

**Shelby County Board of Zoning Appeals**  
**Meeting Minutes**  
**August 23, 2022**

**Members Present:**

Kevin Carson  
Terry Knudson  
Dave Klene  
Jordan Caldwell

**Members Absent:**

Jim Douglas

**Staff Present:**

Desiree Calderella – Planning Director  
Jason Clark – Board 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 July 12, 2022. Jordan Caldwell seconded the motion. The minutes were approved 4-0.

**Old Business:**

None.

**New Business:**

**BZA 22-32 – ROBERT L WOLFE & LAURA DODSON: DEVELOPMENT STANDARDS VARIANCES – To allow for a 576 sq. ft detached garage in the front yard [UDO Sec. 5.04 C] and eleven (11) feet from the right-of-way of Buck Creek Shade [UDO Sec. 2.14]. Located at 6982 N Buck Creek Shades, Fairland, Moral Township.**

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

Robert Wolfe indicated that he plans to use the garage for storage of a truck and project vehicle, and as a workshop. He explained that trees in his side yard would screen the structure from the neighbor's front yard and that he did not consider the proposed

building site the front yard. He stated that he had spoken with his neighbor to the south and that the neighbor had no issue with the proposed garage.

The Board opened the hearing for public comment.

Renaev Evans, who lives in Buck Creek Shades, expressed support for the petition.

Pat G'Sell, who lives at 6888 N Buck Creek Shades, expressed support for the petition.

The Board closed the public comment portion of the hearing.

Q: Kevin Carson – Will the siding match the house?

A: Robert Wolfe – The siding will match as close as possible. The garage will be stick-built.

Q: Jordan Caldwell – How far will the garage be from the south property line?

A: Robert Wolfe – 24-feet.

Q: Jordan Caldwell – Are you ok with a stipulation that the siding match the house?

A: Robert Wolfe – Yes.

Kevin Carson made a motion to vote on the petition with a stipulation and Jordan Caldwell seconded the motion. The petition was **APPROVED 5-0** with a **stipulation:**

**1. The siding of the building shall match the house.**

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 22-29 – STACY JENKINS: DEVELOPMENT STANDARDS VARIANCES – To allow hobby farming exceeding 40% of the land area of each lot [UDO Sec. 2.11 & 11.02], keeping of Farm Animals on a lot under 6-acres [UDO Sec. 5.42 A 1], and keeping of four (4) animal units per two (2) fenced acres on each lot [UDO Sec. 5.42 A 3 &4]. Located at 8188 & 7944 S PR 435 W, Edinburgh, Jackson Township.**

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

Stacy Jenkins indicated that she currently operates an animal sanctuary on the property

where she lives. She indicated that she had spoken with her neighbors, and that nobody expressed concern with expansion of the sanctuary. She explained that she purchased the second lot to expand the sanctuary and plans to use the entire second lot for the sanctuary, and does not plan to build a residence.

The Board opened the hearing for public comment.

Kevin Dale, who lives at 8104 PR 435 W, expressed support for the petition.

Carol Pruitt, who lives at 7985 S PR 435 W, expressed support for the petition.

Wayne Swift, who lives at 8143 S PR 435 W, expressed support for the petition.

Lisa Wojihoski-Schaler, who lives at 7757 W 700 N, expressed support for the petition.

The Board closed the public comment portion of the hearing.

Q: Terry Knudson – Are you ok with Staff’s stipulations?

A: Stacy Jenkins – Yes.

Terry Knudson made a motion to vote on the petition with stipulations and Kevin Carson seconded the motion. The petition was **APPROVED 5-0** with **stipulations:**

- 1. All outdoor animal containment areas shall be maintained with 90% vegetative cover.**
- 2. Animal waste storage areas shall be setback at least 100-feet from all property lines.**
- 3. Animal waste shall not be allowed to accumulate on each property for more than two weeks, and at no time shall the total quantity on each property exceed thirty (30) cubic yards.**

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 22-31 – PANJAB GROUP, INC.: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for outdoor storage of trucks and trailers in the I1 (Low Intensity Industrial) District, use of an existing barn encroaching over the**

**30-foot front setback line [UDO Sec. 2.34], use of an existing gravel driveway and installation of a new partially graveled driveway [UDO Sec. 5.20 C], less than 45-foot separation between driveways [UDO Sec. 5.20 A 2 b], and use of existing gravel parking area for employee parking [UDO Sec. 5.60 A]. Located at 6925 S Carroll Rd, Indianapolis, Moral Township.**

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

Eric M. Glasco represented the petitioner. He explained that the property currently includes a residence, and that the development standards variance requests would allow the petitioner to operate on the site as currently developed. He stated that the petitioner intends to store property maintenance equipment in the existing barn. He indicated that four to six clerical workers would work in the existing residential building and that the petitioner understands that they may need to upgrade the existing septic system for this office use. He explained that trucks would typically conduct deliveries off-site during the day and park onsite overnight. He stated that the petitioner agrees with the stipulations recommended by Staff, however, would prefer to store up to fifteen trucks and trailers onsite. He explained that Marion County has a pending rezoning petition for the property on the west side of Carroll Rd and that a stipulation of that petition requires that that developer finish Carroll Rd. He indicated that the petitioner has explored options to upgrade Carroll Rd. and to connect to the new sanitary sewer line.

