

BOARD OF ZONING APPEALS
MEETING MINUTES
February 8, 2022

Adam Rude: Okay we'll go ahead and call to order the February 8, 2022 Board of Zoning Appeals meeting. Allan, can you hop up here and do roll?

Allan Henderson: Yeah.

Rude: Sorry.

Henderson: Roll call?

Rude: Yes, roll call please.

Henderson: Mr. Bradburn - here, Mr. Lewis - here, Mr. Cassidy - here, Ms. Terrell - here.

Rude: Okay, thank you. We'll jump straight into election of officers so I can let one of you serve up here instead of myself. I'll just open up nominations for a slate of officers. Just for reference, last year's slate was Chris Clark , Jim Lisher and as secretary, staff. Jim Lisher's passing (?) obviously have to fill the vice chair role but Chris has passed along his interest in serving though he's not here tonight. He'd like to still serve as chair. So with that, I'll stop talking and....

Doug Cassidy: I'll make a motion to nominate Chris Clark as chair, Wade Lewis as vice chair and the staff as secretary.

Rude: Okay and a second?

Vince Bradburn(?): Second.

Rude: A motion and a second. All those in favor, signify by saying, "Aye".

In unison: Aye.

Rude: Okay, motion approved. Congratulations.

Wade Lewis: Thanks.

Cassidy: Welcome to the new chair.

Lewis: Thank you. Alright, first order of business looking for approval of the minutes from December 14, 2021 meeting.

Cassidy: Motion to approve.

Lewis: And a second?

Bradburn: Second.

Lewis: Okay we've got a first and a second. All in favor?

In unison: Aye.

Lewis: All opposed?

No reply.

Lewis: We have no Old Business tonight so....(inaudible)...we'll start with New Business. First thing for New Business, we have BZA 2022-01 Charles Marshall development standards variance, a request for one development standards variance from UDO 5.57 sidewalk standards to not install a sidewalk when a new primary structure's constructed at 300 Foxridge Court Shelbyville, Indiana. Adam, shall you....

Rude: I'll read this into the record....(inaudible)...All three petitions tonight, BZA 2022-01, 02, 03 & 04 have the same information. The petitioner's name and the owner is Charles Marshall. The address of the property is 300, 303....Foxridge Court. The property zoning classification is R1... (inaudible)...The request on all four is approval of a development standards variance from UDO 5.57 sidewalk standards to not install a sidewalk when a ...(inaudible)...

Lewis: Thanks, Adam. Welcome, Mr. Marshall. If you want to tell us a little bit about what you're asking for?

Charles Marshall: Certainly. I have four lots out here that I own as was mentioned and this Foxridge subdivision was developed at and most of it was constructed within the 90s, mid 90s and for some reason the owner of 9 lots decided to hold onto them and kept them until this year and I purchased them. And I started construction on two of the lots and several of the lots are sold and I have another 2 that I haven't sold or started construction on and those are the four that I'm mentioning tonight. In this subdivision it was originally designed and built without any thought or provision of sidewalk and all of the utilities and drives, mailboxes, trees and all of that is installed without any consideration for a sidewalk which means that installing a sidewalk through the development, through the subdivision in a cohesive fashion would be really impossible, especially to make it ADA. It just wouldn't work and so what we'd be left with is just strips of sidewalk in front of these houses that really would look awful in my opinion. So and then you would also have in the cul-de-sac from the edge of curb to the right of way is actually very narrow. It's only 5' and so they have a very short width with the utilities in there. They've got the utility boxes. And so to try to cram a sidewalk in there would really be difficult as well.

And so I'm requesting a development variance on those 4 lots that I own. Do you have any questions for me?

Lewis: Okay, thanks. Okay I'll open up questions to the board. We'll start with you, Nicole.

Nicole Terrell: No questions.

Lewis: Okay. Doug?

Cassidy: Are all the houses sold already or are you just building them and then gonna sell 'em or are they already sold?

Marshall: They are not sold. I still own the two that I'm building. There are two that I own that haven't started construction on and there is 5 others that have been sold to other people that haven't started construction.

Cassidy: Sure.

Lewis: Vince?

Bradburn: No it's encouraging. Thank you for developing. I've looked out there and no, it doesn't seem practical to me to ask you to adhere to policies that the rest of the neighborhood isn't (?) themselves. So thank you for bringing this forward to us tonight.

Marshall: Thank you.

Lewis: Okay. If there are no more questions, I have no questions so I'll open it up to the public.

Rude: We can, if you're okay with it we can hear....(inaudible)...

Lewis: You may call 'em back up.

Rude: (?) online.

Marshall: Inaudible comment.

Lewis:(inaudible)...nobody from the public so I'll close the public comment and it up back up to the board if they have any questions.

No reply.

Lewis: None?

Rude: Inaudible comment.

Lewis: We will vote on 'em one at a time, okay. So does anybody wanna make a motion for BZA 2022-01?

Cassidy: I'll make a motion to approve the development standard setback.

Terrell: Second.

Lewis: Cast your ballots.

Rude: Motion to approve BZA 2022-01: Mr. Lewis - yes, Mr. Bradburn - yes, Ms. Terrell - yes.
**No audible record of Mr. Cassidy's vote.

Lewis: Okay I'll entertain a motion for BZA 2022-02.

Bradburn: Alright I'd like to make a motion to approve the requested development variance on what was it, 2022-02?

Lewis: Alright, do we have a second?

Cassidy: Second.

Lewis: Alright cast your ballots.

Rude: Motion to approve BZA 2022-02: Mr. Lewis - yes, Mr. Bradburn - yes, Ms. Terrell - yes and Mr. Cassidy - yes. Motion carries.

Lewis: Alright, how about a motion for BZA 2022-03?

Terrell: I make a motion for the approval of one development standard for BZA 2022-03.

Lewis: Thank you. Do we have a second?

Bradburn: Second.

Lewis: Alright, cast your ballots.

Rude: Motion to approve BZA 2022-03: Mr. Lewis - yes, Mr. Bradburn - yes, Ms. Terrell - yes and Mr. Cassidy - yes. Motion is approved.

Lewis: Alright. Finally BZA 2022-04, do I have a motion for that?

Cassidy: Motion to approve. Do we need to talk about the stipulation about the sidewalk? Chances are nobody's going to but do we need to add that to it?

Rude: Inaudible comment.

Lewis: The condition.

Cassidy: The condition about

Rude: Yeah.

Cassidy: Okay. I'll make a motion 2022-04 with approval of one the other homeowners put in sidewalks or have sidewalks have to be installed.

Lewis: Do we have a second?

Bradburn: Yeah, second.

Lewis: Cast your ballots.

Rude: ...(inaudible)...Lewis - yes, Terrell - yes, Bradburn - yes and Cassidy - yes.

Lewis: Alright any Discussion?

Rude: The only item I'll bring up and I believe you all probably got an email from Hannah earlier. We are picking back up ...(inaudible)...some subdivision stuff and some landscaping updates. We have a rough draft but we'd like to get the BZA and the Plan Commission involved if you want to be involved with those. Sometimes the topics are not your areas of interest and that's fine but if you want to be involved, we'd like for you to be involved in it so if you'll just shoot back to Hannah's email and let her know, we'll get something scheduled, get you involved in it...(inaudible).....

Lewis: Good. Alright well thanks you guys and I'll entertain a motion to adjourn.

Cassidy: Motion to adjourn.

Bradburn(?): Second.

Meeting adjourned.