

Shelby County Board of Zoning Appeals

August 12, 2025, at 7:00 PM

Table of Contents

Agenda	3
BZA 25-12 Dylan Pettijohn – Findings of Fact.....	5
BZA 25-24 Shelby County CO-OP – Findings of Fact	6
BZA 25-29 Edwin Kluemper – Development Standards Variance	7
Staff Report	7
Petitioner’s Findings of Fact.....	9
Site Plan.....	10
BZA 25-30 Morgan Kalmes – Use & Development Standards Variances	11
Staff Report	11
Petitioner’s Statement of Intent	16
Petitioner’s Business Plan	17
Petitioner’s Findings of Fact.....	26
Site Plan.....	28
Kennel Floor Plan	29
BZA 25-27 William & Wendy Curry – Use & Development Standards Variances.....	30
Staff Report	30
Petitioner’s Statement of Intent	35
Petitioner’s Findings of Fact.....	37
Site Plan.....	39
Site Plan Overlaid on Arial Map	40
Site Plan Details.....	41
BZA 25-32 Kimberly Livingston – Special Exception	44
Staff Report	44
Petitioner’s Statement of Intent	48
Petitioner’s Findings of Fact.....	49
Site Plan.....	50
BZA 25-31 Speedway Solar, LLC – Development Standards Variance & Modification of Stipulation of Special Exception Approval.....	51
Staff Report	51
Petitioner’s Findings of Fact.....	57
Site Plan.....	58

MEETING AGENDA

Shelby County Board of Zoning Appeals August 12, 2025

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the July 8, 2025 meeting.

OLD BUSINESS

BZA 25-12 – DYLAN PETTIJOHN: FINDINGS OF FACT.

BZA 25-24 – SHELBY COUNTY CO-OP: FINDINGS OF FACT

NEW BUSINESS

BZA 25-29 – EDWIN KLUEMPER: DEVELOPMENT STANDARDS VARIANCE. Located at 5574 S Wilson Meadows Dr, Shelbyville, Shelby Township.

BZA 25-30 – MORGAN KALMES: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 12230 E McGregor Rd, Indianapolis, Moral Township.

BZA 25-27 – WENDY & WILLIAM CURRY: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 4980 W Range Rd, Shelbyville, Brandywine Township.

BZA 25-32 – KIMBERLY LIVINGSTON: SPECIAL EXCEPTION. Located west of and adjoining 7619 E 300 S, Waldron, Liberty Township.

BZA 25-31 – SPEEDWAY SOLAR, LLC: DEVELOPMENT STANDARDS VARIANCE & MODIFICATION OF STIPULATION OF SPECIAL EXCEPTION. Located at approximately 6631 E 700 N, Shelbyville.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **September 9, 2025, at 7:00 PM.**

Meeting Information

Location: Conference Room 208A of the Shelby County Courthouse Annex Building, 25 West Polk Street, Shelbyville, Indiana

Time: 7PM

Zoom Link: <https://us06web.zoom.us/j/89404242412?pwd=ZWhjlpYQ5259z3NDZibK6PzXiCSaP.1>

Password: Shelby

Board Members & Staff

Dave Klene, President: Appointed by Shelby County Council, Term January 1, 2023 – January 1, 2027

Terry Knudson, Vice President: Appointed by Shelby County Commissioners, Term January 1, 2022 – January 1, 2026

Megan Hart, Secretary: Appointed by Shelby County Plan Commission, Term January 1, 2025 – January 1, 2026

Kevin Carson, Member: Appointed by Shelby County Commissioners, Term January 1, 2025 – January 1, 2029

Jim Douglas, Member: Appointed by Shelby County Commissioners, Term January 1, 2025 – January 1, 2029

Desiree Calderella, Planning Director

Jody Butts, Board Attorney

Use Variance

FINDINGS OF FACT

Applicant: Dylan Pettijohn

Case #: BZA 25-12

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

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

A self-storage facility, particularly a facility utilizing temporary structures, would impose a negative visual impact upon the public utilizing the SR 9 / US 52 intersection. Several uses permitted in the C2 District would provide a greater benefit to the public.

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

A self-storage facility, particularly a facility utilizing temporary structures, would not improve upon the aesthetics of the property or the area.

3. The need for the variance does not arise from some condition peculiar to the property involved.

No condition particular to the property warrants the grant of a variance. The property can accommodate a variety of other commercial uses permitted in the C2 District.

4. The strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the property for which variance is sought.

The property can accommodate a variety of other commercial uses permitted in the C2 District.

5. The approval does interfere substantially with the Comprehensive Plan.

Approval of the variance would conflict with the goals for Community Character identified in the Comprehensive Plan.

Development Standards Variance

FINDINGS OF FACT

Applicant: Shelby County CO-OP

Case #: BZA 25-24

Location: 56 S 600 W, Shelbyville, Hendricks Township.

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

Landscape buffer yard standards primarily serve to protect lower intensity development from nuisance and visual impacts of higher intensity development. Therefore, lack of a landscape buffer yard would not significantly impact the public. Relocation of required landscaping in front of the new primary building would pose a hazard to traffic.

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.

Lack of a landscape buffer would not impact continued use of adjacent property for crop production. Installation of a landscape buffer could impact drainage tiles on adjacent property.

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

Installation of a landscape buffer could impact drainage tiles on adjacent property. Relocation of required landscaping in front of the new primary building would interfere with the septic system.

Property Details

Location: 5574 S Wilson Meadows Dr, Shelbyville, Shelby Township.

Property Size: 0.70-acres.

Current Land Use: Single-Family Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan

Agriculture

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

Surrounding Development

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

Staff Report

Case Number: BZA 25-29
Case Name: Edwin Kluemper – Development Standards Variance

Request

Variance of Development Standards to allow for a 480 sq. ft. addition to a pole barn (the total area of all accessory structures on a lot cannot exceed 50% of the footprint of the house).

Code Requirement

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

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

Property Map



Case Description

- The petitioner plans to add a 20'x24' (480 sq. ft.) addition to a pole barn. The pole barn would sit behind the house at the northwest corner of the property and an existing privacy fence would screen view of the pole barn from adjacent properties.
- The square footage of the proposed barn with addition would equal approximately 60% of the square footage of the footprint of the house. The property tax card provides the square footage of the house for the square footage calculation.
- The property lies within the Wilson Meadows Subdivision. Two other properties in the subdivision include accessory structures exceeding the maximum size requirement.

Staff Analysis of Findings of Fact

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

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

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

Staff Analysis: The pole barn would not alter the character of the area. The pole barn would sit behind the house at the northwest corner of the property and an existing privacy fence would screen view of the pole barn from adjacent properties. Two other properties in the subdivision include accessory structures exceeding the maximum size requirement.

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 an addition to a pole barn that would not impact the character of the area.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the pole barn would sit behind the house at the northwest corner of the property and an existing privacy fence would screen view of the pole barn from adjacent properties.

Applicant/Owner Information

Applicant: Edwin Kluemper
574 S Wilson Meadows Dr
Shelbyville, IN 46176

Owner: Edwin & Deborah Kluemper

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Edwin Kluemper

Case #: _____

Location: 5574 S. Wilson Meadows Dr Shelbyville, TN 46176

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

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

NO

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

NO

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

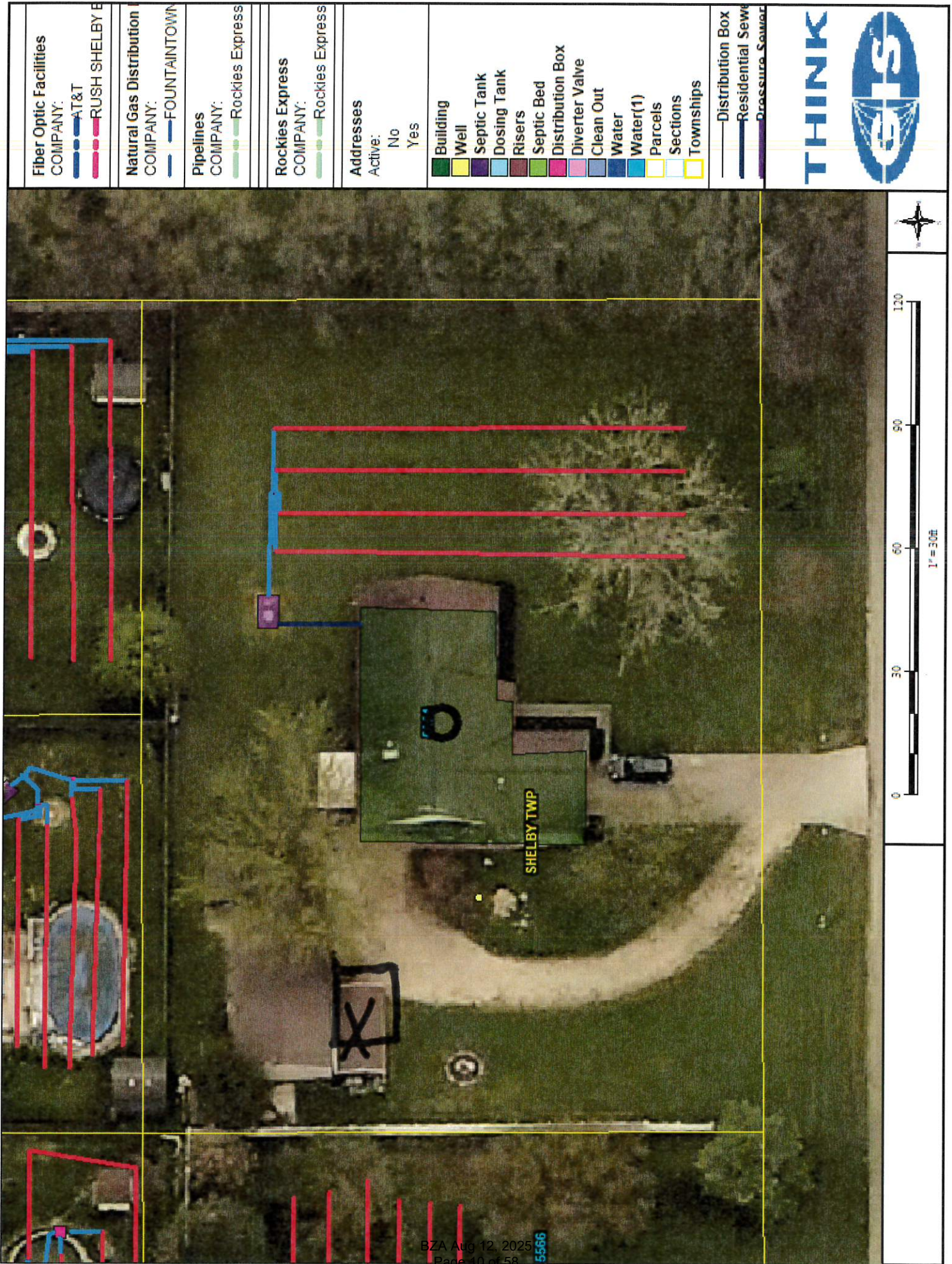
NO

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

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

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

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



Fiber Optic Facilities COMPANY:	AT&T
	RUSH SHELBY E
Natural Gas Distribution COMPANY:	FOUNTAIN TOWN
Pipelines COMPANY:	Rockies Express
Rockies Express COMPANY:	Rockies Express
Addresses Active:	No
	Yes
	Building
	Well
	Septic Tank
	Dosing Tank
	Risers
	Septic Bed
	Distribution Box
	Diverter Valve
	Clean Out
	Water
	Water(1)
	Parcels
	Sections
	Townships

Distribution Box

Residential Sewer

Pressure Sewer

THINK

GIS

Property Details

Location: 12230 E McGregor Rd,
Indianapolis, Moral Township.

