

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 9/8/2020

| | | | | |
|--|--|--------------------------------|--------------------------------|---------------------------|
| Case #: | BZA 2020-11: 950 South Tompkins Street, DSV | | | |
| Petitioner's Name: | Leroy Hittle | | | |
| Owner's Name: | Leroy Hittle | | | |
| Petitioner's Representative: | Leroy Hittle | | | |
| Address of Property: | 950 South Tompkins, 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 | IS – Institutional |
| 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. Lots are typically 0.09 acres or 3900 square feet. Homes are typically 1300 – 1500 square feet. Some houses have garages, some do not. 950 South Tompkins does not have a garage or any external storage. | | | |
| 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 place a storage shed in his back yard. In an R1 – Single-Family Residential districts, minimum side yard setbacks for accessory structures are four (4) feet. The proposed shed is ten (10) feet by twenty-one (20) feet. The shed will be located five (5) feet from the primary structure as accessory structures are required. The petitioner will meet the four (4) foot rear yard setback, but is unable to meet the four (4) foot side yard setback. The petitioner is requesting to reduce the side yard setback to one (1) foot.

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: “The granting of this variance will just allow the storage shed to be located closer to a property line and will not cause any kind of harm to any of the stated above”.

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: “This variance approval allowing location closer to the property line will not affect the use or property value of the adjacent properties.”

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 and similar sized back yards. The petitioner does not have a garage, but the storage shed will provide a similar massing to act like a garage.

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: “If this variance is not issued and has to be located at the 4-ft from property line, it will interfere with my existing gravel parking area to the north of the location of the proposed shed location and take away from planned improvements to yard for pets.”

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 2020-11: 950 South Tompkins, 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 1 foot 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 STANDARDS VARIANCE APPLICATION

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



For Office Use Only:

Case #: BZA 2020-11
Hearing Date: 09.08.20
Fees Paid: \$ 75.00
Final Decision:
Approved _____ Denied _____

1.

Applicant

Name: LEROU HITTIE
Address: 950 SOUTH TOMPKINS STREET
SHELBYVILLE TUD
Phone Number: 317-402-4041
Fax Number: _____
Email: STANLEY.HITTIE@ATT.NET

Property Owners Information (if different than Applicant)

Name: BEU HITTIE
Address: 950 SOUTH TOMPKINS STREET
Phone Number: 317-512-1518
Fax Number: _____
Email: bhittie@att.net

2.

Applicant's Attorney/Representative

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

Project Engineer

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

3. Project Information:

General Location of Property (and address is applicable): 950 SOUTH TOMPKINS STREET
SHELBYVILLE, TUD 46176
Current Zoning Classification: _____ Existing Use: _____
Number of Requested Variances: 1 Proposed Use: _____

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: _____

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: Leroy Hittie Date: 8-28-20

State of _____
County of _____ SS:

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

Notary Public Printed

Residing in _____ County. My Commission Expires: _____



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT



Petitioner's Name: Leroy HITTLE
Location: 950 SOUTH TOMPKINS STREET
Variance for: LOCATION OF STORAGE SHED

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 GRANTING OF THIS VARIANCE WILL JUST ALLOW
THE STORAGE SHED TO BE LOCATED CLOSER TO A DRIVEWAY
LINE AND WILL NOT CAUSE ANY KIND OF HARM TO ANY
OF THE STAFF ABOVE

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

THIS VARIANCE APPROVAL ALLOCATION LOCATION CLOSER
TO THE DRIVEWAY LINE WILL IN NO WAY AFFECT THE USE
OR PROPERTY VALUE OF THE ADJACENT PROPERTIES

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

IF THIS VARIANCE IS NOT ISSUED AND HAS TO BE
LOCATED AT THE 4 FT FROM DRIVEWAY LINE IT WILL
INTERFERE WITH THE GRAVEL DRIVEWAY AREA TO THE
NORTH OF LOCATION OF THE (EXISTING) SHED LOCATION
AND TAKE AWAY FROM (EXISTING) FENCED TO YARD FOR
PET

