

Shelby County Board of Zoning Appeals

December 6, 2022 at 7:00 PM

Revised 12/1/22

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MEETING AGENDA

Shelby County Board of Zoning Appeals December 6, 2022, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the November 1, 2022 meeting.

BUSINESS CONTINUED TO JANUARY 10, 2023

BZA 22-54 – BALDEV VIRK: DEVELOPMENT STANDARDS VARIANCE. Located at 7165 W Old SR 252, Edinburgh, Jackson Township.

OLD BUSINESS

BZA 22-31 – PANJAB GROUP, INC.: USE & DEVELOPMENT STANDARDS VARIANCES. Located at 6925 S Carroll Rd, Indianapolis, Moral Township. – *This case has been WITHDRAWN by the petitioner.*

NEW BUSINESS

BZA 22-50 – JEROD HIGDON: DEVELOPMENT STANDARDS VARIANCES. Located at 9431 S 250 W, Flat Rock, Washington Township.

BZA 22-51 – DUSTIN D & VALLERY SUE EMERICK: DEVELOPMENT STANDARDS VARIANCES. Located at 9386 S 250 W, Flat Rock, Washington Township.

BZA 22-52 – FARNSLEY FAMILY FARM LLC: DEVELOPMENT STANDARDS VARIANCE. Located at 7092 E Short Blue Rd, Shelbyville, Union Township.

BZA 22-53 – P&E LLC: DEVELOPMENT STANDARDS VARIANCE. Located at 6535 W 600 N, Fairland, Sugar Creek Township.

V21-08 – JOHN H & CYNTHIA S DEMARTINO: ZONING VIOLATION. Located at 2027 W Washington Ave, Addison Township.

APPROVAL OF 2023 MEETING CALENDAR

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **January 10, 2023 at 7:00 PM.**

Property Details

Location: 9431 S 250 W, Flat Rock, Washington Township.

Property Size: 1.38-acres.

Current Land Use: Single-Family Residential.

Zoning Classification:

R1 (Single-Family Residential)

Intent: This district is established for single-family detached, medium to large sized homes on medium to large sized lots.

Development Standards: Promote low-impact development in harmony with a natural setting.

Future Land Use per Comp Plan Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: BZA 22-50
Case Name: Jerod Higdon – Development Standards Variances

Request

Variances of Development Standards to allow for a 3,456 sq. ft. barn:

1. In the front yard.
2. Resulting in the total square footage of accessory structures exceeding 2X the square footage of the footprint of the residence.

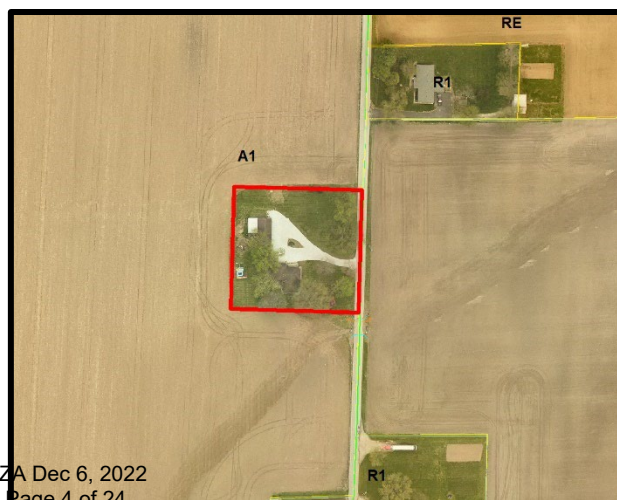
Code Requirement

UDO Section 5.07 F 2: *Maximum Size:* The total square footage of all enclosed accessory structures adjoining only lots in the OP, A1, A2, A3, and/or A4 Districts shall not exceed two times (2X) the footprint of the primary structure.

UDO Section 5.04 C – *Placement:* A permitted accessory structure shall not be placed in the front yard of any lot, unless placed 350 feet or greater from the front property line.

Purpose of Requirements: Limiting the size of residential accessory structures ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, large machinery, and/or large equipment. Prohibiting the construction of accessory structures in the front yard maintains the primary structure as the visual focal point of the property.

Property Map



Case Description

- The petitioner plans to construct a 48'x72' (3,456 sq. ft.) barn near the north property line and next to an existing driveway.
- The square footage of the barn plus the square footage of the existing detached garage would equal approximately 2.65X the square footage of the footprint of the house. The property tax card provides the square footage of the house and detached garage for the square footage calculation.
- The barn would sit approximately 30-feet closer to the road than the house and therefore encroaches into the front yard.

Staff Analysis of Findings of Fact

- 1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Staff Analysis: Construction of the barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The public would not have access to the structure.

- 2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: Construction of the barn would not impact continued use of adjacent property for agricultural production. The size and location of the barn would not conflict with the agricultural character of the area.

- 3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: A strict application of the ordinance would not allow for a barn consistent in size as other barns in agricultural areas and for construction of the barn along the existing driveway.

Staff Recommendation

APPROVAL because the size and location of the barn would not conflict with the agricultural character of the area.

