

**Shelby County Board of Zoning Appeals**  
**Meeting Minutes**  
**April 9, 2019**

**Members Present:**

Dave Klene  
Doug Warnecke  
Jim Douglas  
Kevin Carson  
Rachael Ackley

**Members Absent:**

None

**Staff Present:**

Desiree Calderella  
Mark McNeely – 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**

Approval of the March 12, 2019 minutes was continued to the May 14, 2019 BZA meeting.

**Old Business**

None

**New Business:**

**BZA 19-06 – MARYJO PAIGE NEDDERMAN: DEVELOPMENT STANDARDS VARIANCE – To allow for a 1,080 sq. ft. residential accessory structure (the total square footage of all accessory structures on a lot cannot exceed 50% the footprint of the residence in the R1 (Single-Family Residential) District). The property is located in Union Township at the address 6200 E Phares Ave, Shelbyville.**

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

Maryjo Paige Nedderman indicated that her children live on the subject property and that they would use the structure for extra storage space and to park vehicles. She also indicated that she believed the structure would raise the value of the property.

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

Ms. Nedderman indicated that she did not plan to use the structure for commercial purposes.

Q: Kevin Carson – What are the setbacks?

A: Ms. Nedderman – 10-feet on the east and 20-feet on the west.

Ms. Nedderman indicated that other properties in the area include buildings of similar size.

Jim Douglas made a motion to vote on variance. Doug Warnecke 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 19-07 – JEFFREY & DEBORAH SWEET: USE VARIANCE – To allow for a wedding and event venue in the A2 (Agricultural) District. The property is located in Nobel Township at the address 5752 E River Rd, Waldron.**

Desiree Calderella read the petition into the record and stated that Staff recommended approval of the petition with a condition regarding the placement of a sign identifying the hidden driveway.

Jeff Sweet explained that he and his wife would like to leverage their background in hospitality to start a wedding venue.

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

Jeff Sweet verified the facts of the petition. He explained that most weddings would occur on Fridays and Saturdays, and sometimes Sundays. He stated that Dave Adams (County Building Inspector) had reviewed and approved his plans.

Q: Doug Warnecke – What are your plans for parking?

A: Jeff Sweet – Gravel parking in the pasture and access from the road through the existing driveway.

Q: Kevin Carson – Do you have a turn-a-round for emergency vehicles?

A: Jeff Sweet – Yes, the property has a circular drive.

Q: Doug Warnecke – Will you serve alcohol?

A: Jeff Sweet – Yes, plan to obtain a beer and wine license.

Rachel Ackley made a motion to vote on variance. 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, 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 19-08 – NATHANIEL BEST: DEVELOPMENT STANDARDS VARIANCE – To allow for a 2,400 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 50% the footprint of the residence in the R1 (Single-Family Residential) District). The property is located in Nobel Township at the address 5849 E 600 S, Waldron.**

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

Nathaniel Best indicated that he would use the barn for storage and parking. He would like to build a barn large enough to store a boat.

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

Mr. Best verified the facts of the petition.

Q: Doug Warnecke – How tall will the barn be?

A: Nathaniel Best – Four-foot walls and taller than the house.

Doug Warnecke made a motion to vote on variance. Rachel Ackley 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 19-09 – ANTHONY MUIR: DEVELOPMENT STANDARDS VARIANCE – To allow for an 1,800 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 50% the footprint of the residence in the R1 (Single-Family Residential) District). The property is located in Washington Township at the address 2220 W 900 S, Flat Rock.**

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

Anthony Muir indicated that he would use the barn for storage and parking vehicles. He verified the facts of the petition and indicated that several properties in the area have large barns.

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

Doug Warnecke made a motion to vote on the variance. The petition was **approved 5-0**.

The Board adopted the following findings of fact:

4. The approval will not be injurious to the public health, safety, and general welfare of the community.
5. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
6. 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 19-10 – HERSCHEL & PAMELA PEOPLES: DEVELOPMENT STANDARDS VARIANCE – To allow for a house addition 71-feet from the center of N 800 W (minimum 65-foot setback required). The property is located in Moral Township at the address 11254 N 800 W, New Palestine.**

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

Pamela Peoples verified the facts of the petition and indicated that the addition would expand their current living room. She indicated that the addition would not be closer to the road than other houses in the area.

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

Kevin Carson verified that an expansion was planned for 700 W rather than 800W.

Doug Warnecke made a motion to vote on variance. Rachel Ackley seconded the motion. The petition was **approved 5-0**.

The Board adopted the following findings of fact:

7. The approval will not be injurious to the public health, safety, and general welfare of the community.
8. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
9. 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**

**Maximum Size Requirements for Accessory Structures Ordinance Amendment**

Desiree Calderella presented the following ordinance amendment apply to accessory structures in the R1 District:

5.07 F. Maximum Size:

1. The total square footage of all enclosed accessory structures on a lot adjoining one or more lots in the R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, or HI Districts shall not exceed fifty percent (50%) of the footprint of the primary structure.
2. The total square footage of all enclosed accessory structures adjoining only lots in the OP, A1, A2, A3, A4, and/or RE Districts shall not exceed two times (2X) the footprint of the primary structure.

The Board generally agreed with the amendment. Ms. Calderella said that she would provide notice of the amendment for the next plan commission meeting.

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

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President Date

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Secretary Date