

**Shelby County Board of Zoning Appeals
Meeting Minutes
December 10, 2024**

Members Present:

Kevin Carson
Terry Knudson
Dave Klene
Megan Hart

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 November 12, 2024. Terry Knudson seconded the motion. The minutes were approved 4-0.

Old Business:

**BZA 24-39 – ADAM MILLER / MILLER’S LAWN & LANDSCAPING:
FIINDINGS OF FACT**

Kevin Carson made a motion to adopt the Findings of Fact indicated in the December 10, 2024, meeting materials and Terry Knudson seconded the motion. The Findings of Fact indicated in the meeting materials were adopted.

New Business:

BZA 24-44 – ROBIN & FRANK DAVIS: USE VARIANCE – To allow for temporary occupancy of a recreational vehicle (RV) and associated storage of residential items prior to construction of a new single-family dwelling. Located at 9075 N 800 E, Morristown, Hanover Township.

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

Frank Davis explained that he plans to store a boat and jet ski on the property, and reside within a fifth-wheel camper.

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

Kevin Carson asked when the petitioner anticipated finishing construction of the house.

Frank Davis indicated that he plans to finish construction of the house by the summer of 2025, depending on availability of labor and weather.

Kevin Carson made a motion to vote on the petition with a stipulation and Megan Hart seconded the motion. The petition was **APPROVED 4-0** with a **stipulation:**

- 1. A single-family residence shall be constructed on the property and receive a certificate of occupancy by December 9, 2025 (one year from the date of approval).**

Megan Hart 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 4-0.

Discussion

BZA 24-39 – ADAM MILLER / MILLER’S LAWN & LANDSCAPING: SPECIAL EXCEPTION – Request for extension to bring property into compliance. Located at 4580 W 300 N, Fairland, Brandywine Township.

Desiree Calderella explained that Mr. Miller had informed her that he has found a new location for the business and plans to move the equipment off the property by the end of the week, and that she has a site visit scheduled for the following Monday to verify compliance.

V24-11 – ANTHONY & EMMA JEAN STEWART: ZONING VIOLATION. Located at 657 N 350 W, Shelbyville, Brandywine Township.

Desiree Calderella provided an overview of the events that had occurred since the previous BZA meeting.

Anthony and Emma Jean Stewart were not present.

Devin Kanouse, who lives at 691 N 350 W, indicated that County code states that fences must have the non-structural side facing outward, however, the posts show on the outside of the Stewart’s fence and not on the inside of the fence. He expressed concern with posts projecting far beyond the face of the fence, replacement of a portion of the fence

that the Stewarts had indicated already existed, the structural quality of the fence, and visibility around a portion of the fence.

Kevin Carson indicated that the Board had intended the fence to have a smooth face along the outside and any part of the mechanics of the fence belong on the inside of the fence.

Megan Hart agreed with Mr. Carson.

Dave Klene indicated that the Board had advised the Stewarts to install a smooth face on the outside of the fence but did not talk about the posts.

Terry Knudson indicated that Mr. Kanouse and Mr. Stewart should work together to solve the problem.

After discussion, the Board agreed that the fence should have a smooth face on the outside matching the inside of the fence as the fence currently exists with no structural components showing.

Megan Hart made a motion that **the entire outside of the fence show no structural members by May 1, 2025**. Kevin Carson seconded the motion. The motion was approved 4-0.

BZA 24-23 – NATHAN D STICKFORD / SOS HAULING LLC: Clarification regarding zoning approval. Located at 4842 N Brandywine Rd, Shelbyville, Brandywine Township.

Desiree Calderella provided an overview of the circumstances as outlined in the meeting materials.

Nathan Stickford explained that he thought that the Board had approved use of the building in its current condition as part of the previous variance approval. He explained that the County had approved a drainage plan for the property. He indicated that he did not expect the property to flood.

Jeff Powell, who designed the drainage plan for the site, verified that the County had approved a drainage plan with the knowledge that the entire site lies below the Base Flood Elevation. He indicated that the Board should either establish a variance from the floodplain requirements for the building or acknowledge that the previous variance approval granted a variance from the floodplain requirements for the building.

Desiree Calderella explained that the non-structural site development complies with all County requirements, however, the building does not comply with the floodplain requirements. She explained that the Board did not adopt the specific floodplain development standards variance findings of fact relative to the building during the previous variance approval, therefore, the Board did not grant a variance for the barn.

Nathan Stickford indicated that the site plan he submitted for the previous variance showed the building.

Desiree Calderella clarified that the floor of the building can sit below the Base Flood Elevation because the building has a loft designated as the first floor, however, the utilities in the building cannot sit below the Base Flood Elevation.

Desiree Calderella outlined the options available to address the issue: 1) remove the utilities from the building, 2) approve a variance to allow the utilities to remain in the building, 3) approve the Site Plan and address the violation at a later date.

Dave Klene indicated that he thought everyone had understood at the previous meeting that Mr. Stickford could use the building as it exists.

Desiree Calderella explained that the issues with building had not come up in the discussion. She explained that Mr. Stickford and the County would need to address the violation when DNR audits the County's floodplain records.

Megan Hart indicated that the Board could approve a variance to address the violation.

Desiree Calderella explained that the petition would likely not comply with the findings of fact for variance approval.

Kevin Carson indicated that the County has the ability to fine the property owner if DNR requests that the County address the violation.

Dave Klene suggested allowing the building to remain in its current condition because Mr. Stickford believed he had received approval to use the building in its current condition.

Kevin Carson indicated that the Board has required other property owners to correct violations and that the Board did not discuss the building at the previous meeting.

Dave Klene made a motion to **approve the Site Plan with no enforcement action regarding the violation.** Megan Hart seconded the motion. The motion was approved 3-1, with Kevin Carson casting the dissenting vote.

2025 BZA MEETING CALENDAR

Kevin Carson made a motion to approve the meeting calendar. Dave Klene seconded the motion. The calendar was **APPROVED 4-0.**

Adjournment:

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

President	Date
Jim Douglas	

Secretary	Date
Kevin Carson	