Applicant/Owner Information

Applicant:	Jerod Higdon 9431 S 250 W Flat Rock, IN 47234	Owner:	Same
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DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Jerod M Higdon

Case #: _____

Location: _____

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

new construction barn, built to code

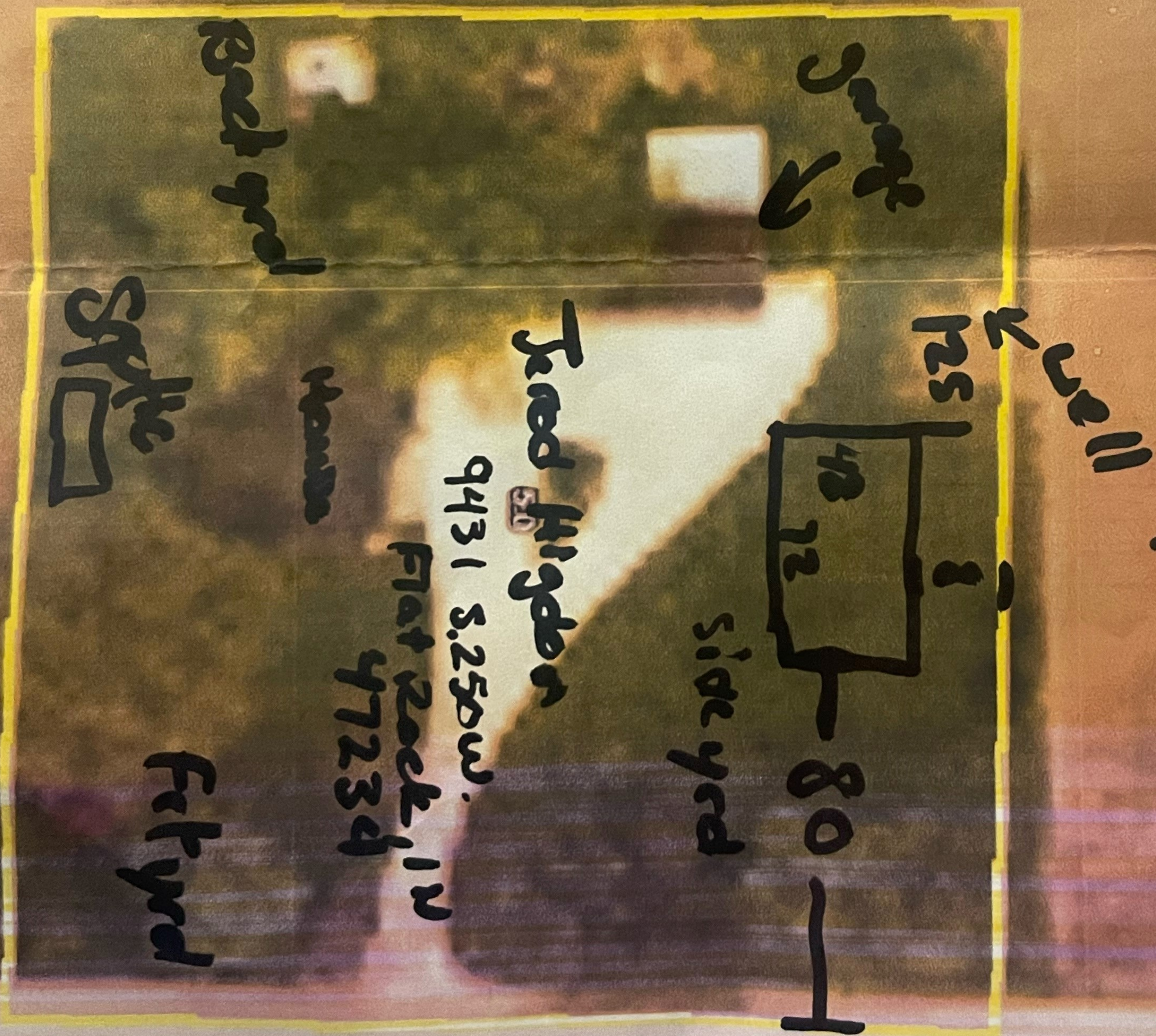
2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

adjacent property is farm ground, on all sides

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

pole barn on my property will not affect the surrounding farm ground.

Site Plan



Property Details

Location: 9386 S 250 W, Flat Rock, Washington Township.

Property Size: 1.33-acres.

Current Land Use: Single-Family Residential.

Zoning Classification:

R1 (Single-Family Residential)

Intent: This district is established for single-family detached, medium to large sized homes on medium to large sized lots.

Development Standards: Promote low-impact development in harmony with a natural setting.

