

**Shelby County
Board of Zoning Appeals**

May 12, 2026, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals May 12, 2026

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the April 14, 2026, meeting.

OLD BUSINESS

None.

NEW BUSINESS

BZA 26-16 – KIO HMUNG: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 7781 W 600 S, Edinburgh, Jackson Township.

BZA 26-17 – MITCHELL HARVEY: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 4640 W 700 N, Fairland, Moral Township.

BZA 26-18 – JAY MACY: DEVELOPMENT STANDARDS VARIANCES. Located at 6624 N 700 E, Morristown, Union Township.

BZA 26-19 – DOUGLAS B ROBERTS: USE VARIANCE. Located at 3655 N Morristown Rd, Shelbyville, Marion Township.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **June 9, 2026, 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/82644794946?pwd=ghaz83CcZeXsicvm2Xf7fh0xnp2uDG.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, 2026 – January 1, 2030

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

In accordance with the **Americans with Disabilities Act**, if anyone wishes to attend the public meeting on the above referenced matter and is in need of reasonable accommodations in order to attend, hear, or present evidence at the public meeting on this matter, for accommodations contact the Shelby County Plan Commission 25 W Polk St, Shelbyville, IN 46176 317-392-6338

Property Details

Location: 7781 W 600 S, Edinburgh, Jackson Township.

Property Size: 15.19-acres.

Current Land Use: Agricultural Homestead.

Zoning Classification:

A2 (Agricultural)

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 the Agricultural 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

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

Staff Report

Case Number: BZA 26-16

Case Name: Kio Hmung – Use & Development Standards Variances

Request

Variance of Use to allow for a small-scale animal slaughtering service in the A2 (Agricultural) District.

Variances of Development Standards to allow:

1. Use of an existing driveway less than 10 feet from the property line;
2. A small wall sign (signs not permitted in the A2 District).

Code Requirement

UDO Section 2.05 – A2 District Intent, Permitted Uses, and Special Exception Uses.

UDO Section 5.18 D: Distance to Property Line: All driveways shall be at least ten (10) feet from the side property line.

UDO Section 5.73: General Sign Standards.

Purpose of Requirements:

The driveway setback requirement limits nuisance impacts to adjacent property associated with the use of driveways, such as noise and migration of dust.

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

- The petitioner proposes to operate a small-scale animal slaughtering service at the rear of the property. The facility would provide the animals and slaughtering service for special cultural occasions, such as birthdays and weddings.
- The Business Plan submitted with the variance application includes the following information relevant to the use variance request:
 - Hours of Operation: Appointment only, typically 1 to 2 days per week, 9AM to 5PM.
 - Customers: Approximately 2 to 5 per week.
 - Deliveries: Occasional delivery of supplies and animals.
 - Outdoor Storage: No outdoor storage of materials. Less than 10 animals on the property at any one time.
 - Waste Disposal: In accordance with BOAH regulations.
 - Building Improvements: Interior improvements for sanitation and workflow.

- The existing driveway along the west property line would provide access to the facility. The UDO requires upgrade of any existing non-compliant driveway to current driveway standards at the time of change in use of property.
- To operate legally under Indiana State Law, the facility must register as an Official Establishment with the Indiana State Board of Animal Health (BOAH). The BOAH website states “Inspected facilities, called “official establishments,” must meet minimum standards for facility construction, sanitary operation, H.A.C.C.P. systems, and labeling of products. Each animal slaughtered at an official establishment undergoes an antemortem and postmortem inspection by a government inspector. The inspector will not allow diseased animals and animals unfit for human consumption to be slaughtered and processed for human food.”
- BOAH has requested that the petitioner show proof of compliance with local zoning, building, and health department regulations prior to licensing the facility.
- The Planning & Building Office will require a remodel permit for the proposed interior improvements to the building.
- The Indiana Department of Health must determine commercial septic system requirements prior to review and approval of septic system facilities by the County Health Department.
- The UDO only permits processing of agricultural products and food processing by right in the A4 (Agricultural Commercial District) and I2 (High Intensity Industrial) Districts.
- Staff recommended that the petitioner apply for a use variance rather than a rezoning. The A4 District and I2 District allow higher impact uses than a small-scale slaughtering service. The variance would only allow for the specific use requested and would not transfer with the property if sold.
- Cropland completely surrounds the rear portion of the property where the slaughtering service would occur. This area sits 1/3-mile from the public road and 1/4-mile from the nearest 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: To operate legally under Indiana State Law, the facility must register as an Official Establishment with the Indiana State Board of Animal Health (BOAH). BOAH licensing and inspection procedures ensures that slaughtering and processing of animal products does not occur in manner that poses a public health risk.

- 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 facility would not have an impact on the use, value, or enjoyment of any residential property due to the significant distance between the facility and any residential development. Agricultural use of the property would not conflict with the use of adjacent property for crop production.

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

Staff Analysis: The property lies within an agricultural area isolated from other development which renders the property suitable for a high intensity agricultural 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 allow for a specific agricultural use of property in an agricultural area and in an area recommended for agriculture by the Comprehensive Plan.

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

Staff Analysis: Approval of the variance would allow for a traditional agricultural practice in an area recommended for agriculture by the Comprehensive Plan.

Development Standards Variances

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

Staff Analysis: The location of the driveway in relation to the property line would not have an impact on traffic safety. Signage would help visitors identify the business.

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: Use of the existing driveway would not have an impact on continued use of adjacent property for crop production. A small sign identifying an agricultural operation would not conflict with the agricultural character of the area.

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

Staff Analysis: A strict application of the ordinance would not allow for continued use of an existing driveway or business identification signage.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the property lies within an agricultural area isolated from other development which renders the property suitable for a high intensity agricultural use.

Staff recommends the following **stipulation**:

1. The petitioner shall submit proof of registration with BOAH to the Planning Department prior to operation of the facility.

Applicant/Owner Information

Applicant:	Kio Hmung 7781 W 600 S Edinburgh, IN 46124	Owner:	Ram Hniang & Esun Zathang 7781 W 600 S Edinburgh, IN 46124
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Gated & Fenced Animal Processing Area



Staff Photograph – April 2026

Animal Containment Area



Staff Photograph – April 2026

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: A small, appointment-only slaughter service for special occasions such as birthdays and small weddings. Customers will not bring their own animals; the business provides the animals and performs slaughtering only. No retail sales and no large gatherings.
2. Days & Hours of Operation: Appointment only, typically 1-2 days per week. Hours: 9:00AM - 5:00PM
3. Maximum Number of Customers per Day/Week/Month: Approximately 2-5 customers per week.

4. Type and Frequency of Deliveries: Occasional delivery of supplies and animals.
5. Description of any Outdoor Storage: No outdoor storage of any kind.

6. Description, Size, and Placement of any Signage: One small, non-illuminated sign on the building, no flashing signs.
7. Description of Waste Disposal: All waste will be handled according to Indiana BOA H regulations. All waste will be picked up by a licensed disposal service.
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): No major exterior changes. Minor interior improvements for sanitation and workflow.

**USE VARIANCE
FINDINGS OF FACT**

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. You may attach an additional sheet with answers if necessary.

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

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

We will follow all Indiana State Board of Animal Health (BOAH) requirements for sanitation, humane handling, and waste management. All slaughtering will occur indoors in a controlled, sanitary environment that meets state safety codes.

