

# Shelby County Board of Zoning Appeals

September 9, 2025, at 7:00 PM

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# MEETING AGENDA

## Shelby County Board of Zoning Appeals September 9, 2025

### CALL TO ORDER

### ROLL CALL

### APPROVAL OF MINUTES

Minutes from the August 12, 2025 meeting.

### OLD BUSINESS

**BZA 25-30 (amended) – MORGAN KALMES:** AMENDMENT OF CONDITIONS OF USE VARIANCE APPROVAL & DEVELOPMENT STANDARDS VARIANCE. Located at 12230 E McGregor Rd, Indianapolis, Moral Township.

### NEW BUSINESS

**BZA 25-33 – LARRY M CONN:** DEVELOPMENT STANDARDS VARIANCE. Located at 617 W Brookville Rd, Fountaintown, Van Buren Township.

### 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/88026455376?pwd=bTHRAC5XuPgIB9dZPNbY0XaNpwNgUs.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**

## 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 (amended)  
**Case Name:** Morgan Kalmes – Amendment of  
Conditions of Use Variance Approval &  
Development Standards Variance

## Request

**Amendment of Site Plan approved as a condition of use variance approval.**

**Amendment of conditions of use variance approval.**

**Variance of Development Standards** to allow for an addition adjoining the property line to an existing accessory structure adjoining the property line (5-foot setback required).

## Code Requirement

**UDO Section 2.14:** Minimum Side Yard Setback – 5 feet for accessory structure.

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

## Property Map



## Case Description

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- In August of 2025, the BZA approved a use variance for the property allowing for a Home Business Kennel in the R1 (Single-Family Residential) District and a development standards variance to allow for a kennel building exceeding the maximum size for accessory structures. The approval included 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.
- The petitioner requests to amend the approved site plan.
  - The original site plan included a 960 sq. ft. kennel building with a 500 sq. ft. outdoor run area located west of the building. The building would sit 11-feet from the east property line.
  - The amended plan includes a 480 sq. ft. kennel attached to an existing detached garage, with a 288 sq. ft. outdoor kennel area located north of the building for supervised relief breaks. Both the existing detached garage and proposed kennel would adjoin the east property line.
- Amendment of the site plan will also require a variance from the 5-foot setback requirement and elimination of approved stipulation #3 which limits outdoor kennel facilities to west of the building.
- The petitioner does not request to change any other aspects of the business plan or statement of intent approved as a condition of use variance approval.

## Staff Analysis of Findings of Fact

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

Staff Analysis: Construction of the kennel would require a building permit, and the kennel must comply with all building codes before passing a final inspection. The kennel 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 kennel would sit at least 50-feet from any adjacent property used for residential purposes which would limit any aesthetic, noise, and odor impacts to adjacent residential properties. However, construction of a structure adjoining the property line without a boundary line survey establishing the property line could result in accidental encroachment of the structure over the property line.

- 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 the exterior wall of the addition along the same building line as the exterior wall of the existing building.

### Staff Recommendation

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Staff recommends **APPROVAL**.

The kennel building would sit at least 50-feet from any adjacent property used for residential purposes which would limit any aesthetic, noise, and odor impacts to adjacent residential properties. Dogs would only use the outdoor portion of the kennel adjacent to the property line intermittently for supervised relief breaks and therefore would not pose a significant aesthetic, noise, and odor nuisance to adjacent property.

Staff recommends the following **revised set of stipulations to use variance approval**:

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 and Statement of Intent submitted with the variance application and Amended Site Plan submitted on August 28, 2025.
3. A property boundary line survey shall be submitted with the permit application for the addition verifying that the addition will not encroach over the property line.