Future Land Use per Comp Plan Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

	Zoning	Land Use
North	RE	Cropland
South	A1	Cropland
East	RE	Cropland
West	A1	Cropland

Staff Report

Case Number: BZA 22-51
Case Name: Dustin D & Vallery Sue Emerick –
 Development Standards Variances

Request

Variances of Development Standards to allow for a 2,400 sq. ft. barn:

1. Exceeding 50% the square footage of the footprint of the residence.
2. Not having a concrete floor.

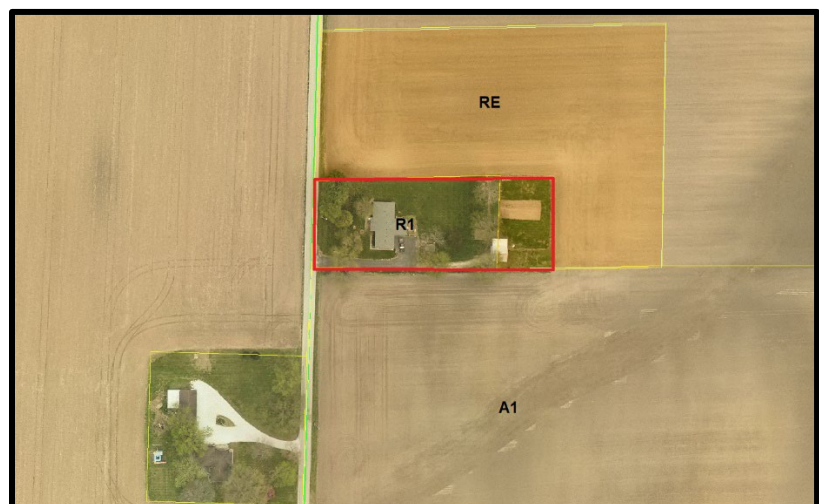
Code Requirement

UDO Section 5.07 F 1: *Maximum Size:* The total square footage of all enclosed accessory structures on a lot adjoining one or more lots in the RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, or HI Districts shall not exceed fifty percent (50%) of the footprint of the primary structure.

UDO Section 5.07 E – Prohibited Types: Post frame buildings are not permitted, unless it has a concrete floor and perimeter foundation.

Purpose of Requirements: Limiting the size of residential accessory structures ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, large machinery, and/or large equipment. Accessory structure appearance standards protect the aesthetic quality and property values of medium-to-high density residential neighborhoods.

Property Map



Case Description

- The petitioner plans to construct a 40'x60' (2,400 sq. ft.) barn with covered porch at the southeast corner of the property.
- The square footage of the barn equals approximately the same square footage as the house. The property tax card provides the square footage of the house for the square footage calculation.
- The barn would replace a 500 sq. ft. accessory structure destroyed by fire.
- The property adjoins a residential building lot currently used for crop production. Due to the residential zoning of the adjacent parcel, the barn cannot exceed 50% the square footage of the home. If the property only adjoined properties in agricultural zoning districts, then the size of the barn could equal up to 2X the square footage of the footprint of the house. The size requirement serves to maintain the character of residential neighborhoods.

Staff Analysis of Findings of Fact

1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: Construction of the barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The public would not have access to the structure.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: Construction of the barn would not impact continued use of adjacent property for agricultural production. The appearance of the barn would not conflict with the agricultural character of the area.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: The property is not located in a residential neighborhood. A strict application of the ordinance would not allow for a barn consistent in size and appearance as other barns in agricultural areas.

Staff Recommendation

APPROVAL because the size and appearance of the barn would not conflict with the agricultural character of the area.

Applicant/Owner Information

Applicant:	Dustin D & Vallery Sue Emerick 9386 S 250 W Flat Rock, IN 47234	Owner:	Same
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Attorney:	N. Gregg Graham 51 W. Mechanic Street Shelbyville, IN 46176
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**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Dustin & Vallery Emerick

Case #: _____

Location: 9386 S 250 W, Flat Rock, IN 47234

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.
the neighborhood is all agricultural and the building will replace one that burned down

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
the area is densely populated and all agricultural with the nearest neighbors between 500 and 800 feet away

