

**Shelby County Board of Zoning Appeals**  
**Meeting Minutes**  
**July 13, 2021**

**Members Present:**

Kevin Carson  
Dave Klene  
Doug Warnecke

**Members Absent:**

Rachel Ackley  
Jim Douglas

**Staff Present:**

Desiree Calderella – Planning Director  
Jody Butts – 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**

Doug Warnecke made a motion to approve the minutes from June 8, 2021. Dave Klene seconded the motion. The minutes were approved 3-0.

**Old Business**

**BZA 21-19 – ANDREW L MILBY: DEVELOPMENT STANDARDS VARIANCES – To allow for construction of a 1,200 sq. ft. pole barn greater than 50% the square footage of the footprint of the house [UDO Section 5.07 F 1]. Located at 4622 W 1120 N, New Palestine, Moral Township. Lakeview Estates Sec. 3, Lot 81.**

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

Andrew L Milby stated that the structure would not exceed 100 sq. ft. over the maximum permitted size.

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

Q: Doug Warnecke – What will be the exterior materials?

A: Andrew L Milby – Metal.

Q: Kevin Carson – Are there any recommended stipulations?

A: Desiree Calderella – No, because the petitioner has moved the proposed structure to the rear yard and has reduced the size of the structure.

Doug Warnecke made a motion to vote on the variance. Dave Klene seconded the motion. The petition was **APPROVED 3-0**.

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 21-23 – CENTRAL RENT-A-CRANE, INC: DEVELOPMENT STANDARDS VARIANCES – Section 2.34 (maximum structure height); Section 5.20 B. 2 (driveway width); Section 5.23 F. 2 e (security fence height); Section 5.54 A (prohibited outdoor storage); Section 5.75 (commercial, industrial, and high impact signs); Section 5.78 A. 1 (storage tank location). Located at 9250 N Frontage Rd, Fairland, Moral Township.**

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

Peter G. DePrez represented the petitioner. He provided an overview of the company's operations and the site layout as indicated in the variance application materials. He stated that the petitioner agrees to the stipulations recommended by Staff.

Chris King also represented the petitioner. He provided a summary of the variance requests as indicated in the variance application materials. He also explained that the building height and outdoor storage component were consistent with approved development in the area within the I2 District.

Edward Kocsis, General Manager for Central Rent-A-Crane, and Kevin Hewman, General Manager for the Central Rent-A-Crane Indianapolis location, were also present.

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

Q: Kevin Carson – Will the fuel tank sit high enough to prevent damage from flood waters.

A: Chris King – Yes, we plan to correct the current on-site drainage issues.

Q: Dave Klene – Will the fuel tank be above ground?

A: Chris King – Yes.

Q: Doug Warnecke – Will trucks encounter any clearance issues when entering and exiting the gravel lot.

A: Chris King – The proposed traffic counts do not meet the threshold identified in the ordinance for a traffic study. Other developments in the area have not proposed turn lanes. The County will upgrade the road using TIF money.

Dave Klene made a motion to vote on all variances with stipulations. Kevin Carson seconded the motion. The petition was **APPROVED 3-0** with **stipulations**.

- 1. The fence shall be black vinyl chain link and shall not incorporate barded or razor wire.**
- 2. The number of signs, the area of each sign, and the location of each sign shall conform with the Sign Plan submitted with the Variance Application.**
- 3. The canopy sign shall not exceed a width of 80% the width of the canopy and shall not exceed an area of 45% the area of the canopy.**
- 4. The canopy shall not project more than 6 ft from the façade unless it includes support walls.**
- 5. Landscape Buffer Yard ‘C’ shall be installed along Frontage Road west of the crane yard entrance.**

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 21-24 – CHARLES WILLIAMS & KAYLEIGH KEENER: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for an event venue in the RE (Residential Estate) District [UDO Section 2.11]. Also, to allow for two primary structures [UDO Section 2.12], grass parking area [UDO Section 5.60 A], and a small commercial sign [UDO Section 5.73]. Located at 3615 W 1200 N, New**

## **Palestine, Moral Township.**

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

Charles 'Taylor' Williams provided an overview of the proposed event venue operation as indicated in the variance application materials. He emphasized that he planned to limit noise as much as possible.

The Board opened the hearing for public comment.

