

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 9/13/2022

Case #:	BZA 2022-14: 921 Oak Park Drive, DSV			
Petitioner's Name:	William Skinner			
Owner's Name:	William Skinner			
Petitioner's Representative:	N/A			
Address of Property:	921 Oak Park Drive, Shelbyville, IN			
Subject Property Zoning Classification:	R 1, Single-family Residential			
Comprehensive Future Land use:	Single-family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single-family Residential	BN – Business Neighborhood	R1 – Single-family Residential	R1 – Single-family Residential
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Conservation	Conservation	Single-family Residential
History:	The property is a single-family residential home located in the Foxridge Subdivision. The subdivision started to build out in the early 1990's, but never fully built out. Recently Imperial Construction Services started building on two lots in the subdivision and five (5) additional lots have been purchased for single-family home construction.			
Vicinity Map:				
Action Requested:	Approval of one development standards variance, from UDO 5.14 (B) Entrance and Drive Standards, Width, to increase the width of a Single-family residential driveway.			

1. UDO 5.14(B); Residential Driveway Standards sets the maximum driveway width to 24 feet for lots with frontage less than 40 feet, and 28 feet for lots with frontage greater than 40 feet.
2. The petitioner's property is 106 feet in width allowing for a maximum driveway width of 28 feet. The petitioner is requesting to build a driveway totaling 35 feet in width.

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: "I live beside the Daycare Center and there is already no parking on the street and in front of my house."

The planning staff has determined that the requested increase in driveway width will not be injurious to the public health, safety, morals, or general welfare of the community. There is no on-street parking on this section of Oak Park and Drive and although it is in close proximity to an entrance for the adjacent Daycare Center, there is visual clearance and enough space for both drives to operate safely.

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 only property besides me is a closed Daycare Center. If this approved, they will still have 11 feet to the start of their entrance. Their entrance is over 34 feet by the curb and will not affect them at all."

The planning staff has determined that the requested increase in driveway width will not have a substantially adverse effect on adjacent properties. The expanded driveway is being built in connection with a third-bay on the garage. All the improvements are helping improve the area.

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: "I will have to drive in my yard between the curb and sidewalk and put ruts in my yard."

The planning staff has determined that the strict application of the terms of the ordinance will result in the practical difficulty. The property owner has built an additional bay onto the existing garage and is unable to access the third bay without the additional width added to the driveway.

Finding #3 has not been satisfied by the petitioner.

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2022-14: 921 Oak Park Drive, 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 5.14 (B) to allow for an increase in driveway width of 35 feet at 921 Oak Park Drive pursuant to the condition and 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: _____

Adam M. Rude, 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 2022 - 14

Hearing Date: 09.13.22

Fees Paid: \$ 100.00

Final Decision:

Approved _____ Denied _____

1.

Applicant

Name: William D. Skinner
Address: 921 Oak Park Dr.
Shelbyville, Indiana
Phone Number: 317 512-0510
Fax Number: _____
Email: denise.l.skinner@yahoo.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: Home Owner
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

3. Project Information:

General Location of Property (and address is applicable): 921 Oak Park Dr Shelbyville
beside Day Care Center
Current Zoning Classification: _____ Existing Use: _____
Number of Requested Variances: ONE Proposed Use: _____

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

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

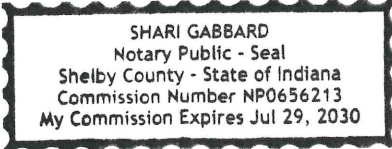
The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: William D. Skinner Date: August 5, 2022

State of IN
County of Shelby SS:

Subscribed and sworn to before me this 5th day of August, 2022
Shari Gabbard, Shari Gabbard
Notary Public Printed

Residing in Shelby County. My Commission Expires: 07/29/2030





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.

I am building an attached garage 16 feet wide by 28 feet deep. The door is 9 feet. The cement will be 10 feet wide by 53 feet deep for the driveway. The problem is my driveway is already 22 feet 5 inches and I need 13 more feet to get in my driveway. The city ordinance is 28 feet from curb to the side walk. With my new addition to my new drive way I need to increase 7 more feet to 35 feet. As it is I cant pull in the new driveway unless I cement my yard which I plan to keep a 4 foot piece for landscaping + bushes.



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: WILLIAM D. SKINNER
Location: 921 OAK PARK DR. Shelbyville, IND 46174
Variance for: ADDITION FOR NEW DRIVEWAY FROM CURB TO SIDEWALK

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.

