

CITY OF SHELBYVILLE

Adam M. Rude
Director



Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 2/12/2019

Case #:	BZA 2019-03: Hamilton House, Accessory Structure DSV			
Petitioner's Name:	Christopher King			
Owner's Name:	Same			
Petitioner's Representative:	Same			
Address of Property:	132 West Washington Street			
Subject Property Zoning Classification:	R1 – Single Family Residential			
Comprehensive Future Land use:	Central Business District			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	IS – Institutional	BG – Business General	IS – Institutional	IS – Institutional
Surrounding Properties' Comprehensive Future Land Use	Single-Family High Density Residential	Central Business District	Single-Family High Density Residential	Institutional
History:	This property was originally constructed in 1853 by John Hamilton, and has had numerous different owners and tenants since that time. The most recent use of this building was as an Italian Restaurant, Panzarotti's. In June of 2018, the current owner had the property rezoned so he could begin the restoration of the home to be used as a Single Family Residential property again.			
Vicinity Map:				
Action Requested:	Approval of three development standards variances, one from UDO 5.23 the height standards for an accessory structure, one from UDO 5.55 the setback for an accessory structure, and one from UDO 5.11 the density and intensity standards.			

1. In the *R1 – Single Family Residential* zoning district, the maximum height for an accessory structure is 15', measured at the highest point on the roof.
2. The applicant is requested relief from this standard to allow a garage and carriage house that would be 25 feet in height.
3. In the *R-1 Single Family Residential* zoning district, the minimum side-yard setback for an accessory structure is 4 feet.
4. The applicant is requesting relief from this standard to allow the proposed garage and carriage house to be constructed with a 0-foot setback.
5. In the *R1 – Single Family Residential* zoning district, the maximum impervious surface lot coverage is 45%.
6. The applicant is requesting to exceed this maximum coverage to allow the construction of a proposed garage and carriage house.

BZA 2019-03.A: Variance from UDO 5.23, Height Standards for Accessory Structures

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.

The applicant provided the following response to Findings of Fact #1: "Exceeding the maximum height standard of 15' will have no impact on the public health, safety, and general welfare of the City of Shelbyville."

The planning staff has determined that the requested development standards variances from the height standards should not be injurious to the public health, safety, morals, and general welfare of the community; due to the fact that this neighborhood has many structures and accessory structures that are similar heights to what is being proposed.

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;

The applicant provided the following response to Findings of Fact #2: "The proposed height is consistent with other accessory structures within the area. It is consistent with the scale and character of the neighborhood and the property and consistent with the historic use of the property within the neighborhood."

The planning staff has determined that the requested variances from the height standards should not have a substantially adverse impact on the use or value of the areas adjacent to this property. The height, setback, and density of structures being requested is common in this area, and will only further extend the historic character of the neighborhood that already exists.

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;

The applicant provided the following response to Findings of Fact #3: “If the variance is not granted, a reduced height garage would be inconsistent with the property and the surrounding properties. It would have an adverse impact on the value of the property and ultimately the surrounding properties. The proposed structure is consistent with historic use and integrity of the neighborhood and property.”

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 impossible to maintain the character of the neighborhood with the height standards prescribed in the ordinance.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

BZA 2019-03.B: Variance from UDO 5.55, Setback Standards for an Accessory Structure

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.

The applicant provided the following response to Findings of Fact #1: “Exceeding the minimum setback will have no impact on the public health, safety, and general welfare of the City of Shelbyville.”

The planning staff has determined that the requested development standards variances from the setback standards should not be injurious to the public health, safety, morals, or general welfare. This is due to the fact that many structures and accessory structures in this neighborhood have little to no setback from the side and rear property lines.

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;

The applicant provided the following response to Findings of Fact #2: “The proposed setback is consistent with other accessory structures within the area and the current adjacent property. It is consistent with the scale and character of the neighborhood and the property and consistent with the historic use of property and within the neighborhood.”

The planning staff has determined that the requested variances from the setback standards should not have a substantially adverse impact on the use or value of the areas adjacent to this property. The

height, setback, and density of structures being requested is common in this area, and will only further extend the historic character of the neighborhood that already exists.

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;

The applicant provided the following response to Findings of Fact #3: “With small, downtown lots, meeting setback requirements poses difficulty. It is not uncommon for structures to be set near lot lines to accommodate for smaller lots within the downtown residential areas. The fences separating the church parking from the property will be removed upon completion of construction and replaced. We would like to the north wall of the accessory structure to sit in line with the fence to continue to provide a physical boundary as the fence currently functions and provide functional access to the drive to the west of the property.”

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 to maintain the historic character of the neighborhood with the setback standards prescribed in the ordinance.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

BZA 2019-03.C: Variance from UDO 5.11, Density and intensity Standards (Maximum Impervious Surface Coverage Area)

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.

The applicant provided the following response to Findings of Fact #1: “Exceeding the lot coverage of 45% will have no impact on the public health, safety, and general welfare of the City of Shelbyville.”

The planning staff has determined that the requested development standards variance from the density and intensity standards should not be injurious to the public health, safety, morals, or general welfare of the community. This is due to the fact that the existing density of the neighborhood is much higher than the one prescribed in the ordinance, and part of the neighborhood’s character is derived from this density.

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;

The applicant provided the following response to Findings of Fact #2: “The proposed lot coverage area is consistent within the area. It is consistent with the scale and character of the neighborhood and the property and consistent with the historic use of property within the neighborhood.”

The planning staff has determined that the requested variances from the intensity and density standards should not have a substantially adverse impact on the use or value of the areas adjacent to this property. The height, setback, and density of structures being requested is common in this area, and will only further extend the historic character of the neighborhood that already exists.

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;

The applicant provided the following response to Findings of Fact #3: “With removal of additions and asphalt pavement we are actually reducing the lot coverage significantly from its current state.”

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 to maintain the historic character of the neighborhood with the setback standards prescribed in the ordinance.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

DEVELOPMENT STANDARDS VARIANCE: BZA 2019-03.A: Hamilton House, Height Standards Variance

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 5.23 to increase the maximum height for an accessory structure to 25', 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: BZA 2019-03.B: Hamilton House, Setback Standards Variance

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 to decrease the side-yard setback to 0', 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: BZA 2019-03.C: Hamilton House, Lot Coverage Standards Variance

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 5.11 to increase the maximum lot coverage to _____ %, 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