

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 9/14/2021

<b>Case #:</b>	BZA 2021-08: Adam Clark, DSV			
<b>Petitioner's Name:</b>	Adam Clark			
<b>Owner's Name:</b>	Adam Clark			
<b>Petitioner's Representative:</b>	N/A			
<b>Address of Property:</b>	103 Foxborough Run			
<b>Subject Property Zoning Classification:</b>	R 1, 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	R1 – Single 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 residential home in the Huntington Green neighborhood. The neighborhood is comprised of larger lots and larger square foot homes.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Approval of one development standards variance, from UDO 2.08, R1 District Development Standards, Maximum Height for an Accessory Structure.			

1. In the R 1, Single-Family Residential zoning district, the maximum height for an accessory structure is fifteen (15) feet. The petitioner would like to build a pool house that is 16'2" in height.
- 

### **Variance From UDO 5.23 (A)(2) Height Standards for an 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 has provided the following response to Finding of Fact #1: "The proposed request is on residential property and will not block any utility easements."*

The planning staff has determined that the requested development standards variance would not be injurious to the public health, safety, morals, and general welfare of the community. The requested height increase on the pool house is similar in character and massing to other garages and accessory structures in the neighborhood.

*Finding #1 has been satisfied by the applicant*

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 has provided the following response to Finding of Fact #2: The proposed structure is centrally located on our property. The variance will help us obtain a roof pitch close to our house which should be aesthetically pleasing to our neighbors, as well as, architecturally cohesive with the overall design of our house."*

The planning staff has determined that the requested variance should not have a substantially adverse effect on the adjacent area. The pool house is in keeping with the character of the surrounding houses, a majority of which have pools as well as the larger scale homes on the Foxborough cul-de-sac. The existing nature of the area has larger, more substantial structures, which limits any impact from a new structure like the one being proposed.

*Finding #2 has been satisfied by the applicant*

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 has provided the following response to Finding of Fact #3: "We are concerned the ceiling will be too low which could affect the overall venting and airflow."*

The planning staff has determined that the applicant has a practical difficulty that is neither self-imposed nor financial in nature. The parcel is quite large and the home on the parcel is large with an equally imposing roofline, however the standards that regulate the height of an accessory structure do not proportionately scale with the size/height of the primary structure.

*Finding #3 has been satisfied by the applicant*

**STAFF RECOMMENDATION: APPROVAL**

**DEVELOPMENT STANDARDS VARIANCE: BZA 2021-08: Adam Clark, 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 5.23 (A) to increase the maximum height of an accessory structure to 19' 6", 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 STANDARD VARIANCE APPLICATION

Shelbyville Plan Commission  
44 West Washington Street  
Shelbyville, IN 46176  
P: 317.392.5102

For Office Use Only	
Case #	<u>2021-09</u>
Hearing Date:	<u>9.14.21</u>
Fees:	<u>\$75.00</u>
Approved	Denied

1.

**Applicant** (person or company requesting variance)

Name: ADAM & JENNIFER CURIC  
Address: 103 FOXBOROUGH RUN  
SHELBYVILLE, IN 46176  
Phone Number: 317 431 7061  
Fax Number: \_\_\_\_\_  
Email Address: Adam.clark@gmail.com

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

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

2.

**Applicant's Attorney/Representative**

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

**Project Engineer**

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

4. **Project Information:**

Address of Property: 103 FOXBOROUGH RUN SHELBYVILLE, IN 46176  
Current Zoning: RESIDENTIAL Existing Use of Property: RESIDENTIAL

5. **Number of Variances Requested** 1

6. **Applicable Ordinance Section Number (s)**

(Please indicate ALL applicable Zoning Ordinance Section Numbers for your petition; including Article, Section, and Page Number)

ARTICLE R-1 DISTRICT DEVELOPMENT STANDARDS. - 2.08  
PAGE: 2-9

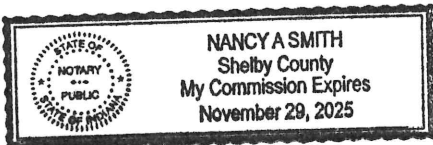
The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: Ad Curic Date: 8/26/2021

State of Indiana )  
County of Shelby )SS:

Subscribed and sworn to before me this 26 day of August, 2021

Nancy A. Smith / Nancy A. Smith  
Notary Public Printed  
Residing in Shelby County My Commission Expires: 11-29-2025





**DEVELOPMENT STANDARD VARIANCE  
FINDINGS OF FACT**

Petitioner's Name: ADAM CLARK  
Location: 103 FOXBOROUGH RUN SHELBYVILLE, IN  
Variance for: ACCESSORY BUILDING → HEIGHT

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 PROPOSED REQUEST IS ON RESIDENTIAL  
PROPERTY AND WILL NOT BLOCK ANY UTILITY  
EASEMENTS.

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

THE PROPOSED STRUCTURE IS CENTRALLY LOCATED ON OUR PROPERTY. THE VARIANCE  
WILL HELP US OBTAIN A ROOF PITCH CLOSE TO OUR HOUSE WHICH SHOULD BE  
ASTHETICALLY PLEASING TO OUR NEIGHBORS, AS WELL AS, ARCHITECTURALLY  
COHESIVE WITH THE OVERALL DESIGN OF OUR HOUSE.

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

WE ARE CONCERNED THAT THE CEILING WILL BE  
TO LOW WHICH COULD AFFECT THE OVERALL  
VENTING & AIRFLOW.

LETTER OF INTENT  
BOARD OF ZONING APPEALS


To whom it may concern:

Jennifer and I are planning a dual purpose accessory building on our property. The front portion will be utilized as an outdoor gathering place/kitchen for our family while the back portion will be utilized as storage. We are requesting a development standard variance to change the maximum height of the structure from 15' to 16'2" (R-1 District Development Standards-2.08) to help keep the pitch of the roof as close as possible to the primary structure on the property, our house. This will also help create better airflow and venting within the front portion of the structure improving the overall lifetime usage of the structure.

