

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 5/12/2020

Case #:	BZA 2020-07: Shelby County Probation Building, DSV			
Petitioner's Name:	Chuck Kotterman, Architura			
Owner's Name:	Shelby County Board of Commissioners			
Petitioner's Representative:	Chuck Kotterman			
Address of Property:	20 West Polk Street			
Subject Property Zoning Classification:	BG – Business General			
Comprehensive Future Land use:	Gateway Mixed Use			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BC – Business Central	BG – Business General	IS - Institutional	BG – Business General
Surrounding Properties' Comprehensive Future Land Use	Gateway Mixed Use	Gateway Mixed Use	Gateway Mixed Use	Parks and Recreation
History:	The properties are currently vacant lots that sit behind the Shelby County Corrections facility and across the street from the Shelby County Courthouse and Shelby County Annex building. The Shelby County Board of Commissioners purchased the properties in 2015 with the intent of expanding their campus to this site.			
Vicinity Map:				
Action Requested:	Approval of three development standard variances from A. UDO 5.08(A)(1), Architectural Standards, B. UDO 5.08(A)(5), Architectural Standards, and C. UDO 5.11(A)(1), Density and Intensity Standards			

- A. UDO 5.08 Architectural Standards (A)(1) Facades: requires a structure's facades to include a repeating pattern with no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet either horizontally or vertically. These element include: Color change, Texture change, Material module change, and expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib.
- The east and west facades are not meeting this requirement.
- B. UDO 5.08 Architectural Standards (A)(5) Ground Floor Facades: require facades that face public streets shall have arcades, display windows, entry areas, awnings, and/or other such features, along no less than sixty percent (60%) of their horizontal length.
- The north and south facades are not meeting this requirement.
- C. UDO 5.11 Density and Intensity Standards: sets the maximum lot coverage in the BG – Business General District at 85%.
- The current, proposed lot coverage is 87%.

BZA 2020-07 A. Variance From UDO 5.08(A)(1), Architectural Standards: Façade

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

Applicant provided the following response to Finding of Fact #1: The east and west building elements are in question. Both elevations are brick veneer, generally considered to be non-combustable because they are metal stud and masonry.

The planning staff has determined that the requested architectural standards variance should not be injurious to the public health, safety, morals, or general welfare of the community. The building is an expansion of existing Shelby County services and office space being designed as part of an over-all County Government campus. The design is using materials to match the other buildings in the campus. In addition there are minimal setbacks on the east and west sides of the building, the designers have chosen not to embellish these facades with additional materials.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

Applicant provided the following response to Finding of Fact #2: Current use of lot is vacant – no appraised value.

The planning staff has determined that the requested architectural standards variance should not have a substantially adverse affect on the use and value of the adjacent areas. The site of the Shelby County Probation Building was formerly vacant and dilapidated buildings. This infill project will have a positive effect on the value of adjacent properties.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

Applicant provided the following response to Finding of Fact #3: There will be additional costs to the construction of the building – unknown at this time.

The planning staff has determined that the strict application of the terms of the ordinance could result in a practical difficulty in the use of the property due to the fact that the building would not be able to mimic the architectural elements that already exist in the area. Allowing the petitioner to blend with the other buildings in the Shelby County office campus it will maintain and improve the character of the neighborhood and therefore, relief of the architectural standards is warranted.

Finding #3 has been satisfied by the petitioner

BZA 2020-07.A; STAFF RECOMMENDATION: APPROVAL

BZA 2020-07.B. Variance From UDO 5.08(A)(5), Architectural Standards: Façade

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

Applicant provided the following response to Finding of Fact #1: Fewer windows is strictly an issue of aesthetics once the issue of interior day lighting within interior offices has been managed – which it has.

The planning staff has determined that the requested architectural standards variance should not be injurious to the public health, safety, morals, or general welfare of the community. While the north and south facades have been designed with large windows and a transparent entrances, the amount of transparency is not enough based on the length of the façade and size of the building.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

Applicant provided the following response to Finding of Fact #2: The alley's on either side of the building offer a security threat to the building. The fewer the windows the better.

