



Adam M. Rude  
DIRECTOR

Allan Henderson  
DEPUTY DIRECTOR

PLAN COMMISSION

Meeting Date: June 14, 2022

Case Number and Name:	BZA 2022-09 - Rob Nolley Driveway Expansion DSV			
Petitioner's Name:	Rob Nolley			
Owner's Name:	Rob Nolley			
Petitioner's Representative:	Rob Nolley			
Address of Subject Property:	45 W Washington Street			
Subject Property Zoning Classification:	R1 - Single Family Residential			
Comprehensive Plan Future Land Use:	Gateway Mixed Use			
	North	East	South	West
Surrounding Properties' Zoning Classification:	BC- Business Central	BC- Business Central	BC- Business Central	BC- Business Central
Surrounding Properties' Comprehensive Plan Future Land Use:	Central Business District	Central Business District	Central Business District	Central Business District
History:	This property is used as a single-family residence. The property was purchased in 2019 by Rob Nolley and rezoned (PC 2019-04) from BC - Business Central to R1 - Single Family Residential.			
Vicinity Map:				
Action Requested:	Approval of a development standards variance from UDO 5.14(B) Entrance and Drive Standards, Width.			

1. UDO 5.14(B); Residential Driveway Standards sets the maximum driveway width to be 24 feet for lots with frontage less than 40 feet, and 28 feet for lots with frontage greater than 40 feet. The subject property has 65 feet of street frontage, so the maximum driveway width is 28 feet.
2. The petitioner is requesting to have a driveway width of 55 feet to match the width of the entrance to the property on the south side of the property on Jackson Street.

---

***BZA 2022-09 A Variance from UDO 5.14(B), Residential Driveway Standards***

**Finding of Fact #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 applicant provided the following response to Finding of Fact #1: "There are currently no parking spots in Jackson Street in front of (the subject) property, therefore it will not affect any public parking."*

The planning staff has determined that the requested increase in driveway width should not be injurious to the public health, safety, morals, or general welfare of the community. The driveway entrance is being designed with visual clearance to avoid any conflict with on-street parking and vehicular movement.

***Finding #1 has been satisfied by the petitioner.***

**Finding of Fact #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 applicant provided the following response to Finding of Fact #2: "The extension of the driveway apron will only be on (the subject) property and not will not affect any other property."*

The planning staff has determined that the requested increase in driveway width should not have a substantially adverse effect on adjacent properties. While three (3) on-street parking spaces are being eliminated, these parking spaces were general public parking spaces and not directly associated with a business located on Jackson Street. Additionally, several public surface parking lots provide ample parking for the surrounding land uses and homes.

*Finding #2 has been satisfied by the petitioner.*

Finding of Fact #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 applicant provided the following response to Finding of Fact #3: "It will be impossible to enter the garage using the current standard width. Vehicles would have to drive over the curb to enter the garage/property."*

The planning staff has determined that the strict application of the terms of the ordinance will result in the practical difficulty. The property owner is restoring the property including a swimming pool and the garage/pool house and the added driveway width will not only provide access to the (3) car garage, but also service and maintenance of the swimming pool.

*Finding #3 has not been satisfied by the petitioner.*

**STAFF RECOMMENDATION: APPROVAL**

**Development Standards Variance: BZA 2022-09: Rob Nolley Driveway Expansion**

**Findings Of Fact By The Shelbyville Board of Zoning Appeals**

**Staff Prepared**

Suggested Motion:

(I) would like to make a motion to approve the requested development standard variance to allow for a wider driveway width in a single-family residential district pursuant to the findings of fact presented in the planning staff's report.

- 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.
- 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.
- 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 Shelbyville Board of Zoning Appeals:

- 1.
- 2.

Shelbyville Board of Zoning Appeals

By: \_\_\_\_\_  
Chairperson/ Presiding Officer

Attest: \_\_\_\_\_  
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 \_\_\_\_\_ - \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Fees Paid: \$ \_\_\_\_\_  
Final Decision:  
Approved \_\_\_\_\_ Denied \_\_\_\_\_

**1.**

**Applicant**

Name: Rob and Jill Nolley  
Address: 45 W. Washington St.  
Shelbyville IN 46176  
Phone Number: 317-512-0398  
Fax Number: \_\_\_\_\_  
Email: rob@tubesock.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: R-1 Existing Use: Single Family Dwelling  
Number of Requested Variances: 1 Proposed Use: Single Family Dwelling

