

Shelby County Board of Zoning Appeals
Meeting Minutes
June 10, 2025

Members Present:

Kevin Carson
Terry Knudson
Megan Hart
Dave Klene

Members Absent:

Jim Douglas

Staff Present:

Desiree Calderella – Planning Director
Jody Butts– 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 the May 13, 2025 meeting. Megan Hart seconded the motion. The minutes were approved 4-0.

New Business:

BZA 25-20 – KARL NADING: DEVELOPMENT STANDARDS VARIANCE – To allow for addition of living quarters to an existing structure setback 17-feet from the side property line [UDO Sec. 2.06]. Located at 9205 S 600 W, Edinburgh, Jackson Township.

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

Scott Sumerford, the petitioner's surveyor, represented the petitioner. He explained that the petitioner had originally constructed the barn as an accessory structure and had not considered the larger property line setback required for a primary structure. He explained that the petitioner cannot establish the barn as a primary structure without approval of the variance.

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

Kevin Carson indicated that the structure would not impact the use of adjacent property, particularly use of the property for agriculture.

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 Kevin Carson seconded the motion. The Findings of Fact indicated in the Staff Report were adopted 4-0.

BZA 25-17 – BONNIE ADKINS: DEVELOPMENT STANDARDS VARIANCES – To allow for a 900 sq. ft. pole barn resulting in three (3) accessory structures over 200 sq. ft. on the property [UDO Sec. 5.07 C] and the total area of all accessory structures on the property exceeding half the size of the footprint of the house [UDO Sec. 5.07 F 1]. Located at 8977 N 700 W, Fountaintown, Moral Township.

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

The petitioner or a representative did not appear to speak towards the petition.

Kevin Carson made a motion to continue the petition to the next meeting and Terry Knudson seconded the motion. This petition was **CONTINUED 4-0**.

BZA 25-21 – TIMOTHY SHAW: DEVELOPMENT STANDARDS VARIANCES – To allow for a 2,016 sq. ft. barn twenty-two (22) feet in height [UDO Sec. 2.14] and exceeding half the size of the footprint of the house [UDO Sec. 5.07 F 1]. Located at 6086 W Boggstown Rd, Boggstown, Sugar Creek Township.

This petition was **CONTINUED** due to lack of public notice.

BZA 25-22 – CHRISTOPHER R ALLEN: DEVELOPMENT STANDARDS VARIANCE – To allow for a 1,625 sq. ft. accessory structure exceeding half the size of the footprint of the house [UDO Sec. 5.07 F 1]. Located at 11771 N Division Rd, Fountaintown, Van Buren Township.

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

Christopher R Allen indicated that he has always wanted a large barn. He indicated that the barn would sit a significant distance from the road, would add value to the property, and would not be excessive in size in relation to the size of the property.

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

the public comment portion of the hearing.

Megan Hart asked if a setback requirement from the railroad would apply.

Christopher R Allen indicated that he verified with the planning office that a setback requirement from the railroad would not apply.

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 Kevin Carson seconded the motion. The Findings of Fact indicated in the Staff Report were adopted 4-0.

BZA 25-10 – GERLINE FARMS LLC: DEVELOPMENT STANDARDS VARIANCES – To allow for construction of a barn and two grain silos in a flood hazard area not having the lowest floor elevated to two feet above the base flood elevation or certified floodproofed by a registered engineer to two feet above the base flood elevation [UDO Sec. 5.30 5 C 3 b] and grant of a variance from floodplain standards for development on a lot over ½-acre. Located at 6725 W 600 S, Edinburgh, Jackson Township.

Kevin Carson noted that he had advised the petitioner of the option of applying for a variance, however he had not had any conversations with the petitioner regarding the case.

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

Greg Gerline, with Gerline Farms, represented the petition. He provided handouts to the Board (see case file). He indicated that he spoke with three of the four farmers who have farmed the land for the past 60 years, and they said that water had never flooded into the existing bins and barn on the property. He explained that the bins would replace two bins he had removed from the property, however, the new bins would sit on higher ground. He indicated that the proposed barn would sit at the highest elevation of the property. He provided a summary of his responses to the findings of fact submitted with the variance application.

