

**Shelby County Board of Zoning Appeals  
Meeting Minutes  
January 10, 2023**

**Members Present:**

Kevin Carson  
Terry Knudson  
Dave Klene  
Jim Douglas

**Members Absent:**

None

**Staff Present:**

Desiree Calderella – Planning Director  
Jason Clark – Board Attorney

**Call to Order and Roll Call:**

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

**Election of Officers:**

Kevin Carson made a motion to keep the same slate of officers as the previous year: Jim Douglas – President, Dave Klene – Vice President, Kevin Carson – Secretary. Terry Knudson seconded the motion. The motion was approved 4-0.

**Approval of Minutes:**

Dave Klene made a motion to approve the minutes from December 6, 2022. Terry Knudson seconded the motion. The minutes were approved 4-0.

**Old Business:**

**BZA 22-52 – FARNSLEY FAMILY FARM LLC: DEVELOPMENT STANDARDS VARIANCE – To allow seven single-family lots to utilize a single private driveway (maximum of two single-family lots permitted) [UDO Sec. 5.17 C 2]. Located at 7092 E Short Blue Rd, Shelbyville, Union Township.**

This petition was **CONTINUED** by request of the petitioner prior to the meeting.

**New Business:**

**BZA 23-01 – MIKE WILSON: USE VARIANCE – To allow for construction of a pole barn to use for storage of residential items as the primary use of property in the**

**RE (Residential Estate) District. Located at 3853 N Morristown Rd, Shelbyville, Marion Township.**

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

Mike Wilson indicated that he plans to store cars, motorcycles, and his children's items in the structure. He explained that he does not know when he will build a house on the property. He indicated that he would also use the structure as shelter when he and his family spend time on the property by the river.

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

Q: Kevin Carson – Do you attest to personal use only?

A: Mike Wilson – I attest to that, strictly storage.

Q: Jim Douglas – Do you live in the vicinity?

A: Mike Wilson – Fountain Lake, within three miles.

Kevin Cason noted that the Board had approved a similar variance for an adjacent property.

Kevin Carson made a motion to vote on the petition and 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, morals, 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 need for the variance arises from some condition peculiar to the property involved.
4. 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.
5. The approval does not interfere substantially with the Comprehensive Plan.

**V22-10 – BALDEV S VIRK: ZONING VIOLATION. Located at 7165 W Old ST RD 252, Edinburg, Jackson Township.**

Desiree Calderella stated that the property owner's attorney had contacted her this afternoon to explain that he had not received the most recent email corresponded regarding the case, and that she had visited the property this afternoon and observed trucks stored on the property.

Jeffrey S Bate represented the property owner. He verified that he had not received the most recent email from Ms. Calderella. He explained that he has had difficulty contacting his client over the past three weeks because his client had a death in the family. He indicated that he had filed for variance to allow his client to keep trucks on the property but needed to find a firm to complete a traffic study before bringing the variance case before the Board. He emphasized that he had told his client to park the trucks at a local gas station until approval of the variance. He outlined conditions that his client would agree to as part of future variance approval.

Desiree Calderella provided a brief overview of the violation and explained the purpose of the traffic study.

Q: Dave Klene – Why have they not moved the trucks?

A: Jeffery Bate – I don't know why he hasn't. There are a couple container trucks that sit out there all the time.

Desiree Calderella stated that this afternoon she observed about six trucks and trailers combined on the property.

Q: Dave Klene – How many trucks are they allowed?

A: Desiree Calderella – None.

Desiree Calderella verified that Staff had not levied any fines. She outlined the options for enforcement action and previous decisions of the Board regarding enforcement action for other properties.

Dave Klene and Terry Knudson indicated that the case represented a blatant violation.

Jim Douglas indicated that the property owner has the ability to park the trucks down the road.

Kevin Carson indicated that the property owner has known they were in violation.

Kevin Carson suggested a \$500 fine. Terry Knudson suggested a \$1500 fine. Dave Klene suggested a \$500 fine. Terry Knudson then suggested a \$1000 fine.

Jeffery Bate suggested that the Board issue a fine, and then issue additional fines per day if his client does not remove the trucks.

Donna Dugan, a citizen of Northwest Shelby County, noted that enforcement action would ensure that other trucking companies do not take advantage of the County.

Terry Knudson made a motion to levy a \$1,000 fine, and \$50 a day fine starting in one month (February 10, 2023) if the trucks are not removed or corrective action is not taken. Dave Klene seconded the motion. The motion **PASSED 4-0**.

Desiree Calderella asked if submittal of all documents required for placement on the BZA agenda qualified as corrective action. The Board concurred.

### **Discussion**

#### **BZA 22-39 – DEWAYNE YOCKEY: DEVELOPMENT STANDARDS VARIANCES. Located at 9166 N 625 E, Morristown, Hanover Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on October 11, 2022.

#### **BZA 22-44 – WILLIAM FIELDS: DEVELOPMENT STANDARDS VARIANCE. Located at 10889 S 350 E, Flat Rock, Nobel Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on November 1, 2022.

#### **BZA 22-46 – TYLER TILLISON: DEVELOPMENT STANDARDS VARIANCE. Located at 2429 E 1000 N, Morristown, Van Buren Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on November 15, 2022.

#### **BZA 22-48 – DWIGHT & AMANDA GRIMES: DEVELOPMENT STANDARDS VARIANCE. Located at 575 W 600 N, Shelbyville, Marion Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on November 15, 2022.

#### **BZA 22-49 – CHARLES W BURNLEY: DEVELOPMENT STANDARDS VARIANCE. Located at 4464 W PR 790 S, Shelbyville, Jackson Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on November 15, 2022.

#### **BZA 22-55 – WARREN & VALERIE MCDONALD: DEVELOPMENT STANDARDS VARIANCE. Located at 198 W Gosch Rd, Shelbyville, Washington Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on December 20, 2022.

#### **BZA 22-47 – JOHN R & DEBBIE PILE: DEVELOPMENT STANDARDS VARIANCE. Located at 5245 S Smithland Rd, Shelbyville, Hendricks Township.**

Desiree Calderella stated that the petitioner had withdrawn this petition.

**Adjournment:**

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

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President	Date
Jim Douglas	

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Secretary	Date
Kevin Carson	