

Shelby County Board of Zoning Appeals
Meeting Minutes
October 12, 2021

Members Present:

Kevin Carson
Dave Klene
Doug Warnecke
Jim Douglas
Rachael Ackley

Members Absent:

None

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 September 14, 2021.
Rachael Ackley seconded the motion. The minutes were approved 5-0.

Old Business:

None.

New Business:

BZA 21-30 – RYAN TURNER: DEVELOPMENT STANDARDS VARIANCES – To allow a 3,000 sq. ft. pole barn in the front yard [UDO Section 5.04 C] and the total area of all accessory structures on the lot to exceed 2X the footprint of the house [UDO Section 5.06 D]. Located at 301 E 275 S, Shelbyville, Shelby Township.

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

Ryan Turner stated that he planned to store a camper and vehicles in the barn.

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

the public comment portion of the hearing.

Ryan Turner explained that he preferred to not relocate the barn per Staff's recommendation because he planned to use the pad of the existing barn. Moving the barn would require installation of additional materials to extend the pad. He stated that the new barn would not sit any further to the east than the existing barn.

Q: Jim Douglas – What will be the height of the barn?

A: Ryan Turner – Sixteen-foot ceiling. The current barn is 12-feet tall.

Ryan Turner stated that he had talked to most of the neighbors, and that they did not express any concerns with the proposed barn.

Q: Doug Warnecke – Would the new barn be an aesthetic improvement to the existing barn.

A: Ryan Turner – Yes.

Q: Doug Warnecke – No plumbing in the barn?

A: Ryan Turner – Correct.

Q: Kevin Carson – No business in the barn?

A: Ryan Turner – Correct. The sign on the existing barn was for his grandfather's woodworking business.

Doug Warnecke explained that he moved to vote without Staff's stipulation because the new barn would follow the same east building line as the current barn.

Doug Warnecke made a motion to vote on the petition and Rachael 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 21-31 – RICHARD T & JOANN N ABBATE: DEVELOPMENT STANDARDS VARIANCE – To allow for a dwelling unit within an accessory structure [UDO Section 5.04 D]. Located at 8646 S 600 W, Edinburgh, Jackson Township.

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

Richard Abbate indicated that he agreed with Staff's stipulations, other than that he preferred to increase the maximum square footage of the living space to 1,000 sq. ft. He explained that his guests would find 1,000 sq. ft. of area more comfortable and that he had designed the plans for a 1,000 sq. ft. living space prior to knowing that the dwelling unit would require approval of a variance. He stated that he does not plan to sell the property or to rent out the dwelling unit.

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

Richard Abbate stated that the Health Department had approved plans for a new septic system and that the structure would sit in the same general location as a previous barn.

Dave Klene made a motion to vote on the petition with Staff's stipulations, however amending the maximum square footage from 900 sq. ft. to 1,000 sq. ft., and Rachael Ackley seconded the motion. The petition was **APPROVED 5-0** with **stipulations:**

- 1. The area of the structure dedicated toward living space shall not exceed 1000 sq. ft. (this excludes garage and storage areas).**
- 2. The dwelling unit shall not be rented and shall only be used as guest quarters for family members and friends of the property owner.**
- 3. The variance shall expire when the current property owner no longer owns the property.**
- 4. Beginning in October of 2023, the petitioner shall provide notice to the Plan Commission office every other year regarding the status of property ownership.**

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 21-32 – JERALD T DODDRIDGE: DEVELOPMENT STANDARDS VARIANCES – To allow for a 900 sq. ft. accessory structure two (2) feet from the north side property line (minimum 5-foot setback required) [UDO Section 2.18]; two (2) feet from the rear property line (minimum 5-foot setback required) [UDO Section 2.18]; and greater than 50% the square footage of the footprint of the house [UDO Section 5.07 F 1]. Located at 508 S Main St, Waldron, Liberty Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval of the setback variances and denial of the size variance.

Jerald Doddridge explained that the new building would sit on the footprint of the old garage but would sit closer to the property lines.

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

Q: Doug Warnecke – What will be the height of the barn? Will it be taller than the house?

A: Jerald Doddridge – Ten-foot ceiling, 4/12 or 5/12 roof pitch. It will not be taller than the house.

Q: Doug Warnecke – Will the roof match the roof on the house?

A: Jerald Doddridge – No, it will have a metal roof.

Q: Kevin Carson – It will be a pole barn structure, correct?

A: Jerald Doddridge – Yes.

Q: Doug Warnecke – Have you spoken to your neighbors?

A: Jerald Doddridge – Yes, I have spoken to the three neighbors, and they did not express any concerns with the proposed structure.

Q: Rachael Ackley – How wide is your property?

A: Jerald Doddridge – Forty-seven feet.

Jim Douglas made a motion to vote on the petition as presented and Rachael 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.

Discussion

Desiree Calderella stated that the November meeting would be moved from the 12th to the 2nd.

Adjournment:

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

President	Date
Kevin Carson	

Secretary	Date
Dave Klene	