

**Shelby County Board of Zoning Appeals
Meeting Minutes
December 9, 2025**

Members Present:

Kevin Carson
Terry Knudson
Megan Hart
Dave Klene

Members Absent:

Jim Douglas

Staff Present:

Desiree Calderella – Planning Director
Jody Butts– Attorney

Call to Order and Roll Call:

Dave Klene called the meeting to order at 7:00 pm in Room 208 A at the Court House Annex, Shelbyville.

Approval of Minutes:

Kevin Carson made a motion to approve the minutes from the November 4, 2025 meeting. Terry Knudson seconded the motion. The minutes were approved 4-0.

Old Business:

BZA 25-42 – JAMES D WILLIAMS: USE VARIANCE – To allow for placement of a manufactured home in the RE (Residential Estate) District. Located at 5113 W 100 S, Shelbyville, Hendricks Township.

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

James Williams explained that he plans to update the property with a new manufactured home. He explained that the existing home would require a lot of work to renovate and that his mother-in-law would reside in the new manufactured home.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Terry Knudson made a motion to vote on the petition and Megan Hart seconded the motion. The petition was **APPROVED 4-0.**

Kevin Carson made a motion to adopt the Findings of Fact indicated in the Staff Report and Megan Hart seconded the motion. The Findings of Fact indicated in the Staff Report were adopted 4-0.

New Business:

BZA 25-44 – KRISTIAN GRIFFITH: DEVELOPMENT STANDARDS VARIANCE – To allow a 24-foot-tall pole barn (maximum height of 20-feet permitted) [UDO Sec. 2.12]. Located at 5468 W 700 N, Fairland, Moral Township.

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

Kristian Griffith explained that the barn requires a 14-foot-tall door to allow for storage of an RV. He explained that the truss system would result in the barn exceeding the 20-foot height limit. He indicated utilities and trees limit construction of the larger barn he had originally intended to build.

The Board opened the hearing for public comment.

Wayne Bley, who lives at 5544 W 700 N, indicated that the petitioner had made significant improvements to the property. He indicated that the circumstances and placement of the barn warrant grant of the variance.

The Board closed the public comment portion of the hearing.

Kevin Carson indicated that the neighbor supports the petition.

Kevin Carson made a motion to vote on the petition and Terry Knudson seconded the motion. The petition was **APPROVED 4-0**.

Kevin Carson made a motion to adopt the Findings of Fact indicated in the Staff Report and Megan Hart seconded the motion. The Findings of Fact indicated in the Staff Report were adopted 4-0.

BZA 25-46 – BEN & ANDREA MOHR: USE VARIANCE – To allow for temporary use of the property for an outdoor services contractor yard and trucking business in the A2 (Agricultural) District. Located at 1640 W 650 N, Shelbyville, Brandywine Township.

*heard with petition BZA 25-47, see below

BZA 25-47 – BEN & ANDREA MOHR: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for an outdoor services contractor yard and trucking

business in the R1 (Single-Family Residential) District and outdoor storage of equipment, machinery, and aggregate [UDO Sec. 5.54 A], gravel parking and maneuvering areas [UDO Sec. 5.60 A], use of a dumpster for containment of trash [UDO Sec. 5.56 A], a commercial sign [UDO Sec. 5.73], an above-ground fuel storage tank [UDO Sec. 5.77 A], a future building setback 40-feet or greater from the centerline of CR 400 W (minimum 85-foot setback required) [UDO Sec. 2.14], use of an existing driveway exceeding 22-feet in width [UDO Sec. 5.19 B 1] and impervious surface to exceed 35% of the area of the property [UDO Sec. 2.14]. Located at 7238 N 400 W, Fairland, Moral Township.

Desiree Calderella read the petitions into the record and stated that Staff recommends denial, however, recommends stipulations if the Board chooses to approve the variances.

Andrea Mohr provided an overview of the business operations and growth of the business. She indicated that the business strives to maintain an aesthetically pleasing property and has respect for the community. She explained how the layout of the property on CR 650 N screens view of the business activities. She explained that trucks typically do not make multiple trips a day and typically return to the property empty, which limits any damage to the public roads. She indicated that many trucks currently use county roads, especially CR 440 W. She indicated that her truck drivers operate trucks in a respectable and safe manner. She explained that the business would like to remain in Shelby County and plans to move operations to the CR 440 W property. She indicated that her father had operated a trucking related business from that property for several years.

The Board opened the hearing for public comment.

Bob Scheigert, who owns property at 1668 W 650 N, expressed support for the property owner and indicated that the business does not cause disruptive noise effecting his property.

Kristian Griffith, who lives at 5468 W 700 N, expressed support for the petition as a customer of the business. He referenced the involvement of the business in the local community. As a small business-owner, he asked the Board to consider the difficulties associated with navigating the growth of a small business when they make their decision.

Clinton Huber, who lives at 6780 N 100 W, indicated that the property does not have the appearance of the business. He indicated that the business does not conflict with the spirit of agriculture. He indicated that the business does no harm and provides an agricultural service to farmers in the area.

