

CITY OF SHELBYVILLE



ADAM RUDE
DIRECTOR

ALLAN HENDERSON
DEPUTY DIRECTOR

BOARD OF ZONING APPEALS

Meeting Date: 8/11/2020 (Revised from 7/14/2020 Meeting)

Case Number and Name:	BZA 2020-10 - Bowers Administrative Appeal			
Petitioner's Name:	Stephanie Bowers			
Owner's Name:	Jerry & Stephanie Bowers			
Petitioner's Representative:	Stephanie Bowers			
Address of Subject Property:	523 5th Street			
Subject Property Zoning Classification:	R1 - Single Family Residential			
Comprehensive Plan Future Land Use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classification:	R1 – Single Family Residential	R1 – Single Family Residential	R1 – Single Family Residential	R1 – Single Family Residential
Surrounding Properties' Comprehensive Plan Future Land Use:	Single Family Residential	Single Family Residential	Single Family Residential	Single Family Residential
History:	See the “Timeline” section of this report listed on the next page for a brief history of the case.			
Vicinity Map:				
Action Requested:	An administrative appeal of a zoning violation on the property located at 523 5th Street. The zoning violation is for Unified Development Ordinance 5.26 Single-Family Residential Keeping of Household and Outdoor Pets Standards; maintaining farm animals in a district not properly zoned for farm animals			

Note: Revisions to the staff report prepared for the 7/14/2020 meeting will be shown in blue

1. **Timeline:**

- 1.1. May 6th, 2020 - Complaint is made to Planning Staff that multiple pigs are living in a residential property at 523 5th Street, Shelbyville IN, 46176
- 1.2. May 7th - May 27th - Planning Staff investigates the complaint and finds it to be valid based on images shared publicly on the property owner's social media accounts. (See Exhibit 1 for images obtained from Stephanie Bowers' Facebook page)
- 1.3. May 27th, 2020 - Planning Staff mails "Notice of Violation" to property owners (see Exhibit 2, the "Notice Of Violation" mailed to property owners)
- 1.4. June 1st, 2020 - Certified mail delivered and signed for by the property owners (see Exhibit 3 for proof of delivery)
- 1.5. June 2nd, 2020 - Stephanie Bowers calls and speaks to Allan Henderson (Deputy Planning Director) in regard to the violation, how to appeal the violation, and how the City defines "Farm Animals"
- 1.6. June 3rd - June 11th - Ms. Bowers and Mr. Henderson exchange emails where Ms. Bowers is seeking guidance on how the City defines certain terms, as well as what the process is to appeal the violation. Mr. Henderson provides that information. (see Exhibit 4, the entire correspondence between Ms. Bowers and Mr. Henderson)
- 1.7. June 26th, 2020 - Ms. Bowers files an administrative appeal with the Planning Staff, appealing the "Notice of Violation" dated May 27th, 2020.

2. **The Subject Property:** The subject property in this case is 523 5th Street, Shelbyville IN, 46176, and is owned by Jerry and Stephanie Bowers. The property is approximately .16 acres in size, with road frontage on both 5th Street as well as Evans Street. The property currently has the *R1 - Single Family Residential* zoning classification. (see Exhibit 6 for the Official Zoning Map for the City of Shelbyville).

3. **The Ordinance:** The City of Shelbyville's Unified Development Ordinance (UDO), has very specific requirements for where and how animals can be kept. The rationale behind these requirements is two-fold; (1) to protect the health and safety of the public from the potential negative effects of animals within populated areas, especially larger livestock in densely populated areas, and (2) to promote the welfare of the animals by ensuring they have adequate facilities for a safe upbringing. The ordinance is structured to restrict the size and number of animals within zoning districts that are more densely populated where the risk of these animals transmitting disease and impacting humans is greater. The ordinance reserves larger animals, especially farm animals, and larger quantities of animals for lower density zoning districts where the risk for transmitting diseases to nearby properties is lower due to the lower density nature of these districts. The subject property is located within the R1 - Single Family Residential district, which strictly prohibits all "Farm Animals" except for chickens and rabbits (see Exhibit 5 for an excerpt of the "Keeping of Animal Standards for this district, and for the definition of "Farm Animals")

The way that the UDO is structured does not outright prohibit pigs within the City Limits, it just restricts them to the most appropriate zoning districts to protect the public health and promote the welfare of the community as well as the welfare of the animals. These districts are the lower density districts, that commonly consist of larger lots which provide adequate

area on-site for these animals as well as adequate separation from surrounding properties. In these districts, to have farm animals, a minimum lot area of 5 acres is required, and a minimum pasture area of 2 acres is required, both of these figures are far larger than the subject property which is approximately .16 acres in size.

Furthermore, an animal's ability to be a carrier of specific diseases, although an important consideration, is by far not the only consideration for their presences in a congested residential neighborhood. The safety and health of all people in the neighborhood must be considered, and was considered when drafting the ordinance that currently governs.

In Article 1 of the Unified Development Ordinance, it clearly states how the ordinance should be interpreted and enforced if there is conflict or inconsistency between different sections or with other City Ordinances. Section 1.08(B) of the Unified Development Ordinance states: "1. *Internal: Unless otherwise specifically stated within this Unified Development Ordinance, if two or more provisions of this ordinance are in conflict or are inconsistent with one another, then the more restrictive provision shall apply.*" While the planning staff does not feel as though the ordinance conflicts with itself, if it did, the more restrictive provision would apply. In this instance, prohibiting pigs in this district would be more restrictive than not prohibiting pigs in this zoning district.

4. **Conclusion:** The Shelbyville Common Council is the body charged with adopting the *City of Shelbyville Unified Development Ordinance* and the *Official Zoning Map of the City of Shelbyville*, and they have been very clear in terms of keeping of animals within the City limits, which lead to our interpretation and enforcement of the ordinance as follows:
 - 4.1. Pigs are clearly listed under the definition of "Farm Animals"
 - 4.1.1. "Animal, Farm: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to: horses, cattle, **pigs**, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics."
 - 4.2. UDO 5.26 (D) strictly prohibits "all farm animals", with the exception of chickens and rabbits, within the *R1 - Single Family Residential* zoning district. (See Exhibit 5)
 - 4.3. *The Official Zoning Map of The City of Shelbyville*, adopted by City Council, designated this property within the "*R1 - Single Family Residential*" zoning district. (See Exhibit 6 for the Official Zoning Map)
 - 4.4. The property owner has provided evidence in her administrative appeal that three pigs live at the property.
5. **Definitions:**
 - 5.1. Definitions that pertain to the "Keeping of Animal Standards"
 - 5.1.1. **Pets, Household:** Domestic pets maintained within the confines of the dwelling unit. Household pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Household pets do not include outdoor pets (as defined), farm

animals (as defined), pigmy goats, potbelly pigs, or rabbits. Examples of household pets include: dogs, cats, mice, snakes, hamsters, ferrets, and birds.

