



Adam M. Rude
DIRECTOR

Allan Henderson
DEPUTY DIRECTOR

PLAN COMMISSION

Meeting Date: 8/9/2022

Case Number and Name:	BZA 2022-11 Hamilton Major, Lot 3; DSV			
Petitioner's Name:	Davis Building Group			
Owner's Name:	Davis Building Group			
Petitioner's Representative:	Craig Miles			
Address of Subject Property:	156 W Washington Street			
Subject Property Zoning Classification:	PD- Planned Development			
Comprehensive Plan Future Land Use:	Single-Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classification:	PD- Planned Development	PD- Planned Development	PD- Planned Development	PD- Planned Development
Surrounding Properties' Comprehensive Plan Future Land Use:	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential
History:	This property is the former site of Major Hospital. After the hospital moved, the land sat empty. In 2017, the City of Shelbyville acquired the land to develop infill single-family residential. Davis Homes purchased several lots in 2020 to develop new-construction single family residential homes as infill that would match the historic architecture of the surrounding neighborhood. Lot 3 is the first to be developed in the Hamilton Major development.			
Vicinity Map:				
Action Requested:	Approval of one development standards variance from UDO 5.55 Setback Standards.			

1. Davis Building Group purchased several lots in the Hamilton Major Planned Development on West Washington Street to construct infill homes that match the architecture of the surrounding neighborhood. They have submitted permits for Lots 2 and 3, and have begun construction on those lots. On Lot 3, the garage was built 2.7 feet away from the side property line, but the minimum side yard setback for an accessory structure is 5 feet. The variance requested is for a reduction of the side yard setback from 5 feet to 2.7 feet for Lot 3.
 - a. Originally, Davis Homes thought they would need a reduction to three (3) feet, but upon completion of a full survey of the site, it was determined that they would require a reduction of two feet seven inches (2' 7").
2. The Zoning Ordinance (Section 9.08F(1)) requires the Board of Zoning Appeals make Findings of Fact that the Development Standards Variance:
 - a. **General Welfare:** 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 the impact on General Welfare: *"We are requesting an additional 1' of side setback. This will not affect public health, safety, or general welfare of the City of Shelbyville. All emergency services will not be affected."*

The Planning staff has determined the reduction of the side yard setback by more than half will not be injurious to the general welfare of the community. Since the request is only for a reduction in the side yard setback of the accessory structure and the location of the accessory structure on the adjoining lot 2 can be adjusted to avoid the visual effect of the structures being too close together and since the setbacks for the primary structures of Lot 3 and adjacent Lot 2 will maintain the required eight (8) feet for each lot, the impact will be minimal.

- b. **Impact to Adjacent Area:** 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 the Impact on Adjacent Area: *"With this particular street, all homes are alley loaded garages. They are designed to be placed on narrow lots. The proposed home on the adjacent Lot 4 will be roughly 40' away from the property line, neighboring Lot 3. Due to the large amount of space between structures, I do not see any negative effect on property value."*

The Planning staff has reviewed the requested variance for Lot 3 and has determined that there is no significant impact to the adjacent area. The primary structure on Lot 2 to the west will be ten feet seven inches (10'7") away from the Lot 3 accessory structure. The accessory structure for Lot 2 can also be adjusted to match the existing character of the surrounding neighborhood, which has a higher density than what is being developed, so this setback variance will not impact the character of the surrounding neighborhood.

- c. **Practical Difficulty:** 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 the Practical Difficulty: *"The concrete footers in place will need to be demolished and then re-poured."*

The Planning staff has determined that there could be a practical difficulty if the requested variance is not granted. The construction of the other lots in the Hamilton Major planned development will be delayed due to the delay in this process to remove/replace the garage on Lot 3.

STAFF RECOMMENDATION: Approval

**Development Standards Variance: BZA 2022-11 Hamilton Major, Lot 3; DSV
Findings Of Fact By The Shelbyville Board of Zoning Appeals
Staff Prepared**

Suggested Motion:

(I) would like to make a motion to approve the Development Standards Variance from UDO 5.55, as presented to this body, pursuant to the planning staff's report and Findings of Fact

- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will not** significantly impact the General Welfare of the City of Shelbyville.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will** significantly impact the General Welfare of the City of Shelbyville.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will not** significantly impact the use and value of adjacent properties.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will** significantly impact the use and value of adjacent properties.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will** pose practical difficulty if not granted.
- The Plan Commission has paid reasonable regard to, and finds that the proposed variance **will not** pose practical difficulty if not granted.