ENTER FOR TAXATION

APR 07 2015

*Mary Jo Phares*  
SHELBY COUNTY AUDITOR

2015001851 WD \$18.00  
04/07/2015 03:44:01P 2 PGS  
Tawnya J Williams  
SHELBY County Recorder IN  
Recorded as Presented  


Warranty Deed

This Indenture Witnesseth, that Matt Haehl and Jennifer S. Haehl, husband and wife (collectively, "Grantor") of Shelby County, State of Indiana, CONVEY(S) AND WARRANT(S) to Adam S. Clark and Jennifer M. Clark, husband and wife (collectively, "Grantee") of Shelby County, in the State of Indiana, for the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following real estate in Shelby County, State of Indiana, commonly known as 103 Foxborough Run, Shelbyville, IN 46176, and more particularly described as:

A part of the Northwest Quarter of the Northeast Quarter of Section 8, Township 12 North, Range 7 East, Shelby County, Indiana, described as follows:

Beginning at the Southwest corner of lot 6 in Hunnington Greene, an addition to the City of Shelbyville as per the plat thereof recorded at Survey Book 1 page 301 in the Shelby County Recorder's Office; thence with the extended South line of said addition North 88 degrees 07 minutes 00 seconds West 244.89 feet; thence North 00 degrees 13 minutes 04 seconds West 139.41 feet to the South right of way line of Foxborough Run; thence with said right of way line South 88 degrees 04 minutes 07 seconds East 245.00 feet to the Northwest corner of the aforementioned lot 6; thence with the lot line South 00 degrees 13 minutes 04 seconds East 139.20 feet to the Point of Beginning, containing 0.789 acres, more or less, and subject to any existing right of ways, easements or restrictions.

Course data used in this description assumes the South line of Hunnington Greene Addition to have a bearing of North 88 degrees 07 minutes 00 seconds West.

Parcel No.:73-11-08-200-016.000-002

Taxes for 2015 payable 2016, now a lien, not yet due and payable.

Subject to covenants, agreements, easements, restrictions and all rights of way of record.

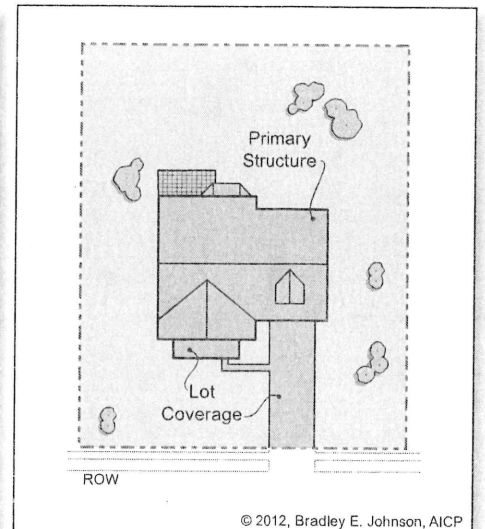
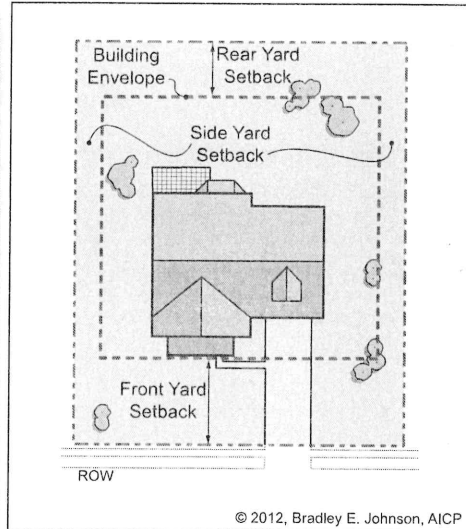
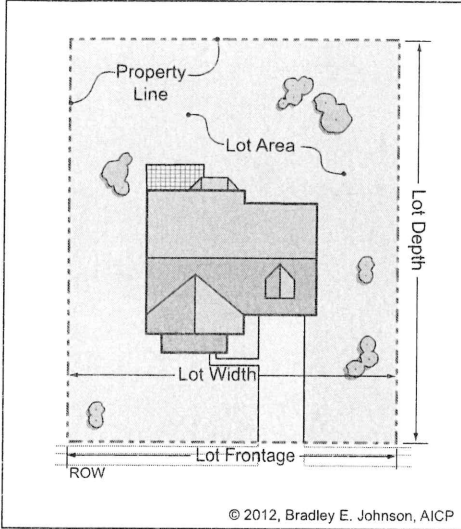
SALE DISCLOSURE  
APPROVED  
SHELBY COUNTY ASSESSOR





# Single-family Residential (R1) District

## 2.08 R1 District Development Standards



**Minimum Lot Area**

- 10,000 square feet

**Maximum Lot Area**

- none

**Minimum Lot Width**

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

**Minimum Lot Frontage**

- 45% of the lot width

**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**

- 10 feet for primary structures
- 4 feet for accessory structures

**Minimum Rear Yard Setback**

- 20 feet for primary structures
- 4 feet for accessory structures

**Maximum Lot Coverage**

- 45% (of the lot area may be covered by structures and other hard surfaces)

