

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 9/14/2021

Case #:	BZA 2021-05: Rob Nolley, DSV			
Petitioner's Name:	Rob Nolley			
Owner's Name:	Rob Nolley			
Petitioner's Representative:	N/A			
Address of Property:	45 West Washington Street			
Subject Property Zoning Classification:	R 1, Single-Family Residential			
Comprehensive Future Land use:	Single-Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BC – Business Central	BC – Business Central	BC – Business Central	BC – Business Central
Surrounding Properties' Comprehensive Future Land Use	Gateway Mixed-Use	Gateway Mixed-Use	Gateway Mixed-Use	Gateway Mixed-Use
History:	This property is a single family residential home located in the central business district in the City of Shelbyville. The area is currently a mixed of residential homes as well as residential homes that have been converted into businesses.			
Vicinity Map:				
Action Requested:	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 garage that is 16' 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: "This property is located in the historic district. The original builder had intended to build this exact structure in 1915, but never got around to it. We found the plans in the house."

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 garage is similar in character to other garages and accessory structures in the neighborhood as well as the massing of the two-story structures in this 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: "We will only be 1-foot higher than standards. This structure will still be smaller than those around it."

The planning staff has determined that the requested variance should not have a substantially adverse effect on the adjacent area. The garage is in keeping with the original character of the surrounding neighborhood, when originally constructed consisted of two-story single family residential home and detached garages.

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 will have to deviate from the original intent and hire a new architect. This will delay the project by a year."

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 2021-05: Rob Nolley, 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 #	_____
Hearing Date:	_____
Fees:	_____
Approved	Denied

1.

Applicant (person or company requesting variance)

Name: Rob Nolley
Address: 45 W. Washington St
Shelbyville, IN 46176
Phone Number: 317
Fax Number: _____
Email Address: _____

Property Owners Information (if different than applicant)

Name: _____
Address: Same
Phone Number: _____
Fax Number: _____
Email Address: _____

2.

Applicant's Attorney/Representative

Name: _____
Address: N/A
Phone Number: _____
Fax Number: _____

Project Engineer

Name: _____
Address: N/A
Phone Number: _____
Fax Number: _____

4. Project Information:

Address of Property: 45 W. Washington St. Shelbyville, IN 46176
Current Zoning: R1 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)

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

Signature of Applicant: [Signature] Date: 8-30-21

State of Indiana)
County of Shelby)SS:

Subscribed and sworn to before me this 31st day of August, 21.
Lisa D. Loveless / Lisa D. Loveless
Notary Public Printed
Residing in Shelby County My Commission Expires: 10-24-27



**DEVELOPMENT STANDARD VARIANCE
FINDINGS OF FACT**

Petitioner's Name: ROBERT E. NOLLEY
Location: _____
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 property is located in the historic District. The original Builder had intended to build this exact structure in 1915, but never got around to it. We found the plans in the house.

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

We will only be 1 foot higher than standards. This structure will still be smaller than those around it.

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

We will have to deviate from the original intent and hire a new Architect. This will delay the project by a year.



Letter of Intent
Board of Zoning Appeals

We have been renovating the property at 45 W. Washington Street in order to preserve the historical character of the house, as envisioned by its builder, B.F. Swain. In addition to upgrading the plumbing and electrical to modern standards, we have refurbished original hardwood floors.

The backyard, to the south of the property has been an asphalt parking lot for the past 50 years for the various businesses this property has served since it became a commercial property. Since having it rezoned back to residential, we intend to complete the plans that B.F. Swain had drawn up in 1905. This includes building a garage, which is close to the architectural drawings that Mr. Swain had completed with P.C. Rubush Architects. In addition to the garage, we have started the installation of a 14' x 28' pool.

The remainder of the backyard will consist of grass and landscaping along the fence that will be installed along the eastern property line.

Nolley Garage Cabana

45 West Washington, Shelbyville IN

Construction Documents 02.11.21

Contractor:

Architect: Demerly Architects
6500 Westfield Boulevard
Indianapolis, IN 46220

WASHINGTON ST

GENERAL NOTES:

1. THE OWNER WILL NOT BE OCCUPYING THE RESIDENCE DURING CONSTRUCTION.
2. ALL WORK SHALL BE DONE IN ACCORDANCE TO WITH THE 2020 INDIANA RESIDENTIAL CODE AND ALL OTHER APPLICABLE CODES AND REGULATIONS.
3. ONLY WRITTEN DIMENSIONS SHALL BE USED. DO NOT SCALE THE DRAWINGS. DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE BY THE CONTRACTOR. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.
4. DIMENSIONS ARE TO FACE OF EXISTING CONSTRUCTION, NEW FRAMING OR MASONRY CONSTRUCTION, UNLESS OTHERWISE NOTED.

SHEET SCHEDULE

1. A001 - SITE PLAN
2. A101 - FLOOR PLANS
3. A102 - ROOF PLAN
4. A201 - EXTERIOR ELEVATIONS
5. A301 - WALL SECTIONS
6. A401 - GENERAL DETAILS

ABBREVIATIONS:

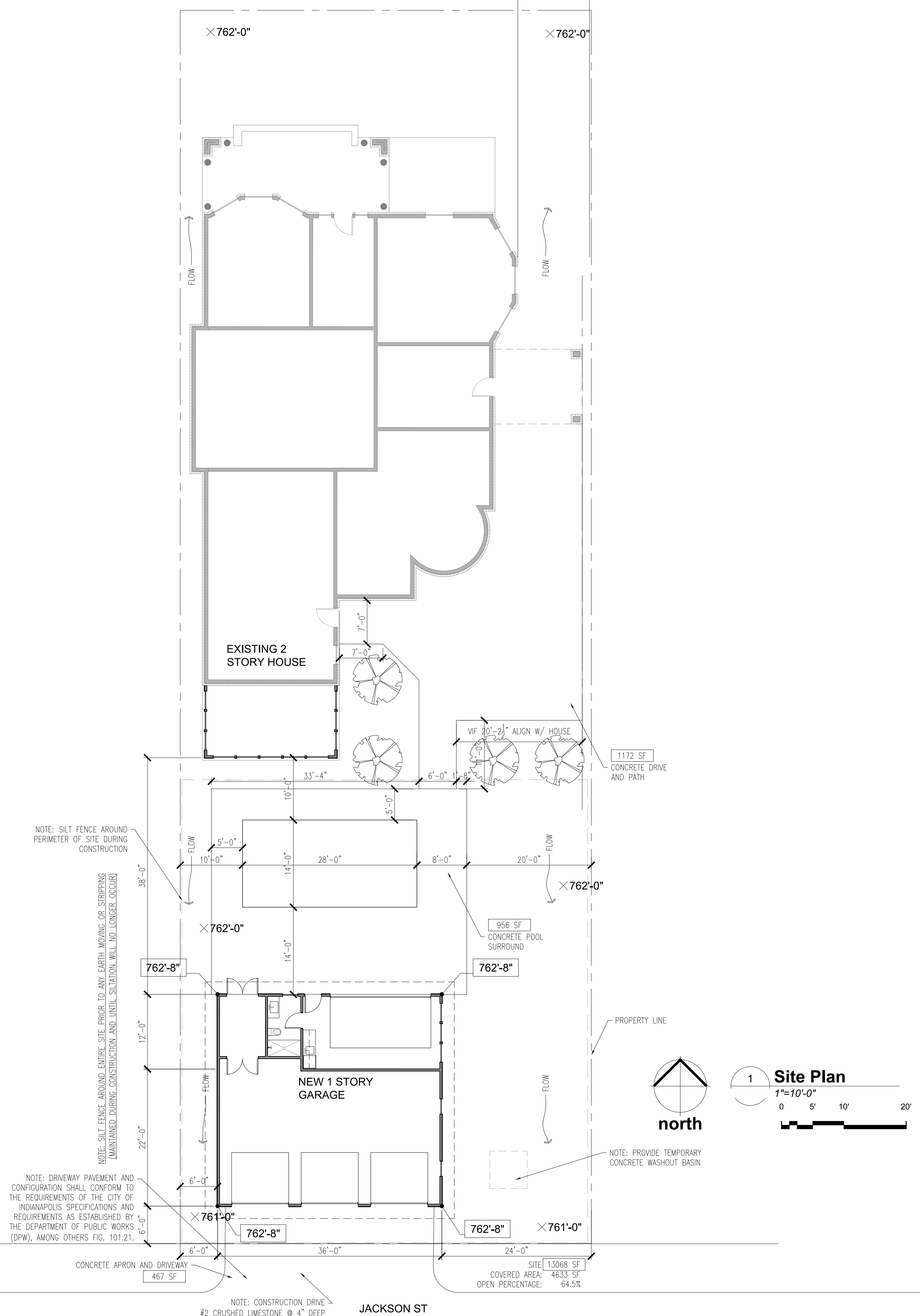
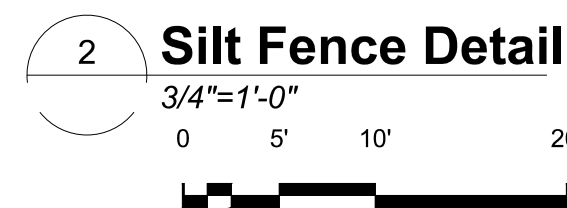
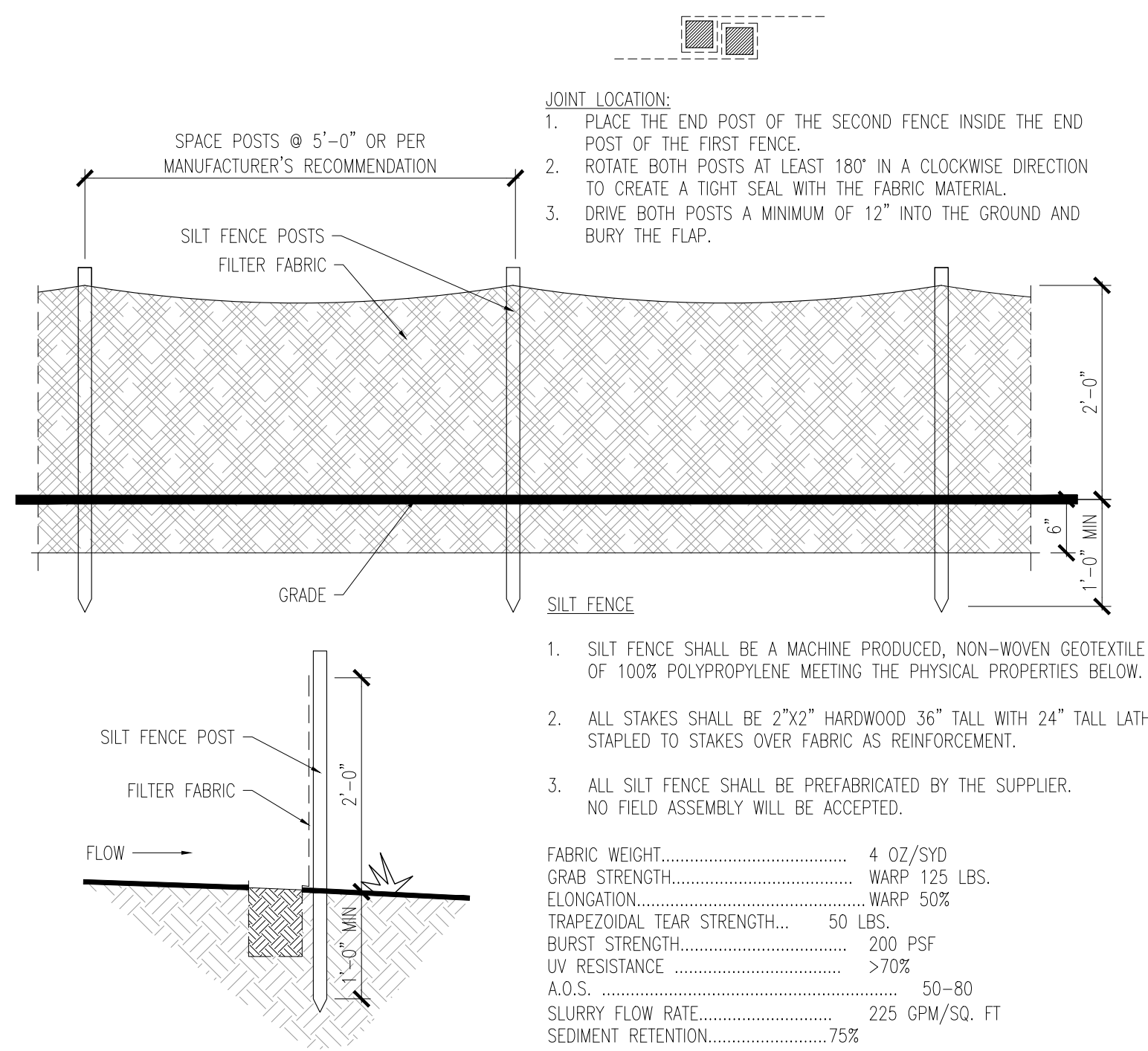
±	- PLUS OR MINUS
Ø	- DIAMETER
ACT	- ACOUSTICAL CEILING TILE
AFF	- ABOVE FINISHED FLOOR
BO	- BY OWNER
CLG	- CEILING
CT	- CERAMIC TILE
C	- CENTERLINE
DIA	- DIAMETER
EA	- EACH
EF	- EXHAUST FAN
EQ	- EQUAL
GC	- GENERAL CONTRACTOR
GYP	- GYPSUM WALL BOARD
HB	- HOSE BIB
LVL	- LAMINATED VENEER LUMBER
MAX	- MAXIMUM
MIN	- MINIMUM
MIR	- MIRROR
NIB	- NOT IN BID
OC	- ON CENTER
OHD	- OVERHEAD DOOR
PLAM	- PLASTIC LAMINATE
REINF	- REINFORCED
RO	- ROUGH OPENING
S4S	- SURFACED FOUR SIDES
SF	- SQUARE FEET
SIM	- SIMILAR
SS	- STAINLESS STEEL
T&B	- TOP AND BOTTOM
T&G	- TONGUE AND GROOVE
TO	- TOP OF
TYP	- TYPICAL
UNO	- UNLESS NOTED OTHERWISE
VIF	- VERIFY IN FIELD
WD	- WOOD

DRAINAGE NOTES:

1. CONTRACTOR TO BERM SOIL AROUND FOUNDATION TO CREATE 6" FALL WITHIN 10'-0" OF BUILDING OR TO PROPERTY LINE.
2. SWALES TO BE CUT OR FORMED AS REQUIRED TO PREVENT WATER FROM BEING PUSHED ONTO NEIGHBORING PROPERTIES.
3. WHERE CONCRETE WALLS OR PAVED AREAS ARE PRESENT THEY ARE TO FOLLOW DRAINAGE CONTOURS.

EROSION CONTROL NOTES:

1. CONTRACTOR SHALL INSTALL ALL REQUIRED SILT FENCES, SILT TRAPS, TREE PROTECTION AND INLET PROTECTION FOR EXISTING INLETS PRIOR TO THE START OF ANY EARTH MOVING OR STRIPPING.
2. CONTRACTOR SHALL INSTALL A STONE CONSTRUCTION ENTRANCE OR SOME OTHER DEVICE PRIOR TO THE START OF EARTHWORK AS NECESSARY TO PREVENT SOIL FROM BEING TRACKED OR WASHED INTO EXISTING ROADWAYS.
3. LAND ALTERATIONS WHICH STRIP THE LAND OF VEGETATION, INCLUDING REGRADING, SHALL BE DONE IN A WAY THAT WILL MINIMIZE EROSION. WHENEVER FEASIBLE, NATURAL VEGETATION SHALL BE RETAINED AND PROTECTED. AS GRADING IS DONE, INSTALL SILT TRAPS, SILT FENCES, SLOPE DRAINS, TEMPORARY DIVERSIONS AND OTHER RUNOFF CONTROL MEASURES AT APPROPRIATE LOCATIONS TO KEEP SEDIMENT CONTAINED ON SITE.
4. ALL DISTURBED AREAS SHALL BE SEEDED AND STRAW MULCHED AS SHOWN ON THE PLANS IMMEDIATELY AFTER COMPLETION OF GROUND ACTIVITY. FOR LARGE PROJECTS, THIS SEEDED SHOULD BE COMPLETED IN PHASES AS THE DIFFERENT AREAS OF THE SITE ARE COMPLETED.
5. PERMANENT AND FINAL VEGETATION OR STRUCTURAL EROSION CONTROL DEVICES SHALL BE INSTALLED AS SOON AS PRACTICAL UNDER THE CIRCUMSTANCES.
6. THE DURATION OF TIME WHICH AN AREA REMAINS EXPOSED SHALL BE KEPT TO A PRACTICAL MINIMUM DEPENDING UPON THE WEATHER. IF CONSTRUCTION ACTIVITY IS TO CEASE FOR MORE THAN TWO WEEKS, THE DISTURBED AREAS SHALL BE TEMPORARILY SEEDED.
7. ALL STORM SEWER INLET PROTECTION DEVICES SHALL BE PUT IN PLACE AT THE TIME EACH INLET IS CONSTRUCTED.
8. THE CONTRACTOR SHALL MAINTAIN EROSION CONTROL MEASURES AND DEVICES DURING CONSTRUCTION AND UNTIL SILTATION OF THE STREETS AND STORM SEWERS WILL NO LONGER OCCUR.
9. ONCE ONSITE EROSION AND SILTATION OF THE STREETS AND STORM SEWERS WILL NO LONGER OCCUR, THE CONTRACTOR SHALL REMOVE AND DISPOSE OF THE TEMPORARY EROSION CONTROL DEVICES.
10. THESE GENERAL PROCEDURES MAY NOT COVER ALL SITUATIONS. REFER TO EROSION CONTROL PLANS FOR SPECIFIC NOTES AND ADDITIONAL DETAILS.
11. EROSION CONTROL TO COMPLY WITH INDIANA 327 IAC AND RULE #5, AND THE INDIANA STORM WATER QUALITY MANUAL.
12. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED IN THE FIELD BY THE INSPECTOR.
13. DIRT AND DEBRIS SHALL NOT BE TRACKED INTO THE ROADWAYS VIA CONSTRUCTION EQUIPMENT AND PERSONNEL.
14. SILT SOCKS SHALL BE INSTALLED AT ALL NEARBY STORM WATER INLETS.
15. ALL DIRT, DEBRIS, AND RUBBISH GENERATED TO BE HAULLED OFF SITE.
16. ANY STOCKPILED SOILS SHALL BE STABILIZED WITH EROSION CONTROL MEASURES TO MINIMIZE RUNOFF AND WIND DISTRIBUTION.
17. CONCRETE WASH OUT BASIN TO BE PROVIDED AT SITE FOR CONCRETE PAVING AND RELATED CONSTRUCTION.

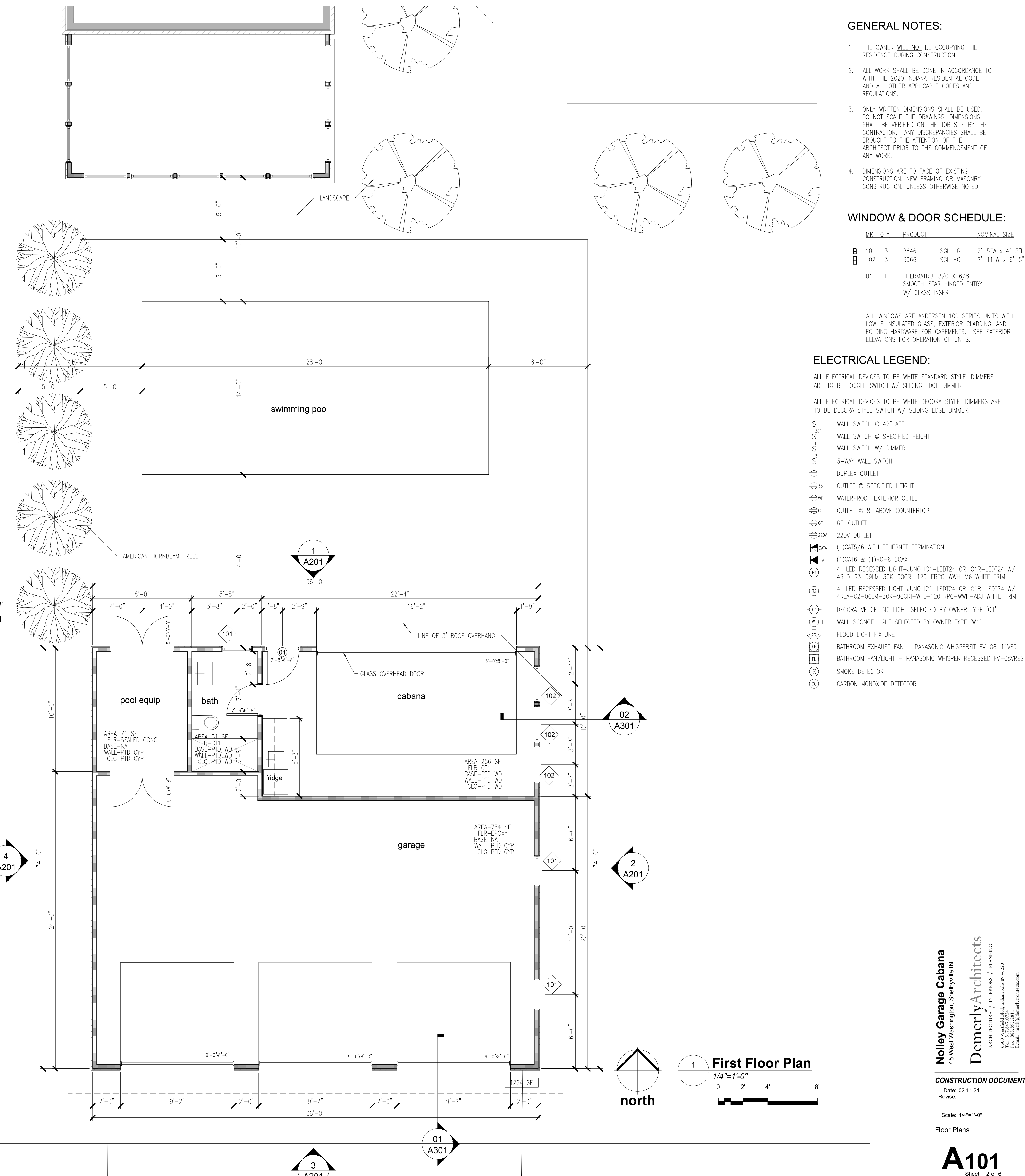
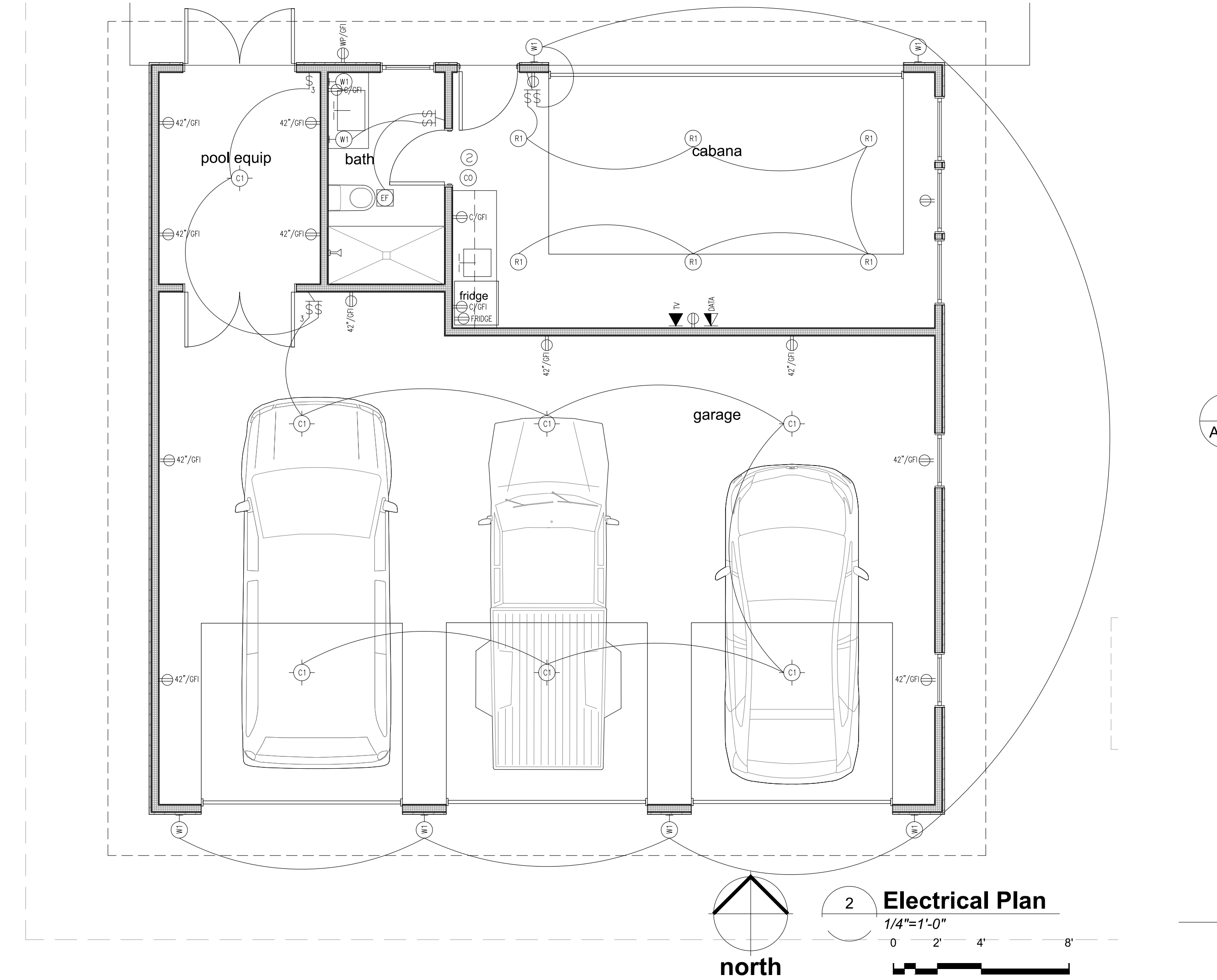
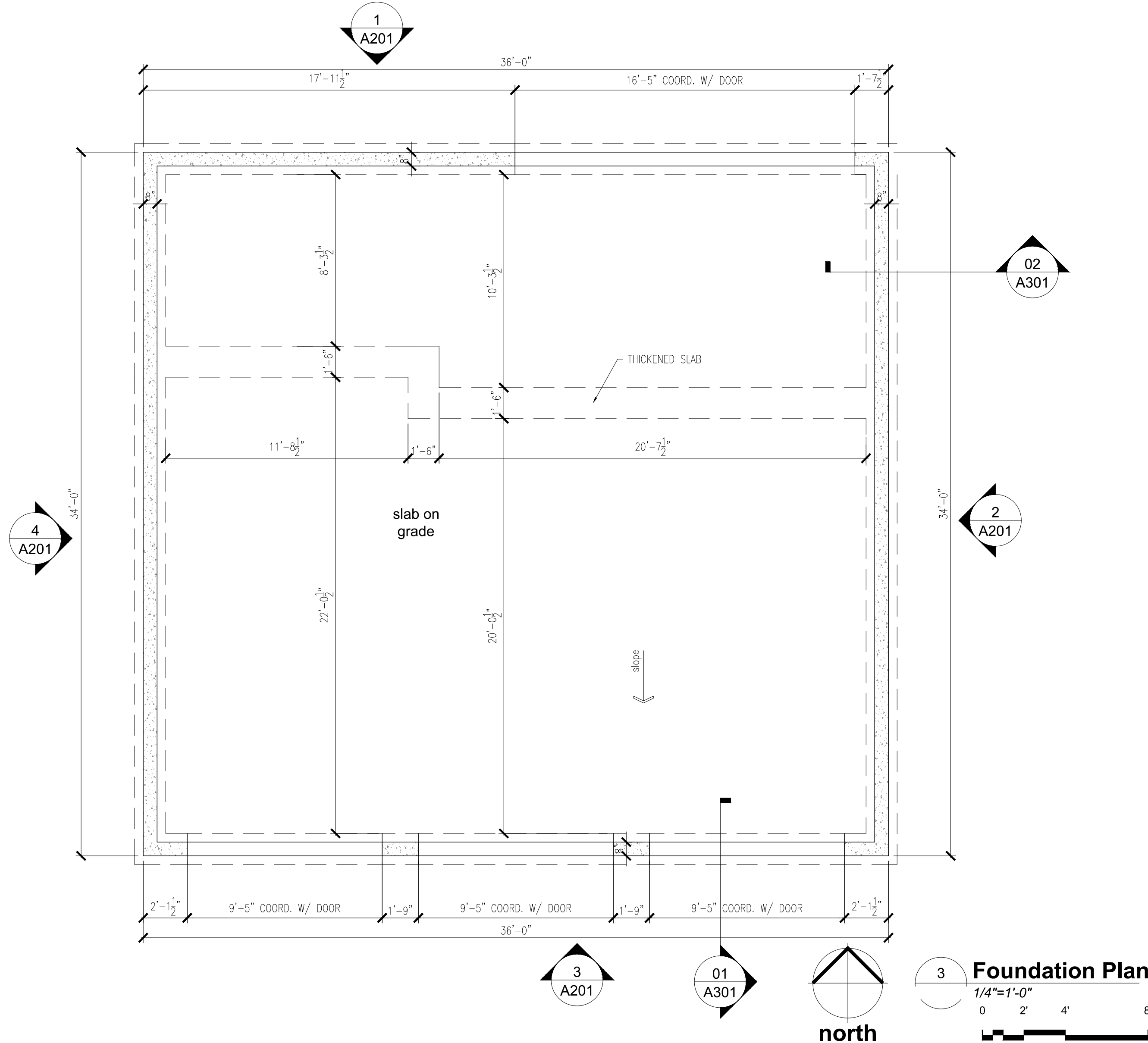


