

Shelby County Board of Zoning Appeals

October 13, 2026, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals October 13, 2026

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the August 11, 2026, meeting.

OLD BUSINESS

None.

NEW BUSINESS

BZA 26-35 – TRISTAN PIKULA: DEVELOPMENT STANDARDS VARIANCES. Located at 7322 W 500 N, Fairland, Sugar Creek Township.

BZA 26-37 – ROGER FORD: DEVELOPMENT STANDARDS VARIANCES. Located at 11761 N 100 E, Morristown, Van Buren Township.

BZA 26-38 – LEWIS CREEK BAPTIST CHURCH: DEVELOPMENT STANDARDS VARIANCES. Located at 1400 E 600 S, Waldron, Shelby Township.

BZA 26-39 – ANDY MIKESELL: DEVELOPMENT STANDARDS VARIANCES. Located at 5940 W PR Highland Hills Dr, Edinburgh, Jackson Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **November 10, 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/86112650780?pwd=bSOvahzsbaGTC8p4uJhowp7BATRg0f.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**, Shelby County will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so that they can participate equally in Shelby County's public meetings. For special accommodations for a meeting, please call the County's ADA Coordinator at 317-392-6338 at least two (2) business days prior to the scheduled meeting or event to request an accommodation.

Property Details

Location: 7322 W 500 N, Fairland,
Sugar Creek Township.

Property Size: 2.12-acres.

Current Land Use: Vacant.

Zoning Classification:

R1 (Single-Family Residential)

***Intent:** This district is established for single-family detached, medium to large sized homes on medium to large sized lots. **Development Standards:** Promote low-impact development in harmony with a natural setting.*

Future Land Use per Comp Plan

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	R1	Single-Family Residential
South	A1	Cropland
East	RE	Estate Residential
West	R1	Single-Family Residential

Staff Report

Case Number: BZA 26-35

Case Name: Tristan Pikula – Development Standards
Variances

Request

Variances of Development Standards to allow:

1. Temporary occupancy of a recreational vehicle;
2. Construction of an accessory structure more than two years prior to construction and occupancy of a single-family home.

Code Requirement

UDO Section 5.06 C – Timing of Installation: Accessory structures may be permitted prior to the erection of a primary structure if the primary structure is issued a certificate of occupancy within two (2) years of issuance of an Improvement Location Permit for the accessory structure.

Purpose of Requirement: Prohibiting indefinite construction of storage structures without a single-family home protects the character of residential neighborhoods and discourages use of a structure for activities that would generally pose a nuisance to a home located on the lot.

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

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

This aerial map displays land parcels in Sugar Creek Twp, categorized by zoning and flood risk. The map features several key elements:

- Zoning Designations:**
 - A1:** Located in the upper left and bottom center.
 - R1:** Located in the center-left and top-center.
 - RE:** Located in the center-right and bottom-right.
 - A2:** Located in the top right corner.
- Geographic Features:**
 - SUGAR CREEK TWP:** Labeled in the upper left.
 - LONDON RD:** A road running diagonally across the center.
 - Flood Fringe:** A red outline highlighting a specific area along a water body.
 - 500 N:** A north arrow indicator in the bottom right.
- Map Style:** The map is an aerial photograph overlaid with colored polygons representing flood zones and property boundaries. The flood zones are primarily blue and green, while the property boundaries are outlined in yellow.

- The petitioner proposes to occupy a recreational vehicle (RV) while constructing a new home on the property.
- The petitioner also proposes to build a shed on the property to store materials and tools related to construction of the house.
- The property currently has electric service, and the petitioner has stored some equipment and materials at the rear of the property.
- Most of the property lies within the Flood Fringe of Sugar Creek. Approximately ½-acre lies outside the floodplain at the northeast corner of the property.
- Future development of a home in the Flood Fringe would require a County Floodplain Development Permit. County floodplain regulations require elevation of the first floor of dwellings and utilities two feet above the flood elevation and structure design in compliance with floodplain development standards.

- The Health Department does not permit installation of septic systems below the flood elevation.
- Due to the physical restrictions of development of the property posed by the flood hazard area, Staff recommends installation of all utilities to support development of a home prior to construction of the shed. Installation of utilities will reduce the likelihood of the shed becoming an illegal structure due to the physical conditions of the property preventing construction of a home.
- Surrounding development consists of single-family homesites on lots ranging in size from ½-acre to 5-acres. A dense wooded area screens the rear of the property from adjacent properties.
- In May of 2023, the Board approved a use variance for the property to allow for construction of a storage structure without a house. The approval included two stipulations:
 1. The structure shall not exceed 40' x 60' (2,400 sq. ft.)
 2. The structure shall not be constructed in the Special Flood Hazard Area.

However, unlike development standards variances, use variances expire with transfer of ownership. The previous owner did not build the storage structure and sold the property.