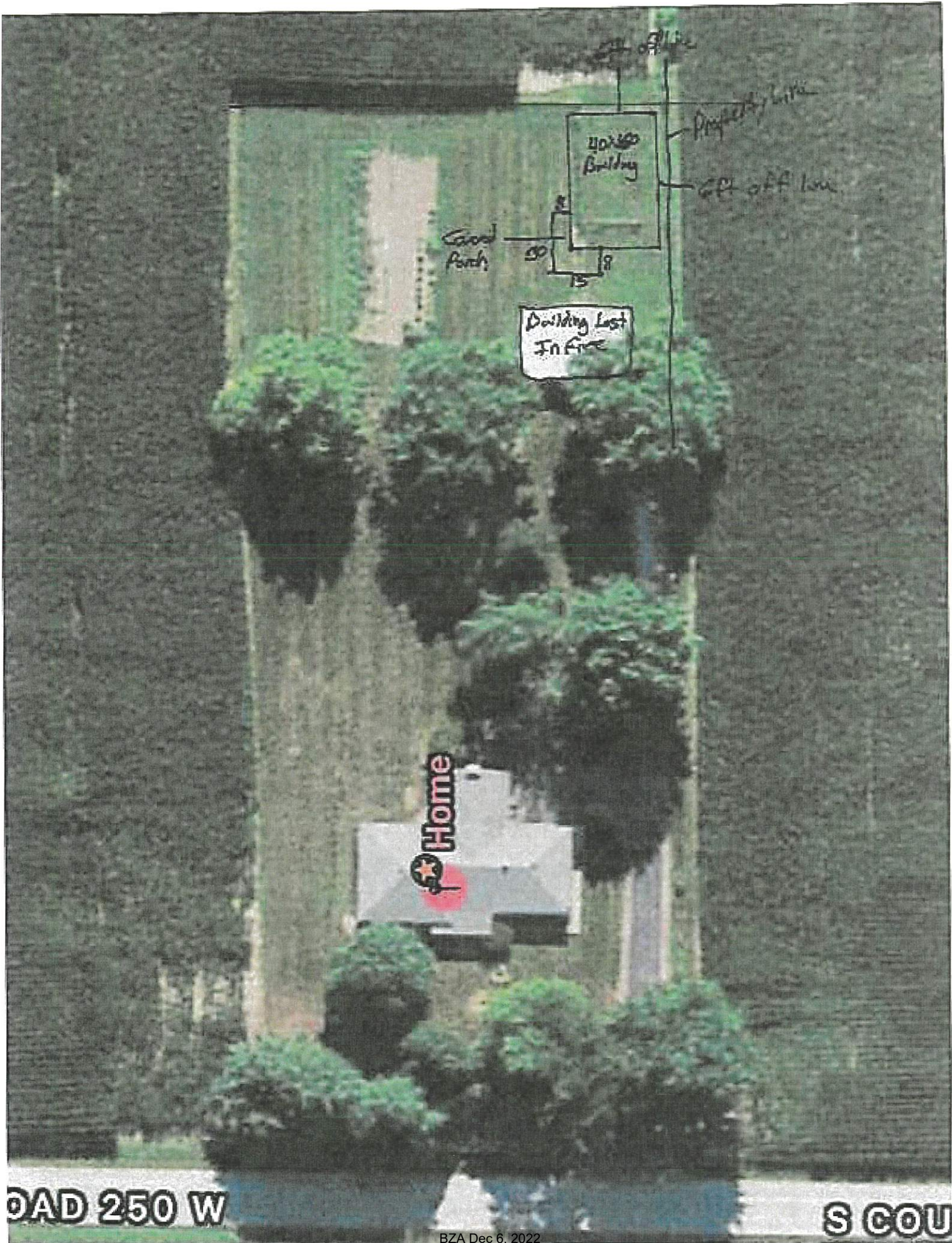
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.
replacement of the building allows petitioner to again store farm machinery

The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)



40x60 Building

Good Porch

Building Lost In Fire

Property Line

EPT off line

Home

ROAD 250 W

S COU

Property Details

Location: 7092 E Short Blue Rd,
 Shelbyville, Union Township.

Property Size: 14.12-acres.

Current Land Use: Estate
 Residential.

Zoning Classification:

A1 (Conservation Agricultural)

Intent: This district is established for the protection of agricultural areas and buildings associated with agricultural production.

Future Land Use per Comp Plan Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

	Zoning	Land Use
North	A1	Natural Resources
South	A1	Cropland
East	A2	Estate Residential
West	RE	Natural Resources

Staff Report

Case Number: BZA 22-52
Case Name: Farnsley Family Farm LLC – Development
 Standards Variance

Request

Variance of Development Standards to allow seven single-family lots to utilize a single private driveway (maximum of two single-family lots permitted).

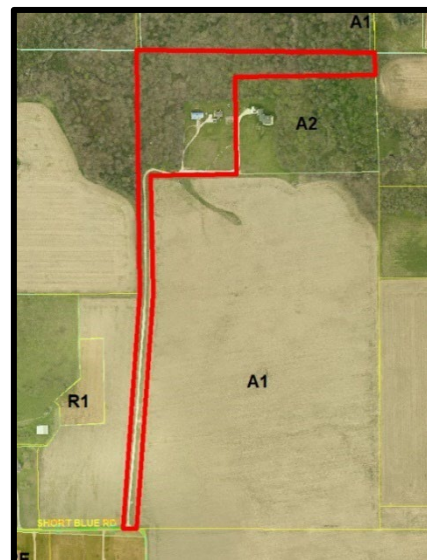
Code Requirement

UDO Section 5.17 C 2: Single-Family Residential Developments: *The access to three (3) or more single-family lots using a shared easement or similar legal arrangement shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.*

Purpose of Requirements: The ordinance requires establishment of paved public streets to service multiple single-family lots to mitigate issues associated with shared use of private gravel driveways. Potential issues include:

- Disputes over driveway maintenance and access rights.
- Difficulty posed to visitors in locating homes from the public road.
- Difficulty posed to emergency vehicles in locating homes and turning around within the driveway.
- Vehicle conflicts if two or more cars utilize the driveway simultaneously.
- Migration of dust onto the public road from use of the driveway by multiple vehicles.

