

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 4/12/2022

<b>Case #:</b>	BZA 2022-06: Columbus Campbell, DSV			
<b>Petitioner's Name:</b>	Columbus Campbell			
<b>Owner's Name:</b>	Columbus Campbell			
<b>Petitioner's Representative:</b>	N/A			
<b>Address of Property:</b>	538 Fifth Street			
<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 on the southside of Shelbyville. The neighborhood is comprised of traditional 1/8 acre lots.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Approval of one development standards variance, from UDO 5.23, Height Standards to increase the height of 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 sixteen (16) feet 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: "Putting roof higher than fifteen (15) feet."*

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 proposed garage 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: "It's in back yard as long as set-back requirement."*

The planning staff has determined that the requested variance should not have a substantially adverse effect on the adjacent area. The proposed garage is in keeping with the character of the surrounding houses, a majority of which were built prior to the adoption of the Unified Development Ordinance. 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: "None."*

The planning staff has determined that the applicant has a practical difficulty that is neither self-imposed nor financial in nature. The standards that regulate the height of an accessory structure do not proportionately scale with the size/height of the primary structures in the neighborhood.

*Finding #3 has been satisfied by the applicant*

## **STAFF RECOMMENDATION: APPROVAL**

**DEVELOPMENT STANDARDS VARIANCE: BZA 2022-06: Columbus Campbell, 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 16' 0", 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

FEB 22 2022

**For Office Use Only:**

Case #: BZA 2022-06

Hearing Date: 03.08.22

Fees Paid: \$ 100.00

Final Decision:

Approved

Denied

**1.**

**Applicant**

Name: Columbus Campbell

Address: 538 5th St  
Shelbyville IN 46176

Phone Number: 317-642-7646

Fax Number: \_\_\_\_\_

Email: Patty.Campbell64@gmail.com

**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): 538 5th St Shelbyville IN. 46176

Current Zoning Classification: \_\_\_\_\_ Existing Use: Park Vod. in

Number of Requested Variances: ONE Proposed Use: Park Vod. in

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: \_\_\_\_\_

AVO 5.23

**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: Columbus Campbell Date: 2-14-22

State of Indiana  
County of Shelby SS:

Subscribed and sworn to before me this 14th day of February, 2022

Nancy A. Turner / Nancy A. Turner  
Notary Public Printed

Residing in Shelby County.

My Commission Expires: April 17, 2026





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

Petitioner's Name: Columbus Campbell  
Location: 538 5th St. Shelbyville IN. 46176  
Variance for: Poll Barn att.

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.

Putting roof higher than 15 feet

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

its in back yard, as long as set-back requirement.

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

NONE

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

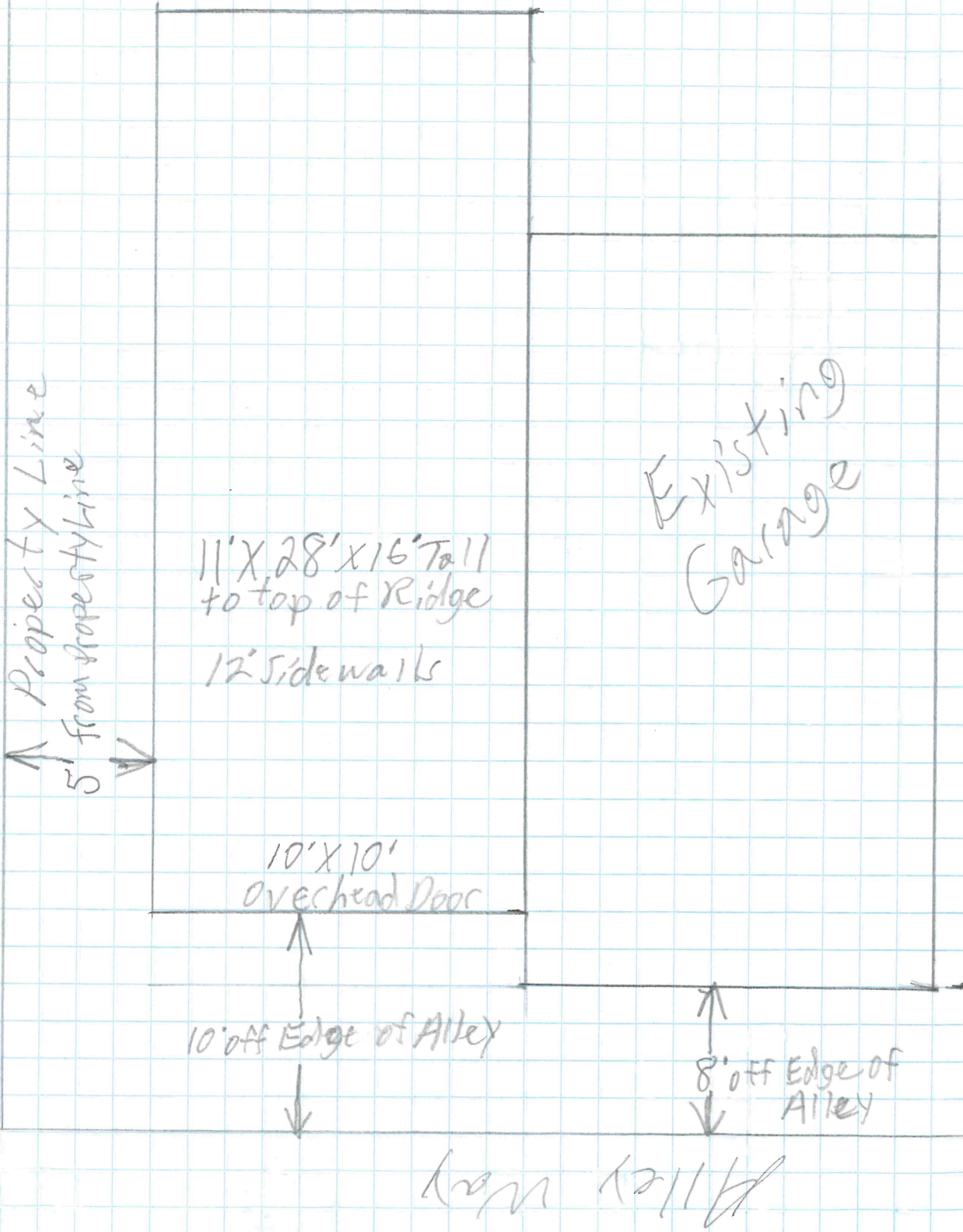


**LETTER OF INTENT**  
BOARD OF ZONING APPEALS

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.

*Business van parking and it need a taller door for  
it.*

Property 538 5th Street



11' x 28' x 16' Tall  
to top of Ridge  
12' Sidewalks

Existing  
Garage

10' x 10'  
Overhead Door

10' off Edge of Alley

8' off Edge of  
Alley

Alley Way