful not to disturb or damage the rubber seals if using a pressure washer. Standard household cleaners can be used to clean stubborn dirt. Stack panels after they are completely dry.

**It is important to confirm that your structure can withstand the hydrostatic pressure of a flood for dry floodproofing standards. Consult with local PE (Professional Engineer).*

GARRISON

FLOOD CONTROL

For Additional Help or Support -
 Contact sales@garrisonflood.com

(929) 299-2099 | www.garrisonflood.com



System Components



Aluminum Panels



Outside Mount Post (L/R)



Inside Mount Post (L/R)



Center Post



90-Degree Corner Post



Center Post Kicker Leg



Drop-in Anchor Bolt



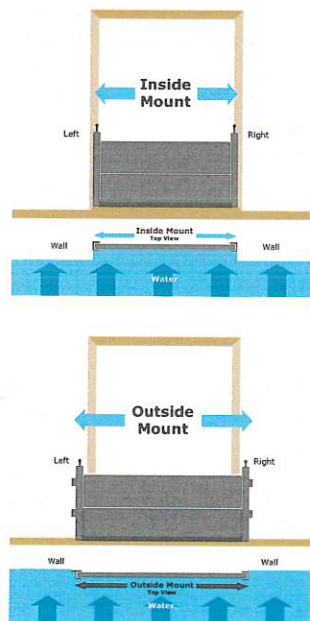
Masonry Bolt



In-Ground Anchor for Center Post



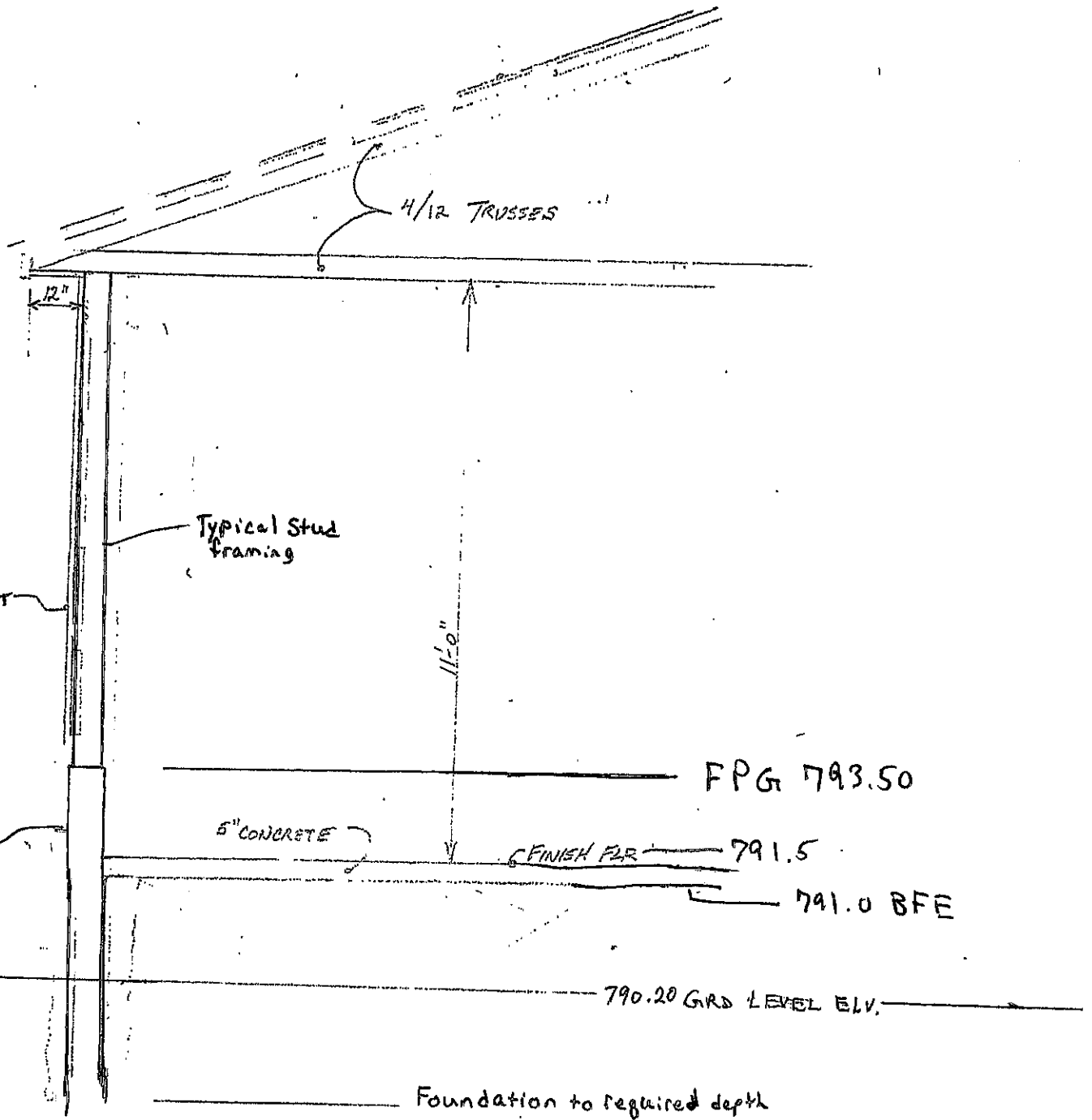
Post Kicker Baseplate



Protection Height

Height of Protection	# of Panels
78.7"	10
70.8"	9
63"	8
55.1"	7
47.2"	6
39.4"	5
31.5"	4
23.6"	3
15.7"	2
7.9"	1

JASON Straber 30'x40'
11263 N. PHEASANT RUN
FAIRLAND IN 46126
To be engineered
to flood proof specifications



NOT TO SCALE

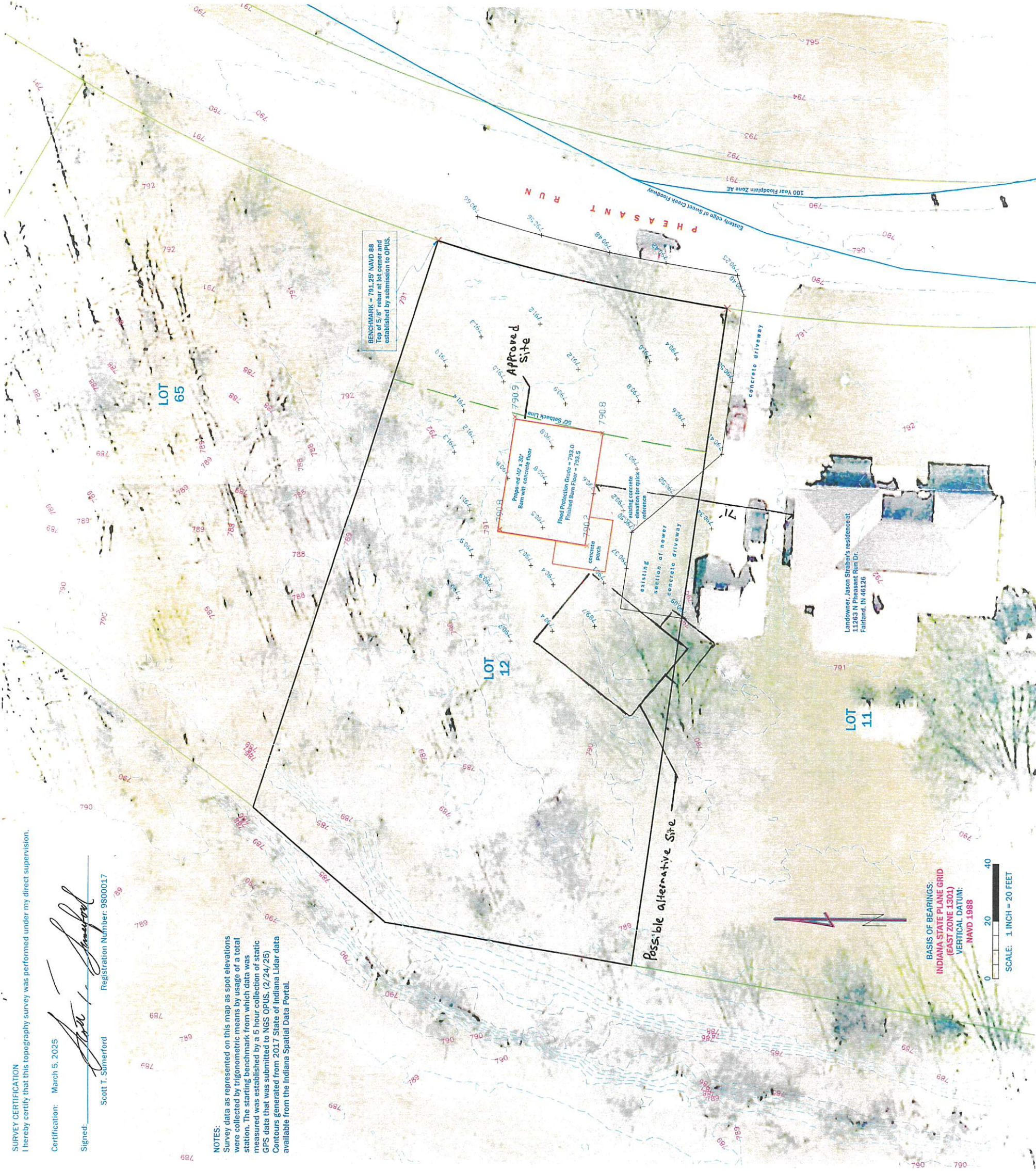
SURVEY CERTIFICATION
I hereby certify that this topography survey was performed under my direct supervision.

