

**BOARD OF ZONING APPEALS**  
**MEETING MINUTES**  
**April 12, 2022**

Chris Clark: The April 12, 2022 meeting of the Board of Zoning Appeals will come to order. Mr. Secretary, will you please call the roll?

Adam Rude: Ms. Terrell - present, Mr. Cassidy - present, Mr. Clark - here, Mr. Lewis - here, Mr. Bradburn - here.

Clark: This is a non-normal meeting for us as there are so many folks here from the public so I will tell you ahead of time that we can and we may limit time to any responses or any questions from the general public to a short period, maybe three minutes. We may let you go over that; just depends upon what kind of information you're giving us. But we do have the authority to cut it short for brevity purposes. That being said, what will happen here is we'll call the petitioners to the podium. They'll state their name. They'll talk to us about the projects that they're seeking variances for. We'll take questions from the board. Then once questions from the board have been asked and the petitioner has answered them, then we can take questions from the audience, from the public. When we do, if we do take questions from the public, you'll have to come up to the podium, state your name for the record, speak to us. The board will then ask you questions, may ask you questions. They may not have questions. Then once you have spoken your piece, we'll continue on in that vein. So with that being said, our first order of business tonight is the approval of the meeting minutes of March, 2022.

Wade Lewis: Approve.

Vince Bradburn: Second.

Clark: Motion and a second; all in favor of approving the minutes, signify by saying, "Aye":.

In Unison: Aye.

Clark: The minutes are approved. So in Old Business tonight, we'll ask the secretary to please fill us in on what's going on with Old Business tonight.

Rude: The first and only item under Old Business tonight is BZA 2022-06 Columbus Campbell Development Standards Variance. The petitioner's name and owner's name is Columbus Campbell. The address of the property is 538(?) Fifth Street. The subject property zoning classification is R1 single family residential and the specific request tonight is approval of one development standards variance. It's from UDO 5.23, the height standards and it would allow an increase of an accessory structure height by one foot, 16' instead of 15'.

Clark: Would the petitioner please approach the podium and tell us about your project?

Columbus Campbell: Hello. My name's Columbus Campbell and I was wanting to add on to my existing garage that I've already got there and I want a 10' door on it. To get the 10' door, I have to be a foot over their.....

Clark: Okay. Questions from the board? Ms. Terrell?

Nicole Terrell: No questions.

Clark: Mr. Cassidy?

Doug Cassidy: No questions.

Clark: Mr. Lewis?

Lewis: No questions.

Clark: Mr. Bradburn?

Bradburn: No questions from me.

Clark: I also have no questions. This was pretty clear cut and something that we've been seeing a lot of lately because of some verbiage we have in our system that we're trying to take care of. So I will close questions from the board and I'll open it to the public.

No response.

Clark: Seeing no one wishing to speak or move forward, we'll close comment from the public and I guess we're ready for a motion.

Cassidy: I make a motion to approve the requested development to increase one foot to 16'.

Lewis(?): Second.

Clark: It's been seconded and I will call for the vote on BZA, what's (?) on this one?

Several members speaking at once; no one is clearly audible.

Clark: 2022-06. Please cast your votes.

Rude: A motion for approval on BZA 2022-06: Miss Terrell - yes, Mr. Cassidy - yes, Bradburn - yes, Lewis - yes, Mr. Clark - yes. Motion carries.

Clark: Good luck.

Campbell: Thank you.

Clark: Now for New Business. Mr. Rude, will you please fill us in on New Business?

Rude: The only item we have under New Business tonight is BZA 2022-07 Auto Medics Midwest Special Exception use. The petitioner's name, owner's name and representative tonight, Mr. Jesse Eads. The address of the property is 62 Third Street. The subject property zoning classification is IL light industrial and the specific request tonight is approval of a special exception use to allow a truck sales and service center in the IL light industrial district.

Clark: Thank you, Mr. Secretary. Mr. Eads, would you please approach the podium, state your name for record and tell us a about your project?

Jesse Eads: Good afternoon. My name is Jesse Eads. I own and operate the business at 62 Third Street there is Shelbyville, Auto Medics Midwest and as a part of our business, we have a service center that locates there or that operates at 62 Third Street which already have the variance for. I'm asking tonight to petition to grant to allow the truck sales which is allowable under a special exception use for light industrial. That's what we're looking for.

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

Bradburn: I'm sorry; are you family with the staff's recommendations?

Eads: The state?

Bradburn: The staff's recommendations for your petition.....

Rude: With conditions.....

Bradburn: ...with the conditions. You spoke with the staff about conditions to your request.

Eads: Yes. Yes, I am.

