

Shelby County Board of Zoning Appeals
Meeting Minutes
May 10, 2022

Members Present:

Kevin Carson
Terry Knudson
Dave Klene
Jordan Caldwell – via Zoom
Jim Douglas

Members Absent:

None

Staff Present:

Desiree Calderella – Planning Director
Jody Butts – 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 April 12, 2022. Dave Klene seconded the motion. The minutes were approved 5-0.

New Business:

BZA 22-21 – RICKY JAY PAUL II: DEVELOPMENT STANDARDS VARIANCES – To allow the front facade of a new single-family residence to not face the road to which the home gains access [UDO Sec. 5.11 A], a new residential driveway adjoining the property line (minimum 10-foot setback required) [UDO Sec. 5.18 D], and a new residential driveway adjoining the entrance to an existing residential driveway (minimum 60-foot setback required) [UDO Sec. 5.18 A 2]. Located at 3433 E German Rd, Shelbyville, Addison Township.

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

Ricky Jay Paul II explained that he planned to keep horses on the north half of the property and that he would prefer to face the home toward SR 44 so that he could view the horses out the rear windows of the home.

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

Kevin Carson noted that due to the size of the lot, the petitioner would need to request another variance to keep horses on the property.

Q: Kevin Carson – Have you told the neighbors that you plan to keep horses on the property?

A: Ricky Jay Paull II – Yes, they did not express any concerns.

Q: Kevin Carson – Are there plans to develop the adjoining lots to the south?

A: Ricky Jay Paull II – No, the church to the south owns these lots and they plan to use the lots for recreational area related to the church.

Kevin Carson made a motion to vote on the petition and Terry Knudson 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

BZA 22-23 – BRADLEY DAVIS: DEVELOPMENT STANDARDS VARIANCES – To allow for a 5,400 sq. ft. pole barn resulting in the total area of all accessory structures on the lot exceeding 2X the footprint of the house [UDO Sec. 5.06 D], resulting in more than two enclosed accessory structures on the lot [UDO Sec. 5.06 C], and for use unrelated to the primary use of the property (storage of a semi-trailer truck) [UDO Sec. 5.06 A]. Located at 8299 N Frontage Rd, Fairland, Moral Township.

Desiree Calderella read the petition into the record and stated that Staff recommends denial of the Maximum Size variance and approval of the Maximum Number variance and Permitted Type variance with stipulations.

Bradley Davis stated that he plans to store a 70-foot-long semi-trailer, F150 truck, three trailers, and a snowplow in the building. He explained that he would prefer to store these items in a building to protect the items from the weather and to keep the items out of view of neighboring properties. He explained that he had calculated the proposed size of the building based on the size of the items he plans to store in the building. He indicated that the property only has one close neighbor and that this neighbor did not have any concerns with the variance request. He indicated that the industrial building approved for

the Pleasant View area greatly exceeds the size that he has proposed for his building. He explained that he is self-employed and uses the items he plans to store in the building for his job, however, would not conduct a business from the property.

The Board opened the hearing for public comment.

Lisa Wojihoski-Schaler, representing the Northwest Shelby County Concerned Citizens Coalition, stated that the group has no objection to the variance. She indicated that denial of the variance would prove hypocritical given the size of the Five Below building at the nearby Pleasant View exit.

Blake Newkirk noted that the neighboring property includes a 4,500 sq. ft. barn.

The Board closed the public comment portion of the hearing.

Q: Dave Klene – Would you consider a smaller building?

A: Bradley Davis – No, the items I plan to store in the building would not fit in a smaller building.

Kevin Carson indicated that he and Jim Douglas had visited the property. He stated that he did not find an issue with the proposed size of the building given the size of the Moral Township Fire Department building on adjoining property to the north, the size of the barn on the adjoining property to the south, and the distance of the proposed building site from the road.

Kevin Carson made a motion to vote on the petition with stipulations and Jim Douglas seconded the motion. The petition was **APPROVED 4-1** with **stipulations**, with Dave Klene casting the negative vote.

- 1. The semi-trailer truck shall not be parked or stored outdoors.**
- 2. The barn shall not be used for any purpose not permitted in the RE District, other than for storage of the items indicated in the petitioner's testimony.**

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

Old Business:

**BZA 22-17 – DANNY RIGDON: DEVELOPMENT STANDARDS VARIANCES –
To allow a single-family home having a basement below the Flood Protection Grade
in a Special Flood Hazard Area [UDO Sec. 5.20 E 2 b] and grant of a variance from
floodplain standards for development on a lot over ½-acre [UDO Sec. 5.20 F 4 d].
Located at 5879 N PR 660 W, Fairland, Sugar Creek Township.**

On behalf of the petitioner, Desiree Calderella requested that the Board table the petition indefinitely to allow time for the petitioner to submit an application to FEMA to potentially remove the home from the floodplain.

Dave Klene made a motion to table the petition and Kevin Carson seconded the motion. The petition was **TABLED unanimously**.

Discussion

None.

Adjournment:

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

_____ President	_____ Date
Jim Douglas	

_____ Secretary	_____ Date
Kevin Carson	