

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

BZA 2021-01: DEVELOPMENT STANDARD VARIANCE  
Variance "A"

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 2/9/2021

<b>Case #:</b>	BZA 2021-01: 1451 West McKay Road, DSV			
<b>Petitioner's Name:</b>	Christian Investment, LLC			
<b>Owner's Name:</b>	Christian Investment, LLC			
<b>Petitioner's Representative:</b>	Prince Alexander Architecture, LLC			
<b>Address of Property:</b>	1451 West McKay Road			
<b>Subject Property Zoning Classification:</b>	R2 – Two-Family Residential			
<b>Comprehensive Future Land use:</b>	R1 – Single Family Residential			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Surrounding Properties' Zoning Classifications:</b>	RM – Multiple Family Residential	R1 – Single Family Residential	R1 – Single Family Residential	R1 – Single Family Residential
<b>Surrounding Properties' Comprehensive Future Land Use</b>	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential
<b>History:</b>	The property requesting the development standard variances is currently landlocked by and existing RM – Multiple Family Residential Property that sits to the north. The RM – Multiple Family Residential property to the north contains sixteen (16) units and is owned by the petitioner.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Approval of one development standard variance from UDO 5.11 Density and Intensity Standards.			

1. UDO 5.11 Density and Intensity Standards require a minimum lot are of 4,500 square feet per dwelling unit and a maximum lot coverage of sixty-five (65) percent.
2. The proposed lot is 4.5 acres or 196,020 square feet. This would allow the petitioner to construct a total of 43 units. There are currently sixteen units on the northern half of the site. This would allow the construction of sixteen (16) additional units.
3. Christian Investment is proposing to construct 96 new additional units.

#### **A. Variance from UDO 5.11 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.

*The applicant provided the following response to Finding of Fact #1: “The public health, safety and general welfare are preserved through enabling quality development through density in a location where housing is especially desirable.”*

The planning staff has determined that the requested variance should not be injurious to the public health, safety, morals, and general welfare of the community. The requested variance is consistent with the use of the property to the north and is in-line with the Future Land Use Map of providing residential development in the area of the City. To ensure no adverse impact on aesthetics in the area, and therefore protect the general welfare, the planning staff would recommend a condition that brick or other masonry materials be incorporated in a portion of the building’s facades as this is a material type present in the surrounding single-family home developments.

*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;

*The applicant provided the following response to Finding of Fact #2: “Adjacent property values will be largely unaffected by the variance requested.”*

The planning staff has determined that the requested variance should not have a substantially adverse effect on the use and value of the area adjacent to the subject property. While the surrounding properties are all zoned single family residential, the properties to the south and to the east, across Berwick Drive are duplexes which could carry an R2-Two Family Residential District or RM – Multiple-family Residential District. A reasonable expectation of density has already been set for this area of the City.

*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;

*The applicant provided the following response to Finding of Fact #3: "Project will be financially infeasible if relief is not provided to allow for density more in line with what is allowed in nearby cities and towns."*

The planning staff has determined that there is a practical difficulty that is neither self-imposed, nor economic in nature, due to the strict application of the terms of the ordinance. When compared to other apartment complexes around the City, Cimarron Place or Martin Estate Apartments you see a similar density. This project is more similar to an infill project because of the constrained existing site conditions as opposed to a new project on a large empty tract of land.

*Finding #3 has been satisfied by the petitioner*

**STAFF RECOMMENDATION: APPROVAL W/CONDITIONS**

- 1. GROUND FLOOR FACADES WILL 25% OF BRICK OR OTHER MASONRY MATERIAL.**

**DEVELOPMENT STANDARDS VARIANCE A: BZA 2021-01: 1451 West McKay Road, DSV**

**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 5.33 to decrease the required placement of landscaping in accordance with the plans presented to this body, pursuant to the conditions recommended and 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: \_\_\_\_\_

Adam M. Rude, Secretary

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

BZA 2021-01: DEVELOPMENT STANDARD VARIANCE  
Variance "B"

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 2/9/2021

<b>Case #:</b>	BZA 2021-01: 1451 West McKay Road, DSV			
<b>Petitioner's Name:</b>	Christian Investment, LLC			
<b>Owner's Name:</b>	Christian Investment, LLC			
<b>Petitioner's Representative:</b>	Prince Alexander Architecture, LLC			
<b>Address of Property:</b>	1451 West McKay Road			
<b>Subject Property Zoning Classification:</b>	R2 – Two-Family Residential			
<b>Comprehensive Future Land use:</b>	R1 – Single Family Residential			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Surrounding Properties' Zoning Classifications:</b>	RM – Multiple Family Residential	R1 – Single Family Residential	R1 – Single Family Residential	R1 – Single Family Residential
<b>Surrounding Properties' Comprehensive Future Land Use</b>	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential
<b>History:</b>	The property requesting the development standard variances is currently landlocked by and existing RM – Multiple Family Residential Property that sits to the north. The RM – Multiple Family Residential property to the north contains sixteen (16) units and is owned by the petitioner.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Approval of one development standard variance from UDO 5.55(F) Minimum Side Yard Setback for a parking lot.			