Certification: March 5, 2025

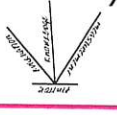
Signed: 
Registration Number: 98900017

Scott T. Sumnerford

NOTES:
Survey data as represented on this map as spot elevations were collected by trigonometric means by usage of a total station. The starting benchmark from which data was measured was established by a 5 hour collection of static GPS data that was submitted to NGS OPUS. (2/24/25) Contours generated from 2017 State of Indiana Lidar data available from the Indiana Spatial Data Portal.



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



SCOTT T. SUMNERFORD
LAND SURVEYING
3149 NORTH RILEY HIGHWAY
SHELBYVILLE, IN 46176-9462
BUSINESS PHONE (317) 401-6050
Indiana Registered Surveyor No. 29800017

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CLIENT
Jason Bashline
9835 Brookville Rd
Indianapolis, IN 46239

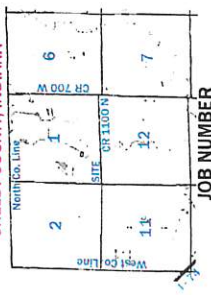
PROJECT
Topography mapping within the Sweet Creek
Floodway for proposed barn construction.

LAST DATE OF FIELDWORK
February 26, 2025

CERTIFICATION DATE
March 5, 2025

NATURAL EXISTING GROUND
TOPOGRAPHY
SURVEY

JOB LOCATION
LOT 12 QUAIL CREEK SECTION 1
PART OF THE SOUTHWEST QUARTER
OF SECTION 1, TOWNSHIP 14 NORTH,
RANGE 5 EAST, MORAL TOWNSHIP
SHELBY COUNTY, INDIANA



JOB NUMBER
14N5E1-25-003

ORIGINAL DRAWING SIZE ARCH C
SHEET 1 OF 1

Use Variance

FINDINGS OF FACT

Applicant: Mitchell Harvey

Case #: BZA 26-17

Location: 4640 W 700 N, Fairland, Moral Township.

Use Variance:

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

The business would provide a small-scale automotive service to the community and has access to adequate transportation facilities and utilities. The business would not pose any environmental impact because it would dispose of waste oil in an intermediate bulk container and dispose of solid waste in a dumpster serviced bi-weekly.

