

**BOARD OF ZONING APPEALS
MEETING MINUTES
August 14, 2018**

Kris Schwickrath: Good evening, everyone. The August 14, 2018 meeting of the Board of Zoning Appeals is now called to order. We'll start with the roll call.

Bryant Niehoff: Yes. Mr. Lisher – here, Mr. Clark – here, Ms. Schwickrath – here and Mrs. Case – here. And just note for the record that Mr. Cassidy is absent.

Schwickrath: And also I should mention that Mr. Wade Lewis has joined us from the Plan Commission and he will most likely be here at our next monthly meeting. So thanks to Wade. Okay, prior to this evening's meeting, we have two sets of minutes. I'd like to approve each one separately. The first one is the June 12, 2018 regular meeting of the Board of Zoning Appeals. I'll entertain a motion to approve the minutes as stated.

Chris Clark: I'd like to make a motion to approve the minutes from June 12th as presented.

Jim Lisher: Second.

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

In Unison: Aye.

Schwickrath: Opposed same sign.

No reply.

Schwickrath: Okay the minutes are approved. And then the second set is from the June 25, 2018 special meeting of the Board of Zoning Appeals. I'll entertain a motion to approve the minutes as presented.

Clark: I'll make a motion to approve the June 25th meeting minutes as presented.

Lisher: I would second.

Schwickrath: Okay, thank you. All in favor, signify by saying, "Aye".

In Unison: Aye.

Schwickrath: Opposed same sign.

No reply.

Schwickrath: The minutes are approved. I also wish to thank Lisa for her work on these two meetings. They were very lengthy and it's a lot of work and it doesn't, it's not in vain, Lisa. We do read them. So thank you. Tonight's agenda then, we have one item for New Business or I should start again. No items under Old Business and then one item under New Business with two variances requested tonight, so we'll start with the first one.

Niehoff: Absolutely. Yes this is for BZA 2018-10, United Scrap Metal development standards variance. Excuse me,

Schwickrath: 13, isn't it?

Niehoff:that is 2018-13. Yes, that is a misprint on the agenda.

Schwickrath: That's fine.

Niehoff: I apologize. And the petitioner's name is United Scrap Metal Indiana, LLC. The owner's name is 751 W. Boomer Way, LLC and the petitioner's representative this evening is J. Lee McNeely. The address of the subject property is 751 W. Boomer Way and the subject property zoning classification is IG, general industrial. This evening, the petitioner is requesting approval of 2 development standards variances, one from UDO 5.20A to allow for a fence taller than 8' in height. And the other to allow for a fence to be constructed forward of the front façade of the building.

Schwickrath: So Mr. McNeely, I think you know how we proceed. We'll do one variance at a time. So we'll do the first one, the A.

Lee McNeely: And the first one is the height?

Schwickrath: Yes it is.

McNeely: Alright. Thank you. My name is Lee McNeely. I'm with the firm of McNeely and Stephenson and I'm here representing United Scrap. I've given you a handout and essentially a printout of a power point and if I could just kind of walk through it with you rapidly, I think it will give you all of the information that you need. The second page sets forth who the parties are. Brad Serlin(?) who's the president of United Scrap is here with us this evening if there's anything that any questions that might require executive approval, we have the man with us here today. Also with us is Dan Nash who's going to be the manager of the facility here. He's a seven year employee of United Scrap and was in their Cicero, Illinois facility and he's now moved to central Indiana and will be the operation manager here. The next page just is a general picture of the site to remind you as you all remember from about a month ago or two months ago. This is the Faeza property. Faeza was a client of mine that was unsuccessful and