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Fax: 317.885.2811
E-mail: mark@demerlyarchitects.com

CONSTRUCTION DOCUMENTS
Date: 02.11.21
Revise:

Scale: N/A
Cover Sheet

A001
Sheet: 1 of 6



GENERAL NOTES:

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WINDOW & DOOR SCHEDULE:

MK	QTY	PRODUCT	NOMINAL SIZE
B	101	3 2646 SGL HG	2'-5"W x 4'-5"H
B	102	3 3066 SGL HG	2'-11"W x 6'-5"H
01	1	THERMATRU, 3/0 X 6/8 SMOOTH-STAR HINGED ENTRY W/ GLASS INSERT	

ALL WINDOWS ARE ANDERSEN 100 SERIES UNITS WITH LOW-E INSULATED GLASS, EXTERIOR CLADDING, AND FOLDING HARDWARE FOR CASEMENTS. SEE EXTERIOR ELEVATIONS FOR OPERATION OF UNITS.

ELECTRICAL LEGEND:

- ALL ELECTRICAL DEVICES TO BE WHITE STANDARD STYLE. DIMMERS ARE TO BE TOGGLE SWITCH W/ SLIDING EDGE DIMMER.
- ALL ELECTRICAL DEVICES TO BE WHITE DECORA STYLE. DIMMERS ARE TO BE DECORA STYLE SWITCH W/ SLIDING EDGE DIMMER.
- WALL SWITCH @ 42" AFF
 - WALL SWITCH @ SPECIFIED HEIGHT
 - WALL SWITCH W/ DIMMER
 - 3-WAY WALL SWITCH
 - DUPLEX OUTLET
 - OUTLET @ SPECIFIED HEIGHT
 - WATERPROOF EXTERIOR OUTLET
 - OUTLET @ 8" ABOVE COUNTERTOP
 - GFI OUTLET
 - 220V OUTLET
 - (1)CAT5/6 WITH ETHERNET TERMINATION
 - (1)CAT6 & (1)RG-6 COAX
 - 4" LED RECESSED LIGHT-JUNO IC1-LEDT24 OR IC1R-LEDT24 W/ 4RLD-G3-09LM-30K-90CRI-120-FRPC-WWH-M6 WHITE TRIM
 - 4" LED RECESSED LIGHT-JUNO IC1-LEDT24 OR IC1R-LEDT24 W/ 4RLA-G2-06LM-30K-90CRI-WFL-120FRPC-WWH-ADJ WHITE TRIM
 - DECORATIVE CEILING LIGHT SELECTED BY OWNER TYPE 'C1'
 - WALL SCONCE LIGHT SELECTED BY OWNER TYPE 'W1'
 - FLOOD LIGHT FIXTURE
 - BATHROOM EXHAUST FAN - PANASONIC WHISPERFIT FV-08-11VF5
 - BATHROOM FAN/LIGHT - PANASONIC WHISPER RECESSED FV-08VRE2
 - SMOKE DETECTOR
 - CARBON MONOXIDE DETECTOR

