

SHELBYVILLE BOARD OF ZONING APPEALS
MEETING MINUTES
June 8, 2020

Kris Schwickrath: Good evening, everyone. The Board of Zoning Appeals meeting is now called to order. Before I do a roll call, however I want to review just briefly our new format, or our hybridized format, I should say, for tonight's meeting. So we will be utilizing Facebook Live to stream the meeting to the public and we will also be monitoring the comment section on Facebook so that the public can submit comments and questions through that platform. Please be aware that there will be a slight delay of about a minute with the livestream so that the public option, we have time to hear everyone who may have a comment. Once all comments have been received, we will allow the petitioner to respond and answer any questions. So we've been through this now twice, two months in a row. I think we're getting better at it but I just wanted to alert everyone that that's going to be part of tonight's meeting. So with that, we'll start with a roll call.

Adam Rude: Yes. Mr. Lisher - here, Ms. Schwickrath - here, Mr. Clark - here, Mr. Cassidy - here. And Mr. Lewis is present on video.

Schwickrath: Alright so prior to this evening, we have minutes from the month of May to approve. I'll entertain a motion for that.

Jim Lisher: I'd move to approve the minutes of the previous meeting.

Wade Lewis(?): Second.

Schwickrath: All in favor, signify by saying, "Aye".

In Unison: Aye.

Schwickrath: Opposed same sign.

No reply.

Schwickrath: Before we move on though I just wanna make one comment and thank Lisa Loveless for her dedication to correctly transcribing what we say. So I would ask tonight that we speak clearly and maybe a little slowly. I noticed a lot of question marks as to who was speaking and what was being said in our last meeting so maybe make this a little less conversational so she's able to transcribe. And again, thank you, Lisa. Okay so there are no items under Old Business. We do have two under New Business and we'll start with BZA 2020-07.

Rude: Okay, first item under New Business is BZA 2020-07, Shelby County Probation building development standards variance. The petitioner's name tonight is Chuck Cotterman(?). The owner's name is the Shelby County Board of Commissioners. The address of the property is 20 W. Polk Street. Subject zoning classification is BG, business general. And the approval tonight is three development standard variances; one from UDO 5.08, the architectural standards, another from UDO 5.08 A5, the architectural standards and one from UDO 5.11, density and intensity standards. A little back story on this; we heard this petition back in May at our May 12th meeting. The notices that went out to surrounding property owners at the time had the wrong date on them so we are just going to tonight hold a correct public hearing, open this up to the public again and then assuming there's no changes, we'll ratify the decision from last month.

Schwickrath: So at this time then, public commentary is open or do we want to (?) to

Rude: You can have them speak if you'd like. I can pull them up.

Schwickrath: Mr. Cotterman(?), is there anything further you would like to say about the petition that you made last month?

Chuck Cotterman(?): No we have the elevation on the(inaudible)....windows....(inaudible)....

Schwickrath: It's hard to hear you. Maybe speak a little closer to your microphone. You're kind of cutting in and out, sorry. So you....

Cotterman: We have added windows to the east elevation. We've doubled the size and (?) of the meeting rooms. And I(inaudible)....

Schwickrath: Yeah, I, we're hearing about half of what you're saying, but we did in fact get the revisions so thank you for working on the windows. We're pleased with that, Mr. Lisher in particular.

Cotterman: Okay, great.

Schwickrath: Thank you. Anything further?

Cotterman: That's....(inaudible)....

Schwickrath: Okay. Thank you again. Alright, so we'll close commentary then from the petitioner and open this up to the public, seeing if there's anyone on our Facebook Live Streaming. This is the delay I was talking about.

Rude: Inaudible comment.

Schwickrath: Public commentary is now closed and it seems as though no one has sent us any message, right?

Inaudible reply.

Schwickrath: So, okay so we can proceed then to the ratification, correct?

Rude: Yes.

Schwickrath: And we're gonna do these in a bundle so 2020-07, there is actually a typo on this page. Did you notice that? Mr. Lisher did.

Rude: Oh, yes.

Schwickrath: It says - 27. It's 07 or just 7?

Rude: It's 07.

Schwickrath: 07 A - C.

Rude: Yep. Sorry about that.

Schwickrath: That's alright. So we can simply

Lisher: One was a (?) trying to get signed.

Schwickrath: Yes.

