

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 6/9/2020

Case #:	BZA 2020-9: 764 Teal Street, DSV			
Petitioner's Name:	John Zanger			
Owner's Name:	John Zanger			
Petitioner's Representative:	John Zanger			
Address of Property:	764 Teal Street, Shelbyville, IN			
Subject Property Zoning Classification:	R1, Single Family Residential			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single Family Residential	R1 – Single Family Residential	R1 – Single Family Residential	R1 – Single Family Residential
Surrounding Properties' Comprehensive Future Land Use	Single Family Residential	Single Family Residential	Single Family Residential	Single Family Residential
History:	This property is a single family residence in an established residential area of the city. The garages for the properties along Teal Street are alley loaded.			
Vicinity Map:				
Action Requested:	Approval of one development standards variance from UDO 5.55(C)(1), Minimum dwelling site side yard setback standards			

1. The petitioner would like to build a carport next to his existing garage along the alley between Teal Street and Colescott Street. In all R1 – Single-Family Residential districts, minimum side yard setbacks for accessory structures are four (4) feet. The proposed carport is ten (10) feet by twenty-one (21) feet. The petitioner has thirteen (13) feet between his garage and the property line. In order to place the carport in the desired location, the petitioner would need a development standard variance to reduce the side yard setback to three (3) feet.

BZA 2020-09.A Variance From UDO 5.55(C)(1), Setback Standards

Finding of Fact #1 – 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.

Applicant provided the following response to Finding of Fact #1: “It will not bother anyone else. It is totally on our property and will not be used by anyone else. It will not block any views or be in anyone else’s way.”

The planning staff has determined that the requested variance from the setback standards for the side yard should not be injurious to the public health, safety, morals, or general welfare of the community. The planning staff believes the reduction in setback is in keeping with the character of this residential area and is in line with other properties in the neighborhood.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – Explain why the development standard variance request will not affect the use and value of adjacent properties.

Applicant provided the following response to Finding of Fact #2: “It is just a grassy area, used for nothing else other than the part used for the drive way.”

The planning staff has determined that the requested variance from the setback standards should not have a substantially adverse affect on the use and value of the adjacent areas. The surrounding properties are all single family residential properties, most with detached garages. The scale of the new carport will be in keeping with the massing and character of the neighborhood.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – Please state the difficulties that will be faced if the project is not granted the requested development standard variance. 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: “It will protect our vehicles as limbs fall on the vehicles from our nearby trees.”

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty that is neither self-imposed nor based on a perceived reduction of, or restriction on economic gain. Due to the compact and dense nature of the neighborhood, it would be incredibly

difficult to maintain the character of the neighborhood with the setback standards prescribed in the ordinance.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2020-09: 764 Teal Street, Setback Standards

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested development standard variance from UDO 5.55(C)(1) to allow for a side yard setback of 3 feet 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 / Presiding Officer

Attest: _____

Adam M. Rude, Secretary



DEVELOPMENT STANDARD VARIANCE APPLICATION

Shelbyville Plan Commission
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

For Office Use Only	
Case #	_____
Hearing Date:	_____
Fees:	_____
Approved	Denied

1.

Applicant (person or company requesting variance)

Name: John Zanger
Address: 764 Teal Street
Shelbyville, IN 46176
Phone Number: 317-512-0410
Fax Number: _____
Email Address: _____

Property Owners Information (if different than applicant)

Name: Melody ZANGER
Address: 764 Teal St
Phone Number: 317-512-0272
Fax Number: _____
Email Address: ZANGERMA@aol.com

2.

Applicant's Attorney/Representative

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____

Project Engineer

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____

4. Project Information:

Address of Property: 764 Teal St Shelbyville In
Current Zoning: Industrial? Existing Use of Property: home

5. Number of Variances Requested 1

6. Applicable Ordinance Section Number (s)

(Please indicate ALL applicable Zoning Ordinance Section Numbers for your petition; including Article, Section, and Page Number)

Indst Teal lot 313
map #: 11-06.15-030.00

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

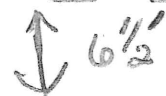
Signature of Applicant: John Zanger Date: 5-12-2020

State of Indiana)
County of Shelby)SS:

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public Printed
Residing in _____ County My Commission Expires: _____

