

Shelby County Board of Zoning Appeals
Meeting Minutes
February 13, 2024

Members Present:

Kevin Carson
Terry Knudson
Dave Klene

Members Absent:

Jim Douglas

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Board Attorney (via Zoom)

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.

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 3-0.

Approval of Minutes:

Kevin Carson made a motion to approve the minutes from December 12, 2023. Terry Knudson seconded the motion. The minutes were approved 3-0.

Old Business:

None.

New Business:

BZA 24-04 – BARRY GRANT: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for an outdoor living, garden, and farm supplies retail establishment, including outdoor storage of product, in The A1 (Conservation Agricultural) District and for a commercial ground sign in the A1 District [UDO Sec. 5.73]. Located at 9075 N 800 E, Morristown, Hanover Township.

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

Barry Grant emphasized that he would improve the condition of the property and that the business would serve the community, and therefore he would address any issues with the business raised by the community.

The Board opened the hearing for public comment.

John Miller, who owns property at 3278 N Rush 1000 W, asked for a description of the specific use, asked if the petitioner had obtained soil samples, asked for clarification of the environmental restrictions indicated in the Staff Report, indicated that similar types of retail establishments already serve the area, asked how the petitioner intended to use the northern portion of the property, asked if the proposed use would include any product assembly, asked if the proposed use would create jobs, asked if the County had conducted a survey to determine the need for the business, and asked if the petitioner intended to move merchandise indoors during the winter.

Edward & Monica Hamill, who own property at 9926 US 52, asked if County code includes standards to reduce light pollution and if the business would offer farm chemicals for sale.

Michelle Miller, who owns property at 3278 N Rush 1000 W, indicated that the property is located in an agricultural area, not in a commercial area. She explained that similar types of retail establishments already serve the area and that the existing similar establishment on US 52 is an eyesore.

John Scott, who owns property at 9359 N 800 E, expressed concerns regarding drainage, light pollution, and the existence of similar types of retail establishments that already serve the area. He asked how the business would improve surrounding property values.

Thomas Miller expressed concerns about site drainage and added traffic generated by the business.

The Board closed the public comment portion of the hearing.

Barry Grant emphasized that he would address any issue raised by the neighbors, including any concerns with lighting. He explained that a soil scientist had found that fill covers most of the property, however, found a suitable location for a septic system near US 52. He explained that the business would not resemble the existing mini barn moving business located west of the property on US 52. He indicated that he would install a driveway wide enough to accommodate trailers used for delivery of products. He explained that the limited frequency of customers supports locating the business in a rural area rather than in a city. He indicated that the business would not offer farm chemicals for sale. He indicated that the business would not include manufacturing or assembly. He indicated that the appearance of the property would remain consistent throughout the year. He explained that he would like to hire an employee, however, has had a difficult

time finding workers. He explained that any signage would not include lighting. He explained that he plans to drain the property to a drain on the south side of US 52. He explained that while use of the property for a business may not add value to adjacent properties, that it would also not detract from the value of adjacent properties.

Terry Knudson inquired about the petitioner's choice to operate the business on the subject property.

Barry Grant explained that he had recently moved to the area from Ohio and that this property appeared a good fit due to the rural location and lack of immediately adjacent houses.

Kevin Carson inquired if the petitioner had environmental concerns with use of the property due to previous use of the property as a junkyard.

Barry Grant explained that he did not foresee any environmental issues.

Terry Knudson asked if the petitioner planned to sell mini barns, similar in manner to the existing business located west of the property of US 52.

Barry Grant explained that this property includes a mini barn moving business and not the type of retail business that he plans to operate from the subject property.

