

# CITY OF SHELBYVILLE

**Adam M. Rude**  
Director



**Allan Henderson**  
Deputy Director

## PLAN COMMISSION

**MEETING DATE: 7/27/2020**

Case Number & Name:	PC 2020-05: 428 East Washington Street Rezone			
Petitioner's Name:	James and Theresa Robertson			
Owner's Name:	James and Theresa Robertson			
Petitioner's Representative:	Eric Glasco			
Address of Property:	428 East Washington Street, Shelbyville, Indiana			
Subject Property Zoning Classification:	Current: R1 – Single Family Residential Proposed: BC – Business Central			
Comprehensive Future Land use:	Gateway/ Mixed Use			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Surrounding Properties' Zoning Classifications:	R1- Single Family Residential	BG – Business General	BG – Business General	Single Family Residential
Surrounding Properties' Comprehensive Future Land Use	Gateway/Mixed Use	Gateway/Mixed Use	Gateway/Mixed Use	Gateway/Mixed Use
History:	The petitioner for this project is proposing to convert a R1 - single family residential property to a BC - business central property to operate a low intensity business on the first floor and reside on the second floor. This is in alignment with the goals of the Comprehensive Plan for this area to be a gateway-mixed use area in the central business district.			
Vicinity Map:				
Action Requested:	A formal request to rezone a R1 – Single Family Residential property to a BC – Business Central property.			

1. This project involves rezoning the property at 428 East Washington Street from R1 – Single Family Residential to BC – Business Central. The building is listed in the Shelby County Interim Report as an “Italianate Commercial Building” constructed circa 1870. The building is two-stories in height. The current owners would like to operate a business on the first floor and reside on the second floor.
2. The Unified Development Ordinance (Section 9.10 (K)) requires the Plan Commission pay reasonable regard to the following decision criteria:

**a. Relation to the Comprehensive Plan:**

The planning staff has determined that the proposed zoning classification of BC – Business Central is generally consistent with the City’s Comprehensive Plan due to Built Environment Objective #3 in Chapter 5, in the Comprehensive Plan: *Transform the City’s Current Housing Stock and Neighborhoods*.

**b. Current Conditions:**

Properties close to the central business district have transitioned from single family residential to business uses for professional offices and back again to single family residential as interest in living close to the central business district have increased. The property at 428 East Washington Street was originally constructed as a commercial building that was converted to single family residential at some point in time. The property is a two-story Italianate structure that is perfectly situated to operate a business on the first floor and be a residence on the second floor. The planning staff feels that the proposed rezoning would not have an adverse impact on the character of the surrounding area, due to the fact that it is currently a healthy combination of commercial, residential, civic, and retail uses.

**c. Desired Use:**

The City’s Comprehensive Plan indicates that the central business district should stretch along Harrison Street and Washington Street and should be surrounded by residential at a variety of different densities. This would allow residential to support the activities/businesses in the central business district. The proposed rezone and conversion to a live-work property would support this goal.

**d. Property Values:**

The planning staff has determined that the proposed rezoning should not have any adverse impact on neighboring property values. The neighborhood currently has a mix of single family residential and business use and the owner intends to invest significantly into the property to remodel and restore it to the commercial building it originally was.

**e. Responsible Growth:**

The planning staff has determined that all public infrastructure is in place and has sufficient capacity for the proposed rezone

**STAFF RECOMMENDATION: Favorable recommendation on the proposed rezoning from R1 – Single Family Residential to BC – Business Central.**

## Rezone (Zoning Map Amendment): PC 2020-05: 428 East Washington Street Rezone

### FINDINGS OF FACT BY THE SHELBYVILLE PLAN COMMISSION

#### Staff Prepared

Motion:

(I) would like to make a motion to forward a favorable recommendation for the rezone petition presented before this body, rezoning from R1 – Single Family Residential to BC – Business Central, pursuant to the planning staff's report and Findings of Fact.

1. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is consistent with The City of Shelbyville Comprehensive Plan and all other applicable, adopted planning studies or reports.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **is not** consistent with The City of Shelbyville Comprehensive Plan and all other applicable, adopted planning studies or reports.
2. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is complimentary to the current conditions and the character of current structures and uses in this zoning district.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **is not** complimentary to the current conditions and the character of current structures and uses in this zoning district.
3. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone will allow for the most desirable use of the subject land, pursuant to the planning staff's report.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **will not** allow for the most desirable use of the subject land, pursuant to the planning staff's report.
4. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone will not have an adverse negative effect on the conservation of property values throughout the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **will** have an adverse negative effect on the conservation of property values throughout the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.
5. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is a responsible growth and development strategy for the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.  
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is not a responsible growth and development strategy for the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.

Shelbyville Plan Commission

By: \_\_\_\_\_

Attest: \_\_\_\_\_

Chairperson

Secretary



## REZONING APPLICATION

Shelbyville Planning & Building Department  
44 West Washington Street  
Shelbyville, IN 46176  
P: 317.392.5102

☐ RECEIVED ☒ FILED

JUN 17 2020

### For Office Use Only:

Case #: PC 2020-05

Hearing Date: 07-27-2020

Fees Paid: \$ 425.00

Final Decision:

Approved

Denied

1.

#### Applicant

Name: James and Theresa Robertson

Address: 428 E. Washington Street, Shelbyville, IN 46176

Phone Number: 317-760-7768

Fax Number: \_\_\_\_\_

Email: jimandtheresa08@aol.com

#### Property Owners Information (if different than Applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

2.

#### Applicant's Attorney/Representative

Name: Eric M. Glasco

Address: 2150 Intelliplex Dr., Ste. 200

Shelbyville, IN 46176

Phone Number: 317-680-2052

Fax Number: \_\_\_\_\_

Email: ericglasco@srtrial.com

#### Project Engineer

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

#### 3. Project Information:

General Location of Property (and address is applicable): 428 E. Washington St., Shelbyville, IN 46176

NW corner of Washington Street and Vine Street

Current Zoning: R1

Proposed Zoning: BC

Existing Use of Property: Second floor residential, first floor unused

Proposed Use: Second floor residential, first floor office or low intensity retail

#### 4. Attachments

☐ Affidavit and Consent of Property Owner (if applicable)

☐ Proof of Ownership (copy of deed, recent property card)

☐ Letter of Intent

☐ Site Plan

☐ Vicinity Map

☐ Application Fee

☐ Legal Description

☐ Findings of Fact

The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: 

Date: 6/17/20

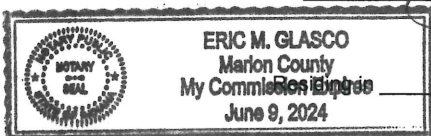
State of \_\_\_\_\_

County of \_\_\_\_\_ SS:

Subscribed and sworn to before me this 17<sup>th</sup> day of June, 2020.

 Notary Public

Eric M. Glasco Printed



Marion County.

My Commission Expires: \_\_\_\_\_



## ZONING MAP AMENDMENT ("REZONING") FINDINGS OF FACT

Petitioner's Name: James and Theresa Robertson

Location: 428 E. Washington Street

Variance for: \_\_\_\_\_

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. **Comprehensive Plan:** The Comprehensive Plan and any other applicable adopted planning studies or reports.

The subject property is adjacent to two properties zoned business general, and is a little over four blocks from the Public Square constituting the epicenter of the Shelbyville's central business district. The zoning designation will fulfill Shelbyville's purpose of preserving the appropriate use and site design of the historic building that is the subject of the application.

2. **Current Conditions:** The current conditions and the character of current structures and uses in each district.

The subject parcel is close in proximity to residences and businesses and adjacent parcels are zoned R1 and BG.

The aesthetics of the exterior of the building and use will not be in conflict with nearby residences and overall area.

3. **Desired Use:** The most desirable use for which the land in each district is adapted.

The request seeks to preserve the aesthetics and condition of one of Shelbyville's historic buildings. The desired use will not significantly affect vehicle or pedestrian traffic and will complement the immediate neighborhood and overall downtown area.

4. **Property Values:** The conservation of property values throughout the City of Shelbyville's planning jurisdiction.

The proposed rezoning will have no negative effect on property values in the area and will help to the values in the overall neighborhood by revitalizing and maintaining an historic building.

5. **Responsible Growth:** Responsible Growth and Development.

The proposed rezoning and development fits with the character and nature of what Shelbyville has planned for the surrounding area. Adjacent parcels are zoned business general. The proposed rezoning and development would be a good fit for any future use for the area and may be undertaken without creating a burden on neighboring residences.

