

Shelby County Board of Zoning Appeals

July 8, 2025, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals June 10, 2025

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the June 10, 2025 meeting.

OLD BUSINESS

BZA 25-10 – GERLINE FARMS LLC: FINDINGS OF FACT

BZA 25-17 – BONNIE ADKINS: DEVELOPMENT STANDARDS VARIANCES. Located at 8977 N 700 W, Fountaintown, Moral Township.

BZA 25-21 – TIMOTHY SHAW: DEVELOPMENT STANDARDS VARIANCES. Located at 6086 W Boggstown Rd, Boggstown, Sugar Creek Township.

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

NEW BUSINESS

BZA 25-19 – NATALIE PRICE: DEVELOPMENT STANDARDS VARIANCE. Located at 5386 W 1100 N, Fountaintown, Moral Township.

BZA 25-24 – SHELBY COUNTY CO-OP: DEVELOPMENT STANDARDS VARIANCE. Located at 56 S 600 W, Shelbyville, Hendricks Township.

BZA 25-25 – TIMOTHY HIGGINS: DEVELOPMENT STANDARDS VARIANCES. Located at 2596 W Old Franklin Rd, Shelbyville.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **August 12, 2025, 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/86815743295?pwd=ITj4ttUiW9lljsuXtrvhLjWauUc5t.1>

Password: Shelby

Board Members & Staff

Dave Klene, President: Appointed by Shelby County Council, Term January 1, 2023 – January 1, 2027

Terry Knudson, Vice President: Appointed by Shelby County Commissioners, Term January 1, 2022 – January 1, 2026

Megan Hart, Secretary: Appointed by Shelby County Plan Commission, Term January 1, 2025 – January 1, 2026

Kevin Carson, Member: Appointed by Shelby County Commissioners, Term January 1, 2025 – January 1, 2029

Jim Douglas, Member: Appointed by Shelby County Commissioners, Term January 1, 2025 – January 1, 2029

Desiree Calderella, Planning Director

Jody Butts, Board Attorney

Flood Damage Prevention Variance

FINDINGS OF FACT

Applicant: Gerline Farms LLC

Case #: BZA 25-10

Location: 6725 W 600 S, Edinburgh, Jackson Township

1. A showing of good and sufficient cause.

The property does not include any area available for construction of structures outside of the floodplain or at a higher elevation than the proposed building site. Elevation of the first floor of the structures to the FPG would require elevation of the first floor of the structures significantly above existing grade. Elevation of agricultural structures significantly above existing grade would render new agricultural development economically infeasible, which would restrict use of the property for agricultural purposes. The new bins would improve the condition of the property by replacing old bins constructed at a lower elevation.

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

The property does not include any area available for construction of structures outside of the floodplain or at a higher elevation than the proposed building site. Elevation of the first floor of the structures to the FPG would require elevation of the first floor of the structures significantly above existing grade. Elevation of agricultural structures significantly above existing grade would render new agricultural development economically infeasible, which would restrict use of the property for agricultural purposes. The new bins would improve the condition of the property by replacing old bins constructed at a lower elevation.

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

The design standards for fully enclosed areas, fill, or stem walls would apply to the structures, therefore, construction of the structures below the FPG would not result in increased flood heights. Hazardous materials would not be stored in the bins that would pose a risk to groundwater contamination or public safety in the event of a flood. Elevation of the barn to the BFE at the highest point on the property would limit flood risk to the barn in the case of a flood. The structures would not have occupants which could need emergency services in the case of a flood. Approval of the variance does not conflict with any other existing laws or ordinances.

Conditions of Approval

1. The lowest floor of the barn shall be elevated to the BFE. The petitioner shall submit an Elevation Certificate at the completion of construction verifying that the lowest floor of the barn is elevated to or above the BFE and that the barn complies with all other development standards for structures in the floodplain.
2. The top of the concrete portion of the bins shall be elevated one-foot above the top of the concrete portion of the existing bins. The petitioner shall submit an Elevation Certificate at the completion of construction verifying that the top of the concrete portion of each bin is elevated to one-foot or above the top of the concrete portion of the existing bins and that each bin complies with all other development standards for structures in the floodplain.

Property Details

Location: 8977 N 700 W,
Fountaintown, Moral Township.

Property Size: 4.2-acres.

Current Land Use: Single-Family
Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan

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

Surrounding Development

	Zoning	Land Use
North	RE	Estate Residential
South	R1	Single-Family Residential
East	VR	Single-Family Residential
West	A1	Estate Residential

Staff Report

Case Number: BZA 25-17

Case Name: Bonnie Adkins – Development Standards
Variances

Request

Variances of Development Standards to allow for a 900 sq. ft. pole barn resulting in:

1. Three (3) accessory structures over 200 sq. ft. on the property (maximum of two permitted);
2. The total area of all accessory structures on the property exceeding half the size of the footprint of the house.

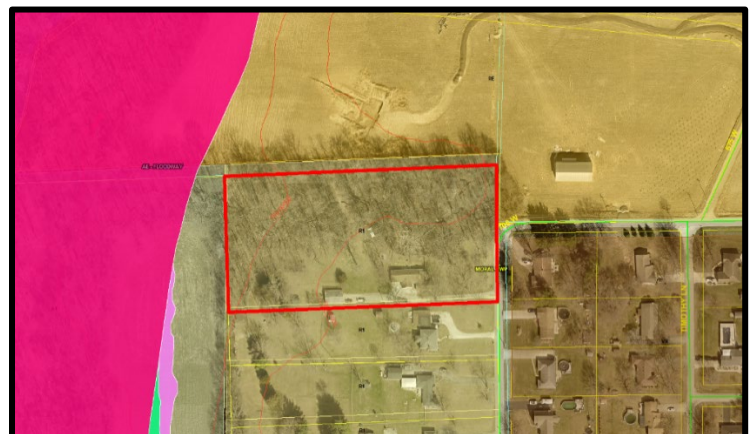
Code Requirement

UDO Section 5.07 C: *Maximum Number:* Up to two (2) enclosed accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.

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

Purpose of Requirements: Limiting the number and size of residential accessory structures ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, large machinery, and/or large equipment.

Property Map



Case Description

- The petitioner plans to construct a 30'x30' (900 sq. ft.) pole barn. The barn would sit approximately 500-feet from CR 700 W and approximately 125-feet from the south side property line.
- The property currently includes a single-family residence, detached garage, storage building, and small shed.
- The square footage of the proposed pole barn plus the square footage of the existing accessory structures would equal approximately 75% the square footage of the footprint of the house. The property tax card provides the square footage of the existing structures for the square footage calculation.
- The County assigned the property the R1 zoning designation when updating the zoning maps in 2008, likely due to location of the property adjacent to smaller residential lots. However, most properties in the County two acres and larger and under five acres have the RE (Residential Estate) zoning designation. Existing and proposed accessory structure development would comply with the size requirements for the RE District.

Staff Analysis of Findings of Fact

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

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

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

Staff Analysis: The barn would not detract from the residential character of the area. Adjacent residential properties to the south include accessory structures consistent in size to the proposed barn. The barn would not detract from the residence as the visual focal point of the property because the property includes more acreage than most properties in the zoning district.

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

Staff Analysis: Most properties in the County consistent with the size of the subject property have the RE zoning designation. The UDO allows accessory structures up to two-times the square footage of the footprint of the house in the RE District. The square footage of the proposed pole barn plus the square footage of the existing accessory structures would comply with this requirement.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the barn would not alter the residential character of the area.

Applicant/Owner Information

Applicant: Bonnie Adkins
8977 N 700 W, Fountaintown, IN 46130

Owner: Bonnie & Shane Adkins

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Bonnie Adkins

Case #: _____

Location: 8977 N 700 W Fountaintown, IN 46130

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

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.
No added pollution. Not adding to traffic. No electricity or drainage needs.

Waste will be composted

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

Not a business. No added noise. No added traffic. Will hardly be noticed from the road as it is behind the house.

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

No septic use. Several neighbors already have horse barns within a mile either direction of house.

Not running a business.

