

Shelby County Board of Zoning Appeals

July 14, 2026, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals July 14, 2026

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the June 9, 2026, meeting.

OLD BUSINESS

BZA 26-20 – MICHELLE RENEE & JOSEPH BRIAN HARRISON: FINDINGS OF FACT.

BZA 26-21 – JON FARNSELEY: FINDINGS OF FACT.

BZA 26-23 – LINDSAY H & THERESA M NELSON: FINDINGS OF FACT.

BZA 26-19 – DOUGLAS B ROBERTS: FINDINGS OF FACT.

NEW BUSINESS

BZA 26-25 – JACON EMCH: SPECIAL EXCEPTION & DEVELOPMENT STANDARDS VARIANCE. Located at 2045 W Boggstown Rd, Shelbyville, Addison Township.

BZA 26-27 – BEN & SARAH KUHN: DEVELOPMENT STANDARDS VARIANCE. Located at 4923 W 500 N, Fairland, Brandywine Township.

BZA 26-29 – KYLE PRUITT: USE VARIANCE. Located west of 215 E Pullman St, Waldron, Liberty Township.

BZA 26-30 – TVT III, LLC: DEVELOPMENT STANDARDS VARIANCE. Located at 5198 N 400 W, Fairland, Brandywine Township.

BZA 26-31 – MICHAEL A. JAMES: USE & DEVELOPMENT STANDARDS VARIANCE. Located at 5030 W SR 44, Shelbyville, Hendricks Township.

BZA 26-32 – MICHELLE RENEE & JOSEPH BRIAN HARRISON: DEVELOPMENT STANDARDS VARIANCE. Located at 1259 S PR Woodfield Dr., Needham, Hendricks Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **August 11, 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/89351044343?pwd=e3pS5N4jZSVMDQfTu9OfjAvrQub250.1>

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

Development Standards Variances

FINDINGS OF FACT

Applicant: Michelle Renee & Joseph Brian Harrison

Case #: BZA 26-20

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

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

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. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.

Agricultural operations on adjacent property, such as spraying, combining, and harvesting, would impact a building setback five feet from the property line. These impacts would restrict farming activities within proximity to the property line from occurring on the adjacent property. A building setback five feet from the property line would impact the use and value of future development on the adjacent property. Five feet between the building and the property line would not leave enough area to maintain the outside of the building without encroaching onto the adjacent property.

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

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.

Development Standards Variances

FINDINGS OF FACT

Applicant: Jon Farnsley

Case #: BZA 26-21

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

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

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. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.

Large farming equipment on adjacent property could kick up dust and rocks onto the home. These impacts would restrict farming activities within proximity to the property line from occurring on the adjacent property.

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

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

Development Standards Variances

FINDINGS OF FACT

Applicant: Lindsay H & Theresa M Nelson

Case #: BZA 26-23

Location: 6729 W 800 N, Fairland, Moral Township.

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

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. Private residential gravel parking has no impact on the public. Temporary occupancy of a recreational vehicle connected to proper waste disposal facilities and utilities would have no impact on the public.

2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.

Allowing two primary residential structures on a lot larger than adjacent residential lots would not alter the residential density of the area. Other homes in the area utilize gravel parking. Therefore, gravel parking would not conflict with the character of the area. 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. 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 prevent an affordable housing opportunity for a retired couple to live on the same property as family members.

Stipulations:

1. The variance request allowing temporary occupancy of the recreational vehicle shall expire on June 9, 2028 (2 years from the date of variance approval).
2. 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 new home shall be removed, or a subdivision plat shall be recorded establishing separate building lots for the two primary structures.

Use Variance

FINDINGS OF FACT

Applicant: Douglas B Roberts

Case #: BZA 26-19

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

Use Variance:

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

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. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.

The motocross venue generates noise and dust which negatively impacts the use and enjoyment of nearby residential properties. Several neighboring property owners cited these impacts due to current operation of the motocross track. Mitigation measures such as installation of berms, trees, and sound testing would not completely eliminate noise and dust impacting adjacent properties.

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

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. 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 hinder growth of a small business that provides quality services to the local community.

5. The approval does interfere substantially with the Comprehensive Plan.

The Comprehensive Plan recommends active recreational uses for areas designated for Parks, Open Space, and Conservation. However, operation of a motocross venue as an active recreational use generates significant dust and noise not typically associated with active recreational uses.

Property Details

Location: 2045 W Boggstown Rd, Shelbyville, Addison Township.

Property Size: 3.01-acres.

Current Land Use: Estate Residential.

Zoning Classification:
RE (Residential Estate)

Intent: This district is established for single-family detached dwellings in a rural or country setting.

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

Special Exception: Allow a special exception use only when it is compatible with the surrounding residential areas.

Future Land Use per Comp Plan

City of Shelbyville Incorporated Planning Area – Heavy / Medium Industrial

Shelbyville's heavy to medium intensity industrial has grown over the last decade. This use is located in areas in industrial parks and best located along major corridors or the rail line. Industrial uses should be buffered from farm and residential uses by commercial or a light industrial use.

Surrounding Development

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

Staff Report

Case Number: BZA 26-25

Case Name: Jacob Emch – Special Exception & Development Standards Variance

Request

Special Exception to allow a Type 3 Home Business (piano restoration, storage, and sales) in the RE (Residential Estate) District.

Variance of Development Standards from the Type 3 Home Business Standards to allow a Type 3 Home Business offering direct retail sales.

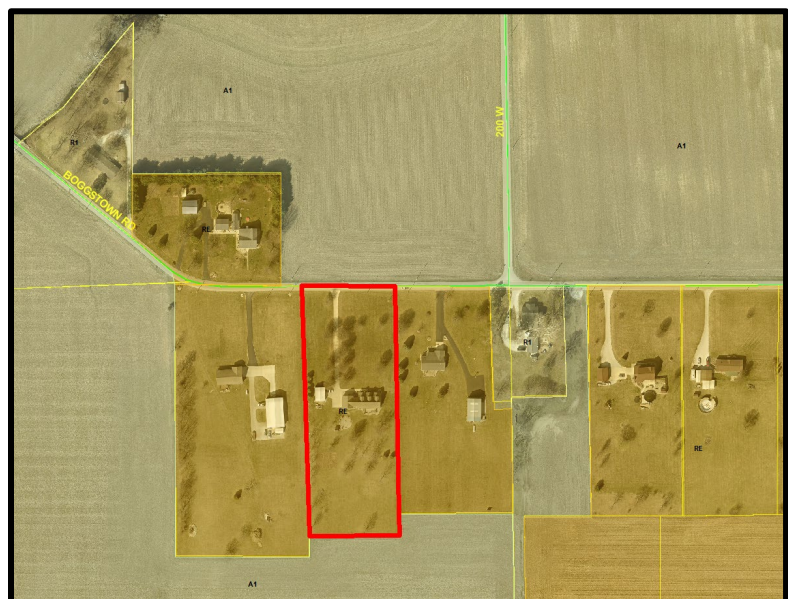
Code Requirement

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

UDO Section 5.35 (Type 3 Home Business Standards) B 2 – Prohibited: The Type 3 Home Business shall not include any kind of direct retail sales.

Purpose of Requirements: The Type 3 Home Business regulations allow for small businesses such as woodworking, small engine repair, lawn service, assembly of products, automobile repair, welding, contracting businesses, landscaping businesses, and light manufacturing operated by homeowners on large residential lots in rural areas. Prohibiting direct retail sales restricts traffic to only that generated by employees and deliveries.

Property Map



Case Description

- The petitioner proposes using a recently constructed 4,180 sq. ft. barn for a piano restoration, storage, and sales business. The barn would include an office, workshop area, storage area, small showroom area, and garage area.
- The petitioner also resides on the property.
- The Statement of Intent submitted with the variance application includes the following information:
 - Customers: Average of 8 per month.
 - Hours of Operation: 8AM – 5:30PM, Monday – Friday. 9AM to 12PM, Saturday.
 - Deliveries: Maximum of 8 per month via small pickup and trailer, transit van, or small box truck. Business vehicles parked and stored within the barn.
 - No outdoor storage, signage, or dumpsters.
- The Shelby County Health Department does not have any requirements for on-site sanitation for the proposed use, unless the petitioner chooses to add plumbing to barn.
- The barn complied with all requirements for accessory structures at the time of issuance of the permit. However, the recently amended accessory structure standards now limit the size of barns on residential lots over 1-acre to 3,500 sq. ft.
- The proposed business complies with all standards for Type 3 Home Businesses, other than offering direct retail sales.
- In May of 2026, the Planning Director received a complaint regarding intended use of the barn for a piano-related business. Staff found a business listing online and sent the petitioner a letter of violation. The petitioner promptly applied for a variance.
- The property lies within a rural neighborhood consisting of primarily 3-acre lots located one mile from the city limits of Shelbyville.

Staff Analysis of Findings of Fact

Special Exception

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

Staff Analysis: *The UDO states that in the RE District: Allow a special exception use only when it is compatible with the surrounding residential areas.* The business would not alter the rural residential appearance of the property because all business activities, including parking and storage of business vehicles, would occur in the barn. The barn sits behind the house and is not highly visible from the public road. Customer visits and deliveries would each only occur eight times a month, which would not result in traffic in a greater volume than typically expected in a rural

residential area. Small-scale assembly/manufacturing, such as piano restoration, would not conflict with industrial land use recommended for the area by the Comprehensive Plan.

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

Staff Analysis: Piano restoration activities occurring within the barn would pose no significant environmental impact. Approval of the Special Exception would allow for a niche business opportunity providing a service to the County and region.

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

Staff Analysis: The business would not alter the rural residential appearance of the property because all business activities, including parking and storage of business vehicles, would occur in the barn. The barn behind the house and is not highly visible from the public road. Customer visits and deliveries would each only occur eight times a month, which would not result in traffic in a greater volume than typically expected in a rural residential area

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

Staff Analysis: The business would not alter the rural residential appearance of the property because all business activities, including parking and storage of business vehicles, would occur in the barn. The barn sits behind the house and is not highly visible from the public road. Customer visits and deliveries would each only occur eight times a month, which would not result in traffic in a greater volume than typically expected in a rural residential area

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

Staff Analysis: The business would be compatible with the surrounding area and therefore would not have an impact on surrounding property values.

Development Standards

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

Staff Analysis: Offering direct retail sales to approximately eight customers per month would not generate traffic in greater volume than typically expected in a rural residential area.

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: Offering direct retail sales to approximately eight customers per month would not generate traffic in greater volume than typically expected in a rural residential area.

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

Staff Analysis: A strict application of the ordinance would not allow for a minimal amount of direct retail sales typically associated with small-scale assembly/manufacturing businesses.

Staff Recommendation

Staff recommends **APPROVAL** primarily because proposed business activities would not alter the rural residential appearance of the property, would not result in traffic in greater volume than typically expected in a rural residential area, or pose any significant nuisance or environmental impact.

Staff recommends the following **stipulations**:

1. Operation of the business shall comply with Section 5.35 HB-03: Type 3 Home Business Standards of the Unified Development Ordinance, other than Section 5.35 B 2.
2. Business operations shall be limited to the Statement of Intent submitted with the variance application.

Applicant/Owner Information

Applicant:	Jacob Emch	Owner:	Jacob & Cristina Emch
	2045 W Boggstown Rd.		
	Shelbyville, IN 46176		

**View of Property from W Boggstown Rd.
(business conducted within white barn)**



Staff Photograph – July 2026

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: Use an accessory structure for low-volume piano restoration, storage, and sales. Use an accessory structure to house a small pickup and a small enclosed trailer (6'x12') used for piano deliveries and pickups.
2. Days & Hours of Operation: M-F 8am-5:30pm, Sat 9am-noon
3. Maximum Number of Customers per Day/Week/Month: 8/month
4. Type and Frequency of Deliveries: 8 or fewer per month via small pickup and trailer, transit van, or small box truck
5. Description of any Outdoor Storage: None
6. Description, Size, and Placement of any Signage: None
7. Description of Waste Disposal: Business waste that does not fit in the owner's personal, weekly WM trash pickup will be taken directly to Caldwell's at 1316 N. Michigan Rd., Shelbyville, IN
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Existing Structure (75'x55') to be equipped with: workshop area, office, storage area, small showroom area, and large garage.

SPECIAL EXCEPTION

FINDINGS OF FACT

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

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

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

The business (and art) of piano restoration will have a negligible impact on the district. Neighbors and passers-by will only see a well-kept residential property with accessory structures from the road.

-No deliveries by large large trucks; -No parking lot full of cars; No dumpster or outdoor waste on the property.

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

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

The art of piano restoration has a negligible impact on the environment, safety of the public, and general welfare of the community. Infrequent deliveries and customers will not affect the small amount of traffic on our rural road. No smoke, dust, or odors will be emitted. No noise or light pollution will be emitted.

3. The proposed special exception is in harmony with all adjacent land uses; and
4. The proposed special exception will not alter the character of the district.