Staff Analysis of Findings of Fact

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

Staff Analysis: Construction of the shed would require a building permit, and the shed must comply with all building codes before passing a final inspection. The public would not have access to the shed. Disposal of waste from the RV into a permitted septic system or off-site sanitation facility would mitigate any environmental impact on the public. Location of the RV and shed outside of the floodplain would prevent any impact on the public in the event of a flood.

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 the RV and shed at the rear of the property would render the RV and shed inconspicuous when viewed from the public road. Dense wooded area would screen the RV and shed from adjacent residential properties.

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

Staff Analysis: The physical restrictions of development of the property posed by the flood hazard area may extend the time needed to develop the property.

Staff Recommendation

Staff recommends **APPROVAL** primarily because location of the RV and shed at the rear of the property would render the RV and shed inconspicuous when viewed from the public road and dense wooded area would screen the RV and shed from adjacent residential properties.

Staff recommends the following **stipulations** to encourage residential development of the lot in a responsible and timely manner:

1. The recreational vehicle (RV) and shed shall not be placed in the designated flood hazard area.
2. Waste from the RV shall be disposed of into a permitted septic system or disposed of off-site.
3. Electric, water, and septic facilities shall be installed prior to construction of the shed.
4. Use of the shed shall be limited to storage of building materials used for construction of a single-family residence on the property until a single-family residence is issued a certificate of occupancy.
5. The variance request allowing temporary occupancy of the RV shall expire when a single-family residence is issued a certificate of occupancy.
6. Both variance requests shall be void if a single-family residence is not constructed and granted a final certificate of occupancy by October 13, 2029 (3 years from the date of variance approval).

Applicant/Owner Information

Applicant:	Tristan Pikula	Owner:	Same
	7322 W 500 N		
	Fairland, IN 46126		

View of Rear of Property from CR 500 N



Staff Photograph – Oct. 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.

All utilities Electric water septic will be installed posing no harm or health and safety hazards to others. The building of storage garage will help enhance safety on and around property.

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.

I spoke with neighbors and they are ok with the order of operation to I am building and developing this land. All utilities will be installed no noise pollution, odor or traffic issues will impact neighbors.

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

Describe how approval of the variance will allow for reasonable development of the property. This may include similar development on neighboring properties, a physical condition of the property which makes the proposed building/land use desirable, the historical use of the property, a physical condition of the property which prevents the building/land use without approval of a variance, etc.

By granting me this variance for the RV and garage will give me the ability to develop this property in a timely manner by eliminating travel and extra expenses from RV park rental and utilities.

Property Details

Location: 11761 N 100 E, Morristown,
Van Buren Township.

Property Size: 11.95-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

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

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

Staff Report

Case Number: BZA 26-37

Case Name: Roger Ford – Development Standards
Variances

Request

Variances of Development Standards:

1. To legally establish an existing pole barn in a designated flood hazard area by use of floodproofing measures which require human intervention and/or electricity (automated floodproofing required);
2. Grant of a variance from floodplain standards for development on a lot over ½-acre.