Bradburn: Yeah, awesome. Okay good, good. Let's see so with the first condition in terms of setting a limit to the number of vehicles at any given time on the lot, what would be a number that would be a reasonable number for you to still conduct business?

Eads: So we do do (?) there so the number of vehicles located would fluctuate on the premises but the ones for sale I wouldn't expect to have more than 15 vehicles at any given time for sale.

Bradburn: Okay, okay. And could you speak to your intention in terms of offering truck sales? The staff spoke to within your petition you're mentioning that most of it's online?

Eads: Yes so it's something that we've actually been doing for quite some time under either private party sales or we formerly had a dealer's license here in Shelbyville at another property where we pretty much buy and refurbish and sell primarily commercial vehicles, you know bucket trucks and chip trucks and you know some pickup trucks that you see contractors using, primarily white in color vehicles. Occasionally we do buy some you know (?) units that are orange trucks and resell those.

Bradburn: Gotcha. And your intention would be there would be no walk-up service available and it would appointment only just like you've been conducting business the past couple of years?

Eads: Exactly.

Bradburn: Okay well I'll let my fellow board members get a couple more questions.

Clark: Mr. Lewis?

Lewis: Okay so no intention of, you've got the lot on east 44 so you are no intention of doing regular vehicles?

Eads: Yeah, no so we're our intention at 62 Third Street is you know pickup trucks to you know commercial trucks.

Lewis: Okay.

Eads: No very little passenger vehicles. I mean I do currently own a couple of vehicles that are titled in the business' name that carries the license that I'm trying to relocate here. So but there won't be, there's not gonna be a whole lot full of passenger vehicles at all.

Lewis: So with the conditions, the fence, in 2015 we approved for the automotive repair. Was a fence involved in that petition or do we know, Adam?

Rude: I think so.

Lewis: Okay. And you're willing to do that within a reasonable period of time?

Eads: Right. So as....

Lewis: If approved.

Eads: Yes. To touch on the fence; so since 2015, at that point, I didn't own the property. I was just a tenant and I've since purchased that property. And then recently, just a few weeks ago, successfully purchased some land from the city to expand our lot a little bit larger, former railway property. And we are scheduled to have commence construction on the fence on the 26th of

this month to start the fence. It's gonna be a 6' privacy fence on the entire Jefferson Street side of the property.

Lewis: 6' you said?

Eads: 6'.

Lewis: Okay. The other businesses there, the Dry Dock club, you lease, you own that and lease to them?

Eads: Yes, sir.

Lewis: I know they use parking and everything, but....

Eads: Yes, sir.

Lewis: Okay. They still be able to use what's left?

Eads: Yeah. So I have an agreement with them a certain allotted amount of parking space and I we had just had a meeting with them this past week. They had questions pertaining to you know our request and then also their future. And then I assured them that the parking they currently have they will continue to have. And the purchase of the property from the city is actually gonna give them you know a little bit more parking so coexisting best we can.

Lewis: That's all I had for now. Thank you.

Clark: Okay. Mr. Cassidy?

Cassidy: We were presented some these pictures that came in today that shows some RV that somebody took these pictures and there's some RVs there....(inaudible)....

Eads: So the .....

Cassidy: Is that part of your sales?

Eads: In the photo here where you see the primarily the yellow truck here....

Cassidy: Uh huh....

Eads: ....and then there's an RV directly in front of it and it's a smaller van style RV, so that vehicle is something that we did service on and the owner of the vehicle has basically abandoned it with us and we're you know going back and forth with them to get that sorted out. The RV that's directly behind that was towed into our facility and it was removed today. We do not intend on doing you know intensive RV work or buying and selling of RVs. But the one was

something we did service on, the smaller of the 2 and the one directly behind it, it was removed from the premises today.

Cassidy: Okay. Are the trailers, are those your tree trailers?

Eads: Yes. That's what we operate for our service.

Cassidy: Okay. And your fence will go all the way around the property?

Eads: (?) along the 25' off of Jefferson Street....

Cassidy: Okay.

Eads: ....on the entire length of the property. So you will not you know there'll be a privacy fence along that entire run. At this point, we have no intention in fencing in the what would be the west side of the property. It borders the home that I own and then also where the Dry Dock club is, that Dry Dock would have to have access to their parking.

Cassidy: Okay.

Eads: So we're just gonna close off that entire stretch of Jefferson Street.....

Cassidy: Okay.

Eads: ....to walk-thru traffic and visually you know hide the stuff we have there.

Cassidy: You're not doing semis are you?

Eads: No semi.

Cassidy: Okay. That's all I have right now. Thank you.

