

**Shelby County Board of Zoning Appeals**  
**Meeting Minutes**  
**July 11, 2023**

**Members Present:**

Kevin Carson  
Dave Klene  
Nick Hartman

**Members Absent:**

Terry Knudson  
Jim Douglas

**Staff Present:**

Desiree Calderella – Planning Director  
Jason Clark – Board Attorney

**Call to Order and Roll Call:**

Dave Klene 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 June 13, 2023. Nick Hartman seconded the motion. The minutes were approved 3-0.

**Old Business:**

**BZA 23-22 – MARK LEE: Negative Findings of Fact**

Kevin Carson made a motion to adopt the Findings of Fact as presented in the meeting materials, and Nick Hartman seconded the motion. The Findings of Fact were **APPROVED 3-0.**

The Board adopted the following Findings of Fact:

1. The approval will be injurious to the public health, safety, morals, and general welfare of the community. Under future property ownership, use of a shared gravel driveway by multiple property owners would likely cause disagreements among the property owners regarding regular maintenance of the gravel driveway.
2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner. A paved road or driveway

would increase the value of the property, thereby protecting surrounding property values.

3. The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property. Shared access by three residential lots would not necessitate installation of a public road per County road specifications, however a paved driveway requiring minimal maintenance would limit disputes between future property owners regarding driveway maintenance.

**New Business:**

**BZA 23-25 – MARK LEE: DEVELOPMENT STANDARDS VARIANCES – To allow three (3) single-family lots to utilize a single paved private driveway (maximum of two single-family lots permitted) [UDO Sec. 5.17 C 2] and one new lot without frontage on a public road (minimum 50-feet of road frontage required) [UDO Sec. 2.14]. Located at 5815 W PR 874 S, Edinburgh, Jackson Township.**

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

Mark Lee stated that he agreed to pave the driveway.

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

Q: Dave Klene – Do you agree to the stipulations?

A: Mark Lee – Yes.

Kevin Carson made a motion to vote on the petition with stipulations, and Nick Hartman seconded the motion. The petition was **APPROVED 3-0** with **stipulations:**

- 1. No more than five (5) single-family lots shall utilize the driveway.**
- 2. An 8' x50' paved pull-off shall be installed on the new lot along the driveway.**
- 3. The shared portion of the driveway shall be at least fifteen (15) feet wide and shall be paved.**
- 4. The petitioner shall submit the easement of record to the Plan Commission Office.**

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 23-26 – SHELLY HAM: DEVELOPMENT STANDARDS VARIANCES – To allow a new single-family residence less than 1,600 sq. ft. [UDO Sec. 2.14] and without a two-car attached garage [UDO Sec. 5.11 D 1], or alternatively to allow an accessory structure utilized for human occupancy [UDO Sec. 5.04 D] and three (3) enclosed accessory structures on one lot [UDO Sec. 5.06 C]. Located at 8800 S 600 W, Edinburgh, Jackson Township.**

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

Shelly Ham explained that she planned to subdivide the property and would like to obtain the variance to allow her to build a 1,300 sq. ft. modular home and detached garage.

The Board opened the hearing for public comment.

Daren Lee, who owns property at 5887 W PR 884 S, expressed support for the petition and the previous petition heard by the Board.

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 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.

**V23-02 – DONALD M PITZER: ZONING VIOLATION. A fence in the front yard on property in the VR (Village Residential) District exceeding three (3) feet in height [UDO Sec. 5.23 F]. Located at 7398 W 700 N, Fairland, Moral Township.**

Desiree Calderella indicated that the property owner had not received the certified mail informing him of hearing of the case before the BZA.

Kevin Carson made a motion to continue the case to the next meeting of the BZA, and

Nick Hartman seconded the motion. The case was **CONTINUED 3-0**.

**Discussion**

None.

**Adjournment:**

With no further business to come before the Board, Kevin Carson moved to adjourn, and Nick Hartman seconded the motion. The meeting was adjourned.

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President	Date
Jim Douglas	

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Secretary	Date
Kevin Carson	