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.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

The service is limited to slaughtering animals provided by the business, not by customers, which reduces noise and traffic. All activities occur inside the building, so neighbors will not see or hear the process.

3. The need for the variance arises from some condition peculiar to the property involved.

Describe how a condition(s) particular to the property support grant of the variance. This may include a physical condition of the property which limits land uses permitted in the zoning district, the location of the property in relation to similar land uses and access roads and infrastructure, etc.

The property has adequate indoor space, proper access, and the necessary layout to safely and cleanly perform small-scale slaughter services.

4. The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

Describe how denial of the variance would pose an unnecessary hardship to the applicant. Unnecessary hardships do NOT include restriction on economic gain or self-imposed hardships. Unnecessary hardships may include inability to use the property in a manner similar to other properties in the neighborhood, a condition of the property or neighborhood which makes the proposed use desirable, etc.

Without the variance, the property cannot be used for our service. The hardship is not financial but practical. The property's layout and location make it uniquely appropriate for this type of small-scale use, and denying would prevent the property from being used in a

5. The approval does not interfere substantially with the Comprehensive Plan. way that fits its characteristics.

Describe how the proposed structure/land use is appropriate for the future land use recommended for the property by the Comprehensive Plan. If you do not know the future land use recommendation, ask the Planning Director.

The operation is low-impact, controlled, and compatible with future land-use goals for small-scale service businesses. It does not conflict with long-term development plans.



Property Details

Location: 4640 W 700 N,
Fairland, Moral Township.

Property Size: 1.4-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

Single-Unit Detached Residential
This land use category is designed for medium to low-density residential neighborhoods, common throughout Shelby County and its communities.

Surrounding Development

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

Staff Report

Case Number: BZA 26-17

Case Name: Mitchell Harvey – Use & Development
Standards Variances

Request

Variance of Use to legally establish an automotive repair business in the R1 (Single-Family Residential) District.

Variances of Development Standards to allow:

1. Use of an existing driveway within 15 feet of a driveway on the opposite side of the street;
2. A dumpster in a residential zoning district;
3. Parking of vehicles on gravel surface (hard surface required);
4. Lack of a paved ADA parking space.

Code Requirement

UDO Section 2.13 – R1 District Intent, Permitted Uses, and Special Exception Uses.

1. **UDO Section 5.19 A 2 c - Multiple Entrance:** Two or more driveways shall not be permitted to be installed within fifteen (15) feet of one another if access is along a local street.

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

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

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

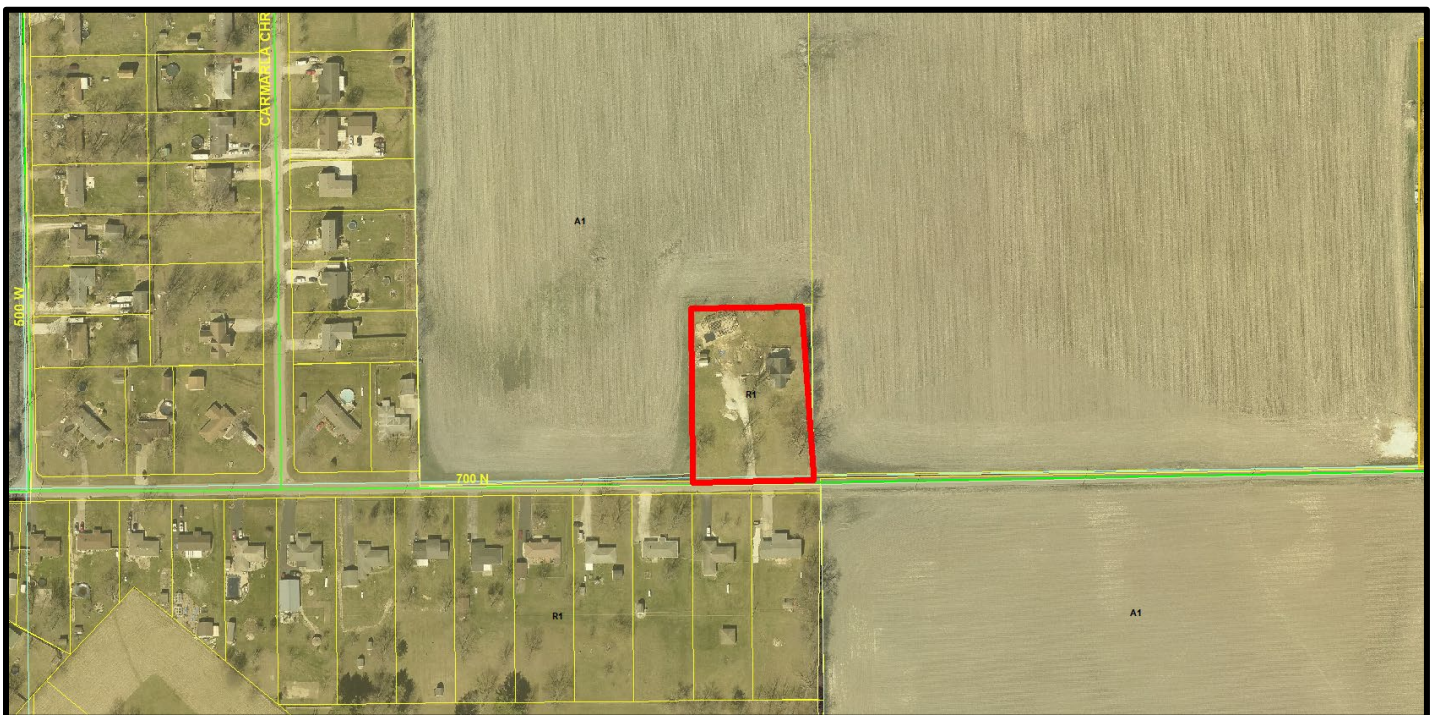
3. **UDO Section 5.60 A – Surface:** *All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning 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: Paved parking areas eliminate potential nuisances such as dust and noise caused by the movement of vehicles on gravel or dirt parking areas. Paved parking areas can also have defined parking spaces and drive aisles, allowing for safe and efficient movement of vehicles.

4. **UDO Section 5.60 F 1 – Parking for the Disabled:** *Applicable Codes: Accessible parking spaces shall be provided per the specifications of the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Indiana Building Code (IBC).*

Purpose of Requirement: Requiring ADA compliant parking ensures that commercial developments have accessible parking for the disabled.