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

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

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

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

[illegible]

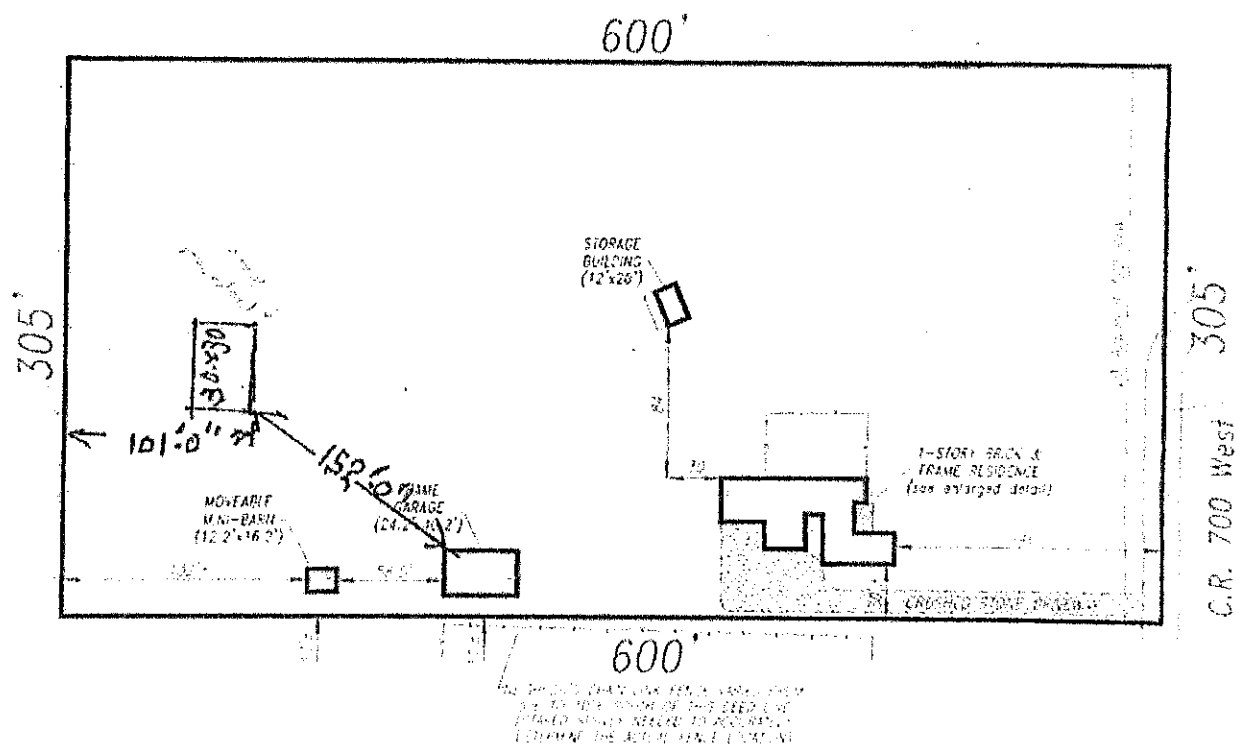
SURVEYOR LOCATION REPORT

[illegible]

THIS REPORT IS BASED ON LIMITED ACCURACY MEASUREMENTS AND IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS REPORT FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

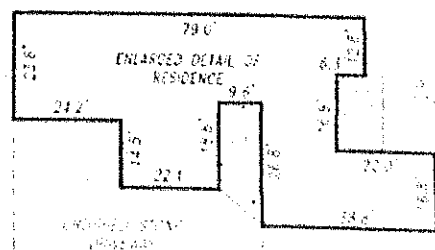
PROPERTY ADDRESS: 3877 N 700 West
 Fountainfurn, IN 46159

CLIENT ID. NO.: 11027572



Part of the East Half of the Northeast Quarter of Section 24, Township 14 North, Range 5 East of the Second Principal Meridian, located in Shelby County, beginning at the Northeast corner of said Half Quarter Section; thence South, on and along the East line thereof 305 feet; thence West, parallel to the North line of said Half Quarter Section 600 feet; thence North parallel to said East line, 305 feet to the point in said North line 600 feet to the place of beginning.

Subject, however, to all legal highways, rights of way, easements and restrictions of record.



Property Details

Location: 6086 W Boggstown Rd,
Boggstown, Sugar Creek Township.

Property Size: 1.66-acres.

Current Land Use: Single-Family
Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan Estate Residential

The purpose of this category is to provide for new rural residential housing opportunities in rural areas not well suited for agriculture. New residential development should have reasonable access to roads and utilities and should not significantly disrupt agricultural activities. The residential density of this category should not exceed one lot for every two acres.

Surrounding Development

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

Staff Report

Case Number: BZA 25-21

Case Name: Timothy Shaw – Development Standards
Variances

Request

Variances of Development Standards to allow for a 2,016 sq. ft. barn:

1. Twenty-two (22) feet in height;
2. Exceeding half the size of the footprint of the house.

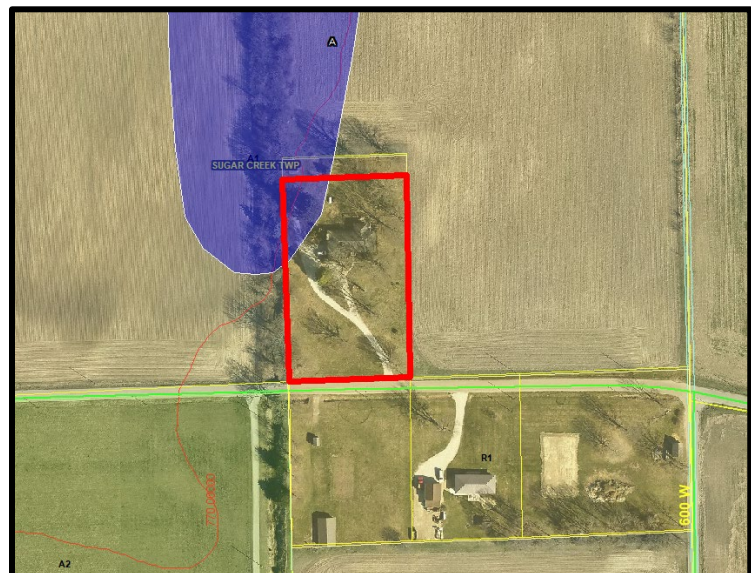
Code Requirement

UDO Section 2.14: Maximum Structure Height: 20 feet for accessory structure.

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

Purpose of Requirements: Limiting the size of residential accessory structures ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, large machinery, and/or large equipment.

Property Map



Case Description

- The petitioner plans to construct a 22-foot-tall, 36'x56' (2,016 sq. ft.) barn at the northwest corner of the property.
- The square footage of the proposed pole barn equals approximately 80% of the square footage of the footprint of the house. The property tax card provides the square footage of the house for the square footage calculation.
- The property adjoins cropland and one residential property which includes a large barn attached to a single-family residence.
- The proposed building site lies within a Federal Emergency Management Agency (FEMA) designated flood hazard area. However, the ground elevation sits significantly higher than the base flood elevation. The petitioner plans to apply for a Letter of Map Amendment (LOMA) to remove the property from the flood hazard area. The Plan Commission office will require an approved LOMA prior to issuance of construction permits for the barn.

Staff Analysis of Findings of Fact

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

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

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

Staff Analysis: The barn would sit within a wooded area at the rear corner of the property and therefore would not be conspicuous when viewed from adjacent residential property or the public road. Therefore, the barn would not detract from the residence as the visual focal point of the property or alter the rural residential character of 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 for a barn similar in size and height to the barn attached to the house on the adjacent property to the south.

Staff Recommendation

Staff recommends **APPROVAL** primarily because a strict application of the ordinance would not allow for a barn similar in size and height to the barn attached to the house on the adjacent residential property.

Applicant/Owner Information

Applicant: Timothy Shaw
6086 E Boggstown Rd.
Boggstown, IN 46110

Owner: Debroah Shaw
6086 E Boggstown Rd.
Boggstown, IN 46110

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Margaret Shaw Trust / Timothy Shaw
Case #: _____
Location: 6086 W Boggsstown Rd Boggsstown In 46110

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

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

There will be no adverse general welfare.
It will move trailers in side and improve
general appearances.

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

All four adjacent property owners have
acknowledge and approved 36'x56' Pole Barn

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

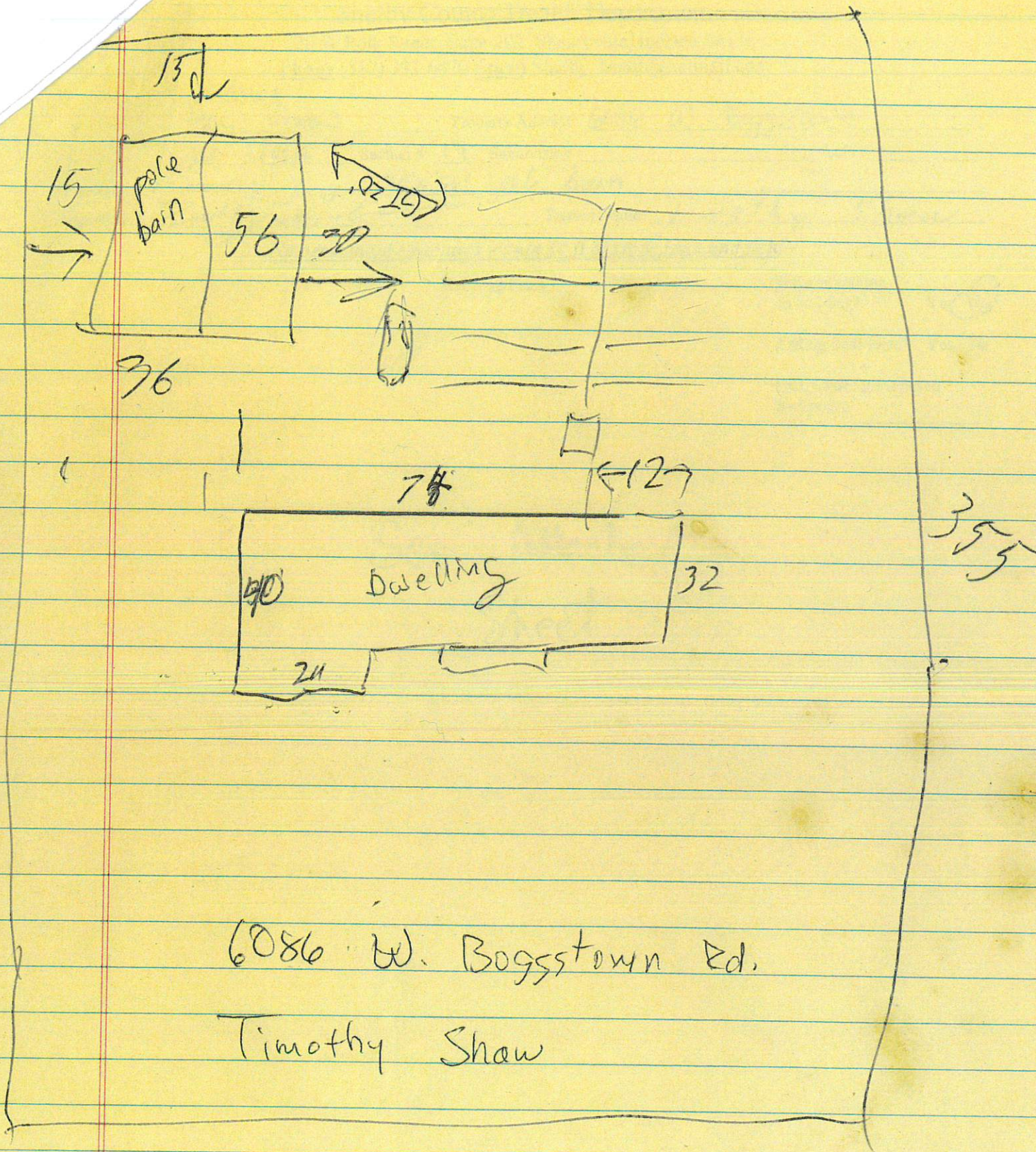
The Building is the same height or less
Than Surrounding Buildings on adjacent
properties.