1. In the RM – Multiple-Family Residential District the minimum side yard setback for accessory structures is ten (10) feet (*per UDO 2.12 and UDO 5.55*)
2. In commercial, industrial, and institutional zoning districts, parking lots may encroach into the required side yard setback by fifty (50%), thus requiring a minimum setback of twenty (20) feet.
3. Christian Investment is proposing to locate their new parking area seven (7) feet from the side yard property line.
4. Variance's B, C, and D are all closely related. The reduction in the side yard setback creates a need to adjust the buffer yard planting and multiple-family lot planting landscaping standards.

**B. Variance from UDO 5.55 Setback Standards (Side Yard Setback for Accessory Structure)**

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.

*The applicant provided the following response to Finding of Fact #1: "The public health, safety and general welfare are preserved through imposition of additional screening requirements in lieu of the wider buffer yard/side yard."*

The planning staff has determined that the requested variance should not be injurious to the public health, safety, morals, and general welfare of the community. The requested variance would allow a slightly smaller setback than what is described in UDO 5.55 Setback Standards while still remaining generally consistent with the development character and setbacks of other parking areas especially in commercial areas.

*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;

*The applicant provided the following response to Finding of Fact #2: "Adjacent property values will be largely unaffected by the variance requested."*

The planning staff has determined that the requested variance from the Setback Standards should not have a substantially adverse effect on the use and value of the area adjacent to the subject property. The reduced setback combined with the increase landscaping proposed in Variance's C & D will provide adequate screening to not adversely impact 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;



*The applicant provided the following response to Finding of Fact #3: "The subject property is too narrow for an alternative configuration and methods to reduce the width of drives/pavement were unsatisfactory."*

The planning staff has determined that there is a practical difficulty that is neither self-imposed, nor economic in nature, due to the strict application of the terms of the ordinance. Due to the subject lot's limited size and site constraints, without granting of the subject variance, parking area would be reduced presenting difficulty in meeting the UDO parking requirements.

*Finding #3 has been satisfied by the petitioner*

**STAFF RECOMMENDATION: APPROVAL**

**DEVELOPMENT STANDARDS VARIANCE B: BZA 2021-01: 1451 West McKay Road, DSV**

**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 to decrease the required side yard setback for the proposed parking area to 7 feet in accordance with the plans presented to this body, pursuant to the conditions recommended and 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: \_\_\_\_\_

Adam M. Rude, Secretary

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

BZA 2021-01: DEVELOPMENT STANDARD VARIANCE  
Variance "C"

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 2/9/2021

<b>Case #:</b>	BZA 2021-01: 1451 West McKay Road, DSV			
<b>Petitioner's Name:</b>	Christian Investment, LLC			
<b>Owner's Name:</b>	Christian Investment, LLC			
<b>Petitioner's Representative:</b>	Prince Alexander Architecture, LLC			
<b>Address of Property:</b>	1451 West McKay Road			
<b>Subject Property Zoning Classification:</b>	R2 – Two-Family Residential			
<b>Comprehensive Future Land use:</b>	R1 – Single Family Residential			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Surrounding Properties' Zoning Classifications:</b>	RM – Multiple Family Residential	R1 – Single Family Residential	R1 – Single Family Residential	R1 – Single Family Residential
<b>Surrounding Properties' Comprehensive Future Land Use</b>	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential
<b>History:</b>	The property requesting the development standard variances is currently landlocked by and existing RM – Multiple Family Residential Property that sits to the north. The RM – Multiple Family Residential property to the north contains sixteen (16) units and is owned by the petitioner.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Approval of one development standard variance from UDO 5.36(F, G, H) location of Buffer Yard Planting.			

1. UDO 5.36 Buffer Yard Landscaping Standards states that when a higher intensity zoning district is being developed next to a lower intensity zoning district, the higher intensity district shall provide a landscaping buffer from the lower intensity district.
2. The buffer yard requirement for this property is a 20 foot wide landscaping area, located at least 5 feet away from the property line, accounting for 25 feet of space on the eastern, southern, and western property lines.
3. Christian Investment is proposing to reduce the side yard setback to seven (7) feet. A seven (7) foot side yard setback would not allow the petitioner to meet the requirements of UDO 5.36.
4. Due to the narrow nature of the existing site conditions, the buffer yard requirement would utilize a large portion of the lot, making it practically difficult to develop the property.
5. Variance's B, C, and D are all closely related. The reduction in the side yard setback creates a need to adjust the buffer yard planting and multiple-family lot planting landscaping standards.

