

**BOARD OF ZONING APPEALS  
MEETING MINUTES  
September 14, 2021**

Chris Clark: The September 14, 2021 meeting of the Board of Zoning Appeals will come to order. Mr. Secretary, would you please call the roll?

Adam Rude: Yes. Lewis - here, Bradburn - here, Clark - here, Cassidy - here, Terrell - here.

Clark: Our first portion of the agenda will be to amend our agenda to place BZA 2021-08 in the second spot for brevity purposes.

Rude: Need a motion and a second on that please.

Doug Cassidy: I'd like to make a motion to move 2021-08 to the second position.

Vince Bradburn: Second.

Clark: There's a motion and a second. All in favor of doing so, please signify by saying, "Aye".

In Unison: Aye.

Clark: Opposed, same sign?

No reply.

Clark: Okay now we'll move to approval of the meeting minutes of August 10, 2021. Anyone wanna make a motion to approve the meeting minutes of August 10th?

Nicole Terrell: (?) for action.....(inaudible)....

Rude: Inaudible comment.

Clark: Thank you. The meeting minutes will be corrected. So moving on, we have no Old Business to discuss and for New Business, Mr. Secretary, would you please.....?

Rude: Yes. The first item under New Business tonight is BZA 2021-05, Rob and Jill Nolley 25(?) W. Washington Street development standards variance. The petitioner's name....(inaudible)....representative tonight is Rob Nolley. Address of the property is 45 W. Washington Street. Subject property zoning classification is R1 single family residential. And the action requested is approval of one development standards variance from UDO 2.08(?) which is the maximum height of an accessory structure in an R1 district.

Clark: Would the petitioner like to come to the podium? Please state your name for the record.

Rob Nolley: Hi, I'm Rob Nolley. I'm the property owner and my wife, Jill is also here.

Clark: Okay please tell us about your project.

Nolley: So a couple of years ago we bought the former B.F. Swain home across the street. It had been a residence up until sometime in the late 60's. We bought it a couple of years ago and had it rezoned back to residential. And Burton(?) Swain, the gentleman that built the house in '05, he was mayor also from '06-10. Built the first City Hall here. Of course as you know, it burnt down. We had always intended on building some sort of garage or carriage house in the back. Not too long after we moved into the house, Jill was cleaning a closet in a room that faces West Washington Street on the second floor and on the top shelf, as she was cleaning it, she came across 5 or 6 cardboard blueprints and the blueprints were for a secondary structure on the back of the property that Burton Swain had P.C. Rubbish, a famous architect at the time, he had put together and so we used that as inspiration for our garage. It's almost identical to the specs that Burton Swain had together for that structure back there. We had it some modern, obviously some modern changes done to it but it is almost identical. The original plans called for a basement. Of course, we're not gonna have a basement. We modified it slightly so the back, the north part of the structure will face the pool that is currently being installed which the architect referred to as the pool cabana. But we tried to stay as close to the original design of the original architect as possible because that architect also designed the house. So we were just trying to be consistent with what they had intended.

Clark: Thank you. So I'll ask the board for to ask questions. Miss Terrell?

Terrell: Inaudible reply.

Clark: Mr. Cassidy?

Cassidy: I do have one, more so for the staff than you, Rob. In our staff report it shows you wanna build the garage 16' in height but in the on page 4 it says 9' 6". Are we doing 16' or are we doing 19' 6"?

Rude: 16, I think 19' 6" is the last time we had a height standard.

Cassidy: Okay.

Nolley: Yeah it should be 16'.

Cassidy: Okay I mean I was just, okay.

Rude: Yep that's what we did there.

Cassidy: Okay, no problem. I'm no questions from me besides that one. Thank you.

Clark: Alright, thank you. Mr. Bradburn?

Bradburn I have just one comment. Thank you. I appreciate the interest in restoring and preserving the historical integrity of this property as well as the neighborhood, so thank you.

Nolley: Yeah, thank you.

Wade Lewis: That was a unique project. Are you gonna be able to match the brick?

Nolley: Yeah not gonna be able to match the brick. We're struggling with that too because of the chimney that's on the east side of the property. The limestone across the top is starting to fall away and so we had a masonry company come and take a look and they were gonna have to replace some of the brick and they were going to match it as close as possible but the samples I saw did not look.....

Lewis: Yeah, yeah.

Nolley: But at that height, you might not notice.

Lewis: Yeah, it'd still be neat. That's all I have. No questions.

Clark: I have no questions so I will close questions from the board and open questions to the public. Anyone in the public wish to speak?

No reply.

Clark: Seeing no response, I guess we move to a motion.

Lewis: Make a motion to approve the requested development standard variance from UDO 5.23(?) to increase the maximum height of an accessory structure to 16' pursuant to the Findings of Fact presented in the planning staff's report.

Clark: There's a motion.

Cassidy: Second.