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.

Business operations between the hours of 7AM and 9PM, with most work occurring within the barn, would not significantly impact the quiet, rural character of the area. Storage of vehicles behind the house would not impact the rural character of the area.

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

The residential zoning of the property supports a small-scale, home-based business with limited hours of operation and limited outdoor storage.

4. 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.

A strict application of the ordinance would not allow for operation of a small-scale, home-based business which would not significantly impact the quiet, rural character of the area.

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

A small-scale, home-based business would not conflict with single-unit detached residential development recommended for the area by the Comprehensive Plan.

Development Standards Variances:

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

Approval of the variances allow for operation of a small-scale, home-business without altering the existing driveway and parking areas which adequately serve the existing single-family residence on the property. The dumpster allows for adequate disposal of waste materials generated by business activities.

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 variances would not change the existing conditions of the property. The dumpster sits at the rear of the property and out of site of nearby residential properties.

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 would not allow for operation of a small-scale, home-based business without altering existing property conditions.

Stipulations:

1. Use of the property shall be limited to the Statement of Intent and Site Plan submitted with the variance application, with the following amendments:
 - a. Outdoor storage of vehicles shall only be permitted in the 0.08-acre area behind the house indicated on the Site Plan. A maximum of four (4) vehicles, including customer and personal vehicles, may be parked on gravel outside of the 0.08-acre area.
 - b. Hours of operation shall be restricted to 7AM to 9PM.
 - c. The business may only be operated by the petitioner and there shall be no employees.

Property Details

Location: 3655 N Morrystown Rd,
Shelbyville, Marion Township.

Property Size: 5-acres.

Current Land Use: Estate
Residential / Sports Venue.

Zoning Classification:

A2 (Agricultural)

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

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

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

Future Land Use per Comp Plan 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	A1	Natural Resources
South	A1	Cropland
East	RE	Estate Residential
West	A1	Natural Resources

Staff Report

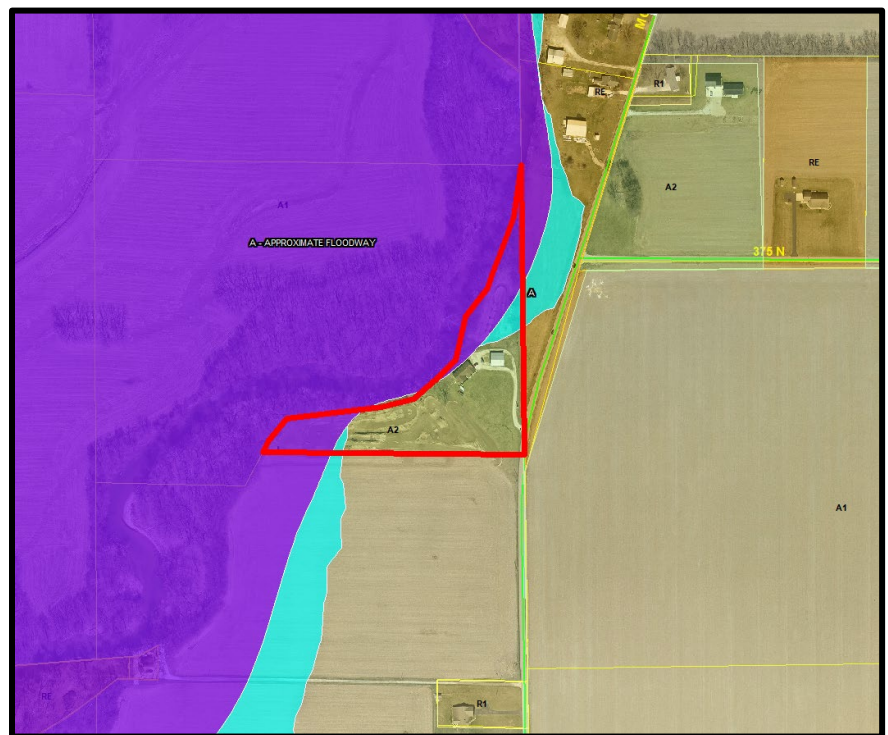
Case Number: BZA 26-19

Case Name: Douglas B Roberts – Use Variance

Request

Variance of Use to legally establish a motocross sports venue in the A2 (Agricultural) District.

Property Map



Case Description

- The petitioner has operated a motocross venue on the property for five years. The petitioner has continued to expand and improve the motocross tract during this time period.
- The petitioner also resides on the property.
- The petitioner constructed the motocross track southwest of the house along Big Blue River. This area is visible from the residential property to the south, motorists traveling north on Morrystown Road, the residential property on CR 375 N to the northeast, and motorists traveling west of CR 375 N.

- The petitioner also constructed a small track north of the house along Big Blue River. This area is not visible from the road or adjacent properties.
- The Statement of Intent submitted with the variance application includes the following information relevant to the use variance request:
 - Hours of Operation:
 - Weekends, 10AM to 6PM.
 - One Weekday, 4PM to 8PM.
 - Venue Attendees: Maximum of 25 riders on the track with rotating sessions.
 - Exterior Site Conditions:
 - Motorcross tracks.
 - Parking in grass next to large track.
 - Wood chip pile for use on track.
 - Porta potty serviced once per week.
 - No signage.
 - No outdoor storage of equipment.
- The petitioner constructed the motocross track in a Federal Emergency Management Agency (FEMA) designated Floodplain and Indiana Department of Natural Resources (IDNR) Designated Floodway without obtaining appropriate permits from the State and County. The petitioner has applied for a retroactive permit from IDNR and expects a determination within the next couple weeks. IDNR may impose specific requirements to the development or require removal of the portion of the track that sits in the Floodway. The County does not have any regulations for non-structural development in the floodplain.
- The petitioner submitted a certificate of commercial liability insurance with the variance application.
- The UDO only permits sports venues by right and without BZA approval in the OP (Open Space) District and IS (Institutional) District. Staff believes that a request to rezone the property to OP would meet the Findings of Fact for rezoning approval due to the following conditions:
 - The UDO recommends using the OP District to protect natural areas, including floodplains, from structural development.
 - The UDO recommends applying the OP District as spot zoning throughout the community to existing and new recreational facilities.

- The UDO lists the adjacent A1 (Conservation Agricultural) and RE (Residential Estate) Districts as appropriate adjacent zoning districts to the OP District.
- The motocross venue provides an active recreational activity for an area designated for Parks, Open Space, and Conservation as recommended by the Comprehensive Plan.
- However, staff recommended that the petitioner apply for a use variance rather than a rezoning because the petitioner will also continue to use the property for residential purposes, not permitted in the OP District. A variance also provides additional protections to adjacent properties because a variance only allows for the specific use requested and would not transfer with the property if sold.
- In March of 2026, the Planning Director received a complaint regarding regular use of the motocross track. Staff found the motocross track advertised as a sports venue on Facebook and sent the petitioner a letter of violation. The petitioner promptly applied for a variance.
- The Planning Director also received a complaint regarding the track in 2021. However, at that time the Planning Director found no evidence of use of track for purposes unrelated to personal recreational use by the owner of 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: The motocross venue provides a recreational opportunity for the community and visitors can access the property from an arterial road. Motocross venues do not pose any significant environmental impacts.

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 UDO and Comprehensive Plan support development of active recreational venues for use by the local community adjacent to agricultural and residential areas. Specifically, the UDO permits motocross venues in the OP District and recommends the OP District as spot zoning throughout the community adjacent to properties in the A1 and RE District. The Comprehensive Plan supports recreational development in areas designated for Parks, Open Space, & Conservation adjacent to agricultural and residential development.

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

Staff Analysis: The property includes low-lying areas and floodplain which renders the property undesirable for structural development. Approval of a variance to allow a motocross venue allows for productive use of the land which provides a recreational opportunity for the community.

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: The strict application of the ordinance would prevent continued use of the property for a motocross venue which provides a recreational opportunity for the community.