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

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

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

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



6086 W. Boggsstown Rd.

Timothy Shaw

Property Details

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

Property Size: 13.04-acres.

Current Land Use: Commercial – Barn
Sales

Zoning Classification:

C2 (Highway Commercial)

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

Development Standards: Require quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality. Minimize light, noise, water, and air pollution.

BZA: Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety.

Future Land Use per Comp Plan Commercial

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

Surrounding Development

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

Staff Report

Case Number: BZA 25-12

Case Name: Dylan Pettijohn – Use & Development
Standards Variances

Addendum July 8th Meeting

At their June 10th, 2025 two members of the BZA voted to approve the petition and two members voted to deny the petition, which resulted in a continuance of the petition to the July 8th meeting. The petitioner has not made any changes to the request; however, the property owner Shawn Hart has assumed responsibility for the petition.

Addendum for June 10th Meeting

At their May 13th, 2025 meeting the BZA voted to continue this petition and requested that the petitioner provide a more detailed site plan. The petitioner has provided an updated site plan with significantly more information which also includes relocation of the development to the south side of the site in order to decrease visibility of the development from the public road. Staff has updated the Staff Report (shown in blue) to reflect the changes to the site plan.

Request

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

Variances of Development Standards to allow:

1. A gravel driveway;
2. Gravel parking and maneuvering areas.

Code Requirement

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

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

UDO Section 5.60 A – Surface: All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved

surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.

Purpose of Requirement: The UDO requires paved commercial driveways to accommodate the volume of vehicles that typically access commercial properties. Use of a gravel driveway by multiple vehicles would result in the migration of stone and dust onto the public roadway. The UDO requires paved and striped parking lots for commercial developments to protect the safety of motorists and pedestrians, to allow for efficient traffic flow, to improve upon the quality development, and to protect the character of commercial areas.

Property Map



Case Description

Proposed Development

- The petitioner intends to develop the ~~northwest~~ southeast corner of the property for use as a self-storage facility providing prefabricated self-storage units. ~~and outdoor storage areas for recreational vehicles, campers, cars, and trucks.~~
- Proposed development includes twelve (12) prefabricated self-storage units, a 6-foot-tall chain-link fence securing the units, gravel parking and maneuvering areas, paved ADA parking spaces, gravel driveway with a paved driveway skirt 20-feet in length, and three evergreen trees and three canopy trees along the driveway.
- The petitioner indicated that they plan to complete the site work and then place the self-storage units on the property over a period of time.
- ~~The petitioner intends to install a gravel driveway to provide access to the development from Brookville Rd. (US 52).~~ The development would have access from SR 9 through an existing paved entrance. ~~Installation of the driveway Use of the entrance for new development would require a permit from the Indiana Department of Transportation.~~
- ~~The petitioner indicated that they would develop the property in compliance~~ The site plan submitted by the petitioner complies with all development standards applicable to the C2 District, other than installation of a gravel driveway and parking and maneuvering areas.
- The UDO allows for limited use of existing gravel parking area for new commercial development. The petitioner intended to utilize existing gravel parking at the original location proposed for the development. The petitioner has added a request to install gravel parking at the newly proposed location due to lack of existing gravel parking in that area.
- The petitioner's Statement of Intent indicates that the facility will have 24-hour access and a maximum of 100 customers per month.
- ~~If development of the site exceeds more than one acre, the development would require Technical Advisory Committee review and approval of a Site Plan in compliance with applicable County codes. The Site Plan must include elevations, specific building and parking locations, and drainage infrastructure. The development will not exceed one-acre and therefore the County will not require Technical Advisory Committee review and approval of a Site Plan.~~

Supporting Information

- The UDO only permits self-storage facilities by right in the I1 (Low Intensity Industrial) and I2 (High Intensity Industrial) Districts.
- The property lies at the southwest corner of the US 52 / SR 9 roundabout. Existing development near roundabout includes an auto fuel station, crates and pallets manufacturer, agricultural fuel center, self-storage facility, convenience store, and single-family home sites.
- The property has had a commercial/business zoning designation since the adoption of the first County zoning map.

- The southeast portion of the property is currently used for mini-barn sales. The UDO does not allow outdoor storage of merchandise in the C2 District. However, this use of the property qualifies as legal-nonconforming 'grandfathered' because the petitioner has signed an affidavit testifying that use of the property for mini-barn sales was established prior to the adoption of current zoning regulations and has been continually used for that purpose.
- At the time of submittal of the variance application, the property also included uses which violate the terms of the UDO, specifically a food truck, a construction trailer used for nearby roadwork, and self-storage units used for advertising of the proposed self-storage facility.
 - The UDO requires that any use of property established after the effective date of the UDO comply with all development standards identified in the current UDO for the applicable zoning district. The owner has established these uses without bringing the site into compliance with the applicable zoning standards (paved driveway, adequate parking areas, etc.)
 - The property owner has addressed the food truck violation by removing the food truck from the property.
 - The UDO does not allow construction trailers on property in the C2 District not used for on-site construction related activities without an approved use variance. The property owner has not addressed this violation.
 - The UDO does not allow for self-storage facilities in the C2 District without an approved use variance. The property owner has addressed this violation by incorporating the self-storage units into the mini barn business by listing the units for sale.

Staff Analysis of Findings of Fact

Use Variance

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

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

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

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

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

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

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

Staff Analysis: A strict application of the ordinance would not allow for development of a property in a commercial zoning district for a commercial service.

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

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

Development Standards Variances

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

Staff Analysis: ~~Use of a gravel driveway by multiple vehicles accessing the facility would result in the migration of stone and dust onto the public roadway.~~ The development would generate relatively few trips, would sit over 250-feet from the public road, and several commercial properties in the area have gravel parking and maneuvering areas. A driveway apron 20-feet in length would limit the migration of stone and dust onto the public roadway. Therefore, gravel parking and maneuvering areas would not pose a significant risk to motorist safety or significantly impact the character of the 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: ~~Use of a gravel driveway by multiple vehicles accessing the facility would result in the migration of stone and dust onto the public roadway.~~ Several commercial properties in the area have gravel parking and maneuvering areas. A driveway apron 20-feet in length would limit the migration of stone and dust onto the public roadway. Therefore, gravel parking and maneuvering areas would not significantly impact the character of 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: ~~No condition exists which would prevent installation of a paved driveway.~~ A strict application of the ordinance would not allow for gravel parking and maneuvering areas for a small-scale commercial development utilizing temporary structures.

Staff Recommendation

Staff recommends **APPROVAL** primarily because a self-storage facility would provide a commercial service on a property within a commercial zoning district, within a commercial area having access to two major thoroughfares, and within an area recommended for commercial development by the Comprehensive Plan. ~~The petitioner has committed to installing a driveway apron 20-feet in length which would limit the migration of stone and dust onto the public roadway.~~

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

~~1. Outdoor self-storage areas shall not be permitted.~~

~~2. All development related to the self-storage facility, including driveways, parking, and maneuvering areas, shall be limited to less than one acre and located in the general area shown on the site plan submitted with the variance application.~~

~~3. All on-site zoning violations shall be resolved prior to development of the self-storage facility.~~

Staff Recommends the following **stipulation**:

1. The development shall be limited to and consistent with the Site Plan added to the variance application.

Applicant/Owner Information

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



Staff Photograph - May 2025

STATEMENT OF INTENT (ONLY REQUIRED FOR 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: Outdoor storage and self-storage

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

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

4. Type and Frequency of Deliveries: None

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

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

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

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

These units are prefabricated and delivered to the site.

