

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

UPDATED 02-25-2025 TO REFLECT REAPPLICATION TO THE BOARD OF ZONING APPEALS

MEETING DATE: 3/8/2022

Case #:	BZA 2022-05: 1416 South Miller Avenue, DSV			
Petitioner's Name:	Shelby County Players, Inc.			
Owner's Name:	Shelby County Players, Inc.			
Petitioner's Representative:	Cindy Leahy, Managing Director			
Address of Property:	1416 South Miller Avenue			
Subject Property Zoning Classification:	BG, Business General			
Comprehensive Future Land use:	Institutional			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BG – Business General	IS – Institutional	IS – Institutional	IL – Light Industrial
Surrounding Properties' Comprehensive Future Land Use	Single Family Residential	Single Family Residential	Institutional	Institutional
History:	This property is located in a strip mall on South Miller Avenue. It was formerly used as a bowling alley and is adjacent to several vacant properties including the Western Supermarket and adjacent to the Apostolic Tabernacle Church.			
Vicinity Map:				
Action Requested:	Approval of one development standards variance from UDO 5.03 AS-02: General Accessory Structure Standards, (E) Shipping Containers – to extend the amount of time previously approved under BZA 2020-15			

1. The petitioner is currently using a shipping container for on-site storage while they undertake a capital funds campaign to rehabilitate the building into a rehearsal and community theater space. Currently, the shipping container is storing theater seats that were donated to the Shelby County Players, Inc. by another theater that closed its doors. 5.03 General Accessory Structure Standards, Section (E) states "In no instance shall a shipping container be used as an accessory structure in any district (such as for storage, shelters for pets, etc.). The petitioner has undertaken the original campaign and is waiting on building material to arrive in the Fall of 2022. They need to extend the original petition for another 12-months.

BZA 2022-05.A Variance from UDO 5.03(E), 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: "The shipping container is temporary and will be removed when the seats are installed next year. It is always closed and locked with a heavy duty padlock. The container is new and in perfect condition. The exterior color matches the building and is not an eyesore; in fact most people who park in front of the building do not even notice that it is there."

The planning staff has determined that the requested variance from the accessory structure standards should not be injurious to the public health, safety, morals, or general welfare of the community. The planning staff believes that since the shipping container is in good condition, is fully secure and resembles the primary materials and color of the building it does not pose any health or safety concerns.

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: "The container is located on our property on an asphalt pad. It is 100 yards from the adjacent church parking lot, separated by grass and a retention pond."

The planning staff has determined that the requested variance from the accessory structure standards should not have a substantially adverse effect on the use and value of the adjacent areas. The surrounding properties are all zoned BG – Business General. While external storage is allowed in the Business General district and Planning Staff does not want to see surrounding businesses use shipping containers for storage, the proposed temporary nature of the Shelby County Players, Inc. use of the shipping container for storage will not affect the use and value of adjacent 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: “Relocating the theatre seats and the shipping container will take a lot of volunteer labor hours as well as cost related to renting a location to store the container and contracting a service to relocate the container and then move it back when we are ready to install the seats.”

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty in the use of the property, because the petitioner is currently remodeling the interior of the structure and are faced with construction and equipment storage constraints.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS:

1. The shipping container be allowed for storage for 18-months from date of BZA approval.

**DEVELOPMENT STANDARDS VARIANCE: BZA 2022-05: 1416 South Miller 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 variance from UDO 5.03(E) to allow for a shipping container to be used for temporary storage 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

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: Shelby County Players, Inc
Address: PO BOX 1129 1416 Miller Ave
Shelbyville IN 46176
Phone Number: 317-392-6844
Fax Number: _____
Email: _____

Property Owners Information (if different than Applicant)

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

2.

Applicant's Attorney/Representative

Name: Cindy Leahy, Managing Director
Address: 339 E. 275 South
Shelbyville, IN 46176
Phone Number: 317-642-6237
Fax Number: _____
Email: cleahy@shelbycountyplayers.org

Project Engineer

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

3. Project Information:

General Location of Property (and address is applicable): SCP OFFSTAGE (Former 44 Bowl building) adjacent to former Western Supermarket and Apostolic Tabernacle Church. Container is located on south side of OFFSTAGE
Current Zoning Classification: Non Residential Existing Use: Community Theatre
Number of Requested Variances: 1 Proposed Use: Temporary storage for theatre seats

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: _____
503 Accessory Use and Structure Standards E. Shipping Container: In no instance shall a shipping container be used as an accessory structure in any district (such as storage, shelter for pets, etc.)

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: _____ Date: _____

State of _____)
County of _____) SS:

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

Notary Public Printed

Residing in _____ County. My Commission Expires: _____

February 7, 2022

Shelbyville Board of Zoning Appeals
44 W. Washington St.
Shelbyville IN, 46176



Dear BZA Members,

Shelby County Players is requesting an extension on the variance you granted us for the shipping container we have on our property (1416 Miller Ave, Shelbyville, IN.)

Due to the continuing pandemic, our efforts to design & renovate SCP OFFSTAGE into a beautiful theatre space has been delayed and extended beyond our original target date of January 2022.

We have raised over \$1.6 million dollars for the project and are working with architectural firm Architura, and Runnebohm Construction to move forward with the construction. Lead times for construction are also a challenge for this project. Steel is running about 7-10 months.

We still need this container on our property because there is not adequate space inside the building to safely and securely store the seats until they can be installed in the new auditorium.

Based on the latest projections and timelines for the \$2 million dollar project, SCP anticipates the shipping container will be emptied and removed from the property by January 2023, if not before.

Thank you for your time and consideration,

Cindy Leahy

Managing Directory
Shelby County Players

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of TRUSTEES

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Managing Director
Cindy Leahy



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: Shelby County Players, Inc.
Location: 1416 Miller Ave Shelbyville, IN 46176
Variance for: Extension of current variance for Temporary use of Shipping container

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.

The Shipping container will be removed when the seats are installed (estimated by January 2023
It is always closed and locked with a heavy duty padlock. The container is new in in perfect condition.
The exterior color matches the building and is not an eye sore, in fact most people who park in front of
the building do not even notice that it is there.

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

The container is located on our property on an asphalt pad. It is 100 yards from the adjacent
church parking lot, separated by grass and a retention pond.

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

Relocating the theater seats and the shipping container will take a lot of volunteer labor hours
as well as costs related to renting a location to store the container and contracting a service to
relocate the container and then move it back when we are ready to install the seats.

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