we were trying to facilitate the sale at the last time and get your approval and that was granted to us. The next page, which I think is perhaps the most telling here, is the one that gives you some idea of who our surrounding businesses were and you'll understand that at the last hearing that we had we were able to say through Brian Asher that they were nobody was opposed to this. Everybody was in favor of it and we think would be a good addition, including Kimura who will be our neighbor to the west. And the reason I bring that up is that part of what we're talking about here has to do with fencing. Keep in mind that what we're doing here is that we have a lot of valuable material in our in the area of our facility. And what has been traditionally done throughout the country at our other locations is that we have a 10' high security fence, generally chain link. It will be different here 'cause I we're trying to make it even better here. But 10' we have found is a much more secure height that this is a facility that because you've got valuable minerals and material there, people want to get into. People are you know some places nobody really wants in. Here, we wanna make sure that nobody gets in. Then we have barbed wire on top which is in conformance with your standards. Not razor wire; we know that's prohibited. But we have barbed wire on the top. One reason here and it's not terribly significant but keep in mind that to the east of our facility is the railroad track and that is slightly elevated. And so to have an extra two feet on that side, we really do think adds to the security of the facility. So we're looking for a variance, not you know, people are generally you know can I have a lesser standard that what you have. We're the unusual...(inaudible)...we wanna do a little bit more than what you require on a standard basis. I wanna point out as we and I have this in front of you that as we go through the Findings of Facts that you need to document on the way to approving this, we wanna point out that on the first Finding of Fact which has to do with the general welfare, I've stated what the general welfare is and pointed out that we have a favorable recommendation of the planning staff with respect to that. We security is necessary. We have a wooded area and so general welfare security is important to us. The next standard is to insure that we have no adverse effect on the surrounding property and we believe that there is no adverse effect. This fencing that we're going to do is similar and common to many of the other facilities. As a matter of fact and I'm not 100% sure of this, but I believe when Jake Brattain spoke with the staff, there are actually a couple of places in the industrial park that already have a 10' fence. So while 8 is all that's required, we were told that in fact there are some that are in excess of that. But again, we have a favorable recommendation from the planning staff on that. There are no practical difficulties associated with what it is we're going to do here. That's Finding of Fact number three. And with regard to the fences, if you turn to the last, next to the last page on our presentation, you'll see an example of the...this is literally fencing that we have at other facilities that will give you an idea of what it is that we have. I'll just briefly talk about and I won't talk about the other variance, but I will briefly talk about the fact that we feel it is necessary to completely enclose this facility to leave no gaps so that we would have a secure facility. So we want either a wrought iron fence or a 10' fence with the barbed wire all the way around the facility. I don't think it any adverse effect in this area. We happen to be, and I'll talk about this with regard to the other variance, obviously the Faeza property, we're the last parcel on Boomer Way, so there's nobody past us and it becomes railroad track at that point. So I'm here to answer any

questions you might have or I know the audience, you'll ask them if they have any concerns with that, but we're here to answer all of your concerns.

Schwickrath: Thank you. So again the first one has to do with the height. We'll start with you, Mrs. Case.

Beth Case: I'm just curious. Is it a 24 hour operation?

McNeely: No. I didn't think it was, but we don't have people. You know we'll have guards and things like that, but we don't have an operation going on 24 hours a day.

Case: I don't have any other questions.

Schwickrath: Okay, thank you. Mr. Clark?

Clark: The 10' that you're asking for, is that inclusive of the barbed wire at the top as well?

McNeely: No. It's 10' plus barbed wire.

Clark: Okay.

McNeely: Okay?

Clark: Thank you.

Schwickrath: Mr. Lisher?

Lisher: The part where you're proposing at least wrought iron fencing on the western border, I would assume or hope that that would include towards the entranceway or areas where either your plant next to you, Kimura, or someone else could see. I don't know necessarily if it's needed back in the back, but you are contemplating wrought iron, use of wrought iron probably in the first 400' it looks like since it says it's 800. Is that fair to say?

McNeely: That's fair to say. I think this is as much for aesthetics as anything else. You know we're you always try to be a good neighbor and they were kind enough not to object to us coming to the neighborhood and some thought being that as you approach the facility, this is the first thing you see and it's much more attractive façade. But it also affords us the security that we need because of the materials that we are keeping inside.

Schwickrath: Is that it?

Lisher: Yep.

Schwickrath: Okay.

Lisher: That's all the questions.

