

Shelby County Board of Zoning Appeals
Meeting Minutes
May 13, 2025

Members Present:

Kevin Carson
Terry Knudson
Megan Hart

Members Absent:

Dave Klene
Jim Douglas

Staff Present:

Desiree Calderella – Planning Director
Jeremy Musgrave – Attorney

Call to Order and Roll Call:

Terry Knudson 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 the April 8, 2025 meeting. Megan Hart seconded the motion. The minutes were approved 3-0.

Old Business:

BZA 25-09 – MELISSA FLEEK: Findings of Fact.

Kevin Carson made a motion to adopt the Findings of Fact indicated in the May 13, 2025, meeting materials and Megan Hart seconded the motion. The Findings of Fact indicated in the meeting materials were adopted 3-0.

New Business:

BZA 25-11 – IVAN & BRENDA BRENTIN: DEVELOPMENT STANDARDS VARIANCE – To allow for construction of a residential accessory structure prior to construction of a single-family residence [UDO Sec. 5.06 B]. Located south of and adjoining 670 PR 230 W, Shelbyville, Addison Township.

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

Ivan Brentin explained that he plans to store building materials and conduct construction activities related to building the new house within the proposed pole barn. He indicated that he plans to install the foundation for the new house before winter and complete the house by next summer. He indicated that he needs to address an issue with a drain tile before installing the septic system.

The Board opened the hearing for public comment.

Steve Pennington, who lives at 7495 S PR Rd 230 W, stated that he has no objection to the petition.

The Board closed the public comment portion of the hearing.

Kevin Carson asked if the petitioner had any plan to use the pole barn as a temporary residence and if the barn would have a bathroom.

Ivan Brentin indicated that he would not use the barn as a temporary residence and that the barn would eventually include a bathroom.

Desiree Calderella suggested revising recommended stipulation #1 to state: Use of the structure shall be limited to storage of building materials used for and construction activities related to construction of a home on the property.

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

- 1. Use of the structure shall be limited to storage of building materials used for and construction activities related to construction of a home on the property.**
- 2. The variance shall be void if a single-family residence is not constructed and granted a final certificate of occupancy by May 13, 2027.**

Kevin Carson 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 3-0.

**BZA 25-12 – DYLAN PETTIJOHN: USE & DEVELOPMENT STANDARDS
VARIANCES – To allow for a self-storage facility, including outdoor storage, in the C2 (Highway Commercial) District and use of a gravel driveway [UDO Sec. 5.20 C]. Located at 449 E Brookville Rd, Fountaintown, Van Buren Township.**

Desiree Calderella read the petition into the record and stated that Staff recommends approval of the use variance and denial of the development standards variance, and stipulations.

Dylan Pettijohn read a statement into the record and provided exhibits to the Board (see case file).

Kevin Carson asked for clarification regarding the photographs in the exhibits.

Dylan Pettijohn explained that the photographs show historical use of the property for self-storage utilizing shipping containers.

Kevin Carson asked for clarification regarding the existing zoning violations.

Desiree Calderella provided a summary of the zoning violations as indicated in the Staff Report.

The Board opened the hearing for public comment.

Matt Espick, who lives on Division Rd, stated he does not believe the project is a good idea.

Kim Prifogle, who lives at 11524 N Division Rd, indicated that portable self-storage units would pose an eyesore. She asked for information on how the project would impact drainage. She indicated that an agricultural County may not need more self-storage facilities. She indicated that she would prefer that the area maintains its agricultural character.

Beth Keyfaber, President of the Fountaintown Cemetery, expressed concern that the development would cause drainage problems for the cemetery.

The Board closed the public comment portion of the hearing.

Dylan Pettijohn explained that the development would utilize an existing driveway. He indicated that he would direct the owner of the donut trailer to move the trailer off the property. He provided information on the structural specifications of the portable self-storage units. He explained that he has partnered with the owner of the property to operate the self-storage facility, and that the property owner owns the mini-barn sales business located on the property.

Kevin Carson asked how large of a footprint the facility would occupy.

Dylan Pettijohn indicated that the facility would occupy about one acre. He explained that if the portable self-storage facility proves successful, he would expand the footprint with permanent self-storage units.

The Board discussed the setback requirement from Brookville Rd / US 52. Desiree Calderella verified that the UDO would not allow the self-storage units, classified as

accessory structures, closer to the road than the existing office building classified as the primary structure.

Kevin Carson expressed concern that construction of the facility too close to the road could cause problems if the State makes improvements to US 52.

Terry Knudson expressed concern with drainage problems in the area.

Desiree Calderella explained that County policy does not require County drainage review of projects under one-acre. She explained that she had recommended a stipulation of approval that the project not exceed one acre partially due to this policy.