middle of street

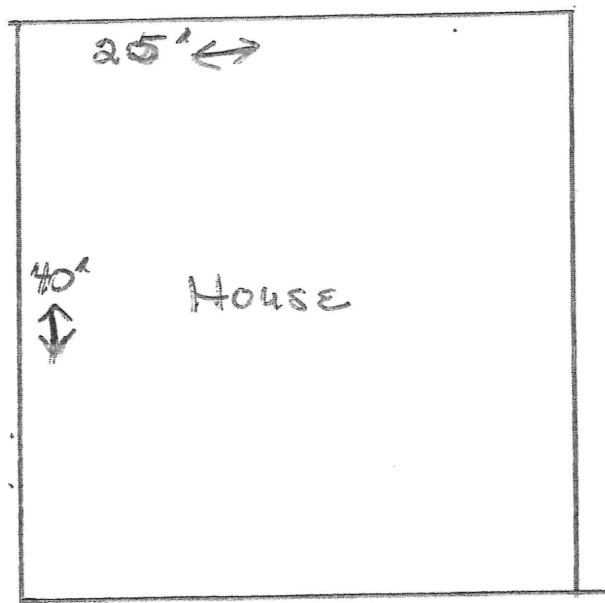


sidewalk 6' ↓

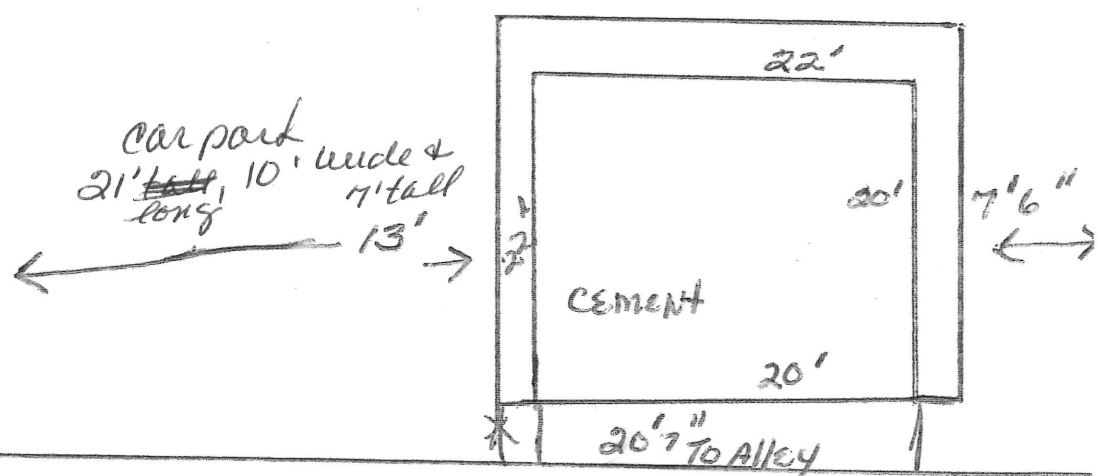
PROPERTY 42' ←→



15' FROM HOUSE TO SIDEWALK



ABOUT 60' ↑↓



Alley

measured on 20' x 20'



LETTER OF INTENT
BOARD OF ZONING APPEALS

Please write a brief summary of the project and the variance(s) requested. You may submit on this form or on your own letterhead.

Need variance to set a carport out beside the garage in the drive way.

Car port will be 21' x 10' wide x 7' tall

Says we need 15' but we have 13' (side yard)

Neighbor doesn't mind but it would be totally on our property.

It will not be in anyones way or block anything I believe it will be an asset to the property.

John Zanger
317-512-0410
764 Teal St
Shelbyville In

**AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBYVILLE BOARD OF ZONING APPEALS**

STATE OF INDIANA)
COUNTY OF SHELBY)SS:

I, John Zanger, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:
(Name of property owner)

1. That I am the owner of real estate located at 764 Teal St Shelbyville In
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: John Zanger
(Name of applicant)
3. That I have no objections to and consent to the request(s) described in the Application made to the Shelbyville Board of Zoning Appeals.

John Zanger
Owner's Name (Please print)

John Zanger
Owner's Signature

State of Indiana)
County of Shelby)SS:

Subscribed and sworn to before me this _____ day of _____

Notary Public / Printed

Residing in _____ County My Commission Expires _____



**DEVELOPMENT STANDARD VARIANCE
FINDINGS OF FACT**

Petitioner's Name: John Ganser
Location: 764 Teal St
Variance for: _____

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.

It wont bother anyone else. Its totally on our property and not used by anyone else. It wont block any views or be in anyone else way

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

Its just a grassy area, used for nothing else other then the part used for the drive way.

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

It will protect our vehicles as limbs from our trees fall on the vehicles from our rear by trees

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS IN CONNECTION WITH THE PRACTICE OF LAW AND SHOULD BE DONE BY A LAWYER.

JUL 7 1977

3416

275 821

BOOK PAGE

WARRANTY DEED

This indenture witnesseth that EARL S. WILSON

of Shelby County in the State of Indiana

Convey and warrant to MELODY ANN THIBO

of Shelby County in the State of Indiana
for and in consideration of One Dollar (\$1.00) and other considerations
the receipt whereof is hereby acknowledged, the following Real Estate in Shelby County
in the State of Indiana, to wit:

Lot Number 313 on Teal Street in the Industrial Addition to the City of Shelbyville in Shelby County, Indiana.

As a part of the consideration for this conveyance, Grantee assumes and agrees to pay the taxes upon said real estate for the year 1976 due and payable in November, 1977 and all subsequent taxes thereon.

RECORDED
2 July 21
821

Entered for Taxation

July 7 1977
James L. Mills

Auditor Pro Tem
Shelby County

Earl S. Wilson

State of Indiana, Shelby County, ss:
Before me, the undersigned, a Notary Public in and for said County and State, this 7th day of July 1977
personally appeared: Earl S. Wilson

Dated this 7th Day of July 1977

Earl S. Wilson Seal
Earl S. Wilson

Seal

Seal

Seal

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires January 1, 1980

James M. Robison
James M. Robison, Notary Public

Seal

Seal

This instrument prepared by James M. Robison Attorney at Law

STATE TO:

3416

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across the street 761 Teal - not affected
north

733 Calecott Nancy Coffey across the alley

766 teal Paul Halk not affected west

762 east side Larry Sturgis east
he doesn't care