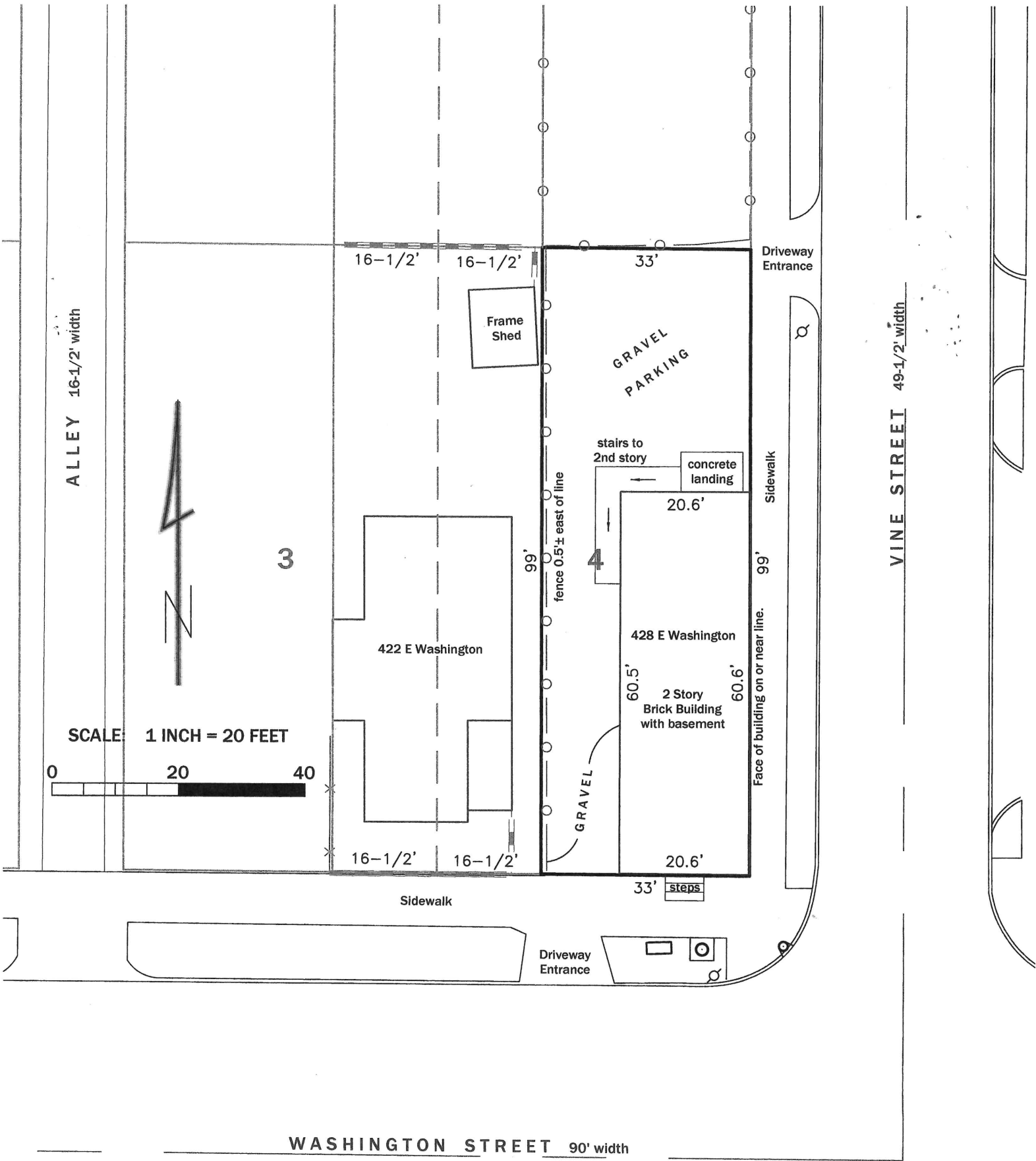
File No.: 2018-17451

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Thirty-three (33) feet by parallel lines off the entire East side of Lot four (4) in Block eight (8) on Washington Street in Samuel Hamilton's Eastern Addition to the City of Shelbyville, Shelby County, Indiana.

