

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 10/11/2022

Case #:	BZA 2022-18: 986 East Morris Avenue, DSV			
Petitioner's Name:	Mike & Krista Bowlby			
Owner's Name:	Mike & Krista Bowlby			
Petitioner's Representative:	N/A			
Address of Property:	986 East Morris Avenue, Shelbyville, Indiana			
Subject Property Zoning Classification:	R1, Single-family Residential			
Comprehensive Future Land use:	Commercial			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single-family Residential	R1 – Single-family Residential	R1 – Single-family Residential	R1 – Single-family Residential
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Commercial	Park & Recreation	Commercial
History:	The property is a single-family residential home located along Morris Avenue. The lot is 2.5 acres. The property currently has a shelter house, a workshop, a detached garage, and a pole barn on it. The pole barn received a development standard variance to increase the height of the structure in July 2015.			
Vicinity Map:				
Action Requested:	Approval of two development standards variances, one from UDO 5.02 General Accessory Use Standards to increase the square footage of an accessory dwelling unit and one from UDO 5.03 General Accessory Structure Standards to increase the number of permitted accessory structures.			

1. UDO 5.02 General Accessory Use Standards allows for single-family dwellings used as an accessory to the primary structure to be constructed on the same lot but limit the accessory dwelling structure to 600-square feet. The petitioner is requesting to build a 2,000 +/- square foot accessory dwelling unit.
 2. UDO 5.03 General Accessory Structure Standards limit the number of accessory structures to four (4) in the R1 - Single-family Residential District. And residents may not have more than two (2) of the same type of accessory structure. The petitioner currently has four (4) accessory structures on the property. The new accessory structure will make for a total of five (5) accessory structures at 986 East Morris Avenue.
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Variance From UDO 5.02 General Accessory Use 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: “Our property is 2.5 acres surrounded by trees. This building will sit behind existing structures and not be visible to the neighbors. It will not change the landscape of our neighborhood. It will actually allow us to clean up our property and give it a neater appearance.”

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 lot and surrounding lots.

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: “Due to the tree lines – adjacent properties will not have a direct view of the structure.”

The planning staff has determined that the requested variance should not have a substantially adverse effect on the adjacent area. As previously mentioned, the property is sufficient in size and is surrounded by a tree row that neighbors will not be able to see the new accessory structure. The surrounding homes, uses and accessory structures are similar in size to the petitioner’s property.

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: “We have no other means/options to care for my developmentally disabled sister. She requires full time supervision, and this is our only feasible option.”

The planning staff has determined that the applicant has a practical difficulty that is neither self-imposed nor financial in nature. Because the existing primary residence is not accessible and is multiple stories, it is not conducive for the residence of a developmentally disabled person. And the only option is to construct a separate accessory dwelling unit.

Finding #3 has been satisfied by the applicant

Variance From UDO 5.03 General Accessory Structure 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: “Our property is 2.5 acres surrounded by trees. This building will sit behind existing structures and not be visible to the neighbors. It will not change the landscape of our neighborhood. It will actually allow us to clean up our property and give it a neater appearance.”

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 property is a large 2.5-acre parcel that is surrounded by trees. The proposed placement of the accessory structure should be well screened.

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: “Due to the tree lines – adjacent properties will not have a direct view of the structure.”

The planning staff has determined that the requested variance should not have a substantially adverse effect on the adjacent area. As previously mentioned, the property is sufficient in size and is surrounded by a tree row that neighbors will not be able to see the new accessory structure. The surrounding homes, uses and accessory structures are similar in size to the petitioner’s property.

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: “We have no other means/options to care for my developmentally disabled sister. She requires full time supervision, and this is our only feasible option.”

The planning staff has determined that the applicant has a practical difficulty that is neither self-imposed nor financial in nature. Because the existing primary residence is not accessible and is multiple stories, it is not conducive for the residence of a developmentally disabled person. And the only option is to construct a separate accessory dwelling unit.

Finding #3 has been satisfied by the applicant

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

1. The proposed accessory structure can only be used as a residence with ancillary uses and this commitment shall be recorded against the property.

DEVELOPMENT STANDARDS VARIANCE: BZA 2022-18: 986 East Morris Avenue, 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 variances from UDO 5.02 and UDO 5.03 to allow for an accessory dwelling unit of up to _____ square feet and an additional accessory structure to house the dwelling unit at 986 East Morris Avenue, 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

RECEIVED FILED

SEP 27 2022

For Office Use Only:

Case #: BZA _____ - _____

Hearing Date: _____

Fees Paid: \$ _____

Final Decision:

Approved

Denied

1.

Applicant

Name: Mike + Krista Bowlby

Address: 986 E Morris Ave
Shelbyville, IN 46176

Phone Number: 317-512-4339

Fax Number: _____

Email: bowlbyk@gmail.com

Property Owners Information (if different than Applicant)

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

2.

Applicant's Attorney/Representative

Name: Jason Karmire

Address: 51 W. Mechanic
Shelbyville, IN 46176

Phone Number: 317-398-0909

Fax Number: _____

Email: _____

Project Engineer

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

3. Project Information:

General Location of Property (and address is applicable): 986 E. Morris Ave

Current Zoning Classification: _____ Existing Use: home - residential

Number of Requested Variances: 1 Proposed Use: _____

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

UDO 5.03 General Accessory Structure 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: Krista A Bowlby Date: 9-27-22

State of _____
County of _____ SS:

Subscribed and sworn to before me this 27th day of September, 2022.
Lisa D. Loveless Lisa D. Loveless
Notary Public Printed



LISA D. LOVELESS
COUNTY OF RES.: SHELBY
COMM. NO.: NP0723199
MY COMM. EXP.: 10-24-2027

Residing in Shelby County. My Commission Expires: 10-24-27



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: Mike + Krista Bowlbey
Location: 986 E. Morris Ave - Shelbyville, IN
Variance for: Additional Structure

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.

Our property is 2.5 acres. Surrounded by trees. This building will sit behind existing structures and not be visible to neighbors. It will not change the landscape of our neighborhood. It will actually allow us to clean up our property and give it a newer appearance.

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

Due to the tree lines - adjacent properties will not have a direct view of the structure.

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

We have no other means/options to care for my developmentally disabled sister. She requires full time supervision and this is our only feasible option.

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



Type notes here

Printed
08/31/2022

The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.

- General
- Payments
- Bills
- Deductions
- Assessments
- Owner and General Parcel Information

Property Card	Show Property Card
Tax History Data	Show Tax History
Images	Show Images(2)
Sketches	Show Sketches(1)



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.

We are requesting an additional Structure to be added to our property at 986 E. Morris Avenue, Shelbyville.

I am currently responsible for caring for my developmentally disabled sister, Leah Root.

Our home, built around 1900, has a single master bedroom on the main floor. Leah is unable to negotiate stairs on her own, or care for herself on a daily basis. She does not have the mental or physical ability to live on her own. Our workshop has a small living areas but is without adequate heating/cooling and sleeping areas.

Our request is for a variance to build a pole barn style building with a single level handicapped apartment that will have room of additional storage. The apartment will cover approximately half the floor space. The building planned will be 64'x64'x14'. It will be located on the North East corner of our property. There is adequate room for this property to house this structure.

Our plan is to use utilities from our existing