Property Map



Case Description

- A gravel driveway currently exists on the lot which provides access to the subject property and to the adjacent residential lot to the east. The petitioner requests that the driveway provide access to the two existing residential lots, a 1.711-acre lot recently created by the petitioner on the adjacent property to the west, and for up to four additional building lots.
- The petitioner explained that the property owner would like each of his four children to have the option to use the driveway if they decide to build homes in the future. Any future building site would require applicable zoning and subdivision approvals.
- The gravel driveway is 20-feet-wide and approximately 1/3-mile in length.
- The petitioner has proposed the following driveway design elements to address potential issues associated with use the driveway by multiple residential lots:
 - A 70-foot-wide access and utility easement covering the shared portion of the driveway.
 - A 15' x 20' paved apron entrance to reduce the migration of gravel onto the public road.
 - A 20' x 50' stone 'T' turn-around located near the homesites to allow for turn-a-round of large emergency vehicles.
 - Two 8' x 50' stone pull-offs to allow vehicles to pass each other without pulling off into the lawn or field.
- The 2008 UDO established the public road requirement. The County permits new development on lots created prior to 2008 with existing access to a private road.
- The owner of the driveway has consented to filing of the variance request.

Staff Analysis of Findings of Fact

1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: The petitioner has proposed driveway design elements to address many of the potential issues associated with use of the driveway by multiple lots, however the significant distance between the homesites and the public road could cause confusion in locating the properties in the case of an emergency. Therefore, approval may impact the health, safety, morals, and general welfare of members of the public who purchase the lots in the future.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: Use of the driveway would not impact continued use of property adjacent to the driveway for agricultural production.

3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.

Staff Analysis: The County approved creation of the 1.711-acre building site with the intent that the site would utilize the existing gravel driveway.

Staff Recommendation

DENIAL because the significant distance between the homesites and the public road could cause confusion in locating the properties in the case of an emergency. Approval of use of a private driveway by seven homesites could also set a precedent for approval of major subdivisions without installation of a public road.

If the Board chooses to approve the variance, Staff recommends the following **stipulations**:

- 1. No more than seven (7) single-family lots shall utilize the driveway.**
- 2. The driveway shall include all design elements shown on the site plan submitted with the variance application.**
- 3. All design elements shown on the site plan shall be installed prior to issuance of a Certificate of Occupancy for any new home.**

Applicant/Owner Information

Applicant:	Farnsley Family Farm LLC – Mark Farnsley 6700 E Short Blue Rd. Shelbyville, IN 46176	Owner:	Patrick Deak 7096 E Short Blue Rd. Shelbyville, IN 46176
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**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Farnsley Family Farm LLC
Case #: BZA 22-52
Location: 7096 E Short Blue Rd. Shelbyville, In 46176

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

This single lot development has no adverse
impacts on the community.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The Deak family has graciously extended
opportunity for cooperation on the driveway.
They do not consider the proposal adverse.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

The Farnsley Family Farm LLC initiated this
proposal for the sole purpose of support for
our mother Joann Farnsley. Strict application of the
terms of the Shelby County Zoning Ordinance would
be cost prohibitive.

