

**Shelby County  
Board of Zoning Appeals**

**June 11, 2024, at 7:00 PM**

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# MEETING AGENDA

## Shelby County Board of Zoning Appeals June 11, 2024, 7:00 P.M.

### CALL TO ORDER

### ROLL CALL

### APPROVAL OF MINUTES

Minutes from the May 14, 2024. Approval of the minutes is continued until the next regular meeting of the BZA.

### OLD BUSINESS

**BZA 24-17 – GLEN R LOSEY: FINDINGS OF FACT**

### NEW BUSINESS

**BZA 24-23 – NATHAN D STICKFORD / SOS HAULING LLC: USE & DEVELOPMENT STANDARDS VARIANCES.** Located at 4842 N Brandywine Rd, Shelbyville, Brandywine Township.

**BZA 24-22 – LUKE SCHONFELD / BARNYARD PARTY PALS: USE & DEVELOPMENT STANDARDS VARIANCES.** Located at 8437 N 25 W, Fountaintown, Van Buren Township..

**BZA 24-20 – LEWIS L PALMETER: DEVELOPMENT STANDARDS VARIANCES.** Located at 8014 S 600 W, Edinburgh, Jacksom Township.

**BZA 24-24 – SPENCER ANDREWS: DEVELOPMENT STANDARDS VARIANCES.** Located at 10352 N 400 W, Fountaintown, Moral Township.

### DISCUSSION

**V23-14 – DANNY & MARIA RIGDON: ZONING VIOLATION.** Update on progress to correct violation. Located at 5879 N PR 660 W, Fairland, Brandywine Township. This discussion is continued until the next regular meeting of the BZA.

### ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **July 9, 2024, at 7:00 PM.**

## Development Standards Variance

### FINDINGS OF FACT

**Applicant:** Glen R Losey

**Case #:** BZA 24-17

**Location:** 10865 N 150 E, Morristown, Van Buren Township.

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

*Prohibiting automobile-oriented uses on property within residential zoning districts and restricting automobile-oriented uses to property in commercial areas protects the overall appearance of the County. Allowance of an automobile-oriented use on the subject property would conflict with the goal of protecting community appearance.*

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

*The surrounding area includes commercial businesses on residential property that have degraded the aesthetic appearance of the area. Allowance of an automobile-oriented use on the property would conflict with the residential character of the area and further degrade the appearance of the area. Also, automobile-orientated uses pose higher impacts to adjacent properties than other types of commercial uses, which often results in adjacent residential property owners filing a nuisance complaint with the County.*

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

*A strict application of the ordinance would not prohibit the petitioner from operating the business on a property in a commercial zoning district.*

## Property Details

**Location:** 8014 S 600 W, Edinburgh, Jackson Township.

**Property Size:** +/- 8-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	Estate Residential / Woodland
South	RE	Estate Residential
East	A1	Cropland
West	A2	Estate Residential

# Staff Report

**Case Number:** BZA 24-20

**Case Name:** Lewis L Palmeter – Development Standards Variances

## Request

**Variances of Development Standards** to allow for two new residential driveways:

1. Located less than 60-feet apart;
2. Not aligned with an existing driveway on the opposite side of a collector road.

## Code Requirement

**UDO Section 5.18 A 2 – From Another Driveway:** A new driveway shall not be permitted to be installed within sixty (60) feet of another driveway. However, driveways may shared or located directly across from one another.

**UDO Section 5.17 E – Positioning:** The centerline of two (2) driveways accessing an arterial or collector street from opposite sides of the street shall align with one another, or shall meet the minimum spacing requirements.

**Purpose of Requirements:** Driveway spacing requirements limit conflicts between vehicles simultaneously using adjacent driveways, thereby protecting public health and safety.

## Property Map

Existing Property Configuration



Proposed Property Configuration





## Case Description

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- The petitioner currently owns two parcels without road frontage, one which includes a single-family residence and the other a vacant lot, legally established as building lots prior to the current UDO. He also owns a small adjacent strip of land. He proposes to trade land with an adjacent property owner and rearrange lot lines to establish 40-feet of road frontage for each parcel currently without road frontage.
- The parcel with the existing house currently utilizes a shared driveway with the adjacent property to the south. Issues have arisen between the petitioner and owner of the driveway regarding driveway use and maintenance. The petitioner's intent for the lot reconfiguration is to provide a separate driveway for the lot with the house and the vacant building lot to eliminate future issues associated with use of a shared driveway.
- In 2019, the BZA approved a variance for the property to the south which includes the existing driveway to reduce its road frontage to transfer the small adjacent strip of land to the petitioner. The petitioner originally intended to install a driveway on this land, however, decided to abandon that plan in favor of the current proposal which more efficiently uses land to provide driveways for both of his parcels.
- The driveways must comply with a 10-foot setback from the property lines. Implementation of this setback would result in the driveways being located approximately 40-feet apart and the north driveway being located approximately 40-feet from the driveway on the adjacent property to the north.
- Installation of more than one driveway on the subject property would result in at least one driveway not aligning with an existing driveway located on the west side of CR 600 W. The Comprehensive Plan identifies CR 600 W as a Major Collector. Major collectors generally have a higher traffic volume than local roads.
- The Director of the Shelby County Highway Department has reviewed the request. He indicated that he would prefer that the property continue to utilize the shared driveway to limit access points onto the road, however, that enough distance exists between the proposed driveways and the crest of the road to the south to reasonably ensure adequate traffic safety and visibility.

## Staff Analysis of Findings of Fact

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

Staff Analysis: The Shelby County Highway Department has determined that enough distance exists between the proposed driveways and the crest of the road to the south to reasonably ensure adequate traffic safety and visibility.

**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 Shelby County Highway Department has determined that enough distance exists between the proposed driveways and the crest of the road to the south to reasonably ensure adequate traffic visibility. Installation of the driveways would eliminate conflicts with use by the property of an existing shared driveway on 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 does not allow for the establishment of separate driveways for legally established building lots in a manner that does not inefficiently use land.

### Staff Recommendation

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Staff recommends **APPROVAL** primarily because a strict application of the ordinance does not allow for the establishment of separate driveways for legally established building lots in a manner that does not inefficiently use land.

### *Applicant/Owner Information*

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Applicant:	Lewis L Palmeter 8014 S 600 W Edinburgh, IN 46124	Owner:	Same
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**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Applicant: Lewis L Palmeter

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

Location: 8014 S 600 W Edinburgh, IN 46124

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

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

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.