James & Theresa Robertson  
428 E. Washington  
Shelbyville, IN 46176  
(317) 760-7768 (317) 544-8209



- ○ — ○ — ○ — Chain link type fencing
- — — — — Wood privacy fencing

LEGAL DESCRIPTION

Thirty-three (33) feet by parallel lines off the entire East side of Lot four (4) in Block eight (8) on Washington Street in Samuel Hamilton's Eastern Addition to the City of Shelbyville, Shelby County, Indiana.

Subject to all easements, restrictions and right-of-ways of record.

CLIENT

James Robertson  
428 E Washington St.  
Shelbyville, IN 46176

PROJECT

Site plan drawing for rezoning property.

DRAWING DATE

June 5, 2020

SCOTT T. SUMERFORD  
LAND SURVEYING

3149 NORTH RILEY HIGHWAY  
SHELBYVILLE, IN 46176-9462  
BUSINESS PHONE (317) 401-6050

Indiana Registered Surveyor No. 29800017

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EXISTING  
SITE MAP

JOB LOCATION  
Part Lot 4 Block 8 in Samuel Hamilton's Eastern Addition to Shelbyville, in NE 1/4, Section 5-12-7, Addison Twp, Shelby Co.

SITE

JOB NUMBER  
12N7E5-20-036

ORIGINAL DRAWING SIZE LEGAL  
SHEET 1 OF 1



## **LIMITED LIABILITY COMPANY WARRANTY DEED**

Parcel Number(s): 73-11-05-200-058.000-002

THIS INDENTURE WITNESSETH, That **Blue River Investment Group LLC** ("Grantor") CONVEYS AND WARRANTS to **James R. Robertson and Theresa K. Robertson, husband and wife** ("Grantee") of Shelby County, in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Shelby County, State of Indiana:

**Thirty-three (33) feet by parallel lines off the entire East side of Lot four (4) in Block eight (8) on Washington Street in Samuel Hamilton's Eastern Addition to the City of Shelbyville, Shelby County, Indiana.**

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

The address of such real estate is commonly known as 428 E Washington St, Shelbyville, IN 46176. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

GRANTOR REPRESENTS AND WARRANTS THAT THIS CONVEYANCE "IS" or "IS NOT" SUBJECT TO THE INDIANA GROSS INCOME TAX.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he/she is a duly elected officer of Grantor and has been fully empowered, by Grantor, to execute and deliver this deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.





**STEPHENSON**  
**— RIFE —**

LLP Letter of Intent

Property Owner: James R. and Theresa K. Robertson

Applicants: James and Theresa Robertson

RE: Rezoning of 428 E. Washington St., Shelbyville, IN 46176

(Parcel 73-11-05-200-058.000-002)

Dear Shelbyville Plan Commission:

Stephenson Rife, on behalf of James R. and Theresa K. Robertson, proposes the rezoning of property situated within the City of Shelbyville, Indiana. The subject property is located at 428 E. Washington St., Shelbyville, Indiana, at the corner of Washington Street and Vine Street, and consisting of a 33'x 99' foot tract currently zoned R1 (Single Family Residential). The subject property contains an historic two-story building with the second floor containing the residence of the applicants.

The applicants seek to rezone the subject parcel from R1 to BC (Business Central) in order to accommodate the development of the first floor of the building for commercial use, likely for use as an office offering professional services. The anticipated business use fulfills the desires and plans of Shelbyville as set forth in its comprehensive plan, and the intended development will substantially meet the requirements of Shelbyville Unified Development Ordinance. The rezoning is appropriate as the subject parcel is near Shelbyville's central business district and will preserve the use and site design for the historic building on the premises. The subject property is adjacent to properties currently zoned business general and abuts a roadway designated by Shelbyville as a minor arterial.

Petitioners have discussed their plans with the Shelbyville planning office, and planning representatives do not oppose the petition and did not raise any concerns during the conversation.

The anticipated business, which will be located on the first floor only of the building that exists on the subject property, will cause minimal disturbance to neighboring property owners. The applicants anticipate using the first floor of the building for an office or for low intensity retail. The applicants plan to continue to utilize the second floor as their residence, providing additional security to adjacent landowners and the City of Shelbyville that the use will be compatible with adjacent residential uses.

Sincerely,