USE VARIANCE
FINDINGS OF FACT

Applicant: Dylan Pettijohn

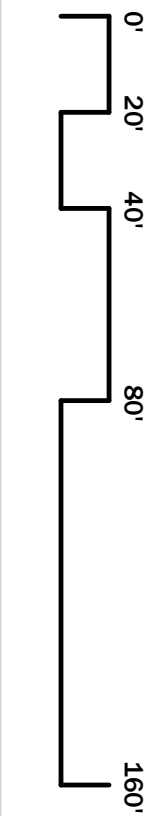
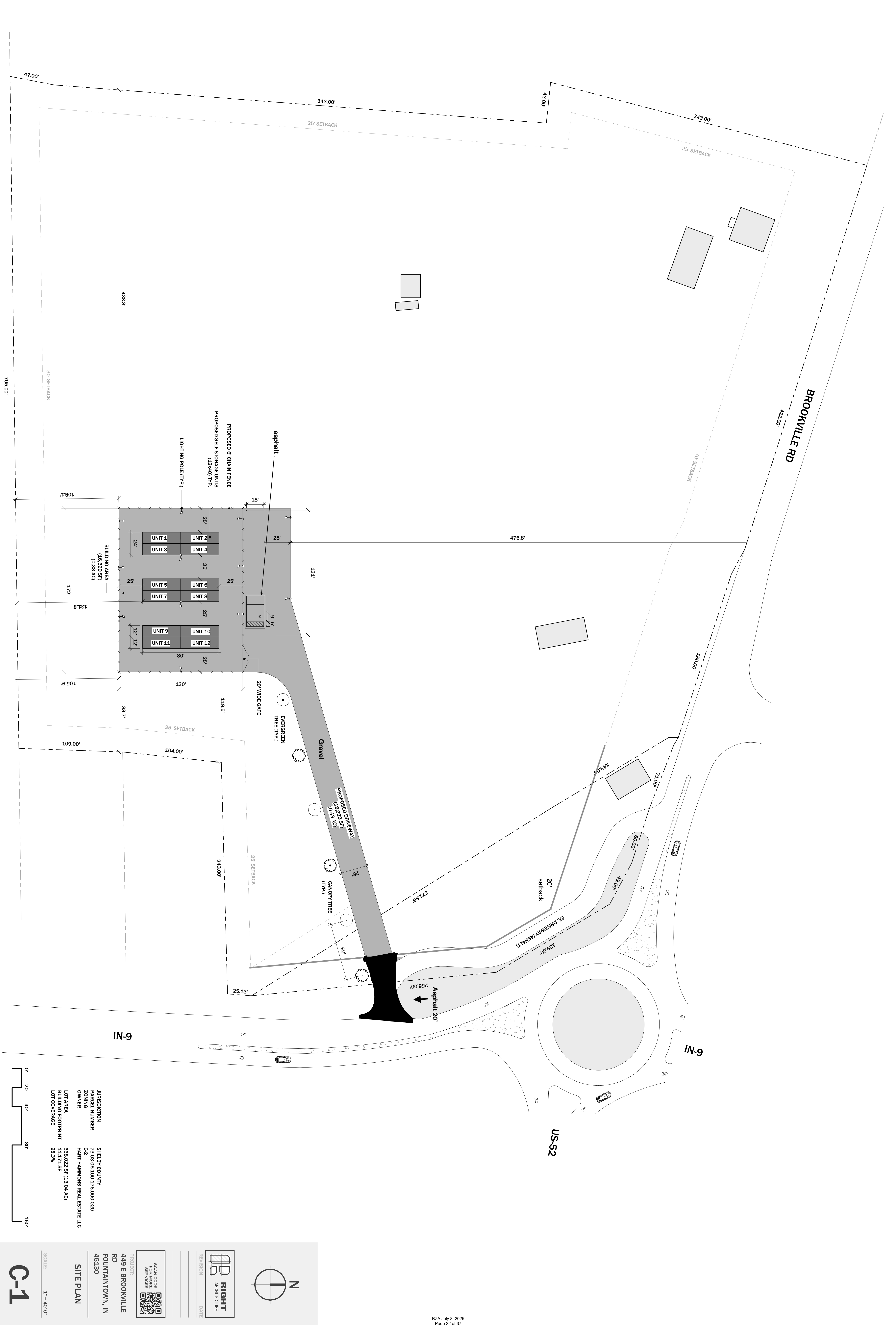
Case #:

449 E BROOKVILLE RD

Location: FOUNTAIN TOWN, IN 46130

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

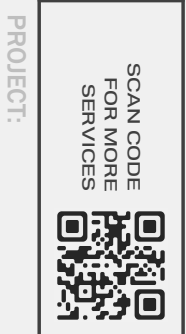
1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.
The facility will be designed with customer safety in mind, including proper lighting, security fencing, and controlled access to minimize unauthorized entry. It will not produce noise, air, or water pollution because there is no heavy machinery or chemicals that will need to be used.
2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
There is already a storage unit facility half of a mile away from this property and it has been in operations since 2005 and this has not caused any harm to the surrounding property values.
3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved.
The proposed use is in line with what neighboring properties have done. There are a few storage unit facilities within a few miles of this property.
4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.
This development will increase the value of the property it will not suppress any potential economic gain of value for the property.
5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.
The comprehensive plan suggests that the intended use is commercial, while this is the case self-storage is the next logical step in our current land use since we are currently doing outdoor storage.



JURISDICTION
PARCEL NUMBER
ZONING
OWNER
LOT AREA
BUILDING FOOTPRINT
LOT COVERAGE

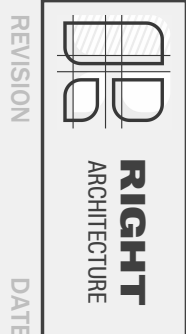
SHELBY COUNTY
730305-100-176-000-020
C-2
HART HAMMONS REAL ESTATE LLC
568,022 SF (13.04 AC)
11,171 SF
28.3%

SITE PLAN



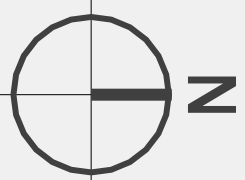
PROJECT:

449 E BROOKVILLE
RD
FOUNTAIN TOWN, IN
46130



REVISION

DATE



C-1

SCALE: 1" = 40'-0"

Property Details

Location: 5386 W 1100 N,
Fountaintown, Moral Township.

Property Size: 13.231-acres.

Current Land Use: Cropland /
Commercial Kennel.

Zoning Classification:

A2 (Agricultural)

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

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

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

Future Land Use per Comp Plan

Parks, Open Space, & Conservation

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

Surrounding Development

	Zoning	Land Use
North	A1	Estate Residential
South	R1	Single-Family Residential
East	A1	Cropland
West	A2	Agriculture

Staff Report

Case Number: BZA 25-19
Case Name: Natalie Price – Development Standards Variance

Request

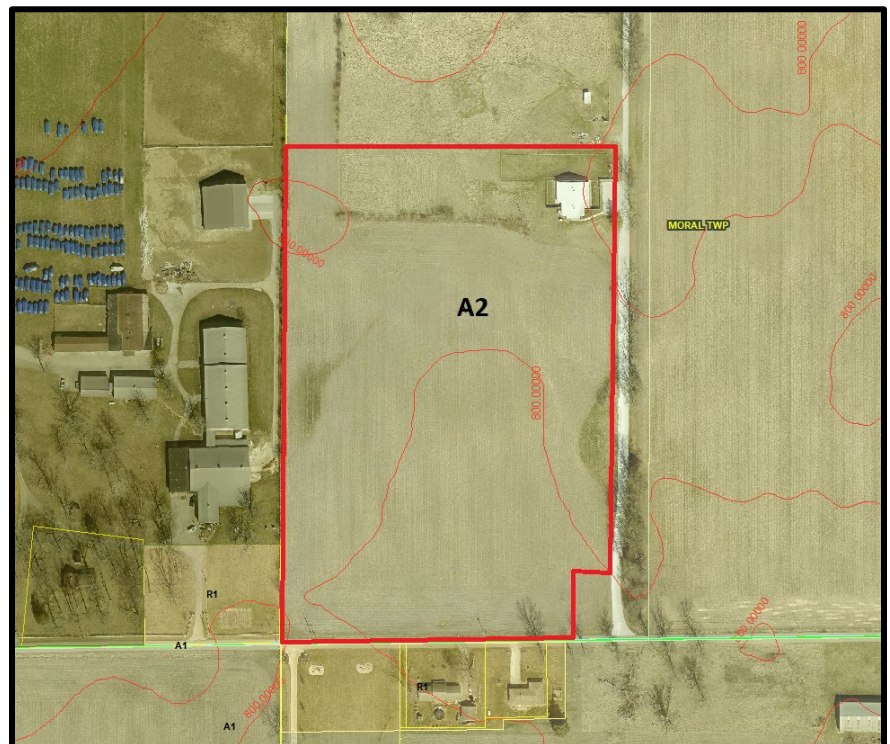
Variance of Development Standards allow a building and outdoor containment areas associated with an existing commercial kennel less than 100-feet from the property lines.

Code Requirement

UDO Section 5.36 E: Setback Standards: All buildings and outdoor containment areas used by the commercial kennel shall be a minimum of 100 feet from all property lines.

Purpose of Requirement: The 100-foot setback requirement protects adjacent property from noise and odor associated with the operation of commercial kennels.

