

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 3/28/2023

Case #:	BZA 2023-02: Isle 1 LP, Mobile Home Park; DSV			
Petitioner's Name:	Stephen Hynes			
Owner's Name:	Isle 1 LP			
Petitioner's Representative:	Stephen Hynes			
Address of Property:	596 Chestnut Street, Shelbyville, IN 46176			
Subject Property Zoning Classification:	MP, Manufactured Home Park			
Comprehensive Future Land use:	Single-family residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BG - Business General	BG - Business General	R1 – Single-family Residential	Light Industrial
Surrounding Properties' Comprehensive Future Land Use	Parks and Recreation	Commercial	Single-family Residential	Single-family Residential
History:	Emerald I Mobile Home Park (formerly Hilltop Village) is a mobile home park that was established during the 1950's. When the mobile home park was established, it was established under a different Zoning Ordinance; one in which setbacks were smaller and minimum dwelling unit sizes were smaller. A new company has purchased the mobile home park and has begun making improvements, removing trailers that have fallen into a significant state of disrepair, removing garbage and debris, and making site improvements.			
Vicinity Map:				
Action Requested:	A request for one Development Standards Variance from UDO 5.22 (C) for a reduction in the Minimum Living Area per Dwelling.			

1. The Manufactured Home District (MP) sets the minimum living area per dwelling at 900 square feet. The petitioner is requesting to reduce the minimum living area per dwelling to below 900 square feet.
2. The petitioner successfully obtained a DSV (BZA 2019-08) on May 14, 2019 to install up to (8) new trailers with a minimum dwelling unit size of less than 800 square feet. The petitioner has successfully installed (6) of those units as well as completed numerous other improvements to the park (please see attached before and after pictures).

BZA 2023-02. A Variance From UDO 5.22(C) Floor Area 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.

Applicant provided the following response to Finding of Fact #1: “Far from being harmful, the variance will help provide affordable housing to a broad section of the community and help make Isle 1 LP a safe place and secure place to live within Shelbyville.”

The planning staff has determined that the requested reduction in the floor area standard will not be injurious to the public health, safety, morals, or general welfare of the community because the replacement of damaged and deteriorated trailers will have an immediate positive impact to the mobile home park and the surrounding neighborhood.

Finding #1 has been satisfied by the petitioner

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;

Applicant provided the following response to Finding of Fact #2: “The feedback from those living in close proximity to the park has been unambiguously supportive and it is our intention that the positive relationship with our neighbors continues far into the future.”

The planning staff has determined that the requested reduction in the floor area standard will not have a substantially adverse effect on the use and value of the adjacent areas. Putting new trailers on existing vacant lots and replacing deteriorated trailers with new trailers will help to stabilize and even improve the character of the mobile home park and increase property values of everyone in the area.

Finding #2 has been satisfied by the petitioner

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;

Applicant provided the following response to Finding of Fact #3: “Rejecting the variance application would leave the community incomplete with many tenants living next to empty lots. This creates a sense of abandonment/neglect which is in direct contrast to the safe community environment we have been working towards.”

In addition, Isle 1 LP would like to continue to invest in park improvements including resurfacing all roads, park-wide security cameras and a small play area for children. Our inability to derive income from smaller lots will restrict our ability to carry out these improvements which would be to the detriment of all tenants within the community.”

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. When the mobile home park was established trailer sizes were much smaller resulting in a mobile home park with smaller lots and smaller setbacks. Due to the minimum depth and width of many of the existing lots, it would make it incredibly difficult to install a 900 square foot trailer. Given the improvements and success of the mobile home park since the DSV was granted in 2019, the Planning Staff feels a reduction in minimum dwelling area is appropriate.

Finding #3 has been satisfied by the petitioner

BZA 2019-08: STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS:

1. New trailers meet a minimum square foot threshold of 700 square feet.
2. New trailers with a minimum dwelling unit size of no less than 700 square feet be limited to 10.

DEVELOPMENT STANDARDS VARIANCE: BZA 2023-02: Isle 1 LP, Mobile Home Park; 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 floor area standards variance from UDO 5.22 (C) to allow a minimum dwelling unit size of no less than 700 square feet for a maximum of the 10 dwelling sites 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 2023-02

Hearing Date: 03.28.23

Fees Paid: \$500

Final Decision:

Approved

Denied

1.