Megan Hart clarified that if the Board approves the variance with the stipulation limiting the project to less than one acre, then expansion of the development to accommodate 100 units as indicated in the petitioner's statement of intent would require approval of a new variance.

Dylan Pettijohn acknowledged that he understood this requirement.

Kevin Carson suggested adding a stipulation that the facility would comply with any State setback requirement from US 52.

Terry Knudson indicated that the current portable self-storage units located close to the road look less than desirable. He asked why the petitioner had chosen not to construct permanent self-storage units.

Dylan Pettijohn explained that portable self-storage units would provide a cost-effective alternative to test the viability of the business at this location. He indicated that he would future self-storage units would be stick-built construction.

Megan Hart asked about planned site improvements and proposed landscaping.

Dylan Pettijohn indicated he would install a fence and a gate.

Desiree Calderella explained that the UDO only requires landscaping at the time of construction of a primary structure.

Megan Hart suggested adding a stipulation requiring a fence and a gate and landscaping along the road.

After discussion, the Board suggested that the petitioner come back to the Board in June with a more detailed Site Plan.

Dylan Pettijohn agreed to this suggestion.

The Board also suggested that the petitioner consider the aesthetics of the development.

Kevin Carson made a motion to continue the petition to the June BZA meeting and Megan Hart seconded the motion. The petition was **CONTINUED 3-0**.

BZA 25-14 / BZA 25-15 – HOOSIER INVESTING, LLC: DEVELOPMENT STANDARDS VARIANCE – To allow for construction of two new single-family homes with front-loading garages projecting forward of the main living area of the home [UDO Sec. 5.12 D 2]. Located at 5654 & 5684 N Vinton Hills Drive, Fairland, Brandywine Township.

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

Alicia Barr explained that houses with projecting garages would conform with the design of existing houses in the neighborhood.

The Board opened the hearing for public comment.

Letitia Clemons, who lives at 5609 N Clover W Dr, expressed concern with the location of the property line shown on the Site Plan.

Jeff Powell, the project surveyor, explained how he had located the property lines. He indicated that Ms. Clemons' garage does not cross the property line onto the petitioner's property. He confirmed that the lots would drain to Vinton Hills Dr.

Vicki Clemons, who lives at 5662 N Clover Elm Dr, expressed concern that the development would lower the water table and force surrounding property owners to dig new wells.

The Board closed the public comment portion of the hearing.

Alicia Barr explained that Jeff Powell, a professional surveyor, verified the location of the property lines and designed the drainage plan. She indicated that the development would not encroach past the property lines.

Kevin Carson indicated that the BZA does not have jurisdiction over the concerns brought up by neighbors who spoke towards the petition.

Kevin Carson made a motion to vote on the petition and Megan Hart seconded the motion. The petition was **APPROVED 3-0**.

Kevin Carson 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 3-0.

BZA 25-16 – BRC LAND HOLDINGS, LLC: DEVELOPMENT STANDARDS VARIANCE – To utilize existing trees as a landscape buffer along property lines adjacent to properties in the R1 (Single-Family Residential) District and RE (Residential Estate) District (Buffer Yard “D” required) [UDO Sec. 5.49 A]. Located at 9295 N Frontage Rd, Fairland, Moral Township.

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

David Retherford, the petitioner’s attorney, represented the petitioner. He explained that installation of a fence or mound would require removal of a significant amount of trees. He indicated that he had sent a detailed letter to the neighbors describing the request and received zero responses. He indicated that the Shelby County Northwest Concerned Citizens Coalition had posted information about variance on their Facebook page and had received over sixty responses stating save the trees. He indicated that the petitioner has committed to preserving 25-feet of existing trees and underbrush along the property lines and to planting trees in the gaps of the existing tree line. He indicated that the owner of the adjacent property to the north prefers that the existing trees remain and that he had not successfully made contact with the owner of the adjacent vacant property to the south.

Terry Morgan, owner of the property, clarified that the property extends 20-feet into the wooded area to the north and up to 50-feet into the wooded area to the south, therefore, he would need to cut down hundreds of trees to install a fence or mound. He indicated that utility work had prevented him from installing the landscaping, however, he now plans to install all the landscaping in November.

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

Kevin Carson made a motion to vote on the petition with a stipulation and Megan Hart seconded the motion. The petition was **APPROVED 3-0** with a **stipulation**.

- 1. The variance shall not become effective until the Plan Commission approves a Site Plan showing existing development and incorporating the landscape plan submitted with the variance application.**

Kevin Carson 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 3-0.

Discussion

None.

Adjournment:

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