Property Size: 1-acre.

Current Land Use: Single-Family
Residential.

Zoning Classification:

R1 (Single-Family Residential)

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

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

Future Land Use per Comp Plan 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	I1	Warehouse Facility
South	I1	Cropland
East	R1	Vacant
West	I1	Warehouse Facility

Staff Report

Case Number: BZA 25-30

Case Name: Morgan Kalmes – Use & Development
Standards Variances

Request

Variance of Use to allow for a Home Business Kennel in the R1 (Single-Family Residential) District.

Variance of Development Standards to allow a 960 sq. ft. pole barn (the total area of all accessory structures on a lot cannot exceed 50% of the footprint of the house).

Code Requirement

UDO Section 2.14 – R1 District Intent, Permitted Uses, and Special Exception Uses.

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

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

Property Map



Case Description

- The petitioner proposes to construct and operate a dog boarding facility on the property. The petitioner also intends to offer dog training services in the future.
- Proposed Development:
 - A 24'x40' (960 sq. ft.) kennel building with five kennels and approximately 500 sq. ft. outdoor run area. The petitioner indicated that the building will be temperature controlled and soundproofed to minimize noise from barking.
 - The floor area of the enclosed portion of the kennel plus the floor area of the existing detached garage would approximately equal the floor area of the house.
 - Outdoor yard area north of the kennel building enclosed by a 6-foot-tall privacy fence.
- The Business Plan submitted with the variance application includes the following information relevant to the use variance request:
 - Maximum Number of Dogs Boarded: Six (6)
 - The petitioner also owns three (3) dogs which would reside on the property. Therefore, the total number of dogs on the property at any given time would not exceed nine (9).
 - Pickup / Drop-off Hours: 8 AM – 10 AM / 5 PM – 7 PM
 - Maximum Customers: 6 per day / 12 per week / 24 per month
 - No Signage
 - Waste Disposal: Feces picked up immediately and double bagged with biodegradable waste bags, disposed of in a sealed outdoor trash bin. Designated waste bins on-site, labeled clearly used solely for waste. Urine soiled bedding double bagged.
- The UDO only permits Home Business Kennels by right in the A1 (Conservation Agricultural) and A2 (Agricultural) Districts.
- The proposed kennel facility would comply with all standards for operation of Home Business Kennels in the A1 and A2 Districts, other than the required minimum setback of 50-feet between outdoor areas of the kennel and the property lines (see attached Home Enterprise Kennel Standards and note that these standards limit the number of dogs to six). The width of the property prevents a 50-foot setback separation between the kennel and the property lines. Proposed outdoor kennel areas sit at least 50-feet from any adjacent property used for residential purposes.
- The kennel facility would not exceed one-acre and therefore the County will not require Technical Advisory Committee review and approval of an engineered Site Plan and Drainage Plan. Construction of the facility will require residential construction permits.

- The County Health Department will require State of Indiana Department of Health review of septic facilities or a sewer service connection agreement prior to issuance of construction permits for the kennel.
- Surrounding development includes single-family homesites on lots between 0.5-acres and 1.5-acres to the east, a warehouse facility to the north and west, and cropland zoned for industrial development to the south. The Comprehensive Plan recommends agricultural land use for the residential lots and industrial land use for the surrounding area.

Staff Analysis of Findings of Fact

Use Variance

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

Staff Analysis: The facility would provide a small-scale commercial service to the community and has access to adequate transportation facilities and utilities. Use and development of the kennel must comply with all State and local laws.

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: Commercial use of the property would not conflict with existing industrial uses in the area or limit future development of industry in the area. Development and use of the kennel in compliance with UDO standards for home enterprise kennels and location of outdoor kennel facilities west of the kennel building would limit any aesthetic, noise, and odor impacts 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 lies within a predominantly industrial area which renders sole use of the property for residential purposes less desirable than typical residential properties. Allowance for a small-scale business would add value to the property and would not conflict with the commercial/industrial character of the area.

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

Staff Analysis: The property lies within a predominantly industrial area which renders sole use of the property for residential purposes less desirable than typical residential properties. Operation of a kennel is consistent with agricultural land use recommended for the property by the Comprehensive Plan.

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

Staff Analysis: The UDO permits Home Business Kennels in the A1 (Conservation Agricultural) and A2 (Agricultural) Districts. Therefore, operational of a kennel on the property would not conflict with agricultural land use as recommended for the property by the Comprehensive Plan.

Development Standards Variance

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

Staff Analysis: Construction of the pole barn would require a building permit and the pole barn must comply with all building codes before passing a final inspection. The pole barn would not be occupied by the public.

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 pole barn would be used for a home enterprise kennel rather than as a residential accessory structure. Therefore, it would not conflict with adjacent residential development patterns.

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

Staff Analysis: A strict application of the ordinance would not allow for a structure adequate in size to accommodate a home enterprise kennel which would not impact adjacent property or alter the commercial/industrial character of the surrounding area.

Staff Recommendation

Staff recommends **APPROVAL**.

The property lies within a predominantly industrial area which renders sole use of the property for residential purposes less desirable than typical residential properties. Allowance for a small-scale business would add value to the property and would not conflict with the commercial/industrial character of the area. Development and use of the kennel in compliance with UDO standards for home enterprise kennels and location of outdoor kennel facilities west of the kennel building and adjacent to the industrial development would limit any aesthetic, noise, and odor impacts to adjacent residential properties.

Staff recommends the following **stipulations**:

1. Development and use of the kennel shall comply with Section 5.37 KL-02: Home Enterprise Kennel Standards of the Unified Development Ordinance, other than Section 5.37 E Setback Standards.
2. Development and use of the kennel shall be consistent with the Business Plan, Statement of Intent, and Site Plan submitted with the variance application.
3. All outdoor kennel facilities shall be located west of the kennel building.

Applicant/Owner Information

Applicant:	Morgan Kalmes 12230 E McGregor Rd Indianapolis, IN 46259	Owner:	Same
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View of Adjacent Properties to the North, East, and West from Proposed Location of Kennel Facility



Staff Photograph - July 2025

Distance Between East Property Line of Subject Property (blue garage) and Closest Neighboring Residence



Staff Photograph - July 2025

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

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

1. Summary of Proposed Use and/or Business Activity: Small-scale dog boarding company to service the local community of Shelby County and Southeast Indianapolis. DMK Kennels is Intended to offer a safe, personal, and structured care for dogs.
2. Days & Hours of Operation: Pickup/Drop-off hours 8am-10am, 5pm-7pm, dogs are cared for 24/7.
3. Maximum Number of Customers per Day/Week/Month: 6 per day, 12 customers per week, 24 customers per
This is highly unlikely due to animals likely being boarded for 3-9 days at a time due to vacations.
4. Type and Frequency of Deliveries: Approximately 2x weekly for last minute items (dog food, toys, etc.)
5. Description of any Outdoor Storage: N/A
6. Description, Size, and Placement of any Signage: DMK Kennels, 12230 E McGregor Rd, (317) 319-7605, front yard placement
7. Description of Waste Disposal: Feces picked up immediately and double bagged with biodegradable waste bags, disposed of
In a sealed outdoor trash bin. Designated waste bins on-site, labeled clearly used solely for waste. Urine soiled bedding double-bagged.
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Pole Barn 40x24x10



Opening Statement

Good evening members of the board,

My name is Morgan Kalmes, and I appreciate the opportunity to speak with you today. I'm here to request consideration for a zoning variance to allow me to build and operate a small-scale, home-based kennel business on my property in Shelby County. This is not a large commercial facility, but a personal, purpose-driven space designed to offer compassionate, structured, and safe care for a limited number of dogs at a time.

My husband, Domingo Kalmes, has an extensive background in Animal Welfare. Domingo has eight years of experience as both an animal control officer and kennel manager through Indianapolis Animal Care and Control. Domingo is well versed in handling, sanitation procedures, and Indiana laws on animal care. Domingo has also served as a National Animal Cruelty Investigator. I have dedicated myself to fostering and rehabilitating dogs through multiple 501c3 rescues across Indianapolis and through Shelbyville Animal Shelter. These shared experiences have shaped our passion and responsibility for creating better outcomes for animals and their owners in our community.

This kennel is not just a business—it's an extension of our commitment to serving the animals and families of Shelby County and surrounding counties. Our goal is to provide high-quality care in a low-impact environment, using responsible practices that prioritize the safety and peace of the dogs and surrounding residential lots. The facility will be modest in scale, built with appropriate soundproofing, fencing, and thoughtful design so not to disrupt neighboring properties.

We believe this business will serve as a positive resource for the community—supporting working families who need trusted care for their pets and the potential to partner with local shelters to offer an adoptable dog a second chance through rehabilitation training.

Thank you for your time and consideration. I'm happy to answer any questions you may have.