Code Requirement Information

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

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

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

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

Purpose of Lot Size Restriction for Floodplain Development Standards Variances

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

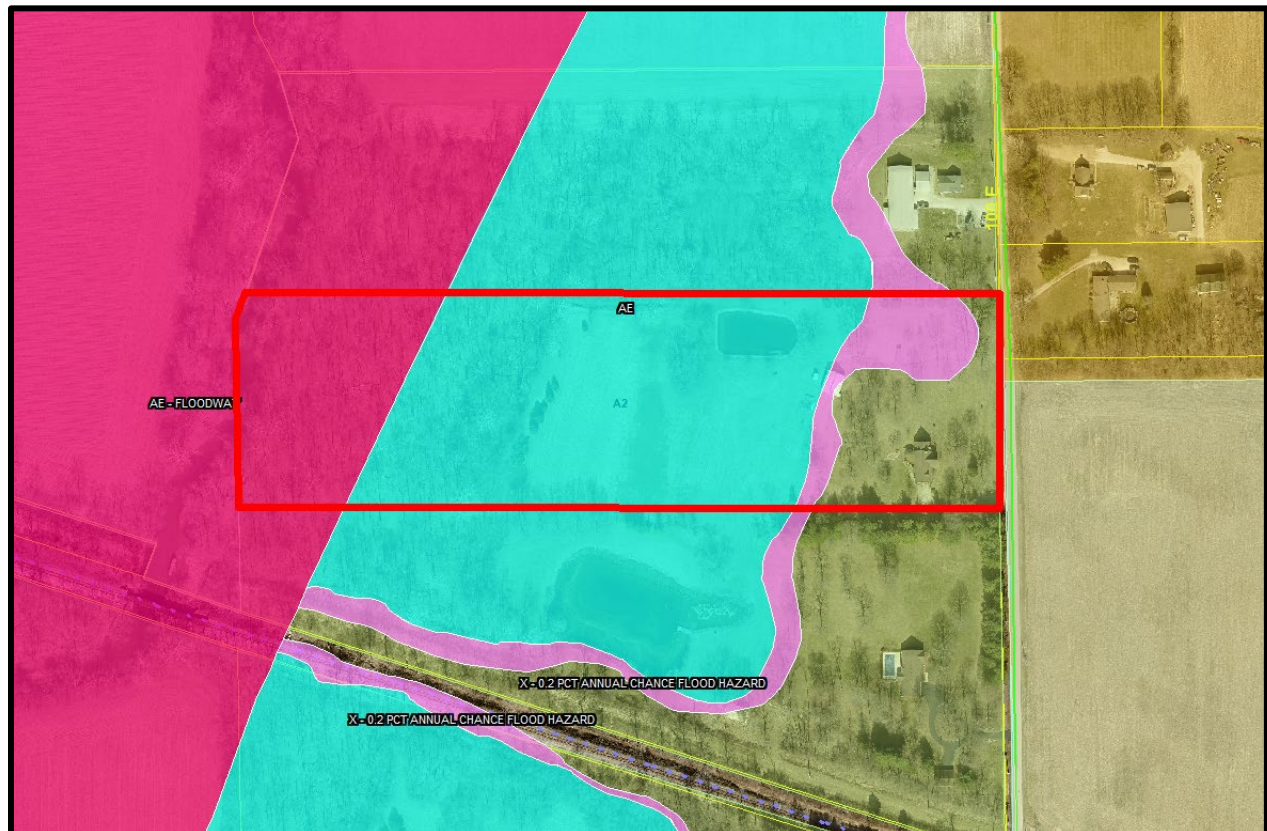
In accordance with the UDO, when approving a variance from the elevation requirement, the BZA shall consider the following relevant factors:

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

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

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

Property Map



Case Description

Case History

- In July of 2026, the petitioner constructed a 40' x 80' (3,200 sq. ft.) pole barn within the flood fringe of Brandywine Creek. Due to a misunderstanding between the builder and the petitioner, neither party obtained a permit for the barn.
- The Plan Commission and Building Inspector Office discovered the non-permitted structure when the petitioner applied for a permit to install electric service to the barn. The office informed the petitioner that he would need to demonstrate that the structure complies with applicable floodplain development requirements prior to issuance of an electric permit and retroactive improvement location permit and floodplain development permit.
- The petitioner hired a surveyor to determine if the builder had elevated the floor of the structure two feet above the flood elevation as required by ordinance for elevated structures in the floodplain. The certified elevations showed that the floor of the structure sits 1.25 feet below the base flood elevation.

Floodproofing Requirements

- The first floor of structures are typically elevated two feet above the flood elevation in order to comply with floodplain development standards. However, County ordinance also includes a floodproofing option for non-habitable structures which allows the lowest floor below the flood elevation if the area below the flood elevation is protected by floodproofing measures.
- Elevating the floor of the structure two feet above the flood elevation would require impractical structural alterations to raise the floor 3.25 feet. Therefore, the petitioner has chosen to implement floodproofing measures.
- Floodproofing Requirements
 - The ordinance requires a design certification from a Registered Engineer that the area of the structure and utilities below the flood elevation are watertight and capable of resisting the effects of a flood.
 - The petitioner has a contract with a firm specializing in flood risk management and the installation of flood protection products which has agreed to provide the design certification.
 - The ordinance prohibits floodproofing measures which require human intervention or electricity.
 - The only type of floodproofing measures which would comply with this requirements are built in place or automated gates that work off the floodwaters for activation or deployment. These systems tend to cost more than systems deployed with human intervention or electricity.
 - The petitioner intends to use water-filled flood barriers laid out in front of the openings of the building prior to a flood event. This system requires human deployment and therefore does not comply with the ordinance requirement.

- Federal guidelines and IDNR regulations for floodproofing do not prohibit floodproofing measures which require human intervention or electricity. IDNR dictates the County floodplain regulations, which includes this requirement, to allow the County to participate in the National Flood Insurance Program.

Proposed Floodproofing Method – Water-Filled Flood Barriers

- Water-filled flood barrier which can withstand the forces of a flood and consists of an inner chamber of PVC tubing and outer chamber of woven polyethylene.
- When a flood is anticipated, the barrier is rolled out in front of the openings of the building and filled with water from a garden hose or water truck.
- This method of floodproofing costs significantly less than manual gates, panels, or walls.
- The Indiana Department of Natural Resources (IDNR) State National Flood Insurance Program Coordinator has deemed the floodproofing method acceptable with submittal of an emergency action plan (EAP) for the deployment and maintenance of the system. Staff will require submittal of the EAP prior to issuance of permits.