Clark: The question I have is the I don't know if I caught that or if you said anything about that. What kind of material are you....

Eads: So we're gonna do a white vinyl fence.

Clark: White vinyl?

Eads: Yep.

Clark: 6' tall?

Inaudible reply.

Clark: Okay. (?) about that. Thank you.

Terrell: Inaudible comment.

Clark: I almost forgot Miss Terrell. Miss Terrell, do you have questions?

Terrell: I do have a question. So like you were talking about the fence along the Jefferson Street. Where would you say that that is going to begin and where is that going to end just in regards to Harrison or even look at the (?) street down to (?). I'm looking at the second picture right here.....(inaudible)...visual.

Eads: Okay yes so the photo that you're looking at there, there is already an existing wood fence that borders my property and then Robert Lewis' property. It's basically on the property line. We're gonna adjoin to that fence.

Terrell: Okay.

Eads: And then we're gonna come directly through our boundary along Jefferson Street and then go all the way to our boundary that borders Darrell Mollenkopf's property right there that neighboring us. And then we're gonna come back and tie into his fence. So it'll be 100% fenced in along Jefferson Street.

Clark: Anybody else have any questions?

No reply.

Clark: So I will close comment from the board and open it to the public. Anybody from the public wish to speak? Please step up to the podium and speak your name.

Gayle Wiley: Good evening. I think most of you know me. For the record, my name's Gayle Wiley. I live at 14 Mildred Street which sort of intersects. It's across from Harrison Street. It sort of intersects with Third Street so we see a lot of traffic coming in and out of Third Street there. So I have the petition that I've brought before you tonight. I think we have about 26 neighbors in the surrounding area in which Auto Medics is requesting a variance. And you can read the petition, so I was gonna read that but you know what it says since you have it. So we've had this just a little less than two weeks but you know after just going out a few times trying to catch people at home, we've had I thought pretty good success with people saying, I was surprised how many people were pretty upset about this. We just thought we'd put some feelers out and everyone you know they were pretty upset and I think odds are if we had more time, we would've had more people sign this petition saying they were not happy about it. It's, I probably had six or seven people who said they had actually contacted the Plan Commission office in voicing their opposition. And by the way, before I forget, the person that you said is anonymous, I spoke to that person and that person has signed the petition and as Wade stated,

they were kind of concerned about some retribution so they (?) sign the petition. So tonight our concerns regarding this special variance that Mr. Eads states in his letter he says quote "in order to continue to conduct business as we have we are requesting a special exception for truck sales and service is allowable under the special exception in the light industrial district zone". I don't know if that means he's already conducting business there that he's not supposed to be. I wasn't real exactly clear on what that meant but it's my understanding that he's requesting to sell trucks from 62 Third so I'm I think you've asked some questions from him and still not clear because in his petition, he states that he's only going to put a fence up along the west side which is along Jefferson Street. But I think that he just said he's putting around the whole thing, so I'm not sure what really is going to happen, what his intentions are and I think that he was supposed to put a fence up when he initially started this business in 2015 which by the way he bought that property in 2017 so he's had a lot of time to install a fence and still has not done that. This location is primarily a residential neighborhood and we feel, I'm speaking for the people signed the petition that is doesn't really selling trucks part time online and that's a little, seems a little vague also in his petition or whenever. It does not really fit into the residential neighborhood. I understand there's a strip there that's light industrial but it's surrounded by residential. So in his Findings of Fact, we disagree with those. Most of which (?) nearly negates. He doesn't really explain how or why the area will be affected but under the general welfare section, our concerns are that there will be increased heavy truck traffic on Third Street. I mean the trucks have to get in there some way that he's working on or he's going to sell. So they have to be transported in somehow. We already have more truck traffic than we did previously. Since he already operates there that's the case. His petition states he'll be selling a small percentage onsite but again, how does that inventory get delivered? That's increased traffic. Who will oversee what the petition says as a small percentage that he's selling online? Who oversees that? What is that percentage? How do we know that's going to happen or how much is gonna happen? So we have some questions about it. We believe the general welfare of the city is negatively affected by this variance request in that it's a dangerous location since children do live and play in this area and they walk to the pool along Jefferson Avenue. Nowhere else in the city do we see a car or a truck sales lot being allowed to open in a residential neighborhood. It doesn't happen. Secondly, we object to the unappealing visual effect of the, I don't wanna make this too personal but it just looks junky. I brought the pictures and there are junk parts there. You know, they're sitting outside and it's been that way now for years and it's the it doesn't look...and the proposed fence, if it's only on the west side, it's not gonna cover it and if it's only 6', it's not gonna cover those big trucks. You're still going to see it. And one of my neighbors here, you can stand on the front porch or I can look out my window and I can still see all of it. So that isn't, that's not going to solve the problem. I know I'm probably going over my time. I'm almost finished. Okay, and adjacent property; so again this business most certainly affects our property values and our enjoyment of our properties. Currently we already have increased noise and visual pollution. Harrison Street and Jefferson Avenue, surrounding areas are all residential and I cannot understand why the city would recommend nor allow what looks to be a parts or a junk yard along Jefferson Avenue. What has been a nice green space for a good 30 years now is starting to look pretty bad at the moment. And I can only imagine that it will only look worse if this is allowed. It's a main thoroughfare along Jefferson Avenue to the pool. Now is that what we wanna see as you're driving to the