The planning staff has determined that the requested architectural standard variance should not have a substantially adverse affect on the use and value of the adjacent areas. The building has been designed to blend with the other Shelby County Government buildings and will create a campus like environment which will likely have a positive impact on the adjacent area.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

Applicant provided the following response to Finding of Fact #3: Redesign will change the design intent of creating a campus feel.

The planning staff has determined that the strict application of the terms of the ordinance would result in a practical difficulty of the use of the property. Given the function and design of the building, increasing transparency would limit some practical use of the office and probation space inside the building and therefore, relief of the architectural standards is warranted.

Finding #3 has been satisfied by the petitioner

BZA 2020-07.B; STAFF RECOMMENDATION: APPROVAL

BZA 2020-07.C. Variance From UDO 5.11(A)(1), Density and Intensity Standards

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

Applicant provided the following response to Finding of Fact #1: Building less building will not meet the needs of Shelby County.

The planning staff has determined that the requested density and intensity variance should not be injurious to the public health, safety, morals, or general welfare of the community. This area of the City has developed over time with many of the buildings having zero lot lines, and lots that are nearly 100% covered.

Finding #1 has been satisfied by the petitioner.

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

Applicant provided the following response to Finding of Fact #2: Assessed value is better than vacant lot.

The planning staff has determined that the requested density and intensity variance should not have a substantially adverse affect on the use and value of the adjacent areas. The petitioner is only requesting to exceed the maximum prescribed lot coverage by two (2) percentage points and many of the surrounding properties are built on a similar percentage or even more of their lot.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

Applicant provided the following response to Finding of Fact #3: County Agencies will need to be located elsewhere if building size is diminished.

The planning staff has determined that the strict application of the terms of the ordinance would result in a practical difficulty with the use of the property. Strict application of the ordinance would require a building that is out of context for the density and massing of the neighborhood.

Finding #3 has been satisfied by the petitioner

BZA 2020-07.C; STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2020-07.A: Shelby County Probation Building; Architectural Standards: Facades

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested architectural standards variance from UDO 5.08(A)(1) in accordance with the plans provided to this board, pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2. The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3. The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____
Chairperson

Attest: _____
Secretary

DEVELOPMENT STANDARDS VARIANCE: BZA 2020-07.B: Shelby County Probation Building; Architectural Standards: Facades

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested architectural standards variance from UDO 5.08(A)(5) in accordance with the plans provided to this board, pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2. The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3. The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____
Chairperson

Attest: _____
Secretary

DEVELOPMENT STANDARDS VARIANCE: BZA 2019-10.C: Shelby County Probation Building; Density and Intensity Standards: Lot Coverage

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested density and intensity standards variance from UDO 5.11(A)(1), in accordance with the plans provided to this board, pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2. The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3. The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____
Chairperson

Attest: _____
Secretary



DEVELOPMENT STANDARDS VARIANCE APPLICATION

Shelbyville Planning & Building Department
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

For Office Use Only:

Case #: BZA _____ - _____
Hearing Date: _____
Fees Paid: \$ _____
Final Decision:
Approved _____ Denied _____

1.

Applicant

Name: CHUCK KOTTERMAN
Address: 9880 WESTPOINT DR. SUITE 400
INDIANAPOLIS, IN 46256
Phone Number: (317) 348-1000
Fax Number: (317) 827-6974
Email: CK @ ARCHITURACORP . COM

Property Owners Information (if different than Applicant)

Name: SHELBY COUNTY BOARD OF COMMISSIONERS
Address: 25 W. POLK ST. ROOM 206
Phone Number: _____
Fax Number: _____
Email: KEVIN.NIGH@CO.SHELBY.IN.US

2.

