



**CITY OF SHELBYVILLE, INDIANA | PLANNING AND BUILDING DEPARTMENT**  
 MAYOR SCOTT A. FURGESON | DIRECTOR ADAM M. RUDE

BOARD OF ZONING APPEALS | STAFF REPORT

Meeting Date: February 13, 2024

Case Name and #:	BZA 2024-02: Deborah Hatcher, DSV, Recreational Vehicle			
Petitioner's Name(s):	Deborah Hatcher			
Owner's Name(s):	Karl A. Hatcher			
Petitioner's Representative(s):	Deborah Hatcher			
Address of Property:	53 East Mechanic Street			
Zoning Classification:	R1 - Single Family Residential			
Future Land Use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classification:	RM - Multiple Family Residential	R2 - Two Family Residential	IS - Institutional	R1 - Single Family Residential
Surrounding Properties' Future Land Use:	Single Family Residential	Single Family Residential	Central Business District	Single Family Residential
History:	On January 18th, 2024, the petitioner suffered from a structure fire at their home on Marietta Road, and since that time have been staying with their son at the subject property.			
Vicinity Map:				
Action Requested:	A request for one Development Standards Variance from UDO 5.44 (C) (3), General Outdoor Storage Standards, "Parked Recreational Vehicles", "Use"			

## Relevant Facts About The Case:

1. In January of 2024, the petitioner suffered a house fire at their home outside of the City limits, and since that time has been living with family at the subject property, 53 East Mechanic Street.
  2. UDO 5.44 (C) (3) limits the ability to live in a recreational vehicle to a maximum of ninety (90) days, and only while there is an active building permit for the subject property.
  3. The fire didn't occur at this residence, so there are no building permits for the subject property.
  4. According to the petitioner, there is already a secondary sewer, water, and electrical connection installed by a previous owner, and all of these facilities could be used for the proposed recreational vehicle.
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## Variance from UDO 5.32 | Non-Residential Landscaping Standards

Findings 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.

*The applicant has provided the following response to Finding of Fact #1: “Counting excess trees in the parking lot perimeter towards yard and foundation plantings will not risk health, safety or welfare of the city and community members.”*

*Staff Response:* The planning staff has determined that the requested development standards variances should not be injurious to the public health, safety, morals, and general welfare, due to the fact that the request is for temporary relief from a standard to allow the petitioner to live in a recreational vehicle while they make necessary repairs to their home.

*Finding #1 has been satisfied by the applicant*

Findings of Fact #2 – That 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 Finding of Fact #2: “The adjacent property values will not be harmed by a variance in the landscape around the building. Overall the development may improve the value of adjacent properties”.*

*Staff Response:* The planning staff has determined that the requested development standards variance should not have a substantially adverse impact on the use or value of nearby land, due to the fact that the use of this recreational vehicle will be completely on the subject property, and it will be temporary in nature.

*Finding #2 has been satisfied by the applicant*

Findings of Fact #3 – That 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 Finding of Fact #3: “If a variance is not granted, the hotel as shown will not fit on the site due to the space that the yard and foundation landscaping requirements will take”.*

*Staff Response:* The planning staff has determined that, the intent of the Ordinance is to allow temporary use of a recreational vehicle while construction occurs on a main residence, which is what the petitioner is

requesting, but because the subject property is not also the property where the structure fire occurred, a strict interpretation of the ordinance wouldn't allow the intent of the Ordinance to be satisfied. The staff has also determined that this hardship is not self-imposed, nor financial in nature.

*Finding #3 has been satisfied by the applicant*

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## Staff Recommendation:

### **Approval W/ The Following Conditions:**

1. Relief from this standard is only granted for up to 12-months, at which time if additional relief is needed, the BZA may revisit the matter.

**Development Standards Variance: BZA 2024-02: Deborah Hatcher, DSV, Recreational Vehicle**

*Staff Prepared*

Suggested Motion:

(I) would like to make a motion to approve the requested development standard variance from UDO 5.44 (C) (3) in accordance with the documents submitted, imposing the proposed conditions, pursuant to the findings of fact presented in the planning staff's report.

**Findings Of Fact By The Shelbyville Board Of Zoning Appeals:**

**1. 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 approval of the Development Standards Variance **will** be injurious to the public health, safety, morals, and general welfare of the community

**2. 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 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. 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 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, Christopher Clark

Attest: \_\_\_\_\_  
Secretary, Adam M. Rude