- 5.1.1.1. This definition clearly states that potbelly pigs, and farm animals generally, are not Household Pets.
- 5.1.1.2. “Indoor Pets” is the term used in the Keeping of Animal standards, and “Household Pets” is the closest related term that is defined in the ordinance.

5.1.2. **Pets, Outdoor:** Domestic pets maintained within the confines of a lot. Outdoor pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Outdoor pets do not include household pets (as defined), farm animals (as defined), rabbits, mice, snakes, hamsters, ferrets, or birds. Examples of outdoor pets include: dogs and cats.

- 5.1.2.1. This definition clearly states that all “farm animals” (see definition below) are not Outdoor Pets, again stating that pigs are not pets, but rather farm animals.
- 5.1.2.2. “Outdoor Pets” is a specific term used in the Keeping of Animal standards.

5.1.3. **Animal, Farm:** Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to: horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

- 5.1.3.1. This definition clearly states that pigs are considered “Farm Animals”
- 5.1.3.2. “Farm Animals” is the specific term used in the Keeping of Animals standards.

5.2. Definitions that do not pertain to the “Keeping of Animal Standards”

5.2.1. **Domestic Pets:** Ms. Bowers continues to use the “Domestic Pets” definition, but this term is specifically used elsewhere in the ordinance. This term is used when referring to and regulating the types of animals that may be kept, raised, and bred at a “Home Enterprise Kennels” and “Commercial Kennels” (See exhibit 7 for “Kennel Standards” excerpt of Unified Development Ordinance)

6. **Staff Recommendation:** We ask that the board affirm our interpretation of the ordinance as described in this report. We also understand that there may be some logistical issues with relocating the pigs, but we see that Ms. Bowers has already identified a pig rescue in Brownsburg Indiana, “Oinking Acres”, that may serve as a place to relocate these pigs either temporarily or permanently. We Request: Affirmation of the Notice of Violation. This will give Ms. Bowers 14 days to resolve the zoning violation, find a new home for the pigs, and if after 14 days she has not resolved the zoning violation, then our office may issue fines in accordance with Article 10 of the Unified Development Ordinance.

Attached Exhibits:

Exhibit 1: Social Media posts by Ms. Bowers showing that the pigs live at the subject property

Exhibit 2: "Notice of Violation" dated May 27th, 2020

Exhibit 3: Proof of delivery from USPS

Exhibit 4: Email conversation between Mr. Henderson and Ms. Bowers

Exhibit 5: Excerpt from *City of Shelbyville Unified Development Ordinance*

Exhibit 6: *City of Shelbyville Official Zoning Map*

Exhibit 7: *Kennel Standards excerpt from Unified Development Ordinance*

Exhibit 1: Public Social Media
Posts By Ms. Bowers

Stephanie Bowers



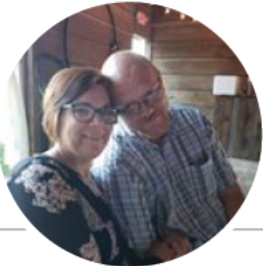
Jenny

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Stephanie Bowers

Message

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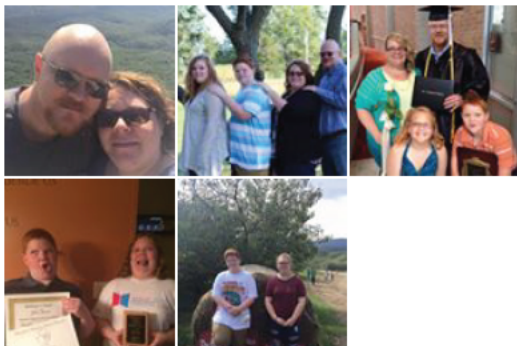
DO YOU KNOW STEPHANIE?

If you know Stephanie, send her a message

Intro

I'm crazy. Not sure there is anything else to add.

Joined September 2008



Stephanie Bowers

June 6 at 10:21 AM ·

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Danny Lemmon



Macy Nolley



Valerie Lemmon



Blake Donnelly



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Sara Niehoff



Dominic Gaietto



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Kari Daffron



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Everything But The Kitchin Sink

June 6 at 9:49 AM ·

Like Page

Essential worker launch is live! Click the link in our bio to shop new arrivals. There's something for everyone! #newarrivals #essentialworkers #healthcare #shoplocal #shopsmall #indy #teamjaxton

2

Like

Comment

Share



Write a comment...



Stephanie Bowers

June 6 at 7:25 AM ·

Yup, he's a trouble maker. Making momma fight for him. But I won't stop until this is right. the neighbors.



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18

6 Comments

Like

Comment

Share



Megan Reynolds He's smiling!! You can see his happiness in not just his smile, but his eyes

Like · Reply · 2w

1



Megan Reynolds replied · 2 Replies



Kristi Marie

1

Like · Reply · 2w



Tammy Martin My sweet grand piggy. Love him to pieces.

Like · Reply · 2w

1



Ashley Quick He is so cute tho

Like · Reply · 2w

1



Write a comment...

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Jerry you're so extra

This content isn't available right now

When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.

9

Like

Comment

Share



Write a comment...



Stephanie Bowers

June 5 at 6:06 PM ·

A very nice lady made this decal for me. With everything going on with my babies wasn't going to put it on. But I'm always a piggy momma, no matter where we end up. #pigsarefriendsnotfood#tofuinkbutters #letthemstay



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Write a comment...



Stephanie Bowers

June 5 at 5:05 PM ·

Please keep sharing! We are almost to 1000 supporters! I will be going door to door this weekend asking for signatures from my neighbors. Anyone who would like to write a statement it would be much appreciated!