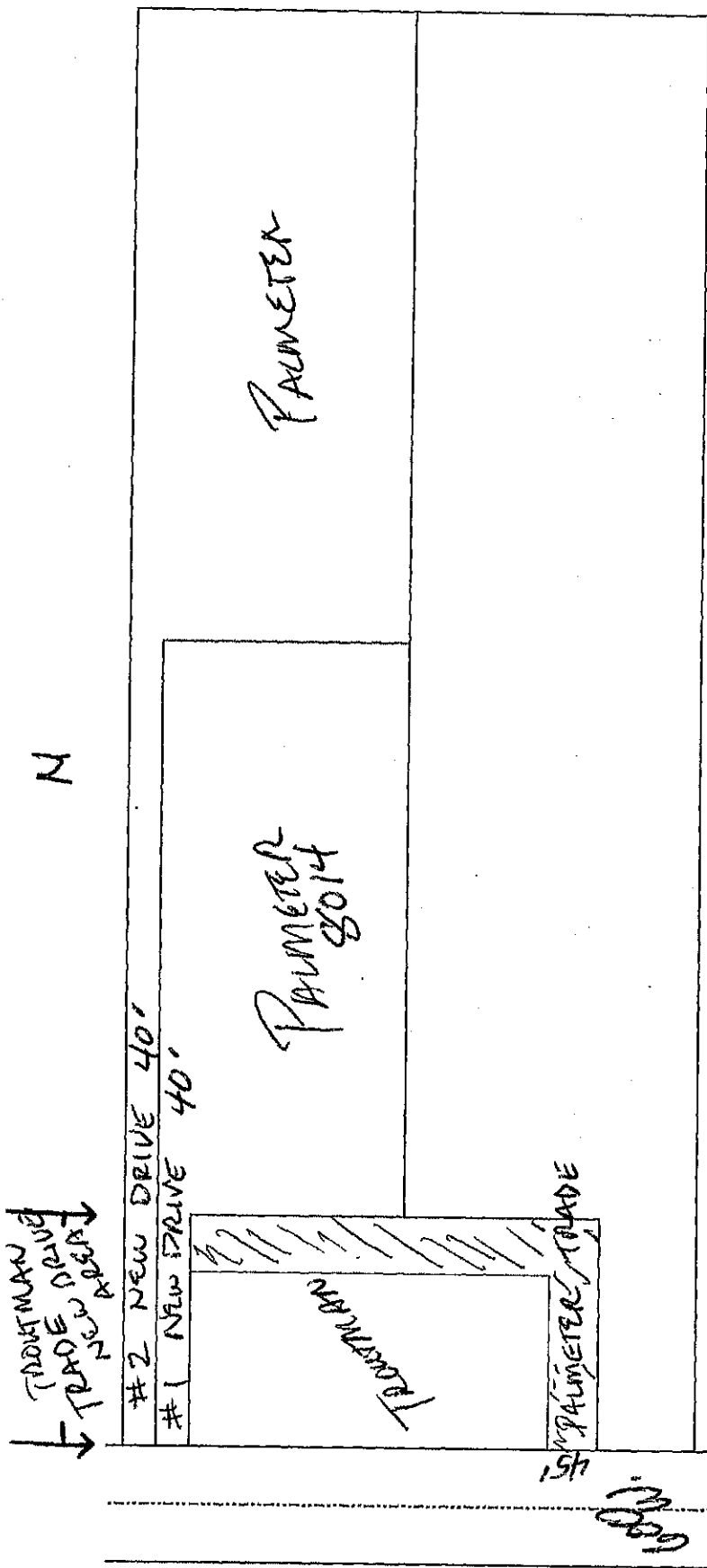
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**The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:**

**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.)



PALMETER & FRONTMAN TO EVEN SWAP (TRAPE AREAS)  
 SO I CAN HAVE DRIVES TO BOTH OF MY LOTS LOCKED  
 PROPERTIES: NO BUILD ON #2 BUT FOR THE  
 NEXT PERSON AFTER I AM DEAD.

LEWIS L. PALMETER 2014 S 600 W EDINBURGH TN  
 812-350-6265 46124

## Property Details

**Location:** 8437 N 25 W,  
Fountaintown, Van Buren Township.

**Property Size:** 9.88-acres.

**Current Land Use:** Estate Residential  
/ Petting Zoo.

### 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

#### Agriculture

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

### Surrounding Development

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

# Staff Report

**Case Number:** BZA 24-22

**Case Name:** Luke Schonfeld / Barnyard Party Pals –  
Use & Development Standards Variances

## Request

**Variance of Use** to allow for agritourism, specifically a petting zoo, in the RE (Residential Estate) District.

**Variances of Development Standards** to allow:

1. Keeping of exotic animals, excluding USDA designated dangerous animals.
2. Occasional keeping of more than one farm animal unit per two fenced acres;
3. Two small commercial signs;
4. Gravel parking and maneuvering areas;
5. Lack of designated ADA parking spaces.

## Code Requirement

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

**UDO Section 5.42** – Rural Keeping of Farm Animals (exotic animals not permitted in RE District). The UDO defines Exotic Animals as: animals raised and bred healthy and humanely for unique pets or entertainment, or animals rescued from the wild or from zoos. Exotic animals are primarily securely caged animals. Exotic animals do not include outdoor pets, household pets, or farm animals. Examples of exotic animals include lions, tigers, wolves, coyotes, and elephants.

**UDO Section 5.42 A 3** – Pastured Farm Animals: Farm Animals are permitted as follows: Maximum Animal Units: One (1) animal unit per two (2) acres that are fenced. Animal units per fenced acres allow for keeping of a type of animal within the fenced acreage. For example, two fenced acres would allow for four cattle or fifty chickens, not four cattle plus fifty chickens. Specifically, for the subject property the following maximum number of animals are permitted:

Cattle, Buffalo, and similar	8	Goat, Sheep, Llama, Alpaca, and similar	20
Horse, Mule, Donkey, Camel, and similar	4	Deer and Elk	20
Horse (34 inches or less at withers)	20	Chicken, Turkey, Pheasant, and similar	100
Swine, Ostrich, Emu, and similar	20	Mink and other similar fur-bearing animals	100

**UDO Section 5.73 – General Sign Standards & UDO Section 5.74 -Agricultural Commercial, Institutional, and Neighborhood Commercial Signs.**

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

**UDO Section 5.60 F – Parking for the Disabled**

**Purpose of Requirements:**

Keeping of animals standards for property in the RE District serves to mitigate nuisances to neighboring rural residential lots related to animals, such as noise and odor. Restricting the number of animals in fenced areas also limits degradation of vegetative cover.

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

Paved parking areas eliminate potential nuisances such as dust and noise caused by the movement of vehicles on gravel or dirt parking areas. Paved parking areas can also have defined parking spaces and drive aisles, allowing for safe and efficient movement of vehicles. ADA parking standards provide for accessible parking for the disabled.

**Property Map**



## Case Description

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### Summary of Agritourism Use

- The petitioner currently operates a zoo on site, which includes raising/keeping of farm and exotic animals for entertainment and educational purposes. Most animal showings and experiences occur at off-site events.
- Summary of the petitioner's on-site agritourism operation description:
  - Operations: Educational and entertainment activities including a petting zoo, animal encounters, and pony rides.
  - Hours of Operation: Special events and by appointment.
  - Customers: 25-100 per event/appointment.
  - Sanitation: Porta-potty pumped by septic company
  - Signage: 4'x6' fence sign and 2'x3' mailbox sign
- Existing development includes a reception/gift shop building, several small buildings used as animal shelters, fenced animal containment areas, a gravel driveway, and gravel parking and maneuvering areas (much of this development occurred recently and is not shown on aerial photography). The property also includes a single-family residence and barn not related to the agritourism facility.

### On-Site Animals

- The petitioner indicated that he keeps several breeds of farm animals and exotic animals on site. A few breeds kept on site include reindeer, camels, miniature cattle, miniature horses, miniature donkeys, and small alligators.
- The petitioner has committed to keeping no dangerous animals on site. Per the United States Department of Agriculture (USDA), dangerous animals include large felines, bears, wolves, rhinoceros, and elephants.
- The petitioner indicated that the number of farm animals kept on the property complies with UDO requirements, unless he does not have any animals at off-site showings or experiences. The petitioner has committed to keeping no more than fifty (50) animals on site.
- The petitioner has obtained a Class C – Exhibitor license from the USDA which allows the petitioner to exhibit up to fifty (50) animals. Per the USDA website, this license ensures that individuals who operate animal exhibition facilities provide their animals with adequate care and treatment as required by the US Animal Welfare Act. The petitioner has submitted USDA inspection reports showing compliance with the conditions of his license.

