

Shelby County Board of Zoning Appeals
Meeting Minutes
July 12, 2022

Members Present:

Kevin Carson
Terry Knudson
Dave Klene
Jordan Caldwell
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:

Dave Klene made a motion to approve the minutes from June 14, 2022. Kevin Carson seconded the motion. The minutes were approved 5-0.

Old Business:

None.

New Business:

BZA 22-22 – ERIC ROBERTSON: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for an occasional flea market in the A4 (Agricultural Commercial) District, a gravel driveway [UDO Sec. 5.18 C], and lack of required landscape buffer yards along property lines [UDO Sec. 5.49]. Located at 3145 W Old SR 252, Flat Rock, Washington Township.

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

Andrew Sumerford represented the petitioner. He explained that the proposed occasional use would provide an amenity currently not available in the area and would have minimal

impact. He indicated that the petitioner would pave the entrance to the driveway and that the adjoining farmers would prefer the lack of landscape buffers.

Eric Robertson was present.

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

Eric Robertson indicated that he would asphalt the driveway from the road to the property gate, would place millings on the gravel portion of the driveway to control dust, and plans to operate the flea market in conjunction with equipment auctions two to three times a year.

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

- 1. Use of the property for any purpose other than crop production, public auctions of agricultural and construction equipment, and occasional flea markets shall render the development standards variances void.**
- 2. A concrete or asphalt driveway apron shall be installed within the right-of-way of Old SR 252.**

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.

BZA 22-26 – JASON A SMITH: DEVELOPMENT STANDARDS VARIANCES – To allow for a 1,200 sq. ft. pole barn in the front yard [UDO Sec. 5.04 C] and adjoining the right-of-way of CR 700 S (minimum 50-foot setback required) [UDO Sec. 2.12]. Located at 5917 W 700 S, Edinburgh, Jackson Township.

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

Jason Smith indicated that he plans to use the barn for a woodshop, storage of a truck and four-wheeler, and for his wife's hobbies. He explained that he did not consider the area proposed for the building site the front yard.

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

Q: Kevin Carson – Do you intend to use the barn as living space?

A: Jason Smith – No

Q: Jordan Caldwell – Do you intend to use the barn for a business?

A: Jason Smith – No

Kevin Carson made a motion to vote on the petition with stipulations and Jordan Caldwell 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

None.

Adjournment:

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

President	Date
Jim Douglas	

Secretary	Date
Kevin Carson	