

Shelby County Board of Zoning Appeals
Meeting Minutes
June 8, 2021

Members Present:

Kevin Carson
Jim Douglas
Dave Klene
Doug Warnecke

Members Absent:

Rachel Ackley

Staff Present:

Desiree Calderella – Planning Director
Jody Butts – Board Attorney

Call to Order and Roll Call:

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

Approval of Minutes

Doug Warnecke made a motion to approve the minutes from May 11, 2021. Dave Klene seconded the motion. The minutes were approved 4-0.

Old Business

BZA 21-13 – LAURA NEWBY: DEVELOPMENT STANDARDS VARIANCE – To allow for a dwelling unit within an accessory structure [UDO Section 5.04 D]. Located at 6894 W SR 44, Shelbyville, Hendricks Township.

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

Kyler Adams, who also owns the subject property, represented the petitioner. He explained that they planned to add a bedroom and additional living area to the ground floor of the existing apartment.

The Board opened the hearing for public comment.

Kyle Barlow, who owns adjacent farm ground, stated that he did not oppose the variance however would like to be notified if the petitioner decided to rent the apartment.

The Board closed the public comment portion of the hearing.

Q: Kevin Carson – Do agree with Staff’s recommended stipulations?

A: Kyler Adams – Yes.

Q: Jim Douglas – Is there currently a bedroom upstairs?

A: Kyler Adams – Yes, the unit also has a full functioning kitchen and bathroom.

Q: Doug Warnecke – Is there a separate septic system for the apartment?

A: Kyler Adams – We plan to install a septic system.

Q: Doug Warnecke – Do you understand that the variance will not allow you to rent the unit?

A: Kyler Adams – Yes, we have no interest in renting the unit.

Dave Klene made a motion to vote on the variance with stipulations. Jim Douglas seconded the motion. The petition was **APPROVED 4-0** with **stipulations**:

- 1. The accessory structure shall only be occupied by the petitioner and the petitioner’s spouse.**
- 2. The Shelby County Building Inspector shall conduct a final inspection of the entire structure.**
- 3. Beginning in May of 2023, the petitioner shall provide notice to the Plan Commission office every other year regarding the continued need by the petitioner to occupy the accessory structure.**

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 21-20 – LOUIS N. HUDSON: DEVELOPMENT STANDARDS VARIANCE – To allow for construction of a 5,200 sq. ft. 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 Section 5.06 D]. Located at 6435 E 1100 N, Morristown, Hanover Township.

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

approval.

Louis N. Hudson explained that he planned to use the barn for personal indoor horse riding.

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

Q: Kevin Carson – How many horses do you have on the property?

A: Louis N Hudson – Currently four.

Desiree Calderella explained that horses had been previously kept on the property and that the original zoning ordinance would have permitted stables on the property, therefore the keeping of horses would be a grandfathered use.

Louis N. Hudson stated that his family has kept horses on the property since 1971.

Q: Jim Douglas – Where do you plan to place the building?

A: Louis N Hudson – At the center of the property.

Q: Doug Warnecke – Do you pasture the horses currently?

A: Louis N Hudson – We keep them in a structure built on the property last year.

Q: Jim Douglas – Are these Pleasure horses?

A: Louis N Hudson – Yes, Western Pleasure.

The board noted that agricultural land surrounds the property.

Q: Doug Warnecke – Does the variance transfer with ownership?

A: Desiree Calderella – Yes, however not necessarily the grandfathering status of the horses.

Dave Klene made a motion to vote on the variance. Jim Douglas 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 21-19 – ANDREW L MILBY: DEVELOPMENT STANDARDS VARIANCES
– To allow for construction of a 1,440 sq. ft. pole barn in the front yard [UDO**

Section 5.04 C] and greater than 50% the square footage of the footprint of the house [UDO Section 5.07 F 1]. Located at 4622 W 1120 N, New Palestine, Moral Township. Lakeview Estates Sec. 3, Lot 81.

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

Andrew Milby explained that he plans to use the structure as a garage and decided to build the garage to improve the value of the property. He explained that use of brick or vinyl siding would significantly increase the cost of construction, however he plans to use metal siding that matches the color of the house.

The Board opened the hearing for public comment.

Jeff Hornung, who lives at 4632 W 1120 N, expressed concern that the building could displace water onto his property, which sits lower than the petitioner's property. He indicated that he had no other objections to the variance.

Alene Apple, who lives at 11246 N 460 W, expressed concern that a large accessory building would not look good in the neighborhood. She also expressed concern with the impact the structure would have on drainage.