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

Staff Analysis: The motocross venue provides an active recreational activity in an area designated for Parks, Open Space, and Conservation as recommended by the Comprehensive Plan.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the Unified Development Ordinance and Comprehensive Plan support active recreational venues for use by the local community in areas which include floodplains adjacent to agricultural uses and residential development.

Applicant/Owner Information

Applicant:	Douglas B Roberts 3655 N Morristown Rd. Shelbyville, IN 46176	Attorney:	Jacob S. Brattain, McNeely Law LLP 2177 Intelliplex Drive, Ste. 251 Shelbyville, IN 46176
Owner:	Same		

Areal View of Motocross Track



Blue River Motocross Facebook Page - November 2025

Parking During Motocross Event



Blue River Motocross Facebook Page – February 2026

View of Venue from Residential Property to the South



Staff Photograph – April 2025

View of Venue from Residential Property to the Northeast



Staff Photograph – April 2025

April 20, 2026

Shelby County Board of Zoning
Appeals, 25 W Polk Street,
Room 201, Shelbyville, IN
46176

Re: Use Variance for 3655 N Morristown Road, Shelbyville, IN 46176

Dear Plan Commission Members:

This letter serves as a letter of intent for a proposed use variance at the property commonly know as 3655 N Morristown Road, Shelbyville, IN 46176 (the "Property"). McNeelyLaw LLP represents the owner of the Property, Douglas B. Roberts. The Property contains approximately 5.00 acres and is currently zoned as A2 under Shelby County Zoning. The Property is located on Morristown Road and borders the blue river, resulting in a large portion of the Property being at risk of flooding.

Mr. Roberts purchased the Property in 2021, and began building a motocross track at the Property shortly after. During his ownership, Mr. Roberts continued to improve the track and operated the track on select days and weekends until receiving a violation from the County.

At this time, Mr. Roberts is seeking a use variance to continue utilizing the Property to operate a motocross track. We do not believe this use will be injurious to public health, safety, morals, or the general welfare of the community and will not substantially lower the use or value of adjacent properties.

We look forward to the opportunity to present our case and work with the Town on a reasonable solution.

Very truly yours,

McNeelyLaw LLP

Jacob S. Brattain

Jacob S. Brattain

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: Motocross Track at owner's residence

2. Days & Hours of Operation: 1 Day Per Week and Weekends, 4pm-8pm Weekdays and 10am-6pm on Weekends

3. Maximum Number of Customers per Day/Week/Month: All practices are limited to 25 riders on the track any given time, with rotating sessions

4. Type and Frequency of Deliveries: 1-2x per week for wood chips, depending on conditions

5. Description of any Outdoor Storage: At times wood chip pile to integrate into track surface to reduce dust, no other outdoor storage - equipment is rented or kept in barns

6. Description, Size, and Placement of any Signage: No business signage

7. Description of Waste Disposal: Porta Potty on site, serviced once per week

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Owner's residence and barn, the motocross track is built on the property. All patrons park on grass outside of the track area

**USE VARIANCE
FINDINGS OF FACT**

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

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

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

Similar businesses operate in the county without issues. Owner applies water and grooms the track in order to keep down the dust.

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 property immediately around the subject property is either farm fields or trees along the river.

The operations are limited to 2-3 days per week and only for certain months when it is warm enough and the weather is favorable for track conditions.

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

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

The Property is located adjacent to the river and partially in the floodplain, meaning that structures would be difficult to build and that crop production would be harmed on years with

heavy rains or flooding.

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

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

The Property is not well suited for for agricultural or building uses and the UDO suggests that it should be designated as an open space or conservation area, which supports the requested use.

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

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

The Comprehensive Plan recommends this space to be Parks/Open Space/Conservation, which permits the operation of sports fields.

BLUE RIVER MOTOCROSS
3655 N MORRISTOWN RD.
SHELBYVILLE, IN

PROPERTY LINE EXPRESSED
WITH DASHED GREEN LINE

