



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

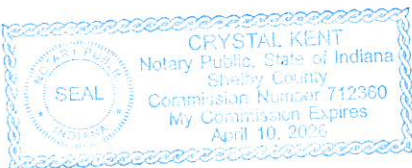
State of IN
County of Shelby SS:

Subscribed and sworn to before me this 20th 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.

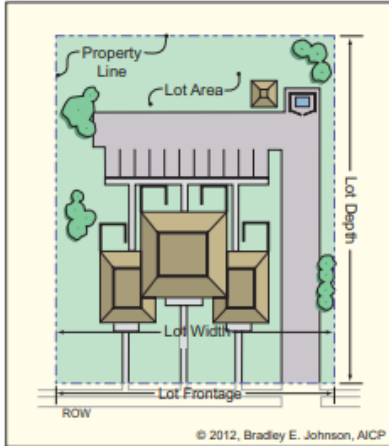
Please review the attached conceptual site plan for an illustration of the areas in question.

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

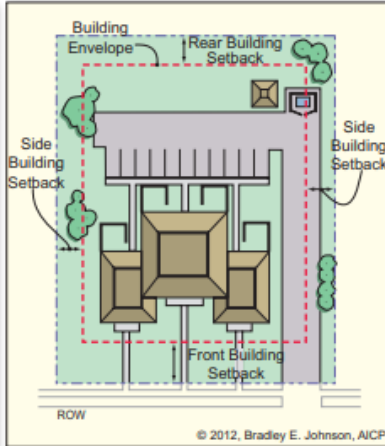
- 100 feet (measured at the front building setback line)

Minimum Lot Frontage

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

Maximum Lot Depth

- none



Minimum Front Yard Setback

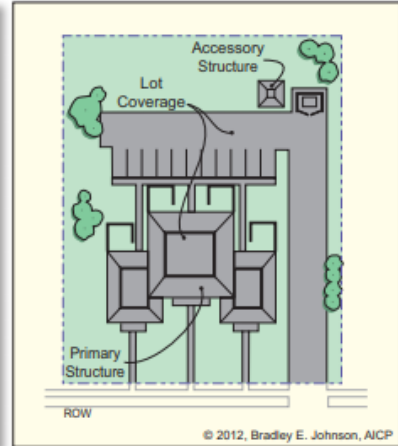
- 50 feet for primary and accessory structures when adjacent to an arterial street
- 30 feet for primary and accessory structures when adjacent to a collector street
- 20 feet for primary and accessory structures when adjacent to a local street

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

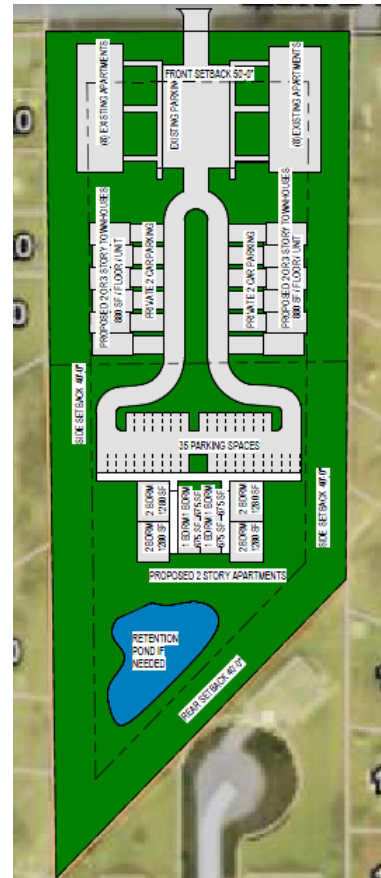
While no specific architectural style has been developed yet, it is worth noting that the highlighted section above cripples acclaimed development like the examples below (several styles depicted):



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

Petitioner's Name: Christian Investments LLC
Location: 1451 W. McKay Rd
Variance for: UDO 5.33

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 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
Location: 1451 W. McKay Rd
Variance for: UDO 5.36

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 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