Applicant's Attorney/Representative

Name: CHUCK KOTTERMAN
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

Project Engineer

Name: CHUCK KOTTERMAN
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

3. Project Information:

General Location of Property (and address is applicable): 26 WEST POLK ST. SHELBYVILLE IN 46176
ACROSS FROM COURTHOUSE
Current Zoning Classification: BG Existing Use: VACANT LOT
Number of Requested Variances: 3 Proposed Use: BG

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: _____
5.08-A-1 (pg 5-10) 5.08-A-5 (pg. 5-11) 5.11 (pg. 5-15)

4. Attachments

- Affidavit and Consent of Property Owner (if applicable)
- Proof of Ownership (copy of deed, recent property card)
- Letter of Intent
- Supporting Documents and Exhibits (Optional)
- Vicinity Map
- Findings of Fact
- Application Fee

The undersigned states the above information is true and correct as s/he is informed and believes.

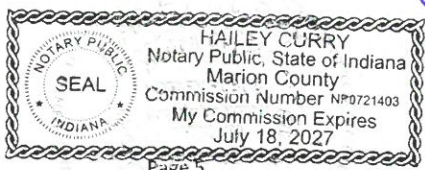
Applicant: [Signature] Date: 5-6-2020

State of IN
County of Marion SS:

Subscribed and sworn to before me this 6th day of May, 2020

Hailey Curry Notary Public Printed
Hailey Curry

Residing in Marion County. My Commission Expires: July 18, 2027





Letter of Intent, Variance Request

City of Shelbyville Zoning Ordinance, 5.08 – A-1 : Façade Elements

The standard states that *“the primary facades shall include a repeating pattern with no less than three (3) of the elements listed below. At least one (1) of these shall repeat horizontally. All elements shall repeat at intervals no more than (30) feet either horizontally or vertically.*

- a. Color change,*
- b. Texture change,*
- c. Material module change and,*
- d. Expression of architectural or structural bay through a change in plane of no less than (12) inches in width, such as an offset or projecting rib”.*

The east and west building elevations violate this zoning standard. Being a small, downtown site and needing to maximize the amount of building footprint on the site was a real challenge. The west elevation is 7' from the property line and requires a One-Hour Fire Wall per Building Code. The west elevation is 8' from the existing Community Corrections Building. Since the existing buildings are so close, the modulation created additional expense to an already stressed building budget and the additional square footage was desperately needed inside the building. The alley space is gated off and will be seen by no one, therefore, color change or texture change, we felt, would be wasted investment.

City of Shelbyville Zoning Ordinance, 5.08 – A-5 : Ground Floor Facades

The standard states that: *we need 60% windows across the first floor of the building on the two frontages – Polk Street and Hendricks Street.*

The amount of glazing is well under the zoning requirement; however, this is not a retail or commercial office building. Our design approach/goal to this building was to create a “campus feel”, that is, to attempt to tie together the historic Courthouse, Annex and new Shelby County Probation/Government Building through the use similar colored materials, textures, similar colored appearing and proportioned windows and limestone block base wainscot. Unfortunately, excessive windows did not support the design theme. Even the Hendricks Street elevation carries the same design theme. We believe we have met the intent of the Ordinance in our design while keeping true to our design goal.

City of Shelbyville Zoning Ordinance, 5.11 : Maximum Lot Coverage

The standard states that: *85% maximum Lot Coverage*

Referencing the explanation used for Variance Request 5.08-A-1, since the Site was so small and the Building needs so great, there was tremendous need to fill the site with building. I believe we are nearly 88% coverage. There are instances for this and it is quite common in the downtown Shelbyville area.



Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chuck Kotterman". The signature is fluid and cursive.

Chuck Kotterman, AIA, NCARB, LEED Green Associate
Principal,
Architura Corporation
9880 Westpoint Drive
Suite 400
Indianapolis, IN 46256



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: CHUCK KOTTERMAN
Location: SHELBY COUNTY PROBATION BUILDING, 25 WEST POLK STREET
Variance for: 5.08-A-1 FACADE ELEMENTS

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

THE EAST & WEST BUILDING ELEVATIONS ARE IN QUESTION.
BOTH ELEVATIONS ARE BRICK VENEER, GENERALLY CONSIDERED
TO BE NON-COMBUSTIBLE BECAUSE THEY ARE METAL STUD &
MASONRY.

