



SPECIAL EXCEPTION USE APPLICATION

Shelbyville Planning & Building Department
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

RECEIVED / FILED

JAN 29 2024

For Office Use Only:

Case #: BZA 2024-01

Hearing Date: 02.13.24

Fees Paid: \$ 500.00

Final Decision:

Approved _____ Denied _____

1.

Applicant

Name: Second Circle Investments, LLC

Address: 14137 Warbler Way N
Carmel, IN 46033

Phone Number: _____

Fax Number: _____

Email: _____

Property Owners Information (if different than Applicant)

Name: Twin Lakes LLC

Address: 500 Saraina Rd #201
Shelbyville, IN 46176

Phone Number: _____

Fax Number: _____

Email: _____

2.

Applicant's Attorney/Representative

Name: Pritzke & Davis, LLP - Briane House

Address: 728 N. State St.
Greenfield, IN 46140

Phone Number: _____

Fax Number: _____

Email: _____

Project Engineer

Name: AR Engineering

Address: 5725 Venture Park Dr. Ste A
Kalamazoo, MI 49009

Phone Number: _____

Fax Number: _____

Email: _____

3. Project Information:

General Location of Property (and address is applicable): the northeast corner of E McKay Rd and Twin Lakes Blvd

Current Zoning: Planned Development (PD)

Existing Use of Property: Vacant

Proposed Zoning: _____

Proposed Use: General Retail

4. Attachments

Affidavit and Consent of Property Owner (if applicable)

Vicinity Map

Proof of Ownership (copy of deed)

Application Fee

Letter of Intent

Findings of Fact

The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: _____ Date: 1-22-24

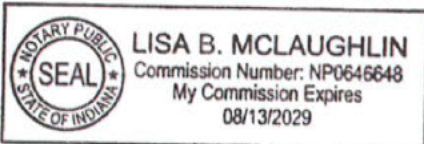
State of Indiana
County of Hamilton SS:

Subscribed and sworn to before me this 22nd day of January 2024

Lisa B. McLaughlin Notary Public Lisa B. McLaughlin Printed

Residing in Hamilton County.

My Commission Expires: 8.13.2029





SPECIAL EXCEPTION USE

FINDINGS OF FACT

Petitioner's Name: Second Circle Investments, LLC

Location: Northeast corner of E McKay Rd and Twin Lakes Blvd

Special Exception for: Retail (type 2) in Business Neighborhood District

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

- 1. General Welfare:** Explain why granting the request for a use variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.
Granting this request will not be harmful to the public health, safety, and general welfare of the City of Shelbyville because the store will be properly screened and landscaped from the adjacent streets with a separate drive off of Twin Lakes Blvd.
- 2. Compatibility and Impact:** Explain why the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values.
The special exception use will be in harmony with the adjacent uses because it will allow for the nearby residents to walk to a convenience store rather than drive, increasing their values.
- 3. Character:** Explain why the special exception will not adversely alter the character of the zoning district.
The special exception will not adversely affect the character of the zoning district because it works to incorporate a commercial business into a neighborhood setting with proper screenings and the addition of hike and walking paths that connect to the business.
- 4. Comprehensive Plan:** Explain why the special exception is consistent with the intent of the zoning district and the goals of the Comprehensive Plan. Use statements and future land use map from the Comprehensive Plan and Article 2 of the Unified Development Ordinance.
The special exception is consistent with the intent of the zoning district because the Business Neighborhood districts intent is to provide goods and services to neighborhoods and residential developments within the city. This business will provide easy access for nearby residence.
- 5. Impact to Adjacent Area:** The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.
The neighboring property values will not be negatively affected because the development of this property will promote the development of the remaining property of the parent parcel by building a drive off of Twin Lakes Blvd.

O. Lynn Bass
SHELBY County Recorder IN
IN 2006001290 CORP WD
02/17/2006 14:20:12 2 PGS
Filing Fee: \$16.00

Entered for Taxation

FEB 17 2006

Magnum L. Cook
Recorder Shelby County

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That **Twin Lakes, LLC**, a corporation organized and existing under and pursuant to the laws of the State of **Indiana**, with its principal office in the City of **Shelbyville, Indiana**,

Conveys and Warrants to

BCW Enterprises, LLC

of **Shelby County**, in the State of **Indiana**, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged the following described Real Estate in **Shelby County**, in the State of **Indiana**, to-wit:

PARCEL B

A part of the Northwest Quarter of Section 9, Township 13 North, Range 7 East of the Second Principal Meridian in Addison Township, Shelby County, Indiana, being more particularly described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence North 00 degrees 08 minutes 29 seconds East (assumed bearing), 1407.00 feet along the West line of said Quarter Section to the POINT OF BEGINNING; thence continuing North 00 degrees 08 minutes 29 seconds East along said West line 416.20 feet; thence South 89 degrees 51 minutes 31 seconds East 249.99 feet; thence South 00 degrees 08 minutes 29 seconds West parallel with the West line of said Quarter Section 416.20 feet; thence North 89 degrees 51 minutes 31 seconds West 249.99 feet to the Point of Beginning, containing 2.39 acres, more or less.

Grantor states that there is no Indiana Gross Income Tax due or payable at this time as a result of this sale.

The undersigned persons executing this Deed represent and certify on behalf of the Grantor that the undersigned are duly appointed officers of the Grantor and have been fully empowered by proper resolution to execute and deliver this Deed; that the Grantor is a corporation in good standing in the State of its origin; that the Grantor has full capacity to convey the real estate described; and that all necessary action for the making of this conveyance has been duly taken.

SEND TAX STATEMENT TO: **BCW Enterprises, LLC**
1508 Meadows Ct.
Columbus IN 47203

Subject to easements, restrictions, and rights of way of record.

In Witness Whereof the said **Twin Lakes, LLC** has caused this deed to be executed by **John K. Preidt**, its President and has fixed his name and seal, 15th day of February, 2006.

John K. Preidt
Twin Lakes, LLC
John K. Preidt, President-MANAGER

State of **Indiana**
County of **Shelby** SS:

Before me, the undersigned, a Notary Public in and for said County, and State, personally appeared **John K. Preidt**, to me known to be such President of said Corporation and acknowledged the execution of the foregoing Deed for and on behalf of the Corporation and by its authority.

Witness my hand and seal this 15th day of February, 2006.

Witness my hand and official seal.

John K. Branam
Notary Public



My commission expires:

Resident of:

THIS INSTRUMENT PREPARED BY JAMES ROBERT WESLEY, ATTORNEY AT LAW