Schwickrath: Yeah, thank you. Yeah that's pretty much what I had to. I refigured that. You would not use wrought iron that whole length because that would be perhaps unnecessary in part, so about half of it.

McNeely: Yes.

Schwickrath: Okay. And then as the as far as the fence goes, the cantilever fence, that's going, is it going to look like the one I'm seeing here where you're gonna have the slats to protect (?) view?

McNeely: Are you talking about the wrought iron?

Schwickrath: No. The gate?

McNeely: Oh yes.

Schwickrath: Sorry, not the fence. Pardon me; the gate.

McNeely: Yes.

Schwickrath: It's gonna look like this? What, the images?

McNeely: Inaudible reply.

Schwickrath: Okay.

McNeely: And that's what we have here. We have three pictures. One wrought iron. One with chain link.

Schwickrath: Yes.

McNeely: And the other fence or the gate which slides back and forth.

Schwickrath: Sorry, yeah. Okay. So it's gonna look like that? Alright.

McNeely: Yeah.

Schwickrath: And then I know these things have been worked out, but I was out at the property today just to drive around again and so the surveying I know has been done. So I'm

not trying to ask a silly question, but to see how this is going to look. The fencing then will most, well much of it or most of it will be in the ground not on the paved area, is that right?

McNeely: Yes.

Schwickrath: Okay just wanna make sure I have that right. And how far back will it extend into the line of trees?

McNeely: (?) from the line of trees?

Schwickrath: The line of trees on the what is that, the southern part, right?

McNeely: South.

Schwickrath: Yeah.

McNeely: On the south; we're clearing some of that.

Schwickrath: Okay.

McNeely: And we're capturing some of that area. Now there's a ravine back there so we can't go all the way.....

Schwickrath: Yes. You've got a lot of bio swales, actually.

McNeely: Yeah. We can't go all the way back to our property line.

Schwickrath: Okay.

McNeely: But essentially what the goal here was when we originally discussed this was to clear the trees and to capture as much of the facility property as we possibly could and then to fence that. On the picture that you have, because you're using a computer to draw yellow lines and

Schwickrath: Right.

McNeely:you know but actually we won't be literally on the property line.

Schwickrath: Okay. Okay the other thing, I just wanna point this out. You may not need to cut down any trees because what you have clogging your view there is the bush honeysuckle. So that might be the first thing to go and you will have to treat that. You can't just cut it. I just want you to be aware of that. Because if you cut it, it'll grow back two fold.

McNeely: Okay.

Schwickrath: And you'll wish that you had treated it.

McNeely: Okay.

Schwickrath: And it should be done in September or October. So you have to see how far back that goes.

McNeely: Write all this down, (?). Oh no, seriously, thank you.

Schwickrath: You need to know that because it's pretty thick and you may be able to leave the trees alone is my point.

McNeely: Okay.

Schwickrath: So hence another aesthetic portion that you might be able to maintain. But I don't know how far back the property line goes, so just saying.

McNeely: Okay.

Niehoff: Also those trees on the southern property line are also counting towards the buffer yard requirement for the special exception approval.

McNeely: Uh huh.

Niehoff: So I would agree concur with Ms. Schwickrath.

McNeely: And we had talked about that.

Niehoff: Right.

McNeely: When we came over to talk about the variances and we worked with the staff, we spent a lot of time talking about the buffer areas and what we have to do.

Schwickrath: Right.

McNeely: You know, and he knows. We're committed to what there's gonna have to be some (?) say exceptions, but some places you cannot do it. Some places you can do it, so we're committed to work with the staff. You tell us what you want it done and it'll get done.

Schwickrath: Okay. Alright.

McNeely: It's that simple.

Niehoff: Yeah we've worked with your office as far as illustrating where exactly we think that makes sense and whatnot, so yeah I think we'll be able to (?) there.

McNeely: Okay.

Schwickrath: Thank you. Alright. Any further questions from the board before I close this and open it up to the public?

No reply.

Schwickrath: Okay then I close questions from the board at this time. If anyone from the public wishes to speak about this particular request, you may do so now.