I LIVE BESIDE THE DAY CARE CENTER AND THERE IS
ALREADY NO PARKING ON THE STREET IN FRONT OF
MY HOUSE.

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

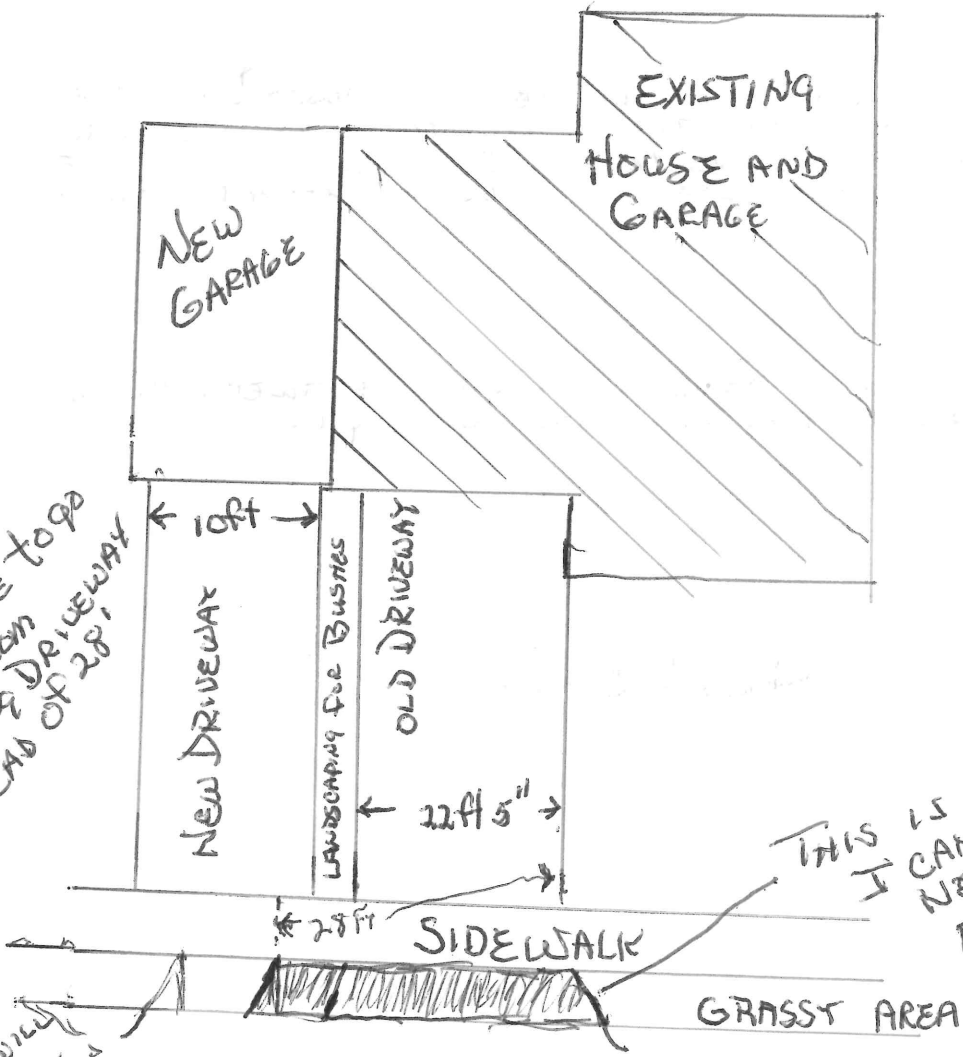
THE ONLY PROPERTY BESIDE ME IS A CLOSED DAY CARE.
IF THIS IS APPROVED THEY WILL STILL HAVE 11 FEET TO
THE START OF THEIR ENTRANCE. THEIR ENTRANCE IS OVER
34 FEET BY THE CURB AND WILL NOT AFFECT THEM AT
ALL

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

I WILL HAVE TO DRIVE IN MY YARD BETWEEN CURB
AND SIDEWALK AND PUT RUTS IN MY YARD

PRINT ON BACK SIDE

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



I would like to go 35 ft from existing driveway instead of 28'

THIS IS 28 FT. I CAN'T MAKE NEW DRIVEWAY EXISTING DRIVEWAY 22.5'

DAY CARE OPENING WILL BE 34 FEET NOT AFFECTED

STREET