CHANGE.ORG

Sign the Petition

Mini Pigs are PETS

4

3 Shares

Like

Comment

Share



Write a comment...



Stephanie Bowers

June 5 at 4:42 PM ·

for fucks sake

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APPLE.NEWS

Trump suggests George Floyd is happy about US jobs numbers: 'Hopefully he's looking down' — Sky News

2

1 Comment

Like

Comment

Share



Jennifer Pelfrey Scott What in the world?! Its confirmed, this is no longer the America that we once knew

Like · Reply · 2w

1



Write a comment...



Stephanie Bowers

June 5 at 4:39 PM ·

Traci

I do not do bugs. You could literally rob me with a roach

I be like

June 5 at 4:29 PM ·

Like Page

1

1 Comment

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Traci Kesler This is true.
Like · Reply · 2w 1

Write a comment...

Stephanie Bowers
June 5 at 3:46 PM ·

Mitch Laird Best Baby Yoda Memes
June 5 at 3:31 PM

My spiritual advisor suggested I write a letter to 2020 to release my feelings

Me: Dear 2020...



Kay Dinicola
June 5 at 8:21 AM

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Like

Comment

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Write a comment...



Stephanie Bowers

June 4 at 8:56 PM ·

For real tho...



Kenneth Coker

May 31 at 3:09 PM

Can somebody pull 2020 out of the Nintendo and blow on the cartridge? It ain't playing right.

6

1 Comment

Like

Comment

Share



Tammy Martin Please

Like · Reply · 2w

1



Write a comment...



Stephanie Bowers

June 4 at 7:50 AM · Change.org ·

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CHANGE.ORG

My babies appreciate you!

Wow! We have over 700 signatures already! Your support has lifted my spirit.

2

4 Comments 5 Shares

Like

Comment

Share



Nick Alexander Are they gonna make you get rid of them or have you heard?

Like · Reply · 2w



Stephanie Bowers replied · 3 Replies



Write a comment...



Stephanie Bowers

June 3 at 7:57 AM · Change.org ·

Keep sharing! Up to 327 signatures in one night. We can do this!

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CHANGE.ORG

Can you spare a minute to help Stephanie Bowers?

112 signatures are still needed! Mini Pigs are PETS

8

1 Comment 6 Shares

Like

Comment

Share



Christina Tucker And now u are up to 389. Yay

Like · Reply · 3w

1



Write a comment...



Stephanie Bowers

June 2 at 7:03 PM · Change.org ·

Please sign and share my petition. The City of Shelbyville has notified me we are violating an ordinance by having pet mini pigs. A neighbor called and notified them that we have pigs. No official complaint, they were in no way upset about it, just wanted them to know. I am not sure how someone can be so hateful to do such a thing. Help me keep my babies!

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Valerie Lemmon



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CHANGE.ORG

Can you spare a minute to help Stephanie Bowers?

Mini Pigs are PETS

11

40 Comments 11 Shares

Like

Comment

Share



Shawna Michele Kitchin Signed!

Like · Reply · 3w

1



Brittany Smith You've had them forever and someone is just now calling it in?! Ridiculous! Those are your babies! Signed!

Like · Reply · 3w

1



Stephanie Bowers Brittany Smith thank you! I'm a total mess.

Like · Reply · 3w



Brittany Smith Stephanie Bowers I would be too!

Like · Reply · 3w

1

[View 1 more reply](#)



Christina Tucker Signed and shared

Like · Reply · 3w

1



Nick Alexander Tell them they identify as dogs

Like · Reply · 3w

1

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Will Brainard



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Aleigha Simerly-Crouch



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It.

Like · Reply · 3w

Nick Alexander Stephanie Bowers unless they are tearing stuff or smelling I dnt see a problem

Like · Reply · 3w

View 3 more replies

Kristi Marie Signed and donated

Like · Reply · 3w

1

Misti Winkler Signed!!!

Like · Reply · 3w

1

Ellen Kay Harris Signed and shared because I can't afford to pitch in right now. Hope you can keep them!!

Like · Reply · 3w

1

Stephanie Bowers Ellen Kay Harris I didn't even know donating was an option. So I would like everyone to ignore that part! Just give me all the signatures.

Like · Reply · 3w

1

Ellen Kay Harris Stephanie Bowers I definitely signed!

Like · Reply · 3w

1

Kristin Ray Signed!

Like · Reply · 3w

1

Pam Bishop Signed and shared.

Like · Reply · 3w

1

Lisa Williams Signed and shared

Like · Reply · 3w

1

Tammy Martin Signed and shared.

Like · Reply · 3w

1

Angie Lockard Signed

Like · Reply · 3w

1

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people have two dogs as support animals why not pigs? Look into it!

Like · Reply · 3w 2

Stephanie Bowers [Marialena Cani](#) I have for sure! It doesn't seem like it's a legitimate thing anymore because so many have abused it. But if I have to try I absolutely will!

Like · Reply · 3w 2

Jennifer Pelfrey Scott signed and shared, [Stephanie Bowers](#) keep us posted!

Like · Reply · 3w 1

Stephanie Bowers [Jennifer Pelfrey Scott](#) for sure! They don't know who they are messing with.

Like · Reply · 3w 1

Jennifer Pelfrey Scott [Stephanie Bowers](#)

Like · Reply · 3w

Carrie Kincaid Mack Signed and shared my friend!!

Like · Reply · 3w 1

Jessa Leigh Are you fucking kidding me?!? That's what they're worried about?!? Signed sealed delivered I'm yours honey!

Like · Reply · 3w 1

Stephanie Bowers [Jessa Leigh](#) thanks so much!

Like · Reply · 3w

Mary Ann Padgett Signed shared and supported

Like · Reply · 3w 1

Nicole Staples Signed and neighboring cities allow them so why cant they?

Like · Reply · 3w 1

Stephanie Bowers [Nicole Staples](#) because my town is stupid!

Like · Reply · 3w

Nicole Staples [Stephanie Bowers](#) yes it is!!

Like · Reply · 3w 1

View 1 more reply

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Aleah Shepard Signed!

