

**Shelby County Board of Zoning Appeals**  
**Meeting Minutes**  
**May 14, 2019**

**Members Present:**

Doug Warnecke  
Jim Douglas  
Kevin Carson

**Members Absent:**

Dave Klene  
Rachael Ackley

**Staff Present:**

Desiree Calderella – Planning Director  
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**

Doug Warnecke made a motion to approve the minutes from April 9, 2019. Jim Douglas seconded the motion. The minutes were approved 3-0.

**Old Business**

None

**New Business:**

**BZA 19-11 – CODY LINGERFELT: DEVELOPMENT STANDARDS VARIANCE – To allow for a 1,200 sq. ft. barn (the total square footage of all accessory structures on a lot in an R1 (Single-Family Residential) District adjoining a lot in an R1 or higher intensity zoning district cannot exceed 50% the footprint of the residence). The property is located in Liberty Township at the address 713 E Middletown Rd, Waldron.**

Desiree Calderella read the petition into the record.

Cody Lingerfelt indicated that he planned to use the accessory structure for storage.

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

Q: Kevin Carson – Did any of the neighbors have objections?

A: Ms. Lingerfelt – No.

Q: Doug Warnecke – Will the building be as large as the previous accessory structure on the property?

A: Mr. Lingerfelt – A little smaller and only one story.

Jim Douglas made a motion to vote on variance. Doug Warnecke 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.

**BZA 19-12 – STEVEN SHEPPERD: DEVELOPMENT STANDARDS VARIANCE – To allow for a 4,800 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 2X the footprint of the residence in the RE (Residential Estate) District). The property is located in Brandywine Township at the address 4583 N 400 W, Fairland.**

Desiree Calderella read the petition into the record.

Steven Shepperd indicated that he planned to use the accessory structure for storage of a tractor, backhoe, and other farm equipment.

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

Q: Jim Douglas – What will be the eve height?

A: Mr. Shepperd – Fourteen feet.

Q: Doug Warnecke – Will you use the structure for commercial purposes?

A: Mr. Shepperd – No.

Q: Doug Warnecke – What will be the distance between the structure and the house?

A: Mr. Shepperd – About 300 feet.

Kevin Carson made a motion to vote on variance. Jim Douglas 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.

**BZA 19-13 – PATRICK LAWSON & TANSY AARON-WALKER: SPECIAL EXCPETION – To allow for construction of a new single-family dwelling in an A1 (Agricultural) District. The property is located in Nobel Township at the approximately 5800 E River Rd, Waldron.**

Desiree Calderella read the petition into the record.

Peter DePrez, attorney for the petitioners, indicated that the petitioners agreed with Staff's recommended condition that the single-family dwelling and associated accessory structures shall not be constructed on any land designated as Prime Farmland by the USDA Soil Survey.

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

Kevin Carson made a motion to vote on variance with the condition recommended by Staff. Doug Warnecke seconded the motion. The petition was **approved 3-0 with the condition that the single-family dwelling and associated accessory structures shall not be constructed on any land designated as Prime Farmland by the USDA Soil Survey.**

The Board adopted the following findings of fact:

1. The proposed special exception is consistent with the purpose of the zoning district and the Shelby County Comprehensive Plan.
2. The proposed special exception will not be injurious to the public health, safety, morals, and general welfare of the community.
3. The proposed special exception is in harmony with all adjacent land uses.
4. The proposed special exception will not alter the character of the district.
5. The proposed special exception will not substantially impact property value in an adverse manner.

**BZA 19-14 – MICHAEL HARDESTY: DEVELOPMENT STANDARDS VARIANCES – To allow for a 2,400 sq. ft. barn (the total square footage of all accessory structures on a lot in an VR (Village Residential) District adjoining a lot in an R1 or higher intensity zoning district cannot exceed 50% the footprint of the residence) and a gravel driveway (paved driveway required). The property is located in Brandywine Township at the address 206 W Clark Ln, Fairland.**

Desiree Calderella read the petition into the record.

Mike Hardesty indicated that he planned to construct the barn at a future date and that the barn may have a smaller footprint than the size proposed. He explained that the floor area of the structure closest to the driveway would most likely include an open-sided deck. He indicated that he planned to use the structure for storage and as a space for entertaining guests. He indicated that his wife's family owned several of the adjoining parcels.

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

Kevin Carson indicated that the request was similar in nature to other buildings in the area and that the property sat back from the road.

Mr. Hardesty explained that he owns the driveway and grants a legal access easement over the driveway to the properties to the north and east.

Kevin Carson made a motion to vote on variance. Jim Douglas seconded the motion. The petition was **approved 3-0**.

The Board adopted the following findings of fact:

6. The approval will not be injurious to the public health, safety, and general welfare of the community.
7. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
8. 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 19-15 – STEPHEN BLAIR: USE & DEVELOPMENT STANDARDS VARIANCE – To allow for the use of a recreational vehicle (and possibly a future manufactured home) as primary living quarters in a VR (Village Residential) District and to allow for a fence exceeding 3-feet in height in a VR District.**

Jerry Lux, attorney for the petitioner, requested a continuance. He explained that his client had retained him at a late date and that they needed to resolve some issues with the petition.

Doug Warnecke made a motion to approve the request. Jim Douglas seconded the motion. The request was **approved 3-0**.

### **Discussion**

**Patrick Black**