Property Map



Case Description

- The petitioner currently operates a commercial kennel at the northeast corner of the property.
- On June 14, 2016 the Board of Zoning Appeals approved a Special Exception allowing for operation of the kennel including stipulations that dogs shall remain inside the kennel between the hours of 8AM and 8PM, no more than 34 dogs shall be permitted, and no signage shall be permitted.
- The Planning Director at the time of the Special Exception approval indicated that the proposed facility appeared to comply with all standards applicable to Commercial Kennels identified in the UDO, including the setback requirement.
- The petitioner has obtained approval of a Rezoning and Simple Subdivision to subdivide the property from the adjacent property to the north. The new Simple Subdivision survey shows that the petitioner constructed the kennel building closer to the east property line than shown on the site plan submitted with the Special Exception application. Specifically, the site plan indicated a 102-foot setback, and the new survey shows a 70.1-foot setback.
- Additionally, the building and outdoor containment areas sit closer than 100-feet to the new property lines established by the Simple Subdivision. The kennel building sits 60-feet from the north property line and 46.1-feet from the east property line. The outdoor containment areas are located within 5-feet to 10-feet of the north and east property lines.

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 100-foot setback requirement serves to protect adjacent property from noise and odor associated with the operation of commercial kennels. Therefore, approval of a variance from the setback requirement would have no impact on the public.

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

Staff Analysis: Location of kennel facilities closer to the east property line than permitted would not prevent continued use of the adjacent property for crop production. The petitioner owns the adjacent property to the north affected by approval of the variance.

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 continued use of an existing building and outdoor containment areas for a commercial kennel.

Staff Recommendation

Staff recommends **APPROVAL** primarily because location of kennel facilities closer to the east property line than permitted would not prevent continued use of the adjacent property for crop production. The petitioner owns the adjacent property to the north affected by approval of the variance.

Applicant/Owner Information

Applicant:	Natalie Price	Owner:	Same
	5386 W 1100 N		
	Fountaintown, IN 46130		

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Natalie Price
Case #: _____
Location: _____

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

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

Other residential homes in the area

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

farm field other residential homes
in area

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

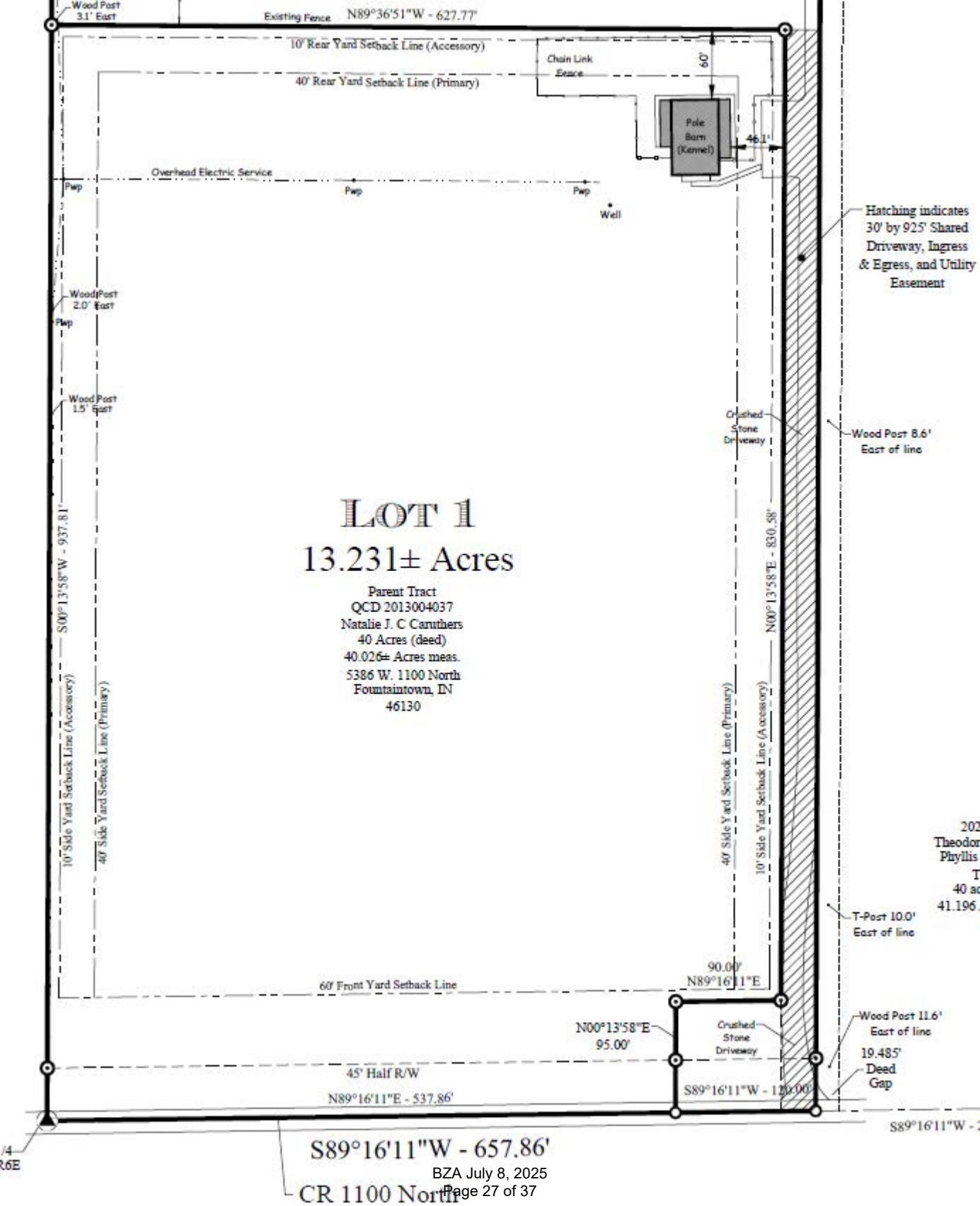
I would not be able to sell
my property.

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

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

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

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



Property Details

Location: 56 S 600 W, Shelbyville,
Hendricks Township.

Property Size: 9.385-acres.

Current Land Use: Agricultural
Commercial.

Zoning Classification:

A4 (Agricultural Commercial)

***Intent:** This district is established for commercial and industrial uses directly related to agriculture and compatible with rural/agricultural areas.*

***Development Standards:** Enact development standards to minimize the impacts on adjacent properties while encouraging economic vitality within the Agricultural Commercial District.*

***BZA:** Protect the adjacent land and uses by through the use of appropriate buffers and setbacks and be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land.*

Future Land Use per Comp Plan

Agriculture

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

Surrounding Development

	Zoning	Land Use
North	A2	Cropland
South	A1	Cropland
East	A1/RE	Cropland
West	A1	Cropland

Staff Report

Case Number: BZA 25-24
Case Name: Shelby County CO-OP –
Development Standards Variance

Request

Variance of Development Standards to waive the landscape buffer yard requirement along the side and rear property lines.

Code Requirement

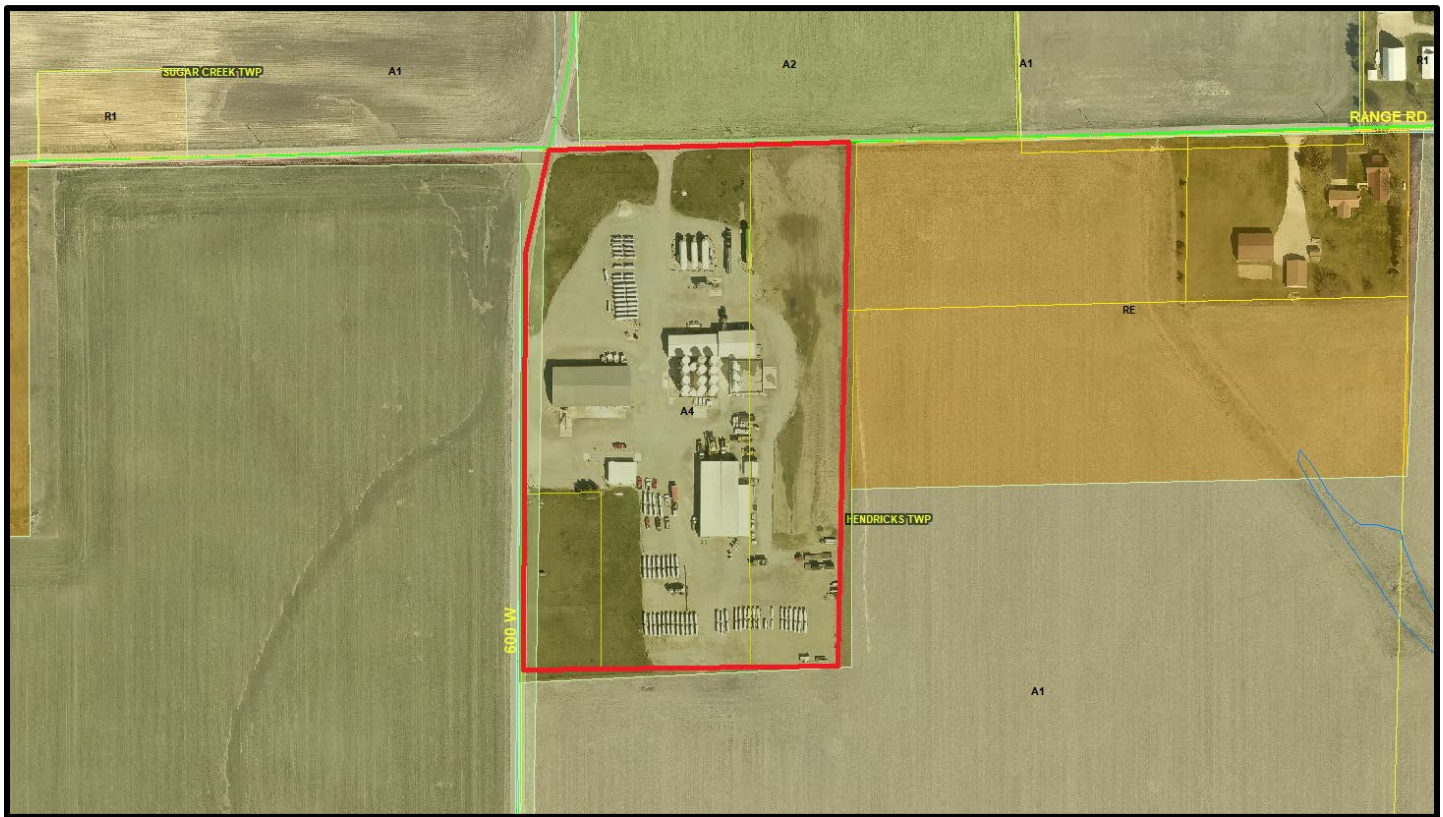
UDO Section 5.49 A: Applicability: Buffer yard standards shall apply along the front, side, and rear property lines where conflicting zoning districts meet, as indicated on Table LA-A: Buffer Yards Required.