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

Neighbors and drivers-by will only see a residential property that looks similar to surrounding residential areas. The garage is large enough for the delivery vehicle (an unmarked pickup and 6'x12' trailer) to be stored and loaded entirely within the structure, with the garage door closed, out of view of the public. There will be no business vehicles parked outside on either the driveway or in the yard.

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

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

There will be no outdoor storage of pianos, related equipment, waste, or scrap. There will be no noise, smoke, dust or traffic impacts from the business. No parking in the street or yard. No signage will be displayed on the property. The business will be highly compatible with surrounding residential areas.

5.35 HB-03: Type 3 Home Business Standards

This Home Business Standards section applies to the following zoning districts:



The following standards apply:

- A. Permits: All Type 3 Home Businesses shall obtain a Land Use Certificate.
- B. Permissible Home Businesses:
 - 1. Permitted: The Type 3 Home Business shall be limited to woodworking, small engine repair, lawn service, assembly of products, automobile repair, welding, contracting business, landscaping business, light manufacturing or a similar use as determined by the Zoning Administrator. Use of the property or home for permitted agricultural land uses shall not be considered a Type 3 Home Business.
 - 2. Prohibited: The Type 3 Home Business shall not include any kind of direct retail sales.
 - 3. Discretion: Businesses not specifically listed above shall be interpreted by the Zoning Administrator as to whether the business is permitted as a home business or not.
- C. Personnel:
 - 1. Residency: The operator of the Type 3 Home Business shall reside in the house.
 - 2. Employees: Up to ten (10) employees may be employed by and work on site.
- D. Operations:
 - 1. Nuisance: The Type 3 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
 - 2. Hours: The hours of operation of the Type 3 Home Business shall not interfere with the use and enjoyment of the rural area in which it is located.
- E. Design:
 - 1. Primary Structure:
 - a. The office component of the Type 3 Home Business may be operated in the primary structure (the home).
 - b. The Type 3 Home Business shall not exceed five percent (5%) of the square footage of the primary structure.
 - c. There shall be no evidence of the Type 3 Home Business from alterations to the exterior of the residence. However, the character of the property may show minimum evidence of its business use, including: exterior storage of materials, vehicles or equipment used in the Type 3 Home Business.
 - 2. Accessory Structure:
 - a. The Type 3 Home Business shall be primarily conducted within an accessory structure
 - b. The Type 3 Home Business may consume one hundred percent (100%) of the square footage of the accessory structure.
 - 3. Parking and Loading:
 - a. All off-street parking or loading facilities shall meet the requirements of the applicable zoning district.
 - b. No part of a minimum required yard shall be used for off-street parking or loading purposes.
 - c. There shall be no more than fourteen (14) operable vehicles parked on the site at any time, including the vehicles used by residents of the home.

4. Outdoor Storage:
 - a. No commercial vehicles shall be parked or stored outside between 9:00 p.m. and 5:00 a.m. unless parked or stored behind the accessory structure use for the Type 3 Home Business.
 - b. No outdoor storage of products, materials, supplies, waste, scrap, or the like shall be permitted unless fully within an opaque fence enclosure with gate tall enough to screen the outdoor storage. Fences used for screening shall not exceed eight (8) feet in height. The fenced enclosure shall not exceed 1,000 square feet in area and shall meet all setback requirements for an accessory structure. A fenced enclosure for outdoor storage shall not be located forward of the accessory structure used for the Type 3 Home Business.
5. Signs: One (1) wall sign is permitted on the accessory structure and it shall not exceed ten (10) square feet in sign area. The wall sign shall be fully located within ten (10) feet above ground level. Materials shall be aesthetically compatible and complementary to the accessory structure, specifically to make sure the sign is subtle and consistent with residential and neighborhood character. No special lighting shall be permitted to illuminate the sign.

Shelby County Health Department

20 W Polk Street, Suite 202, Shelbyville, Indiana 46176

Phone (317) 392-6470 Email Shelby_health@hotmail.com

Property Owners

Name: Jacob Emch Property Address: 2045 W Boggstown Rd

Township: Addison Section #: 35 Subdivision: _____ Lot #: _____

Description of Construction: 55' x 75' Pole Barn

Signature: [Signature] Printed Name: Pat Turner

No permanent structures within 10 ft of septic tank and field

Drawing/Plans

No Water / Plumbing IN Pole Barn

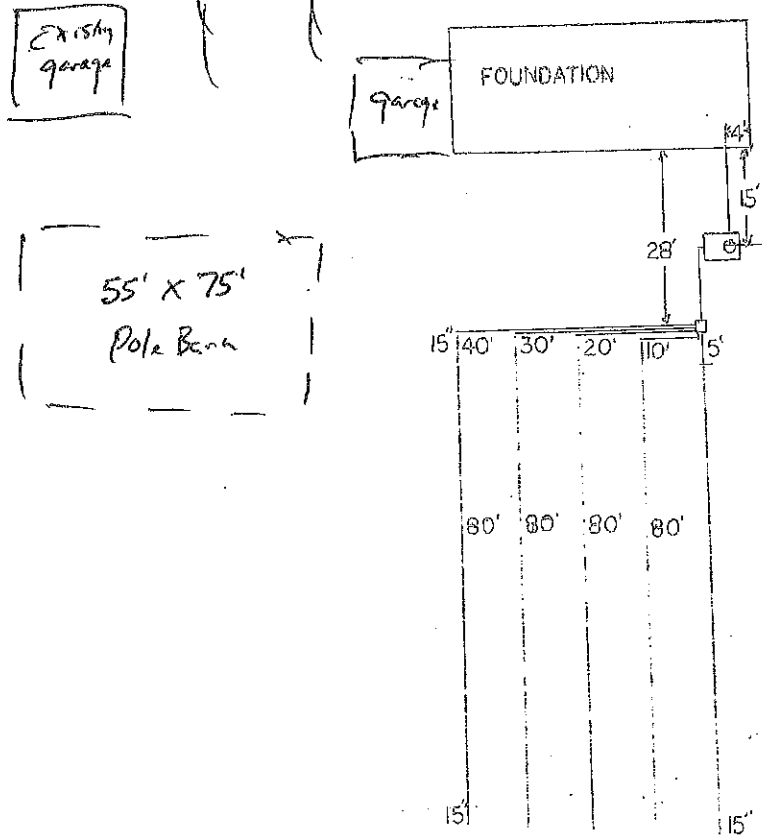
Water/plumbing in building? Yes ☐ No ☒

Adding Bedrooms? Yes ☐ No ☒

Total Existing/Proposed Bedrooms 3

Boggstown Rd

County GIS Shows 5 Bedroom



Inspection Date: 7/3/25
AddOns&OtherBuildings 01/05/2023

Inspector: Will Pursley

Approved/Disapproved

Property Details

Location: 4923 W 500 N,
Fairland, Brandywine Township.

Property Size: 3-acres.

Current Land Use: Estate
Residential.

Zoning Classification:

RE (Residential Estate)

Intent: This district is established for single-family detached dwellings in a rural or country setting.

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

Future Land Use per Comp Plan

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	A2	Cropland
South	A2	Cropland
East	A2	Cropland
West	A2	Cropland / Single-Family Residential

Staff Report

Case Number: BZA 26-27
Case Name: Ben & Sarah Kuhn – Development
Standards Variance

Request

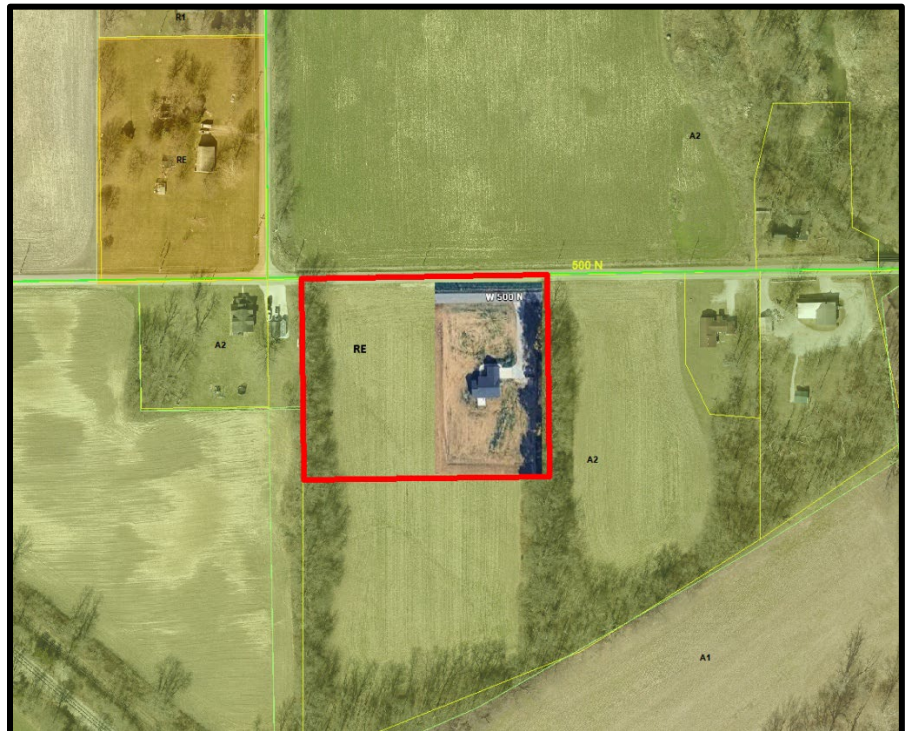
Variance of Development Standards to allow for a dwelling unit within an accessory structure.

Code Requirement

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

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

Property Map



Case Description

- The petitioner plans to construct a 40' x 72' (2,800 sq. ft.) pole barn with a 1,200 sq. ft., one-bedroom in-law quarters.
- The mother of the petitioner intends to reside in the barn.
- The property currently includes a recently constructed, single-family residence occupied by the petitioner.
- The barn would have access to CR 500 N through the existing driveway.
- The Technical Advisory Committee has reviewed and approved of a Site Plan for the barn with in-law quarters in compliance with applicable zoning, building, and septic system codes.

Staff Analysis of Findings of Fact

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

Staff Analysis: The Technical Advisory Committee has reviewed and approved of a Site Plan for the barn with in-law quarters in compliance with applicable zoning, building, and septic system codes.

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

Staff Analysis: A barn with interior -in-law quarters would not deviate from the exterior appearance of a standard residential accessory structure. The addition of a one-bedroom dwelling unit within the barn would not significantly alter the density of residential development in the area.

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

Staff Analysis: A strict application of the ordinance would not allow family members to live on the same property while enjoying the privacy of separate dwelling units.

Staff Recommendation

APPROVAL primarily because a barn with interior in-law quarters would not deviate from the exterior appearance of a standard residential accessory structure.

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

1. **The dwelling unit shall not include more than one bedroom.**
2. **The dwelling unit shall not be rented and shall only be occupied by family members of the occupants of the primary residence.**

3. The variance shall expire when the current property owner no longer owns the property.

Applicant/Owner Information

Applicant	Ben & Sarah Kuhn 4925 W 500 N Fairland, IN 46126	Owner:	Same
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DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

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

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

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

This will be a pole barn to store cars, lawn mowers other outdoor equipment & have a 1 bedroom living quarters in it. This will have the proper Septic put in.

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.

This structure is not close to neighbors & will be built 10 ft. off of the property line to the east

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.

Approval will allow us to build an in-law quarters on the property.
We are also asking to put the living qtrs. as a 40x30 area with the total size of the barn will be 40x72

RLS#29800017, certified November 28, 2023 particularly described as follows:

Commencing at the northwest corner of the no said section 9-13-6, said point being marked b thence along the north line of said northwest q 89° 13'01" East (basis of bearings being Indian Zone) 56.10 feet to the northwest corner of sai and the point of beginning of the herein descrit

Thence continuing along the north line of said c 89° 13'01" East 400.00 feet to a mag nail and "S. Sumnerford 98000017", thence South 00° 33 feet to a capped rebar stamped "S. Sumnerford thence parallel with the north line of said quant 89° 13'01" West 400.00 feet to a capped reba Sumnerford 29800017" being North 00° 33'06" from a boulder on the bluff of the lowlands; the 00° 33'06" West 326.70 feet to the point of be 3.000 acres.