Like · Reply · 3w

1



Mary Pitman-McDonald Signed and shared!!! You need to keep your babies at their house

Like · Reply · 3w

1



Christina Ann Signed

Like · Reply · 3w

1



Ann Hawley Signed and sent you a pm.

Like · Reply · 3w

1



Stephanie Bowers added a temporary profile picture

Write a comment...

May 9 ·



17

9 Comments

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6w



April Dawn Hoff U 2 look alike

2

6w



Stephanie Bowers replied · 3 Replies



Tammy Martin Eeeewwwe. You look beautiful but who is that witch beside you.

6w



Stephanie Bowers replied · 1 Reply



Helen Alexander You two favor each alot good picture you look happy

1

6w



Stephanie Bowers replied · 1 Reply



Stephanie Bowers added a temporary profile picture.

February 29 ·



8

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Tammy Martin I need these. Where did you get them.

16w



Stephanie Bowers replied · 3 Replies

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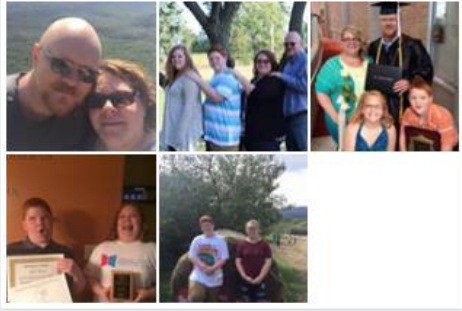


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Stephanie Bowers Timeline 2020 June

I'm crazy. Not sure there is anything else to add.

Joined September 2008



Photos



Friends

English (US) · Español · Português (Brasil) · +

Write a comment... [emojis]

Stephanie Bowers June 6 at 7:25 AM ·

Yup, he's a trouble maker. Making mamma fight for him. But I won't stop until this is right. 🙄 the neighbors.



Exhibit 2: "Notice of Violation"
Issued on May 27th, 2020



CITY OF SHELBYVILLE, INDIANA | PLANNING AND BUILDING DEPARTMENT
MAYOR THOMAS DEBAUN | DIRECTOR ADAM RUDE

FROM THE DESK OF ALLAN HENDERSON | DEPUTY DIRECTOR OF PLANNING | AHENDERSON@CITYOFSELBYVILLE.IN.COM

May 27, 2020

Subject Property: Jerry & Stephanie Bowers
523 Fifth Street
Shelbyville, IN 46176

RE: Notice of Violation
Certified #7018-2290-0000-2274-5715

Dear Property Owner:

It has come to our attention that you may be keeping pigs as indoor pets at 523 Fifth Street. Based on the City of Shelbyville UDO, in particular 5.26 KA-01: Single Family Residential Keeping of Household and Outdoor Pets Standards, Section (D):

- All Farm animals shall be prohibited except chicken and rabbits.

In addition, the City of Shelbyville Ordinance 90.01 Keeping, Animals, Fowls or Bees section (B) states it is a nuisance and shall be unlawful for any person to keep any animal of the horse, cattle, goat, sheep, or swine within 200 feet of the dwelling house of any person other than the keeper or owner of these animals. This is a zoning violation as well as Ordinance violation.

Pursuant to UDO 10.11, the aforementioned zoning violation must be resolved within 14 days of the date of this letter. If the violation is not brought into conformance with the above-mentioned section of the City's Unified Development Ordinance, the City will be forced to pursue a notice of fines for violation and any subsequent legal action required. We prefer to work with property owners to address zoning violations, in a timely manner, instead of starting the "Fines for Violation" process and any required corrective legal action. We would like your cooperation in the expedient resolution of this matter.

Please be aware that interested parties may, in accordance with UDO 9.04, appeal any decision, interpretation, order, determination, or action of the Zoning Administrator before the Board of Zoning Appeals. If you chose to appeal this order, all appropriate documentation must be filed with the Plan Commission Office within 30 days of this letter per the Board of Zoning Appeals Rules and Procedures. Applications for Administrative Appeal are available through the Plan Commission Office.

In the interim, we highly encourage you to contact our office to discuss how we can bring this violation into compliance.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allan Henderson', with a long horizontal flourish extending to the right.

Allan Henderson
Deputy Planning Director
City of Shelbyville, Indiana

Exhibit 3: Proof of Delivery By
USPS

[Track Another Package +](#)

Tracking Number: 70182290000022745715

[Remove X](#)

Your item was delivered at 3:20 pm on June 1, 2020 in SHELBYVILLE, IN 46176.

 **Delivered**

June 1, 2020 at 3:20 pm
Delivered
SHELBYVILLE, IN 46176

Feedback

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Go to our [FAQs](#) section to find answers to your tracking questions.

Exhibit 4: Email Conversations
Between Mr. Henderson and
Ms. Bowers



Re: Ordinance Violation Appeal

Stephanie Bowers [REDACTED]

Thu, Jun 11, 2020 at 7:52 AM

To: Allan Henderson <ahenderson@cityofshelbyvillein.com>

Cc: Adam Rude <arude@cityofshelbyvillein.com>, Jenny Meltzer <jmeltzer@cityofshelbyvillein.com>, [REDACTED]

Thank you for taking the time to review the policy, I appreciate that I do have a few more days to gather evidence to support my argument.

I will bring my documentation and the filing fee to the office on 6/26/2020 to submit the official appeal request. I would like to also bring you attention to the city's own definition of farm animal, according to the zoning ordinances.

While I am prepared to state my case, and request that the ordinance be changed to allow mini pigs within city limits. This is a huge stress on our family, I have enlisted the help of the general public. Including the Shelbyville News who will be running a story about us in the next week.

Definitions- page 4 on the City website:

Animal, Farm: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to: horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Animal, Domestic: An animal that has been adopted by human beings to live and breed in a tame condition.

I have to say, while I understand and agree with the ordinance that FARM animals should not be allowed in city limits. I respectfully disagree with the statement that my PET mini pigs should be considered farm animals. Based on these definitions that are clearly the City's, my pigs do not fall into that category.

Again thank you for your time and consideration, I look forward to meeting with you on July 14th and helping to educate the board, and general public on my loved pets.