### Supplemental Information

- In May of 2024, the Plan Commission office received a complaint regarding expansion of agritourism operations and addition of animals to the property without an approved variance. The Planning Director notified the petitioner of the violation and the petitioner promptly applied for a variance.
- The Shelby County Health Department has reviewed the request and has indicated that it does not have any requirements for on-site sanitation for the proposed use.

- Staff recommended that the petitioner apply for a use variance rather than a rezoning because the agritourism business will function as an accessory use to the residence located on-site.
- Unlike a rezoning, use variances only permit the specific use requested and do not transfer with the property if sold to an entity other than the petitioner.
- The UDO only permits agritourism in the A1 (Conservation Agricultural), A2 (Agricultural), and A4 (Agricultural Commercial) Districts.
  - The UDO also allows for one exotic animal per 25-acres and twice as many farm animals in the A1, A2, and A4 Districts than in the RE District.
  - The adjacent properties located north, east, and west of the subject property located in agricultural zoning districts could accommodate additional animals and an agritourism facility without grant of a variance.
  - The subject property includes two lots totaling 9.88-acres. Most properties in the County over five-acres have the A2 zoning designation. The County likely assigned the property the RE zoning designation due to the size of the individual lots and the adjacent rural residential neighborhood.
  - The UDO classifies adjacent lots used in conjunction and under the same ownership as one lot for zoning purposes.

## 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 agritourism facility does not generate a significant amount of daily traffic and the property has nearby access to arterial roads to accommodate traffic generated by occasional special events. The keeping of up to fifty non-dangerous exotic and farm animals should not pose a threat to public health or safety because the petitioner has obtained an exhibitor license from the USDA, which would ensure adequate animal care and sanitation facilities. The Shelby County Health Department has reviewed the request and has indicated that it does not have any requirements for on-site sanitation for the facility.

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

Staff Analysis: The property lies within a rural residential neighborhood rather than in a more isolated agricultural area. Traffic and noise associated with customers visiting the property could pose a nuisance to adjacent residential lots. Also, the presence of gravel parking area and commercial signage conflicts with the residential character of the neighborhood.

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

Staff Analysis: Most residential properties in the County over five acres have the A2 zoning designation. The UDO allows agritourism facilities in the A2 District. The size of the property is a particular condition which warrants the grant of a variance.

**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: Most residential properties in the County over five acres have the A2 zoning designation. The UDO allows agritourism facilities in the A2 District. A strict application of the ordinance would not allow for use of a property similar in size to most properties in the A2 District for agritourism.

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

Staff Analysis: Approval of the variance would allow for an agritourism activity in an agricultural area as recommended by the Comprehensive Plan.

**Development Standards Variance #1 - Keeping of exotic animals, excluding USDA designated dangerous animals.**

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

Staff Analysis: Non-dangerous exotic animals and farm animals require similar care and both types of animals produce noise and odor. Therefore, the keeping of non-dangerous exotic animals in compliance with the maximum number of farm animals permitted in the RE District would not impact public health, safety, morals, and general welfare of the community.

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

Staff Analysis: Non-dangerous exotic animals and farm animals require similar care and both types of animals produce noise and odor. Therefore, the keeping of non-dangerous exotic animals in compliance with the maximum number of farm animals permitted in the RE District would not impact 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 the keeping of exotic animals similar to farm animals.

**Development Standards Variance #2 - Occasional keeping of more than one farm animal unit per two fenced acres**

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

Staff Analysis: The keeping of up to fifty non-dangerous exotic and farm animals should not pose a threat to public health or safety because the petitioner has obtained an exhibitor license from the USDA, which would ensure adequate animal care and sanitation facilities.

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

Staff Analysis: The property lies within a rural residential neighborhood and the keeping of more animals than permitted could pose nuisances to neighboring rural residential lots related to animals, such as noise and odor. Also, a large number of animals kept on the property could result in the degradation of ground cover, thereby impacting the aesthetic quality of the property and neighborhood.



**3. State Requirement: The strict application of the terms of the Unified Development Ordinance will not result in practical difficulties in use of the property.**

Staff Analysis: The ordinance allows for the keeping of several animals on the property without approval of a variance.

**Development Standards Variances #3, #4, #5 - Two small commercial signs, gravel parking and maneuvering areas, and lack of designated ADA parking spaces.**

Staff recommends denial of the Use Variance; therefore, Findings of Fact for Development Standards #3, #4, & #5 are not applicable.

### Staff Recommendation

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**Use Variance – Staff Recommends DENIAL**

Staff finds that the request for Use Variance complies with all findings of fact, other than that the use and value of adjacent property will be affected in a substantially adverse manner. The property lies within a rural residential neighborhood rather than in a more isolated agricultural area. Traffic and noise associated with customers visiting the property could pose a nuisance to adjacent residential lots. Also, the presence of gravel parking area and commercial signage conflicts with the residential character of the neighborhood.

**Development Standards Variance #1 - Staff Recommends APPROVAL**

Non-dangerous exotic animals and farm animals require similar care and both types of animals produce noise and odor, therefore the keeping of non-dangerous exotic animals in compliance with the maximum number of farm animals permitted in the RE District would not impact the public or adjacent property.

**Development Standards Variance #2 - Staff Recommends DENIAL**

The keeping of more animals than permitted could pose nuisances to neighboring rural residential lots related to animals, such as noise and odor. Also, a large number of animals kept on the property could result in the degradation of ground cover, thereby impacting the aesthetic quality of the property and neighborhood.

**Development Standards Variances #3, #4, #5 – Staff Recommends DISMISSAL**

Staff recommends denial of the Use Variance; therefore, Findings of Fact for Development Standards Variances #3, #4, & #5 are not applicable.

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

1. The agritourism use shall be limited to the Statement of Intent submitted with the variance application and site development shall be limited to the Site Plan submitted with the variance application.
2. The total number of all animals kept on the property at any one time shall not exceed fifty (50) animals.
3. All development and animals shall be kept at least 30-feet from the south property line.

*Applicant/Owner Information*

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Applicant: Luke Schonfeld  
8437 N 25 W  
Fountaintown, IN 46130

Owner: Frank & Rebecca Schonfeld  
8437 N 25 W  
Fountaintown, IN 46130



### Parking Area & Reception/Gift Shop



Staff Photograph – May 2024

### View along south property line



Staff Photograph – May 2024

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

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

1. Summary of Proposed Use and/or Business Activity: Barnyard Party Pals  
Petting Zoo, Animals Encounters, and Pony Rides  
\_\_\_\_\_
  
2. Days & Hours of Operation: Days and ours vary as we are open by appointment and for special events as we are mostly a mobile business.  
\_\_\_\_\_
  
3. Maximum Number of Customers per Day/Week/Month: 25-100 when we are open.  
Numbers may vary during school/youth educational trips.  
\_\_\_\_\_
  
4. Type and Frequency of Deliveries: N/A  
\_\_\_\_\_
  
5. Description of any Outdoor Storage: Round bales of hay.  
\_\_\_\_\_  
\_\_\_\_\_
  
6. Description, Size, and Placement of any Signage: On fence (4'x6') and on mailbox (2'x3')  
\_\_\_\_\_
  
7. Description of Waste Disposal: Bagged trash is taken to dump, and septic company pumps/cleans porta potty.  
\_\_\_\_\_
  
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Gravel parking lot with landscaping.  
3 buildings on runners as well as use the lean-to on the existng  
pole barn.  
\_\_\_\_\_



**DEVELOPMENT STANDARDS VARIANCE  
FINDINGS OF FACT**

Applicant: Luke Schonfeld

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

Location: 8437 N 25 W, Fountaintown, IN 46130

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

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.  
We feel this request is not harmful. We follow high standards set forth as  
licensees of the USDA and Indiana Department of Natural Resources  
for animal care and well being. This is similar to most zoos nationwide.  
We are also insured.
  