Fiber Optic Facilities
COMPANY:
VERIZON & QUE

Addresses

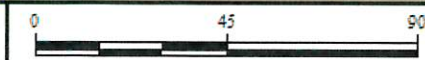
Active:

No

Yes

- Building
- Well
- Septic Tank
- Dosing Tank
- Risers
- Septic Bed
- Distribution Box
- Diverter Valve
- Clean Out
- Water
- Water(1)
- Parcels
- Sections
- Townships

- Residential Sewer
- Pressure Sewer
- Effluent Sewer
- Septic Trench
- Perimeter Drain
- Surface Drain
- Water
- Water(1)
- Legal Drains
- Regional Roads
- Regional Highway
- Roads
- County_Roads
- Edinburgh Highway
- Edinburgh Roads
- Bartholomew Road
- Bartholomew Highway
- Brown Co Roads
- Brown Co Highway
- Greensburg Road
- Decatur Co Road
- Decatur Co Highway
- Hancock_Roads
- Hancock Highway
- Johnson Roads
- Johnson Highway
- Marion Co Roads
- Marion Co Highway



BZA Aug 12, 2025 1" = 45ft

DMK KENNELS BUSINESS PLAN

Table of contents

1. Executive Summary Page 2

2. Business Description Page 2

3. Services offered Page 3

4. Competitive Advantage Page 5

5. Marketing Strategy Page 5

6. Sanitation and Waste Protocol Page 7

1. Executive Summary

DMK Kennels LLC is a small, home-based dog care business located in a rural setting, focused on offering structured overnight dog boarding. With a low dog capacity, we prioritize a calm, enriching environment for pets while providing peace of mind for owners.

Morgan and Domingo Kalmes bring a deep understanding of canine behavior and handling—Morgan has experience fostering through the Shelbyville Animal Shelter, and 501c3 Rescues across Indianapolis. Domingo holds a professional background as an Animal Control Officer, National Animal Cruelty Investigator, and Kennel Manager. DMK Kennels is rooted in responsible care, safety, and a high standard of service.

2. Business Description

- **Business Name:** DMK Kennels LLC
 - **Legal Structure:** Limited Liability Company (LLC)
 - **Location:** 12230 E McGregor Rd
 - **Zoning Status:** Seeking variance approval for commercial kennel operation on 1-acre property
 - **Business Model:** Small-scale, home-based dog boarding and training (coming later)
 - **Mission Statement:**
To offer a safe, personal, and structured care environment for dogs while supporting owners with effective training solutions.
-

3. Services Offered

Overnight Dog Boarding (standard) \$50 + each additional dog \$35

5x7 Indoor area, 5x10 outdoor run. This run is ideal for one large/XL, or multiple med-large dogs.

- \$50 per night
- Indoor, climate-controlled sleeping quarters
- Sanitation and frequent cleaning
- Potty breaks (3)
- Feeding (2x daily) and daily interaction.
- Pictures and videos are included.
- Free administration of medication
- Add-on activities available upon request ***

Deluxe Boarding (large run) \$60 + each additional dog \$35

*7x7 Indoor area, 7x10 outdoor run. This package is ideal for large dogs needing more space and multiple dogs (up to 4 medium-large dogs). ***Please request separate feedings in form.*

- Indoor, climate-controlled sleeping quarters
- Sanitation and frequent cleaning
- Potty breaks (3)
- Feeding (2x daily) and daily interaction.
- Pictures and videos are included.
- Free administration of medication
- Add-on activities available upon request ***

Puppy package (standard run) \$60

*5x7 indoor, 7x10 outdoor run. This package is ideal for puppies needing more playtime and potty breaks to create a fun-filled experience with more structure. *** dog must be under 14 months old. ** Dogs under six months old are at a higher risk for viruses due to their developing immune systems. We strive to*

- Indoor, climate-controlled sleeping quarters
- Sanitation and frequent cleaning
- Potty breaks (5)
- One daily play session with a compatible dog.
- Feeding (2x daily) and daily interaction.
- Pictures and videos are included.
- Free administration of medication

- Add-on activities available upon request ***

Senior package (standard run) \$55

5x7 indoor, 7x10 outdoor run. This package is ideal for seniors who need more potty breaks and bonding time. Dogs 8+ qualify as a senior citizen and are eligible for this package.

- Indoor, climate-controlled sleeping quarters
- Sanitation and frequent cleaning
- Potty breaks (5)
- One cuddle session daily
- Feeding (2x daily) and daily interaction.
- Pictures and videos are included.
- Free administration of medication
- Add-on activities available upon request ***

Add-on services

1. Extra potty break (\$10) AM or PM
2. Frozen peanut butter Kong (\$5)
3. Fifteen-minute nature walk (\$11)
4. Extra outdoor solo play time (\$17)
5. Cuddle session (\$10)
6. Group playtime while boarding (\$15) Must have a temperament test upon initial visit.
Group playtime sessions contain no more than four dogs at one time.
7. Nail trims \$15 ***
8. Training refresher (\$25) Your dog must already know the commands and you must have proof of completion of courses.

Dog Training (Coming Soon)

- Basic obedience (in development)
- One-on-one board-and-train options (in development)

4. Competitive Advantage:

- Low-volume setting = more attention per dog
- Owner-run business with extensive dog-handling experience
- Safer, quieter alternative to large-volume commercial kennels

Local Competitors

- [List a few local boarding facilities here]
 - Most offer higher-volume care; few offer training + boarding in a personal setting
-

5. Marketing & Sales Strategy

- Facebook, Instagram – daily posts, customer photos, training videos
- Website – booking, services, testimonials, contact info
- Google Business & Yelp pages
- Referral incentives (e.g., “\$10 off your next booking”)
- Flyers/postcards in vet clinics and local businesses

7. Sanitation and Waste Disposal Protocol

- Daily cleaning with pet-safe disinfectants
- Immediate waste removal; sealed trash disposal
- Soundproofing inside kennel area to minimize barking
- No dogs left outdoors unattended
- Emergency vet protocol in place

8. Facility

- Indoor kennels (temperature-controlled)
 - Outdoor fenced yard (6 ft privacy fence)
 - Secure gates and containment
 - Outdoor play separated by temperament/size
-

USE VARIANCE
FINDINGS OF FACT

Applicant: Morgan Kalmes (Wilson)

Case #: _____

Location: 12230 E McGregor Rd, Indianapolis, IN 46259

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

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.
The proposed use for my property will be small and personal, intended to support and service the local community with
minimal disruption. I am committed to upholding all laws pertaining to the health, containment, and wellness of
all animals boarded within my facility. I will ensure all animals are properly contained and vaccinated.
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 kennel's operation will have virtually no negative impact on surrounding properties. To the west lies a large industrial facility that generates
significant vehicle and machinery noise throughout the day, which will effectively mask any ambient sound from the kennel's outdoor area.
To the east, the neighboring parcel has been vacant and uninhabited for over a decade, meaning there are no nearby residents to be affected.
3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved.
The current residential zoning significantly limits my ability to lawfully operate a small, low-impact business that aligns with both the size of my lot
and the rural character of the surrounding area. the residential zoning designation prohibits this type of use, even though the
scale and nature of my proposed kennel would have minimal impact on neighboring properties or infrastructure.
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.
The current Shelby County zoning regulations present a practical hardship for my proposed small-scale kennel business due to
the narrow dimesions of my lot. While my property is a full acre in size, it is approximately 70-feet wide, which makes my lot unusable
for a small-scale kennel business according to zoning standards. The width of the lot is a fixed, existing feature that I cannot alter.
5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.
Not only will the granting of the variance be compliant with the rural character of the area, but it will support local
entrepreneurship, animal welfare. These ethics align with the Comprehensive Plan's broader goals for community
development and quality of life. The variance simply allows for a practical adjustment without compromising the intent of current regulations.

DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

Applicant: Morgan Kalmes (Wilson)

Case #: _____

Location: 12230 E McGregor Rd, Indianapolis, IN 46259

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

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

The proposed use for my property will be small and personal, intended to support and service the local community with

minimal disruption. I am committed to upholding all laws pertaining to the health, containment, and wellness of all animals

boarded within my facility. I will ensure all animals are properly contained and vaccinated. My husband is well versed in Indiana law

in Indiana law pertaining to dogs with an eight-year background as a kennel manager and ACO for Indianapolis Animal Care Services.

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 kennel's operation will have virtually no negative impact on surrounding properties. To the west lies a large industrial facility that generates

significant vehicle and machinery noise throughout the day, which will effectively mask any ambient sound from the kennel's outdoor area.

To the east, the neighboring parcel has been vacant and uninhabited for over a decade, meaning there are no nearby residents to be affected.

Given the distance from any occupied structures, normal kennel activity following noise-containment protocol will be well below routine noise level.

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.

I am requesting a variance from the Shelby County Development Ordinance, which requires a 50-foot setback

for all outdoor areas used by kennels. Due to the exceptionally narrow width of my lot it is physically impractical to meet this

while maintaining a functional kennel operation. Strict adherence to the current setback standard would render the outdoor use

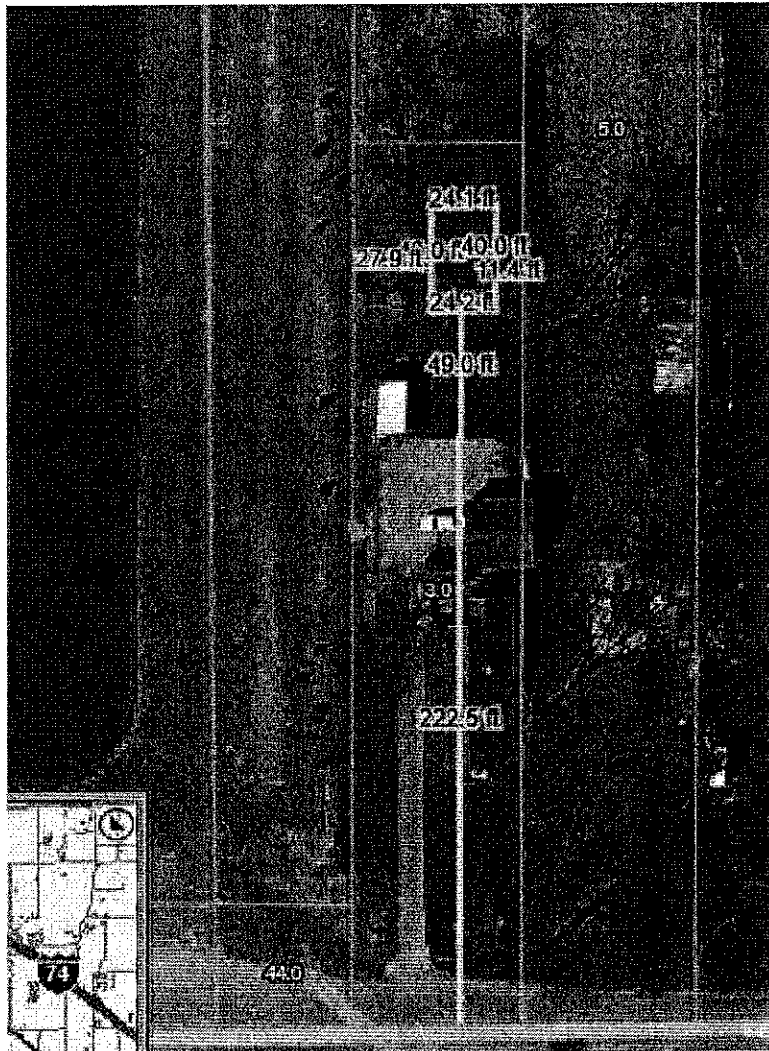
of my property unfeasible, thereby creating a significant practical difficulty in utilizing the land as intended.