Nolley Garage Cabana
48 West Washington, Shelbyville IN

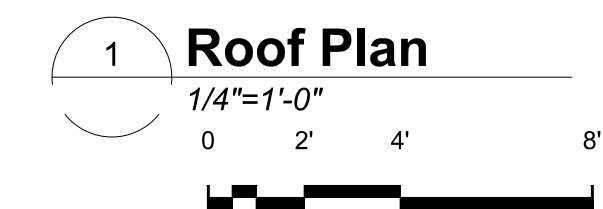
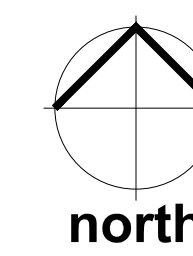
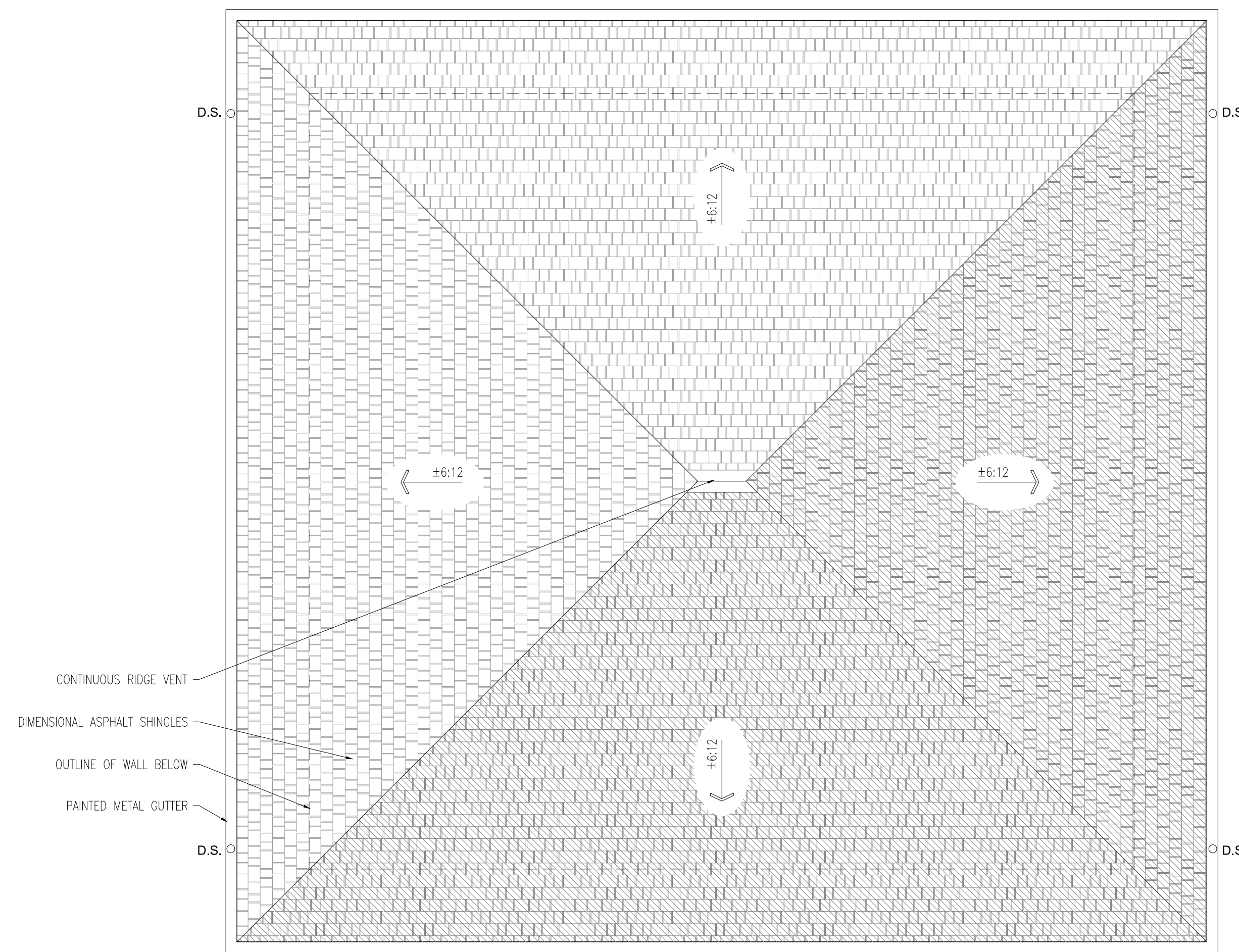
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Fax: 317.885.2811
E-mail: mark@demerlyarchitects.com

CONSTRUCTION DOCUMENTS
Date: 02.11.21
Revise:

Scale: 1/4"=1'-0"
Floor Plans

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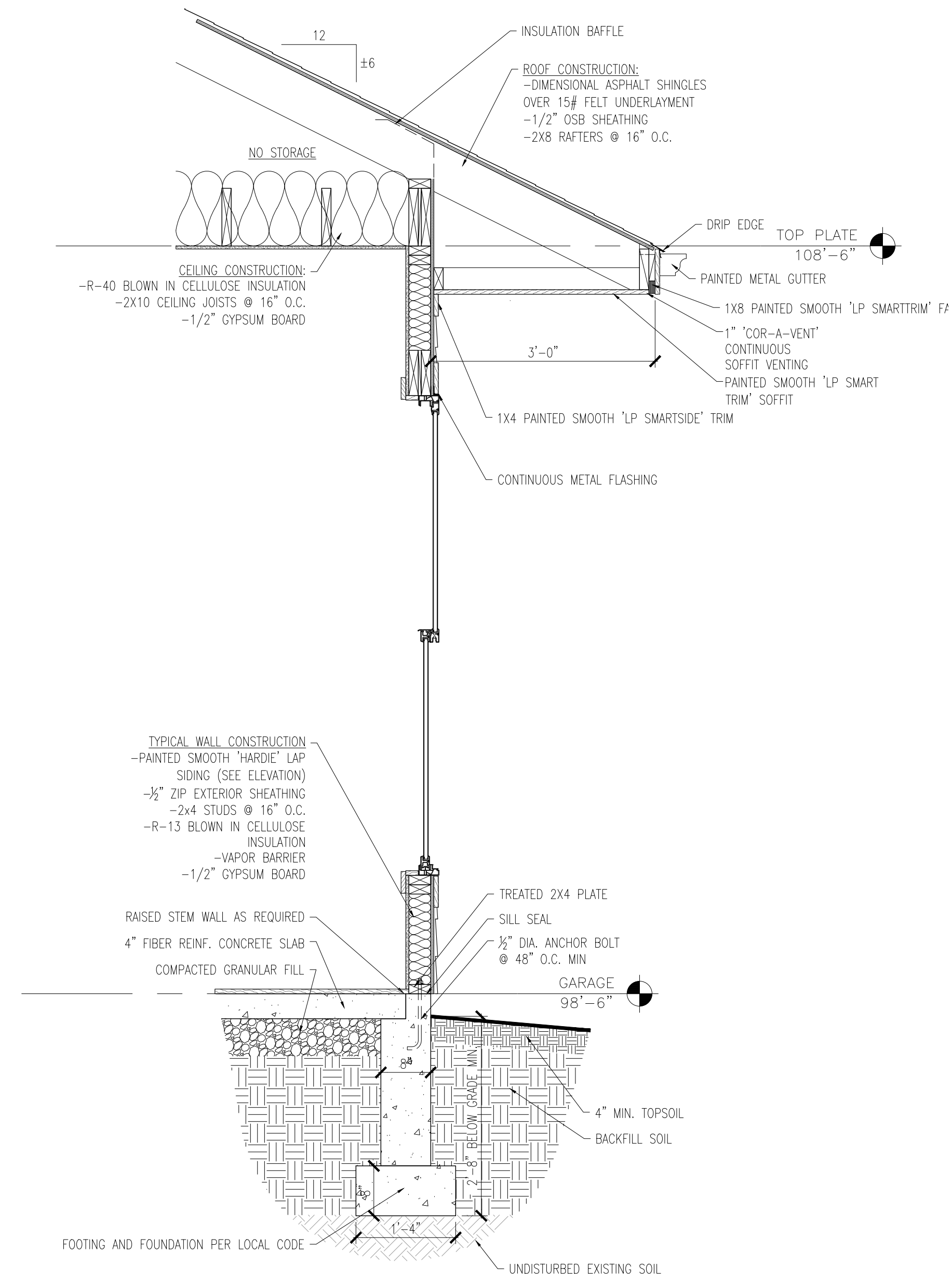
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Roof Plan