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: 5.14B2 page 5-19

**4. Attachments**

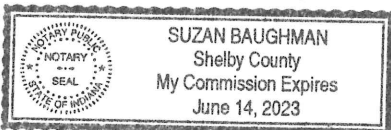
- Affidavit and Consent of Property Owner (if applicable)
- Proof of Ownership (copy of deed, recent property card)
- Letter of Intent
- Supporting Documents and Exhibits (Optional)
- Vicinity Map
- Findings of Fact
- Application Fee

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

Applicant: [Signature] Date: May 26, 2022

State of Indiana  
County of Shelby SS:

Subscribed and sworn to before me this 26<sup>th</sup> day of May, 2022



Suzan Baughman Notary Public  
Suzan Baughman Printed

Residing in Shelby County. My Commission Expires: June 14, 2023







**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Petitioner's Name: Rob & Jill Nolley  
Location: 45 W. Washington St., Shelbyville, IN 46176  
Variance for: Driveway apron extension to 55 feet

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.

There are currently no parking spots in Jackson Street in front of our property, therefore it will not affect any public parking.

---

---

---

---

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

The extension of the driveway apron will only be on our property and not affect any other property.

---

---

---

---

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

It will be impossible to enter the garage using the current standard width. Vehicles would have to drive over the curb to enter the garage/property.

---

---

---

---

*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

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.

To the south (Jackson Street) is the entrance to the property. The width of the property is around 72 feet. Ideally we would like to have a 55 foot driveway apron. This is needed due to the garage being so close to the entrance and needing to maneuver a vehicle into the garage or the drive to the east of the garage.

**Notes**

Transfer Of Ownership			
Date	Owner	Doc ID Code	Book/Page
06/06/2019	NOLLEY, ROBERT & JILL	AA	AA
07/09/2018	JOL PROPERTIES LLC A	0	03/28/2019
05/19/2014	KEYSTAR REALTY & FIN	0	03/21/2018
05/09/2001	Yeager, R Robert 1/4		
01/10/2001	YEAGER R ROBERT 1/3		
06/27/2000	ROBINSON JAMES M 1/4		
07/30/1996	ROBINSON JAMES M YE		
01/01/1900	RESUBDIVISION # 109118 AM		
01/01/1900	FROM ROBINSON JAMES		

Valuation Records (work in progress values are not certified values and are subject to change)			
Assessment Year	2022	2021	2019
Reason For Change	AA	AA	AA
As Of Date	04/12/2022	04/21/2021	04/06/2020
Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Equalization Factor	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Notice Required	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Land	\$23,100	\$23,100	\$23,100
Land Res(1)	\$23,100	\$23,100	\$23,100
Land Non Res(2)	\$00	\$00	\$00
Land Non Res(3)	\$00	\$00	\$00
Improvement	\$507,500	\$377,900	\$364,700
Imp Res(1)	\$463,400	\$377,900	\$364,700
Imp Non Res(2)	\$00	\$00	\$00
Imp Non Res(3)	\$44,100	\$00	\$00
Total	\$530,600	\$401,000	\$387,800
Total Res(1)	\$486,500	\$401,000	\$387,800
Total Non Res(2)	\$00	\$00	\$00
Total Non Res(3)	\$44,100	\$00	\$00

Land Data			
Land Type	Soil ID	Act Front	Size
F		66	66x198

Land Computations			
Calculated Acreage	Developer Discount	Parcel Acreage	Value
0.30		0.30	\$23,100

Ownership			
Date	Owner	Doc ID Code	Book/Page
06/06/2019	NOLLEY, ROBERT & JILL	AA	AA
07/09/2018	JOL PROPERTIES LLC A	0	03/28/2019
05/19/2014	KEYSTAR REALTY & FIN	0	03/21/2018
05/09/2001	Yeager, R Robert 1/4		
01/10/2001	YEAGER R ROBERT 1/3		
06/27/2000	ROBINSON JAMES M 1/4		
07/30/1996	ROBINSON JAMES M YE		
01/01/1900	RESUBDIVISION # 109118 AM		
01/01/1900	FROM ROBINSON JAMES		

General Information			
Parcel Number	Parent Parcel Number	Property Class	1 Family Dwell - Platted Lot
73-11-05-100-134.000-002	0413901560	510	

Location Information			
County	Township	District	School Corp
Shelby	ADDISON TOWNSHIP	District 002 (Local)	SHELBYVILLE CENTRAL

Ownership			
Date	Owner	Doc ID Code	Book/Page
06/06/2019	NOLLEY, ROBERT & JILL	AA	AA
07/09/2018	JOL PROPERTIES LLC A	0	03/28/2019
05/19/2014	KEYSTAR REALTY & FIN	0	03/21/2018
05/09/2001	Yeager, R Robert 1/4		
01/10/2001	YEAGER R ROBERT 1/3		
06/27/2000	ROBINSON JAMES M 1/4		
07/30/1996	ROBINSON JAMES M YE		
01/01/1900	RESUBDIVISION # 109118 AM		
01/01/1900	FROM ROBINSON JAMES		