The Board opened the hearing for public comment.

Lisa Wojihoski-Schaler, who lives at 7757 W 700 N, represented herself and the Northwest Shelby County Concerned Citizens Coalition. She indicated that the Coalition's primary concern is the outdoor storage of trucks and trailers on property located at the gateway to the County and asked for a stipulation requiring storage of the trucks within a barn. She indicated that the Coalition also had concerns with variance approval setting a precedent for approval of additional trucking companies and outdoor storage of trucks which would attract crime. She indicated that the variance request does not reflect the goals of preserving the County's agricultural heritage and encouraging agribusiness as indicated in the Comprehensive Plan. She asked if the petitioner planned to store fifteen trucks and trailers, or fifteen trucks plus fifteen trailers. She suggested that the County consider implementing architectural design standards for the Pleasant View area.

Wayne Bley, who lives at 5544 W 700 N, stated that Panjab has a poor reputation and summarized a handout that he provided to the Board (see case file).

Bridget Herbert, who lives at 8111 N 850 W, expressed concern with variance approval setting a precedent for approval of another trucking company near her property.

Lawrence Taylor, who lives at 3604 W 1050 N, expressed concern with site lighting and the adequacy of the existing septic system to accommodate the proposed use. He stated that northwest County residences do not want this type of development.

Blake Newkirk, who lives at 3319 S Shelby 750 W, expressed concern with site lighting.

Ian Seecof, who lives at 7060 N Woodnotes Addition, expressed concern with the aesthetics of the proposed development and trucks causing unsafe conditions on the County roads.

Eddie Hager, who lives at 2839 S Pasadena, Indianapolis spoke about Warren Township's fight against similar trucking developments. He explained that Marion County does not grant variances for these types of developments because the developers routinely abuse zoning codes. He indicated that these types of developments face opposition in other jurisdictions. He stated that the Board should listen to the area residents.

Steve Sheppard, who lives at 4583 N 400 W, expressed concern with an increase in truck traffic and trucks causing unsafe conditions on the County roads.

Jennifer Kleeman, who lives at 6681 W 1050 N, asked if the company's trucking schedule would conflict with the school bus schedule.

Randy Duncan, who owns a business at 8520 N 850 W, expressed concern with drainage and impacts to natural features.

The Board closed the public comment portion of the hearing.

Eric M. Glasco explained that development of the property would not reflect the aesthetics of development on Harding Street in Indianapolis, as indicated by members of the public in opposition, because Shelby County imposes more stringent landscaping standards. He explained that the petitioner would likely employ local truck drivers who would conduct daytime deliveries, therefore truck drivers would not sleep in trucks overnight. He indicated that trucks stored on the property overnight would not have cargo, therefore storage of the trucks should not attract crime. He explained that the development would only include downward facing lighting and not placed at the height of the lighting on the Five Below building. He explained that the unique conditions of the property should determine whether the Board approves the variance, therefore approval would not set a precedent for approval of trucking operations on other properties. He explained that trucks would drive directly from the site to I-74, therefore would not impact County roads in other areas. He explained that areas planned for industrial development attract a mix of uses, not just agribusiness uses. He indicated that the zoning violation process would apply if the petitioner did not comply with stipulations of variance approval. He explained that the development would not include a

truck maintenance facility, and therefore would not generate any hazardous waste. He indicated that the petitioner would comply with the standards for outdoor storage of dumpsters identified in the UDO. He explained that the petitioner planned to install gravel rather than impervious pavement and planned to expand the retention pond, therefore use of the property would not impact drainage. He stated that the petitioner would comply with the hours of operation unless extenuating circumstances prevented a truck from returning to the property on time. He stated that Panjab formed their LLC in March of 2022.

The Board closed the public comment portion of the hearing.

Q: Dave Klene – Does your request allow fifteen truck and trailers, or fifteen trucks plus fifteen trailers?

A: Eric Glasco – Fifteen trucks and trailers.

Q: Dave Klene – Outdoor storage?

A: Eric Glasco – Trucks and trailers, mostly gone during the day.