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:

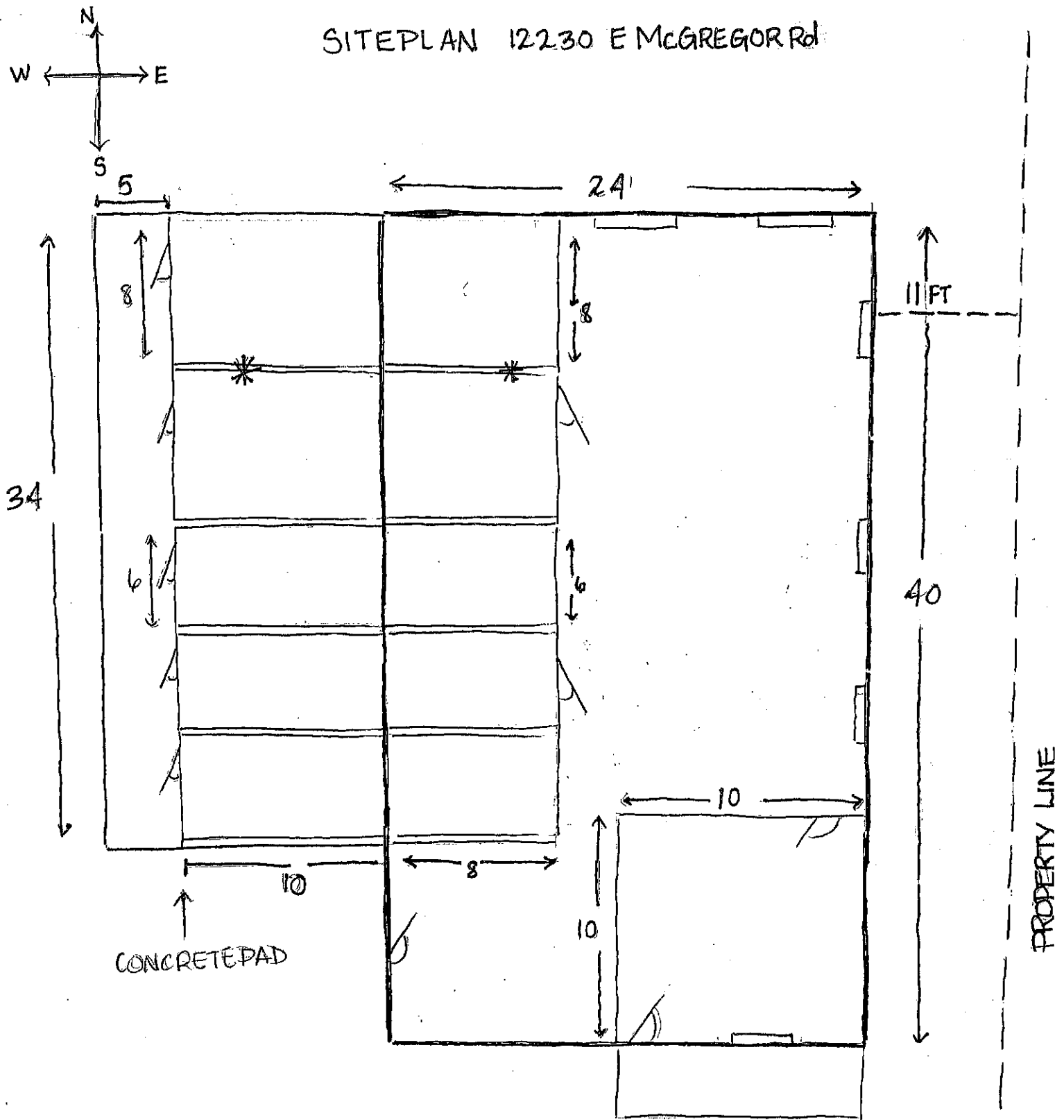
General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

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.)



SITEPLAN 12230 E MCGREGOR Rd



LEGAL DESCRIPTION

PT E 2 S W 1/4 ESD E 2 N

NOT TO SCALE

* 6 INCH CONCRETE BLOCK WALLS

Property Details

Location: 4980 W Range Rd,
Shelbyville, Brandywine Township.

Property Size: 2.84-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 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	Cropland
South	A1	Cropland
East	RE	Cropland
West	A1	Cropland

Staff Report

Case Number: BZA 25-27

Case Name: William & Wendy Curry – Use &
Development Standards Variances

Request

Variance of Use to allow for a pool hall in the RE (Residential Estate) District.

Variances of Development Standards to allow:

1. A primary structure setback 25-feet from the rear property line (minimum 30-foot setback required);
2. Two primary structures (one permitted);
3. Use of an existing driveway within 100-feet of an intersecting street;
4. Grass parking areas;
5. A commercial sign 8 sq. ft. in area.

Code Requirement

UDO Section 2.12 – RE District Development Standards: Maximum Primary Structures: 1 per lot

Purpose of Requirement: Prohibiting more than one primary structure limits uses of property inconsistent with the purpose of the zoning district.

UDO Section 2.12 – RE District Development Standards: Minimum Rear Yard Setback: 30 feet for primary structure

Purpose of Requirement: The setback requirement provides for privacy between properties and reduces the likelihood of accidentally building over a property line.

UDO Section 5.18 A 1 – From an Intersecting Street: No single driveway shall be permitted to be installed within 100 feet of any intersecting street.

Purpose of Requirement: The separation requirement between a driveway and roadway intersection prevents conflicts between vehicles stopping at an intersection and vehicles utilizing the driveway. Conflicts may occur because driveways do not utilize a stop sign and vehicles often back out of driveways onto the public road.

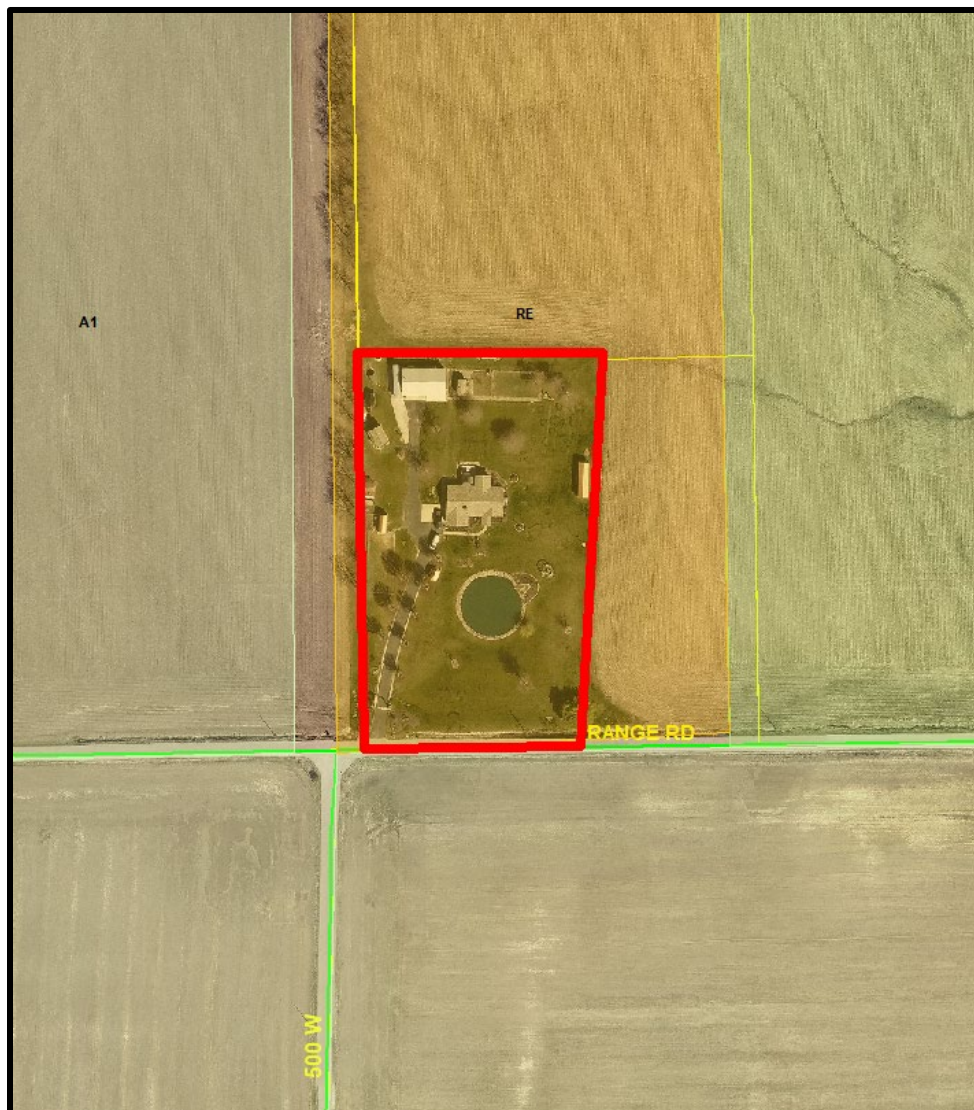
UDO Section 5.60 A – Surface: *All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district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

Purpose of Requirement: Prohibiting parking on lawns protects the aesthetic quality of development by preventing ruts in lawns. Ruts in laws could also hold standing water and adversely impact drainage patterns.

UDO Section 5.73 – General Sign Standards.

Purpose of Requirement: 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



Case Description

Proposed Use

- The petitioner proposes to operate a pool hall from a barn located in the rear yard of the property.
- The facility would provide up to 20 pool tables, food sales, pool supply sales, and pool equipment repair.
- The petitioner indicated that they intend to use the facility for pool tournaments. The Petitioner's Statement of Intent indicates that pool tournaments would occur between the hours of 4 PM and 12 PM and would typically accommodate 30 to 50 players.