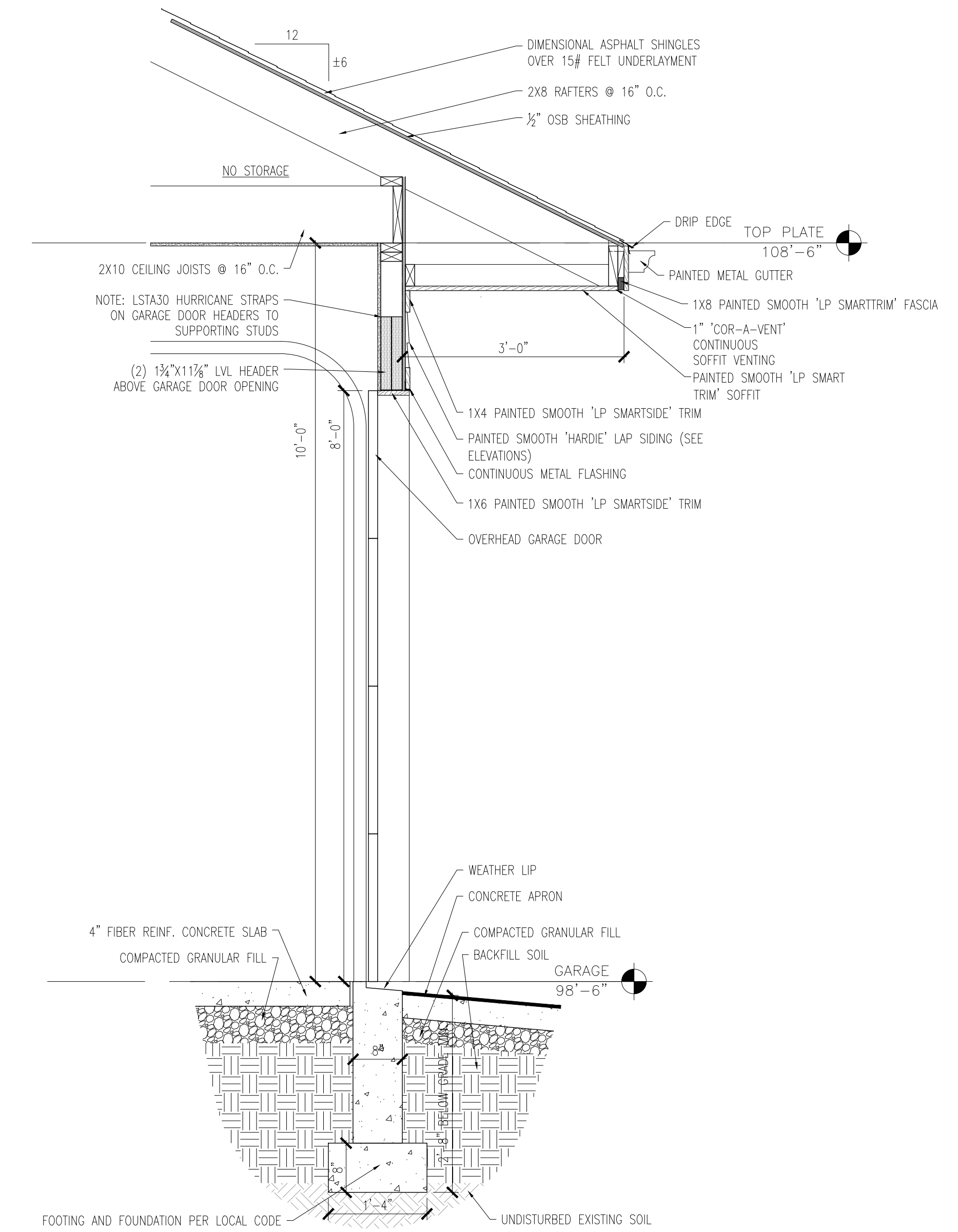
A102
 Sheet: 3 of 6

GENERAL NOTES:

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2 Wall Section
3/4"=1'-0"
0 6" 1' 2'