### **C. Variance from UDO 5.36 Buffer Yard Landscaping 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.

*The applicant provided the following response to Finding of Fact #1: "The public health, safety and general welfare are preserved through selection of species, in quantities superior to the standard, in lieu of prescriptive tree placement."*

The planning staff has determined that the requested variance should not be injurious to the public health, safety, morals, and general welfare of the community. The requested variance is requested in conjunction with Variance A. The intent of the UDO will still need to be met to so we are suggesting that the number of plantings in the buffer yard be increased or a solid fence or wall be incorporated in the design.

*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;

*The applicant provided the following response to Finding of Fact #2: "Adjacent property values will be largely unaffected by the variance requested."*

The planning staff has determined that the requested variance should not have a substantially adverse effect on the use and value of the area adjacent to the subject property. The petitioner has proposed to increase the quantity of landscaping required to ensure an adequate buffer yard.

*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;

*The applicant provided the following response to Finding of Fact #3: "Trees will not be able to be placed in the intended buffer / screening area, effectively prohibiting the visual barrier intended by the ordinance."*

The planning staff has determined that there is a practical difficulty that is neither self-imposed, nor economic in nature, due to the strict application of the terms of the ordinance. Due to the subject lot's limited size and site constraints, Variance's B, C, and D work in conjunction; one requires the other. The granting of the variance will still meet the intent of the UDO.

*Finding #3 has been satisfied by the petitioner*

**STAFF RECOMMENDATION: APPROVAL W/CONDITONS**

- 1. PETITIONER WILL USE UDO 5.36 (H) BUFFER YARD "TYPE 3" SUBSTITUTION AND PROVIDE A COMBINATION OF FENCING AND CANOPY TREES IN THE BUFFER YARD.**

**DEVELOPMENT STANDARDS VARIANCE C: BZA 2021-01: 1451 West McKay Road, DSV**

**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 5.36 to decrease the required location of landscaping in the buffer yard in accordance with the plans presented to this body, pursuant to the conditions recommended and 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: \_\_\_\_\_

Adam M. Rude, Secretary

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

BZA 2021-01: DEVELOPMENT STANDARD VARIANCE  
Variance "D"



CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 2/9/2021

<b>Case #:</b>	BZA 2021-01: 1451 West McKay Road, DSV			
<b>Petitioner's Name:</b>	Christian Investment, LLC			
<b>Owner's Name:</b>	Christian Investment, LLC			
<b>Petitioner's Representative:</b>	Prince Alexander Architecture, LLC			
<b>Address of Property:</b>	1451 West McKay Road			
<b>Subject Property Zoning Classification:</b>	R2 – Two-Family Residential			
<b>Comprehensive Future Land use:</b>	R1 – Single Family Residential			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Surrounding Properties' Zoning Classifications:</b>	RM – Multiple Family Residential	R1 – Single Family Residential	R1 – Single Family Residential	R1 – Single Family Residential
<b>Surrounding Properties' Comprehensive Future Land Use</b>	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential
<b>History:</b>	The property requesting the development standard variances is currently landlocked by and existing RM – Multiple Family Residential Property that sits to the north. The RM – Multiple Family Residential property to the north contains sixteen (16) units and is owned by the petitioner.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Approval of one development standard variance from UDO 5.33(B) Placement of Landscaping.			

1. UDO 5.33 Multiple-Family Lot Planting Landscaping Standards requires the Placement of Landscaping *“be planted anywhere on the lot, but shall not be located within ten (10) feet of a primary structure, accessory structure, sidewalk, curb, paved surface, or driveway; nor within two (2) feet of a property line.”*
2. Christian Investment is proposing to reduce the side yard setback to seven (7) feet (per Variance B). With only seven (7) feet of a side yard, the plantings would be closer than the required ten (10) feet required by UDO 5.33.
3. Variance’s B, C, and D are all closely related. The reduction in the side yard setback creates a need to adjust the buffer yard planting and multiple-family lot planting landscaping standards.

#### **D. Variance from UDO 5.33 Multiple-Family Lot Planting Landscaping 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.

*The applicant provided the following response to Finding of Fact #1: “The public health, safety and general welfare are preserved through selection of species, in quantities superior to the standard, in lieu of prescriptive tree placement.”*

The planning staff has determined that the requested variance should not be injurious to the public health, safety, morals, and general welfare of the community. The requested variance works in conjunction with Variance B; a reduced side yard setback create the need to place plantings closer to the property line and closer to the parking area.