### *Applicant/Owner Information*

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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





Fiber Optic Facilities  
COMPANY:  
VERIZON & QUE

#### Addresses

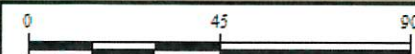
Active:

No

Yes

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

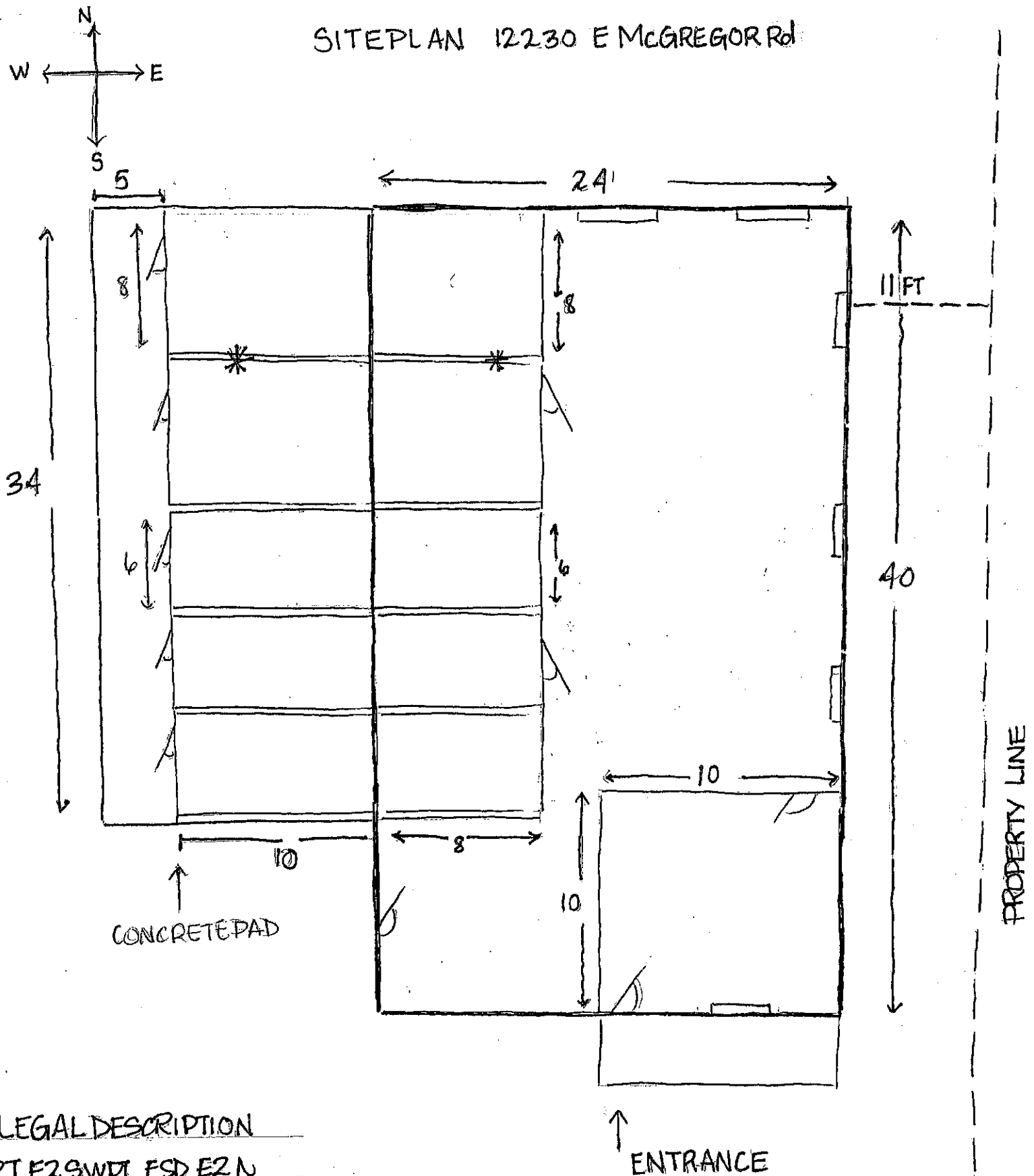
- Residential Sewer
- Pressure Sewer
- Effluent Sewer
- Septic Trench
- Perimeter Drain
- Surface Drain
- Water
- Water(1)
- Legal Drains
- Regional Roads
- Regional Highway
- Roads
- County\_Roads
- Edinburgh Highway
- Edinburgh Roads
- Bartholomew Road
- Bartholomew Highway
- Brown Co Roads
- Brown 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 Sep 9, 2025 1" = 45ft