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 propeties are also used for ag production, primarily livestock.  
Noises, smells, sights, and other potential concerns are not that dissimilar  
from adjoining properties. Property will maintain a clean and professional  
appearance for agritourism operation.
  
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.  
For decades, my family has raised livestock at this property for 4-H and FFA.  
Today, we still raise and own livestock and a handful of exotic hoofstock,  
mammals, birds, reptiles, amphibians, and arachnids.  
We will not have any Class C dangerous animals including lions, tigers, bears, or any hybrids those species.  
We do intend on having American Alligators (no larger than 4ft) to use for education about  
endangered species and promote species restoration.

**USE VARIANCE  
FINDINGS OF FACT**

Applicant: Luke Schonfeld

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

Location: 8437 N 25 W, Fountaintown, IN 46130

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a 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. We will not have any Class C dangerous animals. In addition, we will be a destination for school/youth educational trips and host appreciation events for veterans, first responders, teachers, and other groups.

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 adjacent properties are currently used for livestock production. In addition, we estimate that we will only be fully open to the public about 30 days per year.

3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved. The property is not currently zoned for agriculture/agritourism and exotic animals.

4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought. This property has always had a variety of animals, exceeding what is currently on the property today. Having the opportunity to share my passion for animals has been a lifelong dream for me.

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

## **Domestication of Reindeer/Camels**

### **Barnyard Party Pals**

8437 N 25 W

Fountaintown, IN 46130

### **Reindeer**

#### **Domestication**

“Reindeer were first domesticated in eastern Russia between 3000–1000 years ago. There are about 5 million reindeer on our planet, about half are domesticated today.” It is believed that while reindeer have only been domesticated for a short period of time when compared to other species, their docile nature allowed them to be milked by humans without the need of full domestication.

#### **Our Use**

We plan to use reindeer for holiday events. While we may breed and raise them at some point in the future, they will be exhibited behind a fence or in a controlled manner for up-close encounters.

### **Camels**

#### **Domestication**

Today, there are 2 million domesticated Bactrian camels, 15 million domesticated dromedary camels, and less than 1,000 wild Bactrian camels. “Humans and camels have a long history together. Camels have been used as pack animals for centuries and were likely domesticated in the Arabian peninsula between 3000 and 2500 BC.”

#### **Our Use**

Camels are currently exhibited behind 8ft fence for safety, in a controlled manner for up-close encounters.

### **References**

Bailey, R., & Strauss, B. (2019, December 13). *Camel Facts: Habitat, Behavior, Diet*.

ThoughtCo. Retrieved May 14, 2024, from

<https://www.thoughtco.com/camel-facts-4589369>

Hirst, K. (2018, November 3). *The History of Human Interactions with Caribou*. ThoughtCo.

Retrieved May 14, 2024, from

<https://www.thoughtco.com/reindeer-history-and-domestication-170666>



## **Size Specifications of Miniature Animals**

### **Barnyard Party Pals**

8437 N 25 W

Fountaintown, IN 46130

### **Miniature Cattle**

#### **Size**

“Mini cows are much smaller than standard cattle breeds. They typically stand between 36 to 42 inches tall at the shoulder when fully grown. Most smaller cow breeds weigh in the range of 650 to 950 pounds.

In comparison, regular cows are usually about 62 inches tall and weigh around 1,400 pounds on average. So mini cattle are roughly 1/3 the size of standard cows.”

#### **Breeds**

The breeds include, but are not limited to, Belted Galloway, Dexter, Zebu, Jersey, Panda, Hereford, Lowline Angus, Texas Longhorn, Scottish Highland, and Holstein. These breeds are already miniature or are miniature versions of full-sized cattle breeds.

### **Miniature Horses**

#### **Size**

“The American Miniature Horse Association only counts miniature horses measuring 8.5 hands (34 inches) or less among its numbers.

In contrast, the American Miniature Horse Registry recognizes two divisions of miniature horses: "A" division minis are 8.5 hands (34 inches) or less, and "B" minis range from 8.5 to 9.5 hands (34 to 38 inches).

On average, miniature horses weigh between 150 and 350 pounds.”

### **Miniature Donkeys**

#### **Size**

“Miniature donkeys are not more than 36 inches (91 centimeters) tall, measured from the highest point of the withers to the ground. Miniatures weigh 200 to 450 pounds (91 to 204 kilograms). For comparison, standard donkeys range from 36 to 48 inches (92 to 123 centimeters) tall and weigh 400 to 500 pounds (181 to 227 kilograms).”

#### **Breeds**

We have Sicilian Donkeys, and while not classified as miniature, are within the sizes mentioned above. We also have standard sized donkeys which are the size of small ponies.



**United States Department of Agriculture**

Expiration Date: 08-08-2025

**Marketing and  
Regulatory  
Programs**

This is to certify that  
Luke Schonfeld

**Animal and  
Plant Health  
Inspection  
Service**

is a licensed Class C - Exhibitor  
under the

**Animal Welfare Act**  
(7 U.S.C. 2131 et seq.)

**Animal Care**

Certificate No. 32-C-0288  
Customer No. 6013029

Maximum Number Of Animals  
Authorized: 50  
Authorized Dangerous Animal  
Group(s): None

Deputy Administrator



**GAME BREEDER'S LICENSE**

State Form 38839 (R5 / 8-05)

Approved by State Board of Accounts, 2005

Indiana Department of Natural Resources  
Division of Fish and Wildlife

No. **8809**

Luke J. Schonfeld  
*(Full Name)*

of

8437 N. 25 W.

*(Street or Rural Route Number)*

Fountaintown  
*(City)*

46130  
*(ZIP Code)*

County of

Shelby

, Indiana

is hereby granted a license to possess in captivity and buy or sell only as allowed by law the

Striped Skunk and Red Fox only

as herein specified

*(Game birds, game mammals, and fur-bearing mammals)*

from this 16th day of January, 2024, to and including the 31st day of December, 20 24

pursuant to and subject to all provisions of law and to all regulations and restrictions imposed by the Director according to law.

This license must be on the person of the Licensee or displayed at the business or place of employment when engaged in the respective pursuit for which the license is granted and be produced upon request of any authorized Law Enforcement officer. This license may be revoked by the Director at any time without refund for failure to comply with or violation of regulations or any provision of the Fish and Wildlife Code. This license is non-transferable and non-refundable.