Larry Ellis, who owns property at 2524 W 600 S, New Palestine, expressed concerns with a paved parking area causing drainage issues, lights from vehicles shining at his house, and traffic safety. He asked questions regarding the number of events, number of people attending events, method of trash disposal, and food preparation. He stated that vehicles should park behind the event barn. He indicated that two other neighbors expressed concerns about noise but could not attend the meeting.

Kathy Collins, who owns property at 1938 W 600 S, New Palestine, expressed concerns about noise and asked questions regarding the number of people attending events, the serving of alcohol, and the general scope of the proposed event venue. She stated that using the property for events ending at 11PM, 365 days a year does not represent a low-intensity commercial operation. She indicated that this type of commercial activity would conflict with the residential and agricultural character of the area.

Paul Marsh, whose family owns land immediately west of the property, expressed concerns with traffic speeds, the visibility of the driveway, and the service of alcohol posing safety issues. He explained that parking in grass could cause drainage problems. He stated that a commercial business would be inconsistent with the rural residential and agricultural character of the area.

Richard Arnold, who owns property at 2428 W 600 S, New Palestine, expressed concerns about runoff from paved surfaces, traffic safety, uncontained trash, and the potential for flooding.

Pattie Bratton, who owns property at 2482 W 600 S, New Palestine, asked about the 'phases' referred to by the petitioner and expressed concern with impact to property values.

Kyle Barlow explained that farmers spraying nearby agricultural fields could create conflict between the business and surrounding farmers.

Tim Renshaw, who owns property at 2256 W 600 S, New Palestine, expressed concerns with noise and traffic.

Rusty Hunter, who owns property at 2548 W 600 S, stated he had similar concerns as previously addressed by the other neighbors.

Rebecca Arnold, who owns property at 2428 W 600 S, New Palestine, expressed concerns about traffic safety and the potential for flooding.

The Board closed the public comment portion of the hearing.

Taylor Williams explained that the existing septic system limits placement of the parking area behind the barn. He indicated that parking on grass should not impact the grass or drainage. He explained that insulation of the barn and the distance of the event venue from the road should prevent noise from impacting homes along 1200 N. He indicated that operation of the event venue does not relate to motorists obeying the speed limit on the public road. He stated that the number of guests would not exceed the capacity limit required by the Fire Department. He stated events would not occur seven days a week and that the number of events would depend on the success of the business. He explained that he initially plans to dispose of trash using his personal vehicle. He stated that licensed caterers would serve all food and alcohol. He explained that guests would arrive during the day and would not all leave an event at the same time. He stated that he plans to remodel the barn in phases.

Q: Dave Klene – Do you expect most events to occur inside or outside the barn?

A: Taylor Williams – All venues would occur inside, except for ceremonies which would occur outside behind the barn.

Kevin Carson explained that the BZA does not address flooding issues. He also explained that the Board has heard several petitions regarding barn event venues, many of which no longer hold events.

Q: Dave Klene – Will you add restrooms in the barn?

A: Taylor Williams – Yes.

The Board discussed potential conflicts between agricultural activities and commercial venues in rural areas.

Taylor Williams stated that the current property owner owns much of the adjacent farmland.

Doug Warnecke indicated that the principal concern of the Board regards impacts to traffic. However, he suggested that the petitioner consider the market competition and the stipulations proposed by Staff to determine if the operation will be economically feasible.

Kevin Carson suggested a stipulation prohibiting parking on roadways.

Taylor Williams stated he understood and agrees with Staff's stipulations.

Taylor Williams suggested that he could offer a shuttle service to the events to help alleviate traffic.

Dave Klene made a motion to vote on the variances with stipulations. Doug Warnecke seconded the motion. Doug Warnecke & Dave Klene voted to approve the petition with stipulations and Kevin Carson voted to deny the petition. The petition was automatically **CONTINUED** due to lack of majority vote.

**Discussion**

**BZA 21-21 – JEFF SCOTT: DEVELOPMENT STANDARDS VARIANCE – To construct an addition to a dwelling 22.5-feet from the south side property line (minimum 30-foot setback required) [UDO Sec. 2.12]. Located at 6625 E 425 S, Waldron, Liberty Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on June 22, 2021.

**BZA 21-22 – KEVIN & JOY SMITH: DEVELOPMENT STANDARDS VARIANCE – To construct an accessory structure in front yard [UDO Sec. 5.04 C]. Located at 8835 W Range Rd, Needham, Hendricks Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on June 22, 2021

**Adjournment:**

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

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_____ President	_____ Date
Kevin Carson	

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_____ Secretary	_____ Date
Dave Klene	