

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

Ex MEETING DATE: 10/11/2022

<b>Case #:</b>	BZA 2022-16: 307 Foxridge Court, DSV			
<b>Petitioner's Name:</b>	Blue River Career Programs			
<b>Owner's Name:</b>	Blue River Career Programs			
<b>Petitioner's Representative:</b>	Daniel Bramell			
<b>Address of Property:</b>	307 Foxridge Court, Shelbyville, Indiana			
<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	No Zoning	R1 – Single-family Residential	R2 – Two-family Residential
<b>Surrounding Properties' Comprehensive Future Land Use</b>	Single-family Residential	Conservation	Conservation	Single-family Residential
<b>History:</b>	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 including the subject property at 307 Foxridge Court.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Approval of one development standards variance, from UDO 5.57 Sidewalk Standards to not installed a required sidewalk when a new primary structure is constructed.			

1. In the R 1, Single-Family Residential zoning district, a sidewalk is required to be installed when a new primary structure is constructed or when a primary structure is enlarged by twenty (20) percent or greater. Sidewalks are also required to be installed in front of any lot created after the effective date of the Unified Development Ordinance once it has sat vacant for twenty-four (24) months (if a single lot was created), or twenty-four (24) months from the date the first certificate of occupancy was issued (if a multiple-lot subdivision) and where infrastructure exists.

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### **Variance From UDO 5.57 Sidewalk Standards**

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: “Existing neighborhood does not have sidewalks.”*

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 variance is in keeping with the existing character of the neighborhood; when the subdivision was approved and started building in the early 1990’s sidewalks were not required and thus not installed.

*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: “New construction will match existing standards.”*

The planning staff has determined that the requested variance should not have a substantially adverse effect on the adjacent area. As previously mentioned, none of the surrounding homes have sidewalks because when the subdivision was developed in the early 1990’s sidewalks were not required. The entire subdivision was approved without including sidewalks.

*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: “No response provided.”*

The planning staff has determined that the applicant has a practical difficulty that is neither self-imposed nor financial in nature. Because the subdivision was approved without the inclusion of sidewalks, utilities have been located in the front yard and right-of-way along the street where sidewalks would normally be constructed. There is a practical difficulty in relocating the utilities that is not self-imposed by the current owner of the properties.

*Finding #3 has been satisfied by the applicant*

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. The property owner agrees to install a sidewalk if or when an immediately adjacent property owner installs a sidewalk across the front of their property and this commitment shall be recorded against the property.

**DEVELOPMENT STANDARDS VARIANCE: BZA 2022-16: 307 Foxridge Court, 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 5.57 to not install a sidewalk during the construction of the single-family residence at 307 Foxridge Court 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: \_\_\_\_\_

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: Blue River Career Programs

Address: 801 St. Joseph Street  
Shelbyville, IN 46176

Phone Number: 317-392-4191

Fax Number: 317-392-5741

Email: sshaw@brcp.k12.in.us

#### Property Owners Information (if different than Applicant)

Name: Blue River Career Programs

Address: 801 St. Joseph, Shelbyville

Phone Number: 317-392-4191

Fax Number: 317-392-5741

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): Lot # 8 307

Current Zoning Classification: Residential Existing Use: \_\_\_\_\_

Number of Requested Variances: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: UDO 5.57 sidewalk standards

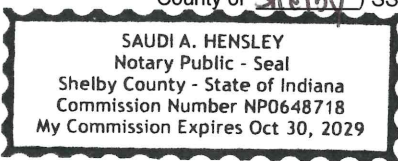
#### 4. Attachments

- 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: Steve Shaw, Director Date: 9/14/22

State of Indiana  
County of Shelby SS:



Subscribed and sworn to before me this 14 day of September, 2022  
Saudi A. Hensley, Saudi A. Hensley  
Notary Public Printed

Residing in Shelby County. My Commission Expires: 10/30/29





**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.

Request Exemption from installing sidewalks  
on Lot # 8 307 Foxridge Ct.





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

Petitioner's Name: \_\_\_\_\_  
Location: \_\_\_\_\_  
Variance for: UDO 5.57 sidewalk standards

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.

Existing neighborhood does not have  
sidewalks

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

New construction will match existing  
standards

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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