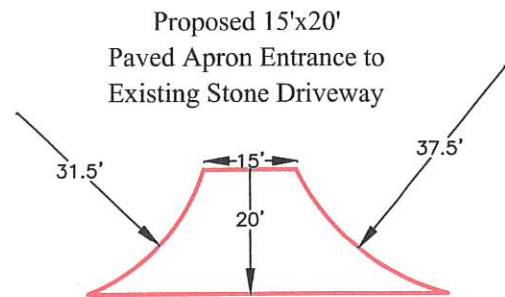
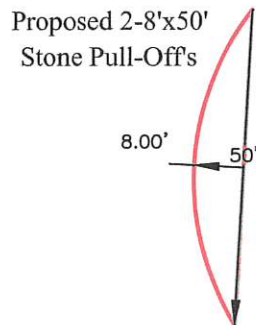
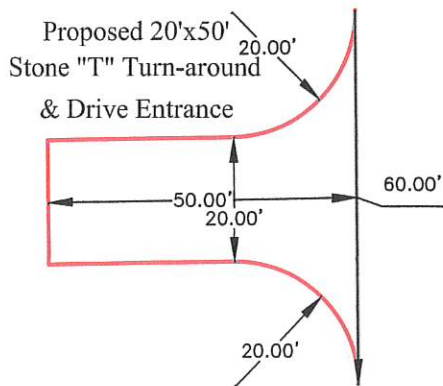
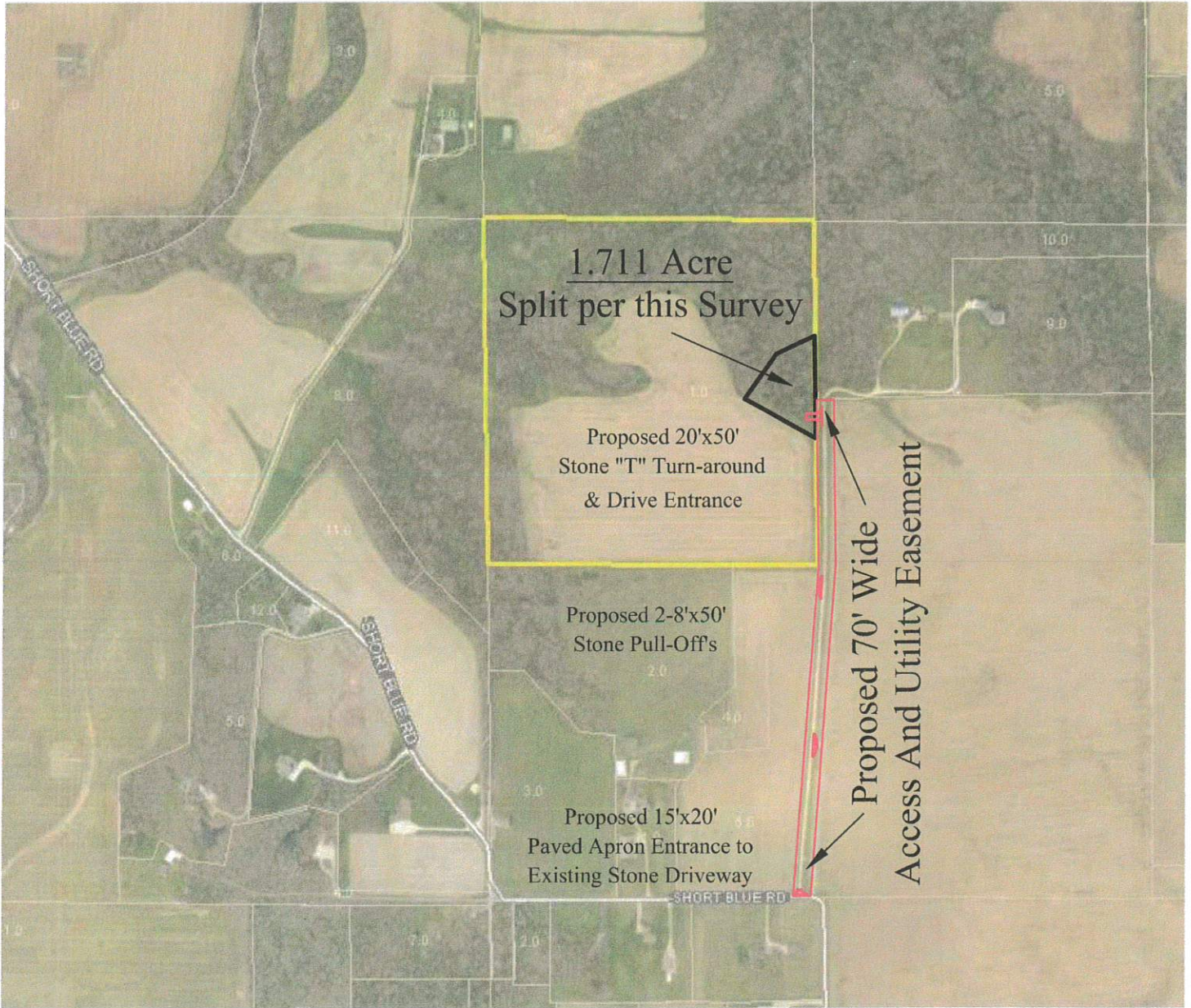
The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

General Welfare: How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

Practical Difficulty: This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)

Proposed Improvements to the Existing Stone Driveway owned by Patrick Deak for the Farnsley Family Farm LLC, 16-13-8 Simple Subdivision



Property Details

Location: 6535 W 600 N, Fairland, Sugar Creek Township.

Property Size: 10-acres.

Current Land Use: Estate Residential.

Zoning Classification:

A2 (Agricultural)

This district is established for general agricultural areas and buildings associated with agricultural production.

Future Land Use per Comp Plan Parks, Open Space, & Conservation

The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.

	Zoning	Land Use
North	A1	Cropland
South	RE	Estate Residential
East	RE	Estate Residential
West	RE	Estate Residential

Staff Report

Case Number: BZA 22-53

Case Name: P&E12 LLP – Development Standards Variance

Request

Variance of Development Standards to allow a Type 3 Home Business (Small Engine Repair) on property where the operator of the business does not reside.

Code Requirement

UDO Section 5.35 C 1: Residency: *The operator of the Type 3 Home Business shall reside in the house.*

Purpose of Requirements: Requiring the operator of a home business to live on the property encourages use of the property for business activities that would not pose a nuisance to the operator's residence, and therefore would likely not pose a nuisance to adjacent residential properties.

