

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 3/28/2023

<b>Case #:</b>	BZA 2023-15: Songer Residence Driveway, DSV			
<b>Petitioner's Name:</b>	Daniel Songer			
<b>Owner's Name:</b>	Daniel Songer			
<b>Petitioner's Representative:</b>	Daniel Songer			
<b>Address of Property:</b>	616 East Franklin Street, Shelbyville, IN			
<b>Subject Property Zoning Classification:</b>	R1 – Single-family Residential			
<b>Comprehensive Future Land use:</b>	Single-family Residential			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Surrounding Properties' Zoning Classifications:</b>	R1 – Single-family Residential	R1 – Single-family Residential	R2 – Two-family Residential	R1 – Single-family Residential
<b>Surrounding Properties' Comprehensive Future Land Use</b>	Single-family Residential	Single-family Residential	Single-family Residential	Single-family Residential
<b>History:</b>	This property is a single-family residence in an established residential area of the city. Lots in this area of the city range in size; 616 East Franklin Street is 50x232, because it backs onto the Blue River. The property does not currently have any off-street parking.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	A request for one Development Standards Variance from UDO 5.14(D) Residential Driveway Standards			

1. The petitioner would like to build a driveway on the west side of their property. UDO 5.14 Residential Driveway Standards require driveways to be setback at least three (3) feet from side property lines. The petitioner does not have enough space to provide the required three (3) feet, a ten (10) foot functional driveway and provide clearance from the house. The petitioner is requesting to reduce the side yard setback to one (1) foot. This would still provide twelve (12) feet between the edge of the driveway and the side of the neighboring properties house which is also separated by a split-rail fence in the neighbors side yard.

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***BZA 2023-15. A Variance From UDO 5.14(D), Residential Driveway 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: “This does not affect the general welfare of the public. My lot doesn’t have a driveway and we would like to get off the street.”*

The planning staff has determined that the requested variance from the Residential Driveway Standards for a reduction in the side yard setback for a driveway should not be injurious to the public health, safety, morals, or general welfare of the community. The planning staff believes the provision of a driveway and off-street parking makes the street safer for the neighborhood and general public.

*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: “I live in traditional neighborhood. This would allow us to get our cars off the road and make more room for others. We think this addition would positively affect the property value of everyone.”*

The planning staff has determined that the requested variance from the Residential Driveway Standards should not have a substantially adverse effect on the use and value of the adjacent areas. The surrounding properties are all single-family residential properties, most with driveways and garages. An additional driveway will not have a negative impact on the character of the surrounding properties and thus no impact on the value of the properties.

*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: “My wife’s car has been hit (2) times. Granting the variance would allow us to park cars off of the street. My wife’s car’s insurance premiums have gone up.”*

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. The geometry of Franklin Street makes it difficult to have on-street parking and a

viable travel lane. At twenty-four (24) feet from curb to curb, another ten (10) foot reduction for on-street parking only allows fourteen (14) for two-way vehicular traffic travel.

*Finding #3 has been satisfied by the petitioner.*

**STAFF RECOMMENDATION: APPROVAL**

**DEVELOPMENT STANDARDS VARIANCE: BZA 2023-15: 616 East Franklin Street, 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 5.14(D) to allow for a driveway 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 2023 - 15

Hearing Date: 10-24-23

Fees Paid: \$ 100.00

Final Decision:

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

**1.**

**Applicant**

Name: DAN SONGOR  
Address: 616 EAST FRANKLIN ST.  
SHelBYVILLE, ID. 46176  
Phone Number: 317.709.6170  
Fax Number: \_\_\_\_\_  
Email: UDCDANA@NETZERO.NET

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

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

**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): \_\_\_\_\_

Current Zoning Classification: R1 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:  
EDO 5.14 RESIDENTIAL DRIVEWAY STANDARDS

**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: \_\_\_\_\_ Date: 9/20/2023

State of IN  
County of Shelby SS:

Subscribed and sworn to before me this 27th day of Sept., 2023

LISA D. LOVELESS Lisa D. Loveless / Lisa D. Loveless  
Notary Public Printed

COUNTY OF RES.: Shelby  
COMM. NO.: NP0723199  
MY COMM. EXP.: 10-24-2027  
Residing in \_\_\_\_\_ County.

My Commission Expires: 10-24-27







**DEVELOPMENT STANDARDS VARIANCE**  
FINDINGS OF FACT

Petitioner's Name: DAN SONGER  
Location: 616 EAST FRANKLIN ST. SHELBYVILLE, IN 46176  
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.

THIS DOES NOT EFFECT THE GENERAL WELFARE OF THE  
MY LOT DOESN'T HAVE A DRIVEWAY, AND WE  
WOULD LIKE TO GET OFF THE STREET  
PARKING Public

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

I LIVE IN A TRADITIONAL NEIGHBORHOOD  
THIS WOULD ALLOW US TO GET OUR CARS OFF  
THE ROAD TO MAKE MORE ROOM FOR OTHERS.  
WE THINK THIS ADDITION WOULD POSITIVELY  
AFFECT THE PROPERTY VALUE OF EVERYBODY.

