

Shelby County Board of Zoning Appeals
Meeting Minutes
February 12, 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:

Doug Warnecke called the meeting to order at 7:00 pm in Room 208 A at the Court House Annex, Shelbyville.

Recognition of Ann Sipes Contribution to the BZA

Doug Warnecke publicly recognized Ann Sipes thirteen years of service on the BZA.

Oath of Office

Dave Klene took the Oath of Office. His term expires December 31, 2022.

Election of Officers

Jim Douglas made a motion to appoint Kevin Carson as the President of the BZA. Rachel Ackley seconded that motion. The Board unanimously approved to appoint Kevin Carson as President. Doug Warnecke retained his position of Vice President and Jim Douglas retained his position as Secretary.

Approval of Minutes

Doug Warnecke made a motion to approve the minutes from January 8, 2019. Jim Douglas seconded the motion. The minutes were approved 5-0.

Old Business

None

New Business:

BZA 19-04 – WENDY CURRY: USE & DEVELOPMENT STANDARDS VARIANCES – T allow for an outdoor wedding venue in the RE (Residential Estate) District. Also, to allow for a wedding venue and single-family residence on the same lot (one primary structure per lot permitted), unpaved parking areas (paved parking areas required in the RE District), and lack of identified accessible parking spaces (signs and striping of handicap spaces required). The property is located in Brandywine Township at the address 4980 W Range Rd, Shelbyville.

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

Wendy Curry gave a brief overview of the components of the venue and layout of the venue on her property.

The Board opened the hearing for public comment.

Robert Walton, who owns 13.89 acres of farm ground east of the property asked several questions, including: How many acres is the property? Will the existing driveway on the property be used to access the wedding venue? How many acres is the proposed parking area? Is there a structure proposed? He also expressed concerns regarding access to the property during an emergency and parking on Range Rd.

The Board closed the public comment portion of the hearing.

Wendy Curry indicated that she would not add a second driveway, that her property had accommodated larger family events in the past, and that she may build a shelter in two or three years.

Q: Kevin Carson – Will you stipulated to no parking on the road?

A: Wendy Curry – Yes

Q: Kevin Carson – How many guests do you anticipate?

A: Wendy Curry – Likely 150 or less.

Q: Kevin Carson – Are you going to rent a tent?

A: Wendy Curry – Yes, 40'X60'

Q: Jim Douglas – How many acres is the property?

A: Desiree Calderella – GIS indicated 2.84

Q: Kevin Carson – How would you accommodate parking if it rains?

A: Wendy Curry – A neighbor has agreed to let her use his gravel drive.

Q: Kevin Carson – How would you ensure fire safety?

A: Wendy Curry – The venue would not allow smoking and candles.

Q: Doug Warnecke – Would you allow alcohol or provide food?

A: Wendy Curry – Guests can bring alcohol and wedding parties would have liability insurance. Guests would cater food.

Desiree Calderella verified that the request included a future structure and that the structure would comply with setback requirements.

Q: Doug Warnecke – Would the venue utilize porta-poties and would the tent be located off the septic system.

A: Wendy Curry – Yes

William Curry explained that they take very good care of the property.

Connie Reds, Robert Walton's daughter, expressed concerns that if she chose to build a home on her father's property in the future that she would not want large parties occurring next-door.

Wendy Curry stated that she would remain on the property during events.

Kevin Carson stated it was an inoffensive request.

Jim Douglas made a motion to vote on the use and development standards variances.

Rachel Ackley seconded the motion. The **petition was approved 5-0 with conditions:**

1. Parking shall not be permitted on Range Rd.
2. Smoking, candles, and fireworks shall not be permitted.

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.

BZA 19-05 – JAMES CLAPP: DEVELOPMENT STANDARDS VARIANCES – To allow for creation of a single-family residential lot with no road frontage (minimum of 50-feet of road frontage required in the A2 District) and construction of a single-family residence closer than 40-feet from the property line. The property is located in Addison Township at the address 3060 E German Rd, Shelbyville.

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

James Clapp explained that he wanted to create the new lot to build a house overlooking the rear of the property. He indicated that he would retain ownership of both lots and that his daughter would live in the existing house. He indicated that his neighbor agreed to provide an access easement to the rear lot, however they planned to use the existing driveway on his property to access the rear property.

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

Desiree Calderella explained that the variance would allow for a lot line adjustment and not for the creation of an additional lot.

James Clapp verified that the property would have no road frontage, however a legal access easement would appear as a written agreement tied to both on his deed and his neighbor's deed.

James Clapp explained that the new house would need to sit closer than forty-feet to the property line due to the limited space on the hillside.

Kevin Carson applauded the petitioner for finding a way to create a property for a new house without reducing any farmland.

Q: Kevin Carson – Will the easement agreement include a driveway maintenance agreement?

A: James Clapp – Not opposed to including a maintenance agreement.

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

1. The petitioner shall provide proof of an access easement and driveway maintenance agreement prior to obtaining a building permit for the new residence.

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.

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

President

Date

Secretary

Date