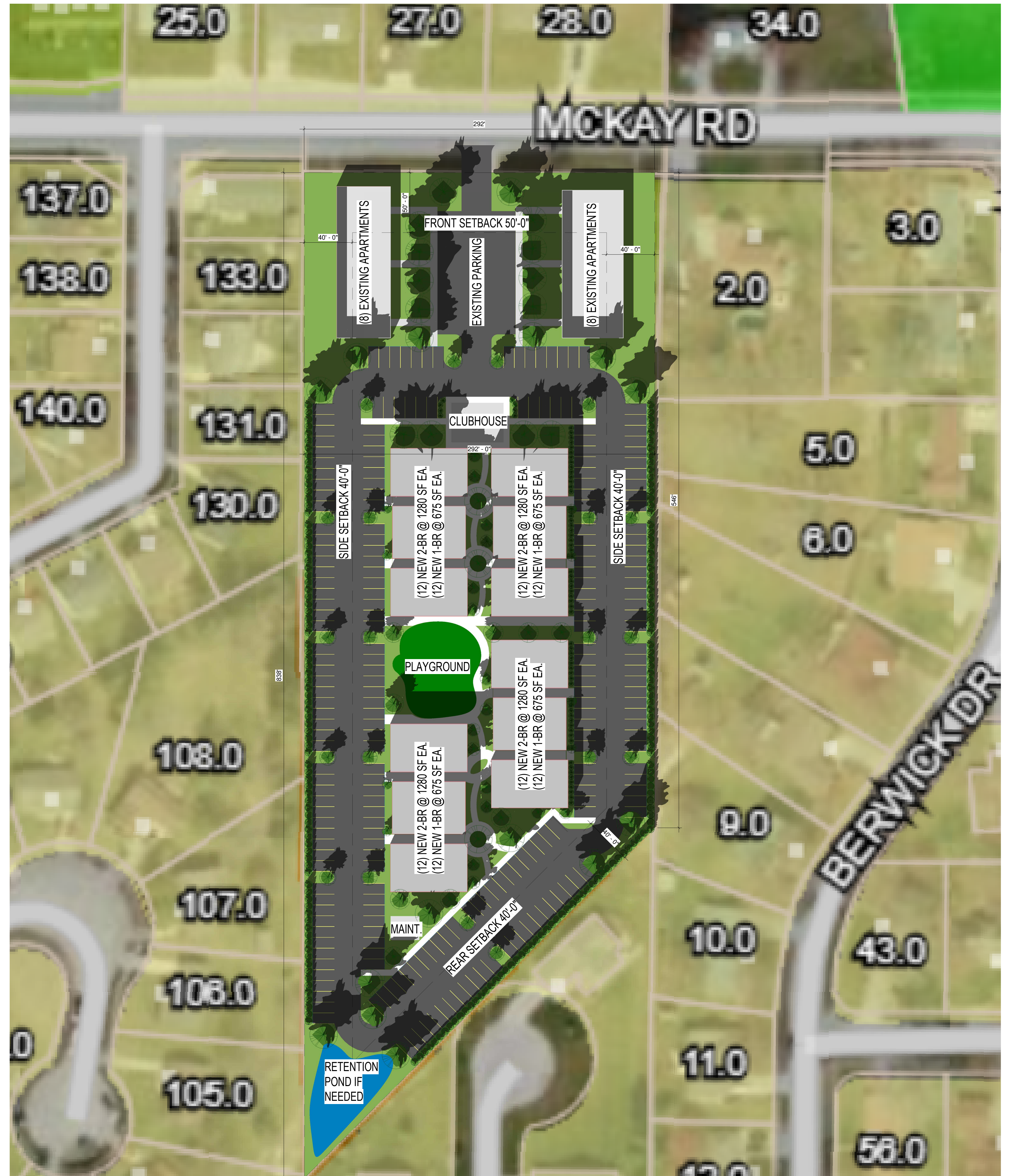
241 PARKING SPACES PROVIDED (IN ADDITION TO EXISTING)

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