No reply.

Schwickrath: Okay it looks like no one's coming forward so public comment is closed and we I think we're ready for a motion on this.

Lisher: Madam chairperson, I would move to approve the variance from UDO 5.20A height requirement for an industrial fence to include up to 10' and subject to a condition that the portion on the western side be of wrought iron and I'll leave the length to be determined by the staff.

Schwickrath: Okay, thank you. There's a motion.

Clark: I'll second.

Schwickrath: Okay. Please cast your ballots then for BZA 2018-13A. Sorry. How 'bout like that? There we go. Thank you.

Niehoff: This is for BZA 2018-13A. Mrs. Case – yes, Mr. Lisher – yes, Mr. Clark – yes and Ms. Schwickrath – yes.

Schwickrath: So that motion is approved. We'll move on to the second one.

McNeely: My name is still Lee McNeely. I'm slightly older than when I started.

Schwickrath: Did you wanna say something first or not?

Niehoff: No.

Schwickrath: Okay so we'll just move into that.

McNeely: Alright so and at my age, every day counts so we're now wanna turn ourself our attention to the area of the fencing and normally, as you're aware, you don't wanna take the fence beyond the front façade of the building. We have particular problems here adhering to that. The Faeza building was already in existence. There were weight scales on the left hand side. It was difficult for us to find a way to say how would we put a gate in and how would we fence the area and still be able to use the scales, the (?) parking lot, etc., etc. So the solution is the and we worked we discussed this with the staff also, how do we work our way out of this and the suggestion was well we'll ask for a variance and we'll just try to move the front the north side of the fencing to the property line as opposed to the front façade of the building. I understand why you had that rule. It makes sense to do that. Fortunately here, as I say, we're the last parcel on this on Boomer Way and then there's the railroad track. The other thing here is that it was difficult, if not impossible, for us in the current configuration to have a swinging gate and still access the property. And so what we're having here is we're gonna have a sliding gate that allows us to come in. We think this will be attractive. We've pointed out and you've looked at it once, but we will again. We're talking about wrought iron on the western side near our neighbor, Kimura and we think that'll be far more attractive over there and then once and I'm again, depending on how deep we have to go in the wrought iron, we'll then pick up the chain link fence at that point and essentially follow the property line around, recognizing as you pointed out that on the south side we've got a ravine. We have trees. We have vegetation that we have to deal with. But again, we're trying to enlarge the footprint to the extent practical and then fence it in under there. That's it.

Schwickrath: Alright; thank you. Alright we'll begin with questions. Mr. Clark, start with you.

Clark: So the gate is going to be of chain link towards the gate (??)?

McNeely: The picture of the gate is that middle picture on the kind of the next to last page.

Clark: Okay.

McNeely: And

Lisher: Page that says fences at other facilities?

McNeely: Yes.

Clark: Okay.

McNeely: We have similar fencing. Do we have wrought.....

(?): Inaudible comment.

McNeely: I know we have chain link at other facilities so I know that's where we got the pictures from, but we do have wrought iron some places.

Clark: Okay, thank you.

McNeely: I would point out as far as fencing, but again it's also much more attractive and so it just enhances the whole area.

Clark: Thank you. I have no more questions.

Schwickrath: Mr. Lisher?

Lisher: I have no questions.

Schwickrath: Thank you. Mrs. Case?

Case: I don't have any questions.

Schwickrath: So did I hear that and I understand what I asked earlier that the chain link gate will be used. Is that is there the option of wrought or the wrought iron as well or not? Is that

McNeely: I don't think there is.

Schwickrath: Can you speak to that? Do you mind stating your name for the record, please?

McNeely: Inaudible comment.

Schwickrath: I just wasn't clear if it was a possibility or you know that was still a consideration.

Brad Soren: Thank you. Brad Soren, president of United Scrap Metal and our objective would be to do it out of wrought iron. We're kind of at an impasse with the engineering of the gate based on the number of feet it's gonna cover if it can handle it weight-wise.

