

**Shelby County
Board of Zoning Appeals**

March 10, 2026, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals March 10, 2026

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the February 10, 2026, meeting.

BUSINESS CONTINUED TO APRIL 14, 2026

BZA 26-08 – ROGER DEBOARD: DEVELOPMENT STANDARDS VARIANCES. Located at 474 W 600 N, Shelbyville, Marion Township.

OLD BUSINESS

BZA 26-06 – LARRY DRAKE: DEVELOPMENT STANDARDS VARIANCES. Located at 1450 W Flat Rock Rd, Flat Rock, Washington Township.

NEW BUSINESS

BZA 26-07 – MICHAEL A DENNEY: DEVELOPMENT STANDARDS VARIANCE. Located at 2310 S 125 E, Shelbyville, Shelby Township.

BZA 26-09 – ANDREW ABRAMS: DEVELOPMENT STANDARDS VARIANCES. Located at 9052 N 300 E, Morristown, Hanover Township.

BZA 26-10 – PRIME BEVERAGE GROUP IN, LLC: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 9201 N Frontage Rd, Fairland, Moral Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **April 14, 2026, at 7:00 PM.**

Meeting Information

Location: Conference Room 208A of the Shelby County Courthouse Annex Building, 25 West Polk Street, Shelbyville, Indiana

Time: 7PM

Zoom Link: <https://us06web.zoom.us/j/81173544113?pwd=zYdRljRpU3OakT3ThBphAmafJXyEa.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, 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

In accordance with the **Americans with Disabilities Act**, if anyone wishes to attend the public meeting on the above referenced matter and is in need of reasonable accommodations in order to attend, hear, or present evidence at the public meeting on this matter, for accommodations contact the Shelby County Plan Commission 25 W Polk St, Shelbyville, IN 46176 317-392-6338

Property Details

Location: 1450 W Flat Rock Rd, Flat Rock, Washington Township.

Property Size: 4.9-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

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.

	Zoning	Land Use
North	A1	Natural Resources
South	A1/R1	Cropland / Single-Family Residential
East	RE	Estate Residential
West	A1/A2	Natural Resources

Staff Report

Case Number: BZA 25-06
Case Name: Larry R Drake – Development Standards Variances

Request

Variances of Development Standards to:

1. Legally establish a home with crawlspace area completely below grade in a designated special flood hazard area.
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 2 c ii: *Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement: The floor of such enclosed area must be at or above grade on at least one side.*

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 Crawlspace Area Completely Below Grade

In the event of a flood, the crawlspace would trap floodwaters compromising the integrity of the building. Potential impacts to the public include sale of damaged property, or property susceptible to flood damage, to an unsuspecting buyer or abandonment of damaged property resulting in blight.

Purpose of Lot Size Restriction for Floodplain Development Standards Variances

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

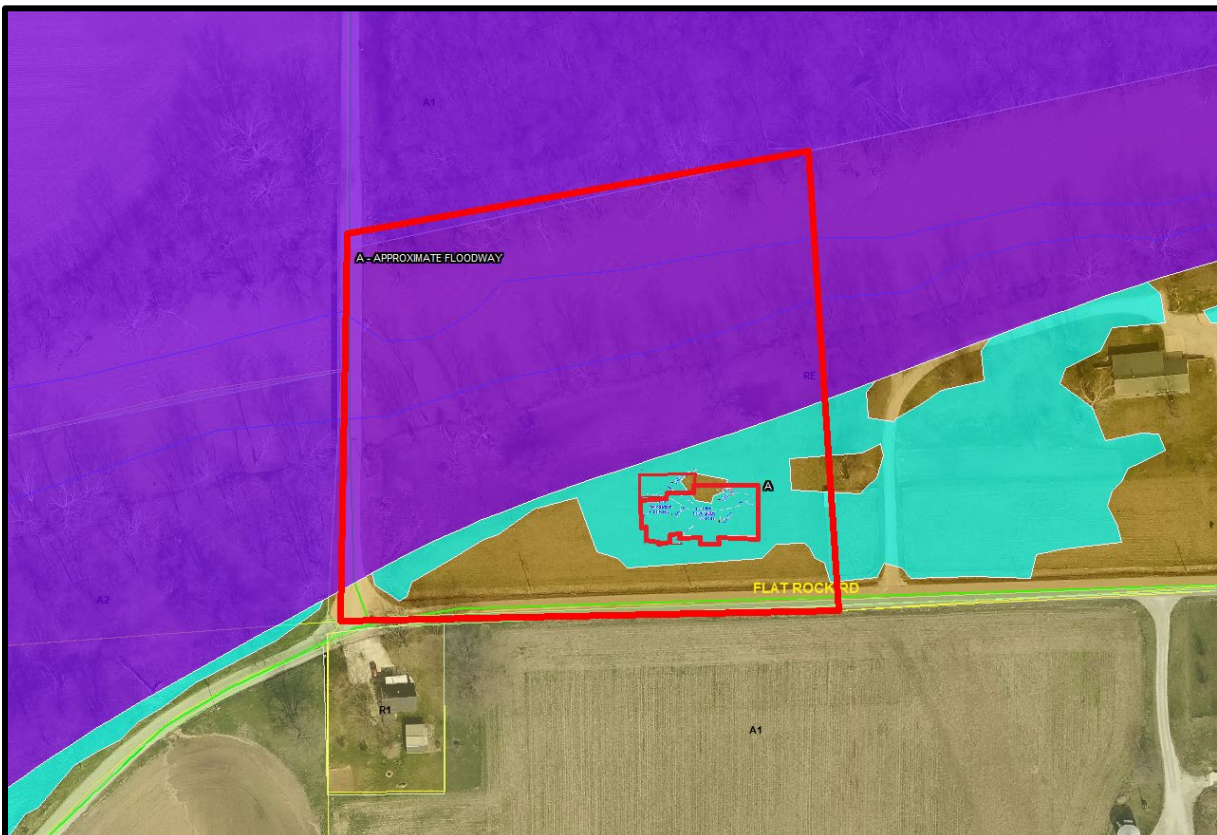
In accordance with the UDO, when approving a variance from the elevation requirement, the BZA shall consider the following relevant factors:

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

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

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

Property Map



Case Description

- The petitioner recently construed a new single-family residence on the property.
- The home site lies within the designated flood fringe of Flat Rock River. Development of property within the flood fringe requires a floodplain development permit from the County and must comply with the floodplain development regulations of the County UDO. The Indiana Department of Natural Resources (IDNR) dictates the floodplain regulations to allow the County to participate in the National Flood Insurance Program.
- The County verified a compliant crawlspace elevation at the time of the foundation inspection. However, final grade had not been completed at that time.
- After completion of the house and submission of the required Elevation Certificate, the Planning Director identified the issue with the elevation of the crawlspace in relation to adjacent grade.
- The building permit conditions designate the floor elevation of the crawlspace and the lowest adjacent grade at 698-feet. The final crawlspace elevation is 698.4-feet, and the lowest adjacent grade is 699.5-feet, rendering the floor of the crawlspace 1.1-feet below grade and not compliant with the conditions of the permit.
- The petitioner has the following options to correct the violation:
 - Fill the crawlspace with pea-gravel to the lowest adjacent grade.
 - This option would render the crawlspace inaccessible for access to ductwork and utilities.
 - Fill the crawlspace with pea-gravel and lower the elevation along one side of the house to equal grade.
 - This option would require removal of an existing patio along the rear of the house, lowering flood vents, and exposing a portion of the footer.
 - Obtain a variance.
- Consequences of not correcting the violation include:
 - Inability to obtain approval from FEMA to remove the home from the floodplain by elevation resulting in required flood insurance by any mortgage lender.
 - DNR violation against the County at the time of audit of County Floodplain Permits due to non-compliant Elevation Certificate. Multiple violations may disqualify the County from participating in the National Flood Insurance Program.
- The floor of the crawlspace sits ½-foot above the 100-year flood elevation designated by IDNR. Therefore, floodwaters would likely not enter the crawlspace unless the area experienced a flood of exponential proportions, such as a 500-year flood (a flood that occurs once in every 500-years, 6% chance every 30-years, or a 0.2% chance in any given year).

- The DNR NFIP Coordinator Planner has reviewed the circumstances of the violation. Given that the crawlspace sits above the 100-year flood elevation he recommended that the petitioner pursue a variance, however, that the BZA must justify variance approval by the legal findings of fact.
- The DNR NFIP Coordinator Planner indicated that approval of the variance should not impact the ability to remove the home from the floodplain based on elevation.

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.

Considerations Supporting Denial: The conditions of the building permit required that the floor of the crawlspace sit at or above the lowest adjacent grade. The applicant created a personal hardship by not constructing the home in compliance with the conditions of the permit. No physical characteristic of the property would have prevented compliance with the conditions of the permit.

Considerations Supporting Approval: The current ground elevations adjacent to the structure limit methods to bring the crawlspace into compliance. Fill of the crawlspace with pea-gravel to the lowest adjacent grade would render the crawlspace inaccessible for access to ductwork and utilities. Fill of the crawlspace with pea-gravel and lowering of the elevation along one side of the house to equal grade would require removal of an existing patio along the rear of the house, lowering flood vents, and exposing a portion of the footer.

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.

Considerations Supporting Denial: The conditions of the building permit required that the floor of the crawlspace sit at or above the lowest adjacent grade. The applicant created a personal hardship by not constructing the home in compliance with the conditions of the permit. No physical characteristic of the property would have prevented compliance with the conditions of the permit.

Considerations Supporting Approval: The current ground elevations adjacent to the structure limit methods to bring the crawlspace into compliance. Fill of the crawlspace with pea-gravel to the lowest adjacent grade would render the crawlspace inaccessible for access to ductwork and utilities. Fill of the crawlspace with pea-gravel and lowering of the elevation along one side of the house to equal grade would require removal of an existing patio along the rear of the house, lowering flood vents, and exposing a portion of the footer.

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:

Considerations Supporting Denial: In the event of a 500-year flood, the crawlspace would trap floodwaters compromising the integrity of the building. Potential impacts to the public include sale of damaged property, or property susceptible to flood damage, to an unsuspecting buyer or abandonment of damaged property resulting in blight.

Considerations Supporting Approval: The floor of the crawlspace sits ½-foot above the 100-foot flood elevation designated by IDNR. Therefore, floodwaters would likely not enter the crawlspace.

Staff Recommendation

DENIAL because the applicant created a personal hardship by not constructing the home in compliance with the conditions of the permit and no physical characteristic of the property would have prevented the floor of the crawlspace from sitting at or above the lowest adjacent grade. In the event of a 500-year flood, the crawlspace would trap floodwaters compromising the integrity of the building. Potential impacts to the public include sale of damaged property, or property susceptible to flood damage, to an unsuspecting buyer or abandonment of damaged property resulting in blight.

However, when making their decision that Board may consider the following factors:

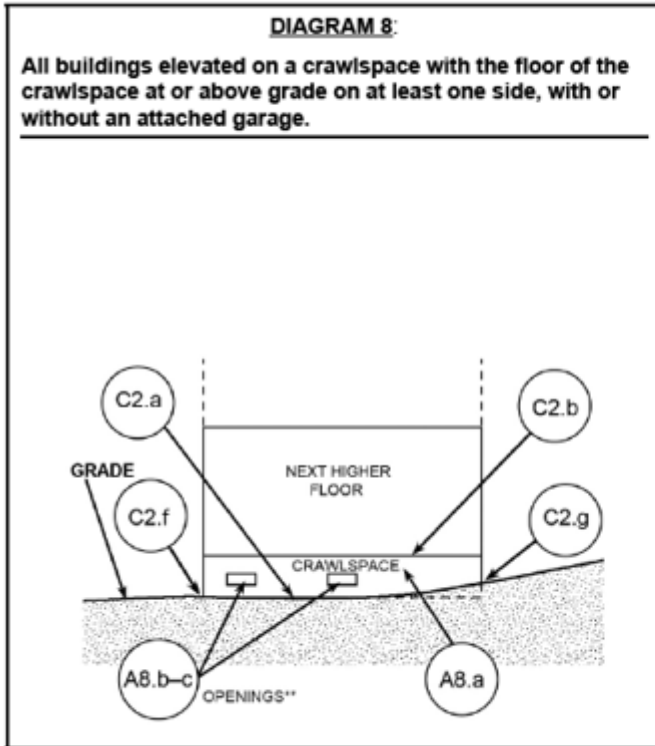
- The floor of the crawlspace sits ½-foot above the 100-year flood elevation designated by IDNR. Therefore, floodwaters would likely not enter the crawlspace unless the area experienced a flood of exponential proportions.
- The DNR NFIP Coordinator Planner recommended that the petitioner seek a variance because the floor of the crawlspace sits above the 100-year flood elevation.
- FEMA will likely remove the house from the flood hazard area because the crawl space and first floor site above the 100-year flood elevation.
- The current ground elevations adjacent to the structure limit methods to bring the crawlspace into compliance without compromising the use or integrity of the structure.

Applicant/Owner Information

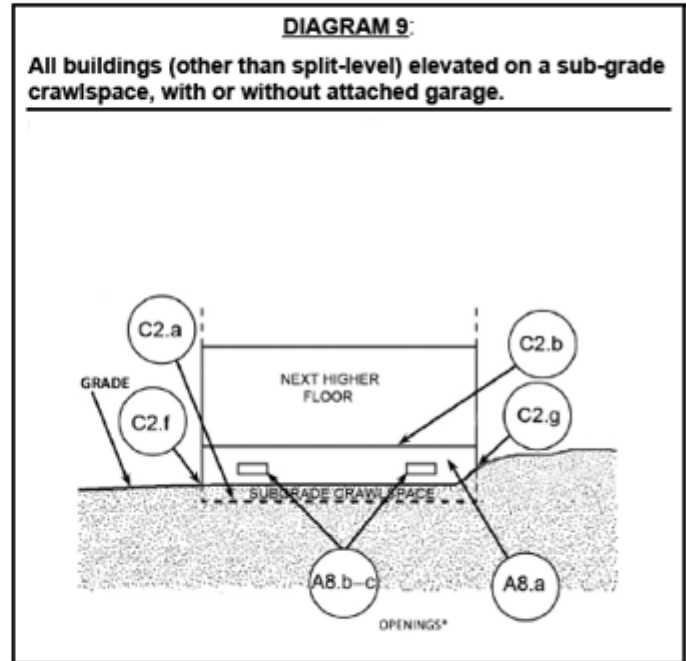
Applicant:	Larry R Dranke 1106 Fairfield Dr. Shelbyville, IN 46176	Owner:	Same
Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176		

Crawlspace Exemples

Permitted



Not Permitted



National Flood Insurance Program Elevation Certificate and Instructions 2022 Edition

**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.

The crawlspace is above BFE. A LOMA-F is intended to revise property from the flood zone.

- 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.

Since crawlspace is above BFE and measures taken to meet requirements of revision to LOMA-F (removal from flood zone), Land's features are not typical to neighboring properties.

- 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.

Home will be repaired ^{extensively} in event of flood. However, ^{damage} The home was built above flood plane + ^{intended} anticipated to be removed from the FEMA flood zone.

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.

Sellers Residential Real Estate Sales Disclosure
form, if required

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.

Structure has been permit finalized, passed
all inspections,
building

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.

Above ^{the} ~~the~~ BFE + with intention of removing
from FEMA flood zone.

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.

Structure is above BFE and anticipated removal
from FEMA flood zone

- 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.

Structure is above BFE and anticipated
to be removed from FEMA Flood zone

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

Explain how the structure would benefit to Shelby County.

Add housing that did not take up farm ground,
Property - ~~Added~~ ^{improved for} tax roll

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

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

Scarcity of land to build,

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

Identity 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.

Unknown build with past 20 years in the
very rural area,

- 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.

Built above BFE in ~~highest~~ only place
suitable on the 5-acre lot.

- 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.

Concrete driveway built above BFE, by 2 feet.

- 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.

Built above BFE Not built in floodway

- 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.

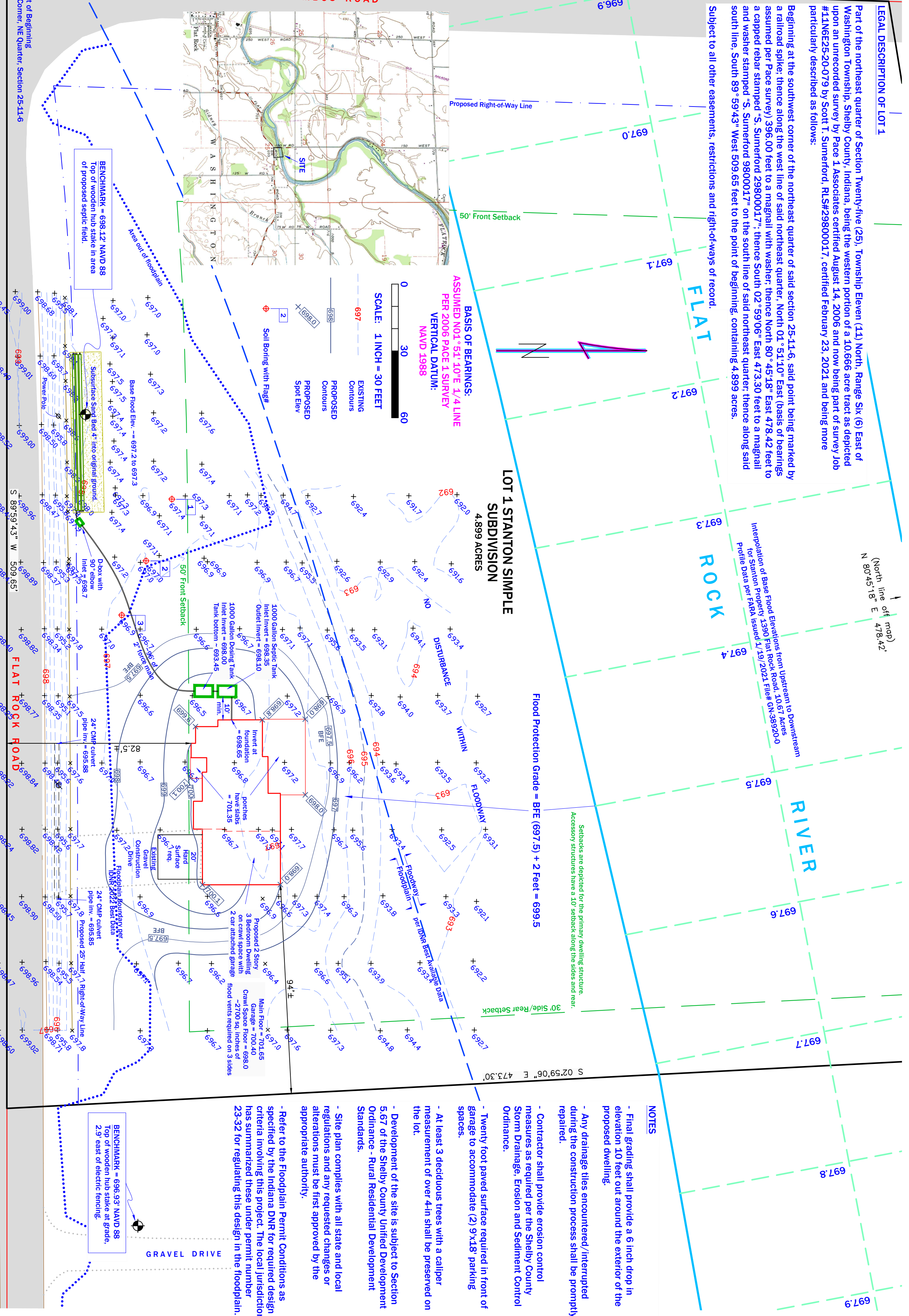
Built above BFE

LEGAL DESCRIPTION OF LOT 1

Part of the northeast quarter of Section Twenty-five (25), Township Eleven (11) North, Range Six (6) East of Washington Township, Shelby County, Indiana, being the western portion of a 10.666 acre tract as depicted upon an unrecorded survey by Parcel Associates certified August 14, 2006 and now being part of survey Job #11N6E25-20-079 by Scott T. Sumerford, RLS#29800017, certified February 23, 2021 and being more particularly described as follows:

Beginning at the southwest corner of the northeast quarter of said section 25-11-6, said point being marked by a railroad spike; thence along the west line of said northeast quarter, North 01° 51' 10" East (basis of bearings assumed per Pace survey) 396.00 feet to a magneal with washer, thence North 80° 45' 18" East 478.42 feet to a capped rebar stamped "S. Sumerford 29800017", thence South 02° 59' 06" East 473.30 feet to a magneal and washer stamped "S. Sumerford 9800017", on the south line of said northeast quarter, thence along said south line, South 89° 59' 43" West 509.65 feet to the point of beginning, containing 4.899 acres.

Subject to all other easements, restrictions and right-of-ways of record.



FLAT

ROCK

RIVER

PROPOSED RIGHT-OF-WAY LINE

50' Front Setback

SCALE: 1 INCH = 30 FEET

ASSUMED N01° 51' 10" E 1/4 LINE PER 2006 PACE 1 SURVEY VERTICAL DATUM: NAVD 1988

BASIS OF BEARINGS: ASSUMED N01° 51' 10" E 1/4 LINE PER 2006 PACE 1 SURVEY VERTICAL DATUM: NAVD 1988

LOT 1 STANTON SIMPLE SUBDIVISION 4.899 ACRES

Flood Protection Grade = BFE (697.5) + 2 Feet = 699.5

Setbacks are depicted for the primary dwelling structure. Accessory structures have a 10' setback along the sides and rear.

NOTES

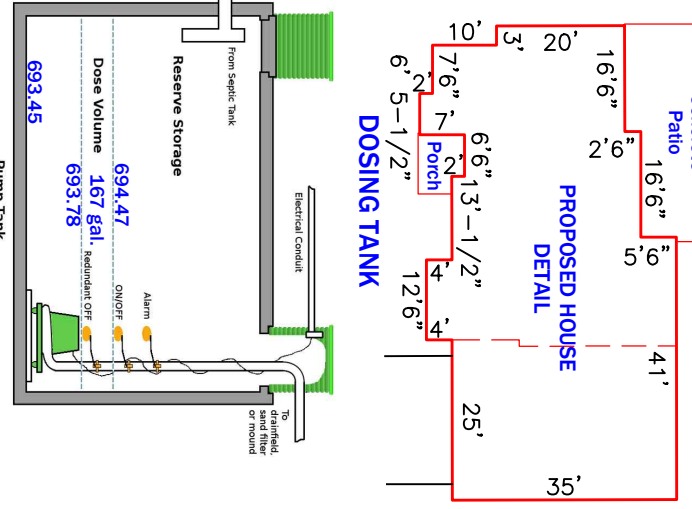
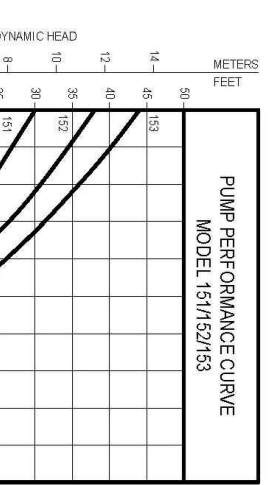
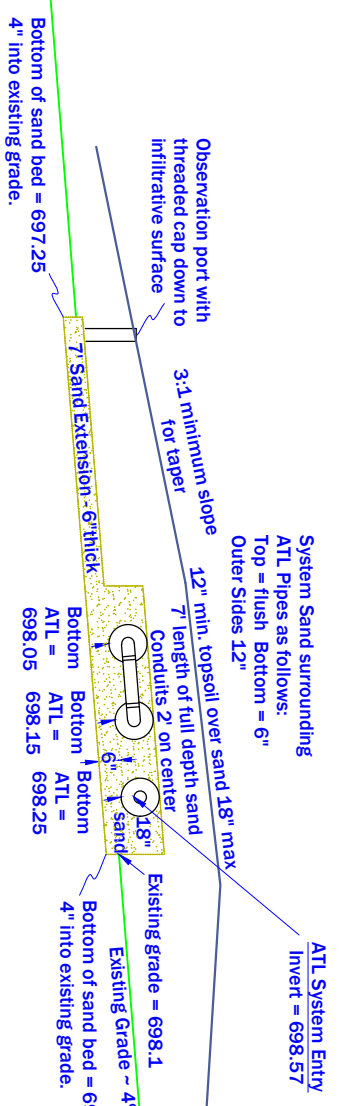
- Final grading shall provide a 6 inch drop in elevation 10 feet out around the exterior of the proposed dwelling.
- Any drainage ties encountered/interrupted during the construction process shall be promptly repaired.
- Contractor shall provide erosion control measures as required per the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance.
- Twenty foot paved surface required in front of garage to accommodate (2) 9'x18' parking spaces.
- At least 3 deciduous trees with a caliper measurement of over 4-in shall be preserved on the lot.
- Development of the site is subject to Section 5.67 of the Shelby County Unified Development Ordinance - Rural Residential Development Standards.
- Site plan complies with all state and local regulations and any requested changes or alterations must be first approved by the appropriate authority.
- Refer to the Floodplain Permit Conditions as specified by the Indiana DNR for required design criteria involving this project. The local jurisdiction has summarized these under permit number 23-32 for regulating this design in the floodplain.

ON SITE SEPTIC DESIGN PARAMETERS

Infiltrator ATL subsurface sloped system for proposed 3 bedroom home = 450 gal./day
 Loam soils, 4" limiting layer at test bore #1, 54" depth to seasonal high water table for #2
 0.3 Indiana Soil Loading Rate = 1,005 ft³ of System Sand Bed Area to be laid out 72 by 14'
 210 ft of ATL Pipe - 3 rows in one serial section and no perimeter drain required.

ATL CROSS SECTION

HORIZONTAL SCALE 1" = 5'
View From Columbus Rd Looking East



CURRENT OWNER
Larry Drake

PROPERTY ADDRESS
W Flat Rock Road

PARCEL NUMBER
73-14-25-200-006-000-021

CURRENT ZONING
RE Residential Estate

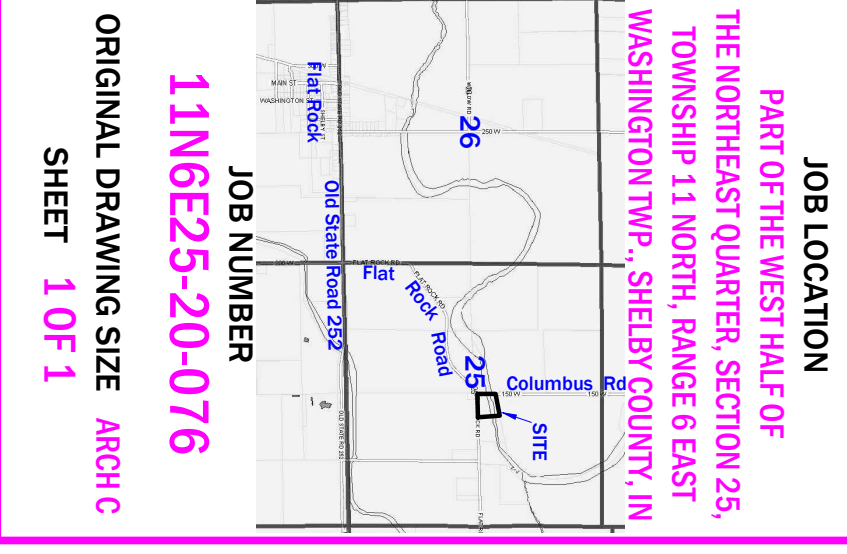
FLOOD STATEMENT
All of Lot 1 does lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 18145C0260C, within a Zone A. Most of Lot 1 does lie within the floodplain as indicated by the 2022 Indiana DNR Best Available Data Layer, except for that area along Flat Rock Road.

A Floodplain Analysis and Regulatory Assessment was completed and issued by the Indiana DNR on January 19, 2021. The Base Flood 100 Year elevation for Lot 1 was determined from best available information as 698.6 at the upstream end and 696.9 at the downstream end for the Marty Stanton property being 10.67 acres. This data was interpolated as 697.7 at the east line of Lot 1 between these points.

SOIL SCIENTIST
Soli Strata, LLC (Heitsley)
Dated 8/31/2020

IMPROVEMENT LOCATION

SITE PLAN



SCOTT T. SUMERFORD
LAND SURVEYING
 3149 NORTH RILEY HIGHWAY
 SHELBYVILLE, IN 46176-9462
 BUSINESS PHONE (317) 401-6050

Indiana Registered Surveyor No. 29800017

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CLIENT
Larry Drake
1106 Fairfield Drive
Shelbyville, IN 46176

PROJECT
Site Plan for new house construction on subdivision lot created back in 2021.

LAST DATE OF FIELDWORK August 08, 2023
CERTIFICATION DATE September 26, 2023
REVISION DATE elevation & notes February 29, 2024

Property Details

Location: 2310 S 125 E,
 Shelbyville, Shelby Township.

Property Size: 1.72-acres.

Current Land Use: Single-Family Residential.

Zoning Classification:

A1 (Conservation Agricultural)
Intent: This district is established for the protection of agricultural areas and buildings associated with agricultural production.
Development Standards: Enact development standards to maximize protection of common agricultural practices.
BZA: Protect the integrity of land and operations within the Conservation Agricultural District.

Future Land Use per Comp Plan

Incorporated Planning Area:
 Single-Family Residential
Single-family residential can indicate a few varieties of densities including high, medium and low densities.

Surrounding Development

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

Staff Report

Case Number: BZA 26-07
Case Name: Michael A Denney – Development Standards Variance

Request

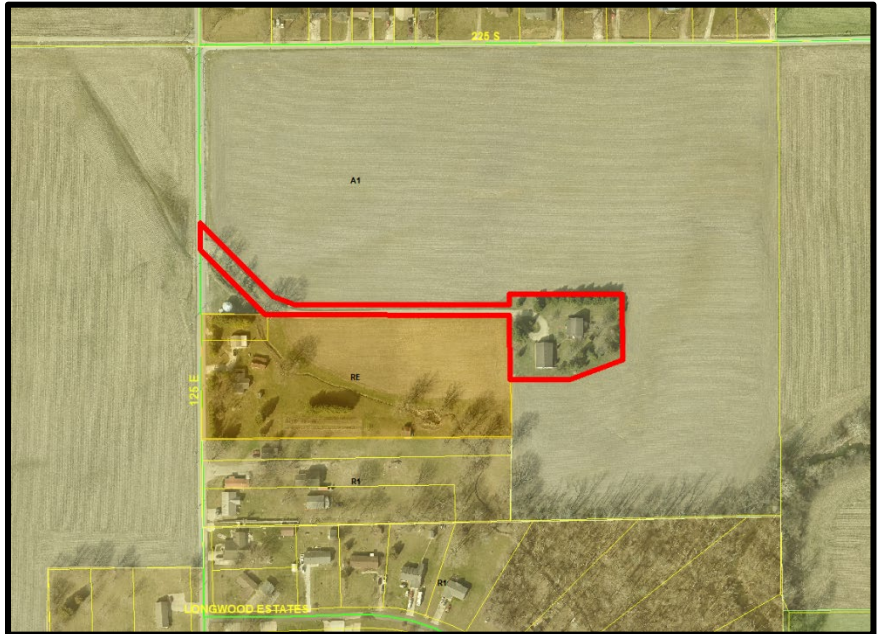
Variance of Development Standards to allow for a dwelling unit within an accessory structure.

Code Requirement

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

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

Property Map



Case Description

- The petitioner plans to remodel a portion of an existing 2,000 sq. ft. pole barn for use as a one-bedroom guest room / apartment.
- The property currently includes a single-family residence occupied by the petitioner.
- The barn sits over 750-feet from the public road and over 50-feet from the closest adjacent residential property.
- The barn has access to CR 125 E through the existing driveway.
- The barn with dwelling unit would require Technical Advisory Committee review and approval of a Site Plan in compliance with applicable zoning, building, and septic system codes.

Staff Analysis of Findings of Fact

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

Staff Analysis: The barn with dwelling unit would require Technical Advisory Committee review and approval of a Site Plan in compliance with applicable zoning, building, and septic system codes.

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

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

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

Staff Analysis: A strict application of the ordinance would not allow for a small, inconspicuous dwelling unit which would not alter the character of the area.

Staff Recommendation

APPROVAL because addition of a dwelling unit within the barn would not alter the exterior appearance of the barn or significantly alter the density of residential development in the area.

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

- 1. The area of the structure dedicated toward living space shall not exceed 900 sq. ft. (this excludes garage and storage areas).**
- 2. The dwelling unit shall not be rented and shall only be occupied by family members or guests of the occupants of the primary residence.**

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

Applicant/Owner Information

Applicant	Michael A Denney 2310 S 125 E Shelbyville, IN 46176	Owner:	Same
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DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

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

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

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

The remodeling of Pole Barn will be contained in the Pole Barn that all ready exist on the 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.

you will not be able to see the remodeled rooms, other than a septic system that will be added to west side of the Pole Barn

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 added space inside the Pole Barn may add value to the property

Property Details

Location: 9052 N 300 E, Morristown, Hanover Township.

Property Size: 0.41-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	R1	Single-Family Residential
East	A1	Cropland
West	A2	Cropland

Staff Report

Case Number: BZA 26-09

Case Name: Andrew Abrams – Development Standards Variances

Request

Variations of Development Standards to allow for development of a new single-family home:

1. 41.6-feet from the water's edge of Big Blue River (minimum 75-foot setback required);
2. 1-foot from a side property line (minimum 15-foot setback required);
3. Without a two-car, attached garage;
4. Without two (2) paved parking spaces;
5. Encroaching 2-feet into the vision clearance triangle at the intersection of the driveway and road.

Code Requirement

UDO Section 5.68 H 1 c: Water Bodies: *The following structures shall be set back from the water's edge of natural water bodies (e.g. streams and rivers) by the following distances: Residential Single-family and Multiple-family Primary Structures: Seventy-five (75) feet.*

Purpose of Requirement: The setback requirement from natural waterways reduces flood risk to structures and limits bank erosion and sedimentation as a result of building construction.

UDO Section 2.14: R1 District Development Standards: *Minimum Side Yard Setback - 15-feet.*

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

UDO Section 5.11 D 1: Minimum Garage Capacity: *Minimum two-car, attached garage required for all single-family detached and two-family buildings.*

Purpose of Requirement: Architectural standards encourage quality development and maintain community character.

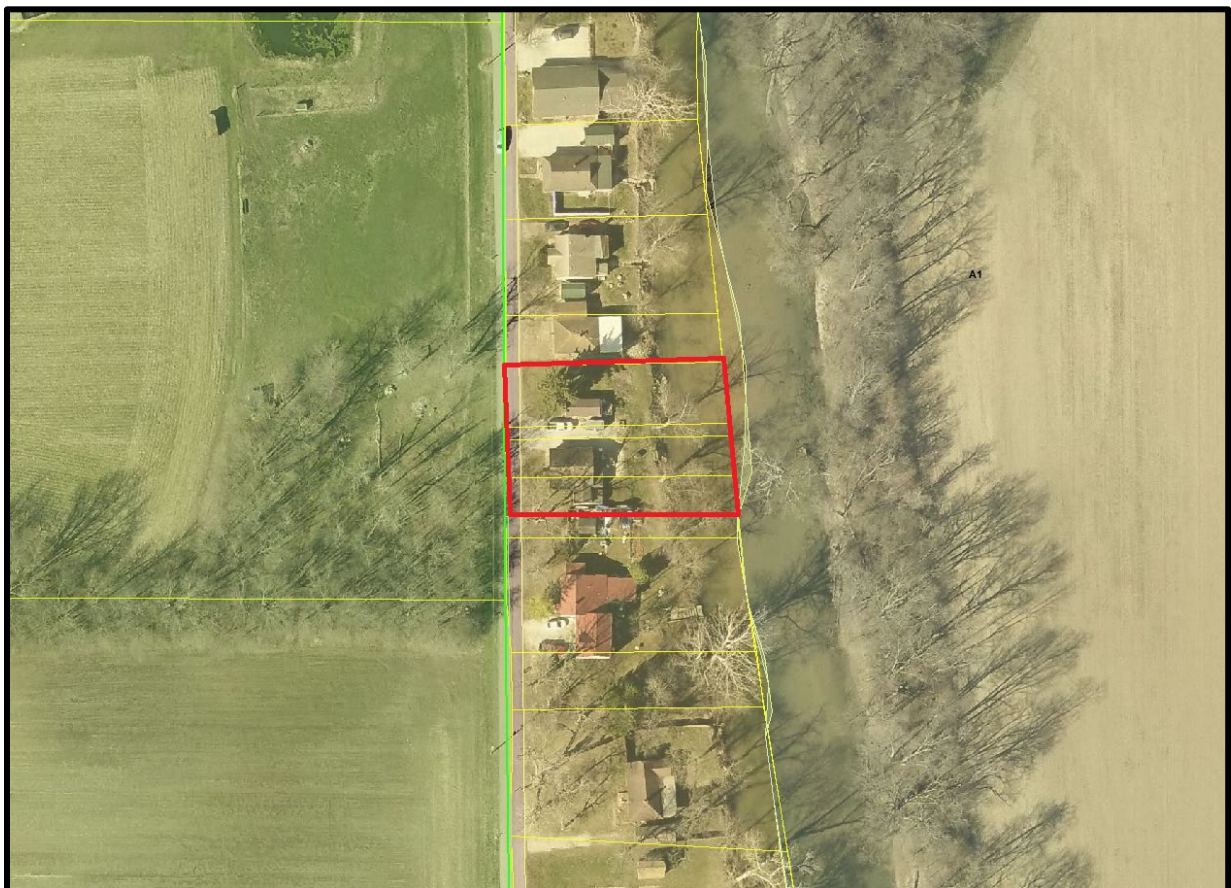
UDO Section 5.60 A: Surface: *All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district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

Purpose of Requirement: The paved parking area requirement limits vehicle oils and fluids from leaking directly into the ground and protects the aesthetic quality of neighborhoods.

UDO Section 5.85 A 1: Vision Clearance Triangle: *A vision clearance triangle shall be maintained at every intersection of two (2) or more streets, intersection of a street and alley, and intersection of a street and driveway. Horizontal Area: The vision clearance triangle leg lengths shall be twenty-five (25) feet as measured from the edge of pavement.*

Purpose of Requirement: The clear vision requirement protects the safety of pedestrians, bicyclists, agricultural equipment operator, and motorists at intersections.

Property Map



Case Description

Case Background

- The petitioner proposes to build a 1,600 sq. f. single-family, log home on the property. The home would replace a 1,100 sq. ft. home torn down by the petitioner in 2025.
- The petitioner initially submitted a permit application to the County to add an addition onto the previous home. The Planning Director determined that the addition would qualify as a non-substantial improvement exempt by ordinance from floodplain regulations and which would only require a building addition permit. When the Health Department visited the site, they noted that the petitioner had removed the entire house other than one wall. The Planning Director informed the petitioner that replacement of the house would require a permit for a new home and the new home must comply with all current rules and regulations.
- The property lies within the FEMA (Federal Emergency Management Agency) Designated Floodway of Big Blue River.
 - The Indiana Department of Natural Resources (IDNR) does not permit new homes in the floodway, however, allows reconstruction of homes in the floodway if constructed on the footprint of the previous home. The new home will require a floodplain development permit from IDNR and the County.
 - The Planning Director has reviewed the construction plans and determined that the plans comply with the County requirements for development in a designated flood hazard area.
 - The petitioner has submitted the construction plans to IDNR for review but has not yet obtained a permit.
 - Any approval of the requested variances would *not* waive any IDNR or County standards for development in a designated flood hazard area.
- The County Health Department requires that new homes utilize sanitation facilities in compliance with current code. The County Health Department does not permit new septic systems within designated flood hazard areas. Therefore, the petitioner intends to install a permanent holding tank. Use of permanent holding tanks require a recorded affidavit and submittal of a pump and haul agreement and contract to the County Health Department.
- The property lies within the unincorporated Town of Freeport. Most of the homes along the river were constructed prior to enactment of zoning and floodplain development regulations.
- Development of the site would require Technical Advisory Committee review and approval of a Site Plan in compliance with applicable County codes.

Variance Requests

1. 41.6-feet from the water's edge of Big Blue River (minimum 75-foot setback required);
 - The setback requirement restricts the building area of the lot to approximately 0.05-acres, rendering the property physically unbuildable.

- The previous home on the property sat approximately 55-feet from the edge of the river.
 - Construction of other homes in the area along the river precede adoption of the setback requirement. This requirement would prevent replacement of any of these homes.
 - The setback requirement from natural waterways reduces flood risk to structures and limits bank erosion and sedimentation as a result of building construction.
2. 1-foot from a side property line (minimum 15-foot setback required);
- The property owned by the petitioner consists of Lot 40 and Lot 41 of the Addition to the Town of Freeport Subdivision. The proposed home would sit on Lot 41 and have a setback of approximately 1-foot from Lot 40.
 - The proposed permanent holding tank would sit on Lot 41. The Health Department will require a sanitation easement for the benefit of Lot 40.
 - Combining the lots would eliminate the need to the setback variance and sanitation easement. Combining the lots would require administrative approval of a minor amendment to the Addition to the Town of Freeport Subdivision stamped by a registered surveyor.
3. Without a two-car, attached garage.
- Log home style single-family residences typically do not have attached garages.
 - Many homes in the area do not have attached garages.
4. Without a two paved parking spaces.
- Most homesites in the area utilize gravel driveways and parking areas.
5. Encroaching 2-feet into the vision clearance triangle at the intersection of the driveway and road.
- The existing driveway would provide access to the house. Construction of the house in the proposed location would result in the house encroaching 2-feet into the clear vision triangle.
 - Relocation of the house 2-feet towards the rear of the lot would eliminate the need for the variance. However, this would result in construction of the house closer to the river and require redesign of the engineered site plan.

Staff Analysis of Findings of Fact

Variance #1: To allow a new single-family home 41.6-feet from the water's edge of Big Blue River (minimum 75-foot setback required);

1. State Requirement: The approval will be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: Construction of the home within 75-feet of the edge of the river may pose a flood risk to the structure and cause bank erosion and sedimentation as a result of building construction.

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

Staff Analysis: Construction of the home within 75-feet of the edge of the river may pose a flood risk to the structure and cause bank erosion and sedimentation as a result of building construction.

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 restricts the building area of the lot to approximately 0.05-acres, rendering the property physically unbuildable.

Staff Recommendation

The majority of development within Freeport occurred prior to the enactment of zoning and floodplain regulations. As significant negative impacts of development in low-lying areas near natural waterways became apparent, communities adopted regulations to prevent this type of development from occurring. The 75-foot setback requirement from natural waterways reduces flood risk to structures and limits bank erosion and sedimentation as a result of building construction.

While a strict application of the 75-foot setback requirement results in a practical difficulty by rendering the property physically unbuildable, redevelopment of the lot within 75-feet of Big Blue River would pose a negative impact to adjacent property and the community. Therefore, Staff recommends **DENIAL** of **variance #1**.

Denial of variance #1 renders the property unbuildable, therefore Staff recommends **DISMISSAL** of the **remaining variances**.

Applicant/Owner Information

Applicant:	Andrew Abrams	Owner:	Same
	9052 N 300 E		
	Morristown, IN 46161		

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.

New residential structure will be in the same spot as the old residential structure, only 12' x 36' more footprint. It will not impede any traffic, or any other public health or safety risks.

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.

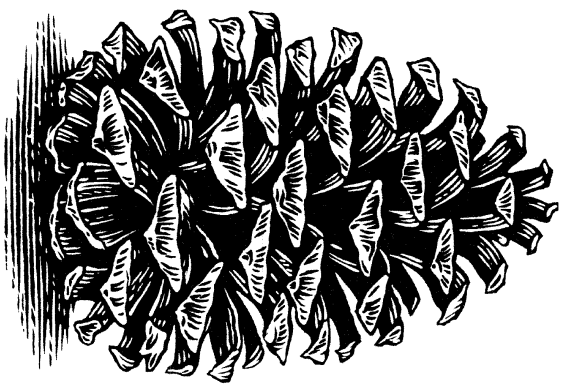
Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

The new area the residential structure take will only take up half of the old, very large driveway, still leaving a 2 car driveway, it was 4 car previously. No other appearance or impacts to property.

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.

Other neighborhood residences nearby were improved dramatically, making my residence an eyesore. Improving it will make the neighborhood, as a whole look better. It will make the home and property, and other home and property values in the area go up, improving quality of homes and properties in the area. The variance's will add value.

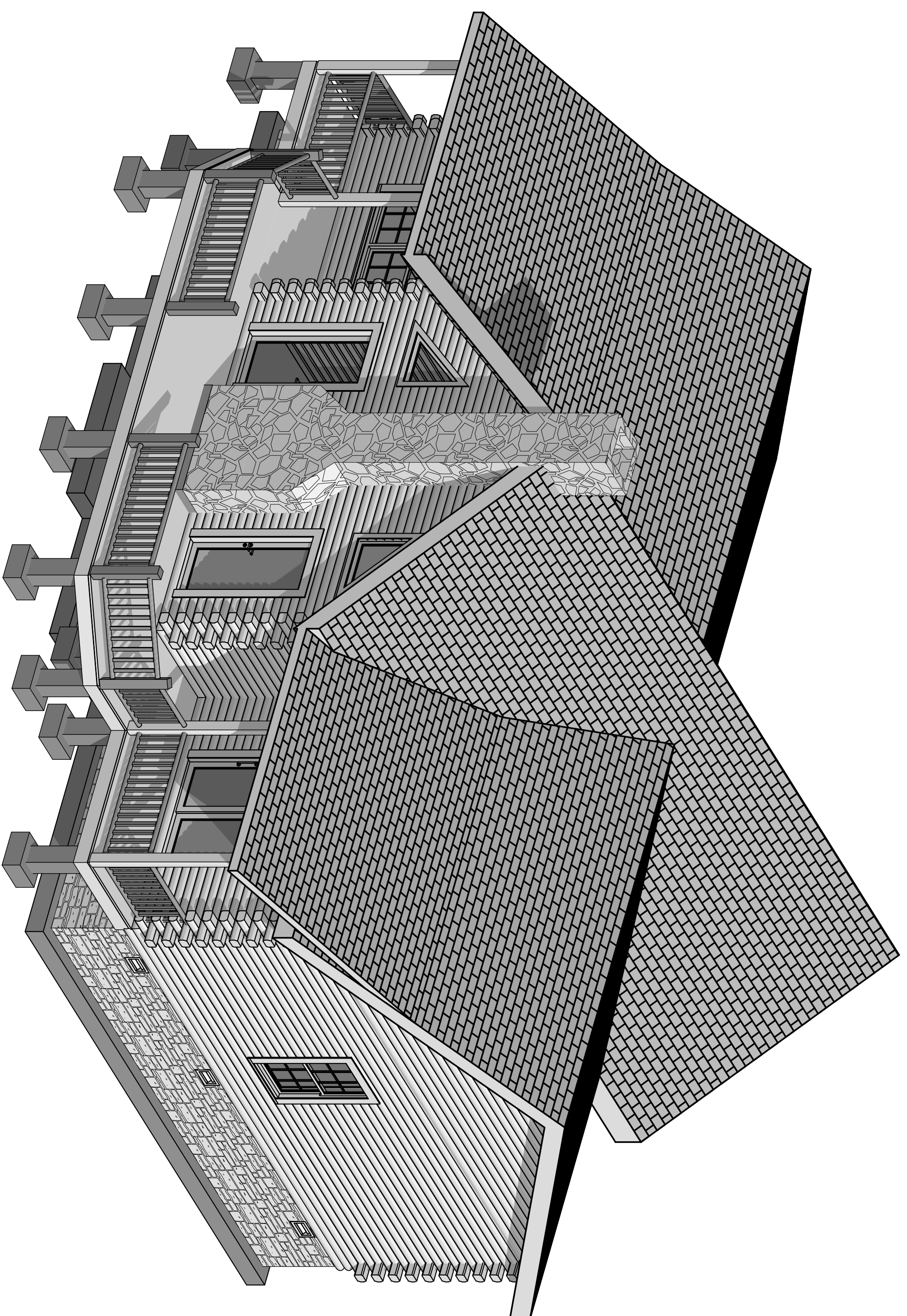


SOUTHLAND LOG HOMES

WWW.SOUTHLANDLOGHOMES.COM

DREW ABRAMS

THANK YOU FOR PURCHASING A QUALITY LOG HOME PACKAGE FROM SOUTHLAND LOG HOMES. THIS IS YOUR FINAL SET OF PLANS. PLEASE READ ALL INFORMATION PROVIDED TO YOU BY SOUTHLAND LOG HOMES BEFORE BEGINNING CONSTRUCTION. OUR KNOWLEDGABLE STAFF WILL BE AVAILABLE TO ASSIST YOU WITH ANY QUESTIONS YOU MAY HAVE DURING THE BUILDING PROCESS.



661 WESTERN LANE
IRMO, SOUTH CAROLINA 29063-1668

DO NOT BEGIN CONSTRUCTION!
YOUR AREA REQUIRES SEALED PLANS FROM AN ENGINEER. PLEASE WAIT UNTIL THE SEALED PLANS ARRIVE BEFORE PROCEEDING WITH YOUR PROJECT.

Pg #	Page Name
A.1	FINAL COVER SHEET
A.2	APPRAISAL NOTES
1.1	ELEVATIONS
1.2	ELEVATIONS
2.1	FIRST FLOOR PLAN
2.1a	FIRST FLOOR ELECTRICAL
3.1	FLOOR FRAMING PLAN
3.2	FOUNDATION PLAN
4.1	ROOF FRAMING PLAN
4.2	ROOF FRAMING LAYOUT
5.1	TRANSVERSE SECTIONS
6.1	Details
6.1a	Details
6.2	Details
6.2a	Details
6.3	Details
7.1	Bill of Materials

GENERAL CONTRACTOR NOTE:
SOUTH LAND LOG HOMES DOES NOT SUPPLY ANY GENERAL LUMBER THAT IS OUTSIDE THE HOME PACKAGE. THIS RESPONSIBILITY IS THAT ON THE CONTRACTOR.

GENERAL ELEVATION NOTES:
ALL EXTERIOR WOOD DOOR TRIM AND EXTERIOR WOOD TRIM TO BE PROVIDED BY SOUTHLAND LOG HOMES.
ALL INTERIOR WINDOW & DOOR TRIM, SCEPT'S VENTS & RIDGE VENTS TO BE PROVIDED BY OTHERS.

GENERAL CONTRACTOR NOTES:
1.) CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE BEGINNING CONSTRUCTION.
2.) REFER TO SOUTHLAND LOG HOMES' CONSTRUCTION MANUAL FOR FURTHER INSTRUCTIONS.

IMPORTANT NOTES READ CAREFULLY FINAL PLANS
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WARNING!
This Southland Log Home package has been designed according to the purchase contract and applicable building codes and must be constructed in accordance with these plans. All unauthorized deviations become the responsibility of the owner as it may result in unsafe conditions, structural concerns, violate building codes and will void the warranty on this product.

LOG STYLE & PROFILE
R/F
EWP
R/F
6x8 Stockade

FINAL PLANS
Contractor is responsible to field verify all dimensions on your job site.
Some areas or local building departments may require sealed construction plans and/or energy sheets. Purchaser assumes the responsibility to determine if sealed plans are necessary and must notify Seller in writing at least thirty-five (35) days prior to delivery date. Purchaser is responsible for all costs incurred by failure to notify Seller. (Final Plans are subject to Change by the engineer who seals the plans. If your plans require "sealing" DO NOT START CONSTRUCTION UNTIL you have received your "sealed" plans from the engineer.)

DREW ABRAMS
DELIVERY COUNTY: SHELBY
DELIVERY STATE: IN
SITE ADDRESS:
9052 N 300 E
MORRISTOWN, IN 46161



MODEL:
REV. JEROME
DESIGNER: LBP
CHECKED BY: PM
PLAN DATE: 06-02-25
DELIVERY DATE: 07-25-25

PROJECT NUMBER: 2500233
SHEET NUMBER: A.1

Property Details

Location: 9201 N Frontage Rd,
Fairland, Moral Township.

Property Size: 53.64-acres.

Current Land Use: Warehouse

Zoning Classification:

I1 (Low Intensity Industrial)

Intent: This district is established for low intensity industrial uses, light manufacturing facilities and business parks.
Development Standards: Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality. Allow small outdoor storage areas with screening. Minimize light, noise, water, and air pollution.

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

Future Land Use per Comp Plan Industrial

Recommended Land Uses: Manufacturing, Warehousing, Heavy Repair, Processing, Wholesale, Business Parks, and Offices.

Recommended Site Design: Developments should include ornamental plantings, landscaped parking lot islands, and street trees as visual features. Landscape buffers should be used to screen activity where adjacent to residential uses or county gateways. Screens and buffers should be encouraged along higher-traffic roadways or lower-intensity land uses.

Surrounding Development

	Zoning	Land Use
North	NA	I-74
South	IS / I1	Firefighter Training Facility
East	A1 / I2	Cropland / Concrete Plant
West	A1/ RE	Estate Residential / Natural Resources

Staff Report

Case Number: BZA 26-10

Case Name: Prime Beverage Group IN, LLC – Use & Development Standards Variances

Request

Variance of Use to allow for beverage production and packaging, including limited processing outside of the building, in the I1 (Low Intensity Industrial) District.

Variances of Development Standards to allow:

1. Limited outdoor storage, including a cooling tower, mechanical equipment, and pallets;
2. Five (5) unenclosed dumpsters adjacent to the building;
3. Storage tanks within 1-foot of the primary structure (minimum 30-foot setback required);
4. Storage tanks within 1-foot of accessory structures (minimum 5-foot setback required).

Code Requirement

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

Purpose of Requirement: Outdoor storage standards protect the aesthetic quality of properties, preserve the character of neighborhoods, and mitigate environmental impacts associated with the outdoor storage of hazardous materials.

UDO Section 5.55 B 1 b & c – Dumpsters, compactors, and similar containers shall be enclosed on all sides by a fence or wall constructed with brick, stone, aesthetic masonry, or similar exterior building materials as the primary structure. Gates shall be constructed from wood and/or metal and be opaque. The enclosure shall be a minimum of six (6) feet or tall enough to hide all materials within the enclosure, whichever is taller.

Purpose of Requirement: Requiring enclosed trash storage areas protects the aesthetic quality of properties, preserves the character of neighborhoods, and prevents wind from sweeping trash onto adjacent properties.

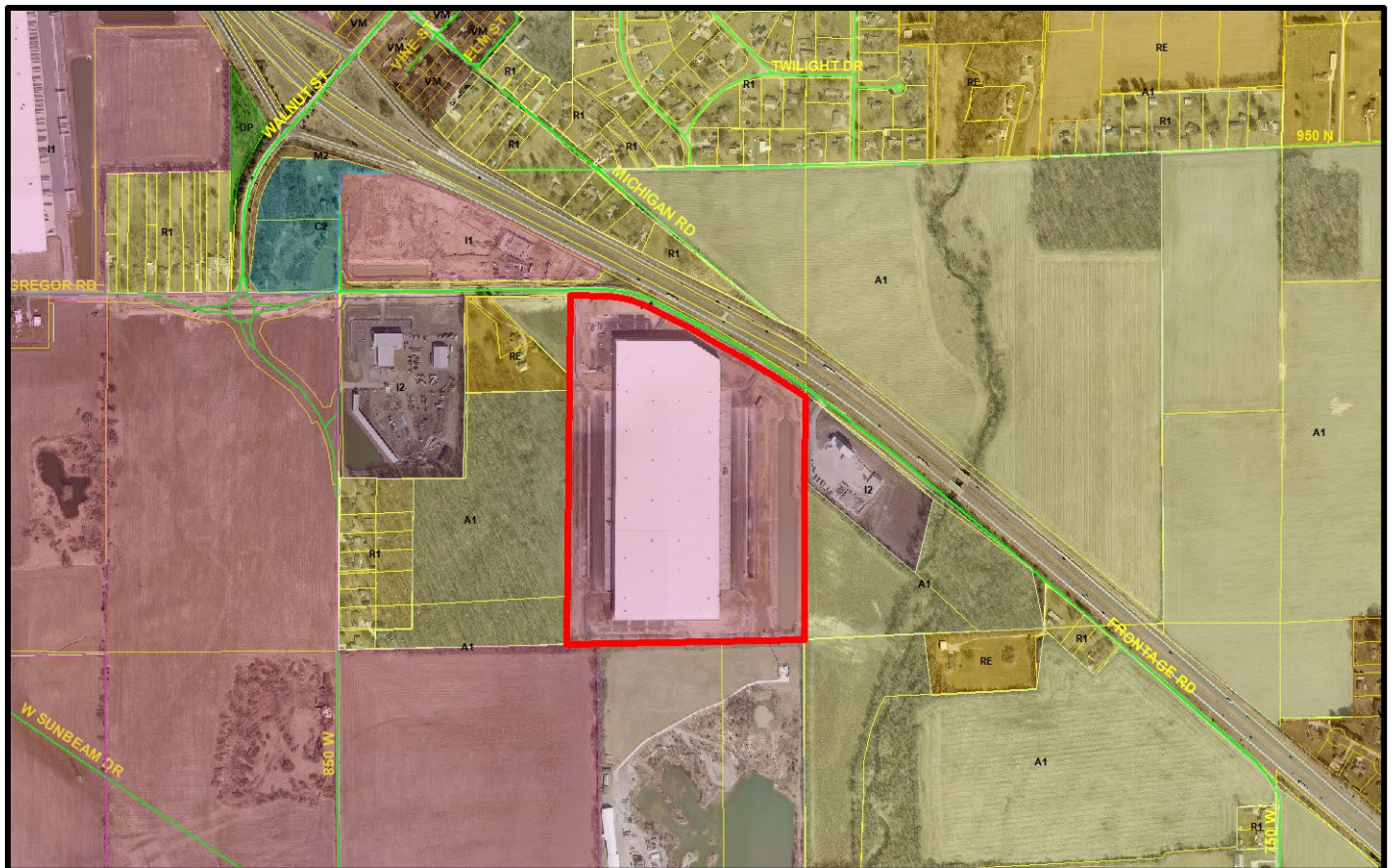
UDO Section 5.78 A 3 – Primary Structures: Storage tanks shall be setback a minimum of thirty (30) feet from primary structures.

Purpose of Requirement: A minimum setback between storage tanks and buildings reduces the risk of structural damage in the event of a tank malfunction. Large structural fires would necessitate emergency response and could potentially spread to buildings on adjacent properties.

UDO Section 5.78 A 4 – Accessory Structures: Storage tanks shall be setback a minimum of five (5) feet from accessory structures.

Purpose of Requirement: A minimum setback between storage tanks and buildings reduces the risk of structural damage in the event of a tank malfunction. Large structural fires would necessitate emergency response and could potentially spread to buildings on adjacent properties.

Property Map



Case Description

Proposed Use

- Prime Beverage Group plans to lease the entirety of the property and existing 900,000 sq. ft. warehouse building for a beverage production and packaging business.
- The petitioner submitted the following information regarding the proposed business:
 - Operations include mixing and packaging of canned products (juice and energy drinks, hard seltzers, spirits, and mixers) for various beverage companies including production, packaging, blending, batching, product development, supply chain solutions and storage.
 - No alterations to the exterior of the building, landscaping, or parking areas.
 - Installation of a limited amount of mechanical equipment along the southeast side of the building, near the rear of the property.
 - Outdoor storage of no more than five dumpsters and pallets adjacent to the dock doors along the sides of the building.
 - Approximately 180 full-time employees with anticipated growth of up to 300+ employees.
 - Anticipated 60 - 70 truck deliveries per day. No business vehicles stored on site.
 - Wastewater treated to comply with applicable laws and regulations prior to discharge into the public sanitary sewer system.
 - Steam emissions from boilers. Combustion emissions testing occurs once a month by a certified boiler specialist, who provides monthly reports showing emissions within acceptable limits per the EPA's Clear Air Act.
 - No emissions of smoke or odor.
 - Nearly all materials recyclable (cans, trays, cartons, etc.) with almost zero landfill waste.
- The property has access to I-74 via Frontage Rd. and the existing Pleasant View interchange. The County recently upgraded Frontage Road and installed a round-a-bout at the Walnut St. / Frontage Rd. intersection to accommodate heavy truck traffic.
- Business operations will require extension of water and gas utilities. Subsequent to any zoning approval, the petitioner will need to ensure access to the utilities prior to commencing operations.
- The surrounding area includes predominantly industrial uses or land zoned for industrial use.

Use Variance

- Use variance approval is required because the UDO does not permit Heavy Manufacturing or Food Processing in the I1 District.

- The proposed beverage production use qualifies as Heavy Manufacturing per the UDO due to the processing of raw product and the outdoor storage of mechanical equipment.
- The UDO only permits Heavy Manufacturing and Food Processing in the I2 (Heavy Industrial District).
- However, the UDO indicates that Heavy Manufacturing uses may also create noise, smoke, fume, odors, glare or health or safety hazards outside of the structure. The proposed beverage production described by the petitioner would not pose these hazards.
- Staff recommended that the petitioner apply for a use variance rather than a rezoning. Approval of a rezoning to I2 would allow for any use permitted in the I2 District. A use variance only permits the specific use requested and does not transfer with the property if sold.

Development Standards Variances

- *To allow for limited outdoor storage, including a cooling tower, mechanical equipment, and pallets.*
 - The petitioner indicated that mechanical equipment must be outdoors to efficiently and safely operate as a conventional beverage production facility.
 - At the request of the County Commissioners and Staff, the petitioner has committed to installing all mechanical equipment along the southeast side of the building to mitigate any aesthetic impact to the I-74 corridor.
 - The petitioner indicated that beverage production and packaging facilities customarily store pallets outdoors for efficiency of business operations and for indoor space-saving.
- *To allow for five (5) unenclosed dumpsters adjacent to the building.*
 - The petitioner indicated that the volume of trash/recyclables typically generated by beverage production and packaging activities necessitates unenclosed dumpsters for convenience of waste disposal, ease of access, regularly scheduled pick-up, and routine replacement.
- *To allow storage tanks within 1-foot of primary and accessory structures.*
 - The petitioner indicated that similar storage tank configurations at other facilities have proven efficient, effective, safe, and optimal for operations due to how the tanks connect to the building.
 - The petitioner noted that larger setbacks from buildings would increase the overall size of the outdoor storage area.

Supplemental Information

- In 2021, the County Commissioners approved a rezoning of the property from A1 (Conservation Agricultural) to I1 (Low Intensity Industrial). The Plan Commission provided a unanimous favorable recommendation on this rezoning.
- In June of 2023, the current property owner completed construction of the existing warehouse building. Knauf Insulation has leased a portion of the building on a temporary basis. However, the majority of the building has remained vacant.

- The petitioner has spoken with the Shelby County Economic Development Corporation regarding potential tax incentives for the project. Tax incentives fall under the purview of the Shelby County Council and legally cannot factor into decisions regarding zoning approval.
- In January of 2026, the City of Franklin approved a Special Exception to allow for operation of the proposed business within a warehouse at 2300 Progress Drive, Franklin, located northeast of the I-65 / SR 44 interchange. This location resembles the Pleasant View interchange area, with surrounding development including industrial uses, cropland, and limited residential development. Due to circumstances regarding lease of the building, the petitioner has chosen to pursue the Shelby County location.

Staff Analysis of Findings of Fact

Use Variance

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

Staff Analysis: The existing site and building, transportation facilities, and infrastructure have been properly permitted and approved, and can support light industrial use of the property. Potential impacts of the facility to the public which differ from uses permitted in the I1 District include wastewater discharge, steam emissions, and outdoor storage of mechanical equipment. However, wastewater will be treated to comply with applicable laws and regulations prior to discharge into the public sanitary sewer system and emissions will comply with EPA standards. Mechanical equipment will be installed near the rear of the building generally out-of-view of the I-74 corridor. These conditions demonstrate that the facility will not pose a negative impact to the public.

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

Staff Analysis: The existing site and building, surrounding transportation facilities, and infrastructure have been properly permitted and approved, and which allow for light industrial use of the property in a manner that does not impact adjacent property. The surrounding area includes industrial uses of varying intensities, therefore use of the property for a relatively low-intensity manufacturing facility would not deviate from the character of the area.

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

Staff Analysis: The need for the variance arises from conditions associated with existing property development and location of the property. The property includes an existing warehouse that has remained vacant due to market conditions. The property lies within an area that has utilities to support industrial land uses and which the Comprehensive Plan recommends for industrial development in order to provide 'local and regional industrial development opportunities that can drive economic growth in Shelby County.'

- 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 ordinance would not allow for use of the property consistent with the intent of the I1 District and recommendations of the Comprehensive Plan. The UDO states that the I1 District is established for low intensity industrial uses, light manufacturing facilities, and business parks. The Comprehensive Plan recommends manufacturing uses for industrial areas. The proposed beverage production and packaging facility is consistent with a light manufacturing use because it would not create noise, smoke, fume, odors, glare or health or safety hazards outside of the structure.

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

Staff Analysis: The proposed beverage production and packaging facility would not conflict with the Industrial land use recommendation of the Comprehensive Plan. The property includes parking lot plantings and landscape buffers along lower intensity uses and the roadways as recommended for industrial areas by the Comprehensive Plan. Outdoor mechanical equipment would be effectively screened from the I-74 corridor as recommended by the Comprehensive Plan by installation near the rear of the building.

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: Outdoor storage would not include any hazardous materials, and mechanical equipment will be installed near the rear of the building, generally out-of-view of the public traveling on the I-74 corridor. Few dumpsters and pallets will be stored outdoors relative to the large size of the property and therefore should not pose a significant visual impact. Beverage production facilities typically include storage tanks within one-foot of structures.

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 surrounding area includes industrial uses with outdoor storage components. Therefore, outdoor storage would not alter the character of the area. Allowing for a reduction in the required setback between storage tanks and buildings would allow for confinement of outdoor equipment to a smaller space and further away from adjacent properties.

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

Staff Analysis: A strict application of the ordinance would prohibit use of the property for a conventional beverage production and packaging facility, thereby limiting an economic development opportunity for the County. Mechanical equipment, pallets, and dumpsters must be outdoors to efficiently and safely operate as a conventional beverage production facility. Requiring larger separation between storage tanks and buildings would result in a larger and less efficient outdoor mechanical equipment area.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the proposed beverage production and packaging facility is consistent with low intensity industrial uses permitted in the I1 District. The limited amount of outdoor mechanical equipment will be installed near the rear of the building and generally out-of-view of the I-74 corridor. Approval will allow for productive use of a building which has remained mostly vacant and will provide an economic development opportunity in an Industrial area that can drive economic growth in Shelby County as recommended by the Comprehensive Plan.

Staff recommends the following **stipulations**:

1. Use of the property shall be limited to the Site Plan & Statement of Intent submitted with the variance application.
2. Outdoor storage of equipment, machinery, and materials shall be limited to the area designated as 'MECH' on the Site Plan submitted with the variance application. Pallets and no more than five (5) dumpsters/trash receptacles may be stored outdoors adjacent to dock doors.
3. Wastewater from the production/operation of the beverage production facility shall be pre-treated on-site, prior to discharge into the sanitary sewer system, in accordance with the standards and requirements of the sanitary sewer utility.
4. Combustion emissions testing shall occur once a month on the "high fire" setting (highest output) by a certified boiler specialist. The monthly emissions reports certifying boiler emissions within the acceptable limits of the EPA Clean Air Act shall be made available to Shelby County upon the request of the Zoning Administrator.
5. Use and development standards variance approvals shall apply to the subject property until such time as:
 1. The use of the variance ends, is vacated, or unused for three (3) months consecutively unless resulting from a force majeure;
 2. The property conforms with the Unified Development Ordinance as written; or
 3. The property is sold to an entity other than Velocity 74 Building 1 LLC , Prime Beverage Group IN, LLC, or aforementioned affiliates, subsidiaries, successors or assigns.