# SITEPLAN 12230 E MCGREGOR Rd



LEGAL DESCRIPTION

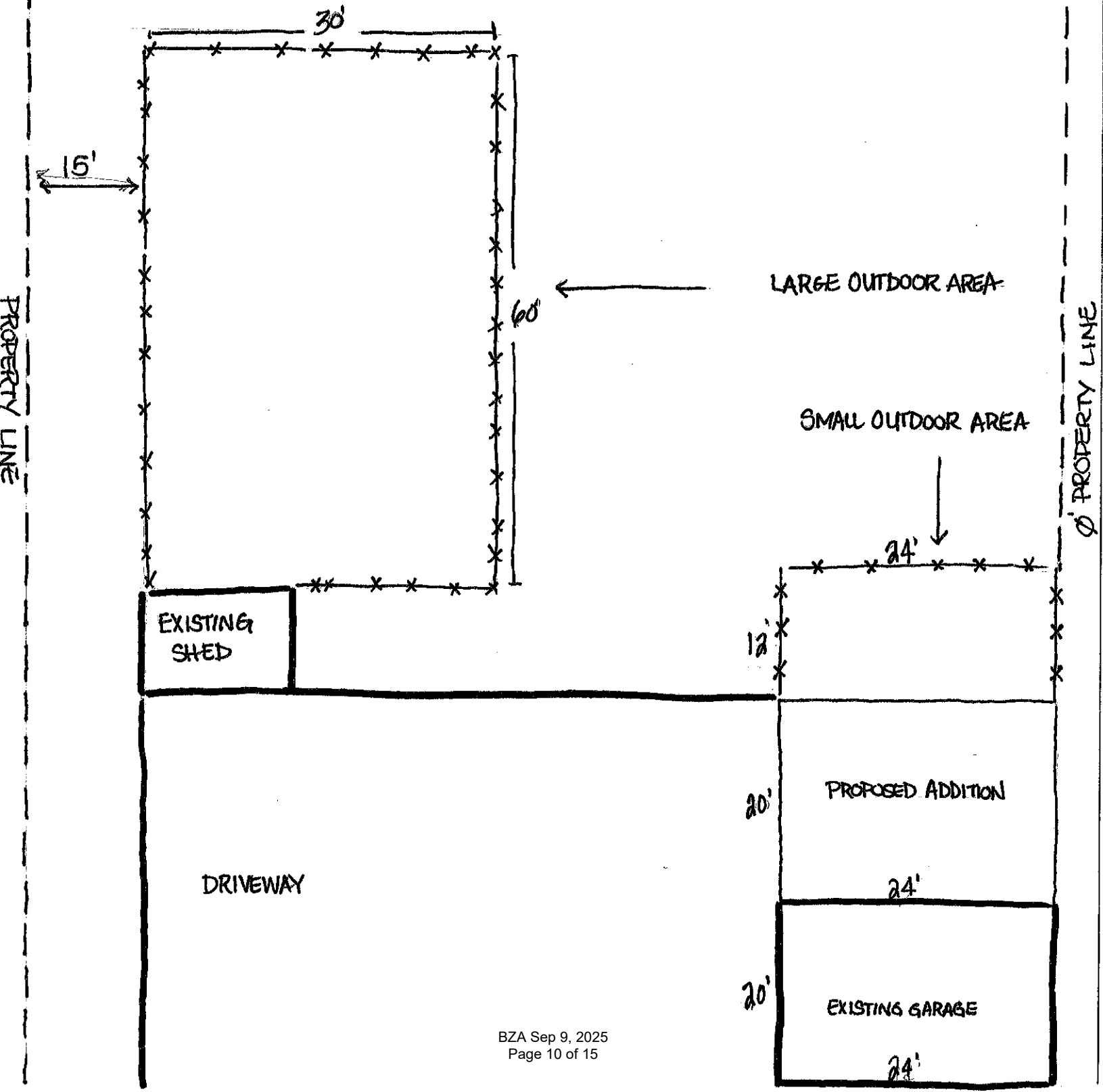
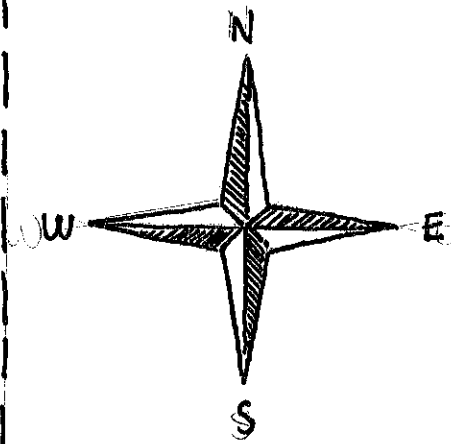
PT E2 S W 1/4 ESD E2 N