Site Development

- The pool hall would utilize an existing 40'x60' metal barn and a proposed 40'x100' foot addition to the barn. The addition would include additional area for pool tables, two new bathrooms, and a kitchen area.
 - The UDO requires a 30-foot rear yard setback for primary structures in the RE District. The petitioner has requested a variance to allow the barn 25-feet from the rear property line.
- An existing 18-foot-wide paved driveway would provide access to the pool hall from Range Road.
 - The UDO requires a 100-foot separation between the centerline of a driveway and the centerline of a street intersection. The petitioner has requested a variance to utilize the existing driveway, which centerline has an approximate 50-foot separation from the intersection of Range Rd. and CR 500 W.
- Existing paved area at the end of the driveway would provide adequate parking area for two ADA parking spaces and approximately four additional vehicles. The petitioner proposes to accommodate overflow parking in the front lawn.
 - The UDO requires paved parking and prohibits parking on lawns in all zoning districts. The petitioner has requested a variance from this requirement to utilize the lawn for parking.
- Property improvements will not exceed one-acre and therefore the County will not require Technical Advisory Committee review and approval of an engineered Site Plan and Drainage Plan.
- Structures occupied by the public must comply with commercial construction standards and have a State Design Release. The County will require a State Design Release, a commercial remodel permit for the existing barn, and commercial construction permit for the addition prior to permitting occupancy of the structure by the public.
- The County Health Department will require State of Indiana Department of Health review of septic facilities prior to permitting occupancy of the structure by the public. Food service must also comply with all sanitation standards of the County Health Department.

Supplemental Information

- In 2019, the petitioner applied for a use variance to allow for an outdoor wedding venue on the property, with an anticipated event frequency of three to four weddings during the first year. The BZA approved this variance with two conditions: (1) parking shall not be permitted on Range Rd. (2) smoking, candles, and fireworks shall be

prohibited. One neighbor spoke in objection to the variance, citing nuisance impacts if she decided to build a house on her property in the future.

- The UDO only permits Recreation Centers by right in the VM (Village Mixed Use) District.
- Most tournament players would likely access the property by taking CR 500 W from SR 44. The Comprehensive Plan designates CR 500 W as a local road with limited traffic.
- The property lies within a predominantly agricultural area and is located approximately 1-mile from the closest residential property.

Staff Analysis of Findings of Fact

Use Variance

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

Staff Analysis: The pool hall would comply with all State and local laws applicable to use of the property by the public. However, the property lies within an area only accessible by local roads which may not have adequate capacity to accommodate a large number of visitor vehicles on a regular basis. Also, conflicts may occur between vehicles utilizing the driveway and the intersection of Range Rd. and CR 500 W.

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

Staff Analysis: State right-to-farm laws allow for unrestricted continued use of agricultural land adjacent to new development. However, parking of vehicles on the lawn during tournaments may degrade the aesthetic quality of the property and would conflict with the agricultural character of the area.

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

Staff Analysis: No condition particular to the property supports grant of a use variance. The property lies within a predominantly agricultural area without any nearby commercial development. Approval of the use variance as proposed would require approval of several development standards variances in order for the property to accommodate the use.

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

Staff Analysis: A strict application of the ordinance would not prevent private guests from visiting the property to play pool. Private guests could utilize existing paved parking areas and guest bathrooms.

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

Staff Analysis: The Comprehensive Plan does not recommend commercial uses that do not support agriculture in agricultural areas.

Development Standards Variances

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

Staff Recommendation

Staff recommends **DENIAL** primarily because the Comprehensive Plan recommends agricultural land use for the area, no other commercial development exists in the area, and the property does not have direct access to a throughfare road or paved parking to accommodate public events on a regular basis.

If the Board chooses to approve the variances, Staff recommends that the Board limit the approval to the Statement of Intent and Site Plan submitted with the variance application and place a limit on the number of pool tournaments held each month or year.

Applicant/Owner Information

Applicant:	William & Wendy Curry 4980 W Range Rd Shelbyville, IN 46176	Owner:	Same
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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: POOL HALL FOR POOL TOURNAMENTS WITH 16 to 20 POOL TABLES, KITCHEN FOR FOOD SALES, AREA FOR SELLING POOL CUES + SUPPLIES. AREA FOR POOL CUE REPAIR
2. Days & Hours of Operation: Mon - Sun 4pm - 12pm
3. Maximum Number of Customers per Day/Week/Month: Max PER DAY DEPENDS ON TOURNAMENTS TYPICALLY 30 to 50 PLAYERS
4. Type and Frequency of Deliveries: FED EX
5. Description of any Outdoor Storage: CURRENT CABIN ON PROPERTY
6. Description, Size, and Placement of any Signage: SIGN HANGING FROM WOODEN ENTRY WAY COMING IN TO PROPERTY
7. Description of Waste Disposal: ALL WASTE TAKEN TO SHELBY CO. SOLID WASTE MANAGEMENT
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): EXISTING 40 X 60 METAL BARN TO REMAIN WITH ADDITION OF 100 X 40 ^{ONE} LEVEL METAL BARN. NEW BARN WITH NEW ELECTRICAL, WATER LINES FROM EXISTING WATER LINES ON PROPERTY. 2 NEW RESTROOMS, 2 EXIT DOORS. ROOM FOR SELLING BILLIARD PRODUCTS, ROOM FOR REPAIRING POOL CUES. KITCHEN AREA. LARGE LOUNGING AREA WITH COUCHES. TABLES CHAIRS

OVER
↓

ADDITIONAL PARKING IN FRONT OF PROPERTY
~~ENTIRE~~ EITHER GRAVEL OR PAVED.

USE VARIANCE
FINDINGS OF FACT

Applicant: WILLIAM CURRY + WENDY CURRY

Case #: _____

Location: 4980 W. RANGE RD. SITELBYVILLE, IN. 46176

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a 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.

NO - ALL PERSONS AND VEHICLES WILL REMAIN ON
PROPERTY.

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 - OUR PROPERTY WILL REMAIN IN GOOD STANDING
PROPERLY MAINTAINED AT ALL TIMES. NO ADDITIONAL NOISE.
NO CONSTANT IN AND OUT TRAFFIC.

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

~~NO~~ PICTURES OF PROPERTY ATTACHED.

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.

NO-FUTURE LAND USE. ADJOINING PROPERTY ALL
FARM FIELDS

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

NO - FUTURE LAND USE, ADJOINING PROPERTY ALL
FARM FIELDS

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: WILLIAM CURRY + WENDY CURRY

Case #:

Location: 4980 W. RANGE RD. SHELBYVILLE IN. 46176

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

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

WE LIVE ON 2.84 ACRES. BUILDINGS IN REAR OF PROPERTY SURROUNDED
BY FARMING FIELDS. NO CLOSE NEIGHBORS. THIS WILL BE A NICE
WELL MAINTAINED FACILITY FOR PEOPLE TO COME PLAY POOL.
GIVES THE COMMUNITY A PLACE TO HAVE FUN, FRIENDLY COMPETITION.

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 PROPERTY IS ALL FARMING LAND. ALL PERSONS
WILL REMAIN ON OUR PROPERTY AT ALL TIMES.

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.

WITH THE CURRENT AND FUTURE BUILDINGS ARE IN A SAFE
LOCATION AND ENVIRONMENT. FACILITY IS 18+ NO SMALL
CHILDREN.

PROPERTY LINE

PROPERTY LINE

Current
SEPTIC

METAL BARN

40 x 60

POOL HALL CURRENTLY

OUTDOOR
SEATING

Small
Shed

112

5
4
3
2
1

METAL BARN

ADDED POOL TABLES

FLOOR LEVEL

1 LEVEL

DOOR

Drive way
+
parking

Barn

40 x 40
Page 39 of 58

ELECTRIC
BOX

Cabin

4980 W. Range Rd.
Shelbyville 40176

POOL
Home

DECK

RESIDENTIAL
HOUSE

PORCH

HANDICAP
PARKING

GAZEBO

WATER FALL

POND

ADDITIONAL PARKING

PARKING

RANGE RD

Current
Pool Hall

100 X 40 ft

POOL HALL ADDITION

STORAGE

4980 W Range Rd

Handicap
Parking



PARKING // // //

Range Rd

60 m









Property Details

Location: West of and adjoining
7619 E 300 S, Waldron, Liberty
Township.

Property Size: 3-acres.

Current Land Use: Cropland.

Zoning Classification:

RE (Residential Estate)

Intent: This district is established for
single-family detached dwellings in a
rural or country 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	A1	Cropland
South	A1	Cropland
East	A2	Estate Residential
West	A1	Cropland

Staff Report

Case Number: BZA 25-32

Case Name: Kimberly Livingston – Special Exception

Request

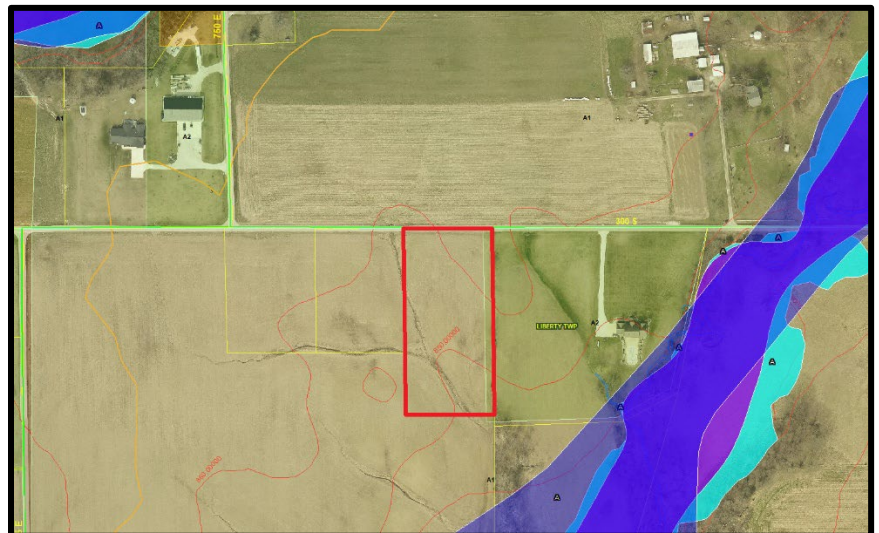
Special Exception to allow a Type 2 Home Business (medical service) in
the RE (Residential Estate) District.