Applicant

Name: ISLE 1 LP | Stephen Hynes
Address: 1739 W. EDGEWOOD AVE.,
INDIANAPOLIS, IN. 46217
Phone Number: (260) 797-2375
Fax Number: _____
Email: s.hynes@emeraldparks.com

Property Owners Information (if different than Applicant)

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

2.

Applicant's Attorney/Representative

Name: ANDY EADS | DEPREZ JOHNSON BRANT + ^{EADS}
Address: 416 S. HARRISON ST.,
SHELBYVILLE, IN. 46176
Phone Number: (317) 398-6687
Fax Number: _____
Email: andyeads@shelbylaw.com

Project Engineer

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

3. Project Information:

General Location of Property (and address is applicable): EMERALD I
596 CHESTNUT STREET, SHELBYVILLE, INDIANA 46176
Current Zoning Classification: MP - MANUFACTURED HOMES Existing Use: MOBILE HOME PARK
Number of Requested Variances: 1 Proposed Use: SAME
(900 sq. foot minimum dwelling requirement)

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: ARTICLE 2 (MANUFACTURED HOME PARK (MP) DISTRICT); SECTION 2-14 (MP DISTRICT DEVELOPMENT STANDARDS); PAGES 2-15 (MINIMUM LIVING AREA PER DWELLING)

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: ISLE 1 LP | Stephen Hynes Date: 02/13/2023

State of _____
County of _____) SS:

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

Notary Public

Printed

Residing in _____ County. My Commission Expires: _____

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

State of Indiana)
County of Shelby) SS:

I, ISLE 1 LP | STEPHEN HINES (MANAGING PARTNER), AFTER BEING DULY SWORN, DEPOSE AND SAY
(Name of property owner)

THE FOLLOWING:

596 CHESTNUT ST., LOT #^s 11, 28, 39, 43, 49, 54,
SHELBYVILLE, IN. 46176 63a, 63

1. That I am the owner of real estate located at _____;
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: ISLE 1 LP | STEPHEN HINES
(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.

ISLE 1 LP | STEPHEN HINES
Owner's Name (Please print)

ISLE 1 LP | Stephen Hines
Owner's Signature

State of Indiana)
County of Shelby) 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.

ISLE1 LP WOULD LIKE TO CONTINUE WITH ITS GOAL OF PROVIDING SAFE, SECURE AND AFFORDABLE HOUSING TO COMPLETE IT'S TURNAROUND OF EMERALD I (FORMERLY HILLTOP VILLAGE). TO DO THIS, WE WOULD LIKE TO INTRODUCE ADDITIONAL NEW MOBILE HOMES LESS THAN 900 SQUARE FT. IN SIZE, SIMILAR TO THOSE APPROVED UNDER OUR PREVIOUS VARIANCE APPLICATION IN 2019 AND INTRODUCED SINCE THEN.

WE ARE PLEASED TO SAY THAT OUR WORK TO DATE HAS BEEN EXTREMELY WELL RECEIVED BY LOCAL OFFICIALS, NEIGHBORS TO THE PARK AND THE RESIDENTS OF THE PARK. THE ANTI-SOCIAL ACTIVITY WHICH PLAGUED THE PROPERTY PRIOR TO OUR PURCHASE HAS LARGELY BEEN ELIMINATED AND HAS BEEN REPLACED BY A BROAD MIX OF TENANTS WHO ENJOY AFFORDABLE HOUSING IN A SAFE COMMUNITY WHILE PROVIDING ECONOMIC STIMULUS TO THE LOCAL ECONOMY.

THE SMALLER HOMES INTRODUCED AS A RESULT OF THE VARIANCE APPROVED BY THE BOARD IN 2019 HAS BEEN A BIG REASON FOR THIS SUCCESSFUL TURNAROUND. WE ARE THEREFORE ASKING FOR THE BOARD'S APPROVAL OF AN ADDITIONAL 10 NEW HOMES OF SIMILAR SIZE TO COMPLETE THE TURNAROUND AND HAVE EMERALD I SERVE AS AN EXAMPLE OF THE POSITIVE IMPACT TO THE COMMUNITY THAT CAN RESULT WHEN A COMMITTED OWNER AND LOCAL OFFICIALS WORK CLOSELY TOGETHER.