Staff Analysis of Findings of Fact

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

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

Installation of built-in place or automated gates would require some level of earthwork which would alter the physical characteristics of the property. Use of water-filled flood barriers only during a flood would not permanently alter the aesthetics of the property.

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

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

Installation of built-in place or automated gates would require some level of earthwork which would alter the physical characteristics of the property. Use of water-filled flood barriers only during a flood would not permanently alter the aesthetics of the property. A barn utilizing built in place or automated gates would deviate from the character of other agricultural structures in the area.

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

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

Staff Recommendation

APPROVAL because unlike automated floodproofing measures, use of water-filled flood barriers only during a flood would not permanently alter the aesthetics of the property. The water-filled flood barriers comply with all federal guidelines and IDNR regulations for floodproofing.

Applicant/Owner Information

Applicant:	Roger Ford 11761 N 100 E Morristown, IN 46161	Owner:	Same
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FLOODPLAIN DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Floodplain Development Standards Variance. Please explain how your request meets each of these criteria. You may include answers on an additional sheet of paper if necessary. Additional guidance on addressing the criteria can be found in FEMA publication FEMA P-993 / July 2014.

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

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

It provides shelter for my land equipment
Tractor mower side by side storage ect.

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

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

All of my equipment would be out in weather
and no storage

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

- a. the potential for public nuisance

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

I would hire a contractor to fix any damage

- b. the fraud or victimization of the public.

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

I would simply pass on all documentation

- c. the compliance with existing laws and ordinances.

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

- d. the minimum necessary to afford relief.

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

It's constructed out of treated wood and 50 year rust proof metal

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

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

The materials being stored couldn't possibly go anywhere off my property in case of flood

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

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

It's mostly all farm equipment

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

Explain how the structure would benefit to Shelby County.

It's a beautiful structure that makes property better

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

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

was built by contractor in the area

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

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

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

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

has already been built

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

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

has driveway leading to it

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

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

Structure was Raised up 2FT when built

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

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

wouldn't be any occupants in barn

About the Product

The water-filled barrier is an efficient way to redirect wave energy and turbulence and provides protection to properties from wave action. It is environmentally friendly and made from two components; the inner chamber PVC tubing, and the outer chamber is constructed of a woven polyethylene shell, making it indestructible. FRA's flood barrier is adaptable to changing of wave height during extreme weather events and is an effective solution to flooding.



Water-Filled Flood Barriers

Contact Us

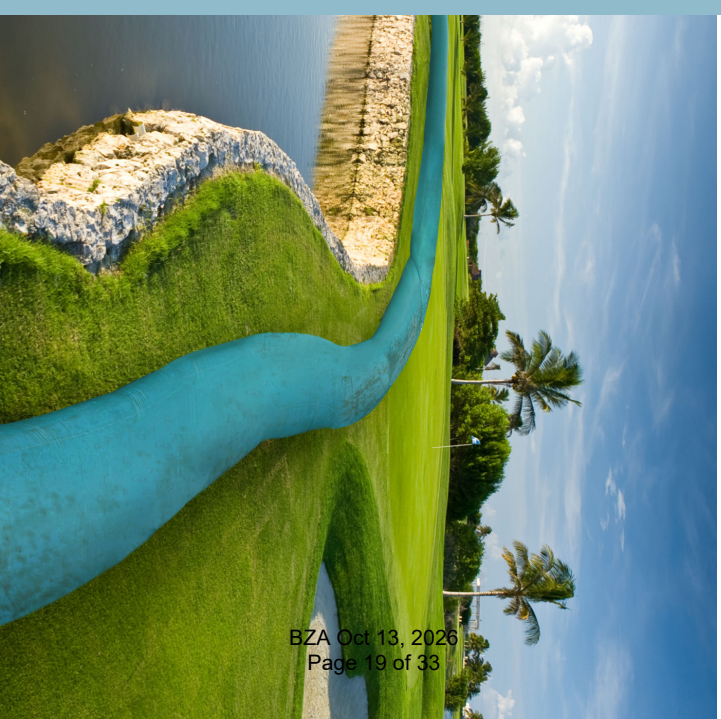
720 Lucerne Ave.
Suite 567
Lake Worth, FL 33460

P: 561-578-4220

E: info@floodriskamerica.com

www.floodriskamerica.com

Smart Flood Protection



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Environmentally
friendly flood
protection



Product Features

- Standard stock length of each size is 50'
- Pricing provided by the linear foot so it can be adjusted to lengths as needed
- Maximum length of any height is 100 feet
- Prevention Plans (Deployment Blueprints)
- Product installation training
- 5-Year Warranty



TECHNICAL SPECIFICATIONS

Coating Type: PVC
Color: Varies
Weight: 210 lbs/ 50 feet
Base Fabric Construction: Polyester
TYPE: 2000 X 3000
Denier: 3.5 X 3.5
Adhesion lbs: 18
Strip Tensile: 600 X 600
Grab Tensile: 520 X 510
Puncture: 95
Abrasion H19 500g: 5900
Flame Test: NFPA pass
Self Extinguishing: Yes
Resistant to Microorganisms: Yes
Custom Sizes: Yes
Warranty: 5 Years
Environmentally Friendly: Yes

”

Noah built an ark for protection against flooding, we want to do the same with our products and assessments.