Code Requirement

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

Special Exception Criteria: The UDO lists Special Exception uses for each
zoning district. Special Exception approval has a lower burden of proof
than use variance approval. Unlike a use variance, the petitioner does
not have to show a hardship to obtain approval of a Special Exception.
The petitioner must only show that the use would not have a negative
impact on the community and that the proposed Special Exception is
consistent with the intent of the zoning district and Comprehensive Plan.

Property Map



Case Description

- The petitioner intends to build a new single-family home on the property and operate her message business within a 12'x12' room in the home.
- The petitioner currently operates the business from her home within the town limits of St. Paul. The petitioner indicated she obtained zoning approval from Decatur County to allow for operation of the business at her current location.
- Summary of Petitioner's Statement of Intent:
 - Customers: Maximum of four (4) per day and twenty (20) per week.
 - Hours of Operation: 8AM – 5PM, Monday – Friday.
 - Parking: Two spaces in front of the attached garage.
 - No exterior property improvements related to the business.
- The proposed business complies with all standards for Type 2 Home Businesses.
- Surrounding development consists of dispersed single-family residential homesites on lots between one-acre and ten-acres.
- On July 22, 2025, the Plan Commission recommended approval of a rezoning from the A1 (Conservation Agricultural) District to the RE (Residential Estate) District and approved a Simple Subdivision to allow for single-family residential development of the lot. The County Commissioners approved the rezoning on August 4, 2025.

Staff Analysis of Findings of Fact

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

Staff Analysis: The UDO states that in the RE District: *Allow a special exception use only when it is compatible with the surrounding residential areas.* The business would not necessitate any exterior property improvements or have parking available for more than two customers at a time. Therefore, the business would not alter the rural residential character of the property. Service provided to a maximum of four customers per day would not generate traffic in a greater volume than typical in the area. The business would not interfere with continued use of adjacent properties for agricultural purposes in an area recommended for agriculture by 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 proposed business would provide a medical service to the community. Development and use of the property must comply with all State and local codes.

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

Staff Analysis: The business would not necessitate any exterior property improvements or have parking available for more than two customers at a time. Therefore, the business would not alter the rural residential character of the property. Service provided to a maximum of four customers per day would not generate traffic in a greater volume than typical in the area. The business would not interfere with continued use of adjacent properties for agricultural purposes.

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

Staff Analysis: The business would not necessitate any exterior property improvements or have parking available for more than two customers at a time. Therefore, the business would not alter the rural residential character of the property. Service provided to a maximum of four customers per day would not generate traffic in a greater volume than typical in the area. The business would not interfere with continued use of adjacent properties for agricultural purposes.

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

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

Staff Recommendation

Staff recommends **APPROVAL**.

The business would not necessitate any exterior property improvements or have parking available for more than two customers at a time. Therefore, the business would not alter the rural residential character of the property. Service provided to a maximum of four customers per day would not generate traffic in a greater volume than typical in the area. The business would not interfere with continued use of adjacent properties for agricultural purposes.

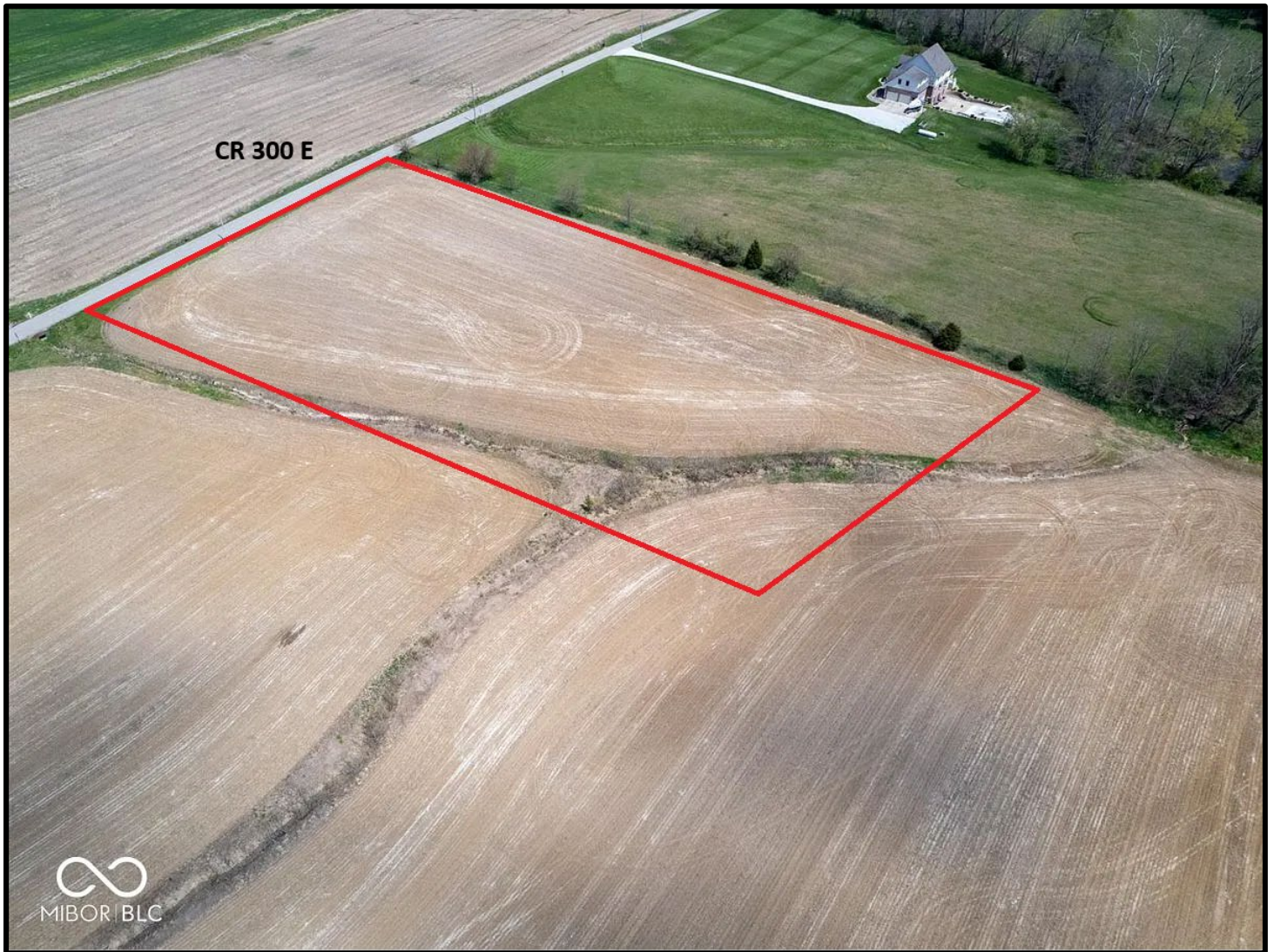
Staff recommends the following **stipulations**:

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

Applicant/Owner Information

Applicant:	Kimberly Livingston	Owner:	Same
	7000 E 300 S		
	Waldron, IN 46182		

Aerial View of Property



Mibor Real Estate Listing –2025

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

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

1. Summary of Proposed Use and/or Business Activity: Massage and Bodywork by Kim, LLC will provide a professional and welcoming environment to clients searching for a reduction in pain, relief from stress, and enhanced well-being.
2. Days & Hours of Operation: Monday-Friday 8am-5pm
3. Maximum Number of Customers per Day/Week/Month: 3-4 clients per day
15-20 clients per week
4. Type and Frequency of Deliveries: Amazon order - 1 time per month
5. Description of any Outdoor Storage: none needed
6. Description, Size, and Placement of any Signage: none
7. Description of Waste Disposal: none needed
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Massage studio to be located inside the home office (12'x12' approximately). Parking available in front of garage doors in the driveway.

**SPECIAL EXCEPTION
FINDINGS OF FACT**

Applicant: _____

Case #: _____

Location: _____

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

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

The massage business will operate in the spirit of the homes residential zoning. No impact will be made to future use, resale, or conditions of the home or property.

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

The massage business will do no harm to the public or surrounding neighbors. I am board licensed, fully insured, highly skilled with additional certifications, and have been practicing over 4 years in a home-based business less than 5 miles away.

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

Adjacent land and neighbors will have no impact from the massage business. In my current location, my neighbors have become clients.

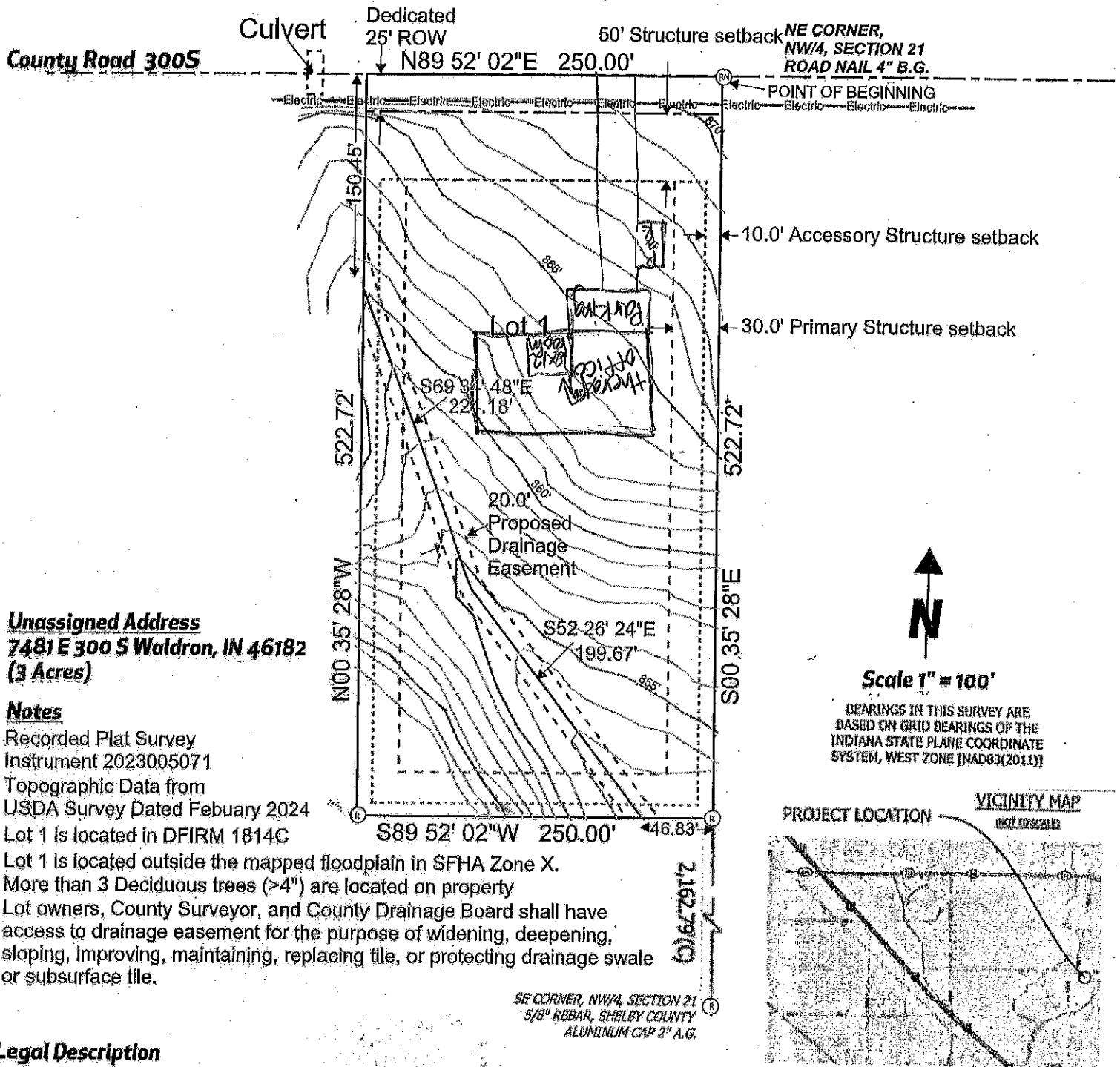
4. **Character of the District:** The proposed special exception will not alter the character of the district.

