

**Shelby County Board of Zoning Appeals
Meeting Minutes
October 10, 2023**

Members Present:

Dave Klene
Terry Knudson
Jim Douglas
Kevin Carson

Members Absent:

Nick Hartman

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Board Attorney

Call to Order and Roll Call:

Jim Douglas 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 September 12, 2023. Dave Klene seconded the motion. The minutes were approved 4-0.

Old Business:

None.

New Business:

**BZA 23-38 – TRACEY GILLESPIE: DEVELOPMENT STANDARDS VARIANCE
– To allow for an 8,400 sq. ft. addition to a barn (the total area of all accessory structures on a lot cannot exceed 2X the footprint of the house in the RE (Residential Estate) District) [UDO Sec. 5.06 D]. Located at 8438 W 800 N, Fairland, Moral Township.**

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

Tracey Gillespie indicated that she plans to add a horse-riding area to an existing barn.

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

Kevin Carson made a motion to vote on the petition and Dave Klene seconded the motion. The petition was **APPROVED 4-0**.

The Board adopted the following Findings of Fact:

1. The approval will not be injurious to the public health, safety, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The strict application of the terms of the Shelby County Unified Development Ordinance will result in a practical difficulty in the use of the property.

BZA 23-37 – LUKE TAYLOR: USE VARIANCE – To allow for private recreational use as the primary use of property in the R1 (Single-Family Residential) District. Located at 1479 E Cedar Thorn Dr, Shelbyville, Addison Township.

Desiree Calderella read the petition into the record and stated that Staff recommends denial. However, staff recommends stipulations if the Board chooses to approve the request.

Luke Taylor explained his intentions for the property as indicated in his variance application. He indicated that a house cannot be built on the property. He explained that recreational use of the property would not conflict with the surrounding wooded area or nearby FOP lodge which regularly engages in gunfire. He indicated willingness to address some of the neighbors' concerns.

The Board opened the hearing for public comment.

Chaquitta McCreary, who lives at 1487 E Cedar Thorn Dr, expressed concerns including change of the petitioner's intended use of the property from an investment property to personal recreation, use of the property for camping and campfires without an on-site water source, the attraction of unwanted wildlife and discouragement of wanted wildlife by keeping the property in meadow, possible use of the property for recreation by additional individuals, and the petitioner's lack of participation in maintaining the private road. She indicated that the size of the property and adjacent residential homes render the property unsuitable for meadow and recreational use.

Bill Shephard and Jean Teal, who own property at 1505 & 1509 Knightstown Rd, indicated that the property could accommodate a house with a septic system having a

drain tile, that the Code Compliance Board had ordered the property mowed, and that use of the property for recreational purposes would not increase the value of their property. They expressed concern about use of the property for camping and campfires without an on-site water source and about enforcement if the Board allowed use of the property for recreational purposes in a limited capacity.

William Mace, who owns property at 1471 E Cedar Thorn Dr, expressed concern with impact to property values and quality of life.

The Board closed the public comment portion of the hearing.

Q: Dave Klene – Is it your intent to have camping there? What about the sanitation?

A: Luke Taylor – Occasional camping. We have YMCA memberships and we also have a bucket toilet.

Q: Terry Knudson – What did you buy the property for?

A: Luke Taylor – This purpose.

Dave Klene expressed concern that long-term camping may occur on the property.

Luke Taylor indicated that he would advise any of his family members camping on the property that they could not occupy the property long term due to concerns from the neighbors.

Jim Douglas expressed concern that due to the size and location of the property, the proposed recreational use of the property would impact the neighbors.

Luke Taylor proposed building a privacy fence.

Terry Knudson made a motion to vote on the petition and Dave Klene seconded the motion. The petition was **DENIED 4-0**.

Kevin Carson made a motion to adopt the Findings of Fact included in the Staff Report and Terry Knudson seconded the motion.

The Board adopted the following Findings of Fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because private recreational use of a relatively small piece of property would pose no safety, traffic, or environmental impacts.
2. The use and value of the area adjacent to the property included in the variance WILL be affected in a substantially adverse manner because adjacent property owners would have purchased their properties with the understanding that the subject property would either remain vacant or be developed as a single-family residential lot. Additionally, the Comprehensive Plan does not support change in

- use of the property to recreation or open space. Aspects of the proposed recreational use not typically associated with residential recreation, such as camping and building of campfires, may also pose a nuisance to adjacent residential properties.
3. The need for the variance arises from some condition peculiar to the property involved because soil borings previously taken on the property indicate that the lot cannot accommodate drainage for a septic system. The Shelby County Health Department indicated that additional soil borings would likely not yield an alternate result and that the owner would need to obtain an easement on adjacent property to drain a septic system. Therefore, absent grant of a drainage easement, the property cannot be developed for residential purposes.
 4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought because absent grant of a drainage easement, the property cannot be developed for residential purposes.
 5. The approval does not interfere substantially with the Comprehensive Plan because the property lies within the City of Shelbyville's Incorporated Planning Area. City planning staff provided the following comments: The specific request seems to have very minimal impact on the Community at large and that's why we don't have an objection. From some of the details in your staff report, it sounds like longterm compliance could be an issue, so if this does move forward, a number of conditions might help keep it in check. They describe a recreational site for "occasional camping", so it might be helpful to put limitations on how often RVs or campers can be out there, so it doesn't turn into a lot where they park the camper year round.

Discussion

Hearing Officer Cases

BZA 23-35 – SANDRA K & DALE F WALKER: DEVELOPMENT STANDARDS VARIANCE. Located at 11898 N 200 W, Fountaintown, Van Buren Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on September 14, 2023.

BZA 23-36 – KC WHITE: DEVELOPMENT STANDARDS VARIANCES. Located at 2084 E US HW 52, Morristown, Van Buren Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on September 14, 2023.

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	