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8141 Zionsville Rd
Indianapolis, IN 46268

**Stephanie
Bowers** | Eligibility Manager



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From: Allan Henderson [ahenderson@cityofshelbyvillein.com]

Sent: Wednesday, June 10, 2020 2:41 PM

To: Stephanie Bowers

Cc: Adam Rude; Jenny Meltzer; [REDACTED]

Subject: Re: Ordinance Violation Appeal

Good afternoon-

Yes, you would have until 06/26/2020 to submit the appeal based on the 30-day provision in the letter.

In reviewing our online "Filing and Meeting Date" calendar for 2020, it looks like the Filing Deadline for the July 14th Board of Zoning Appeals (BZA) Meeting is June 30th and not June 23rd as previously indicated. We require applications to be filed two weeks prior to the meeting to allow staff time to prepare public hearing notices, documentation, and staff reports for the meeting. If you can have the appeal paperwork to our office by June 26, you will be placed on the July 14th BZA docket. There is also a \$175 filing fee associated with an administrative appeal.

On July 14th the BZA will be at 7pm in the Council Chambers at City Hall. There are five members of the Board of Zoning Appeals. We require the original application + (5) copies for the board members.

Let me know if there are any other clarification questions.

Thank you.



Allan Henderson, AICP
Deputy Planning Director, Planning and Building Department

T: 317-392-5102 x 326 | M: 317-401-1380
E: ahenderson@cityofshelbyvillein.com
W: www.cityofshelbyvillein.com
A: 44 W. Washington Street, Shelbyville, IN, 46176

On Wed, Jun 10, 2020 at 2:32 PM Stephanie Bowers <[REDACTED]> wrote:

Thank you for your response.

I have been working on my appeal documents and gathering information for your review. I do have a couple of questions:

- 1) The letter I received was dated 5/27/2020, this would put my 30 day appeal date to 6/26/2020. Why do I need to submit my appeal by 6/23? I will need every day I can to gather factual information to support my appeal. If this is the case, I should not be required to meet the requirements for the July 14th meeting.
- 2) If I am required to submit my appeal by 6/23, please provide me the time, location, and how many council members will be present.



cid:image004.jpg@01D4BD53.0085F020
8141 Zionsville Rd
Indianapolis, IN 46268

Stephanie
Bowers | Eligibility Manager



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From: Allan Henderson [ahenderson@cityofshelbyvillein.com]

Sent: Tuesday, June 09, 2020 3:08 PM

To: Stephanie Bowers

Cc: Adam Rude; Jenny Meltzer

Subject: Re: Ordinance Violation Appeal

Ms. Bowers-

I heard back from the City Attorney. Pigs are included in our definition of 'Farm Animals'. The original "Notice of Violation" still stands and we still expect the property to be brought into compliance with our ordinance. You have an opportunity to appeal the action through the "Administrative Appeal" process. I have attached the application for you. You have 30-day from the date of that original "Notice of Violation" letter to file for an appeal, if you chose to appeal this action. I have also included Chapter 9 of the UDO; Section 9.04 deals with the Administrative Appeal process.

The next Board of Zoning Appeals meeting will be July 14. The deadline to submit an application/appeal for the July meeting is June 23.

Please let me know if you have any clarification questions.



Allan Henderson, AICP
Deputy Planning Director, Planning and Building Department

T: 317-392-5102 x 326 | M: 317-401-1380
E: ahenderson@cityofshelbyvillein.com
W: www.cityofshelbyvillein.com
A: 44 W. Washington Street, Shelbyville, IN, 46176


On Fri, Jun 5, 2020 at 1:32 PM Stephanie Bowers [REDACTED] > wrote:

Thank you.

From: Allan Henderson [mailto:ahenderson@cityofshelbyvillein.com]
Sent: Friday, June 5, 2020 11:28 AM
To: Stephanie Bowers
Subject: Re: Ordinance Violation Appeal

Ms. Bowers-

I have not heard back from her. I sent a reminder email yesterday. If I see her in the building I will try to get some clarity. I will follow up with you on Monday.

 Image removed by sender. City of
Shelbyville

Allan Henderson, AICP

**Deputy Planning Director, Planning and Building
Department**

T: 317-392-5102 x 326 | M: 317-401-1380

E: ahenderson@cityofshelbyvillein.com
W: www.cityofshelbyvillein.com
A: 44 W. Washington Street, Shelbyville, IN, 46176

On Fri, Jun 5, 2020 at 10:10 AM Stephanie Bowers <[REDACTED]> wrote:

Good morning Mr. Henderson,

I just wanted to shoot you a quick message to check in. Have you received a response from the city attorney?

Thank you,

Stephanie

From: Allan Henderson [mailto:ahenderson@cityofshelbyvillein.com]
Sent: Wednesday, June 3, 2020 11:38 AM
To: Stephanie Bowers
Subject: Re: Ordinance Violation Appeal

Ms. Bowers-

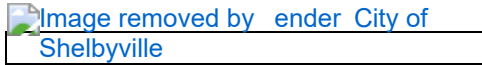
It was nice speaking with you yesterday. As we discussed, I sent an email to our City Attorney to see if there is a distinction between farm animals and "domestic/miniature" pigs. I will let you know what information she provides and what the potential next steps for you are.

As far as the appeal, here is a link to the documentation - http://www.cityofshelbyvillein.com/wp-content/uploads/2018/02/Article-10_Enforcement.pdf you will want to look at Section 10.11 C and I have attached the BZA Rules and Procedures which outlines in more detail the appeal process.

City Hall is closed until June 15th. You can email any documentation or appeal.

Let me know if you have any other questions

Thank you



Allan Henderson, AICP

Deputy Planning Director, Planning and Building Department

T: 317-392-5102 x 326 | M: 317-401-1380

E: ahenderson@cityofshelbyvillein.com

W: www.cityofshelbyvillein.com

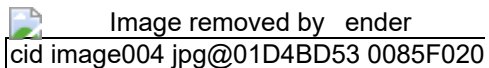
A: [44 W. Washington Street, Shelbyville, IN, 46176](#)

On Tue, Jun 2, 2020 at 3:04 PM Stephanie Bowers < > wrote:

I apologize for reaching out so soon. I am on the Board of Zoning Appeals portion of the website, but I am not able to locate the application for an appeal.

Do I need to file that in person.

