

# Shelby County Plan Commission

January 27, 2026, at 7:00 PM

## Table of Contents

<b>Agenda.....</b>	<b>3</b>
<b>RZ 26-01 / SD 26-01 Kolkmeier Rezoning &amp; Kolkmeier Simple Subdivision. ....</b>	<b>5</b>
Staff Report .....	5
Petitioner’s Findings of Fact .....	9
Plat.....	10
<b>RZ 26-02 / SD 26-02 Wojihoski-Schaler Rezoning &amp; Schaler Estate Simple Subdivision. ....</b>	<b>11</b>
Staff Report .....	11
Petitioner’s Findings of Fact .....	16
Plat.....	17
<b>RZ 22-11 Bowman Vacation of Stipulation of Rezoning Approval.....</b>	<b>18</b>
Staff Report .....	18
Statement of Intent .....	23
Rezoning Stipulations .....	24
Plan Commission Minutes – April 2022 .....	25
Site Plan .....	31
<b>RZ 26-03 Residential Accessory Structure Ordinance Amendment. ....</b>	<b>32</b>
Staff Report .....	32
Current Residential Accessory Structure Ordinance .....	35
Proposed Residential Accessory Structure Ordinance .....	37

# MEETING AGENDA

Shelby County Plan Commission  
January 27, 2026

## CALL TO ORDER

## ROLL CALL

## ELECTION OF OFFICERS

## PC APPOINTMENT TO THE BZA

## PC APPOINTMENT OF BZA HEARING OFFICER

## APPROVAL OF MINUTES

Minutes from the November 25, 2025, meeting.

## OLD BUSINESS

None.

## NEW BUSINESS

**RZ 26-01 – KOLKMEIER REZONING:** Rezoning of 6-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a one-lot Simple Subdivision. Located southwest of and adjoining to 3190 S 25 E, Shelbyville, Shelby Township.

**SD 26-01 – KOLKMEIER SIMPLE SUBDIVISION:** Simple Subdivision of a 6-acre, single-family building lot from a 21.178-acre parent tract and waivers of subdivision standards. Located southwest of and adjoining to 3190 S 25 E, Shelbyville, Shelby Township.

**RZ 26-02 – WOJIHOSKI-SCHALER REZONING:** Rezoning of 3-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located at 7757 W 700 N, Fairland, Moral Township.

**SD 26-03 – SCHALER ESTATE SIMPLE SUBDIVISION:** Simple Subdivision of a 3-acre, single-family building lot from a 50-acre parent tract and waivers of subdivision standards. Located at 7757 W 700 N, Fairland, Moral Township.

**RZ 22-11 – BOWMAN VACATION OF STIPULATION OF REZONING APPROVAL:** To eliminate landscaping in excess of ordinance requirements required as a stipulation of rezoning approval. Located at 208 S Franklin St, Fairland, Brandywine Township.

**RZ 26-03 - RESIDENTIAL ACCESSORY STRUCTURE TEXT AMENDMENT:** Amendment of Article 5, Sections 5.04 (General Accessory Structure Standards), 5.05 (Open Space and Parks and Agricultural Accessory Structure Standards), 5.06 (Rural Estate Residential Accessory Structure Standards), and Section 5.07 (Single-family Residential Accessory Structure Standards). Applies to unincorporated Shelby County.

## **DISCUSSION**

None.

## **ADJOURNMENT**

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **February 24, 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/87875203575?pwd=UOqLaH4EvjqGJRjTXfmmkkRDJ3pOV4.1>

**Password:** Shelby

## **Board Members & Staff**

**Kevin Carson, President:** Appointed by County Commissioners, Term 1/1/25 – 1/1/29

**Jason Abel, Vice President:** Commissioners Representative, Term 1/1/25 – 1/1/26

**Megan Hart, Secretary:** Appointed by County Commissioners, Term 1/1/23 – 1/1/27

**Tony Sipes, Member:** Appointed by Extension Board, Term 4/1/25 – 4/1/26

**Troy Merrick, Member:** Council Representative, Term 1/1/25 – 1/1/26

**Jeff Powell, Member:** County Surveyor

**Jenna Martin, Member:** Appointed by County Commissioners, Term 1/1/26 – January 1/1/30

**Alicia Barr, Member:** Appointed by County Commissioners, Term 1/1/25 – 1/1/29

**Andrew Newkirk, Member:** Appointed by County Commissioners, Term 1/1/25– 1/1/29

**Desiree Calderella, Planning Director**

**Jody Butts, Board Attorney**

## Property Details

**Location:** Southwest of and adjoining 3190 S 25 E, Shelbyville, Shelby Township.

**Property Size:** 6-acres.

**Current Land Use:** Agriculture

### Current Zoning Classification

A1 (Conservation Agricultural)

*This district is established for the protection of agricultural areas and buildings associated with agricultural production.*

### Proposed Zoning Classification

A2 (Agricultural)

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

### 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	Cropland
East	RE	Estate Residential / Vacant
West	RE	Estate Residential

# Staff Report

**Case Number:** RZ 26-01 / SD 26-01

**Case Name:** Kolkmeier Rezoning – A1 (Conservation Agricultural) to A2 (Agricultural) & Kolkmeier Simple Subdivision

## Requests

**Rezoning** of 6-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a one-lot Simple Subdivision.

**Simple Subdivision** of a 6-acre, single-family building lot from a 21.178-acre parent tract.

### Waivers of:

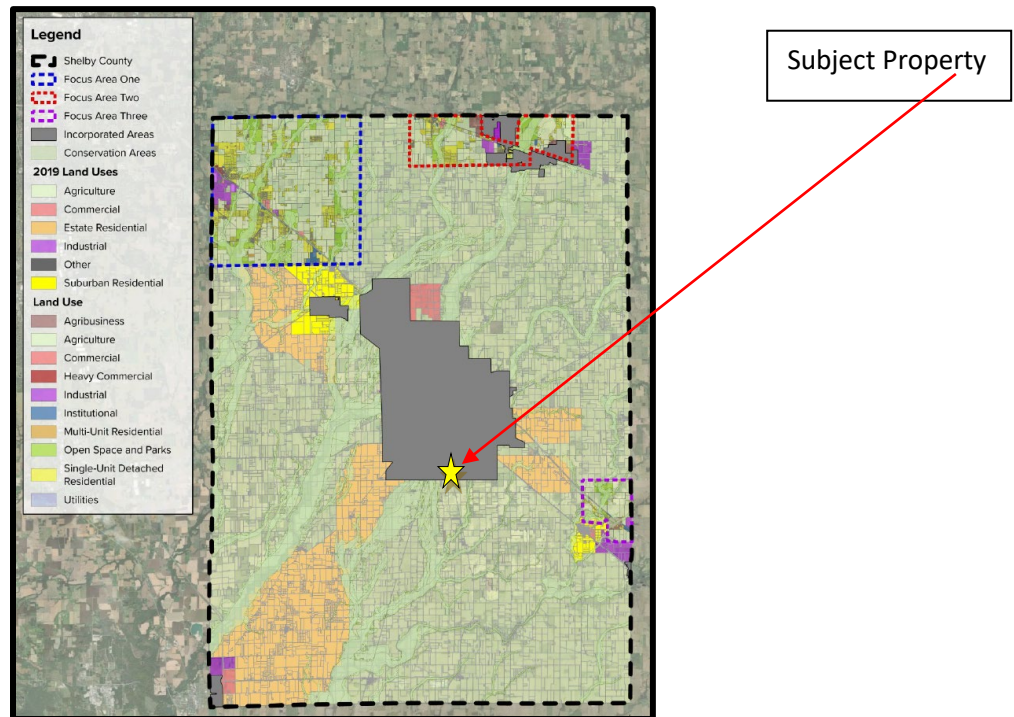
1. Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2.
2. Simple Subdivision design standards to a side lot line not within a 15-degree angle to the right-of-way.

## Purpose of Subdivision Code Requirement

The UDO requires RE zoning for properties in residential Simple Subdivisions to limit use of lots for intense agricultural uses that may pose a nuisance to adjacent residential properties. For example, the UDO allows agritourism and keeping of large numbers of animals on property in the A2 District, however, prohibits these uses in the RE District.

The side lot line angle requirement discourages the creation of irregularly shaped lots.

## Future Land Use Map



## Property Map



## Case Description

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- Approval of the requests would allow for development of one, 6-acre single-family residential building lot.
- The remainder tract is eligible for agricultural development.
- The property is located about a mile south of the city limits of Shelbyville. The property adjoins a single-family, rural residential neighborhoods with properties ranging in size from ½-acre to 6-acres.
- An open drainageway crosses the rear property line and runs along the south property line. The ditch is not a County regulated legal drain.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

## Staff Analysis Findings of Fact

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**Rezoning:** In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

**1. Current Conditions and the Character of Current Structures and Uses in Each District**

The size of the property would not conflict with the size of other single-family residential properties in the adjacent neighborhood.

**2. The Most Desirable Use for Which the Land in Each District Is Adapted**

Approval of the rezoning would allow for logical extension of the adjacent rural residential neighborhood and would allow for residential development of property near City of Shelbyville which offers community services to support residential use of the property.

**3. The Conservation of Property Values throughout the Jurisdiction**

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

**4. Responsible Development and Growth**

The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

**5. The Comprehensive Plan**



Approval of the rezoning would allow for low-density residential development as recommended for single-family residential areas adjacent to the City of Shelbyville limits as recommended by the City of Shelbyville Comprehensive Plan.

**Simple Subdivision: Staff has reviewed the proposed plat and has determined:**

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow Simple Subdivision of property zoned A2.
  - a. A2 zoning is consistent with the agricultural zoning south of the property and the large size of the lot in relation to nearby residential properties.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow a side lot line not within a 15-degree angle to the right-of-way.
  - a. The irregular shape of the lot accommodates precisely six-acres with a north lot line perpendicular to the right-of-way.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

**Staff Recommendation**

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Staff recommends **APPROVAL of the Rezoning and Simple Subdivision** primarily because approval of the rezoning would allow for logical extension of the adjacent rural residential neighborhood.

**Applicant/Owner Information**

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Applicant:	James D Kolkmeier 6457 E Middletown Rd. Waldron, IN 46182	Surveyor:	Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owner:	Same		



**APPLICATION FOR REZONING**  
**FINDINGS OF FACT BY THE SHELBY COUNTY PLAN COMMISSION**

Applicant: **James D. Kolkmeier** \_\_\_\_\_

Case #: \_\_\_\_\_

Location: **The 6.000 Acre tract being rezoned to "A2" is located on the South side of a 21.178 acre tract zoned "A1" which is East of 3239 South, 25 East, Shelbyville IN 46176.** \_\_\_\_\_

The Shelby County Plan Commission, having heard the application for rezoning described above and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Indiana law and forwards the following findings and recommendation to the Shelby County Commissioners:

1. The request **is** consistent with the Shelby County Comprehensive Plan because: **It requires the land to be rezoned to a "A2" for residential and agricultural land use less than 20 acres.**  
\_\_\_\_\_  
\_\_\_\_\_
2. The request **is** consistent with the current conditions and the character of structures and uses in each zoning district because: **It is an allowed use per the Shelby County Comprehensive Plan.**  
\_\_\_\_\_  
\_\_\_\_\_
3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: **It is an allowed use per the Shelby County Comprehensive Plan.**  
\_\_\_\_\_  
\_\_\_\_\_
4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: **It will not lower, but will increase the value of the land that is being rezoned.**  
\_\_\_\_\_  
\_\_\_\_\_
5. The request **is** consistent with responsible growth and development because: **It will have no effect on the existing land use.**  
\_\_\_\_\_  
\_\_\_\_\_

Based on the findings described above, the Plan Commission hereby forwards a **favorable/unfavorable** (circle one) recommendation to the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Shelby County Plan Commission

By: \_\_\_\_\_

President

Attest: \_\_\_\_\_

Secretary



Part of the Southwest quarter of Section 17, Township 12 North,

**Site Address:** East of 3239 South, 25 East, Shelbyville IN 46176

A part of the Southwest quarter of Section 17, Township 12 North, Range 7 East, Shelby Township, Shelby County, Indiana, and being contained within the lands described in Deed Record Book 324, Page 213 and being more particularly described as follows:

Beginning at the Southeast corner of the said Southwest section of Section 12, Township 12 North, Range 7 East, thence North 89 degrees 49 minutes 54 seconds West (hereinafter per this description are based on State Plane Coordinates NAD 83, Indiana East), along the South line of the said quarter section a distance of 660.00 feet to a Powell capped rebar set at the Northwest corner of a 4 acre tract described as an exception per Deed Record Book 524, Page 131; said point being the point of beginning of the tract hereinafter described, thence continuing along the East half of the said quarter section, thence North 89 degrees 49 minutes 54 seconds West, along a mag wall with a Powell washer at the Southwest corner of the East half of the said quarter section, thence North 89 degrees 44 minutes 52 seconds West, along the West line of the said half quarter section a distance of 1,122.65 feet to a ring nail at the said quarter washer at the intersection of the projected centerline with the West line of Road 24, thence along the North line of the said 46-acre tract, along the West line of Deed Record Book 324, Page 313, thence North 89 degrees 15 minutes 58 seconds East, along the North line of the said 46-acre tract a distance of 1438.21 feet to Powell capped rebar set at the Northeast corner of the said 46-acre tract, said point being on the East line of the said 46-acre tract, said point being on the East line of the said 4-acre tract, thence North 89 degrees 49 minutes 54 seconds East, along the North line of the said 4-acre tract a distance of 1438.21 feet to Powell capped rebar set at the Northwest corner of the said 4-acre tract; thence South 01 degrees 09 minutes 50 seconds East, along the West line of the said 4-acre tract a distance of 264.00 feet to the point of beginning, containing 26,882 square more or less and being subject to the right of way of County Road 25 East along a part of the East line, also subject to any and all easements, right of ways and encumbrances.

A part of the Southwest quarter of Section 17, Township 12 North, Range 7 East, Shelby Township, Shelby County, Indiana, and being contained within the described in Instrument 2015006933 and being created from a survey (Job # 99-2020) by Jeffrey Powell and being more particularly described as follows:

Commencing at the Southeast corner of the said Southwest quarter of Section 17, Township 12 North, Range 7 East; thence North 00 degrees 09 minutes 50 seconds West (bearing per this description are based on State Plane Coordinates NAD 83, Indiana East); along the East line of the said quarter-quarter section a distance of 264.00 feet to a well capped steel marking the corner of a 26,882 acre tract described in Instrument 201500903; and being the Northeast corner of a 4 acre tract described as an exception per Tapscott deed marking Book 524, Page 21; said point also being the point of beginning of the said quarter-quarter section a distance of 192.08 feet to a more nail set in the centerline of County Road 25 east; thence North 69 degrees 55 minutes 37 seconds West along the East line of the said quarter-quarter section a distance of 44 meters 02 seconds final a distance of 654.13 feet to a Powell capped rebar; thence North 89 degrees 15 minutes 58 seconds East bearing thereon a distance of 192.08 feet to a more nail set in the centerline of County Road 25 east; thence North 69 degrees 55 minutes 37 seconds West along said centerline a distance of 50.87 feet to a mag nail with a Powell washer marking the Northwest corner of the said 26,882 acre tract; thence South 89 degrees 15 minutes 58 seconds East along the North line of the said 26,882 tract a distance of 4345.21 feet to a Powell capped rebar marking the Northeast corner of the said 26,882 acre tract and being on the East line of the said quarter-quarter section; thence South 01 degrees 09 minutes 50 seconds East along the said line a distance of 701.75 feet to the point of beginning, containing 5.704 acres more or less and being subject to any and all easements, right of ways and restrictions;

**ALSO WITH AN Access and Utility Easement for the benefit of the 5.704 acre tract crossing the parcel 26,882 acre tract described in Instrument**

A part of the Southwest quarter of Section 17, Township 12 North, Range 7 East, Shelby Township, Shelby County, Indiana, and being contained within the lands described in instrument 2015060953 and being created from a survey (Job # 99-2020) by Jeffery Powell and being more particularly described as follows:

Commencing at the Southeast corner of the Southwest quarter of Section 17; Township 12 North, Range 7 East, thence North 00 degrees 09 minutes 30 seconds east, a distance of 266.40 feet to the point of beginning; per the plat description are based on State Plane Coordinate System 83 datum; thence along the Northwest corner of a tract described as an exception per deed record Book 324, Page 213, thence North 88 degrees 49 minutes 54 seconds west, a distance of 76.40 feet to the point of beginning; thence North 00 degrees 09 minutes 30 seconds east, a distance of 266.40 feet to the point of beginning; containing 0.025 acres more or less and being subject to any and all easements, rights ways and restrictions;

44 minutes 07 seconds East a distance of 75.47 feet to the point of beginning, containing 0.025 acres more or less and being subject to any and all easements, rights

New description of Lot 1 per this subdivision being a 6,000 acre tract split from the 21.178 acre remainder tract owned by James D. Kolkmeyer, recorded in Instrument 2015006933.

A part of the Southwest 1/4 of Section 17, Township 12 North, Range 73 South, Shelby Township, Shelby County, Indiana, and being contained within the boundaries of the Northwest 1/4 of Section 17, Township 12 North, Range 73 South, Shelby Township, Shelby County, Indiana, and being more particularly described as follows: Beginning at the Southeast corner of the said Southwest quarter of Section 17, Township 12 North, Range 73 East, thence North 89 degrees 49 minutes 54 seconds West (hereinafter per this description are based on State Plane Coordinate SAD 83, Indiana East), along the South line of the said quarter section a distance of 660.00 feet to a Powell capped rebar found at the Southwest corner of a 4 acre tract described as an exception per Deed Record Book 524, Page 21, said point being the point of beginning of the true herein described, thence continuing along the said line North 89 degrees 49 minutes 54 seconds West a distance of 660.50 feet to a 1/4 acre tract with a Powell washer at the Southwest corner of the East half of the said quarter section, thence North 01 degrees 44 minutes 52 seconds West to a 1/4 acre tract with a Powell washer at the Southwest corner of the West half of the said quarter section, thence North 01 degrees 44 minutes 52 seconds West to a 1/4 acre tract with a Powell washer at the Southwest corner of the North 09 degrees 45 minutes 37 seconds West along the West line of the said tract described as 3222.92 feet to a 1/4 acre tract with a Powell washer at the Southwest corner of the North 09 degrees 45 minutes 37 seconds West along the West line of the said quarter section a distance of 1,082.06 feet to a Powell capped rebar set on the West line of a 5.704 acre tract described in Instrument 2020070866, thence South 01 degree 44 minutes 02 seconds West a distance of 78.25 feet to the Southwest corner of the said 5.704 acre tract, said point also being a point on the North line of the said 4 acre tract, thence North 89 degrees 49 minutes 54 seconds West along the North line of the said 4 acre tract, said point at a distance of 380.00 feet to a Powell capped rebar found at the Northwest corner of the said 4 acre tract, thence North 01 degree 09 minutes 09 seconds East along the West line of the said 4 acre tract a distance of 744.00 feet to the point of beginning containing 6,000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

New description of the 15.178 acre remainder parent tract per this subdivision owned by James D. Kolkmeier, recorded in Instrument 2015069333 per this survey.

A part of the Southwest quarter of Section 17, Township 12 North, Range 7 East, Shelby County, Indiana, and being contained within the lands described in Instrument 2015069333 and being created from a survey (Job # 80-202) by Jeffrey Powell and being more particularly described as follows:

Commencing at the Southeast corner of the said Southwest quarter of Section 17, Township 12 North, Range 7 East; thence North 89 degrees 49 minutes 54 seconds West (bearing per this description are based on the State Plane Coordinate NAD 83, Indian state), along the South line of the said quarter section a distance of 1320.51 feet to a mag nail with a Powell's washer at the Southwest corner of the east half of the said quarter section, thence North 00 degrees 44 minutes 12 seconds East, along the East line of the said quarter section a distance of 1222.62 feet to a Powell's washer at the intersection of the second line of the said quarter section and the East line of the said quarter section, thence North 09 degrees 53 minutes 51 seconds East, along the East line of the said quarter section a distance of 1192.08 feet to a mag nail bearing to the point of beginning of the tract hereinafter described, thence continuing North 09 degrees 53 minutes 51 seconds West, along the West line of the said quarter section a distance of 1192.08 feet to a mag nail, and point bearing to the point of beginning of the tract hereinafter described, thence continuing North 09 degrees 53 minutes 51 seconds West, along the West line of the said quarter section a distance of 506.81 feet to a mag nail, thence South 89 degrees 49 minutes 54 seconds East, along the South line of the said quarter section a distance of 1320.51 feet to a Powell's washer, thence South 00 degrees 44 minutes 12 seconds West a distance of 654.13 feet to a Powell's capped rebar set on the North line of the said 4 acre exception, thence North 89 degrees 49 minutes 54 seconds West, along the North line of the said 4 acre tract a distance of 380.00 feet to a Powell's capped rebar set at the Northwest corner of the said 4 acre tract; thence South 00 degrees 09 minutes 50 seconds East, along the West line of the said 4 acre tract a distance of 704.00 feet to the point of beginning, continuing 15.178 acres more or less and being subject to the right of way of County Road 25 East along a part of the East line, also subject to any and all easements, rights of ways and restrictions.

A part of the Southwest quarter of Section 17, Township 12 North, Range 7 East, Shelby Township, Shelby County, Indiana, and being contained within described in Instrument 2015006933 and being created from a survey (Job # 99-2020) by Jeffrey Powell and being more particularly described as follows

Commencing at the South corner of the Southeast quarter of the said Southwest quarter of Section 17, Township 12 North, Range 7 East; thence North 00 degrees 09 minutes 50 seconds West (bearings per this description are based on State Plane Coordinates NAD 83, Indiana East), along the East line of the said quarter-quarter corner a distance of 264.00 feet to a Powell capped rebar marking the corner of a 26.882 acre tract described in Instrument 201500093 and being the Northeast corner of a 4 acre tract described as an exception per Deed Record Book 324, Page 213; thence North 00 degrees 49 minutes 54 seconds West along the South line of the said 26.882 acre tract a distance of 280.00 feet to a Powell capped rebar; thence North 00 degrees 44 minutes 02 seconds East a distance of 654.13 feet to a Powell capped rebar; thence North 89 degrees 15 minutes 58 seconds West along the said line a distance of 1117.00 feet to the point of beginning of the easement herein described; thence continuing North 89 degrees 15 minutes 58 seconds West along the said line a distance of 75.00 feet to a mag nail set in the centerline of County Road 25 East; thence continuing North 09 degrees 53 minutes 37 seconds East along the centerline of the said road a distance of 300.00 feet; thence North 67 degrees 44 minutes 07 seconds East a distance of 75.47 feet to the point of beginning, containing 0.025 acres or less and being subject to any and all easements, rights of ways and restrictions.

**Purpose of the survey:** The purpose of this survey is to subdivide a 6,000 acre tract off the South side (being Lot 1 per this subdivision and being a new building lot) from a 21,178 acre tract of lands owned by James D. Kolmeyer recorded in Instrument 2015006933 per the owners instructions. The field work was performed on November 10, 2025 and other dates.

**Availability and condition of the reference monuments:** The section corners found and field per this survey are per the Shelby County Ties and monuments found or established per previous surveys and the previous Harman Simple Subdivision. The uncertainties associated with the said corners are represented on the hereon drawn survey plat and within this report by Record Measured vs Calculated.

**Occupation or possession lines:** There is an existing old fence along the South line that is  $\sim 4.5$  to  $2.5'$  North of the line. There are fence line remains  $\sim 5'$  to  $10'$  East of the West lines of the 3.94 acre tract and  $\sim$  along the North lines of the said 3.94 acre tract. There is also an open ditch along the South side of the 6,000 acre tract. The occupation lines found per this survey are as noted on the survey plat.

**Clarity or ambiguity of the record description used and / or adjointer's description:** There were no ambiguities found per this survey.

**Relative position accuracy of Measurements:**  
This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.3 feet plus 100 parts per million plus the above stated uncertainties.

S 89°35'51" E, 1319.87'

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

NE cor. E1/2, SW1/4, 17-12-7  
location per previous survey.

number in this document, unless required by law."

Jeffrey P. Packer

By, \_\_\_\_\_

Kevin Carson, President Plan Commission	Date
By, Megan Hart, Secretary Plan Commission	Date

\_\_\_\_\_ was approved by the Shelby County Commissioners on \_\_\_\_\_

Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations with waivers as follows:  
 Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision

**General Subdivision Notes:**  
 Note: the building set back lines are 60' Front for Primary & accessory structures  
 the FEMA Flood Insurance rate map number 18145C00088C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Environ Biol Fish (2017) 98:1111–1124

(shown per the GIS location),

3'

75.8

Simple Subdivision

$$\frac{00^{\circ}4}{02''}$$

S  
00°44'

---

N

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N 80°49'54" W 108206'

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Existing old fence is ~ on the line.  
Existing old corner post is ~10' East of the line.  
~ Centerline of open ditch

Jennifer J. Winter  
3.94 Acres  
Inst 2017000806

J. Winters  
7 Acres  
7000806

Stone corner post held per a previous surveys.



## Property Details

**Location:** 7757 W 700 N, Fairland, Moral Township.

**Property Size:** 3-acres.

**Current Land Use:** Cropland / Natural Resources

### Current Zoning Classification

A1 (Conservation Agricultural)

*This district is established for the protection of agricultural areas and buildings associated with agricultural production.*

### Proposed Zoning Classification

RE (Residential Estate)

*This district is established for single-family detached dwellings in a rural or country 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	A1	Cropland
South	A1	Cropland / Natural Resources
East	A1	Natural Resources
West	A1	Cropland / Natural Resources

# Staff Report

**Case Number:** RZ 26-02 / SD 26-02

**Case Name:** Wojihoski-Schaler Rezoning – A1 (Conservation Agricultural) to RE (Residential Estate) & Schaler Estates Simple Subdivision

## Requests

**Rezoning** of 3-acres from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision.

**Simple Subdivision** of a 3-acre, single-family building lot from a 50-acre parent tract.

**Waivers** of Simple Subdivision design standards to allow a lot:

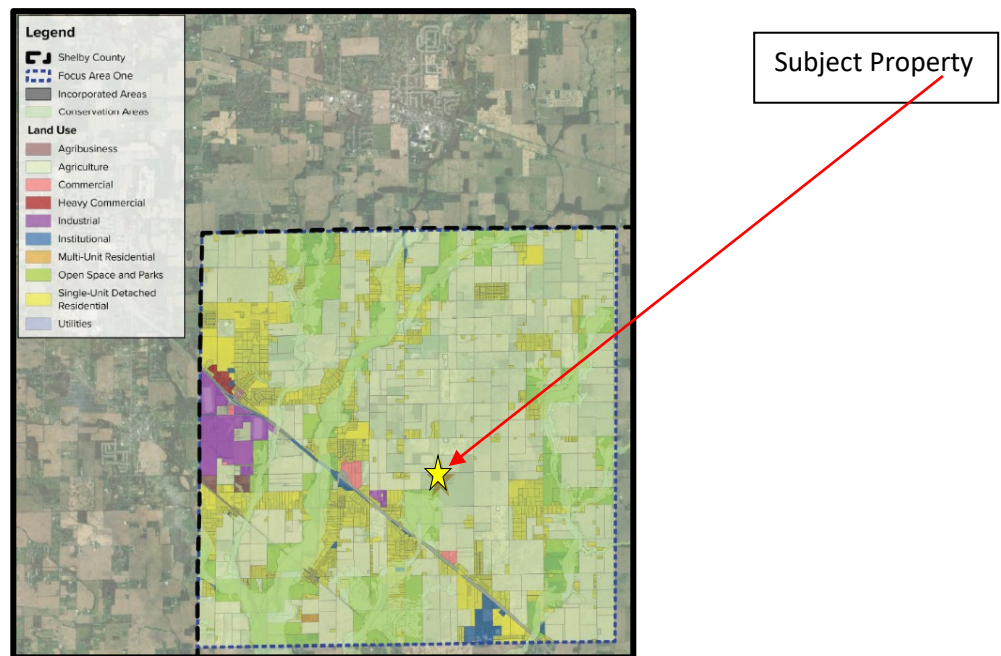
1. Without 160-feet of road frontage;
2. Without frontage on a public street built to County street standards.
3. With a side lot line not within a 15-degree angle of the right-of-way.

## Purpose of Subdivision Code Requirement

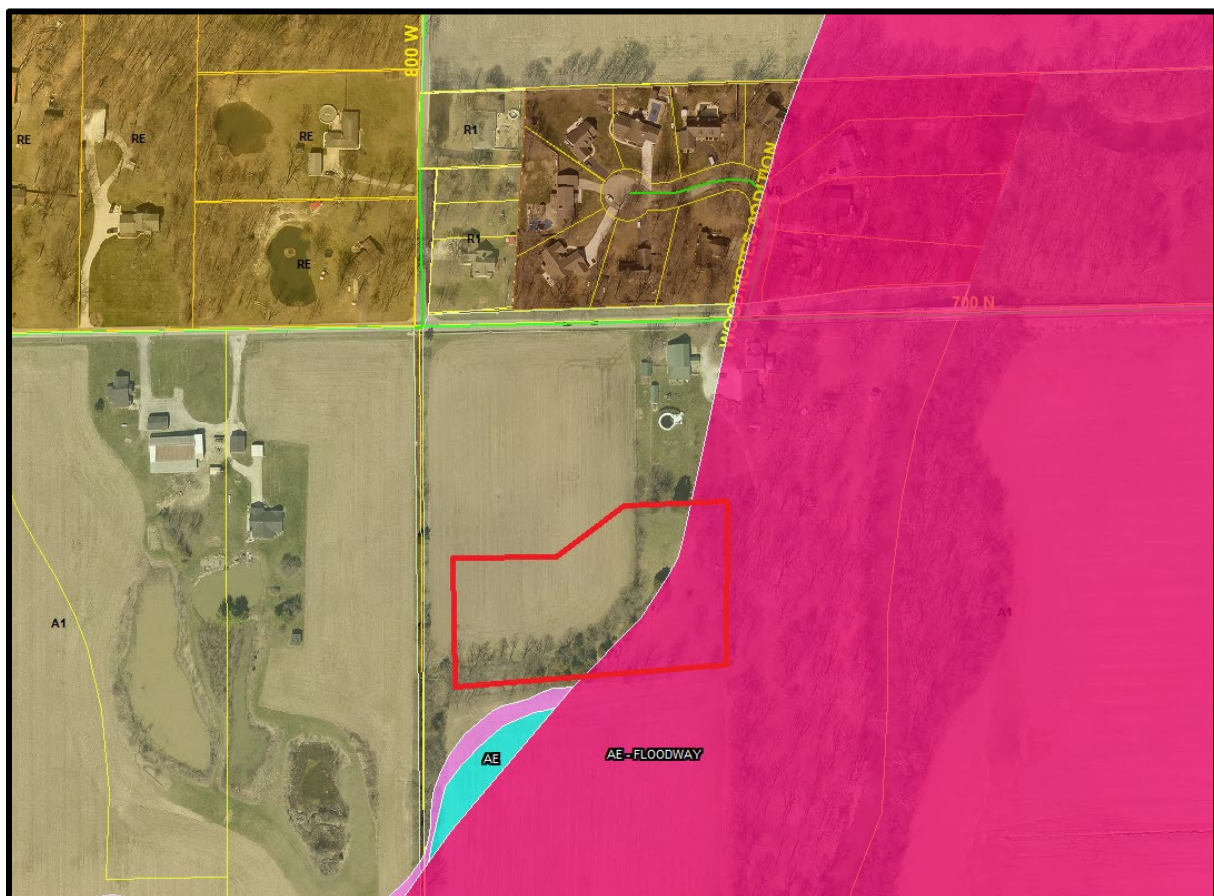
The UDO requires that lots have frontage on a public road to eliminate future disputes over the rights to use a private access easement, to ensure clear visibility of the lot to visitors and emergency vehicles from the public road, and to promote orderly development.

The side lot line angle requirement discourages the creation of irregularly shaped lots.

## Future Land Use Map



## Property Map



## Case Description

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- Approval of the requests would allow for development of one, 3-acre single-family residential building lot.
- The surrounding area includes small-lot rural residential neighborhoods (lots approx. 0.5-acre to 1-acre), large-lot rural residential neighborhoods (lots approx. 2-acres to 5-acres), and agricultural homesteads on farmland.
- The property does not have frontage on a public road. However, the plat shows a 40-foot-wide easement, at a length of 337-feet, providing access to the property from CR 700 N over adjacent property currently owned by the petitioner.
  - Historically, Staff has not recommended approval of petitions including properties without road frontage due to problems associated with use of access easements (see purpose of subdivision code requirement section of Staff Report)
  - In 2025, the Plan Commission recommended approval of a new ordinance which would allow for lots only accessible by easements under certain conditions, including provision of a private driveway easement in compliance with County requirements, pull-off and turn-around areas for long driveways, and lot identification signage. The County Commissioners have not yet adopted this ordinance.
  - The plat includes a note indicating that the proposed driveway and easement will comply with the provisions of this ordinance. The petitioner has also submitted a driveway easement in compliance with ordinance requirements. Therefore, Staff does not have a concern with the lack of road frontage.
- Approximately one-acre of the property lies within a Federal Emergency Management Agency (FEMA) designated floodway.
  - As stated in the UDO, the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential.
  - The project surveyor has determined that the actual elevation of the ground sits above the FEMA designated flood elevation within a portion of the mapped floodway. The surveyor intends to submit a Letter of Map Amendment (LOMA) to FEMA requesting removal of this portion of the property from the mapped floodway. An approved LOMA would allow for development of structures in this area without the need for compliance with floodplain development regulations or flood insurance required by a mortgage company.
  - The proposed home would encroach into the proposed LOMA area, but would not encroach into the remaining portion of the designated flood hazard area.
  - The plat includes notes indicating the intent to apply for a LOMA and prohibiting development in the remaining portion of the designated flood hazard area.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

## Staff Analysis Findings of Fact

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**Rezoning:** In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

**1. Current Conditions and the Character of Current Structures and Uses in Each District**

The size of the property would not conflict with the size of other single-family residential properties in adjacent neighborhoods.

**2. The Most Desirable Use for Which the Land in Each District Is Adapted**

The proposed building site would lie outside of the FEMA designated flood hazard area. Proximity to Big Sugar Creek and lack of significant tillable area on the property renders the property desirable for residential development.

**3. The Conservation of Property Values throughout the Jurisdiction**

Development of the property for residential purposes would have no perceivable impact on property values throughout the County.

**4. Responsible Development and Growth**

The proposed building site would lie outside of the FEMA designated flood hazard area. The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.

**5. The Comprehensive Plan**

The Comprehensive Plan recommends Parks, Open Space, & Conservation for parcels including designated flood hazard areas. However, the building site does include any flood hazard area. Therefore, approval of the rezoning would not conflict with the future land use recommendation of the Comprehensive Plan.

**Simple Subdivision:** Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending waivers to allow a lot without 160-feet of road frontage, without frontage on a public street built to County street standards, and with a side lot line not within a 15-degree angle to the right-of-way.
  - a. The subdivision complies with the provisions of the ordinance approved by the Plan Commission which permits lots without road frontage.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

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Staff recommends **APPROVAL of the Rezoning and Simple Subdivision** primarily because residential development of the property would not conflict with existing residential development in the area.

*Applicant/Owner Information*

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Applicant:	Wojihoski-Schaler 7757 W 700 N Fairland, IN 46126	Surveyor:	Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owner:	Same		



## APPLICATION FOR REZONING

### FINDINGS OF FACT

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission 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.

Applicant: LISA WOJCIOSKI-SCHALER

Case #: \_\_\_\_\_

Location: 7757 W. 700 N., FAIRLAND, IN 46126 (Moral Twnshp)

1. The request is consistent with the Shelby County Comprehensive Plan because: The recommended use in this area is a mix of residential single family homes and agricultural uses.
2. The request is consistent with the current conditions and the character of structures and uses in each district because: There are already simple subdivisions immediately to the west, the house will be a substantial custom single family home, and 2 subdivisions to the north and west.
3. The request is consistent with the most desirable use for which the land in each district is adapted because: This request preserves agricultural uses surrounding the house. The pasture in question is not tillable due to the steep incline.
4. The request is consistent with the conservation of property values throughout the jurisdiction because: The house will be custom built, budget is at least \$600,000 for the house with acreage.
5. The request is consistent with responsible growth and development because: It uses pasture land that would otherwise be unuseable for the most part. The layout preserves crop land which surrounds the proposed site.

#### General Guidance – Rezoning (not to be considered legal advice):

**Finding 1:** How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

**Finding 2:** How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

**Finding 3:** Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?

**Finding 4:** Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.

**Finding 5:** Why is the change in zoning designation consistent with responsible growth and development?



The West Half of the Northwest Quarter of Section 36, Township 14 North, Range 5 East, in Moral Township, Shelby County, Indiana.

Owner & Client: Lisa L. Wojihoski-Schaler

All that part of the West half of the Northwest quarter of Section thirty-six (36), Township fourteen (14) North, Range five (5) East, that lies on the West side of the Big Sugar Creek, with the center of said creek as the East line thereof, containing fifty (50) acres, more or less.

**Description of Lot 1 per this subdivision being a 3.000 acre tract split from the parent 50 acre tract owned by Lisa L. Wojihoski-Schaler, described and recorded in Deed Record Book 315, Page 451.**

A part of the West half of the Northwest quarter of Section 36, Township 14 North, Range 5 East, Moral Township, Shelby County, Indiana, and being created from a survey (Job # 71-2025) by Jeffery Powell and being more particularly described as follows:

Beginning at the Northwest corner of the said Northwest quarter of Section 36, Township 14 North, Range 5 East said point being a Railroad spike, thence North 88 degrees 46 minutes 28 seconds East (bearings per this description are based on State Plane Coordinates NAD 83, Indiana East), along the North line of the said quarter section a distance of 381.66 feet to a mag nail with a Powell washer; thence South 00 degrees 18 minutes 27 seconds East parallel to the West line of the said quarter section a distance of 356.76 feet to a Powell capped rebar, said point being the point of beginning of the tract herein described; thence North 88 degrees 46 minutes 28 seconds East parallel to the North line of the said quarter section a distance of 205.25 feet to a Powell capped rebar; thence South 00 degrees 18 minutes 27 seconds East parallel to the West line of the said quarter section a distance of 302.72 feet to a Powell capped rebar; thence South 82 degrees 52 minutes 00 seconds West a distance of 490.25 feet to a Powell capped rebar; thence North 00 degrees 18 minutes 27 seconds West parallel to the West line of the said quarter section a distance of 230.73 feet to a Powell capped rebar; thence North 88 degrees 46 minutes 28 seconds East parallel to the North line of the said quarter section a distance of 191.30 feet to a Powell capped rebar; thence North 35 degrees 46 minutes 19 seconds East a distance of 153.31 feet to the point of beginning of the tract herein described, containing 3.000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

A part of the West half of the Northwest quarter of Section 36, Township 14 North, Range 5 East, Moral Township, Shelby County, Indiana, and being created from a survey (Job # 71-2025) by Jeffery Powell and being more particularly described as follows:

Beginning at the Northwest corner of the said Northwest quarter of Section 36, Township 14 North, Range 5 East said point being a Railroad spike, thence North 88 degrees 46 minutes 28 seconds East (bearings per this description are based on State Plane Coordinates NAD 83, Indiana East), along the North line of the said quarter section a distance of 381.61 feet to a mag nail with a Powell washer, said point being the point of beginning of the easement herein described; thence continuing North 88 degrees 46 minutes 28 seconds East along the said line a distance of 40.01 feet to a point; thence South 00 degrees 18 minutes 27 Seconds East parallel to the West line of the said quarter section a distance of 356.76 feet to a point on the North line of a 3.000 acre tract; thence South 88 degrees 46 minutes 28 seconds West parallel to the North line of the said quarter section and being along the North line of the said 3.000 acre tract a distance of 40.01 feet to a Powell capped rebar at the corner of the said 3.000 acre tract; thence North 00 degrees 18 minutes 27 Seconds West parallel to the West line of the said quarter section a distance of 356.76 feet to the point of beginning of the said easement.

**Note:** New description of the 47 acre mainder tract is the above described 50 Acre tract as described and recorded in Deed Record Book 315, Page 451 with the EXCEPTION of the above described Lot 1 being a 3.000 Acre tract and being SUBJECT to the above described 40' wide Access and Utility Easement for the benefit of the said Lot 1 being a 3.000 acre tract.

This report is in accordance with Title 86A, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments. Occupation or possession lines. Clarity or ambiguity of the record description used and / or adjoiner's description. This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

The purpose of this survey is to subdivide a 3.000 acre tract off (being Lot 1 per this subdivision and being a new building lot) from a 50 acre parent tract of lands owned by Lisa L. Wojhoski-Schaler, described and recorded in Deed Record Book 315, Page 451 per the owners instructions. The field work was performed on November 5, 2025 and other dates.

The section corners found and held per this survey are per the Shelby County Tiesnd monuments found or established per a previous survey by me for Betty Mohr dated 5-10-2023 and the previous survey by Scott Sumnerford, recorded in Inst. 2018001176 and were not located per this survey. The center of the section was established per the said Mohr survey by me and was adjusted from the calculated location per the previous survey by Scott Sumnerford based on best evidence. The uncertainty associated with the said corners are represented on the hereon drawn survey plat and within this report by Record vs Measured vs Calculated.

The occupation line held per this survey were per the owners instructions and no boundary lines of the 50 acre parent tract were established per this survey.

There were no ambiguities found per this survey.

This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million plus the above stated uncertainties.

A part of the surveyed tract (Lot 1), being along the Easterly side and including a part of the proposed building site is located in a special flood hazard ZONE "AE" (also being shown as Floodway) per the FEMA Flood Insurance rate map number 18145-C0085C and the Westerly side of the said tract (Lot 1) is in a special flood hazard ZONE "X". The accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Note: It is to be noted that the above said FIRM map is inaccurately showing the flood hazard area and that the lowest elevation of the proposed building site is approximately 5' above the BFE of 754.5' established per the INDNR FIRA and the cross-sections shown per the FIRM map. Therefore a LOMA will be obtained removing the portion of the lot in the FIRM designated flood hazard above the BFE as established by TOPO from the designated flood hazard area. The LOMA shall be obtained prior to development within this portion of the lot.

Note: Development including single-family dwellings, accessory structures, and alteration of land in the Designated Flood Hazard Area shall be prohibited.  
Note: At least three deciduous trees with a caliper measurement of over 4-in shall be preserved or planted on the Lot #1.

Note: Lot #1 "RE" Zoning, the building set back lines are 50' Front for primary & accessory structures and 30' Side & 30' Rear for primary and 10' for accessory structures.

**Note:** The following driveway details are required to be in compliance with the driveway ordinance:

- Minimum width – 11 feet
- 20x20' paved area in front of garage

Note: Long Driveways: Any driveway greater than 250 feet shall meet the following standards:

- Turn Around: A loop or turn-around designed for a thirty (30) foot long vehicle shall be constructed at a \_\_\_\_\_ point at the end of the driveway closest to the primary structure.
- Weight Bearing: The driveway surface and culverts and bridges the driveway crosses shall be constructed to safely convey a 30,000 pound vehicle.
- Turning Radius: The driveway shall not have any curve or turn that restricts a forty-five (45) foot long vehicle, a minimum forty-five (45) foot turning radius.
- Free of Obstacles: The driveway shall not have trees, canopies, sculpture, arches or similar natural or architectural features that would restrict a forty-five (45) foot long vehicle that is twelve (12) feet in height from being able to traverse the driveway from the public street to the turn-around or loop.
- A 911 Address Sign for each lot utilizing the driveway adjacent to the public road that is 6"x18" or larger, double-sided, and reflective

I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the hereon drawn plot. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand

Jeffery P. Powell



I, **Lisa L. Wojihoski-Schaler**, do hereby certify that I am the owner of the property described in the above captioned and that as such owners I have caused the said above described property to be surveyed and subdivided as shown on the here on drawn plat, as our free and voluntary act and deed.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**Lisa L. Wojihoski-Schaler**

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that **Lisa L. Wojhoski-Schaler** Personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this            day of            , 2026.

## Notary Public

Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations with waivers of design standards as follows:

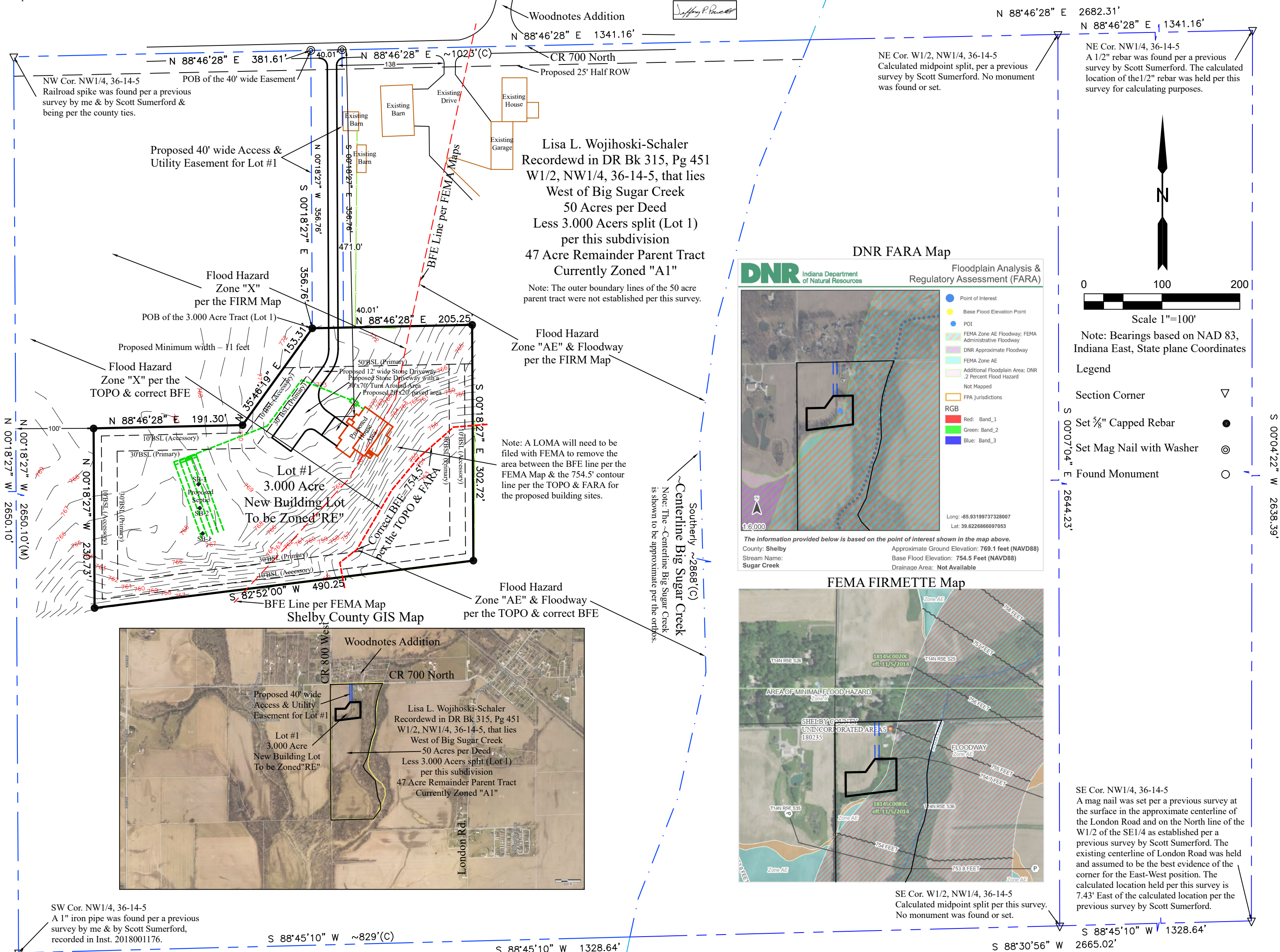
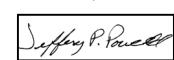
- Waiver of Simple Subdivision design standards to allow a lot line not within a 15-degree angle to the right-of-way.
- Waiver of Simple Subdivision design standards to allow one lot having a width and road frontage of 40-feet (minimum lot width of 120-feet required and minimum road frontage of 50-feet required).

By, Kevin Carson, President Plan Commission Date \_\_\_\_\_

By, \_\_\_\_\_  
Megan Hart Secretary Plan Commission Date \_\_\_\_\_

Shelby County Commissioners Rezoning Ordinance # \_\_\_\_\_ was approved by the Shelby County Commissioners on \_\_\_\_\_

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."





## Property Details

**Location:** 208 S Franklin St,  
Fairland, Town of Fairland,  
Brandywine Township.

**Property Size:** ~32-acres.

**Current Land Use:** Commerical

### Zoning Classification

**I2 (High Intensity Industrial)**

*This district is established for high intensity industrial uses and heavy manufacturing facilities.*

#### Plan Commission:

*Use this zoning district for existing developments and carefully for new industrial development.*

**Future Land Use per Comp Plan**  
Incorporated Planning Area – Town  
of Fairland

### Surrounding Development

	Zoning	Land Use
North	A2	Cropland
South	I2	Contractor's Yard / Self-Storage Facility
East	A1	Cropland
West	RE/VM	Estate Residential / Single-Family Residential

# Staff Report

**Case Number:** RZ 22-11

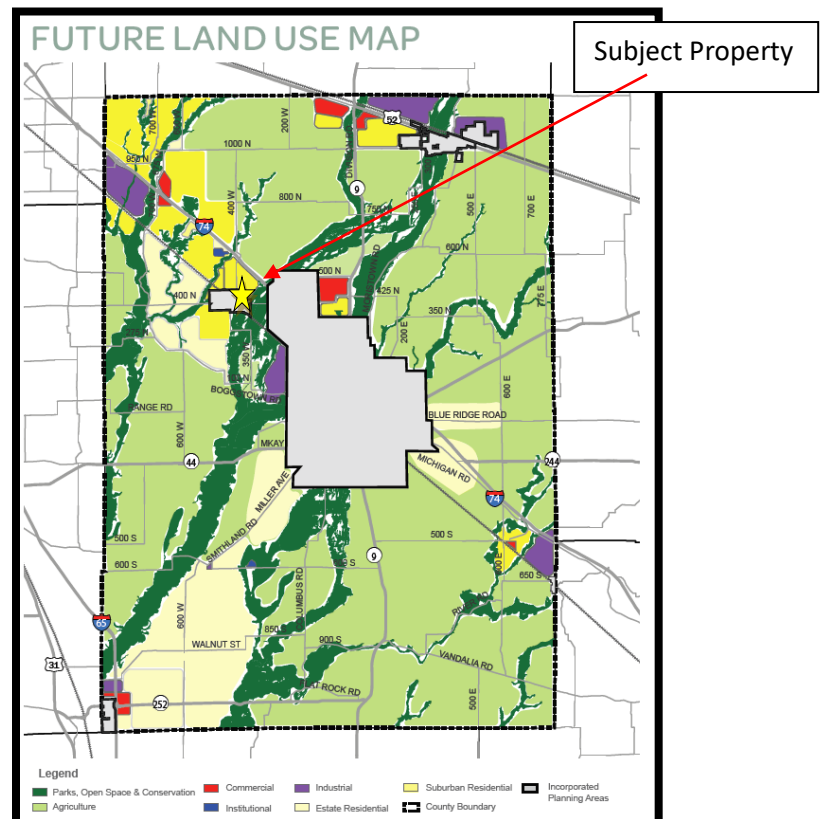
**Case Name:** Bowman Vacation of Stipulation of  
Rezoning Approval

## Requests

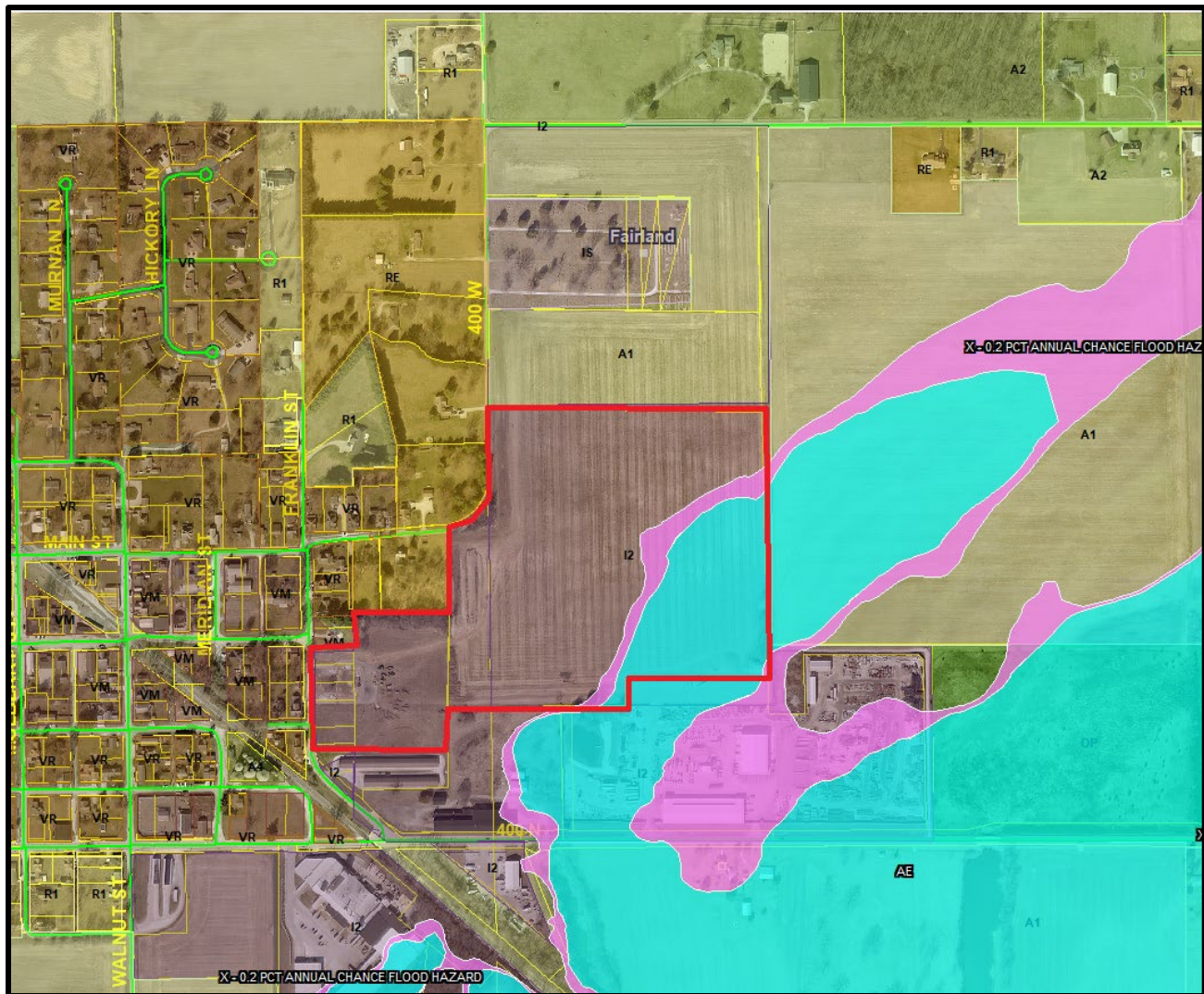
**Vacation of Stipulation of #7** to eliminate required trees and utilize an installed fence and mound as a landscape buffer between the landscape materials processing area and the adjacent residential property, public roadway, and Fairland cemetery, and no landscape buffer adjacent to the farmland to the east.

Landscape Buffer 'D' as indicated in the Unified Development Ordinance shall be installed twenty-five (25) feet from the center of roadway right-of-way, twenty-five (25) feet from the south property line of Fairland Cemetery, twenty-five (25) feet from the east property line of property located at 311 E Main St, and twenty-five (25) feet from the east property line of the rezoned tract. This requirement may be waived from the east property line of the rezoned tract with written permission from the adjoining property owner.

## Future Land Use Map



## Property Map



## Case Description

- On May 24, 2022, the Plan Commission recommended approval of rezoning of the subject property to the I2 (High Intensity Industrial) District to allow for development of a landscape supply business, including commercial sales and landscape material processing. The County Commissioners approved the rezoning on June 6, 2022.
- The petitioner has completed development of the site, other than installation of the required landscape buffer along the property lines. The County has issued a Temporary Certificate of Occupancy to allow the petitioner to begin operation of Fairland Landscape Supply.
- The rezoning approval includes several stipulations (see stipulations included in this meeting packet). The petitioner requests elimination of the stipulation which requires trees in excess of ordinance requirements along the property lines adjacent to the landscaping material processing area. The petitioner prefers to plant no trees in this area and utilize the installed fence and mound as a landscape buffer.





	Landscaping Required by Stipulation	Landscaping Required by Ordinance	Installed Landscaping	Amendment to Landscaping Stipulation Recommended by Staff
<b>Adjacent to residential property located at 311 E Main St</b>	1 canopy tree per 40 feet  2 ornamental trees per 50 feet  1 evergreen tree per 12 feet  6-foot-tall fence <u>or</u> 5-foot-tall mound	1 canopy tree per 45 feet  2 ornamental trees per 50 feet  Mound or fence may be substituted for approximately 50% of the trees	Mound with fence on top of mound. No landscaping.	Mound with fence on top of mound. 1 canopy tree and 2 ornamental trees per 60-feet. *this is a 66% reduction in trees than original stipulation (calculated by AI)
<b>Along CR 400 W</b>		1 canopy tree per 50 feet	Mound with fence on top of mound. No landscaping.	
<b>Adjacent to north property line (cemetery)</b>		1 canopy tree and 2 ornamental trees per 60-feet	Mound with fence on top of mound. No landscaping.	
<b>Adjacent to east property line (farmland)</b>	Landscaping may be waived from east property line by adjacent property owner.	1 canopy tree and 2 ornamental trees per 60-feet	No landscape buffer installed	Landscaping may be waived from east property line by adjacent property owner.

- The Board may choose to recommend vacation of the stipulation, an amendment of the stipulation, or no change to the stipulation. The County Commissioners grant final approval or denial of the recommendation of the Plan Commission.
- Landscape processing involves large truck and equipment movement, generation of air particulate, and stockpiles of product up to 40-feet in height.
- At the time of original zoning approval, Staff recommended the landscaping stipulation to mitigate potential aesthetic, noise, and air quality impacts related to processing of landscaping materials to adjacent properties. Also, the subject property adjoins properties in zoning districts not designated as compatible with the I2 District per the UDO.
- At the public hearing for the rezoning, several neighboring property owners and representatives for the cemetery expressed concern regarding aesthetics, noise, and dust (see April 2022 meeting minutes included in this packet).
- If the stipulation is vacated, the petitioner will also need to obtain BZA approval to waive the landscaping required by ordinance. If the stipulation is amended as recommended by Staff and installed along all property lines, the landscaping would comply with the minimum ordinance requirements, and the petitioner would not need to request a variance.
- The property now lies within the planning and building jurisdiction of the Town of Fairland. However, the Town and County have agreed that the County would close out any projects permitted by the County before the Town assumed jurisdiction. The County issued the zoning approvals and permits for the

### Staff Recommendation

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The stipulation also requires installation of a mound or a fence within the landscape buffer. The petitioner has installed a mound and a fence on top of the mound, which exceeds this requirement of the stipulation. However, the presence of a mound and industrial metal fencing along the property line without any landscaping may impact the use, value, and enjoyment of adjacent residential properties and the cemetery.

Additionally, the petitioner has not installed any landscape buffer along the property line adjoining the farmland. However, the current stipulation allows for a waiver of the required landscape buffer along this property line with consent of the adjacent property owner.

Staff recommends the following amendment to stipulation #7.

7. A landscape buffer yard shall be installed along the west property line adjacent to 311 E Main St, along CR 400 W, along the north property line, and along the east property line. The landscape buffer shall include a minimum 5-foot-tall mound with a minimum 6-foot-tall privacy fence on top of the mound. Outside of the fence, 1 canopy tree and 2 ornamental trees per 60-feet shall be installed. The landscape buffer may be waived from the east property line with written permission from the adjoining property owner.

### Applicant/Owner Information

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Applicant:	Mike Bowman	Owner:	Same
	6544 W 300 N		
	Boggstown, IN 46110		

### View of Fence & Mound Driving south on CR 400 W



Google Street View – July 2024



# Fairland Landscape Supply

208 S Franklin Street  
Fairland, In  
OFFICE 317/427-0024  
MOBILE 317/440-1406  
E-MAIL mike@flsupply.net

November 25, 2025

Shelby County Plan Commission

RE: Zoning Requirements

Dear Plan Commission

Desiree has informed me that at the time of zoning approval, there was an additional stipulation for additional plantings above the UDO requirements. I remember that I agreed to 60' setbacks and to build berms and tall fencing. I also agreed to reduce my zoning request to stay 375' South of the cemetery. I don't remember the additional plantings but don't deny or argue that they were added as well. Based on the amount of perimeter around this site and the fact that we are making this facility as clean and professional as possible, I don't feel that additional plantings would add any value to the appearance of the site and would have a negative effect on the maintainability of the large site. I am asking that the plan commission waive any planting requirements above the standard UDO requirements that apply to this project.

Requested by:

  
MIKE BOWMAN

## EXHIBIT C

### Commitments Concerning the Use and Development of Real Estate

1. *The property rezoned to I2 shall not extend further north than a line parallel to and located 375-feet south of the south property line of the cemetery.*
2. *The property shall be surveyed into the two parcels, one parcel containing the area zoned I2 and once parcel containing the area to remain zoned A1. The survey shall be recorded prior to issuance of construction permits.*
3. *The property shall not be used for recycling processing unrelated to the proposed business, sewage treatment, or outdoor storage of materials unrelated to the proposed business.*
4. *The portion of the property previously in the C1 and C2 Districts shall only be used for office and retail flex-space related to the primary use of the property.*
5. *Outdoor storage of commercial vehicles, equipment, products, or materials shall not be permitted on property previously in the C1 and C2 Districts, except for goods for retail sale.*
6. *Outdoor stockpiles of materials shall not exceed 40-feet in height.*
7. *Landscape Buffer 'D' as indicated in the Unified Development Ordinance shall be installed twenty-five (25) feet from the center of roadway right-of-way, twenty-five (25) feet from the south property line of Fairland Cemetery, twenty-five (25) feet from the east property line of property located at 311 E Main St, and twenty-five (25) feet from the east property line of the rezoned tract. This requirement may be waived from the east property line of the rezoned tract with written permission from the adjoining property owner.*
8. *Development and outdoor storage of materials shall be prohibited in the floodplain unless FEMA approves a LOMA to remove this area from the floodplain.*
9. *The current and any future property owner shall abandon any septic system and connect to sanitary sewer at the time sanitary sewer becomes available within 100-feet of the property lines.*

**RZ 22-11 – BOWMAN REZONING: Rezoning of 52-acres from the A1 (Conservation Agricultural) District, A2 (Agricultural) District, C1 (Neighborhood Commercial) District, and C2 (Highway Commercial) District to the I2 (High Intensity Industrial) District to allow for the processing and distribution of landscape products. Located at 208 S Franklin St, Fairland, Town of Fairland,**

## **Brandywine Township.**

Desiree Calderella read the petition into the record and stated that Staff recommends approval with stipulations.

Mike Bowman provided an overview of the submitted Statement of Intent. He stated that processing of materials would occur Monday through Friday, 8AM to 5PM, and retail services would occur Monday through Friday, 7AM to 5PM, and Saturday 8AM to 2PM. He explained that he would control dust with a street sweeper in the retail area, have a water truck on site, and could install a sprinkler system on portions of the processing area susceptible to dust. He explained that back-up alarms would produce noise, however Bowan Engineering to the south has equipment with back-up alarms and that he would consider implementing new, quieter OSHA approved back-up alarms on his equipment. He indicated that smell would not pose an issue. He stated that he agrees with Staff's landscaping stipulations. He explained that he would install a security fence around the perimeter of the property. He described the proposed traffic entrances. He stated that he can adjust the location of the building dependent on the recommendations of the Plan Commission and neighbors. He stated that he had met with the Fairland cemetery board and will work with them to provide land for the cemetery to expand. He stressed that the County has a need for the proposed business and that approval of the rezoning would allow a local company to develop and operate the business. He asked the Board to amend the stipulations to allow for outdoor storage bins of product for sale on the retail portion of the site.

The Board opened the hearing for public comment.

Mike Rund, who lives at 3582 W 450 N, summarized a handout he provided to the Board (see case file).

Steve Nugent, who lives at 4343 N 400 W, expressed concern with change of appearance of the property, noise, dust, and impacts to the graveyard.

Alissa Glackman, Brandywine Township Trustee, spoke on behalf of the Cemetery of Fairland. She explained that the cemetery is a place of peace and expressed concern with noise, dust, and the inability to expand the cemetery. She stated that she had spoken with Mr. Bowman about her concerns.

India Owens, who lives at 8146 W Cherokee Ln, expressed concern with limited infrastructure and emergency services in the area.

John Coy, who owns property at 3842 W 450 N, expressed concern with impacts on surrounding property values, noise from stone crushers, limited tax revenue generated by the development, inappropriate adjacent zoning districts, smell from ground mulch, and runoff from mulch chemicals and dyes. He stated that residential development of the

property would provide a greater benefit to the Town.

Caleb Rund, who lives at 3743 W 450 N, expressed concern with the change of appearance of the property and explained that piles of material and equipment would exceed the height of a fence. He expressed concern with noise, impact to the value of his property, dust, smell, and airborne materials impacting his health.

Bobbi Griffin-Park, who lives at 5346 N 400 W, expressed concern with smell, truck traffic, impacts to the cemetery, and fire hazard associated with stored mulch.

Steve Shepperd, who lives at 4583 N 400 W, expressed concern with 40-foot-high stacks of materials.

Mike Stephenson, who lives at 1180 N 350 W, expressed concern with lack of information regarding project siting, noise, and drainage.

Jacob Brattain with McNeely Law represented a few landowners on CR 450 N. He asked about the source of water supply, about the potential impacts to private wells, and if IDEM would regulate on-site operations. He expressed concern with the precedent set by rezoning A1 to I2.

Blake Newkirk, who lives at 3319 S Shelby 750 W, asked about the current parcel configuration.

Tim Klepper, who lives at 3633 W 450 N, expressed concern with silicon dust.

The Board closed the public comment portion of the hearing.

Mike Bowman indicated that the property adjoins I2 zoned parcels and that Staff's recommended stipulations require a buffer adjacent to parcels in the residential area and the cemetery. He explained that the stipulations limit use of the property currently zoned C1 and C2 to uses permitted in C1. He explained that water from the property would not flow uphill toward the off-site mitigated wetland. He emphasized that the operation would not produce as much noise as expected by the persons expressing concern about noise. He indicated that he had offered to conduct earthwork near the cemetery to provide suitable area for future expansion and to not process materials during funerals. He explained that the operation would utilize the Indiana American water main. He stated that he had not asked for a tax abatement or redevelopment money. He stated that he does not have a contract to install sewers in Fairland and does not plan on bidding on the project. He explained that wind blows to the east and therefore any potential odor would not affect the nearby residential properties. He indicated that he intends to obtain all applicable IDEM permits and would install sediment traps on site to filter runoff.

Q: Kevin Carson – Where would the drainage for this property go?

A: Mike Bowman – Flow south through the drainage system installed as part of the Fairland Rd. project.

Q: Mike McCain – How big of piles? Can you address dust?

A: Mike Bowman – Based on need. Mulch would not be high. Crushed aggregate and concrete would not exceed 40 ft. Would utilize EPA approved equipment with spray bars.

Q: Charity Mohr – Do you anticipate growth of the aggregate processing portion of your business? How many aggregate processing machines would you expect on site?

A: Mike Bowman – Will not grow any bigger than land available and limited to two people in the processing yard. One impact crusher and possibly jaw crushers. We would not run more than one machine at a time.

Q: Charity Mohr – Do you anticipate the hours of operation to change?

A: Mike Bowman – No, we would have a limited amount of material to process at a time.

Q: Scott Gabbard – Do you have access to the Indiana American Water line?

A: Mike Bowman – Yes.

Q: Terry Smith – Can you explain the proposed site layout?

A: Mike Bowman – Scales near access road from Fairland Rd. Sediment trap, retention pond, and concrete bays on area currently zoned C1 & C2. Topsoil building east of residential area and south of curve in CR 400 W. We would grow into area near cemetery over time. Processing of materials along CR 400 W. Stone piles likely furthest away from residential area.

Desiree Calderella provided a summary of the landscaping plan included in Staff's recommended stipulations.

Q: Chris Ross – Would you place the fence on the top of the mound?

A: Mike Bowman – Yes.

Q: Chris Ross – What is the required mound height and fence height?

A: Desiree Calderella -5-foot mound and 8-foot fence.

Chris Ross indicated that the Town of Fairland had provided a letter in support of the petition and that the property lies within the Town limits. He noted that the Town Board did not have a representative in attendance. He indicated that the Town should provide final endorsement of the rezoning.

Terry Smith explained that the Town has a forum for public comment through its Town Board, however legally the County must make the decision regarding the rezoning.

Terry Smith and Chris Ross noted that the property adjoins other properties zoned I2 and that Staff has recommended stipulations.

Desiree Calderella noted that Jeremy Creech with the Town Board was emailed the Staff Report with the recommended stipulations. She provided a summary of the letter of support submitted by the Town.

Q: Terry Smith – Under I2, what other uses would be permitted?

A: Desiree Calderella – Any use permitted in the I2 district in compliance with any approved stipulations.

Q: Charity Mohr – Do you have the capacity to store materials in piles at a lower height?

A: Mike Bowman – Would be agreeable to drop the maximum height to 30-feet.

Scott Gabbard indicated that he would prefer a buffer between the south side of the cemetery and I2 zoning.

Desiree Calderella suggested that the Board consider approving to rezone area no further north than a line south of the cemetery if the Board felt concerned about impacts to the cemetery.

Mike Bowman suggested a buffer of 60-feet between the cemetery and rezoned area.

Q: Kevin Carson – Would you consider moving the rezoning line further down away from the cemetery?

A: Mike Bowman – I would not need the area near the cemetery for some time. Moving the line down to the curve in the road would not reflect the portion of the property zoned for manufacturing historically.

Scott Gabbard suggested moving the line to a point parallel to the driveway on the west side of CR 400 N.

Kevin Carson and Scott Gabbard indicated that the petitioner could apply to rezone more of the property after he started operations and proved that the business would be a good neighbor.

Mike Bowman agreed to move the rezoning line 375-feet south of the cemetery and to install the landscape buffer along the property line of the cemetery.

Jordan Caldwell made a motion to vote on the petition with stipulations and Chris Ross seconded that motion. **The petition was APPROVED 7-0 with stipulations:**

- 1. The property rezoned to I2 shall not extend further north than a line parallel to and located 375-feet south of the south property line of the cemetery.**

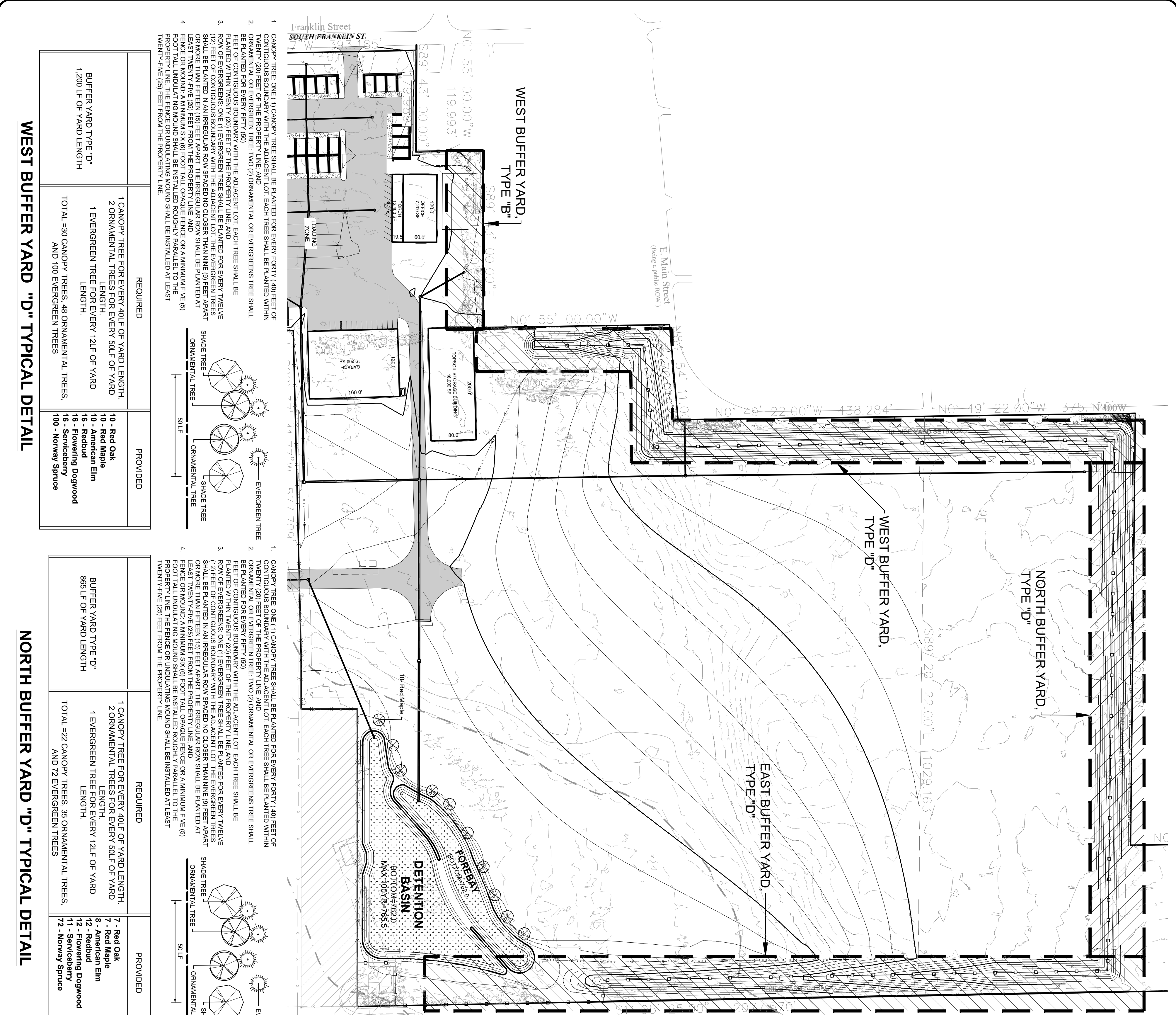


- 2. The property shall be surveyed into the two parcels, one parcel containing the area zoned I2 and once parcel containing the area to remain zoned A1. The survey shall be recorded prior to issuance of construction permits.**
- 3. The property shall not be used for recycling processing unrelated to the proposed business, sewage treatment, or outdoor storage of materials unrelated to the proposed business.**
- 4. The portion of the property previously in the C1 and C2 Districts shall only be used for office and retail flex-space related to the primary use of the property.**
- 5. Outdoor storage of commercial vehicles, equipment, products, or materials shall not be permitted on property previously in the C1 and C2 Districts, except for goods for retail sale.**
- 6. Outdoor stockpiles of materials shall not exceed 40-feet in height.**
- 7. Landscape Buffer 'D' as indicated in the Unified Development Ordinance shall be installed twenty-five (25) feet from the center of roadway right-of-way, twenty-five (25) feet from the south property line of Fairland Cemetery, twenty-five (25) feet from the east property line of property located at 311 E Main St, and twenty-five (25) feet from the east property line of the rezoned tract. This requirement may be waived from the east property line of the rezoned tract with written permission from the adjoining property owner.**
- 8. Development and outdoor storage of materials shall be prohibited in the floodplain unless FEMA approves a LOMA to remove this area from the floodplain.**
- 9. The current and any future property owner shall abandon any septic system and connect to sanitary sewer at the time sanitary sewer becomes available within 100-feet of the property lines.**

The Board adopted the following findings of fact:

1. The request is consistent with the Shelby County Comprehensive Plan.
2. The request is consistent with the current conditions and the character of structures and uses in each district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.





Quantity	Botanical Name	Common Name	Condition	Size	Comments
<b>Deciduous Trees</b>					
30	Quercus rubra	Red Oak	B&B	1-3/4" Cal.	For spacing see plan
49	Cercis canadensis	Eastern Redbud	B&B Multi	1-3/4" Cal.	For spacing see plan
49	Cornus florida	Flowering Dogwood	B&B	1-3/4" Cal.	For spacing see plan
30	Ulmus ornificornis	American Elm	B&B	1-3/4" Cal.	For spacing see plan
40	Acer rubrum	Red Maple	B&B	1-3/4" Cal.	For spacing see plan
46	A melanochier x ginnadiflora	Autumn Brilliance Serviceberry	B&B Single	1-3/4" Cal.	For spacing see plan
<b>Evergreen Trees</b>					
277	Picea Abies	Norway Spruce	B&B	5'	For spacing see plan

REQUIRED	PROVIDED
1 CANOPY TREE AND 2 EVERGREEN OR ORNAMENTAL TREES PROVIDED FOR EVERY 60 LF OF YARD LENGTH.	2 - Red Oak 2 - Red Maple 4 - Redbud 4 - Flowering Dogwood 3 - Serviceberry
TOTAL = 6 CANOPY TREES AND 12 ORNAMENTAL TREES	

REQUIRED	PROVIDED
1 CANOPY TREE FOR EVERY 40 LF OF YARD LENGTH.	11 - Red Oak
2 ORNAMENTAL TREES FOR EVERY 50 LF OF YARD LENGTH.	10 - American Elm 10 - Norway Spruce
TOTAL = 32 CANOPY TREES, 50 ORNAMENTAL TREES, AND 105 EVERGREEN TREES	

REQUIRED	PROVIDED
1 CANOPY TREE FOR EVERY 40 LF OF YARD LENGTH.	10 - Red Oak
2 ORNAMENTAL TREES FOR EVERY 50 LF OF YARD LENGTH.	10 - American Elm 10 - Norway Spruce
TOTAL = 22 CANOPY TREES, 35 ORNAMENTAL TREES, AND 72 EVERGREEN TREES	

REQUIRED	PROVIDED
1 CANOPY TREE FOR EVERY 40 LF OF YARD LENGTH.	10 - Red Oak
2 ORNAMENTAL TREES FOR EVERY 50 LF OF YARD LENGTH.	10 - American Elm 10 - Norway Spruce
TOTAL = 30 CANOPY TREES, 48 ORNAMENTAL TREES, AND 100 EVERGREEN TREES	

REQUIRED	PROVIDED
1 CANOPY TREE FOR EVERY 40 LF OF YARD LENGTH.	10 - Red Oak
2 ORNAMENTAL TREES FOR EVERY 50 LF OF YARD LENGTH.	10 - American Elm 10 - Norway Spruce
TOTAL = 30 CANOPY TREES, 48 ORNAMENTAL TREES, AND 100 EVERGREEN TREES	

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TOTAL = 30 CANOPY TREES, 48 ORNAMENTAL TREES, AND 100 EVERGREEN TREES	



# Shelby County Plan Commission

## Memo

**To:** Shelby County Plan Commission

**From:** Desiree Calderella, Planning Director

### RZ 26-03 Residential Accessory Structure Standards Ordinance

Since 2019, the Board of Zoning Appeals has reviewed approximately 90 requests for variances from accessory structure size and placement standards. The BZA approved all variances and only applied stipulations to 10 of these variances. The County Commissioners have requested review of the ordinance standards to eliminate the need for unnecessary variances.

The Planning Director and BZA have collaborated to prepare an amended residential accessory structure ordinance. The Planning Director estimates that this ordinance will reduce the number of variance requests by approximately 75%, while still requiring BZA review of proposals for excessively large accessory structures and structures that may cause issues if located in the front yard.

In summary, the proposed revisions include the following changes:

Current Requirement	New Requirement
<p>Front Yard Restriction</p> <ul style="list-style-type: none"><li>• Not permitted in front yard unless:<ul style="list-style-type: none"><li>○ 350-feet or greater from front property line; or</li><li>○ No more than 8-feet in front of house in RE District</li></ul></li></ul>	<p>Front Yard Restriction</p> <ul style="list-style-type: none"><li>• Not permitted in front yard unless meeting all following conditions:<ul style="list-style-type: none"><li>○ The lot is 1-acre or greater</li><li>○ The structure is 100-feet or greater from the centerline of the road</li><li>○ If located closer than 100-feet to a property line, the structure cannot encroach past the front building line of the house on the adjacent lot</li></ul></li></ul>

25 W Polk St, Shelbyville, IN 46176

T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

<p>Size Limits</p> <ul style="list-style-type: none"> <li>On residential lots in the RE District (generally lots 2-acres or greater), the cumulative area of all accessory structures on the property cannot exceed 2X the size of the house.</li> <li>On residential lots in the R1 and VR Districts (generally lots under 2 acres), the cumulative area of all accessory structures on the property cannot exceed 1/2 the size of the house.</li> </ul>	<p>Size Limits</p> <ul style="list-style-type: none"> <li>On lots one (1) acre or greater, each accessory structure shall not exceed 3,500 square feet.</li> <li>On lots less than one (1) acre, the cumulative area of all accessory structures on the property cannot exceed 75% the size of the house</li> </ul>
Maximum number of structures: 2	No limit
Architectural requirements for structures in the R1 District (typically lots under 2 acres) <i>*note this has not been enforced</i>	No architectural requirements
No restriction on use of shipping containers, portable storage containers, and construction trailers as accessory structures	Use of shipping containers, portable storage containers, and construction trailers as accessory structures prohibited
Construction of an accessory structure before a primary structure prohibited	Allows construction of an accessory structure before a primary structure/house, if the primary structure is issued a certificate of occupancy within two (2) years of issuance of an Improvement Location Permit for the accessory structure.

## Approval Process

Approval of the Ordinance requires a public hearing before the Plan Commission and an approval, denial, or approval with conditions recommendation of the document by the Plan Commission to the County Commissioners. The County Commissioners may then adopt the final ordinance, deny the final ordinance, or send the ordinance back to the Plan Commission with amendments for consideration.

## Adjacent County Residential Accessory Structure Requirement Comparison

	Size Limit	Permitted in Front Yard
<b>Shelby Proposed</b>	1 acre or greater – 3,500 sq. ft.  Less than one acre – 75% of house (exemption next to ag land)	Yes, conditional on: <ol style="list-style-type: none"> <li>1. Lot must be 1-acre or greater.</li> <li>2. Structure must be 100-feet or greater from the centerline of the road.</li> <li>3. If located closer than 100-feet to a property line, the structure cannot encroach past the front building line of the house on the adjacent lot.</li> </ol>
<b>Rush</b>	No Limit	Yes
<b>Decatur</b>	No Limit	Yes
<b>Hancock</b>	No Limit	No, except for Rural Residential District
<b>Johnson</b>	2 acres or greater – No Limit  Less than 2 acres – 100% of house	Yes, conditional on: <ol style="list-style-type: none"> <li>1. Prohibited in major subdivision</li> <li>2. Lots 2-acres or greater - structure must be 100-feet or greater from the road.</li> <li>3. Lots less than 2-acres - structure cannot exceed 25% of house</li> </ol>
<b>Bartholomew</b>	2 acres or greater – No Limit  Less than 2 acres – 100% of house	No

# Accessory Structure Standards (AS)

## 5.04 AS-01: General Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The intent of the Accessory Structure Standards is to ensure the placement and use of accessory structures protects the health, safety, and welfare of the residents of the County. The following standards apply:

- A. Permit Required: An Improvement Location Permit is required for the construction of any accessory structure greater than 200 square feet in size.
- B. Zoning District Standards: A permitted accessory structure shall comply with all development standards for the applicable zoning district.
- C. Placement: A permitted accessory structure shall not be placed in the front yard of any lot, unless placed 350 feet or greater from the front property.
- D. Prohibited for Occupancy: A permitted accessory structure shall not be utilized for human occupancy.
- E. Swimming Pools: Swimming pools shall be subject to both the Unified Development Ordinance and the Indiana Administrative Code (675 IAC 20: Swimming Pool Code).
- F. Exemptions: Accessory structures 200 square feet or less in size are exempt from the requirements of this section (Accessory Structure Standards).

## 5.05 AS-02: Open Space and Parks and Agricultural Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a barn, silo, stable, detached garage, fruit/vegetable stand, swimming pools, storage shed, gazebo, or semi-tractor trailer used for fertilizer, pesticide, herbicide or fungicide storage if located on a concrete pad.
- B. Prohibited Types: A mobile home, manufactured home, recreational vehicle, boat, motor vehicle, trailer, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- C. Accessory Structures Without Primary Structures: Accessory Structures are permitted on a property when the lot area is at least five (5) acres.
- D. Placement Exemption: A permitted accessory structure may be placed in the front yard.

## 5.06 AS-03: Rural Estate Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a detached garage, swimming pools, storage shed or gazebo.
- B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure.
- C. Maximum Number: Up to two (2) enclosed accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.
- D. Maximum Size: The total area of all enclosed accessory structures on a lot shall not exceed two times (2X) the footprint of the primary structure.
- E. Placement Exemption: A permitted accessory structure may be placed in the front yard, however, shall not be located forward of the main living area of the primary structure by more than eight (8) feet.

# Accessory Structure Standards (AS)

## 5.07 AS-04: Single-family Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot. For example a detached garage, swimming pools, storage shed or gazebo.
- B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure. However, they may be built and completed simultaneously.
- C. Maximum Number: Up to two (2) accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.
- D. Appearance: The exterior finish and facade of any enclosed accessory structure over 400 square feet in area shall match, closely resemble or significantly complement:
  - 1. Materials: The finish and facade materials used on the primary structure,
  - 2. Roof: The dominant roof pitch and roof style of the primary structure, and
  - 3. Color: The color choices of similar exterior materials on the primary structure.
- E. Prohibited Types: Post frame buildings are not permitted, unless it has a concrete floor and perimeter foundation.
- F. Maximum Size:
  - 1. 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.
  - 2. The total square footage of all enclosed accessory structures adjoining only lots in the OP, A1, A2, A3, and/or A4 Districts shall not exceed two times (2X) the footprint of the primary structure.



# Accessory Structure Standards (AS)

## 5.04 AS-01: General Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The intent of the Accessory Structure Standards is to ensure the placement and use of accessory structures protects the health, safety, and welfare of the residents of the County. The following standards apply:

- A. Permit Required: An Improvement Location Permit is required for the construction of any accessory structure greater than 200 square feet in size.
- B. Zoning District Standards: A permitted accessory structure shall comply with all development standards for the applicable zoning district.
- C. Placement:
  - 1. Front Yard: A permitted accessory structure shall not be placed in the front yard unless the following conditions are met:
    - a. the lot is one (1) acre or greater;
    - b. the accessory structure is setback one-hundred (100) feet or greater from the centerline of the abutting public or private road; and
    - c. if the accessory structure is closer than one-hundred (100) feet to a property line, the structure does not encroach past the front building line of any primary structure on the lot adjoining that property line.
  - 2. Side & Rear Yards: Accessory structures may be permitted in side and rear yards in compliance with the setback standards for accessory structures applicable to the zoning district.
- D. Prohibited for Occupancy: A permitted accessory structure shall not be utilized for human occupancy.
- E. Swimming Pools: Swimming pools shall be subject to both the Unified Development Ordinance and the Indiana Administrative Code (675 IAC 20: Swimming Pool Code).
- F. Exemptions: Accessory structures 200 square feet or less in size are exempt from the requirements of this section (Accessory Structure Standards).

## 5.05 AS-02: Open Space and Parks and Agricultural Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a barn, silo, stable, detached garage, fruit/vegetable stand, swimming pools, storage shed, gazebo, or semi-tractor trailer used for fertilizer, pesticide, herbicide or fungicide storage if located on a concrete pad.
- B. Prohibited Types: Shipping container, portable storage container, construction trailer, passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- C. Placement Exemption: A permitted accessory structure is exempt from U.D.O. *Section 5.04 C 1* and may be placed in the front yard.

# Accessory Structure Standards (AS)

## 5.06 AS-03: Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a barn, detached garage, swimming pool, storage shed or gazebo.
- B. Prohibited Types: Shipping container, portable storage container, construction trailer, passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- C. Timing of Installation: Accessory structures may be permitted prior to the erection of a primary structure if the primary structure is issued a certificate of occupancy within two (2) years of issuance of an Improvement Location Permit for the accessory structure.
- D. Maximum Size:
  - 1. On lots one (1) acre or greater, each enclosed accessory structure shall not exceed 3,500 square feet.
  - 2. On lots less than one (1) acre, the total area of all enclosed accessory structures on the lot shall not exceed seventy-five (75%) the footprint of the primary structure.
    - a. The total area of all enclosed accessory structures on a lot less than one (1) acre and adjoining land only in the A1 (Conservation Agricultural) or A2 (Agricultural) District may exceed seventy-five (75%) the footprint of the primary structure, however, each enclosed accessory structure shall not exceed 3,500 square feet