UDO Section 5.49 E: Buffer Yard "A": One (1) canopy tree and one (1) ornamental or evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.

UDO Section 5.49 F: Buffer Yard "B": 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.

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

Property Map



Case Description

- The Shelby County CO-OP currently uses the property for sale and storage of agricultural fuels, chemicals, and products.
- The CO-OP has obtained Site Plan approval and construction permits for a new primary located at the southeast corner of the property. The structure will include office space, shop area, and storage area.
- The property currently does not include any landscaping.
- The current UDO requires installation of landscaping in compliance with UDO requirements at the time of construction of a primary structure. The UDO does not require roadway, parking lot, or interior landscaping for properties in the A4 District. However, the UDO does require buffer yard landscaping along property lines adjoining property in lower intensity zoning districts.
- The UDO requires Buffer Yard “A” along the south property line and 275-feet of the east property line adjoining adjacent property in the A1 (Agricultural) District and Buffer Yard “B” along the remaining portion of the east property line adjoining property in the RE (Residential Estate) District.
- The Technical Advisory Committee (TAC) approved Site Plan shows landscaping in compliance with UDO requirements. However, the petitioner would prefer not to install any landscaping.

- Adjacent property includes cropland and no other development. The adjacent property in the RE District qualifies as a single-family residential building lot.
- A similar use in the A4 District, Premier Ag, is located approximately ½-mile south of the property. Trees which existed prior to development of the property provide a landscape buffer along the property lines, however, the Plan Commission required Landscaper Buffer 'A' and Landscape Buffer 'B' adjacent to the outdoor storage areas as a stipulation of rezoning approval to allow for development of the facility.

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 UDO states that the BZA should be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land when considering development standards variances for properties in the A4 District. Landscaping on properties in the A4 District benefits the public by enhancing the visual quality of developments, by minimizing stormwater runoff, and by improving air quality. Lack of any landscaping on the property would eliminate the public benefits gained from installation of landscaping. Therefore, the petitioner should install sufficient landscaping to provide these public benefits.

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: Lack of landscape buffers would not impact continued use of adjacent property for crop production.

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

Staff Analysis: A strict application of the ordinance would require installation of more landscaping than needed to provide sufficient benefit to the public and on areas of the property developed prior to the County adopting a landscape buffer yard requirement.

Staff Recommendation

Staff recommends **APPROVAL** primarily because lack of landscape buffers would not impact continued use of adjacent property for crop production. However, the property should include sufficient landscaping to enhance the visual quality of the development, to maintain consistency with nearby agricultural-commercial developments, to minimize stormwater runoff, and to improve air quality. Staff recommends the following **stipulation**:

1. Landscape Buffer 'A' shall be planted along CR 600 W in front of the new building. Specifically, one (1) canopy tree and one (1) ornamental or evergreen tree per seventy (70) feet planted within 20-feet of the existing right-of-way. The TAC approved Site Plan shall be updated to reflect the new landscaping plan.

Applicant/Owner Information

Applicant: Shelby County CO-OP
2350 E SR 44
Shelbyville, IN 46176

Owner: Same

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Shelby County Coop
Case #: _____
Location: 56 S. 600W Shelbyville

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

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

there is no impact to neighboring properties
as they are farm fields

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

The East and South Side of Coop property is
farm ground. The addition of tree would
actually potentially hinder those farms from
performing aerial applications.

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

Being placed to neighboring field would subject the
tree to potential off target application
with no benefit to Coop or surrounding
property.

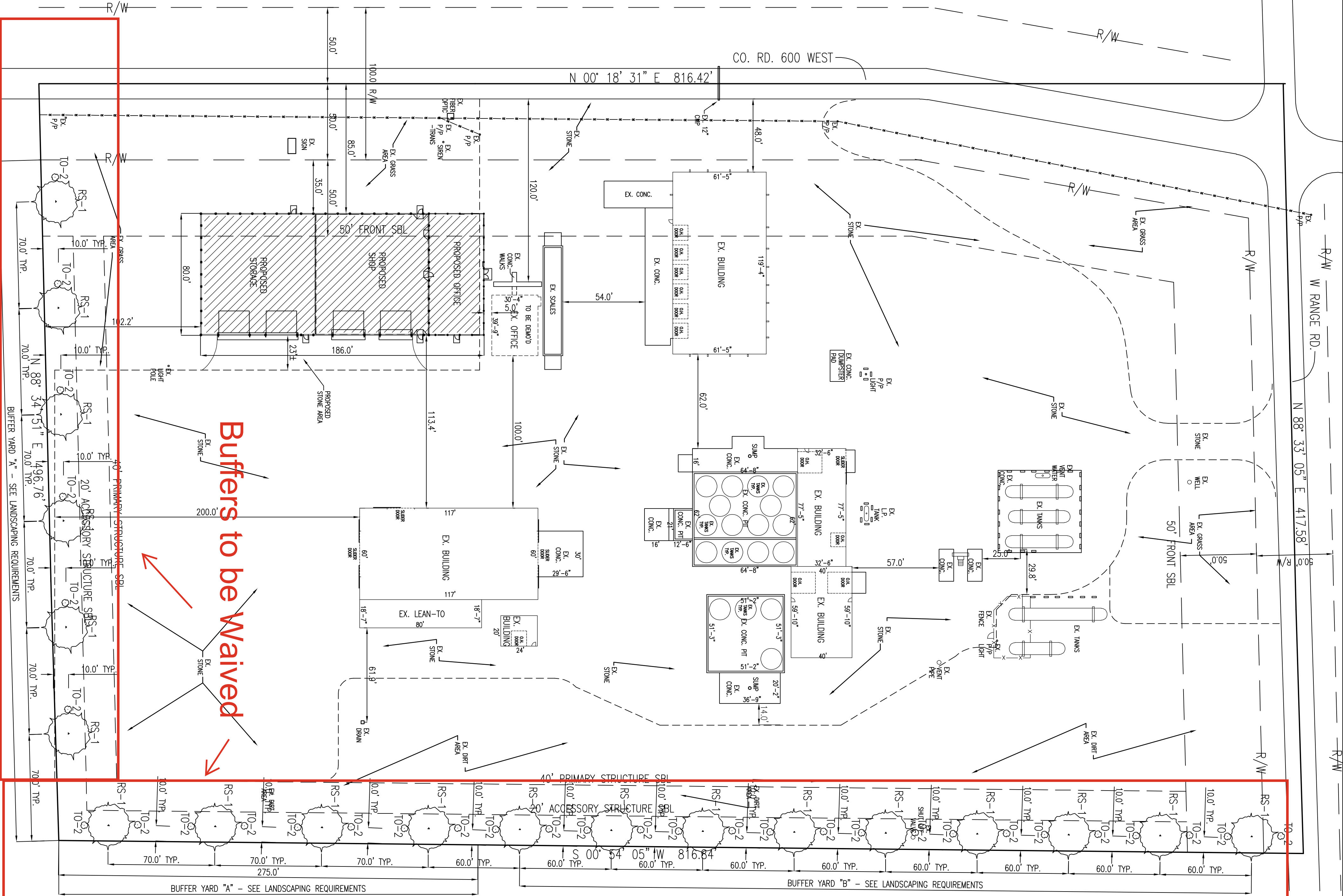
The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

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

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

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

PROPOSED LANDSCAPING PLAN
9.385 AC., ZONED: A4



PER SECTION 5.48 OF THE UDO.
LANDSCAPING MUST COMPLY WITH UDO REQUIREMENTS

BUFFER YARD 'A' REQUIRED ALONG SOUTH PROPERTY LINE AND SOUTH 275'-FEET OF EAST PROPERTY LINE: ONE (1) CANOPY TREE AND ONE (1) ORNAMENTAL OR EVERGREEN TREE SHALL BE PLANTED FOR EVERY SEVENTY (70) FEET OF CONTIGUOUS BOUNDARY WITH THE ADJACENT LOT. EACH TREE SHALL BE PLANTED WITHIN TWENTY (20) FEET OF THE PROPERTY LINE, BUT NO CLOSER THAN FIVE (5) FEET TO THE PROPERTY LINE.