Rude: We'll correct that.

Lisher: Inaudible comment.

Rude: Yeah.

Lisher: Inaudible comment.

Rude: We'll correct that....

Schwickrath: Yes, yes.

Rude:before Kris signs that.

Schwickrath: Yeah, that's fine.

Rude: I can probably get that (?).

Schwickrath: That's find. Okay. So then we can move on to a motion to ratify, is that the language?

Rude: Yeah.

Lisher: I would move for the board to ratify (?) number 2020-1 relating to the

Schwickrath: Now wait, -7.

Lisher: Resolution number

Rude: He's....

Schwickrath: Resolution 1, sorry.

Lisher:which ratifies the previous action taken on BZA 2020-07.

Schwickrath: A - C.

Lisher: Yeah A - C.

Schwickrath: Okay, sorry about that. Thank you. There's a motion.

Doug Cassidy: Second.

Schwickrath: Okay so please cast your ballot for the Resolution 1....

Lisher:(inaudible)....Resolution should say on your ballot.

Inaudible mumbling among board members; no one is clearly audible.

Schwickrath: I have Resolution 1 and then I also have 2020-07 A-C.

Rude: Kris, Wade, for this one, I'm gonna read off all the ballots and then if you wanna unmute yourself, I can call on you and you can voice your vote on this one as well. This is for Resolution 2020-1 relating to BZA 2020-07 A-C. Mr. Lisher - yes, Mr. Cassidy - yes, Mr. Clark - yes, Ms. Schwickrath - yes and Mr. Lewis?

Lewis: Yes.

Rude: Thank you. Motion carries.

Schwickrath: Okay thank you, Mr. Cotteman for everything you've done.

Cotterman: Thank you.

Schwickrath: Yes, thank you. Good luck with the project.

Cotterman: Thank you very much. Appreciate it.

Schwickrath: (?) this evening is not to confuse, I'm sorry about that earlier and thank you. Moving on BZA 2020-09. Adam, when you're ready you can introduce that when you're ready.

Rude: So the second item under New Business tonight is BZA 2020-09. It's 764 Teal Street, a development standards variance. The petitioner's name is John Zanger, who's also the owner and representing himself tonight. Again the address of the property is 764 Teal Street here in Shelbyville. The subject zoning classification is R1, single family residential and the request tonight is approval of one development standards variance from UDO 5.55C1 which is the minimum dwelling site side yard setback. What's being requested tonight is a reduction in the side yard setback for an accessory structure by one foot to allow a carport to be located in the rear of the property.

Schwickrath: Thank you. Mr. Zanger, please come forward and state your name for the record and then you can tell us about your project.

John Zanger: This the mike?

Schwickrath: Yes it is.

Rude: Yep.

Zanger: John Zanger 764 Teal Street. I wanna put up a carport beside my garage and by the alley, (?) back of the alley and it's gonna be a 10 x 21, 7' tall. That's what I'm trying to get the variance on.

Schwickrath: Okay. Okay, thank you. So what we'll do now is we'll take questions from each board member and then we'll see if there's any public commentary and we'll then we'll take a vote.

Zanger: Okay.

Schwickrath: Okay so we'll start with Mr. Cassidy down there.

Cassidy: Do you have a picture of what you wanna put up?

Zanger: Pardon me?

Cassidy: Do you have a picture or a

Zanger: Yep. Of the carport? Yeah I do.

Cassidy: Yes.

Zanger: It'd be this one right here.

Rude: The center one.

Schwickrath: Oh, the center?

(?): Inaudible comment.

Schwickrath: You can come forward to if you'd like to state your name for the record and then you can also give us those details. But the, it's helpful. Thank you.

Melody Zanger: Melody Zanger. It's gonna have some, they're gonna take one sheet of siding and split it on the sides and then it's gonna have a little across the top too.

Schwickrath: So it'll be a little bit more enclosed looking than just an open carport?

M. Zanger: Kind of enclosed, just a little to keep like the snow off.

Cassidy: Okay.

J. Zanger: It won't be enclosed all the way, nothing like that. It's gonna be about two or three foot down from the roof. That's it.

Lisher: Inaudible comment?

Schwickrath: So, yeah which one is it again? I'm sorry.

Cassidy: The middle.

M. Zanger: The one that's

Cassidy: Yes, yes.