Thank you again,


cid:image004.jpg@01D4BD53 0085F020
8141 Zionsville Rd
[Indianapolis, IN 46268](#)

Stephanie Bowers | Eligibility Manager







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Exhibit 5: Excerpt from City of
Shelbyville Unified
Development Ordinance

Keeping of Animals Standards

5.26 KA-01: Single-family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards section applies to the following zoning districts:

AR R1 R2

The following standards apply:

A. Cross References:

1. *Keeping of Animal Ordinance*: See *City Ordinance 90.01 Keeping Animals, Fowl, or Bees*.
2. *Keeping of Dangerous Animals Ordinance*: See *City Ordinance 90.06 Keeping Dangerous Reptiles and Animals*.
3. *Keeping of Vicious or Ferocious Animals*: See *City Ordinance 90.12 Vicious or Ferocious Animals*.

B. Indoor Pets: Maximum of three (3) dogs, plus three (3) of any other mammalian or reptilian indoor pet species, plus any number of fish.

C. Outdoor Pets: Outdoor pets are permitted as follows:

1. *Minimum Lot Area*: One-fifth (1/5) acre.
2. *Maximum Number of Outdoor Pets*: One (1) outdoor pet per one-fifth (1/5) acre with an absolute maximum of three (3).

D. Farm Animals: All farm animals shall be prohibited except chickens and rabbits, which are permitted as follows:

1. *Chickens*:
 - a. *Minimum Lot Area*: One-fifth (1/5) acre.
 - b. *Maximum Number of Farm Animals*: Three (3) chickens per lot.
 - c. *Permitted and Prohibited Types*: Hens shall be permitted and roosters shall be prohibited.
 - d. *Location*: A chicken coup shall be permitted, but only in the rear yard and within the setbacks applicable to a primary structure in the subject zoning district.
2. *Rabbits*:
 - a. *Minimum Lot Area*: One-fifth (1/5) acre.
 - b. *Maximum Number of Farm Animals*: Four (4) rabbits per lot.
 - c. *Location*: A rabbit hutch shall be permitted, but only in the rear yard and within the setbacks applicable to a primary structure in the subject zoning district. It shall be at least fifty (50) feet from residences on any adjoining lot.

5.27 KA-02: Multiple-family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards section applies to the following zoning districts:

RM MP

The following standards apply:

A. Cross References:

1. *City Ordinance 90.01 Keeping Animals, Fowl, or Bees*.
2. *City Ordinance 90.06 Keeping Dangerous Reptiles and Animals*.

B. Exotic Animals: Exotic animals shall not be permitted.

C. Indoor Pets: Maximum of three (3) dogs, plus three (3) of any other mammalian or reptilian indoor pet species, plus any number of fish.

D. Outdoor Pets: Outdoor pets are not permitted.

Keeping of Animals Standards

5.28 KA-03: Agricultural Keeping of Farm Animals Standards

This Keeping of Animals Standards section applies to the following zoning districts:

AG

The following standards apply:

- A. **Indoor Pets:** Maximum of three (3) dogs, ten (10) of any other mammalian or reptilian indoor pet specie, and any number of fish.
- B. **Outdoor Pets:** Outdoor pets are permitted as follows:
 - 1. *Minimum Lot Area:* One-fifth (1/5) acre.
 - 2. *Maximum Number of Outdoor Pets:* One (1) outdoor pet per one-fifth (1/5) acre with an absolute maximum of three (3).
- C. **Farm Animals:** Farm Animals are permitted as follows:
 - 1. *Minimum Lot Area:* Five (5) acres for all farm animals, except chickens, which require one-fifth (1/5) acre.
 - 2. *Minimum Pasture Area:* Two (2) acres or all farm animals, except chickens, which require one-fifth (1/5) acre.
 - 3. *Maximum Animal Units:* One (1) animal unit per two (2) acres of fenced pasture, except chickens, which shall not exceed five (5) per lot when the lot area is less than five (5) acres, otherwise maximum animal units shall be according to the below chart.
 - 4. *Determination of Animal Units:* See table below.

Animal Type	Animals Per Animal Unit
Cattle, Buffalo, and similar	1
Horse, Mule, Donkey, Camel, and similar	1
Horse (34 inches or less at withers)	3
Swine, Ostrich, Emu, and similar	5
Goat, Sheep, Llama, Alpaca, and similar	5
Chicken, Turkey, Pheasant, and similar	20

- 5. *Other Animal Types:* The Zoning Administrator shall determine "animals per animal unit" for all other species.

Definitions - Animal Boarding

Animal Boarding: The housing and care of animals generally including shelters and pasture areas. Also, the use of any structure and/or land for the lodging, breeding, or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, excluding animals used for agricultural purposes.

Animal, Domestic: An animal that has been adopted by human beings to live and breed in a tame condition.

Animal, Exotic: An animal raised and bred healthy and humanely for a unique pet or entertainment, or an animal rescued from the wild or from a zoo. An exotic animal is primarily securely caged. An exotic animal does not include an outdoor pet, household pet, or farm animal. Examples of an exotic animal include: a lion, tiger, wolf, coyote, and elephant.

Animal, Farm: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to: horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Animal, Non-farm: See "Pets, Household" and "Pets, Outdoor."

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omnidirectional antennas, panels, and microwave or satellite dishes external to or attached to the exterior of any building.

Apartment: A dwelling unit in a structure, arranged, intended, designed, or occupied on a rental basis for the housing of a single family, an individual, group of individuals, or other single housekeeping unit.

Apartment Complex: A group of structures containing apartments located on a single property and organized around a system of interior drives. An apartment complex may include recreation facilities and other similar accessory uses.

Apartment House: A single structure containing apartments that is accessed only by public streets and does not include any recreational facilities or other similar accessory uses.

Applicant: The owner(s), developer, subdivider, or other legal representative of real estate who makes application for action affecting the property.

Application: The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

Appurtenance: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

Arborist: An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of trees.

Arcade: A building or part of a building containing four (4) or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use.

Archery Range: A facility designed and/or used for target practice with bows and arrows.

Arterial Road: See "Street, Arterial."

Arterial Street: See "Street, Arterial."

Assembly Hall: A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions.

Assisted Living Facility: A facility providing services that assist residents with daily activities, such as dressing, grooming, bathing, etc.

Athletic Field: A wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.