*Luke Schonfeld*  
*(Signature of License Holder)*

*Anna M. [Signature]*  
*(Signature of License Staff)*

**VALIDATED**

**JAN 16 2024**

**Division of Fish and Wildlife**



### Inspection Report

---

Luke Schonfeld  
8437 North 25 West  
Fountaintown, IN 46130

Customer ID: **6013029**

Certificate: **32-C-0288**

Site: TRA

Luke Schonfeld

Type: ROUTINE INSPECTION

Date: 27-AUG-2023

---

No non-compliant items identified during this inspection.

This inspection and exit interview were conducted at the Hoosier Hardwood Festival in Lebanon, Indiana with the licensee.

---

**Prepared By:** LORI LINN  
USDA, APHIS, Animal Care  
**Title:** ANIMAL CARE INSPECTOR

**Date:**  
27-AUG-2023

**Received by Title:** Licensee

**Date:**  
27-AUG-2023

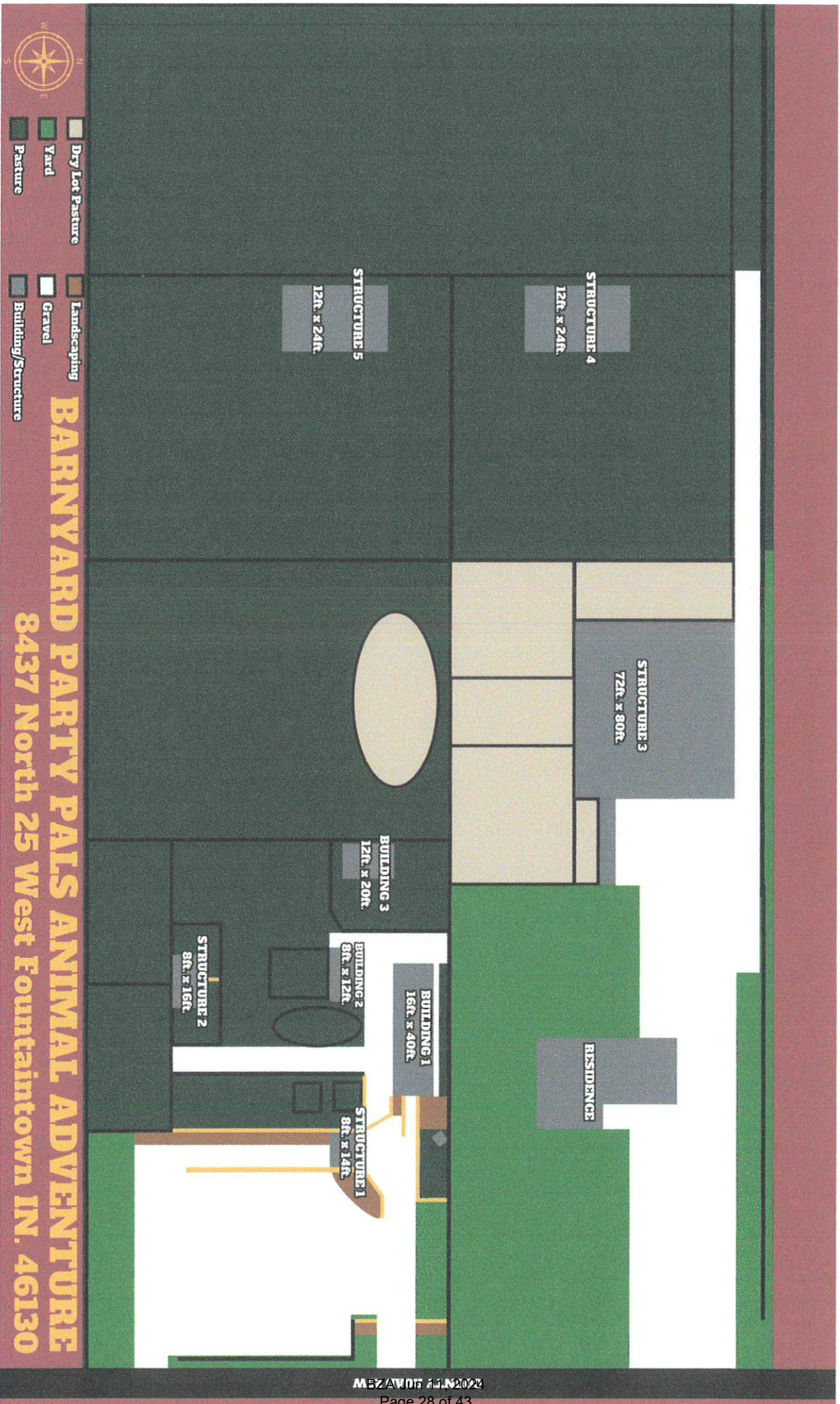


### Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
6013029	32-C-0288	TRA	Luke Schonfield	27-AUG-2023

Count	Scientific Name	Common Name
000001	<i>Camelus dromedarius</i>	DROMEDARY CAMEL
000006	<i>Ovis aries aries</i>	SHEEP INCLUDING ALL DOMESTIC BREEDS
000001	<i>Macropus giganteus</i>	EASTERN GREY KANGAROO
000002	<i>Bos taurus</i>	CATTLE / COW / OX / WATUSI
000005	<i>Capra hircus</i>	DOMESTIC GOAT
000015	<b>Total</b>	





**BARNYARD PARTY PALS ANIMAL ADVENTURE**  
 8437 North 25 West Fountaintown IN. 46130

## Property Details

**Location:** 4842 N Brandywine Rd,  
Shelbyville, Brandywine Township.

**Property Size:** 5.9-acres.

**Current Land Use:** Estate Residential.

### Zoning Classification:

RE (Residential Estate)

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

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

### Future Land Use per Comp Plan

Parks, Open Space, & Conservation  
*The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.*

### Surrounding Development

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

# Staff Report

**Case Number:** BZA 24-23

**Case Name:** Nathan D Stickford / SOS Hauling LLC –  
Use & Development Standards Variances

## Request

**Variance of Use** to allow for a construction and hauling business in the RE (Residential Estate) District.

**Variances of Development Standards** to allow:

1. Outdoor storage of equipment, machinery, and aggregate (only permitted in the I2 (High Intensity Industrial) and HI (High Impact) Districts);
2. Use of a dumpster (not permitted in single-family residential districts);
3. A commercial sign.

## Code Requirement

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

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

**UDO Section 5.56 A – Prohibited:** *Uncontained collection of trash and debris shall be prohibited. Trash in bags shall not be considered contained unless located in a fenced enclosure. Dumpsters and compactors shall be prohibited except during constructions projects which have been issued a Building Permit or Improvement Location Permit.*

**UDO Section 5.73 – General Sign Standards & UDO Section 5.75 - Commercial, Industrial, and High Impact Signs.**

### Purpose of Requirements:

Prohibiting outdoor storage in non-industrial areas protects the aesthetic quality of properties, preserves the character of non-industrial neighborhoods, and mitigates environmental impacts associated with the outdoor storage of trash and hazardous materials.



Prohibiting dumpsters in residential areas protects the aesthetic quality of residential properties and preserves the character of residential neighborhoods.