**Minimum Living Area per Dwelling**

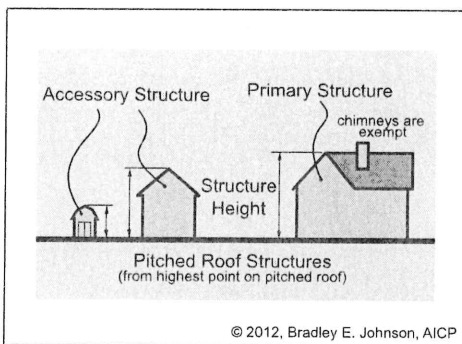
- 1,400 square feet

**Minimum Ground Floor Area**

- 800 square feet

**Maximum Primary Structures per Lot**

- 1

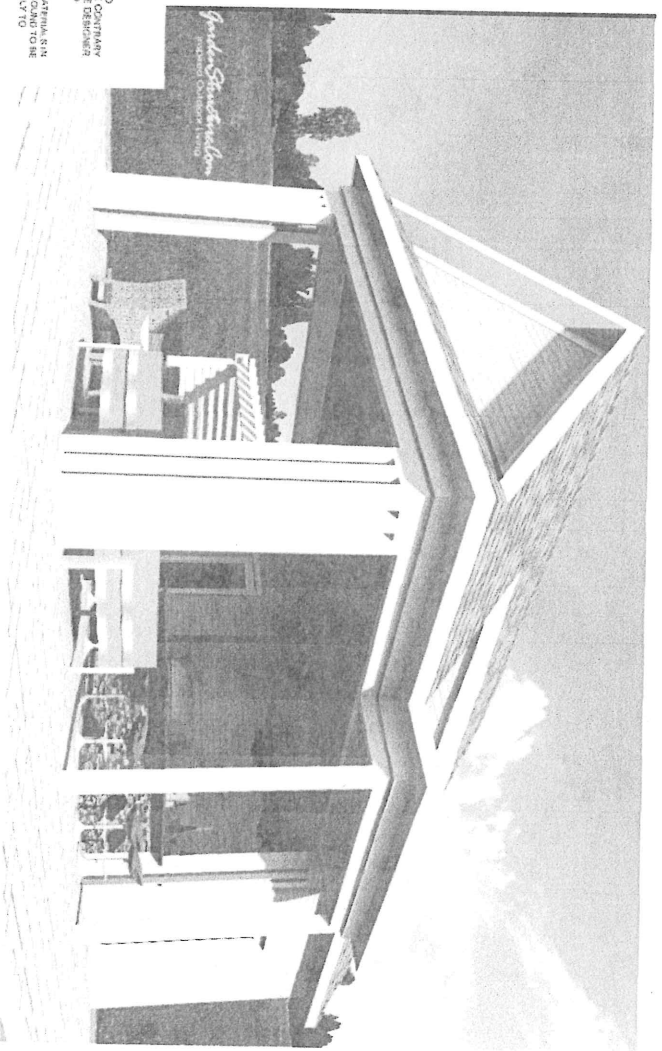


**Maximum Structure Height**

- 35 feet for primary structures
- 15 feet for accessory structures

### Additional Development Standards that Apply

<b>Accessory Use and Structures</b>	<b>Home Business</b>	<b>Signs</b>
• AS-01 ..... 5-3	• HB-01 ..... 5-29	• SI-01 ..... 5-65
• AS-02 ..... 5-5	<b>Keeping of Animals</b>	• SI-02 ..... 5-70
<b>Architectural</b>	• KA-01 ..... 5-31	• SI-04 ..... 5-71
• AR-01 ..... 5-9	<b>Landscaping</b>	• SI-05 ..... 5-71
<b>Density and Intensity</b>	• LA-06 ..... 5-39	• SI-06 ..... 5-72
• DI-01 ..... 5-15	<b>Lighting</b>	<b>Special Exception</b>
<b>Entrance and Drive</b>	• LT-01 ..... 5-42	• SE-01 ..... 5-91
• ED-01 ..... 5-16	<b>Lot</b>	<b>Structure</b>
• ED-03 ..... 5-19	• LO-01 ..... 5-45	• SR-01 ..... 5-92
<b>Environmental</b>	<b>Outdoor Storage</b>	<b>Temporary Use</b>
• EN-01 ..... 5-22	• OS-01 ..... 5-50	• TU-01 ..... 5-96
<b>Fence and Wall</b>	<b>Parking</b>	• TU-02 ..... 5-97
• FW-01 ..... 5-24	• PK-01 ..... 5-51	• TU-03 ..... 5-98
• FW-02 ..... 5-24	• PK-03 ..... 5-52	<b>Utility Services</b>
<b>Floodplain</b>	<b>Public Improvement</b>	• US-01 ..... 5-100
• FP-01 ..... 5-26	• PI-01 ..... 5-58	<b>Vision Clearance</b>
<b>Floor Area</b>	<b>Setback</b>	• VC-01 ..... 5-101
• FA-01 ..... 5-27	• SB-01 ..... 5-60	<b>Wind Turbine System</b>
<b>Height</b>	<b>Sidewalk</b>	• WT-01 ..... 5-102
• HT-01 ..... 5-28	• SD-01 ..... 5-64	