Additional Conditions Imposed by the Shelbyville Plan Commission:

- 1.
- 2.

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: Davis Building Group
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

Property Owners Information (if different than Applicant)

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

2.

Applicant's Attorney/Representative

Name: Paul Carroll
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

Project Engineer - Surveyor

Name: Hauser Surveying & Engineering
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

3. Project Information:

General Location of Property (and address is applicable): 156 W. Washington St

Current Zoning Classification: R1 Existing Use: _____
Number of Requested Variances: 1 Proposed Use: Single family

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: _____
Development standard variance from UDO 5.55 setback 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: [Signature] Date: 6/27/2022

State of IN
County of Marion SS:

Subscribed and sworn to before me this 27th day of June, 2022.
Taylor Griffin Notary Public, Taylor Griffin Printed

Residing in Marion County. My Commission Expires: 11-08-29



**AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBYVILLE BOARD OF ZONING APPEALS**

State of Indiana)
County of Shelby) SS:

I, Davis Building Group, LLC, AFTER BEING DULY SWORN, DEPOSE AND SAY
(Name of property owner)

THE FOLLOWING:

1. That I am the owner of real estate located at 156 W Washington St., Shelbyville, IN
(Address of affected property) 46176
2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: DAVIS Building Group, LLC
(Name of applicant)
3. That I have no objections to and consent to the request(s) described in the Application made to the Shelbyville Board of Zoning Appeals.

Bradley C. Davis - President of Davis Building Group, LLC
Owner's Name (Please print)

Bradley C. Davis
Owner's Signature

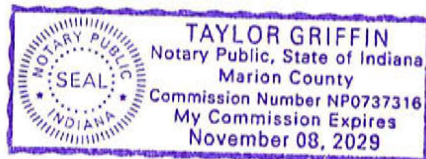
State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 27th day of June, 2022

Taylor Griffin, Taylor Griffin
Notary Public Printed

Residing in Marion County.

My Commission Expires: 11-08-29





DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: Davis Building Group
Location: 156 W. Washington St
Variance for: Accessory structure setback minimum

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.

We are requesting an additional 1' of side setback. This will not affect public health, safety or general welfare of the City of Shelbyville. All emergency services will not be affected.

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

With this particular street, all homes are alley loaded garages. They are designed to be placed on narrow lots. The proposed home on the adjacent lot 4 will be roughly 40' away from the property line, neighboring lot 3. Due to large amount of space between structures, I do not see any negative affect on property value.

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

The concrete footers in place will need to demolished and then re-poured.

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



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.

Based on the attached plot plan, the accessory building (garage) is 3' away from the western property line. Standard setback for accessory structures is 4'. We are requesting a variance for the additional 1'.



Date: July 25, 2022

Re: Variance request for 156 W. Washington St

To Whom It May Concern,

Davis Homes is requesting a revision to the variance request for the above address. Due to updated site conditions, we need to revise the request from 3' setback to a new request of 2.7' setback.