Schwickrath: This one? But then with pieces added to it?

Cassidy: Correct.

Schwickrath: Okay, so it's this one with some pieces added to it.

Cassidy: Okay.

Schwickrath: Horizontally. Thank you.

Cassidy: That was my one question....(inaudible)...

Schwickrath: Okay, yeah. That's it?

Lisher: Inaudible comment.

Cassidy: Yeah.

Schwickrath: Yes, they do. Mr. Clark, go ahead.

Chris Clark: I have one question. I'd just like to be absolutely sure. The carport is going on the east side?

J. Zanger: Yes.

Clark: Okay, thank you.

M. Zanger: Now we do have to pay for 12' wide whether we use it or not. Would that be a problem to go ahead since we have to pay for it or do we have to stick to the 10' wide?

J. Zanger: We actually got 13' between our garage and the property line so we got 13.

Rude: So what.....

Lisher: You're only asking for a one(?) foot variance.

Rude: Yeah what you're asking for.....

Lisher: Inaudible comment.

Rude:tonight is that 10' wide and it's that three foot off the property line. So that's what you have to stick to....(inaudible)....Yep.

J. Zanger: Okay.

Lisher: Sorry, you're up.

Cassidy; No, I'm done.

Schwickrath: No, it's Mr. Clark's question.

Clark: Oh, I'm done.

Schwickrath: Is that it? Okay, so it's going to be on the east side, right? That was my question as well. Go ahead, Mr. Lisher?

Lisher: Yeah my question would be I haven't yet heard why we need the 1' (?) height. I don't (inaudible)...you're planning on this to be a 10' wide across?

J. Zanger: Yeah.

Lisher: And you're saying that you can't fit 9' you'd be right okay would not need a variance... (inaudible)...to put under it or what?

J. Zanger: Yes it'll be....(inaudible)...one or the other. We got four automobiles. And uh....

Lisher: Yeah. I'm just trying to understand why you need the one foot variance. That's all.

M. Zanger: We have 13' now and we're gonna put 10' butted up to the garage. That leaves what 3'. I don't know.

Schwickrath: Yeah that's right.

Lisher: Okay. That's all I have.

M. Zanger: Just told we had to have one. I don't know.

Schwickrath: And this is going to be installed, correct? With actual footers?

J. Zanger: Yeah.

Schwickrath: It's right here.

M. Zanger: They're just gonna build it right on top of the gravel.

Schwickrath: And the color will match your house, is that true?

J. Zanger: Yes.

Schwickrath: Or the garage that's currently there? 'Cause it's pretty tight back there. There's not a lot of room, is there?

M. Zanger: It's supposed to match. Yeah when we getwe have....

J. Zanger: Supposed to match the garage and the house.

Lisher: I assume you're gonna have concrete footer(inaudible)...

J. Zanger: No we don't have any concrete.

M. Zanger: They're just anchors.

J. Zanger: They're anchored to (?). There's a railing on each side and those anchors go down in the middle of the railings.

Schwickrath: Is that standard, Adam?

Rude: It'll be installed according to the building code which does allow an option for anchors, yeah. They're fairly deep anchors butyeah.....

Lisher: Inaudible comment.

Schwickrath: So then anchors. It doesn't have to be....

Rude: Yeah there's a few ways to install those that meet the building code, yep.

Schwickrath: Okay. Thank you. I think those were all the questions that I had as well.

Rude: I can pull up Wade.

Schwickrath: Yeah. Mr. Lewis, I forgot about you. Any questions? Sorry about that.

Lewis: Kris.....

Schwickrath: Sorry. It's all this new formatting. I don't know.

Lewis: Gosh, can I see a picture of it?

Rude: Yes.

Lewis: Gotcha. Okay, thank you, Adam. Is it your neighbor to the east aware you're putting that up? Is everybody.....

M. Zanger: We sent out 24 letters. But we talked with him before we

Lewis: Alright.

Schwickrath: Sure.

M. Zanger:did it, even thought about it. Like when we thought about it.

J. Zanger: And all the letters we sent out, nobody (?).

Lewis: That's all I have. Thank you.

Schwickrath: I just wanna remind everyone too that a carport is allowable in a side yard along an alleyway. It's when it's in the front yard, which is not being requested tonight, I just wanted to make that statement. So if there are no further questions from the board, we can move to public commentary. Anyone who wishes to may now weigh in or ask a question about this particular petition on Facebook Live. You can sit if you'd like to.

