

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 5/9/2023

Case #:	BZA 2023-11: 340 East Pennsylvania Street, DSV			
Petitioner's Name:	Steven McVey			
Owner's Name:	Steven McVey			
Petitioner's Representative:	Steven McVey			
Address of Property:	340 East Pennsylvania Street, Shelbyville, IN			
Subject Property Zoning Classification:	R1 – Single-family Residential			
Comprehensive Future Land use:	Single-family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	IG – General Industrial	R1 – Single-family Residential	R1 – Single-family Residential	R1 – Single-family Residential
Surrounding Properties' Comprehensive Future Land Use	General Industrial	Single-family Residential	Single-family Residential	Single-family Residential
History:	This property is a single-family residence in an established residential area of the city. Lots in this area of the city are smaller, 340 East Pennsylvania Street is 25x87. An alley is used to access garages and off-street parking areas.			
Vicinity Map:				
Action Requested:	A request for two Development Standards Variance one from UDO 5.03(C)(1) General Accessory Structure Standards and one UDO 5.55(F)(1), Minimum Side Yard Setback Standards.			

1. The petitioner would like to build a shed behind his primary structure that is 8.5' x 12'. The UDO requires a minimum of five (5) feet of separation between a primary structure and an accessory structure. Because of the smaller nature of the lot and limited paved area behind the primary structure, the petitioner would like to reduce the separation to zero (0) feet. The structure would be next to the primary structure but not attached.
2. The petitioner would like to build a shed behind his primary structure that is 8.5' x 12. In all R1 – Single-Family Residential districts, minimum side yard setbacks for accessory structures is four (4) feet. Because of the narrow lot and the location of the rear entrance, the petitioner would like to reduce the sideyard setback to zero (0) feet to align the shed with the edge of the primary structure and still allow use of the driveway.

BZA 2023-11-A. A Variance From UDO 5.03(C)(1), General Accessory Structure Standards

Finding of Fact #1 – 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.

Applicant provided the following response to Finding of Fact #1: “It will just replace a poly shed that is already there.”

The planning staff has determined that the requested variance from the accessory structure standard will not be injurious to the public health, safety, morals, or general welfare of the community. Since the shed will be inline with the house and further from the alley, there is no over-all impact to the public health, safety morals or general welfare of the community .

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – Explain why the development standard variance request will not affect the use and value of adjacent properties.

Applicant provided the following response to Finding of Fact #2: “It will keep the back of my property neat.”

The planning staff has determined that the requested variance from the setback standards should not have a substantially adverse affect on the use and value of the adjacent areas. The surrounding properties are all single-family residential properties, most with no garages and only a small parking area in the alley behind the homes. The addition of a shed is typical for storage with the surrounding properties.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – Please state the difficulties that will be faced if the project is not granted the requested development standard variance. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Applicant provided the following response to Finding of Fact #3: “I might be forced to make my back bedroom a garage or move out of the City limits.”

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty that is neither self-imposed nor based on a perceived reduction of, or restriction

on economic gain. Due to the compact and dense nature of the neighborhood, it would be incredibly difficult for homeowners to construct accessory structures that are practical to use and meet their needs and still maintain off-street parking.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

BZA 2023-11-B. A Variance From UDO 5.55(F)(1), Setback Standards

Finding of Fact #1 – 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.

Applicant provided the following response to Finding of Fact #1: "It will just replace a poly shed that is already there."

The planning staff has determined that the requested variance from the setback standards for the side yard should not be injurious to the public health, safety, morals, or general welfare of the community. The planning staff believes the reduction in setback is in keeping with the character of this residential area and is in line with other properties in the neighborhood.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – Explain why the development standard variance request will not affect the use and value of adjacent properties.

Applicant provided the following response to Finding of Fact #2: "It will keep the back of my property neat."

The planning staff has determined that the requested variance from the setback standards should not have a substantially adverse affect on the use and value of the adjacent areas. The surrounding properties are all single family residential properties, most with no garages and only a small parking area behind the house with alley access. Allowing the storage shed will provide the petitioner an area to keep equipment and materials out of his driveway and the alleyway.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – Please state the difficulties that will be faced if the project is not granted the requested development standard variance. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Applicant provided the following response to Finding of Fact #3: "I might be forced to make my back bedroom a garage or move out of the City limits.."

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty that is neither self-imposed nor based on a perceived reduction of, or restriction

on economic gain. Due to the compact and dense nature of the neighborhood, it would be incredibly difficult for homeowners to construct accessory structures that are practical to use and meet their needs.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

**DEVELOPMENT STANDARDS VARIANCE: BZA 2023-11: 340 East Pennsylvania Street, 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 5.03(C)(1) to eliminate the required 5 feet separation of accessory structures from primary structures in accordance with the plans provided to this board, 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 / Presiding Officer

Attest: _____

Adam M. Rude, Secretary

DEVELOPMENT STANDARDS VARIANCE: BZA 2023-11: 440 East Pennsylvania Street, 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 5.55(F)(1) to allow for a side yard setback of 0 feet in accordance with the plans provided to this board, 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 / Presiding Officer

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 2023-11

Hearing Date: 05-09-23

Fees Paid: \$ 125.00

Final Decision:

Approved

Denied

1.

Applicant

Name: Steven A McVey
Address: 340 E. Pennsylvania St
Shelbyville In.
Phone Number: 317-398-4742
Fax Number: _____
Email: StevenMcVey60@gmail.com

Property Owners Information (if different than Applicant)

Name: (SAME)
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): _____

Current Zoning Classification: R1-SINGLE FAMILY Existing Use: HOME

Number of Requested Variances: 2 Proposed Use: _____

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

UDO 5.55 (E)(1) SETBACK STANDARDS
UDO 5.03 (C)(1) ACCESSORY USE & STRUCTURE STANDARDS

4. Attachments

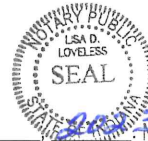
- Affidavit and Consent of Property Owner (if applicable)
- Proof of Ownership (copy of deed, recent property card)
- Letter of Intent
- Supporting Documents and Exhibits (Optional)
- Vicinity Map
- Findings of Fact
- Application Fee

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

Applicant: Steven McVey Date: 4/10/23

State of IN
County of Shelby SS:

Subscribed and sworn to before me this 10th day of April
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



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 would like to have built a 144" 12 Ft wide
101" Frt to back, 93" tall shed, with rock board
on the back 4'x8' sheets (3 on back) 1 on each
side, with metal roofing, and 4 pcs of steel
sheeting against the house. The shed will be
against the house but not attached. The
shed will be finished with T111 siding
The side of shed will be even with
side of house.



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: Steven A McVey
Location: 340 E. PENNSYLVANIA PENNSYLVANIA ST.
Variance for: Shed

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.

It will just replace poly shed
Already there

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

It will keep the back of my property
neat

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

I might be forced to MAKE BACK
bedroom A GARAGE, OR MOVE OUT OF CITY
LIMITS

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