**GENERAL PROJECT NOTES**

1. THE CONTRACT DOCUMENTS ARE THE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE DESIGNER WHETHER THE PROJECT FOR WHICH THEY ARE PREPARED IS EXECUTED OR NOT.
2. MATERIALS SHALL BE SUPPLIED BY OTHERS, TO BE INSTALLED BY CONTRACTOR.
3. FINISHED MEANS FINISH AND INSTALL COMPLETE AND IN PLACE.
4. FINISHED MEANS IDENTICAL FOR CONDITIONS NOTED.
5. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY DIMENSIONS WITH FIELD CONDITIONS. IF DIMENSIONS OR DETAILS DIFFER FROM DRAWINGS CONTACT THE DESIGNER FOR RESOLUTION BEFORE PROCEEDING.
6. DIMENSIONS INDICATED ARE TOP/FRONT FINISHED FACE OF TO CENTERLINE OF FINISH.
7. VERIFY DIMENSIONS ARE LABEL TOP OF FLOOR SLAB EXCEPT WHERE NOTED TO BE FROM ABOVE FINISHED FLOOR (A.F.F.).
8. OUP AND FIT COMPONENTS FOR ALTERATION OF EXISTING WORK AND METALLATION OF NEW WORK. SUBMITTER'S DETAILS TO MATCH ADJACENT MATERIALS AND FINISHES.
9. PATCH AND REPAIR ALL IMPROVING DAMAGE OR REPAIRS DURING THE WORK AND EXISTING FINISHES IN EXPOSED PLANNED AREAS.
10. CONTRACTOR & SUB CONTRACTORS SHALL COORDINATE THE LAYOUT OF ALL ELECTRICAL, TELEPHONE, TV, CABLE, AND LIGHT SWITCHES WITH DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.
11. CONTRACTOR SHALL PROVIDE MANUFACTURER'S SPECIFICATIONS, INSTALLATION INSTRUCTIONS, SHOP DRAWINGS AND SAMPLES FOR REVIEW AND APPROVAL PRIOR TO THE WORK.
12. CONTRACTOR TO NOTIFY MANUFACTURER'S RECOMMENDED SUBSTITUTIONS TO THE CONTRACT DOCUMENTS. CONTRACTOR SHALL NOTIFY THE DESIGNER IMMEDIATELY TO RESOLVE DISCREPANCIES PRIOR TO PROCEEDING.
13. CONTRACTOR SHALL OBTAIN AND SUBMIT TO THE DESIGNER FOR APPROVAL ALL MATERIALS AND FINISHES. CONTRACTOR SHALL NOTIFY THE DESIGNER IMMEDIATELY TO RESOLVE DISCREPANCIES PRIOR TO PROCEEDING.
14. THE FINISHED WORK SHALL BE FIRM, WELL ANCHORED IN PLACE WITHOUT WOLVES, DISTORTIONS, HOLES, MARKS, GRABES, STAINS OR SCRUBS. THE FINISHED WORK SHALL BE TRIM, FITTING, NEAT AND WELL FINISHED. CONTRACTOR SHALL NOTIFY THE DESIGNER IMMEDIATELY TO RESOLVE DISCREPANCIES PRIOR TO PROCEEDING.
15. CONTRACTOR SHALL COMPLY WITH ALL BASE BUILDING REQUIREMENTS AND DESIGN CRITERIA.
16. ALL WORK SHALL COMPLY WITH THE APPLICABLE CODES, REGULATIONS, RULES, REGULATIONS, ORDINANCES, LAWS, ORDERS, APPROVALS, ETC. THAT MOST STRINGENT REQUIREMENTS SHALL APPLY. THE FOLLOWING LIST IS NOT INTENDED TO BE EXHAUSTIVE AND DOES NOT INCLUDE ALL APPLICABLE CODES AND REGULATIONS. THE FOLLOWING LIST INCLUDES:
  - A. INTERNATIONAL BUILDING CODE (IBC) 2006 EDITION
  - B. NATIONAL ELECTRICAL CODE (NEC) 2002 EDITION
  - C. NATIONAL FIRE ALARM AND SIGNAL CODE (NFPA) 72
  - D. INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC) 2006 EDITION
  - E. AMERICAN NATIONAL STANDARD FOR MECHANICAL VENTILATION (ANSI) 60.1
  - F. AMERICAN NATIONAL STANDARD FOR MECHANICAL VENTILATION (ANSI) 60.2
  - G. AMERICAN NATIONAL STANDARD FOR MECHANICAL VENTILATION (ANSI) 60.3
  - H. LOCAL MUNICIPAL ORDINANCES AND AMENDMENTS TO THE CODE

Clark Residence Cabana



Garden Structure, Inc.  
Prepared for CR Custom Renovations

REVISIONS	
NO.	REMARKS
1	MAINTAIN
2	
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5	

A 01

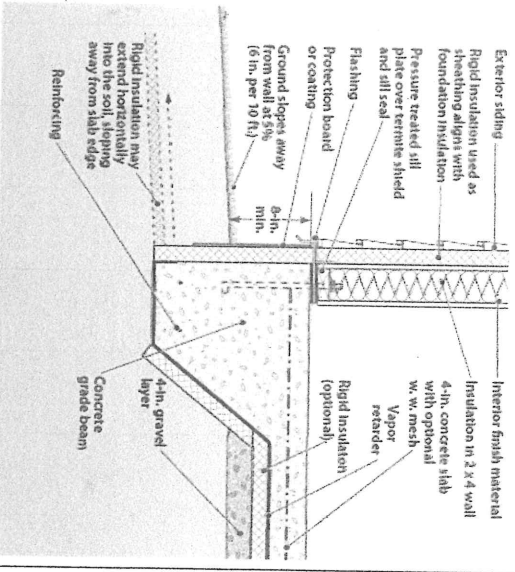
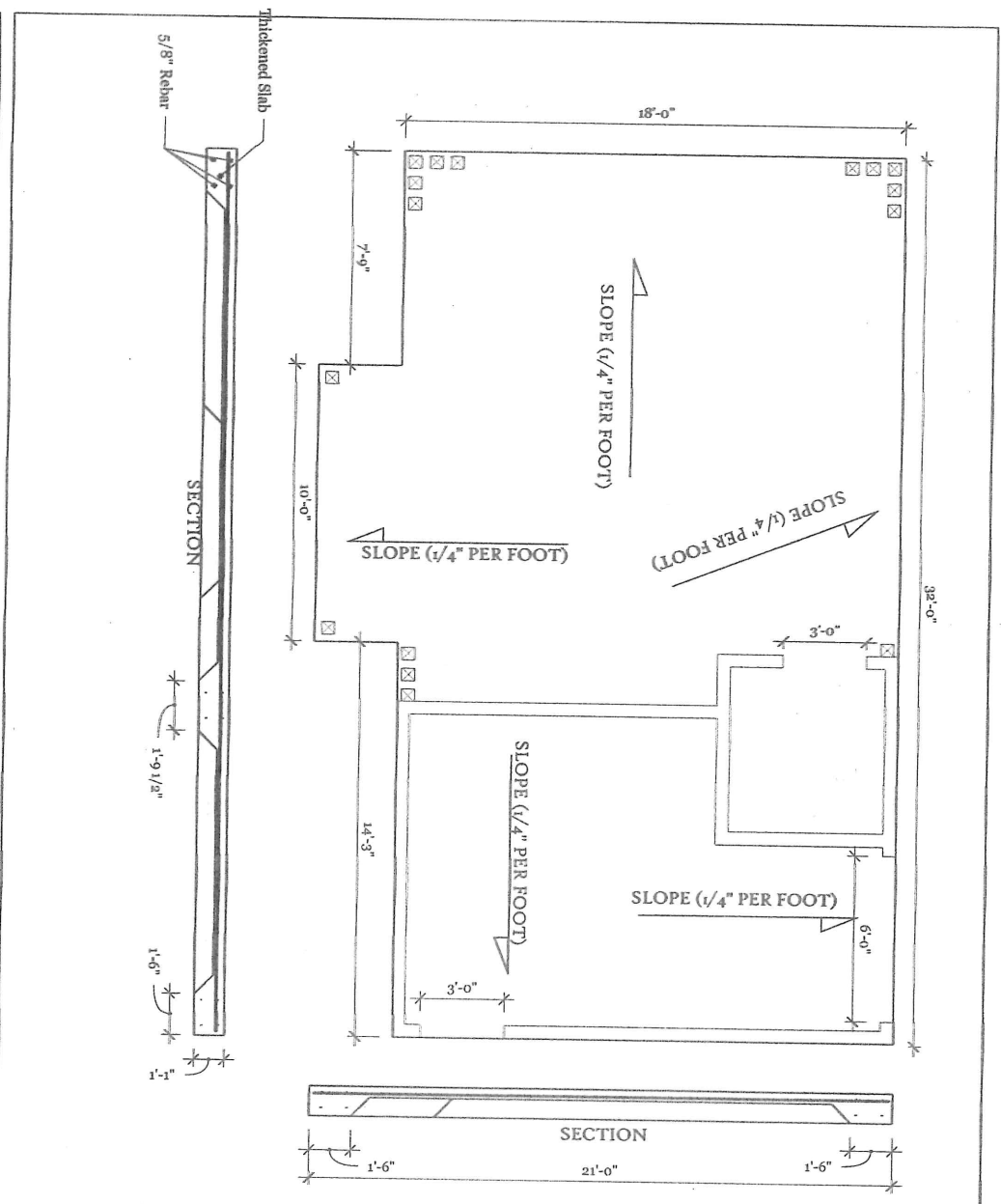
Clark Residence Cabana  
Concrete Foundation Plan