Property Map



Case Description

- The petitioner currently operates an automotive repair shop from the barn on the property. The business provides various levels of automotive repair, excluding tires and air conditioning. The petitioner also resides in the house on the property.
- The Business Plan submitted with the variance application includes the following information relevant to the use variance request:
 - Hours of Operation: No set hours.
 - Maximum Number of Customers: 2 per day / 14 per week / 62 per month.
 - Deliveries: Maximum of three per week.
 - Outdoor Storage: Operable vehicles awaiting repair. No outdoor storage of materials.
 - Waste Disposal: Dumpster serviced bi-weekly. Intermediate bulk container for waste oil.
 - No signage.
- The petitioner proposes to store vehicles under repair in the barn and on gravel behind the house. The petitioner proposes to store completed vehicles and personal vehicles on gravel in front of the barn.
- The higher elevation of the property in relation to the elevation of the road renders outdoor storage of vehicles in front of the barn particularly visible to vehicles traveling east on CR 700 N.
- The barn does not have any indoor plumbing. Therefore, the County Health Department does not require a septic system for the business.
- The petitioner has requested a variance to use the current driveway to access the business, which sits less than 15-feet from the driveway on the opposite side of the street. The UDO requires upgrade of any existing non-compliant driveway to current driveway standards at the time of change of use of property.
- The UDO only permits automobile-oriented businesses by right in the C2 (Highway Commercial) District. Proposed business operations are not consistent with the standards for any type of Home-Based Business indicated in the UDO.
- Staff recommended that the petitioner apply for a use variance rather than a rezoning. The UDO does not designate the zoning districts adjacent to the property as appropriate adjacent districts to the C2 District, no other property within the C2 zoning designation exists in the immediate area, and the Comprehensive Plan does not recommend commercial development for the area. The variance would only allow for the specific use requested and would not transfer with the property if sold.
- In March of 2026, the Planning Director received several complaints regarding increasing and haphazard storage of vehicles on the property. The Planning Director found an auto mechanic shop advertised at the property address on

Google Maps and noted construction of the barn without a permit. The Planning Director sent the petitioner a letter of violation and the petitioner promptly applied for a variance and retroactive building permit. The petitioner has also reduced and reorganized vehicles currently stored on the property.

- The property is adjacent to medium-density single-family residential neighborhoods to the south and west.

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 business would provide a small-scale automotive service to the community and has access to adequate transportation facilities and utilities. The business would not pose any environmental impact because it would dispose of waste oil in an intermediate bulk container and dispose of solid waste in a dumpster serviced bi-weekly.

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

Staff Analysis: Commercial use of the property would conflict with the residential character of the area. The higher elevation of the property in relation to the elevation of the road renders outdoor storage of vehicles in front of the barn particularly visible to vehicles traveling east on CR 700 N. Additionally, noise and traffic impacts associated with automotive repair may pose a nuisance to neighboring residential properties.

- 3. State Requirement: The need for the variance does not arise from some condition peculiar to the property involved.**

Staff Analysis: No condition of the property prevents use of the property for residential purposes permitted in the R1 District or renders the property particularly suited for automotive repair.

- 4. State Requirement: 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.**

Staff Analysis: No condition of the property prevents use of the property for residential purposes permitted in the zoning district or renders the property particularly suited for automobile repair.

- 5. State Requirement: The approval interferes substantially with the Comprehensive Plan.**

Staff Analysis: Automotive repair conflicts with single-family detached residential development recommended for the area by the Comprehensive Plan.

Development Standards Variance

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

Staff Recommendation

Staff recommends **DENIAL** because commercial use of the property would conflict with the residential character of the area. The higher elevation of the property in relation to the elevation of the road renders outdoor storage of vehicles in front of the barn particularly visible to vehicles traveling east on CR 700 N. Additionally, noise and traffic impacts associated with automotive repair may pose a nuisance to neighboring residential properties.

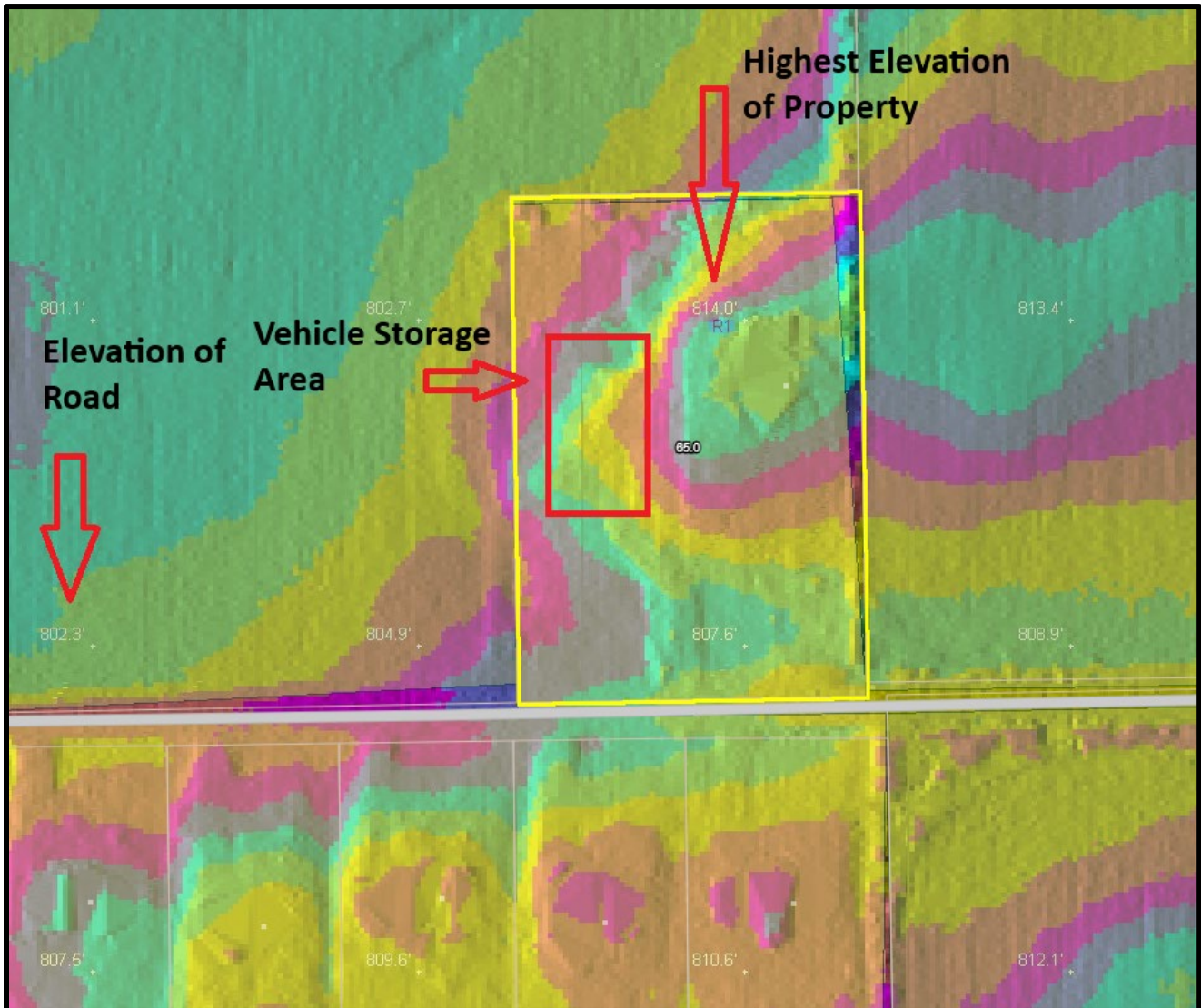
If the Board chooses to approve the petition, Staff recommends the following **stipulations** to limit impact to the adjacent neighborhoods:

1. Use of the property shall be limited to the Statement of Intent and Site Plan submitted with the variance application, with the following amendments:
 - a. Outdoor storage of vehicles shall only be permitted in the 0.08-acre area behind the house indicated on the Site Plan. A maximum of four (4) vehicles, including customer and personal vehicles, may be parked on gravel outside of the 0.08-acre area.
 - b. Hours of operation shall be restricted to 7AM to 9PM.
 - c. The business may only be operated by the petitioner and there shall be no employees.