Schwickrath: Okay I see.

Soren: Because we're not using a hollow wrought iron. It's gonna be a solid and a solid picket you know each column of it?

Schwickrath: Yes.

Soren: So that would be our objective because I think aesthetically it would look the best.

Schwickrath: So Bryant, what do you think? Is that something that we need to that we could leave that up to you?

Niehoff: As far as determining.....

Schwickrath: The material for

Niehoff:of the gate?

Schwickrath:of the gate.

Niehoff: We can, yeah we can work that through with the petitioner and I mean as far as because our ordinance really doesn't distinguish material types....

Schwickrath: Right.

Niehoff:aside from stockade fences. So we can work through that with the petitioner and say.....(inaudible)...

Schwickrath: And the only reason why I bring it up is I simply, I think we should be clear, but if you want that option and then it's just a clear option for staff in the future so there are no surprises.

McNeely: Sure.

Schwickrath: Okay, that's all.

Niehoff: And I mean as far as they are applying for a variance to encroach into the front yard setback, so....

Schwickrath: Yes.

Niehoff:I mean as far as the BZA's intent here and keeping this property....(inaudible)....certainly that is with....(inaudible)....

Schwickrath: That's all, yeah.....

Lisher: Well we can make the motion that or stipulation that the gate be wrought iron if feasible as determined by staff.....

Niehoff: Absolutely.

Lisher:and taken into account the engineering.

McNeely: Inaudible question.

Niehoff: Yeah, we will.

(?): Yeah.

Schwickrath: It does look better and it would be a nice continuation from what you have on the west side, what you're proposing for the west side. So....

McNeely: We're just checking with Brad. I mean I suppose the most important point here is our desire is to have wrought iron which is the enhanced version.

Schwickrath: Sure.

McNeely: The only reason we're not gonna have wrought iron because it physically can't do it.

Schwickrath: Sure.

Several people talking at once; no one is clearly audible.

Niehoff: Inaudible comment.

Soren: Absolutely. We'll yeah we're gonna explore any option we need to. I mean our objective is to have an aesthetically appealing operation. The pictures that you've seen are from our Cicero headquarters which we have roughly 50 acres and our Charlotte operation which is about 12 acres. So that has the chain link around it with privacy slats which actually turned out aesthetically pretty appealing.

Schwickrath: As long as they're maintained. I know that's a big thing, right? 'Cause I know they break, they.....I'm not saying you're not going to do that, but even though you're at the dead end of the street there, the road.

Soren: No we take pride in our appearance and our industrial customers wanna see who we are and what we look like.

Schwickrath: Sure.

Soren: So we take a lot of pride in that.

Schwickrath: Thank you.

Soren: Thank you.

Schwickrath: Yeah the and the reason why I brought that up really too is because you're asking us to move that the front gate to a position that we don't normally allow as you know. So I think if we can work out the material, I think it'll just look a lot better. That's all that I have. Anything further on your mind?

No reply.

Schwickrath: Okay then I close questions from the board at this time and if anyone wishes to come forward from the public and speak or ask questions about this one, this particular petition, you may do so now.

No reply.

Schwickrath: Okay, hearing no questions then, I close public commentary and let's move to a motion for 13B.

Inaudible mumbling among board members.

Case: I would like to make a motion to approve the requested development standard variance from UDO 5.20A to allow a fence to be erected in a front yard pursuant to the Findings of Fact presented in the planning staff's report with the stipulation that you will work with the planning staff on the material to make the gate.

Schwickrath: Okay, there's a motion.

Clark: I'll second.

Schwickrath: Okay please cast your ballot then for 2018-13B.

Niehoff: Thank you. This is for BZA 2018-13B. Mrs. Case – yes, Mr. Lisher – yes, Mr. Clark – yes and Ms. Schwickrath – yes.

Schwickrath: Okay, thank you. So good luck with your project and

McNeely: That's some presentation, Mr. McNeely.

Schwickrath: Yes.

McNeely: Well thank you. I appreciate that.

Case: Yes, very nice.