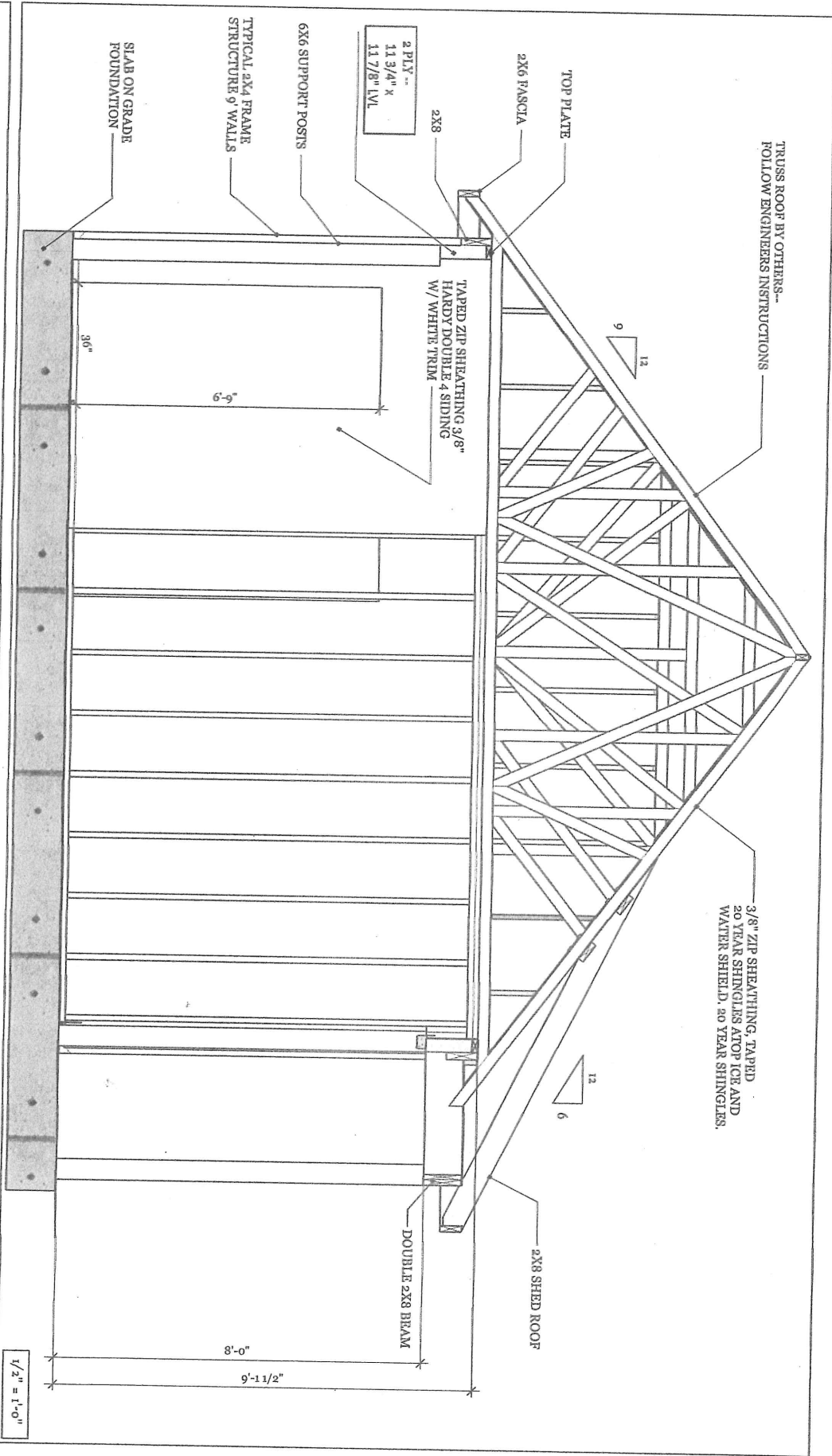
*gardenstructure.com*  
Prepared for CR Custom Renovations

REVISIONS	
NO.	DESCRIPTION
1	MWD/VV
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A 03



**Specifications:**  
Concrete slab in thickening to be minimum 12" Depth.  
Engineered gravel in fill compacted.  
Vapor membrane to be installed above granular.  
5/8" Rebar in thickenings, mesh in top 4"  
Slab shall be minimum thickness of 4"  
Slab shall slope slightly towards open areas and doors.  
Concrete shall be 3000 psi minimum.



