

**Shelby County Board of Zoning Appeals
Meeting Minutes
February 9, 2021**

Members Present:

Kevin Carson
Jim Douglas
Doug Warnecke
Dave Klene

Members Absent:

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.

Election of Officers:

Doug Warnecke made a motion to appoint Kevin Carson as President. Jim Douglas seconded the motion. The motion was approved 4-0.

Doug Warnecke made a motion to appoint Jim Douglas as Vice President. Dave Klene seconded the motion. The motion was approved 4-0.

Doug Warnecke made a motion to appoint Dave Klene as Secretary. Kevin Carson seconded the motion. The motion was approved 4-0.

Approval of Minutes

Doug Warnecke made a motion to approve the minutes from December 8, 2020. Dave Klene seconded the motion. The minutes were approved 4-0.

Request For Continuance

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.

Desiree Calderella read the petition into the record and explained that the petitioner had requested to continue the petition until July to allow time to remedy legal issues with an access easement related to the petition. She explained that petitioners do not typically request a continuance for longer than three months.

A representative for the petition did not appear.

The Board agreed that the petitioner should refile and renotify the neighbors.

Doug Warnecke made a motion to deny the request for continuance. Dave Klene seconded the motion. The continuance was denied 4-0.

Old Business

None.

New Business:

BZA 21-02 – NORTHWEST CONSOLIDATED SCHOOL DISTRICT OF SHELBY COUNTY: DEVELOPMENT STANDARDS VARIANCES – To allow for expansion of a bus parking lot having two entrances having a separation of less than 45-feet [UDO Section 5.20 A 2 b]; entrances exceeding a width of 30-feet [UDO Section 5.20 B 2]; parking lot area located less than 17.5-feet from the right-of-way of W 600 N [UDO Section 5.63 A 1 a]. Located at 4740 W 600 N, Fairland, Moral Township.

Desiree Calderella read the petition into the record and indicated that Staff provides no recommendation.

A representative for the petition did not appear.

Doug Warnecke made a motion to continue the petition to March 9, 2021. Dave Klene seconded the motion. The petition was continued to March 9, 2021.

BZA 21-03 – STEVE APPLE: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for a woodworking shop in the C2 (Highway Commercial) District. Also, to allow for construction of a future accessory structure on the footprint on an existing building less than 20-feet from the front property line [UDO Section 2.32]; less than 25-feet from the side property lines [UDO Section 2.32]; resulting in impervious surface exceeding 70% of the lot area [UDO Section 2.32]. Located at 15-17 Hale Rd, Shelbyville, Addison Township.

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

Steve Apple explained that he had operated the business in Illinois for 27 years and has decided to move the business to a location closer to his family.

Desiree Calderella explained that the UDO only permits contractor businesses in industrial zoning districts and therefore the petitioner could not operate a woodworking shop at the property without approval of a use variance.

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

Q: Jim Douglas – How many employees?

A: Steve Apple – Two, his son and himself.

Steve Apple explained the industrial businesses had previously occupied the property. He explained that trucks would deliver materials to the east side of the building adjacent to the road and animal shelter, rather than to the west side of the building adjacent to residential properties.

Kevin Carson made a motion to vote on the variance. Doug Warnecke seconded the motion. The petition was **APPROVED 4-0**.

Discussion:

Hearing Officer Cases

BZA 20-43 – TERRY BRATTAIN: DEVELOPMENT STANDARDS VARIANCE – To allow for construction of an accessory structure 3-feet from the rear property line (minimum 10-foot setback required) [Section 2.04]. Located at 5264 S 425 W, Shelbyville, Hendricks Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on December 28, 2020.

BZA 21-01 – SHERRI D LIVINGSTONE: DEVELOPMENT STANDARDS VARIANCE – To allow for an accessory structure having a height of 22-feet (maximum height of 20-feet permitted in the RE [Residential Estate] District) [UDO Section 2.12]. Located at 10160 N ST RD 9, Fountaintown, Van Buren Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on January 26, 2021.

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	