“

MOCK DEPLOYMENT TRAINING

We believe in outstanding customer service. At Flood Risk America, we want to make sure that you understand your flood protection product and how to properly deploy it. We come out to your property and train you and your staff with an educational mock deployment training course.



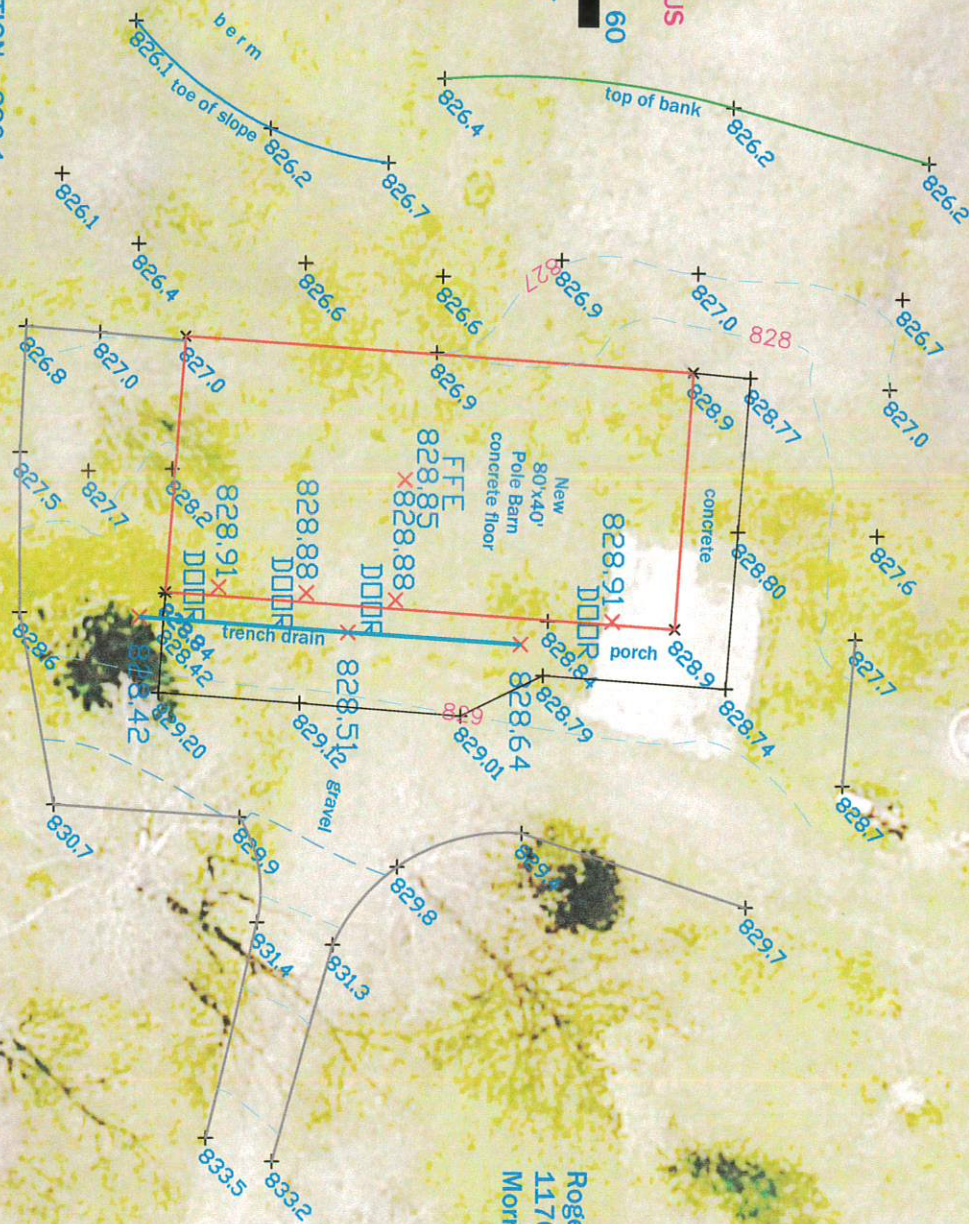


VERTICAL DATUM:
NAVD 1988
DETERMINED FROM NGS OPUS



POND

100 YR BASE FLOOD ELEVATION = 830.1
PER IDNR FLOOD PORTAL ESTIMATION



Roger Ford property at
11761 N 100 E
Morristown, IN 46161

Property Details

Location: 1400 E 600 S, Waldron, Shelby Township.