The land and the home will not be altered to accommodate the massage business. I will use the home office space for my massage office.

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

The massage business would only increase the value of the property. It will be kept well-maintained, with an extra office, and would be the same as any standard home.

Freeman Overlook Simple Subdivision



Property Details

Location: 6631 E 700 N, Shelbyville, Hanover & Union Townships.

Property Size: +/- 1,300-acres.

Current Land Use: Commercial Solar Energy Facility & Agriculture.

Zoning Classification:

A1 (Conservation Agricultural) & A2 (Agricultural)

A1 Intent: This district is established for the protection of agricultural areas and buildings associated with agricultural production.

A2 Intent: This district is established for general agricultural areas and buildings associated with agricultural production.

Development Standards: Enact development standards to maximize protection of common agricultural practices.

BZA: Protect the integrity of land and operations within A1 & A2 District.

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

Landscape buffer areas adjacent to residential homesites, farm ground, and utilities on property zoned A2 (Agriculture), RE (Residential Estate), R1 (Single-Family Residential), and IS (Institutional)

Staff Report

Case Number: BZA 25-31

Case Name: Speedway Solar, LLC – Development Standards Variance & Modification of Stipulation of Special Exception Approval

Request

Variance of Development Standards of UDO Amendment 2018-07 Section SES-01 Commercial Solar Energy Systems to modify the landscape buffer requirement for portions of the project site in which landscaping may interfere with farming activities, overhead transmission lines, and drainage tiles.

Modification of Stipulation #4 of Special Exception Approval BZA 19-01.

Code Requirement

UDO Amendment 2018-07 Section SES-01 Commercial Solar Energy Systems Landscape Buffer: Any CSES shall be required to meet the landscape standards as listed in Shelby County U.D.O. 5.49 LA-07: Buffer Yard Landscaping Standards. All CSES installations shall require a minimum of a Buffer Yard “A” where the subject parcel abuts a parcel with an equal or lower intensive zoning category than the subject parcel. This shall not apply to CSES property abutting land zoned A1.

Stipulation #4 of Special Exception Approval BZA 19-01: The Applicant's landscape plan shall consist of two categories:

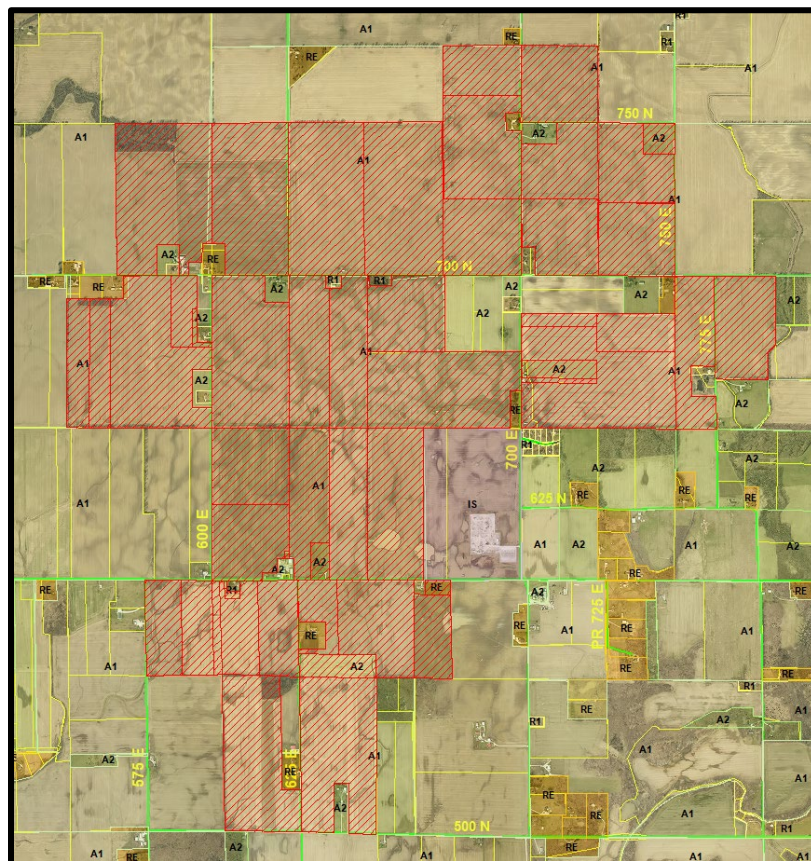
- Landscape Buffer C: The majority of the parcels included in the Project are zoned A1 or A2. Where the Project parcel being developed is adjacent to land zoned as A2 or a more intense land use, under the Ordinance, the Petitioner would install a minimum of Buffer Yard A, which requires one (1) canopy tree and one (1) ornamental or evergreen tree every seventy (70) feet of contiguous boundary with an adjacent lot. Landscape Buffer A would result in only two (2) total trees planted every 100 feet of contiguous boundary with an adjacent lot. However, Petitioner voluntarily commits to implementing Landscape Buffer C as the Project minimum for these parcels, unless otherwise waived or agreed to by the adjacent landowner; provided that Petitioner will install at minimum Buffer Yard A for these parcels. Landscape Buffer C requires one (1) canopy tree every forty-five (45) feet of contiguous boundary with an adjacent lot and two (2) ornamental or evergreen

trees every fifty (50) feet of contiguous boundary with an adjacent lot. The voluntary use of Landscape Buffer C as the Project minimum (where Buffer Yard A would otherwise be required) results in the planting of six (6) total trees every 100 feet representing an at least 300% increase in the total number of trees planted in the landscape buffer.

- b. Landscape Buffer C+: A small number of the parcels included in the Project are adjacent to non-participating parcels on which residences are located. Most of these adjacent, non-participating parcels are in an A2 zoning district, and would be subject to Landscape Buffer A (described above) under Shelby County's Unified Development Ordinance. The site plan submitted as part of this application voluntarily applies Landscape Buffer C+ to these parcels. Petitioner shall implement this voluntary Landscape Buffer C+ for these adjacent, non-participating parcels on which residences are located, unless otherwise waived or agreed to by the non, participating landowner. Landscape Buffer C+ does not exist in Shelby County's Unified Development Ordinance and was voluntarily created specifically for this project. Landscape Buffer C+ will consist of one (1) canopy tree every forty-five (45) feet of contiguous boundary with an adjacent lot and one (1) ornamental or evergreen tree every 18 feet of contiguous boundary with an adjacent lot. Landscape Buffer C+ results in the planting of two (2) canopy trees and five (5) to six (6) ornamental or evergreen trees, or eight (8) trees total, every 100 feet. The voluntary creation and use of Landscape Buffer C+ represents a 4000/o increase in the total number of trees planted over Landscape Buffer A.

Purpose of UDO Requirement: The intent of the Landscaping Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by requiring a reasonable amount of plant materials to enhance the visual quality of developments, maintain community character, define the edges of streets for vehicular safety and flow, minimize storm runoff, and improve air quality.

Property Map



Case Description

Background

- In 2018, the County adopted its initial Commercial Solar Energy Systems (CSES) Ordinance which applies to the Speedway Solar project. The ordinance allowed for CSES facilities by Special Exception approval from the BZA and applied specific zoning standards to approved CSES facilities.
- The ordinance included a landscaping standard that required installation of landscape buffer “A” (see Landscape Buffer “A” requirement under Code Requirement Section of this Staff Report).
- In 2019, the BZA granted approval of a Special Exception to allow for development of the Speedway Solar project. The approval includes a stipulation which requires additional trees within the required buffer than required by the 2019 CSES ordinance (see Stipulation #4 requirement under Code Requirement Section of this Staff Report).
- The petitioner has completed construction of the Speedway Solar project, and the facility has begun generating power. The petitioner is currently working with the County to address final project close-out items, including repair to roads, drainage repairs, and installation of landscaping.

Variance Request

- The development standards variance seeks to only waive portions of the required landscape buffer which would interfere with installed drainage tiles, overhead transmission lines, or the ability to farm across a property line.
- Approval of the variance would also require that the Board approve a modification to stipulation #4 of Special Exception approval to allow for the waived portion of the buffer.
- The Site Plan submitted with the variance application shows the required landscape buffer to remain (blue and green), requested buffer to be waived (red), and indicates the reason for requesting to waive each specific area of the buffer.
- The portion of the landscape buffer that the petitioner requests to waive represents approximately 22% of the required landscape buffer:

	Landscaping Required	Requested Waived	Percentage Waved
Landscape Buffer in Lineal Feet	61,090	13,671	22 %
Number of Trees	4,516	1,014	22%

- The petitioner indicated that they would agree to plant a portion of the trees in the waived buffer to another area of the project site.
- The Shelby County Commissioners and Shelby County Surveyor have requested that the petitioner not install landscape buffers in areas where the roots of trees could interfere with installed drainage tiles.