Rude: About ten seconds.

Schwickrath: Public commentary is now over. Has anyone sent anything to us? Just checking.

Rude: No.

Schwickrath: Okay then I believe we're ready to move to a motion on this petition.

Clark: I'd like to make a motion to approve the requested development standard variance from UDO 5.55 C1 to allow for a side yard setback of three feet in accordance with the plans provided to this board pursuant to Findings of Fact presented in the planning staff's report.

Schwickrath: There's a motion.

Cassidy: Second.

Lewis: Second.

Schwickrath: I will give that to Mr. Lewis. Please cast your ballot then for BZA 2020-09.

Rude: Inaudible comment. This is for BZA 2020-09: Mr. Cassidy - yes, Mr. Lisher - yes, Mr. Clark - yes, Ms. Schwickrath - yes. Mr. Lewis?

Lewis: Yes.

Rude: Thank you. Motion carries.

Schwickrath: Carries, thank you. So best wishes with your project. Thank you for your work and that's it.

M. Zanger: Thank you.

Schwickrath: Yes, thank you.

J. Zanger: Thank you.

M. Zanger: Do we have to report back to you guys for anything or we just.....

Rude: Allan from our office, who you guys have been working with, he'll be in contact with you tomorrow on next steps, but at this point, we can issue a permit and the carport can be installed. So, but we'll follow up tomorrow.

M. Zanger: I think we're gonna go ahead and order it.

Rude: Okay. That'd be fine.

Schwickrath: You can.

J. Zanger: So I can order it then?

Schwickrath: Yes.

Rude: Yes.

J. Zanger: It's gonna take about three weeks to get here.

Rude: Yep, that works.

J. Zanger: The sooner I get it the better off I'll be.

Schwickrath: Thank you. Good night. Is there anything under Discussion?

Rude: No, not anything formal but I can just update the board on some comments that we had made in the pre-meeting. I guess first, for those of you who don't know yet, Beth Case, our alternate, has stepped down. She had some other time commitments on Tuesday nights, so she's stepped down from that alternate position. That was one of the mayor's appointments so he's working on a replacement to the board but still have the full five member board to meet to act. So at some point here soon, we should have a new alternate joining us and we'll let you know when that happens. The other item is we are, the building is reopening on Monday to the public. We've been closed since some time in March so we've been working a little bit on and still working on some procedural things to get us ready for that. We wanna make sure we have all the proper precautions but ever since then, we have been we haven't slowed down much. We saw a little bit of a decline right at the beginning of kind of the shutdown and the quarantine but there quickly after, when everyone got home, they started working on their home improvement projects and started reaching out to us again. So we have not slowed down much at all. We for a time, for a period of time, we were working remotely, everyone at city hall and we've slowly transitioned back to being in the office and ready to welcome the public back on Monday. So besides that I, the other item I guess that Wade had missed out on, unless the governor issues or changes the executive order that's in place right now, after, this'll be the last Board of Zoning Appeals meeting that we're able to do in this hybrid format where people can video in and call in and they don't have to be present. From July on, until the law changes, we will all be present and the petitioners will also be present in the room. We're gonna continue the Facebook Live piece so members of the public can keep joining us online and submitting their comments that way but all of the board members and the petitioners will have to be present in the room starting next month. So....

Lisher: Inaudible comment.

Rude: So in July the Miller's....

Lisher: Just so I know whether or not we're gonna have a meeting or not. That's all I'm asking.

Rude: Yes. We have one that will be filed.

Lisher: Okay.

Rude: Yes, there's at least one petition that we know will be filed and maybe a second one. So yeah, at least one. We will be meeting in July.

Schwickrath: Okay.

Rude: And that'll be in person, live and in front of (?). That's all that I've got though.

Schwickrath: Okay. Alright, very good.

Lisher: What about the street out in front of city hall? How's that coming....(inaudible)....

Rude: So that's still on track. It makes it a little more difficult to get to city hall nowadays.

Lisher: Yes.

Rude: But yes, that's on track.

Schwickrath: Should we adjourn first?

Rude: Yes, yeah we can.

Schwickrath: Motion to adjourn?

Lisher: So moved to adjourn.

Meeting adjourned.