

Shelby County Board of Zoning Appeals
Meeting Minutes
January 8, 2019

Members Present:

Ann Sipes
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:

Ann Sipes 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 13, 2018 and December 11, 2018. Doug Warnecke seconded the motion. The minutes were approved 5-0.

Election of Officers

The Board unanimously approved to appoint Ann Sipes as President, Doug Warnecke as Vice President, and Jim Douglas as Secretary.

Old Business

None

New Business:

19-02 – DARRELL & JAYNIE THOMAS: DEVELOPMENT STANDARDS VARIANCE – To allow for an accessory structure in the front yard (residential accessory structures not permitted in the front yard). The property is located in Jackson Township at the address 6248 W PR 735 S.

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

Darrell Thomas explained that he needed to construct the building in the front yard because the front yard is the only area without rolling topography. He indicated that a fiberoptic cable also limits where he can construct the building. He indicated that he considers the front yard the mowed area in front of his house rather than the field where he plans to construct the building.

The board opened the hearing for public comment. There was no public comment. The Board closed the public comment portion of the hearing.

The Board discussed what they would consider as the front yard of the subject property.

Kevin Carson made a motion to vote on the petition. Doug Warnecke seconded the motion. The petition was approved 5-0.

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.

19-03 – KENNETH DEROLT: DEVELOPMENT STANDARDS VARIANCE – To allow for an accessory structure in the front yard (residential accessory structures not permitted in the front yard). The property is located in Brandywine Township at the address 5355 N 100 W.

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

Kenny Derolf indicated that the property has a large front yard, that the building would sit off to the side of the front yard providing a clear view between the house and the road, and that surrounding properties also have accessory structures in the front yard.

The board opened the hearing for public comment.

Dennis Derolf indicated that when he purchased the subject property in the 90s that he had originally planned to construct a building in the front yard, and at that time the ordinance did not have the front yard restriction.

The Board closed the public comment portion of the hearing.

Q: Kevin Carson – What do you plan to use the building for?

A: Kenny Derolf – Storage of personal items.

Q: Ann Sipes – What way does the building face?

A: Kenny Derolf – The 60' wall would extend north to south.

Kevin Carson made a motion to vote on the petition. Ann Sipes seconded the motion. The petition was approved 5-0.

The Board adopted the following findings of fact:

4. The approval will not be injurious to the public health, safety, and general welfare of the community.
5. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
6. 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

Patrick Black Violation

Staff and the Board discussed the circumstances of this violation, involving the storage of an excessive number of vehicles on property located at 7966 W SR 252, and the role of the compliance board in enforcement measures. The Board advised Staff to send Mr. Black a violation letter due to violation of a previous agreement between Mr. Black and the Plan Commission to store all cars behind a fence.

Adjournment:

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