pool or we have people coming into town and they're driving down to the pool? Do we want that for our city? I don't think so. So I think the city's missing an opportunity to improve this area and this corridor by leaving it as a greenspace. Kids play football here. People walk their dogs and Adam cleared this up. I was going to ask because I had been told several years ago that this was gonna be a trail so I'm glad that that's still gonna happen and I think that was a good idea. So is there anything I can clarify on.....?

Clark: That's good. I was just getting ready to wrap you up.

Wiley: Hit the timer on me?

Clark: Yep. So I was watching.

Wiley: If you have any questions for me or anything I can clarify?

Clark: Any questions from the board?

No reply.

Clark: Okay.

Wiley: Thank you.

Clark: Would anybody else from the public like to speak?

Inaudible comment.

Clark: State your name for the record.

Diana Yates: My name is Dianna Yates. Mine and Gayle's children has played together when they were growing up. They played in that field. I'm concerned. I've lived there 31 years on Harrison Street. There are a lot of little children now that play. Also we were never gave any notice that the tree trimming place came in. We were never gave any notice about the Dry Dock. There's been so many things come in. None of us have never even been notified to even say is it okay? Is it not okay? I mean there's a lot of things been going on.

Clark: May I ask where you made aware in 2015? How close a proximity to the actual property are you?

Yates: I live at 1123. The alley behind my house, I'm about 4 houses from where those trucks will be coming in.

Clark: Okay, thank you.

Yates: But I'm just concerned. I mean our property values can't be good with that.

Clark: Okay, thank you.

Cassidy: Adam, are they in the area that what is it, 600' of the property where he started his tree service? Was .....

Rude: There's a chance they're outside of the 600'.

Clark: It was a little different in 2015 as well.

Wiley(?): We didn't get a notice.

Yates: We didn't get anything in 2015 about it.

Rude: The standards probably were less.

Clark: I thought it was 2 deep or something like that..

Rude: We revised 'em last year I think.

Cassidy: Okay.

Clark: Two properties deep.

Rude: Inaudible comment.

Clark: Okay. Anyone else like to speak?

Rebecca Mexin: Me. My name is Rebecca Mexin. I live on Van Avenue, 120(?) Van Avenue and I have some same concerns. There's a lot of kids. I have 6 children. My children walk through there to the pool, to the baseball fields back there and my one concern was he's gonna have 15 trucks. That was one of my questions. That lot is not that big between truck sales and a automotive service so it's gonna be crammed back in there. And that is also a dead end street. It's not a through street so those, it's gonna get a lot of traffic. So the people that live on that street, their street's gonna get torn up. They're also, having an old house, I have put... (inaudible)...house period but an old house. Man, those things take a lot of love and money and time to restore and there is a lot of homeowners around there that are restoring those old houses that are putting a lot of love and effort into and restoring this historical district and making it a residential. And I know one of the houses somebody just put a ton of money into right on the corner there. And I know if I'm correct, his house is right there too. If we had a truck sales right there, that is gonna take down our property values and I would hate to see Shelbyville say it's okay to put a truck dealership in the middle of a historic district that is meant to have a longevity to hopefully our kids move into there too and keep these houses and create

a community. And I'm hoping, I'm almost done. I'm hoping that if he has another place to sell it, please, please, please we need the business but not in the middle of a residential area.

Clark: Thank you. Would anyone else like to speak? But I would like to make a comment. The reason for our limiting of time is generally to weed out over and over repetitive information. So the first questioner had a lot of facts, a lot of information and you also had some extra added. Just in case, I just want you guys to know why if I limit you, I'll be limiting you. Please state your name.

