

CITY OF SHELBYVILLE

Daniel D. Bird, FAICP
Director



Adam Rude
Deputy Director

PLAN COMMISSION

Board of Zoning Appeals

Meeting Agenda: June 14th, 2016

Location: Common Council Chambers

- The Board of Zoning Appeals will conduct a pre-meeting - 6:30 p.m.
- Call to Order – 7:00 pm
- Roll Call
- Approval of Minutes
 1. Minutes from May 10th Meeting
- Old Business:
 1. None
- New Business
 1. BZA 2016-6; Erika Monroe Use Variance for a Beauty Salon
- Discussion
- Adjournment

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MEETING DATE: April 12, 2016

Case #:	BZA 2016-6
Petitioner's Name:	Erika Monroe
Owner's Name:	Roger Monroe
Petitioner's Representative:	Same
Address of Property:	1313 State Street
Zoning Classification:	IL - Light Industrial
Comprehensive Future Land use:	Single Family High Density Residential
History:	The northern side of St Joseph Street adjacent to the site was developed prior to current zoning requirements.
Surroundings:	North: Single Family Residential; South: Institutional; East & West: Light Industrial
Action Requested:	Approval of a Use Variance to allow part of a pre-existing structure to be used as a beauty salon.

The staff has received a request for a use variance at 1313 State Street for a beauty salon to be operated in the eastern portion of the pre-existing building. The building is currently being used to store equipment for the towing company that is operated on the site. The petitioner's father, Roger Monroe, owns part of the building and would like to allow his daughter to operate a beauty salon in a portion of the building, while Ross Towing operates a towing company out of the remaining portion of the building. The Staff has determined the following findings of fact based on the information provided.

Findings of Fact

1. Does proposed use variance have a negative impact on the existing land uses?

The addition of a beauty salon in a primarily industrial and residential neighborhood should have no negative impact to the surrounding uses and could become a complimentary commercial use for the residential neighborhood to the north.

2. Does the proposed use variance comply with the future land uses of the complementary plan?

The future land use of this area is "Single Family High Density Residential". While the proposed use is not the primary use described in the comprehensive plan, it is typically described as a neighborhood commercial use which would be complementary to the residential uses described in the comprehensive plan.

3. Does the applicant suffer from a practical difficulty that requires this use variance to remedy?

The diverse composition of land uses present in the area; residential, commercial, industrial, and institutional; creates sites where a particular use is permitted but in the neighboring site the same land use is not permitted. The lot directly north of the applicant's site would permit this use as a

home occupancy, but this lot, because it has a different zoning, does not permit the proposed use. The applicant's practical hardship occurs due to the composition of land uses currently present and permitted in surrounding lots.

STAFF RECOMMENDATION: APPROVAL PER THE FOLLOWING CONDITIONS:

1. The use variance is associated solely with a beauty salon and the portion of the building that is being proposed for this use.
2. This use variance is solely for the building at this site, no other properties owned by the applicant or buildings on the same or adjacent properties.
3. The use variance will expire if the applicant does not make begin operating in the space within one year.
4. The use variance will expire if and when the approved use (a beauty salon) ceases to operate in the building.
5. The use variance and all required permits are subject to the state design release.

USE VARIANCE BZA 2016-6, Erika Monroe Beauty Salon

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the proposed use variance to allow the applicant to use the eastern portion of the building at 1313 State Street for a beauty salon per the conditions in the Staff's recommendation.

1. The variance of permitted uses **will not** be injurious to the public health, safety, and general welfare of the community.
 The variance of uses **will be** injurious to the public health, safety, and general welfare of the community because it will not create more public sidewalks for the public to use

2. The use and value of the area adjacent of the property **will not** be affected in a substantially adverse manner.
 The use and value of the area adjacent of the property **will be** affected in a substantially adverse manner.

3. The strict application of the terms of the Shelbyville Zoning Ordinance **will** result in a practical difficulty in the use of the property per item 3 of the staff's findings of fact regarding the diverse composition of land uses in the area.
 The strict application of the terms of the Shelbyville Zoning Ordinance **will not** result in a practical difficulty in the use of the property.