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

## Property Map

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## Case Description

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- The petitioner plans to purchase the property for use as a construction and hauling business.
- Summary of the petitioner's on-site business description:
  - Hours of Operation: 5AM to 7PM
  - Customers: 10 per month
  - Deliveries: Parts delivered weekly

- Outdoor Storage: Dump trucks, equipment (trailers, skid loader, etc.), aggregate on proposed gravel surface, and dumpster.
- Signage: 4'x8' sign
- Proposed development includes a paved driveway from Michigan Rd. and paved employee parking area, a gravel equipment storage area, a berm along the northwest and southwest sides of the equipment storage area to mitigate impacts in the case of a flood, an improved gravel entrance from Brandywine Rd, and landscaping along the perimeter of the property. The petitioner does not intend to make any alterations to the existing buildings.
- The Shelby County Health Department has reviewed the request and has indicated that it does not have any requirements for on-site sanitation for the proposed use, unless the petitioner chooses to add plumbing to the existing buildings.
- The property lies within a FEMA (Federal Emergency Management Agency) designated Special Flood Hazard Area Flood Fringe. Development of parking areas in the Flood Fringe would require a floodplain development permit from the County, however, no floodplain regulations apply to non-structural improvements and outdoor storage in the Flood Fringe.
- The UDO only permits commercial businesses with outdoor storage components in the I2 (High Intensity) Industrial District.
- The UDO does not designate the residential zoning districts adjacent to the property as appropriate adjacent districts to the I2 District, no other property within the I2 zoning designation exists in the surrounding area, and the Comprehensive Plan does not recommend industrial development for the area. Therefore, Staff recommended that the petitioner apply for a use variance rather than a rezoning which if approved, would only allow for the specific use requested and would not transfer with the property if sold to an entity other than the petitioner.
- On March 8, 2022, the current property owner requested a Special Exception to allow a Type 3 Home Business (automobile repair) with a fenced outdoor storage area related to a Type 3 Home Business exceeding 1,000 sq. ft. The Board chose to deny this request, citing inconsistency of a large fenced outdoor storage area with the residential character of the neighborhood and the inappropriateness of commercial use of property zoned for residential use.
- Historically, the County has approved zoning for commercial/industrial development along the I-74 corridor, primarily in the Pleasant View Area. However, the subject property differs from previously approved commercial/industrial properties due to the proximity of on-site development to adjacent residential homes, lack of any previously approved industrial/commercial zoning in the surrounding unincorporated area, lack of planned infrastructure improvements to the surrounding area, and lack of an industrial land use recommendation for the area by the Comprehensive Plan

## 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 property is highly visible from the I-74 corridor. Therefore, presence of a use deviating from the character of the area would negatively impact the overall appearance and economic vitality of the County. Also, outdoor storage of trucks, equipment, and aggregate within a designated floodplain could pose an environmental hazard in the case of a flood.

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

Staff Analysis: The property lies within a residential neighborhood. Commercial use of the property would deviate from the character of the area. Noise and traffic generated by the use, especially with trucks utilizing the Brandywine Rd. entrance, would pose a nuisance to adjacent residential properties.

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

Staff Analysis: The property does have convenient access to I-74 and a large barn which renders the property desirable for commercial use. However, no condition exists that restricts continued use of the property for residential purposes.

**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: The property does have convenient access to I-74 and a large barn which renders the property desirable for commercial use. However, no condition exists that restricts continued use of the property for residential purposes.

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

Staff Analysis: The Plan recommends Parks, Open Space, & Conservation for the property due to presence of a designated floodplain. The Plan also does not recommend commercial or industrial development for any property in the surrounding unincorporated area.

### Development Standards Variances

Staff recommends denial of the Use Variance; therefore, Findings of Fact for Development Standards are not applicable.

### Staff Recommendation

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Staff recommends **DENIAL** primarily due to inconsistency of the use with surrounding residential development, visibility of the property from the I-74 corridor, and impacts to groundwater and surface water posed by a trucking use in a designated floodplain.

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

1. The use shall be limited to the Statement of Intent submitted with the variance application and site development shall be limited to the Site Plan submitted with the variance application.
2. The property shall comply with all Screening of Industrial Outdoor Storage and Landscaping Standards applicable to the I2 (High Intensity Industrial) District prior to use of the property for a trucking and hauling business.

- 3. Outdoor storage areas shall be elevated to the Base Flood Elevation.
- 4. Ingress and egress shall only be permitted from Michigan Rd.

*Applicant/Owner Information*

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Applicant:	Nathan D Stickford 7018 N 150 W Shelbyville, IN 46176	Owner:	Frank Jr. & Lauren A Woods 4842 N Brandywine Rd Shelbyville, IN 46176
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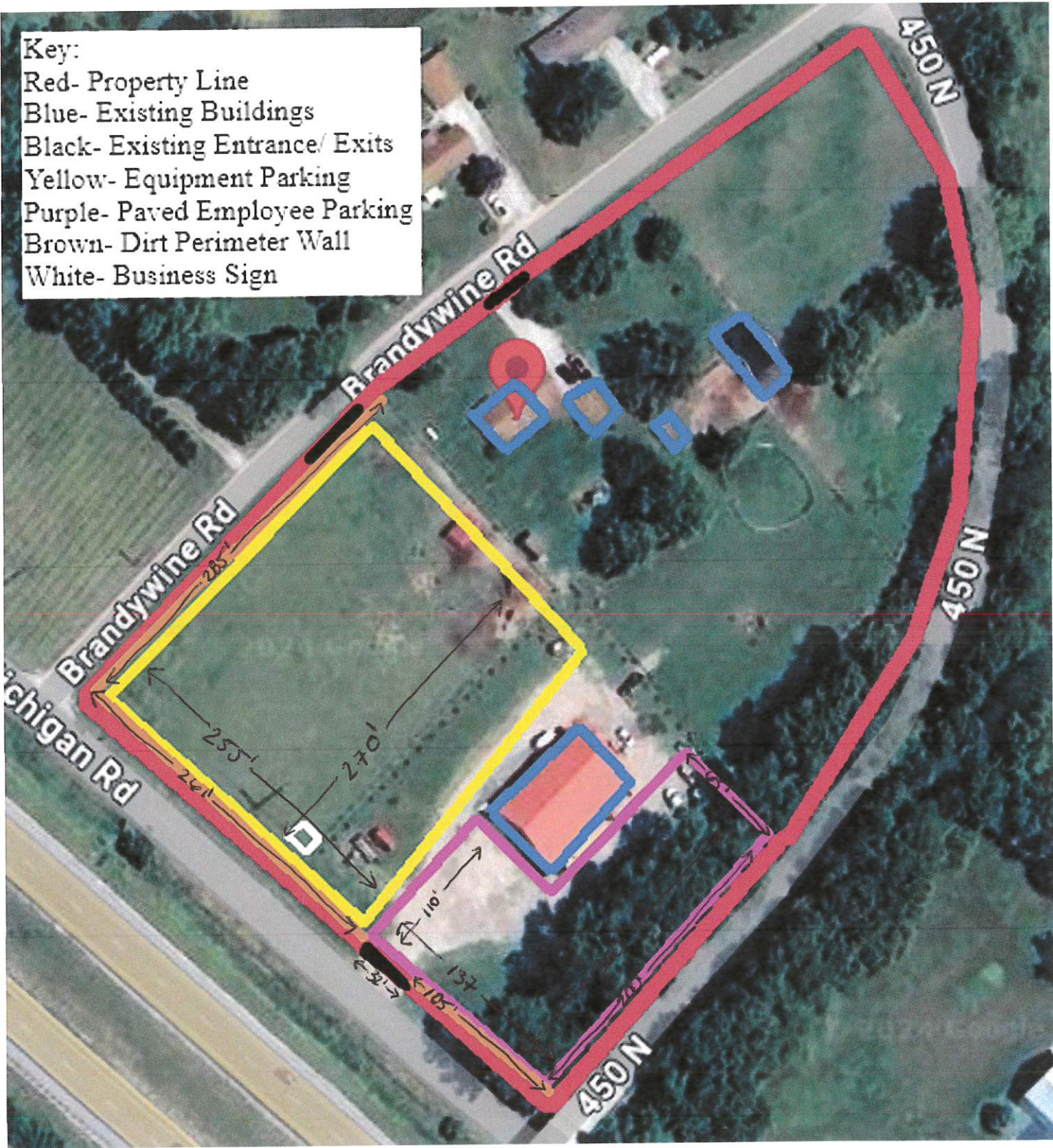
**STATEMENT OF INTENT (ONLY REQUIRED FOR VARAINCE OF USE & SPECIAL EXCEPTION)**