Clark Residence Cabana  
SECTION ACROSS OPEN PART



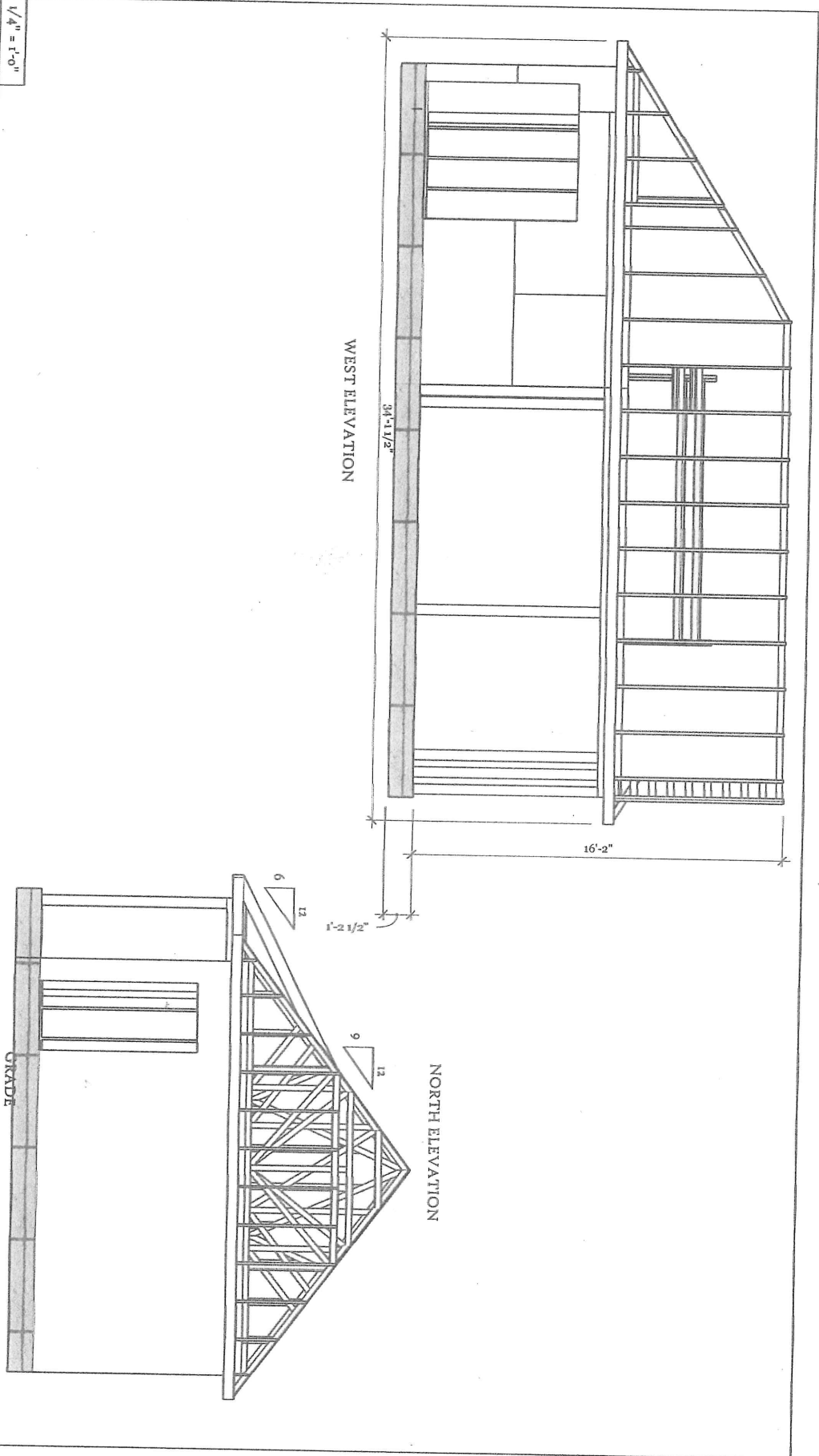
*Garden Structure.com*

Prepared for CR Custom Renovations

REVISIONS	
NO.	REMARKS
1	MADE/VT
2	MADE/VT
3	MADE/VT
4	MADE/VT
5	MADE/VT
6	MADE/VT

A 04

1/2" = 1'-0"



1/4" = 1'-0"

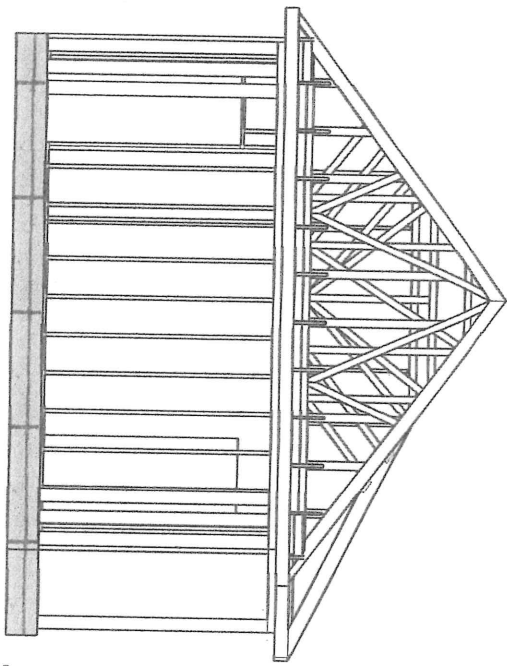
Clark Residence Cabana  
WEST/NORTH ELEVATIONS