*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;

*The applicant provided the following response to Finding of Fact #2: “Adjacent property values will be largely unaffected by the variance requested.”*

The planning staff has determined that the requested variance should not have a substantially adverse effect on the use and value of the area adjacent to the subject property. The petitioner has proposed to increase the quantity of landscaping required to ensure an adequate buffer yard.

*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;

*The applicant provided the following response to Finding of Fact #3: “Project will be unable to proceed because the preferred site design doesn't permit strict adherence with the ordinance.”*

The planning staff has determined that there is a practical difficulty that is neither self-imposed, nor economic in nature, due to the strict application of the terms of the ordinance. Due to the subject lot's limited size and site constraints, not granting the subject variance would trigger the need for other variances from the UDO.

*Finding #3 has been satisfied by the petitioner*

**STAFF RECOMMENDATION: APPROVAL W/CONDITONS**

- 1. INCREASE BUFFER YARD PLANTING BY XX% (WE HAD DISCUSSED JUST VARIFYING THE NUMBER IS CORRECT, BUT THEY OFFERED TO PUT IN MORE)**
- 2. ALL REQUIRED PLANTINGS SHALL STILL BE PRESENT IN THE SITE, BUT MAY BE LOCATED ELSEWHERE ON THE SITE WHEN DEEMED NECESSARY BY THE PLANNING STAFF**
- 3. WORK WITH STAFF TO MAINTAIN EXISTING TREES AND VEGETATION**

**DEVELOPMENT STANDARDS VARIANCE D: BZA 2021-01: 1451 West McKay Road, DSV**

**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 5.33 to decrease the required placement of landscaping in accordance with the plans presented to this body, pursuant to the conditions recommended and 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: \_\_\_\_\_

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 \_\_\_\_\_ - \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_

Final Decision:

Approved \_\_\_\_\_ Denied \_\_\_\_\_

1.

**Applicant**

Name: Christian Investments, LLC  
Address: 318 E Broadway St Suite 3  
Shelbyville, IN 46176-1499  
Phone Number: 317-398-7203  
Fax Number: \_\_\_\_\_  
Email: chad christianllc.net

**Property Owners Information (if different than Applicant)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

2.

**Applicant's Attorney/Representative**

Name: Prince Alexander Architecture, LLC  
Address: 850 S. Meridian St  
Indianapolis, IN 46225  
Phone Number: 317-261-0070  
Fax Number: \_\_\_\_\_  
Email: chris@princealexander.biz

**Project Engineer**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

**3. Project Information:**

General Location of Property (and address is applicable): 1451 W McKay Rd, Shelbyville, IN

Current Zoning Classification: 2 proposed \_\_\_\_\_ Existing Use: Vacant no access \_\_\_\_\_  
Number of Requested Variances: 4 Proposed Use: Apartments

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

Density and Intensity: UDO 5.11 Pages 5-15; Multiple - Family Lot Planting Landscaping Standards (Placement): UDO 5.33 (B) Pages 5-39;

Bufferyard Landscaping Standards: UDO 5.36 Pages 5-39; Setback Standards (Parking Lot Exceptions): UDO 5.55 Pages \_\_\_\_\_

**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.

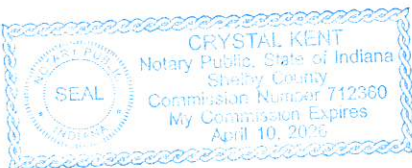
Applicant: Chad E Christian Date: 1/20/2021

State of IN  
County of Shelby SS:

Subscribed and sworn to before me this 20<sup>th</sup> day of January, 2021

C/Kent Notary Public Printed CRYSTAL KENT

Residing in SHELBY County. My Commission Expires: 4/14/2024









# Petition for Variance of Development Standards 1421 W McKay Rd

01/04/2021



We are pleased to submit the following proposal for your consideration, to enable the development of up to 48 new 2-bedroom units and 48 new 1-bedroom units, to include amenities, along with the renovation of two existing apartment buildings with 8 units each on an adjacent parcel.

The northern 2 parcels are currently zoned RM (multi-family), and the landlocked southern parcel is being considered under a companion petition for rezoning from R2 (single-family) to a matching RM designation.

In order to provide quality housing within current market rates, a particular density is required to maximize efficiency of management and construction. While we were able to develop the concept in accordance with all applicable rules, codes and standards, we seek relief from (4) specific ordinances.

We have included mitigation strategies for each specific relief sought, in order to preserve compliance with the intent and spirit of the ordinance, and with the City's stated development goals.