NOT TO SCALE

\*6 INCH CONCRETE BLOCK WALLS

SITE PLAN  
12230 E MCGREGOR RD

LEGAL DESCRIPTION  
PT E2 SWDT ESD E2N  
NOT TO SCALE



## Property Details

**Location:** 617 W Brookville Rd,  
Fountaintown, Van Buren  
Township.

**Property Size:** 1.22-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.*

### Surrounding Development

	Zoning	Land Use
North	A2	Cropland
South	A2	Cropland
East	R1	Single-Family Residential
West	R1	Single-Family Residential

# Staff Report

**Case Number:** BZA 25-33

**Case Name:** Larry M Conn – Development Standards  
Variance

## Request

**Variance of Development Standards** to allow for a 1,500 sq. ft. residential accessory structure (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

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- The petitioner plans to construct a 30'x50' (1,500 sq. ft.) accessory structure at the southwest corner of the property.
- The square footage of the proposed accessory structure, 484 sq. ft. detached garage, 220 sq. ft. shed, and 220 sq. ft. enclosed lean-to would equal approximately 127% of the square footage of the footprint of the house. The property tax card provides the square footage of the house and existing accessory structures.
- The property consists of two tax parcels. The accessory structure would sit on a separate parcel than the house. The UDO allows designation of adjoining parcels under the same ownership as one lot for building and zoning purposes.
- Adjacent residential development includes single-family residences with brick exteriors, mostly on lots under 1-acre, along the south side of Brookville Rd. Only one other property in the area includes an accessory structure over 1,000 sq. ft. This structure sits over 250-feet from Brookville Rd. and behind the homes located along the road.

## Staff Analysis of Findings of Fact

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

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

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 structure could alter the character of the neighborhood due to visibility of the structure from the road and lack of large accessory structures in the area. Exterior materials consisting of brick, hardy plank, or decorative vinyl similar in color to the house would limit the aesthetic impact of a large accessory structure to the neighborhood.

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: The property is larger than most other residential properties in the area. A strict application of the ordinance would limit development of the additional area of the property.