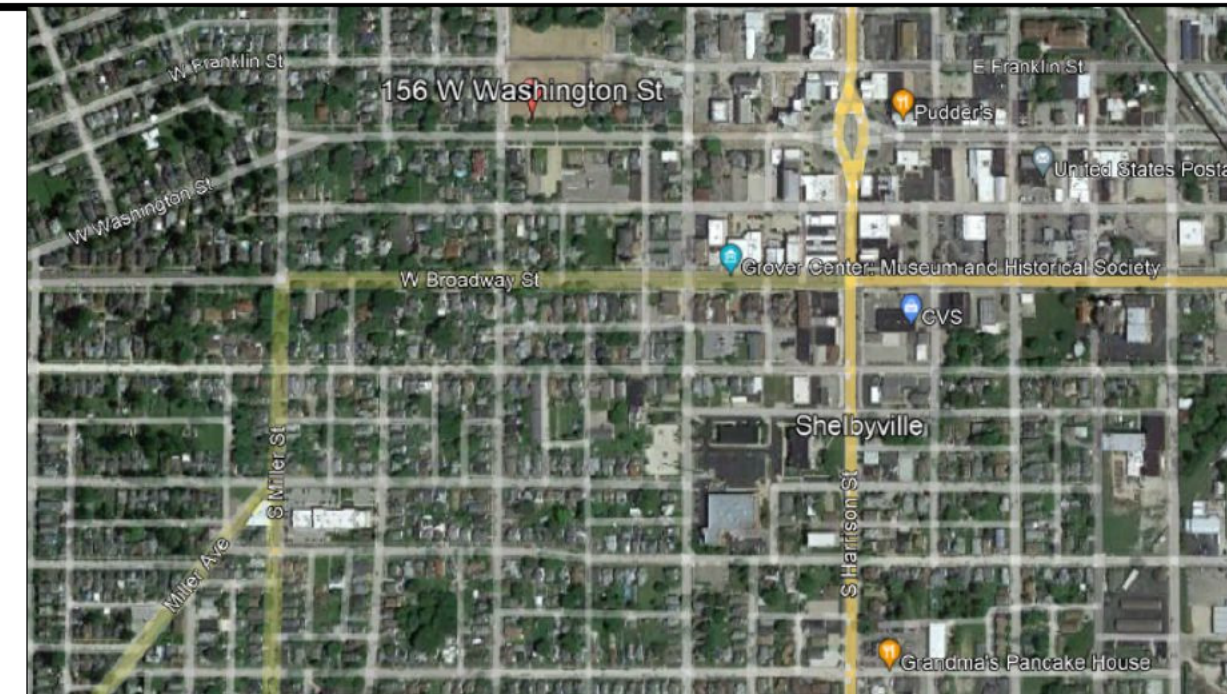
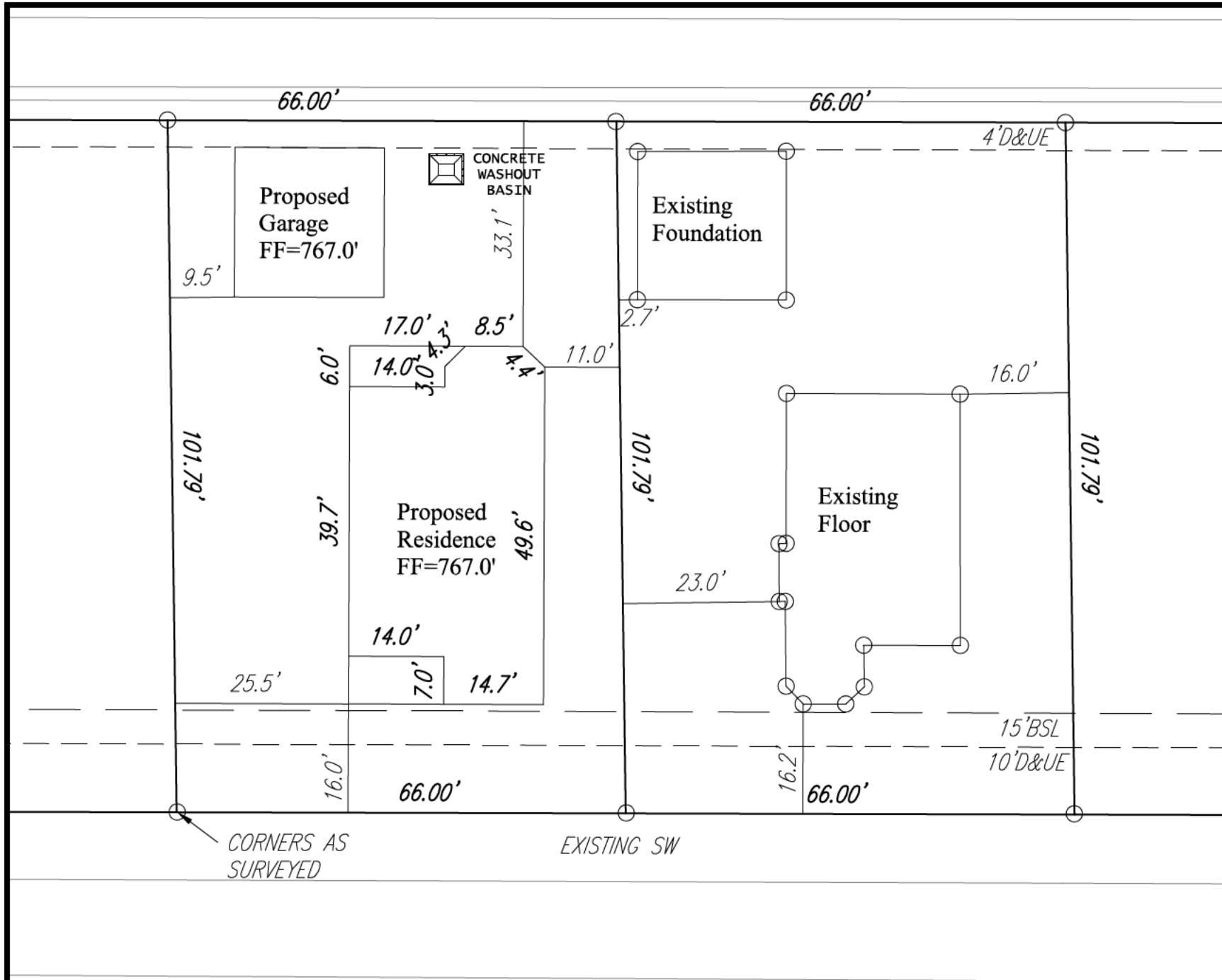
Thank you,

A handwritten signature in black ink, appearing to read "C Miles", with a horizontal line extending from the bottom of the signature.

Craig Miles

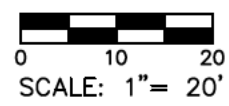
Director of Custom Homes

Davis Building Group, LLC



GENERAL LOCATION

- LEGEND**
AS APPLICABLE
- UTILITY POLE
 - TELEPHONE PEDESTAL
 - WATER WELL
 - LIGHT POLE
 - AIR CONDITIONER
 - SILT FENCE
 - SUMP LINE
 - CLEAN OUT
 - GUY WIRE
 - ELECTRIC METER/BOX
 - CABLE PEDESTAL
 - GAS ENTRANCE
 - SANITARY MANHOLE
 - DECIDUOUS TREE
 - CONIFEROUS TREE
 - WATER VALVE
 - FIRE HYDRANT
 - STORM MANHOLE
 - BEEHIVE INLET
 - CURB INLET
 - BOLLARD
 - SATELLITE DISH
 - FENCE POST
 - SITE BENCHMARK
 - MAILBOX
 - SOIL BORE LOCATION



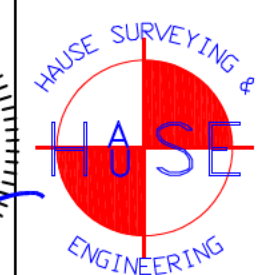
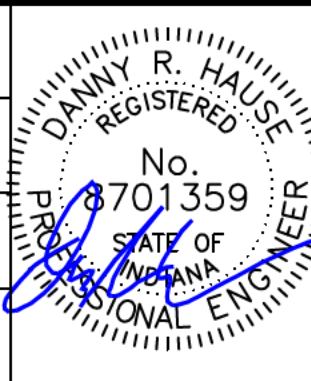
DAVIS HOMES
168 W WASHINGTON ST.
SHELBYVILLE, IN 46176

