

## Board of Zoning Appeals Meeting Minutes

The Shelbyville Board of Zoning Appeals met in Regular Meeting on February 25, 2021 at Shelbyville Recreation Center. Chairman Jamie Williams called the meeting to Order at 5:21 PM. City Recorder Lisa Smith called the roll, and the following were present: Member Randy Carroll, Chairman Jamie Williams, Councilmember Stephanie Isaacs, Member John Davis, and Member Gary Calvert. Also, present were Acting City Planner Kevin Chastine, City Recorder Lisa Smith, and City Attorney Ginger Bobo Shofner. A quorum was declared and the meeting began.

**Approval of Agenda:** Chairman Williams called for a motion to approve the Agenda as written, Member Carroll made the motion to approve, Councilmember Isaacs seconded, and the motion carried by unanimous oral vote.

**Approval of Minutes:** The minutes from the January 21, 2021 were then up for approval. The City Attorney requested to review the minutes and without a hard copy present, Member Davis made a motion to defer, Member Calvert seconded, and the motion carried unanimously upon oral vote.

### **New Business:**

**Variance Request for Rear Setback at 207 Northwood Ave.:** Acting Planner Chastine advised the request is for a variance on the rear setback of property located at 207 Northwood Ave. The property is currently zoned R-1, and this requires a 30-foot rear setback, and the owner is requesting the setback to be reduced by 20 feet at only a width of 33 feet area to accommodate a detached garage. The garage would be 30x40 at the end of the driveway on the northeast corner of the lot and the placement would cause the encouragement of 20 feet into the rear setback. Chastine noted there was also a 10-foot utility easement, but the garage would be built outside of that easement. Chastine stated the original application for accessory structure was filed on September 24, 2020 and the Planner at that time Doug Caffey approved noting the zoning of the property was R-1 and the side setbacks were 10 feet, and the rear setback was 30 feet. The discussion with owners concerning the rear setback began after the November 5, 2020 submittal of the Foundation Survey. Staff verified the setback requirements was in 30 feet at the time the original plat was approved. Following discussion with Staff, owner submitted a request for variance to the 30 feet setback requirement. The owner further provided aerial maps from Google Earth highlighting seven (7) properties that are located closer than 30 feet from rear property line. Staff has researched these properties and the aerial images do reflect what exists within the subdivision today. The owner also presented signatures from adjacent property owners at 204, 205 and 209 Northwood Avenue stating their support for the variance request. Chastine stated a variance request is reviewed based on ten (10) standards and #10 deals with National Register of Historic Place and that does not apply to this request. Of the other nine (9) this request satisfies seven (7). However, it does not satisfy # 1 -the physical surroundings, shape, or topographic conditions of the specific property would result in a hardship. Staff does not feel this request satisfies this Standard as there are no physical elements such as steep topography, sinkholes, or property boundaries at odd angles that would restrict the owner from compiling. Additionally, # 5 – the alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance. Staff states he does not think the request meets this standard as the need for the variance is created by the desired size of the garage and not the physical nature of the property. Due to the request not satisfying the nine (9) applicable Standards Staff can not recommend approval of the variance to reduce the rear setback. Chastine further advised if the Board does approve the request the applicant shall

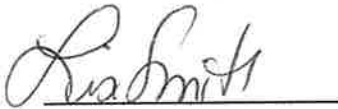
satisfy two (2) conditions of approval #1 The applicant shall receive a building permit prior to beginning construction on the detached garage and #2 The applicant shall ensure the detached garage does not encroach into the 10-foot utility easement along the northern property boundary and the 10-foot side setback along the eastern property boundary.

Member questioned the owner, Paula Burks about the driveway placement and any other garage entrance. Member Davis asked if Ms. Burks had anything to do with the placement of the house and she advise no she only purchased the property last April. Davis noted the house sets back far and that makes the side yard about 30 feet shorter than other houses in the subdivision. Davis stated he did feel the lot is somewhat different and hard to work with due to the short side yards. Member Carroll ask if the neighbor behind had agreed to the variance. Burke stated the property behind was more on Jennings Lane and currently not developed. Member Davis advised he thought the shape of the site and the way the house was placed on it did cause a hardship. Along with that the fact that the three (3) neighbors that are adjacent do not oppose it, he would be sympathetic, and he disagrees with the planner that the hardship was created by someone else. Chairman Williams advised he does not like variances, but he too can understand those thoughts as well as note there are several other properties in the neighborhood that have encroached on the rear setback. Williams stated he felt Standard 1 and 5 were tied together and he agreed with Member Davis that the position of the house does create a hardship. Further discussion ensued concerning the tree line and maintaining a buffer on the property line. **Member Davis then made a motion to approve the variance based on that he feels that Standard #1 and #5 were met, as the side yard is shorter than the others in the neighborhood and it was an existing situation that the owner did not create, Councilmember Isaacs seconded, and the motion carried unanimously upon roll call vote.**

**Reports from Staff:** None

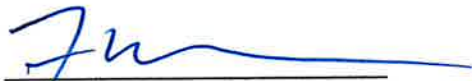
There being no further business, Chairman Williams declared the meeting adjourned at 5:55 PM.

Respectfully submitted,



Lisa Smith  
City Recorder

Approved by Board: 5/20/2021



Chairman