Matthew Lengacher, with Blue River Construction, indicated that the business provided several connections and services to his family when his family moved to the area. He indicated that his company uses services offered by the business and that he has found the

employees respectful. He indicated that the property does not have the appearance of a large business. He asked the Board to allow the petitioner to continue to operate their small business.

Alicia Barr, who lives at 6679 N 400 W, indicated that the business has done a tremendous amount of work for her over the years. She emphasized that the petitioner promptly contacted the Plan Commission office when they received the notice of zoning violation and had begun plans to relocate the business prior to receiving the notice of zoning violation. She explained that the Comprehensive Plan allocates land uses to provide direction to the Board when making decisions but does not necessarily dictate land uses. She indicated that a trucking-related business has operated from the property on CR 400 W for several years. She emphasized the high standard that the business upholds and the importance of small business development in Shelby County.

The Board closed the public comment portion of the hearing.

Kevin Carson asked if the petitioner intends to relocate to the CR 400 W property within two years.

Andrea Mohr explained that she needs to close on the property, that her father needs to move his trucks, and that then she will begin site work.

Kevin Carson indicated that a trucking and mechanic business had previously operated from the property on CR 400 W.

Dave Klene indicated that the Board has heard other cases for trucking operations in farming areas. He indicated that unlike previous cases, members of the public did not speak in opposition to this petition.

Dave Klene asked how many trucks the petitioner would have at each property.

Andrea Mohr indicated that the business currently owns ten dump trucks and a semi-truck. She indicated that the business may acquire more trucks as the business grows.

Dave Klene asked about the proposed fuel tank.

Desiree Calderella explained that the ordinance does not allow above ground storage tanks in residential districts. She indicated that the stipulations proposed by Staff would require the fuel tank to comply with the setback requirements for non-residential zoning districts.

Andrea Mohr indicated that the business uses a double-walled fuel tank.

Dave Klene suggested setting a limit on the number of trucks.

Kevin Carson indicated that the size of the property should limit the number of trucks. He indicated that the Board had approved use of other properties for trucking businesses in less appropriate locations.

Andrea Mohr verified that she agrees with the stipulations recommended by Staff for case BZA 25-46.

Kevin Carson indicated that requiring landscaping along the roadway as recommended by Staff for BZA 25-47 would result in the property appearing out of character with the area.

Desiree Calderella explained that the ordinance requires trees, but that the Board could eliminate the mound.

Andrea Mohr asked when she would need to install the driveway pavement recommended by Staff for BZA 25-47.

Desiree Calderella explained that the Planning Office would not issue a certificate of occupancy to operate the business from the property until after installation of the pavement.

Kevin Carson suggested amending the stipulation to require 25-feet of pavement from the public road rather than outside of the fenced area.

Kevin Carson made a motion to vote on petition **BZA 25-46** with stipulations and Terry Knudson seconded the motion. The petition was **APPROVED 4-0** with **stipulations**:

- 1. Commercial use of the property shall be limited to the Statement of Intent submitted with the variance application.**
- 2. Commercial development of the site shall not expand beyond the existing commercial development.**
- 3. Variance approval shall expire on December 9, 2027.**

Megan Hart made a motion to continue the Findings of Fact to the next meeting and Terry Knudson seconded the motion. The Findings of Fact were continued 4-0.

Kevin Carson made a motion to vote on petition **BZA 25-47** with stipulations and Terry Knudson seconded the motion. The petition was **APPROVED 4-0** with **stipulations**:

- 1. Use of the property shall be limited to the Statement of Intent submitted with the variance application.**

- 2. All site development, excluding the septic system, shall be setback a minimum of 210-feet from the north property line.**
- 3. One (1) canopy tree per fifty (50) feet of lineal frontage shall be installed along CR 400 W.**
- 4. The portion of the driveway extending 25-feet from the public road shall be hard-surface.**
- 5. Any site lighting shall be full-cut-off fixtures.**
- 6. The above-ground storage tank shall comply with all setback requirements for above-ground storage tanks in the I2 District.**

Kevin Carson made a motion to continue the Findings of Fact to the next meeting and Megan Hart seconded the motion. The Findings of Fact were continued 4-0.

V25-31 – WILLIAM H & WENDY S CURRY: ZONING VIOLATION. Located at 4980 W Range Rd., Shelbyville, Brandywine Township.

Desiree Calderella provided an overview of the alleged violation and BZA decision criteria.

Warren Good represented the property owners. He presented arguments to demonstrate that the property owners do not operate a commercial pool hall on the property. He explained that per the Gaming Commission, placing money on pool games by players does not constitute gambling because pool is a game of skill. He explained that no exchange of money occurs other than green fees paid by players for maintenance of the facility, which the property owners will discontinue collecting. He indicated that occasionally players park in the grass, however, the Currys have instructed players to park on the driveway. He explained that generally the same group of people visit the property to play pool. He provided exhibits to the Board (see case file). He indicated that the Ms. Curry only places event advertisements on Facebook accessible by the group of people who visit the property to play pool. He explained that Ms. Curry operates an online billiards store and does not sell supplies on-site. He indicated that the BZA had approved parking on the grass for a wedding venue and that the Currys occasionally still host weddings on the property. He indicated that pool players can only access the property by entering a code on a locked gate. He indicated that the Currys can provide a record of the persons who have visited the property to play pool.