Attached Building: A building that is structurally connected to another building by a foundation, wall, or roof line.

Attention Attracting Device: Any flashing or moving beacon, animation, banner, clock or other object mounted onto or in a sign designed to attract the attention of the public.

Auction Facility: A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

Auto-oriented Uses, Large Scale: Uses such as sales and service of automobiles, motorcycles and/or recreational vehicles.

Auto-oriented Uses, Medium Scale: Uses such as auto repair and body work, vehicle detailing/auto accessory sales and installation, and oil change/lube shops.

Auto-oriented Uses, Small Scale: Uses such as gas stations, and car washes.

Automobile Parts Sales: The use of any structure and/or property for the display and sale of new or used parts for motor vehicles. This does not include any salvage yard or the storage of inoperable vehicles.

Exhibit 6: City of Shelbyville
Official Zoning Map

Zoning Districts:

AG	Agriculture
BC	Business Central
BG	Business General
BH	Business Highway
BN	Business Neighborhood
HI	High Impact
IG	General Industrial
IL	Light Industrial
IS	Institutional
MP	Manufactured Home Park
PD	Planned Development
PK	Parks and Open Space
R1	Single Family Residential
R2	Two-Family Residential
RM	Multiple-Family Residential
AR	Airport Compatibility Overlay
RT	Race Track Overlay

Revisions:

- 3-4-2013:** Ord. No. 13-2711; 2819 Michigan Road rezoned from BG to IS
- 4-15-2013:** Ord. No. 13-2713; Annexation of 10 Acres for Horse Barns at Indiana Downs Race Track, Zoned Bh with Racetrack Overlay
- 6-17-2013:** Ord. No. 13-2714; Annexation of three tracts of land, Zoned R1
- 10-7-13:** Ord. No. 13-2724; Correcting a scrivener's error in Ord. No. 13-2714
- 5-19-14:** Ord. No. 14-2735; Annexation of 2806 E. Range Road, Zoned to BH
- 5-5-2014:** Ord. No. 14-2736; 504 S. Harrison Street rezoned from R-1 to BG
- 7-7-14:** Ord. No. 14-2743; Correcting a scrivener's error in Ord. No. 14-2735
- 1-5-2015:** Ord No. 14-2756; 508 W Pennsylvania Street rezoned from R-1 to IS
- 2-2-2015:** Ord. No. 15-2760; 2450 E Michigan Road rezoned from BH to IL
- 8-3-2015:** Ord. No. 15-2770; A portion of the Brazeway Site rezoned from BG to IL
- 7-18-2016:** Ord. No. 16-2793; The Krone North America Site rezoned from BH to IG
- 10-3-2016:** Ord. No. 16-2801; 825 East State Road 44 Site rezoned from BG to BH
- 1-9-2017:** Ord. No. 16-2808; 603 Colescott Street rezoned from BN to BG
- 2-6-2017:** Ord. No. 17-2809; Annexation of 919 West Washington Avenue, Zoned to R1
- 3-6-2017:** Ord. No. 17-2814; 951 South Miller Avenue rezoned from IL to BG
- 9-6-2017:** Ord. No. 17-2819; 313 N Noble Street rezoned from R1 to IS
- 10-16-2017:** Ord. No. 17-2823; Parking Area at Shelby County Public Library rezoned from R1 to BC
- 11-20-2017:** Ord. No. 17-2824; Annexation of 305 W Bassett Road, Zoned to IS
- 2-5-2018:** Ord. No. 18-2829; Annexation of 2201 E Michigan Road, Zoned to IL
- 3-19-2018:** Ord. 18-2833; Annexation of 1913 Amos Road, Zoned to R1
- 5-14-2018:** Extra-Territorial Planning Jurisdiction Granted from County Commissioners for 2373 West 300 North, Zoned to IG
- 6-4-2018:** Ord. No. 18-2832; 132 W. Washington Street rezoned from BG to R1
- 7-2-2018:** Ord. No. 18-2840; 1015 East State Road 44, Rezoned from BH to IS
- 10-1-2018:** Ord. No. 18-2845; Western portion of 909 Progress Parkway rezoned from BN to IS
- 10-15-2018:** Ord. No. 18-2844; Annexation of Eastern portion of 909 Progress Parkway, Zoned to IS
- 12-27-2018:** Ord. No. 18-2847; Annexation of 673.83 Acres in and around the area of Tom Hession Drive, Zoned to a combination of IG, IS, and AG
- 4-15-2019:** Ord. No. 19-2857; 45 W. Washington Street rezone from BC to R1
- 6-17-2019:** Ord. No. 19-2858; 2325 Intelliplex Drive rezone from R1 to Intelliplex PUD Medical Campus
- 9-4-2019:** Ord. No. 19-2865; 2920 E SR 44 rezone from BH to IG
- 11-18-2019:** Ord. No. 19-2870; 15 S Tompkins Street rezone from BG to R1
- 11-18-2019:** Ord. No. 19-2871; Hamilton Major PUD Adoption