Please review the attached conceptual site plan for an illustration of the areas in question.

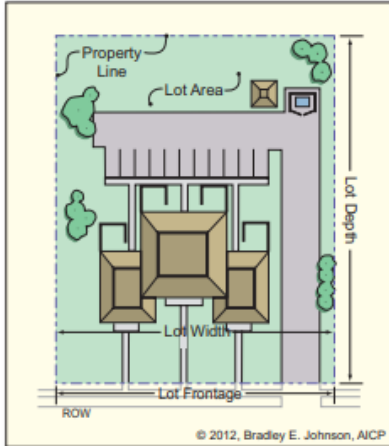
It is our hope that your thorough review of these offerings will lead you to conclude that granting the requested relief is in the City's best interests, contingent upon mutually agreeable conditions and/or commitments to be recorded. Without such relief, the project likely could not proceed.



## Variance #1: Density and Intensity: UDO 5.11 (Page 5-15)

“1. Maximum Lot Coverage: The maximum lot coverage shall be as indicated on the applicable two-page layout in Article 2: Zoning Districts.”

### 2.12 RM District Development Standards



**Minimum Lot Area**

- 4,500 square feet per dwelling unit

**Maximum Lot Area**

- none

**Minimum Lot Width**

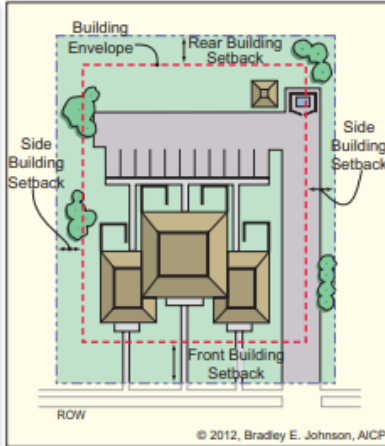
- 100 feet (measured at the front building setback line)

**Minimum Lot Frontage**

- 50 feet (on a public street, with access from that street)

**Maximum Lot Depth**

- none



**Minimum Front Yard Setback**

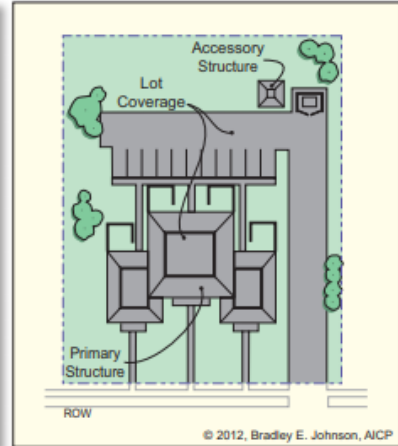
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 30 feet for primary and accessory structures when adjacent to a collector street
- 20 feet for primary and accessory structures when adjacent to a local street

**Minimum Side Yard Setback**

- 40 feet for primary structures (if an apartment complex)
- 10 feet for primary structures (if a single apartment house)
- 10 feet for accessory structures

**Minimum Rear Yard Setback**

- 40 feet for primary structures (if an apartment complex)
- 15 feet for primary structures (if a single apartment house)
- 10 feet for accessory structures



**Maximum Lot Coverage**

- 65% (of the lot area may be covered by structures and other hard surfaces)