Applicant/Owner Information

Applicant:	Mitchell Harvey 4640 W 700 N Fairland, IN 46126	Owner:	Same
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Elevation Contours



View of Property Parked Facing East on CR 700 N



Staff Photograph – April 2026

Barn & Waste Disposal



Staff Photograph – April 2026

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: Perform various levels of automotive repair
NO TIRES, NO AIR CONDITIONING.
2. Days & Hours of Operation: S-S 24 Hours
3. Maximum Number of Customers per Day/Week/Month: 2 Customers per day/14 Customers per week
62 Customers per month.
4. Type and Frequency of Deliveries: 3 Times per week MAX
5. Description of any Outdoor Storage: Outdoor storage consists of parking vehicles that will not
fit in barn.
6. Description, Size, and Placement of any Signage: No signs/advertising on property and no plan
to do so.
7. Description of Waste Disposal: 1 IBC tote for waste oil. 1 4yd dumpster for trash. IBC tote
is drained when full, but is capped when not in use. 4yd dumpster serviced bi weekly
8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): I plan on making major improvements to
the site around the barn to accomodate and more structured/organized parking
arrangement.

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

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

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

With automotive business we are a service, especially at MEH Auto we intend to ALWAYS help the customers in need. I do not service tires, therefore waste and handling is a non issue. The traffic from and automotive business is sporadic therefore traffic hazards and excessive activity is RARE and will never affect other members of the community.

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.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

With the birth of my business and dream my last intention is harm to my neighbors. I keep the structures sound, both my barn and house match siding and trim colors. Noise is contained in the barn itself which is insulated with spray foam. This makes noise pollution no issue. As mentioned earlier traffic for an automotive business is sporadic, therefore traffic impacts are minimal. I built the barn as far from the road as possible to mitigate any unwanted visitors.

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

Describe how approval of the variance will allow for reasonable development of the property. This may include similar development on neighboring properties, a physical condition of the property which makes the proposed building/land use desirable, the historical use of the property, a physical condition of the property which prevents the building/land use without approval of a variance, etc.

Approval of the variance will allow me to improve my financial wellbeing, this would result in the ability to further development of the property and surrounding properties. With approval of the variance the parameters will allow structure and organization to fulfil satisfactory physical condition of the property. In such

**USE VARIANCE
FINDINGS OF FACT**

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. You may attach an additional sheet with answers if necessary.

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

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

If approved the business and barn infrastructure poses minute risk to public health, safety, and general welfare, for example, my business does not perform any air conditioning or tire repair. Furthermore any waste oils/fluids are collected and disposed of properly. The waste oil is stored in a sealed container on the exterior of the barn.

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.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

The area adjacent to the property is farmland. My property is maintained by myself and will continue to be improved throughout time.

Noise and odor are minimal from an automotive business; I use 100 percent electric tools. This includes impact wrenches, tire inflators, and die grinders.

The fact there is no storefront for this business I do NOT allow waiting customers. All work is dropped off by appointment only. Unless an emergency

3. The need for the variance arises from some condition peculiar to the property involved.

Describe how a condition(s) particular to the property support grant of the variance. This may include a physical condition of the property which limits land uses permitted in the zoning district, the location of the property in relation to similar land uses and access roads and infrastructure, etc.

My property is one of many in our community that is suitable for a variance if ever arose. To the east there is farmland and 1 property with similar structures

to the west is farmland and houses. Many of these homes have detached garages and outbuildings. Although the uses of the structures are unbeknownst to me.

4. The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

Describe how denial of the variance would pose an unnecessary hardship to the applicant. Unnecessary hardships do NOT include restriction on economic gain or self-imposed hardships. Unnecessary hardships may include inability to use the property in a manner similar to other properties in the neighborhood, a condition of the property or neighborhood which makes the proposed use desirable, etc.

Denial of the variance would pose unnecessary hardship with the inability to use the property in a manner concurrent with other properties in the vicinity.

5. The approval does not interfere substantially with the Comprehensive Plan.

Describe how the proposed structure/land use is appropriate for the future land use recommended for the property by the Comprehensive Plan. If you do not know the future land use recommendation, ask the Planning Director.

With the future land use being catagorized as "Suburban/Residential" I believe a small footprint is exactly what is needed here. That is exactly what approval of the variance would allow. A small footprint automotive business that is in a position to help neighbors in need.

Street	700 N
Dir	W
Community	FAIRLAND
House	4640
Suffix	
Township	System.Byte[]
County	System.Byte[]
State	IN
Zip	46126
Subdivision	
FULLNAME	W 700 N
COMPLETEADDRESS	4640 W 700 N, FAIRLAND
Active	Yes
Type	Residential
UniquelD	15709
Latitude	39.6254162
Longitude	-85.8721406

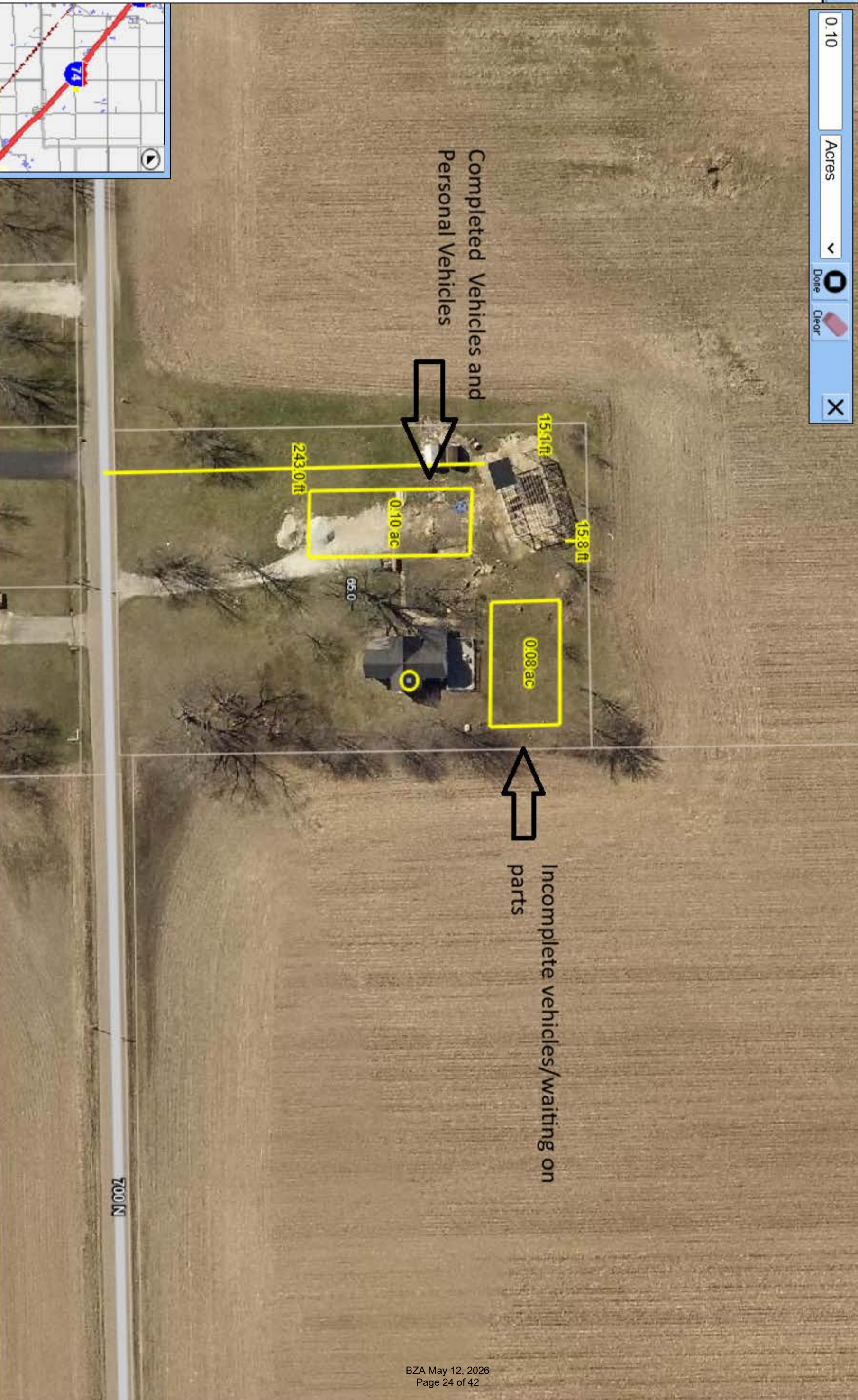
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[Parcel Information](#)