Clark: Please cast your ballot for BZA 2021-05.

Rude: Motion to approve BZA 2021-05; Mr. Cassidy - yes, Miss Terrell - yes, Mr. Bradburn - yes, Mr. Lewis - yes, Mr. Clark - yes. Motion carries.

Clark: Good luck with your project.

Nolley: Thank you very much. Appreciate your help and your time.

Lewis: Thank you.

Clark: Pursuant to our change in agenda Mr. Secretary, would you please.....

Rude: Second item under new agenda now is BZA 2021-08, Adam and Jennifer Clark at 103 Foxborough Run. The petitioner's name, owner's name and representative tonight is Adam Clark. Again the address is 103 Foxborough Run. Subject property zoning classification is R1 and the action requested is a development standards variance from UDO 2.08 a height standard for an accessory structure in the R1 district, identical to our last one.

Adam Clark(?): Well, it's party time, Clark. My wife and I, we're are wanting to build an outdoor pool cabana. It would have a dual purpose. The front half is gonna be kind of like an outdoor kitchen and then the back half is gonna be some additional garage space and some storage space.

Clark: I'll take questions from the board. Mr. Lewis?

Lewis: No questions.

Clark: Mr. B?

Bradburn: No questions.

Clark: Mr. Cassidy?

Cassidy: No questions from me.

Clark: Miss Terrell?

Terrell: No questions.

Clark: It was pretty straightforward in the reports that we got. I have no questions so I'll close questions from the board and open questions to the public.

No reply.

Clark: I see no response so we'll close questions from the public. Are we ready for a motion?

Cassidy: Make a motion to approve the requested development standards variance from UDO 5.208 to increase maximum height of a structure to 16'(?)" pursuant to the Findings and report.

Clark: I have a motion.

Bradburn: Second.

Clark: And a second. Please cast your ballot for BZA 2021-08.

Rude: Motion to approve BZA 2021-08: Cassidy - yes, Miss Terrell - yes, Lewis - yes, Mr. Bradburn - yes, Mr. Clark - yes. Motion carries.

Clark: Good luck with your project.

A. Clark: I thank you very much.

Rude: Okay

Clark: Are we ready to move on to the next?

Rude: Yes, next item, it's actually two petitions with the same project so I'll just read 'em both....(inaudible)....The next two items are BZA 2021-06 & 07. The petitioner's name is the Shelby County Fairgrounds. The owner's name is the Shelby County Commissioners. The petitioner's representative is Green Sign Company. The address of the property is 500 Frank Street. The subject property zoning classification is PK, parks and open space and the two requests tonight; first is an approval of a development standards variance from UDO 5.58 that would allow an electronic message center or allow for the request of an electronic message center. And then the second request is a special exception for the use of an electronic message center pursuant to UDO 5.58(?).

Clark: Thank you. Would the petitioner please come to the podium, state your name for the record?

Kevin Sims: My name's Kevin Sims with Green Sign Company. Here representing the commissioners and the Shelby County fair board. They're wanting to obviously upgrade their existing sign that's due for an upgrade with then allowing an electronic message center to be added to that.

Clark: So I'll take questions from the board if that's all you're going to speak to?

No reply.

Clark: Mr. Cassidy?

Cassidy: Will the sign just be used for the fairgrounds or is it gonna be a community sign where or do you know that....(inaudible)...

Sims: Their and I think their intentions and I do have a representative here, Jeff(?) Pruitt. Their intentions I think using it mainly for the fair and what's going on, (?) what's going on, calendar of events and so on. Do you wanna add anything to that, Jeff?

Jeff Pruitt: I would love to.

Sims: Go ahead.

Pruitt: I just know that elected president of the fair board, that's the third year this time and just my background; I've been around Shelbyville all my life. Matter of fact, I sat on this board over 50 years ago so that tells you how long ago that's been. I moved out of town. We want the sign, the old one looks ratty and it's been their since mid 80's to late 80's. We're trying to upgrade. It's the first thing you see when you walk in, going into the fairgrounds and we use it for tourism. Matter of fact, we've already got the money to pay for it. We got donations - Tourism, Blue River Foundation so that part of it we're good with but we wanna use it for any kind of event that we have at the fairgrounds. We've talked about powering down you know like at 10:00 at night so that you know there may be some light there but it won't affect anybody else. During the fair, it'll be on longer 'cause we're gonna have all kind of lights for there but it'll be used like I say for the tourism when they're there for the barbeque, for tractor pull and for like we're gonna have Saturday night. We try to be a good neighbor and we're gonna do everything we can to keep that up. So we'd love for you to approve it but we'll go from there.

Clark: Thank you.

Pruitt: If you have any questions of me, I'm easy to get ahold of. Fair enough?

Clark: Very well.

Cassidy: That's all I have.

Clark: That's all you had?

Cassidy: That's all I had.

