

BOARD OF ZONING APPEALS
MEETING MINUTES
November 10, 2020

Kris Schwickrath: Good evening, everyone. The November 10, 2020 meeting of the Board of Zoning Appeals is now called to order. We'll begin with a roll call.

Adam Rude: Mr. Lewis - here, Mr. Lisher - here, Ms. Schwickrath - here, Mr. Clark - here, Mr. Cassidy - here.

Schwickrath: So prior to this evening's meeting, we have three sets of minutes to approve. Thank you, Lisa for all your hard work. August, 2020, September and October - I think we can approve them all unless someone has a correction to make.

Doug Cassidy: I make a motion to approve the minutes as presented.

Schwickrath: Okay, there's a motion.

Wade Lewis: Second.

Schwickrath: Okay and all in favor, signify by saying, "Aye".

In Unison: Aye.

Schwickrath: Opposed, same sign?

No reply.

Schwickrath: Okay so the minutes from the last three months are approved. Thank you. Under Old Business, we have an administrative appeal. Do you want to speak to that or shall I?

Rude: I can briefly. I'm gonna(inaudible)...

Schwickrath: Sure.

Rude: I'll (?). I'll just read this letter into the record.

Schwickrath: Sure, that's fine.

Rude:(inaudible)....So for this case, it's an administrative appeal and the petitioner and staff are both agreeing to request a continuance so I'll just read this letter from the petitioner. Per our prior discussion, we agree to continue the hearing before the Shelbyville Board of Zoning Appeals scheduled for tomorrow, November 10, 2020. This continuance is being requested on

behalf of the petitioner, Burnside LLC and Sumerford Land Trust. One (?) to the petitioner so that petitioner may continue its investigation into this matter in an effort to amicably resolve it. It is requested that this continuance be to the next scheduled BZA hearing and will be without further notice being required. If this does not conform with...(inaudible)...please let me know as soon as possible. Thanks again for your cooperation in this matter. So this is a request from the petitioner and we are concurring with this request. We are(inaudible)....on this case trying to resolve it.

Schwickrath: That's a complicated one.

Rude: It is.

Schwickrath: So as we discussed in our pre-meeting, our (?) tonight then is to make a motion to approve the continuance to next month's official meeting so I'll entertain a motion for this particular one.

Chris Clark: I'll make a motion to grant the continuance until next month's meeting.

Schwickrath: Okay there's a motion.

Jim Lisher: Second.

Schwickrath: Okay all in favor, signify by saying, "Aye".

In Unison: Aye.

Schwickrath: Opposed, same sign?

No reply.

Schwickrath: Okay, thank you. That's seems to be in the best interest of everyone so thank you for your work on that both Adam and Allan. Under New Business, we have two items this evening. The first one will be the Shelby County Players so Mr. Rude, you can speak to that first and set up.

Rude: So the first item under New Business is BZA 2020-15, the Shelby County Players, Inc. The petitioner's name and owner's name is Shelby County Players, Inc. The petitioner's representative tonight is Cindy Leahy?.....

(?): Correct.

Rude:managing director. The address of the property is 1416 S. Miller Avenue. The subject property zoning classification is BG, business general. And the request tonight is

approval of a development standards variance from UDO 5.03 our general accessory structure standards to allow a shipping container to temporarily be used as storage on the property.

Schwickrath: Thank you. You have a chance to come forward and tell us about the project. Please state your name for the record.

Cindy Leahy: Cindy Leahy.

Schwickrath: Well it's not a project. Excuse me, about what's going on here with the container. Thank you.

Leahy: So Shelby County Players is in the process of looking at renovating the facility to becoming a performance facility. (?) Runnebohm and (?) are our architects. The plan is to have theater seating in there and we had the opportunity to gain some seating from (?) high school for free during this COVID thing and we had a timeline in which we could get it otherwise it was going to (?). So we went ahead and did that. Got ourselves a storage container so we could put it right beside the(inaudible)....that was against the ordinance. So our apologies(inaudible).... So it is on the side of the building. It is a (?) container. It was just like the building. Most people don't even know it's there. It is locked at all times so it's not (?) for someone to get in there and lock themselves in or be a hazard to the people in the area.

Schwickrath: We were discussing in our pre meeting the time period. So staff has recommended a year but I think Mr. Lisher, you said there is something to....so how long would you like to keep this?

Leahy: Well you know it depends on fundraising. We're looking at raising \$2.....(inaudible)....\$400,000 endowment. So it's all contingent on that. If we raise it quicker, we're done.....(inaudible).....fundraising issues.

Lisher: Well, if I may.....

Schwickrath: Yeah, go ahead. It's fine. Sure.

Lisher: In that respect, twelve months would take you to November, 2021 whereas if we say 14 months, that would take you into January if what you're asking for, is that correct?

Leahy: That is correct, uh huh.

Lisher: That's all I had.

Schwickrath: Yeah, thank you. So we can continue. Mr. Lewis?

Lewis: I have no questions.

Cassidy: I have no questions.

Schwickrath: Chris?

Clark: I have no questions.

Schwickrath: So if the capital campaign doesn't go as scheduled, I'm hoping it does for your sake, then do you think we need a stipulation that it be removed or is that, that would be part of the plan? I mean so where does this thing stand in

Lisher: Then it would come back to us, I think. Is that right or not?

Rude: Yeah so

Schwickrath: Do you understand my question?

Leahy: Yes.

Schwickrath: So let's say that your project you know.....

Leahy: Inaudible comment.

Schwickrath: Right.

Leahy:(inaudible)....what are our steps going to be in terms(inaudible)...reapplying or whatever....(inaudible).....

Schwickrath: Yes.

Rude: So from an enforcement or from a compliance standpoint, on our end, if it's a 12 or 14 months, at the end of that, the container would either need to be moved elsewhere you know hopefully the capital campaign goes well and they can just install the seating or come back to the BZA for another variance then.

Leahy: Okay.

Rude: 'Cause the variance, if granted tonight the way it's worded would only grant them for a temporary period of.....

Lisher: Yeah similar like to the white elephant we had out there that we gave the extensions that they didn't remove and they had to come back.

Schwickrath: Sure, okay. Does that is that satisfactory? Do you understand or do you have any questions for Adam?

Leahy: Yes.

Schwickrath: Okay. That was all that I had so anything else? We're good?

No reply.

Schwickrath: I'll close questions from the board then and if anyone from the public wishes to step forward. We have the two Bakers out there if they.....

Inaudible conversation from audience members and Ms. Schwickrath.

Schwickrath: Okay I'll close public commentary since no one came forth and asked a question and I think we have the verbiage we need for the motion, so whoever would like to make a motion, I think we're ready to move to that.

Rude: If I can, Kris?

Schwickrath: Yes, please. Of course.

Rude: Whoever's making the motion, please just stipulate the change to 14 months.

Schwickrath: Yeah.

Rude: 'Cause I think we have it worded as twelve, so whoever makes that motion, just make that change.

Schwickrath: Thank you.

Rude: Thank you.

Lisher: I'd make a motion to approve the variance from UDO 5.03 E accessory structure standards to allow a container to be used for storage for a period of 14 months.

Lewis(?): Second.

Lisher: Subject to the facts and stipulations as submitted.

Schwickrath: Okay there's a motion.

Lewis: I'll second.

Schwickrath: Okay please cast your ballot then for BZA 2020-15. Sorry I didn't sign that. ...(inaudible)...my long name beforehand. Okay, that's my fault. Thank you.

Rude: This is a motion to approve for BZA 2020-15. Mr. Cassidy - yes, Mr. Lisher - yes, Mr. Lewis - yes, Mr. Clark - yes and Ms. Schwickrath - yes. Motion carries.

Schwickrath: So best wishes with the whole project. It's a big one.

Leahy: Thank you. Yep, thank you very much.

Schwickrath: Thank you. Okay we have one more petition this evening to review. And when you're ready. Sorry, I'm not rushing you.

Rude: No, you're fine. Second and final petition tonight under New Business is BZA 2020-16. This is Builder's Lumber and Hardware electronic message center. The petitioner's name and owner's name is Builder's Lumber and Hardware. Petitioner's representative tonight is Brian Baker. The address of the property is 1309 S. Miller Avenue. Again the property is zoned business general, BG and the request tonight is approval of a special use for the use of an electronic message center. Essentially they are wanting to replace the existing older electronic message center with another electronic message center the same size.

Schwickrath: Okay, thank you. So, Mr. Baker, state your name for the record and tell us about your project.

Brian Baker: My name is Brian Baker and my father, Dennis Baker is here with me tonight. Thank you, Director Rude and the board for letting us come talk about our project that we're hoping to do. Our current or existing reader board sign is almost 20 years old. It's a red monochromatic sign that is dying a slow death. If you've been past it anytime soon, there's multiple bulbs that are out of it and actually right now it's turned off because the whole south side of the sign went out earlier this week or late last week. So we've been talking with Watchfire Sign Company that's done all those signs here in Shelbyville and we would like to upgrade it to a graphic (?) sign, same size roughly and it's just the expense to replace the (?) outdated technology. It just makes more sense putting money into a newer LED more eco-friendly and just easier to maintain and updated and it'll look a lot nicer than what's there.

Schwickrath: Okay so we'll take questions from the board. Mr. Cassidy, I'll start with you on that end.

Cassidy: Are you changing the big sign above it, do you know?

B. Baker: Well that's a good question. We I think yes, we are gonna change it. So where before it read Builder's Lumber and Hardware and Industrial Supply and Rental. We're actually gonna change that bubble, plastic bubble to just the Builder's with our logo on it. And then actually convert those bulbs to LED bulbs on the inside.

Schwickrath: So we have two illustrations. It would be then the second one that has the plainer?

B. Baker: Yes.

Mr. Baker and Ms. Schwickrath speaking at the same time. Neither is clearly audible.

B. Baker:(inaudible)....paperwork, I hadn't fully decided what we were gonna do so I included both of these.

Schwickrath: Right, yeah, sure. Okay.

