

**Boone County Board of Zoning Appeals (BZA)**  
**January 22, 2025, at 7:00 PM**  
**Lamar Meeting Room - Boone County Government Building**

**Members Attending:** Brent Henschen, Danielle Morrison, John Merson and Jay Schaumberg

**Members Absent:** Sam Mitchell

**Staff Attending:** Deborah Luzier (Planning Director), Ashley Elliott (Administrative Assistant) and Bob Clutter (Attorney for the Boone County BZA and APC)

**A. Administrative Issues**

1. Brent Henschen opened the meeting at 7:00 pm by leading the Pledge of Allegiance. Introductions followed.

**A. Election of 2025 BZA Officers**

Vice-President Brent Henschen stated the board needed to do 2025 Election of Officers. Brent Henschen made a motion to resume John Merson as President and Executive Chairman. Danielle Morrison seconded the motion. Motion carried 4-0. Danielle Morrison made a motion to resume Brent Henschen as Vice-President. Jay Schaumberg seconded the motion. Motion carried 4-0.

2. **Determination of Quorum:** 4 of 5 members present.

**3. Approval of Minutes for December 18, 2024, meeting:**

Danielle Morrison made a motion to approve the minutes from December 18, 2024. John Merson seconded the motion. Motion carried 4-0.

**4. Approval of the Agenda:**

None at this time.

**B. Old Business Public Hearings:**

None at this time.

**C. New Business Public Hearings:**

**1. 24SC-7M-245 Shelby Medley and Korbin Lough; Special Exception and Minor Subdivision Plat**

Deborah Luzier read the staff report.

Shelby Medley and Korbin Lough came forward on behalf of this petition. No one else came forward. John Merson closed the public hearing and opened it to the board. No questions or issues were raised by Board Members.

Brent Henschen made a motion to approve 24SC-7M-245 with the conditions stated in the staff report. Danielle Morrison seconded the motion. Motion carried 4-0.

**2. 24JE-7-257 Robert Rose and Lisa Macy; Special Exception for a Mobile Home on the Property**

Deborah Luzier read the staff report. Deborah added that an email came in late this afternoon with a comment that the Boone County has County laws for a reason and that the trailer was moved in before the petition was filed.

Lisa Macy came forward on behalf of this petition. A few neighbors came forward with concerns and felt the smarter approach would have to come in to ask permission before spending the money hauling the trailer out there prior to any approval. They felt that everything was at the last minute and done after the fact, especially when it came to getting their notices and once these things are approved who will pay attention and that so many things could change when it comes to the mobile home later. Also, it was mentioned a concern about how many people live there now and the traffic.

John Merson asked the petitioner if she wanted to address the mobile home arriving first. Lisa Macy stated she didn't know they couldn't have it there until the day it was delivered, and they were the ones that informed us and then the very next day I came here. John asked if it was in its final resting position and Lisa answered yes. Jay Schaumberg wanted to verify that it would need a separate septic and Lisa answered yes and where the second septic would be located would be based on the soils.

John asked Bob Clutter how do you write into a permit this that this would only be allowed for the intended individual. Bob said you can make a commitment to that effect if they're willing to do that.

John Merson closed the public hearing and opened it to the board. A few questions were asked by the board, but ultimately if it's in writing that it is being used for proper use and it is only temporary, they felt fine.

Jay Schaumberg made a motion to approve 24JE-7-257 with the conditions stated in the staff report and a written commitment letter before approval.

Danielle Morrison seconded the motion. Motion carried 4-0.

**3. 24SC-7M-268 Dann Jackson/Jackson Farms; Special Exception and Minor Subdivision Plat**

Deborah Luzier read the staff report.

Dann Jackson came forward on behalf of this petition and had nothing to add. John had a question and asked Jim Swift (Swift Land Consulting) if he could come forward. John asked about a separate tract and Jim said before Jackson's bought the property it was 3 parcels, and he thinks they just reconfigured it, but from his understanding the tract is referring to is a separate tax parcel. Deborah asked if we knew when it was parceled off separately. Jim stated 3 years ago Hause Engineering of Lebanon surveyed this and Jim thinks the deed at least was like 4 parcels and made it into 3. He said he did look into and before Jackson's bought the property it was 4 separate parcels. John's concern was if we come back and show that 1 of the tracts is a separate tract. The conclusion is that it got reconfigured without doing a plat on it.

No one else came forward.