0.10 Acres

Done Clear X

Id Ftr Id Freq Zm Box Zm Out Home Prev Send Print Help Layers Index Clear Parcel Tools Tools login Hover mode



Completed Vehicles and Personal Vehicles

Incomplete vehicles/waiting on parts



Property Details

Location: 6624 N 700 E, Morristown, Union Township.

Property Size: 4.79-acres.

Current Land Use: Estate Residential.

Zoning Classification:

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

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

BZA: Protect the integrity of land and operations within the Conservation Agricultural District.

Future Land Use per Comp Plan

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	R1	Single-Family Residential
East	A1/A2	Cropland / Commerical Solar Energy Facility
West	A1/RE	Commerical Solar Energy Facility / Estate Residential

Staff Report

Case Number: BZA 26-18

Case Name: Jay Macy - Development Standards Variances

Request

Variances of Development Standards:

1. From the Type 2 Home Business Standards to allow:
 - a. A Screen Print Shop conducted within an accessory structure.
 - b. A Hair Salon:
 - i. conducted within an accessory structure;
 - ii. having two employees.
2. To legally established a pole barn less than 50-feet from the proposed right-of-way.

Code Requirement

UDO Section 5.34 (Type 2 Home Business Standards) D 1 a – The Type 2 Home Business shall be conducted entirely within the primary structure. UDO Section 5.34 (Type 2 Home Business Standards) D 2 – No accessory structure shall be utilized for any part of the home business.

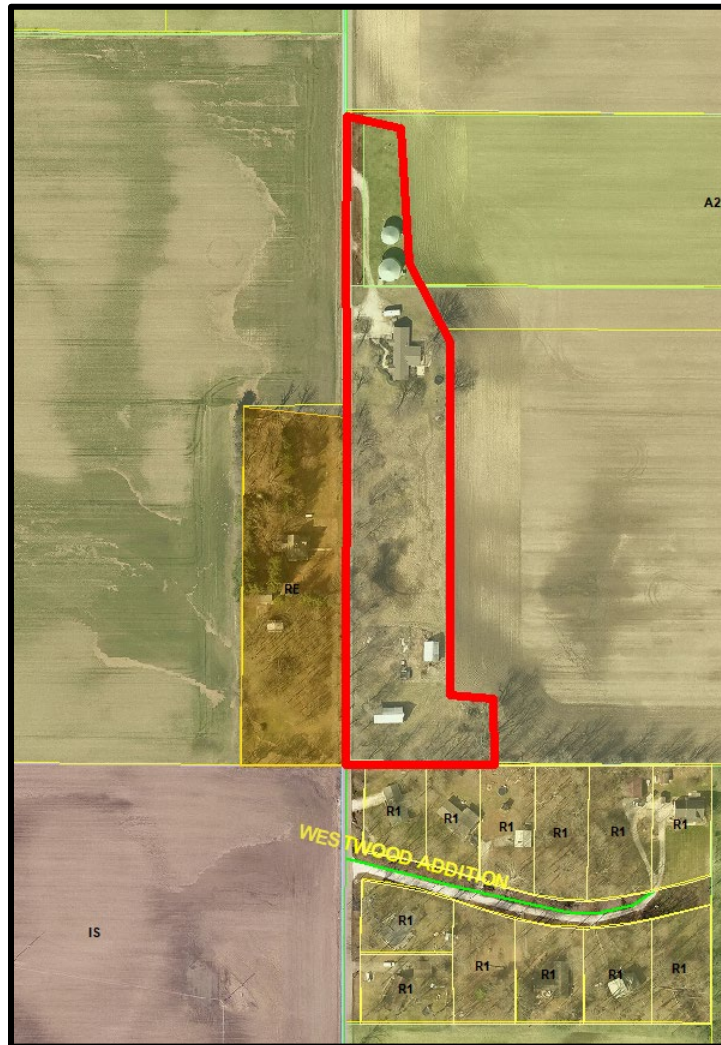
UDO Section 5.34 (Type 2 Home Business Standards) B 2 – Employees: One employee who does not reside in the house may be employed in the home business.

UDO Section 2.04 - Minimum Front Yard Setback: 50 feet

Purpose of Requirements: Prohibiting operation of Type 2 businesses within accessory structures limits types of businesses that would generally pose a nuisance to the property owner if attached to their house, and therefore would likely pose a nuisance to adjacent properties. Limiting the number of employees restricts the scope of business activities to a size which does not change the character of the property, pose a nuisance to adjacent residential properties, or generate traffic more than typically found in rural areas.

The front setback requirement allows for open space, ensure visibility along roadways, and reduce traffic hazards along roadways.

Property Map



Case Description

- The petitioner proposes to install a screen print shop and a hair salon into a recently constructed 3,574 sq. ft. barn. The petitioner also resides on the property.
- Business descriptions submitted by the petitioner:
 - Screen Printing Shop
 - i. Production only
 - ii. Primarily online orders/shipping
 - iii. Minimal customer traffic
 - iv. No retail storefront sales

- Hair Salon
 - i. Approximately 4 to 6 customers per day
 - ii. Up to two employees
 - iii. Appointment based use within the same building
- The UDO permits each business as a Type 2 Home Business, subject to all ordinance requirements for Type 2 Home Businesses (see attached), in the A1 District without BZA approval.
- Each proposed business complies with all ordinance requirements for Type 2 Home Businesses, other than the requirements applicable to the variance request.
- The Indiana Department of Health has reviewed the business plans and has determined commercial septic system requirements. The petitioner has submitted septic system plans to the Shelby County Health Department for review and approval.
- The Comprehensive Plan shows a 50-foot half proposed right-of-way along CR 700 E. The UDO requires a front setback of 50 feet from the proposed right-of-way line. Therefore, the barn must sit at least 100 feet from the centerline of the road to comply with the front setback requirement.
- The petitioner obtained a permit for the barn in June of 2023. The site plan submitted with the application shows the barn setback 100 feet from CR 700 E. As built, the barn sits 85 feet from the centerline of the road.
- The Speedway Solar commercial solar energy facility adjoins the property to the north and east. Single-family residential development adjoins the property to the south and west.