Clark: Mr. B?

Bradburn: ....(inaudible)....location, the location of the sign and the property over there....  
(inaudible)....

Clark: Mr. Lewis?

Lewis: No questions.

Clark: Miss Terrell?

Terrell: ....(inaudible)....Mr. Bradburn. I think it'll be a welcome asset to the fairgrounds out there.

Clark: The one question that I have is ....

Sims: Uh huh?

Clark: ....are you prepared to replace the landscaping at the bottom of the sign?

Sims: Yeah I would assume that you're gonna.....

Pruitt: I'm sorry?

Sims: They wanna know about the landscaping that we....(inaudible).....

Pruitt: Oh yeah. Once we get the sign up and get now that won't happen. It'll all depend on how quick they can put the sign up but as far as the landscaping, probably will not happen until the first of next year. And master gardeners are real good about coming in. Mathias probably will be who we'll contact and get them to put a flower bed around it and make it where it's like it was in the past to a point. It won't be as big as what's there far as the landscaping around it. The other thing we wanna do, we're gonna put up a new flag pole. You're gonna do it, we gotta do it right. So I don't have to have your approval for a new flag pole, do you?

No audible reply.

Pruitt: Okay. I just thought I'd better ask that. But no, that's our plans there. We've got several things in the works at the fairgrounds and like I said, we wanna be a good neighbor. We want the fairgrounds used for any kind of event. We've got a car show on Sunday that the Eagles is putin' on. We do demolition derbies and things like that so we're trying to grow and let it be used for more than just the fair because you can't support it with just the fair. Any other questions of me?

Clark: Yep, thank you very much.

Pruitt: Okay.

Clark: So does anyone else have any questions from the board? If not, I'll close the questions from the board and open it to the public.

No reply.

Clark: Would anybody from the public like to speak?

No reply.

Clark: Seeing no response, I will close the response or the questions from the public and I believe we are ready for a motion. Can we do both of these at the same time?

Rude: No, let's take the first one, the 2021-06.

Clark: Okay.

Rude: And then after that, we'll have to open for public comment for 07.

Clark: Okay.

Rude: Close and then make a motion on that one as well.

Clark: Okay. So we're ready for a motion on BZA 2021-06.

Bradburn: Like to make a motion to approve the requested special exemption use electronic message center including conditions and pursuant to the Findings of Fact presented in the planning staff's report, subject to the (?) report.

Cassidy: Second.

Terrell: Second.

Clark: Give that one to Miss Terrell.

Laughter.

Clark: Please cast your vote for BZA 2021-06.

Rude: For a motion to approve BZA 2021-06; Mr. Lewis - yes, Mr. Bradburn - yes, Clark - yes, Terrell - yes, Cassidy - yes. Motion carries.

Clark: Thank you.

Rude: And then yeah I would just open for .....

Clark: Did you say just open for the public comment?

Rude: Yeah open for public comment on BZA 2021-07.



Clark: Since the groundwork has been covered, we will open this for public comment. Anyone from the public like to make a comment or question?

No reply.

Clark: Seeing no response, we'll close the public comment and I guess we are ready for a motion on BZA 2021-07.

Cassidy: On the for a question, Adam.....

Rude: Uh huh?

Cassidy: ....(inaudible)....height variance for the other one?

Rude: Apologies.

Inaudible comment.

Rude: So it would be walk us through this. It'd be a motion to approve the requested development standards variance from UDO 5.58 and then just pursuant to the Findings of Fact presented in the planning staff's report.

Cassidy: Like to make a motion to approve the requested development standard variance from 5.58 and pursuant to the Findings of Fact.

Lewis: Second.

Clark: We have a motion and second. Please cast your ballot for BZA 2021-07.

Rude: Motion to approve 2021-07; Bradburn - yes, Lewis - yes, Miss Terrell - yes, Mr. Cassidy - yes and Mr. Clark - yes. Motion carries.

Clark: Thank you. Good luck with your project.

Sims: Thank you.

Pruitt: Thanks very much.

Clark: So now we'll move on to some Discussion. Do we have any Discussion?

Rude: No, we don't have anything.

Clark: Would we like to speak to the (?).

Rude: Yes. So due to scheduling conflicts, mostly with me and a request by petitioner to move next month's meeting, we will be moving the meeting. It was originally scheduled for October 12th. We're gonna be moving that to October 26th. We'll follow up with all the notices and all that side of things but next month's meeting will be October 26th and we will not be meeting on the 12th. I will be on vacation, so.....hopefully.

(?): Plans to go someplace nice?

Rude: Going out east, Delaware, Wilmington, Delaware.

Clark: Inaudible comment.

Rude: Or the north actually. That's all we've got though.

Clark: So since we have no more Discussion,.....

Cassidy: Motion to adjourn.

Clark: I have a motion to adjourn.

Bradburn: Second.

Meeting adjourned.