Subject to all easements, restrictions and right:

CURRENT OWNERS
Benjamin and Sarah Kuhn

PARCEL NUMBER
73-06-09-100-016-000-004

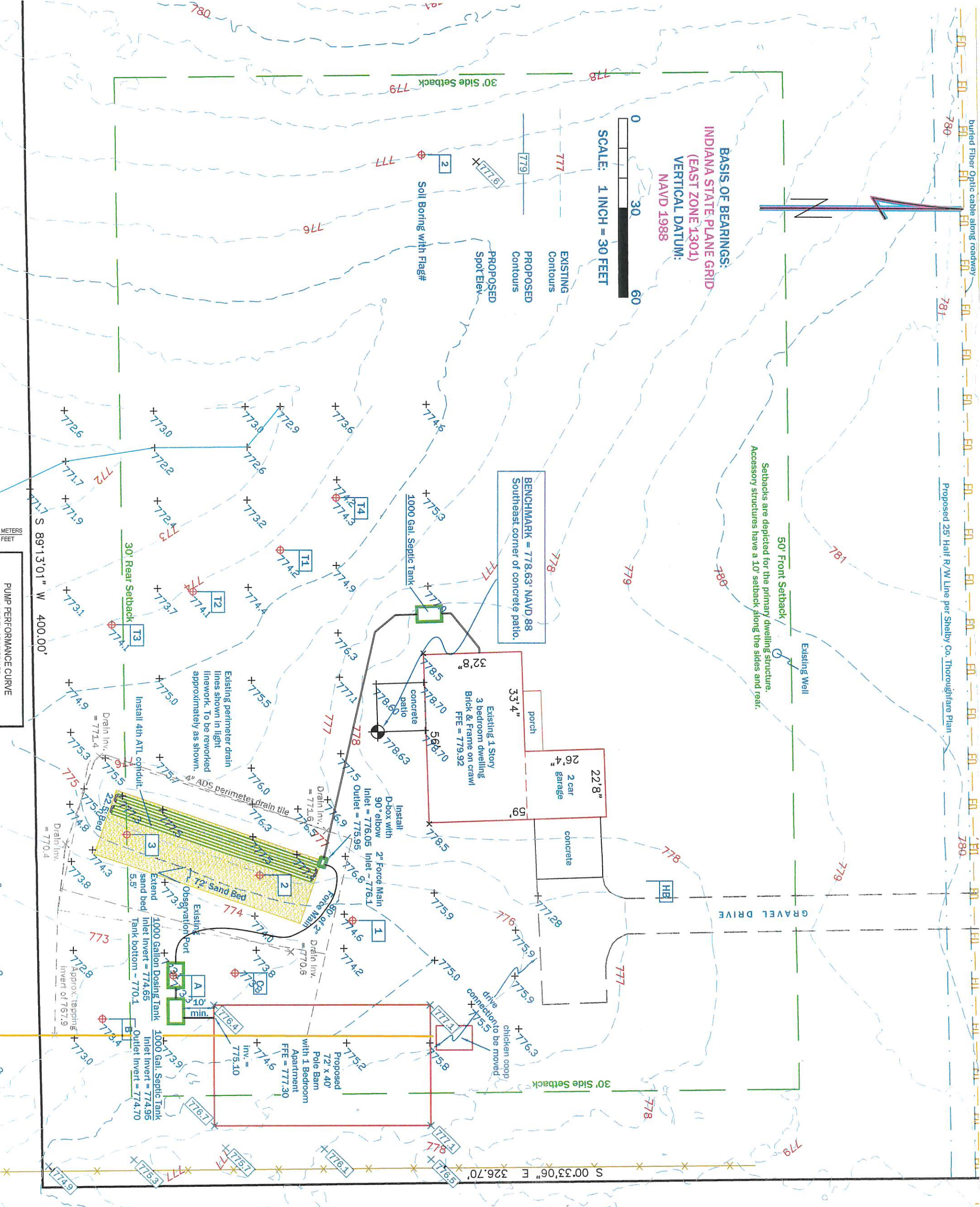
FLOOD STATEMENT

Lot 1 does not lie within a special flood hazard zone as shown on the FEMA Flood Insurance Rate Map, Panel Number 1301 effective date of November 5, 2014. Lot 1 does not flood zone according to the 2022 Indiana Best Floodplain layer. The 100 year flood elevation obtained from the Indiana Floodplain Portal with stream being Snail Creek. The proposed buidlr locations on Lot 1 lies at existing elevations be

SOIL SCIENTIST
Abernathy Soil Consulting LLC
Dated 3/23/26 and 4/06/26

NOTES

- Final grading shall provide a 6 inch drop in ele around the exterior of the proposed dwelling.
- Any drainage tiles encountered/ interrupted di construction process shall be promptly repaired
- Contractor shall provide erosion control meas per the Shelby County Storm Drainage, Erosion Control Ordinance.
- Roof drains should be directed/piped to avoid absorption field area.
- At least three deciduous trees with a caliper n over 4-in shall be preserved on the lot.
- Development of the site is subject to Section i County Unified Development Ordinance - Rural Development Standards.



Property Details

Location: West of 215 E
Pullman St, Waldron, Liberty
Township.

Property Size: 0.92-acres.

Current Land Use: Residential
Storage.

Zoning Classification:

VR (Village Residential)

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

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 Residential
South	VR / I1	Single-Family Residential / Commercial
East	I1	Commercial
West	VR	Single-Family Residential

Staff Report

Case Number: BZA 26-29

Case Name: Kyle Pruitt – Use Variance

Request

Variance of Use to legally establish a semi-trailer and shipping container used for storage of residential items as the primary use of property in the VR (Village Residential) District.

Property Map



Case Description

- The petitioner currently uses a semi-trailer and shipping container on the property for storage of residential items.
- The property does not include any other development.
- Aerial photography shows the semi-trailer on the property dating back to 2017. The petitioner installed the shipping container on the property in the Spring of 2026.
- The semi-trailer complies with the setback requirements for accessory structures. The petitioner intends to relocate the shipping container to comply with setback requirements.
- The property lies within a residential neighborhood within Waldron. A commercial development adjoins the property to the east.

- In May of 2026, the Planning Director received a complaint regarding use of residential property for storage of a semi-trailer and shipping container. Staff sent the petitioner a letter of violation and the petitioner promptly applied for a variance.
- Five of the seven adjacent property owners submitted letters of support in regard to the variance request.
- The UDO does not permit use of semi-trailers and shipping containers as accessory structures in residential zoning districts or storage as the primary use of property in residential zoning districts.

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: Use of the property for storage of residential items would pose no environmental or safety impact to 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: The presence of a semi-trailer and shipping container, typically found on commercial and industrial properties, deviates from the residential character of the area and could impact continued enjoyment and value of adjacent residential properties. Use of a barn, garage, or storage shed for storage would not deviate from the residential character of the area.

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

Staff Analysis: The property adjoins the rear yards of several smaller residential properties and adjoins a commercial property which renders the property undesirable for single-family residential development.

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

Staff Analysis: A strict application of the ordinance would restrict productive use of a property undesirable for single-family residential development.

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

Staff Analysis: Use of the property for storage of residential items does not conflict with residential use as recommended by the Comprehensive Plan.

Staff Recommendation

The semi-trailer has existed on the property since 2017 without any cited impacts on the neighborhood. However, the presence of a semi-trailer and shipping container, typically found on commercial and industrial properties, deviates from the residential character of the area and could impact continued enjoyment and value of adjacent residential properties. Use of a barn, garage, or shed for storage would not deviate from the residential character of the area.

Staff recommends **APPROVAL** with the following **stipulation**:

1. The semi-trailer and shipping container shall be removed from the property. All items shall be stored within a barn, garage, or shed not to exceed 1,000 sq. ft.

Applicant/Owner Information

Applicant:	Kyle Pruitt PO Box 138 Waldron, IN 46182	Owner:	Same
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View of Property



Staff Photograph – July 2026



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 semi-trailer and shipping container do not contain any hazardous materials, only personal belongings

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 items do not produce any noise, odor, or impede with traffic patterns. These were placed in collaboration with neighbors requests

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.

This is located on a dead-end road and bare-lot. Property is maintained regularly.

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.

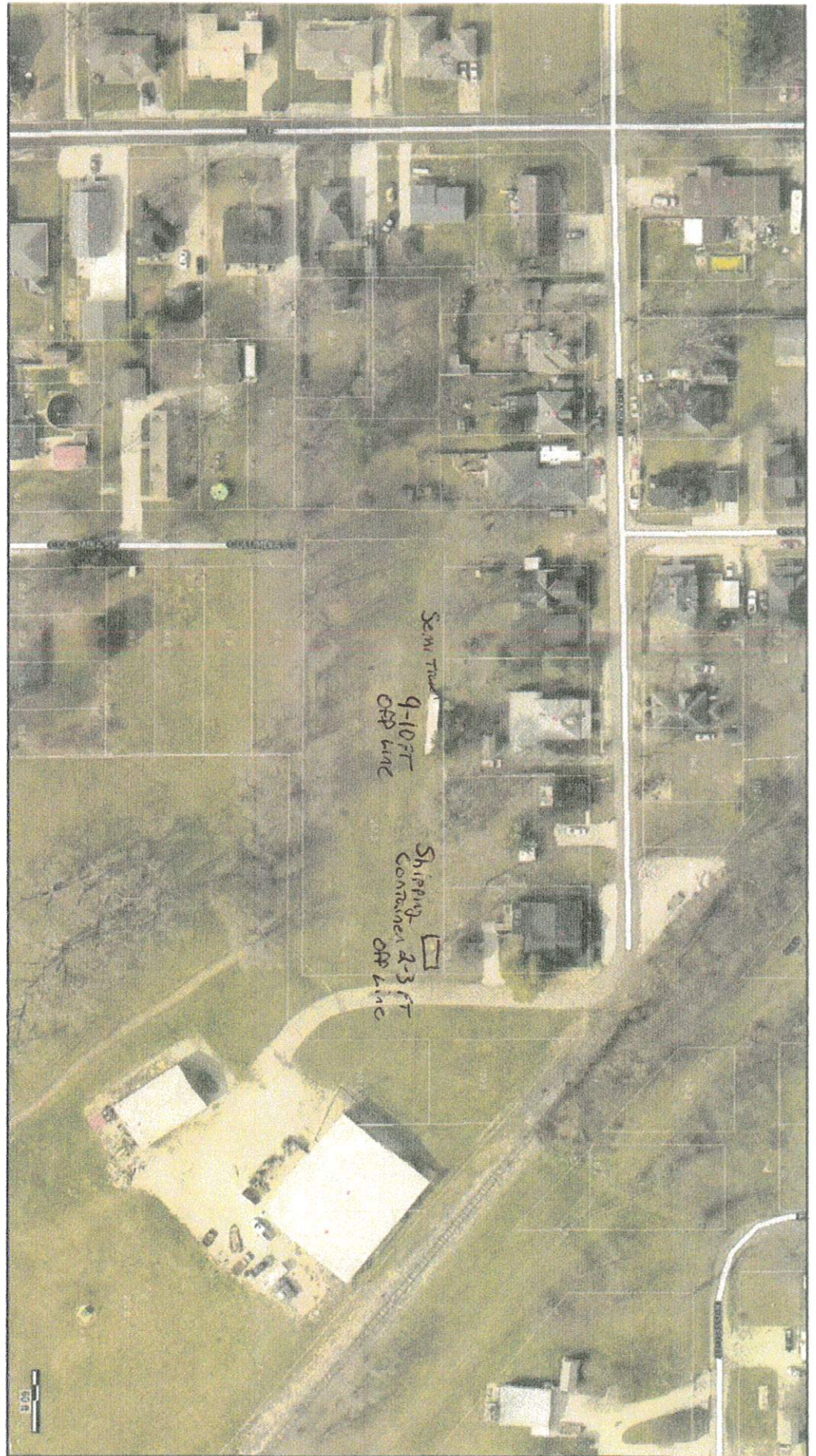
Describe how denial of the variance would pose an unnecessary hardship to the applicant. Unnecessary hardships do NOT include restriction on economic gain or self-imposed hardships. Unnecessary hardships may include inability to use the property in a manner similar to other properties in the neighborhood,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

Items contain personal items used for storage. Plans are to build a permanent structure. Removing these items will cause financial hardships.

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.

Property has been owned by family long-term with no intent to develop residential. Will remain personally owned. Vacant lot to south neighbor adjoined no future plans to develop residential. Property will continue to be used as personal property only.



Property Details

Location: 5198 N 400 W,
Fairland, Brandywine Township.

Property Size: 44.35-acres.

Current Land Use:
Telecommunications Facility /
Agriculture

Zoning Classification:
A1 (Conservation Agricultural)
Intent: This district is established for the protection of 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 Conservation Agricultural District.

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.

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

Staff Report

Case Number: BZA 26-30
Case Name: TVT III, LLC – Tower Ventures –
Development Standards Variance

Request

Variance of Development Standards to allow for replacement of a cellular telecommunications tower with a 218-foot-tall tower (maximum height of 199 feet permitted).

Code Requirement

UDO Section 5.80 C 1 a – Towers: Telecommunication towers shall not exceed 199 feet in height.

Purpose of Requirement – Limiting the height of telecommunications towers protects the aesthetic quality of the surrounding area.