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 would allow for small local businesses providing a service to the community. The property has access from a collector road and a commercial septic system will handle wastewater. The County has no plans to widen CR 700 E. The barn complies with the setback requirement from a local road and therefore should not impact traffic visibility or pose a traffic hazard.

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

Staff Analysis: Operation of the proposed businesses within an accessory structure would pose no greater impact to the area than operation of the businesses within an addition attached to the home. One additional employee would not significantly increase the scale of business operations. The barn and house sit about the same distance from the road.

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 operation of the proposed businesses within an accessory structure which would pose no greater impact to the area than operation of the businesses within the home. The barn and house sit about the same distance from the road.

Staff Recommendation

Staff recommends **APPROVAL** primarily because operation of the proposed businesses within an accessory structure would pose no greater impact to the area than operation of the businesses within an addition attached to the home. One additional employee would not significantly increase the scale of business operations. The barn and house sit about the same distance from the road.

Staff recommends the following **stipulations**:

1. Operation of the businesses shall comply with Section 5.34 HB-02: Type 2 Home Business Standards of the Unified Development Ordinance, other than the regulations applicable to the variances.
2. Business operations shall be limited to the Business Descriptions submitted by the petitioner.

Applicant/Owner Information

Applicant:	Jay Macy	Owner:	Same
	6624 N 700 E		
	Morristown, IN 46161		

View of Barn Driving South on CR 700 W



Google Street View – August 2024



From: Jay Macy <jaymacy1@yahoo.com>
Sent: Friday, March 27, 2026 1:41 PM
To: Desiree Calderella <dcalderella@co.shelby.in.us>
Cc: William Pursley <wpursley@shelbyhealthindiana.com>; Scott Sumerford <sumerfordsurvey@gmail.com>
Subject: Zoning/land use determination request – 6624 N. 700 E., Morristown. Parcel #: 73-04-33-100-001.000-019

Warning: Unusual sender <jaymacy1@yahoo.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Hello Ms. Calderella,

I am requesting a zoning/land use determination for my property located at:
6624 N. 700 E., Morristown, IN 46161

I'm looking for guidance on what approvals or applications would be required to use an existing building on the property for the following two businesses:

Proposed uses

Screen Printing shop

- * Production only
- * Primarily online orders/shipping
- * Minimal customer traffic
- * No retail storefront sales

Hair Salon

- * Approximately 4 to 6 customers per day

- * Up to two employees
- * Appointment based use within the same building

Please let me know:

- * The current zoning classification for this property
- * Whether these uses are permitted
- * Whether either use may qualify as a home business/accessory use
- * And if not, which process or application would be required, including whether I would need:
 - * A special exception
 - * A variance of use
 - * Development standards approval
 - * Rezoning
 - * Or only a building/zoning application

I am simply trying to determine the correct process before submitting anything.

If additional information is needed regarding the building, parking, site, layout, or operations, I would be happy to provide it.

Thank you for your time.

Sincerely,
Jay Macy
317-385-5377

Sent from my iPad

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

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

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

BOTH BUSINESSES, PRINT SHOP & HAIR SALON, WILL FOLLOW ALL
STATE & COUNTY REGULATIONS TO MEET COMPLIANCE. A COMMERCIAL
SEPTIC SYSTEM WILL BE INSTALLED, TAILORED TO FIT ALL
REQUIREMENTS.

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.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

EXISTING STRUCTURE, NEW BUILDING 3 YEARS OLD, MEETING ALL
REQUIRED SET-BACKS WITHOUT CREATING ANY NOISANCE
WITH REGARD TO NOISE, ODOR, TRAFFIC IMPACTS.

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

Describe how approval of the variance will allow for reasonable development of the property. This may include similar development on neighboring properties, a physical condition of the property which makes the proposed building/land use desirable, the historical use of the property, a physical condition of the property which prevents the building/land use without approval of a variance, etc.

THE BUILDING IS A NEWER POLE BARN, FOUND ON NEARLY
EVERY FARM IN THE COUNTY. IT WAS BUILT TO
ACCOMODATE THIS PROJECT, WITH STEEL INTERIOR &
EXTERIOR WALLS, ON A CONCRETE SLAB

Effluent Pump Calculations
 1/3 DDF for ATL = 100 gallons, discharge rate = 30 gal/min
 Drainback = 5 gallon for 2" force main = 105 gal. total dose
 Static head = 892.45 - 885.78 (~4" above tank bottom) = 6.7
 Total equivalent pipe = 27' pipe + 1 (8.6) (90° 1 elbows) = 35.6
 Friction Loss = 35.6 x 1.81 (2" pipe @ 30gal/min) / 100 = 0.64
 Total Dynamic Head = 6.7+0.64+3 = 10.4
 Pump Selection : Zoeller 1/3 horse model 151

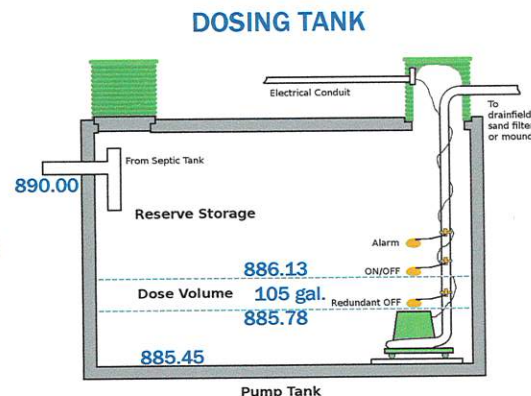
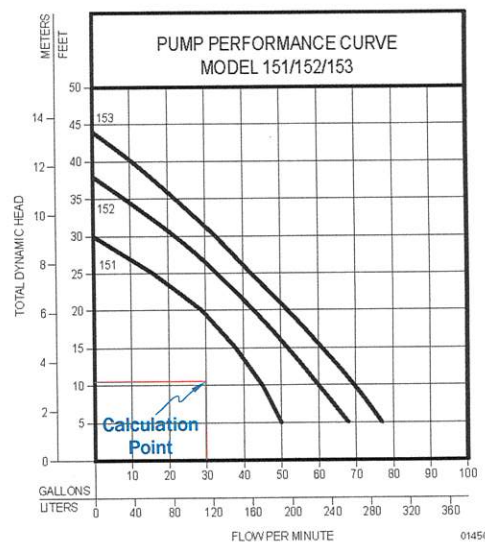
Pump depiction and commercial septic certified by:

W. Taylor

BASIS OF BEARINGS:
 INDIANA STATE PLANE GRID
 (EAST ZONE 1301)
 VERTICAL DATUM:
 NAVD 1988

0 30 60

SCALE: 1 INCH = 30 FEET



Infiltration
 Silty clay
 0.25 in
 140 ft
 < 0.5%

ATL (C)
 HORIZ

Above Ground
 View From S

PROPOSED PERIMETER DRAIN OUTLINE

A permanent easement for the installation of a septic system perimeter drain on a 60 foot by 60 foot square on the east side of the 4.786 acre tract as described in Instrument recorded June 21, 2022 in the Office of the Recorder being part of the northwest quarter of Township Fourteen (14) North, Range Shelby County, Indiana, said easement described as follows:

Commencing at the southwest corner of said section 33-14-8, said point being over a stone; thence along the south line South 89° 51' 07" East (basis of bearing East Zone) 273.44 feet to the south line of the tract; thence along the east lines of courses:

- (1) North 01° 10' 34" West 120.2 feet;
- (2) North 84° 28' 50" East 78.96 feet;
- (3) North 00° 00' 25" East 280.00 feet to the herein described easement;

Thence continuing along said east line 110 feet; thence South 89° 59' 35" East 60.00 feet; thence along the south line of the tract 273.44 feet to the point of beginning of said easement.