Property Size: 10.79-acres.

Current Land Use: Church.

Zoning Classification:

IS (Institutional)

Intent: This district is established for institutional and municipal owned lands for public purpose and use.

Development Standards: Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community.

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	A1	Cropland
East	A1/R1	Cropland / Single-Family Residential
West	IS	Cemetery

Staff Report

Case Number: BZA 26-38
Case Name: Lewis Creek Baptist Church –
Development Standards Variances

Request

Variances of Development Standards to allow for a sign:

1. 8 feet in height (maximum height of 6 feet permitted);
2. with LED components utilizing a changing electronic message (only static messages permitted on LED signs).

Code Requirement

UDO Section 5.74 B 4 b – Ground signs shall not exceed six (6) feet in height.

UDO Section 5.73 E 1 c – Prohibited Signs: The signs listed in this section are prohibited - Animated Signs: Signs that gain attention through animation, including: LED or similar sign boards, except when LED elements are used for static messages.

Purpose of Requirements: Sign standards provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of Shelby County.

Property Map



Case Description

- The petitioner proposes to install an 8-foot-tall electronic message sign. The sign would replace a temporary property identification sign which has existed on the site prior to construction of the church in 2017.
- The proposed sign has a permanent message area identifying the name of the church, electronic message area, and sign base.
- The sign would be visible from the adjacent cemetery, State Road 9, the rear yards of two residential properties along SR 9, and the front yards of two residential properties along CR 600 S. Crops may obscure visibility during the growing season.
- Historically, the BZA has approved variance requests for electronic message signs identifying schools and churches with the stipulations recommended by Staff.

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: A digital display would allow the petitioner to display a variety of messages to the traveling public. Implementation of dimming features relevant to ambient conditions and limiting light cast at the property line would prevent the casting of excessive light onto the public road. Prohibiting motion pictures would limit distraction to motorists.

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 digital display would allow the petitioner to display a variety of messages to the traveling public. Implementation of dimming features relevant to ambient conditions, limiting light cast at the property line, and non-operation of the EMC portion of the sign during nighttime hours would mitigate light nuisance to adjacent residential properties and the cemetery. Prohibiting motion pictures would limit visual nuisance to nearby residential properties and the cemetery.

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: Approval of the variance would allow for the replacement of an existing sign to allow the petitioner to display a variety of messages to the traveling public.

Staff Recommendation

Staff recommends **APPROVAL** primarily because approval would allow the church to use modern technology to display a variety of messages to the traveling public. Staff recommends the following stipulations to limit light and visual nuisance to motorists and adjacent properties:

1. The content of the sign shall change no more than once every thirty seconds and shall transition by an instant change/slideshow effect. The sign shall not include motion picture capabilities.
2. The sign shall include a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions.
3. The EMC portion of the sign shall be turned off between 10 PM and 5 AM.
4. The brightness level for any digital display shall be calibrated for less than 0.2-foot candles above ambient light levels, as measured at the right-of-way line.
5. The "default" setting shall be a black screen in the event of a malfunction.

Applicant/Owner Information

Applicant:	Lewis Creek Baptist Church 1400 E 600 S Shelbyville, IN 46176	Owner:	Same
Representative:	Cindy M Kuhn 1400 E 600 S Shelbyville, IN 46176		

DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

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

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

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

The sign will be approximately 40' from the road. It will not block any view of the road.

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.