Property Map



Case Description

- The plans submitted by the petitioner show that the property currently includes a 190-foot-tall monopole cellular tower and associated facilities which have existed on the property for over 20 years.
- Verizon wireless has requested to upgrade existing tower and add their modern cellular equipment. The plans submitted by the petitioner show replacement of the existing tower with a 210-foot-tall monopole tower with 8-foot-tall lighting rod, upgraded facility equipment, and the addition of landscaping in compliance with current UDO requirements.
- The maximum height requirement includes the tower and antennas. The proposed tower and antennas would exceed the height of the current tower by 28 feet, and the maximum height permitted by 19 feet.
- The variance application indicates that the additional tower height would accommodate three sets of modern antennas which extend further upward than the existing antennas.
- The variance application includes a Statement of Need certified by a registered engineer. The document indicates that a new tower at the proposed height will improve the reliability of Verizon service, especially within the Town of Fairland, and expand the coverage area without the immediate need for an additional cellular communications facility.
- The UDO currently does not permit telecommunications facilities in the A1 District. However, legal non-conforming uses may continue, provided new development complies with all current development standards. The plans for the proposed tower and facility comply with current development standards, other than that the tower exceeds the maximum height requirement.

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 will review plans and inspect the tower to verify compliance with all applicable zoning, building, and electric codes. An Airspace Safety Analysis & Compliance study shows that the tower at the proposed height will not be a hazard to air navigation, and the Federal Aviation Administration has received notification of the proposed tower construction.

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 additional tower height will not change the current use of the property or significantly alter the current appearance of the property. New landscaping will improve site aesthetics. A new tower at the proposed height will improve cellular reliability and coverage within the area without the immediate need for an additional cellular communications facility.

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 modification of an existing telecommunications facility in a manner that can accommodate modern cellular equipment and improve cellular reliability and coverage within the area.

Staff Recommendation

APPROVAL primarily because the additional tower height will not change the current use of the property or significantly alter the current appearance of the property. A tower at the proposed height would improve cellular reliability and coverage within the area without the immediate need for an additional cellular communications facility.

Applicant/Owner Information

Applicant	TVT III, LLC – Tower Ventures 495 Tennessee Street Suite: 152 Memphis, TN 38103	Owner:	Darlene Green 4077 W 500 N Fairland, IN 46126
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Current View of Tower from Closest Residential Property



Google Maps – July 2024

View of Tower with Approximate Height Increase



TVT III, LLC - Tower Ventures

Phone: 901 244-4017
495 Tennessee Street
Suite: 152
Memphis, TN 38103

June 18th, 2026

Shelby County Plan Commission
C/O Ms. Desiree Calderella
Planning Director
25 W. Polk Street, Room 201
Shelbyville, IN 46176

RE: Site Name: IN 5126 Fairland: **Letter of Intent** for a tower upgrade/pole swap & drop, Two Hundred Ten Foot Monopole (220ft with appurtenances) communications Tower at 400 W 400 W, Fairland, IN 46126 (Parcel ID # 73-06-03-300-38.000-004) *Verizon Site Name: GN# Lake Pleasant*

Dear Ms. Calderella:

Existing Tower History:

This is an existing 200ft tower located at 400 W 400w, Fairland, IN (Parcel ID # 73-06-03-300-38.000-004). This existing tower was built in 2006 and has quietly co-existed with the neighbors and surrounding area ever since. In 2008, Tower Ventures bought the tower. Now, Verizon wireless is seeking to upgrade the existing tower and add their modern cellular equipment. The existing tower cannot handle the added requirement weight, and since cellular antennas are now much longer, we also ask for an increase in tower height. From the existing 200ft to a proposed 210ft. The increase in tower height will also extend the range of the tower.

What We Are Asking for and Why:

First request - Replace or, swap & drop” the current tower pole with new height significantly stronger tower pole which can accommodate up to three cellular tenants. The current tower pole simply cannot structurally support the upgraded antennas and related equipment proposed for the upgraded tower.

Next request- Verizon’s RF Engineers need a 10ft height increase with the new tower. The new, upgraded cellular antennas are much longer and heavier than the existing antennas. A ten-foot height increase will also add longer coverage range to the tower. New height will be 210ft, plus appetences, for a total of 220ft to top of lightning rod. Verizon’s RF Engineer has provided a Statement of Need, justifying the height increase and before and after coverage maps showing to increase in coverage from these proposed tower upgrades.

Attached in the following Pages - Verizon Engineer’s Letter of Need and Before & After Coverage Maps:

Verizon’s RF Engineer has provided a Letter of Need , along with coverage maps .The Engineer plainly explains the need for the new pole, the increase in tower height and the hardship created if Verizon cannot obtain the height increase. (RF Engineer’s Letter attached on next 3 pages; afterwords, next pages contain the before & after coverage maps)

Summary of Our BZA Zoning Request a nutshell:

Longtime Shelby County resident, Darlene Green is the owner of the tower site that tower is sitted upon. This request is an upgrade to an existing tower that we originally built in Shelby County in 2006. To accommodate Verizon's new cellular equipment proposed for the tower, and since the existing pole cannot suturally accommodate Verizon's new upgraded antenna, the only viable solution is to replace the existing pole. To maximize the upgraded tower's cellular coverage potential, and taller tower, 210ft pole is needed. Verizon's Engineer's back up is claim with evidence submitted with this application.

TVT III, LLC - Tower Ventures, appreciates the Shelby County Plan Commission's consideration of this Tower upgrade/Swap & Drop BZA application. Please contact me on (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,



Lou Katzerman
Sr. Site Acquisition and Zoning Manager
TVT II, LLC - Tower Ventures
Office: 901-244-4017
lou@towerventures.com

TVT III, LLC - Tower Ventures

Phone: 901 244-4017
495 Tennessee Street
Suite: 152
Memphis, TN 38103

June 18th, 2026

Shelby County Plan Commission
C/O Ms. Desiree Calderella
Planning Director
25 W. Polk Street, Room 201
Shelbyville, IN 46176

RE: Site Name: IN 5126 Fairland: **Summary of Proposed Variance Conditions** for a tower pole swap & drop (Upgrade). Two Hundred Ten Foot Monopole Communications Tower at 400 W 400 W, Fairland, IN 46126 (Parcel ID # 73-06-03-300-38.000-004)

Existing Tower 400w 400w - Proposed BZA Variance Conditions:

- 1) Replace existing 199 ft Monopole tower to a new modern monopole increasing the height to 210 ft.
- 2) The existing tower pole is not structurally sound enough to accommodate Verizon's new equipment and antennas. Only solution is to replace current pole with pole designed for the new equipment. New equipment is much larger and heavier than current tower equipment.
- 3) Because the new, upgraded antennas are taller than the existing antennas, we are asking for a height increase from existing 199 ft to 210 ft.220ft to top of lightning rod.
- 4) The additional tower height will benefit Verizon's customers. By increasing height, the tower's transmitting range will greatly improve.
- 5) We propose expanding the current tower compound on the east side, well within our existing 75 ft x 75 ft tower lease area. This is needed so tower can meet the County's tower setbacks.
- 6) The site will be completely fenced by a six-foot (6') chain-link fence This will secure the tower compound.
- 7) Six-foot (6') Chain-link gates that will be always locked.
- 8) The upgraded site will use the existing access RD, west back to 400w.
- 9) The access RD also will have a locked gate, preventing access to the site from 400W
- 10) The fenced area of the compound is shown on the site plan submitted with this BZA application.
- 11) The tower landscaping plan also is shown on the site plan.

DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

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

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

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

This is an 200ft existing cell tower that has coexisted without harming the public for over 21 years.

Unmanned facility that generates no traffic. Verizon needs to a new pole to accommodate their new equipment. Need additional height to extend broadcast range of tower. Site designed to meet all current Shelby codes and setbacks, even raising tower height to 210ft.

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.

Site makes no noise, odors and any other impacts to the neighborhood. Pole to be a galvanized finished monopole with minimum view shed. Unmanned facility that is visited once a month for preventive maintenance

on average. Compound expansion will allow taller tower to meet applicable setbacks.

Again, this is an existing cell that has quietly coexisted in this neighborhood for over 21 years.

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.

Site is located on a 56 ac farmland parcel. Tower lease area is 5625 sq feet of the 56ac parcel.

Tower lease area takes up .13 of one acres. very small part of the property. This leaves over 55ac for future development.

Meaning no discernible impact to the current use of the property or any possible future development

Approval of the variance does not impact any future development.



May 15th, 2026

Re: Radiofrequency Justification for Proposed Wireless Communications Facility for Cellco Partnership d/b/a Verizon Wireless ("Verizon")

Tower Developer and Owner: Tower Ventures
Facility Site Name: GN3 Lake Pleasant Type of
Tower: Monopole
Tower Height: 220ft(with appetences) .
Location: N County Rd 400W, Fairland, IN 46126

To Whom It May Concern:

As a radio frequency engineer for Verizon, I am providing this letter to state the need for a proposed Verizon wireless communications site called "GN3 Lake Pleasant".

Verizon currently has equipment on nearby towers in the area, but cannot serve Fairland. Further, equipment upgrades are needed to keep up with customer demand and the costs of doing so on the proposed tower must be economically feasible. For this reason, Verizon is proposing to upgrade its equipment on the proposed GN3 Lake Pleasant site. If Verizon is unable to upgrade its equipment on that site or to support the increasing customer demand for service, the surrounding sites in the area would not be able to handle the increased traffic and there would be a gap in service

The GN3 Lake Pleasant site upgrade is proposed in order to offload excess traffic from existing Verizon sites in this area that are operating at or near capacity. Currently Verizon customers are experiencing poor service in downtown Fairland ("Gap Area") because there is a high demand for wireless service and high-speed data there and Verizon's network cannot keep up with that demand. Simply put, Verizon's existing communications sites in and around the Gap Area are over capacity and therefore they cannot sufficiently handle the traffic. The new proposed, upgraded tower is needed to offload this excess traffic so that Verizon can provide critical service improvements to its customers in the area, including first

responders, residents, and businesses. Note that the enclosed propagation maps show Verizon's coverage in the area, not capacity. As shown on the coverage maps, the proposed upgraded site will increase the coverage area. However, the primary goal of this site is to increase capacity, which cannot be seen on the coverage maps. Verizon must collocate on the proposed tower in order to increase its network capacity to meet customer demand.

When Verizon identifies the need for an upgraded site in an area, its design engineers establish search area criteria in order to effectively meet specific coverage objectives as well as offload existing Verizon cell sites that can no longer meet service demands. These criteria are used to identify a "Search Area" in which the new tower would need to be located to meet the coverage and capacity objectives. The proposed upgraded tower is also designed to provide a single solution that decreases the chances that a second tower will be needed in the immediate area in the near future. Each wireless communications site covers a limited area, depending on site configuration and the surrounding terrain. Cell sites are built in an interconnected network, which means each cell site must be located so that their respective coverage areas are contiguous. This provides uninterrupted service throughout the coverage area.

Verizon cares about the communities it serves and prefers to collocate on existing structures when feasible. Collocation typically involves lower construction costs, faster deployment, and environment protection. For these reasons, Verizon makes every effort to investigate the feasibility for using existing towers or other tall structures for collocation when designing a new site or system expansion. However, collocation on an existing tower or tall structure is not always feasible due to location of existing cell sites. Cell sites are placed in a way so they provide smooth handoff to each other and are placed at some distance from each other to eliminate too much overlap. Too much overlap may result in a waste of resources or raise a system capacity overload concern.

Here, Verizon is currently collocated on several existing towers in the areas surrounding the Search Area. However, there are no existing structures within the Search Area on which Verizon could collocate to meet its coverage and capacity objectives in the Gap Area. For this reason, Verizon worked to identify a site in the Search Area on which a new tower could be built that would meet the stated objectives. The proposed upgraded tower, located N County Rd 400W, Fairland, IN 46126, will be built near the center of the Search Area. Both the location and slight, 10 ft height of the tower are designed to meet the stated objectives with a single tower. Specifically, the tower will have an overall tower height of 220' (including appurtenances) with Verizon's equipment installed at a centerline of 210'. This centerline is the minimum height necessary to allow Verizon to be able to adequately cover the Gap Area and to offload traffic from the nearby existing Verizon sites that are currently overloaded. If Verizon is limited to installing its equipment at a centerline that is lower than the proposed height, another tower would be needed in the vicinity in the near future in order to provide the additional coverage and capacity offload that is needed in the Gap Area.

If Tower Ventures is unable to, “swap and drop” site and therefore Verizon is unable to collocate its equipment on it at a centerline of 210’, Verizon will be prohibited from serving its customers in the Gap Area.

This cell site has been designed, and shall be constructed and operated, in a manner that satisfies regulations and requirements of all applicable governmental agencies that have been charged with regulating tower specifications, operation, construction, and placement, including the FAA and FCC.

Sincerely,


Jessica Maldonado

Sr. RF Engineer
Verizon Wireless



May 15th, 2026

RE: **Shelby County Planning Commission**, Zoning Plots; Site Name: GN3 Lake Pleasant UPGRADE.