Wendy Curry apologized for any confusion regarding her personal game room. She explained that she uses Facebook flyers to invite friends and family to play pool. She explained that Indiana state law defines the game room as a recreational facility and not a

business.

Allen Whitiker, who lives in Whiteland, IN, indicated that he has severed on a BZA, owns businesses, and plays pool at the Curry property. He indicated that the Currys operate a personal pool game room, not a business, and that it poses no threat to the farming community. He indicated that the Currys misinterpreted the type of approval they needed to operate the game room and should not have applied for a variance for a business.

Kevin Carson indicated that the Board had made it clear at the August meeting, when the Currys had applied for a variance to operate the pool hall, that the activities on the property must be discontinued.

Dave Klene indicated that the Board has discussed no tournaments.

Megan Hart indicated that the activities discussed by Mr. Good seemed the same as how a bar would advertise a tournament. She indicated that those activities would not be permitted in a residential neighborhood. She explained that tournaments on a regular basis does not seem appropriate for a rural setting.

Terry Knudson indicated that neighbors continuing to file complaints poses a significant issue.

Megan Hart indicated that the facility hosts professional pool players, not just friends and family.

Desiree Calderella read the UDO definition of a business into the record. She indicated that the Board should consider this definition when determining if the use qualifies as a business.

Kevin Carson referred to a variance request for a different property for a paintball facility attended by friends and family, which the Board deemed a business and subsequently denied the variance.

Desiree Calderella explained that the Board may consider if hosting pool tournaments on a somewhat regular basis seems a reasonable or common accessory use to permitted residential use of property to determine if the ordinance permits the pool hall use as operated by the Currys in a residential zoning district. She indicated that allowing the use on the Curry property would allow the use on all properties in the County in residential zoning districts.

Megan Hart indicated that allowing the pool tournaments could set a precedent for allowing similar types of recreational uses on other residential properties.

Warren Good suggested limiting the number of people that can visit the property to play pool.

Dave Klene stated that the Currys are not to host tournaments.

Kevin Carson indicated that at the August BZA meeting Jim Douglas had stated that the Currys were to quit doing everything.

Megan Hart indicated that the neighbors had mostly complained about the tournaments at the August BZA meeting.

Wendy Curry emphasized that they only invite family and friends to the property to play pool and that tournaments do not occur regularly every month. She indicated that players can only access the property through a locked gate. She indicated that she only posts flyers to her personal Facebook page but can stop posting flyers if that poses a problem.

Desiree Calderella read a portion of the minutes from the August BZA meeting showing that the Board had deemed hosting of tournaments a commercial activity.

Dave Klene explained that the flyers show that the pool hall does not host only family and friends.

Wendy Curry indicated that the Gaming Commissioner had determined that the hosting of pool tournaments does not qualify as gambling.

Megan Hart indicated that the sharing of the flyers by others on Facebook advertises the pool hall to people other than family and friends.

Dave Klene indicated that the Board had instructed the Currys to not host tournaments and that the Currys had blatantly disregarded that instruction.

William Curry indicated that the Gaming Commissioner had determined that the hosting of pool tournaments does not qualify as gambling.

Megan Hart explained that the Board enforces zoning, not the regulations of the Gaming Commission.

Kevin Carson indicated that various definitions of a commercial business do qualify the current use of the property as a commercial business.

Terry Knudson emphasized that the Currys had concentrated on defying the Board rather than working towards a mutual agreement.

William Curry indicated that the Board had already decided to shut the pool hall down

before the August meeting.

The Board voted **4-0 that the property is in violation.**

Kevin Carson suggested a fine of \$1,000 per violation for any subsequent violations.

Kevin Carson made a motion to **impose a fine of \$1,000 upon the next notice of zoning violation, and \$1,000 per violation for any subsequent violation.** Terry Knudson seconded the motion. The motion was **approved 4-0.**

Desiree Calderella clarified that if there is evidence of a tournament, than that would constitute a zoning violation.

Dave Klene clarified that the Planning Director will decide if a violation has occurred in the event of a complaint.

Desiree Calderella clarified that the Currys could appeal any fine to the BZA.

The Board agreed with these clarifications.

APPROVAL OF 2026 BZA MEETING CALENDAR

Kevin Carson made a motion to approve the 2026 Meeting Calendar. Megan Hart seconded the motion. The calendar was approved by 4-0.

Discussion

None.

Adjournment:

With no further business to come before the Board, Megan Hart moved to adjourn, and Terry Knudson seconded the motion. The meeting was adjourned.