Heather Davis: My name is Heather Davis and I live at 1010 S. Harrison Street directly across from Mr. Eads' house now. The other property that he's purchased in the last month or two. I've lived there since 2011 and have kind of had to deal with the tree trimming service of its own kind of coming and going, the noise and the kind of the clutter and the look of it over the years. I was the only resident that came in March of 2015. I did receive a letter. I was here and I guess a major concern and a huge question for me for Mr. Eads is since he's purchased the property, my concern then and my concern now is the safety of his employees and the safety of the residents around that building and its fire rating, if he has done any sort of improvements to the structure itself for ventilation, for hazardous waste disposal, the tires that are supposed to be there. The car sales itself was already shut down before we got to this point last meeting. The board had already decided before the meeting started that that was a bad idea so those five people at that time, I appreciate that and I didn't have to look at it for the last 7 years. So I too am worried about the value of my home that was built in the late 1800s that I've put a lot of time and energy into and this is gonna be in my front yard. I get to look at it the whole time. Another question is is where are these 15 trucks going to be displayed? I was assuming maybe they were around along Jefferson Avenue. Are they gonna be in his front yard at the two homes that he has which is definitely right in my front yard. I don't know where 15 industrial vehicles will be sitting. I didn't know and if he's putting a fence up where I thought they were going, I don't know (?) would be. So again, my main question and concern is the safety and the setback rule. I have no idea 'cause I don't work for the city but anything that goes along with how close the houses are next to it that are just across the alley on the east side of that where children play and things like that has already been stated. And I know last time that the board had said that they wanted an 8' wood impenetrable barrier around his entire property line. I think that would be a great idea. An 8' even kind of seems a little low at this point. So again, we've got great big trucks with great big booms and all of that. I know last time I stated he has redone one of his homes that sits there. It's beautiful. He has thousands of dollar in beautiful fencing and I don't understand why he would put this in by his own home. So I don't wanna look at it every day and it's my understanding he no longer lives there so he won't have to look at it every day like I do. So you know, again if he's got the sales out on 44, I would appreciate that. I didn't know he was even doing any work out of that shop at this point. I'm guessing he's fixing the cars that go out to 44. So he was supposed to put up the fence by September 31st of 2015. When I called back in November, 2015 and spoke with Dann Bird, he told me he dropped the ball on that. He would look into that and he called me back and told me he spoke with Mr. Eads and Mr. Eads didn't have a reason as to why the fence wasn't up yet. The fence wasn't even actually talked about. Mr. Eads brought that up himself. So I'm still trying to figure out 7 years later why it's not up and

why we all still get to look at all these trucks and trash and all of that. The only thing that's gotten better in 7 years is that he no longer cuts wood over there. I think he took that out to his residence or somewhere else outside of town. So just that those are my questions. Has the building been made so it's okay? I mean obviously he's doing business out of it so that concerns me for the safety of his employees and ventilation and fumes and oil and what not.

Clark: Okay, your....

Davis: That's okay. Thank you. Thank you so much.

Clark: I understand. I will also so that I am the only person that was on the board at the time the first time and I do remember the property was actually owned by someone else at that time but I do also remember myself questioning the staff at that time multiple times after that fact. So I will just say that for the record and....

Davis: Well I know Mr. Bird.....(inaudible)....

Clark: Yeah there's been some changes and transition on both sides. So would anyone else from the please step forward and speak your name.

Randy Montgomery: My name is Randy Montgomery. I live at 14 Mildred Street. Some of the different facts that besides what's been presented before; Harrison Street was revamped by the state. The street itself was narrowed down and then no parking was allowed for all the homeowners along Harrison Street which will be to the east of the entrance on Third Street. So all of the homes that, all the residents there now have to park all of their vehicles in the back alley. They have to park in the back of their property and that goes all the way down to Fourth Street. So there's a lot of traffic that actually comes out of those two alleys from the south and from the north and then they converge into Third Street. Third Street is very narrow and all of the streets, be it Van, Mildred, Third, Gordon, Fourth Street, they all come into Harrison Street, not directly as a T. They're all off-set. So every time you're making a transition to turn in or out, there's vehicles that are that could be potentially 20,30' and when you add large vehicles in to be able to navigate that. And then the other fact I would bring up is that when you look at the town of Shelbyville, the city, all of the auto sales, and even large truck sales like Randy's Truck, they're all on Broadway Street and going east to 74 on 44 with the exception of, the only one's I can other I can see is Phelps on Henderson or Hendricks and there's no residence, residential area around it. It seems the city is already moved to have auto sales or vehicle sales to funnel that major highway where there's multiple access in and out and it's completely commercial from going from Harrison Street all the way to 74. So that's what I would like to add.

Clark: Okay, thank you. I will say this that yes, there has been a lot of activity as far as out 44 but for this petition, it is for a special exception use in an industrial, light industrial area. So it just kind of doesn't really fall into that category but I do appreciate your information on the traffic there.