BUFFER YARD 'B' REQUIRED ALONG REMAINING PORTION OF EAST PROPERTY LINE: 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.

MINIMUM TREE SIZE:
DECIDUOUS TREES: ALL REQUIRED DECIDUOUS TREES SHALL BE AT LEAST ONE AND THREE-QUARTER (1 3/4) INCH DBH AT THE TIME OF PLANTING.
EVERGREEN TREES: ALL REQUIRED EVERGREEN TREES SHALL BE AT LEAST FIVE (5) FEET IN HEIGHT AT THE TIME OF PLANTING.

COUNTY LANDSCAPING NOTES:

EASEMENTS: LANDSCAPE MATERIAL SHALL NOT BE PLANTED IN RIGHTS-OF-WAY OR EASEMENTS WITHOUT PERMISSION FROM THE COUNTY COMMISSIONERS FOR RIGHTS-OF-WAY OR EASEMENT HOLDERS FOR EASEMENTS. A TREE CANOPY MAY PROJECT OVER A RIGHT-OF-WAY OR EASEMENT.

DISTANCE FROM SIDEWALK AND CURB: STREET TREES SHOULD BE PLANTED AT LEAST FIVE (5) FEET FROM ANY SIDEWALK, CURB OR PAVED SURFACE.
INFRASTRUCTURE: TREES SHALL BE LOCATED TO AVOID SIGNIFICANT INTERFERENCE WITH OVERHEAD OR UNDERGROUND UTILITIES AND SHALL MAINTAIN FIVE (5) FEET OF HORIZONTAL CLEARANCE FROM STEEP AND WATER LINES. STREET TREES SHALL NOT BE LOCATED DIRECTLY UNDER OVERHEAD POWER LINES.

NON-GRASS: LANDSCAPE MATERIALS SHALL BE LOCATED TO AVOID INTERFERENCE WITH VEHICULAR AND PEDESTRIAN MOVEMENT. SPECIFICALLY, PLANT MATERIALS SHALL NOT PROJECT INTO SIDEWALKS, PEDESTRIAN PATHS, AND THE CURB BELOW A HEIGHT OF SIX (6) FEET. PLANT MATERIALS SHALL NOT PROJECT OVER STREET CURVES OR PAVEMENT WITHIN RIGHTS-OF-WAY OR ACCESS EASEMENTS BELOW A HEIGHT OF EIGHT (8) FEET.

STREETSCAPE: THE UNPAVED PORTION OF AN ADJOINING PUBLIC OR PRIVATE RIGHT-OF-WAY SHALL BE FINE-GRADED, PLANTED AND MAINTAINED WITH VEGETATIVE GROUND COVER.
PLANT HEALTH: ALL PLANT MATERIAL SHALL BE MAINTAINED ALIVE, HEALTHY, AND FREE FROM DISEASE AND PESTS.
STRUCTURAL CONDITION: ALL LANDSCAPE STRUCTURES SUCH AS FENCES AND WALLS SHALL BE REPAIRED OR REPLACED PERIODICALLY TO MAINTAIN A STRUCTURALLY SOUND AND AESTHETIC CONDITION.

TREES AND SHRUBS MUST MEET SIZE REQUIREMENT
EXPRESSED IN THE UNITED DEVELOPMENT ORDINANCE.

PLANT SCHEDULE - TREES/SHRUBS

Key	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	MATURE SIZE	QTY.
TO	THILIA OCCIDENTALIS 'SMARAGD'	AMERICAN ARBORVITAE	60" HT.	15' HT./4' SPREAD	32
RS	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	2.5"	45' HT./35' SPREAD	19

PLANTING LEGEND

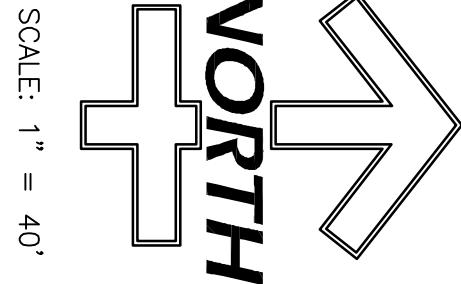
TO-1 15' MATURE ARBORVITAE, THILIA OCCIDENTALIS

RS-1 45' RED SUNSET MAPLE, ACER RUBRUM 'RED SUNSET'

NOTES:

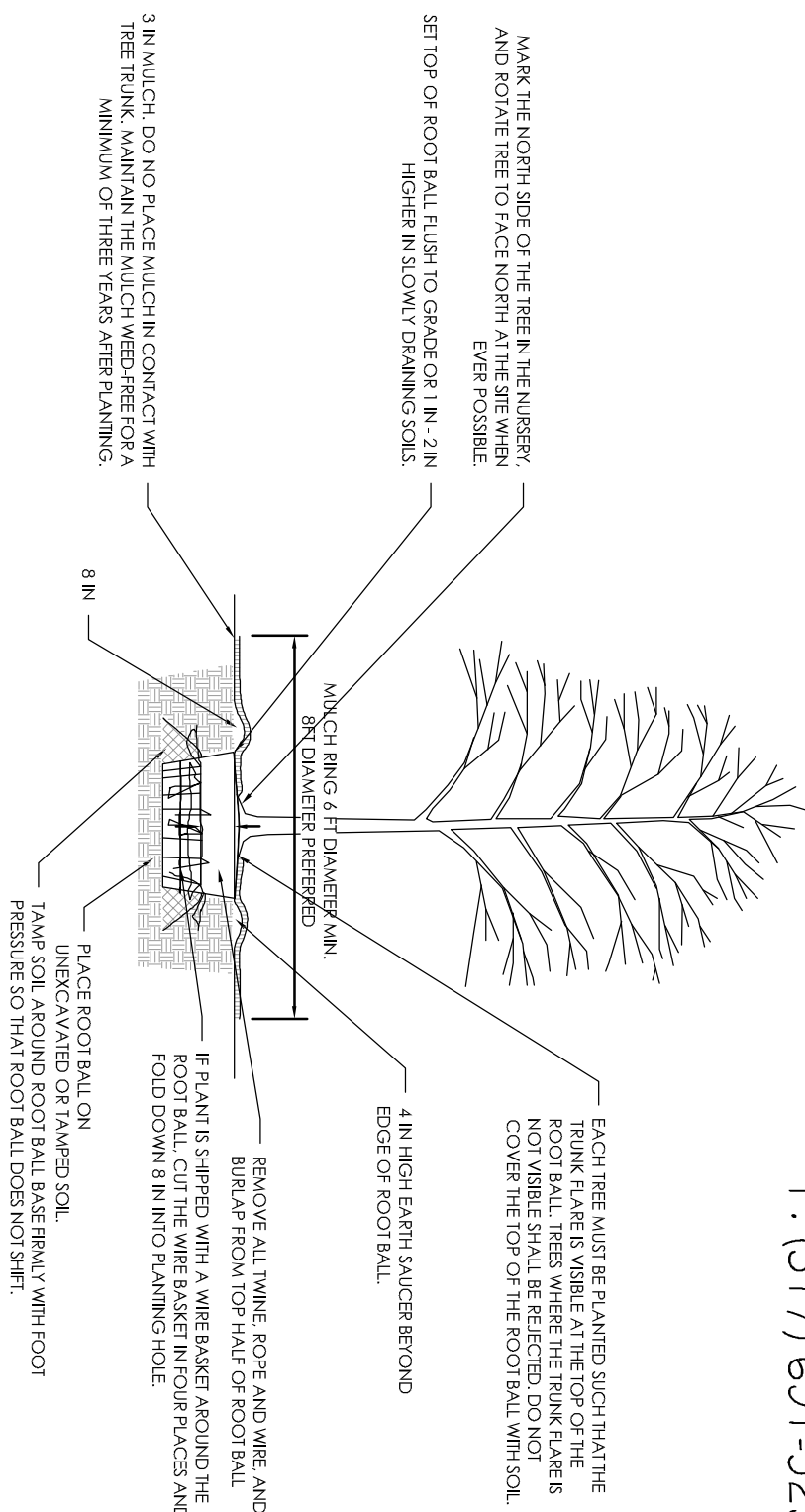
1. FOR COMPLETE LAYOUT INFORMATION SEE CIVIL DRAWINGS.
2. VERIFY UNDERGROUND UTILITY LOCATIONS PRIOR TO PLANT INSTALLATION.
3. CONTRACTOR TO VERIFY QUANTITIES, NOTIFY LANDSCAPING ARCHITECT OF ANY DISCREPANCIES.
4. CONTRACTOR TO VERIFY FIELD CONDITIONS, NOTIFY LANDSCAPING ARCHITECT OF ANY DISCREPANCIES BETWEEN DRAWINGS AND FIELD CONDITIONS.
5. STAKE ALL TREES AND LARGE SHRUBS AS INDICATED BY INDUSTRY STANDARDS.
6. ALL PLANT PLANT BEDS ARE TO BE SPARE EDGED UNLESS NOTED OTHERWISE. PROVIDE STEEL EDGE BID ALTERNATE.
7. ALL PLANT MASSES TO BE CONTAINED WITHIN MULCH BED.
8. ALL GROUNDCOVER BEDS ARE TO BE MULCHED WITH 1" MIN. SHRUBS WITH 3" MIN. DEPTH WITH SHREDED HARDWOOD MULCH.
9. CONTRACTOR TO REGRADE, REPAIR AND REPLANT ALL AREAS DISTURBED BY CONSTRUCTION, INCLUDING ANY OFF-PROPERTY AND OR OTHERWISE NOT INDICATED ON PLANS.
10. ALL TURF AREAS ARE TO BE SOODED, UNLESS NOTED.
11. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE IN LAWN AND PLANTING BED AREAS.
12. CONTRACTOR SHALL USE TREE & SHRUB DETAILS AS PLANTING GUIDELINES.
13. PROVIDE LAWN IRRIGATION IN ALL LAWN AND PLANTING AREAS.
14. LANDSCAPE PLAN AND COUNT TO BE ADJUSTED AND COORDINATED WITH TREE SAME PLAN.

