

**Shelby County Board of Zoning Appeals
Meeting Minutes
September 10, 2019**

Members Present:

Doug Warnecke
Kevin Carson
Dave Klene
Jim Douglas

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.

Approval of Minutes

Doug Warnecke made a motion to approve the minutes from August 13, 2019. Dave Klene seconded the motion. The minutes were approved 4-0.

Old Business

BZA 19-24 – DEWELL KIRBY JR.: DEVELOPMENT STANDARDS VARIANCE – To allow for a gravel driveway (paved driveways required for all new dwellings in the R1 (Single-Family Residential) District. Located at 940 W 1090 N, Fountaintown.

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

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

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

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.

New Business:

BZA 19-26 – COLTON COFFEY: DEVELOPMENT STANDARDS VARIANCE – To allow for construction of a 3,456 sq. ft. barn (the total square footage of all accessory structures on a lot cannot exceed 2X the footprint of the residence in the RE (Residential Estate) District). Located at 10811 S Norristown Rd, Flat Rock.

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

Colton Coffey explained that he planned to use the barn to store a motor home and trailer.

The building contractor, Tim Bursey, indicated that he could answer any structural questions.

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

Q: Jim Douglas – What will be the height of the barn?

A: Colton Coffey – 16-feet to the gutter line. The barn will have two 14-foot doors on the same side and a 70' X 12' lean-to.

Jim Douglas made a motion to vote on the variance. Dave Klene seconded the motion. The petition was **APPROVED 4-0**.

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 19-27 – F WAYNE & MELANIE MONTGOMERY: DEVELOPMENT STANDARDS VARIANCE – To allow for construction of a 2,800 sq. ft. pole barn (the total square footage of all accessory structures on a lot cannot exceed 2X the footprint of the residence in the RE (Residential Estate) District). Located at 4610 S

250 E, Shelbyville.

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

F Wayne Montgomery explained that he planned to use the barn to store materials related to restoring tractors.

The Board opened the hearing for public comment.

James W Montgomery, who lives at 4730 S 250 E, stated that he supports the project.

The Board closed the public comment portion of the hearing.

Q: Doug Warnecke – What will be the height of the barn?

A: F Wayne Montgomery – 16-feet to the eve.

F Wayne Montgomery indicated he would remove the semi-trailer currently used to store his materials and that he would not need to install a new driveway.

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

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 19-28 – RICHARD & ELIZABETH SANDERS: DEVELOPMENT STANDARDS VARIANCES – To allow for to allow for construction of a 1,296 sq ft pole barn: 1) Approximately 35-feet from the center of the road (minimum 30-foot front yard setback from the proposed right-of-way required [or 65-feet from the center of the road]), 2) In the front yard, 3) Having a floor area exceeding 50% the footprint of the residence (not permitted in the R1 District). Located at 3006 E Blue Ridge Orchard, Shelbyville.

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

Elizabeth Sanders explained that they plan to use the barn to store a motor home and as a shop to restore a personal vehicle.

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

Q: Jim Douglas – What will be the height of the barn?

A: Elizabeth Sanders – 16-feet.

Q: Doug Warnecke – Will the barn be 4-feet taller than the house?

A: Elizabeth Sanders – May be slightly less than 4-feet because the house sits up higher due to the basement.

Q: Doug Warnecke – Do you plan to install a new driveway?

A: Elizabeth Sanders – Yes, a paved driveway.

Q: Kevin Carson – Have the neighbors been notified and have they expressed any concerns?

A: Desiree Calderella – Yes, the petitioner sent out notice. Neighbors have not contacted the Plan Commission office.

A: Elizabeth Sanders – Yes, notice was sent out. Neighbors had not contacted her.

Q: Jim Douglas – Will the overhead door face south?

A: Elizabeth Sanders – Yes.

Q: Doug Warnecke – What will be the width of the overhead door?

A: Elizabeth Sanders – The same width as the barn.

Q: Doug Warnecke – Are there barns similar in size in the neighborhood?

A: Desiree Calderella – One in a rear yard and one currently under construction on an existing foundation. The one under construction complies with ordinance requirements.

Q: Doug Warnecke – Where does the property drain?

A: Elizabeth Sanders – To the farm field to the west.

Doug Warnecke indicated that limiting the height of the barn would not allow for storage of a motor home.

Doug Warnecke made a motion to vote on the variances with stipulations. Jim Douglas seconded the motion. The petition was **APPROVED 4-0** with stipulations:

- 1. The materials and color of the facade of the barn shall match the house.**
- 2. The new driveway providing access to the barn shall be paved.**

The Board adopted the following findings of fact:

