

BOARD OF ZONING APPEALS
MEETING MINUTES
December 8, 2020

Kris Schwickrath: Good evening, everyone. The Board of Zoning Appeals for the City of Shelbyville December 8th is now called to order and we can start with a roll call.

Adam Rude: Yes. Miss Schwickrath - here, Mr. Cassidy - here, Mr. Clark is not here, Mr. Lisher - here, Mr. Lewis - here. Thank you.

Schwickrath: Okay I guess we can move on to approval of last month's minutes. I read through them. I didn't see any problems. Anyone?

Jim Lisher: I would move to approve the minutes.

Doug Cassidy: Second.

Wade Lewis: Second.

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

In Unison: Aye.

Schwickrath: Opposed, same sign?

No reply.

Schwickrath: The minutes are approved; thank you. And our item under Old Business, is that right at this point, is a continuance to vote for a continuance on the Burnside/Sumerford property?

Rude: Yes. So this is an administrative appeal filed a few months ago. I think this might be the third month it's been on the agenda and we are still in the process of working to settle this administrative appeal with the petitioner's counsel. We're hoping that by January we have some kind of conclusion. I don't know if it'll be early or late January, so we might see this again, depending on when exactly it lands, but fingers crossed, I think we can get to something by that point, hopefully. But tonight we're asking to just continue this again for one more month.

Schwickrath: Okay.

Lisher: My two cents worth is I think we need to start putting their feet to the fire about this appeal.

Rude: Oh yeah.

Lisher: Be going the fourth month, and I don't mind if there's been progress but I don't have any report from you or anyone telling me there is progress for them to remedy the things that they allege to have done wrong.

Rude: Yeah and Jim, to that point, so on the back end, we've been working with their attorneys and they've now hired a team of engineers to start looking into essentially from an engineering standpoint what is it going to take to fix this issue. It was years and years in the making of creating the problem. So it's taken a little bit of time and I've been on the phone with their engineers last week and I intend to be on the phone with their engineers and probably their attorney again this week just to try to get that resolved as much as possible. So there is some progress I guess is what I'm saying. It's slow and steady but here recently we've been trying to put a little more pressure on them, yes.

Lisher: Yeah you can pass on at least there's one member of the board that's concerned about this lingering I guess is the way to phrase it.

Cassidy: How many times can we continue it I mean before we say no, you need to fix it or move on?

Rude: The board can continue indefinitely as long as, so you guys can continue indefinitely as long as one of the two parties doesn't disagree with that. If you, you can't continue a case just to essentially add enough time to kill a project but you guys have the ability to continue indefinitely. A petitioner only has so many requests. Staff has an unlimited amount of time that we can request for a continuance. So in theory, if you guys are okay with it, it could happen or this could be continued indefinitely but there does need to be a conclusion and I do appreciate that comment, Jim 'cause I've been kind of hinting to the fact that the board's not gonna be happy just kicking the can down the road forever but hearing that from you guys will have a little bit more umph behind it when I say it.

Schwickrath: Yeah I think it I think we would all agree that this the case. Thanks, Jim for raising that point. I mean so we are also basing this on the assumption right or what

the staff is actually telling us so it's not that I don't disagree. I mean this is an administrative appeal in the first place so we just have limited access to what's actually going on so I would appreciate some kind of a report or is there a checklist of well we've already seen it in the staff notes, but like what's yeah we need to move towards an ending point which of course we seem to be, but I wouldn't mind an update in January. Even though I won't be on the board, I still think that everyone else would appreciate that.

Rude: Yeah I'll uh, I think that's a good idea, Kris and I'll request that from them so that next month as they as we come to that date if we aren't to come kind of conclusion, at least a status update.

Schwickrath: Right.

Lewis: Adam, sorry the, how many times did you say they can continue?

Rude: I think, I don't have the rules in front of me. I believe it's, they can request a continuance three times.

Lewis: Yeah.

Rude: Staff can request an unlimited number of times. You guys always have the authority to grant that request or not.

Lewis: So what's the tally?

Rude: We have supported all of these continuances so it's....

Lewis: Is it ours then? Or yours?

Rude: Yeah.

Lewis: Are they your continuances, not the petitioner?

Rude: They are because we are we're supporting them. They count towards ours. I think we're on this might be month three. I think that sounds right.

Lisher: Yes, I think you're right. January would be month four, so....

Schwickrath: Right.

Rude: Yeah.

Lewis: Okay.

Rude: I'll pass that message along to them that we need to move this along faster and also provide.....

Lisher: Well the (?) complaint was going back to 2016, 2017, 2018, somewhere in there.

Rude: Uh huh.

Lisher: Which has been several years.

Rude: Yeah.

Lisher: That's my only comment so with that I guess I would approve, a motion to approve the continuance, reluctantly.

Lewis: Second.

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

In Unison: Aye.

Schwickrath: Opposed, same sign?

No reply.

Schwickrath: Okay the motion passes.

Rude: Thank you, guys. I'll make sure to make that point very clear that the board wants some more feedback. They want some more updates along the process and we want to get to a conclusion quickly because we've had a number of months here.

Schwickrath: I'm reminded of the casino when the temporary facility was to come down and that was delayed and there were mitigating circumstances. I bring this up because and I forget the lawyer's name but he came to each meeting prepared to give us an

update and I think we this is not in any way outside the scope of reasonable request here so it's definitely.....

Rude: Yeah.

Schwickrath: January will definitely be time for an update.

Rude: No and yeah I think you're absolutely right.

Lisher: Yeah I think you can pass on to 'em January they need to be here in person.

Cassidy: Agreed.

Lewis: Or on zoom.

Rude: Yes. Yeah somehow interact with the board, yes.

Lewis: Yeah so we can hear 'em.

Rude: Okay.

Schwickrath: Do you have any topics for Discussion?

Rude: Yes, just for the record if you'd like to make your announcement now that we're live on Facebook, Kris.

Schwickrath: Yes this is will be my last Board of Zoning Appeals meeting. I was corrected. There was a newspaper article. I thought I was 15 years but actually 16. I have learned a tremendous amount. I want to thank all the board members and staff, past and present who have helped me really, not just learn a lot but really understand things at the level of the nitty gritty where things need to be understood. And so without all of you, I would definitely not feel the way I do right now. I was talking before the our meeting started. I am still living here. Still will be living here. I'll be more than happy to read anything for ordinances or to help out in any way possible but I think it's time to pursue a tree board perhaps and then also invasive species removal. We have quite a problem in Shelby County so I would like to work toward that end as well. So leaving the Board of Zoning Appeals, I feel well prepared for whatever ordinances I would have to come before you in order to get some work done. So thank you all for your kind consideration and the hard work. We've had to, we've done a lot together. Remember POET? Boy I was sweating that one.

Lisher: Yes.

Schwickrath: That was sweating bullets.

Rude: Well we...

Lisher: ...(inaudible)...hand sanitizer now.

Schwickrath: That's right.

Rude: Somewhere around here, we've got their hand sanitizer. We appreciate that, Kris and honestly, I do want to say thank you both for serving on the board but also for helping me into my role. You have been on the board long enough to teach me a few things in my time here and you've we've worked together on a lot of ordinance updates and some tricky BZA cases in the last couple of years.

Schwickrath: Sure.

Rude: So I truly appreciate that. I think a tree board is much needed and I don't think there's a better fit for it. You've got the passion for it and the knowledge and I know you'll get something accomplished there. So we would normally do a plaque and the whole thing but obviously COVID has changed that. At some point we'll get you a plaque and everything for your time but we don't get to do that today.

Schwickrath: No, thank you. I appreciate that. I didn't mean to interrupt. I just remembered though from last month's meeting I have to sign the petition because, a Finding of Facts.

Rude: Yes.

Schwickrath: There's one that I have to do so if you're at the office during the week at all, I can come in so let me know.

Rude: Okay. We'll track you down and figure that all out 'cause we're rotating in and out and it's kind of yeah, it's kind of up in the air. I can announce though, and I think this is news to probably everyone on the call, on Friday of last week, myself and the mayor met because with Kris leaving, there's a full time vacancy on the board and Beth Case had left earlier in the year, shortly before COVID. She was our alternate and so there's there'll be two vacancies as of next month. One a full time appointment and one

an alternate and the mayor and myself met with two individuals who he will be appointing to the board. We're going through, I'm going through training with them next week for a few years. But those two names probably will be familiar with you - Nicole Terrell who is a second grade teacher at Hendricks Elementary and Vince Bradburn, a social studies teacher at the high school. So two teachers from here locally. They have a lot of interest in the board and we had a really good conversation with 'em last week. They're very excited. I told them about all the nitty gritty aspects of the board and they were still excited and interested so I think we've got some good members joining us.

Schwickrath: So will Nichole start as the substitute or the other way around? Or do you know yet?

Rude: We don't know yet. Those appointments have to be politically balanced. I need to do some research and figure out who is whom. We've explained that to them and neither one has a preference and they understand that it's beyond our control who serves in what capacity.

Schwickrath: Yeah those are great people. That's excellent. See there's so much talent in this city that I just don't want to you know always be on the board and then other people really need to serve as well. So, excellent. Great.

Rude: We will deeply miss you, Kris. You need to stop by and maybe show up to a few BZA meetings and

Schwickrath: I do have a request. Would it be possible for me to come to that joint meeting if you have one in January?

Rude: Yes.

Schwickrath: Okay, thank you.

Rude: I think I don't know what it'll look like. I assume it'll look like this but yes we do plan still to do a joint meeting, some kind of annual report. You know, try to keep things as close to normal 'cause I think that annual meeting between the two boards will be good, especially with the two incoming members, but yes, you'll definitely be invited to that as well.

Schwickrath: Yes, okay. Thank you.

Rude: That's all I have in terms of other discussion. Like I said, we will be having a joint Plan Commission/Board of Zoning Appeals meeting, our annual meeting. It typically happens either directly before or directly after the regular January Plan Commission, which is the fourth Monday which I should've looked up that date. That is the 25th of January. Yeah that's not a holiday. So the 25th of January is when that historically happens. I'll send out meeting invites and we'll get public notices and those types of things out so that everyone can join in on that, give us a chance to review this past year, look over the annual report and start heading for it in 2021. Hopefully we can, sometime in 2021, start seeing each other in person again.

Schwickrath:(inaudible)....

Rude: Oh yeah.

Lisher: So this is an appropriate time for a motion to adjourn?

Rude: Think so.

Allan Henderson: Thank you everyone.

Meeting adjourned.