Valuation Records (work in progress values are not certified values and are subject to change)			
Assessment Year	2022	2021	2019
Reason For Change	AA	AA	AA
As Of Date	04/12/2022	04/21/2021	04/06/2020
Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Equalization Factor	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Notice Required	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Land	\$23,100	\$23,100	\$23,100
Land Res(1)	\$23,100	\$23,100	\$23,100
Land Non Res(2)	\$00	\$00	\$00
Land Non Res(3)	\$00	\$00	\$00
Improvement	\$507,500	\$377,900	\$364,700
Imp Res(1)	\$463,400	\$377,900	\$364,700
Imp Non Res(2)	\$00	\$00	\$00
Imp Non Res(3)	\$44,100	\$00	\$00
Total	\$530,600	\$401,000	\$387,800
Total Res(1)	\$486,500	\$401,000	\$387,800
Total Non Res(2)	\$00	\$00	\$00
Total Non Res(3)	\$44,100	\$00	\$00

Land Data			
Land Type	Soil ID	Act Front	Size
F		66	66x198

Land Computations			
Calculated Acreage	Developer Discount	Parcel Acreage	Value
0.30		0.30	\$23,100

Ownership			
Date	Owner	Doc ID Code	Book/Page
06/06/2019	NOLLEY, ROBERT & JILL	AA	AA
07/09/2018	JOL PROPERTIES LLC A	0	03/28/2019
05/19/2014	KEYSTAR REALTY & FIN	0	03/21/2018
05/09/2001	Yeager, R Robert 1/4		
01/10/2001	YEAGER R ROBERT 1/3		
06/27/2000	ROBINSON JAMES M 1/4		
07/30/1996	ROBINSON JAMES M YE		
01/01/1900	RESUBDIVISION # 109118 AM		
01/01/1900	FROM ROBINSON JAMES		

Valuation Records (work in progress values are not certified values and are subject to change)			
Assessment Year	2022	2021	2019
Reason For Change	AA	AA	AA
As Of Date	04/12/2022	04/21/2021	04/06/2020
Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Equalization Factor	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Notice Required	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Land	\$23,100	\$23,100	\$23,100
Land Res(1)	\$23,100	\$23,100	\$23,100
Land Non Res(2)	\$00	\$00	\$00
Land Non Res(3)	\$00	\$00	\$00
Improvement	\$507,500	\$377,900	\$364,700
Imp Res(1)	\$463,400	\$377,900	\$364,700
Imp Non Res(2)	\$00	\$00	\$00
Imp Non Res(3)	\$44,100	\$00	\$00
Total	\$530,600	\$401,000	\$387,800
Total Res(1)	\$486,500	\$401,000	\$387,800
Total Non Res(2)	\$00	\$00	\$00
Total Non Res(3)	\$44,100	\$00	\$00

Land Data			
Land Type	Soil ID	Act Front	Size
F		66	66x198

Land Computations			
Calculated Acreage	Developer Discount	Parcel Acreage	Value
0.30		0.30	\$23,100

General Information		Plumbing	#	TF
Occupancy	Single-Family R 02			
Description	Single-Family R 02	Full Bath	2	6
Story Height	2.00	Half Bath	2	4
Style		Kitchen Sinks	1	1
Finished Area	8892 sqft	Water Heaters	1	1
		Add Fixtures	0	0
		Total	6	12

Floor Finish		Floor Constr	Base	Finish
		1	Brick	3210
		2	Brick	2841
		3		
		4		
		1/4		
		1/2		
		3/4		
		Attic	2841	0
		Bsmt	2841	2841
		Crawl	369	0
		Slab		

Accommodations		Heat Type
Bedrooms	4	Hot Water or Steam
Living Rooms	1	
Dining Rooms	1	
Family Rooms	1	
Total Rooms	7	

Wall Finish	

Roofing	

Exterior Features		Area
Balcony		193
Stoop, Masonry		204
Porch, Enclosed Masonry		264
Porch, Open Masonry		367