1 Wall Section
3/4"=1'-0"
0 6" 1' 2'

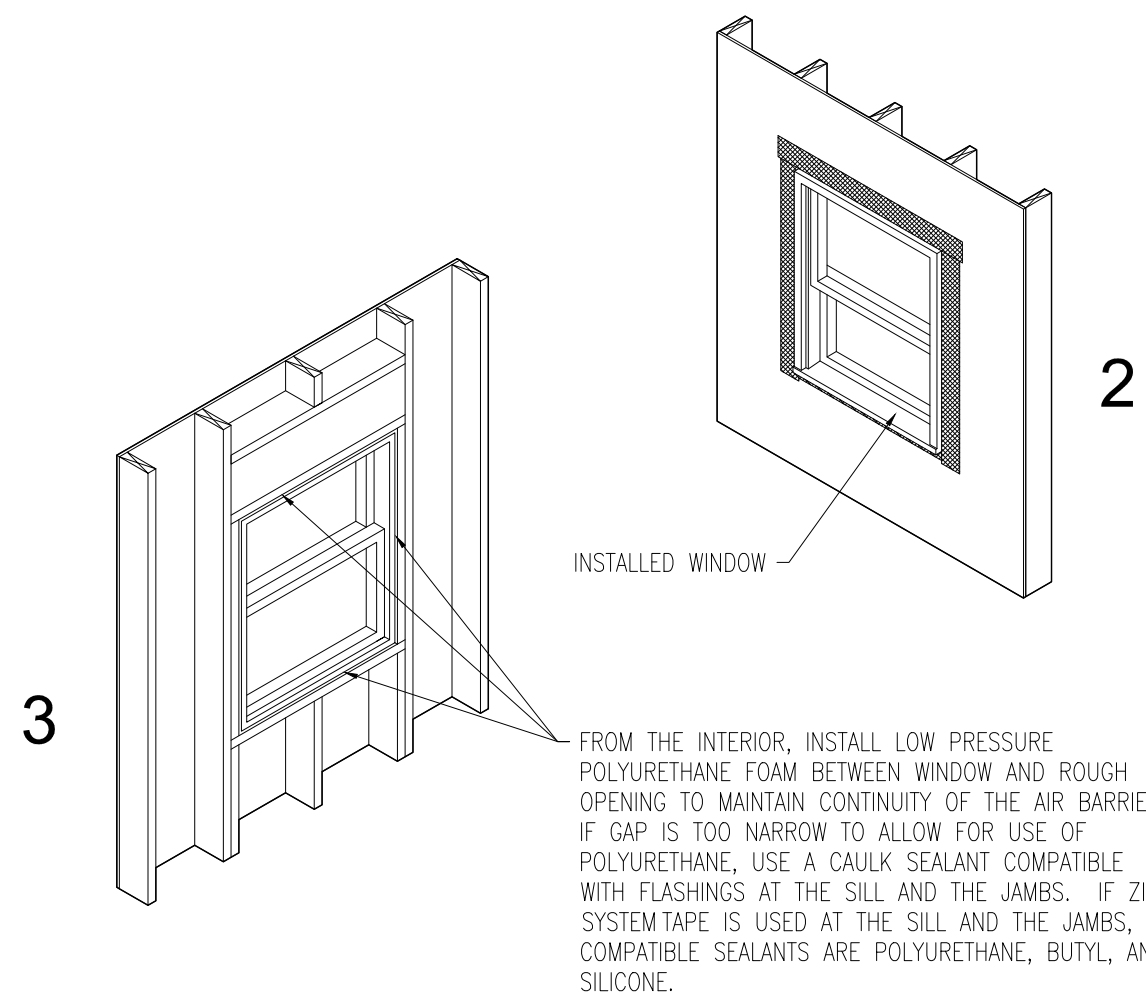
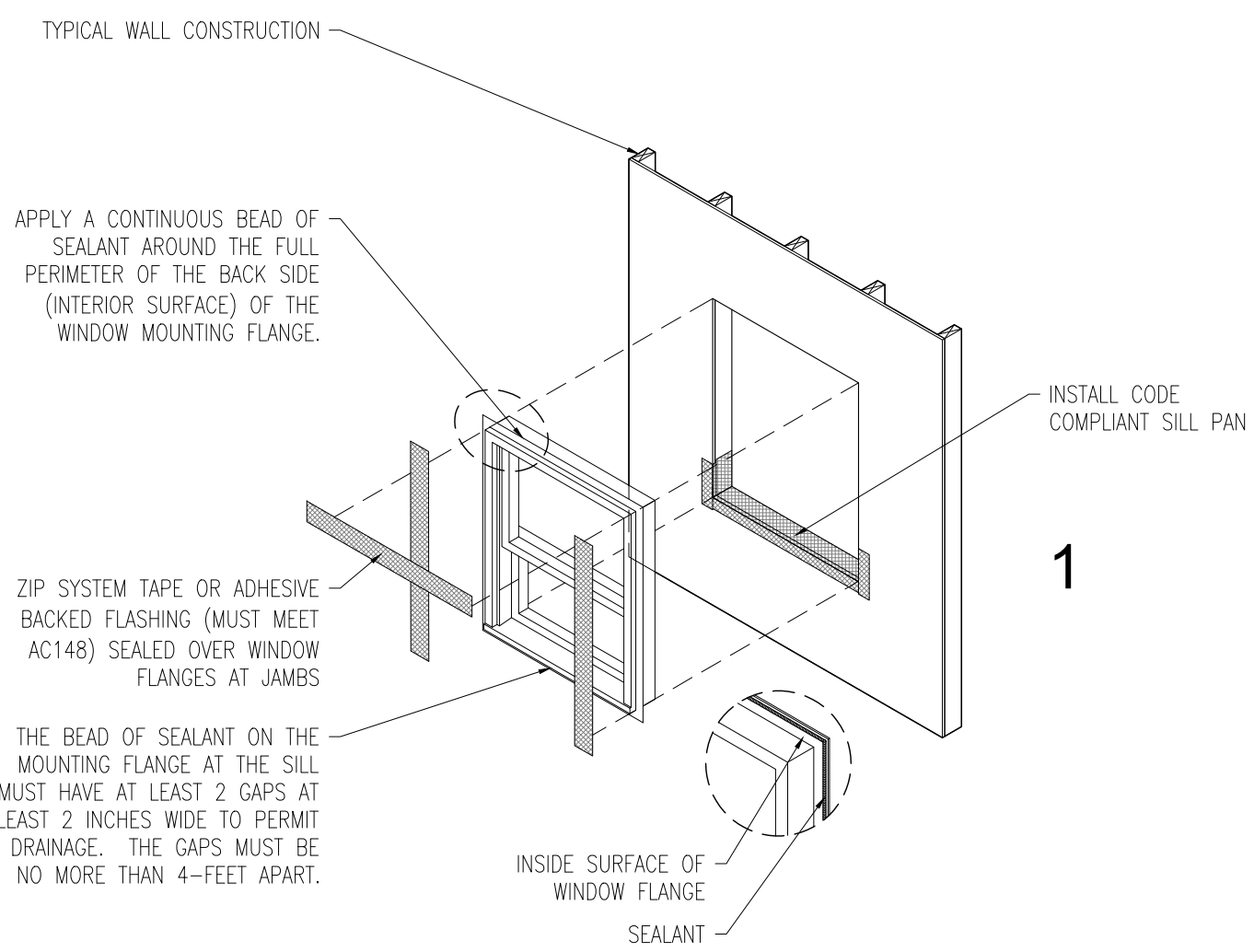
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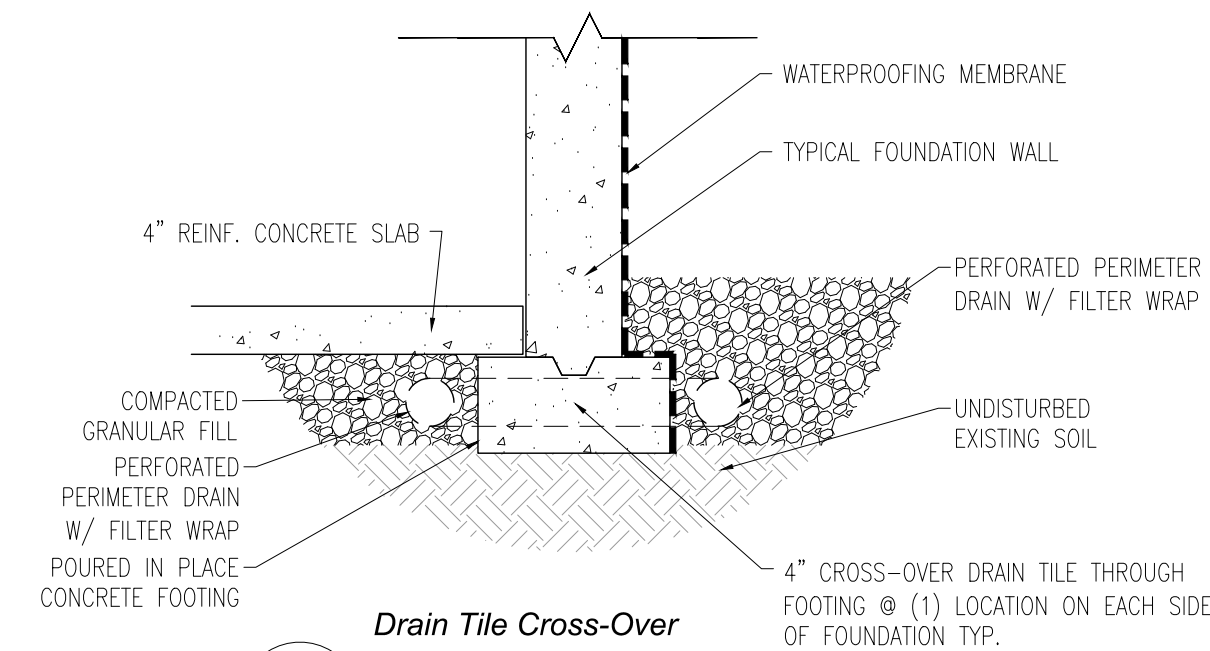
CONSTRUCTION DOCUMENTS
Date: 02.11.21
Revise:

Scale: 3/4"=1'-0"
Wall Sections

A301
Sheet: 5 of 6

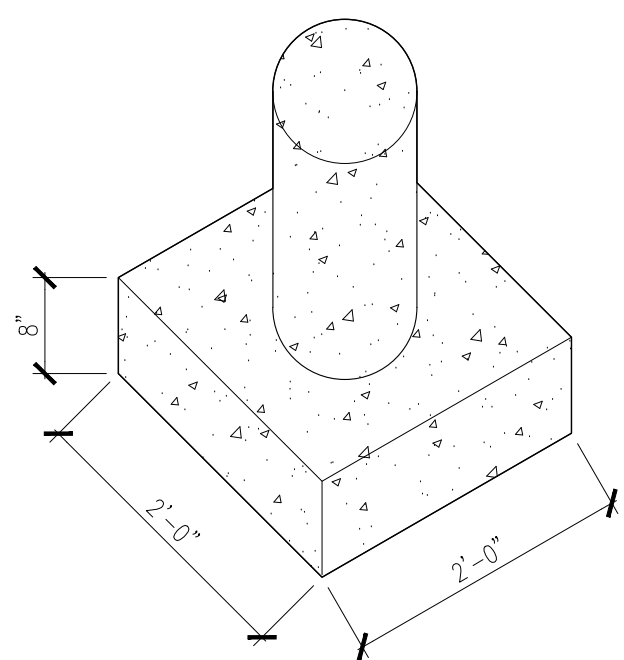


4 **Typical Window Flashing & Install**

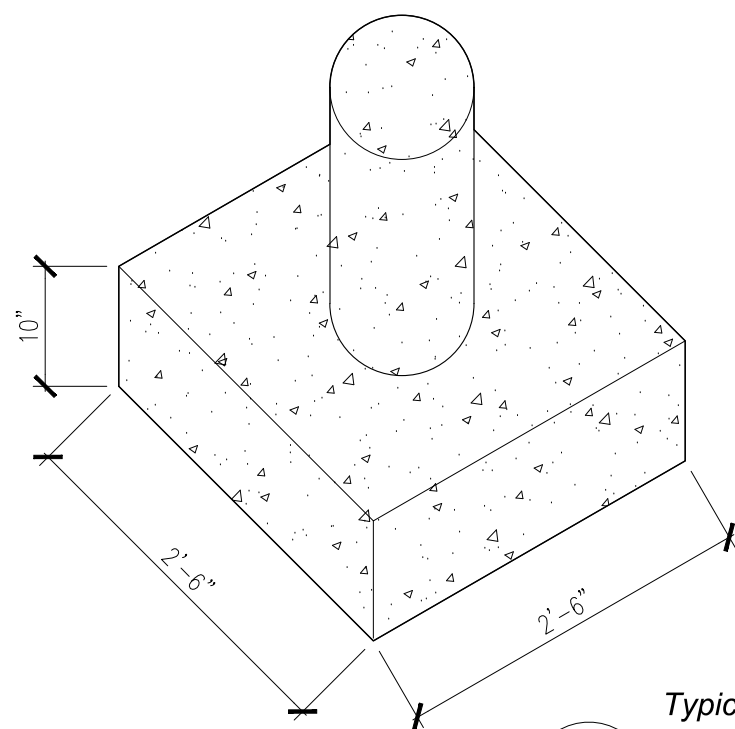


10 **Drain Tile Cross-Over Wall Section**

3/4"=1'-0"
0 6" 1' 2'



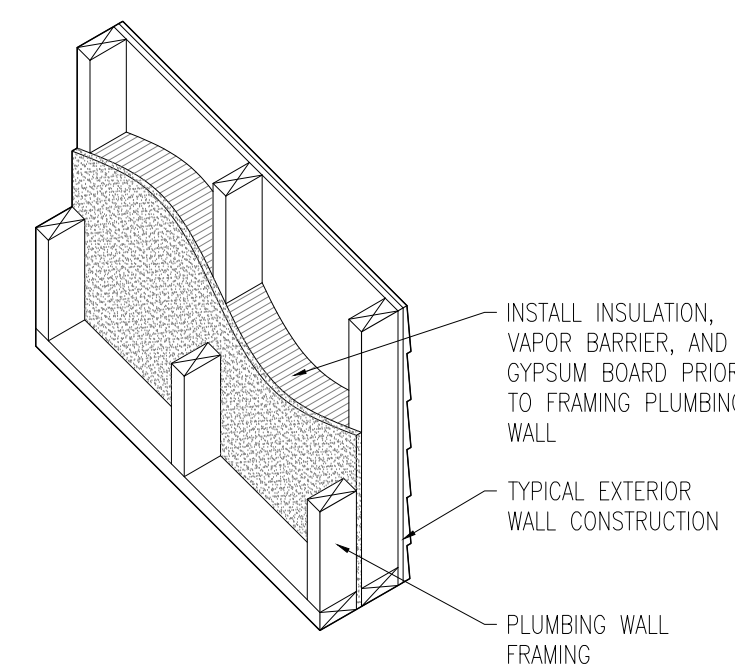
24"X24"X8" FOOTING PAD SUPPORTING DECK AND ROOF.
LOADS AND ASSUMPTIONS:
1500 PSF SOIL
40 PSF LL, 10 PSF DL (DECK)
20 PSF LL (SNOW), 10 PSF DL (ROOF)
TOTAL BEARING CAPACITY 6000# (45F*1500PSF)
ALLOWABLE TRIBUTARY AREA: 75 SQUARE FEET



30"X30"X10" FOOTING PAD SUPPORTING DECK AND ROOF.
LOADS AND ASSUMPTIONS:
1500 PSF SOIL
40 PSF LL, 10 PSF DL (DECK)
20 PSF LL (SNOW), 10 PSF DL (ROOF)
TOTAL BEARING CAPACITY 13,500# (95F*1500PSF)
ALLOWABLE TRIBUTARY AREA: 168 SQUARE FEET

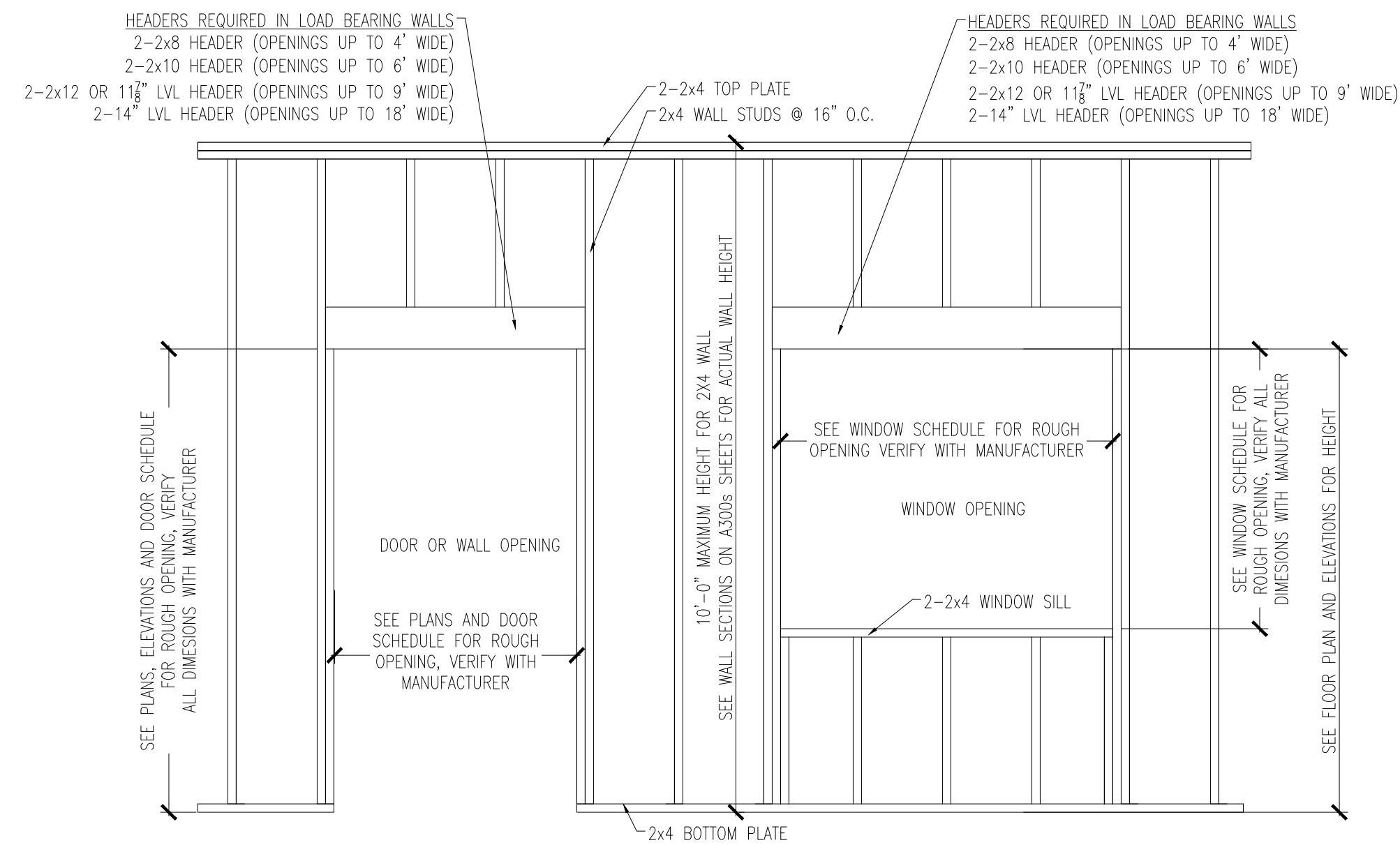
11 **Typical Porch Foundations Supporting Roof Detail**

3/4"=1'-0"
0 6" 1' 2'



8 **Typical Plumbing Double Wall Detail**

3/4"=1'-0"
0 6" 1' 2'



6 **Door & Wall Opening Wall/Header Details**

1/2"=1'-0"
0 1' 2' 4'