**Minimum Living Area per Dwelling**

- 600 square feet

**Minimum Ground Floor Area**

- not applicable

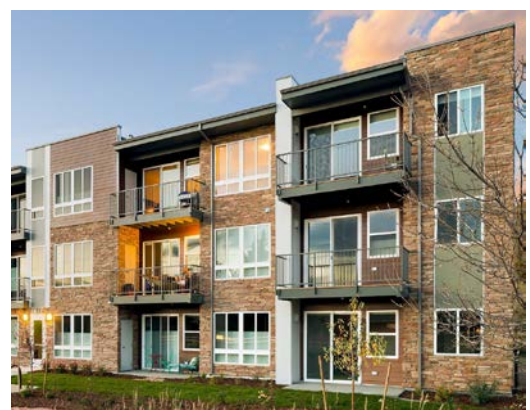
**Maximum Primary Structures per Lot**

- none

**Minimum Separation Between Primary Structures**

- 10 feet

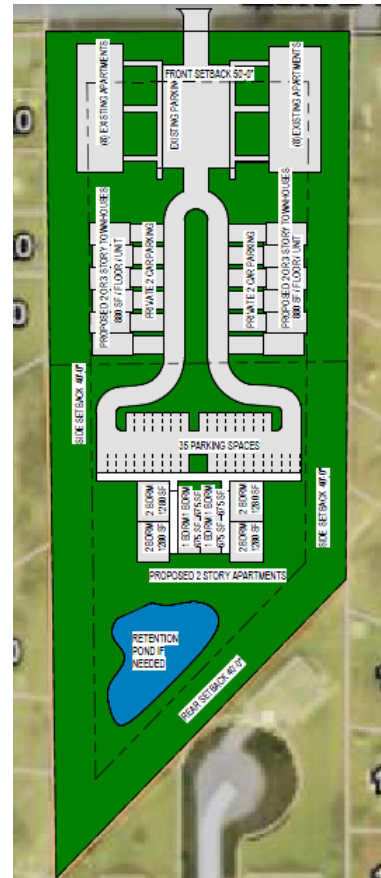
While no specific architectural style has been developed yet, it is worth noting that the highlighted section above cripples acclaimed development like the examples below (several styles depicted):



4500 square feet of lot area required per unit is unusual, as is a City having only 3 residential districts. Many jurisdictions actually break down their multi-family dwelling districts into several sub-districts to allow for density in a controlled way. Given that Shelbyville only has a single district to allow for multi-family construction, a 4.5 acre site like the subject property would therefore be limited to 43 total units. Given also that 16 units already exist on site (an apparent existing non-compliance), that would only allow the addition of 27 units over the entire 4.5 acres. A project on that scale is so inefficient to mobilize, sell and manage that any apartment developer would have to sacrifice a great deal in quality to afford its construction.

Here is what could be done if this ordinance were strictly enforced (right). There are perhaps townhouses, and/or a smaller version of an apartment building, but in our experience this is not likely to get financed, because Shelbyville’s market will not support the rents required to make the project feasible.

We are curious whether the ordinance may have been written long ago, without the benefit of contemporary theories on the cost savings for Cities thanks to collapsing sprawl, or on the sustainability benefits of smaller footprints and walkable, connected communities.



**Mitigation:**

Our apartment management partners have indicated the “sweet spot” for a development like this is 100-120 units. Enabling more efficient use of development dollars could be the only thing that frees a quality development from the impasse imposed by the current standard. A fresh approach to density would allow developments more like the Waverly in Indianapolis (below, left) as opposed to what we see in other apartment complexes existing in town (below, right).



## Variance #2: Landscaping Standards (Placement): UDO 5.33 (Page 5-37)

“Trees: Required trees shall be planted anywhere on the lot, but shall not be located within ten (10) feet of a primary structure, accessory structure, sidewalk, curb, paved surface, or driveway; nor within two (2) feet of a property line.”

## Variance #3: Bufferyard Standards: UDO 5.36 (Page 5-40)

“Buffer Yard “Type 2”: ...Each canopy tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.”

## Variance #4: Parking Lot Setbacks: UDO 5.55 (Page 5-60)

“The minimum side setback shall be as per each two-page layout in Article 2: Zoning Districts.”

Given the narrow width of the subject property, the ordinances for parking stall size and configuration, as well as building code requirements for separation of structures, there is very little side yard available to work with. Other configurations were explored to thin the pavement, including a narrower, one-way vehicular path, but after discussion with the Planning director it was agreed that solution presented more problems than it solved.



However, a narrow side yard is easily landscaped with screener species, such as the native and fast-growing columnar arborvitae, or with 6’ solid fencing should it be preferable, to assure that back-porch views for the neighbors (those few without trees already) look at nature or craftsmanship rather than headlights. The purpose of a buffer yard is to disrupt visual connection.

Of course, a seven-foot buffer yard would mean that parts of trees would fall within two feet of property lines and within ten feet of pavement. Multiple exceptions to allow parking areas to encroach into side yard setbacks exist in 5.55(I)(4), but none currently apply to residential.

We believe these ordinances regarding the position of trees were written to safeguard against intrusion of branches and the unpredictable growth patterns of roots of deciduous varieties (damaging pavement).

## Mitigation:

The narrow side yard allows for the requisite density. Selection of species with established growth patterns will prevent damage and intrusion. We also propose to provide, if approved, a great deal more vegetation than the minimum number of trees required by the ordinance to create a dense landscape screen.



## DEVELOPMENT STANDARDS VARIANCE

### FINDINGS OF FACT

Petitioner's Name: Christian Investments LLC  
Location: 1451 W. McKay Rd  
Variance for: UDO 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.

The public health, safety and general welfare are preserved through enabling quality development through density in a location where housing is especially desirable.

---

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

Adjacent property values will be largely unaffected by the variance requested.

---

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

Project will be financially infeasible if relief is not provided to allow for density more in line with what is allowed in nearby cities and towns.