## Staff Recommendation

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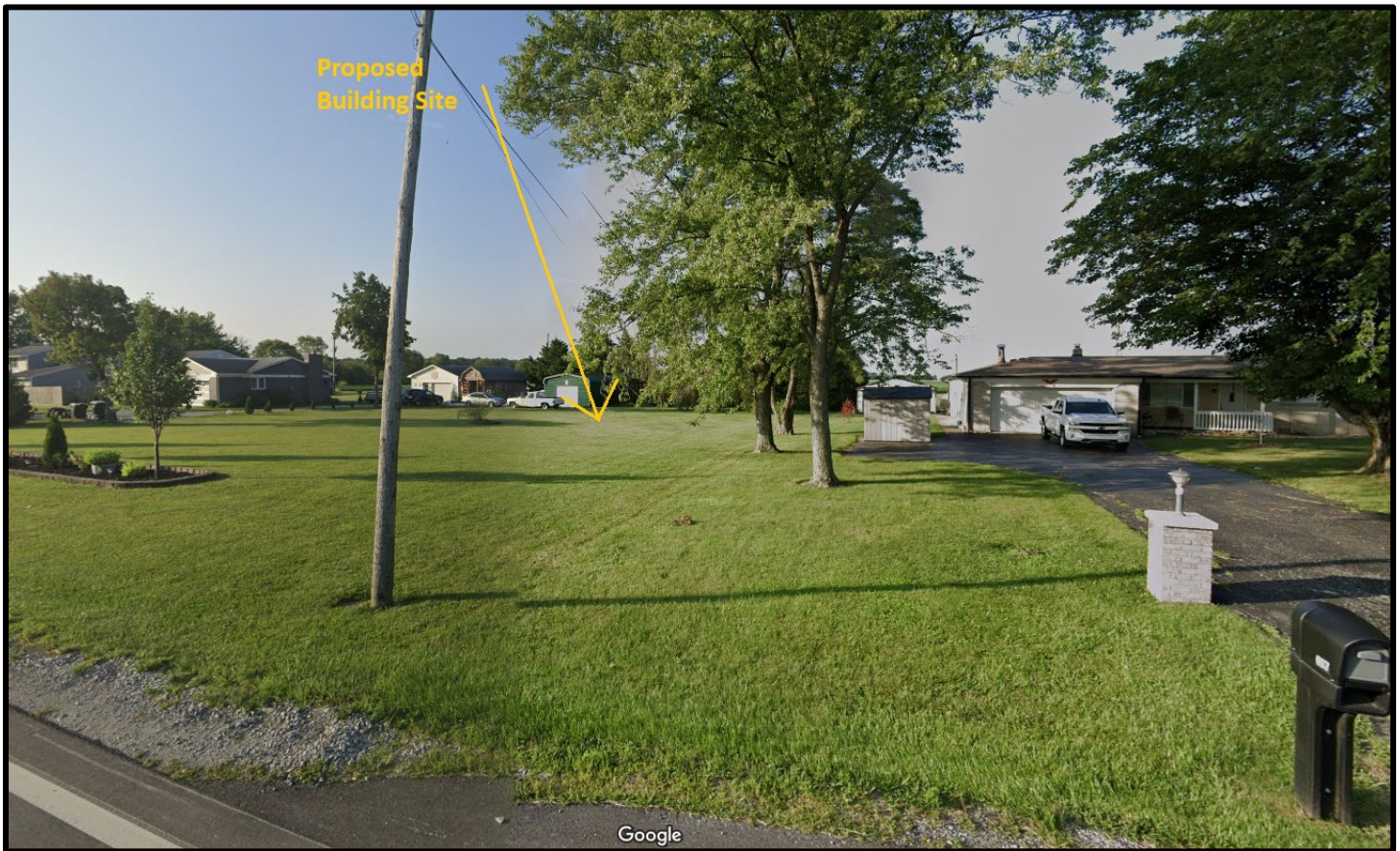
The structure could alter the character of the neighborhood due to visibility of the structure from the road and lack of large accessory structures in the area. Exterior materials consisting of brick, hardy plank, or decorative vinyl similar in color to the house would limit the aesthetic impact of a large accessory structure to the neighborhood.

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

1. The exterior materials of the structure shall consist of brick, hardy plank, or decorative vinyl similar in color to the house. The petitioner shall submit an exterior rendering of the building for approval by the Zoning Administrator with the application for an Improvement Location Permit.

*Applicant/Owner Information*

Applicant:	Larry M Conn 617 W Brookville Rd Fountaintown, IN 46130	Owner:	Larry & Deanna Conn
Representative:	Tom Spiker		



Google Street View – July, 2024

**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.

*Correct, No health or safety or welfare*

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 variance will be beneficial to adjacent property*

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.

*use of property will be practical*

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.)