2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.

CURRENT USE OF LOT IS VACANT - NO APPRAISED VALUE

3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.

THERE WILL BE ADDITIONAL COSTS TO THE CONSTRUCTION OF
THE BUILDING - UNKNOWN @ THIS TIME

Note: For petitions with multiple requested variances, please submit one completed "Findings of Fact" for each requested variance.



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: CHUCK KOTTERMAN
Location: SHELBY COUNTY PROBATION BUILDING, 25 WEST FOLK STREET
Variance for: 5.08-A-5

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.
FEWER WINDOWS IS STRICTLY AN ISSUE OF AESTHETICS
ONCE THE ISSUE OF INTERIOR DAYLIGHTING WITHIN INTERIOR
OFFICES HAS BEEN MANAGED - WHICH IT HAS.

2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.
THE ALLEYS ON EITHER SIDE OF THE BUILDING OFFER
A SECURITY THREAT TO THE BUILDING. THE FEWER THE
WINDOWS THE BETTER.

3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.
REDESIGN WILL CHANGE THE DESIGN INTENT OF
CREATING A CAMPUS FEEL.

Note: For petitions with multiple requested variances, please submit one completed "Findings of Fact" for each requested variance.



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: CHUCK KOTTERMAN
Location: SHELBY COUNTY PROBATION BUILDING, 25 WEST POLK STREET
Variance for: 5.11

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

BUILDING LESS BUILDING WILL NOT MEET THE NEEDS OF
SHELBY COUNTY

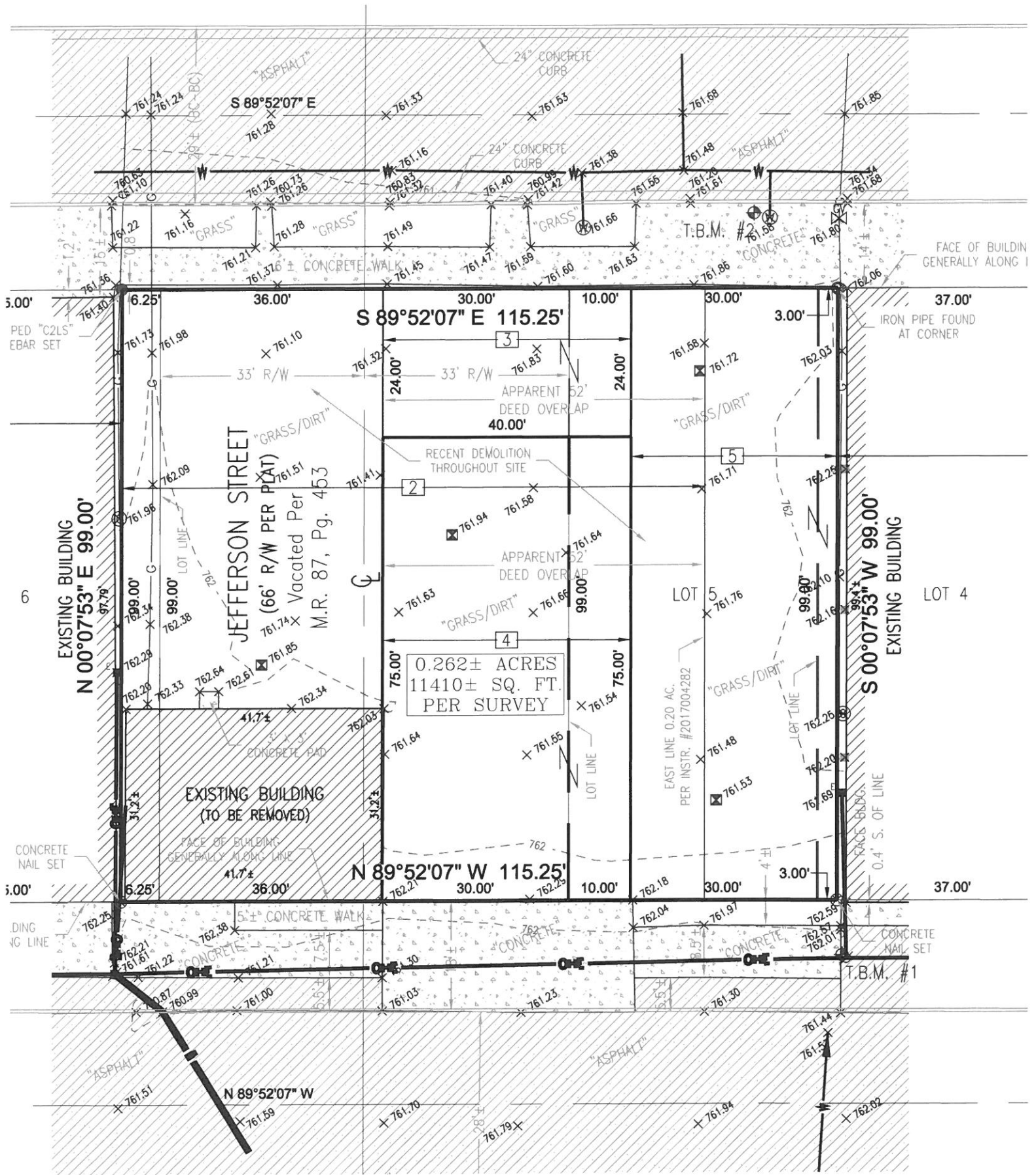
2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.