Property Map



Case Description

- The petitioner intends to operate a small engine repair business within an existing barn on the property.
- The petitioner would operate the business and the business would comply with all UDO standards applicable to Type 3 Home Business, other than that the petitioner does not reside on the property.
- The petitioner rents the home on the property for residential use.
- The petitioner lives at 6255 N 700 W, located within a mile of the property.
- The petitioner indicated that the property has previously included business similar to small engine repair.
- On August 23, 2022, the Plan Commission granted a favorable recommendation to rezone the property from RE (Residential Estate) to A2 (Agricultural) to allow for operation of the home-based business and agricultural use of the property. The County Commissioners approved this rezoning on September 6, 2022. The rezoning included two stipulations:
 - Use of the property for a home business kennel, agricultural tourism, farmers market, and/or winery shall be prohibited.
 - Outdoor storage of commercial vehicles and products, materials, supplies, waste, scrap, or the like associated with a Type 3 Home Business shall be prohibited.
- A zoning violation for operation of a business prompted the petitioner to file for the rezoning and for the variance. At the time of the zoning violation, the petitioner also leased the property for outdoor storage of trucks, telephone poles, and other electrical scrap materials and equipment. The petitioner has canceled that lease, brought the property into compliance, and agreed that the proposed small engine repair use would not include any outdoor storage.

Staff Analysis of Findings of Fact

1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Analysis: The proposed use would provide a small engine repair service to the community. Indoor operations and equipment storage would not pose environmental impacts and the scale of the business would not generate traffic in greater volumes than typically present on CR 600 N.

2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff Analysis: Indoor operations and storage of equipment would not result in a change to the exterior appearance of the premises or pose a nuisance to adjacent properties.

**USE VARIANCE
FINDINGS OF FACT**

Applicant: P&E12 LLP

Case #: _____

Location: 6255 N 700 WEST, Fairland, Indiana

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Use Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.
Similar businesses have been operated at the property for many years without issue.
There will be virtually no additional traffic, noise, pollutants, or nuisances created by the intended use.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
The operations of the business will be completely concealed within existing buildings on
the Property. The intended use is a continuance of previous operations and has not affected
any surrounding properties.

3. **Practical Difficulty:** The need for the variance arises from some condition particular to the property involved.
The request is for the property to operate a home-based business without living in the residence.
The residence at the property is currently a rental property that is occupied by tenants.

4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Unified Development Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.
If the owner is not allowed to use the existing structures at the property to operate the business,
the structures will sit empty and not be used.

5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.
The Comprehensive Plan allows for home-based businesses for the zoning classification
of the property. There is a home at the property and the business type is allowed under
the Shelby County UDO.

STATEMENT OF INTENT (ONLY REQUIRED FOR VARAINCE OF USE & SPECIAL EXCEPTION)

Please answer the following questions (when applicable) pertaining to your request. If approved, the use would be limited to the information provided and expansion of the use would require new approval from the Board. The Board may also approve the use conditional on one or more amendments to the statement of intent.

1. Summary of Proposed Use and/or Business Activity: Operation of Small Engine Repair Shop

2. Days & Hours of Operation: M-F 7am-5pm

3. Maximum Number of Customers per Day/Week/Month: 5/week

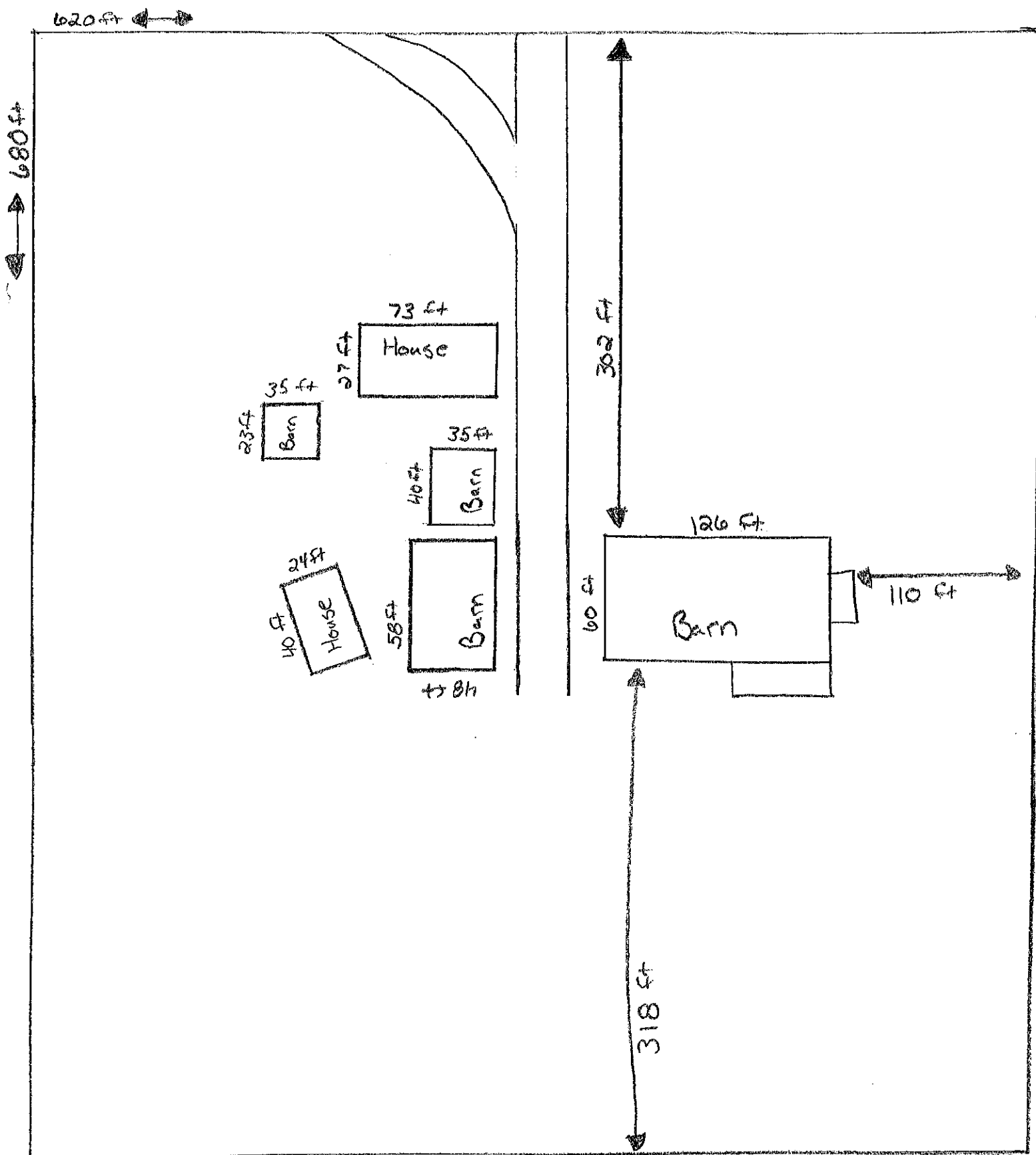
4. Type and Frequency of Deliveries: Drop off by Customers - no commercial deliveries

