

Shelby County Board of Zoning Appeals
Meeting Minutes
January 11, 2022

Members Present:

Kevin Carson
Terry Knudson
Doug Warnecke

Members Absent:

Dave Klene
Jim Douglas

Staff Present:

Desiree Calderella – Planning Director
Jody Butts – 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: - Continued to February 8, 2022

Approval of Minutes: - Continued to February 8, 2022

Old Business:

None.

New Business:

BZA 21-44 – VIRGINIA MARKLAND: DEVELOPMENT STANDARDS VARIANCE – To allow for a 3,072 sq. ft. pole barn, resulting in the total area of accessory structures exceeding 2X the footprint of the residence [UDO Sec. 5.06 D]. Located at 9724 N 200 W, Fountaintown, Van Buren Township.

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

Virginia Markland explained that she planned to remodel a portion of the existing barn for use as a karate studio for her daughter and to store items related to her charity service. She explained that in the new barn, she plans to store lawnmowers, dirt bikes, and other items that she would prefer to separate from the karate studio and charity items. She stated that she and her husband operate their tree-service business completely out of

Indianapolis. She explained that they store their business equipment on a property in Indianapolis and submitted a letter from that property owner and photographs of the stored equipment (see case file).

The Board opened the hearing for public comment.

Curtis Kent, who owns property at 9684 N 200 W, expressed concern that the petitioner would relocate their business to the property. He explained that the petitioner had already installed a gravel pad and piled brush and trees on the property.

The Board closed the public comment portion of the hearing.

Virginia Markland explained that she installed a gravel building pad and laid a gravel driveway to access the new barn. She explained that it would not make sense to relocate her business to the property because her employees live in western Indianapolis. She explained that she and her husband purchased the property for use as their family home. She explained that her husband plans to burn the wood currently stored on the property in a wood burning stove in the new barn.

Q: Kevin Carson – Would you stipulate to having no commercial ventures on the property?

A: Virginia Markland – Yes.

Terry Knudson asked for clarification on surrounding property sizes and land uses.

Doug Warnecke made a motion to vote on the petition with a stipulation and Terry Knudson seconded the motion. The petition was **APPROVED 3-0** with a **stipulation:**

1. The property shall not be used for any commercial venture.

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 22-01 – TRESSLAR’S CAMP: USE & DEVELOPMENT STANDARDS VARIANCES – To allow for a seasonal cabin and RV campground in the A1 (Conservation Agricultural) District [UDO Sec. 2.03] and to allow impervious parking and maneuvering areas [UDO Sec. 5.60 A]. Located at 8630 W PR 150 N, Needham, Sugar Creek Township.

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

Kevin Carson stated that he had received legal notice of the petition as an adjoining property owner, however, has no conflict of interest or financial interest in the petition.

Peter DePrez, with the law firm of Brown, DePrez, and Johnson, represented the petitioner. He stated that the petitioner agrees with the information in the Staff Report Staff's recommended stipulations. He provided a summary of the petitioner's business operations and explained that the petitioner would lease spaces to owners of RVs under a 1-year lease.

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 replacement of the cabins with RVs would improve the property.

Q: Doug Warnecke – Would the petitioner pour pads for the RVs.

A: Peter DePrez – No, they would lay gravel for RV sites.

Kem Tresslar provided a summary of the proposed electrical work for each RV site. He explained that on occasion guests of the leaseholder of each site may also connect an additional RV into the electrical unit.

Q: Doug Warnecke – How are you addressing septic requirements?

A: Kem Tresslar – Leases will stipulate that the leaseholder must dispose of waste off-site.

Kevin Carson made a motion to vote on the petition with stipulations and Doug Warnecke seconded the motion. The petition was **APPROVED 3-0** with **stipulations**:

- 1. The property shall be limited to twenty-four (24) recreational vehicle campsites, each accommodating no more than one (1) recreational vehicle. (this stipulation does not prevent short-term placement of additional recreational vehicles for guests of the leaseholder of each campsite).**
- 2. Each campsite shall be located in the general location as shown on the site plan submitted with the variance application.**
- 3. Campsites shall not include any permanent structures, other than any cabin in existence prior to approval of the variances.**
- 4. Each recreational vehicle shall be on site for less than 180 consecutive days at a time.**

5. **Each recreational vehicle shall be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions).**
6. **Installation, replacement, or repair of any utility line within the floodway shall comply with 312 IAC 10-5 Section 4 (b).**
7. **The petitioner shall obtain a County Floodplain Development Permit prior to placement of recreational vehicles on site.**

The Board adopted the following findings of fact:

Use Variance

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.
5. The approval does not interfere substantially with the Comprehensive Plan.

Development Standards Variance

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 22-02 – SOUTHWESTERN CONSOLIDATED SCHOOLS:
DEVELOPMENT STANDARDS VARIANCES – To allow for a sign having an area of approximately 90 sq. ft. per side (maximum area of 40 sq. ft. per side permitted) [UDO Sec. 5.74 B 4 a], a height of 14.6-feet (maximum height of 6-feet permitted) [UDO Sec. 5.74 B 4 b], and animated components [UDO Sec. 5.73 E 1]. Located at 3406 W 600 S, Shelbyville, Hendricks Township.**

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

Kevin Sims with Green Signs represented the petitioner. He provided a summary of the technical specifications of the sign and explained that the increased height would ensure that landscaping around the base would not interfere with visibility of the sign content.

The Board opened the hearing for public comment.

Zanda Stead voiced her support of the petition.

The Board closed the public comment portion of the hearing.

Q: Doug Warnecke – Will the sign comply with Staff’s proposed stipulations?

A: Kevin Sims – Yes.

Kevin Sims provided further information regarding the programing capabilities of the sign.

Kevin Carson made a motion to vote on the petition with stipulations and Doug Warnecke seconded the motion. The petition was **APPROVED 3-0** with **stipulations:**

- 1. The content of the sign shall change no more than once every thirty seconds and shall transition by an instant change/slideshow effect. The sign shall not include motion picture capabilities.**
- 2. The sign shall include a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions.**
- 3. The EMC portion of the sign shall be turned off between 10 PM and 5 AM.**
- 4. The brightness level for any digital display shall be calibrated for less than 0.2-foot candles above ambient light levels, as measured at the right-of-way line.**

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

BZA 21-43 – RAY BRAND: DEVELOPMENT STANDARDS VARIANCES – To allow a single-family dwelling 25-feet from the south property line and 18.5-feet from the west property line (min 30-foot setback required) [UDO Sec 2.12] and to allow for an accessory structure in the front yard [UDO Sec 5.04 C]. Located at 2533 S 550 W, Shelbyville, Hendricks Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on December 20, 2021.

BZA 21-45 – JOSEPH N POPP: DEVELOPMENT STANDARDS VARIANCE – To allow an accessory structure in the front yard [UDO Sec 5.04 C]. Located at 10831 N 600 W, Fountaintown, Moral Township.

Desiree Calderella explained the details of the case and stated that the Hearing Officer had approved this case on December 29, 2021.

Adjournment:

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

President	Date
Kevin Carson	

Secretary	Date
Dave Klene	