---

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





## DEVELOPMENT STANDARDS VARIANCE FINDINGS OF FACT

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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 public health, safety and general welfare are preserved through selection of species, in quantities superior to the standard, in lieu of prescriptive tree placement.

---

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

Adjacent property values will be largely unaffected by the variance requested.

---

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

Project will be unable to proceed because the preferred site design doesn't permit strict adherence with the ordinance.

---

*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: Christian Investments LLC  
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The public health, safety and general welfare are preserved through selection of species, in quantities superior to the standard, in lieu of prescriptive tree placement.

---

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

Adjacent property values will be largely unaffected by the variance requested.

---

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

Trees will not be able to be placed in the intended buffer / screening area, effectively prohibiting the visual barrier intended by the ordinance.

---

*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: Christian Investments LLC  
Location: 1451 W. McKay Rd  
Variance for: UDO 5.55

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 public health, safety and general welfare are preserved through imposition of additional screening requirements in lieu of the wider buffer yard // side yard.

---

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

Adjacent property values will be largely unaffected by the variance requested.

---

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

The subject property is too narrow for an alternative configuration and methods to reduce the width of drives/pavement were unsatisfactory.

---

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



# MCKAY APARTMENTS

1451 W McKay Rd Shelbyville, IN 46176

## CONCEPTUAL SITE PLAN NOTES:

THIS SITE PLAN WAS GENERATED USING THE FOLLOWING CRITERIA FOR CITY OF SHELBYVILLE "RM" ZONING CLASSIFICATION:

The Multiple-family Residential (RM) District is intended to provide an area for multiple-family dwellings, such as apartment houses, apartments complexes, and condominiums. This district may be used to provide a transition between other residential and non-residential land uses.

### Permitted Uses Park Uses

nature preserve/center

park, public

### Residential Uses

assisted living facility

dwelling, multiple-family

dwelling, two-family

fair housing facility (small)

nursing home

retirement facility

### Special Exception Uses Institutional Uses

community center

day care center

police, fire, or rescue station

### Park Uses

driving range

golf course and/or country club

### Residential Uses

boarding house

fair housing facility (large)

### Utility Uses

water tower

### Minimum Lot Area

VARIANCE REQUESTED - 1700 SF PER UNIT IN LIEU OF 4,500 square feet per dwelling unit

### Maximum Lot Area

none

### Minimum Lot Width

100 feet (measured at the front building setback line)

### Minimum Lot Frontage

50 feet (on a public street, with access from that street)

### Maximum Lot Depth

none

### Minimum Front Yard Setback

50 feet for primary and accessory structures when adjacent to an arterial street

30 feet for primary and accessory structures when adjacent to a collector street

20 feet for primary and accessory structures when adjacent to a local street

### Minimum Side Yard Setback

40 feet for primary structures (if an apartment complex)

10 feet for primary structures (if a single apartment house)

10 feet for accessory structures

### Minimum Rear Yard Setback

40 feet for primary structures (if an apartment complex)

15 feet for primary structures (if a single apartment house)

10 feet for accessory structures

### Maximum Lot Coverage

65% (of the lot area may be covered by structures and other hard surfaces)

### Minimum Living Area per Dwelling

600 square feet

### Minimum Ground Floor Area

not applicable

### Maximum Primary Structures per Lot

none

### Minimum Separation Between Primary Structures

10 feet

SIDE & REAR YARD SETBACKS OF 7 FEET REQUESTED, TO BE VERIFIED ONCE A SURVEY IS COMPLETE.

(TOTAL SITE AREA IS 200,988 SF OR 4.48 ACRES)

ACCESSORY USES OF CHILD DAY-CARE HOME (PER IC 12-7-2.28.6) AND HOME OCCUPATION (PER STANDARDS) ARE PERMITTED.

ACCESSORY STRUCTURES (SUCH AS DUMPSTER SCREENS) MAY BE LOCATED TO THE REAR AND SIDE YARD (OUTSIDE OF EASEMENTS/SETBACKS).

SUGGESTED AMENITIES: PLAYGROUND, CENTRAL "GREENWAY" BETWEEN TOWNHOUSES, FISHING DOCK AT RETENTION POND.

