

Shelby County Board of Zoning Appeals
Meeting Minutes
April 9, 2024

Members Present:

Kevin Carson
Terry Knudson
Dave Klene
Megan Hart

Members Absent:

Jim Douglas

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Board 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 March 12, 2024. Dave Klene seconded the motion. The minutes were approved 4-0.

Old Business:

None.

New Business:

BZA 24-10 – CHARLES REED: DEVELOPMENT STANDARDS VARIANCE – To allow for an 1,800 sq. ft. pole barn exceeding 50% the square footage of the footprint of the residence [UDO Sec. 5.07 f 1]. Located at 610 E McKay Rd, Shelbyville, Addison Township.

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

Charles Reed indicated that he plans to build a 30'x60' building which would enhance the lot. He presented photographs to the board of a building identical to the building that he plans to build.

The Board opened the hearing for public comment.

Rick Fallis, who lives at 555 W McKay Rd, spoke in favor of the petition.

The Board closed the public comment portion of the hearing.

Kevin Carson indicated that the City of Shelbyville expressed no issue with the petition.

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

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

BZA 24-11 – CORNERSTONE CHRISTIAN FELLOWSHIP: DEVELOPMENT STANDARDS VARIANCE – To allow for replacement of a manual message board with an electronic message center on an existing pole sign [UDO Sec. 5.73 E 1 c]. Located at 7414 E Michigan Rd, Waldon, Liberty Township.

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

Shane Billingsly with Greenfield Signs represented the petitioner. He indicated that manual message centers have become obsolete. He explained that the sign would serve to increase church membership and inform the community about church and community events. He outlined studies conducted by the Federal Highway Administration showing that electronic message centers do not pose a safety risk to motorists and indicated that the sign would sit at eye-level which would not require motorists to take their eyes off the road. He indicated that other electronic message centers in the County do not have a thirty-second timer on message changes. He indicated that the sign would emit very little light and outlined the lighting capabilities of the sign.

The Board opened the hearing for public comment.

Shannon Coon, who owns property at 7720 E Michigan Rd, spoke in favor of the petition.

Susan Treon, who owns property at 7499 E Michigan Rd, explained that other electronic signs in Shelby County lie within incorporated areas and that the County ordinances protect the character of rural areas. She explained that the church has four other signs which adequately provide communication and that no practical difficulty exists in use of the property that would warrant grant of the variance. She indicated that the sign

message at Loves in Decatur County only changes once per week. She indicated that approval would set a precedent for approval of other electronic message center signs.

The Board closed the public comment portion of the hearing.

Shane Billingsly indicated that the sign message at Loves in Decatur County changes once every three seconds. He indicated that a change in sign message every fifteen to thirty seconds would allow the church to adequately communicate messages to motorists on the interstate. He explained that other digital signs in the County remain on 24-hours per day and that he would prefer that the Board allow the church to keep their sign on 24-hours per day.

Kevin Carson suggested an amendment to Staff's recommended stipulations to allow the sign message to change every twenty seconds and to allow the sign to remain on from 6AM to 12PM.

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

- 1. The content of the sign shall change no more than once every twenty seconds and shall transition by an instant change/slideshow effect. The sign shall not include motion picture capabilities.**
- 2. The sign shall include a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions.**
- 3. The EMC portion of the sign shall be turned off between 12 PM and 6 AM.**
- 4. The brightness level for any digital display shall be calibrated for less than 0.2-foot candles above ambient light levels, as measured at the right-of-way line.**
- 5. The "default" setting shall be a black screen in the event of a malfunction.**

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

BZA 24-12 – AMERICAN TRAILER WHOLESALERS: DEVELOPMENT STANDARDS VARIANCES – To allow for use of existing driveways located closer than 150-feet from intersecting streets [UDO Sec. 5.20 A 1 a], use of existing driveways located closer than 100-feet from another driveway [UDO Sec. 5.20 A 2 a], use of existing un-striped parking and maneuvering areas [UDO Sec. 5.63 A], and outdoor display and storage of vehicles and trailers for sale on existing gravel surface [UDO Sec. 5.58 A]. Located at 4485 E SR 244, Shelbyville, Liberty

Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval of variances #1 & #2 with stipulations and denial of variances #3 & #4. However, if the Board chooses to approve variances #3 & #4, Staff recommends stipulations.

Jarrod Johnson, owner of American Trailer Wholesalers, explained that his business currently operates as a broker between semi-trailer dealerships and trucking companies. He explained that he has now applied to the State for a dealer's license. He indicated that INDOT had approved use of two of the entrances, and that trucks would use the west entrance, vehicles the east entrance, and that he would gate-off the middle entrance. He indicated that he had obtained approval to operate his business on the site from the Health Department and utilities. He indicated that stone parking and storage lots are the semi-trailer industry standard. He presented aerial photographs of Great Dane and Stoops Trailer semi-trailer facilities and a few used semi-trailer facilities showing stone lots. He explained that the business under development at the northwest corner of the I-74/SR 244 interchange with proposed paved parking and storage lots would sell utility trailers, not semi-trailers, and would have customers on site on a more regular basis than his business. He explained that a paved lot would not have a significant impact on the aesthetics of the site due to the presence of the semi-trailers. He indicated that the aerial photographs presented show less lawn space than the subject property and do not show any visual barriers between semi-trucks and the road.

Ryan Teague, co-owner of American Trailer Wholesalers, explained that the business would conduct many sales online and therefore would have limited on-site customers and semi-trailers. He indicated that the business would not store inoperable trailers on-site.