FLOOD INFO:
THE PROPOSED PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD ZONE "X" AS PER FIRM MAP #18145C00095C EFFECTIVE DATE NOVEMBER 5, 2014. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT SHOWN ON THIS PLOT PLAN IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.



SCALE: 1" = 40'

16308 Kettion Drive
Noblesville, IN 46060
P: (317) 691-5294



Property Details

Location: 2596 W Old Franklin Rd,
Shelbyville, Addison Township.

Property Size: 5.16-acres.

Current Land Use: Estate
Residential.

Zoning Classification:

RE (Residential Estate)

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

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	Natural Resources
South	A1	Cropland
East	A1	Cropland
West	RE	Estate Residential

Staff Report

Case Number: BZA 25-25

Case Name: Timothy Higgins – Development
Standards Variances

Request

Variances of Development Standards to allow a 5,000 sq. ft. accessory structure resulting in:

1. Three (3) accessory structures on the property (maximum of two permitted);
2. The total area of all accessory structures on the property exceeding 2X the footprint of the house.

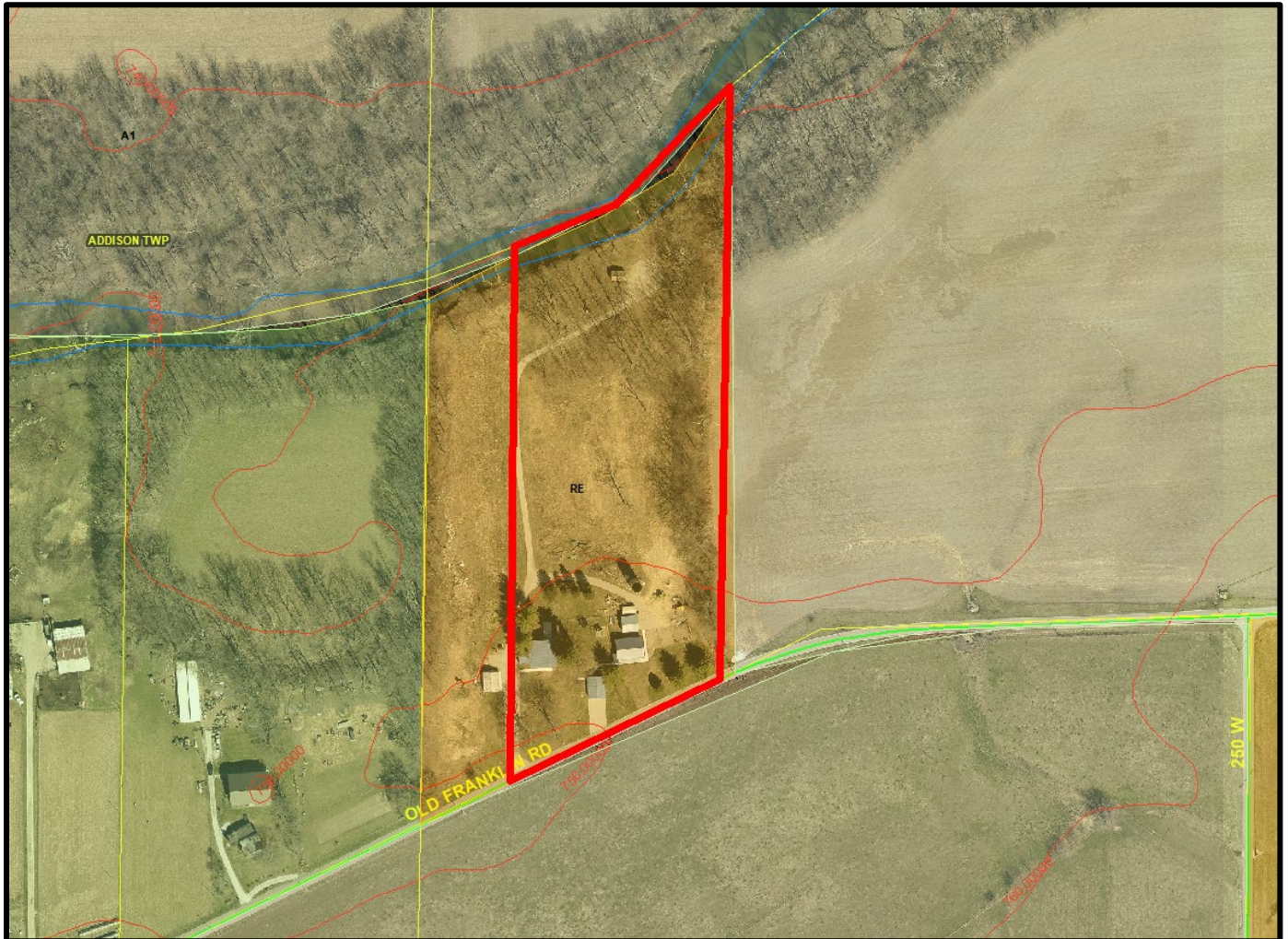
Code Requirement

UDO Section 5.06 C: Maximum Number: Up to two (2) enclosed accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.

UDO Section 5.06 D: Maximum Size: The total area of all enclosed accessory structures on a lot shall not exceed two times (2X) the footprint of the primary structure.

Purpose of Requirement - Limiting the number and size of residential accessory structures in the RE District ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, machinery, and/or equipment.

Property Map



Case Description

- The petitioner plans to construct a 50' x 100' (5,000 sq. ft.) structure east of the existing buildings on the property.
- The petitioner indicated that he plans to use the structure for agricultural storage.
- The property tax card indicates that the property currently includes a house (2,001 sq. ft.), two detached garages (1,200 sq. ft. & 792 sq. ft.), two car ports, and a silo.
- The total square footage of the proposed structure and existing enclosed accessory structures would equal approximately 3.5X the square footage of the footprint of the house. The property tax card provides the square footage of the existing structures for the square footage calculation.
- Most properties in the County 5-acres and larger and under 20-acres have the A2 (Agricultural) zoning designation. The UDO does not limit the size or number of accessory structures in the A2 District.

Staff Analysis of Findings of Fact

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

Staff Analysis: Construction of the agricultural storage structure would require a building permit and the structure must comply with all building codes before passing a final inspection.

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

Staff Analysis: An agricultural storage structure would not conflict with the rural character of the area. The structure would sit behind existing evergreen trees and at a lower elevation than the road, which would reduce visibility of the structure from the road.

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

Staff Analysis: The property exceeds five acres. Most properties in the County 5-acres and larger and under 20-acres have the A2 (Agricultural) zoning designation, and the UDO does not limit the size or number of accessory structures in the A2 District. A strict application of the ordinance would not allow for construction of a large agricultural structure on a property over five acres.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the property exceeds five acres. Most properties in the County 5-acres and larger and under 20-acres have the A2 (Agricultural) zoning designation, and the UDO does not limit the size or number of accessory structures in the A2 District.

Applicant/Owner Information

Applicant:	Timothy Higgins 2596 W Old Franklin Rd. Shelbyville, IN 46176	Owner:	Same
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**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: TIMOTHY HELLINS
Case #: _____
Location: 2596 W. Old Franklin Rd 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 Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

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

Wanting to build a storage building for tractors,
and vehicles, and other farm equipment
will not cause any pollution, noise, or impairment
on community or neighbors.

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

Adjacent property is corn/bean field. Will not
impose on or harm in any way. Removal of
trees will help crop production.

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

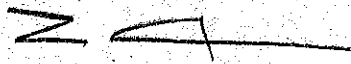
Will not cause any practical difficulty.

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

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

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

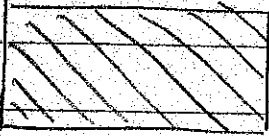
Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)



EAST PROPERTY LINE

OLD FRANKLIN RD

Electric pole
to ug.



118'

FUTURE
PARKING

Storage bldg.

40'

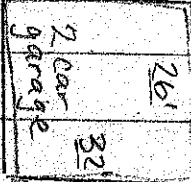
36'

26'

18'

45'

gravel
drive



WATER
LINE

(N)

WATER
LINE

46'

40'

Residence

40'

143'

PROPOSED SILT
50' x 150'

(NOT TO SCALE)

Conc.
Silt

gravel
driveway

2596 W. OLD FRANKLIN RD - S116A

4676

(NOT TO SCALE)

gravel
driveway