B. Baker: But in the meantime, I we did decide we would like a change to the(inaudible)....

Cassidy: That's all I have.

Schwickrath: Thank you. Good question. Mr. Clark?

Clark: I don't have any questions. Thanks.

Schwickrath: Okay. Mr. Lisher?

Lisher: No questions.

Schwickrath: Mr. Lewis?

Lewis: Nothing. No questions.

Schwickrath: You've done a perfect job. However, okay so the this is the question I have. This bottom portion here on the last page, this is where you're going to where the messaging will occur?

B. Baker: Yes.

Schwickrath: So I know that you have an outdated one right now or you turned it off you said. You had to.

B. Baker: We yes the south side, half of the bulbs went out(inaudible)...rather than continue to run a sign that was half out, we decided to go ahead and turn it off for now.

Schwickrath: So okay, that's good. I know that you will carefully follow the code but I the old sign that you have that's now caput, it's it flashed a lot so I know with the newer technology you'll have a maybe have a little bit more control.

B. Baker: Yes.

Schwickrath: Yeah I think it's a critical sign. I don't really like these signs, but I think yours you really need and the space actually it fits this. So are you going to paint the pole or anything?

B. Baker: Yes, we're gonna actually change it to black where it's kind of a faded red.

Schwickrath: Is it blue? Red, red.

B. Baker: It started out red. It may be pink at this point.

Schwickrath: Yeah, you can't help it, right? Okay no, that's all that I have. Thank you.

B. Baker: Thank you.

Schwickrath: Anything else come to mind?

No reply.

Schwickrath: I'll close questions from the board.

Leahy: Inaudible comment.

Schwickrath: Mrs. Leahy, so she supports it. Alright so that's a winning designation. Okay, thank you. I'll close public commentary and I think we're ready to move to a motion. Thank you, everyone.

Cassidy: I'd like to make a motion to approve the requested special exception use of an electronic message center including the conditions pursuant to the Findings of the staff.

Clark: I'll second.

Schwickrath: Okay and so please cast your ballot then for BZA 2020-16. Thank you.

Dennis Baker: Inaudible comment.

Rude: This is a motion for approval for BZA 2020-16. Mr. Cassidy - yes, Mr. Lewis - yes, Mr. Lisher - yes, Mr. Clark - yes and Ms. Schwickrath - yes. Motion carries.

Schwickrath: Okay, yeah thank you for coming in tonight and working on that.

B. Baker: Thank you.

Baker: Thank you.

Allan Henderson:: Can I add a comment on that?

Schwickrath: Please.

Henderson: We need a (?) registration or a point of contact for those for that...(inaudible)....someone to contact.

B. Baker: Sure.

D. Baker: The supplier or (?).

B. Baker: It would be me, Brian.

Henderson: Whoever is going to be programming it. So I will give that to you.

B. Baker: Yes, okay. No problem.

Schwickrath: Plus I have a watchful eye, so you better be careful.

Laughter.

B. Baker: You mentioned something about following specific stipulations of

Schwickrath: The actual ordinance, what they....

B. Baker: Okay so where can I find that because I don't know that I even know what that specifically says.

Rude: I'll send you a copy but generally speaking, I pulled it up because I thought this question might come up. The image on the sign has to be static, no videos. It can't flash. It can't have any weird effects and it can't change any faster than every 12 seconds.

B. Baker: Okay.

Rude: Inaudible comment.

Lewis: No strobes.

Rude: And then there's certain.....I'll give you a copy because your installer's gonna need to know how bright it can be at certain times of the day and they can program it to that.

B. Baker: Yeah. Okay, great. Thank you.

Rude: Yep.

Schwickrath: Thanks for asking that 'cause I just assume that you know but

B. Baker:(inaudible)....violation, so.....

Schwickrath: That's fine. Thank you.

B. Baker: Yeah, thanks.

D. Baker: Thank you, board.

Clark: Thank you.

Schwickrath: Good to see you, Dennis.

D. Baker: 17 years I sat where Mr. (?).

(?): I know, yeah.

Schwickrath: That's right. I sat on that side of you, right? I was a rookie.

D. Baker: Yeah.

Schwickrath: Down on that end. So...

(?): Well you're looking good, (?).

(?): Thank you.

Another round of thanks.

Schwickrath: Anything for Discussion?

Rude: No.

Schwickrath: Actually I should mention I didn't earlier about the back to the August meeting.

Rude: Oh yes.

Schwickrath: The minutes I mean, the transcription. I should just update the public on this about the that was the one about the potbellied pigs, just to finish that or let everyone know where that stands at this point. The ordinance committee is working on language to and

reviewing really the code which we know over the years just gets imbedded. So things get lost and so we're working on that now.

Rude: Yes.

Schwickrath: Okay.

Rude: Yeah and the City Council's ordinance committee is going through that process.

Schwickrath: Yeah, okay. Thank you.

Rude: We'll have some other updates, but yes.

Schwickrath: Alright, thank you everyone. Appreciate it. Have a good holiday in whatever form it may take.

Lisher: Move to adjourn.

Cassidy: Second.

Meeting adjourned.