- Duke Energy has requested that the petitioner not install landscape buffers within their overhead transmission line easement.
- Owners of property within the solar farm who farm area inside the project and adjacent to the project site requested that the petitioner submit a request to waive the landscape buffer that would interfere with their ability to farm across the property line.
- The petitioner indicated that they would agree to plant trees included in the waived portion of the buffer to another area of the project site as the discretion of the BZA.
- At the time of the writing of this Staff Report, all but three non-project-participating owners of property adjacent to a required landscape buffer that the petitioner has requested to waive have consented to waiving the landscape buffer. The petitioner has submitted signed consent forms to the Plan Commission office.

Additional Considerations

- At the time of adoption of the original CSES Ordinance and project Special Exception approval, neither the County nor the original project owner anticipated the conflicts that could occur between the required landscape buffers and drainage tiles, participating property owner farming activities, and utility easements. Additionally, the project owner submitted, and the County reviewed, the landscaping plan and drainage plan separately. Variance approval would sever to address a common regulatory issue that can occur when regulating new and evolving land uses.
- In 2024, the County adopted a revised CSES Ordinance. This ordinance increases the number of trees required in landscape buffers from the 2018 ordinance requirements, however, allows any non-project-participating property owner to reduce or waive the landscaping requirement along their property lines without approval of a variance.
- The petitioner has added 150 lineal feet of landscaping along CR 575 E at the request of an adjacent non-project-participating property owner.
- Due to preexisting contractual obligations with their landscaper, the petitioner has begun installing trees in the portions of the landscape buffer that they have requested waived. The petitioner will remove these trees if the Board chooses to approve the variance.
- The CSES Ordinance requires the project owner, rather than the underlying property owner, maintain and replace any dead trees in required landscape buffers.

Staff Analysis of Findings of Fact

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

Staff Analysis: Approval to waive portions of the required landscape buffer would protect drainage tiles and utility easements which serve the needs of the community. Approval would allow for continued farming of ground in a predominantly agricultural area.

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

Staff Analysis: Consent of non-project-participating owners of property adjacent to the required landscape buffer to waive the landscape buffer demonstrates that waiving the buffer will not adversely affect the use or value of their 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 require landscape buffers that would interfere with farming activities, overhead transmission lines, and drainage tiles.

Staff Recommendation

A strict application of the ordinance would require landscape buffers that would interfere with farming activities, overhead transmission lines, and drainage tiles. All but three non-project-participating owners of property adjacent to a landscape buffer have consented to waiving the portion of the landscape buffer adjacent to their property.

Staff recommends **APPROVAL** with the following **stipulations**:

1. Landscape buffers shall be installed in compliance with the Landscaping Plan submitted with the variance application.
2. The number of trees included in the waived portion of the landscape buffer shall be planted within proximity to the required landscape buffer remaining along non-participating properties including residential structures or to another location on the project site at the discretion of the BZA.
3. Written consent to waive the landscape buffer shall be provided from Conrad (73-04-33-100-002.000-019), N L McLure Properties, LLC (73-04-32-200-003.000-019), and Hero (73-04-33-200-012.000-019) or other accommodations shall be made to address the concerns of these property owners at the discretion of the BZA. In the event written consent is not obtained or other accommodations are not made, the required landscape buffer shall be installed in an area between the project fence and property line at the discretion of the Planning Director and County Surveyor.

Applicant/Owner Information

Applicant:	Speedway Solar, LLC 575 Fifth Ave 23rd Floor New York, NY 10017	Property Owners:	Arlene Bangel Freeman Living Trust 6179 E US 52 Morristown, IN 46161
Attorney:	Bose McKinney & Evans LLP 111 Monument Circle Suite 2700 Indianapolis, IN 46204		Larry C & Rhonda L Smith Trust 11292 N 600 E Morristown, IN 46161
Project Engineer:	Primoris Renewable Energy 3800 Lewiston Street Suite 300 Aurora, CO 80011		LCM Farms Partnership 6264 N 500 E Shelbyville, IN 46176

Michael J Smith Revocable Living Trust
& Kari Smith Revocable Living Trust
6198 N 500 E
Shelbyville, IN 46176

Osborn Family Trust
4944 S CO RD 240 W
Greensburg, IN 47204

Red Glass Farm, LLC
9550 Chickasaw Rd.
Fairland, IN 46126

Ronald & Charlene Shinglton
5998 E 700 N
Shelbyville, IN 46176

DEVELOPMENT STANDARDS VARIANCE

FINDINGS OF FACT

Applicant: _____

Case #: _____

Location: _____

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

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

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.

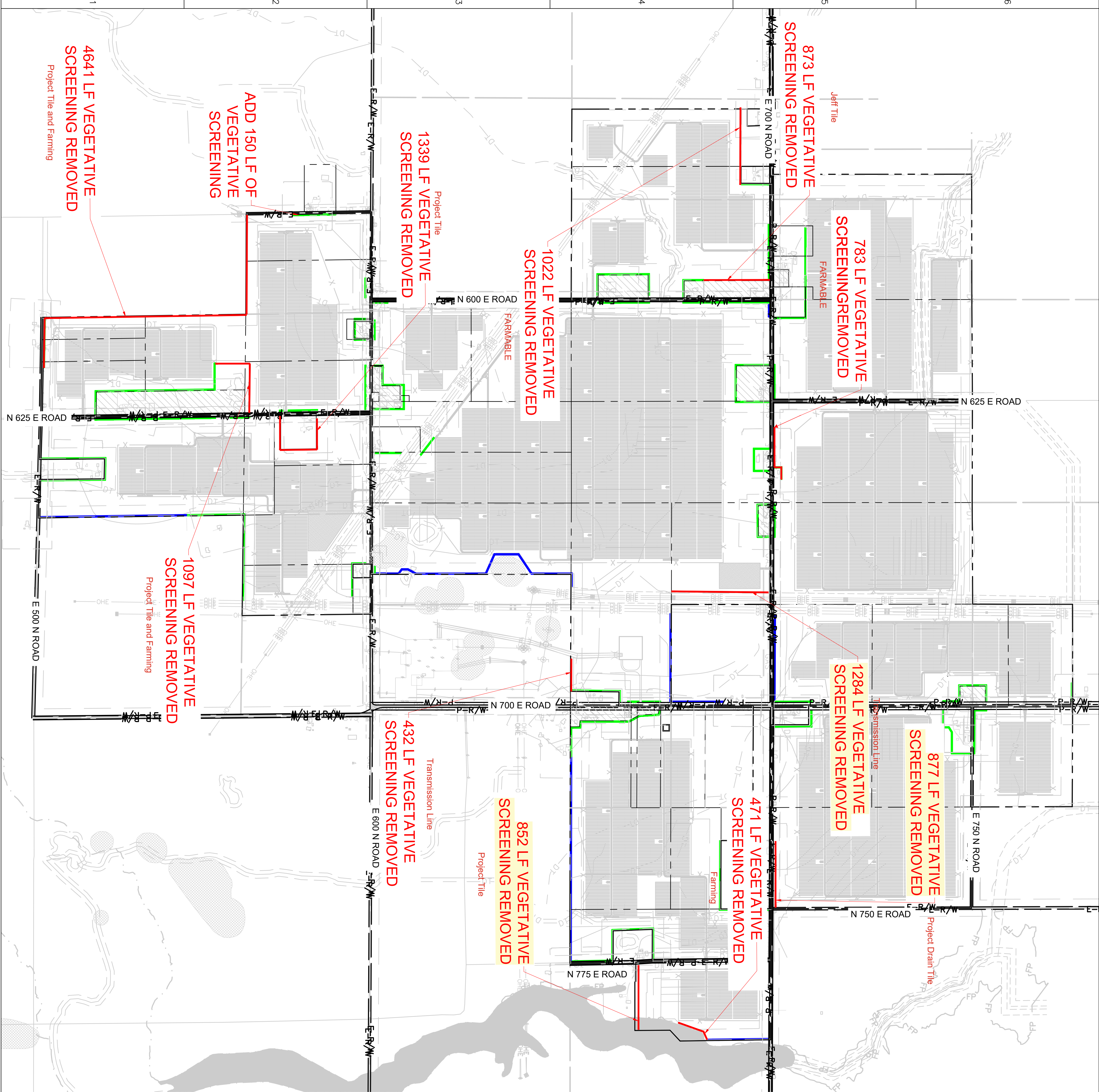
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

The 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.)



LEGEND

- LANDSCAPE BUFFER C
- LANDSCAPE BUFFER C+

Highlighted in in yellow do not have consent from adjacent non-participating property owner to waive

SUMMARY OF CHANGES	
SCREENING ADDED	150 LF
SCREENING REMOVED	13,671 LF

Primoris
Renewable Energy

PRIMORIS
3800 LEWISTON STREET
SUITE 300
AURORA, CO 80011

Kimley»Horn
500 E 96TH STREET, SUITE 300
INDIANAPOLIS, IN 46220
PHONE (317) 218-3560
WWW.KIMLEY-HORN.COM

FastGrid, LLC
225 E German
Road
Suite 310
Gilbert, AZ 85234

REV	DESCRIPTION	DATE
H	ISSUED FOR PERMIT	06/02/2022
I	ISSUED FOR PERMIT	06/21/2022
J	RESPONSES TO IDEN COMMENTS	11/02/2022
K	ISSUED FOR CONSTRUCTION	1/01/2023
L	ISSUED FOR CONSTRUCTION. REV 1	03/13/2023
M	ISSUED FOR CONSTRUCTION. REV 2	03/27/2023
N	ISSUED FOR CONSTRUCTION. REV 3	04/15/2023
O	ISSUED FOR CONSTRUCTION. REV 4	06/26/2023
P	ISSUED FOR CONSTRUCTION. REV 5	09/12/2023

**SPEEDWAY SOLAR
PV SOLAR POWER
GENERATION FACILITY**

PROJECT ADDRESS:

N 700 E
SHELBY COUNTY
INDIANA, USA

SEAL:

07/29/2025

PROJECT #: 192330000

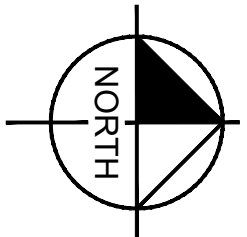
DRAWN BY:
SG

SHEET NAME:

LANDSCAPE INDEX EXHIBIT

SHEET #:

EX-1



GRAPHIC SCALE IN FEET

0 350 700 1400