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: Construction and dump truck business  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Days & Hours of Operation: 5 am to 7 pm  
\_\_\_\_\_
  
3. Maximum Number of Customers per Day/Week/Month: 10 customers per month  
\_\_\_\_\_
  
4. Type and Frequency of Deliveries: Parts delivered weekly  
\_\_\_\_\_
  
5. Description of any Outdoor Storage: \_\_\_\_\_  
Dump trucks, equipment (trailers, skid loader, etc.), and aggregate  
\_\_\_\_\_  
\_\_\_\_\_
  
6. Description, Size, and Placement of any Signage: 4x8 Business sign  
\_\_\_\_\_  
\_\_\_\_\_
  
7. Description of Waste Disposal: Dumpster serviced weekly  
\_\_\_\_\_  
\_\_\_\_\_
  
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Proposal of enlarged parking area  
Landscaping property perimeter  
\_\_\_\_\_  
\_\_\_\_\_



Key:  
 Red- Property Line  
 Blue- Existing Buildings  
 Black- Existing Entrance/ Exits  
 Yellow- Equipment Parking  
 Purple- Paved Employee Parking  
 Brown- Dirt Perimeter Wall  
 White- Business Sign





## Property Details

**Location:** 10352 N 400 W,  
Fountaintown, Moral Township.

**Property Size:** 2.43-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

#### 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	RE	Estate Residential
South	RE	Estate Residential
East	RE	Estate Residential
West	RE	Estate Residential

# Staff Report

**Case Number:** BZA 24-24

**Case Name:** Spencer Andrews – Special Exception & Development Standards Variances

## Request

**Special Exception** to allow a Type 2 Home Business (small-scale trailer rehab and sales) in the RE (Residential Estate) District.

**Variances of Development Standards** from Type 2 Home Business Standards to allow a Type 2 Home Business:

1. Conducted outside of the home;
2. Including outdoor storage of trailers;
3. Having a 3 sq. ft. business sign.

## 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.**

**UDO Section 5.34 (Type 2 Home Business Standards) D 1 c – There shall be no visible evidence of the Type 2 Home Business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.**

**UDO Section 5.34 (Type 2 Home Business Standards) D 6 – One (1) wall sign is permitted on the primary structure and it shall not exceed three (3) square feet in sign area. The wall sign shall be fully located within five (5) feet of either the front door or side door of the primary structure. Materials shall be aesthetically compatible and complementary to the primary structure, specifically to make sure the sign is subtle and consistent with residential and neighborhood character. No special lighting shall be permitted to illuminate the sign.**

**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.

## Property Map

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## Case Description

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- The petitioner proposes to use the property for small-trailer sales and repair. The petitioner also resides on the property.
- Summary of the petitioner's business description:
  - Customers: Average of 1 per day, 10 or less per week, and 30 or less per month.
  - Hours of Operation: 9AM – 5PM, Monday – Friday.
  - Deliveries: Parts delivered approximately once or twice per week.
  - Outdoor Storage: Trailers stored on existing driveway at least 195-feet from the road or behind existing barn.
  - Property Improvements: No planned improvements. Will use existing detached garage as office space.
- The Shelby County Health Department has reviewed the request and has indicated that it does not have any requirements for on-site sanitation for the proposed use, unless the petitioner chooses to add plumbing to the portion of the barn dedicated to the business.
- The proposed business complies with all standards for Type 2 Home Businesses, other than the standards applicable to the requested variances.

- The property lies within a rural residential area with an approximate residential lot density of one lot per five acres.

## Staff Analysis of Findings of Fact

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### Special Exception

- 1. UDO Requirement: The proposed special exception is not 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.* Outdoor storage of trailers and commercial signage, visible from adjacent residential properties and the road, would conflict with the rural residential character of the neighborhood. The proposed use would also conflict with the agricultural land use recommendation for the property of the Comprehensive Plan.

- 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 significantly exceeding existing traffic in the area.

- 3. UDO Requirement: The proposed special exception is not in harmony with all adjacent land uses.**

Staff Analysis: Outdoor storage of trailers and commercial signage, visible from adjacent residential properties and the road, would conflict with the rural residential character of the neighborhood.

- 4. UDO Requirement: The proposed special exception will alter the character of the district; and**

Staff Analysis: Outdoor storage of trailers and commercial signage, visible from adjacent residential properties and the road, would conflict with the rural residential character of the neighborhood.

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

Staff Analysis: Outdoor storage of trailers and commercial signage, visible from adjacent residential properties and the road, would conflict with the rural residential character of the neighborhood, thereby potentially impacting the use and value of adjacent property.

### Development Standards

Staff recommends denial of the Special Exception; therefore, Findings of Fact for Development Standards are not applicable.

## Staff Recommendation

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Staff recommends **DENIAL** primarily because outdoor storage of trailers and commercial signage, visible from adjacent residential properties and the road, would conflict with the rural residential character of the neighborhood.

If the Board chooses to approve the variance, 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 a, 5.34 D 1 c, and 5.34 D 6.
2. Business operations shall be limited to the Statement of Intent and Site Plan submitted with the variance application.
3. Outdoor storage of trailers for sale shall not be permitted unless fully within an opaque fence enclosure with gate tall enough to screen the outdoor storage. Fences used for screening shall not exceed eight (8) feet in height. The fenced enclosure shall not exceed 1,000 square feet in area and shall meet all setback requirements for an accessory structure.

*Applicant/Owner Information*

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Applicant:	Spencer Andrews 10352 N 400 W Fountaintown, IN 46130	Owner:	Elizabeth Lamey 10352 N 400 W Fountaintown, IN 46130
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**View of Property from CR 400 W**



Staff Photograph – May 2024

# Home Business Standards (HB)

## 5.34 HB-02: Type 2 Home Business Standards

This Home Business Standards section applies to the following zoning districts:



The following standards apply:

- A. Permits: All Type 2 Home Businesses shall obtain a Land Use Certificate.
- B. Personnel:
  - 1. Residency: The operator of the Type 2 Home Business shall reside in the house.
  - 2. Employees: One employee who does not reside in the house may be employed in the home business.
- C. Operations:
  - 1. Nuisance: The Type 2 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
  - 2. Traffic: The Type 2 Home Business shall not generate vehicular traffic in greater volumes than would normally be expected in the rural area or neighborhood in which it is located.
  - 3. Customers: The Type 2 Home Business shall not generate customers in greater volumes than would normally be expected in the neighborhood.
  - 4. Hours: The hours of operation of the Type 2 Home Business shall not interfere with the use and enjoyment of adjacent residential properties; and shall be strictly restricted to the hours of 7:00 a.m. to 9:00 p.m. EST.
- D. Design:
  - 1. Primary Structure:
    - a. The Type 2 Home Business shall be conducted entirely within the primary structure.
    - b. The Type 2 Home Business shall not exceed twenty-five percent (25%) of the square footage of the primary structure.
    - c. There shall be no visible evidence of the Type 2 Home Business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.
  - 2. Accessory Structure: No accessory structure shall be utilized for any part of the home business.
  - 3. Parking and Loading:
    - a. No off-street parking or loading facilities, other than facilities meeting the requirements of the applicable zoning district, shall be permitted.
    - b. No part of a minimum required yard shall be used for off-street parking or loading purposes.
  - 4. Mechanical Equipment: The Type 2 Home Business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
  - 5. Utility Service: The Type 2 Home Business shall not require the installation of a utility service that is beyond what is common in a residential structure.
  - 6. Signs: One (1) wall sign is permitted on the primary structure and it shall not exceed three (3) square feet in sign area. The wall sign shall be fully located within five (5) feet of either the front door or side door of the primary structure. Materials shall be aesthetically compatible and complementary to the primary structure, specifically to make sure the sign is subtle and consistent with residential and neighborhood character. No special lighting shall be permitted to illuminate the sign.

**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: Property to be approved for auto sales and repair specifically related to trailers.  
\_\_\_\_\_
2. Days & Hours of Operation: ~9am-5pm Mon, Tues, Wed, Thur, Fri  
\_\_\_\_\_
3. Maximum Number of Customers per Day/Week/Month: Average per day - ~1  
Average per week - ~10 or less      Month - ~30 or less  
\_\_\_\_\_
4. Type and Frequency of Deliveries: Weekly Parts up to 1-2 times per week approximately  
\_\_\_\_\_
5. Description of any Outdoor Storage: Storage is behind barn area not visible from the road or within driveway at least 195ft from road  
\_\_\_\_\_
6. Description, Size, and Placement of any Signage: Front of the Barn visible from the Street  
Approximately 2ft x 4ft to 4ft x 6ft depending on what is necessary  
\_\_\_\_\_
7. Description of Waste Disposal: Property already has dumpster for approximately 5 years  
No changes in waste on property or surrounding area  
\_\_\_\_\_
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): No planned improvements  
existing parking and space  
\_\_\_\_\_



**USE VARIANCE  
FINDINGS OF FACT**

Applicant: Spencer Andrews

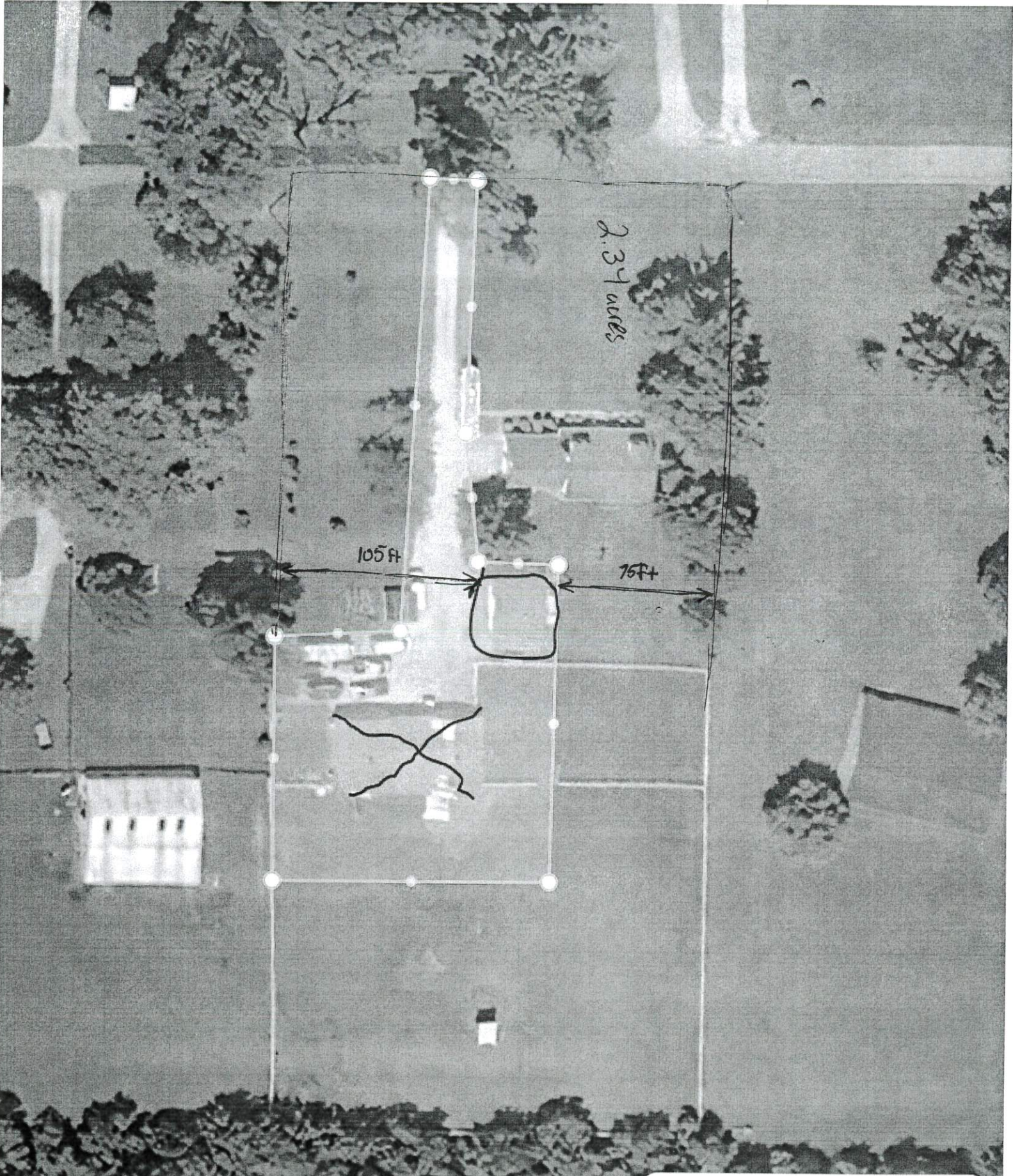
Case #: \_\_\_\_\_

Location: 10352 N. 400 West Fountaintown Indiana

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.  
I highly respect my neighbors and neighborhood and would not do  
anything to undermine the public health, safety, and general welfare of 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.  
The adjacent property already contains fencing along part of the property and  
the business will not be deemed a public hazard or a visual eye-soar  
\_\_\_\_\_
  
3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved.  
The practical difficulty is that the property is zoned residential and in order to conduct  
business on the property we need to make a request for a variance in the properties use  
\_\_\_\_\_
  
4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.  
This property will not create an unnecessary hardship.  
\_\_\_\_\_  
\_\_\_\_\_
  
5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.  
As this does not interfere with any additional building or conflict with any of the  
sections A-F as defined in the Unified Development Ordinance  
\_\_\_\_\_  
\_\_\_\_\_





2.34 acres

105 ft

75 ft

170 ft

Save to p

Area  
2,272.36 m<sup>2</sup>

Perimeter  
289.86 m

Path or l  
Click points on t