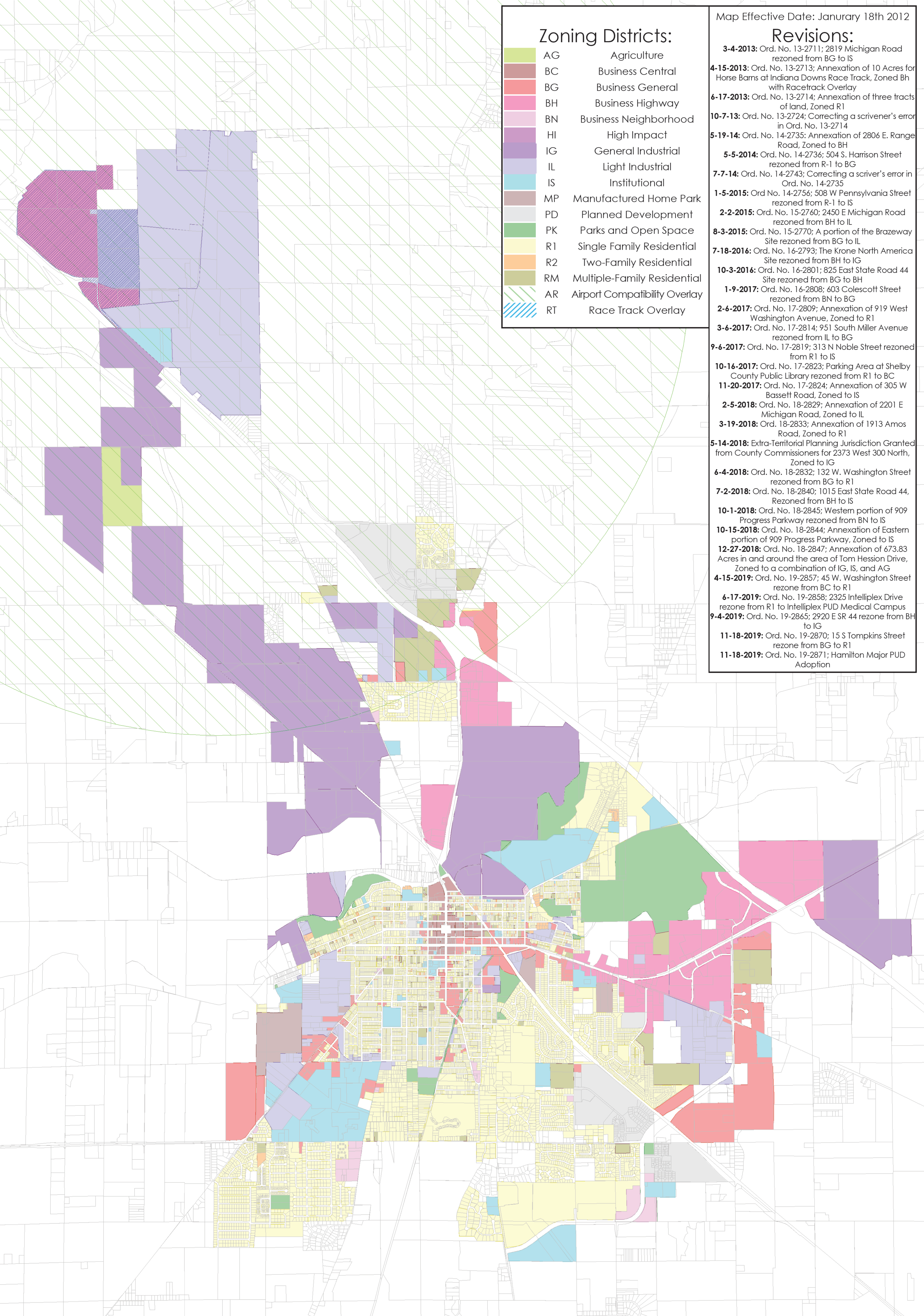


Exhibit 7: Kennel Standards
excerpt from Unified
Development Ordinance

Kennel Standards (KL)

5.29 KL-01: Commercial Kennel Standards

This Kennel Standards (KL) section applies to the following zoning district:

AG

The following standards apply:

A. Prerequisites:

1. Minimum Lot Area: All commercial kennels shall be located on a lot with a minimum of two (2) acres.
2. Minimum Fenced Yard: As a minimum, all commercial kennels that provide services for dogs shall have a one-quarter (1/4) acre fenced area. In addition, when a kennel can accommodate more than twenty (20) dogs they shall also maintain a minimum one-eightieth (1/80) acre (i.e. 544 1/2 square feet) of outdoor fenced area for each additional dog on the premises.

B. Minimum Main Floor Area: The commercial kennel shall be a minimum of 1,000 square feet, and shall have an additional minimum of fifty (50) square feet per one (1) domestic pet over the first twenty (20).

C. Commercial Kennel Building: The building required in *Section 5.29(B): Minimum Main Floor Area* shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.

D. Hours of Operation: The commercial kennel may be staffed twenty-four (24) hours per day. The use of outdoor areas shall be limited to eight (8) hours between which shall be allocated between the hours of 8:00 AM and 9:00 PM daily.

E. Setback Standards: All buildings and outdoor containment areas used by the commercial kennel shall be a minimum of 100 feet from all property lines.

F. Noise Containment: Animal noises shall not be audible at or beyond the property line.

G. Fence Enclosures: All outdoor facilities for domestic pets shall be fully fenced-in with wood, vinyl, zinc or powder coated chain link fence, or similar quality product. Invisible fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.

H. Waste Management: The animal waste shall be managed either by composting, septic system, sanitary sewer or other method approved by the Shelby County Health Department. The commercial kennel shall submit a waste management plan to the Shelby County Health Department for consideration and determination of waste management options.

Kennel Standards (KL)

5.30 KL-02: Home Enterprise Kennel Standards

This Kennel Standards (KL) section applies to the following zoning district:



The following standards apply:

A. Prerequisites:

1. *Minimum Lot Area:* All kennels shall be located on a lot with a minimum of one (1) acre.
2. *Minimum Fenced Yard:* All kennels shall maintain a minimum one-eightieth (1/80) acre (544 1/2 square feet) of outdoor fenced area for each boarding unit for dogs on premises (i.e. the kennel's dog capacity).

B. Maximum Kennel Size: The kennel facility shall not contain more than six (6) domestic pets that are not the owner of the property. However, no more than ten (10) domestic pets shall be kept on the property.

C. Kennel Building Standards:

1. *Kennel Location:* The kennel shall be fully contained in a dedicated space within the primary structure, or in no more than one (1) accessory structure.
2. *Minimum Floor Area:* The kennel shall have a minimum floor area of fifty (50) square feet per one (1) domestic pet, with a prerequisite minimum of 200 square feet.
3. *Kennel Facility:* The kennel facility shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.
4. *Noise Containment:* Animal noises shall not be audible at or beyond the property line.

D. Hours of Operation: The maximum hours of operation (i.e. hours for domestic pet owners to pick-up their animal) for the kennel shall be from 6:00 AM to 9:00 PM daily. The use of outdoor areas shall be limited to two (2) hours between 8:00 AM and 9:00 PM daily.

E. Setback Standards: All outdoor areas used by the kennel shall be a minimum of fifty (50) feet from all property lines.

F. Fence Enclosures: All outdoor facilities for domestic pets shall be fully fenced-in with wood, vinyl, zinc or powder coated chain link fence, or similar quality product. Invisible fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.