



Adam M. Rude
DIRECTOR

Allan Henderson
DEPUTY DIRECTOR

PLAN COMMISSION

Meeting Date: 7/12/2022

Case Number and Name:	BZA 2022-11 Hamilton Major, Lot 3; DSV			
Petitioner's Name:	Davis Building Group			
Owner's Name:	Davis Building Group			
Petitioner's Representative:	Craig Miles			
Address of Subject Property:	156 W Washington Street			
Subject Property Zoning Classification:	PUD- Planned Unit Development			
Comprehensive Plan Future Land Use:	Single-Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classification:	PUD- Planned Unit Development	PUD- Planned Unit Development	PUD- Planned Unit Development	PUD- Planned Unit Development
Surrounding Properties' Comprehensive Plan Future Land Use:	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential
History:	This property is the former site of Major Hospital. After the hospital moved, the land sat empty. Davis Homes bought the land to develop new-construction homes as infill that match the historic architecture of the surrounding neighborhood. This lot is one of the first to be developed in the planned development.			
Vicinity Map:				
Action Requested:	Approval of one development standards variance from UDO 5.55 Setback Standards			

1. Davis Homes purchased land on West Washington Street where Major Hospital once sat to construct infill homes that match the architecture of the surrounding neighborhood. They have submitted permits for Lots 2 and 3, and have begun construction on those lots. On Lot 3, the garage was built 3 feet away from the side property line, but the minimum side setback for an accessory structure is 4 feet. The variance requested is for a reduction of the sideyard setback from 4 feet to 3 feet for the side for Lot 3.
2. The Zoning Ordinance (Section 9.08F(1)) requires the Plan Commission make Findings of Fact that the Development Standards Variance:
 - a. **General Welfare:** 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 the impact on General Welfare: *“We are requesting an additional 1’ of side setback. This will not affect public health, safety, or general welfare of the City of Shelbyville. All emergency services will not be affected.”*

Due to the fact that the requested variance is only a one foot reduction, the Planning staff has determined that this request should not be injurious to the general welfare of the community.

- b. **Impact to Adjacent Area:** 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 the Impact on Adjacent Area: *“With this particular street, all homes are alley loaded garages. They are designed to be placed on narrow lots. The proposed home on the adjacent Lot 4 will be roughly 40’ away from the property line, neighboring Lot 3. Due to the large amount of space between structures, I do not see any negative effect on property value.”*

The Planning staff has reviewed the requested variance and has determined that there is no significant impact to the adjacent area. The neighboring home that will be located on the side where the setback is requested will be 40 feet from the garage, so this will not significantly impact the neighbor. Additionally, the surrounding neighborhood is higher density than what is being developed, so this setback variance will not impact the character of the surrounding neighborhood.

- c. **Practical Difficulty:** 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 the Practical Difficulty: *“The concrete footers in place will need to be demolished and then re-poured.”*

The Planning staff has determined that there will be a practical difficulty if the requested variance is not granted. The construction of the other lots in the Hamilton Major planned development will be delayed due to the delay in this process to remove/replace the garage.

STAFF RECOMMENDATION: Approval

**Development Standards Variance: BZA 2022-11 Hamilton Major, Lot 3; DSV
Findings Of Fact By The Shelbyville Board of Zoning Appeals
Staff Prepared**

Suggested Motion:

(I) would like to make a motion to approve the Development Standards Variance from UDO 5.55, as presented to this body, pursuant to the planning staff's report and Findings of Fact

- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will not** significantly impact the General Welfare of the City of Shelbyville.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will** significantly impact the General Welfare of the City of Shelbyville.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will not** significantly impact the use and value of adjacent properties.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will** significantly impact the use and value of adjacent properties.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will** pose practical difficulty if not granted.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will not** pose practical difficulty if not granted.

Additional Conditions Imposed by the Shelbyville Plan Commission:

- 1.
- 2.

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

For Office Use Only:

Case #: BZA _____ - _____
Hearing Date: _____
Fees Paid: \$ _____
Final Decision:
Approved _____ Denied _____

1.

Applicant

Name: Davis Building Group
Address: 3950 Priority Way S Dr, Suite 210
Indianapolis, IN 46240
Phone Number: 317-663-8340
Fax Number: _____
Email: cmiles@davishomes.com

Property Owners Information (if different than Applicant)

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

2.

Applicant's Attorney/Representative

Name: Paul Carroll
Address: Thirteen North State Street, Suite 241
Greenfield, Indiana 46140
Phone Number: 317-460-2095
Fax Number: _____
Email: paul@wootonhoyle.com

Project Engineer - Surveyor

Name: Hauser Surveying & Engineering
Address: 105 N Meridian St
Lebanon, IN 460562
Phone Number: 765-482-5141
Fax Number: _____
Email: dannyrhauser@gmail.com

3. Project Information:

General Location of Property (and address is applicable): 156 W. Washington St

Current Zoning Classification: R1 Existing Use: _____
Number of Requested Variances: 1 Proposed Use: Single family

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: _____
Development standard variance from UDO 5.55 setback 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: [Signature] Date: 6/27/2022

State of IN
County of Marion SS:

Subscribed and sworn to before me this 27th day of June, 2022.
Taylor Griffin Notary Public, Taylor Griffin Printed

Residing in Marion County. My Commission Expires: 11-08-29





DEVELOPMENT STANDARDS VARIANCE FINDINGS OF FACT

Petitioner's Name: Davis Building Group
Location: 156 W. Washington St
Variance for: Accessory structure setback minimum

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.

We are requesting an additional 1' of side setback. This will not affect
public health, safety or general welfare of the City of Shelbyville. All
emergency services will not be affected.

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

With this particular street, all homes are alley loaded garages. They are
designed to be placed on narrow lots. The proposed home on the
adjacent lot 4 will be roughly 40' away from the property line, neighboring
lot 3. Due to large amount of space between structures, I do not see any
negative affect on property value.

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

The concrete footers in place will need to demolished and then re-poured.

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