Steve Apple, the son of Alene Apple, explained that the neighborhood had enforced building standards and setback standards when developed in the 1970s. He expressed concern with the size of the garage and explained that it would resemble the size of a four-car garage. He indicated that the petitioner already has a large house and patio area. He explained that a large structure having a brick/vinyl facade in the front yard would resemble a house rather than a typical accessory structure. He indicated that a lot across includes a smaller, two-car garage with a vinyl facade. He expressed concerns with impacts to drainage and with approval of the variance setting a precedent for development of accessory structures in the front yard of other lots in the neighborhood.

The Board closed the public comment portion of the hearing.

Andrew Milby indicated that a nearby corner lot also has a large accessory structure. He explained that the area proposed for his garage functions as a side yard rather than a front yard. He explained that a future property owner with a family may own several vehicles. He stated he would work with his contractor to provide adequate drainage facilities.

Andrew Milby provided building elevations and samples of the building materials he plans to use on the facade of the structure.

Q: Doug Warnecke – How many garage doors?

A: Andrew Milby – Two.

Q: Jim Douglas – Can you move the building back?

A: Andrew Milby – We have a privacy fence in the back yard.

Q: Kevin Carson – What are the setback lines?

A: Andrew Milby – Eight-to-ten feet from the side property line.

Q: Doug Warnecke – Would you consider reducing the size of the building?

A: Andrew Milby – We have not considered downsizing the building.

Doug Warnecke explained that the contractor could address drainage and that it does not appear that the location of the barn would pose a major issue, however the size of the structure does pose a concern.

Q: Doug Warnecke – Would you agree to Staff's stipulation regarding exterior materials?

A: Andrew Milby – The contractor stated that brick/vinyl would add 35% to the cost of the project.

Q: Doug Warnecke – Would there be windows or doors facing the side property line?

A: Andrew Milby – No.

Jim Douglas expressed concern with placement of an accessory structure in the front yard that does not include building materials similar to the house.

Andrew Milby stated that they planned to landscape the front of the building.

Q: Doug Warnecke – Can you move the building back or decrease the size of the building?

A: Andrew Milby – We cannot move the building back because of the pool in the rear yard and moving the building back would off-set the building from the driveway. We could decrease the size.

Kevin Carson stated that several structures in the neighborhood have vinyl siding, but not brick siding.

Q: Doug Warnecke – Would you be willing to reassess your plans with your contractor and come back to the Board?

A: Andrew Milby – Yes.

The Board outlined the options for proceeding with the petition.

Andrew Milby indicated that he would prefer that the Board table the case to give him time to discuss his plans with his contractor.

Doug Warnecke made a motion to table the variance. Dave Klene seconded the motion. The petition was **CONTINUED**.

BZA 21-09 – AMANDA MITCHELL: DEVELOPMENT STANDARDS

VARIANCE – To legally establish an attached garage less than 30-feet from the side

property line [UDO Section 2.12]. Located at 4068 W 700 S, Shelbyville, Jackson Township

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on April 14, 2021.

BZA 21-12 – RONALD L RHOADES: DEVELOPMENT STANDARDS VARIANCES – To allow for a new single-family dwelling 58-feet from the centerline of Blue Ridge Rd. (minimum 75-foot setback required) [UDO Sec 2.18] and without a two-car, attached garage [UDO Sec 5.12]. Located at 7580 E Blue Ridge Rd, Shelbyville, Liberty Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on April 14, 2021.

BZA 21-14 – JAY & DIANN GRIFFITH: DEVELOPMENT STANDARDS VARIANCE – To allow an accessory structure in the front yard [UDO Section 5.04 C]. Located at 5620 E 850 N, Shelbyville, Hanover Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on May 10, 2021.

BZA 21-16 – JARED LASITER: DEVELOPMENT STANDARDS VARIANCE – To allow a front-loading garage forward main living area of house [UDO Section 5.12 D 2 a]. Located at 7280 N Woodnotes Addition, Fairland, Moral Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on May 10, 2021.

BZA 21-17 – KEVIN M DURBIN: DEVELOPMENT STANDARDS VARIANCE – To allow an accessory structure in the front yard [UDO Section 5.04 C]. Located at 4322 W 950 N, Fountaintown, Moral Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on May 27, 2021.

BZA 21-18 – COSSAIRT IRREVOCABLE TRUST: DEVELOPMENT STANDARDS VARIANCE – To allow an existing single-family residence 6.1-feet from a side property line (minimum 8-foot setback required). [UDO Section 2.18]. Located at 5620 E 850 N, Shelbyville, Hanover Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on June 8, 2021.

Adjournment:

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

President	Date
Kevin Carson	

Secretary	Date
Dave Klene	