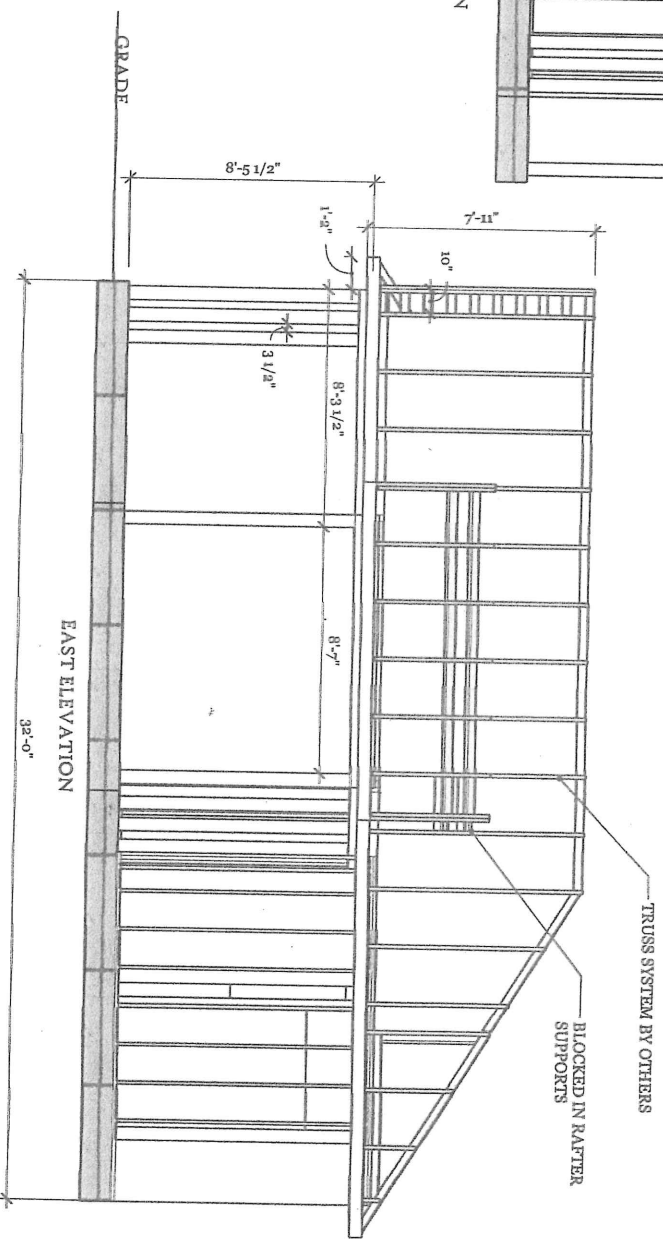
*Garden Structure.com*  
Prepared for CR Custom Renovations

REVISIONS	
NO.	REMARKS
1	MM/DD/YY
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A 05



SOUTH ELEVATION



1/4" = 1'-0"

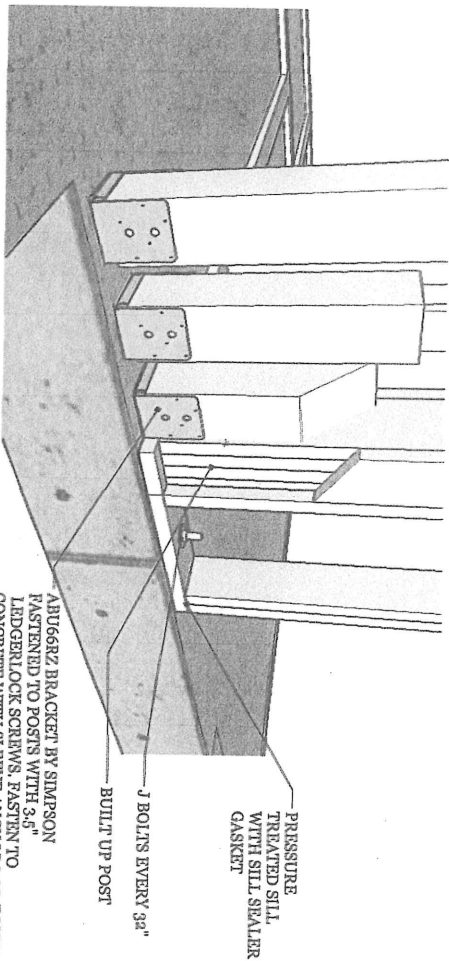
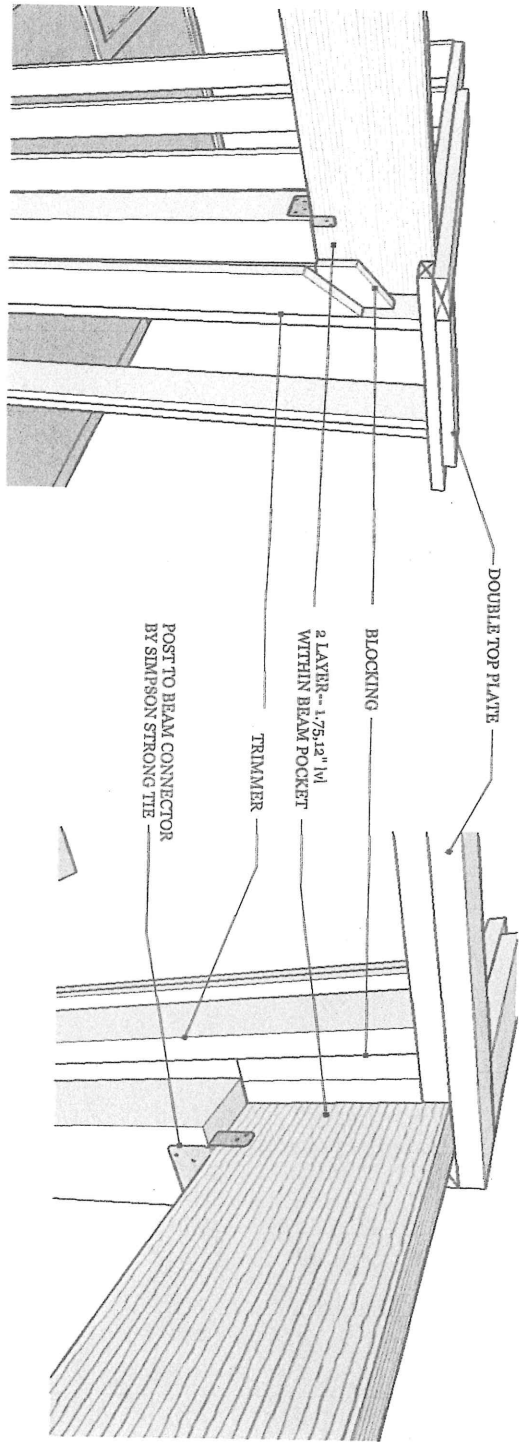
Clark Residence Cabana  
SOUTH/EAST FRAME ELEVATIONS