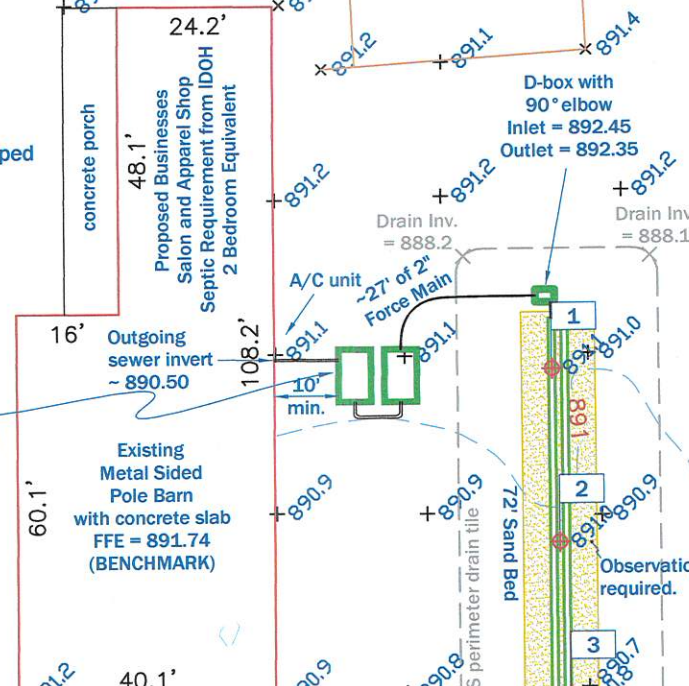
Subject to all easements, restrictions and covenants.

A permanent easement 60' x 60' on the east side of the tract will be required for the installation and future maintenance of the perimeter drain on the septic permit can be obtained from the Shelby County Department.

NOTE:
 Water service for pole barn to be piped from existing well at dwelling.

1000 Gal. Septic Tank
 Inlet Invert = 890.35
 Outlet Invert = 890.10

1000 Gallon Dosing Tank
 Inlet Invert = 890.00
 Tank bottom ~ 885.45



Property Details

Location: 3655 N Morrystown Rd,
 Shelbyville, Marion Township.

Property Size: 5-acres.

Current Land Use: Estate
 Residential / Sports Venue.

Zoning Classification:

A2 (Agricultural)

***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 the Agricultural District.*

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

Surrounding Development

	Zoning	Land Use
North	A1	Natural Resources
South	A1	Cropland
East	RE	Estate Residential
West	A1	Natural Resources

Staff Report

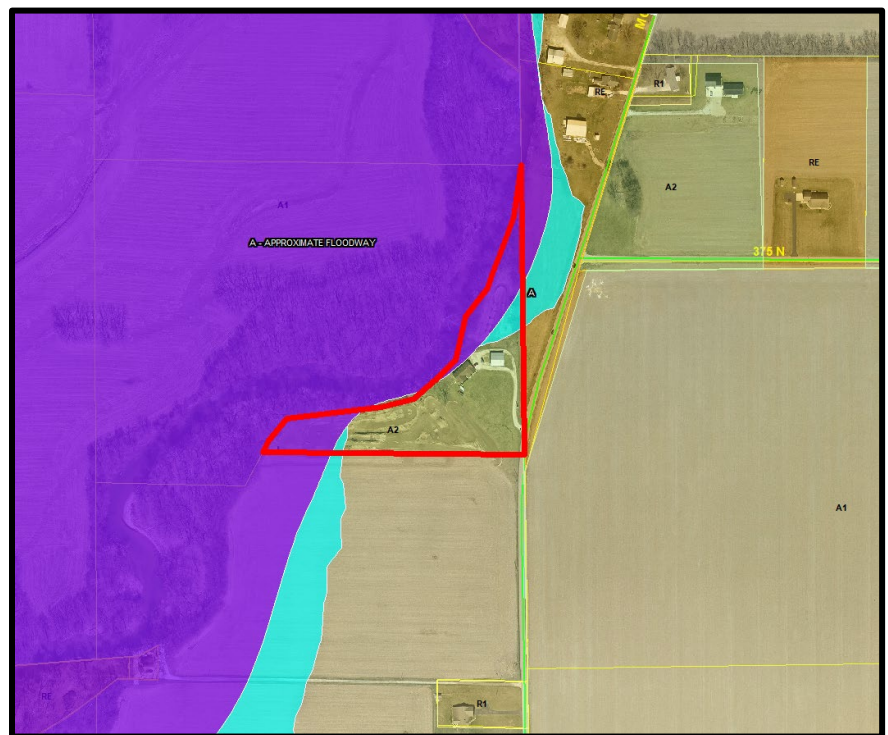
Case Number: BZA 26-19

Case Name: Douglas B Roberts – Use Variance

Request

Variance of Use to legally establish a motocross sports venue in the A2 (Agricultural) District.

Property Map



Case Description

- The petitioner has operated a motorcross venue on the property for five years. The petitioner has continued to expand and improve the motorcross tract during this time period.
- The petitioner also resides on the property.
- The petitioner constructed the motorcross track southwest of the house along Big Blue River. This area is visible from the residential property to the south, motorists traveling north on Morrystown Road, the residential property on CR 375 N to the northeast, and motorists traveling west of CR 375 N.

- The petitioner also constructed a small track north of the house along Big Blue River. This area is not visible from the road or adjacent properties.
- The Statement of Intent submitted with the variance application includes the following information relevant to the use variance request:
 - Hours of Operation:
 - Weekends, 10AM to 6PM.
 - One Weekday, 4PM to 8PM.
 - Venue Attendees: Maximum of 25 riders on the track with rotating sessions.
 - Exterior Site Conditions:
 - Motorcross tracks.
 - Parking in grass next to large track.
 - Wood chip pile for use on track.
 - Porta potty serviced once per week.
 - No signage.
 - No outdoor storage of equipment.
- The petitioner constructed the motocross track in a Federal Emergency Management Agency (FEMA) designated Floodplain and Indiana Department of Natural Resources (IDNR) Designated Floodway without obtaining appropriate permits from the State and County. The petitioner has applied for a retroactive permit from IDNR and expects a determination within the next couple weeks. IDNR may impose specific requirements to the development or require removal of the portion of the track that sits in the Floodway. The County does not have any regulations for non-structural development in the floodplain.
- The petitioner submitted a certificate of commercial liability insurance with the variance application.
- The UDO only permits sports venues by right and without BZA approval in the OP (Open Space) District and IS (Institutional) District. Staff believes that a request to rezone the property to OP would meet the Findings of Fact for rezoning approval due to the following conditions:
 - The UDO recommends using the OP District to protect natural areas, including floodplains, from structural development.
 - The UDO recommends applying the OP District as spot zoning throughout the community to existing and new recreational facilities.

