

**Shelby County Board of Zoning Appeals**  
**Meeting Minutes**  
**June 9, 2020**

**Members Present:**

Kevin Carson  
Dave Klene  
Rachael Ackley  
Jim Douglas

**Members Absent:**

Doug Warnecke

**Staff Present:**

Desiree Calderella – Planning Director  
Mark McNeely – Board Attorney

**Call to Order and Roll Call:**

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

**Approval of Minutes**

Dave Klene made a motion to approve the minutes from April 14, 2020. Jim Douglas seconded the motion. The minutes were approved 4-0.

**Request for Continuance:**

**BZA 20-15 – DANIEL MILLER & DEAN GARWOOD: REQUEST FOR CONTINUANCE**

Nesha Anderson, who resides at 8516 N 600 W, Fountaintown, requested a continuance of the petition to allow additional time for her attorney to review the case and because the Board did not have all members present.

Daniel Miller stated he objected to the continuance request. He indicated that he had submitted all application materials prior to the application deadline and would like to proceed with purchase of the property.

Jim Douglas made a motion to vote to grant a continuance to the July 14, 2020 BZA meeting. Rachel Ackley seconded the motion. The petition was **CONTINUED** to July 14, 2020 by a vote of 3-1, with Kevin Carson casting the negative vote.

**Withdrawn Cases:**

**BZA 20-13 – JOHN E JOHNSON: USE VARIANCE – to allow for placement of a storage container on property in the VR (Village Residential) District. Located at 0.14 acres at the southwest corner of Tinker St. & Locust St., Waldron, Liberty Township.**

This case was withdrawn by the petitioner on June 1, 2020.

**Old Business:**

**BZA 20-07 – WALDRON UNITED METHODIST CHURCH: DEVELOPMENT STANDARDS VARIANCE – To allow for an LED Sign utilizing a changing electronic message center (only static messages permitted on LED Signs) [UDO Section 5.37 E 1 c]. Located at 202 W Washington St, Waldron.**

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

Jim Apple represented the Church. He indicated that the electronic message center sign would replace the existing sign at the same location. He indicated that the sign would display messages related to the church, community messages, and time & temperature.

Brad Cain stated that his company, Cain Signs, LLC, would install the sign.

The Board opened the hearing for public comment.

Chris Johnson, who lives in Waldron, indicated that the sign would distract drivers and teenagers drive recklessly through the area. He indicated that he does not like the current sign and does not understand why the church would need a changing message sign because they rarely change the message on the existing sign. He indicated that the church could use a website to provide information.

The Board closed the public comment portion of the hearing.

Brad Cain explained that the electronic sign would allow the church to conveniently change the message. He indicated that the electronic message portion of the sign could dim or turn off to prevent nuisance to neighbors.

Jim Apple indicated that the church had not changed the message more frequently due to the inconvenience of manually changing the letters, especially for elderly volunteers.

Q: Dave Klene – Do you agree with the stipulations recommended in the Staff Report?

A: Jim Apple – Yes.

Desiree Calderella read the stipulations into the record.

Q: Kevin Carson – Can you turn off the sign at night?

A: Brad Cain – The LED portion can be turned off.

Jim Douglas made a motion to vote on the variance with stipulations. Rachel Ackley seconded the motion. The petition was **APPROVED 4-0** with stipulations:

1. **The electronic message center portion of the sign shall not exceed the size of the current changeable copy message portion of the sign or 67% of the total sign face, whichever is less restrictive.**
2. **The content of the sign shall change no more than once every thirty seconds and shall transition by an instant change/slideshow effect or fade-in-fade-out effect.**
3. **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.**

The Board adopted the following findings of fact:

1. The approval will not be injurious to the public health, safety, and general welfare 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.
3. The strict application of the terms of the Shelby County Unified Development Ordinance will result in a practical difficulty in the use of the property.

**BZA 20-11 – SOUTHWESTERN CONSOLIDATED SCHOOL DISTRICT OF SHELBY COUNTY: DEVELOPMENT STANDARDS VARIANCE – To allow for the provision of 430 parking spaces (minimum 800 spaces required) [UDO Table PK-A]. Located at 3406 W 600 S, Shelbyville, Hendricks Township.**

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

Denny Harold represented the school. He indicated that the school plans to construct a new fieldhouse, which prompted the need for the variance. He explained that the addition of the fieldhouse would not cause an increase in traffic and that he has not seen the school parking lot full.

The Board opened the hearing for public comment. None was heard. The Board closed the public comment portion of the hearing.

Q: Kevin Carson – Will the parking lot have enough spaces to accommodate a County Tourney?

A: Denny Harold – Yes

Q: Kevin Carson – Does the school plan to have paid events that could cause an increase in traffic?

A: Denny Harold – None planned.

Eddie Laten, who represented the contractor, explained that the school has already utilized the entire property acreage and therefore cannot install additional parking.

Jim Douglas made a motion to vote on the variance. Dave Klene seconded the motion. The petition was **APPROVED 4-0**.

The Board adopted the following findings of fact:

1. The approval will not be injurious to the public health, safety, and general welfare 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.
3. The strict application of the terms of the Shelby County Unified Development Ordinance will result in a practical difficulty in the use of the property.

**New Business:**

**BZA 20-15 – DANIEL MILLER & DEAN GARWOOD: USE & DEVELOPMENT STANDARDS VARIANCE – To allow for a commercial salt storage and delivery operation in the RE (Residential Estate) District. Also, to allow for three accessory structures: barn & two silos (maximum of two accessory structures permitted) [UDO Section 5.06 C], silos having a maximum height of 45-feet (maximum height of 20-feet permitted) [UDO Section 2.12], less than the required number of parking spaces [UDO Table PK-A], and gravel parking/maneuvering area (pavement required) [UDO Section 5.60 A]. Located at 8565 N 600 W, Fountaintown, Moral Township.**

This petition was continued to July 14, 2020.

**Discussion:**

**Hearing Officer Cases**

**BZA 20-12 – MIKE & ANGIE STEINBARGER: DEVELOPMENT STANDARDS VARIANCE. Located at 5176 W SR 252, Edinburgh, Jackson Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on May 12, 2020.

**BZA 20-14 – DAVID WAYT: DEVELOPMENT STANDARDS VARIANCE.  
Located at 7464 E SR 44, Shelbyville, Union Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on June 1, 2020.

**Patrick Black Violation**

The Board had a general discussion concerning the history of the violation and a possible change to their decision voted on in March regarding enforcement and fines due to COVID-19. The Board decided that Desiree Calderella should visit the property prior to the July BZA meeting and document any progress. If the Board does not see any visible progress, they will reinstate the fine.

**Adjournment:**

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

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President Date

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Secretary Date