

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 6/14/2022

Case #:	BZA 2022-10: 415 East Hendricks Street, DSV			
Petitioner's Name:	Martin Zinser			
Owner's Name:	Tami & Martin Zinser			
Petitioner's Representative:	Martin Zinser			
Address of Property:	415 East Hendricks Street			
Subject Property Zoning Classification:	BG – Business General			
Comprehensive Future Land use:	Commercial			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BG – Business General	BG – Business General	IL – Light Industrial	IL – Light Industrial
Surrounding Properties' Comprehensive Future Land Use	Gateway Mixed Use	Single Family Residential	Commercial	Commercial
History:	The parcel currently is a mix of uses including tree farm sales, banquet hall, enclosed self-storage and covered vehicle storage. The parcel received a use variance in 2012 to operate the self-storage.			
Vicinity Map:				
Action Requested:	Approval of one development standard variances from UDO 5.08 (C) Institutional and Business Architectural Standards, Building Materials.			

- A. The petitioner is proposing to build a 22' x 24' extension onto an existing three-sided, open air storage building. The petitioner is proposing to use standing seam metal.
- B. UDO 5.08 Architectural Standards apply to the following zoning districts: IS – Institutional, BC – Business Central, BG – Business General, and BH – Business Highway. The petition property is in a BG – Business General zoning district.
- C. UDO 5.08 Architectural Standards (C) Building Materials require exterior building materials and colors be generally aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods. Furthermore, the Material Types require: the exterior materials to be a combination of brick; wood; stone; tinted and textured concrete masonry units; architectural precast concrete, architectural metal; and other products that replicate the appearance and durability of these materials. The use of smooth faced concrete block, un-textured smooth faced tilt-up concrete panels, and standing seam steel panels shall be prohibited. The Zoning Administrator shall approve or deny the use of all composite and alternative materials.

BZA 2022-10 A. Variance from UDO 5.08(C)(1), Architectural Standards: Building Materials

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.

Applicant provided the following response to Finding of Fact #1: "The property has been used for storage for 25 with no problems."

The planning staff has determined that the requested architectural standards variance should not be injurious to the public health, safety, morals, or general welfare of the community. The proposed building is an expansion of existing 3-sided, open air self-storage building that is currently constructed of standing-seam metal. The new expansion will blend with the existing older buildings.

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.

Applicant provided the following response to Finding of Fact #2: "Adjacent property is uncontrolled growth."

The planning staff has determined that the requested architectural standards variance should not have a substantially adverse affect on the use and value of the adjacent areas. The surrounding properties are a mix of BG – Business General and IL – Light Industrial with a general light industrial feel and look. The properties are larger in size and setback further from the roads so the addition of additional storage will not adversely affect neighboring 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.

Applicant provided the following response to Finding of Fact #3: "No hardship."

The planning staff has determined that the strict application of the terms of the ordinance could result in a practical difficulty in the use of the property. Since all the existing storage units, both the mini-self storage units and the 3-sided open air storage units all utilize standing-seem metal, the strict enforcement of the ordinance would make the addition to the existing building difficult to construct and see disjointed and out of place. Allowing the petitioner to blend with the other buildings on the site will maintain and improve the character of the property.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2022-10.415 East Hendricks Street. Institutional and Business Architectural 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 architectural standards variance from UDO 5.08 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

Attest: _____
Secretary



DEVELOPMENT STANDARDS VARIANCE APPLICATION

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

RECEIVED / FILED

MAY 31 2022

For Office Use Only:

Case #: BZA 2022 - 10

Hearing Date: 6/14/22

Fees Paid: \$ 500.00

Final Decision:

Approved

Denied

1.

Applicant

Name: Martin Zinser
Address: 1630 E 700S
Waldron, IN 46182
Phone Number: 317-905-8091
Fax Number:
Email: mtzinserv@tds.net

Property Owners Information (if different than Applicant)

Name: Tami Zinser
Address: same
Phone Number: 317-372-5298
Fax Number:
Email: tzinserv@clingerinsurance.com

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): 415 E Handwicks St
Shelbyville
Current Zoning Classification:
Existing Use: storage
Number of Requested Variances:
Proposed Use: storage

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number:
(1) DSV FROM UDO 5.08 ARCHITECTURAL 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: Martin J Zinser, Tami L. Zinser Date: May 31, 2022

State of Indiana
County of Shelby

Subscribed and sworn to before me this 31st day of May, 2022
Lisa D. Loveless, Lisa D. Loveless
Notary Public Printed



LISA D. LOVELESS
COUNTY OF RES.: SHELBY
COMM. NO.: NP0723199
MY COMM. EXP.: 10-24-2022

Residing in Shelby County. My Commission Expires: 10-24-27

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

State of Indiana)
County of Shelby) SS:

I, Martin J. Zinser
Tami L. Zinser, AFTER BEING DULY SWORN, DEPOSE AND SAY
(Name of property owner)

THE FOLLOWING:

1. That I am the owner of real estate located at 415 E Hendricks St. Shelbyville, IN 46176;
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: Martin J. Zinser, Tami L. Zinser
(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.

Martin J. Zinser
Tami L. Zinser
Owner's Name (Please print) .
Martin J. Zinser
Tami L. Zinser
Owner's Signature

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 31st day of May, 2022

Lisa D. Loveless
Notary Public

Lisa D. Loveless



LISA D. LOVELESS
COUNTY OF RES.: SHELBY
COMM. NO.: NP0723199
MY COMM. EXP.: 10-24-2027

Residing in Shelby County.

My Commission Expires: 10-24-27



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 want to add more mini storage units



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: Martin Zinsor
Location: 411 E Hendricks St
Variance for: MAIL STORAGE

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.

Property has been used for storage
for 25 years with no problems

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

Adjacent property is uncontrolled growth

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

No hardship

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

NORTH

WEST

Hendricks St.

EAST