- The UDO lists the adjacent A1 (Conservation Agricultural) and RE (Residential Estate) Districts as appropriate adjacent zoning districts to the OP District.
- The motocross venue provides an active recreational activity for an area designated for Parks, Open Space, and Conservation as recommended by the Comprehensive Plan.
- However, staff recommended that the petitioner apply for a use variance rather than a rezoning because the petitioner will also continue to use the property for residential purposes, not permitted in the OP District. A variance also provides additional protections to adjacent properties because a variance only allows for the specific use requested and would not transfer with the property if sold.
- In March of 2026, the Planning Director received a complaint regarding regular use of the motocross track. Staff found the motocross track advertised as a sports venue on Facebook and sent the petitioner a letter of violation. The petitioner promptly applied for a variance.
- The Planning Director also received a complaint regarding the track in 2021. However, at that time the Planning Director found no evidence of use of track for purposes unrelated to personal recreational use by the owner of the property.

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: The motocross venue provides a recreational opportunity for the community and visitors can access the property from an arterial road. Motocross venues do not pose any significant environmental impacts.

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 UDO and Comprehensive Plan support development of active recreational venues for use by the local community adjacent to agricultural and residential areas. Specifically, the UDO permits motocross venues in the OP District and recommends the OP District as spot zoning throughout the community adjacent to properties in the A1 and RE District. The Comprehensive Plan supports recreational development in areas designated for Parks, Open Space, & Conservation adjacent to agricultural and residential development.

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

Staff Analysis: The property includes low-lying areas and floodplain which renders the property undesirable for structural development. Approval of a variance to allow a motocross venue allows for productive use of the land which provides a recreational opportunity for the community.

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 strict application of the ordinance would prevent continued use of the property for a motocross venue which provides a recreational opportunity for the community.

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

Staff Analysis: The motocross venue provides an active recreational activity in an area designated for Parks, Open Space, and Conservation as recommended by the Comprehensive Plan.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the Unified Development Ordinance and Comprehensive Plan support active recreational venues for use by the local community in areas which include floodplains adjacent to agricultural uses and residential development.

Applicant/Owner Information

Applicant:	Douglas B Roberts 3655 N Morristown Rd. Shelbyville, IN 46176	Attorney:	Jacob S. Brattain, McNeely Law LLP 2177 Intelliplex Drive, Ste. 251 Shelbyville, IN 46176
Owner:	Same		

Areal View of Motocross Track



Blue River Motocross Facebook Page - November 2025

Parking During Motocross Event



Blue River Motocross Facebook Page – February 2026

View of Venue from Residential Property to the South



Staff Photograph – April 2025

View of Venue from Residential Property to the Northeast



Staff Photograph – April 2025

April 20, 2026

Shelby County Board of Zoning
Appeals, 25 W Polk Street,
Room 201, Shelbyville, IN
46176

Re: Use Variance for 3655 N Morristown Road, Shelbyville, IN 46176

Dear Plan Commission Members:

This letter serves as a letter of intent for a proposed use variance at the property commonly know as 3655 N Morristown Road, Shelbyville, IN 46176 (the "Property"). McNeelyLaw LLP represents the owner of the Property, Douglas B. Roberts. The Property contains approximately 5.00 acres and is currently zoned as A2 under Shelby County Zoning. The Property is located on Morristown Road and borders the blue river, resulting in a large portion of the Property being at risk of flooding.

Mr. Roberts purchased the Property in 2021, and began building a motocross track at the Property shortly after. During his ownership, Mr. Roberts continued to improve the track and operated the track on select days and weekends until receiving a violation from the County.

At this time, Mr. Roberts is seeking a use variance to continue utilizing the Property to operate a motocross track. We do not believe this use will be injurious to public health, safety, morals, or the general welfare of the community and will not substantially lower the use or value of adjacent properties.

We look forward to the opportunity to present our case and work with the Town on a reasonable solution.

Very truly yours,

McNeelyLaw LLP

Jacob S. Brattain

Jacob S. Brattain

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: Motocross Track at owner's residence

2. Days & Hours of Operation: 1 Day Per Week and Weekends, 4pm-8pm Weekdays and 10am-6pm on Weekends

3. Maximum Number of Customers per Day/Week/Month: All practices are limited to 25 riders on the track any given time, with rotating sessions

4. Type and Frequency of Deliveries: 1-2x per week for wood chips, depending on conditions

5. Description of any Outdoor Storage: At times wood chip pile to integrate into track surface to reduce dust, no other outdoor storage - equipment is rented or kept in barns

6. Description, Size, and Placement of any Signage: No business signage

7. Description of Waste Disposal: Porta Potty on site, serviced once per week

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Owner's residence and barn, the motocross track is built on the property. All patrons park on grass outside of the track area

**USE VARIANCE
FINDINGS OF FACT**

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. You may attach an additional sheet with answers if necessary.

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

Describe how the proposed structure/land use does not harm public health and safety. This may include how the structure/land use complies with State/County codes, does not cause a traffic hazard, does not cause pollution, etc.

Similar businesses operate in the county without issues. Owner applies water and grooms the track in order to keep down the dust.

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.

Describe how the proposed structure/land use does not harm the neighbors. This may include the appearance of the structure/land use, noise impacts, odor impacts, traffic impacts, distance of the structure from the property lines, etc.

The property immediately around the subject property is either farm fields or trees along the river.

The operations are limited to 2-3 days per week and only for certain months when it is warm enough and the weather is favorable for track conditions.

3. The need for the variance arises from some condition peculiar to the property involved.

Describe how a condition(s) particular to the property support grant of the variance. This may include a physical condition of the property which limits land uses permitted in the zoning district, the location of the property in relation to similar land uses and access roads and infrastructure, etc.

The Property is located adjacent to the river and partially in the floodplain, meaning that structures would be difficult to build and that crop production would be harmed on years with

heavy rains or flooding.

4. The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

Describe how denial of the variance would pose an unnecessary hardship to the applicant. Unnecessary hardships do NOT include restriction on economic gain or self-imposed hardships. Unnecessary hardships may include inability to use the property in a manner similar to other properties in the neighborhood, a condition of the property or neighborhood which makes the proposed use desirable, etc.

The Property is not well suited for for agricultural or building uses and the UDO suggests that it should be designated as an open space or conservation area, which supports the requested use.

5. The approval does not interfere substantially with the Comprehensive Plan.

Describe how the proposed structure/land use is appropriate for the future land use recommended for the property by the Comprehensive Plan. If you do not know the future land use recommendation, ask the Planning Director.

The Comprehensive Plan recommends this space to be Parks/Open Space/Conservation, which permits the operation of sports fields.

BLUE RIVER MOTOCROSS
3655 N MORRISTOWN RD.
SHELBYVILLE, IN

PROPERTY LINE EXPRESSED
WITH DASHED GREEN LINE