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

Dave Klene asked how much higher the bins would sit than the previous bins.

Greg Gerline estimated approximately one foot.

Terry Knudson asked if Mr. Gerline agreed to the stipulations recommended by Staff if the Board chooses to approve the variance.

Greg Gerline explained that requiring elevation of the bins to the BFE imposes an overly restrictive regulation because the area that has not had an issue with elevated floodwaters. He explained that elevation of the bins would restrict access to the bins by the augers.

Terry Knudson asked about the specific elevation in dispute.

Greg Gerline explained that the top of the concrete portion of the bins would need to sit approximately 5-feet higher than the top of the concrete portion of the existing bins on the property to comply with County requirements. He explained that the top of the concrete portion of the new bins would sit higher than the existing bins, but he has not determined exactly how much higher he would elevate the bins. He explained that he would elevate the base of the bins using fill and grade around the bases to keep water away from the bins.

Kevin Carson explained that likely the top of the concrete portion of the bins would sit at least 2-feet above grade due to the structural design on the bins.

Desiree Calderella indicated that the top of the concrete portion of the bins would sit approximately 3-feet above grade if the Board approved the variance with the recommended stipulations.

Megan Hart asked if Mr. Gerline would request that the top of the concrete portion of the bins to sit one foot higher than the top of the concrete portion of the existing bins.

Greg Gerline indicated that he could not commit to a specific elevation, but would plan to elevate the top of the concrete portion of the bins to about a foot above the top of the concrete portion of the existing bins.

Dave Klene asked how high the petitioner would need to elevate the barn.

Desiree Calderella explained that the barn would sit on higher ground than the bins, and estimated that elevation of the floor of the barn to one or two feet above existing grade would elevate the floor of the barn to the BFE.

Greg Gerline indicated that the ground elevation of the area proposed for the barn likely sits higher than the BFE.

Kevin Carson indicated that the property owner assumes most of the risk for construction of an agricultural structure below the FPG.

Megan Hart indicated that an agricultural structure below the FPG does not pose a risk to occupants.

Desiree Calderella explained that farmers typically store chemicals and farm equipment in agricultural structures not typically stored in residential structures, therefore, agricultural structures constructed below the FPG tend to pose a greater risk to groundwater contamination than residential structures in the event of a flood.

Kevin Carson explained that the petitioner would make an improvement to the property by removing the old bins and reconstructing the bins at a higher elevation, even if he does not elevate the new bins to the FPG.

Terry Knudson and Dave Klene agreed with Mr. Carson.

Megan Hart recommended approving the variance with a stipulation requiring elevation of the barn to BFE and elevation of the bins one foot above the existing bins. She explained that elevating the barn to BFE would reduce the risk of contamination to floodwaters from chemicals stored in the barn. She explained that the bins would not pose a contamination hazard.

Desiree Calderella advised the Board to consider the direction provided by DNR and to review the considerations for variance approval outlined on the second page of the Staff Report.

Kevin Carson reviewed the ground elevations on the County GIS and estimated that the petitioner would need to elevate the barn approximately 2-feet above existing grade to elevate the barn to the BFE.

Desiree Calderella clarified that top of the concrete portion of the bins would need to sit at FPG to comply with ordinance requirements and not the top of the false floor within the bins.

Kevin Carson indicated that approving the variance with stipulations requiring elevation of the structures would not pose an overly restrictive requirement because the structural design of the structures would require elevation of the structures above existing grade. He indicated that the petitioner would not sell the property and therefore the Board does not need to require cross reference of the variance approval on the deed for the property.

Megan Hart indicated that construction of the structures below the FPG would not displace much water or effect the few surrounding residential properties.

Kevin Carson 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 lowest floor of the barn shall be elevated to the BFE. The petitioner shall submit an Elevation Certificate at the completion of construction verifying that the lowest floor of the barn is elevated to or above the BFE and that the barn complies with all other development standards for structures in the floodplain.**
2. **The top of the concrete portion of the bins shall be elevated one-foot above the top of the concrete portion of the existing bins. The petitioner shall submit an Elevation Certificate at the completion of construction verifying that the top of the concrete portion of each bin is elevated to one-foot or above the top of the concrete portion of the existing bins and that each bin complies with all other development standards for structures in the floodplain.**

The findings of fact were continued.