Jim George, owner of the property, indicated that he believed the petitioner would be a good renter.

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

Terry Knudson inquired if any planned modifications to the property would render the property unsuitable for future development.

Jerrold Johnson did not propose any significant property modifications. He indicated that he would perform routine property maintenance and would keep additional gravel on site to replenish the lot.

Kevin Carson inquired about the anticipated number of trailers and where the petitioner intended to store the trailers.

Jerrod Johnson stated that he did not anticipate keeping more than thirty trailers on the lot and would keep the trailers behind the office building.

Kevin Carson indicated that he did not perceive a problem with a gravel outdoor storage lot for a limited number of semi-trailers, however, that the Board should require a striped parking lot. He suggested a limit of twenty semi-trailers, landscaping, and striping of the parking lot within one year of the petitioner obtaining their dealer's license.

Terry Knudson asked why the County required a paved lot, even though similar operations in other jurisdictions have gravel lots.

Desiree Calderella explained that the County UDO does allow screened gravel outdoor storage lots in industrial zoning districts.

The Board noted that landscaping would not serve a practical purpose if limiting the facility to twenty semi-trailers, however, would consider landscaping if the petitioner sought a variance in the future to use a gravel lot for storage of more than twenty semi-trailers.

Kevin Carson made a motion to vote on the petition with stipulations and Terry Knudson seconded the motion. The petition, including all variances, was **APPROVED 4-0 with stipulations:**

- 1. The variance shall be rendered void if use of the property changes.**
- 2. Use of the central driveway for access shall be prohibited.**
- 3. Paved and striped parking and maneuvering areas in compliance with ordinance requirements shall be provided within one-year of receipt of dealer's license for the proposed business use.**
- 4. A maximum of twenty (20) trailers may be stored on gravel surface.**

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.

BZA 24-13 – MARK E SHANNON: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for a self-storage facility, including outdoor storage, in the RE (Residential Estate) District and transfer of the use variance with the property when sold [UDO Sec. 9.17 F 2 c], lot coverage to exceed 30% [UDO Sec. 2.12], lack of designated ADA parking spaces [UDO Sec. 5.60 F], and two commercial ground signs [UDO Sec. 5.73]. Located at 9298 N Mechanic St, Gwynneville, Hanover Township.

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

Mark Shannon explained that his family has operated a construction company on the property for over fifty years. He indicated that agricultural use of the property hardly generates enough revenue to pay the property taxes. He explained that the business would offer RV and boat storage space and may include storage units in the future.

Lori Shannon indicated that the adjacent plastics manufacturing company, railroad, and US 52 render the property undesirable for residential development.

The Board opened the hearing for public comment.

Patrica Sears, who owns property at 7160 E US 52, asked for clarification on the proposed use of the property.

The Board closed the public comment portion of the hearing.

Mark Shannon indicated that he has no issue with the proposed stipulations other than paving of the lot. He explained that no other self-storage facility in the County outside of Shelbyville has a paved lot.

Lori Shannon indicated that they plan to install fencing and landscaping progressively as they develop the site.

Desiree Calderella explained that the UDO does require paved parking lots for self-storage facilities in the industrial zoning districts. She indicated that all self-storage facilities in the County outside of Shelbyville appeared to have gravel lots.

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

- 1. The petitioner shall submit proof of an access easement allowing access to Mechanic Street prior to use of the property for a self-storage facility.**
- 2. The materials and color of all new structures shall match, closely resemble, or significantly complement one another.**
- 3. All outdoor site lighting shall include full cut-off fixtures and the maximum allowable light at a property line shall be five (5) lux.**
- 4. Any dumpsters stored outdoors shall be on a paved surface and screened by a wall or fence.**

5. **The development shall be consistent with the Site Plan submitted with the variance application, other than amendments required to comply with stipulations of variance approval.**
6. **The Mechanic Street entrance shall be abandoned, and a commercial entrance shall be installed from US 52 prior to issuance of a certificate of occupancy for a third self-storage building.**

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.

BZA 24-08 – FLAT ROCK CHRISTIAN CHURCH: DEVELOPMENT STANDARDS VARIANCES – To allow for a telecommunication facility having a lattice design [UDO Sec. 5.80 C 3], not designed to blend in with the natural surroundings of the environment [UDO Sec. 5.80 C 2], not designed to accommodate both the applicant’s antennas and two additional users’ antennas [UDO Sec. 5.80 C 5 b], and without landscaping [UDO Sec. 5.80 C 8]. Located at 2853 W Pope St, Flat Rock, Washington Township.

The trustee of the Flat Rock Christian Church represented the petition. He explained that the area has unreliable internet service and that the church has chosen to extend the height of the proposed tower to provide an internet service option to the surrounding area. He indicated that about 40% of the households in the area would have the option to subscribe to the internet service provided by the tower.

The Board opened the hearing for public comment.

Andy Guy, who lives south of the church, spoke in support of the petition.

The Board closed the public comment portion of the hearing.

Kevin Carson indicated that Beaty Construction has an identical tower on their property.

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

Terry Knudson 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.

Discussion

V23-14 – DANNY & MARIA RIGDON: ZONING VIOLATION. Update on progress to correct violation. Located at 5879 N PR 660 W, Fairland, Brandywine Township.

Desiree Calderella stated that she had discussed the project with Jeff Powell. She explained that Mr. Powell had said that the Rigdons have about two more loads of gravel to place in the basement and fill dirt to place around the house.

Adjournment:

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

President	Date
Jim Douglas	

Secretary	Date
Kevin Carson	