Montgomery: Can I add to that then?

Clark: Sure.

Montgomery: In the variance they're asking to take their license from an existing business that they do, property that they do have on 44. So that is part of the an issue with the neighborhood is you already have a place to sell your vehicles. I know like Randy's trucks, if you drive out there, he's got large vehicles. They're along 44. I know he has a facility that he either repairs or and refurbishes vehicles. I don't know if that's what he takes out to there if he buys but that seems to be conducive to that kind of sales of trucks and large trucks or large equipment trucks.

Clark: Okay, thank you. Anybody else from the public wish to speak at this time?

No reply.

Clark: I will open to questions to the board from the questioners from the public if there are any questions. Any questions?

(?): No, no questions.

Clark: No? Okay seeing that there's none of that, I will actually also open the floor to Mr. Eads again if he so wishes to address the folks that have spoken.

Eads: I'd just like to touch on a couple of things you know pertaining to like 2015 with the fence. You know the number one reason that there was never a fence built was because had I built a fence on the existing property line, I would only had half of the gravel area of the parking surface. And it's been you know brought up numerous times, you know is it possible to purchase additional land from the city from the railway. Unfortunately, that took a very long time but it has you know we just filed the paperwork and I now own more of that property which you know is I can put up a fence and still be able to drive around my building and have room to operate. Again it's you know we're coming all the way out to within 25' of the curb. So that leaves room. You know I wanted all of it but you know they wanted, there's a plan to put a trail through there so I think we reached a acceptable compromise to you know give that space through there. I mean I've had all the desire in the world to put a fence up through there really 'cause I mean we have people who come in Third Street and they just drive right across the where there's no road across you know underground lines and there's a sewer line there and you know rut up the yard. I mean it's pretty frequent so I'd like to stop that and also you know reduce the unsightliness of what I have there to the people that live on the other side of the road. You know as far as like operating the tree service out of there, I did have to make some concessions to operate there. You know I wasn't allowed to sell wood out of that location which you know we haven't done since but we've been there for almost 14 years with my tree trucks so it's been an extensive period of time. I do I still own a property at 1017 S. Harrison Street there. I've invested pretty heavily into that property to make it a nice home. Recently you know I made another investment into a property that has had a bad reputation for drug sales and

things of that nature. It's directly across the alley from the property, I'm at 1017. I just recently purchased that. Haven't done anything with it up to this point but I've only owned it a few months but my intention is to elevate the neighborhood by investing money into that property and you know make it at least on par with what I have right next door. So I do have a vested interest in values there. I mean I have two residential homes on Harrison Street which border you know borders the entire well most of the site of the opening where there wouldn't be a fence. I mean I own both properties there. So you know that's kind of the reason I wouldn't put a fence there is because you know I own those properties and it's really not harming anyone. So....

Bradburn: Can you clarify the fence? There was maybe some confusion that....

Eads: Yes, that....

Bradburn: .....so your intention is just to have it go along the west side of the property and no fence going the south part of the property?

Eads: Right. So the entire west side of the property which is Jefferson Street. So that entire side is Jefferson Street will be fenced in. So they you won't be able to you know there'll be a privacy fence covering all of Jefferson Street and you'll see the it'll be boxed in on the north side coming from an existing fence and then as well on the south side. So we'll actually come out from the south side of the property, come all the way along the west side of the property and then go and tie into an existing fence on the north side of the property. But the east side of the property will not have a fence.

Bradburn: So you will have some existing, some fence on the south side of your property?

Eads: Well there is already an existing chain link fence to the neighboring property on the entire south side of the property.

Bradburn: You're connecting to that?

Eads: I'm connecting to that, yes.

Bradburn: I gotcha.

Eads: And that's a chain link fence over that already exists.

Terrell: Okay 'cause I think with my questions I'm looking at one of the pictures is the properties I think that many of these people are speaking of on the east side. So there's nothing there, so as they're facing west, they're seeing the building. Essentially I'm looking at this picture right here. So this is this right here'll have so they will still have to look at all the trucks and debris and whatnot that's your.....

Eads: So they would be on the other. Most of the people that spoken today live on the other side of Harrison Street and they you know don't directly face that outside of this lady here. I forget her name but she does live directly across the road.

(?): Davis.

Eads: Miss Davis. And I mean she does look into that east side of the property but there is so the home that I have at 1017 has a very nice 6' privacy fence that surrounds it. But definitely from her front porch, you can definitely see right in there and there's really nothing we can do about that. It's just it's in plain view. There is a there's an entire property between her home and where we operate.