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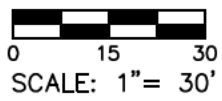
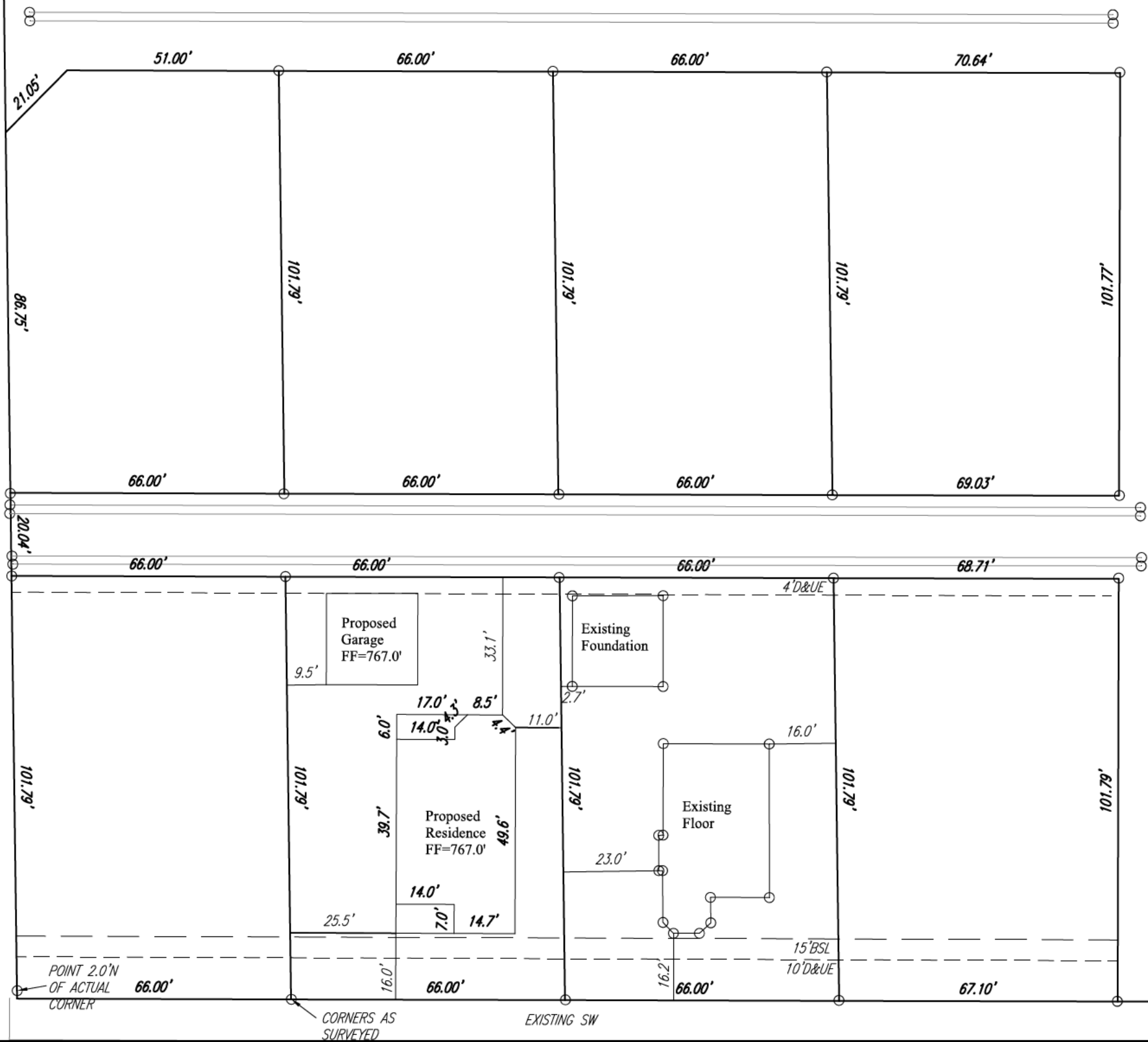
PROJECT NO. 22H003	SHEET NO. 1 OF 2 SHEETS	AS BUILT EXHIBIT
		DAVIS - SPEC LOT 2 & 3 HAMILTON MAJOR ADDISON TOWNSHIP, SHELBY CO., IN.

No.	Date	Revisions

DRAWN BY:
DRH
CHECKED BY:
JEH
DATE:
7/19/2022
SCALE:
1"=20'



105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGANDENGINEERING.COM
A SERVICE DISABLED VETERAN
OWNED SMALL BUSINESS



PROJECT NO. 22H003	SHEET NO. 2	OF 2 SHEETS	AS BUILT EXHIBIT	No.	Date	Revisions	DRAWN BY: DRH		
			DAVIS - SPEC HAMILTON MAJOR ADDISON TOWNSHIP, SHELBY CO., IN.				CHECKED BY: JEH	DATE: 1/18/2022	SCALE: 1"=30'
									105 N. MERIDIAN ST. LEBANON, IN 46052 PHONE: (765) 482-5141 INFO@HAUSESURVEYINGANDENGINEERING.COM A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS