

**Shelby County  
Board of Zoning Appeals**

**April 8, 2025, at 7:00 PM**

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# MEETING AGENDA

## Shelby County Board of Zoning Appeals April 8, 2025, 7:00 P.M.

### CALL TO ORDER

### ROLL CALL

### APPROVAL OF MINUTES

Minutes from the March 11, 2025 meeting.

### OLD BUSINESS

**BZA 25-05 – SPEEDWAY SOLAR, LLC:** DEVELOPMENT STANDARDS VARIANCE & VACATION OF STIPULATION OF SPECIAL EXCEPTION APPROVAL. Located at 6631 E 700 N, Shelbyville, Hanover & Union Townships. **This case has been withdrawn by the petitioner.**

### NEW BUSINESS

**BZA 25-06 – CHAD MUCKERHEIDE:** SPECIAL EXCEPTION & DEVELOPMENT STANDARDS VARIANCE. Located at 610 S 250 W, Shelbyville, Addison Township.

**BZA 25-07 – HORVATH COMMUNICATIONS / PYRAMID NETWORK SERVICES, LLC:** USE & DEVELOPMENT STANDARDS VARIANCES. Located at 8253 W 1150 S, Edinburgh, Jackson Township.

**BZA 25-08 – KEVIN RICE:** DEVELOPMENT STANDARDS VARIANCES. Located at 5539 W 900 S, Edinburgh, Jackson Township.

**BZA 25-09 – MELISSA FLEEK:** DEVELOPMENT STANDARDS VARIANCES. Located at 9276 N 400 W, Fountaintown, Moral Township.

### DISCUSSION

None.

### ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **May 13, 2025, at 7:00 PM.**

## Property Details

**Location:** 610 S 250 W, Shelbyville, Addison Township.

**Property Size:** 5.01-acres.

**Current Land Use:** Estate Residential.

### Zoning Classification:

RE (Residential Estate)

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

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

*Special Exception:* Allow a special exception use only when it is compatible with the surrounding residential areas.

### Future Land Use per Comp Plan

City of Shelbyville 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	RE	Estate Residential
South	RE	Estate Residential
East	RE	Estate Residential
West	A1	Cropland

# Staff Report

**Case Number:** BZA 25-06

**Case Name:** Chad Muckerheide – Special Exception & Development Standards Variance

## Request

**Special Exception** to allow a Type 2 Home Business (agricultural fuel trailer dealer) in the RE (Residential Estate) District.

**Variance of Development Standards** from the Type 2 Home Business Standards to allow a Type 2 Home Business conducted within an accessory structure.

## Code Requirement

**UDO Section 2.11** – RE District Intent, Permitted Uses, and Special Exception Uses.

**UDO Section 5.34 (Type 2 Home Business Standards) D 1 a** – The Type 2 Home Business shall be conducted entirely within the primary structure.

**Purpose of Requirements:** Type 2 Home Business regulations allow homeowners to conduct small-scale businesses within their home that do not change the character of the property, pose a nuisance to adjacent residential properties, or generate traffic more than typically found in rural areas. Prohibiting operation of Type 2 businesses within accessory structures limits types of businesses that would generally pose a nuisance to the property owner if attached to their house, and therefore would likely pose a nuisance to adjacent properties.

## Property Map

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## Case Description

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- The petitioner proposes using a recently constructed 4,920 sq. ft. barn for storage and office space for a fuel trailer sales business. The petitioner also resides on the property.
- Summary of the petitioner's business description:
  - Customers: Average of 4 per month.
  - Hours of Operation: 8AM – 5PM, Monday – Friday.
  - Deliveries: Four per month.
  - Outdoor Storage: No outdoor storage. All trailers and business items stored within the barn.
  - Property Improvements: No planned improvements.
- The Shelby County Health Department does not have any requirements for on-site sanitation for the proposed use, unless the petitioner chooses to add plumbing to barn.
- The proposed business complies with all standards for Type 2 Home Businesses, other than operation of the business outside of the home.
- The property lies within a neighborhood consisting of 5-acre rural residential lots.

## Staff Analysis of Findings of Fact

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### Special Exception

- 1. UDO Requirement: The proposed special exception is consistent with the purpose of the zoning district and the Shelby County Comprehensive Plan.**

Staff Analysis: The UDO states that in the RE District: *Allow a special exception use only when it is compatible with the surrounding residential areas.* The business would not alter the rural residential appearance of the property because the business would not include outdoor storage of trailers or materials. Customer visits and deliveries would only occur four times a month, which would not result in traffic in a greater volume than typically expected in a rural residential area.

- 2. UDO Requirement: The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community.**

Staff Analysis: The petitioner will obtain a Dealer's License from the State of Indiana prior to operation of the business. The proposed business operation would not produce traffic in a greater volume than typically expected in a rural residential area.

- 3. UDO Requirement: The proposed special exception is in harmony with all adjacent land uses.**

Staff Analysis: The business would not alter the rural residential appearance of the property because the business would not include outdoor storage of trailers or materials. Customer visits and deliveries would only occur four times a month, which would not result in traffic in a greater volume than typically expected in a rural residential area.

- 4. UDO Requirement: The proposed special exception will not alter the character of the district; and**

Staff Analysis: The business would not alter the rural residential appearance of the property because the business would not include outdoor storage of trailers or materials. Customer visits and deliveries would only occur four times a month, which would not result in traffic in a greater volume than typically expected in a rural residential area.

- 5. UDO Requirement: The proposed special exception will not substantially impact property value in an adverse manner.**

Staff Analysis: The business would not pose a nuisance to the neighborhood or alter the character of the area and therefore would not have an impact on surrounding property values.

### Development Standards

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

Staff Analysis: The petitioner has obtained all applicable permits for construction of the barn.

- 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: Operation of the business within the barn would not result in a change to the exterior appearance of the property or allow for operation of a business at a scale which would pose a nuisance to neighboring properties.

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

Staff Analysis: A strict application of the ordinance would not allow for a small-scale home-based business which requires storage space exceeding the size of a typical garage attached to a home.

**Staff Recommendation**

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Staff recommends **APPROVAL** primarily because the business would not include outdoor storage or generate traffic in a greater volume than typically expected in rural residential areas.

Staff recommends the following **stipulations**:

1. Operation of the business shall comply with Section 5.34 HB-02: Type 2 Home Business Standards of the Unified Development Ordinance, other than Sections 5.34 D 1.
2. Business operations shall be limited to the Statement of Intent and Site Plan submitted with the variance application.

*Applicant/Owner Information*

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Applicant: Chad Muckerheide  
610 S 250 W  
Shelbyville, IN 46176

Owner: Chad & Kara Muckerheide

**View of Barn from CR 250 W**



Staff Photograph – March 2025

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

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

1. Summary of Proposed Use and/or Business Activity: Using my property to take delivery and  
and redistribute (sell) fuel trailers to the AG community.

2. Days & Hours of Operation: M-F 8-5

3. Maximum Number of Customers per Day/Week/Month: 4 customers per month on average

4. Type and Frequency of Deliveries: 4 per month

5. Description of any Outdoor Storage: No outdoor storage required

6. Description, Size, and Placement of any Signage: 2' x 2' sign on door of barn, (only if required).

7. Description of Waste Disposal: NA

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): No site improvement are required.

**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Applicant: Chad Muckerheide

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

Location: 610 S 250 W Shelbyville Indiana 46176

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

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.  
12-18 trailers will enter and exit the property each year. Zero trailers will be stored  
outside. This is not injurious to the community.

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

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 changes to the existing land and or building is required. Existing barn  
(82' x 50') will be used for the temporary trailer storage. Existing driveway is  
adquate for this purpose. All utilities are adquate and will not change.

**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.)

**SPECIAL EXCEPTION  
FINDINGS OF FACT**

Applicant: \_\_\_\_\_

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

Location: \_\_\_\_\_

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

- 1. **Comprehensive Plan:** The proposed special exception is consistent with the purpose of the zoning district and the Shelby County Comprehensive Plan.

**Requesting use of property for fuel trailer business**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. **General Welfare:** The proposed special exception will not be injurious to the public health, safety, and general welfare of the community.

**No changes to public health, safety and general welfare of the community.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. **Harmony:** The proposed special exception is in harmony with all adjacent land uses.

**This type of business fits in with adjacent land uses serving the AG community**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4. **Character of the District:** The proposed special exception will not alter the character of the district.

**This business will not alter the the character of the district.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 5. **Property Value:** The proposed special exception will not substantially impact property value in an adverse manner.

**This will not impact neighboring property values.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

610 SOUTH 250 WEST. 5 ACRE LOT



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 Google 50 ft

- NEW BARN (50x84) BUILT NOVEMBER 2024.
- OFFICE IS 51' FROM HOUSE
- NEW DRIVEWAY IS 18' WIDE

## Property Details

**Location:** 8253 W 1150 S, Edinburgh, Jackson Township.

**Property Size:** 34-acres.

**Current Land Use:** Cropland.

### 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

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	AP	Cropland (Bartholomew County)
East	RE	Estate Residential
West	NA	I-65

# Staff Report

**Case Number:** BZA 25-07

**Case Name:** Horvath Communications / Pyramid Network Services, LLC – Use & Development Standards Variances

## Request

**Variance of Use** to allow for a cellular telecommunications facility in the A1 (Conservation Agricultural) District.

**Variances of Development Standards** to allow:

1. Utilities outside of the security fence (security fencing securing all ground utilities required);
2. Motion sensor lighting on ground utilities (lighting, other than required by State or Federal authorities, prohibited).

## Code Requirement

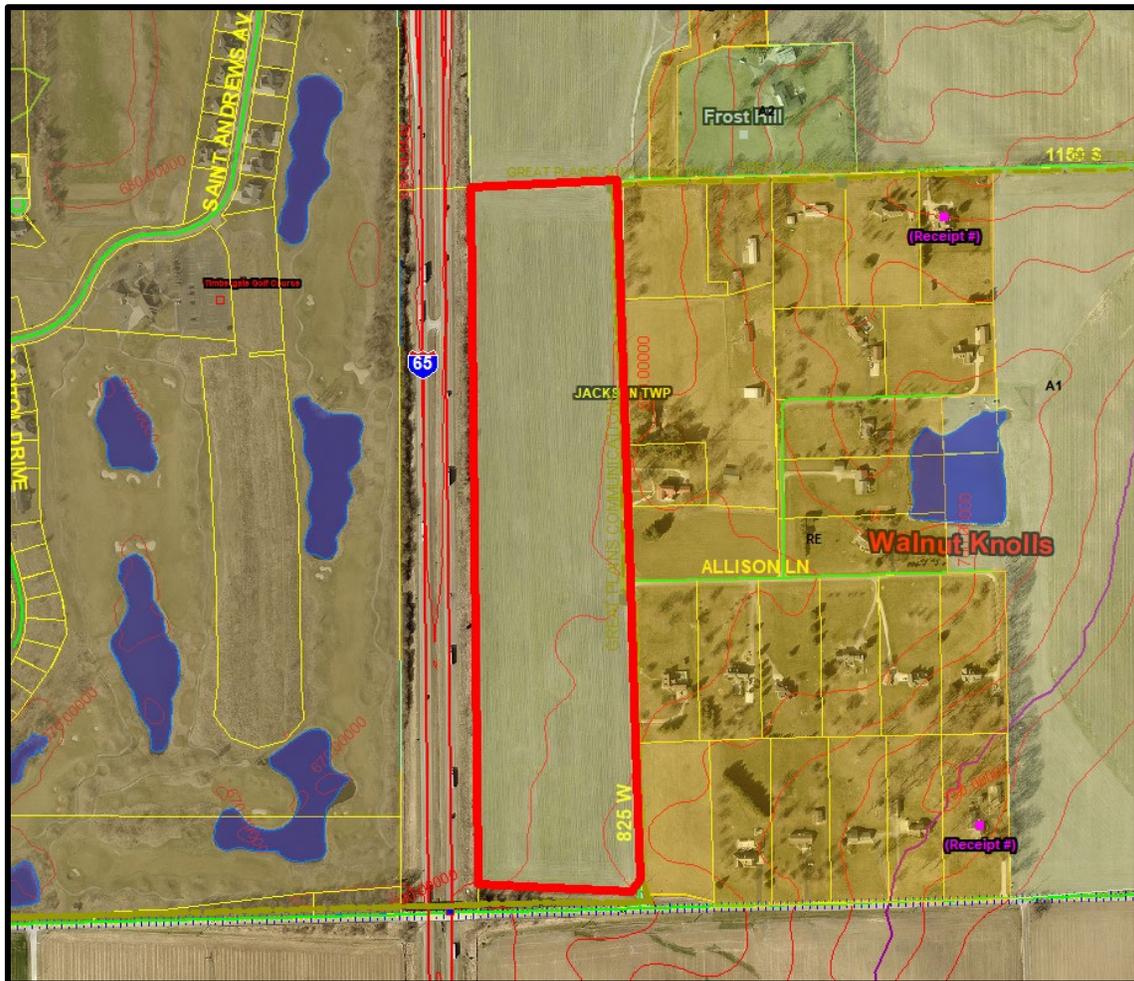
**UDO Section 2.03** - A1 District Intent, Permitted Uses, and Special Exception Uses

**UDO Section 5.80 C 7** - Security Fence: Telecommunication facilities and all accessory utility structures shall be protected by a security fence at least six (6) feet tall.

**UDO Section 5.80 C 9** - Lighting: Telecommunication facilities shall not be illuminated by artificial means and shall not display strobe lights, except when it is dictated by State or federal authorities such as the FAA.

**Purpose of Requirements** – Requiring secured utilities protects the public health and safety from the dangers associated with utility structures. Prohibiting lighting protects adjacent residential properties from light nuisance.

## Property Map



## Case Description

### Case Summary

- The proposed project includes a cellular telecommunications facility at the northwest corner of the property along I-65.
- The Sally M Fiesbeck Trust would maintain ownership of the property, Pyramid Network Services, LLC has submitted the zoning and permitting applications, Horvath Communications will hold the facility lease area, and Verizon Wireless will locate their antennas on the tower.
- The structural plans submitted with the variance application show a 155-foot-tall monopole tower with a 10-foot-tall lighting rod, antennas, co-location space for three additional sets of antennas, ground utilities with minimal security lighting, a 6-foot-tall wooden shadow-box security fence, and minimum 5-foot-tall evergreen trees outside of the security fence.

- Documentation submitted by Verizon Wireless provides the following information regarding need for the facility:
  - A service Gap Area exists east of Edinburgh, into the southeast corner of Shelby County and northeast corner of Bartholmew County. Verizon customers experience diminished call quality, slow and unreliable data transmission speeds, call drops, and blocked calls in this area.
  - No cellular telecommunications facilities exist in the area on which Verizon can collocate its equipment to service the Gap Area.
  - The facility would provide improved service to residents, businesses, and emergency service providers in and around the Gap Area.
- The petitioner has provided certifications from a registered engineer indicating that the tower and its equipment can withstand significant wind speeds without collapsing. The certification also indicates that in the event of a collapse, the upper portion of the tower would fold over the lower portion of the tower, resulting in a fall radius no greater than 0 feet.
- The BZA reviewed several requests for cellular telecommunications facilities throughout the County in 2014, 2015, and 2016. Many cases had remonstrators citing impacts to property values. The Board approved all requests for cellular telecommunications facilities, however, did impose additional landscaping and/or design requirements on some projects.
- Development of the site would require Technical Advisory Committee review and approval of a Site Plan in compliance with applicable County codes.

### **Development Standards Variances**

- The facility complies with all standards for telecommunications facilities included in the UDO, other than the standards applicable to the requested variances. The UDO includes standards for property line setbacks, facility design, co-location capabilities, security fencing, and landscaping.
- The structural plans submitted with the variance application show a transformer and fiber hand hold located outside the security fence. The electric provider installs the transformer, and the fiber service hand hold lies underground. The UDO requires all telecommunications utility structures secured within a 6-foot security fence. The petitioner explained that these utilities commonly sit outside the security fence to allow for convenient access by the utility company.
- The structural plans submitted with the variance application show lighting of ground utilities. The UDO prohibits all artificial lighting of telecommunications facilities, other than lighting required by State or Federal authorities. The petitioner explained that the generator pad would include a motion sensor light for safety of technicians working on the facility at night.

### **Staff Analysis of Findings of Fact**

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#### **Use Variance**

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

Staff Analysis: The facility is regulated by the Federal Communications Commission and the County would review a Site Plan for the project to verify that the facility complies with applicable County codes prior to issuing permits for construction. The petitioner has provided certifications from a registered engineer indicating that the tower and its equipment can withstand significant wind speeds without collapsing. The certification also indicates that in the event of a collapse, the upper portion of the tower would fold over the lower portion of the tower, resulting in a fall radius no greater than 0 feet. The facility would provide improved cellular service to residents, businesses, and emergency service providers within a cellular service Gap 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: The County has not received any complaints regarding impacts to the use or value of adjacent residential property related to the many existing cellular telecommunications facilities in the County. The facility would provide improved cellular service to residents of adjacent property.

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

Staff Analysis: The property adjoins I-65. Construction of the facility next to I-65 would confine uses with potential aesthetic impacts to one location within the cellular service Gap Area.

**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 construction of a cellular telecommunications facility on property adjacent to I-65 and which would most effectively service the cellular service Gap Area.

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

Staff Analysis: The facility would provide improved cellular service to residents in an area recommended for estate residential development by the Comprehensive Plan.

**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: The electric provider installs the transformer and has determined that it does not require location within a security fence and the fiber service hand hold lies underground, therefore, location of these utilities outside the security fence would not pose a safety impact to the public. The generator pad would include a motion sensor light for safety of technicians working on the facility at night.

**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: Utilities outside of the security fence and motion sensor lighting on ground equipment would not pose a nuisance to adjacent property.

**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 access to ground utilities by the electric service provider or safety lighting.

**Staff Recommendation**

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Staff recommends **APPROVAL** primarily because the facility would provide improved cellular service to residents, businesses, and emergency service providers within a cellular service Gap Area and construction of the facility next to I-65 would confine uses with potential aesthetic impacts to one location within the service Gap Area.

*Applicant/Owner Information*

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Applicant	Jeff Haley, Pyramid Network Services, LLC 15375 Cherry Tree Rd. Noblesville, IN 46062	Owner:	Sally M Fiesbeck Trust 15000 N 170 W Edinburgh, IN 46124
Project Engineer:	GPD Group 8275 Allison Park Trail, Ste 200 Indianapolis, IN 46250	Leaseholder:	Horvath Communications

**USE VARIANCE  
FINDINGS OF FACT**

Applicant: JEFFREY HALEY

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

Location: Corner of 1150 S + 825 W. EDINBURGH, IN.

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 FEDERAL GOVERNMENT HAS ASSURED THAT THERE WILL BE NO HEALTH OR SAFETY CONCERNS THROUGH THE TELECOMMUNICATIONS ACT OF 1996.

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 DEVELOPMENT OF A TELECOMMUNICATIONS TOWER WILL NOT ADVERSELY AFFECT THE ADJACENT AREAS. IT WILL IMPROVE THE NEEDS OF THE AREA.

3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved.

THE NEED FOR THE USE VARIANCE IS BECAUSE IT IS LOCATED ON A/B PROPERTY. THERE IS NO HISTORICAL USE + THE TOWER WILL BE PLACED IN A CORNER OF THE PROPERTY TO SAVE AS MUCH TILLABLE LAND AS POSSIBLE.

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.

THERE WILL BE NO UNNECESSARY HARDSHIP. IT WILL NOT HAVE ANY RESTRICTION ON ECONOMIC GROWTH + WILL ENHANCE THE NETWORK IN THE NEARBY AREA.

5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.

THE COMMUNICATIONS TOWER PROPOSED WILL BE NO DIFFERENT THAN ANY OTHER TOWER THAT IS ALREADY PRESENT IN THE COUNTY. IT WILL ENHANCE THE COMPREHENSIVE PLAN BY INCREASING THE NETWORK.

**DEVELOPMENT STANDARDS VARIANCE  
FINDINGS OF FACT**

Applicant: JEFFREY HALEY  
Case #: BZA 25-07  
Location: 8253 W. 1150 S. EDINBURGH, TN.

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 MOTION LIGHT IS FOR SAFETY PURPOSES. THE LIGHT IS FOR THE PAD, NOT THE TOWER, SO IT WILL BE POINTED DOWN. THERE ARE NO PUBLIC HEALTH, SAFETY OR GENERAL WELFARE CONCERNS.
- 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.  
NO PROPERTIES WILL BE ADVERSELY AFFECTED. THE FIBER PEDESTAL AND POWER SOURCE ARE JUST LIKE ALL OF THE OTHERS THROUGHOUT THE COUNTY.
- 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 VARIANCES REQUESTED ARE FOR SAFETY MEASURES. THIS VARIANCE WILL HAVE NO IMPACT ON ECONOMIC GAIN, WILL NOT CHANGE THE TOPOGRAPHY, AND HAS NO HISTORICAL PROPERTY NEARBY.

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.)



December 4th, 2024

RE: **Edinburgh IN**, Zoning Plots; Site Name: GN Dailey Lake

To Whom It May Concern:

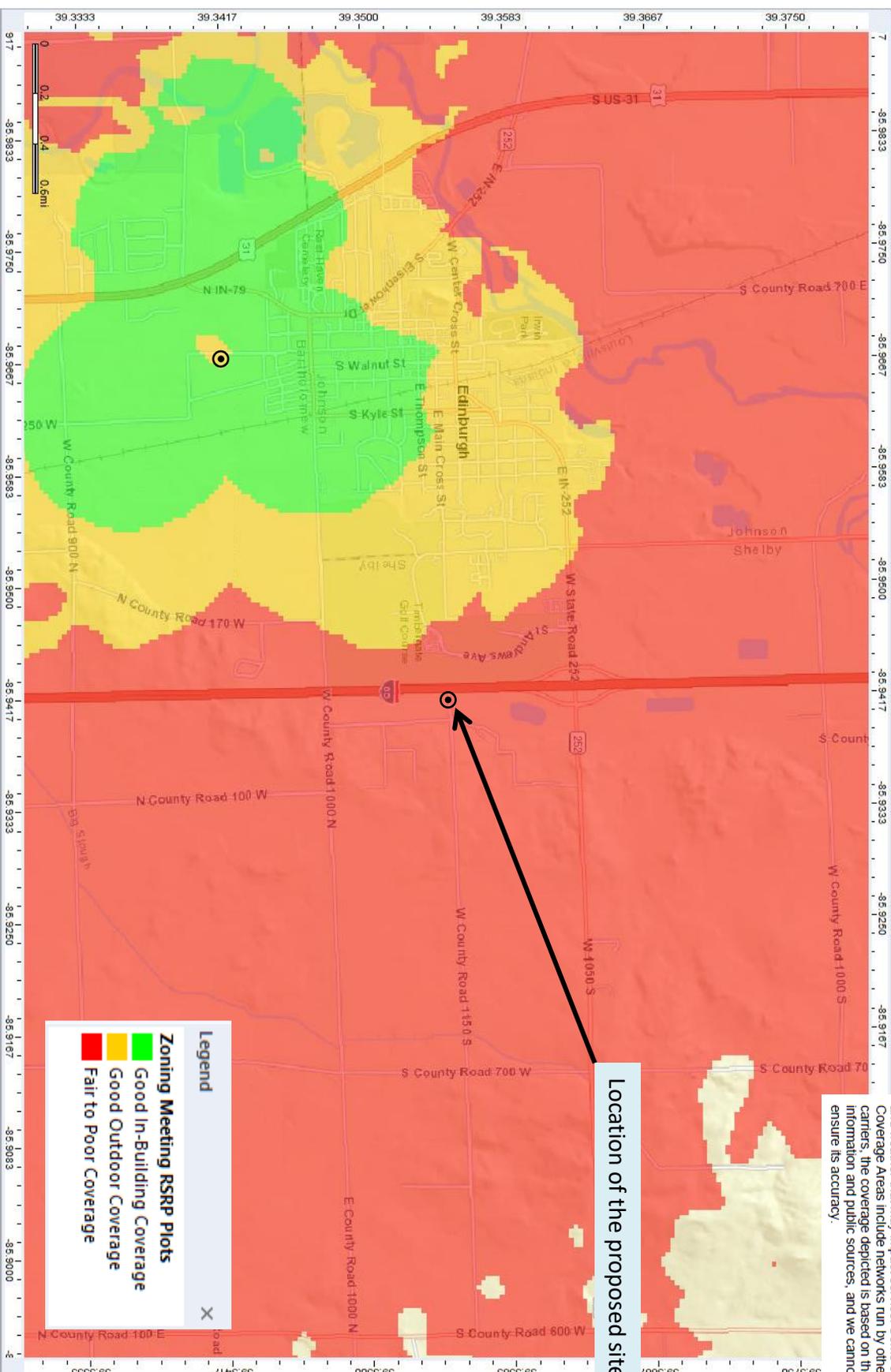
This map is not a guarantee of coverage and may contain areas with no service. This map reflects a depiction of predicted and approximate wireless coverage of the network and is intended to provide a relative comparison of coverage. The depictions of coverage do not guarantee service availability as there are many factors that can influence coverage and service availability. These factors vary from location to location and change over time. The coverage areas may include locations with limited or no coverage. Even within a coverage area shown, there are many factors, including but not limited to, usage volumes, service, outage, customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service.

The proposed site is needed to offload capacity from existing sites. The maps also reflect the predicted coverage area that will be offloaded from existing sites and transferred to the proposed site.

Sincerely,

Antonino Ramos

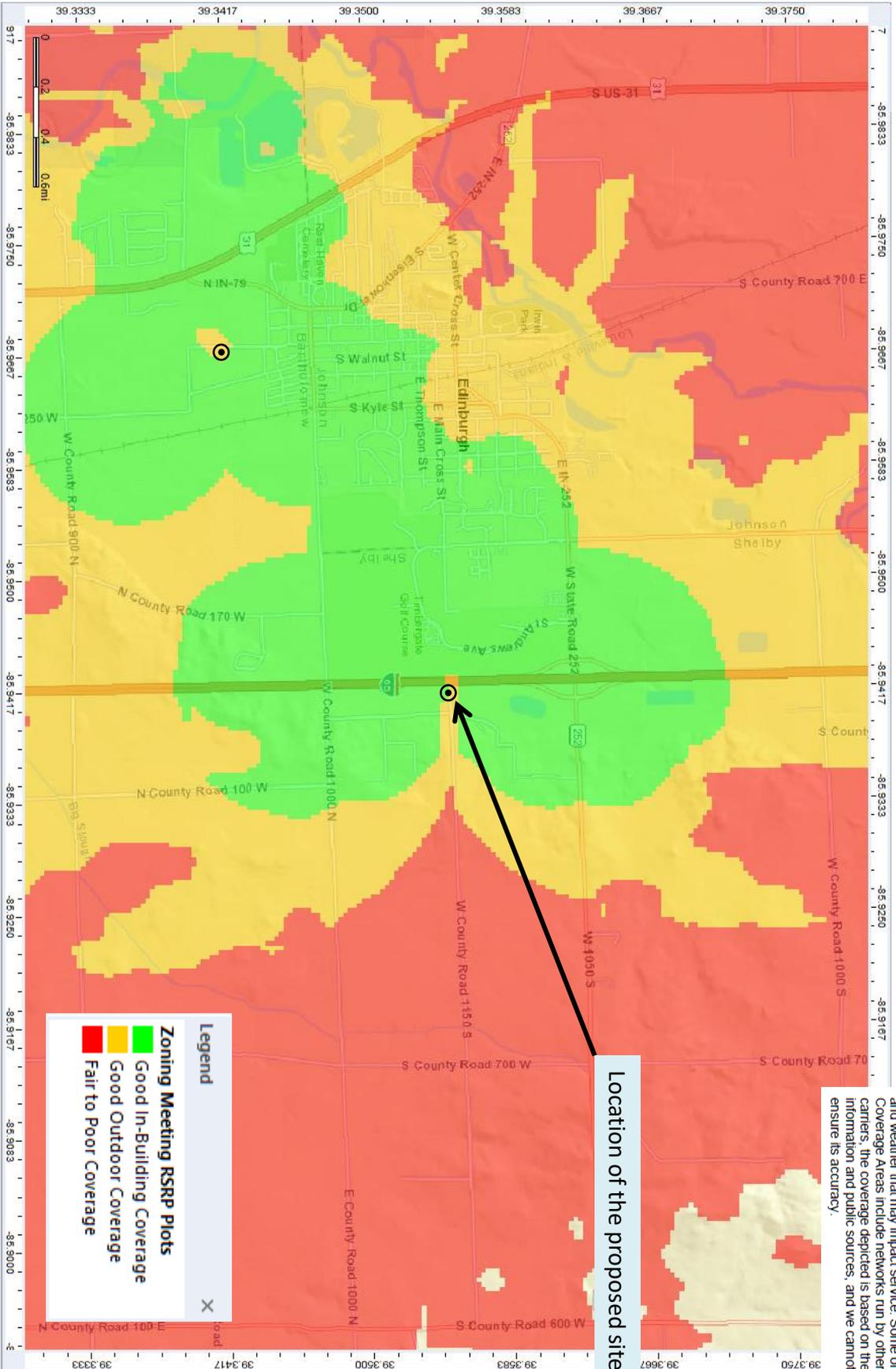
RF Engineer, Verizon Wireless



These coverage maps depict predicted and approximate wireless coverage. The coverage areas shown do not guarantee service availability, and may include locations with limited or no coverage. Even within a coverage area, there are many factors, including customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service. Some of the Coverage Areas include networks run by other carriers, the coverage depicted is based on their information and public sources, and we cannot ensure its accuracy.

Location of the proposed site

# GN Dailey Lake New proposed RSRP



These coverage maps depict predicted and approximate wireless coverage. The coverage areas shown do not guarantee service availability, and may include locations with limited or no coverage. Even within a coverage area, there are many factors, including customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service. Some of the Coverage Areas include networks run by other carriers, the coverage depicted is based on their information and public sources, and we cannot ensure its accuracy.



## Statement of Network Need for a New Communications Tower

Antonino Ramos, RF Engineer

1. My name is Antonino Ramos and I am a radio frequency (RF) engineer for Verizon Wireless ("Verizon"). I have been employed as an RF engineer for 24 years in the telecommunications industry, the last year with Verizon.
2. The primary duties of my job as an RF engineer include the design and management of Verizon's wireless communications network in its Michigan/Indiana/Kentucky Market, which includes the area in and around Edinburgh, Indiana. In this role, I am also responsible for identifying and correcting substantial service gaps that present themselves in Verizon's wireless network. These service gaps can be caused by lack of coverage or insufficient system capacity, or both. Service gaps are identified through the use of internal Verizon network monitoring tools and analysis showing the capacity and/or coverage need in a particular area.
3. In the course of my employment at Verizon, I have become aware of a significant service gap in Verizon's wireless communications network in the area near eastern Edinburgh, Indiana (the "Gap Area"). As a result of this significant service gap, Verizon customers using their devices in and around the Gap Area are likely to experience diminished call quality, slow and unreliable data transmission speeds, call drops, and blocked calls. Verizon's service gap in the Gap Area has existed for several years.
4. This significant service gap will remain and cannot be resolved unless a communications tower is constructed within the Gap Area. Verizon must remedy this service gap in order to provide high-speed wireless broadband access to the communities in and around Edinburg, Indiana, to fill in coverage gaps where wireless services are not reliable, and to provide enhanced E911 services.
5. Verizon identified a search area in which tower would need to be located in order to resolve the service gap. Before proposing a new communications tower, Verizon first considered whether any existing towers in the area could be used to resolve the coverage gap in the Gap Area. There are no other existing towers in the search area on which Verizon could collocate its communications equipment to resolve the service gap. For this reason, Verizon Wireless began looking for available properties in the search area that would be suitable for a tower.
6. Verizon and Horvart Communications have worked together to identify a property in the Gap Area that could accommodate a communications tower to correct the significant service gap in Verizon's wireless communications network. Horvart Communications has proposed to build a new tower on Corner of CR 1150 S and 825W in Edinburgh, Indiana ("Proposed Tower").
7. By co-locating its communications equipment on the Proposed Tower, Verizon will resolve the current significant service gap and will be able to provide improved service to residents, businesses, and emergency service providers in and around the Gap Area. If Horvart Communications is unable to construct the new telecommunications tower, and Verizon is therefore unable to collocate its equipment on the proposed tower, the significant service gap in Verizon's wireless communications network will remain, and Verizon will be prohibited from providing reliable wireless service to its customers in the Gap Area.

Dated this 04 day of December, 2024

[Antonino Ramos]

RF Engineer

Verizon



1 Fairholm Avenue  
Peoria, IL 61603 USA  
Phone: (309)-566-3000  
Fax: (309)-566-3079

January 22, 2025

Horvath Communications

Mr. Jeff DeLauder

Reference: 155ft Tapered Steel Pole  
Site: HV1654 Dailey Lake, Shelby County, Indiana  
Quote Number: Q25-10030-1

Dear Jeff

The referenced pole will be designed to meet the specified loading requirements in accordance with ANSI/TIA-222-H for a 106 mph 7-16 Ultimate Wind Speed with no ice and a 40 mph 3-second gust wind speed with 1.5 inches radial ice, Risk Category II, Exposure Category C, and Topographic Category 1.

It is our understanding that the design of the referenced pole requires consideration of a contained fall radius in the event that a catastrophic wind speed would result in collapse. Although the pole will not be designed to fail, stronger sections where required by analysis will be provided in the lower sections of the pole. This will result in an increased safety factor in the lower sections of the pole. This design will enable the pole to fail through a combination of bending and buckling in the upper portion of the pole under a catastrophic wind loading. Failure in this manner would result in the upper portion of the pole folding over the lower portion, resulting in a fall radius no greater than 0 feet.

Please contact us at your convenience should you have further questions concerning the safety of pole structures or other aspects of pole design.

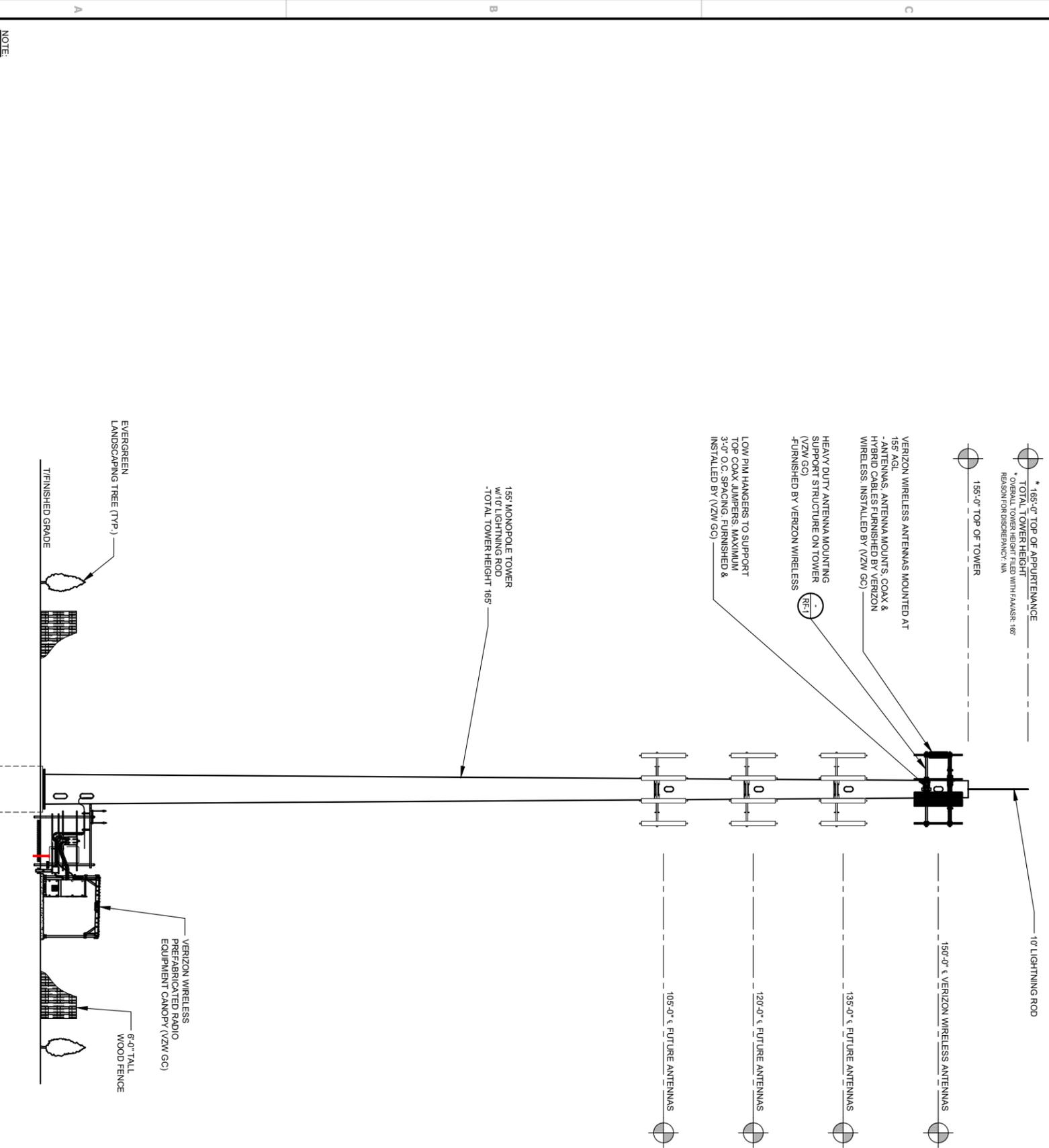
Sincerely,

*Allen Schneider*  
01/22/2025

A circular professional engineer seal for Allen Burton Schneider. The seal contains the text: "ALLEN BURTON SCHNEIDER", "REGISTERED", "No. 12200103", "STATE OF INDIANA", and "PROFESSIONAL ENGINEER".

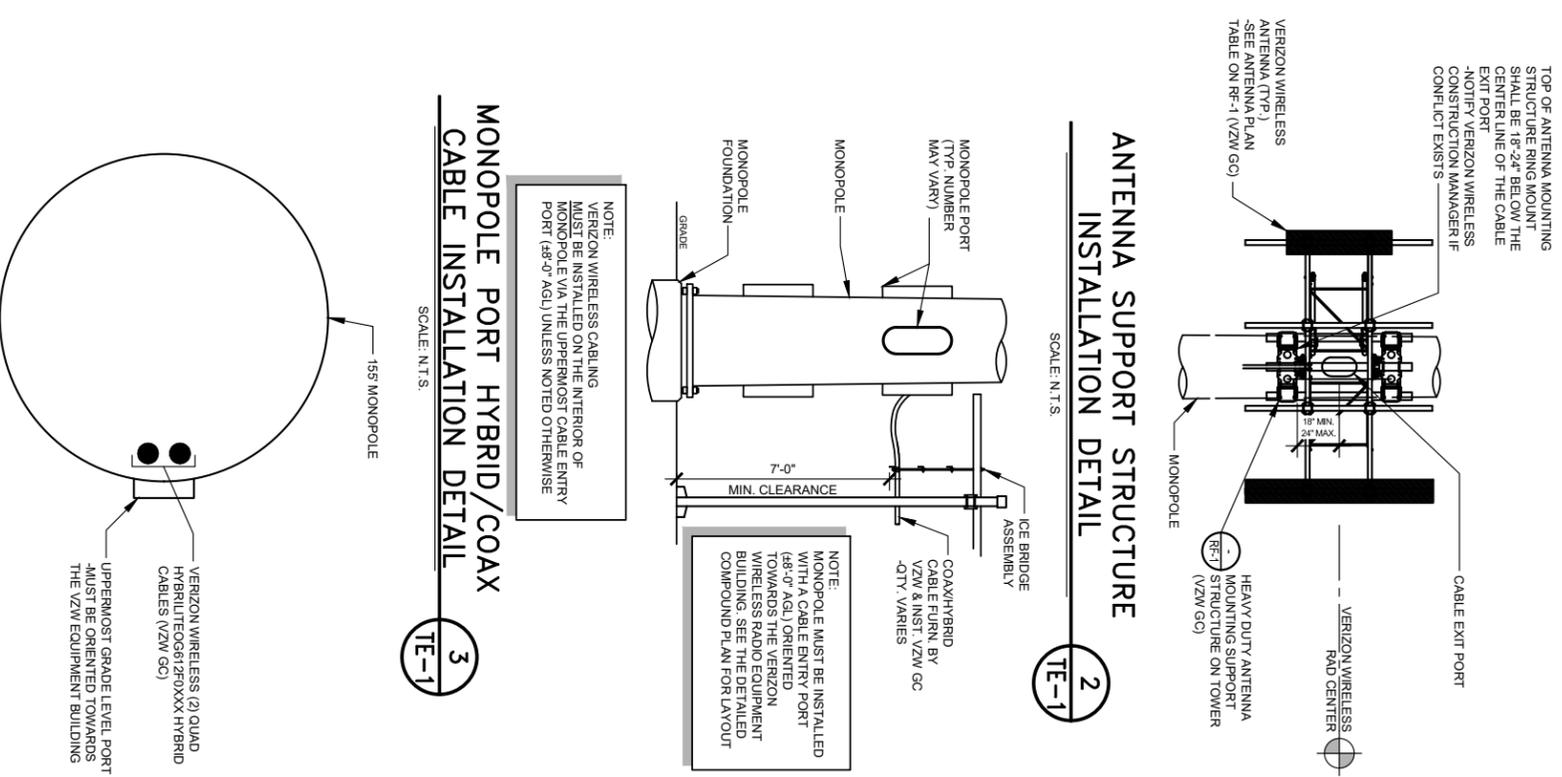
Allen Schneider, P.E.  
Senior Design Engineer

**Products for a Growing World of Technology®**

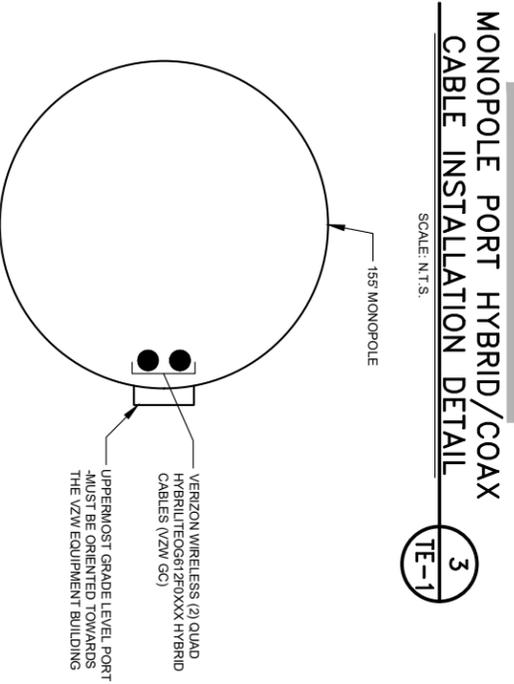


**NOTE:**  
 1. IT IS THE INSTALLING CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL ANTENNA INFORMATION AGAINST FINAL RADIO ENGINEERING PLAN PROVIDED BY GTE MOBILE/NET INDIANA LP d/b/a VERIZON WIRELESS (VZW GC)  
 2. ALL TOWER LIGHTING SHALL BE INSTALLED AS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION AND RECOMMENDED BY THE USFWS INTERIM GUIDELINES (2000) FOR LIGHTING OF TOWERS OVER 200' IN HEIGHT.

**TOWER ELEVATION**  
 SCALE: N.T.S.  
 1  
 TE-1



**ANTENNA SUPPORT STRUCTURE INSTALLATION DETAIL**  
 SCALE: N.T.S.  
 2  
 TE-1



**MONOPOLE PORT HYBRID/COAX CABLE INSTALLATION DETAIL**  
 SCALE: N.T.S.  
 3  
 TE-1



**COAX PLAN**  
 SCALE: N.T.S.

REV.	DATE	DESCRIPTION
A	01/13/25	ISSUED FOR 90% REVIEW
B	02/12/25	REVISED PER COMMENTS

PRELIMINARY DRAFT  
 NOT FOR CONSTRUCTION, BID, RELIANCE, RECORDING, PURPOSES OR IMPLEMENTATION  
 BZA April 5, 2025  
 Page 24 of 30

**GPD GROUP, INC.**  
 500 South Main Street, Suite 2531  
 South Bend, IN 46615  
 330.571.2100 Fax: 330.571.2101

**HORVATH COMMUNICATIONS**  
 2307 EDISON ROAD STE. 2  
 SOUTH BEND, IN 46615

**DAILEY LAKE**  
 CORNER OF CR 1150 S & 825 W  
 EDINBURGH, IN 46124

**TOWER ELEVATION**

ISSUED FOR:	DESIGNER
ISSUED FOR:	TTP
REVIEW	SEK
PERMIT	
CONSTRUCTION	
RECORD	
PROJECT MANAGER	
DESIGNER	
TTP	
SEK	

JOB NO  
 2024709.28

**TE-1**



VERIZON WIRELESS  
 SITE NAME: THIS SITE NAME  
 SITE ADDRESS: 1234 STREET NAME  
 CITY, STATE ZIP  
 SITE EMIS#: #####  
 SITE COORDINATES: 00°00'00.00" N, 00°00'00.00" W

**VERIZON WIRELESS TIER II SITE MAP**

SCALE: N.T.S.



REV.	DATE	DESCRIPTION
A	01/13/25	ISSUED FOR 90% REVIEW
B	02/12/25	REVISED PER COMMENTS

**HORVATH**  
 COMMUNICATIONS  
 2307 EDISON ROAD STE. 2  
 SOUTH BEND, IN 46615

**GPD GROUP, INC.**  
 500 South Main Street, Suite 2531  
 Avon, OH 44631  
 330.572.2100 Fax: 330.572.2101

**DAILEY LAKE**  
 CORNER OF CR 1150 S & 825 W  
 EDINBURGH, IN 46124

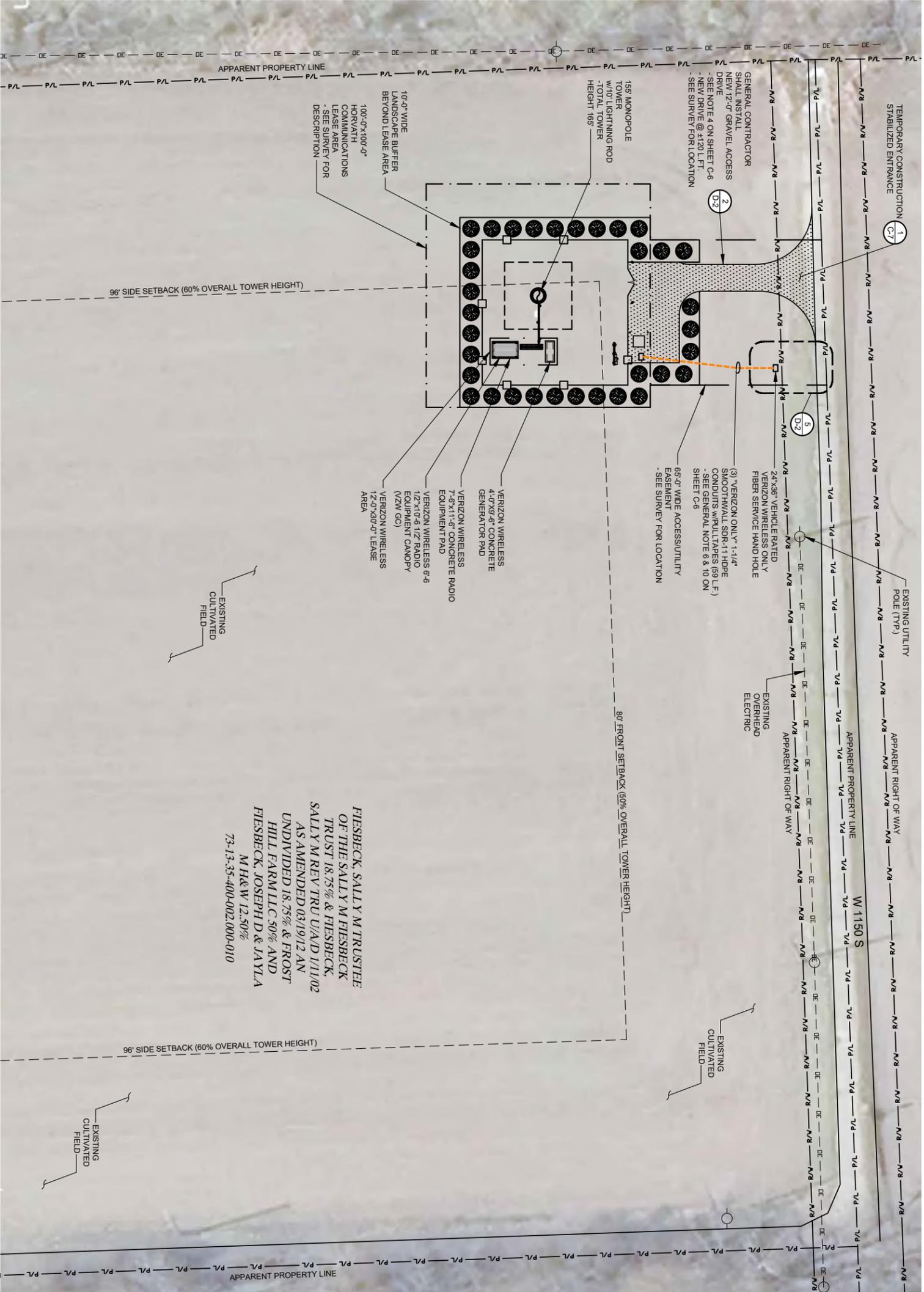
**EMERGENCY RESPONSE  
 TIER II MAP  
 (REFERENCE ONLY)**

PRELIMINARY DRAFT  
 NOT FOR CONSTRUCTION  
 BIDDING PURPOSES OR  
 IMPLEMENTATION  
 BZA April 8, 2025  
 Page 26 of 30

ISSUED FOR:	DATE
REVIEW	---/---/---
PERMIT	---/---/---
CONSTRUCTION	---/---/---
RECORD	---/---/---
PROJECT MANAGER	DESIGNER
TTP	SEK

JOB NO  
**2024709.28**

**ER-1**



FIESBECK, SALLY M TRUSTEE  
 OF THE SALLY M FIESBECK  
 TRUST 18.75% & FIESBECK,  
 SALLY M REV TRU U/A/D 1/11/02  
 AS AMENDED 03/19/12 AN  
 UNDIVIDED 18.75% & FROST  
 HILL FARM LLC 50% AND  
 FIESBECK, JOSEPH D & JAYLA  
 M H&W 12.50%  
 73-13-35-400-002,000-010



**OVERALL SITE PLAN  
 W/AERIAL OVERLAY**

SCALE: 1" = 50'



**APWA UTILITY COLOR CODES**

Proposed Construction	Temporary Survey Markings
Electric Power Lines, Cables, Conduit, and Lighting Cables	Gas, Oil, Steam, Petroleum or Gaseous Materials
Communication, Alarm or Signal Lines, Cables or Conduit	Potable Water
Reclaimed Water, Irrigation and Slurry Lines	Sewers and Drain Lines



**NOTICE TO CONTRACTOR**  
 THE UNDERSIGNED CONTRACTOR SERVICE PROVIDER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY EXCAVATION WORK.

REV.	DATE	DESCRIPTION
A	01/13/25	ISSUED FOR 90% REVIEW
B	02/12/25	REVISED PER COMMENTS

PRELIMINARY DRAFT  
 NOT FOR CONSTRUCTION, BID, RELIANCE, RECORDING, PURPOSES OR IMPLEMENTATION  
 BZA April 5, 2025  
 Page 26 of 30

**DAILEY LAKE**  
 CORNER OF CR 1150 S & 825 W  
 EDINBURGH, IN 46124

**OVERALL SITE PLAN  
 W/AERIAL OVERLAY**

ISSUED FOR:	
REVIEW	-/-
PERMIT	-/-
CONSTRUCTION	-/-
RECORD	-/-
PROJECT MANAGER	DESIGNER
TTP	SEK

JOB NO  
**2024709.28**

**C-1**

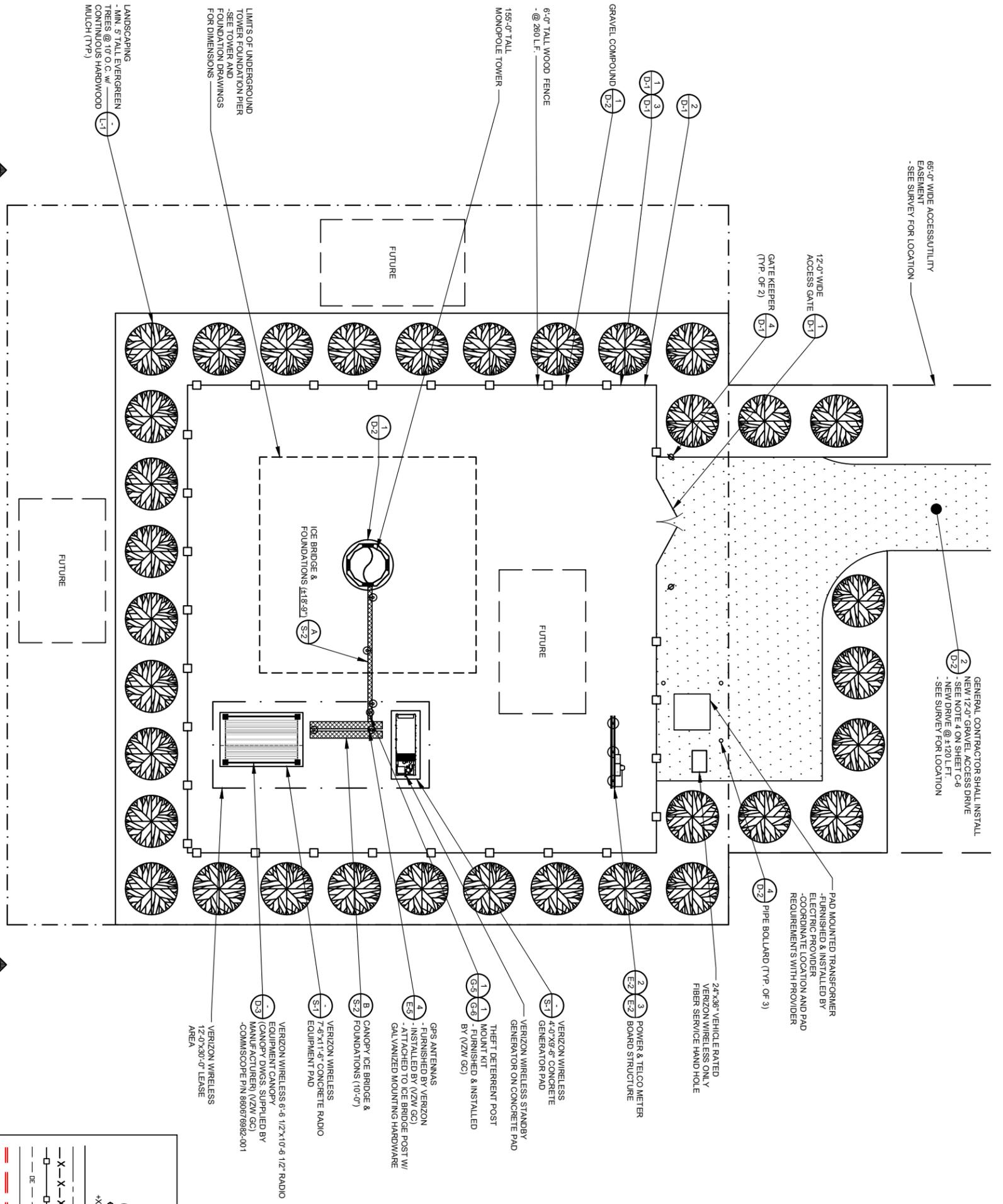
500 South Main Street, Suite 2331  
 330 S. 712 2100 Fax 330.572.2101  
 Avon, OH 44631

2307 EDISON ROAD STE. 2  
 SOUTH BEND, IN 46615



NOTE:  
 GENERAL CONTRACTOR IS TO ENSURE  
 THERE IS NO DISTURBANCE OF  
 PROPERTY, SOIL, ETC. OUTSIDE OF THE  
 STRAILED LEASE AREA WITHOUT  
 APPROVAL FROM VERIZON WIRELESS  
 CONSTRUCTION MANAGER

**DETAILED SITE PLAN**  
 SCALE: 1/16" = 1'-0"



**LEGEND**

	IRON PIN
	DRAINAGE LINE
	SPOT ELEVATION
	GRAVEL COMPOUND
	CENTER LINE
	NEW FENCE LINE
	NEW SILT FENCE LINE
	POWER POLE/W/OVERHEAD ELEC./TELE.
	EDGE OF NEW DRIVE
	UNDERGROUND ELECTRICAL CONDUIT
	UNDERGROUND TELEPHONE CONDUIT
	EXISTING CONTOURS
	NEW CONTOURS
	FENCED COMPOUND
	CONCRETE
	ACCESS DRIVE

**DAILEY LAKE**  
 CORNER OF CR 1150 S & 825 W  
 EDINBURGH, IN 46124

**DETAILED SITE PLAN**

PRELIMINARY DRAFT  
 NOT FOR  
 CONSTRUCTION, BID,  
 RELIANCE,  
 RECORDING,  
 PURPOSES OR  
 IMPLEMENTATION

BZA April 8, 2025  
 Page 27 of 30

REV.	DATE	DESCRIPTION
A	01/13/25	ISSUED FOR 90% REVIEW
B	02/12/25	REVISED PER COMMENTS

**HORVATH COMMUNICATIONS**  
 2307 EDISON ROAD STE. 2  
 SOUTH BEND, IN 46615

**GPD GROUP, INC.**  
 500 South Main Street, Suite 2331  
 Avon, OH 44631  
 330.572.2100 Fax 330.572.2101

JOB NO.  
**2024709.28**

**C-3**

ISSUED FOR:	
REVIEW:	-/-
PERMIT:	-/-
CONSTRUCTION:	-/-
RECORD:	-/-
PROJECT MANAGER:	DESIGNER
TTP:	SEK

## Property Details

**Location:** 5539 W 900 S, Edinburgh, Jackson Township.

**Property Size:** 3.82-acres.

**Current Land Use:** Estate Residential.

### Zoning Classification:

RE (Residential Estate)

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

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

### Future Land Use per Comp Plan

Estate Residential

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

### Surrounding Development

	Zoning	Land Use
North	A1	Agricultural Homesteads
South	A1	Cropland
East	RE	Estate Residential
West	A1	Woodland

# Staff Report

**Case Number:** BZA 25-08

**Case Name:** Kevin Rice – Development Standards Variances

## Request

**Variance of Development Standards** to allow for replacement of a barn with a 3,456 sq. ft. pole barn resulting in:

1. Five (5) accessory structures on the property (maximum of two permitted);
2. The total area of all accessory structures on the property exceeding 2X the footprint of the house.

## Code Requirement

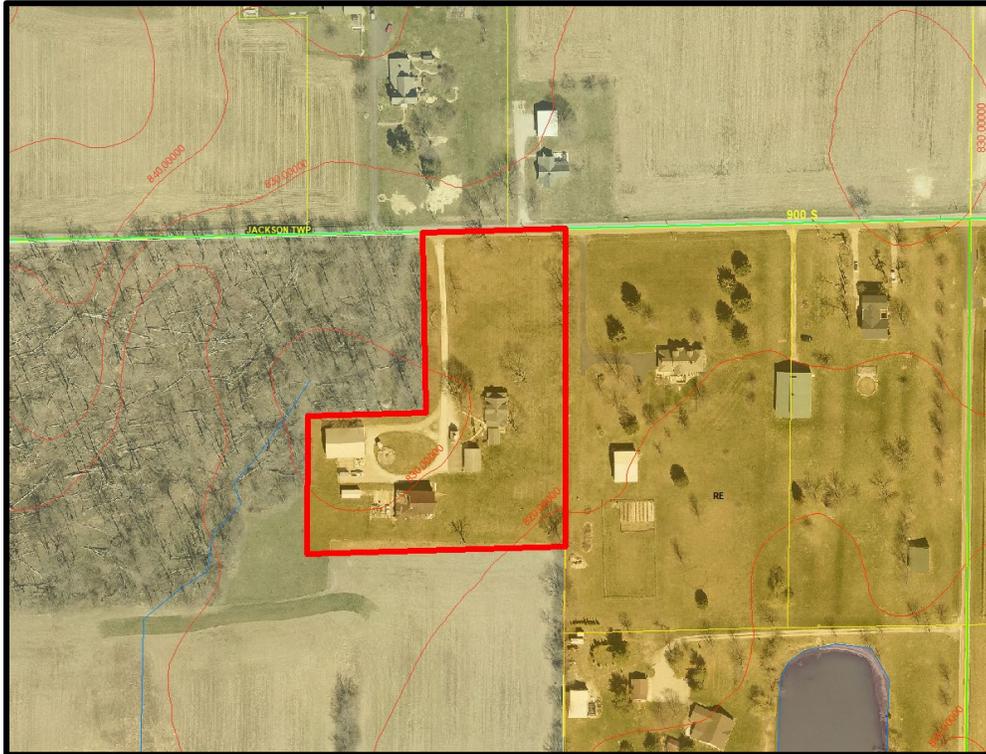
**UDO Section 5.06 C:** *Maximum Number:* Up to two (2) enclosed accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.

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

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

## Property Map

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## Case Description

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- The petitioner plans to replace a recently demolished barn with a 48' x 72' (3,456 sq. ft.) barn. The new barn would sit in the same location as the previous barn, but would exceed the size of the enclosed area of the previous barn by approximately 2,000 sq. ft.
- The petitioner's permit application indicates that he plans to use the barn for storage.
- The property tax card indicates that the property currently includes a house (1,308 sq. ft.) and four accessory structures, specifically a barn (3,024 sq. ft.), detached garage (864 sq. ft.), shed (330 sq. ft.), and car shed (216 sq. ft.). The tax card indicates that the structures existed on the property prior to the County adopting an ordinance regulating the size and number of accessory structures.
- The total square footage of the proposed barn and existing accessory structures would equal approximately 6X the square footage of the footprint of the house.

## 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.

**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 area of property including structures is not visible from CR 900 S and inconspicuous when viewed from Black Hills Dr. to the east. Therefore, the presence of several accessory structures, some large in size, would not 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: A strict application of the ordinance would not allow for replacement of a deteriorating barn with a new barn.

### Staff Recommendation

---

Staff recommends **APPROVAL** primarily because the area of property including structures is not visible from CR 900 S and inconspicuous when viewed from Black Hills Dr. to the east. Therefore, the presence of several accessory structures, some large in size, would not impact the character of the area.

#### *Applicant/Owner Information*

---

Applicant:	Kevin Rice	Owner:	Same
	5529 W 900 S		
	Edinburgh, IN 46124		

**View of Property (outlined in red) from Black Hills Dr.**



Staff Photograph – March 2025



**DEVELOPMENT STANDARDS VARIANCE  
FINDINGS OF FACT**

Applicant: \_\_\_\_\_

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

Location: \_\_\_\_\_

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

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

*NO*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

*NO*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.)