Shelbyville Board of Zoning Appeals

By: _____

Attest: _____

Chairperson

Secretary

**BOARD OF ZONING APPEALS
MEETING MINUTES
June 14, 2016**

Kris Schwickrath: Good evening, everyone. The June, 2016 meeting of the Board of Zoning Appeals is now called to order. We'll begin with a roll call.

Adam Rude: Mr. Lisher – here, Mr. Clark – here, Ms. Schwickrath – here, Mr. James – here, Mr. Cassidy – here.

Schwickrath: Thank you. Prior to this evening's meeting, we have the minutes to approve from last month, May 10, 2016.

Terry James: Move to approve those as presented.

Chris Clark – second.

Schwickrath: Okay it's been moved and seconded. All in favor, signify by saying, "Aye".

In Unison: Aye.

Schwickrath: Opposed, same sign.

No reply.

Schwickrath: Minutes are approved; thank you. And we are ready to move on then to New Business, there being no Old Business on tonight's agenda.

Rude: The only New Business is a use variance application at 1313 State Street. The applicant is Erica Monroe and she would like to use the vacant portion of the building there at 1313 for a beauty salon. One correction to the application that was just pointed out, it's showing that they're requesting a special exception from §2.26. In reality, they're requesting a special exception from 2.25. 2.26 relates to the design of buildings in that zoning district. 2.25 relates to the uses.

Schwickrath: Okay.

Rude: So that is a correction. The staff is recommending or the staff has supplied a report with Findings of Fact. We're recommending approval with five different conditions that would need to have.

Schwickrath: And we'll discuss those now? Okay so if the applicant would please step forward, state your name for the record and tell us about the project.

Erica Monroe: My name is Erica Monroe and I'm just requesting a use variance for the vacant portion of the current building located at 1313 State Street. The parcel is zoned light industrial and is half occupied by Ross Wrecker. The variance would be used to open a beauty salon in the vacant portion of the building. My proposed use is in line with the intent of the light industrial in that the activities of the salon will be fully enclosed in the building and that there will be no outdoor storage of materials. The salon will provide quality hair, skin and makeup services along with top beauty products. We will house numerous stylists that will provide a great service to that area. The majority of stylists are located downtown Shelbyville or out east 44 so we'll bring some business back towards that side of town. The salon will utilize 1500 square feet of the usable work space there at that parcel.

Schwickrath: Okay, thank you. What we'll do now is we'll take questions from each board member should they have any....

Monroe: Okay.

Schwickrath:and you can answer them directly. Thank you. We'll start with Mr. Cassidy.

Doug Cassidy: Are you gonna have tanning beds in there too?

Monroe: No, sir.

Doug Cassidy: Just a salon?

Monroe: Just a salon. Just hair and makeup and skin. So no spray tans, no waxing other than the face. Just basically everything from here up.

Cassidy: When do you plan to open?

Monroe: As soon as possible.

Cassidy: That's all I have.

Schwickrath: Thank you. Mr. James?

James: I don't have any questions.

Schwickrath: Thank you. Mr. Clark?

Clark: I just had a curious question. Can you tell us what was in the vacant portion before it became vacant?

Monroe: Um.....

(?): It's been vacant for a while.

Monroe: It, yeah....

Clark: I wondered.

Schwickrath: Wait, no you can step forward and please state your name for the record.

Roger Monroe: My name is Roger Monroe. I own the building. It was used, originally built from Neeb Plumbing. He had a plumbing supply store in there many years ago, but it's been a while and it's been vacant ever since me and my brother in law bought the building and we really haven't had anything in the front part of that building for 25 years.

Clark: Okay, thank you.

Schwickrath: Anything else, Mr. Clark?

Clark: No.

Schwickrath: Mr. Lisher?

Jim Lisher: The staff has made a recommendation for approval of this but with it they add that the use would expire within one year if it did not begin operation. I assume you can live with that 'cause you say you wanna start right away.

E. Monroe: Yes.

Lisher: That's the only comment or question I have.

Schwickrath: Can you tell me about parking? I noticed, I think I counted twelve spots and I don't know with their being potentially two uses for the building how you envision that occurring. I know there are like five or six in front of the....

E. Monroe: Yes, in the front portion will be mine. We plan to extend just a little bit like if you're looking at the building, to the right side, but we are able to use on the other side. On the left side, we're able to use that as well. So Brent's side, you know he does have walk-in traffic, but not long term. You know, they come in, pick up a car and leave. So my are a little more long term, but maybe an hour and a half at the most so we should be okay with parking.

