



# **Boone County Board of Zoning Appeals (BZA)**

## **Minutes of the February 25, 2026, Meeting**

The Boone County Board of Zoning Appeals met in regular session at 7:00 PM on Wednesday, February 25, 2026, in the Connie Lamar Meeting Room located on the main floor of the Boone County Annex Building at 116 W. Washington Street, Room 105, Lebanon, IN 46052 with the following personnel in attendance:

**Members Attending:** John Merson, Brent Henschen, Danielle Morrison, Jay Schaumerg and Sheldon Hutchens

**Members Absent:** None.

**Staff Attending:** Nicole M. Schell (Executive Director), Ashley Elliott (Administrative Assistant) and Mallory Kaehr (Representative Attorney on behalf of the Boone County BZA and APC)

[YouTube Link to Meeting](#)

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### **DETERMINATION OF QUORUM AND PLEDGE OF ALLEGIANCE**

John Merson opened the meeting at 7:02pm by leading the Pledge of Allegiance. Introductions followed.

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

**Approval of the Agenda:**

None at this time.

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### **APPROVAL OF MINUTES**

Danielle Morrison made a motion to approve the minutes from January 28, 2026, meeting. Brent Henschen seconded the motion. Motion carried 5-0.

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### **CONTINUED PUBLIC HEARINGS**

**John Merson Noted that the Petition below was Continued.**

**26WA-7-005 Matthew Roseman; Special Exception to Construct an 800 sq. ft. Accessory Dwelling Unit within an Existing Accessory Structure**

\* Request to be Continued – Waiting on Soil Test

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## IN THE MATTER OF NEW BUSINESS

**1. 25CL-14-272 Jon Whitcraft; Variance to Increase the Permitted Area of a Single Accessory Structure 3,000 sq. ft. to 4,000 sq. ft. and a Variance to Increase the Permitted Cumulative Area of all Accessory Structure from 4,000 sq. ft. to 4,030 sq. ft.**

Nicole M. Schell read the staff report.

Jon Whitcraft came forward on behalf of this petition.

**Public Comments:**

None.

**Board Members:**

None.

**Motion:**

Brent Henschen made a motion to approve 25CL-14-272 with the conditions stated in the staff report. Danielle Morrison seconded the motion. Motion carried 5-0.

**2. 26WO-14-003 Emily Byczek; Variance to Increase the Permitted Area of a Single Accessory Structure from 3,000 sq. ft. to 3,360 sq. ft.**

Nicole M. Schell read the staff report.

Emily Byczek came forward on behalf of this petition.

**Public Comments:**

None.

**Board Members:**

None.

**Motion:**

Danielle Morrison made a motion to approve 26WO-14-003 with the conditions stated in the staff report. Jay Schaumberg seconded the motion. Motion carried 5-0.

### **3. 26JA-7-006 Michael Hamilton; Special Exception to Convert the Existing Structure into a Gas Station and Convenience Store**

Nicole M. Schell read the staff report.

Contractor Michael Hamilton came forward on behalf of this petition.

#### **Public Comments:**

Mark Moore, a neighbor of the subject property came forward with concerns and mentioned the numerous businesses that used to be there and stated they had issues with the septic, well and water and doesn't really see the need for another gas station in the area and concerned with the increased traffic on State Road 75 that it will bring. He also stated he thinks it will hurt some of the property values right there and that he is opposed to this petition.

Contractor Michael Hamilton came forward to respond to Mr. Moore's concerns and stated that the tanks were removed about 15 years ago and the soil and wells were tested. He found all the IDEM information on it and no pollution has been reported. He also explained how the new tanks and requirements of putting them in the ground and the light pollution.

Member Danielle Morrison mentioned that Mr. Moore did say something about the previous business having repeated water issues and asked him if he could explain that a little more.

Mr. Moore responded the well was really rust orientated and would go dry.

Member Jay Schaumberg asked if anyone knows the depth of the well?

Mr. Hamilton responded that he did not, but it was tested but there was not a whole lot of information they could pull from it.

Member Brent Henschen asked if he was done with the state requirements and you know that you can put a gas station there?

