

1. In the Manufactured Home District (MP) the minimum living area per dwelling is 900 square feet. The petitioner is requesting to reduce the minimum living area per dwelling to 700 square feet.

BZA 2019-08.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: “Granting a variance would allow homes to be put on lots that may otherwise lie vacant. This would be a big positive to both existing tenants and the wider community as it is at the heart of our efforts to improve living standards in the park. Our ability to fill the park with modern new homes will go hand-in-hand with our efforts to rid the park of the anti-social activity that has grown in recent years.”

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 condemned 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: “To the extent that we are successful in improving both living and social standards within the park, this can only be a significant plus for both the community itself and its adjacent properties. As an illustration of this please read the four letters from neighbors whose properties lie closest to the park. The feedback has been unequivocally and universally positive to date.”

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 condemned 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: “Ridding the Park of its anti-social activity and improving the quality and choice of living conditions go hand in hand if improved standards are going to take hold and be maintained. To attract the right tenant we must have a quality home to offer in a safe community – one of these by itself is not enough. A half-empty, run-down community is a

breeding ground for the type of activity we are trying to stamp out. And that is why this variance is so important. It allows us to fast track the improvement already underway and remove the opportunity for anti-social behavior to take hold. This will have positive knock-on effects for the existing residents, adjacent properties and the wider Shelbyville Community. Finally, refusal of a development standard variance will severely limit or ability to attract a key demographic – those single, divorced or widowed retirees who neither need or may be able to afford 3-bed, 1000 square foot homes in their retirement years. These are among our best tenants, but also most vulnerable in terms of affordability.”

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. However the planning staff feels that a reduction to 700 square feet is too small a reduction that allowing 800 square foot trailers will be in keeping with the mass and scale of the remaining trailers.

Finding #3 has been satisfied by the petitioner

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

- New trailers meet a minimum square foot threshold of 800 square feet.
- New trailers with a minimum dwelling unit size of 800 square feet be limited to 8.

DEVELOPMENT STANDARDS VARIANCE: BZA 2019-08: Emerald I Mobile Home Park Development Standard 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 floor area standards variance from UDO 5.22(C) to allow a minimum dwelling unit size of no less than 800 square feet for a maximum of 8 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