EXISTING APARTMENT FOOTPRINT (EACH): 6015 GROSS SF (12030 GROSS SF TOTAL)

3-STORY APARTMENT BUILDING FOOTPRINT: 8800 SF (26,400 GROSS SQUARE FEET TOTAL)

MAINTENANCE BUILDING: 480 SF

CLUBHOUSE: 1,430 SF

SIDEWALKS (INCLUDING EXISTING): 11,178 SF

DRIVES/PARKING (INCLUDING EXISTING) : 81,570 SF

TOTAL PROPOSED LOT COVERAGE : 94,658 SF

TOTAL ALLOWED LOT COVERAGE: 130,642 SF

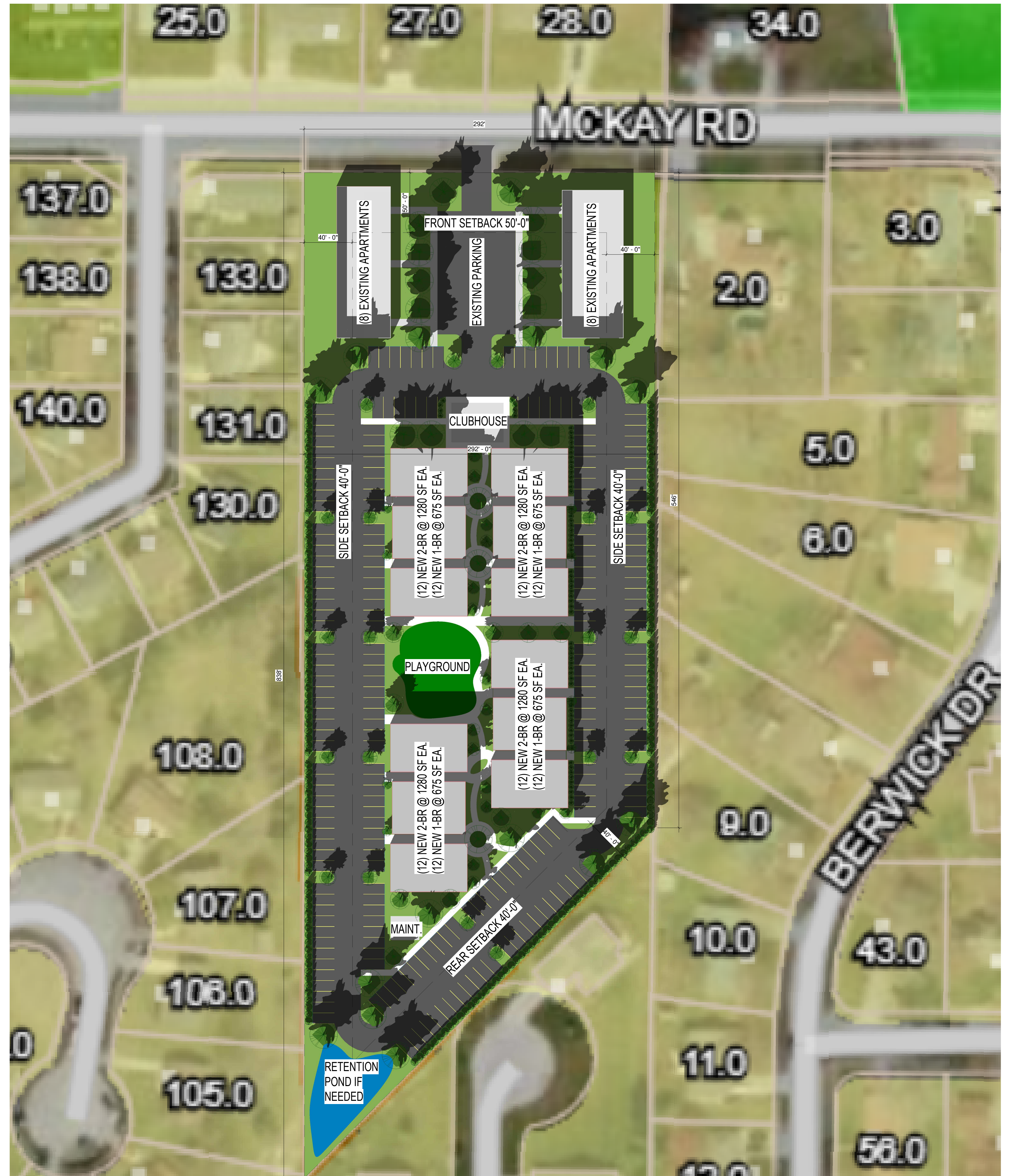
241 PARKING SPACES PROVIDED (IN ADDITION TO EXISTING)

96 NEW UNITS PROVIDED (IN ADDITION TO 16 EXISTING)

MINIMUM 2 PARKING SPACES PER UNIT PLUS 5 FOR VISITORS

AT LEAST 5% OF PARKING AREA TO BE LANDSCAPED

THIS DESIGN WILL BE SUBJECT TO ADDITIONAL DEVELOPMENT STANDARDS THAT WILL APPLY DEPENDING ON FINAL DESIGN.



1 CONCEPTUAL SITE PLAN 2  
1" = 40'-0"

No.	Description	Date