Q: Dave Klene – Would they install fencing before beginning operations?

A: Eric Glasco – When they start development of the site.

Q: Terry Knudson – What happens if the Board votes against this?

A: Eric Glasco – They could operate with the trucks stored under a three-sided structure.

Desiree Calderella stated that storage within a three-sided structure would likely not qualify as indoor storage.

Terry Knudson expressed concern with the ambiguity of Mr. Glasco's response to the residents' questions and concerns. He also expressed concern with approving zoning for a new company without a track record.

Eric Glasco explained that he expected his clients to abide by any development standards or conditions imposed by the Board. He explained that his client had formed their company specifically to develop this property, however, own other trucking companies in Indianapolis.

Q: Jordan Caldwell – What is the name of their Indianapolis trucking company?

A: Eric Glasco – Alfa Transport.

Q: Jordan Caldwell – How many trucks and trailers does Alfa have?

A: Eric Glasco – 60.

Q: Jordan Caldwell – How many locations does Alfa have?

A: Eric Glasco – One.

Q: Jordan Caldwell – What do Alfa trucks commonly haul?

A: Eric Glasco – Warehouse goods.

Q: Jordan Caldwell – Fuel tanks on site?

A: Eric Glasco – No.

Q: Jordan Caldwell – A gate at the entrance? Plans for a fence all the way around the property?

A: Eric Glasco – Yes.

Q: Jordan Caldwell – Plans to go above and beyond with additional landscaping?

A: Eric Glasco – Desiree can include a stipulation for a higher landscaping buffer. Desiree Calderella explained that the recommended stipulations require installation of the landscaping required to screen outdoor storage in the I2 District. She stated that the highest buffer is property line Buffer ‘D’ which includes a mound.

Q: Jordan Caldwell – Are you open to that?

A: Eric Glasco – A mound is cost prohibitive.

Q: Kevin Carson – Does the I1 District require paved parking for outdoor storage of equipment?

A: Desiree Calderella – Outdoor storage is only allowed in the I2 District, and it does not require paved parking for outdoor storage.

Q: Jordan Caldwell – Are your clients prepared to pave all of Carroll Rd. if the Marion County development does not happen?

A: Eric Glasco – Willing to work with Indianapolis to pave the road.

Q: Jordan Caldwell – Does your client currently own this property?

A: Eric Glasco – Yes.

Q: Jordan Caldwell – Maintenance facility?

A: Eric Glasco – No. They have a maintenance facility at their current operation.

Q: Kevin Carson – Are the property owners here? That would be helpful.

A: Eric Glasco – No.

Q: Kevin Carson – What would be our fining process if they broke any stipulations?

A: Desiree Calderella – Typical violation process. Cannot be more than \$7,500.

The Board discussed amending the landscaping stipulation.

Jordan Caldwell made a motion to vote on the petition with the following stipulations:

1. Trucks and trailers shall not be parked or stored on-site until full completion of upgrades to Carroll Rd. to accommodate commercial truck traffic in accordance with Marion County’s construction standards.

2. Outdoor storage of goods, junk, motor vehicles, equipment, products or materials for permanent or temporary holding shall be limited to the proposed trailer parking and maneuvering area indicated on the Site Plan as amended by Staff.
3. No more than a total of ten (10) trucks and trailers shall be parked or stored on-site at any one time.
4. A concrete or asphalt driveway apron shall be installed at the end of both driveways upon completion of upgrades to Carroll Rd.
5. A State Design Release, or written verification from the State that a State Design Release is not required, for the existing building and any applicable remodel permits shall be obtained prior to use of the existing building as office space.
6. State and County Septic System Permits, or written verification from the State that septic system upgrades are not required, shall be obtained prior to use of the existing building as office space.
7. Change in use of the property and/or addition of a structure over 2,500 sq. ft. shall render the use & development standards variances void.
8. The trailer parking and maneuvering area indicated on the Site Plan as amended by Staff shall be paved.
9. A minimum five (5) foot tall undulating mound and one (1) evergreen tree per every twenty (20) feet shall be installed along the green line shown on the Site Plan as amended by Staff. The landscaping shall be installed prior to use of the trailer parking and maneuvering area for outdoor storage.
10. All parked and stored trucks and trailers shall be DOT approved and in working condition.
11. Drivers shall not sleep in parked or stored trucks overnight.

Terry Knudson seconded the motion. Kevin Carson & Terry Knudson voted to deny the petition and Jordan Caldwell and Dave Klene voted to approve the petition with the stipulations. The petition was automatically **CONTINUED** due to lack of majority vote.

**Discussion**

None.

**Adjournment:**



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

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President	Date
Jim Douglas	

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Secretary	Date
Kevin Carson	