

CITY OF PERU BOARD OF ZONING APPEALS



Board of Zoning Appeals
Tuesday, July 29, 2025
6:00PM Common Council Room
35 S. Broadway Peru IN 46970

Called to order: Brent Wedding
Time: 6:00 PM

ROLL CALL:

Brent Wedding (P), Stephen Kuykendall (P), Joe Molyneux (P), Mike Siblisk (P)

READING & APPROVING PREVIOUS MONTH'S MINUTES

- ❖ Joe made a motion to waive the reading and accept the minutes for February 25, 2025.

1st: Joe Molyneux 2nd: Stephen Kuykendall

Motion Carried

OLD BUSINESS:

- ❖ No old business

NEW BUSINESS:

- ❖ **Brent stated we need to amend the agenda and add it to the end to make an election for a new vice chair for the BZA.**
- ❖ **Special Exception request – parcel 52-08-26-201-044.000-016, commonly known as 568 E. 5th Street would like to keep the shed in its current location along the property line, instead of the normal 3 ft. inside the property line per the ordinance.**
- David Atkinson & Rosanna Rushing, the property owners, spoke and stated they did not want to move the shed closer to their AC unit and it was only temporary for 3-5 years. They stated the cost to move the shed would be lot. They stated they maintain the neighboring fence for the neighbor, and the neighbor has no issue with the shed in its current location and was not the one complaining about the shed placement. They said they were unaware of the 3-foot setback rule.

Brent asked how long the shed had been there.

Rosanna stated it had just been placed the day before the complaint had been filed, because they got a notice on the door the next day that the shed was in violation of the ordinance.

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Brent asked if they had reached out to see if there were any zoning requirements before they placed the shed.

Rosanna stated they had not reached out, David stated they did not think they had to because the shed was not permanent, and that's how they understood the requirements to be.

Joe asked where they purchased the shed from.

They said a buy here pay here place in Kokomo.

Joe asked if the buy here pay here place had mentioned needing any permits.

Rosanna stated when they were at Menards, considering building a shed Menards mentioned needing permits. However, they decided to go with a prebuilt shed elsewhere and they thought they did not need one for prebuilt sheds, and the buy here pay place did not mention anything about permits.

Stephen stated the shed retailer might not know about needing permits.

Joe asked about Rosanna and David meeting with Bruce Carson and stating they could move the shed to the back of the property, but they needed to get rid of a trailer before they could do that.

Rosanna said no that she told Bruce she had a back up plan if the board denied her the variance, but she would rather not move the shed due to Davids medical history.

Brent asked about the recently placed fence, if it was placed after the shed violation.

David and Rosanna stated that they did put the section of fence back up that they had taken down briefly to place the shed and showed pictures.

Brent asked what prompted them to put the fence up after receiving a violation on the shed and why they did not wait for the meeting that would determine if the shed could stay or if it needed to be moved.

Rosanna stated she did not know why David did that. David stated he did not do the work, and it would be simple to take down and/or put back up if needed.

Brent stated he understood. He then asked if there were any more questions from anyone. No one had any. He then said he did not see any remonstrators and asked if anyone wanted to make a motion.

Joe said yes.

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Brent said we do have the complaint, but they were just not there to voice it.

Joe made a motion to take a vote.

Brent stated the vote is on whether they get the variance and the shed could stay in its current location.

Joe stated yes is to keep the shed and approve the variance and no is the shed would need to be moved, and the variance denied.

Brent elaborated and said yes means the shed can stay and no means the shed would need moved.

Brent stated the motion was made and they need a second.

Stephen stated he had a question before they proceeded. He asked Rosanna and David if they thought the neighbors were upset about the shed, not the next-door neighbors, but other neighbors, due to them thinking it is an eye sore or because of placement.

Rosanna thinks they call and complain because they don't like them, not because of placement or looks. She thinks they are not managing their property, when really, they just fall behind sometimes due to managing several properties. They think it looks good there and still plan to do more to make it look better.

Brent is worried due to the complaint being made immediately after the shed was placed.

Rosanna stated it was literally the next day when they complained, and she had received notice of the violation on their door.

David stated they were not using it as a garage and would not be driving over the curb or having vehicles parked there.

Mike asked what it would be used for.

Rosanna stated that it was to sort items and for a few garage sales. David stated they have tenants that leave, and they must hold their items. Rosanna stated they are just trying to be organized.

Brent stated there is a motion on the floor, a first, and they need a second.

Stephen made a second motion.

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Roll call was made:

Stephen > Yes

Mike > Yes

Joe > No

Brent > No

Brent stated there was a tie and said they can either revote or make a new motion.

Stephen said to revote.

Rosanna asked if Joe had swayed Brents decision,

Brent said Joe had not, that he had already decided no before he arrived, because he had done his homework before he came tonight and he was about to say yes after hearing them speak. However, he does have to honor the complaint and consider them as well. The shed is on the neighbor's fence, and they must be able to maintain it.

Rosanna stated the fence belongs to her and David as they replaced the fence and maintain it. That the neighbors fence fell and they replaced the fence, not the neighbor.

Joe stated the fence is not the issue.

Brent stated the fence is on the neighbor's property and therefore belongs to them.

Rosanna stated she spoke to the neighbor Judy, and she has no issue with the shed. That the neighbor across the street is the one complaining.

Joe stated that no matter who made the complaint, there was still a complaint filed. He stated that Rosanna and David had stated they would be willing to move it. He made a motion to give them 60 days to do what they needed to, to be able to move the shed.

Rosanna requested to be refunded the variance fee cost, since the variance was denied, so they could use that money to be able to move the shed.

The board agreed they don't have the authority to make that call and directed them ask the treasurer if that was possible.

Roll call to allow a 60-day grace period to move the shed:

Stephen > Yes

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Mike > Yes

Joe > Yes

Brent > Yes

Motion passed.

The board explained that if they had granted the full variance and the property that owners the fence ever sold, they would have to go through this process again as the variance is only good with the current owners of both properties, it would not carry over to new ownership. He stated this will save them from having to go through this process again in the future.

Rosanna and David stated they did not know that, and that made sense.

❖ Election for the vice chair.

- Brent asked if there were any nominations.
- Stephen nominated Joe Molyneux

1st: Stephen Kuykendall 2nd: Mike Siblisk

All in favor.

Motion Passed.

ADJOURNMENT:

- ❖ A motion to adjourn the meeting, made by Brant Wedding

1st: Brent Wedding 2nd: Ron Rylands

Meeting Adjourned

Time: 6:23 pm