Old Business:

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 with a stipulation.

Dylan Pettijohn explained that he has partnered with the property owner and a local resident of Shelbyville to develop and operate the facility. He provided data indicating a high demand for additional self-storage units in Shelby County.

The Board opened the hearing for public comment.

Ryan Kennelly, owner of the R & R Properties Storage Facility located at 11884 N SR 9, indicated that he plans to expand his facility and anticipates that his facility will fulfill the self-storage needs of the Fountaintown area.

Kim Prifogle, who lives at 11524 N Division Rd, addressed a statement of concerns that she provided to the Board (see case file).

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

Desiree Calderella informed Ms. Keyfaber that the petitioner had chosen to relocate the development to the southeast portion of the property and not near the cemetery.

Michelle Highers, who lives at 10385 N SR 9, indicated that the recently updated Comprehensive Plan does not support the proposed use, that the area does not need two self-storage facilities, that the property has existing zoning violations, and that the petitioner should have prepared a detailed plan to present at the previous meeting. She agreed with Ms. Prifogle's comments.

The Board closed the public comment portion of the hearing.

Dylan Pettijohn explained that he plans to install permanent self-storage units on the site. He explained that he had revised the site plan to add landscaping and to move the facility further away from the road to reduce the visibility of the facility. He indicated that he plans to secure the facility with a 6-foot-tall fence with gate. He explained that most of the site would have a gravel surface which would limit issues with drainage. He indicated that he would relocate the business to another property if he decided to expand the facility beyond the current proposal.

Megan Hart asked how many self-storage units the facility would provide.

Dylan Pettijohn estimated around forty-five.

Dave Klene asked if the driveway would enter the roundabout.

Desiree Calderella explained that the driveway would connect to an existing driveway which currently has access to SR 9. She explained that the State would need to review detailed driveway plans before approving a permit for the facility to use the existing access. She explained that the petitioner could make minor adjustments to the driveway location if the State did not approve the access as shown on the site plan.

Dylan Pettijohn explained that he would combine the parcels shown on the site plan at the request of the State in order to obtain a driveway permit.

Terry Knudson asked about drainage. He indicated that the area of the property proposed for development of the facility sits at a lower elevation than the area originally proposed for development of the facility.

Dylan Pettijohn indicated that the property owner had stated that the property does not lie within a floodplain or hold water.

Megan Hart asked about 24/7 access to the facility. She asked if the petitioner planned on installing security cameras.

Dylan Pettijohn explained that the gate would remain locked and that customers would have access through a keypad or lock. He said that he does not plan to install security cameras, but has the capability to install cameras if necessary.

Dave Klene asked about hazardous material storage.

Dylan Pettijohn explained that the customer lease would prohibit storage of waste, weapons, and similar items.

Megan Hart asked about imposing landscaping requirements similar to the requirements of the I1 District.

Desiree Calderella explained that she had not recommended additional landscaping due to the relatively small size of the facility and temporary nature of the development as initially proposed.

Megan Hart asked about removal of the facility if the facility ceases operation.

Terry Knudson expressed concern about the overbuilding of storage-facilities in the area and potential abandonment of unused facilities.

Dylan Pettijohn explained that he does not foresee overbuilding or facility abandonment as a problem due to the demand for self-storage units in the area. He clarified that he plans to install one row of temporary self-storage units and potentially two rows of stick-built units.

Desiree Calderella clarified that the proposed development complies with all ordinance requirements other than the proposed gravel for portions of the driveway and parking area.

Terry Knudson expressed concern that the temporary nature of the project would not provide a long-term benefit to the community.

Dylan Pettijohn indicated that most commercial properties in the area have gravel driveways.

Dave Klene agreed with Mr. Pettijohn.

Kevin Carson made a motion to vote on the petition and Terry Knudson seconded the motion. Megan Hart and Dave Klene voted to approve, and Kevin Carson and Terry Knudson voted to deny. The petition was **CONTINUED**.

Discussion

None.

Adjournment:

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