

**Shelby County Board of Zoning Appeals
Meeting Minutes
November 10, 2020**

Members Present:

Dave Klene
Jim Douglas
Doug Warnecke

Members Absent:

Kevin Carson
Rachael Ackley

Staff Present:

Desiree Calderella – Planning Director
Mark McNeely – Board Attorney

Call to Order and Roll Call:

Doug Warnecke called the meeting to order at 7:00 pm in Room 208 A at the Court House Annex, Shelbyville.

Approval of Minutes

Dave Klene made a motion to approve the minutes from October 13, 2020. Jim Douglas seconded the motion. The minutes were approved 3-0.

Old Business:

None.

New Business:

BZA 20-38 – KENNETH ENGLE: DEVELOPMENT STANDARDS VARIANCE – To allow for two new single-family residential lots without road frontage (minimum of 160-feet of frontage required) [Section 2.12]. Located at 4620 N 400 W, Fairland, Brandywine Township.

This petition was continued to December 8, 2020.

BZA 20-32 – CHRISTOPHER & DEBORAH SMALLEY: DEVELOPMENT STANDARDS VARIANCES – To allow for a 2,250 sq. ft. pole barn in the front yard [Section 5.04 C] and resulting in the total square footage of all accessory structures on the property exceeding 50% the square footage of the footprint of the house [Section 5.07 F 1]. Located at 3215 E Michigan Rd, Shelbyville, Addison

Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval to allow the pole barn in the front yard but denial of allowing the pole barn to exceed 50% the square footage of the footprint of the house.

Christopher & Deborah Smalley indicated that their driveway currently includes an asphalt area to allow access to the barn. They explained that their home does not have much storage space and that they needed enough space in the barn for their son's pitching equipment and pitching practice mound.

The Board opened the hearing for public comment. None was heard. The Board closed the public comment portion of the hearing.

Dave Klene made a motion to vote on the variance. Jim Douglas seconded the motion. The petition was **APPROVED 3-0**.

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 20-33 – M. MICHAEL & WENDY STEPHENSON: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for a telecommunication facility in the A2 (Agricultural) District having a lattice design (only monopole towers permitted) [Section 5.80 C 3]; not designed to blend in with the natural surroundings of the environment [Section 5.80 C 2]; setback less than 60% of the tower's height from property lines [Section 5.80 4 c]; and without landscaping [Section 5.80 C 8]. Located east of and adjoining 1720 Old Rushville Rd., Shelbyville, Addison Township.

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

M. Michael Stephenson explained that the facility would provide WIFI service to his residence and a few other neighboring homes. He explained that the tower would not meet the setback requirements only from the farm fields that he owns.

The Board opened the hearing for public comment. None was heard. The Board closed the public comment portion of the hearing.

Q: Doug Warnecke – Will the tower have lights?

A: M. Michael Stephenson – No, lights not required for towers under 200 feet.

Q: Doug Warnecke – Would you consider adding lights?

A: M. Michael Stephenson – Yes.

Q: Doug Warnecke – Will you contact the Shelbyville Airport to inquire about lighting requirements.

A: M. Michael Stephenson – Yes, will reach out next week.

Dave Klene made a motion to vote on the variance. Jim Douglas seconded the motion. The petition was **APPROVED 3-0**.

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.
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 need for the variance arises from some condition peculiar to the property involved
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.
5. The approval does not interfere substantially with the Comprehensive Plan.

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 20-34 – JORDAN MCKINNEY: DEVELOPMENT STANDARDS VARIANCE – To allow for a front-loading garage 17.33’ forward of the main living area of a new single-family residence (maximum 8-feet permitted) [Section 5.11 D 2]. Located at 2619 E Beechwood Tr, Morristown, Hanover Township. Blue River Trails, Sec. 2 Lot 14.

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

Jordan McKinney explained that she upgraded the standard home layout to extend the garage by four feet. She explained that other houses in the neighborhood have front-loading garages and that the property line setbacks limit the buildable area of the lot.

The Board opened the hearing for public comment. None was heard. The Board closed the public comment portion of the hearing.

Dave Klene indicated that the garage design would be consistent with other homes in the neighborhood.

Jim Douglas indicated that the ordinance imposes a difficulty in constructing larger garages.

Dave Klene made a motion to vote on the variance. Jim Douglas seconded the motion. The petition was **APPROVED 3-0**.

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 20-36 – DAVID EBERHART: DEVELOPMENT STANDARDS VARIANCE – To allow for a dwelling unit within an accessory structure [Section 5.04 D]. Located at 7808 S 375 W, Shelbyville, Jackson Township.

The petitioner did not appear. This petition was continued to December 8, 2020.

Discussion:

Hearing Officer Cases

BZA 20-35 – TAMARA E SCROGGINS: DEVELOPMENT STANDARDS VARIANCES – To allow for a new single-family residence less than 75-feet from the water's edge of Brandywine Creek [Section 5.68 H c]; less than 60-feet from the centerline of Brandywine Rd [Section 2.14]; and having a well less than 100-feet from property lines that adjoin property within agricultural zoning districts [Section 5.62 D]. Located at 5780 N Brandywine Rd, Shelbyville, Brandywine Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on November 9, 2020.

BZA 20-37 – BRIAN WOODS: DEVELOPMENT STANDARDS VARIANCE – To allow for a barn having a height of 24-feet (max. 20-feet permitted) [Section 2.12]. Located at 7374 W 950 N, Fairland, Moral Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on November 9, 2020.

Adjournment:

With no further business to come before the Board, Dave Klene moved to adjourn, and Jim Douglas seconded the motion. The meeting was adjourned.

President Date

Secretary Date