Mr. Hamilton responded that they have talked to the state and they intend to give us a sign off with an exemption for the gas station since it was a prior gas station as long as there is no issues at this meeting, then don't have any issues and since the TAC meeting we got with a septic engineer, because right now we are doing 3 other gas stations so we know all our requirements. Also, if he wanted to have food and drinks, he would have to put up his tanks and right now he doesn't plan to do so, and we don't have a design yet until we have approval.

Member Jay Schaumberg asked if anyone knew when the church took it over and if they did a change of use with the state and do we know what the current use is?

Mr. Hamilton responded that he did not.

#### **Board Members:**

Member Jay Schaumberg asked if the Overlay District goes down SR 75?

Executive Director Nicole M. Shell responded that this is within the state right-a-way buffer.

Member Danielle Morrison stated she doesn't really have any questions but has concerns about the water situation and since the church had so many issues and went dry at some point and since this is going to be a gas station she feels like that should be inspected and more attention to that.

Mr. Hamilton mentioned they are looking into running to city water and sewer if we can get to it.

Member Sheldon Hutchens mentioned he has no issues but had a question about the traffic and when that car plant lets out that area is crazy and you get a little bit of fog and somebody that is in a hurry and there's been tons of near misses and that's my only concern and the safety of local citizens.

Member John Merson asked if we have the authority to question the water supply?

Representative Attorney Mallory Kaehr responded if you're asking for more clarity on that I think the supply verses the drainage and detrimental environment of facts and doesn't think there is any crossover there from a practical perspective, but as far as the concern on the traffic concerns go if anymore insight on this topic would be helpful for Mr. Moore's concerns.

Executive Director Nicole N. Schell responded that one of your requirements regarding the finding of facts is that on special exceptions adequate utilities are provided.

Member Brent Henschen stated that they're still going to need local and state building permits, so if they don't have adequate water then they're not going to issue occupancy permits.

Danielle Morrison asked if there was a map of where the actual pumps would sit and parking would be?

Mr. Hamilton responded that the petroleum company will do that once they're contracted.

**Motion:**

Brent Henschen made a motion to approve 26JA-7-006 as approved of the conditions stated in the staff report. Jay Schaumberg seconded the motion. Motion carried 5-0.

**3. 26WA-7-005 Matthew Roseman; Special Exception to Construct an 800 sq. ft. Accessory Dwelling Unit within an Existing Accessory Structure**

\* Request to be Continued – Waiting on Soil Test

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**VIOLATION REPORT**

None at this time.

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**ADMINISTRATIVE MATTERS**

**1. Director's Announcements:**

None at this time.

**2. Consideration of BZA Rules and Procedures:**

Executive Director Nicole M. Schell spoke on this and stated she submitted a few modifications to what Deborah Luzier previously presented to you and just match what was similarly passed for the APC in terms of public comment and length of time as well as what the County Council and Commissioners use.

**Board Members:**

Member Danielle Morrison asked what is our current time limit now?

Executive Director Nicole M. Schell responded that the Commissioners give 3 minutes for public comment and in her experience is plenty of time to get your point across to the board and the petitioner get 10 minutes and then it is up to the Chair where he or she wants to extend it.

**Motion:**

Jay Schaumberg made a motion to approve the BZA Rules and Procedures.

Danielle Morrison seconded the motion. Motion carried 5-0.

3. Member Jay Schaumberg had a question on the Aggregate farm on 350 West that has a special exception now and asked when that special exception is what when?

Member John Merson responded that it is up in October 2026.

Member Jay Schaumberg then asked if the board is not of a mind set to continue that it would be good to let them know sooner than later.

Member John Merson replied he agreed but wasn't sure if that was legal.

Member Jay Schaumberg responded that according to Attorney Bob Clutter he mentioned that even now we could give them notice that it needs to be cleaned up by the expiration date, and it's been noted that there are violations there now.

Representative Attorney Mallory Kaehr responded that this would be something to clarify with Attorney Bob Clutter since he knows more about it.

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**ADJOURNMENT**

With no further business, Brent Henschen made a motion to adjourn at 7:49pm.

Jay Schaumberg seconded the motion. Motion carried 5-0.

