

**Shelby County Board of Zoning Appeals  
Meeting Minutes  
February 14, 2023**

**Members Present:**

Kevin Carson  
Terry Knudson  
Dave Klene  
Jim Douglas  
Nick Hartman

**Members Absent:**

None

**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 January 10, 2023. Terry Knudson seconded the motion. The minutes were approved 5-0.

**Old Business:**

**BZA 22-52 – FARNSEY FAMILY FARM LLC: DEVELOPMENT STANDARDS VARIANCE – To allow four single-family lots to utilize a single private driveway (maximum of two single-family lots permitted) [UDO Sec. 5.17 C 2]. Located at 7092 E Short Blue Rd, Shelbyville, Union Township.**

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

Jeff Powell represented the petitioner and property owner. He indicated that the petitioner had chosen to request that only four lots utilize the driveway, rather than the seven lots that he had proposed at the previous meeting.

Mark Farnsley was present.

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

Q: Dave Klene– You were saying that possibly someone was living in the barn back there, did you do any research on that?

A: Jeff Powell – I do not know if somebody is living in that barn. If that is the case, he would need to get a variance.

Q: Terry Knudson – What is the motivation for having one long driveway and everybody using it?

A: Jeff Powell – Cost. The most feasible access point for Farnsley lot. Helps take care of liability and maintenance of the driveway.

The Board had a discussion on design requirements for a paved public road.

Q: Jim Douglas – What’s the arrangement on maintaining this driveway?

A: Desiree Calderella – Its going to be a private agreement.

A: Jeff Powell – There’s going to be an agreement provided to Desiree before recording the plat.

Jeff Powell referenced the high cost to the County to maintain a public road providing access to only four houses.

Q: Jim Douglas – What is the condition of the driveway?

A: Jeff Powell – Stone, twelve foot wide, about a 2 out of 5.

Q: Dave Klene– Could they put more houses on it if it became a public road?

A: Desiree Calderella – Yes, but they would need Plan Commission approval to subdivide. There is not a limit on the number of access points once it becomes a public road.

Desiree Calderella referenced the problems associated with shared gravel roads that currently exist in the County.

Jeff Powell outlined a few of the specifics of the driveway maintenance equipment.

Kevin Carson expressed concern with approval to create a fourth lot with the possibility of someone already illegally occupying the barn on one of the existing lots.

Desiree Calderella indicated that the Board has the option to approve access to three lots rather than four lots.

The Board indicated that if they approved one new access, that they would prefer the new access only apply to the Farnsley lot.

Jim Douglas expressed concern with use of a narrow, gravel driveway by emergency vehicles.

Q: Jim Douglas – Has the Sheriff’s Department or Fire Department ever had a conversation with you about this type of situation?

A: Desiree Calderella – No.

Dave Klene expressed concern with issues that may arise if future owners have a disagreement regarding use or maintenance of the driveway.

Kevin Carson made a motion to vote on the petition with stipulations and Jim Douglas seconded the motion. The petition was **APPROVED 5-0** with **stipulations**:

- 1. No more than three (3) single-family lots shall utilize the driveway. The three lots utilizing the driveway shall be the three lots shown on the site plan submitted with the variance application.**
- 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.**

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

**New Business:**

**BZA 23-03 – NORTHWEST CONSOLIDATED SCHOOL DISTRICT OF SHELBY COUNTY: DEVELOPMENT STANDARDS VARIANCES – To allow a new 8.3-foot-tall ground sign at the High School (maximum height of 6-feet permitted), a new 6.75-foot-tall ground sign at the Middle School (maximum height of 6-feet permitted), a new 6.75-foot-tall ground sign at the Elementary School (maximum height of 6-feet permitted) [UDO Sec. 5.74 B 4 b], a 7.9 sq. ft. private property directional sign at the east entrance (maximum area of 2 sq. ft. permitted), and a 7.9 sq. ft. private property directional sign at the south entrance (maximum area of 2 sq. ft. permitted) [UDO Sec. 5.73 Q 2]. Located at 4920 W 600 N, Fairland, Moral Township.**

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

approval.

Lauren Obendorf with Green Sign Company represented the petitioner. She provided a summary of the petition and indicated that the school planned to install the signs to address traffic flow and safety concerns. She indicated that for passing motorists to clearly see the signs at the required setback line, the signs must exceed ordinance size requirements.

The Board opened the hearing for public comment.

Adam Freeman, who lives at 4915 W 600 N, indicated that he did not have any concerns with an unlit sign. He asked for clarification on the definition of a private property sign.

The Board closed the public comment portion of the hearing.

Kevin Carson made a motion to vote on the petition and Nick Hartman seconded the motion. The petition was **APPROVED 5-0**.

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.

### **Discussion**

**BZA 23-02 – BRUCE & KAREN RITCHEY: DEVELOPMENT STANDARDS VARIANCE. Located at 6137 S 750 W, Edinburgh, Jackson Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on January 17, 2023.

### **Rules of Procedure**

Desiree Calderella indicated that she and Jason Clark are working on a rule of procedure.

### **Zoning Violations**

**Virk – 7165 Old SR 252**

Desiree Calderella indicated that she had not gone down to the property to verify removal of trucks but had also received no other complaints from the neighbors.

**Wood - 4942 N Brandywine Rd**

Kevin Carson expressed concern that the property had come out of compliance. The Board asked that the Planning Office issue a zoning violation.

**Rigdon – 5879 N PR 660 W**

Desiree Calderella informed the Board that FEMA had decided to deny the Rigdon’s Letter of Map Amendment to remove the structure from the floodplain and that the Rigdon’s planned to bring the structure into compliance with the County’s floodplain regulations. Jeff Powell explained the technical processes for brining the structure into compliance.

**Adjournment:**

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

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President	Date
Jim Douglas	

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Secretary	Date
Kevin Carson	