This map is not a guarantee of coverage and may contain areas with no service. This map reflects a depiction of predicted and approximate wireless coverage of the network and is intended to provide a relative comparison of coverage. The depictions of coverage do not guarantee service availability as there are many factors that can influence coverage and service availability. These factors vary from location to location and change over time. The coverage areas may include locations with limited or no coverage. Even within a coverage area shown, there are many factors, including but not limited to, usage volumes, service, outage, customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service.

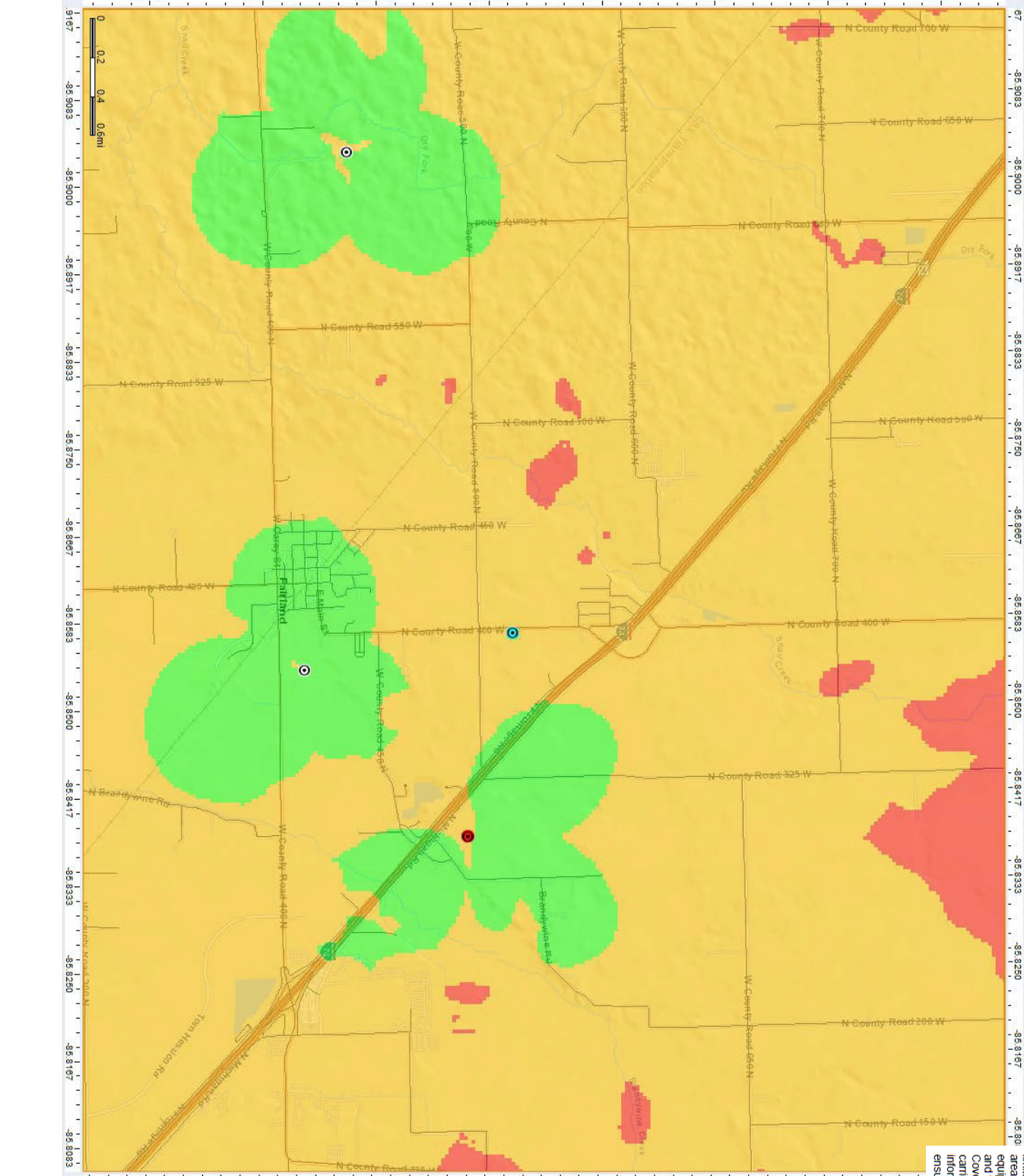
The proposed site is needed to offload capacity from existing sites. The maps also reflect the predicted coverage area that will be offloaded from existing sites and transferred to the proposed site.

Sincerely,

Jessica Maldonado
RF Engineer, Verizon Wireless

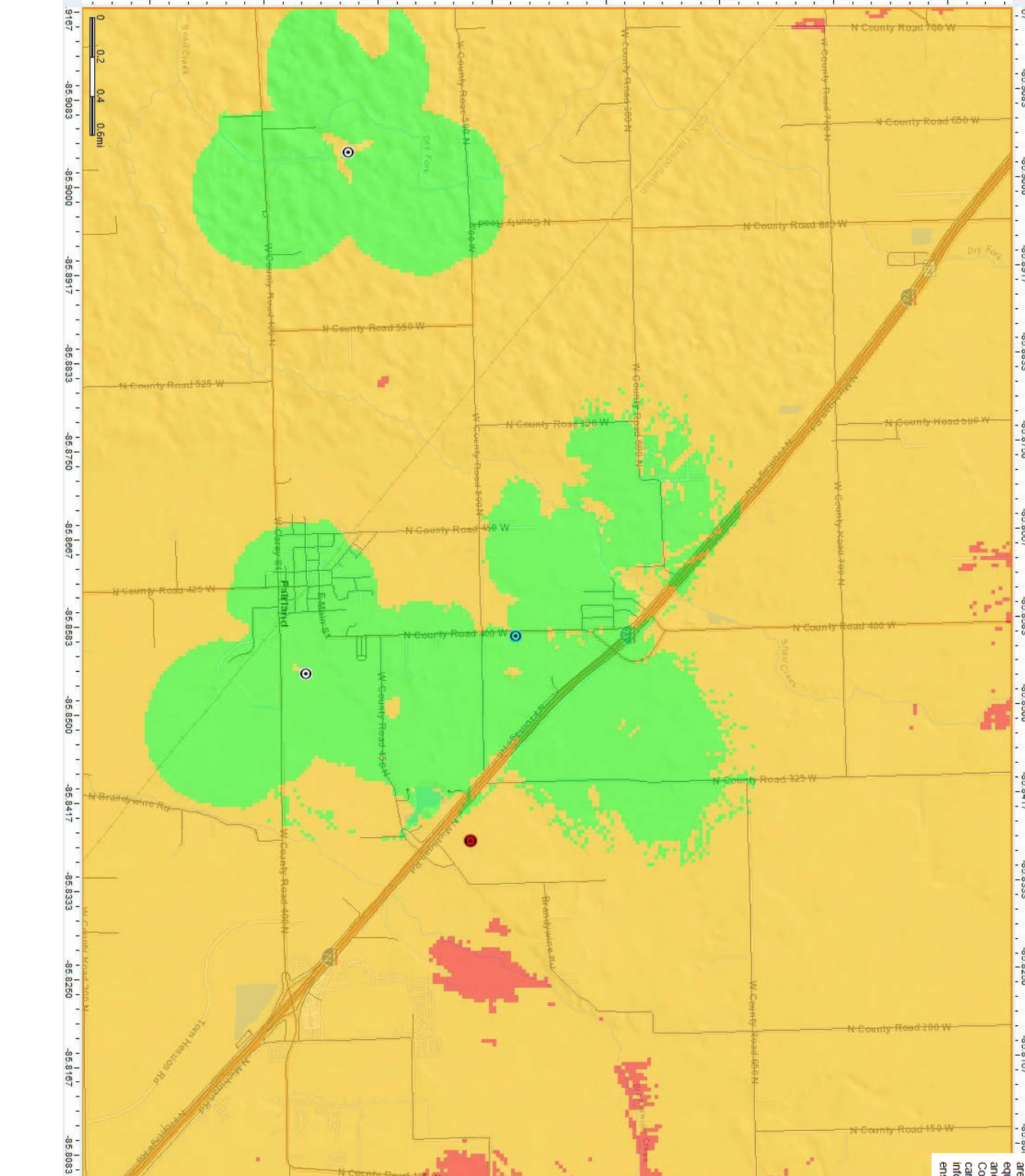
Current 700 LTE RSRP

These coverage maps depict predicted and approximate wireless coverage. The coverage areas shown do not guarantee service availability, and may include locations with limited or no coverage. Even within a coverage area, there are many factors, including customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service. Some of the Coverage Areas include networks run by other carriers. The coverage depicted is based on their information and public sources, and we cannot ensure its accuracy.



- On-Air Verizon Sites
- GN3 Lake Pleasant (Original Location)
- GN3 Lake Pleasant RELNR (Relocation High Rent)
- LTE_NW_Mobility_RSRR-dBm (0) 0
- Good In-Building Coverage
- Good Outdoor Coverage
- Fair to Poor Outdoor Coverage

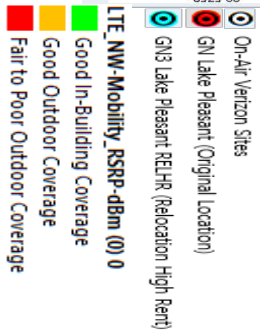
GN3 Lake Pleasant RELHR - Proposed 700 LTE RSRP



These coverage maps depict predicted and approximate wireless coverage. The coverage areas shown do not guarantee service availability, and may include locations with limited or no coverage. Even within a coverage area, there are many factors, including customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service. Some of the Coverage Areas include networks run by other carriers. The coverage depicted is based on their information and public sources, and we cannot ensure its accuracy.

- On-Air Verizon Sites
- GN3 Lake Pleasant (Original Location)
- GN3 Lake Pleasant RELHR (Relocation High Rent)
- LTE, NW-Mobility, RSRP-dBm (0) 0
- Good In-Building Coverage
- Good Outdoor Coverage
- Fair to Poor Outdoor Coverage

These coverage maps depict predicted and approximate wireless coverage. The coverage areas shown do not guarantee service availability, and may include locations with limited or no coverage. Even within a coverage area, there are many factors, including customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service. Some of the Coverage Areas include networks run by other carriers; the coverage depicted is based on their information and public sources, and we cannot ensure its accuracy.



AIRPORT/HELIPORT INFORMATION

Nearest public use or Government Use (DOD) facility: Shelbyville Municipal.

This structure will be located 2.6 NM or 16156 FT from the airport on a bearing of 114 degrees true to the airport.

Nearest private use landing facility is: Army Aviation Support Facility.

This structure will be located 2.8 NM from the helipad on a bearing of 112 degrees true to the helipad.

STUDY FINDINGS

FAA FAR Part 77 paragraph 9 (FAR 77.9): (Construction or Alteration requiring notice.) (These are the imaginary surfaces that the FAA has implemented to provide general criteria for notification purposes.)

This structure does require notification to the FAA.

FAA FAR Part 77 paragraph 17(FAR 77.17): (Standards for Determining Obstructions.)(These are the imaginary surfaces that the FAA has implemented to protect aircraft safety. If any of these surfaces are penetrated, the structure may pose a Hazard to Air Navigation.)

This structure does exceed these surfaces.

**FCC Notice Requirements:
(FCC Rules, Part 17)**

This structure does require notification to the FAA or FCC based on these rules.

**FAA EMI:
(The FAA protects certain air navigational aids, radio transmitters, and RADAR facilities from possible interference. The distance and direction are dependent on the type of facility being evaluated. Some of these transmission and receiver facilities are listed in the National Flight Data Center (NFDC) database.)**

This site would not affect any FAA air navigational aids or transmitters.

Military Airspace:

(This would include low level visual and instrument routes along with operations areas and special use airspace.)

This structure will not affect this airspace.

AM Facilities:

(The FCC protects AM radio stations from possible interference for a distance of 3.0 km for directional facilities, and 1.0 km for non-directional facilities. New changes to the FCC critical distances are calculated based on the AM transmission Movement Method Proof evaluation.)

This site was evaluated against the FCC's AM antenna database using the Movement Method proof calculations and no further action is required.

MARKING AND LIGHTING

FAA Advisory Circular 70/7460-1:

Marking and lighting is required for this structure.

RECOMMENDATIONS

This site was evaluated in accordance with the requirements specified by the FAA under Federal Aviation Rules part 77, and found not to be a hazard to air navigation.