John Merson closed the public hearing and opened it to the board. Jay Schaumberg asked on the shared driveway that there would be a maintenance agreement, and will it be recorded as part of the deed Bob Clutter answered that it is usually referenced in the deed. John added that when the new drive is put in that there will need to be a new culvert due to holding water and reaching over that driveway. He's just stating it for the public record because there is an issue with seasonal high water.

Brent Henschen made a motion to approve 24SC-7M-268 with the conditions stated in the staff report and that the northern non-contiguous portion shall be included in the plat.

Danielle Morrison seconded the motion. Motion carried 4-0.

#### **4. 24SC-14-269 Gregory Spannan/Jillian Yee/Kent Frandsen; Variance to Have a Small Repair Firearms Business**

Deborah Luzier read the staff report.

Attorney Kent Frandsen and Gregory Spannan came forward on behalf of this petition. John Merson asked what FFL is and it stands for "Federal Firearms License". He always wanted to know why do you have to have a license to repair a gun. Mr. Spannan responded that according to the federal law that if he's working on someone's firearm that he must have an FFL to keep it overnight. Deborah Luzier mentioned for him to get the sign off the FFL wants the Area Plan Commission approval that it's properly zoned and has all the necessary approvals. Jay Schaumberg asked about how many weapons per week you estimate you would have. Mr. Spannan responded by saying he has a 9-5 job, and this is just a passion of his as a side job and probably 1 or 2 per week. Brent Henschen asked that the FFL must specify what you have for storage and safety. Mr. Spannan responded that it is correct and that the building will be secured and will have a safe for storage of the firearms and nobody would have access to it. Jay Schaumberg asked about the discharge of firearms, and it is not prohibited where you are and whether you do not have to discharge them as part of the testing process. Mr. Spannan answered that all firearms will be done off site.

Several neighbors came forward regarding the FFL Type 1 and Statute and that when receiving the public notice in the mail there were no commitments regarding the FFL Type 1 and its Statute. Another concern is the LLC and that on google maps LLC's pop up of locations. They feel this would be a soft target in a rural area for burglars knowing there are guns there and that brings safety concerns, because if someone wanted to rob him and they came to the wrong address. All the neighbors that approached to speak are completely opposed to this.

John Merson closed the public hearing and opened it to the board. Mr. Frandsen came forward and said he misjudged the feelings of the neighbors and probably should have had a meeting prior to seeing if there were any concerns.

John mentioned to the people who received the notices that Mr. Spannan is agreeable to restrictions that there are no retail sales on the property and that they may not have what we have in front of us. Mr. Spannan then commented that he has no desire to retail whatsoever, and he doesn't want strangers on his property and wants the extra traffic and it would be very minimum.

Mr. Frandsen said we could have written the commitments prior to the application, but since he has done this numerous times those commitments change all the time. Mr. Frandsen and the petitioner are willing to make any commitments needed for the approval and provide to Deborah and the staff and if they are consistent with what the board requires. John Merson then asked the people who spoke against this petition if they had the opportunity to meet with Mr. Spannan and discuss their concerns and do they think that would change your position.

Mr. Fransen then said let him write the commitments and send them to the neighbors for review and to contact staff or him with concerns.

Brent Henschen made a motion to table 24SC-14-269 to the next BZA meeting February 26, 2025, at 7pm at the same location. Jay Schaumberg seconded the motion. Motion carried 4-0.

**5. 24CE-14-270 Lawrence Pierce; Variance for the Accessory Structure Exceeding the Current 4,000 Square Foot Limit**

Deborah Luzier read the staff report.

James Pease came forward on behalf of this petition. No one else came forward.

John Merson closed the public hearing and opened it to the board. No questions or issues were raised by Board Members.

Jay Schaumberg made a motion to approve 24CE-14-270 with the conditions stated in the staff report.

Brent Henschen seconded the motion. Motion carried 4-0.

**D. Reports, Resolutions, Communication & General Discussion**

**1. Director's Announcements:**

Deborah Luzier said we should be receiving RFPs for our Comprehensive Plan next week.

2. John Merson also acknowledges the service of Kasey Copeland who had served for a few years on both the APC and BZA. Kasey stepped down to spend more time with his young family and growing consulting business. In a special meeting immediately prior to the APC meeting, the Commissioners appointed John Merson to fill the vacancy.

With no further business, Danielle Morrison made a motion to adjourn at 8:17pm.

Brent Henschen seconded the motion. Motion carried 4-0.