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

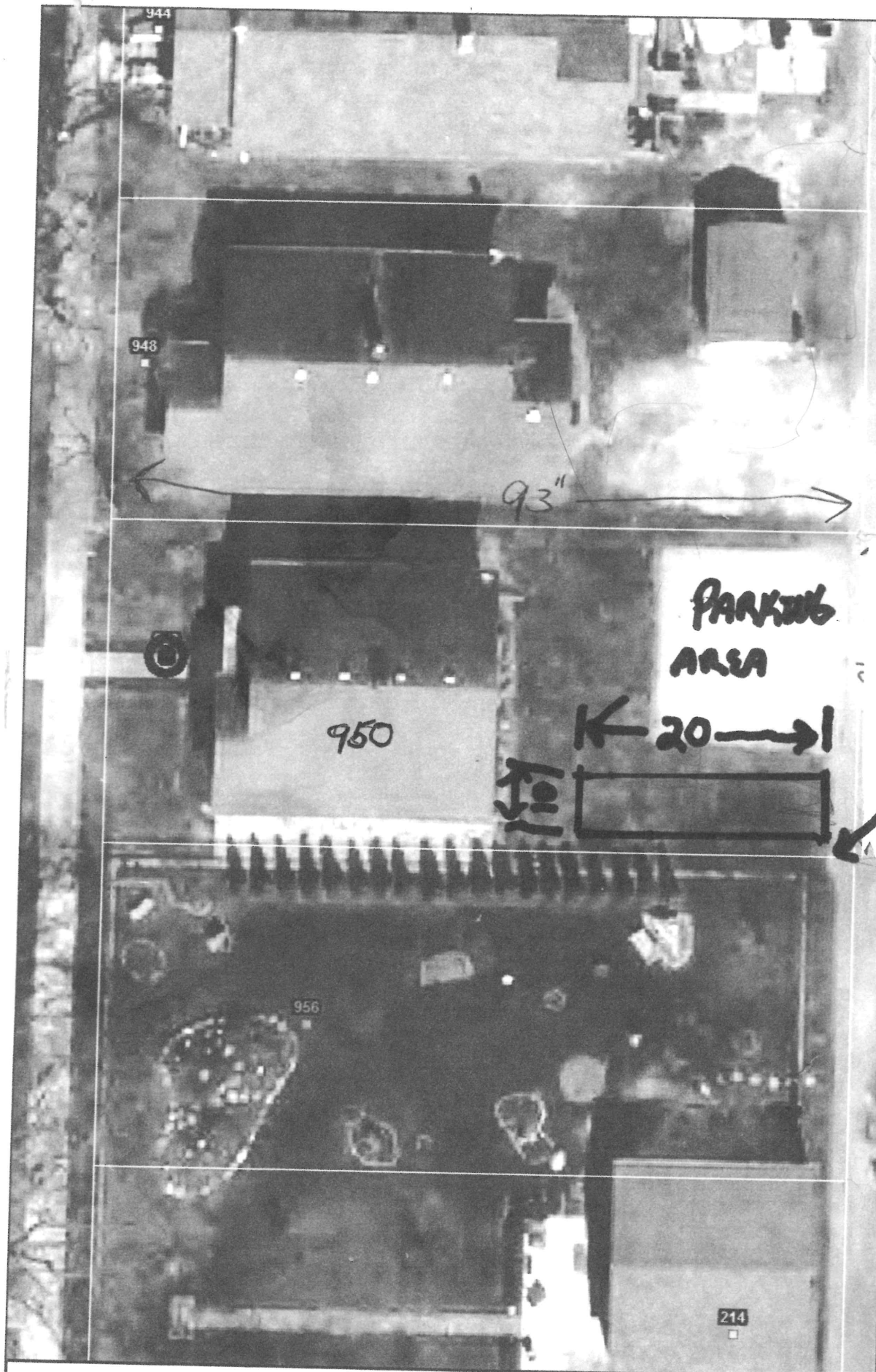


LETTER OF INTENT
BOARD OF ZONING APPEALS



Please write a brief summary the case you are presenting to the Board of Zoning Appeals. You may submit on this form or on your own letterhead.

I AM REQUESTING A VARIANCE AT 950 SOUTH TOMPKINS STREET TO LOCATE A STORAGE SHED 1 FT FROM THE PROPERTY LINE INSTEAD OF THE REQUIRED 4 FT



- Water
- Youth Program Center
- Parcels
- Roads

- Inactive (Raised) Address
- Addresses

- Water
- Railroads
- Roads
- Closed Roads
- Detours
- Roads to be Developed
- Highways

PARKING AREA

← 20 →

LOCATE 1 FT FROM PROPERTY LINE

THINK