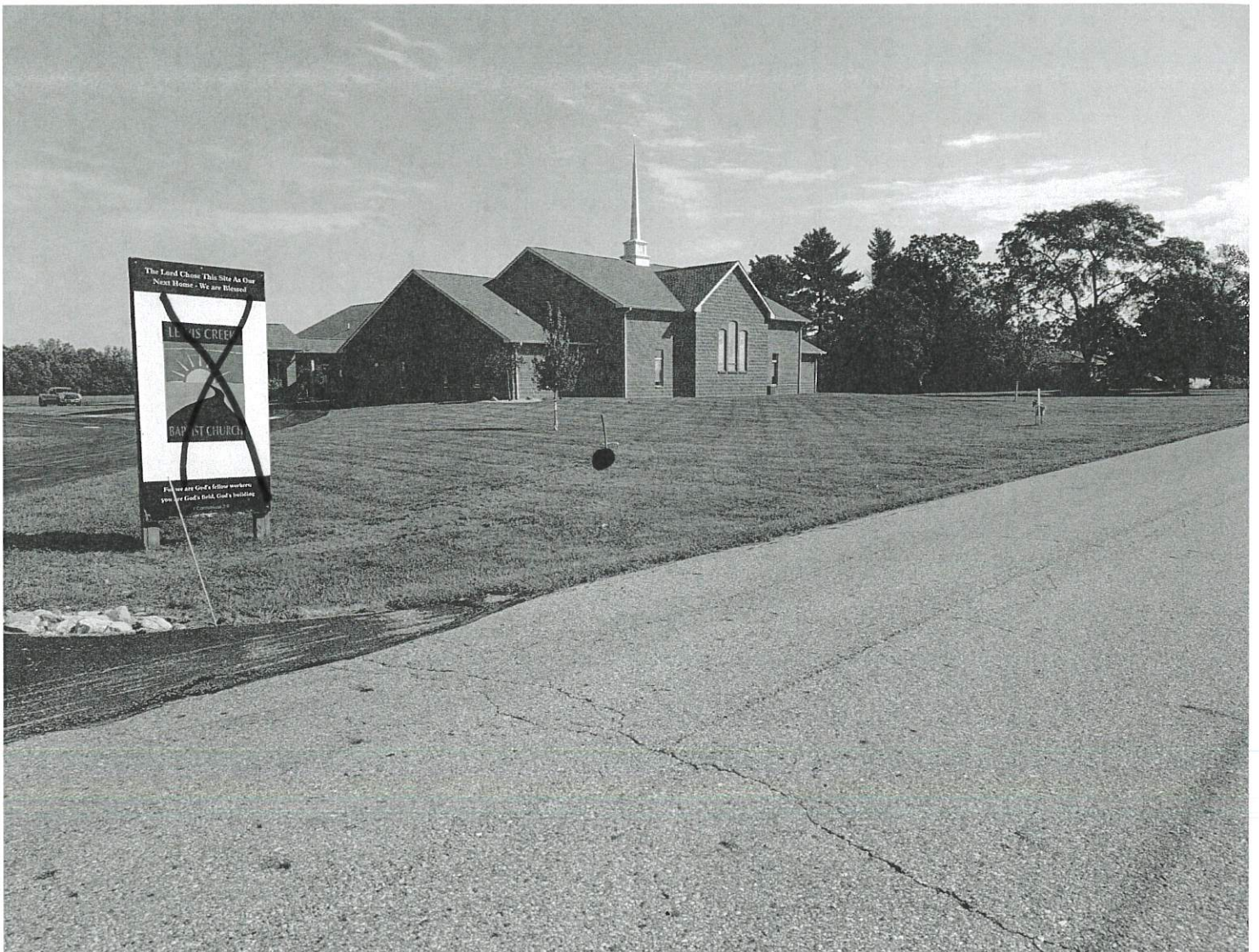
Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

The lights will be visible but not bright & will dim at night. You will be able to see traffic clearly when entering the roadway.

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

Describe how approval of the variance will allow for reasonable development of the property. This may include similar development on neighboring properties, a physical condition of the property which makes the proposed building/land use desirable, the historical use of the property, a physical condition of the property which prevents the building/land use without approval of a variance, etc.

The sign for the church will be 8' tall & have LED lighting. This will allow us to advertise events for our church & also be a location marker.



Property Details

Location: 5940 W PR Highland Hills Dr, Edinburgh, Jackson Township.

Property Size: 6.15-acres.

Current Land Use: Estate Residential.

Zoning Classification:

RE (Residential Estate)

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

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

Future Land Use per Comp Plan

Estate Residential

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

Surrounding Development

	Zoning	Land Use
North	A2	Agricultural Homestead
South	RE	Estate Residential
East	RE	Estate Residential
West	RE	Estate Residential

Staff Report

Case Number: BZA 26-39
Case Name: Andy Mikesell – Development Standards Variance

Request

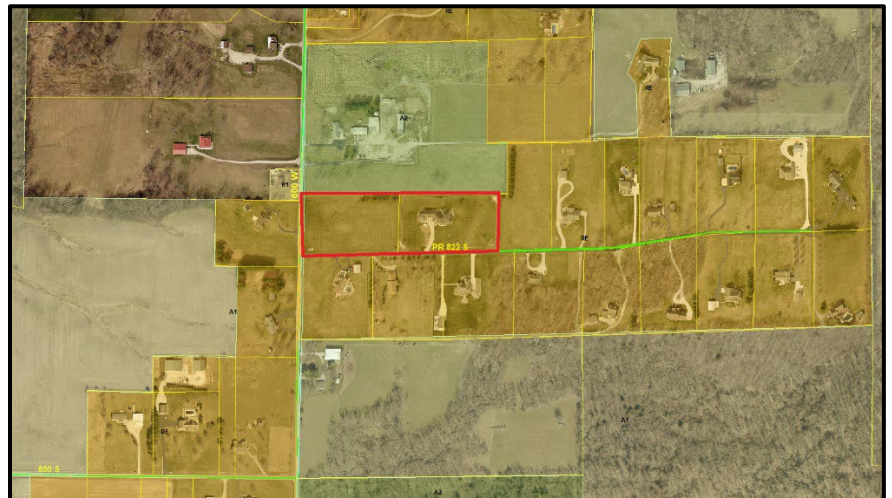
Variations of Development Standards to allow for a proposed and future residential accessory structure to exceed 20 feet in height.