*CR Custom Renovations*  
Garden Structure.com

Prepared for CR Custom Renovations

REVISIONS	
NO.	DATE
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1/4" = 1'-0"

Clark Residence Cabana  
POST AND BEAM CONNECTIONS



*Garden Structure.com*

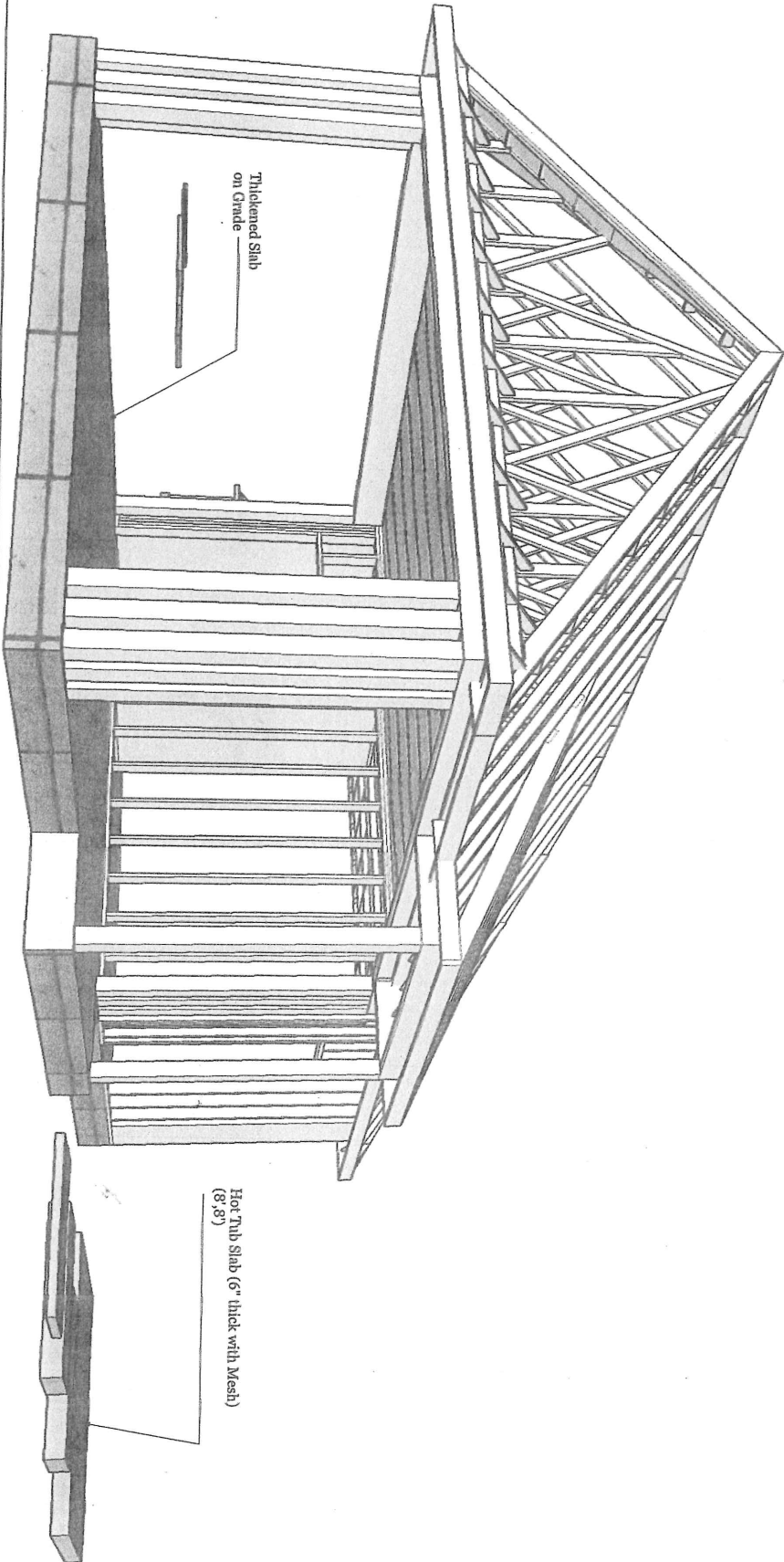
Prepared for CR Custom Renovations

REVISIONS	
NO.	DATE
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2	11/11/11
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4	11/11/11
5	11/11/11
6	11/11/11
7	11/11/11
8	11/11/11
9	11/11/11
10	11/11/11

A 07







Clark Residence Cabana



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Prepared for CR Custom Renovations

REVISIONS	
NO.	REMARKS
1	MANDATORY
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