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

MY WIFE'S CAR HAS BEEN H.I.T (2) TWICE.  
GRANTING THE VARIANCE WOULD ALLOW US  
TO PARK CARS OFF OF STREET, MY WIFE'S CAR  
INSURANCE PREMIUMS HAVE GONE UP.

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**

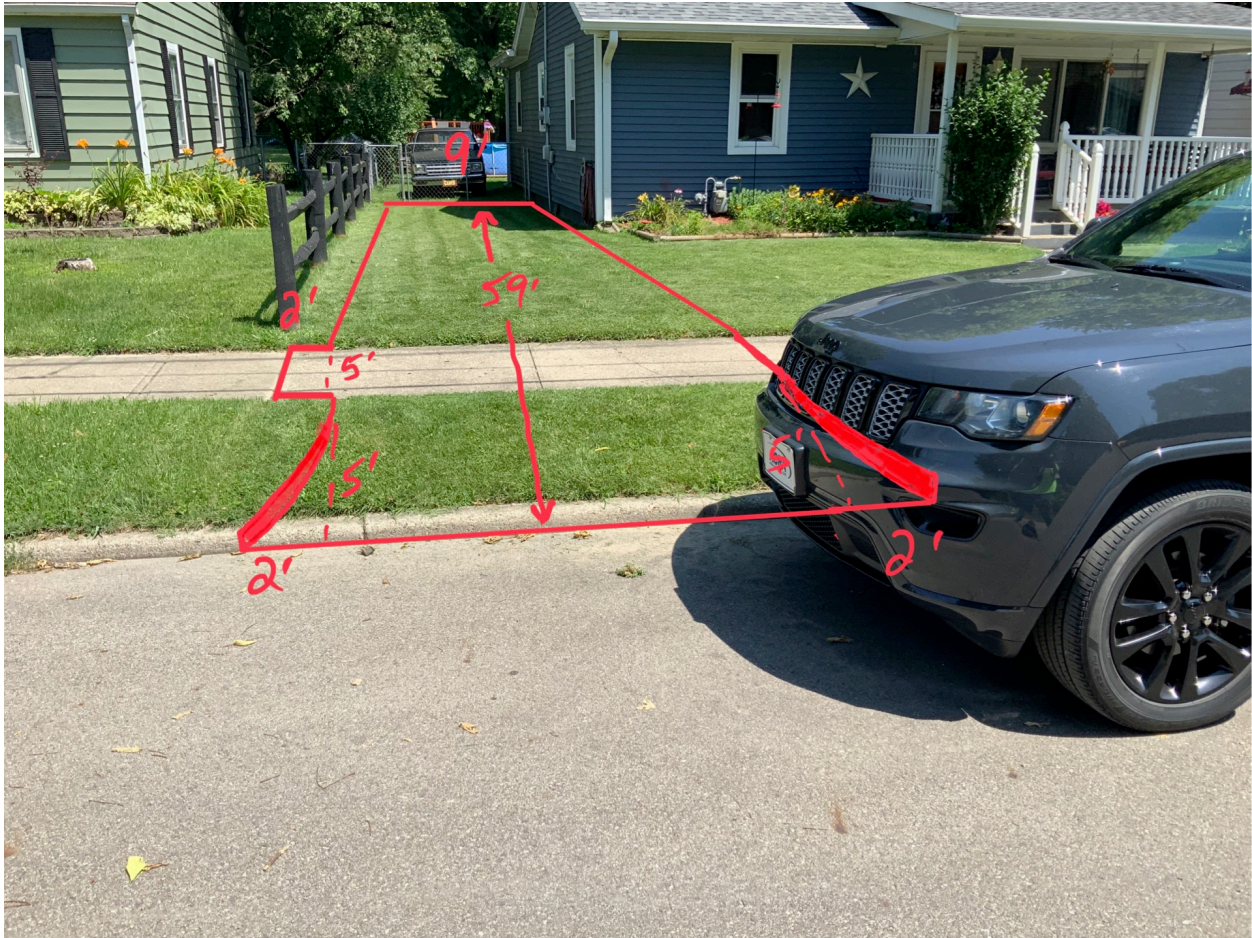
Please write a brief summary the case you are presenting to the Board of Zoning Appeals. You may submit on this form or on your own letterhead.

I WOULD LIKE AN OFF STREET DRIVEWAY IN ORDER TO PARK OUR PERSONNEL VEHICLES OUT OF THE ROAD. MY WIFE'S CAR HAS BEEN HIT TWICE, CAUSING INSURANCE PREMIUMS TO GO UP.

I WOULD LIKE THE VARIANCE TO BE REDUCED TO 1' FEET

THIS WOULD ALSO GIVE SCHOOL BUSES TO HAVE MORE ROOM ON OUR STREET.





551 sqft NEW concrete driveway.