THANK YOU.

Stephen Hynes (MANAGING PARTNER ISLE1LP)



DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Petitioner's Name: ISLE 1 LP | STEPHEN HINES
Location: 596 CHESTNUT ST., LOT #'S 11, 28, 39, 43, 49, 54, 63a, 63d
Variance for: TO INTRODUCE UP TO 10 NEW MOBILE HOMES LESS THAN 900 SQ. FEET IN SIZE

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.

FAR FROM BEING HARMFUL, GRANTING THE VARIANCE WILL HELP PROVIDE AFFORDABLE HOUSING TO A BROAD SECTION OF THE COMMUNITY AND HELP MAKE EMERALD I A SAFE AND SECURE PLACE TO LIVE WITHIN SHELBYVILLE.

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

THE FEEDBACK FROM THOSE LIVING IN CLOSE PROXIMITY TO THE PARK HAS BEEN UNAMBIGUOUSLY SUPPORTIVE AND IT IS OUR INTENTION THAT THIS POSITIVE RELATIONSHIP WITH OUR NEIGHBORS CONTINUES FAR INTO THE FUTURE.

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

REJECTING THE VARIANCE APPLICATION WOULD LEAVE THE COMMUNITY INCOMPLETE WITH MANY TENANTS LIVING NEXT TO EMPTY LOTS. THIS CREATES A SENSE OF ABANDONMENT/NEGLECT WHICH IS IN DIRECT CONTRAST TO THE SAFE COMMUNITY ENVIRONMENT WE HAVE BEEN WORKING TOWARD.

IN ADDITION, ISLE 1 LP WOULD LIKE TO CONTINUE TO INVEST IN PARK IMPROVEMENTS INCLUDING RE-SURFACING ALL ROADS, PARK-WIDE SECURITY CAMERAS AND A SMALL PLAY AREA FOR CHILDREN. OUR INABILITY TO DERIVE INCOME FROM THESE SMALLER LOTS WILL RESTRICT OUR ABILITY TO CARRY OUT THESE IMPROVEMENTS WHICH WOULD BE TO THE DETRIMENT OF ALL TENANTS WITHIN THE COMMUNITY.

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

I have lived in this trailer park since 1996. When I first moved in it was a nice place to live then it started to get bad in here. When Stephen took it over he made a world of difference. He has cleaned the place up and has made it a nice community to live in. I believe he cares and takes pride in what he does.

Thank-you
Donna Fleina
Lot 30 Emerald 1

Hello my name is Catherine Copley
I have been resident of Hilltop Village/
Emerald 1 mobile home park for the
last 11 years when I first moved into
the trailer park it was really ran
down ever since Stephen took
over the park he has made so
many improvements to better the
park that has made this
place look great and I really enjoy
living here now

Catherine A Copley
Lot 58

To Who it may Concern

I Christina Johnson have lived in the trailer park for about 7 years and it has greatly improved over the last 3 years. I really enjoy living here.

Any Jw
Lot 63C

RICK HASECUSTER

02/19/2023

596 CHESTNUT ST. LOT 78

SHELBYVILLE, IN. 46176

TO WHOM IT MAY CONCERN;

I HAVE BEEN A RESIDENT FOR FIFTEEN YEARS AND WITHIN THE LAST FOUR YEARS THE APPEARANCE OF THE PARK HAS IMPROVED ONE HUNDRED PERCENT. ON A SCALE OF ONE TO TEN WHEN THE PARK WAS UNDER THE NAME OF HILLTOP VILLAGE, I WOULD HAVE RATED IT A ONE, AND SINCE THE PURCHASE, APPROXIMATELY FOUR YEARS AGO AND BEING RENAMED EMERALD ONE, I WOULD NOW RATE THE PARK A TEN. THANKS TO ALL OF THE IMPROVEMENTS AND A NUMBER OF NEW HOMES.

SINCERELY,

RICK HASECUSTER













