

**Shelby County Board of Zoning Appeals
Meeting Minutes
April 14, 2020**

Members Present:

Doug Warnecke
Kevin Carson – via conference call
Dave Klene – via conference call

Members Absent:

Rachael Ackley
Jim Douglas

Staff Present:

Desiree Calderella – Planning Director
Mark McNeely – Board Attorney – via conference call

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.

Approval of Minutes

Kevin Carson made a motion to approve the minutes from March 10, 2020. Jim Douglas seconded the motion. The minutes were approved 3-0.

New Business:

BZA 20-07 – WALDRON UNITED METHODIST CHURCH: DEVELOPMENT STANDARDS VARIANCE – To allow for an LED Sign utilizing a changing electric message center (only static messages permitted on LED Signs) [UDO Section 5.37 E 1 c]. Located at 202 W Washington St, Waldron.

This petition was continued to May 12, 2020.

BZA 20-09 – WILLIAM RAYMOND MUNGER: DEVELOPMENT STANDARDS VARIANCE – To allow for a new single-family residence without a two-car, attached garage [UDO Section 5.11 D 1]. Located south and adjacent to 6743 N 150 W, Shelbyville.

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

William Raymond Munger did not have any additional information to add to the petition record.

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

Kevin Carson stated that he believed residential use is a good use of the property.

Kevin Carson made a motion to vote on the variance. Dave Klene seconded the motion. The petition was **APPROVED 3-0**.

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 20-08 – STEVE KERMODE: DEVELOPMENT STANDARDS VARIANCE – To allow for three accessory structures (barns for storage) prior to construction of a single-family residence [UDO Section 5.06 B]. Located at 5371 N Brandywine Rd Shelbyville.

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

Steve Kermode indicated that he plans to build a custom home on the west side of the property in the future. He indicated that the 40' x 40' barn would have 9' walls and that he plans to use the barn for storage of personal items. He indicated that he plans to use the 30' x 60' barn for storage of implements, snowmobiles, and other equipment. He explained that he did own a business but would not store equipment or conduct business operations on the property.

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

Q: Doug Warnecke – You have family that live in the area. Will you store their personal belongings in the barns?

A: Mr. Kermode – Yes.

Q: Kevin Carson – Would you agree to a stipulation that you will not construct more than two additional accessory buildings?

A: Mr. Kermode – Yes.

Q: Dave Klene – Do you have any intentions of converting any of the accessory buildings into a residence?

A: Mr. Kermode – No.

Q: Dave Klene – Will you have customers or clients visiting the property?

A: Mr. Kermode – No.

Kevin Carson attested to the character of the petitioner and stated that he believed the petitioner would keep the property well maintained.

Kevin Carson made a motion to vote on the variance with a stipulation. Dave Klene seconded the motion. The petition was **APPROVED 3-0** with a stipulation:

- 1. The property shall not at any time include more than three accessory buildings.**

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.

Old Business

BZA 20-06 – KEVIN L SMITH: DEVELOPMENT STANDARDS VARIANCE – To allow for installation of a residential driveway over a property line. Located at 8835 & 8755 W Range Rd, Needham.

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

Kevin Smith stated that he would construct the driveway over an existing dirt lane that currently extends over the property line.

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 residential development of the site would not result in the elimination of farmland.

Kevin Carson made a motion to vote on the variance with a stipulation. Dave Klene seconded the motion. The petition was **APPROVED 3-0** with a stipulation:

1. The petitioner shall record a shared access easement for the driveway.

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:

None

Adjournment:

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

**This meeting was conducted during the COVID-19 public health emergency. As permitted by the Governor's Executive Order 20-04, Kevin Carson and Dave Klene attended remotely via conference call and votes were taken by roll call rather than paper ballot. Raymond Munger and Mark McNeely also attended via conference call.*

President

Date

Secretary

Date