Schwickrath: Since we don't have any real site plan, what signs are you thinking of having. And I know this goes beyond tonight, but I just wanted to prepare you.

E. Monroe: Just a sign on the front of the building, just above the door that states you know the salon's name. And then since being up there, we've noticed some people walking in to what will be my side as trying to come get a car for Ross', so we thought about maybe putting a sign on the corner of the building just stating Ross Wrecker with an arrow this way and the salon pointing another way. But other than that, I don't intend to put a sign you know out by the road or anything like that, just solely on the building.

Schwickrath: So any questions about signs, you've got the staff to work with.

E. Monroe: Back to Adam.

Schwickrath: Right. Just so we're not back here again with oh, that's the wrong size....

E. Monroe: Okay.

Schwickrath:or oh you have too many, that kind of thing.

E. Monroe: Okay, great. Thank you.

Schwickrath: I think that's all that I had. Anything else come to mind for any of you?

No reply.

Schwickrath: Okay I will close then questions from the board and open this to the public where there is no one in the public. Did you wish to say anything?

No audible reply.

Schwickrath: Okay public commentary is now closed and if we feel ready to move to a motion, we can do so.

James: I'd like to first make a comment. I always appreciate when somebody is starting a business within our community, so I appreciate what you're doing. And with that being said, I'd like to make a motion to approve the proposed use variance to allow the applicant to use the eastern portion of the building at 1313 State Street for a beauty salon per the conditions, the five conditions that were stated in the staff recommendation and this is in accordance with the Finding of Fact as presented by our planning staff.

Lisher: Second.

Schwickrath: Okay please cast your ballot then for BZA 2016-6. Thank you.

Rude: Mr. Cassidy – yes, Mr. James – yes, Mr. Lisher – yes, Mr. Clark – yes, Mrs. Schwickrath – yes.

Schwickrath: That's better.

Rude: Yes.

Schwickrath: We'll work on it. The motion is approved and good luck with your project.

E. Monroe: Thank you so much.

Schwickrath: Thank you. And just to finish before we adjourn tonight, I think just for the record to remind everyone if you have not had a chance to read...

Lisher: You can stick around if you want.

E. Monroe: Thank you.

Schwickrath: If you have not had a chance to read the article that Adam sent to us, please do so. I started it and then I didn't quite finish. And then perhaps also look at the sign, our own sign code and look for things that might be a little glaring or that we know are inconsistent because that, it seems to be the next cycle again as business picks up.

James: And that being said, Kris and Adam, you intend to sit down with Dann and go through the old ordinance, is that correct? And will Kris have any involvement in that as our president of BZA?

Schwickrath: I'd be more than happy to.

Rude: She can.

Schwickrath: Sure.

Rude: Yeah we can set something up. Dann and I wanna sit down with Trent, the city attorney and just first off see what is top priority being updated, but then we can sit down and see Kris and see what else we want to address in there and what has been working for us so far.

James: Do you have a timeline in mind for when you're going to do that? I thought if we could have an opportunity to express some of our things to Kris and then she can relay them as our representative rather than all of us appearing at a meeting and getting too confusing.

Schwickrath: Right.

James: Keep it simple that way.

Rude: No we don't have a timeline right now. I can shoot out an email to everyone.

Schwickrath: Yeah, just a reminder.

James: That would work.

Schwickrath: I would say maybe in August or July, the end of July when I'm back. And then that'll give everyone time to review some of the material and just get it on its way so to speak.

Rude: Okay so tentatively, we could think about the end of July/August, but I'll send out the email with something....(inaudible)...

James: I appreciate that. I think

Schwickrath: Okay, thank you.

James:this is an issue that's caused us probably more problems and more discussions than anything and I know it'll never be perfect, but it certainly does us all well and go back and reevaluate it and reassess it. So....

Rude: And if we know that there are problems....(inaudible)....

James: Sure.

Schwickrath: Okay, thank you. I appreciate it.

James: Thank you.

Schwickrath: Do we have a motion to adjourn?

Cassidy: Motion to adjourn.

James: Second.

Schwickrath: Alright, thank you everyone.

Meeting adjourned.