Notice of Proposed Construction or Alteration (7460-1)

Project Name: CINGU-000052636-06

Sponsor: CINGULAR WIRELESS-MP

Details for Case : (RFP) 6601 Fairland-WPQT489

Show Project Summary

Case Status

ASN: 2006-AGL-8182-OE

Date Accepted: 10/30/2006

Status: Accepted

Date Determined:

Letters: None

Construction / Alteration Information

Notice Of: Existing

Duration: Permanent

if Temporary : Months: Days:

Work Schedule - Start:

Work Schedule - End:

State Filing:

Structure Summary

Structure Name: (RFP) 6601 Fairland-WPQT489

Structure Type: Antenna Tower

Other :

FCC Number: 1240810

Prior ASN: 2003-AGL-2346-OE

Structure Details

Latitude: 39° 36' 4.24" N

Longitude: 85° 51' 25.39" W

Horizontal Datum: NAD83

Site Elevation (SE): 783 (nearest foot)

Structure Height (AGL): 206 (nearest foot)

Marking/Lighting: Dual-red and medium intensity

Other :

Nearest City: FAIRLAND

Nearest State: Indiana

Traverseway: No Traverseway

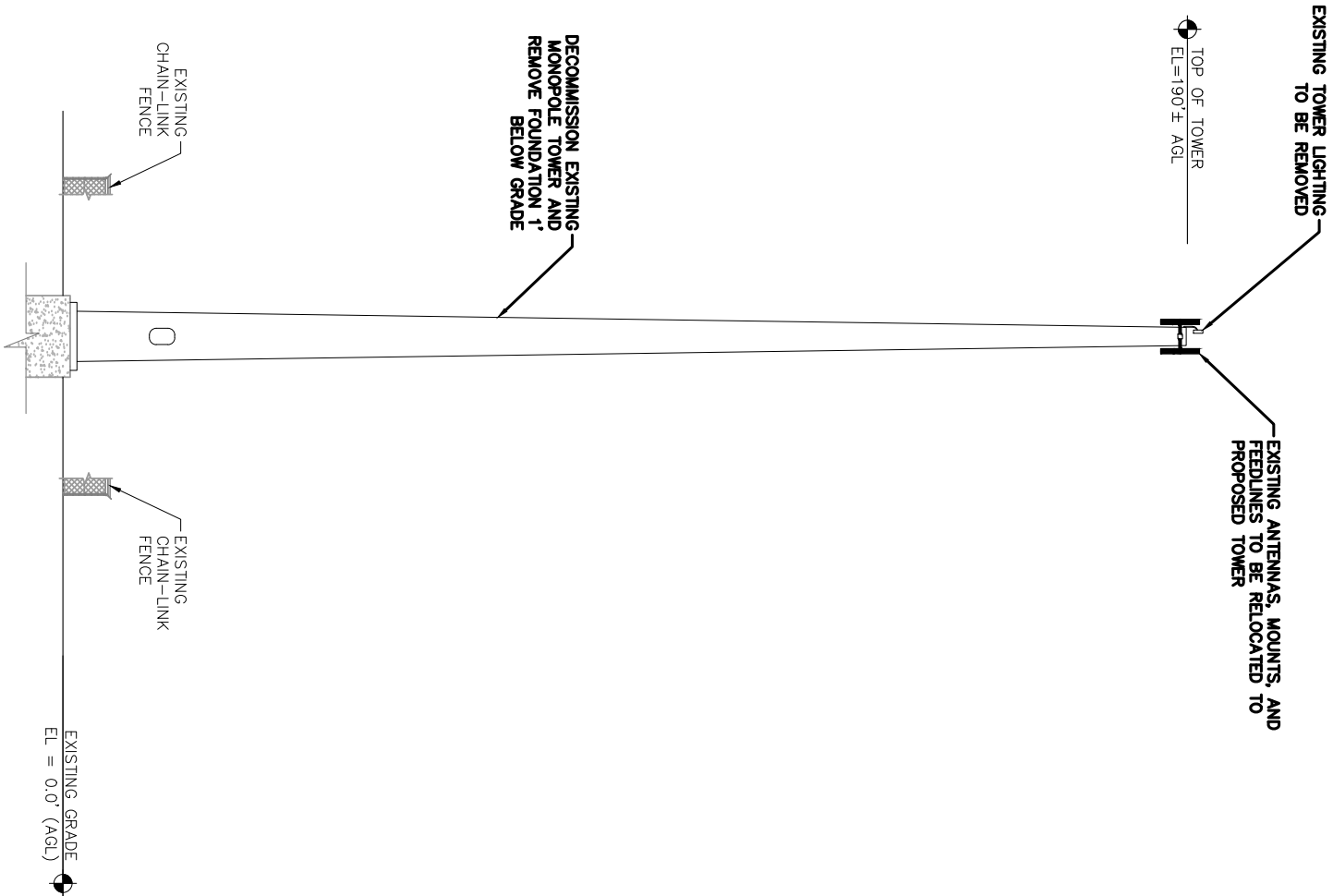
Description of Location: see topo map.

Description of Proposal: Existing site. Due to a recent survey, applicant is filing to update site data. No physical changes to site.

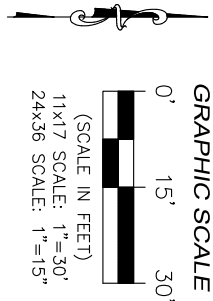
Common Frequency Bands

Low Freq	High Freq	Freq Unit	ERP	ERP Unit
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

Specific Frequencies



EXISTING TOWER ELEVATION PLAN



PLANS PREPARED BY:

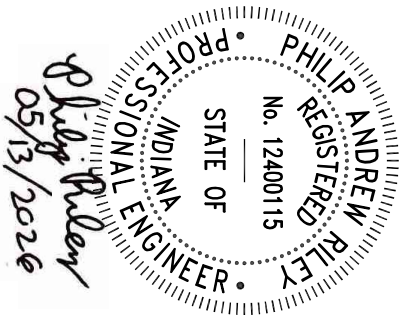
FORESITE
group

ForeSite Group, LLC
3740 Darnold Court
Suite 100
Richton Park, IL 60471
o | 770.368.1399
f | 770.368.1944
w | www.ifs-inc.net

PLANS PREPARED FOR:



ENGINEERING LICENSE:



PROJECT:

FAIRLAND

IN5126

LOCATED AT:
S196 N 400 W
FAIRLAND, IN 46126

APPROVALS

CARRIER _____

LANDLORD _____

LEASING _____

CONSTRUCTION _____

REVISIONS _____ DATE _____

ISSUED FOR: _____ ZONING _____

PROJECT MANAGER: _____ DWB _____

DRAWING BY: _____ JIC _____

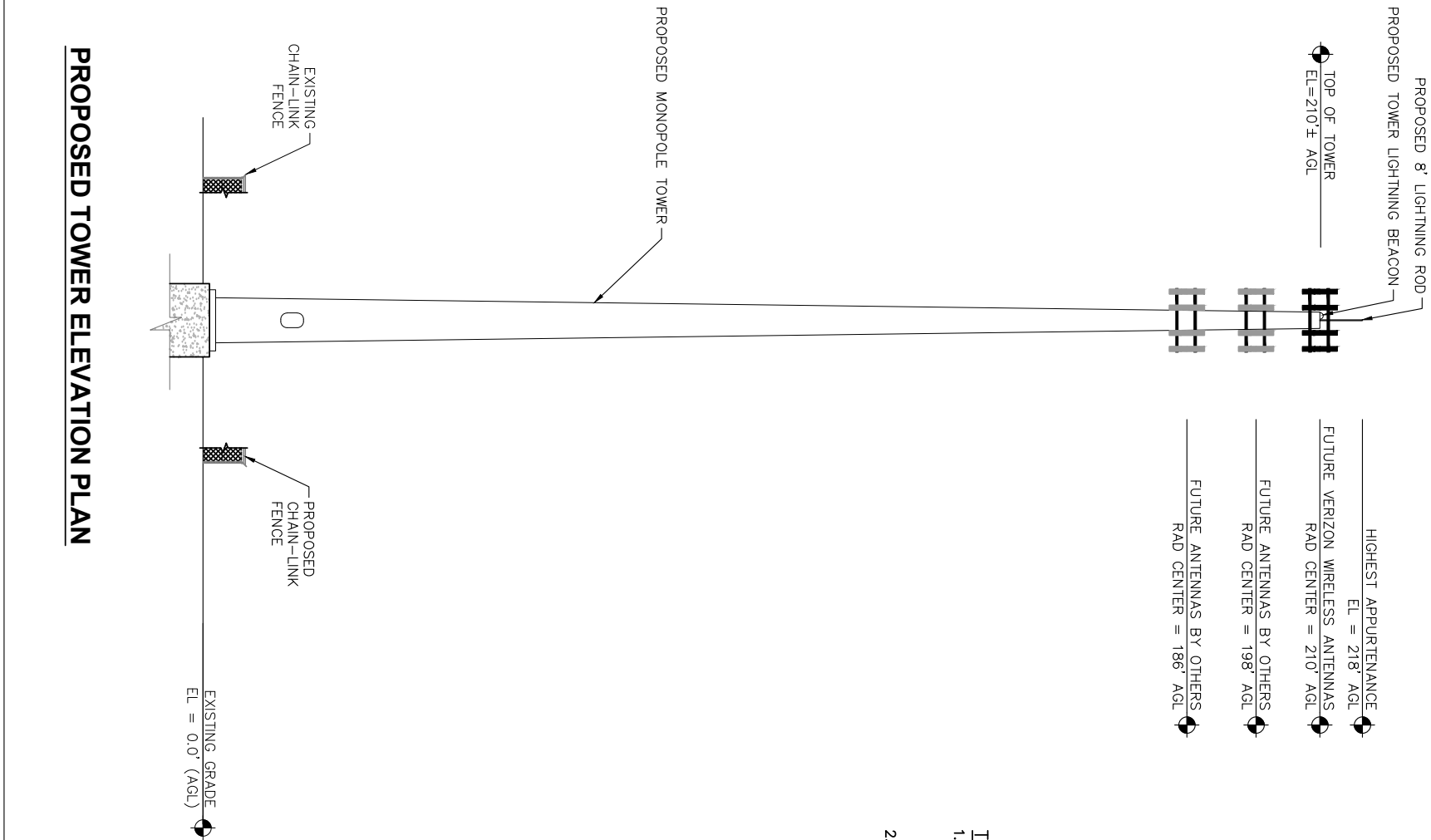
DATE: _____ 5/13/2026 _____

TITLE: _____

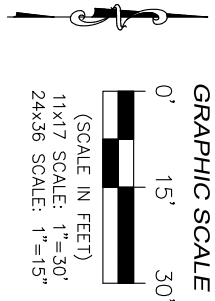
EXISTING TOWER
ELEVATION PLAN

SHEET NUMBER: 4 OF 6

JOB/FILE NUMBER: 360.062



- TOWER NOTES:
1. THE PROPOSED TOWER, ANTENNAS, MOUNTS, AND FOUNDATION WILL BE DESIGNED BY OTHERS
 2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY.



PLANS PREPARED BY:

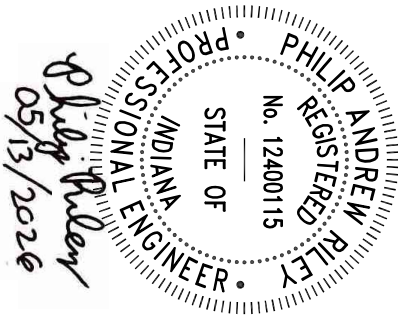
FORESITE
group

ForeSite Group, LLC
3740 Darnold Court
Suwanee, GA 30078
Reactive Corner, GA 30092

o | 770.368.1399
f | 770.368.1944
w | www.ifs-inc.net



ENGINEERING LICENSE:



PROJECT:

FAIRLAND
IN5126

LOCATED AT:
S196 N 400 W
FAIRLAND, IN 46126

APPROVALS

CARRIER _____

LANDLORD _____

LEASING _____

CONSTRUCTION _____

REVISIONS _____ DATE _____

ISSUED FOR: _____ ZONING _____

PROJECT MANAGER: _____ DWB _____

DRAWING BY: _____ JJC _____

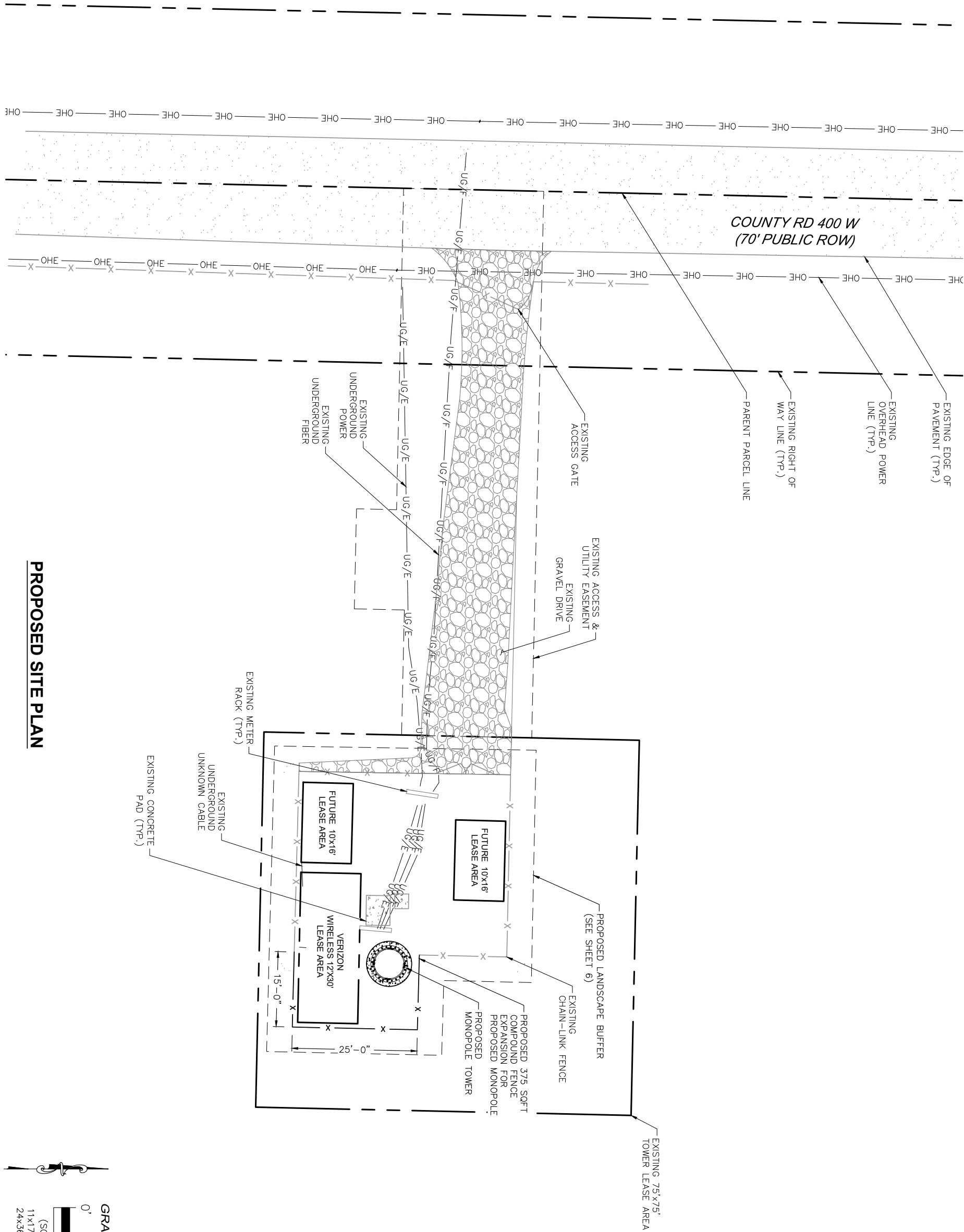
DATE: _____ 5/13/2026 _____

TITLE: _____

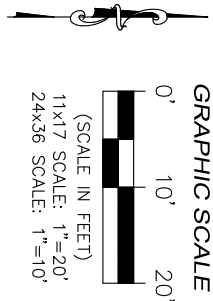
PROPOSED TOWER
ELEVATION PLAN

SHEET NUMBER: 5 OF 6

JOB/FILE NUMBER: 360.062



PROPOSED SITE PLAN



PLANS PREPARED BY:

FORESITE
group

ForeSite Group, LLC
3740 Darnall Court
Spartanburg, SC 29303
Reichart Corner, GA 30092

o | 770.368.1399
f | 770.368.1944
w | www.ifs-inc.net

PLANS PREPARED FOR:

TOWER
VENTURES

ENGINEERING LICENSE:

PHILIP ANDREW RILEY
REGISTERED
No. 12400115
STATE OF
INDIANA
PROFESSIONAL ENGINEER

Philip Riley
05/13/2026

PROJECT:

FAIRLAND
IN5126

LOCATED AT:
5196 N 400 W
FAIRLAND, IN 46126

CARRIER	APPROVALS
LANDLORD	
LEASING	
CONSTRUCTION	
REVISIONS	DATE
ISSUED FOR:	ZONING
PROJECT MANAGER:	DWB
DRAWING BY:	JJC
DATE:	5/13/2026
TITLE:	

PROPOSED SITE PLAN

SHEET NUMBER: 3 OF 6

JOB/FILE NUMBER: 360.062

Property Details

Location: 5030 W SR 44,
Shelbyville, Hendricks Township.

Property Size: 4.22-acres.

Current Land Use: Single-Family Residential / Mowing Contractor's Office & Yard

Zoning Classification:

RE (Residential Estate)

Intent: This district is established for single-family detached dwellings in a rural or country setting.

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

Future Land Use per Comp Plan

Agriculture

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

Surrounding Development

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

Staff Report

Case Number: BZA 26-31

Case Name: Michael A. James – Use & Development Standards Variances

Request

Variance of Use to legally establish a mowing contractor's office and yard in the RE (Residential Estate) District.

Variances of Development Standards to allow:

1. Two primary structures on one lot;
2. Temporary outdoor storage of equipment, machinery, and materials in the RE District;
3. Use of a dumpster in the RE District;
4. Waiver of ADA parking standards.

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

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

3. **UDO Section 5.56 A – Prohibited: Uncontained collection of trash and debris shall be prohibited. Trash in bags shall not be considered contained unless located in a fenced enclosure. Dumpsters and compactors shall be prohibited except during constructions projects**

which have been issued a Building Permit or Improvement Location Permit.

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

3. **UDO Section 5.60 F 1 – Parking for the Disabled:** *Applicable Codes: Accessible parking spaces shall be provided per the specifications of the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Indiana Building Code (IBC).*

Purpose of Requirement: Requiring ADA compliant parking ensures that commercial developments have accessible parking for the disabled.

Property Map



Case Description

Use Description & Existing and Proposed Development

- The petitioner currently operates a mowing contractor's office and yard from the property. Off-site business activities include mowing and litter removal primarily along State highways and snow plowing.
- The Statement of Intent submitted with the variance application includes the following information:
 - Hours of Operation: 7AM – 7PM, Monday – Friday.
 - Employees: 15 to 30 depending on the season.
 - Customers: None.
 - Signage: None.
 - Deliveries: Less than one per month.
 - Waste Disposal: Four-yard dumpster serviced weekly.
- The property currently includes a 4,000 sq. ft. barn, 1,024 sq. ft. pole barn, single-family residence, and gravel parking and maneuvering area. The property has access to SR 44 through a 20-foot-wide paved driveway apron.
- Business activities occur within the barn and much of the business equipment is stored outdoors on gravel and on the lawn. Employees also park their personal vehicles on the lawn.
- Proposed development includes a 9,600 sq. ft. addition to the barn which would include a workshop and cold storage area. The petitioner has committed to store all business equipment indoors after construction of the addition, which he intends to have completed by the Fall of 2026.
- Proposed landscaping includes trees along the right-of-way and east property line to screen the barn from SR 44.

Case History

- In May of 2026, the Planning Director received several complaints regarding the appearance of the subject property. Staff sent the petitioner a letter of violation and the petitioner promptly applied for a variance.
- BZA 23-07: 4136 S Marietta Rd.
 - In 2023, the petitioner applied for a variance to allow for temporary operation of the business from his home after receiving a notice of zoning violation.
 - The Board approved the variance with a stipulation: *Equipment, products, materials, supplies, waste, scrap, and the like shall be stored indoors or within 20 feet directly behind the accessory structures. Between the hours of 9:00 PM and 5:00AM, commercial vehicles shall also be stored indoors or within 20 feet directly behind the accessory structures.*
 - The petitioner did not comply with this stipulation, and he did not remove the equipment from the property until after the variance had expired.

- BZA 23-08: 5073 W SR 44 (across the road from the subject property)
 - In 2023, the Board approved a variance to allow use and development of the property for the business. The approval included stipulations:
 1. *The size and location of the building and parking areas shall be consistent with the Site Plan submitted with the variance application.*
 2. *Outdoor storage of vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall not be permitted.*
 3. *All landscaping requirements for properties in the I1 (Light Intensity Industrial) District identified in the UDO shall apply to the development.*
 4. *All outdoor site lighting shall include full cut-off fixtures and the maximum allowable light at a property line shall be five (5) lux.*
 - The variance application indicates that the petitioner chose to relocate the business to the subject property because it already includes structures and that he no longer intends to develop the 5073 W SR 44 property.

Supplemental Information

- The surrounding area includes single-family residential development to the east and cropland.
- The UDO only permits contractor's offices with outdoor storage by right in the I2 (High Intensity Industrial) District and requires screening of any outdoor storage areas with fencing and landscaping. The UDO permits contractor's offices without outdoor storage areas in the I1 (Low Intensity Industrial) District.
- Staff recommended that the petitioner apply for a use variance rather than a rezoning. The UDO does not designate the zoning districts adjacent to the property as appropriate adjacent districts to the I2 District, no other I2 properties exist in the immediate area, and the Comprehensive Plan does not recommend industrial development for the area. The variance would only allow for the specific use requested and would not transfer with the property if sold.
- Use of a property with sanitation facilities for commercial purposes and not connected to public sewer requires review of septic system facilities by the State Department of Health.
- The property has historically been used for outdoor storage of agricultural equipment.

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: The business would not pose an environmental impact if implementing proper disposal of waste products off-site or within a permitted commercial septic system. INDOT approval of use of the existing driveway for commercial purposes would ensure safe access to the property and traffic utilizing SR 44.

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: Prohibiting outdoor storage of commercial equipment and implementation of landscaping and lighting standards applicable to contractor's operations in the I1 District would mitigate any significant aesthetic, noise, and light impacts to adjacent residential properties.

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

Staff Analysis: Noise and traffic generated by the high traffic volumes of SR 44 render the property less desirable for residential development and more desirable for a small-scale commercial development that involves travel to off-site worksites.

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 small-scale commercial development of a property with direct access to SR 44 and convenient access to I-65.

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

Staff Analysis: Development of the property would not remove cropland from production or prevent continued use of adjacent properties for agricultural purposes.

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: A single-family dwelling and commercial business on one property served by adequate utilities and transportation facilities would have no impact on the public. Temporary outdoor storage and a screened dumpster would have a negligible aesthetic impact on the SR 44 corridor. The stipulations of use variance approval require provision of ADA parking spaces.

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: A single-family dwelling and commercial business on one property served by adequate utilities and transportation facilities would have no impact on the public. Temporary outdoor storage and a screened dumpster would have a negligible aesthetic impact on the SR 44 corridor. The stipulations of use variance approval require provision of ADA parking spaces.

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 restrict use of a property less desirable for residential development and more desirable for a small-scale commercial development that involves travel to off-site worksites.

Staff Recommendation

Noise and traffic generated by the high traffic volume of SR 44 render the property less desirable for residential development and more desirable for a small-scale commercial development that involves travel to off-site worksites. However, approval of the variance should include stipulations to mitigate any significant environmental, aesthetic, noise, and light impacts to adjacent residential properties and to ensure that the property maintains high aesthetic quality given its visibility along a major County thoroughfare.

Staff recommends **APPROVAL** with **stipulations**:

1. The size and location of the building and parking areas shall be consistent with the Site Plan submitted with the variance application.
2. Outdoor storage of business vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall not be permitted.
3. All equipment maintenance shall occur inside the barn, and all cleaning products, wastewater, and chemicals shall be contained within the barn and properly disposed of off-site or within a permitted commercial septic system.
4. Indiana Department of Health and County Health Department approval of any septic system facilities serving the business shall be required.
5. Indiana Department of Transportation (INDOT) approval shall be required for use of the existing driveway for commercial purposes.
6. All landscaping requirements for properties in the I1 (Low Intensity Industrial) District identified in the UDO shall apply to the development. Specifically:
 - a. One (1) canopy tree and one (1) ornamental or evergreen tree per sixty (60) lineal feet of frontage shall be planted along SR 44.
 - b. At least three (3) trees shall be preserved along CR 500 W.
 - c. Landscape Buffer Yard 'B' shall be installed along the north and west property lines: One (1) canopy tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but no closer than five (5) feet to the property line.
 - d. At least ten (10) existing trees shall be preserved on the lot.
7. All outdoor site lighting shall include full cut-off fixtures and the maximum allowable light at a property line shall be five (5) lux.
8. The dumpster shall be screened in accordance with UDO Section 5.55.

9. All parking and maneuvering areas shall be paved and comply with UDO Section 5.60 & Section 5.63.
10. The property shall comply with all stipulations of variance approval by December 31, 2026. Operation of the business without compliance with the stipulations after December 31, 2026, shall render the variance void and result in a fine in an amount determined by the BZA.

