

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 3/28/2023

Case #:	BZA 2023-4: 336 East Pennsylvania Street, DSV			
Petitioner's Name:	Maria Cruz			
Owner's Name:	Maria Cruz			
Petitioner's Representative:	Maria Cruz			
Address of Property:	336 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, 336 East Pennsylvania is 25x87. An alley is used to access garages and off-street parking areas.			
Vicinity Map:				
Action Requested:	A request for one Development Standards Variance from UDO 5.55(F)(1), Minimum Side Yard Setback.			

1. The petitioner would like to build a carport behind the house to serve as a garage. In all R1 – Single-Family Residential districts, minimum side yard setbacks for accessory structures is four (4) feet. The proposed carport was designed at 17'x24', but when constructed was built to 18' x 24'. Since the lot is only twenty-five (25) feet wide, the petitioner does not have the required four (4) feet of sideyard setback on the west side. In order for the carport to remain the petitioner would need to reduce the side yard setback to three (3) feet.

BZA 2023-04. 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: “Because the project is built with material that is not harmful to health. It was built under safe standards.”

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: “Because the property does not invade the properties of neighbors.”

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 parking pads with alley access behind the homes. The scale of the carport will be in keeping with the massing and character of the neighborhood.

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: “Obviously the roof was built based on the need for which everyone builds a roof to protect their cars. The factory behind throws a lot of waste that stains the cars.”

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 2023-04: 336 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 3 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 2023-04

Hearing Date: 03.28.23

Fees Paid: \$ 100.00

Final Decision:

Approved

Denied

1.

Applicant

Name: Marica Cruz
Address: 336 E Pennsylvania St Shelbyville IN 46176
Phone Number: (317) 604-3105
Fax Number: _____
Email: Cruzma2521@hotmail.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: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

3. Project Information:

General Location of Property (and address is applicable): _____

Current Zoning Classification: _____ Existing Use: _____

Number of Requested Variances: _____ 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: Marica Cruz Date: 2/27/2023

State of _____
County of _____ SS:

Subscribed and sworn to before me this _____ day of _____.

Notary Public

Printed

Residing in _____ County.

My Commission Expires: _____



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.

At first, permission was requested to build the roof covering the entire space of our patio, the city did not accept the measure, alleging that a space of 4 feet must be left on each side of the property line, which had to be modified the measure, the project plan was modified but in the end the work could not be carried out exactly as the plan indicated exceeding one more foot because a tree had previously been removed and the ground has a lot of roots, but it should be noted that the agreement was still respected to leave the 4 feet of space on each side that the city requires



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: _____
Location: _____
Variance for: _____

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.

Because the project is built ~~the~~ with material that is not harmful to health, it is built under safe standards.

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

Because the project does not invade the properties of the neighbors.

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

obviously the roof was built based on the need for which everyone builds a roof to protect their cars. the factory behind throws a lot of waste that stains the cars.

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