

Shelby County Board of Zoning Appeals

June 10, 2025, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals June 10, 2025, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the May 13, 2025 meeting.

NEW BUSINESS

BZA 25-20 – KARL NADING: DEVELOPMENT STANDARDS VARIANCE. Located at 9205 S 600 W, Edinburgh, Jackson Township.

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

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

BZA 25-22 – CHRISTOPHER R ALLEN: DEVELOPMENT STANDARDS VARIANCE. Located at 11771 N Division Rd, Fountaintown, Van Buren Township.

BZA 25-10 – GERLINE FARMS LLC: DEVELOPMENT STANDARDS VARIANCES. Located at 6725 W 600 S, Edinburgh, Jackson Township.

OLD BUSINESS

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

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **July 8, 2025, at 7:00 PM.**

Property Details

Location: 9205 S 600 W,
Edinburgh, Jackson Township.

Property Size: 5.86-acres.

Current Land Use: Cropland /
Residential Accessory Structure

Zoning Classification:

R1 (Single-Family Residential)

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 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	Cropland
South	A2	Estate Residential
East	A1/Ad	Cropland / Estate Residential
West	A2	Cropland

Staff Report

Case Number: BZA 25-20
Case Name: Karl Nading – Development Standards
Variance

Request

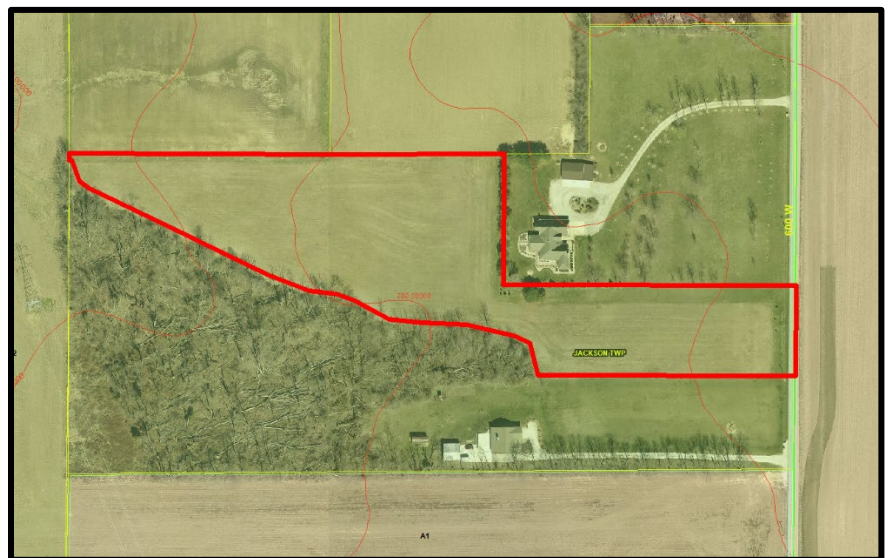
Variance of Development Standards to allow for addition of living quarters to an existing structure setback 17-feet from the side property line.

Code Requirement

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

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

Property Map



Case Description

- The petitioner plans to add a one-bedroom apartment to a recently constructed pole barn.
- The pole barn complies with the 10-foot setback requirement for agricultural accessory structures. Addition of the apartment would change the classification of the structure to a primary residential structure. The structure does not comply with the 40-foot setback requirement for primary structures in the A2 District.
- On February 25, 2025 the Plan Commission approved a Simple Subdivision establishing the property as a residential building lot. The Plan Commission noted the need for the setback variance to establish the structure as a primary structure and did not indicate any concern with variance approval.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee has approved a site plan showing structure layout, elevation of development, drainage infrastructure, and septic system design to allow for addition of the apartment to the barn, pending approval of the variance.

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: Addition of an apartment to the barn in compliance with all building and sanitation codes would not have a negative impact on public health, safety, or welfare.

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

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

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

Staff Analysis: A strict application of the ordinance would not allow for addition of an apartment to an existing building.

Staff Recommendation

Staff recommends **APPROVAL** primarily because setback of the barn 17-feet from the property line would not impact continued use of adjacent property for agricultural production.

Applicant/Owner Information

Applicant: Karl Nading
9179 S 600 W
Edinburgh, IN 46124

Representative: Scott T Sumerford (Surveyor)
3149 N Riley Hwy
Shelbyville, IN 46176

Owner: Karl & Teresa Nading

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Scott T Sumerford representing Karl (Tony) Nading

Case #: _____

Location: 9263 S 600 W, Edinburgh Parcel No. 73-14-19-200-030.000-010

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

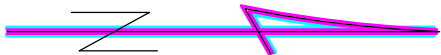
1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.
The existing pole barn has been well constructed and lies a good 600 feet from the
nearest public highway and is not particularly visible. The future driveway would be
a good 250 feet from adjacent driveways. The site plan and septic system has
limited this proposed dwelling to a one bedroom apartment, limiting volume of usage.
2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
The side of the setback violation is buffered with a drainage swale and adjacent to a
tillable farm field. The nearest dwelling is the client's residence to the east. The next
nearest neighbor is 500 feet in the town of Mt. Auburn. Usage of the barn will be as a
potential future residence for the client's brother and for the client's hobbies.
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.
Unfortunately the client was ignorant with the difference between setback requirements
of an accessory building and the larger setbacks of turning it into a primary structure.
It would be virtually impossible at this point to adjust the building to bring it into compliance
with a 40 foot side setback.

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

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

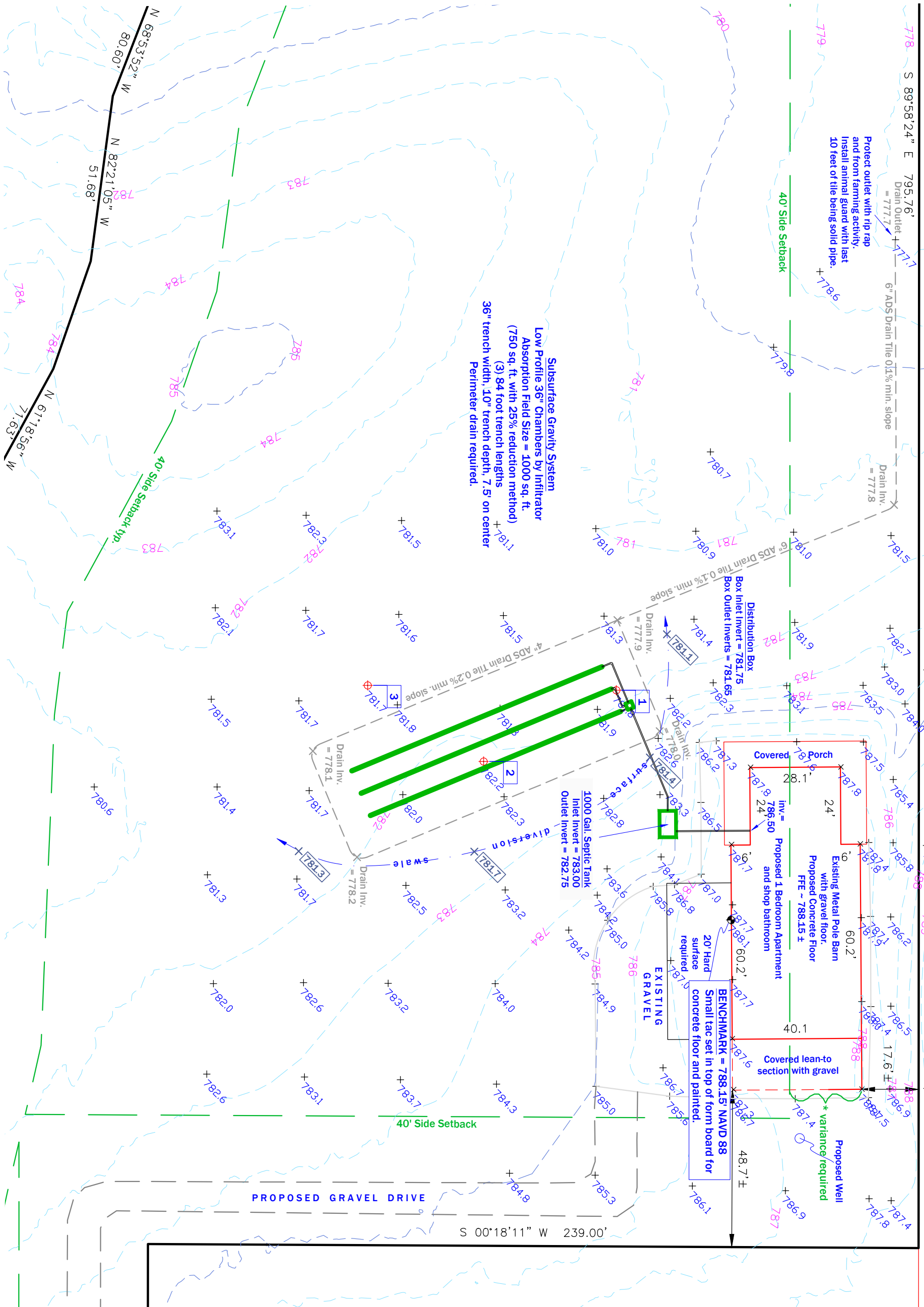
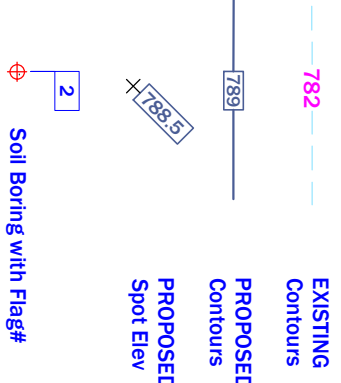
Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

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



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

SCALE: 1 INCH = 30 FEET



OWNER
Karl and Teresa Nading

PROPERTY ADDRESS
9263 S 600 W
Edinburgh, IN 46124

PARCEL NUMBER
73-14-19-200-030.000-010

CURRENT ZONING
A2 Agricultural

FLOOD STATEMENT
Lot 1 does not lie within a special flood hazard area per effective FEMA Flood Insurance Rate Map, Panel Number 48145C0175C, effective date of November 5, 2014. Lot 1 does not lie within a flood zone according to the 2024 Indiana Best Available Floodplain layer. An approximate base flood elevation of 715 feet was obtained from the Indiana Floodplain Portal with an unnamed tributary to Big Blue River being the nearest contributing stream.

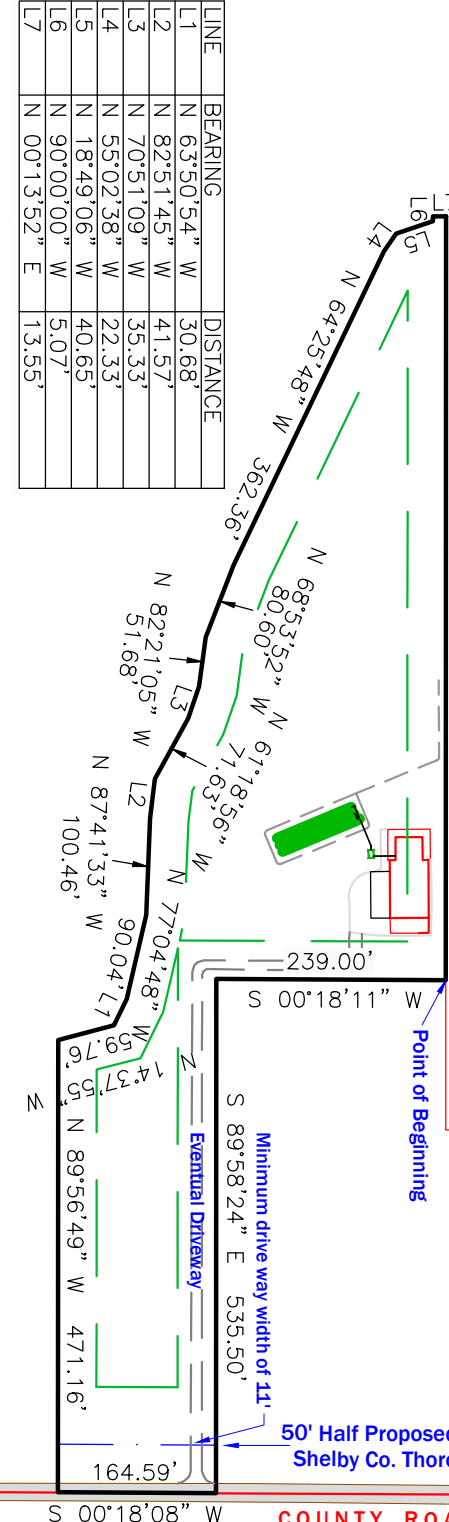
SOIL SCIENTIST
Michael Wigginton
Dated 8/12/2024

NOTES
- Final grading shall provide a 6 inch drop in elevation 10 feet out around the exterior of the proposed dwelling.
- Any drainage tiles 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) 9x18' parking spaces.

- Roof drains need to be directed / piped to avoid the septic absorption field area.
- 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.



* A variance for the pole barn will be required being a primary building existing across the side yard setback by 22.4 feet.

PROPERTY DETAIL
1" = 200'

Setbacks are depicted for the primary dwelling structure. In an A2 zoning, front = 60' sides and rear = 40'. Accessory structures have a 10' setback along the sides and rear.

TRENCH CROSS SECTION
West East

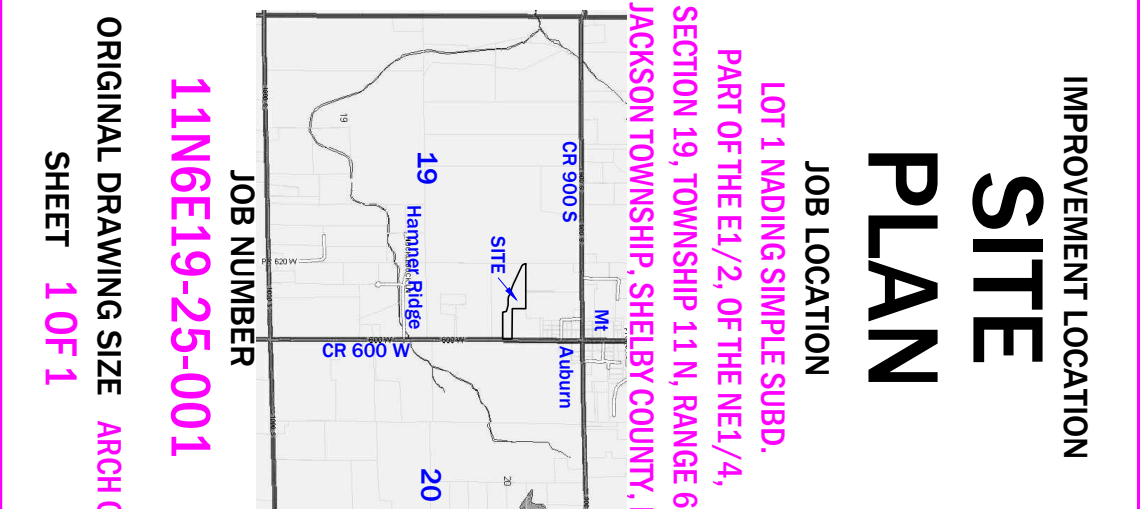
LEGAL DESCRIPTION (LOT 1)
A part of the east half of the northeast quarter of section 19, township 11 north, range 6 east, in Jackson Township, Shelby County, Indiana, more particularly described as follows:
Commencing at the northeast corner of said quarter section; thence South 00 degrees 18 minutes 08 seconds West along the east line of said northeast quarter, 723.00 feet to the northeast corner of Instrument Number 2013003449 as recorded in the Office of the Recorder of Shelby County; thence North 89 degrees 58 minutes 24 seconds West along the north line of said instrument, 379.50 feet to a west line of said instrument; thence South 00 degree 18 minutes 11 seconds West along said west line, 237.55 feet to a northern line of said instrument; thence North 89 degrees 58 minutes 24 seconds West along said northern line, 155.98 feet to the point of beginning;
Thence South 00 degrees 18 minutes 11 seconds West, 239.00 feet to the southwest corner of said instrument; thence South 89 degrees 58 minutes 24 seconds East along the south line of said instrument, 535.50 feet to the east line of said northeast quarter; thence South 00 degrees 18 minutes 08 seconds West along said east line, 164.59 feet; thence North 89 degrees 56 minutes 49 seconds West, 471.16 feet; thence North 14 degrees 37 minutes 55 seconds West, 59.76 feet; thence North 63 degrees 50 minutes 54 seconds West, 30.68 feet; thence North 77 degrees 04 minutes 48 seconds West, 100.46 feet; thence North 82 degrees 51 minutes 45 seconds West, 41.57 feet; thence North 61 degrees 18 minutes 56 seconds West, 71.63 feet; thence North 70 degrees 51 minutes 09 seconds West, 35.33 feet; thence North 82 degrees 21 minutes 05 seconds West, 51.68 feet; thence North 68 degrees 53 minutes 52 seconds West, 80.60 feet; thence North 64 degrees 25 minutes 48 seconds West, 362.36 feet; thence North 55 degrees 02 minutes 38 seconds West, 22.33 feet; thence North 48 degrees 49 minutes 06 seconds West, 40.65 feet; thence North 90 degrees 00 minutes 00 seconds West, 5.07 feet to the west line of Instrument Number 2012009108; thence North 00 degrees 13 minutes 52 seconds East along said west line, 13.55 feet to the northwest corner of said instrument; thence South 89 degrees 58 minutes 24 seconds East along the north line of said instrument, 795.76 feet to the point of beginning, containing 5.86 acres, more or less.

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

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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This document is only considered an original copy if an inked seal and original signature is affixed.

CLIENT
Karl Nading
9179 S 600 W
Edinburgh, IN 46124
PROJECT
Site plan for existing pole barn and potential dwelling with new septic system.
LAST DATE OF FIELDWORK March 3, 2025
CERTIFICATION DATE April 29, 2025
REVISION DATE drive, parking & notes May 7, 2025



IMPROVEMENT LOCATION
SITE PLAN
JOB LOCATION
LOT 1 NADING SIMPLE SUBD.
PART OF THE E1/2, OF THE NE1/4,
SECTION 19, TOWNSHIP 11 N, RANGE 6 E,
JACKSON TOWNSHIP, SHELBY COUNTY, IN
JOB NUMBER
11N6E19-25-001
ORIGINAL DRAWING SIZE ARCH C
SHEET 1 OF 1

Property Details

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

Property Size: 4.2-acres.

Current Land Use: Single-Family
Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan

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

Surrounding Development

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

Staff Report

Case Number: BZA 25-17

Case Name: Bonnie Adkins – Development Standards
Variances

Request

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

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

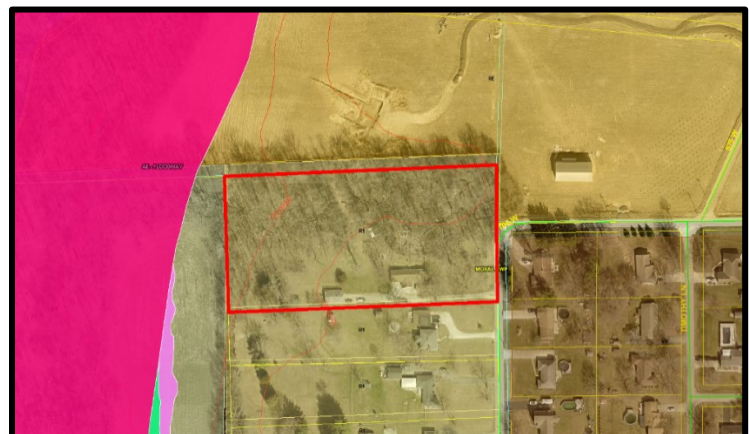
Code Requirement

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

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

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

Property Map



Case Description

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

Staff Analysis of Findings of Fact

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

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

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

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

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

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

Staff Recommendation

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

Applicant/Owner Information

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

Owner: Bonnie & Shane Adkins

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Bonnie Adkins

Case #: _____

Location: 8977 N 700 W Fountaintown, IN 46130

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

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

Waste will be composted

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

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

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

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

Not running a business.

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

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

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

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



ACCURA

LAND SURVEYING

1140 S. DR. CATHAMPTON, IN 46140 (317) 462-3733
FAX (317) 462-3730

REPORT NUMBER:
011-00000000

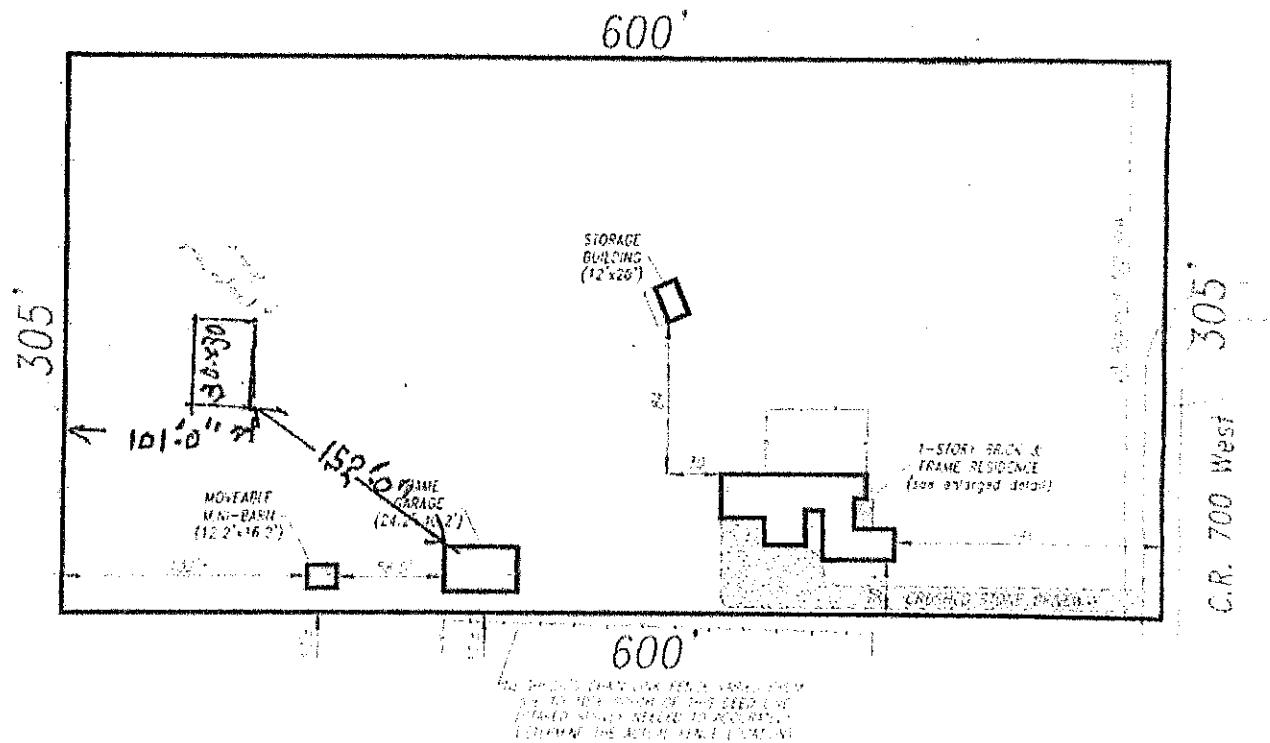
SURVEYOR LOCATION REPORT

SHEET 1 OF 2

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

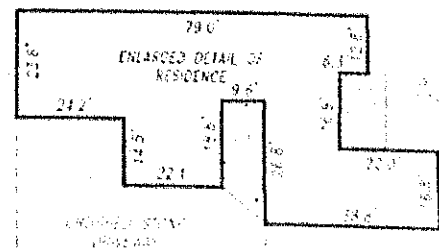
PROPERTY ADDRESS: 8977 N. 700 West
Fountaintown, IN 46159

CLIENT I.D. NO.: 011-00000000



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

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



Property Details

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

Property Size: 1.66-acres.

Current Land Use: Single-Family
Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan Estate Residential

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

Surrounding Development

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

Staff Report

Case Number: BZA 25-21

Case Name: Timothy Shaw – Development Standards
Variances

Request

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

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

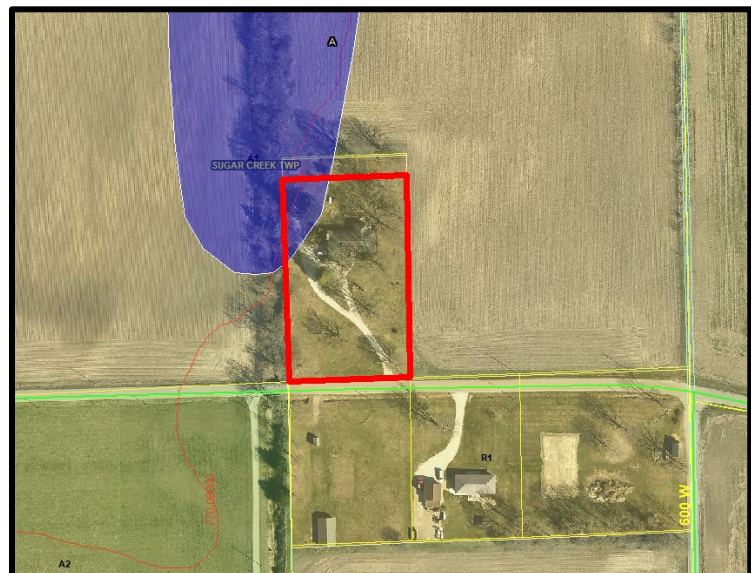
Code Requirement

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

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

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

Property Map



Case Description

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

Staff Analysis of Findings of Fact

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

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

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

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

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

Staff Analysis: A strict application of the ordinance would not allow for a barn similar in size and height to the barn attached to the house on the adjacent property to the south.

Staff Recommendation

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

Applicant/Owner Information

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

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

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

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

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

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

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

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

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

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

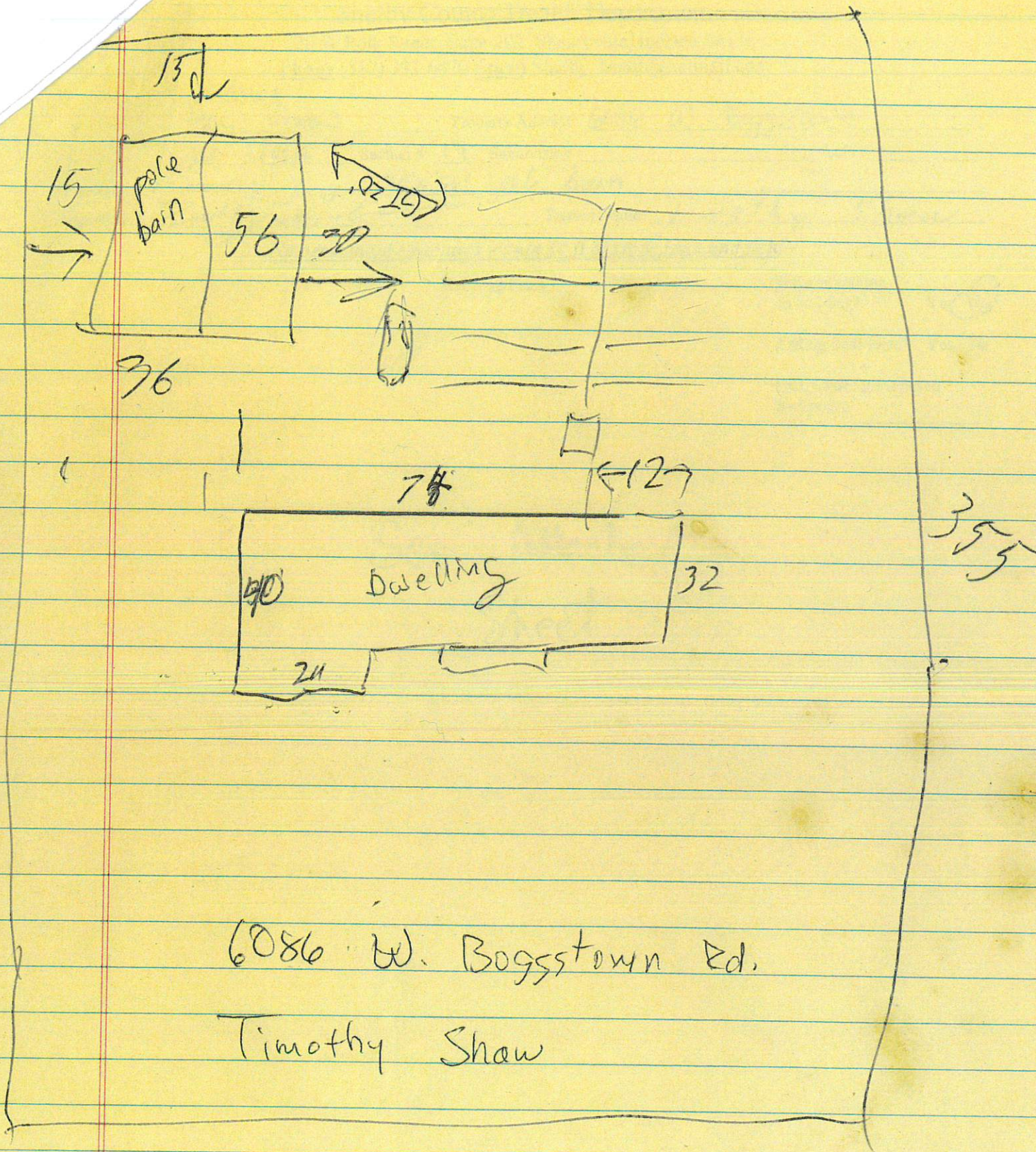
The Building is the same height or less
Than Surrounding Buildings on adjacent
properties.

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

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

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

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



6086 W. Boggsstown Rd.

Timothy Shaw

Property Details

Location: 11771 N Division Rd,
Fountaintown, Van Buren
Township.

Property Size: 4.2-acres.

Current Land Use: Single-Family
Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan

Single-Family Detached Residential

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

Surrounding Development

	Zoning	Land Use
North	R1	Estate Residential
South	M2	Vacant
East	R1/VM	Single-Family Residential
West	R1	Estate Residential

Staff Report

Case Number: BZA 25-22
Case Name: Christopher R Allen – Development Standards Variance

Request

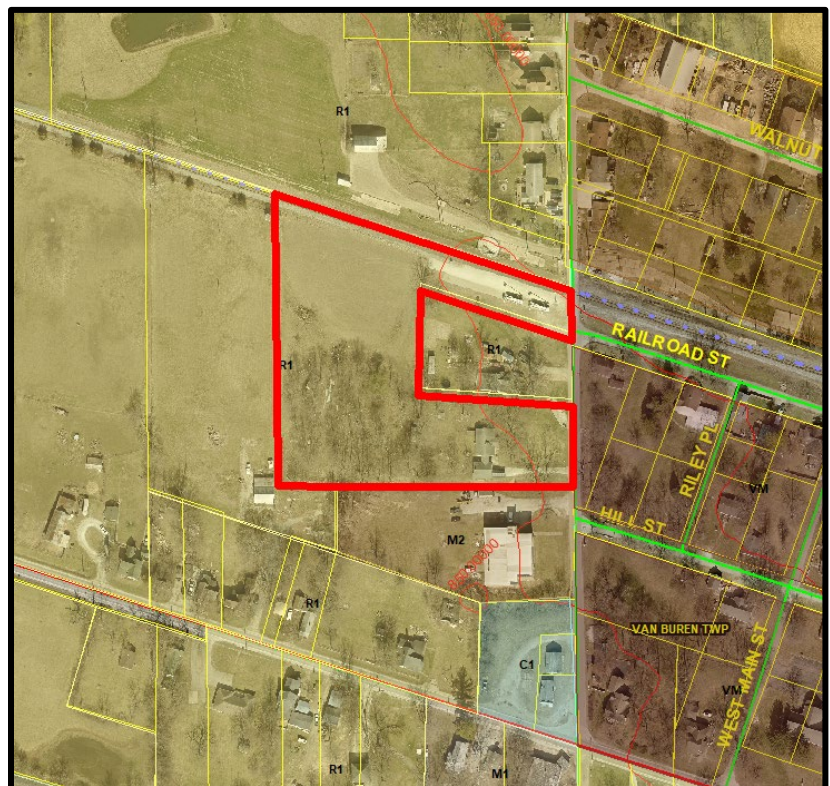
Variance of Development Standards to allow for a 1,625 sq. ft. accessory structure exceeding half the size of the footprint of the house.

Code Requirement

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

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

Property Map



Case Description

- The petitioner plans to construct a 25'x65' (1,625 sq. ft.) accessory structure. The structure would sit approximately 350-feet from N Division Rd. in the northwest corner of the property.
- The square footage of the proposed accessory structure equals approximately 80% of the square footage of the footprint of the house. The property tax card provides the square footage of the house for the square footage calculation.
- The County assigned the property the R1 zoning designation when updating the zoning maps in 2008, likely due to location of the property within the unincorporated town of Fountaintown. However, most properties in the County two acres and larger and under five acres have the RE (Residential Estate) zoning designation. The accessory structure would comply with the size requirements for the RE District.

Staff Analysis of Findings of Fact

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

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

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

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

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

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

Staff Recommendation

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

Applicant/Owner Information

Applicant:	Chrisopher R Allen 11771 N Division Rd. Fountaintown, IN 46130	Owner:	Same
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**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Christopher R. Allen
Case #: _____
Location: 11771 N. Division Rd

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

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

The proposed building will add to the value of the property and provide for indoor storage versus. outside storage. It will be located over 200 yards from all other structures.

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

The proposed out building will be located in a field far from Division Rd and have a set of railroad tracks to one side and an empty field to the west side.

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

The 3.5 acres of property would benefit from the owners ability to store mowers, tractors and other items indoors.

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

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

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

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

9:30



11771 North Divisio



Property Details

Location: 6725 W 600 S, Edinburgh,
Jackson Township.

Property Size: 199.82-acres.

Current Land Use: Agricultural
Homestead / Agricultural

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

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/A2	Cropland / Estate Residential
South	A1	Natural Resources
East	A1/A2	Cropland / Natural Resources
West	A1	Cropland

Staff Report

Case Number: BZA 25-10

Case Name: Gerline Farms LLC – Development
Standards Variances

Request

Variances of Development Standards to allow:

- Construction of a barn and two grain silos in a flood hazard area:
 - not having the lowest floor elevated to two feet above the base flood elevation; or
 - certified floodproofed by a registered engineer to two feet above the base flood elevation.
- 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 b: In Zone A and Zone AE, new construction, or substantial improvement of any commercial, industrial, or nonresidential structure (excludes accessory structures) shall either have the lowest floor, including basement and, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 5.30 Article 5, Section C (3) (c). Should fill be used to elevate a structure, the standards of Section 5.30 Article 5, Section C (3) (d) must be met.

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.

Elevation Requirement for Structures in Flood Hazard Areas

- The UDO requires that new construction of any agricultural structure have the lowest floor elevated two feet above the flood elevation by fully enclosed walls with flood vents, fill, or raised slab or certified floodproofed by a registered engineer to two feet above the flood elevation.
- The Indiana Department of Natural Resources (IDNR) establishes the flood elevation.
- The elevation requirement does not apply to structures having a floor area of 400 sq. ft. or less or open-sided structures with no more than one wall.
- The flood elevation is defined as the Base Flood Elevation and abbreviated BFE.
- The required elevation / floodproofing level (2-feet above the BFE) is defined as the Flood Protection Grade and abbreviated FPG.

Purpose of Elevation Requirement

- Minimize private loss of structural value due to flood conditions.
- Minimize the risk of floodwaters sweeping contents within structures onto other lands to the injury of others.
- Allow for diversion of floodwaters around or through structures to avert the cumulative effect of obstructions in floodplains, which results in increase in flood heights and velocities.

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.

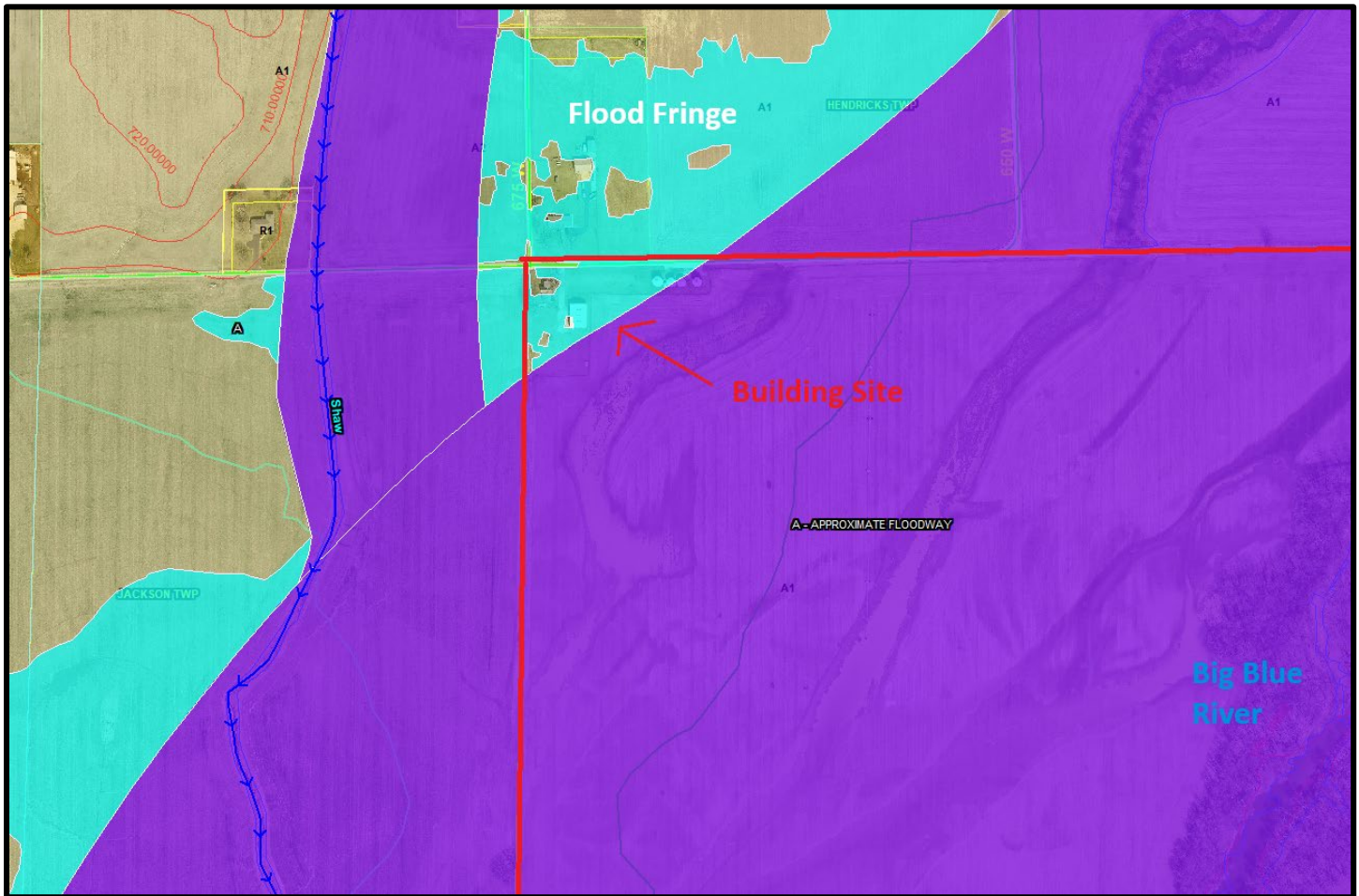
In accordance with the UDO, when approving a variance from the elevation requirement, the BZA shall consider the following relevant factors:

- 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 plans to construct two grain silos and a pole barn at the northwest corner of the property. The proposed structures comply with all zoning requirements other than the requirements for development in a designated floodplain.
- The property lies within the designated floodplains of Big Blue River and Shaw Ditch.
- The entire property lies within FEMA Zone A. Zone A may include floodway (channel of a river or other watercourse and the adjacent land) and flood fringe (area of the floodplain outside of the floodway) and does not have a base flood elevation (BFE) designated by FEMA. A hydrologic study or IDNR Best Available Flood Maps must be used to determine the BFE in Zone A.

- The proposed building site lies within an IDNR designated Flood Fringe. IDNR has designated a BFE of 697.3-feet for this area. To elevate or floodproof to the required 699.3-feet FPG, the lowest floor of the structures must be elevated approximately 6-feet above existing grade or be engineer certified floodproofed to approximately 6-feet above existing grade.
- The property has historically held floodwaters during significant flood events. The photograph attached to this Staff Report shows the elevation of floodwaters in the area proposed for construction of the silos approximately 24-hours after Big Blue River crested during the flood of April 2025.
- Development upstream of the property within the Shaw Ditch floodplain includes three residential home sites. Development downstream of the property within the Big Blue River floodplain includes one residential homesite located fully within the designated floodway.
- State law allows for construction of agricultural structures with the lowest floor elevated to the BFE rather than the FPG. However, it does not prohibit local ordinances from having a more restrictive requirement. Shelby County adopted floodplain standards including the FPG requirement for agricultural structures as required by IDNR in order to participate in the National Flood Insurance Program.

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: No physical characteristic of the property prevents elevation of the floor of the structures or floodproofing of the structures to or above the FPG. Elevation of the floor of the structures or floodproofing the structures would not pose an aesthetic or functional impact to adjacent property.

Considerations Supporting Approval: Elevation of agricultural structures 6-feet above existing grade may render new agricultural development economically infeasible, which would restrict use of the property for agricultural purposes.

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: No physical characteristic of the property prevents elevation of the floor of the structures or floodproofing of the structures to or above the FPG. The petitioner can continue to use existing agricultural structures on the property and can continue to use the property for crop production.

Considerations Supporting Approval: Elevation of agricultural structures 6-feet above existing grade may render agricultural structural development on the property economically infeasible, which would restrict use of the property for agricultural purposes.

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: The property has historically held floodwaters during significant flood events. Therefore, floodwaters reaching above the BFE could reasonably occur, possibly sweeping contents within the structures onto other lands to the injury of others. Oil and chemicals associated with agricultural uses and equipment within structures pose a significant hazard in the event of a flood. The floodplain extends over CR 600 S which could prohibit safe access to the structures in the event of a flood.

Considerations Supporting Approval: Structures constructed below the FPG would not increase flood heights if designed to allow diversion of water around or through the structures. Approval of the variance conditional on elevation of the structures to the BFE would not conflict with State Law which allows for elevation of agricultural structures to the BFE rather than the FPG. The petitioner should notify any future purchaser of the property of the granted variance to prevent fraud or victimization of the public.

Staff Recommendation

DENIAL primarily because the property has historically held floodwaters during significant flood events. Therefore, floodwaters reaching above the BFE could reasonably occur, possibly sweeping contents within the structures onto other lands to the injury of others.

If the Board chooses to approve the variances, Staff recommends the following **stipulations** to limit impacts to the floodplain and community:

1. The lowest floor of the structures shall be elevated to the BFE by fully enclosed walls with flood vents, fill, or raised slab in compliance with Section 5.30 5 C 3 of the Shelby County Unified Development Ordinance.
2. The petitioner shall submit an Elevation Certificate at the completion of construction verifying that the lowest floor of each structure is elevated to or above the BFE and complies with all other development standards for structures in the floodplain.
3. The variance approval letter shall be recorded with the Shelby County Recorder's Office and cross-referenced on the deed for the property.

Applicant/Owner Information

Applicant: Gerline Farms LLC
1005 Fallway Dr.
Shelbyville, IN 46176

Owner: Same

Elevation of floodwaters in the area proposed for construction of the silos approximately 24-hours after Big Blue River crested during the flood of April 2025



Staff Photograph: April 7, 2025



- Point of Interest
- Base Flood Elevation Point
- POI
- DNR Approximate Floodway
- DNR Approximate Fringe
- Not Mapped
- FPA Jurisdictions
- RGB**
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Long: -85.90667054033646

Lat: 39.43695022629657

The information provided below is based on the point of interest shown in the map above.

County: **Shelby**

Approximate Ground Elevation: **693.3 feet (NAVD88)**

Stream Name:

Base Flood Elevation: **697.3 Feet (NAVD88)**

Shaw Ditch

Drainage Area: **Not Available**

Best Available Flood Hazard Zone: **DNR Approximate Fringe**

National Flood Hazard Zone: **Working on script**

Is a Flood Control Act permit from the DNR needed for this location? **See following pages**

Is a local floodplain permit needed for this location? **yes-**

Floodplain Administrator: **Desiree Calderella, Planning Director, Shelby County Plan Commission**

Community Jurisdiction: **Shelby County, County proper**

Phone: **(317) 392-6338**

Email: **dcaldereella@co.shelby.in.us**

US Army Corps of Engineers District: **Louisville**

BZA June 10, 2025
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Date Generated: 5/19/2025

FLOOD HAZARD AREA STANDARDS VARIANCE

FINDINGS OF FACT

Applicant: **GERLINE FARMS LLC - GREG GERLINE**

Case #:

Location: **6725 W 600 S EDINBURGH, IN 46124**

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

1. **Sufficient Cause:** There exists a sufficient cause for the requested variance.

There exists sufficient cause for the requested variance due to the unique physical constraints of the property. Strict adherence to the zoning ordinance would prevent the reasonable use of this area for a agriculture additions and enhancements, despite its minimal flood risk. The variance request is limited to allowing construction on this northwest portion of the parcel, which aligns with the intent of flood hazard regulations while enabling practical use of the property.

2. **Exceptional Hardship:** The strict application of the terms of the Shelby County Zoning Ordinance will constitute an exceptional hardship to the applicant.

Strict application of the Shelby County Zoning Ordinance would impose an exceptional hardship on the applicant by rendering the property effectively unusable for any economically viable purpose. The ordinance requires all structures to be elevated to or above the base flood elevation plus an additional freeboard, which would necessitate prohibitively expensive foundation designs due to the property's irregular terrain. Without the variance to allow construction on the naturally elevated portion of the lot with modified foundation requirements, the applicant would be deprived of reasonable use of the property, as the cost of compliance could exceed the property's value

3. **Public Safety:** The granting of the requested variance will not increase flood heights, create additional threats to public safety, create nuisances, cause fraud or victimization of the public, or conflict with other existing laws or ordinances.

Granting the requested variance will not increase flood heights, create additional threats to public safety, cause nuisances, lead to fraud or victimization of the public, or conflict with existing laws or ordinances. The proposed construction is limited to the northwest portion of the property, ensuring no impact on floodwater flow or storage. The design incorporates flood-resistant materials and complies with all applicable building codes, minimizing risks to the structure and surrounding areas. Additionally, the project has been reviewed by general contractors and electricians, confirming no adverse effects on adjacent properties or public infrastructure

Please see my **DEVELOPMENT STANDARDS VARIANCE** form, where I outline the General Welfare, Adjacent Property, and Practical Difficulty for this property's variance request in greater detail.

DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

Applicant: GERLINE FARMS LLC - GREG GERLINE

Case #: _____

Location: 6725 W 600 S EDINBURGH IN 46124

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

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community. The applicant seeks variance to build pole barn and grain silos at base flood elevation. The construction does not impede emergency access, maintains a clear path for fire and rescue services along the property's primary access points, and poses no risk of hazardous runoff or interference with utility easements. Improvements will meet all structure safety standards and will not cause any shadow or wind hazards.
2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The pole barn and grain silos align with the agriculture nature of the surrounding area, where similar structures are common. The placement of structures blends with the existing landscape, preserving the community's aesthetic and functional identity. This variance supports the community's goal of sustaining agricultural operations by providing essential storage for farming equipment and grain, thereby enhancing local food and feed production capacity while modernizing farm infrastructure.
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property. The difficulty arises from the natural topography, not from actions or choices made by the applicant. Without the variance, the applicant cannot reasonably utilize the property for its intended agriculture purpose. The elevation variance allows viable structures needed. The applicant tore down existing silos and barns, and needs to replace them. Therefore, the practical difficulties arising from the property's unique physical constraints justify the variance to ensure the applicants reasonable use of the land for agriculture purposes.

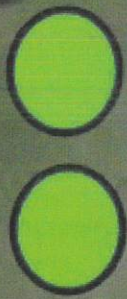
The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

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

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

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

600 S



The **two silos** in red were torn down in 2024. Proposal is to build two new **silos** (in green) and **pole barn** shown in blue.

State Parcel Number:

73-14-06-100-002.000-010

Parcel Size: 199.82 Acres

Address: 6725 W 600 S Edinburgh IN 46124



Pole barn will 10' from property line to the west. Pole barn size undetermined

Property Details

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

Property Size: 13.04-acres.

Current Land Use: Commercial – Barn
Sales

Zoning Classification:

C2 (Highway Commercial)

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

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

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

Future Land Use per Comp Plan

Commercial

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

Surrounding Development

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

Staff Report

Case Number: BZA 25-12

Case Name: Dylan Pettijohn – Use & Development
Standards Variances

Addendum June 10th Meeting

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

Request

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

Variances of Development Standards to allow:

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

Code Requirement

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

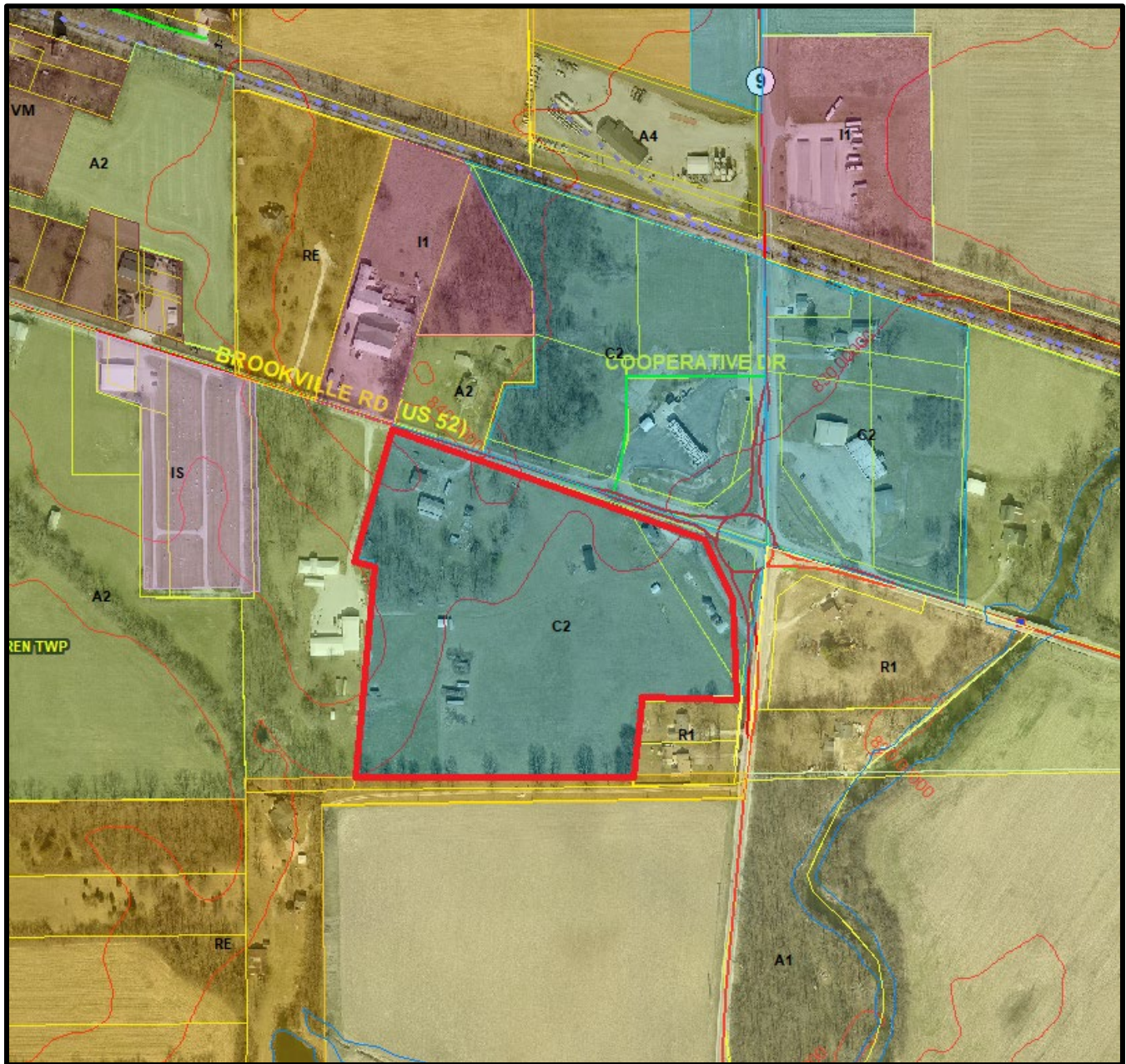
UDO Section 5.20 C – Materials: All driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.

UDO Section 5.60 A – Surface: All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.

Purpose of Requirement: The UDO requires paved commercial driveways to accommodate the volume of vehicles that typically

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

Property Map



Case Description

Proposed Development

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

Supporting Information

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

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

Staff Analysis of Findings of Fact

Use Variance

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

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

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

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

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

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

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

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

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

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

Development Standards Variances

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

Staff Analysis: ~~Use of a gravel driveway by multiple vehicles accessing the facility would result in the migration of stone and dust onto the public roadway.~~ The development would generate relatively few trips, would sit over 250-feet from the public road, and several commercial properties in the area have gravel parking and maneuvering areas. A driveway apron 20-feet in length would limit the migration of stone and dust onto the public roadway. Therefore, gravel parking and maneuvering areas would not pose a significant risk to motorist safety or significantly impact the character of the area.

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

Staff Analysis: ~~Use of a gravel driveway by multiple vehicles accessing the facility would result in the migration of stone and dust onto the public roadway.~~ Several commercial properties in the area have gravel parking and maneuvering areas. A driveway apron 20-feet in length would limit the migration of stone and dust onto the public roadway. Therefore, gravel parking and maneuvering areas would not significantly impact the character of the area.

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

Staff Analysis: ~~No condition exists which would prevent installation of a paved driveway.~~ A strict application of the ordinance would not allow for gravel parking and maneuvering areas for a small-scale commercial development utilizing temporary structures.

Staff Recommendation

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

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

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

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

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

Staff Recommends the following **stipulation**:

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

Applicant/Owner Information

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



Staff Photograph - May 2025

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

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

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

4. Type and Frequency of Deliveries: None

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

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

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

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

These units are prefabricated and delivered to the site.

USE VARIANCE
FINDINGS OF FACT

Applicant: Dylan Pettijohn

Case #:

449 E BROOKVILLE RD

Location: FOUNTAIN TOWN, IN 46130

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

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