McNeely: Mr. Brattain had a lot to do with that...(inaudible)...

Schwickrath: It'll be an improvement. Thank you very much. Okay, do you have any items for Discussion?

Niehoff: I do not. I aside from the fact that I will be passing along to the board that Mr. Jaussad did stop by the office earlier this morning to request if he could appear before the board. He was not advertised on the agenda, but just to ask a few questions, I believe. That's my understanding. So just wanted to pass that along to you and he is here. So if you so choose to entertain that...(inaudible)...

Schwickrath: Sure. You're here tonight and you have some questions for us so please come forward and....

Lisher: Madam chairperson, point of order?

Schwickrath: Yes?

Lisher: If it involves old business though, does it need to be presented under Old Business?

Schwickrath: I don't know what the nature of the request is, so...

Lisher: I don't know either. I'm just saying that.

Niehoff: That's a great point.

Schwickrath: No, thank you. That's a good point; thank you.

Lisher: Robert's Rules of Order.

Niehoff: Yes.

Schwickrath: You are correct.

Niehoff: You are.

Mike Jaussad: I'm Mike Jaussad. I'm a private citizen here in Shelbyville and a couple of months ago when I came I asked for permission to put a carport from my car from my garage out the front of the house. There were two things that or there were two stipulations that the board considered might be, might be plausible and that would be one if we could block the view from the intersection to my house and the other was to agree to take the carport down if I sold or passed the property to another buyer to another owner. And at that time, I said yes if I

agree to if agreed with the stipulation, that's what I would do, but in thinking about it after I got home, first of all, I don't want to block the view of the intersection from my house. So I don't agree to that. And since then, Adam has sent the utility markers out and now I don't wanna tiptoe through the utility markers to put a vegetation line between me and the intersection. Number two, the stipulation that I would if I sell the property that I would sell that I would first of all take down the carport and be responsible for taking the carport down. I don't agree to that and I think that's an insult. I take pride in my house. If any of you have gone by my house, you can see that I don't trash the yard. I keep it mowed. In fact, our neighborhood, we have a small neighborhood. I'm one of the people in the neighborhood who looks after a widow that is not able to cut her grass. We make sure that it's done and there is no charge for that. It's just a neighborly thing to do. Also, since I take pride in my property, I wanna put a carport up without being a well without being a something that the neighborhood or that brings the value of the property around the neighborhood down. The carport that I've that I've tried to or at least that I've arranged to have is not the carport that is that comes down and then rounded on the corners.

Schwickrath: Is it enclosed?

Jaussad: It's squared on the corners. It's not a cheap carport. The carport that I've arranged for is \$2700 which is more than a thousand more than what you would expect for just a carport to cover that territory. I wanna be able to protect my vehicles in the heat of the summer. I wanna be able to protect 'em in hail and I wanna be able to protect 'em the wintertime.

Schwickrath: So I'm gonna interrupt you there because we went through this. I don't remember when the meeting was when you were present? Was it April or May? You were here in April or May?

Jaussad: It was, no it was in June.

Schwickrath: It was in June?

Jaussad: No, it was in May. You're right. It was in May.

Schwickrath: May, okay. So at this point, I don't wanna rehash it because I just wanna make sure that you are clear. Our job is to maintain the city ordinances and then we worked we wanted to work out something that was a compromise that would fit given the difficulty of the actual location. So there were a few options and one of them Mr. Lisher actually brought up or it was later. I forget if it was at the next meeting a possibility for an enclosed space. So our job is to maintain the ordinance as stated and then to hear what the petitioner has to say. But then the next step is there was really no hardship for you. I mean everyone in your neighbor, we went through this already so I mean everyone in your neighborhood could say the same thing. We wanna put a carport up because we wanna protect our vehicles so but the ordinance says we can't do that for a reason. So then the other option then is to build an enclosed space. So I

don't know what else to say at this point except I mean we voted on this already with the stipulation of putting up some kind of a screen just because of the

Jaussad: Uh huh.

Schwickrath:proximity to the intersection more than anything else. So I don't know if anyone can take it any further.