Terrell: The question I have though is as I look at these pictures and I even drove by it just to kind of get a good up close feel. How often do you have large industrial traffic that comes through there? Because I'm thinking just even of bus stops in the morning, in the afternoon and the summer you have kids who are going.....I mean Jefferson Street is highly traveled just not to the pool. I see those kids coming from the gas station, all of those areas. How often do you have those large industrial trucks that come in and out of your property?

Eads: So none of our traffic comes from Jefferson Street. There's not even an access.

Terrell: Not just Jefferson. I'm just talking about, ( ? ) the perimeter from Harrison Street around to all the way around to Third Street, back around Jefferson. How would you say in that whole perimeter? How often would you say you have large industrial, even with the tree business?

Eads: Well I mean the tree I just leave there every morning and come back every afternoon. I mean as far as the added traffic we're gonna have, really wouldn't even be noticeable. The no one is would be able to tell the difference from what we've been doing to what we will be doing. Just having this license just allows us to buy and be tax exempt at the time of buy and pass those taxes to the consumer, okay? We're it's a relatively low volume. I mean we're not talking large dealership. There's not gonna be things lit up. There's no, there's not gonna be anything displayed along street. We're gonna have some vehicles that we take photos of and we list them via you know, internet. And people are gonna have a specific purpose. I mean they're gonna be a contractor and they're gonna come there for a specific to specifically see a vehicle that I have such as like a bucket truck. They're gonna contact me. I'm gonna vet that person and they're gonna ask you know questions about it before they even come view it and it's gonna be by an appointment only. People are gonna just be randomly stopping by.

Lewis: Do you think you mentioned 15. I mean would you be okay with a number like 5? If you think most of your sales are gonna be via the internet where you may not even take inventory of that actual vehicle?

Eads: So .....

Lewis: Or are you gonna I mean you think you might have 15 physical vehicles on that lot?

Eads: Well you know I basic, they was asked to put a number to it so I put a number to it, okay? Currently, like right now, I have 5 vehicles (?) that are.....

Bradburn: I counted 8 before I drove this evening.

Eads: ....at the....

Bradburn: Vehicles.

Eads: I'm talking about ones directly associated with the dealer's license. I have like 5.

(?): That's right.

Eads: So I will have.....the way the process works is I buy these vehicles at auctions, okay? And some of them may not need any work or maintenance and others may need you know a new engine, okay? So I'm gonna have to have some sort of an inventory. And then I'm gonna have to have some vehicles that are in transit, right? So if I go and I limit you know I may have purchased 10 vehicles that are sitting at one's in Tennessee or in another state that are owned under that license and there may only be 5 on the premises, right? So it's I have to keep vehicles in a pipeline. I don't necessarily wanna be like oh at any time someone can just be like how many vehicles do you have on your books? And I own say I own 30 but I only have 5 on the premises, right? Some of these vehicles I send out to a third party person that sandblast and paints them. I don't do any of that type of thing in-house.

Bradburn: Well the staff recommendation, the condition number one there is a language, "may not maintain more than X amount of vehicles for sale onsite".

Eads: Okay.

Bradburn: So that doesn't speak of how many you own.

Eads: Okay.

Bradburn: Or how many parcel vehicles you have. It's just how many you're actively onsite for sale.

Eads: Right, right. Definitely I could have a lower number than 15.

Clark: That's excluding your tree service trucks?

Eads: That's excluding that. That has.....



Cassidy: Can you address Mrs. Davis' issues with them, safety of the building. Have you done the upgrades and fire issues if there is a fire there. I mean we see all these fires all over. Mechanic shop and obviously they would be worried about that so have you addressed that with that building?

Eads: So I'm we don't have a sprinkler system if that's you know what you're asking. I'm not required to have that but I do have appropriate fire extinguishers, spill kits and all those things on premises, yes.

Clark: Any other questions?

Lewis: My the only other thing on the fencing, would you be I mean like a 8-10'? When I envision the trail, I assume it's gonna be elevated somewhat. It's gonna be built up. Still not gonna obviously on large trucks cover everything but would you be willing to go to an 8 or 8-10' fence?

Eads: So I think the city....

Lewis: Within maybe 90 days?

Eads: So the city requires a max or has a maximum height of 8', I believe.

Lewis: 8? Okay.

Eads: So you know I could make it....

Lewis: (?) and 6. Would you go 8?

Eads: I could go to 8'. I would go to a wood fence if I went to 8' (?) fence.

Clark: Alright. Any other questions?

No reply.

Clark: No other questions. I guess we can close the comments and open it up to a motion.