Code Requirement

UDO Section 2.12: *RE District Development Standards: Minimum Structure Height - 20 feet for accessory structure*

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

Property Map



Case Description

Proposed Accessory Structure

- The petitioner proposes to construct a 48'x 72' (3,456 sq. ft.) accessory structure exceeding 20 feet in height.
- The structure would be located on the highest ground of the property, at the northeast corner of the lot. GIS elevations indicate that the floor of the structure would sit approximately 2 feet higher than the house.
- The proposed accessory structure complies with all other UDO requirements.

Future Accessory Structure

- The petitioner may build another accessory structure exceeding 20 feet in height.
- The petitioner proposes to build the structure near CR 600 W. GIS elevations indicate that the floor of the structure would sit approximately 20 feet to 30 feet lower than the house.
- Per UDO requirements, the structure cannot exceed 3,500 sq. ft, must sit at least 100-feet from the centerline of CR 600 W and PR Highland Hills Dr., and must sit 10-feet from the north property line.
- The property consists of two tracts within the Highland Hills neighborhood. The structure would sit on a different tract than the house. The UDO allows designation of adjoining tracts under the same ownership as one lot for building and zoning purposes. However, sale of the tract to another entity would render the accessory structure an illegal structure unless a house is constructed on the tract.

Supplemental Information

- In July of 2026, the Planning Director received a complaint regarding storage of commercial vehicles, equipment, and building materials on the property. The petitioner contacted the Plan Commission Office the day after receiving the letter of violation. The Planning Director agreed to place zoning enforcement on hold pending outcome of the variance and construction of an accessory structure to store all personal vehicles and materials indoors.
- The BZA and Plan Commission Office do not have jurisdiction to enforce any private covenants or restrictions that may apply to the Highland Hills neighborhood.
- Most properties in the Highland Hills neighborhood have at least one accessory structure. Tax records show that all accessory structures have an area less than 1,500 sq. ft. Only one structure appears to exceed 20 feet in height.
- *Without variance approval, per UDO requirements the petitioner could build both structures without any restrictions regarding placement or design as long as the structures do not exceed 20 feet in height and comply with all setback requirements. Variance approval would allow the BZA to impose stipulations regarding placement, design, and use of the structures.*

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 structures would require a building permit, and the structures must comply with all building codes before passing a final inspection. The public would not have access to the structures. Therefore, the structures would not impact 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: Construction of an accessory structure significantly exceeding the size and height of other accessory structures in the neighborhood and on the highest ground of the lot would render the structure out of character with the neighborhood. Construction of an accessory structure significantly exceeding the size and height of other accessory structures in the neighborhood a substantial distance from the associated home would render the structure out of character with the neighborhood.

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

Staff Analysis: The ordinance does not prevent construction of accessory structures similar to other structures in the neighborhood which can accommodate typical residential items.

Staff Recommendation

Staff recommends **DENIAL**.

Construction of an accessory structure significantly exceeding the size and height of other accessory structures in the neighborhood and on the highest ground of the lot would render the structure out of character with the neighborhood. Construction of an accessory structure significantly exceeding the size and height of other accessory structures in the neighborhood a substantial distance from the associated house would render the structure out of character with the neighborhood.

If the Board chooses to approve the variances, Staff recommends the following **stipulations**:

1. The exterior of the structures shall be red, white, or grey and have similar roof materials as the house. The Zoning Administrator shall have the discretion to approve architectural plans prior to issuance of Improvement Location Permits.
2. The structures shall not exceed 25 feet in height.
3. The structures shall not be used to store business vehicles or equipment or for operation of a business.

Applicant/Owner Information

Applicant: Andy Mikesell
5940 W PR Highland Hills Dr.
Edinburgh, IN 46124

Owner: Andy & Michele Mikesell

GIS Elevation Points



Location for Proposed Accessory Structure



Staff Photograph – Oct. 2026

Location for Future Accessory Structure



Staff Photograph – Oct. 2026

DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

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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.

Buildings will be used so that none of my Trucks Trailers or equipment has to be outside

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.

These buildings will greatly increase the value of the house lot and the empty lot

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

Describe how approval of the variance will allow for reasonable development of the property. This may include similar development on neighboring properties, a physical condition of the property which makes the proposed building/land use desirable, the historical use of the property, a physical condition of the property which prevents the building/land use without approval of a variance, etc.

These buildings will make the house and yard look a lot better and everything can be stored inside of the buildings and not in the house yard or the empty lot