Lisher: No I think you're clear. Sir, years past the city had allowed carports and there was a revision made in the ordinances and as a result of that public input and so forth, part of the ordinance now says no carports, sir. So if you don't want to abide by any stipulation that were granted in the past to you, then you can't build a carport. It's that simple. I found a (?) it may be a carport, but it doesn't look like a carport that at least would fit my definition of something that would be allowed. Again, that's all up to you, the landowner, to decide what you want to do. We can't tell you what to do with your land. We can only tell you what you can't do with your land and that's why we have ordinances that limit the use of it. Passed on the information. It's on the entrance to Rolling Ridge just off 9. I think it might be the first house. If you looked at that or saw it, you yourself I think would believe that maybe that's a garage, but in reality it's a metal framed carport whether it has a garage door on the front, I don't know. I didn't inspect it closely.

Jaussad: Uh huh.

Lisher: But there are a number of carports in certain subdivisions within Shelbyville that I think you yourself would say yeah that looks kind of tacky. We don't like those.

Jaussad: I agree.

Lisher: To give you an understanding....

Jaussad: I understand.

Lisher:of why our City Council people probably wanted to make a change.

Niehoff: Mr. Jaussad, I believe we gave you a copy of what Mr. Lisher had passed along to us.

Jaussad: I have it.

Niehoff: Okay.

Jaussad: I would presume that the board here is serving your community. Each of you serves your community by being a member of the board and participating in the city government. What kind of citizenry do you want to attract to Shelbyville? I have no idea if you draw

anything for the trouble of serving on the board. I work with a group of men at Mt. Pisgah who build wheelchair ramps. Now we don't take anything for our efforts. We do that because that's the right thing to do. We supply our own tools and equipment. The wood is supplied by a contract with have with government. What kind of citizenry do you want in Shelbyville?

Lisher: Those who abide by our ordinances. If you wanna know the plain fact for me, that's it. I want citizens who abide by our ordinances.

Schwickrath: In my opinion, we made a good faith effort to work with the property as it is and to work around it and after that, after I voted to approve it, I actually thought, I was, I'll just be honest with you, I was kind of in the middle with it because it's it doesn't, what you asked for as a variance does not doesn't fit with what the actual code is. So when you ask the question about what kind of citizenry, I think the other question is you know the leadership here is doing the best it can, so I don't think you can say it's a little unfair to say that we did not try. I'm getting the impression you think we didn't try to work with you because you didn't get what you wanted. That's not what this is about. So we have to work both sides. We have to work with what's in front of us as far as an ordinance goes and then what you've presented and we did our best. I researched at home what type of trees to put up to fit that space. So there's nothing more that I feel that I can do right now unless you have a different proposal based on what Mr. Lisher is saying another property. Rolling Ridge you said? I mean if you wanna pursue it. But we already voted on this and so we can't.....this is where it stands. I can't do anything further unless you come back to us with a different proposal if you don't like the stipulations that we asked from you the first time.

Jaussad: Well I'm a principled person. I believe that we should try to live within our community without burning(?) our neighbors and without hurting others. I believe that it's very selfish to go against the community.

Schwickrath: I think Mr. Lisher stated clearly though that the community at the time, whenever it was, no more carports because of the way that they look. We're not second guessing the fact that you have that you chose a more expensive one. But the reality is it butts up against what was decided upon as a standard for development within this community. I don't know what else to say.

Jaussad: Okay. Raise your hand if you've served your country.

Schwickrath: No, I'm not. We're not going to do that.

Jaussad: Served your country?

Lisher: Yes, sir.

Jaussad: Infantry?

Lisher: No, US Navy.

Jaussad: In what?

Lisher: Proud to be a Navy, sir.

Jaussad: Navy?

Lisher: That's all I'm going to say more to you.

Schwickrath: That's all.

Lisher: I'm done.

Schwickrath: That's all. Yes, we....

Lisher: I move to adjourn.

Schwickrath: We have finished, yes.

Meeting adjourned.