ASSESSED VALUE IS BETTER THAN VACANT LOT.

3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.

COUNTY AGENCIES WILL NEED TO BE LOCATED
ELSEWHERE IF BUILDING SIZE IS DIMINISHED.

Note: For petitions with multiple requested variances, please submit one completed "Findings of Fact" for each requested variance.



S 89°52'07" E 115.25'

0.262± ACRES
11410± SQ. FT.
PER SURVEY

N 89°52'07" W 115.25'

S 00°07'53" W 99.00'

JEFFERSON STREET
(66' R/W PER PLAT)
Vacated Per
M.R. 87, Pg. 453

EXISTING BUILDING
(TO BE REMOVED)

RECENT DEMOLITION
THROUGHOUT SITE

APPARENT 52'
DEED OVERLAP

EAST LINE 0.20 AC.
PER INSTR. #2017004282

FACE OF BUILDING
GENERALLY ALONG I

IRON PIPE FOUND
AT CORNER

LOT 4

LOT 5

5.00'

5.00'

37.00'

37.00'

6

PED "C2LS"
EBAR SET

CONCRETE
NAIL SET

5.00'

5.00'

0.4' S. OF LINE

CONCRETE
NAIL SET

T.B.M. #1

T.B.M. #2

T.B.M. #3

5.00'