5. Description of any Outdoor Storage: No outdoor storage of customer or business assets

6. Description, Size, and Placement of any Signage: No current signage, potential small identifying sign at driveway and/or on building, in compliance with applicable standards

7. Description of Waste Disposal: No significant waste produced by business - dumpster on site for any waste

8. Existing and/or Proposed Building and Site Improvements Pertaining to Proposed Use (ex. parking lot, landscaping, commercial upgrades to building, etc.): Utilize existing buildings and parking areas, no construction or upgrades necessary



Zoning Violation

Case Number: V21-22
Property Owner: John H & Cynthia S DeMartino
Location: 2027 W Washington Ave, Shelbyville, Addison Township

Violations

1. Operation of an automobile-oriented business on property in the RE (Residential Estate) District.

Section 2.11 - RE District Intent, Permitted Uses, and Special Exception Uses

2. Outdoor storage of inoperable vehicles on residential property not within an enclosed privacy fence.

Section 5.54 C - Inoperable Vehicles: Inoperable vehicle shall be stored indoors or outdoors in an enclosed area in the rear yard. When stored outdoors the rear yard or the area in which the vehicle is stored shall be enclosed with a minimum six (6) foot tall privacy fence.

Case Progress Since September 13th BZA Meeting

September 13, 2022 – The BZA determined that the violations existed on the property and granted the DeMartinos thirty days to bring the property into compliance. Also, if the property did not come into compliance within thirty days the Board would impose a \$250 per week fine.

October 11, 2022 – The DeMartinos asked for an extension to bring the property into compliance. The Board took no action on this request.

October 18, 2022 – Staff inspected the property and did not observe evidence of a business operation or the outdoor storage of inoperable vehicles or bussiness equipment.

Late October – The owner of the adjacent property to the west emailed Staff photographs and video depicting several different vehicles entering and exiting the property on a flatbed trailer.

November 2, 2022 – Staff met with the DeMartinos attorney to discuss the status of the violation.

November 29, 2022 – The owner of the adjacent property to the west notified Staff that the DeMartinos had begun conducting their bussiness operations on property located at 1796 W Washington Ave and that he had not seen any vehicles recently brought to the subject property.

November 30, 2022 – Staff met with the DeMartinos attorney. She indicated that the DeMartinos had leased another property on Washington Ave. with the intent of working on their vehicles at that property. Also, that the DeMartinos planned to apply for a variance to allow them to keep their commercial flatbed trailer at their home.

BZA Decision

Staff requests that the BZA take one or more of the following actions:

1. Close the violation
2. Monitor the property for a set period and close the violation if the property remains compliant
3. Implement a fine
4. Other action at the Board's discretion

Shelby County BZA

<u>BZA Scheduled Meetings</u>	<u>BZA Application Deadline</u>	<u>BZA Legal Notice Deadline</u>
January 10, 2023	December 20, 2023	January 1, 2023
February 14, 2023	January 24, 2023	February 4, 2023
March 14, 2023	February 24, 2023	March 4, 2023
April 11, 2023	March 21, 2023	April 1, 2023
May 9, 2023	April 18, 2023	April 29, 2023
June 13, 2023	May 23, 2023	June 3, 2023
July 11, 2023	June 20, 2023	July 1, 2023
August 8, 2023	July 18, 2023	July 29, 2023
September 12, 2023	August 22, 2023	September 2, 2023
October 10, 2023	September 19, 2023	September 30, 2023
November 14, 2023	October 24, 2023	November 4, 2023
December 12, 2023	November 21, 2023	December 2, 2023