Applicant/Owner Information

Applicant:	Prime Beverage Group IN, LLC 12800 Jamesburg Drive Huntersville, NC 28078	Owner:	Velocity 74 Building, LLC 8940 River Crossing Blvd, Suite 300 Indianapolis, IN 46204
Attorney:	Andi M. Metzel Indianapolis Litigation Practice Group Taft Law One Indiana Square, Suite 3500 Indianapolis, Indiana 46204		

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

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

1. **Summary of Proposed Use and/or Business Activity:** Applicant is a leading beverage co-packing business that utilizes state-of-the-art packaging services. It mixes and packages canned products, including juice and energy drinks, hard seltzers, spirits, and mixers for various beverage companies. Applicant proposes operating its beverage production facility within the interior of the existing 915,600 +/- SF building. The facility will serve as a one-stop shop for comprehensive innovative packaging services, including: production, packaging, blending, batching, product development, supply chain solutions and storage.
Approximately 4,500 sf of the existing building will be dedicated to office uses, warehouse offices 1,500 sf, and another 2,500 sf serving as a break room/employee amenity area.
2. **Days & Hours of Operation:** The facility is operated seven days per week and projected to have approximately 180 full time employees spread over four (4) shifts per day, with 40-45 employees per shift. Anticipated growth up to 300+ employees as operations expand.
3. **Maximum Number of Customers per Day/Week/Month:** This section is generally not applicable for this industrial operation.

4. **Type and Frequency of Deliveries:** Anticipated 60- 70 truck deliveries per day.
5. **Description of any Outdoor Storage:** So the building can efficiently and safely operate as a beverage production facility, appurtenant necessary materials supply and related equipment ("mechanical equipment") and accessory structures will be installed along only the north/east side of the building in the limited area outlined in red on the Site Plan submitted with the application.
By way of example, a critical part of the mechanical equipment enables the recirculation of water at the beverage production facility which significantly reduces water volumes needed for operations. No business vehicles will be stored on site.
6. **Description, Size, and Placement of any Signage:** Applicant intends to comply with and does not seek to deviate from any required development standards pertaining to signs located within the Low Intensity Industrial (I1) District.

7. **Description of Waste Disposal:** Wastewater will be treated to comply with applicable laws and regulations prior to discharge. Applicant adheres to responsible sourcing and sustainable practices and nearly all materials are recyclable (cans, trays, cartons, etc.) with almost zero landfill waste. There will be no nuisance emissions of smoke or odor from the property, and only steam is emitted from boilers.
8. **Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.):** Applicant intends to utilize the existing 915,600 sf building and ample existing on-site paved parking.

USE VARIANCE FINDINGS OF FACT

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

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

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

The existing site configuration and structure were designed for light industrial uses, consistent with the proposed beverage production facility indoor operations. Since there is existing on-site adequate parking and ample space for maneuverability, neither the employee parking nor the frequency of deliveries create unanticipated traffic in this area zoned for industrial operations. No parking or deliveries associated with the requested use will encroach upon or otherwise burden area properties or other land uses. The use will not be a contributing factor to pollution since there is very little landfill waste and since no smoke or odors are emitted from the 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.

The appearance of the existing structure will remain the same. The requested beverage production facility is adjacent to and nearby other High Impact (I2) industrial zoned properties having even greater intensity of uses. The proposed use will be indoors and will not create noise, odors or emissions and will not harm or negatively impact neighbors. The community will not be negatively impacted because the roadways have already been constructed, and the building is already configured to provide for loading, unloading, maneuverability and navigation.

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

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

The Comprehensive Plan recognizes that the I-74 corridor near existing interchanges like this one is desired for development, yet portions of the existing industrial building are underutilized. At 915,600 sf, the building is massive. Some flexibility is needed to allow for a "range of light and heavy industrial uses" that includes "manufacturing, processing, distribution and storage" consistent with the Comprehensive Plan language. The requested use variance allows for this building to be occupied and function as a contributing part the area bringing jobs and added investment into the community. This facility would not otherwise be permitted in the I1 District.

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

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

A beverage production facility use is not a use that is specifically listed in the ordinance or identified in the table of uses. Denial of the use variance presents an unnecessary hardship to the applicant who is unfairly shut out of the ability to operate in the County in any County zoning district without a variance. Since the applicant's operations are indoors and involve assembly, distribution, light manufacturing and storage, the use is largely compatible with other permitted and allowable uses in the I1 district. The strict interpretation of the ordinance unfairly results in the inability of the applicant to use the property in a manner similar to other I1 users.

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

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

The Comprehensive Plan designates this area as a prime location for increasing/encouraging development for job creation. The requested use variance to permit the operation of a beverage production facility at this location is consistent with the existing zoning designation, will make use of an existing, large-scale and visible industrial building along the I-74 corridor, and will bring jobs and added investment into the community, all of which are consistent with and supported by the Comprehensive Plan.

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Requested Variances: The Applicant seeks relief from the storage tank minimum setback requirements to allow storage tanks to be located within one (1) foot of the primary structure and any ancillary structure(s).

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:

1. **The approval will not be injurious to the public health, safety, and general welfare of the community** because the proposed location for the outdoor tanks/mechanical equipment—being adjacent to and within one (1) foot of the primary and accessory structures—is, based on Applicant’s experience at other facilities, not only efficient, effective and safe, but also optimal for operational reasons due to how such outdoor tanks/mechanical equipment (and related pipes/lines) are connected to the building and the internal beverage production operations, through the building’s exterior walls, dock doors, and underground areas. This location also allows for a smaller footprint for the area that will contain the outdoor tanks/mechanical equipment, which would be beneficial to business operations.
2. **The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner** by these variances since the question at hand involves only a matter of distance, as the outdoor tanks/mechanical equipment will be located either within the setback area or outside of it. Either way, there will be outdoor tanks/mechanical equipment installed in close proximity to the building as part of Applicant’s operations, and thus the impact to the area adjacent to the property will be no different. In addition, such adjacent area is already characterized by a mix of existing and developing industrial uses, the building was zoned for light industrial operations, the roadways have already been constructed, the building is already configured for loading, unloading, maneuverability and navigation, and the proposed indoor use will not cause noise, odors, or emissions (except for steam from the operation’s boilers) outside of the building.
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** because, if these variances are not granted, Applicant will need to conduct its operations at the property in a configuration that would be new and different from its experience to date, as said outdoor tanks/mechanical equipment would have to be installed more than thirty (30) feet away from the primary structure (which also happens to be in the middle of a currently paved driveway used by trucks and other vehicles circling the building), and more than five (5) feet away from any accessory structures, both of which would impose additional, unnecessary costs on Applicant. Those more distant locations would also mean that the piping/lines connecting the outdoor tanks to the indoor equipment would have to extend much longer on the outside of the building, thus creating a higher degree or opportunity of being damaged or potentially impacted adversely by weather/temperature. The preferred location within the setback area next to the building is not only efficient and cost-effective, it would also best support the operations while allowing Applicant to utilize its extensive experience in a consistent way with which it is most familiar. In sum, approval will allow for the property’s reasonable development for Applicant’s proposed use.

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Requested Variance: The Applicant seeks relief from the outdoor storage standards to permit the outdoor storage of equipment, including a cooling tower, and pallets.

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:

- 1. The approval will not be injurious to the public health, safety, and general welfare of the community** because the outdoor storage of machinery, equipment (including cooling towers), and pallets will be located and managed in a neat, appropriate, and safe manner at all times, which will be consistent with Applicant's proposed use of the property. The outdoor storage will occur only on the sides of the building, not the front, and will not cause pollution, odors, or any hazards to traffic occurring either on or off the 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** by this variance since such area already has a mix and type of existing and developing industrial uses for which outdoor storage is not uncommon. Locating certain machinery, equipment (including cooling towers), and pallets outside of the building is critical to, and a necessary aspect of, Applicant's normal business operations. In addition, given the type and weight of the product being produced, the pallets are generally newer, well organized for ease and efficiency of use in the operations, and neatly stacked.
- 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** because, if this variance is not granted, Applicant will not be able to operate its business in the efficient, effective, and customary manner to which it is accustomed. The cooling towers are an essential part of the beverage production activities, and, along with certain other equipment and machinery, must be located outside of the building. It is also important, for interior space-saving reasons, to locate and store a large number of pallets necessary for Applicant's operations, outside of the building. In sum, approval of this variance will allow for the property's reasonable development for Applicant's proposed use.

**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Requested Variance: The Applicant seeks relief from the trash storage standards to permit the location of five (5) unenclosed dumpsters, compactors, or similar containers immediately adjacent to dock doors for regularly scheduled pick-up and routine maintenance.

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:

1. **The approval will not be injurious to the public health, safety, and general welfare of the community** because the five (5) unenclosed trash dumpsters, compactors, and other similar containers will not be located near the property lines with neighbors, nor in the front of the building near the public road. They will be located on the sides of the building. In addition, they will be located, managed, and maintained appropriately, safely, neatly, and consistently with Applicant's use of the property for its beverage production activities.
2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner** by this variance since it involves only five (5) unenclosed trash dumpsters, compactors, and other similar containers, for the entire 915,600 square foot building that sits on approximately fifty-five (55) acres. These dumpsters, compactors, and other similar containers will be located on paved surfaces, as required, will not be easily visible due to their distance from the sole public road to the north, or the industrial and other properties to the east, west and south, and will be located immediately adjacent to certain dock doors for convenience, ease of access, regularly scheduled pick-up, and routine replacement.
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** because, if this variance is not granted, then the type of quick, easy, and convenient access to the trash dumpsters, compactors and other similar containers that historically have been part of Applicant's business operations, will not be available. That access is important due to the volume of trash generated by the beverage production activities, as well as for speed and efficiency purposes essential to the success of this business. In sum, this variance allowing the lack of enclosures for the five (5) trash dumpsters, compactors, and other similar containers, would be of significant benefit to Applicant's business operations and allow for the property's reasonable development for the proposed use.