Bradburn: We have discussion with the board, right or board comments first? Yeah 'cause number one I wanna applaud everyone's advocacy tonight. This is great to see. I mean it always helps when it's your back yard. You're more interested but it warms my civic-minded heart here so thank you for everyone's civility this evening and hopefully we continue that back to the neighborhood down there on the south side. It yeah and we've mentioned it before but the role of our role this evening isn't to rezone any property. It's already zoned light industrial and as I read that, light industrial is intended to provide areas for light industrial, warehousing,

research and distribution facilities. This district is intended to include industrial uses that are completely enclosed within structures and do not involve outdoor storage of any materials or include any release of detectable emissions. That's the existing (?) and so our role this evening as the Board of Zoning Appeals is to take a look at the special exemption is to give a special exemption for added on use. So in addition to the existing use, the petition as I understand it is asking to add the truck sales and service center. And so as I look through the list of the Findings of Facts and then the job that we have to do up here as a board, most of the concerns that I'm hearing relate to light industrial zoning district in my view. The traffic, the what it looks like certainly it being a residential area. I don't disagree with that at all. It's residential all around that property. Unfortunately, this isn't the we don't have the power to rezone it tonight back to residential as it was before. And so as I see the conditions that the staff report that the staff is recommending with limiting the number of vehicles on site, I would support a five onsite for sale. There's already, as I mentioned just as I drove up this evening, there were 8 vehicles in addition to what the one of the petitions photographs also showed you know other materials that are displayed outside on the property existing. So I'd encourage that. Let's see the no walk up sales or service, I think that's gonna be vital for my vote on that one. And the same thing in terms of the remaining by appointment only. And I like the 8' opaque fence so that's my thinking right now.

Clark: Thank you.

Lewis: I'll follow up you know along what he said. With the special exception, I don't think the added with the conditions that we're looking at, with 5, no walk up. I don't think that special exception that increase is going to be detrimental. It's not gonna be that significant. So with the conditions that we have here you know I'm leaning in favor of it myself.

Clark: Anyone else got anything to discuss about this?

Terrell: I just have one question for Mr. Eads. So one of the conditions (?) all service and by appointment only. What are your hours when you talk about appointment only? Like are do you have a certain hour that you know is it by 4:00 that you take your last appointment? I mean I think it being residential and just the nature of being....(inaudible)....like 5, 6, 7? I mean like when is your cutoff for that appointment going to be?

Eads: What are you specifically referring? When you said service.....

Terrell: You said all services to remain by appointment only so that's one of the recommendations that was given so I just wanted to find out like when you talk about appointment only, like do you take appointments now for these things and if you do how late in the evening do you do that? I'm just curious with it being a residential area that would be a concern for appointments and vehicles being brought in throughout the day?

Eads: Yeah so we would close business at 5:00 if that answers your question.

Terrell: Thank you.

Clark: Are there any other discussions to be had at this point? If not, I guess we're ready for a motion now.

Bradburn: If we adjust the conditions do I read it in as a motion?

Rude: It would probably be best, long winded but if you just read all the....

Bradburn: The conditions?

Rude: Yes.

Clark: Don't forget to add the 8' on the fence.

Lewis: Within 90 days.

Terrell: A timeframe for that?

Clark: Yes, and a timeframe for the erection.

Lewis: 90 days.

Clark: 90 days?

Lewis: That's what I would suggest.

Clark: Inaudible comment.

Bradburn: Okay, alright I'd like to make a motion to approve the requested special exemption use to allow for truck sales and service center and according with the conditions that follow: Cannot ever maintain more than 5 vehicles for sale onsite. May not engage in walk-up sales or service. All service to remain employment only. They must keep all equipment, vehicles, trucks and etc. behind an 8' tall opaque fence running along Jefferson Avenue and fence to be constructed within 90 days of approval. Pursuant to the Finding of Facts presented in the planning staff's report.

Clark: I have a motion.

Lewis: I'll second.

Clark: Please cast your ballots for BZA 2022-07.

Rude: This is a motion for approval with five conditions as Mr. Bradburn read into the record: Mr. Bradburn - yes, Mr. Lewis - yes, Mr. Clark - no, Ms. Terrell - yes, Mr. Cassidy - yes. Motion carries.

Clark: That's all there is. Thank you for your time and efforts. Discussion before we adjourn?

No reply.

Clark: Do we have anything to discuss before we adjourn?

Rude: No I'll just for the record state that staff's working on landscaping standards. There's a few minor amendments. We'll be sending that out to the board for any additional comments before the final adoption process....(inaudible)....

Clark: Alright. Motion to adjourn?

Lewis: Adjourn.

Cassidy: Second.

Meeting adjourned