**Shelby County Health Department**  
 20 W Polk Street, Suite 202, Shelbyville, Indiana 46176  
 Phone (317) 392-6470 Email Shelby\_health@hotmail.com

Property Owners

Name: Kevin Rice Property Address: 5539 W 900S

Township: Jackson Section #: 20 Subdivision: \_\_\_\_\_ Lot #: \_\_\_\_\_

Description of Construction: 48' x 72' Pole Barn (Replacing Existing)

Signature: Kevin M. Rice Printed Name: KEVIN M. RICE

No permanent structures within 10 ft of septic tank and field

No Water / Plumbing IN Pole Barn

Drawing/Plans

Water/plumbing in building? Yes  No

Adding Bedrooms? Yes  No

Total Existing/Proposed Bedrooms 2

County GIS Shows 3 Bedroom



Townships	
—	Septic Bed
—	Residential Sewer
—	Pressure Sewer
—	Effluent Sewer
—	Septic Trench
—	Perimeter Drain
—	Surface Drain
—	Water
—	Water(1)
—	Legal Drains
—	Regional Roads
—	Regional Highways
—	Roads
—	County_Roads
—	Edinburgh Highw
—	Edinburgh Roads
—	Bartholomew Ro
—	Bartholomew Hig
—	Brown Co Roads
—	Brown Co Highw
—	Greensburg Roa
—	Decatur Co Road
—	Decatur Co High
—	Hancock_Roads
—	Hancock Highwa
—	Johnson Roads
—	Johnson Highwa
—	Marion Co Roads
—	Marion Co Highw
—	Rush County Hig
—	Highways

Inspection Date: 3/13/2025  
 AddOns&OtherBuildings 01/05/2023

Inspector: Will Kersley

Approved  Disapproved

## Property Details

**Location:** 9276 N 400 W,  
Fountaintown, Moral Township.

**Property Size:** 1-acre.

**Current Land Use:** Vacant.

### Zoning Classification:

R1 (Single-Family Residential)

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

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

### Future Land Use per Comp Plan

#### Agriculture

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

### Surrounding Development

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

# Staff Report

**Case Number:** BZA 25-09

**Case Name:** Melissa Fleek – Development Standards  
Variances

## Request

**Variances of Development Standards** to allow for reconstruction of a home:

1. Encroaching into the 35-foot front yard setback and proposed right-of-way of CR 400 W;
2. With a front-loading garage greater than 8-feet forward of the main living area of the home.

## Code Requirement

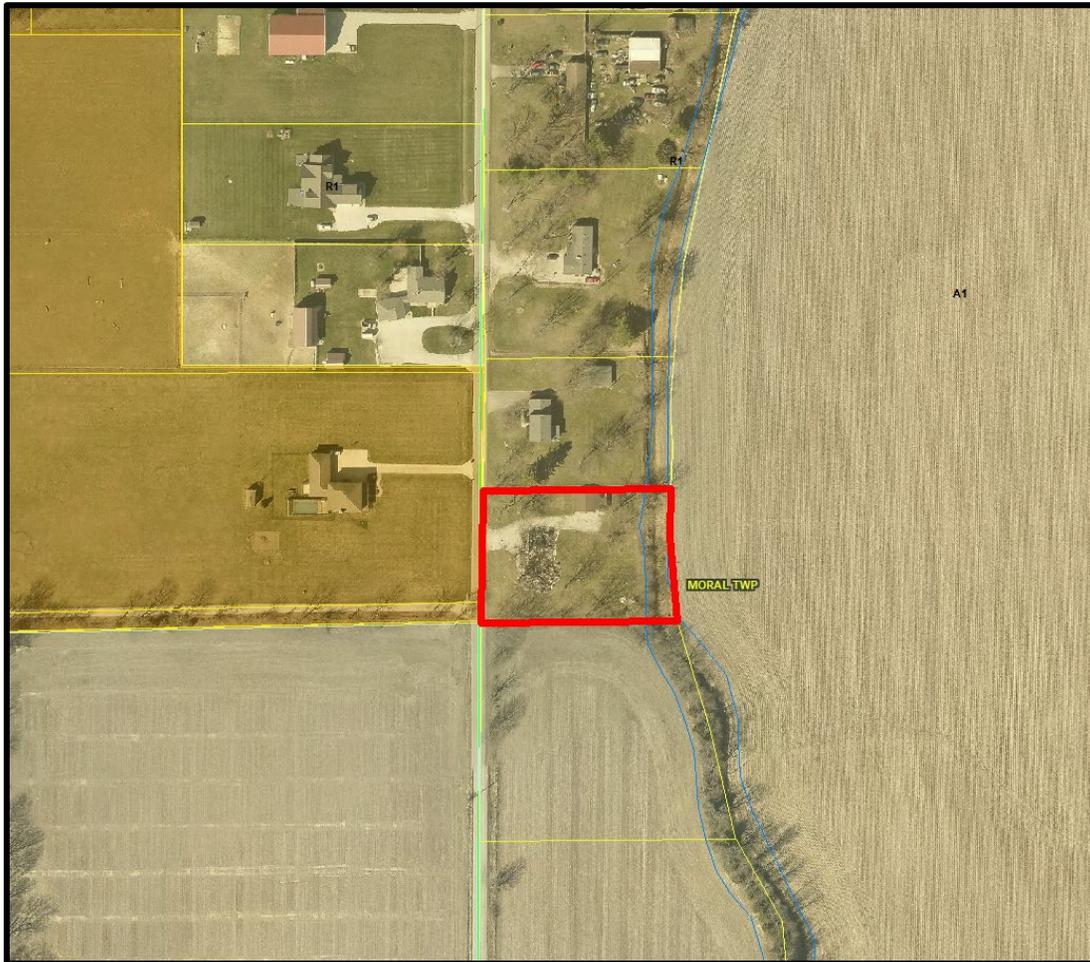
**UDO Section 2.14: R1 District Development Standards: Minimum Front Yard Setback - 35-feet**

**UDO Section 5.11 D 2: Garage-forward Design: Front-loading garages shall not be located forward of the main living area by more than eight (8) feet.**

**Purpose of Requirement –** The front setback requirement allows for open space, ensure visibility along roadways, and reduce traffic hazards along roadways. Architectural standards for new homes encourage aesthetically pleasing building facades which improve upon the character of the surrounding area.

## Property Map

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## Case Description

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- The petitioner intends to build a new home to replace a home destroyed by fire in 2022. The petitioner has owned the property since 2015.
- The new home would be approximately the same size and sit in the same location as the previous home. However, unlike the previous home, the new home would have a front-loading garage projecting more than 8-feet in front of the main living area of the house and further into the front setback than the previous home.
- The new home would also encroach into the proposed 50-foot half right-of-way of CR 400 W. The Comprehensive Plan designates future right-of-way for all County roads and the front setback area starts at the proposed right-of-way line. The home would not encroach into the existing right-of-way of CR 400 W.
- The home would sit approximately 15-feet closer to the road than the house on the adjacent property to the north and closer to the road than the nearby houses on the east side of CR 400 W.

- The property lies within a Department of Natural Resources (IDNR) designated Floodway.
  - IDNR does not permit new homes in the floodway, however, allows for reconstruction of homes destroyed by fire in the floodway if constructed on the footprint of the previous home.
  - Per IDNR and County regulations, the lowest floor of the home would need to sit at least two feet above the flood elevation (BFE) and comply with all development standards for new construction in the floodplain. This would result in the lowest floor of the home sitting at least four feet above existing grade.
  - Any approval of the requested variances would *not* waive any IDNR or County standards for development in a designated floodplain.
- The County Health Department does not allow new septic systems in designated floodplains therefore, the home must utilize the existing septic system. The Health Department requires a setback of 10-feet between the foundation of the house and the septic tank.
- The petitioner has chosen a standard TK Constructors home model which does not include an option to alter the floor plan. The home placement restriction imposed by IDNR and the required setback from the septic tank would not allow for construction of the home model further back from the road.
- Development of the site would require Technical Advisory Committee review and approval of a Site Plan in compliance with applicable County codes.

## Staff Analysis of Findings of Fact

---

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

Staff Analysis: Construction of the home would require Site Plan approval, construction permits, and floodplain development permits from IDNR and the County. The home must comply with all zoning, building, and floodplain regulations before issuance of a certificate of occupancy. The County does not plan to widen CR 400 W, therefore, placement of the home closer to the road than permitted would not interfere with current or future visibility along the roadway or pose a hazard to traffic.

**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: Placement of the home in the proposed location would alter the character of the area because the home would sit approximately 15-feet closer to the road than the house on the adjacent property to the north and closer to the road than the nearby houses on the east side of CR 400 W. The projecting front-loading garage and elevation of the house above existing grade would compound the issue by rendering the house more conspicuous.

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

Staff Analysis: The home placement restriction imposed by IDNR and the required setback from the septic tank would not allow for construction of the home model further back from the road.

## Staff Recommendation

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Staff recommends **DENIAL** because placement of the home would alter the character of the area. Placement of the home in the proposed location would alter the character of the area because the home would sit approximately 15-feet closer to the road than the house on the adjacent property to the north and closer to the road than the nearby houses on the east side of CR 400 W. The projecting front-loading garage and elevation of the house above existing grade would compound the issue by rendering the house more conspicuous.

However, Staff recommends that the Board give careful consideration to the hardships faced by the petitioner regarding the home reconstruction and weigh those considerations against alteration to the character of the area.

### *Applicant/Owner Information*

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Applicant:	Melissa Fleek 7238 N 650 W Fairland, IN 46126	Owner:	Same
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### **View of Property**

**(the new home sit in approximately the same location as the building pad shown in the photo and the attached garage would sit approximately 15-feet in front of the house to the left)**



Staff Photograph – March 2025

**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Applicant: Melissa Fleek

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

Location: \_\_\_\_\_

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

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community. The new house is a rebuild in the exact area the house stood prior to fire. The location of house to the proximity to road did not create issue with any safety, health or welfare of our community

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 house getting rebuilt will likely improve the value for our neighbors. There are no foreseen issues having the garage door extend 8 ft further than the home nor with the proximity of the house being within the allowable 35 ft.

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. Since the fire on December 23, 2021, FEMA has "rezoned" property introducing DNR regulations for this home rebuild. The DNR stipulates the house must be placed back where the original home sat. DNR regulation coupled with the location of both well & septic strictly dictates that there are no further options as far as placement of the home. Due to the existing driveway & layout of the lot, a side load garage is impractical, it would require unmaneuverable angles, destruction of mature trees, & loss of yard.

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.)

