

**Shelby County Board of Zoning Appeals  
Meeting Minutes  
December 8, 2020**

**Members Present:**

Dave Klene  
Jim Douglas  
Doug Warnecke  
Kevin Carson  
Rachael Ackley

**Members Absent:**

None

**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 November 10, 2020. Dave Klene seconded the motion. The minutes were approved 5-0.

**Old Business:**

**BZA 20-38 – KENNETH ENGLE: DEVELOPMENT STANDARDS VARIANCE – To allow for two new single-family residential lots without road frontage (minimum of 160-feet of frontage required) [Section 2.12]. Located at 4620 N 400 W, Fairland, Brandywine Township.**

This petition was continued to January 12, 2020.

**BZA 20-36 – DAVID EBERHART: DEVELOPMENT STANDARDS VARIANCE – To allow for a dwelling unit within an accessory structure [Section 5.04 D]. Located at 7808 S 375 W, Shelbyville, Jackson Township.**

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

David Eberhart stated that his mother would occupy the structure. He explained that she required long-term care.

The Board opened the hearing for public comment. None was heard. The Board closed the public comment portion of the hearing.

David Eberhart stated that he agreed to the stipulations recommended by Staff.

Jim Douglas indicated that the structure would sit in an isolated location and would therefore not impact surrounding property.

Jim Douglas made a motion to vote on the variance. Doug Warnecke seconded the motion. The petition was **APPROVED 5-0** with stipulations:

- 1. The variance shall expire when the structure is no longer needed by the petitioner's mother.**
- 2. Beginning in December of 2022, the petitioner shall provide notice to the Plan Commission office every other year regarding the continued need of the dwelling by the petitioner's mother.**

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.

**New Business:**

**BZA 20-42 – CALI & BRITTANY ELLIOTT: USE VARIANCE – To allow for temporary occupancy of a recreational vehicle prior to construction of a new single-family dwelling. Located west of and adjoining 5541 N 300 E, Shelbyville, Marion Township.**

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

Bill Elliot represented the petitioners. He had no additional comments.

The Board opened the hearing for public comment. None was heard. The Board closed the public comment portion of the hearing.

Bill Elliot explained that the petitioners would not live in the RV after completion of the residence, however planned to store the RV on the property.

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

1. **A single-family residence shall be constructed on the property and receive a certificate of occupancy by December 8, 2021 (one year from the date of approval).**

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.

### **Discussion:**

#### **Approval of 2021 BZA Meeting Calendar**

Doug Warnecke made a motion to approve the meeting calendar. Dave Klene seconded the motion. The calendar was **APPROVED 5-0**.

#### **Rule of Procedure**

Desiree Calderella provided the Board with a sample BZA Rules of Procedure for review.

#### **Hearing Officer Cases**

**BZA 20-39 – ALICIA BARR / GCA INVESTING, LLC: DEVELOPMENT STANDARDS VARIANCE – To allow for a new single-family residence utilizing a gravel driveway in the R1 (Single-Family Residential) District (pavement required). [UDO Section 5.19 C]. Located at 7200 N Christopher Ln, Fairland (Carmarla Sec 3, Lot 51), Moral Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on December 3, 2020.

**BZA 20-40 – ALICIA BARR / GCA INVESTING, LLC: DEVELOPMENT STANDARDS VARIANCES – To allow for a new single-family residence utilizing a**

**gravel driveway in the R1 (Single-Family Residential) District (pavement required). [UDO Section 5.19 C] and 14-feet from the side property lines (minimum 15-foot setback required) [UDO Section 2.14]. Located at 7234 N Christopher Ln, Fairland (Carmarla Sec 3, Lot 53), Moral Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on December 3, 2020.

**BZA 20-41 – JND CONSTRUCTION, INC: DEVELOPMENT STANDARDS VARIANCE – To allow for a new single-family having a one-car attached garage (two-car attached garage required) [Section 5.11 D 1]. Located at 306 W Burnside Ave, Fairland, Brandywine Township.**

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on December 3, 2020.

**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.

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 President Date

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 Secretary Date