Applicant/Owner Information

Applicant:	Michael A. James / MIALJAM, LLC 4136 S Marrietta Rd. Shelbyville, IN 46176	Owner:	Same
Attorney:	H Curtis Johnson DePrez, Johnson, Brant & Eads, P.Z. 416 S Harrison St. Shelbyville, IN 46176		

Existing Property Conditions



Staff Photograph – July 2026

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

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

1. Summary of Proposed Use and/or Business Activity: INTERIOR STORAGE OF MOWERS AND RELATED EQUIPMENT ALONG WITH MAINTENANCE THEREOF.
2. Days & Hours of Operation: 7 A.M. TO 7 P.M. MONDAY THROUGH FRIDAY
3. Maximum Number of Customers per Day/Week/Month: NONE. WE MOW FOR INDOT IN THE SUMMER AND DO LITTER REMOVAL YEAR ROUND FOR THEM. IN THE WINTER WE DO SOME SNOW REMOVAL WORK, BUT NO CUSTOMERS EVER TO THE SHOP.
4. Type and Frequency of Deliveries: LESS THAN 1/MONTH
5. Description of any Outdoor Storage: NONE AFTER EXPANSION OF BUILDING.
6. Description, Size, and Placement of any Signage: THERE IS NO SIGNAGE. ON ONE OF THE ENTRY DOORS TO THE SHOP IN 10"X10" LETTERING SAYS "J&M".
7. Description of Waste Disposal: 4 YARD DUMPSTER SERVICE WEEKLY.
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): PLEASE SEE ATTACHED FOR SITE PLAN

USE VARIANCE

Findings Of Fact

Applicant: Michael A. James

Case #:

Location: 5073 W. SR 44., Shelbyville, IN 46176

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

I hope to build a large pole barn on this property to store equipment used in my mowing, litter & snow removal business. My business is primarily with INDOT, mowing and collecting litter along state highways and interstates and, therefore, there is no customer traffic. Any maintenance on the equipment will be done inside the structure, which will have a concrete floor and any waste products will be properly disposed of. There would be no adverse impacts on the public health, safety, and general welfare of the community.

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

The use of the adjacent properties will be unaffected by the variance. This is an agricultural area, interspersed with homes, many of which have their own large pole barns. It is my intention that all of my equipment will be kept the storage facility, once complete. My mowing business is generally agricultural in character which fits with this area. There is nothing in my proposal which will adversely impact the value of the adjacent properties.

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

I previously purchased a property at 5073 W. SR 44, just across State Road 44 from this parcel, with the intention of building a maintenance shop for J&M Contracting, a roadside mowing company that I own. To that end, I had also successfully applied for a zoning variance at that location to build the proposed facility. However, during the planning stages for the new building, the parcel at issue, which is directly across the street, was listed for sale. This parcel at issue was appealing because it already had a 40x100 and 30x30 pole barn and a small house. I used the funds set aside for the new building at 5073 W. SR 44 to purchase the property at 5030 W. SR 44.

This is basically a modification and simplification of the prior request as to 5073 W. SR 44 that was previously approved by the Board. Given that this parcel already has a pole barn and a home that can be converted into an office, less construction and disruption will be needed to complete the plan. There will be an addition needed to the pole barn so that all equipment can be kept inside which I intend to have completed in the Fall of 2026 and the builder has assured me that is possible. The barn will have a concrete floor and any waste products will be properly disposed of.

Also, the area around the parcel is largely agricultural, and mowing is basically an agricultural business. The proposed usage is consistent with the general usage of the area. Using the real estate as a home, given that it is located on a state highway, would create more dangers than the proposed usage given our lack of customer traffic.

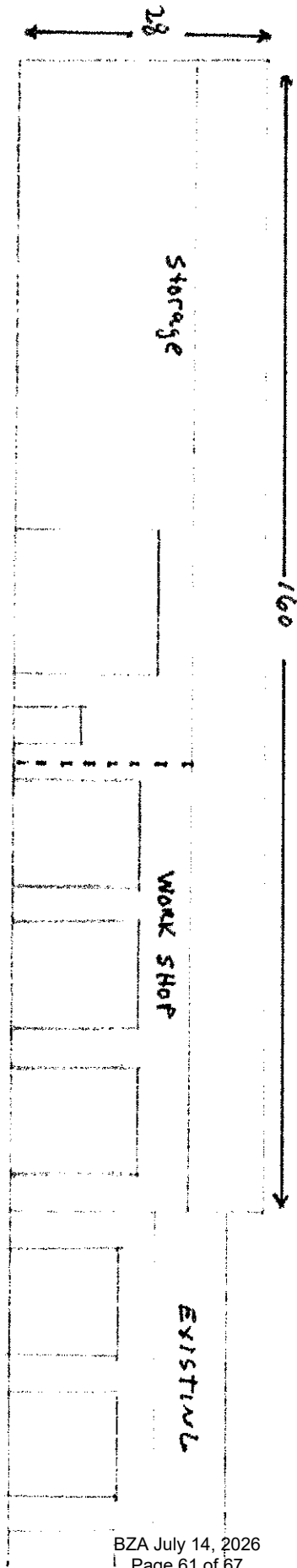
4. The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

I employ 15-30 people in my business, depending upon the season. This is my only job and I am proud of the business and jobs that I have created. As my business has grown, I have had to expand outside the use of my home as my headquarters and thus my prior variance application as to the parcel across the street. This is simply an extension and simplification of the prior application which the Board previously approved.

If this variance is denied, I will need to find another parcel on which to store my equipment and a resulting negative impact on business continuity. If no accommodation is made, it will create a very great and unnecessary hardship as I am unsure of how I would be able to operate this business on which my family, and the families of my employees, rely.

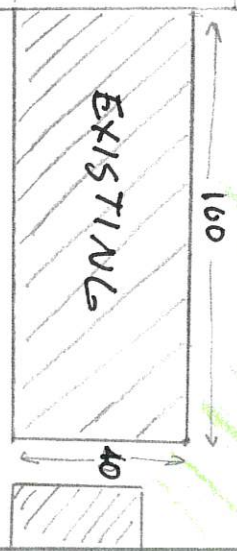
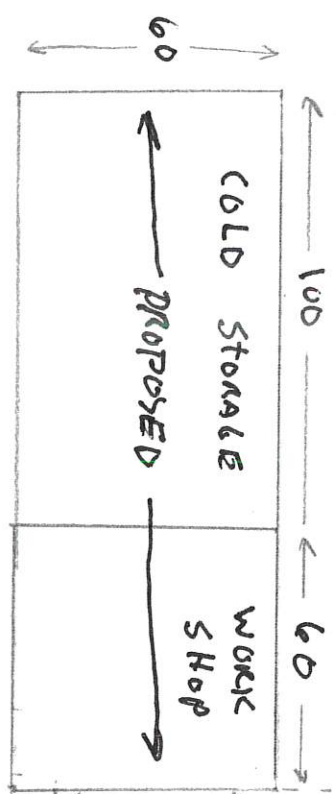
5. The approval does not interfere substantially with the Comprehensive Plan.

The Comprehensive Plan envisions area around the parcel maintaining its agricultural nature. Again, mowing is in the agricultural genre and fits within the Comprehensive Plan.





PROPOSED
SCREENING
ROW



EXISTING
TREES

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 26-32
Case Name: Michelle Renee & Joseph Brian Harrison
– Development Standards Variance

Request

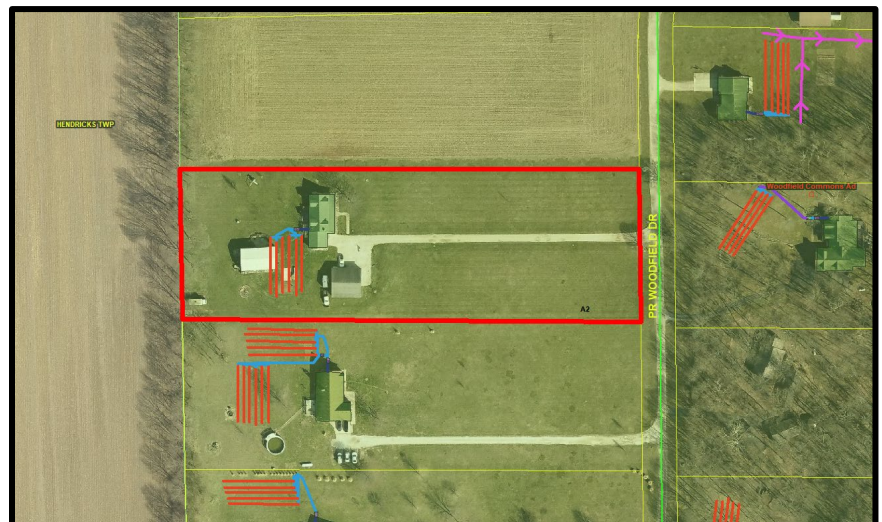
Variance of Development Standards to allow for an addition to the home 12-feet from the north side property line (40-foot setback required).

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 12 feet from the north property line.
- In June of 2026, the Board denied a request to allow the proposed addition to sit a minimum of five feet from the property line. The petitioner has amended their building plans to provide a minimum twelve-foot setback from the 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.

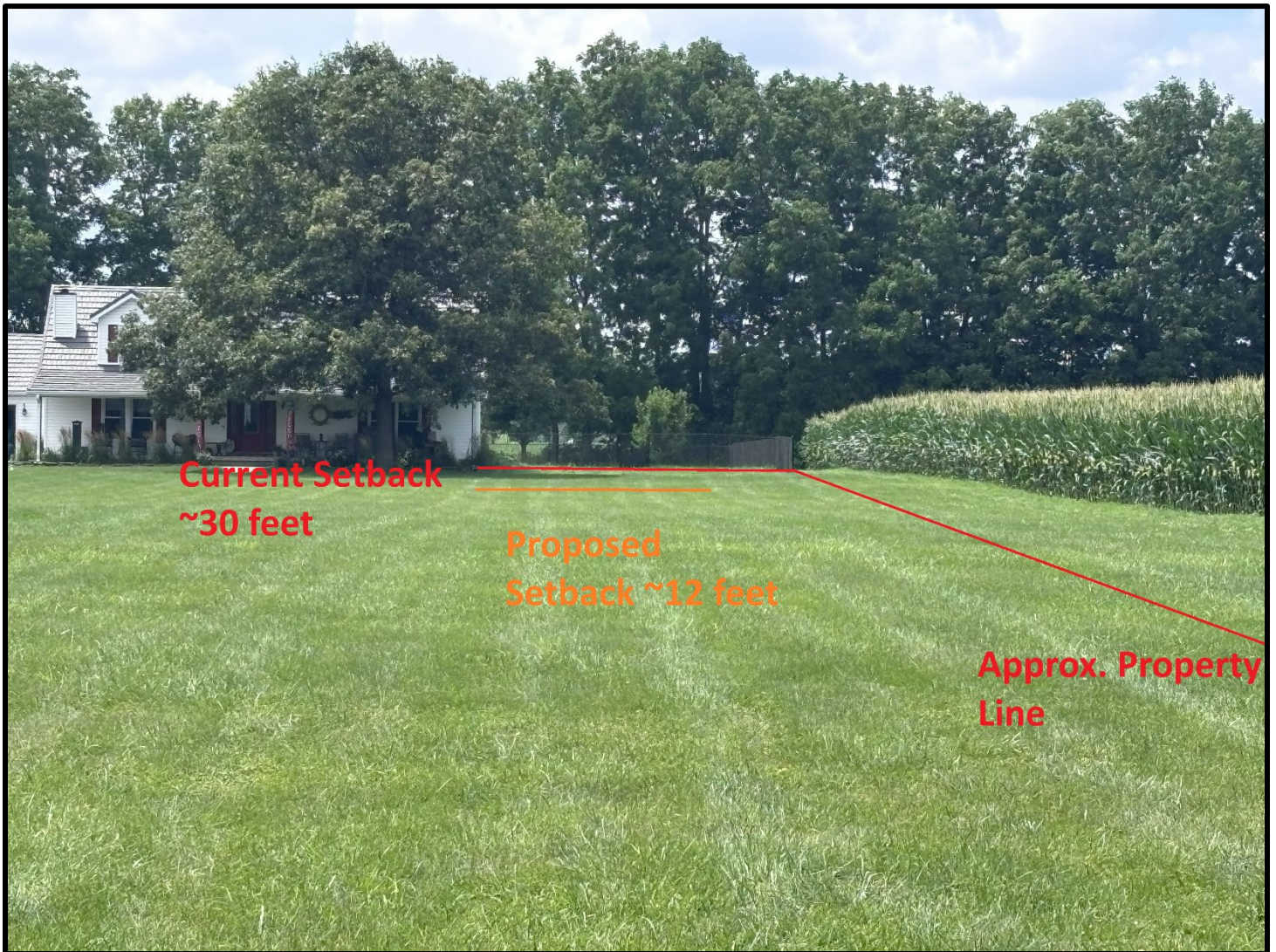
Staff Analysis: The addition must project to the north and within the setback in order to expand the existing master bedroom while not infringing on the septic system to the west or altering the visual aesthetic of the home.

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		



Staff Photograph – July 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.

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.

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.