PED "C2LS"
EBAR SET

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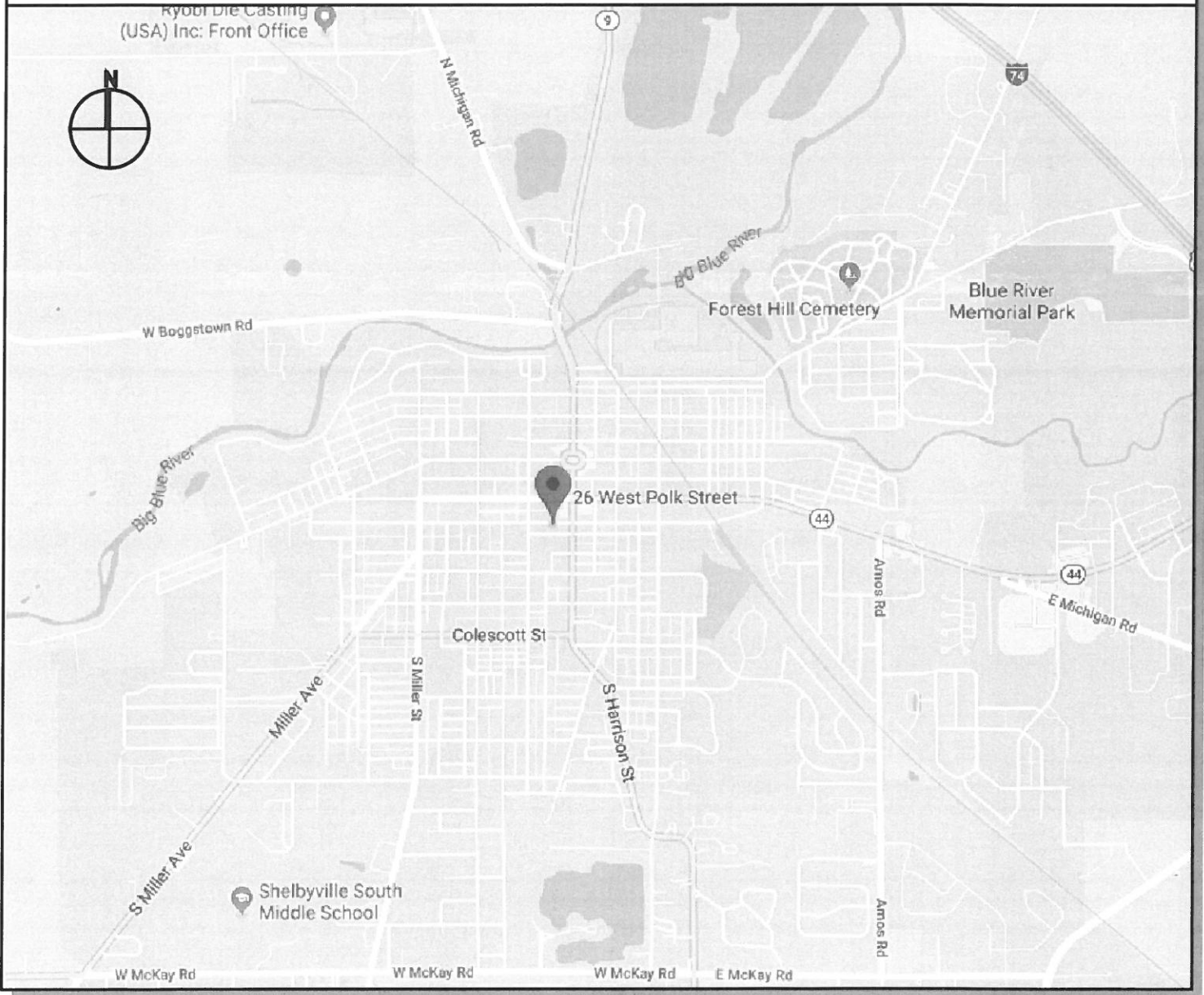
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AREA LOCATION MAP



OWNERSHIP INFORMATION

1

Now or Formerly
Warranty Deed

"Shelby County Board of Commissioners"

Instr. #2009003945

Parcel #73-11-05-100-199.000-002

Parcel #73-11-05-100-200.000-002

Parcel #73-11-05-100-201.000-002

2

Now or Formerly
Warranty Deed

"Shelby County Commissioners"

Instr. #2017004282

Parcel #73-11-05-100-202.000-002

3

Now or Formerly
Warranty Deed

"Shelby County Commissioners"

Instr. #2017000987

Parcel #73-11-05-100-203.000-002

4

Now or Formerly
Warranty Deed

"Shelby County Commissioners"

Instr. #2015007598

Parcel #73-11-05-100-204.000-002

5

Now or Formerly
Corporate Warranty Deed

"Shelby County Commissioners"

Instr. #2015006384

Parcel #73-11-05-100-205.000-002

6

Now or Formerly
Warranty Deed

"Shelby County Board of Commissioners"

Instr. #2011002039

Parcel #73-11-05-100-206.000-002