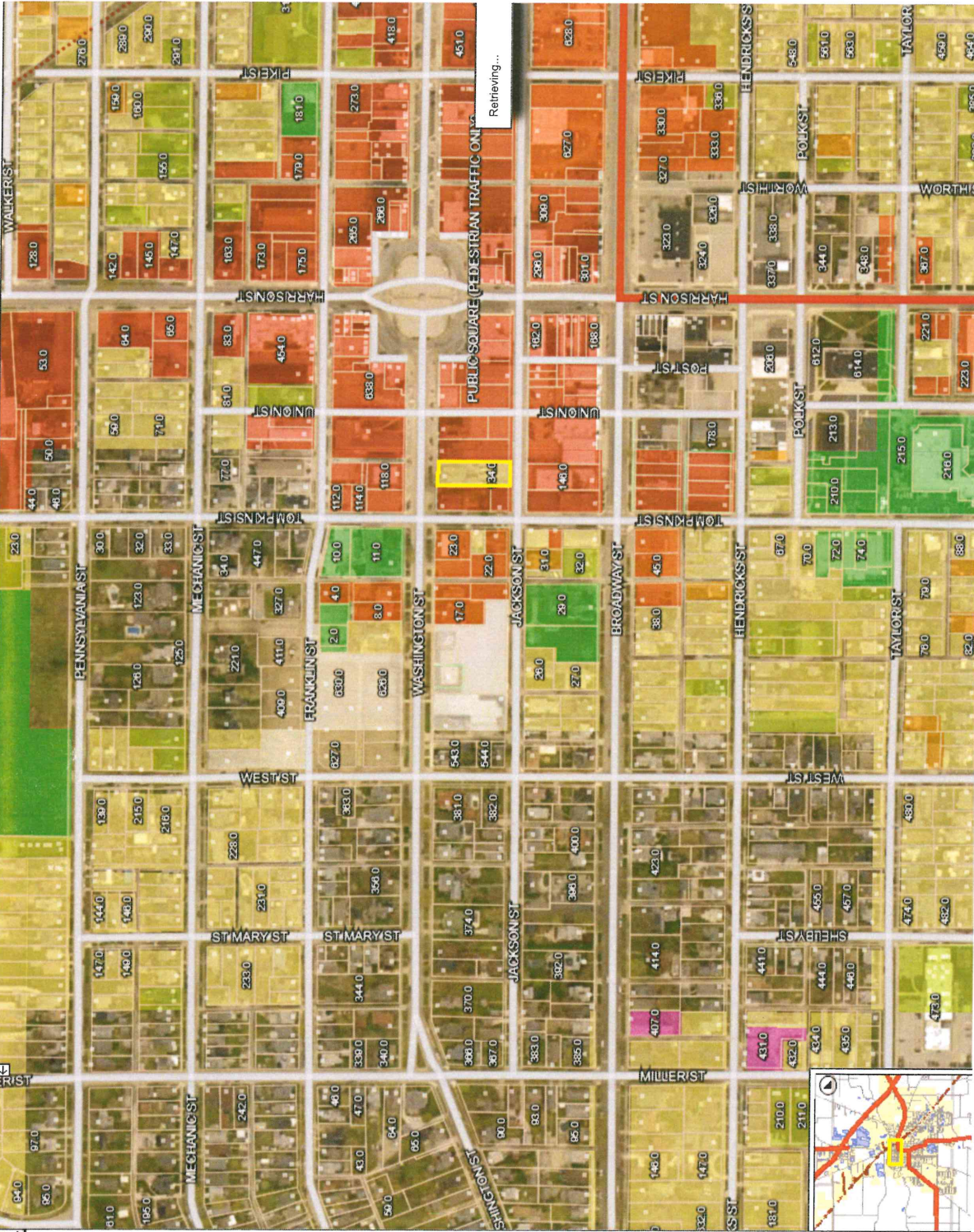
Specialty Plumbing		Count	Value

Summary Of Improvements				
Description	Year	Eff	Co	nd
Single-Family R 02	B	1906	1906	A
Pool, In Ground	D	2021	2021	A
				1000 sqft
				100% 1.2800
				100% 1.2800

General Payments Bills Deductions Assessments

Owner and General Parcel Information

Property Card	Show Property Card
Tax History Data	Show Tax History
Images	Show Images(6)
Sketches	Show Sketches(1)
Owner Name	NOLLEY, ROBERT & JILL
State Parcel Number	73-11-05-100-134-000-002
Parcel Number	73-11-05-100-134-000-002
Map Number	041-39015-50
Legal Description	ORIG T JACKSON PTLTS 3 & 6 45 W WASHINGTON ST
Acreage	0.0000000
Instrument Number	
Book Number	
Page Number	
Location Address	45 W WASHINGTON ST SHELBYVILLE, IN 46176
Owner Address	45 W WASHINGTON ST SHELBYVILLE, IN 46176



Retrieving...