

**Shelby County Board of Zoning Appeals  
Meeting Minutes  
December 6, 2022**

**Members Present:**

Terry Knudson  
Dave Klene  
Jordan Caldwell  
Kevin Carson

**Members Absent:**

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 November 1, 2022. Jordan Caldwell seconded the motion. The minutes were approved 4-0.

**Old Business:**

**BZA 22-31 – PANJAB GROUP, INC.: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for outdoor storage of trucks and trailers in the I1 (Low Intensity Industrial) District, use of an existing barn encroaching over the 30-foot front setback line [UDO Sec. 2.34], use of an existing gravel driveway and installation of a new partially graveled driveway [UDO Sec. 5.20 C], less than 45-foot separation between driveways [UDO Sec. 5.20 A 2 b], and use of existing gravel parking area for employee parking [UDO Sec. 5.60 A]. Located at 6925 S Carroll Rd, Indianapolis, Moral Township.**

This petition was **WITHDRAWN** by the petitioner.

**New Business:**

**BZA 22-50 – JEROD HIGDON: DEVELOPMENT STANDARDS VARIANCES – To allow for a 3,456 sq. ft. barn in the front yard [UDO Sec. 5.04 C] and resulting in the total square footage of accessory structures exceeding 2X the square footage of**

**the footprint of the residence [UDO Sec. 5.07 F 2]. Located at 9431 S 250 W, Flat Rock, Washington Township.**

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

Jerod Higdon had no additional comment.

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 barn would not sit much closer to the road than the house.

Kevin Carson made a motion to vote on the petition and Jordan Caldwell seconded the motion. The petition was **APPROVED 4-0**.

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 22-51 – DUSTIN D & VALLERY SUE EMERICK: DEVELOPMENT STANDARDS VARIANCES – To allow for a 2,400 sq. ft. barn exceeding 50% the square footage of the footprint of the residence [UDO Sec. 5.07 F 1] and not having a concrete floor [UDO Sec. 5.07 E]. Located at 9386 S 250 W, Flat Rock, Washington Township.**

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

Dustin Emerick indicated that he planned to install a concrete floor in the barn.

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

Jordan Caldwell made a motion to vote on the petition and Kevin Carson seconded the motion. The petition was **APPROVED 4-0**.

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 22-52 – FARNSELY FAMILY FARM LLC: DEVELOPMENT STANDARDS VARIANCE – To allow seven single-family lots to utilize a single private driveway (maximum of two single-family lots permitted) [UDO Sec. 5.17 C 2]. Located at 7092 E Short Blue Rd, Shelbyville, Union Township.**

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

Jeff Powell represented the petitioner. He provided a summary of the petition, acknowledged that the legal notice contained an error, and indicated that Mr. Deak had requested that the driveway provide access to four potential future lots, in addition to Mr. Farnsley's lot and the two existing lots, for each of Mr. Deak's four children.

Mark Farnsley indicated that the sale of his lot would finance the care of his mother.

The Board opened the hearing for public comment.

Greg Griffin, who lives at 7159 E Short Blue Rd, expressed concern with the error in the legal notice, with approval setting a precedent for creation of subdivisions in rural areas, with the poor quality of the driveway, and with alteration to the rural character of the area.

Gail Griffin, who lives at 7159 E Short Blue Rd, expressed concern with approval of the variance setting a precedent.

The Board closed the public comment portion of the hearing.

Jeff Powell requested that the Board continue the petition and indicated that Mr. Farnsley would mail a corrected notice to the neighbors.

Jordan Caldwell made a motion to continue the petition with new notice and Kevin Carson seconded the motion. The petition was **CONTINUED 4-0**:

**BZA 22-53 – P&E12 LLP: DEVELOPMENT STANDARDS VARIANCE – To allow a Type 3 Home Bussiness (Small Engine Repair) on property where the operator of the bussiness does not reside [UDO Sec. 5.35 C 1]. Located at 6535 W 600 N, Fairland, Sugar Creek Township.**

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

Jacob Brattain represented the petitioner. He indicated that the zoning compliance issues associated with the property have remained resolved. He indicated that neighbors had spoken in support of the petitioner's previous rezoning petition, that the planning office had not received any complaints regarding operation of a business on the property since the petitioner had brought the property into compliance, that the petitioner lives nearby the property, and that the petitioner would like to continue to rent the house on the property.

Phillip Mitchko was present.

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 petitioner had remediated all previous compliance issues associated with the property.

Jacob Brattain asked if the Board would consider not adopting Staff's stipulation requiring that the operator of the business live within a mile of the property because the petitioner may live primarily out-of-state in the future.

The Board generally agreed that the petitioner could request an amendment to the stipulations if that situation arose.

Kevin Carson made a motion to vote on the petition with stipulations and Jordan Caldwell seconded the motion. The petition was **APPROVED 4-0** with **stipulations**:

- 1. All business operations shall be conducted indoors.**
- 2. Outdoor storage of commercial vehicles and products, materials, supplies, waste, scrap, or the like associated with a Type 3 Home Business shall be prohibited.**
- 3. The operator of the business shall live within a mile of the property.**

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.

**V21-08 – JOHN H & CYNTHIA S DEMARTINO: ZONING VIOLATION.  
Located at 2027 W Washington Ave, Addison Township.**

Desiree Calderella read the violation case into the record.

Martha Showers represented the property owners. She indicated that the DeMartinos have complied with everything that the Board had requested. She indicated that the DeMartinos have an 18-month lease on a different property and will use the vehicles on that property. She indicated that the DeMartinos have removed everything from the subject property, other than their personal vehicles that sometimes have engine issues that need repair. She indicated that the DeMartinos plan to stay in compliance and will have future requests before the Board.

Jordan Caldwell indicated that the property appeared in compliance when viewed from the road.

Kevin Carson made a motion to close the violation case and waive all possible fines, and Terry Knudson seconded the motion. The case was **CLOSED 4-0**.

**APPROVAL OF 2023 MEETING CALENDAR**

Kevin Carson made a motion to approve the calendar as presented and Jordan Caldwell seconded the motion. The calendar was **APPROVED**.

**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.

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President	Date
Jim Douglas	

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Secretary	Date
Kevin Carson	