Terry Knudson made a motion to vote on the petition with stipulations and Kevin Carson seconded the motion. The petition was **APPROVED 3-0** with **stipulations:**

- 1. The size and location of buildings and parking areas shall be consistent with the Site Plan submitted with the variance application.**
- 2. Outdoor display of merchandise shall not be located in any required building setback, right-of-way, or off-street parking or loading areas and shall be displayed in rows.**
- 3. The materials and color of all structures shall match, closely resemble, or significantly complement one another.**
- 4. The driveway shall be at least 14-feet wide and include an asphalt or concrete driveway apron at least 25-feet in length measured from the center of CR 800 E.**
- 5. All outdoor site lighting shall include full cut-off fixtures and the maximum allowable light at a property line shall be five (5) lux.**
- 6. Any dumpsters stored outdoors shall be on a paved surface and screened by a wall or fence.**

- 7. At least one paved parking space in compliance with Section 5.60 F Parking for the Disabled shall be provided.**
- 8. The parking lot shall include area for at least seven (7) vehicles and shall not encroach more than 50% into the minimum required front setback.**

Kevin Carson made a motion to adopt the Findings of Fact indicated in the Staff Report and Terry Knudson seconded the motion. The Findings of Fact indicated in the Staff Report were adopted 3-0.

BZA 24-05 – BRENDAN RIGGS: USE VARIANCE – To allow for private recreational use as the primary use of property in the A2 (Agricultural) District. Located at 7900 N 250 E, Shelbyville, Hanover Township.

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

Brendan Riggs explained that he plans to shoot, hunt, and fish on the property and that he plans to construct a large safety backstop near the river.

The Board opened the hearing for public comment.

Gary Harris, who owns property at 7966 N 250 E, indicated that he plans to build a home north of the subject property. He explained that limiting the area for shooting to 300-feet from any other residential property would severely limit the area available for shooting on the property. He asked how the County could prevent the petitioner from operating a shooting range.

Barry Grant, who owns property at 7838 N 250 E, expressed concerns with noise from gunfire and safety. He explained that his family hunts and cuts wood in the woods adjacent to the property and that five homes adjoin the property.

Bruce Batton, who owns property at 7654 N 250 E, inquired about the plan for the safety backstop.

John Lengacher, whose family owns adjacent property, explained that shooting near the river would conflict with existing recreational use of the river for kayaking. He also expressed concern about noise from gunfire.

Steve Lengacher, who owns property on CR 250 E, inquired about the magnitude of the proposed hunting and shooting use.

Cassie Harris, who owns property at 7966 N 250 E, expressed concern about the safety of

her children and animals.

The Board closed the public comment portion of the hearing.

Brendan Riggs explained that he plans to use the property for casual shooting and hunting a couple times a month with his children. He indicated that he would address any issues raised by the neighbors. He explained that he plans to build a 15-foot-tall, 75-foot-wide safety backstop.

Kevin Carson expressed concern that rounds could easily exit the property due to the narrow width of the property.

Terry Knudson expressed concern about allowing shooting on a property located in a relatively highly populated area. He asked if the petitioner had any other plans for the property.

Brendan Riggs indicated that he would also use the property as a hobby farm.

Terry Knudson made a motion to vote on the petition and Kevin Carson seconded the motion. The petition was **DENIED 3-0**.

Kevin Carson made a motion to continue the Findings of Fact to the next meeting and Terry Knudson seconded the motion. The Findings of Fact were continued.

Discussion

Hearing Officer Cases

BZA 24-01 – MT PISGAH BAPTIST CHURCH: DEVELOPMENT STANDARDS VARIANCE. Located at 3718 E Blue Ridge Rd, Shelbyville, Addison Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on January 2, 2024.

BZA 24-02 – TAMARA J COOMER: DEVELOPMENT STANDARDS VARIANCES. Located south of and adjoining 4767 N 100 W, Shelbyville, Brandywine Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on January 25, 2024.

BZA 24-03 – BENJAMIN MOHR: DEVELOPMENT STANDARDS VARIANCES. Located at 1899 W Washington Ave, Shelbyville, Addison Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on January 25, 2024.

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.

President	Date
Jim Douglas	

Secretary	Date
Kevin Carson	